29

CONGRESSIONAL RECORD:

Pat 2 -
2606
4550

CONTAINING

THE PROCEEDINGS AND DEBATES

3

OF THE

FORTY-EIGHTH CONGRESS, SECOND SESSION.

VOLUME XVI.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1885.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

JN
R5
4th set



SURPLUS - 1
LIBRARY OF CONGRESS
DUPLICATE

VOLUME XVI, PART II.

CONGRESSIONAL RECORD,

FORTY-EIGHTH CONGRESS, SECOND SESSION.

The Clerk read as follows:

At the end of line 994 add the following:

"For the support and civilization of the Navajo Indians, including payment of employés, $40,000."

Mr. JAMES. This is the same amount appropriated in the last appropriation bill, and the amount asked for in the estimates, but which have been left out, and nothing has been appropriated in this bill.

Mr. RYAN. They do not want it. I do not think we ought to increase the appropriation for the Navajo Indians, a tribe quite willing and able to support themselves without any additional appropriation.

Mr. JAMES. There is no appropriation made for them at all.

Mr. RYAN. They are supporting and maintaining themselves and getting along well.

Mr. CANNON. I understand that to be true, and if it be true why should we give them an appropriation which they do not ask? Is it not true that when you give to a tribe of Indians, or indeed to any people in the world, large charitable contributions you only demoralize them by rendering them incapable of taking care of themselves and making progress in the arts of civilized life?

Mr. JAMES. It seemed to be necessary in the judgment of the Secretary of the Interior and the committee at the last session of Congress to insert a paragraph into the bill making a similar appropriation. It was the opinion of the gentleman having charge of the bill at that time that the Navajo Indians were entitled to something. I have merely moved to insert the same amount.

Mr. KEIFER. What for?

Mr. JAMES. For purposes of civilization—educational purposes.

Mr. KEIFER. They have never asked anything for food or clothing.

Mr. RYAN. Let us have a vote on the amendment.

The amendment was again read.

Mr. RYAN. That is what I supposed. It is for the support and civilization of a tribe of Indians which has been supporting itself in the past. I think it bad policy for the Government to commence supporting a tribe of Indians which has hitherto relied successfully on its own resources. If we commence supporting these Indians we will soon have to support them altogether. They will soon begin to lean on the Government for support, whereas heretofore they have been taught to lean on themselves, and have done it successfully. I do not think it good policy to adopt the amendment.

Mr. HISCOCK. Do we owe them anything?

Mr. RYAN. No; we do not owe them anything. Of course my friend does not offer this amendment to carry out any treaty stipulation; it is merely a gratuity.

Mr. HISCOCK. Was anything appropriated last year?

Mr. JAMES. Did they not have $40,000 last year?

Mr. RYAN. I do not remember.

Mr. CHACE. Yes; it is in the Indian appropriation bill.

Mr. RYAN. What is it for? Is the gentleman proposing to read from the bill?

Mr. CHACE. No; from the estimates. Here it is. The estimates say: "For the support and civilization of the Navajo Indians, including employés, last year, $40,000."

Mr. KEIFER. What was it for?

Mr. RYAN. I think that was for a special purpose.

Mr. ELLIS. Yes; for irrigating purposes.

Mr. RYAN. It was to enable them to do some irrigation for the purpose of carrying on their farming operations.

Mr. ELLIS. As well as for the purchase of stock.

Mr. RYAN. Yes; also for the purchase of some stock. I wish to say also that the appropriation provided last year was out of some funds of their own in the Treasury of the United States, and it was appropriated at their own solicitation.

Mr. KEIFER. I only wish to add to what has been stated by the gentleman from Kansas that my recollection is that these Indians have in no instance asked anything toward their support. They are the model Indian tribe of the West; they are an example for all the others, and as long as they can maintain themselves as they have been doing in the past we ought not to give them anything. But we ought to do everything we can to protect them in their reservation.

Last year we put in the appropriation the sum of $5,000, which was specially set apart to survey the boundaries of their reservation, so as to define them in such a way as to cut off encroaching settlers.

They also said they wanted out of their own funds a sum appropriated to enable them to build a dam across a cañon, so they might collect water and use it in the proper season of the year by irrigation for agricultural purposes.

They have vast herds of sheep. They live on mutton largely, and if they are not encroached upon they are going to be a rich tribe of Indians. They make what is known as the Navajo blankets, which are sold at the highest price in the markets. Any person would be glad to get one. My friend near me says he paid $20 for one.

A MEMBER. Fifty dollars.

Mr. KEIFER. Fifty dollars he says he paid for one. They are equal to maintaining themselves, and I do not wish this appropriation put upon this bill in that form. These are people who are proud to be able to maintain themselves, and I do not want this appropriation put upon this bill in the form proposed here. If there is any special aid we can extend to them I would be glad to know what it is, and will vote in that direction. I am one of the last to vote against an appropriation that is needed for any Indian tribe. But the Navajo Indians may be held up before all of the other Indians as a model tribe in being able to take care of themselves, and I hope no such provision as this will be adopted. Many of that tribe, I may say, go into the white settlements, work for the settlers, earn money, and I am told that they are quite provident with it.

The amendment of Mr. JAMES was not agreed to.

The Clerk read as follows:

For support and civilization of Joseph's band of Nez Percé Indians, $18,000.

Mr. JAMES. I offer the amendment which I send to the desk to provide for the removal of these Indians. They are now in the Indian Territory but are to be removed.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from New York.

The Clerk read as follows:

After line 996 insert "and for their removal to Idaho, $10,000;" in all, $28,000.

Mr. ELLIS. I would like to ask the gentleman from New York if that is recommended by the Department?

Mr. JAMES. I think so. I have not the recommendation before me, but my impression is that it has been recommended.

Mr. ELLIS. I reserve the point of order.

Mr. JAMES. I have communicated with the Indian Office by telephone with the gentleman in charge of this bill, who informs me that they are to be removed.

Mr. RANDALL. That was a provision in the appropriation bill of last year.

Mr. JAMES. They have not yet been removed.

Mr. ELLIS. I make the point of order against the amendment that it is new legislation.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Transportation of Indian supplies: For this amount, for necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this act, including pay and expenses of transportation agents, $275,000.

Mr. CUTCHEON. Mr. Chairman, I move the amendment which I send to the desk, to come in after line 1120.

The Clerk read as follows:

For an emergency fund to be applied in case of necessity, for the relief of extraordinary cases of distress among the Indian tribes, and to be expended under the direction of the Secretary of the Interior in his discretion, $50,000.

Mr. ELLIS. I reserve the point of order upon that amendment.

The CHAIRMAN. Does the gentleman from Michigan desire to be heard upon the point of order?

Mr. CUTCHEON. I do not know, sir, but that the amendment may be amenable to the point of order if it be insisted upon. But we have had numerous examples for two years in succession of very grave disasters which have taken place, resulting in many deaths from unforeseen emergencies for which no fund was applicable. I trust that the point of order may be withdrawn so that we may consider the advisability of some such provision as that contemplated in the amendment.

For my own part I am willing to trust the Secretary of the Interior and the Indian Department in the application of said fund. It seems to be in the highest degree desirable that there should be reposed somewhere under some authority a small, a moderate fund, to be applied in cases of unforeseen emergencies to alleviate distress and prevent disaster. Such cases may arise at any time, and there should be some provision against them.

I will not detain the committee, but I trust the point of order will be withdrawn so that we may consider the amendment upon its merits.

The CHAIRMAN. The point of order is sustained.

Mr. CUTCHEON. It is a good amendment for all that.

The Clerk read as follows:

That the balance of the amount of $1,250 appropriated, in the act making appropriations to supply deficiencies for the fiscal year 1884 and prior years, to pay the expenses of the delegates representing the Eastern Band of Cherokee Indians while in Washington attending to the business of the band or tribe during the year 1884, and not expended for such purpose, is hereby authorized to be used to pay the expenses of said delegation, including traveling expenses to and from Washington, during the year 1885.

Mr. VANCE. Mr. Chairman, I offer an amendment to this paragraph.

The Clerk read as follows:

Insert after line 1134:

"That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury to the credit of the Eastern band of Cherokee Indians for the purpose of paying the services and expenses of former delegates of said Eastern band of Cherokees who have visited the city of Washington on business of the band, and to pay debts of the band: *Provided*, That no portion of said appropriation shall be paid for the debts of said band or expenses of delegates until the Commissioner of Indian Affairs and the Secretary of the Interior shall approve the same."

Mr. VANCE. I presume there is no objection to this amendment. It only makes provision for the payment of the debts of this band of Indians out of their own fund, and it is very necessary that this provision should be made for the benefit of the Indians. They have quite

a boundary of land, and the taxes have not been paid in some instances, and the lands have been levied upon. The Secretary of the Interior and the Commissioner of Indian Affairs approve of this appropriation, and it is necessary for the comfort and protection of the North Carolina Cherokees that this provision should be made.

Mr. RYAN. I am hardly prepared to say whether it is right or not. I think the gentleman from North Carolina ought to have presented it to the committee and had it carefully considered.

This is to pay some expenses created by persons who have assumed to be or were in fact delegates visiting the city of Washington in the interest of that tribe at some time heretofore. There has been some controversy as to who were the proper delegates. It has been assumed by some representatives of that tribe here in the city that their delegates heretofore have been self-constituted delegates, and did not represent the tribe. In view of the uncertainty concerning this matter, I doubt the propriety of adopting the amendment.

Mr. VANCE. I will say for the information of the gentleman from Kansas there is no doubt about this matter. It has been thoroughly investigated by the Commissioner of Indian Affairs. It has been known to the Commissioner of Indian Affairs and the Secretary of the Interior for several years that agents and delegates were sent here from the North Carolina Cherokees, duly accredited on the part of the annual meeting of the council of the band. Each year the council holds a meeting, and they have sent year after year their delegates, who have never been paid. The present delegation has been paid, or the provision has been made for the payment of those that are now in the city. It is a matter of vital importance to these Indians. Here is the letter of the Commissioner of Indian Affairs, which if gentlemen desire it I will have read, stating this is necessary. I assure my friend from Kansas there is no doubt at all about the matter. It is entirely satisfactory. And I call his attention to the fact that the Commissioner of Indian Affairs and the Secretary of the Interior have to pass upon every claim before it is paid.

Mr. ELLIS. If the provision is carefully guarded in that way, I think it can not be objected to.

Mr. RYAN. Is it approved by the Commissioner of Indian Affairs and the Secretary of the Interior?

Mr. VANCE. Yes, sir.

Mr. ELLIS. And is the money to be expended under the direction of the Secretary of the Interior and the Commissioner of Indian Affairs?

Mr. VANCE. Yes, sir; I have just stated that.

Mr. RANDALL. Let the amendment be again read.

The amendment was again read.

The amendment was agreed to.

The Clerk read the following paragraph:

The Secretary of the Interior is hereby directed to pay to Franz and Charles Huning, out of any funds belonging to the Navajo Indians, $6,000; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. THROCKMORTON. I wish to inquire if this claim has been acted on by the Committee on Indian Affairs, and recommended by them.

Mr. ELLIS. Every one of these claims has been examined and approved by the Committee on Indian Affairs.

The Clerk read the following paragraph:

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Va., $19,000.

Mr. LYMAN. I offer the amendent which I send to the desk.

The Clerk read as follows:

In lines 1224 and 1225 strike out "$19,000" and insert "$20,040."

Mr. LYMAN. This amendment is offered to correct what appears to be a clerical error.

Mr. RYAN. I suppose there will be no objection to it.

Mr. ELLIS. The amendment is right.

The amendment was adopted.

Mr. MANZANARES. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1225 insert the following:
"For the purpose of establishing an industrial school for the education of Indian youth and the erection of the necessary buildings at Santa Fé, N. Mex., $25,000."

Mr. MANZANARES. Mr. Chairman, my experience and knowledge of this Indian question is that if the Government will more liberally extend educational facilities to the Indians, employ the best and most practical civilizing agencies, and in the proportion of these increased facilities for their civilization curtail their rations and other annuities, which only tend to make them indolent and depraved, and instead assign them a sufficiency of lands and teach them and compel them to work and earn their own livelihood, I believe that in a very short time by adopting this policy the Indians will become self-supporting, and at a not much longer period they will become useful citizens of our country. Therefore I advocate the increase of appropriation for the education and civilization of the Indians and the curtailing of their rations, which act alone would compel them to work, and in this way gradually become self-sustaining. As an illustration of this plan of civilizing them, I would refer you to the present condition of the Pueblo Indians, of New Mexico, whom the Spaniards taught to work, partially educated, and subjected them to live in towns, and are to-day self-supporting, thriving, industrious, and a law-abiding people.

There are in New Mexico, outside of what may be termed the wild tribes of Indians, some fifteen pueblos or Indian towns or communities within a radius of fifty miles from the city of Santa Fé. The children of the pueblos, as well as those of the wild tribes, could avail themselves of the benefits to be derived from such an institution if established. In this connection I will state, for the information of Congress, that the people of the city of Santa Fé have already assigned and donated twelve acres of excellent land for the building of such institution, and its establishment has been recommended by the Indian Bureau; and I hope the committee will grant me this small appropriation for such a commendable object.

Mr. ELLIS. I believe that this appropriation should be made. I believe that $25,000 could not be better expended than on a school at Sante Fé. You will reach the Pueblos of New Mexico, and you will also reach the Navajoes, both of which tribes are self-supporting, both of which are industrious, both of which only wait to be taught to work. The city of Santa Fé, as my friend from New Mexico says, has already dedicated twelve acres of land in the heart of the city for this purpose. There is already a school, and it is the earnest desire of those people to incorporate this Indian industrial feature into the school already established. I believe it would be money well expended, and support the amendment.

The amendment was agreed to.

The Clerk read the following paragraph:

For payment, out of the unexpended balance of the appropriation for support of schools for the year 1884, to the Indian industrial school for boys on the Flathead Indian reservation, for clothing, subsisting, maintaining, and educating twenty Indian pupils in excess of the number provided for by contract with the Indian Department, during the twelve months beginning July 1, 1883, and ending June 30, 1884, $2,000.

Mr. ELLIS. The Committee on Appropriations have instructed me to offer the amendment which I send to the desk.

The Clerk read as follows:

After line 1247 insert as follows:
"For payment, out of the unexpended balance of the appropriation for support of schools for the fiscal year ending June 30, 1884, to Lincoln Institution, Philadelphia, for the education, support, and transportation of thirty-four pupils in excess of the number cared for at that institution under written authority from the Interior Department during the quarter ending June 30, 1884, $1,000."

The amendment was agreed to.

The Clerk read the following paragraph:

For transportation of children to and from Indian schools, and also for the transportation of Indian children from all the Indian schools, and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such children moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, $25,000.

Mr. ELLIS. The Committee on Appropriations direct me to offer the amendment which I send to the desk.

The Clerk read as follows:

In lines 1266, 1267, and 1271, strike out the word "children," and in lieu thereof insert the word "pupils."

Mr. ELLIS. This amendment is made necessary because the accounting officers of the Treasury refused to pay for certain Indians that were a little above children as regards age. The paragraph is made to include all pupils taken care of at these schools.

The amendment was agreed to.

Mr. CUTCHEON. I offer the following amendment:

After line 1274 insert:
"To enable the Indian Bureau to pay wages to students of the several industrial Indian schools for labor performed at such schools, under such regulations as may be established by the Indian Bureau, for the purpose of encouraging habits of industry and labor, $10,000."

Mr. ROGERS, of Arkansas. I make the point of order on that amendment.

Mr. CUTCHEON. I ask the gentleman from Arkansas to withhold his point of order for a moment.

Mr. ROGERS, of Arkansas. I will withhold it, Mr. Chairman, but I want to save it.

Mr. CUTCHEON. Mr. Chairman, it seems to me that in educating these Indians the primary object in view should be to fit them for ultimate self-support, and that above and beyond every other consideration should be the inculcation of habits of labor and industry which will enable them when they go out from school to gain a livelihood for themselves in life's pursuits. In connection with most of these industrial schools for the Indians there are greater or less tracts of land for farming purposes.

On page 4 of the report of the superintendent of Indian schools he states that some dissatisfaction arose at the Indian school in Kansas among the older boys because the superintendent did not pay them for working, which he was prevented from doing by the act making the appropriation. This dissatisfaction caused some of the boys to leave without permission and return to their homes. Those who returned to the Cheyennes and Arapahoes were collected together and sent back under police escort by the agent. I cite this instance simply as an illustration of the

importance of the object I aim at, which is to provide that the superintendent of the schools may, under proper regulations and under proper circumstances, encourage habits of labor and industry among the Indians by offering them rewards. We want to teach the Indians above all things to become property-holders and to take care of the property they may acquire. In order that we may commence at the foundation with the youth who are now being educated at these schools, I think it would be most desirable that they should be encouraged to habits of industry by receiving remuneration for their labor. I believe that $10,000 could not be more wisely expended than in the manner proposed by this amendment. I hope, therefore, that the gentleman from Arkansas [Mr. ROGERS] will withdraw his point of order and let a vote be taken on the amendment.

Mr. ROGERS, of Arkansas. Mr. Chairman, I must insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STEELE. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read the amendment, as follows:

After line 1274 insert:

"*Provided*, That the Secretary of the Interior be authorized and directed to reimburse the Miami Indians of Kansas for the amount of money improperly taken from said Indians and paid to other Indians, in violation of the treaties of 1854 and 1858; including attorneys' fees necessarily paid."

Mr. ROGERS, of Arkansas. Mr. Chairman, I do not know anything about this proposition, but I reserve the point of order.

Mr. STEELE. Mr. Chairman, I will explain the amendment very briefly. I hope that the gentleman from Arkansas will not object to giving back to these Indians what properly belongs to them; and that is all that this amendment proposes. By the treaties of 1854 and 1858 certain lands were ceded to the United States upon condition that certain moneys were to be paid to these Indians, and the stipulation in the treaty provided that only those Indians named in the treaty should participate. In violation of that treaty other Indians were put on the rolls, and money was paid to them for five or six years. The Secretary of the Interior discovered that this money was improperly paid to the other Indians and dropped them from the rolls; but these Indians were never reimbursed the amounts that had been improperly paid out of their funds to those other Indians. Now, if the Secretary of the Interior does not find that this money is due to these Indians he is not to pay it. If he does find it due it ought to be paid, as I am sure every man on this floor will admit. That is all there is in this amendment.

Mr. ELLIS. Is there anything from the Department upon the subject?

Mr. STEELE. Yes, sir; it is purely a matter for Department decision; and if the Department does not find that this money is due to these Indians, then they are not to have a cent of it.

Mr. ELLIS. But has the Department asked that this appropriation should be made?

Mr. STEELE. It did at the last session. I do not know just what the amount is, but whatever amount the Secretary of the Interior shall find to be due is all that is asked. I hope there will be no objection to an amendment of this character.

Mr. ELLIS. If the gentleman will modify his amendment so as to direct the Secretary of the Interior to report all the facts to the House, or to Congress, on or before the next session, I shall not object. But the amendment as it stands is too indefinite. I do not know what money is involved—I do not know anything about it.

Mr. STEELE. The amendment specifies moneys improperly paid out of the amount granted to these Indians by the treaties of 1854 and 1858.

Mr. ELLIS. Who is to pay it? Out of what fund is it to come?

Mr. STEELE. Out of the contingent fund of the Treasury Department, I suppose—out of "any other moneys not otherwise appropriated."

Mr. ELLIS. I regret that the amendment is too vague in its terms and I am too unfamiliar with the subject to permit me to assent to it.

Mr. STEELE. The treaty of 1854 provided that these Indians should have an annuity up to the year 1880; and no Indians not included in the treaty were to participate in that annuity. But in violation of that provision, other Indians were put on the roll and did participate for five or six years. The Secretary of the Interior, upon discovering that these persons were improperly on the roll, dropped them; but these Indians properly entitled to the annuity have never been reimbursed for the money thus diverted from them.

Under this amendment, if the Secretary of the Interior does not find the facts to be as I state them, does not find that these Indians are entitled to the money, nothing will come of this amendment. I hope the gentleman from Louisiana will permit the amendment to be adopted.

Mr. ELLIS. I am willing to withdraw the point if the gentleman will consent to modify the amendment so as merely to require the Secretary of the Interior to report all the facts to Congress at its next session.

Mr. ROGERS, of Arkansas. I do not know that I apprehend precisely the amendment; but as I understood it it involves an expenditure to be made before the next meeting of Congress. The modification suggested by the gentleman from Louisiana would, as I understand, require the Secretary of the Interior to report the matter back to Congress so that an appropriation may be made next year.

Mr. ELLIS. Yes, sir; to report all the facts.

Mr. ROGERS, of Arkansas. I have no objection to that; but I do object to making any appropriation now in the absence of specific and definite information.

Mr. STEELE. I will modify my amendment as the gentleman from Louisiana suggests, so as to provide that the Secretary of the Interior be requested to report back——

The CHAIRMAN. The gentleman from Indiana will please submit his amendment in writing.

Mr. ELLIS. I trust that by unanimous consent the Clerk may go on with the reading of the bill; we can recur to this matter when the gentleman has completed the modification of the amendment.

The CHAIRMAN. If there be no objection, that arrangement will be made.

There was no objection.

The Clerk read as follows:

SEC. 8. That whoever shall furnish to any Indian, by barter, sale, gift, or exchange, any gun, rifle, pistol, or ammunition or munitions of war, shall, upon conviction thereof, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided*, That this provision shall not apply to the civilized tribes of the Indian Territory; and that the Secretary of the Interior may issue such permits to Indians for the purchase of arms and ammunition for sporting purposes as he may deem proper: *And provided further*, That the President of the United States may, in his discretion, disarm such Indians as in his judgment may seem best to preserve peace and prevent depredations. All arms thus taken shall be received by the Secretary of War, who shall report all arms received by him, from what tribe taken, and the just value of said arms; and Congress shall appropriate the requisite funds to pay for all arms taken, and said sum shall be paid to said tribe, and, as near as may be, to the original owners of said arms, or their heirs.

Mr. ROGERS, of Arkansas. This section in line 7 speaks of "the civilized tribes of the Indian Territory." I wish to inquire of the gentleman from Louisiana whether this phraseology is designed to embrace simply the five civilized tribes. If so, I think that in order to avoid any question of construction, the word "five" should be inserted. I move that amendment.

Mr. RYAN. I suggest to my colleague on the committee [Mr. ELLIS] that this amendment is proper.

Mr. ELLIS. I think it is right. I supposed the word was already in.

Mr. ROGERS, of Arkansas. I move then to insert before the word "civilized," in line 7, the word "five."

The amendment was agreed to.

The Clerk read as follows:

SEC. 9. That section 2139 of the Revised Statutes of the United States be, and is hereby, amended and re-enacted so as to read as follows:

"SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000; but it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department; but no part of this section or of section 2140 of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler, or storekeeper, attaché, or employé of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatsover to any Indian."

Mr. ROGERS, of Arkansas. I move to amend the section just read by striking out in line 11 the words "less than six months nor," and in line 12 the words "less than $50 nor;" so as to make the clause read: "Shall be punishable by imprisonment for not more than two years and by a fine of not more than $1,000."

Mr. Chairman, I shall occupy the time of the committee very briefly on this amendment. I had hoped, after the illustrations which I endeavored to give yesterday on this subject, the propriety of this amendment would at once appear to the committee, and no argument in its support would be necessary. There are some facts which I desire to impress upon the minds of members. It seemed not to be understood yesterday by some gentlemen that under the Revised Statutes, as they now stand, the mere introduction of liquor into the Indian country is an offense.

By express provision the introduction, or attempted introduction, as well as the sale of liquor in the Indian country, to an Indian, is made a distinct offense. I wish it plainly understood that, so far as I am concerned, I do not object to that provision of the statutes. I believe, with the Committee on Appropriations, that it is a proper prohibition. I wish it further understood that I do not object to the maximum penalty; I do not care how high the punishment may be fixed. But I insist that there should be no minimum penalty provided by law, because, as I undertook to illustrate yesterday, there must occur in various ways technical violations of the statute; and we can safely trust to the wisdom, the sound judgment, and the experience of the Federal judiciary to graduate the penalty under the law to the nature and character of the offense as developed on the trial. Under the United States

statute every man is a witness, all parties are witnesses. In this way, and with the assistance of the testimony, the judge can always get at the substantial facts in every case. I say it is safer and wiser and better, in view of this fact, to leave the graduation of the penalty to the judge presiding, as is now the law.

There are one or two provisions of the law which are an improvement on the law as it originally stood. I sanction them because they tend to close down tighter the gates against the introduction of whisky or liquor of any description into the Indian Territory. I approve of all of them. I make no apologies for parties who intentionally introduce whisky into the Indian Territory. What I do advocate is that we shall exercise some humanity, and when we come to punish parties who unintentionally have violated the law, I say in this regard we can safely refer that question to the wisdom, the justice, and the sound discretion and vast experience of the Federal judiciary. That is all I contend for.

Mr. KEIFER. Will the gentleman tell us how they can unintentionally violate the law?

Mr. ROGERS, of Arkansas. That is precisely what I undertook to state yesterday, and I gave several illustrations. My friend from Texas who sits in my rear, and who knows personally what I am about to state, will not dissent from the statements I make. The line dividing the Indian Territory from the State of Arkansas runs along parallel for perhaps one hundred miles with the great highway or thoroughfare over which emigration passes into Texas and returns to the State of Missouri and to the States farther east. At one or more places this public road crosses the Territory's line. Take an Illinois or Missouri emigrant *en route* to Texas over this thoroughfare. He does not know, can not know, when he will cross the line. If by accident he should cross the line with a pint of liquor, purely for his own use, he violates this statute. But if he knew the Territory line, perhaps he never heard of this law. But it makes no difference that he did not know when he entered the Territory or that he was ignorant of the existence of this law; he is, nevertheless, under the uniform rulings of the courts, guilty. The moment they cross the line of the Indian Territory they are subjected to the penalty under this statute, if it becomes the law. This law says this emigrant who unintentionally, unknowingly, unwittingly violates this law, who is as innocent as the unborn child, shall be put in jail for six months and have imposed upon him a fine of $50; for that is the minimum of punishment provided.

Mr. KEIFER. Has any one been prosecuted under such a condition of facts?

Mr. ROGERS, of Arkansas. I stand here to bear testimony to infinitely worse cases.

Mr. KEIFER. Will the gentleman yield to me?

Mr. ROGERS, of Arkansas. I will give the gentleman even a stronger case than that, if he pleases. Some ten or twelve years ago the United States deputy marshal, who, under the law as it then stood, was entitled to one-half the proceeds of property confiscated when used in introducing liquor in that country, contrived to have whisky put into a wagon of a man who drove on into the Indian Territory with his wagon containing the whisky without having any knowledge of that fact. This man, as I heard the case, was arrested, his property confiscated, although unintentionally and unknowingly and unwittingly carrying this whisky into the Indian Territory. But under this provision he would also be put into jail for six months and fined $50. They do not inquire into the intent, or go beyond the act of introduction. They hold the act itself of introducing it constitutes the offense. That has been the uniform decision of the court for the last fifteen years, from my personal knowledge.

Mr. ELLIS. Let me suggest to the gentleman from Arkansas to submit an amendment covering that point.

Mr. ROGERS, of Arkansas. Why not let the court have the control of the graduation of the penalty in that country. And I say with much deference to them they are sometimes too rigid in the enforcement of the penalty against these parties.

Mr. ELLIS. I do not think it too much.

Mr. ROGERS, of Arkansas. But gentlemen who know more of these things than my friend from Louisiana will differ with him on questions of this sort. But we need not get up any difference on that point. If the judge discharges his duty, imposing two years' imprisonment and $1,000 fine on any one who is intentionally guilty, is not that sufficient under the law? Can not we trust our judges? Sir, no complaint comes of the judge of the western district of Arkansas, who presides over the court there, that he is not rigid enough in the enforcement of the statute. To fix the penalty upon the ground that our judiciary will not impose sufficient penalty for the offense, is to doubt their integrity or their capacity to discharge the duty which they are called upon to discharge.

Mr. LONG. I should doubt their capacity if they found a man guilty under the circumstances suggested by the gentleman.

Mr. HISCOCK. Was the man convicted in the case where the whisky was concealed in his wagon and it was carried into the Indian Territory without his knowledge?

Mr. ROGERS, of Arkansas. That is my recollection. I know—I am positive I know—that this very case was developed in the courts at that time. I may be in error as to its final disposition.

Mr. HISCOCK. I can understand about a question of fact in the case where some one might have sworn or tried to prove the man did not know he had it in his wagon, but under the idea that any court held, under the facts as stated, and then imposed a fine and imprisonment, we have a right to doubt the capacity and every other attribute of the judge.

Mr. ROGERS, of Arkansas. I gather the distinction you make. The facts I have stated may have been developed, and yet the finding have been otherwise. But even in the case put, if the judge had doubts and did not choose to set aside the verdict he would have no discretion as to the punishment. But I put this extreme case to illustrate, simply. It would not likely occur again or often under any condition of things.

But, unfortunately, my friend fails to make one distinction which is very clear. Let me illustrate it now: We have a statute in our State, and I apprehend that it will be found generally throughout the States, a statute prohibiting the selling of liquor to minors, if you please. Well, a man goes into an establishment licensed to sell liquor and is willing to make oath that he is of legal age. His friends stand by and say that he is of age. The beard has grown upon his face and he has every appearance of being a man in the legal sense of the word, and the liquor is sold to him; but the courts hold that the man who sells him liquor does it at his peril notwithstanding the assurances of himself and friends and the appearances in his favor.

Mr. MILLER, of Pennsylvania. The courts of Pennsylvania do not so hold.

Mr. ROGERS, of Arkansas. Our courts so hold and have always so held. They hold the same with reference to the solemnization of the rites of matrimony. The law prohibits the solemnization of matrimony between minors without express consent of parents or guardians. A minister of the gospel may avail himself of all the safeguards which he can to assure himself that a couple who present themselves before him are of the age required by the law. But it makes no difference; he marries them at his peril; and if it shall afterward appear that they were not of legal age he is amenable to the penalties provided by the statute. He performs the act at his own risk and must endure the consequences. So it is with this statute. It is not the intent that constitutes the offense, but it is the simple introduction of the liquor, regardless of the object or intent, that constitutes the offense.

Mr. HISCOCK. But in the case stated it was not a question of intent but a question of guilty knowledge.

Mr. ROGERS, of Arkansas. But that does not alter the case.

Mr. HISCOCK. You cited a case where a man carried this whisky in his wagon in ignorance of the fact that it was there. You illustrate your point by stating that it was put surreptitiously into his wagon and without his knowledge.

Mr. ROGERS, of Arkansas. I gave also a case where an immigrant, if you please, traveling along the borders between the Indian Territory and the State with liquor in his wagon, shall, without knowing it, cross into the Indian Territory, or without any knowledge of the existence of an intercourse law. There guilty knowledge is also involved. In that case he neither intended any wrong nor knew that he was in the Territory. And yet he is as guilty under the law—not morally, it is true—as if he had intended the one and known the other. He may have no knowledge of the State line; he may not be aware of the point where the road crosses into the Indian Territory; but the moment he passes the line he subjects himself to the penalty.

[Here the hammer fell.]

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS, of Arkansas. I should like to have the indulgence of the committee for a moment longer.

Mr. ELLIS. Mr. Chairman, this proposition has already been discussed at the opening of the debate on this bill for forty minutes.

Mr. ROGERS, of Arkansas. I simply want to add a single sentence, if the gentleman from Louisiana will yield to me for a moment; not on this particular subject.

Mr. ELLIS. Very well.

Mr. ROGERS, of Arkansas. In justice to myself, and in justice to the court as now organized, I wish to state that the extreme cases mentioned did not occur in recent years, but in years gone by—twelve or fifteen. That is all I wanted to say, except that I put the most extreme cases that I either knew or had heard mentioned, so that gentlemen may see the force of the point I make.

Mr. WARNER, of Ohio. What provision would the gentleman from Arkansas insert?

Mr. ROGERS, of Arkansas. I would strike out the minimum penalty and let the maximum remain.

Mr. ELLIS. If the gentleman from Arkansas will propose an amendment which looks to cure the evil of which he speaks, I will cordially co-operate with him; but I shall oppose striking out the minimum punishment inflicted by this provision.

It is easy, sir, for us to say amend this bill so as to require evidence of guilty intent on the part of the man who crossed the borders of the Indian Territory for the purpose of selling or bartering liquor to the Indians. I say it is easy to make that assertion, but how will you apply the remedy?

Mr. ROGERS, of Arkansas. If the gentleman will allow me——

Mr. ELLIS. Let me continue for a moment. If the gentleman

will say "no ardent spirits shall be introduced, under any pretense, into the Indian country for sale or gift or barter to any Indian," that, I take it, will cure the defect of which he speaks.

Mr. SPRINGER. For the purpose of sale, gift, or barter.

Mr. ELLIS. For any such purpose; either gift, barter, or sale, to the Indians. But this minimum punishment should stand.

Mr. ROGERS, of Arkansas. In what line does the gentleman suggest the amendment?

Mr. ELLIS. I would suggest, if the gentleman wishes to incorporate it, that it should go in line 5, section 2139.

Mr. WARNER, of Ohio. That will do, I think.

Mr. ROGERS, of Arkansas. I ask the gentleman to repeat the amendment again.

Mr. ELLIS. "No ardent spirits shall be introduced, under any pretense, into the Indian Territory for sale, or gift, or barter to any Indian." That, I think, will cure the evil the gentleman refers to.

Mr. ROGERS, of Arkansas. Let me interrupt the gentleman for a moment. I desire to come to the point at issue here.

I am only anxious to place this amendment in such a shape that there can be no misconstruction of the law. But I will say to the gentleman from Louisiana that amendment goes further than I am willing to go.

Mr. ELLIS. There is no intention, of course, to keep it out of Arkansas. [Laughter.]

Mr. ROGERS, of Arkansas. I hope my friend will allow a suggestion.

Mr. ELLIS. Undoubtedly.

Mr. ROGERS, of Arkansas. I did not hear, and hence did not appreciate, the gentleman's humor; but the amendment suggested by him goes too far, and I think it would be a very unsafe one to adopt, because then the question of purpose is involved and there will arise all sorts of subterfuges, excuses, and pleas to be submitted to the juries, and the difficulty of enforcing the law greatly increased. It is a dangerous provision to insert; it would be very unsafe, in my judgment, and is certainly more than I want or would support if offered by him.

Better absolutely prohibit its introduction for all purposes, but leave the penalty to be fixed by the court, so that mere technical violations may be nominally punished, and flagrant cases to the extent of the law.

Mr. ELLIS. Well, jury trials are always uncertain; but I have more respect for the intelligence of the juries that will be impaneled to try these cases than to believe they will turn any man loose to whom guilty knowledge can be traced. That ought to be required. Guilty knowledge is the soul of every offense.

But I shall oppose taking away the minimum punishment provided here. The man who will deliberately sell to the Indians whisky when he knows the effect is murder, depredation, lawlessness, undoing everything we are endeavoring to do by our civilizing agencies, can have no punishment too severe. What does it do with the civilized man? It makes a brute of him. What does it do with the savage but to make him a double, yea, tenfold savage? And, as I said the other day, it is useless to go on with these civilizing agencies, to be drafting on our Treasury for schools, missions, all the agencies by which we are trying to raise up the Indian and make a man of him, if you permit people to put that into his mouth which steals away his brains, which steals away his manhood, quenches the fire of whatever humanity may have been kindled there, and reduces him to the savage again. There is no punishment too severe for such an offense, and it should not be left to the discretion of lenient judges. I mean no reflection on the bench, but all our experience shows us there may be lenient judges who are perhaps a little influenced by the proceeds of such traffic.

Mr. HISCOCK. I ask the gentleman from Louisiana whether he has not made an argument, and a strong argument, why this section should not be amended at all but remain as it is?

Mr. ELLIS. I believe the section should stand exactly as we have reported it.

Mr. HENLEY. I desire to say in respect to this amendment that in the administration of the revenue laws of our country it has been constantly held by our courts that the matter of intent cuts no figure at all so far as the penal consequences that are in those laws are concerned. And I wish further to say that neither of the gentlemen who have spoken against this amendment seems to be read up or advised as to what is the tendency of the opinion, of the most advanced opinion, of modern jurists in respect to this question about prescribing procrustean limits, minimum limits, in regard to misdemeanors.

Gentlemen will find that the amendment of the gentleman from Arkansas is in the direction of the best considered opinion upon that question, and that is that in regard to misdemeanors—and that is what we are dealing with in this bill—there should be no minimum punishment prescribed; that in regard to offenses which do not involve that high degree of turpitude, such as felonies, &c., more should be left to the discretion of the judge. And unless I have misread the authorities and wholly misconceived the tendency of modern and current thought upon this question, gentlemen in opposing this amendment are arraying themselves against what, as I have said before, is the general modern disposition in regard to this matter. I am in favor of the amendment.

The question being taken on the amendment offered by Mr. ROGERS, of Arkansas, there were—ayes 36, noes 69.

Mr. ROGERS, of Arkansas. A quorum has not voted.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from Louisiana [Mr. ELLIS] and the gentleman from Arkansas [Mr. ROGERS].

The committee again divided; and the tellers reported—ayes 61, noes 102.

So the amendment was not agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose, and the Speaker took the chair.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill and joint resolution of the following titles:

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.; and

Joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 4681) for the relief of Yost Harbaugh.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon; and

A bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary line between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

INDIAN APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. KEIFER. I inquire of the gentleman from Louisiana why in line 7 and also in line 9 of this section the word "beer" is omitted. I see it is used in line 22. If it is a mere omission I think it ought to be inserted.

Mr. ELLIS. I have no objection to that.

Mr. KEIFER. Then I suggest that in line 7, after the word "liquors," the word "beer" be inserted; and also in line 9, and at line 14, before the word "liquor," I suggest that the word "intoxicating" be inserted; and that in the same line, after the word "liquor," the words "beer or wine" should be inserted.

Mr. ELLIS. I agree to that.

Mr. DINGLEY. I suggest that in each place we adopt the same language as in line 23: "or any intoxicating beverage."

Mr. KEIFER. I have no objection to using the more comprehensive word suggested by the gentleman from Maine.

Mr. ROGERS, of Arkansas. I would suggest that the expression be used "spirituous, vinous, or malt liquors of any description."

Mr. KEIFER. I think the language used here is in harmony with that used in all our other statutes.

The CHAIRMAN. Will the gentleman from Ohio repeat his amendment, that the Clerk may get it accurately?

Mr. STEELE. While the gentleman from Ohio is perfecting his amendment, I will offer an amendment.

Mr. ROGERS, of Arkansas. Mr. Chairman, do I understand that when we are through with this we come back to the section last under consideration?

The CHAIRMAN. Yes.

Mr. ROGERS, of Arkansas. Very well.

The Clerk read the amendment offered by the gentleman from Indiana [Mr. STEELE], as follows:

After line 1274 insert the following:

"*Provided*, That the Secretary of the Interior be authorized and directed to report to Congress on or before December 6, 1885, the amount due the Miami Indians of Indiana and Kansas for moneys due to said Indians and paid to other Indians in violation of the treaties of 1854 and 1858, including attorneys' fees necessarily paid by said Indians."

Mr. ELLIS. That is right.

The CHAIRMAN. Is the point of order made some time ago in relation to this amendment by the gentleman from Louisiana [Mr. ELLIS] withdrawn?

Mr. ELLIS. It is withdrawn.

The question being taken, the amendment was agreed to.

The CHAIRMAN. The committee will now return to the amendment offered by the gentleman from Ohio [Mr. KEIFER], and the Clerk will read the amendment as perfected.

The Clerk read as follows:

In the seventh line of section 9, after the word "liquors," insert the word "beer;" strike out the word "or" thereafter; after the word "wine," insert the words "or any intoxicating beverage." Then, in line 9, after the word "liquor," insert the words "or beer;" striking out the word "or" and inserting after the word "wine," in the same line, the words "or any intoxicating beverage." In line 14, after the word "introduce," insert the word "spirituous," and after the

word "liquor" insert the words "beer, wine, or any intoxicating beverage;" making it read: "Dispose of any spirituous liquors, beer, wine, or any intoxicating beverage to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country," &c.

Also, "but it shall be a sufficient defense to any charge of introducing or attempting to introduce spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country," &c.

Mr. KEIFER. That is the amendment I propose, and I do not think there can be any objection to it.

The amendment was agreed to.

Mr. CUTCHEON. Mr. Chairman, I desire to offer an amendment to be inserted as an additional section of the bill.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. ROGERS] desire to amend the section as it now stands?

Mr. ROGERS, of Arkansas. Yes, sir.

The CHAIRMAN. Then that amendment should be presented in advance of the amendment proposed by the gentleman from Michigan [Mr. CUTCHEON].

Mr. ROGERS, of Arkansas. I desire to amend by inserting in line 21, before the word "barter," the word "knowingly;" so that it shall read, "who shall knowingly barter," &c.

Mr. Chairman, I state very frankly to the committee that I offer this amendment having some little doubt in regard to it. It will be observed that the last part of the section under consideration is new law. It will be understood that under the law as it now exists and under this law the Secretary of War very properly has the right to permit any of these liquors to be introduced into that country. As a matter of fact and in practice these liquors have been sold there at all the Army posts to soldiers and officers in the Army—I do not mean universally, but they have been sold there under certain prescribed rules and regulations with which I am not familiar. There is, however, this fact in connection with the matter: the sutler in the sale of these articles is compelled, upon his peril, not to sell them to Indians. That is the case under the provisions of the law as it now stands, and under the regulations of the War Department as heretofore and still existing.

Now, the question is this: In that Indian country you will find hundreds of men of whom you can not tell whether they have Indian blood in their veins or not; unless you know them you can not tell whether they are white men or Indians. Why, sir, the recent governor of the Chickasaw Nation was a man of a good deal fairer skin than many gentlemen who sit upon this floor. It is impossible for an Army officer or a sutler who goes out there a stranger to tell just how much Indian blood there is or may be in the veins of such a man; but if there is a drop, and his tribal relations are established, then this law becomes applicable to the sutler if he sells the man liquor. Now, the object of my amendment is to make him punishable in such a case only where he sells to an Indian knowingly. But, as I said awhile ago, I have some little doubt about the policy of the amendment, because it may possibly open the way to deception and subterfuge, and induce men to pretend that they did not know that the persons to whom they sold liquor were Indians, when in point of fact they did know. Still, on the whole, I think it is wiser to put this amendment in the bill, because liquor is allowed to be taken out there and sold for medical purposes, under the Army regulations, and a mistake might occur and a sutler might be punished under the law as it now stands, when in fact he had not knowingly committed any offense.

Mr. ELLIS. Mr. Chairman, I must oppose this amendment. I do not think a sutler will have any difficulty in distinguishing Indians from other men, unless he is color-blind. [Laughter.] I want this law enacted, and I want the man who sells liquor out there to sell it at his peril; I want him to know beyond a doubt before he sells it that he is not selling to an Indian. I do not want any amendment introduced which will provide a subterfuge behind which any guilty party may shelter himself. The effect of this portion of the bill as reported is in the direction of humanity, in the direction of civilization. I feel that we should leave no stone unturned to suppress this traffic, and I must therefore oppose the amendment offered by the gentleman from Arkansas.

The CHAIRMAN. The question is on the amendment of the gentleman from Arkansas [Mr. ROGERS].

The amendment was not agreed to.

Mr. CUTCHEON. I move to amend by adding to the bill, as a new section, the provision which I send to the desk.

The Clerk read as follows:

SEC. 10. That immediately upon and after the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, aggravated assault and battery, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and not otherwise, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes respectively. And the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above crimes against the person or property of another Indian within the boundaries of any State of the United States, and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts, and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States. And the Federal courts for the proper judicial district are hereby given jurisdiction in all such cases: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do. And in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation.

Mr. ELLIS. I reserve a point of order upon that amendment.

Mr. CUTCHEON. Mr. Chairman, I believe it is not necessary for me to say that this amendment is in the direction of the thought of all who desire the advancement and civilization of the Indian tribes. It is recommended very strongly by the Secretary of the Interior in his annual report. I believe we all feel that an Indian, when he commits a crime, should be recognized as a criminal, and so treated under the laws of the land. I do not believe we shall ever succeed in civilizing the Indian race until we teach them regard for law, and show them that they are not only responsible to the law, but amenable to its penalties.

I would not offer this amendment at the present time and in connection with this appropriation bill if I thought there existed the least chance or opportunity of its becoming law in any other way. If I believed it possible that a bill of the Committee on Indian Affairs, upon which, as I understand, a like amendment is intended to be proposed, could be taken up and passed at this session, I would not now submit this proposition. But I believe this is the only opportunity that will be afforded during this Congress for this or similar legislation.

We all remember the case of Crow Dog, who committed the murder of the celebrated chief Spotted Tail. He was arrested, tried by a Federal tribunal, and convicted of the murder, but the case being taken to the Supreme Court of the United States upon habeas corpus, it was there decided that the United States courts had no jurisdiction in any case where one reservation Indian committed a crime upon another. Thus Crow Dog went free. He returned to his reservation, feeling, as the Commissioner says, a great deal more important than any of the chiefs of his tribe. The result was that another murder grew out of that—a murder committed by Spotted Tail, jr., upon White Thunder. And so these things must go on unless we adopt proper legislation on the subject.

It is an infamy upon our civilization, a disgrace to this nation, that there should be anywhere within its boundaries a body of people who can, with absolute impunity, commit the crime of murder, there being no tribunal before which they can be brought for punishment. Under our present law there is no penalty that can be inflicted except according to the custom of the tribe, which is simply that the "blood-avenger"—that is, the next of kin to the person murdered—shall pursue the one who has been guilty of the crime and commit a new murder upon him.

Mr. BUDD. Why not insert in the amendment, after the words "another Indian," the words "or any other person?"

Mr. CUTCHEON. Indians are already capable of being convicted and punished for a crime committed upon any other person than an Indian.

Mr. BUDD. But it is not done.

Mr. CUTCHEON. If, however, an Indian commits a crime against an Indian on an Indian reservation there is now no law to punish the offense except, as I have said, the law of the tribe, which is just no law at all.

Mr. ELLIS. The language suggested by the gentleman from California [Mr. BUDD] will not hurt the amendment.

Mr. CUTCHEON. I have no objection to the amendment at all, and will accept it as a modification. I think this provision ought to be inserted in this bill; otherwise I fear it will not become law during this Congress.

Mr. ELLIS. I hope the gentleman from Michigan will consent to strike out the phrase "aggravated assault and battery."

Mr. CUTCHEON. I consent to that. We already have among the Indians the court of Indian offenses for the punishment of trivial violations of law. That court can take care of cases of assault and battery.

Mr. ELLIS. With these modifications I believe the proposition is correct; and I withdraw the point of order.

Mr. ROGERS, of Arkansas. I renew the point for the present; and ask that the amendment be read as modified.

The Clerk read the amendment as modified.

Mr. ROGERS, of Arkansas. This amendment is so long and the subject so important, that unless I can have an opportunity to investigate the proposition I must insist upon the point of order. If the question can be waived for a few moments while other business is proceeded with, I am perfectly willing.

Mr. BUDD. I desire to suggest another modification of the amendment—to strike out the words "and not otherwise." The effect of this modification will be to give the courts of the United States concurrent jurisdiction with the Indian courts in the Indian country. But if these words be not struck out, all jurisdiction of these offenses will be taken from the existing tribunals of the Indian country. I think it sufficient that the courts of the United States should have concurrent jurisdiction in these cases.

The CHAIRMAN. Does the gentleman from Arkansas insist upon the point of order?

Mr. ROGERS, of Arkansas. I must insist upon it, unless I can have an opportunity for further examination of the amendment.

The CHAIRMAN. The point of order is sustained.

Mr. RYAN. I ask that the amendment I send up be read.

The Clerk read as follows:

Add as an additional section to the bill:

"SEC. 20. That the President is hereby authorized and required to open negotiations with such of the Indian tribes located in the Indian Territory as in his judgment are in possession and control of a greater quantity of land than their interests require for the concession of their surplus lands to the Government, at such price as may be equitable, for the purpose of opening such surplus lands to settlement under the homestead laws of the United States, and especially to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $10,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress."

Mr. HOLMAN. For the present I wish to reserve the question of order on that amendment. I think it is too broad.

Mr. THROCKMORTON. I ask the gentleman to limit his amendment. I hope he will be willing to restrict it to the lands ceded to us by the Creeks, Cherokees, and Seminoles.

Mr. RYAN. I will so modify my amendment as to confine negotiations with the Seminoles, Creeks, and Cherokees to the lands ceded to the United States in 1866. The gentleman from Texas thinks it ought to be limited to those tribes.

Mr. HOLMAN. Then the appropriation should be reduced to $5,000.

Mr. RYAN. I am willing, therefore, to reduce the appropriation to $5,000.

The CHAIRMAN. Does the gentleman modify his amendment as suggested?

Mr. RYAN. I do.

Mr. CUTCHEON. The point of order made against my amendment has been withdrawn by the gentleman from Arkansas.

Mr. ROGERS, of Arkansas. If the gentleman from Michigan will strike out one line of his amendment which confers jurisdiction on the Federal court for offenses committed in the States, I will withdraw my objection. The States govern that, except in classes of cases.

The CHAIRMAN. That will be taken up when the matter pending before the committee has been disposed of.

Mr. HOLMAN. I renew the point of order, as I believe it should be carefully considered.

The CHAIRMAN. To which amendment does the gentleman refer?

Mr. HOLMAN. To the amendment of the gentleman from Michigan [Mr. CUTCHEON].

Mr. RYAN. I have made a modification of my amendment, as suggested by the gentleman from Texas and the gentleman from Indiana, and ask now that it be reported as modified.

The Clerk read as follows:

That the President is hereby authorized, requested, and required to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead law the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. RYAN. I ask for a vote on that amendment.

The CHAIRMAN. Does the gentleman from Indiana insist on his point of order?

Mr. HOLMAN. I am satisfied with the proposition as modified, except as to the word "required."

Mr. RYAN. I do not care about that, as it is immaterial.

Mr. HOLMAN. Modify it, then, by striking out the word "required" and inserting the word "authorized."

Mr. RYAN. I will modify the amendment in that way.

Mr. HOLMAN. I withdraw the point of order.

Mr. RYAN'S amendment as modified was agreed to.

Mr. CUTCHEON. I now offer the amendment, as an additional section, against which the gentleman from Arkansas made the point of order, but which he has now withdrawn.

Mr. BUDD. It has been read.

Mr. CUTCHEON. Not in the present modified form.

The Clerk read as follows:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of said Territory relating to said crime, and shall be tried forthwith in the same courts, and in the same manner, and shall be subject to the same penalties as are all other persons charged with the commission of said crimes respectively, and the said courts are hereby given jurisdiction in all such cases, and the said Indians committing the above crimes against the person or property of any other Indian or other person within the boundaries of any State of the United States, and either within or without any Indian reservation, shall be subject to the same laws, tried in the same courts, and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *Provided further*, That from and after the passage of this act any Indian or Indians may hereafter raise in any court any civil action at law or in equity in like manner as others are permitted to do; and in all actions in said courts Indians shall not be rejected as witnesses on account of race or nation.

Mr. HOLMAN. I reserve the point of order simply to inquire whether this proposition has been considered by the House or the Committee on Indian Affairs.

Mr. CUTCHEON. I will ask the gentleman from California [Mr. BUDD] to make a statement in that regard. Now, the Secretary of the Interior, in his last annual report, uses the following language:

I again desire to call attention to the necessity for legislation for the punishment of crimes on the Indian reservations. Since my last report the Supreme Court of the United States decided in the case of "*Ex parte* Crow Dog," indicted for murder, that the district court of Dakota was without jurisdiction, when the crime was committed on the reservation by one Indian against another. If offenses of this character can not be tried in the courts of the United States, there is no tribunal in which the crime of murder can be punished. Minor offenses may be punished through the agency of the "court of Indian offenses," but it will hardly do to leave the punishment of the crime of murder to a tribunal that exists only by the consent of the Indians of the reservation. If the murderer is left to be punished according to the old Indian custom, it becomes the duty of the next of kin to avenge the death of his relative by either killing the murderer or some one of his kinsmen—

That is Indian law—not a very inviting kind of law where one murder is to be punished by the commission of one or more additional murders—

The laws of the State or Territory wherein the reservation is situated ought to be extended over the reservation, and the Indians should be compelled to obey such laws and be allowed to proclaim the protection thereof.

I now yield to the gentleman from California to answer the question of the gentleman from Indiana.

Mr. BUDD. I move to strike out the last word.

Mr. HOLMAN. It is understood that the point of order is pending.

The CHAIRMAN. The Chair understands the point of order to be reserved.

Mr. BUDD. I desire to state to Judge HOLMAN, and to the committee, that last year I offered an amendment having in view the same object as this amendment, which allowed an Indian who committed any crime to be punished in the courts of the State or Territory in which the crime was committed. It was passed by this House, without any objection, as an amendment to the Indian appropriation bill. It went to the Senate, and that provision was stricken out. It then went to the committee of conference, and there was an understanding, as was stated on the floor of the House by the gentleman from Louisiana, now in charge of this bill, that at this session of Congress a bill, or section of this character, should, by the agreement of the conference committee, be enacted or incorporated into the appropriation bill providing that it punish felonies only.

The objection by the Senate committee to my amendment was that it punished misdemeanors as well. It will be found in the RECORD of the last session, on the day when the conference report was concurred in by this House, that the gentleman from Louisiana, in answer to a question from myself, stated that they believed the amendment was a proper one, that it was in the right direction, but that it punished misdemeanors and offenses by one Indian upon another of a minor character that ought not to be so punished, and that it was understood if the same amendment was offered at this session of Congress so as only to punish felonies it would be acceptable to the committee and be adopted.

I believe Judge HOLMAN was himself one of the committee of conference on the part of the House at that time, and, if so, he will remember the transaction to which I now refer. If not, I will refer him to the RECORD on the day on which the conference report was adopted.

Mr. HOLMAN. I remember the fact mentioned by the gentleman from California; and while I do not propose to press the question of order, I regret that this legislation comes year after year upon appropriation bills, without taking the voice of the committee who are especially familiar with the subject.

I feel much safer in legislating upon a subject of this character if I have the aid of the reports from the Committee on Indian Affairs, or the committee intrusted with the particular subject of appropriation.

I withdraw the point of order.

Mr. ROGERS, of Arkansas. I renew it temporarily.

I want to invite attention to another amendment that I think my friend will consent to, if I can put it in such shape as will be acceptable to the committee.

In the sixth line of the proposed amendment we find these words:

And either within or without an Indian reservation shall be subject therefor to the laws of such Territory relating to such crimes.

Now, in the Indian Territory they have no laws except the Indian laws, and of course Congress does not intend, I imagine, to confer jurisdiction upon the Federal courts to enforce the Indian statutes. That language, therefore, in my judgment, has no applicability to the Indian Territory, and should be excluded. We would certainly never undertake to enforce the Indian laws or the laws of the Indian Territory by the Federal judiciary. No Federal court has any civil jurisdiction, of any description whatever, over the five civilized tribes of the Indian Territory.

My friend Governor THROCKMORTON proposes to ask the committee to adopt an amendment extending these laws to the Indian Territory, within certain prescribed limits; for instance, as to their applicability upon actions of debt on contract and for torts committed upon personal or real estate.

Mr. CUTCHEON. I regard the amendment which I have proposed as of so much importance and so valuable that I am willing to accept the proposed amendment of the gentleman rather than jeopardize the passage of the section I propose.

Mr. HISCOCK. I would like to inquire of the gentleman from Michigan if he believes that all of these Indian tribes are in such a condition of civilization as that they should be put under the criminal law?

Mr. CUTCHEON. I think if they are not in that condition they will be civilized a great deal sooner by being put under such laws and taught to regard life and the personal property of others.

Mr. BUDD. This provision is as much for the benefit of the Indians as it is for the whites; because now, as there is no law to punish for Indian depredations, the bordermen take the law into their own hands, which would not be the case if such provision as this was enacted into law.

Mr. HISCOCK. That may all be true; but when we bring in a bill here year after year appropriating many millions of dollars to support and care for these Indians, and treat them as irresponsible persons, it seems to me that policy is not in the line of the policy indicated by this amendment, which proposes to extend to them the harsh provisions of the criminal law.

Mr. BUDD. We would like to change the policy of the Government in that respect.

Mr. HISCOCK. Then you had better defeat the present bill.

Mr. BUDD. We can do it in the way we propose here without defeating the bill.

Mr. CUTCHEON. We want to change the law a little in the direction of law and order.

Mr. RYAN. And civilization.

Mr. CUTCHEON. Yes, and the civilization of the Indians.

Mr. THROCKMORTON. Has the point of order been withdrawn?

The CHAIRMAN. It is still reserved against the amendment of the gentleman from Michigan; but an effort, as the Chair understands, is now being made to modify the amendment, so that the point of order may be withdrawn.

Mr. BUDD. It has been withdrawn, as I understand it, to allow Governor THROCKMORTON to offer an amendment.

Mr. THROCKMORTON. I would like to read the amendment I propose, to see if the gentleman offering the amendment, as well as the gentleman in charge of this bill, will accept it:

Provided further, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes of the Indian Territory in cases of debt on contract or torts committed on the personal property of any person in or out of said Indian Territory.

Mr. WARNER, of Ohio. In view of the large number of amendments that are being proposed——

The CHAIRMAN. The Chair would state that they are not now pending; they are only submitted by way of suggestion.

Mr. WARNER, of Ohio. I was about to remark that in view of the large number of amendments that are proposed it seems to me we have proof enough that this whole question should go to the Committee on Indian Affairs and be reported from that committee. Some of these amendments are evidently crude, being suggested on the spur of the moment.

Mr. BUDD. It is a step in the right direction.

Mr. WARNER, of Ohio. I fear that with all these amendments we are likely to take a good many missteps rather than one step in the right direction.

The CHAIRMAN. Does the gentleman from Ohio [Mr. WARNER] insist on the point of order?

Mr. WARNER, of Ohio. I may suggest that it ought really to be insisted on, but I do not like to do it.

Mr. CUTCHEON. We can not get this in any other way except on an appropriation bill. I accept the amendment suggested by the gentleman from Texas [Mr. THROCKMORTON].

The CHAIRMAN. The Clerk will now report the amendment as modified.

Mr. CUTCHEON. I think it will be found to be all right when all is read together.

The Clerk read as follows:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of the said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases, and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do, and in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation: *Provided further*, This act shall not be so construed as to confer jurisdiction upon either the State or Federal courts to execute the laws of any of the five civilized tribes in the Indian country: *Provided further*, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes of the Indian Territory in cases of debt on contract or torts committed upon the personal property of any person either in or out of said Territory.

Mr. WARNER, of Ohio. I wish to inquire, before I make the point of order, whether this proposed amendment conflicts with any treaty stipulations?

Mr. CUTCHEON. Not that I am aware of.

Mr. WARNER, of Ohio. I think that ought to be known positively. I do not, however, insist on the point of order.

The CHAIRMAN. Does the gentleman from Arkansas withdraw his point of order?

Mr. ROGERS, of Arkansas. Will the gentleman from Texas [Mr. THROCKMORTON] add to his amendment the words "and white persons," so that white people as well as the Indians shall be subject to the jurisdiction of the court?

Mr. THROCKMORTON. I agree to that suggestion. I will modify my amendment by inserting, after the words "over the five civilized tribes," the words "and white people."

Mr. CUTCHEON. I have no objection to that.

The CHAIRMAN. Does the gentleman from Arkansas [Mr. ROGERS] withdraw the point of order?

Mr. ROGERS, of Arkansas. I withdraw it.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Michigan [Mr. CUTCHEON] as subsequently modified.

The question being taken, there were—ayes 68, noes 2.

So (further count not being called for) the amendment was agreed to.

Mr. ELLIS. Mr. Chairman, before moving that the committee rise I desire to express my regret that on yesterday in the course of the discussion upon this bill I was betrayed by infirmity of temper into language which I very greatly regret. I desire, therefore, to withdraw such language and to make my acknowledgments to you, sir, and to the committee. [Applause.]

Now, sir, I move that the committee rise and report the bill with amendments to the House.

Mr. HOLMAN. I desire also to say that if through the infirmity of temper I used on yesterday any words that were improper I cheerfully withdraw them. [Applause.]

The motion that the committee rise was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WELLBORN reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, had directed him to report the same to the House with sundry amendments.

Mr. ELLIS. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendments?

No separate vote was demanded.

The amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. ELLIS. Mr. Speaker, before moving the previous question on the passage of the bill I desire very briefly to pay my respects to Mr. Painter. I had promised that unless I could convict him of misstatement, if nothing worse, I would apologize to him. I have his letter here. I have seen that letter this evening for the first time. I had heard that there was such a letter published in the New York Tribune, and certain Hartford and Boston papers, the Christian Union, of New York, and some other papers which were sent to me, all referred to this letter of Professor Painter. I made an endeavor to get the letter a few days ago by searching the files of the New York Tribune, but the clerk of the Committee on Appropriatians, who was sent for it, failed to find it. Mark you, this letter is dated December 24, whereas it was not published until January 5.

The first misstatement made in that letter by Mr. Painter is as follows:

You had, only the evening before, repeated to me the explicit promise made by you and Mr. RYAN to the committee of the Indian Rights Association on the 12th instant, that you would, just as soon as the estimate reached your committee, introduce and secure the passage of a joint resolution appropriating the sum asked for.

Mr. Speaker, I did not make, nor did Mr. RYAN, in my presence, make any such promise. About the 12th of December we were waited upon by a delegation of the Indian Rights Association, among whom was Mr. Painter. They represented the necessities of the Indians and we listened, and the interview was protracted to half an hour or more. We told them that just as soon as the estimates reached us regularly from the Indian Office through the Treasury Department we would give them immediate consideration. That was on the 12th of the month. One the 17th, five days afterward, the letter of Secretary Mc-

Culloch was written. It was transmitted to the House on that day, and by the stamp of the committee upon it I see that it reached the committee on the 19th of December.

On the 20th of December, before there was time to call the committee together or to consider this subject at all, the House adjourned for the Christmas holidays. On that very day, the 20th, Mr. Painter followed me and spoke to me several times about this matter, and I finally told him, in the area in front of your desk, Mr. Speaker, that I could attend to my own business without any further suggestions from him. That interview affords the key to and explains the animus of Mr. Painter's letter. We never did promise Mr. Painter, or any one else, to legislate in any manner whatever; we simply said that as soon as the estimate reached us we would give it consideration, and this constitutes misstatement number one. The estimate did reach us on the 19th of December last. We could not consider it during the Christmas holidays; but while Mr. Painter was nursing his wrath and concocting untruths, and while the printers of the Tribune were setting up Mr. Painter's concoction, I was considering the estimate and preparing the work necessary to this appropriation, which passed on the morning of the 6th of January, only two days after the reassembling of Congress. And yet this "most Christian gentleman" has the brazen effrontery to charge me with purposely delaying the relief needed by the Montana Indians, when he knew there was no suffering, and would not be until after the 1st of April, and that the Department had intimated the appropriation would be in time if made by the 15th of January.

The next misstatement in Mr. Painter's letter is this:

The deficiency created by the action of *your* committee.

Professor Painter should have known better than that. The deficiency referred to here which occasioned the suffering among the Indians last year was in the appropriation made by the Forty-seventh Congress. It was the appropriation for 1884. There has been no suffering under any appropriation which I have ever sent for the relief of the Indians, not one single case of starvation or suffering; for all the suffering occurred under the appropriations for 1884, with which I had nothing to do. That appropriation bill was prepared by my honored friend from Kansas [Mr. RYAN], assisted by a gentleman then a member from Wisconsin [Mr. Caswell] and by Mr. LE FEVRE, of Ohio, in the Forty-seventh Congress, when Mr. KEIFER was the Speaker. I had nothing to do with that appropriation bill, and Mr. Painter's assertion that this suffering resulted from the delinquency or the inhumanity of my committee is utterly and totally false; and he can not plead ignorance here, for he has been before these committees four or five years, so that this misstatement, calculated to malign and to injure, was willfully made. He goes on to say in this letter:

The deficiency created by the action of your committee was $84,000.

Then follows another falsehood; ay, three in one paragraph! He says:

The President called the attention of Congress to the facts as communicated to him by the Secretary of the Interior, who asked for $138,000 to meet the emergency.

That, Mr. Speaker, is wholly and entirely false. I hold in my hand the estimate which was sent to Congress. It is Executive Document No. 18, Forty-eighth Congress, first session. It asks for an appropriation of $50,000. There were three items for which appropriations were asked: (1) Amount necessary to pay indebtedness incurred on account of pay of interpreters for the fiscal year, &c., $20,000; (2) Telegraphing and purchase of Indian supplies, $5,000 (a deficiency); (3) For the support of the Indians in Montana, $50,000. But along with the estimates for this deficiency were printed the amounts which had been appropriated by the bill under these heads. The amount appropriated for these three items was $138,000; while the deficiency asked for the Indians was $50,000; and there is where this "intelligent, most reliable, most well-informed, and most Christian gentleman" gets his figures.

Every dollar of the deficiency was appropriated at once. So soon as it was brought to our attention we assembled immediately, and the matter was brought before this House, and the whole amount asked was appropriated. I remember well that the gentleman from Rhode Island [Mr. CHACE] came to me with this very document in his hand, and, pointing to the figures which represented the entire appropriation, asked me if $138,000 was not called for. He was looking at the column of figures which set forth the total amount already appropriated. I pointed him to the correct column, showing that only $50,000 was asked for by the Department. That sum was immediately given by a practically unanimous vote of the House. That bill went to the Senate, and before its consideration there was had the Department sent to the Senate another estimate, increasing the deficiency estimate. The Senate increased the amount of the House appropriation to $100,000, and when it came back to the House and I saw for the first time the increased estimate of the Department I at once moved concurrence in the Senate amendment, which was carried.

But yet Mr. Painter goes on to say:

If you are doubtful as to your responsibility for the non-concurrence of the House in this amendment, I will respectfully refer you to the CONGRESSIONAL RECORD for February 1, 1884, pages 823 and 824.

He seeks to make me responsible for the omission of a former committee and for delay for which I was not responsible, but for which the Department of the Interior was responsible, in not sending to this House the correct estimate at once, and also in not asking us to dispense with the usual delays and formalities of advertising for the purchase of the emergency supplies.

Then Mr. Painter goes on to say:

Your assertion, made with great positiveness and reiteration, that your committee had given every dollar that had been asked for by the Commissioner of Indian Affairs caused the House to reject the Senate amendment; and a delay ensued before you were forced to correct the mistake, which was fatal to many poor starving Indians.

At the time that I asked the House to non-concur in the Senate amendment I had not seen the increased deficiency estimate sent only to the Senate. I knew we had voted every dollar asked of the House, and I thought the Senate had doubled the House appropriation without proper consideration. As I have just stated, this mistake was promptly corrected so soon as I saw the increased estimate.

Originally there was some delay in looking into this matter, but in this I was not wholly to blame. Certainly the neglect was not intentional. The causes of that delay were chiefly to be found in the fact that the committees and subcommittees were not announced; for you will remember, Mr. Speaker, that you did not announce the committees until the day the House took its holiday adjournment, and the subcommittees were not announced until the reassembling of Congress after the holidays. So soon as the Indian bill was assigned to me and this matter was brought to my attention the appropriation was reported by me to the committee, and by its order to the House, and passed. There was no delay so soon as I knew the facts, for when the Senate returned to us the bill amended, and I found that the Department had made to them a renewed and greater demand, it was most cheerfully concurred in. And the Indians had all the while been suffering since November, not under any bill that I had framed, as Mr. Painter declares, but under a bill prepared in the Forty-seventh Congress, and with the preparation of which I had not the slightest thing to do.

Mr. CHACE. Now, will the gentleman excuse me right there, because my memory differs from his. If I remember aright, the Secretary of the Interior had made a demand for $138,000, which I brought to the gentleman's attention, and he said to me, "You let this matter go to the Senate; let them amend it, and we will not object."

Mr. ELLIS. I have no recollection of any such thing. If the gentleman will examine the column of figures of the document No. 18, which I send him, he will find out where he, as well as this most Christian gentleman, Mr. Painter, obtained his information.

Mr. CHACE. This is none of my quarrel, but that is my recollection.

Mr. ELLIS. Then he goes on to say——

Mr. CHACE. Very well; this document calls for $138,000.

Mr. ELLIS. I beg your pardon; read it again, and you had better send it to Mr. Painter and let him read it. [Laughter.] Does the gentleman from Rhode Island discover his error? [A pause.]

Mr. CHACE. I see that this does not call for $138,000.

Mr. ELLIS. That is exactly the document upon which the action of the House, led by me, was based. It calls for $50,000 for these Indians. We gave it all; but yet Painter stoutly affirms that I cut down the estimates.

Then he goes on:

At Fort Belknap the suffering would have been just as great but for the fact that it was near a large military post, and that the men——

Mr. Speaker, I am ashamed to read this paragraph penned by this Christian gentleman, but he thrusts it upon the attention of the country in the public prints to fasten upon me its infamy as its author. He says in effect that the men brought their wives and daughters there and made merchandise of them. He attributes the responsibility of that to me, this Christian gentleman! Why, sir, had he been informed as to those Indians, had he read the history of the people of whose cause he is the self-constituted advocate, he would have found in the records of the Lewis and Clarke expedition of 1804 that when the expedition reached that northwestern country and went on to the mouth of the Columbia River, the very queens, the wives of the kings of the tribes, brought there their females for merchandise. This most Christian gentleman is as ignorant as he is mendacious in seeking to impress upon the country the idea that the traffic in females is new among the Indians, or in this case was necessitated by want and starvation.

Now, Mr. Speaker, I have this to say: In the committee, among my associates, I fear I am almost considered a "crank" on this Indian question. I have advocated their cause with a zeal that has at times seemed almost a passion. I have held that the United States should to the very letter fulfill every treaty stipulation made with the Indian. I have urged in behalf of his civilization and development the most liberal appropriation of money for educational purposes. The appropriation for such purposes this year is increased about $45,000 or $48,000 over the appropriation in the current year's bill, and nearly $250,000 over the appropriation for the last fiscal year.

Now let us see about this cutting down of estimates for support. In 1884 the estimates of the Department under which this suffering occurred were $417,000. The Committee of the Forty-seventh Congress responded with an appropriation of $243,000. This was done when my friend and colleague on the committee [Mr. KEIFER] was Speaker, and

when the bill was prepared by my honored friend from Kansas [Mr. RYAN], and, with the lights before us then, prepared most judiciously and wisely I believe, and in perfect accord with the settled policy of Congress to gradually cut down the supports and teach the Indian to become self-supporting.

Now, what was the extent of my cutting down the estimates? The estimates for 1885 were $391,000. I responded with an appropriation of $246,000. I do not include in this the deficiency appropriations. To-day, for the year 1886, the estimates are $390,000, and the amount proposed to be appropriated by this bill is $346,000. So much for the ruthless cutting down of estimates as alleged by Mr. Painter. It will be seen that if this has been done in the past, it has not been done in nearly so great a degree by myself in the preparation of this bill.

Mr. Speaker, I have nothing more to say in regard to this matter. These personal matters are most offensive to me. I shrink from them. I have tried to do my duty. I said in the outset that unless I convicted this gentleman of misstatements I would apologize to him most humbly. I have no apology to make to Mr. Painter. I think the House and the country and the public journals that he has deceived will concur in excusing me from apology to Mr. Painter. Mr. Speaker, I commend him again to a study of the story of Ananias and to a careful consideration of the ninth commandment. [Laughter and applause.]

Mr. RYAN. Mr. Speaker, I only care to add a word to what has been well said by my colleague, and that is that the appropriations made for these Indians for the fiscal year 1883 seem to have been sufficient. No deficiency was asked for, and of course no deficiency was appropriated.

These Indians consist of several tribes. First, the Blackfeet, Bloods, and Piegans. The estimate made by the Department for 1884 was precisely the same as for 1883 for this tribe of Indians. The amount appropriated for 1884 was precisely the amount appropriated for the preceding year for these Indians.

Take another tribe, the Crows. The amount estimated for 1884 was precisely the same amount estimated for the year preceding. The amount appropriated for their support for 1884 was precisely the same amount appropriated for 1883.

Take another tribe, the Assinaboines, of Montana. The estimate for these Indians for 1884 was precisely the same as for 1883, and the amount appropriated for 1884 was precisely the same amount appropriated for the preceding year.

Take another tribe, the Gros Ventres, in Montana. There the amount estimated in 1884 was precisely the same amount estimated in the preceding year. The amount appropriated was but $2,000 less.

Take the Indians at Fort Peck agency. The amount estimated for those Indians for 1884 was precisely the amount estimated for the preceding year, and we gave them but $5,000 less in 1884 than in 1883.

So that with the light we had before us when we prepared the bill for 1884 we had every reason to believe the appropriations made for 1883 would be ample and sufficient. But a contingency happened after that which could not have been well foreseen by the committee, namely, among some of the tribes game began to and did almost wholly disappear, and their crops were an absolute and total failure. These things could not well have been anticipated. The result was that when the Forty-eighth Congress assembled it was called upon to vote a deficiency, and a deficiency of $100,000 was appropriated.

That ground has been all gone over by my estimable colleague, whom I have always found zealous to do justice to the Indians and to every other interest, and I need not go over it again. [Applause.]

Mr. ELLIS demanded the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. Under the rule the vote on the passage of the bill must be taken by yeas and nays.

Mr. WASHBURN. Can not that be dispensed with by unanimous consent?

Mr. RANDALL. I object.

The question was taken; and it was decided in the affirmative—yeas 240, nays 7, not voting 77; as follows:

YEAS—240.

Adams, G. E.	Bratton,	Clay,	Dingley,
Aiken,	Breckinridge,	Clements,	Dockery,
Alexander,	Breitung,	Cobb,	Dowd,
Anderson,	Brewer, F. B.	Connolly,	Eaton,
Atkinson,	Brewer, J. H.	Cook,	Elliott,
Bagley,	Brown, W. W.	Cosgrove,	Ellis,
Ballentine,	Browne, T. M.	Covington,	English,
Barbour,	Buchanan,	Crisp,	Evans,
Barksdale,	Budd,	Culbertson, W. W.	Everhart,
Barr,	Burnes,	Cullen,	Findlay,
Bayne	Cabell,	Curtin,	Finerty,
Beach,	Caldwell,	Cutcheon,	Follett,
Bennett,	Campbell, Felix	Dargan,	Forney,
Bingham,	Campbell, J. E.	Davidson,	Funston,
Bisbee,	Campbell, J. M.	Davis, G. R.	Garrison,
Blanchard,	Candler,	Davis, R. T.	Geddes,
Blount,	Cannon,	Deuster,	George,
Boutelle,	Chace,	Dibble,	Gibson,
Brainerd,	Clardy.	Dibrell,	Glascock,
Goff,	Libbey,	Phelps,	Swope,
Greenleaf,	Long,	Poland,	Taylor, J. D.
Guenther,	Lore,	Post,	Taylor, J. M.
Halsell,	Lovering,	Potter,	Thomas,
Hammond,	Lowry,	Price,	Throckmorton,
Hanback,	Lyman,	Pryor,	Tillman,
Hardeman,	McAdoo,	Pusey,	Townshend,
Harmer,	McComas,	Randall,	Tucker,
Hart,	McCormick,	Ranney,	Tully,
Hatch, H. H.	Matson,	Ray, G. W.	Turner, H. G.
Hatch, W. H.	Maybury,	Ray, Ossian	Valentine,
Haynes,	Millard,	Reed,	Van Alstyne,
Hemphill,	Miller, J. F.	Reese,	Vance,
Henderson, D. B.	Miller, S. H.	Riggs,	Van Eaton,
Henderson, T. J.	Mills,	Rockwell,	Wait,
Henley,	Mitchell,	Rogers, J. H.	Wakefield,
Herbert,	Money,	Rogers, W. F.	Wallace,
Hewitt, A. S.	Morgan,	Rosecrans,	Ward,
Hewitt, G. W.	Morrill,	Rowell,	Warner, A. J.
Hill,	Moulton,	Russell,	Warner, Richard
Hoblitzell,	Muldrow,	Ryan,	Washburn,
Holman,	Murphy,	Seney,	Weaver,
Holmes,	Murray,	Seymour,	Wellborn,
Hopkins,	Mutchler,	Shively,	Weller,
Horr,	Neece,	Singleton,	Wemple,
Houk,	Nelson,	Skinner, C. R.	White, J. D.
Houseman,	Nicholls,	Skinner, T. G.	Whiting,
Hunt,	Nutting,	Slocum,	Wilkins,
James,	Oates,	Smalls,	Williams,
Jeffords,	O'Ferrall,	Smith, A. Herr	Wilson, James
Jones, B. W.	O'Hara,	Snyder,	Wilson, W. L.
Jones, J. H.	O'Neill, Charles	Spooner,	Winans, E. B.
Jordan,	Paige,	Steele,	Wise, G. D.
Kean,	Parker,	Stephenson,	Wise, J. S.
Keifer,	Patton,	Stewart, Charles	Wolford,
Ketcham,	Payne,	Stewart, J. W.	Wood,
Kleiner,	Peel,	Stockslager,	Woodward,
Lamb,	Pierce,	Storm,	Worthington,
Lanham,	Perkins,	Strait,	Yaple,
Lawrence,	Peters,	Sumner, C. A.	York,
Lewis,	Pettibone,	Sumner, D. H.	Young.

NAYS—7.

Blackburn,	Culberson, D. B.	King,	Turner, Oscar
Cox, W. R.	Hepburn,	McMillin,	

NOT VOTING—77.

Adams, J. J.	Dorsheimer,	Hurd,	Reagan,
Arnot,	Dunham,	Hutchins,	Rice,
Belford,	Dunn,	Johnson,	Robertson,
Belmont,	Eldredge,	Jones, J. K.	Robinson, J. S.
Bland,	Ellwood,	Jones, J. T.	Robinson, W. E.
Bowen,	Ermentrout,	Kelley,	Shaw,
Boyle,	Ferrell,	Kellogg,	Smith, H. Y.
Broadhead,	Fiedler,	Lacey,	Spriggs,
Brumm,	Foran,	Laird,	Springer,
Buckner,	Fyan,	Le Fevre,	Stevens,
Burleigh,	Graves,	McCoid,	Stone,
Carleton,	Green,	Milliken,	Struble,
Cassidy,	Hancock,	Morrison,	Talbott,
Chalmers,	Hardy,	Morse,	Taylor, E. B.
Collins,	Hiscock,	Muller,	Thompson,
Converse,	Hitt,	Ochiltree,	Wadsworth,
Cox, S. S.	Holton,	O'Neill, J. J.	White, Milo
Craig,	Hooper,	Payson,	Willis,
Davis, L. H.	Howey,	Rankin,	Winans, John.

So the bill was passed.

On motion of Mr. ELLIS, by unanimous consent the reading of the names was dispensed with.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. RANKIN with Mr. BRAINERD.
Mr. MORRISON with Mr. PAYNE.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. HARDY with Mr. WADSWORTH.
Mr. CARLETON with Mr. RICE.
Mr. FIEDLER with Mr. ELLWOOD.
Mr. FORAN with Mr. HITT.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. MULLER with Mr. HOWEY.
Mr. GREEN with Mr. BRUMM.
Mr. COX, of New York, with Mr. KELLEY.
Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.
Mr. BROADHEAD with Mr. BOWEN.

The following were announced as being paired for to-day.

Mr. FERRELL with Mr. MILLIKEN.
Mr. THOMPSON with Mr. HOLTON.
Mr. SPRINGER with Mr. DUNHAM.
Mr. TALBOTT with Mr. OCHILTREE.
Mr. O'NEILL, of Missouri, with Mr. MCCOID.
Mr. BLAND with Mr. LACEY.
Mr. ERMENTROUT with Mr. JOHNSON.
Mr. ROBERTSON with Mr. SMITH, of Iowa.

The result of the vote was then announced as above recorded.

Mr. ELLIS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPROVEMENT OF NATALBANY RIVER.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting report of a preliminary examination of Natalbany River, Louisiana, with estimate of the cost of improving the same; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

UNION METALLIC CARTRIDGE COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers referring to Senate bill 420 and House bill 5278 for the relief of the Union Metallic Cartridge Company; which was referred to the Committee on Patents, and ordered to be printed.

POSTMASTERS' LOSSES BY FIRE, ETC.

Mr. SKINNER, of New York, by unanimous consent, introduced a bill (H. R. 8031) to amend an act entitled "An act authorizing the Postmaster-General to adjust the claims of postmasters for losses by burglary, fire, or other unavoidable casualty," approved March 7, 1882; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

LEAVE OF ABSENCE.

By unananimous consent leave of absence was granted to Mr. FERRELL for one week, on account of sickness in his family.

And then, on motion of Mr. WARNER, of Ohio (at 5 o'clock and 6 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition of John Henry Harrover, asking for compensation for personal injuries sustained during the late war—to the Committee on War Claims.

By Mr. BUDD: Petition of janitors of stations, District of Columbia, for an increase of salary—to the Committee on the District of Columbia.

By Mr. DAVIDSON: Bill making an appropriation for the improvement of Pensacola Harbor, Florida—to the Committee on Rivers and Harbors.

By Mr. G. R. DAVIS: Petition from J. A. Mulligan Post, No. 306, G. A. R., Chicago, Ill., urging the purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

Also, resolutions of the Board of Trade of Chicago, in favor of the Potter refunding bill—to the Committee on Ways and Means.

Also, resolutions of the Board of Trade of Chicago, urging Congress to acquire right and title for the Government in the Portage Lake and Lake Superior Canals—to the Committee on Commerce.

By Mr. D. B. HENDERSON: Petition of Nancy J. Arwine and 30 others, of Troy Mills, Iowa, urging an increase of widows' pensions—to the Committee on Pensions.

By Mr. FOLLETT: Petition of Sophia G. Mitchel and Eliza J. Mahon, of Palatine Hill, Miss.—to the Committee on War Claims.

Also, petition of James M. Seeds, of Cincinnati, Ohio—to the same committee.

By Mr. GEDDES: Resolution of M. F. Wooster Post, No. 34, G. A. R., Department of Ohio, for the passage of the bill to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HAYNES: Petition of Elmira Davis and 9 others, of New Ipswich, N. H., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. KLEINER: Petition of citizens of Stewartsville, Ind., asking for an increase of widows' pensions—to the same committee.

By Mr. LACEY: Resolutions of the Michigan State board of agriculture, in favor of the passage of H. R. 7498, establishing agricultural experiment stations—to the Committee on Agriculture.

By Mr. LYMAN: Petition of Adeline A. Cooledge, Cochituate, Mass.—to the Committee on Invalid Pensions.

By Mr. McADOO: Protest of Bricklayers' and Masons' International Union of America, in convention assembled, against the repeal of mechanics' lien law in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MULDROW: Papers relating to the claim of William Surratt, of Alcorn County, Mississippi—to the Committee on War Claims.

By Mr. NICHOLLS: A bill to provide for the survey of the entrance of Doboy Sound, in the State of Georgia—to the Committee on Rivers and Harbors.

By Mr. PATTON: Petition of 39 citizens of Emlenton; of 19 citizens of Elk City; of 23 citizens of Curllsville; of 55 citizens of Manorville, and of 40 citizens of Clarion, Pa., asking for the appropriation of $268,000 for the improvement of the Allegheny River and its tributaries—to the same committee.

By Mr. PAYSON: Petition of George P. Mulcahy and others, of Wheaton, Traverse County, Minnesota, for restoration of indemnity lands—to the Committee on the Public Lands.

By Mr. ROSECRANS: Concurrent resolution of the Legislature of California, requesting Congress to pay California Indian war debt—to the Committee on War Claims.

By Mr. A. H. SMITH: Remonstrance of J. E. Wittmer and 50 others, citizens of York County, Pennsylvania, against the ratification of the treaty with Spain—to the Committee on Ways and Means.

By Mr. E. B. TAYLOR: Petition of Jason N. Watson, for a pension—to the Committee on Pensions.

By Mr. VAN ALSTYNE: George R. Meneely & Co. and others, urging the passage of the reciprocity treaty with Mexico—to the Committee on Ways and Means.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. FUNSTON: Of citizens of Blue Rapids, Kans.

By Mr. LACEY: Of Elias D. Williams and 90 others, citizens of Barry County, Michigan.

By Mr. NUTTING: Of 26 citizens of Madison County, of 62 citizens of Oswego County, of 66 citizens of Oswego County, and of 84 citizens of Madison County, New York.

By Mr. G. W. RAY: Of citizens of Chenango County, of Delaware County, of Walton, Delaware County, and of Smithville, Chenango County, New York.

By Mr. SENEY: Of Samuel J. Browne and 145 others, of Hancock County, Ohio.

By Mr. TOWNSHEND: Of citizens of Franklin County, Illinois.

SENATE.

FRIDAY, *January* 23, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. GEORGE. I present a resolution of the Federation of Labor Unions of the District of Columbia. It is very short, and I ask that it be read and laid on the table, as the bill to which it refers is now on the Calendar.

There being no objection, the resolution was read, and ordered to lie on the table, as follows:

To the honorable the Senate of the United States:

Resolution adopted by the Federation of Labor Unions of the District of Columbia, Tuesday evening, January 20, 1885.

Whereas the House of Representatives has passed a bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract; and

Whereas said bill having been favorably reported to the Senate of the United States from the Committee on Education and Labor of that body, and its consideration postponed until the second Thursday in December, 1884, and then again denied consideration; and

Whereas this measure having been unanimously indorsed by the workingmen of the country in their organized capacity in the belief that its passage would tend to increase their prosperity and happiness: Therefore,

Resolved, That the Federation of Labor Unions of the District of Columbia very respectfully, but very earnestly, petition the Senate to consider and pass House bill No. 2550 at an early day, so that its enactment into law may not be endangered by reason of the usual press of business during the closing days of the session.

Mr. LAPHAM presented a memorial of merchants and manufacturers of New York city, urging the immediate ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. PALMER presented the petition of Adam Duncan and other citizens of Houghton County, Michigan; the petition of D. F. McDonald, Henry Pratt, and other citizens of Houghton County, Michigan, and the petition of E. L. Wright and other citizens of Hancock, Mich., praying for the purchase by the Government of the two canals across Keweenaw Point, Mich., in accordance with the report of the Secretary of War; which were referred to the Committee on Commerce.

Mr. ALLISON presented a memorial of the Cigar-makers' Union of Avoca, Iowa, and a memorial of the Cigar-makers' Union of Burlington, Iowa, remonstrating against the ratification of the Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. PENDLETON. I present the petition of James M. Dalzell, of Caldwell, in the county of Noble, State of Ohio, representing that he was a private in Company H, One hundred and sixteenth Ohio Volunteer Infantry; that he is entered on the pension-rolls of the United States at the rate of $6 per month; that he received no arrears of pension before January 1, 1883, because of the operation of the statute of limitation; that he is poor, has a large family, and desires that he be put upon the pension-roll by the action of the two Houses of Congress at the rate of $16 per month with arrears of pension from the date of his discharge. I move that the petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. MILLER, of New York, presented a memorial of the National Cigar Manufacturers' Association, remonstrating against the ratification

of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

Mr. McMILLAN presented a petition of the Saint Paul (Minn.) Chamber of Commerce, praying for such legislation as will result in the United States acquiring title to and ownership of the Lake Superior Ship-Canal Companies and the Portage Lake and River Improvement Company's canals and water ways connecting the Keweenaw Bay with the waters of Lake Superior, in the Upper Peninsula of Michigan; which was referred to the Committee on Commerce.

He also presented a memorial of the Saint Paul (Minn.) Chamber of Commerce, favoring such a treaty with the Spanish Antilles as shall open their markets to the products of the United States; which was referred to the Committee on Foreign Relations.

Mr. BAYARD presented the petition of H. A. Du Pont and other citizens of Delaware, in favor of civil-service reform, and praying the repeal of the present laws fixing terms of four years for certain civil offices; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 5249) to provide a criminal code for the District of Columbia, reported it without amendment.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of Mary E. Fillebrown, widow of Commodore Thomas Scott Fillebrown, praying for a pension of $50 a month, submitted an adverse report thereon, which was agreed to; and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1747) granting a pension to Patrick O'Brian;

A bill (S. 1260) granting a pension to William J. Duley; and

A bill (S. 1780) granting a pension to Benjamin Goodwin.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1183) granting a pension to Hugh O'Neil, reported it without amendment, and submitted a report thereon.

Mr. MORGAN, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MAHONE, from the Committee on Naval Affairs, to whom was referred the bill (S. 2368) requiring the use of domestic material in the construction and repair of Government vessels, steam-boilers, and ordnance, reported it with an amendment.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4036) to increase the pension of Thomas Ward, to submit an adverse report thereon.

Mr. VOORHEES. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 3612) granting a pension to Hayden Reynolds; and

A bill (H. R. 5812) granting a pension to Ellen A. Vance.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee, reported it with amendments, and submitted a report thereon.

Mr. MANDERSON. I am directed by the Committee on Private Land Claims, to whom was referred the bill (S. 79) to amend an act entitled "An act to confirm certain private land claims in the Territory of New Mexico," to report it back adversely. I ask that the committee be discharged from the further consideration of the bill and that it be indefinitely postponed.

Mr. MILLER, of New York. That is a bill which was introduced by myself by request. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HOAR, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DISTRICT WATER-SUPPLY.

Mr. INGALLS. I am directed by the Committee on the District of Columbia, to which was referred the resolution offered by the Senator from Alabama [Mr. MORGAN] calling for information from the Secretary of War relative to the construction of the new reservoir in the District of Columbia, to report it back with a recommendation that the committee be discharged from its further consideration and that the resolution lie upon the table. The resolution is accompanied by a report upon the subject from Major Lydecker, the engineer commissioner of the District, which I ask may be printed.

The PRESIDENT *pro tempore*. The committee will be discharged from the further consideration of the resolution and it will be laid upon the table, if there be no objection. The Senator from Kansas moves that the report of Major Lydecker, accompanying the papers returned by the committee, be printed. That order will be entered if there be no objection.

SAMUEL M. THOMPSON.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson, to report it favorably with an amendment. I ask the consent of the Senate to take up the bill and put it upon its passage. I think there can be no possible objection to it. The person whose pension the bill proposes to increase is over 84 years old and is entirely dependent. I ask that the Senate pass the bill for his relief.

Mr. COCKRELL. Let it be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Thompson, a private in the Mexican war under Col. E. D. Baker, and colonel of the Fourth Illinois Regiment of Volunteers in the Black Hawk war, and pay him a pension of $50 per month, in lieu of that which he now receives.

Mr. CULLOM. The amendment of the committee reduces the amount of pension to $25 from $50, as proposed in the original bill.

Mr. COCKRELL. Why should this bill be considered in preference to all other pension cases?

Mr. CULLOM. I was about to state that this man——

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? Debate is not in order until the Chair has ascertained if there is objection to its consideration.

Mr. CULLOM. I ask consent to make a statement, and then I think there will be no objection to the bill being considered and passed this morning.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Illinois will proceed. The Chair hears none.

Mr. CULLOM. The person who is provided for by the bill is over 84 years of age and absolutely dependent. He has no immediate family upon whom he can rely; and unless the bill is passed immediately it will not go through both Houses perhaps at this Congress. I hope the Senator from Missouri will withdraw objection to it on that account.

Mr. COCKRELL. I shall not object to its consideration, but I wish to hear the amendment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Pensions was, in line 9, before the word "dollars," to strike out "fifty" and insert "twenty-five;" so as to read:

And pay him a pension of $25 per month, in lieu of that which he now receives.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. COCKRELL. What is he now receiving?

Mr. CULLOM. He is now receiving a pension of $12 a month, which is not enough to support him. He is over 84 years old and entirely dependent.

Mr. COCKRELL. I have a bill pending before the Committee on Pensions which proposes to pension a man who is as old as this man, who is not drawing any pension, and I should be satisfied to place him on the pension-roll at $8 per month. His service antedates the service of this man. His injuries were received in a battle where the late President Lincoln commanded a company, and it was beside Captain Lincoln that this old soldier retreated from the battlefield where they had been fighting Indians and in which he had been wounded, and it was Captain Lincoln who dismounted from his horse and bandaged his wounds and saved him. That bill has been pending some time, and I see no necessity for this discrimination.

Mr. CULLOM. I ask the Senator from Missouri to name the person to whom he alludes, and we will see if we can not get a report on the bill. But in this case, as a matter of fact, the person named was in the Black Hawk war as well as in the Mexican war. He is absolutely dependent for existence, and if the bill is to be passed at this Congress it ought to be acted upon at once. I should not ask the consideration of the bill if the man was not as old as he is and so absolutely dependent. I hope the Senator from Missouri will not oppose the passage of the bill, as it is only proposed to give this man just what is supposed to be sufficient to keep him from absolute distress.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SUITS FOR DAMAGES.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or cor-

poration in the District of Columbia, directs me to report it with an amendment in the nature of a substitute, and also instructs me to ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I ask unanimous consent that the substitute which the committee reports be read instead of the original bill.

Mr. SHERMAN. As the bill is short, I should like to hear the bill read so as to see the connection. The bill is short, I understand.

Mr. HARRIS Yes; it is a short bill. Let it be read first.

The Chief Clerk read the bill.

The amendment reported by the Committee on the District of Columbia was to strike out all after the enacting clause and to insert:

That whenever within the limits of the District of Columbia the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or, if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony: *Provided*, That in no case shall the recovery exceed the sum of $10,000.

SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person, and within two years after the death of the party injured.

SEC. 3. That the damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family, and be distributed according to the provisions of the statute of distributions in force in said District of Columbia.

Mr. HOAR. I wish to inquire of the Chair as to the parliamentary condition of the bill. Has the Senate agreed to consider it at the present time?

The PRESIDENT *pro tempore*. The Senate has.

Mr. HOAR. I hope it will be permitted to go over. I do not think it accomplishes as written the purpose for which it was drawn. My attention was drawn away when the bill was taken up.

The PRESIDENT *pro tempore*. The Senator from Tennessee reported it this morning and asked unanimous consent that it be now considered. The Chair asked whether unanimous consent was given and it was granted.

Mr. HARRIS. If the Senator from Massachusetts desires to look at the bill, I shall not insist upon proceeding with the consideration of it. If he desires it to go over I shall not insist.

Mr. HOAR. Before the bill goes over I will state my point to the Senator. A similar matter came up when I was a member of the other House.

I suppose it is well settled at common law that the death of a person injured by the tort or the tortious negligence of another is not itself a substantive subject of damages; that the recovery in such a case would be limited to compensation for the injury which the person injured suffered in his lifetime. That is, if a man were injured by the negligence of a railroad company and died, having lived in suffering for twenty-four or forty-eight hours, his administrator could not anywhere recover more (and at common law I suppose the action would die with the person) than for the twenty-four or forty-eight hours' suffering.

I suppose it is the purpose of this bill to do what similar statutes have done in many States of the Union and in England, to authorize the death itself to be an element of damage, of which the family shall reap the benefit to the limited extent described in the bill; but as I heard the bill read at the desk I am afraid it does not clearly accomplish that object, and that the point would still be open to the defendant to say that the act of Congress has authorized the recovering of damages after the death of the person injured and the distribution of those damages among the family to the exclusion of creditors, but has not authorized the fact of death itself to be taken into account in measuring the damages. That should be done, I think, to the limit of $5,000 or $10,000, or whatever may be considered a reasonable limit. It is $5,000 in my State. I see this bill proposes a limit of $10,000. For instance, if a man is instantly killed, so that he sustains no damage in his lifetime, or if the damage which he sustains is clearly trifling, I think still up to some amount to be fixed and limited the killing of the person should be a ground of damage to his surviving family. It occurred to me that the bill may require some amendment in that particular.

Mr. HARRIS. It was certainly the object of the committee to provide for the very case that the Senator from Massachusetts thinks it possible we have not sufficiently guarded. However, in view of the suggestion of the Senator from Massachusetts, I will ask that the bill as proposed to be amended be printed and go over until to-morrow, because if it is subject to the criticism the Senator from Massachusetts makes it is certainly desirable that the point should be distinctly and clearly covered.

Mr. RIDDLEBERGER. Before the Senator from Tennessee withdraws the bill, I think possibly a word of explanation may satisfy the Senator from Massachusetts. I introduced a similar bill early in the last session, and I think it passed the Senate by a unanimous vote, exactly in the words in which this bill comes here to-day. It provides for nothing except that actions may lie where death ensues from the wrongful act, neglect, or default of a person or corporation. We all understand that actions lie for injuries, but that the action dies with the person injured. The bill changes no principle of the common law save and except that alone.

I will further state to the Senator from Massachusetts that the bill as now presented is an exact copy of the English statute, I think third Victoria, which has been passed by most of the States of the Union, with the single exception of the provision which limits the recovery to $10,000. It is the same as the bill that we passed last session and which went to the other House. The other House sends us back a bill——

Mr. HARRIS. If the Senator from Virginia will allow me, I will state that my memory was exactly the same as the memory of the Senator from Virginia as to the fact that the Senate had passed the bill that we reported last summer, but upon examination I find that both the Senator from Virginia and I were mistaken. The Senate has not acted upon the bill that we reported last summer. I have examined the Journal to see.

Mr. RIDDLEBERGER. If I am mistaken in that I ask the pardon of the Senate; but I think yet I am not mistaken. I think I was very earnest in pressing that bill upon the attention of the Senate, and my recollection is that it was passed.

Mr. HARRIS. The bill is now upon the Calendar.

Mr. RIDDLEBERGER. However, that is what the bill provides for. It seems to me that we are about as ready to consider it now as we shall be at any other time. If I may be within the parliamentary usage in stating that the other House has but two more District days, I desire to be understood as making that statement as a reason why, if we propose to legislate on matters pertaining to the District of Columbia at all, we ought to do it as quickly and as promptly as possible.

If there be any objection to that simple change in the common law, then an objection will lie to this bill. If there be no objection to such a change, then there can be no objection to the bill. I ask the Senator from Massachusetts if this statement is not satisfactory to him. Of course if it is not I will agree to let the bill go over.

Mr. HOAR. The statement of the Senator from Virginia, as I understand it, indicates that the bill is defective in the point which I pointed out, and, if so, I think the whole Senate will desire some change of phraseology. It is in entire sympathy with the purpose of the Senator that I make this suggestion, and not in opposition to it. I suppose it is true that legislation which passes by unanimous consent in the Senate is quite as likely to have some defect of expression as that which passes after severe scrutiny and discussion; and it is also true that the most careful draughters of bills here find frequently that some new view or some point which has not occurred to them is suggested by other Senators. I find it so in my own experience, I know, very often.

The point which I make I should like to repeat for the understanding of my honorable friend from Virginia, if he will kindly give me his attention one moment. Under this bill as it is proposed, although the person injured dies and an action is given to the administrator—it is not brought in the name of the person injured after his decease—I am afraid the rule of damages which the common law prescribes would be left unchanged; that is, in estimating the damages no account whatever can be taken of the fact of the death. In other words, it is not anything more a damage if the person dies than if he recovers. I think under the bill, if a person should be killed and the widow, the administratrix, brought a suit, the man having lived six hours after his injury, the court would tell the jury, "You can not take into consideration the fact that the man died and did not recover from the injury. That is not an injury to the man in his lifetime. You can only take into consideration his six hours' suffering, he having lived six hours after the injury before he died." I suppose the Senator wants what I want, and what I think the whole Senate wants; he wants to provide in fixing the limit of $10,000 that the fact of the man's being killed may be taken into consideration.

Mr. RIDDLEBERGER. I will only say a single word further, by the courtesy of the Senate. I would not ordinarily be so certain that a bill accomplished the purposes and objects had in view were it not for the fact that I know this bill is a *verbatim* copy of the statute of which I have spoken, the English statute, and the statutes adopted by a large number of the States, and that as a law it has been passed upon by the appellate courts of a large number of the States and by the Supreme Court of the United States. The very question suggested by the Senator from Massachusetts was passed upon by the Supreme Court. It has been held here in the Supreme Court room that under that statute (and I may here parenthetically remark that it has been so held in England) damages are recoverable for the death as for the suffering before death, taking into consideration the pecuniary value of the life, and all damages that could possibly ensue under the old common law. The only change is the one which I suggested before, that the action subsists beyond the death.

With this, sir, I am willing to defer to the Senator from Massachusetts and give him the time he wants to consider the bill, but I do hope that it will be the pleasure of the Senate to consider it at as early a day as possible.

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Chair understands the Senator from Tennessee [Mr. HARRIS] as moving to lay the bill on the table until to-morrow.

Mr. HARRIS. I ask that the amendment be printed, and I shall ask the Senate to-morrow morning to proceed with its consideration.

The PRESIDING OFFICER. The amendment will be ordered to be printed and the bill will be placed on the Calendar.

STREETS OF WASHINGTON.

Mr. BROWN. The Committee on the District of Columbia were instructed by a resolution of the Senate "to inquire whether any additional legislation is necessary to enable the commissioners of the District to keep clean the streets in the city of Washington." We have consulted the commissioners and they respond that they do not need further legislation on the subject, but that they do need an additional appropriation of $5,000 on account of the increased area of the paved streets that are to be kept in order next year. As they will doubtless include that in their estimate and it will go before the Committee on Appropriations, the Committee on the District of Columbia ask to be discharged from the further consideration of the subject.

The report was agreed to.

REMOVAL OF POLITICAL DISABILITIES.

Mr. GARLAND. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia, to report it without amendment and recommend its passage. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. I am also directed by the Committee on the Judiciary to report favorably the bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (S. 2094) to remove the political disabilities of Louis Marquart. The committee in investigating this matter found that the person named does not labor under any disabilities; that his disabilities, so far as any existed, were removed by the act of the 13th of May, 1884; and they instruct me to report the bill back and recommend its indefinite postponement.

The bill was postponed indefinitely.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 4681) for the relief or Yost Harbaugh;

A bill (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon; and

A bill (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas.

BILLS INTRODUCED.

Mr. SABIN introduced a bill (S. 2573) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRISON (by request) introduced a bill (S. 2574) to authorize the construction of a bridge across the Mississippi River near the town or city of Thebes, in Alexander County, Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 2575) for the relief of Peter Collier; which was read twice by its title, and referred to the Committee on Finance.

Mr. ALLISON introduced a bill (S. 2576) granting a pension to W. W. Dennis; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALDRICH introduced a bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony; which was read twice by its title, and referred to the Committe on Printing.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. CAMERON, of Wisconsin, submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

FLAG FROM THE WOMEN'S SILK CULTURE ASSOCIATION.

The PRESIDENT *pro tempore.* The Chair asks leave to lay before the Senate a communication from the Women's Silk-Culture Association of the United States. If there be no objection the communication will be read.

The Chief Clerk read as follows:

WOMEN'S SILK-CULTURE ASSOCIATION OF UNITED STATES,
Philadelphia, January 23, 1885.

To the honorable members of the Senate of the United States at Washington:

The Women's Silk-Culture Association of the United States, established in Philadelphia in 1880, have since that time demonstrated silk-culture in the United States to a condition and state of progress never before attained, and upon the popularity of which numerous stock companies and individuals have established business centers.

While not deprecating such conditions, we do ask that the questions, by whom and how was the industry introduced be answered by honestly and properly accrediting their just due to its rightful authors, the Women's Silk Culture Association of the United States, who herewith present to the Senate of the United States at Washington a truly American national flag, in the sense that the silk produced for this flag was raised in American homes by American women and children, reeled by the Women's Association of Philadelphia (who are the only reelers of commercial silk in the country up to this time), spun, dyed, woven, and mounted in the city of Philadelphia, and through the liberality of Mrs. C. C. Thum, of the association, who generously offered to defray the expense incurred in producing the flag, the association are enabled to offer it to the national Capitol as a memento of our success in starting silk-culture as an industry for our American sisters. We ask for this flag a place in the Halls of our National Government, that it may bear witness to the faithfulness of our effort and to the quality of our American product, both agricultural and mechanical.

This is not the first fruits of specimen products of the association. The Garfield brocade, presented to the widow of our late lamented President, was manipulated by our association, and its wonderfully beautiful quality and design displayed to our statesmen at Washington.

A State and national flag have been presented to the State Legislature of Pennsylvania, made of native silk, grown in the summer of 1883, and put through all the processes of manufacture in the city of Philadelphia.

Besides these national gifts the association has had American silk worked up into knitting silk, brocade, gros-grain silk, and chenille, and in every form the quantity and quality has proved a good and profitable result.

For statistics we refer you to our fourth annual report, just to be issued, and to the files of Daily Silk Record, published by the association during the late exhibit. And begging your acceptance and a place of honor for this flag, we also ask that due consideration shall be given to this association when the National Government may see fit to aid this industry.

American women are raising silk-worm eggs far superior to foreign breeds. What the industry needs is experimental stations, where the process of culture and reeling shall be established, and where the experience and knowledge of foreign operations shall be united to American talent, industry, and intelligence.

Remember, we are the silk association of the United States; our correspondence, our information, and progress belong to nearly every State in the Union. The California association is modeled after our own, but more liberally dealt with by her State.

All the work of our association has been carried on by the most frugal and economical management, but much left undone that could have been accomplished had we the means of perfecting our aims. Therefore we crave the assurance of future good-will and influence in the interests we have stimulated and planted throughout the whole United States.

Mrs. JOHN LUCAS, *President.*
Mrs. MATTHEW SIMPSON,
Mrs. C. C. THUM,
Mrs. WM. B. ELTONHEAD,
Miss PHŒBE HORNE,
Mrs. W. T. REYNOLDS,
Vice-Presidents.
Miss E. T. VAN RENSSELAER, *Recording Secretary.*
Mrs. V. C. HAVEN, *Corresponding Secretary.*
Mrs. E. V. B. OSBOURN, *Chairman P. and S. Committee.*
Mrs. G. W. HALL, *Reeling Committee.*
Mrs. H. P. TAYLOR, *Treasurer.*

Mr. BECK. I offer the following resolutions and ask for their immediate consideration:

Resolved, That the Senate of the United States accepts with thanks the silk flag presented by the Women's Silk-Culture Association of the United States as an example of purely American production of silk culture and manufacture.

Resolved, That the patriotic exertions of the ladies of the association and their coworkers to ameliorate the industrial condition of their country-women and enlarge and diversify female employment receive the cordial appreciation and sympathy of the Senate.

The PRESIDENT *pro tempore.* Is there objection to the present consideration of the resolutions?

Mr. MORGAN. Mr. President——

The PRESIDENT *pro tempore.* Does the Senator object to the consideration of the resolutions?

Mr. MORGAN. No, sir; I rise to support the resolutions.

The PRESIDENT *pro tempore.* The Chair hears no objection. The question is on agreeing to the resolutions.

Mr. MORGAN. I feel very grateful to the Senator from Kentucky that he has introduced these resolutions recognizing the handiwork and patriotism also of the ladies who have honored the Senate with the presentation of this flag. I welcome the flag, with all that it means, into this Chamber and over this Government as thoroughly as any man in the community. There was a time when I was acting in hostility to it. That time will never again arise. The sentiment which it embodies in the present form in which it comes before us is one that adds strength to the bond of union that binds these States together, and one that intensifies the love of country that every American should be proud to enjoy and to express.

As an evidence of the interest of the women of the United States, and particularly of this honorable association, in a domestic industry, it is something admirable in itself, and I think is something that will produce very fine fruits in the United States.

We are yet a very dependent people for this important staple, and we are not to be relieved from our state of dependence, it seems to me, otherwise than through the agency of the women and children of the United States, for the culture of silk is not one of those plantation industries that can be facilitated by large investments of money or by extensive employment of force. It is purely a domestic, a home industry, in which the laborers must necessarily be the women and children of the land. They are qualified by their natural capacities and fitness for such work to produce and to reel silk and to make it a marketable commodity. Men are not qualified for this kind of work. A thousand plantation hands might be employed in the State of Alabama, which is one of the silk-growing regions of this country, in rearing mulberries, and in feeding cocoons, and in reeling silk, and there would come no profit from that investment. A thousand women and children similarly employed would bring great benefit to the country.

I consider this as one of the most necessary as well as useful of all the industries in which the people of the United States can engage. If we will but think for a moment how much of excellent and innocent employment it would bring to thousands of unemployed women of the United States, how much of the comforts of life they would be enabled to earn without any great physical exertion, without exposing themselves to the heats of summer or to the chilly winds of winter, it seems to me that we should have a greater appreciation of the efforts of these ladies to foster and encourage this industry.

Then, Mr. President, there is something very natural as well as very beautiful in the association of women in the silk-culture and in preparing it for commerce. They mutually assist each other; they mutually adorn each other. There is no woman who does not look better in a silk garment, and there is no silk garment that does not look better upon a woman than it does upon a man. There is a natural association between that sex and this industry; and these ladies evince a spirit of benevolence toward their own sex when they take the charge of this subject. It is entirely appropriate that they should do so; and I hope that the Senate of the United States, as far as it may find constitutional authority to do it, may aid and assist and encourage this excellent and beautiful industry which has to-day exhibited itself in the bright, shining folds of the American flag that now appears in the Senate of the United States.

I therefore second the resolution of the Senator from Kentucky.

Mr. DAWES. Mr. President, I have been gratified at this interesting ceremony here, illustrating the great progress and rapid growth of silk manufacture in this country, and it calls up very vividly in my mind an incident in legislation. In 1872, I think it was—it may have been still later, perhaps in 1874—when the Committee of Ways and Means of the House of Representatives were considering the question whether it were possible for the people of this country with any success to engage in the manufacture of silk in competition with the manufacturers of silk in other countries where labor was cheaper, a very distinguished political economist of this country appeared before that committee for the purpose of relieving those manufactures of silk which are made in foreign countries from the duties then imposed upon them, on the ground that the manufacture of silk in the United States was an impossibility, and that therefore the duties upon manufactured silk were simply a tax upon the consumer.

I can not keep out of my mind the statement made at that time that this was utterly impracticable, and yet the census of 1880, eight years at most from the time that statement was made, revealed that there were made annually in this country $41,000,000 of silk manufactured goods; that we were then with one exception the largest silk manufacturing country in the world; that $19,000,000 of capital were invested in that manufacture, and that thirty-four thousand and odd men, women, and children were furnished with employment and wages in that work, and that the cost of silk goods in this country had in the mean time been reduced 34 per cent. To-day I suppose we are the first country in the world in the product of silk manufactures, and this and like goods are the fruit of that system. I congratulate the country upon this occasion for this demonstration of the wisdom of the policy that has nurtured and sustained the manufacture of these goods, and I extend personally to those who have presented this flag my congratulations upon the success attending their efforts under the particular economy of the United States.

The PRESIDENT *pro tempore*. The question is upon agreeing to the resolutions submitted by the Senator from Kentucky.

The resolutions were agreed to unanimously.

ELIZABETH F. ASPER.

Mr. COCKRELL. I ask that Order of Business 1028, being the bill (S. 1594) granting a pension to Mrs. Elizabeth F. Asper, which was placed on the Calendar at my request after having been adversely reported by the Senator from Tennessee [Mr. JACKSON], be stricken from the docket and the bill indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill named by him, adversely reported from the Committee on Pensions on the 20th instant, be taken from the Calendar and indefinitely postponed. That order will be entered if there be no objection. The Chair hears no objection.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. PLUMB. I was under the impression that the resolution of the Senator from Missouri [Mr. VEST] was on the table for consideration under the order of resolutions offered on a previous day. I wish to offer an amendment to it if the Senator himself does not propose an amendment.

The PRESIDENT *pro tempore*. The resolution of the Senator from Missouri was read twice on the 22d instant, and ordered to lie on the table. It does not therefore come before the Senate under the order of resolutions.

Mr. VEST. I move that the Senate now take up the resolution.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate now proceed to the consideration of the joint resolution (S. R. 113) in relation to certain lands in the Indian Territory acquired by the United States from the Creek and Seminole Indians. The question is on that motion.

Mr. CONGER. Let the resolution be read.

The PRESIDENT *pro tempore*. It will be read for information.

The Chief Clerk read the joint resolution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed and empowered to ascertain, by communication with the authorities of the Creek and Seminole Nations of Indians in the Indian Territory, upon what terms the said nations will relinquish and convey to the United States all the right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain, to be divided by a line running north and south," the lands so described in the treaty being now known as "Oklahoma," and being fully described in Senate Executive Document No. 109, Forty-eighth Congress, first session, page 4, and the lands described in article 3 of the Seminole treaty of March 21, 1866 (14 Statutes, page 756).

SEC. 2. That the Secretary of the Interior shall communicate with the authorities of the Creek and Seminole Nations immediately, by special agent or otherwise, as he may deem necessary, and transmit the result to Congress.

The PRESIDENT *pro tempore*. The question is on the motion to take up the resolution.

The motion was agreed to; and the joint resolution was considered as in Committee of the Whole.

The PRESIDENT *pro tempore*. The joint resolution will be read.

Mr. VEST. It has just been read, and it is not necessary to read it again.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the reading be dispensed with.

Mr. INGALLS. It had better be read, I think.

The PRESIDENT *pro tempore*. The joint resolution will be read.

The Chief Clerk read the joint resolution.

Mr. DAWES. I should like to inquire of the Senator from Missouri if that description would not include all that land which has been appropriated for the Iowas and Kickapoos?

Mr. VEST. No, sir; I think not.

Mr. DAWES. I had the impression from reading it that it included that land as well.

Mr. VEST. I drew it with reference to Oklahoma as put now on the map.

Mr. DAWES. I suggested yesterday to the Senator a modification of the resolution.

Mr. VEST. I have an amendment to propose to meet the views of the Senator from Massachusetts.

The PRESIDENT *pro tempore*. The Senator from Missouri offers an amendment to the joint resolution, which will be read.

The CHIEF CLERK. It is proposed to substitute for the resolution the following:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby directed and empowered to ascertain, by communication with the authorities of the Creek, Seminole, and Cherokee Nations of Indians in the Indian Territory, upon what terms the said nations will relinquish and convey to the United States all their right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain," and the lands described in article 3 of the Seminole treaty of March 21, 1866 (14 Statutes, 756), and so much of the lands described in article 16 of the treaty made between the United States and the Cherokee Nation July 19, 1866, as has not been already purchased by the United States from said Cherokee Nation for the purpose of settling friendly Indians thereon, as provided for in said treaty.

SEC. 2. That the Secretary of the Interior shall communicate with the authorities of the Creek, Seminole, and Cherokee Nations immediately, by special agent or otherwise, as he may deem necessary, and transmit the result to Congress.

Mr. SHERMAN. This joint resolution has not yet been considered by any committee, and I know that there are amendments proposed to be offered to it. I suggest, therefore, that without further debate it be referred to the Committee on Indian Affairs. I am also told—I am not a member of that committee—that that committee have already examined many of the facts that enter into the consideration of this resolution, and they have an examination pending before them on the subject of the condition of affairs in this territory. I hope, therefore, without occupying time now, it will be referred to the Committee on Indian Affairs, and that any amendments to be suggested may be now offered and sent to that committee.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Ohio to make a motion?

Mr. SHERMAN. I do move to refer the joint resolution.

Mr. PLUMB. Before that motion is put I desire to offer an amendment, in the nature of a substitute for the resolution, to be printed and go with the resolution if it is to be referred to the committee.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the joint resolution with the amendment proposed by the Senator from Missouri be referred to the Committee on Indian Affairs, pending which the Senator from Kansas asks leave to submit an amendment intended to be proposed for a similar disposition, if that disposition shall be made of the resolution.

Mr. INGALLS. May we hear the amendment read?

The PRESIDENT *pro tempore*. The amendment intended to be proposed by the Senator from Kansas [Mr. PLUMB] will be read for information, if there be no objection.

The Chief Clerk read as follows:

Resolved, That the President be requested to enter into negotiations with such of the Indian tribes in the Indian Territory as may be in possession and control of more lands than are necessary to furnish each head of a family of such tribe with one hundred and sixty acres, with a view of obtaining a relinquishment to the Government for purpose of occupancy by actual settlers only of all lands beyond the quantity necessary to give the quantity of lands aforesaid to the heads of families in said tribes; that such action be undertaken as speedily as possible, and such propositions as may be received from any of said tribes for the disposal of their lands, and all other results growing out of said negotiations, to be reported to Congress at the earliest practicable moment.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio to refer the resolution with all amendments to the Committee on Indian Affairs.

Mr. MAXEY. I should like to inquire of the Senator from Kansas who offers the substitute whether it is designed to cover the land occupied by the five civilized tribes at this time, and in that connection I would state that not a great while ago I made a calculation of the land occupied by the Creek and Choctaw Nations, and there are about four hundred acres for every head of a family in one case and six hundred acres in the other. To reduce that down to one hundred and sixty acres would necessarily leave open a large quantity of land. I have no doubt what I say of the Choctaws and Creeks is true of the Chickasaws and Seminoles. I want to know the scope of the substitute.

Mr. PLUMB. The design is to open negotiations with all the tribes in the Indian Territory having more lands than enough to give one hundred and sixty acres to each head of a family in such tribe.

Mr. MAXEY. Including the five civilized tribes as well as the others?

Mr. PLUMB. All of them together, for the purpose of presenting to Congress such proposition as the tribes may be willing in the present condition of things to make, with a view to such a limitation of Indian holdings in the Territory as, while meeting the necessities of the tribes, shall also result in surrendering to the General Government all the lands they do not need.

Mr. MAXEY. If I can get the attention of the Committee on Indian Affairs, I would also say that I am very much of opinion that there is a confusion in respect to the word "Oklahoma" as used. The treaties made with the five civilized tribes in 1866 make provision for a Territorial form of government, and the Choctaw treaty makes provision for a Delegate, and if the Territorial Government is organized the treaty with the Choctaws and Chickasaws designates the Territory thus organized as the "Territory of Oklahoma." That is the name in the treaty. Those treaties are in full force and effect to-day; and if we ever execute the power which we have of organizing the Indian Territory we shall do it under the name of Oklahoma. And yet this little piece of ground west of the country now occupied by the Creeks gets somehow, without any authority of law, the name of Oklahoma, and we get the two things mixed. The word "Oklahoma" properly applies only to that portion of the Indian Territory occupied by the five civilized tribes as laid down in the treaties of 1866. I call the attention of the committee to the fact, as I see the resolution of the Senator from Missouri speaks of that little patch of land there as the so-called territory of Oklahoma. It is not correctly so called.

Mr. VEST. I must say to the Senator from Texas that he is mistaken if he thinks I have used the expression "the territory of Oklahoma." I have only followed the Interior Department. They have marked that country as Oklahoma, I do not know on what authority.

Mr. MAXEY. I have referred to the treaties. The designation is without legal authority.

Mr. VEST. I have no objection to the reference.

Mr. CONGER. Mr. President, I do not know that I wonder that the Senator from Kansas and the Senator from Texas should desire to have such a resolution passed, but I do not know what particular interest the State of Missouri may have in this question. I only look upon this resolution as a crude, informal, indirect way of inviting everybody who wants to join the Oklahoma band and movement to begin to organize and gather around the borders of this Indian Territory, go through it, and pick out land. Instead of the crowd of boomers that are there now which the Army can hardly keep off from Oklahoma, it is to get an army there big enough to swallow up the Army of the United States and the Indian Territory too.

Here is a proposition made and to be passed, if it is passed, by both Houses of Congress, informing the people of the United States that we are about now to negotiate to get away from the Indians all this western part of the Indian Territory, which I think embraces lands that have been given to several tribes that have been moved onto the same territory that is provided for in this resolution to be negotiated for. I think it will appear so. It is an invitation beforehand, or a notice beforehand, to everybody that desires possession of the Indian Territory to gather there, as where "the carcass is, there will the eagles be gathered together," and seize upon this land—to give impetus, to give new life and new motion and new activity to those who are striving to get the land.

It is useless for me to say, for every Senator knows, that the passage of this resolution will call together force enough there to compel Congress to rob the Indians and steal their lands. The Secretary of the Interior is to send an agent down there to find out as quickly as possible how these tribes will be willing to sell their lands! That is amended by the Senator from Kansas by inquiring into the propriety of asking the Indians, each one, to pick out his forty acres or eighty acres or one hundred and sixty acres or three hundred and twenty acres, whatever the laws will allow an Indian to have at all, so that the rest may come into market. I think this is the most bold-faced scheme of robbery of Indian lands set apart for generations as a reserve upon which that unfortunate people may be gathered and may be secure in some possession of territory that has ever been proposed in Congress.

There is land enough for the white people without encroaching upon the Indian Territory. There are places for the enterprising whites to roam without trampling on the graves and the lands of the remnants of the vast number of Indians who once inherited this whole territory. These very Cherokees and Choctaws and Seminoles, by the superior power of a civilized nation, have been driven from the Atlantic westward and westward and westward, across the Mississippi, across Arkansas. They have been driven to a Territory set apart and pledged to them in perpetuity as one place removed from the ocean, removed from the lakes, removed from the Gulf, removed from the great centers of settlement and civilization, where the remaining Indians might live or die, as the Great Father might permit. On the south lies Texas, already in the possession of an empire of land; on the north Kansas and Colorado; and on the west, according to its boundaries, Texas still and New Mexico.

The greed for land has come over the people of the United States, the greed for the choice valleys and the river bottoms and the forests set apart in this Indian Territory has sprung up with these Oklahoma boomers, and through their efforts it spreads and spreads till it has invited States to come into the struggles for the possession of these lands. Sir, I denounce this whole system as in direct violation of the theory and principles of this Government for over fifty years in regard to the Indian Territory, and the setting apart for the use of all Indians that the United States might desire to gather upon these lands and for their posterity one piece of territory which should be beyond the cupidity and beyond the control and beyond the settlement of the conquerors of this continent. Let it remain there. Let that territory remain for the Indian.

If it becomes necessary, as undoubtedly it will, to remove the tribes in the Northwest, and in the West, and in the South, from their lands because they have been proved to be fertile, as the lands in Minnesota, as the lands in Dakota, as the lands in Michigan, as the lands in Montana and Wyoming and all through the Western Territories, let this territory be open to them. The white men are demanding those lands to-day. The great stock-raising and stock-growing people of Texas are demanding the Crow territory and the Blackfeet territory and all the great reservations at the North as pasturage ground for the herds of long-horned Texas cattle. Already we have a bill pending before us that not only looks to the uses of these lands at the north for that purpose, but proposes to create a great highway six miles wide from Texas running through States and giving along at different points 10,000 acres in a spot for grazing lands for Texas cattle. There is no proposition offered to help the cattle of Michigan, Ohio, and Indiana and Minnesota and Iowa and all these Northwestern States, a breed of cattle infinitely superior to all the long-horned Texas steers in beauty and value; but in order to make way for the invalid tribes of cattle, for the pleuro-pneumonia of Texas, we must set apart right through States and right through Territories a highway not the king's, but the cattle's highway, pleuro-pneumonia recesses into which cattle can go and have health and strength and preserve their life till they can be got by that roundabout process to market.

That is the object of stealing these lands. Already those who have herds of cattle look with greedy eyes upon this Indian Territory as great pasture lands for cattle.

That is the object of this joint resolution, to drive the Indians off and procure a place upon which sickly cattle can recuperate their decaying energies and live till they can be driven on the royal highway to the healthy regions of the north and be seemingly fitted for the consumption of the human race. That is what all this means. Indian rights are nothing; the Indians can be driven from their lands, as they have been, to make way for cattle. In old times "the cattle upon a thousand hills" were said to belong to the Lord. By the march of im-

provement and by the energy of Senators from Texas we are ready to believe that the cattle upon a thousand plains belong to Texas—not much similarity in ownership! [Laughter.]

I oppose this resolution. Its tendency is bad and wrong. It invites encroachments still more rapidly upon the Indian Territory than they exist now, and these encroachments have been swelling in force. The head of that organization may die, but the body lives. The leader of the band may perish, but his followers would trample over his grave in their approaches to Oklahoma.

Sir, I talked a day or two since with an officer whose duty it was with the few troops the Government has given him to make constant pilgrimages of war down through the Cherokee lands and into what is called Oklahoma to bring back the wanderers from lands of the United States out of the Indian Territory and let them plant their tents outside the line. If this resolution should pass and if the Secretary of the Interior should find some man, or should desire to find some man, to talk with the Indians, and see what of this property we had better have, the most deserving man for the place, the man who has thought longest upon the subject, the man who has labored most earnestly during the years of his life and has led on his cohorts to find out all about this region, is dead. He can not have him. He perished in his efforts, but he had lieutenants that the Secretary of the Interior could secure the services of, and they are there now.

If the Secretary of the Interior would send a man to make this investigation he has only to send down to those idle men who are trying to get into the Indian Territory, and get them to negotiate for these lands, and give the reasons why they want them. It will be a curious history when the Secretary reports whom he has employed; it will be a curious history when those who desire these lands have joined with this agent to influence the Cherokees, and Choctaws, and Seminoles, and Senecas, and Kickapoos, and Arapahoes, and all the euphonious bands of that region, but there will still be the secret history of the consumption of whisky, of the bribery of drunken chiefs, of the corruption of the headmen of the tribe, which has accompanied almost every attempt to win treaties from the Indians to get away their lands against the will of the tribe and against the sober judgment of the chiefs.

I am opposed to this resolution. If my voice could determine it, it would go no further than it is now, not even to a committee. There is no use mincing words about this. This means a wholesale stealing from the Indians of what this Government has solemnly pledged to them and to the world should be a final resting-place for the remnants who remain, and this resolution opens the way and excites the cupidity and excites the avidity of all those who desire to possess themselves of these lands with the hope and expectation that Congress having begun in the usual way by suggesting a fair treaty and a careful investigation, it is not going to take any different form than the usual methods of acquiring Indian lands. Sir, the Senator from Missouri who introduced this plausible resolution in his place in this Senate Chamber depicted and painted the manner in which treaties with Indians at the West were agreed to, or were reported to be agreed to, and told the Senate that one chief whose name appears signed to a treaty giving up his valley and his reservation asserted then, and it has been proved since, that he never signed the treaty at all; and yet for months and years that treaty has gone out to the world with the signature of this old chief printed in the printed copies but never signed to the original treaty.

I commend the pathetic, the interesting statement which excited the sympathy and feelings, and I may say the abhorrence, of Senators here to such kind of manipulation of the rights and interests of the Indians, as the Senator who introduced this resolution spread before the Senate not many days since. The opportunity for an equally great wrong, for an infinitely greater violation of the obligations of the United States, is presented by this proposed treaty. If this resolution should go to the Committee on Indian Affairs for their consideration I have some hope from their reports on this subject, from the return of the Indian Committee to the old and better examination of these questions where humanity and sympathy for these fading tribes has exhibited itself more in these last few years than for years before, that it will receive such an examination and such a report as will satisfy the Senate and the country that the time has not come to seek by treaties with these wards of the nation to take away what little they have left.

Mr. INGALLS. Mr. President, we belong to a rapacious and conquering race. In the last two centuries we have marched across this continent from the Atlantic to the Pacific Ocean, expelling or assimilating all rivals, and are now looking north and south meditating new conquests. Since the close of the Mexican war the American people have ceased to acquire additional territory, not because they had ceased to be acquisitive, but because they had enough. But we have to-day practically reached the condition predicted by Macaulay in one of his wonderful essays that in his opinion would constitute the chief danger of this Republic: the absorption of the public domain, so that, there being no longer any unoccupied fertile area over which the excessive populations of the East and of the interior might diffuse themselves, combinations dangerous to liberty might be formed and a condition of affairs like that in the older countries of the earth might result.

We have nearly arrived at the limit of the arable public domain. There is a vast expanse yet unoccupied. Much of it consists of inaccessible mountain ranges; much of it is covered with timber; a very great extent consists of sterile uplands, fit only for grazing, where the policy of leasing ought to be pursued. But I doubt to-day if there are within the possession of the United States Government, outside of Indian reservations, subject to entry under the homstead and pre-emption laws, 25,000,000 acres adapted to the cultivation of wheat and corn. It will all be absorbed inevitably within the space of the next five years. And the spirit or impulse to which the Senator from Michigan has referred as one of larceny, as predatory, as verging upon robbery, a disposition to steal what has been consecrated by treaty and devoted to the occupancy of Indians, is entirely outside of the legitimate description of these movements. They are inevitable. We may as well, as he says, not mince words about this matter. The American policy is a continental policy, and I am not sure that within the lifetime of men now living it will not be a hemispherical policy. But it is enough to say that to-day it is a continental policy; and nothing, no matter what may be the name or shape it assumes, will be able to stand before the irresistible march of the Anglo-Saxon people, with all the corresponding advantages and benefits they have to confer, not only on the people of this country, but upon mankind at large.

Now, sir, with regard to the Indian Territory, that portion which has been the object of so much solicitude during the past few months, in my opinion, is not at present open to settlement. I have had many letters from constituents, and to all of them I have replied that in the opinion of the Executive, in the opinion of the Secretary of the Interior, in the opinion of the law officer of the Government, these lands were not open to public settlement; the title of the Indians had not been finally extinguished, and I have therefore advised them if they desired to avoid trouble they had better await the action of Congress. Such is still my judgment. I believe that what is known as the "Oklahoma tract," a designation to which it is not entitled, was never set apart under any circumstances by the provisions of the treaties for public settlement. It was taken by the United States Government in trust to be used for occupation by friendly Indians and freedmen; and while there has been a difference of opinion as to what freedmen were meant, I believe it referred to the freedmen who were formerly slaves of the civilized Indian tribes. I never have believed that that land was set apart as a general place of habitation for all the freedmen of the United States. I do not think that was in the contemplation of those who made the treaties; but I am of opinion that by the term "freedmen" was meant those freedmen of the Cherokees, the Creeks, the Choctaws, the Chickasaws, and the Seminoles who had been liberated under the provisions of the treaties of 1866.

Mr. MAXEY. I would suggest to the Senator from Kansas in that connection that the Secretary of the Interior, Mr. Schurz, acted upon the view presented to-day by the Senator from Kansas.

Mr. INGALLS. So I understood, but forgot to say, and I am obliged to the Senator for suggesting it; but I was led to the remarks I made from the fact that a different opinion has been expressed, and during the last month I have had letters from freedmen in different parts of the country, from many of the Southern States, asking whether that land was not set apart for occupation by the freedmen of the country generally.

There seems to be a spontaneous impulse all over this country, not confined to the West alone, but extending into the South and the North, for the occupation of that region; and to characterize it as a wholesale disposition to steal, as a purpose on the part of the American people to break faith and violate treaties, is certainly a description that I can not with silence permit to be applied to it. Those men who are now upon that tract, although I believe they are there without authority or warrant of law, have in most cases been imposed upon by interested and scheming leaders, who have deceived them for purposes of gain; but I have no doubt that they honestly believe that those lands are public lands of the United States, and that therefore they have a right to go upon them.

So far as I am concerned I shall never consent to any injustice being done to the Indians. I will never consent to the violation of our plighted faith with them. They are just as much entitled to the observance of the obligations of honor as though those treaties under which they claim had been made with the most powerful nations upon the face of the earth; and if I supposed, as the Senator from Michigan does, that this was a larcenous impulse; that we were occupying the attitude of highway robbers or footpads or buccaneers, I certainly should not favor it. But it may as well be conceded first as last that it is utterly impossible that these vast tracts of land should be held in idle, unproductive, and useless occupation much longer. I do not think it advisable that they should be so held.

Some one has said that he who made two blades of grass grow where one grew before was a public benefactor. Shall it be said that those who would upon these vacant and unoccupied solitudes build the institutions of a Christian civilization are less benefactors of the human species than he who makes two blades of grass grow where one grew before? Sir, civilization is better than barbarism; cultivation is better than solitude; corn and wheat are better than prairie grass; the cow, the horse, and the sheep are better than the bison, the coyote, and the

rattlesnake; and there is no use talking about this vast occupation of these great tracts of land by their savage tenants indefinitely in the future. But, sir, they have had the right of occupation by sacred guarantees; these lands have been consecrated by the faith of the nation, and they never will be relinquished, so far as I am concerned, without the consent of those occupants fairly obtained, voluntarily given, with just and adequate compensation for every acre that they relinquish.

Such, sir, is the scope of the amendment offered by my colleague, and such I believe to be the scope of the resolution presented by the Senator from Missouri. I give them my hearty and cordial approbation, repelling at the same time the assertion of the Senator from Michigan that there is on the part of any persons, whether now upon these lands or contemplating a journey thither, the disposition to do anything other than exact justice.

Mr. PLUMB. Mr. President, if I had supposed that any one could characterize the resolution which I have offered as the Senator from Michigan has characterized it I should certainly have hesitated before introducing it. Nothing was further from the intent, and nothing in my judgment will be further from the fact than the result which he has pictured as to follow the adoption of this resolution. It is directly opposed to all those practices which have been characterized on this floor as violations of the rights of the Indians heretofore in the making of treaties.

Some years ago Congress prohibited the further making of Indian treaties, and it was done because it was thereafter to be required that all agreements with the Indians should originate with Congress and not with the Executive and that every step in the making and perfecting of any agreement with the Indians should be subject to that daylight which always characterizes the proceedings of Congress in open session. There having been withdrawn from the Executive the power to make treaties with the Indians, by a necessary and natural consequence there was withdrawn from him the power to negotiate any agreement whatever with Indians, except by direction of Congress.

This resolution looks to the acquisition of no lands except what the Indians are willing to surrender. It does not authorize the bringing to bear of any pressures, but the Executive shall simply negotiate and present to Congress such propositions as the Indians themselves upon his solicitation that they shall make some proposition may be willing to make for the surrender of that portion of the lands which they themselves shall deem that they no longer need and which they are willing to exchange for cash; and there is nothing else to do but that. It is the most perfectly proper in my judgment of anything that could be proposed, and at the same time wholly consistent with justice to the Indians in every step of the transaction.

Mr. President, while the Senator from Michigan chided me for the larceny I had in mind in offering this resolution he was chastising the other branch, the House of Representatives, which yesterday—I did not know it until a moment ago—adopted as an amendment to the Indian appropriation bill for the coming year a provision in these words:

That the President is hereby authorized, requested, and required to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead law the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

Mr. PLUMB. I ask consent that this matter go on until it is disposed of. I think it will take less time to-day than it will to-morrow, and I believe it will take but a few moments.

Mr. SHERMAN. Does the Senator propose to force a vote on the resolution to-day?

Mr. PLUMB. No; only on the question of reference.

Mr. SHERMAN. Very well.

Mr. PLUMB. There is no objection to the reference.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed with the consideration of the joint resolution which has been pending during the morning hour. Is there objection? The Chair hears none.

Mr. PLUMB. The provision I have read was adopted in the House yesterday, I think unanimously. I think also in place of this being an invitation to people to go there it will be a restraint. I myself have never invited any one or suggested that any one should go there. On the contrary, I can say with my colleague that I have discouraged persons from going there. At the same time I am not willing to close my eyes to that which I see impending, and which in the very nature of things is inevitable. The Secretary of the Interior himself within a very few days has recommended to Congress that measures should be taken to limit Indian holdings and that the lands not necessary for the occupancy of the Indians should be acquired by the United States by agreement in order that thay may be open to settlement, and I did not hear that that suggestion was against the interests of the Indians. If an Indian has two acres of land and only needs one and he receives for that one acre in excess of his needs, by an agreement made with his consent, the fair cash value of it, I take it the money is better to him at interest than the land is.

I believe we should approach the discussion of this question. If Congress will address itself to this question as one of present importance and as one about which the public is more or less concerned, that of itself will operate as a restraint against people going on the Indian lands instead of an invitation to them to go there. I believe the very fact that Congress has done nothing so long has taken no step in this direction, has led people to believe that they could go upon the lands and precipitate action; and not only that, but it has operated to make people believe that Congress was going to do nothing, and therefore it has perpetuated the conviction in the public mind to some extent of the existence of large bodies of land under Indian control without being occupied by anybody or made to do any public or private good. It is with that view that I have offered this amendment.

I am satisfied that is the view which has been had in mind all through this debate by the Senator from Missouri and the Senator from Texas, and as nothing can be done under this resolution except with the consent of the Indians, and that consent is further to be followed by legislation, nothing of the kind which the Senator from Michigan seems to anticipate and which he has spoken of as heretofore having characterized our dealings with the Indians in regard to their lands by means of treaties can possibly occur. I assure him, whatever value that assurance has, that I did not have in mind at all the repetition of that which he has justly characterized. I do not want one single Indian in any tribe in the Indian Territory or anywhere else to surrender anything that is his to the United States or anybody else unless he gets a fair equivalent for it.

I understand further that the Supreme Court of the United States has decided, in what is known as the Joy case, that the Cherokee Indians have a fee title to their lands. All talk, therefore, about taking them, except upon compensation and by valid agreements with the Indians, is, of course, idle words. Nothing else can be done except to treat with them for the acquisition of their soil as that of a private individual, and upon terms which will be agreeable to them and which shall after all have the sanction of law.

The Cherokee Indians themselves treated with the United States on the 16th day of July, 1866, for the ceding to the United States in trust of about 7,000,000 acres of their land, and it was stated therein that it was for the purpose of locating friendly Indians upon it in bodies of 160 acres each, and that quantity was thereby fixed, according to the judgment of the Cherokee Indians and the United States, as being a proper and sufficient amount for Indian holding in that locality. I have applied in this resolution simply the same rule. In addition to that, the Senate has twice passed, as the Senator from Massachusetts said yesterday, a bill specifically authorizing the President of the United States to enter into negotiations for the purpose of acquiring land above this amount from all Indian tribes and the location of the Indians in severalty upon the remainder of their lands. It was only because I feared that bill would not become a law, and therefore the President would not deem himself instructed to act immediately upon this question, which is so important, that I offered this resolution, in order that we might require of or at least suggest to the Executive that he institute measures at once, and not wait for the passage of the bill now on the Speaker's table of the House of Representatives, and which may not be reached, in order to accomplish this end.

Therefore this proposition is in accordance with the deliberate expression of the judgment of this body on two several occasions by bill; it is the expression of the judgment of the House of Representatives made only yesterday. It is in accordance not only with the fitness of things but with the necessity of things, because without this the President will not, as he ought not, feel himself authorized to engage in negotiations with any Indian tribe for any purpose whatever, or at all events for any purpose of the kind heretofore embraced in the execution of treaties.

As I said before I say again, it was furthest from my thoughts that any injustice or injury should result to any Indian or any Indian tribe by reason of the adoption of this proposition or by reason of the negotiations to be opened under it, or that we should witness in any degree as growing out of it a return to that which all men deprecate, and which was disposed of when Congress provided that the Executive should make no more treaties with Indians, but that all agreements with them should receive the sanction of law.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. I do not think that there is to be any further debate on this resolution. I think it may be referred at once. It will save time to do that now.

Mr. MILLER, of California. I withdraw the motion for the purpose of having a vote on the motion to refer.

The PRESIDING OFFICER. The Senator from Ohio moves that the resolution and amendments be referred to the Committee on Indian Affairs.

Mr. VEST. I wish to say a word. If I could be surprised at anything I should be surprised at what was said by the Senator from Michigan this morning. I might content myself by stating that argument does not consist in mere assertion and that abuse can not be considered as logic. The Senator from Michigan has not considered his words. I will simply say that this resolution was not intended to rob any Indians, but it was intended to protect the Indians. Emphatically and distinctly I say I offered it for the purpose of protecting the Indians, and this morning the delegate from the Creek Nation wrote me a letter, which I have, thanking me in the name of that nation for what I said yesterday upon this floor in behalf of his people; and the Creeks and Seminoles have filed in the Department of the Interior two papers, asking that the very thing should be done which I propose in the resolution I have offered to the Senate. Sir, I can only believe that the charge of stealing and robbery as applied by the Senator to this proposed action simply arises from the grossest ignorance in regard to this whole matter.

In 1866 by the treaties with the Creeks and Seminoles they sold their lands to the Government of the United States, the Creeks at 20 cents an acre and the Seminoles at 15 cents; the Creeks selling the west half of their entire domain, divided by a line running north and south; the Seminoles selling the whole of their possessions and taking other lands from the Creeks. In these two treaties was a provision that the lands so sold should only be occupied by Indians from the plains and freedmen. The Cherokees sold all of their domain west of the ninty-eighth meridian, which should afterwards be occupied by Indians. The wild tribes were to settle there and receive one hundred and sixty acres to each Indian, the United States paying for the amount which might thus be taken. The Choctaws and Chickasaws sold to the United States 7,000,000 acres for $300,000.

The proposition of the people who are called "boomers," and who have gone on that territory without law and in defiance of proclamation, was to ignore the treaties and tear them up and take possession without regard to the rights or interests of the Indians as they then were. Under my resolution they can not do that. My resolution says, and every impulse of my nature says, that these Indians shall be treated with the same standard of honesty as if it were the Government of Great Britain with whom we were treating. So far from outraging the Indians, it protects them. Every line of the resolution is in that direction and no other; and, sir, I undertake to say that there is not one member of the Seminole, or the Creek, or the Cherokee tribes who will not indorse most emphatically the action proposed.

When the Senator talks about using whisky with the chiefs, he can not apply it to myself. I have always denounced such action in any quarter. This is a proposition not only for the protection of the Indians, but it has the sanction of the Secretary of the Interior and the Commissioner of Indian Affairs. This very morning the Commissioner of Indian Affairs thanked me for having introduced this resolution, and said that he had already sent to Congress a recommendation of the same sort of action in regard to these lands. Yet the Senator from Michigan says that this is robbery! Sir, I appeal to the facts.

Mr. CONGER. Mr. President, I do not desire to prolong this discussion when the Senate wishes to go into executive session, and I care less for what the learned Senator from Missouri may have to say about the gross ignorance of gentlemen who differ with him. An assertion of knowledge neither establishes knowledge, nor does the assertion of ignorance establish ignorance.

The Senator goes beyond all the history and traditions and promises and treaties and pretensions of this Government, breaks through them all by his resolution, and proposes at once, whether it is best or not best, that the Secretary of the Interior enter into negotiations through some agent for these Indian lands. That is what I complain of. And when I recite that for two hundred years the whites on this continent have in thousands of instances by fraud, by drunkenness, by corruption, stolen away this part and that part of the vast domain occupied by the Indians and claimed by them, and without waiting for Congress to determine what its policy should be, whether it is best to give up the Indian Territory, whether it is best to confine the tribes to a smaller portion of land, whether it is best to give them one hundred and sixty acres in severalty, the Senator's proposition is for a negotiation hurriedly, no matter what Congress or the people of the United States may think about preserving its good faith with the Indians and its promise to the civilized world that there should be one territory set apart for these Indians, once the occupiers and owners of this whole vast domain. It is proposed to start off an agent to buy their lands. I say the chance is that the old policy of taking and occupying these lands will be renewed here; we are to follow the Rob Roy rule:

> Because the good old rule
> Sufficeth them, the simple plan,
> That they should take who have the power,
> And they should keep who can.

That is our policy with the Indians, and that is the natural result of this haste to find out how certain heads of tribes, like this man here, who is said to be the representative of a tribe, can get your money to handle, for the chiefs decide such matters, not the Indians. There are men who have been lingering around this Capitol ever since I have known it, continually coming in here with their plans and projects to do one thing or another thing, and to get away the Indian lands. "I fear the Greeks even bringing gifts," and I fear these representatives of these nations even if they do write to the Senator from Missouri approving his plan.

But, sir, the Senator from Kansas nearest me [Mr. INGALLS] has put his finger upon the knob which rings the bell to all the land. He relies on "manifest destiny." Whether the Senator believes in Providence, I do not know. Whether he believes in an overruling power of the nations and tribes of the earth from the beginning hitherto till now I never yet have been able to understand. But he argues this question as De Quincey argued the question of murder. He argued the question of murder as one of the fine arts. Murder having been viewed as a fine art, the getting of Indian lands may be regarded as a fine art; it is "manifest destiny," inevitable that the white race shall drive the Indians off! The Senator plants himself on that great rule of destiny, which, he says, will control not only our own and the Indian lands, but will spread itself north and south till it brings under the control of our people the North American continent, and soaring with his lively imagination still further, he crosses the tropics and claims that nothing but a hemisphere will satisfy the insatiable demands of fate—not Providence, not a King of nations and a Lord of peoples—not justice, but murder as a fine art, occupying territory as a fine art!

Sir, the Senator from Kansas has read that eloquent description of Lamb in which he explained to the world the discovery of the exquisite flavor and the ineffable attraction of roast pig, how on the vast steppes of Tartary and in the borders of China where the pig and the family resided in the same bamboo house, when the fire came and destroyed the house the family escaped but the pig perished in the ruins, and when this Chinese man or this Tartar man, whichever it may have been, came to search among the ruins to find if anything was left, and removing the ashes, he stuck his finger accidentally into the body of the young suckling roast pig, and cooling it in his mouth he found how delicious the acquisition was. He called his family, his wife and his children, or as the Senator from Kansas would so delightfully express it, his whole family circle, to partake with him of the roast pig. After that was consumed and a new bamboo house builded and new pigs acquired, an increase of stock, inevitable fate, inexorable destiny, compelled that Chinaman when the pig had attained a suitable size for roasting to remove his family and set fire to his building so as to roast the pig. All over those vast plains there was on every still night the burning bamboo house of a Chinaman who had learned how to acquire roast pig by consuming his dwelling to roast it. That is the origin, it is said, of that, and all over that region all kinds of rights are disregarded and all property destroyed that the family may luxuriate in that roasted delicacy.

Now the Senator from Kansas says we have taken these things all along; we have destroyed rights; we have invaded treaties; we have made ourselves obnoxious to the whole civilized world by seizing upon property, and we must keep up that method even though houses be destroyed to gratify our insatiable desire for more territory.

I should like to dwell somewhat upon this, but the Senator from California [Mr. MILLER] indicates in a manner which I can not misunderstand that he is very anxious to go into executive session for some purpose or other, and I yield, as he has been so courteous as to permit me to speak on this subject—I yield to his desire now, and hope he will make his motion, and that this discussion may go on hereafter, for I know the Senator from Missouri desires to reply, and the Senator from Kansas, to the roast pig argument. [Laughter.] I brought up that illustration because it touches a sensitive part of the nature of both my friends. I want them to dwell upon it and prolong the exquisite sensation of enjoyment which such a thing suggests. I have introduced it here to make it the subject of future remarks upon the same line of argument and to connect manifest destiny in regard to seizing Indian lands and the manifest destiny that lights up the vast plains of Tartary and China after the first discovery of the delicacy to which I have alluded.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio [Mr. SHERMAN] that the joint resolution and the pending amendments be referred to the Committee on Indian Affairs.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 20th instant approved and signed the act (S. 1625) for the relief of William Bowen.

The message also announced that the President had, on the 21st instant, approved and signed the following acts:

An act (S. 2061) to authorize the construction of bridges across the Mississippi River, one within the State of Minnesota and one between the States of Minnesota and Wisconsin; and

An act (S. 478) to authorize the Secretary of War to relinquish and turn over to the Interior Department certain parts of the Camp Douglas military reservation in the Territory of Utah.

The message further announced that the President had this day approved and signed the following acts:

An act (S. 2045) for the relief of the Eastern Presbyterian church in the District of Columbia;

An act (S. 1758) for the relief of Charles M. Blake, a chaplain in the United States Army; and

An act (S. 1821) to authorize the Secretary of the Interior to examine and adjust the claim of E. W. Streeter for moneys expended and services performed in taking the census of Dakota in 1860.

EXECUTIVE SESSION.

Mr. MILLER, of California. I now renew my motion.

The PRESIDING OFFICER. The Senator from California moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and thirty-four minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 23, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESENTATION OF FLAG—WOMEN'S SILK-CULTURE ASSOCIATION.

The SPEAKER. At the request of a committee of ladies representing the Women's Silk-Culture Association of the United States, the Chair asks leave to interrupt the regular order of the proceedings this morning for a moment for the purpose of presenting a communication tendering to the United States House of Representatives a silk flag of the United States. The Clerk will read the communication accompanying this flag, and, if there be no objection, it will be printed in the RECORD.

There was no objection.

The communication is as follows:

PHILADELPHIA, *January* 23, 1885.

To the honorable members of the House of Representatives at Washington:

The Women's Silk-Culture Association of the United States, established in Philadelphia in 1880, have since that time demonstrated silk-culture in the United States to a condition and state of progress never before attained, and upon the popularity of which numerous stock companies and individuals have established business centers.

While not deprecating such conditions we do ask that the questions by whom and how was the industry introduced be honestly and properly accredited to its rightful authors, the Women's Silk-Culture Association of the United States, who herewith desire to present to the House of Representatives of the United States at Washington a truly American national flag in the sense that the silk produced for this flag was raised in American homes by American women and children; reeled by the Women's Association at Philadelphia, who are the only reelers of commercial silk in the country up to this time; spun, dyed, woven, and mounted in the city of Philadelphia; and through the liberality of Mrs. C. C. Thum, of the association, who generously offered to defray the expense incurred in producing the flag, the association is enabled to offer it to the national Capitol as a memento of their success in starting silk-culture as an industry for their American sisters. We ask for this flag a place in the Halls of our National Government, that it may bear witness to the faithfulness of our effort and to the quality of our American product, both agricultural and mechanical.

This is not the first fruits of American-grown products. The Garfield brocade, presented to the widow of our late lamented President, was manipulated by our own association, and its wonderfully beautiful quality and design displayed to our statesmen at Washington.

A State and national flag have just been presented to the Legislature at Harrisburg, which were made of native silk grown in the summer of 1883, and passed through all the processes of manufacture in the city of Philadelphia. Besides these national gifts, the association has had American silk worked up into knitting silk, brocade, velvet, gros-grain silk, and chenille; and in every form the quantity and quality have proved a good and profitable result.

For statistics, we refer you to our fourth annual report of 1883 and to the files of the Daily Silk Record, published by the association during the late exhibit. And begging your acceptance and a place of honor for this flag, we also ask that due consideration shall be given this association when the National Government may see fit to aid this industry.

American women are raising silk-worm eggs far superior to foreign breeds. What the industry needs is experimental stations, where the process of culture and reeling shall be established, and where the experience and knowledge of foreign operations shall be united to American talent, industry, and intelligence.

Remember, we are the silk association of the United States; our correspondence, our instructions, and progress belong to nearly every State in the Union. The California association is modeled after our own, but more liberally dealt with by her State.

All the work of our association has been carried on by the most frugal and economical management, but much left undone that could have been done had we the means of accomplishing our aims. Therefore we crave the assurance of future good-will and influence in the interests we have stimulated and planted.

Mrs. JOHN LUCAS, *President.*
Mrs. MATTHEW SIMPSON,
Mrs. CORNELIA C. THUM,
Mrs. WM. B. ELTONHEAD,
Miss PHŒBE HORNE,
Mrs. W. T. REYNOLDS,
Vice-Presidents.
Miss E. T. VAN RENSSELAER, *Recording Secretary.*
Mrs. V. C. HAVEN, *Corresponding Secretary.*
Mrs. H. P. TAYLOR, *Treasurer.*
Mrs. E. V. B. OSBOURN, *P. and S. Committee.*
Mrs. G. W. HALL, *Reel Committee.*

Mr. KELLEY. Mr. Speaker, I desire to offer a resolution in this connection.

The Clerk read as follows:

Resolved, That the House of Representatives accepts the flag prepared for its use, and presented by the Women's Silk-Culture Association of the United States; that the excellence of the fiber and perfection of the colors it displays afford evidence of the remarkably rapid development of the culture and manufacture of silk by the American people, under the auspices of this association of women, and that the House will cause the flag as the national emblem to be displayed within the Hall of the House and preserved as a memorial of the tact and energy of the Women's Silk-Culture Association of the United States.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I demand the regular order.

The SPEAKER. If there be no objection the Chair will lay before the House certain executive communications and personal requests of members.

There was no objection.

FREE PENALTY ENVELOPES.

The SPEAKER laid before the House a letter from the Postmaster-General, transmitting a letter from the Third Assistant Postmaster-General asking an appropriation of $4,000 for the purchase of free penalty envelopes from the Post-Office Department for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

HARBOR AT CLEVELAND, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers, with accompanying papers, relative to the improvement of harbor at Cleveland, Ohio; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WASHINGTON AQUEDUCT.

The SPEAKER also laid before the House a letter from the Attorney-General, recommending the passage of a bill extending the time for one year within which claims for property taken for the Washington Aqueduct may be presented to the Court of Claims; which was referred to the Committee on the District of Columbia, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DAVIS, of Missouri, for two weeks, on account of important business.

ORDER OF BUSINESS.

Mr. TALBOTT. I move to dispense with the morning hour.

Mr. HURD. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

POWER TO ORIGINATE REVENUE BILLS.

Mr. HURD. I offer the resolution which I send to the desk.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Whereas certain bills, appropriating money from the Treasury of the United States, originating in the Senate, have passed that body and have been sent to this House for its concurrence, which are now upon the Speaker's table, to wit, Senate bill No. 398, entitled "A bill to aid in the establishment and temporary support of common schools," and many others; and

Whereas it is asserted that these bills are in violation of the privilege of this House to exclusively originate bills for raising revenue: Therefore,

Be it resolved, That the Committee on the Judiciary be hereby directed to inquire into the power of the Senate to originate bills appropriating money from the Treasury of the United States, and report to this House at as early a day as practicable. And said committee shall have leave to report at any time.

Mr. RANDALL. I do not object to the resolution except in its latter part, which gives leave to the committee to report at any time.

The SPEAKER. The Chair thinks if this be a matter of privilege at all the committee would have the right to report at any time. The resolution does not refer any bill to the committee, but directs an inquiry to be made.

Mr. TALBOTT. I make the point of order that this is not a privileged question.

The SPEAKER. The Chair will hear any suggestion the gentleman from Maryland [Mr. TALBOTT] has to make on that point.

Mr. TALBOTT. I make the point of order for the simple reason that it is not a question for the Committee on the Judiciary to decide whether or not the power is in this House alone to originate revenue bills. That is a power settled by the Constitution. The gentleman from Ohio has a right to offer his resolution, but I do not think it is in the nature of a privileged resolution at this time. He can only offer it at some time when it would be in regular order.

The SPEAKER. The Chair thinks whenever it is asserted on the floor of the House that the rights or privileges of the House have been invaded or violated by any other body or by any individual, a question of privilege is presented at least to the extent that the Chair is obliged to submit it to the House for its decision. Of course the Chair itself will decide all questions of order arising during legislative proceedings of the House; but when the allegation is made that the rights or privileges of the House collectively have been invaded, that is a question which does not come within the province of the Chair to decide. The House is the custodian and guardian of its own rights and privileges

as a body, and must always possess the power and have the opportunity to determine what those rights and privileges are and whether or not they have been improperly interfered with.

Mr. TALBOTT. I withdraw, then, the point of order.

Mr. WILLIS. I have just come into the Hall, and ask a question for information. Do I understand this resolution is before the House now for its consideration?

The SPEAKER. It is. The gentleman from Ohio, the Chair will state, offers the resolution, which has just been read, alleging that the Senate has passed certain bills appropriating money out of the public Treasury in violation of the constitutional privileges of the House, and directing the Committee on the Judiciary to investigate that question and report its opinion for the information of the House.

Mr. WILLIS. I wish to inquire of the Chair whether it is not in order to move that so much of the resolution as refers to the educational bill be referred to the Committee on Education. If it is, I make that motion.

The SPEAKER. The gentlemen from Ohio [Mr. HURD] has the floor. The gentleman from Kentucky [Mr. WILLIS] can make any proper parliamentary motion when he obtains the floor.

Mr. RANDALL. I withdraw my objection.

The SPEAKER. The gentleman from Ohio has the floor. The Chair overrules the point of order.

Mr. TALBOTT. I withdrew the point of order.

Mr. WHITE, of Kentucky. I wish to inquire whether the gentleman from Ohio is entitled to the floor for an hour on this question; and further, what arrangement, if any, can be made as to the division of time.

The SPEAKER. The Chair does not know whether the gentleman from Ohio proposes to discuss the resolution or to make some further motion in reference to it. But if he desires to discuss the resolution he is entitled to the floor under the rules for one hour.

Mr. REAGAN. With the permission of the gentleman from Ohio I desire to make an inquiry of the Chair. If this resolution should be adopted and the question be referred to the Committee on the Judiciary, would the bills embraced in and named by the resolution come before the House for action, or would the committee simply report on the question referred to them?

The SPEAKER. The resolution does not propose to refer any bill. It proposes to refer merely the question of privilege.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAMMOND. Will the effect of this question being referred to the Judiciary Committee be to prevent the consideration of the Blair bill, as it is called—the educational bill—in its regular order?

The SPEAKER. Not at all. If the House wishes it can consider it.

Mr. HURD. Mr. Speaker, I desire to submit a few remarks upon the resolution just read. If any apology were necessary for my thus trespassing upon the attention of the House it shall be found in the importance of the constitutional questions involved and the necessity of deciding them now. By others the task might better have been undertaken than by me; but as no one else has seemed disposed to offer this resolution, a sense of duty has impelled me, even at the risk of some criticism, to present it, and with it my views of the subject to which it relates.

For several years I have observed with apprehension the increasing number of appropriation bills originating in the Senate, but so long as they related to private or local interests and completed their work in a single act of expenditure I have not interposed an objection. But when bills proposing to appropriate more than seventy millions of dollars for great public purposes and involving annual expenditure for many years to come originated in the Senate, then I felt that the time had come to decide finally whether or not that body possessed any such power.

This subject has been in dispute on several occasions between the two Houses, but no determination has ever been reached by this House, and it is to-day apparently as far from settlement as ever.

There is no proposition affecting the privileges of this House of greater importance. It involves the boundary lines between the legislative functions of the two branches of the Federal Congress. It touches the most valuable prerogative of legislation—the power of appropriating money. It affects in an especial way the rights of the people, who are most deeply concerned in the methods of expending the sums realized from taxation. It brings to the public attention the history of English parliamentary growth. It presents the question of how far the principles of that development have been applied in the formation of our institutions. It imposes upon us the duty as the immediate representatives of the people to decide whether the great power of the House of Commons for the protection of popular rights was given to this body. If we find we possess it, then the obligation is devolved upon us to maintain and uphold it, with the same spirit, courage, and love of liberty which have illustrated the history in that regard of the popular branch of the British Parliament.

There is no dispute that bills may originate in the Senate as well as in the House, except as provided in section 7 of article 1 of the Constitution. The language of the first paragraph of that section is:

> All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

The question thus directly presented in the resolution I have offered is: Are bills appropriating money bills for raising revenue? I maintain that they are, and ask the House to consider the reasons which have brought my mind to this conclusion.

In the first place, this will appear by reflecting upon the true signification of the word revenue. But at the threshold it will be well to state with accuracy the meaning of the term to be employed in this discussion. An appropriation bill is one specifically setting aside for certain purposes sums of money realized from taxation. A bill raising revenue is a bill making or creating revenue. Revenue is the annual income of a government derived from taxation and made available by constitutional methods for the public use.

Taxation does not make the money collected revenue. It is not sufficient that it shall have been taken by public power from the property of the citizen. It is not revenue until the Government can draw it from the Treasury and use it. The public coffers might be full of money raised by taxation, but not one dollar of it is revenue unless it can be applied to the payment of governmental expense. Of what avail to a State would an overflowing exchequer be without the power to expend a cent it contains?

Worcester defines revenue to be "the income of a nation or state derived from duties, taxes, and other sources, for the payment of national expenses." In substance this is the same as the definition given by Webster. These show that that income only is revenue which is available for the payment of national expenses. The purpose for which the tax was levied does not fix its character as revenue, but its availability for use in discharge of national obligations.

As authority for his definition, Worcester refers to Brande's Dictionary of Science and Art, where revenue is thus defined:

> The name given to the income of a state, derived from the customs, excises, taxations, and other sources, and appropriated to the payment of the national expenses.

This definition is followed in the Universal Dictionary, the present standard in Great Britain, in these words: "Revenue is the annual income of a state, derived from the taxation, customs, excises, and other sources, and appropriated to the payment of the national expenses."

No other definition would be consistent with the facts of English history, out of which have grown the methods of furnishing support to that government. The revenue for the Crown of Great Britain is either ordinary or extraordinary. The former is attached to it by hereditary right; the latter is specially granted by Parliament as a supply for national purposes. The ordinary revenues became less and less valuable in the progress of time. Then the extraordinary ones were resorted to to supply the deficiency and make up the amount necessary for the expenses of the government. The foundation of these was the parliamentary grant; and without it the only source of governmental support was the income from property owned by the Crown by hereditary title. Money, therefore, to become revenue to the King, must have been granted to him by the commons. It is true that for many years he had the privilege of expending it as he pleased, but he could not spend it until it had been granted. The levying of the tax, the collecting it, the depositing it in the treasury, all were not sufficient to make the money realized royal revenue; these were merely the preliminary steps. The essential act to constitute it revenue was the grant, without which not one single farthing could have been used for the national expenses. As will be shown hereafter, the appropriation grew to be a necessary part of the grant, so that at the time of the formation of our Constitution, and for more than a century before, there could have been no extraordinary revenue in Great Britain for the Crown which had not been appropriated for specified purposes by the house of commons.

The definitions cited, therefore, rightly declare an appropriation to be a necessary step to the creation of revenue. A bill of appropriation is a bill raising revenue; and since the word "revenue" must be held to be employed in the Constitution in its then ordinarily accepted sense, such a bill must originate in the House.

Secondly. The proceedings in the constitutional convention show very plainly that this term was used in its usual sense as including bills of appropriation as well as tax bills.

The first provision on this subject in the convention appeared in the plan of Mr. Charles Pinckney, as follows:

> All money bills of every kind shall originate in the House of Delegates, and shall not be altered by the Senate.—*Madison Papers*, page 129.

After debate proceeded for some time, it was found that great differences of opinion had arisen, which it was proposed to refer to a committee of compromise. The committee was appointed with Mr. Gerry as chairman, who reported a recommendation to the convention, which upon this point contained the following provision:

> All bills for raising or appropriating money * * * shall originate in the first branch of the legislature and shall not be altered or amended in the second branch.—*Madison Papers*, 274.

The report was in substance accepted by the convention in these words:

> All bills for raising or appropriating money shall originate in the first branch of the legislature and shall not be altered or amended in the Senate.—*Madison Papers*, page 316.

In the same phrase it was referred to the committee on detail (Madi-

son Papers, page 375), who reported it back to the convention in the following form:

SEC. 5 (article 4). All bills for raising or appropriating money shall originate in the House of Representatives, and shall not be altered or amended in the Senate.

Upon first consideration this section was stricken out by a vote of 7 States to 4. Afterward it was reconsidered, and Mr. Randolph moved to amend so that it would read:

Bills for raising money for the purpose of revenue or for appropriating the same shall originate in the House of Representatives, and shall not be amended or altered in the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the object of its appropriation.—*Madison Papers*, page 414.

A further amendment was proposed by Mr. Strong (Madison Papers, page 427):

Each House shall possess the right of originating all bills, except bills for raising money for the purposes of revenue and appropriating the same, which shall originate in the House of Representatives, but the Senate may propose or concur with amendments as in other cases.

The committee of eleven reported the final draught, as follows:

All bills for raising revenue shall originate in the House of Representatives and shall be subject to alteration or amendment in the Senate.

This was adopted with an amendment striking out the last clause and inserting:

But the senate may propose or concur with amendments as in other bills.

The first appearance of the word "revenue" in this connection in the convention was in the proposition of Mr. Randolph. It was also offered in nearly the same phrase in the amendment of Mr. Strong. The language in both is, "All bills raising money for the purpose of revenue, and appropriating the same, shall originate in the House." Changing the words a little, in accordance with their grammatical construction, we will make the meaning clearer. It would then read, "All bills raising or appropriating money for the purposes of revenue." This shows that the propositions proceeded upon the theory that appropriation bills were as necessary to make money revenue as tax bills.

This, too, must have been the opinion of the committee of eleven, to whom the subject was referred. They had before them all the propositions which had been submitted to the convention. These were: "All money bills of every kind;" "All bills for raising or appropriating money," and "All bills for raising money for the purpose of revenue and appropriating the same." For all of them they substituted the phrase approved by the convention, "All bills for raising revenue."

What did this change signify? Certainly more than the mere raising of money, for, with that phrase in so many propositions before them, they could easily have adopted it if nothing more had been meant. What then more than merely raising money was intended? Manifestly as much more than that as may be included in the meaning of the word "revenue," which, as I have shown, is the appropriation of money.

Persons who insist upon the possession of the power over appropriations by the Senate read this section as though it said all bills raising money. It does not so declare. It is all bills raising revenue. The raising of money is one thing, the raising of revenue is another. To do the one, taxation only is necessary; to do the other, appropriation in addition is required.

In substituting bills for raising revenue for the other propositions before it the convention must have designed either to deny to the House the exclusive power of originating appropriation bills or to include that power in the phrase. I believe that it was their intention to do the latter.

Every proposition before it upon the subject included bills of appropriations. If it were not the purpose to retain them in the provision as finally adopted, surely some discussion would have occurred in the convention about it. Those who had introduced propositions giving the power to the House would have objected to a proposition omitting it altogether. In the debates the proposition, as presented by the committee of revision, was treated as the equivalent of those which had been previously submitted. The same phrase was applied to both, and all through the discussion the bills referred to were called "money bills."

The silence of the convention is incomprehensible if power over appropriation bills was not given to the House by this section. It is easily understood if it is held that the phrase as finally adopted was intended to include bills appropriating as well as those raising money.

Thirdly, it was the manifest purpose of the framers of the Constitution to confer upon the House of Representatives the same power over bills of revenue possessed by the house of commons. The debates upon this subject were full of references to English parliamentary history. The contests in which the commons had been engaged for the origination of money bills were well known to every member of the convention. The importance of this power was thoroughly appreciated, and the desirability of incorporating it into our own system in some form or other was conceded on all sides. A knowledge therefore of the nature of this power in Great Britain will show its extent and limitations in our own Constitution.

That at the time of the adoption of that instrument the commons possessed the exclusive right to originate appropriation bills can not be successfully controverted.

Prior to the reign of Charles the Second the grants of supplies were rarely limited to particular methods of expenditure. The whole control over this was left to the King. But the commons, growing jealous of the use of money for purposes which they had not approved, insisted upon specifying the objects of their grant. After a long struggle between them and the King they finally succeeded in 1678 in establishing the principle for which they had contended in the following words:

That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the commons, and that it is the undoubted and sole right of the commons to direct, limit, and appoint in such bill the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the house of lords.

Todd, in his work on Parliamentary Government, page 1526, says:

The constitutional rule that the sums granted and appropriated by the commons for any special service should be applied by the executive power only to defray the expense of that service, although not wholly unrecognizable in earlier times, was first distinctly enunciated and partially enforced after the restoration. But it was not until the resolution of 1678 that this great principle was firmly established and incorporated into the system of parliamentary government.

On this subject May, in volume 2, 469, of his Parliamentary History, says:

For centuries they (the commons) had resented any meddling of the other house with matters of supplies, and in the reign of Charles II they successfully maintained their exclusive right to determine as to the matter, the measure, and the time of every tax imposed upon the people. In the same reign they began to scrutinize the public expenditure and introduced the salutary practice of appropriating their grants to particular purposes.

In Hearn's British Government, page 343, it is said:

From that time [Dutch war of 1665] the appropriation of parliamentary supplies became an undisputed principle. It was recognized during the reign of Charles and James, and from the time of the revolution has been invariable.

It would be idle to make further quotations. All the commentators on the English constitution agree that from 1678 the practice of the commons had been uniform, to accompany their grants with a clause appropriating them to specific purposes. This provision was usually attached to the supply bill at the end of the session. The method of procedure was as follows:

First, the tax bill, or the ways and means, was passed; then the various grants were made in supply bill; and at last these grants were incorporated in a single bill, to which the following clause was attached:

That the said aids and supplies shall not be issued or applied to any use, intent, or purpose other than those before mentioned.

This was the appropriation bill. It was a part of the supply bill, and must from the necessities of the case have originated in the house of commons, where alone the supply bill could originate. The appropriation was not an independent act of itself; it was an incident to the grant; and for more than a century before the adoption of our Constitution neither the King nor the lords disputed their right to originate the one more than the other.

That this was well known to the founders of our Government was shown by the fact that every proposition relating to this subject contained a provision as to bills appropriating money. It was the provision of the English constitution, which was before them; and all the current history of the times, as well as the debates in the different conventions of the States, show the purpose to incorporate this principle into our system.

In the conventions of the States the question was very fully considered. The bills everywhere were called money bills.

In Massachusetts Mr. Parsons said:

Under the Constitution an equal representation immediately from the people is introduced, who, by their negative and exclusive right of originating money bills, have the power to control the Senate, where the sovereignty of the States is represented.—3 *Elliott's Debates*, 108.

In Pennsylvania (3 Elliott, 418) Mr. Wilson said:

Money bills must originate in the House of Representatives.

In North Carolina (4 Elliott, 144) Mr. Iredell said:

Yet under these disadvantages they (the commons), having the sole power of originating bills it has been found that the power of the King and the lords is much less considerable than theirs. * * * If, under such circumstances, such representatives, mere shadows of representatives, by having the power of the purse and the sacred name of the people to rely upon, are an overmatch for the King and lords who have such great hereditary qualifications, we may safely conclude that our own representatives, who will be genuine representatives of the people and having equally the right of originating money bills, will at least be a match for the Senate, possessing qualifications so inferior to those of the house of lords in England.

Mr. Madison said in the First Congress:

The Constitution places the power in the House of originating money bills.

Mr. Hamilton says, in the fifty-eighth number of the Federalist:

The House of Representatives can not only refuse but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse, that powerful instrument by which we behold, in the history of the British constitution, an infant and humble representative of the people gradually increasing the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of other branches of the government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.

In Tucker's Appendix to Blackstone's Commentaries, volume 1, page 215:

The exclusive privileges of the house of commons and of our House of Representatives, with some small variations, are the same. The part relating to money bills, in which no amendment is permitted to be made in the house of lords, is modified in our Constitution so as to give the Senate a concurrent right in every respect, except in the power of originating them.

Further citations would be useless. It is sufficient to say that the defenders of the Constitution in the States, the members of the earlier Congresses, and nearly every commentator upon that instrument refer to bills for raising revenue as money bills, and possessing the same qualities as those which the commons could exclusively originate.

What, then, were "money bills?" Cushing, in his work on Parliamentary Law, says that "money bills" are bills raising money and bills making appropriations.

Todd defines them as follows:

Money bills are of three kinds: tax bills, supply bills, and bills making appropriations.

Can it be doubted that when the founders of the Constitution so persistently spoke of revenue bills as money bills, they meant to include bills of appropriation?

Fourthly, consider also the provision of the Constitution by which the power of appropriation is granted.

Section 8 of article 1 provides that "the Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States."

If the power of appropriation is not granted here, it can not be found in the Constitution. The best authorities agree that it is contained in this clause. It will be observed that it does not possess any of the characteristics of a distinct and original power. It is secondary and incidental. The chief and principal power, that of raising money, is granted in the first clause; the subsidiary one, that of appropriating the money, is granted in the second; to pay the debts of the United States and to provide for the common defense and general welfare is the language used to indicate the purposes to which the money may be applied. The power to appropriate, therefore, is purely incidental to the power to tax. The former is granted to complete and perfect the latter. They are inseparable, and it was proper that both should be conferred by the same clause.

Whatever affects the first power must affect the latter. Whatever limits in the methods of legislation the one must limit the other, because the one is a part of the other. The money is raised to pay the debts of the United States. The taxes are imposed to provide for the common defense and the general welfare. It is conceded that bills raising money must originate in the House, the bills providing for the exercise of the supplementary and incidental power must likewise originate there.

This view meets with the approval of President Monroe in his message as to the repairs of the Cumberland road in 1822:

If we look to the second branch of this power, that which authorizes the appropriation of money thus raised, we find that it is not less general and unqualified than the power to raise it. More comprehensive terms than to "pay debts and provide for the common defense and general welfare" could not have been used. So intimately connected with and dependent on each other are these two branches of power, that had either been limited the limitation would have had a like effect on the other. Had the power to raise money been conditioned or restricted to special purposes, the appropriation must have corresponded with it.

It is not disputed that the exercise of the power of raising money is conditioned upon the origination of the bills relating to it in the House. On the authority of President Monroe, appropriation bills must be subject to the same condition. Since the formation of the Constitution no general appropriation bill has originated in the Senate which has become a law. In 1857 the Senate originated such a bill, but the House utterly ignored it and originated its own bill as usual. It is true that many personal and local bills making appropriations have originated in the Senate; but they can not establish the doctrine that this power attaches to that body when confronted by the unvarying usage that the House has originated all general appropriation bills.

With the single exception referred to, which the House ignored, the Senate has awaited the bills of the House before it has undertaken to deal with the subject of general appropriations.

Mr. HERBERT. May I ask the gentleman a question?

Mr. HURD. Certainly.

Mr. HERBERT. I wish to state, in the first place, that there has been, perhaps, not a single session of Congress since the foundation of the Government in which the Senate has not originated a special appropriation bill which has been passed by the House, as the gentleman himself has admitted. Now, my question is, what distinction can he gather from the Constitution between the right of the Senate to originate a bill appropriating a specific sum of money for a specific purpose and its right to appropriate a specific sum, as in the case of the educational bill, for a general purpose. I ask him, therefore, what provision of the Constitution makes the distinction or difference between the two rights of appropriating; and when he says that all of these exceptions are not sufficient to establish a precedent, I ask him to point out what can establish a precedent for the construction of the Constitution if the uniform action of the Congress during every session from the establishment of the Government until the present time is not sufficient for that purpose?

Mr. HURD. The gentleman from Alabama misapprehends me very strangely indeed if he thinks I made any distinction between the two. I deny the power of the Senate to originate any bill of appropriations, whether one of a personal or local character, applying the appropriation to specific purposes, or a bill of a general character; in other words, a general appropriation bill. What I do say is that the consenting of prior Houses of Representatives to a departure from the Constitution, and the passage by the House of special appropriation bills originating in the Senate, do not amount to a surrender on the part of the House of the great prerogative it possesses over this subject, if it really does possess it.

Mr. Speaker, the word "appropriation" occurs but twice in the Constitution. Section 7 of article 1 provides that "no money shall be drawn from the Treasury but in consequence of appropriations made by law."

Money insusceptible of being drawn from the Treasury can not be revenue. To take it from the Treasury requires an appropriation. An appropriation bill is therefore a bill raising revenue and must originate in the House.

In section 8 of article 1 it is provided that no appropriation of money for the Army shall be for a longer time than two years. In passing, I desire to say that if the word "revenue" is to have the restricted meaning claimed for it by others, that it would have been more consistent to have said no revenue shall be drawn from the Treasury, and that no appropriation of revenue for the Army shall be for a longer time than two years.

Mr. Speaker, the consequences to follow the adoption of the other view would in my judgment be destructive of the objects contemplated in the section under discussion. The purpose of this clause of the Constitution, Mr. Madison said, was "to make the House the guardian of the public money." Very little power for the accomplishment of this will have been granted if it is to be confined to bills of taxation.

The authority over expenditure is at least of equal importance. To give to the House the power to pass bills raising money and to the Senate power to expend it will be to control the grants of the former through the debts of the latter. To give to the House the right to originate bills of taxation and to the Senate the right to originate appropriation bills will be to enable the latter to control the discretion of the other in presenting tax bills. It may be said that no appropriation could then be made until it had been passed and approved by the House. To this I reply that it is the power of origination which has been regarded as of so much importance in this connection. The authority of the House over this subject will be of little value and be little respected if the Senate is to exercise the power contended for.

It must be remembered that bills fixing the nature and rate of taxation are only adopted once in ten or fifteen years. Few changes are made in them until a new system is inaugurated. If the Senate has concurrent power with the House over appropriations, then the latter during these long periods will have but little exclusive power over the purse, for in the expenditure of the money which the tax bill gathers annually into the Treasury the Senate will have equal authority with the House.

Mr. Speaker, there can be no good reason given why the Constitution was not intended to grant to this House the power of the English commons. This was the power before the minds of the framers of that instrument. They knew its object and history. It had been and was then the highest prerogative of the commons. It had found that body insignificant in influence and despised; it made it the most important element in British public affairs. It was the bulwark against the encroachments of the lords and protection against the despotic tendencies of royalty. It compelled the former to await their pleasure in originating the most important measures of legislation, and made the latter dependent upon their will for the necessary support of the public administration.

The most splendid page in British parliamentary history is that which records the struggle of the commons for this power over money bills. Charles the First lost his head and James the Second his throne because they would not permit an invasion of this prerogative. Neither the threats nor corruption of royalty swerved them. With this power in their hands they stood to stay the flood of usurpation which threatened to swallow up popular rights. Stronger than kings, more potential than hereditary nobility, they were the protectors of the people, whose taxes they granted or withheld at their own uncontrolled pleasure. Both were compelled to respect them, because neither was able to take a step in the administration of the government without the means which they had the power to retain.

As a result the majesty of Great Britain does not appear in the splendors of her throne, nor in the illustrious names of her nobility, but in the sturdy commons, whose authority over money, even now, brings terror to titles and complaisance to the Crown.

Remember that this power does not relate merely to taxation, but includes appropriation and the fixing of the ends and methods of public expenditure. It is this very power, except as it may be subject to

the right to amendment in the Senate, which I believe is reposed in this House to-day, not merely a power to originate the methods of taxation, but the methods of expenditure and the limits within which both shall operate.

No greater power was ever given the representatives of a people for the preservation of the rights of their constituency. It is the most potent instrumentality in resisting executive usurpation. It is at once the evidence of the supremacy of the people and the most effective weapon by which it may be maintained.

Shall we be less careful of it than the subjects of a monarchy? Shall this body, in the very air of freedom, be less jealous guardians of it than the commons of England, where kings and hereditary right and royal prerogatives are? Shall we, the real representatives of the people, here permit this great power to become weak in our hands, while there the shadows of representatives have made it the most potent agency for popular rights in the English system?

We will be recreant to the highest trust ever possessed by men in their representative capacity if we are careless or indifferent. We will be the betrayers, not the representatives, of our constitutents. If we surrender it now, we lose in a day for freedom what it took centuries to win and which years of effort may not regain.

Mr. Speaker, we can not go far astray when we walk in the paths which have been blazed for us by the pioneers of freedom. Precedents born in conflict and formed in the perils of men's lives can never be cast aside because apparently useless. You can only preserve liberty by preserving its muniments. Of these there is no one more important than the control of the people's money by the people's representatives. I have no fear that this House will be indifferent to this its highest privilege, and I am sure that when the hour of determination comes, it will decide, as it only can consistently with its dignity, for itself, its prerogative, and the people. [Applause].

Mr. REED and Mr. WILLIS addressed the Chair.

Mr. HURD. I am willing to yield my remaining time to any gentleman who desires to speak upon this question.

Mr. REED. Mr. Speaker, I would like to occupy the time, but I announce to the gentleman from Ohio it will be in opposition to the view he has presented here.

Mr. WILLIS. Mr. Speaker, am I recognized?

The SPEAKER. The Chair will recognize the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. I yield ten minutes of the remaining time to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, it is impossible in ten minutes to argue such a question as this; therefore, instead of making any effort at a reply in detail to the gentleman from Ohio, I propose to call the attention of the House to certain facts in connection with this general question.

The gentleman from Ohio [Mr. HURD] said that he had been content in the past to allow appropriations originating in the Senate for specific objects, which appropriations were ended when the objects were accomplished, to pass unchallenged. The gentleman's memory is at fault. He did make such a challenge in the third session of the Forty-sixth Congress, in 1881, on the consideration of the Senate bill to authorize the Secretary of the Treasury to purchase additional lots of ground adjoining the new building of the Bureau of Printing and Engraving. The gentleman from Ohio, then a member of the Judiciary Committee, raised this same point and had it referred to the Judiciary Committee for adjudication.

Mr. HURD. Will the gentleman allow me to interrupt him?

Mr. HAMMOND. Yes.

Mr. HURD. I did not raise the point. Somebody else raised the point, and it was referred by that person, whoever he was, to the Committee on the Judiciary.

Mr. HAMMOND. I may be inaccurate as to that. But of the fifteen gentlemen who composed that committee ten decided that the Senate had the right not only to originate that bill, but all bills of like character. I will ask the Clerk to read the section of the report of that committee which I have marked.

The Clerk read as follows:

That clause [of the Constitution] provides that "all bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills." And if the words in which it is expressed are to be taken in their ordinary acceptation, as required by the primary canon of legal interpretation, it is difficult to conceive how there could possibly be two opinions as to the idea they were intended to convey, for certainly the distinction between raising revenue and disposing of it after it has been raised is sufficiently obvious to be understood by even the commonest capacity.

Mr. HAMMOND. That was the judgment of ten members of the Judiciary Committee, delivered to this House on the 2d day of February, 1881. Of the members of that committee still in the House are Messrs. CONVERSE, HERBERT, TAYLOR, REED, CULBERTSON, and myself. Of the members of that committee who are not at present in the House were Mr. Robinson, now governor of Massachusetts, and Mr. Knott, now governor of Kentucky. As is suggested to me, Mr. Willits, of Michigan, not now in the House, was also of that committee.

The minority were Messrs. HURD, House, Ryan, LAPHAM, and Williams, all now out of Congress except Mr. HURD and Senator LAPHAM. If the Judiciary Committee of to-day were polled on this floor without the reference of this matter to them upon the law questions, without putting them to the trouble of recalling the learning on this subject and printing it, I venture the assertion that by a vote of two-thirds they would now say that the Senate can originate an appropriation bill.

To the gentleman's appeal to history I now reply by a single quotation.

The proposition as proposed in the convention by Mr. Randolph read this way:

Bills for raising money for the purpose of revenue, and for appropriating the same, shall originate in the House of Representatives, and shall not be so amended or altered by the Senate as to increase or diminish the sum to be raised, or change the mode of levying it, or the object of its appropriation.

The words "for appropriating the same" were stricken out by a vote, and so were the other words of like import. And yet the gentleman from Ohio tells us that the very words that were thus stricken out remain there to-day in the meaning of the word "revenue." Who talks about the "revenue" of a nation in any other sense than that of its income? "Raising revenue" is bringing up money from the pockets of the people to the exchequer of the Government, and the constitutional convention limited the prerogative of the House to that. It did not extend it to appropriations.

Mr. Speaker, as I have remarked, I can not argue this matter now. I will ask before I sit down the privilege of elaborating my remarks, because it is important the question should be fully presented, and because with further time I can produce some pertinent history touching this matter. I desire now, however, in my limited time, simply to call attention to the fact that more than one-half of the appropriation bills that this Government has ever had originated in the Senate. True, we derive our origin from the British Government; but we have departed from their theory in many particulars. Gentlemen who have read British history must remember that the "money bill" in Parliament carried with it the raising of the revenue and its appropriation both in the same bill. Hence in England they can not appropriate money which is raised by taxation unless the bill is started in the house of commons, because the same bill does both things. That is not true in this country; with us bills "raising revenue" and bills appropriating money are wholly separate.

Again, one of the ways of raising the "revenue" of the British King, as Blackstone calls it, is the post-office department. Yet the Post-Office Department of the United States was created by a bill which originated in the Senate of the United States within a very short time after the adoption of the Constitution.

It will not do for the House to yield any privilege which it has. It will not do for the House to grasp any privilege which it has not. The Constitution must be interpreted like any other instrument of writing. Suppose in making a contract the first draught contained certain words; suppose after deliberation it be decided and expressed in writing that those words be stricken out; do you tell me that after this either party could with any degree of fairness or honesty say that those words were retained because some man says the meaning of a certain word left embraces that idea?

Now under the permission allowed me by the House let us look more deliberately into this matter.

Our Constitution declares that—

All legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. (Article 1, section 1.)

And—

All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills. (*Ibid.*, section 7, paragraph 1.)

Some of the sources of revenue were nominated in the Constitution, such as the Congressional "power to lay and collect taxes, duties, imposts, and excises" (*Ibid.*, section 8, paragraph 1), and forfeitures of estates for treason (article 3, section 3, paragraph 2). Other sources were furnished by the powers of coining money, regulating commerce, establishing post-offices and post-roads, &c.

The proceeds of public lands or property captured in war; fines and penalties for violations of law or breaches of contracts all added to our revenues.

So money was put into the Treasury. To get it out of the Treasury the Constitution declared—

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

This recital seems to settle the question, for it is only bills "raising revenue" which must originate in the House.

But it is claimed the "bills for raising revenue" include appropriation bills, because the income of the Government is not "revenue" until appropriated; that by its history, &c., "revenue" has that technical meaning.

Archerly's Britannic Constitution, published in 1727, called the bill of 1640 "a money bill." The commons journal called that of 1660 "a bill concerning money."

The bills of 1671 were called "bills of money." The bill of 1678 was known as "the grand money bill." It was bills levying taxes which Blackstone called in 1765 money bills. (1 Blackstone's Com-

mentaries, 169.) "Money bills" was the name of taxing bills in the constitutions of Delaware, Maryland, New Jersey, South Carolina, and Virginia in 1776, of Massachusetts in 1780, and of New Hampshire in 1784. I believe that no specific mention of such bills was made in the early constitutions of the others of the original thirteen States. The words "bills for raising revenue" have no history prior to our constitutional convention. They first appeared in that instrument.

Before 1345 the lords granted of their money what they pleased and the commons of theirs what they pleased. Neither consulted the other house. The King used the revenue so raised as he pleased. Later Parliament began to appropriate money by law and to specific uses in the same bills which raised the revenues. Then it was that the commons claimed the exclusive right to originate such bills, and "that the lords could not make any amendment in bills sent up to them for imposing directly or indirectly a charge upon the people." (3 Hallam's Constitutional History, 27–29.) In 1671 the commons resolved that "in all aids given to the King by the commons the rate or tax ought not to be altered by the lords." (May's Parliamentary Practice, 537.)

The famous resolution of 1678 was:

That all aids and supplies and aids to His Majesty in Parliament, are the sole gift of the commons, and all bills for the granting of such aids and supplies ought to begin with the commons; and that it is the undoubted and sole right of the commons to direct, limit, and appoint in such bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the house of lords.

May, in discussing this resolution as the basis of parliamentary action, said:

Even in bills not confined to matters of aid or taxation, but in which pecuniary burdens are imposed upon the people, the lords may make any amendment, provided it did not increase rates, &c.

But he adds:

The principle of excluding the lords from interference has even been pressed so far by the commons that when the lords have sent messages for reports and papers relative to taxation the commons evaded sending them. (*Ibid.*, 5, 11.)

Leon Levi, in his work on taxation, published in 1860, commenting on this resolution of 1678 (at page 242) said there was established the rules, "first, that all bills for the purposes of taxation or containing clauses imposing a tax must originate in the house of commons and not in the house of lords," &c. The noted protest of the lords about "tacking" was because of "the joining together in a money bill things totally foreign to the methods of raising money and to the granting and qualification of the sums raised," &c.

The provisions that all "money bills" must originate in the house and could not be amended in the senate or council was in the constitutions of New Jersey, South Carolina, and Virginia. The senate could only reject, as in England could the lords. But the constitutions of Delaware, Maryland, and those of Massachusetts in 1780 and of New Hampshire of 1784 had no such restriction. The language of the two last were:

All money bills shall originate in the house of representatives, but the senate may propose or concur with amendments as on other bills.

The third volume of Hatsell on the British Constitution was published in 1785. On this subject he said:

The house of commons have on their part asserted, and I believe invariably preserved, the exclusive exercise of the right that bills of supply imposing burdens on the people should be the grant of the commons, and that the lords should have no other voice than as one branch of the legislature, by their assent, to give the authority of a law to the laying of those aids and taxes which the commons shall think wise and fitting to impose. (3 Hatsell, 125.)

Blackstone's Commentaries were published in 1766 and distributed here soon after publication. He said the commons would not "permit the least alteration or amendment to be made by the lords to the mode of taxing the people by a money bill." He defined "money bills" thus:

Under which appellation are included all bills by which money is directed to be raised upon the subject for any purpose whatsover. * * * (1 Blackstone's Commentaries, 169).

The lords conceded to the house of commons the exclusive right to originate bills raising revenue—that is, imposing burdens on the people—but declared:

We can not allow the disposition as well as the granting of money by act of Parliament to have been solely in the house of commons.

This was reiterated in 1702, 1708, 1719, 1733, and 1736. The house of commons avoided a decision of the issue by uniformly putting the "disposition" along with the "granting" in the same bills.

It is plain from the foregoing that "money bills" in England then meant bills by which revenue was raised and by practice simultaneously granted to the King upon terms specified therein. Whether that practice was wise and best remained an open question between the houses of lords and commons when our constitutional convention met in 1787. The members of that convention knew that history. They understood its philosophy. No subject had been so much studied in the Colonies as taxation. It had forced the Revolution upon them. The inefficient means for raising revenue provided by the Confederation had caused deep and anxious inquiry into the whole subject.

Thus informed, our constitution-makers met in May. On the 29th two propositions for defining the legislative powers were submitted. Each provided for a Senate and House of Representatives. Mr. Randolph proposed:

That each branch ought to possess the right to originate acts.—*Elliott's Debates*, 144.

Mr. Pinckney proposed:

All money bills of every kind shall originate in the House of Representatives and shall not be altered by the Senate.—*Ibid.*, 146.

By that unlimited and that limited proposal the issue was fairly joined.

The convention adopted Mr. Randolph's proposition on the 31st of May. (*Ibid.*, 153.) And so it stood till the 13th of June, when Mr. Gerry moved to add to it: "Excepting money bills, which shall originate in the first branch of the national Legislature." That was rejected by a vote of eight States to three. (*Ibid.*, 174.) On the 13th of June the committee of the whole reported in favor of Mr. Randolph's proposition, and on the 26th of June it was unanimously adopted. (*Ibid.*, 181–191.)

Then the question of representation had to be adjusted, and it and the "money-bill" question were submitted to a committee of one from each State. On the 5th of July they recommended the following proposition:

1. That in the first branch of the Legislature each of the States now in the Union be allowed one member for every 40,000 inhabitants of the description reported in the seventh resolution of the committee of the whole house; that each State not containing that number shall be allowed one member; that all bills for raising revenue or appropriating money and for fixing the salaries of the officers of the Government of the United States shall originate in the first branch of the Legislature, and shall not be altered or amended by the second branch; and that no money shall be drawn from the Treasury but in pursuance of appropriations to be originated by the first branch.

2. That in the second branch of the Legislature each State shall have an equal vote.—*Ibid.*, 194.

On the 6th of July the proposition as to representation was submitted to a committee, and that as to "money bills" was adopted by five States. Three voted against it and three divided their votes. (*Ibid.*, 195, 96.) On the 16th of July a committee reported as to representation, taxation, &c. It reported as to money bills in the exact words last quoted, except that the words "of the United States" were added after "Legislature." (*Ibid.*, 206.) On the 26th of July the whole matter went to a committee on details. They reported the clause as last quoted.

Mr. Randolph, after his proposition was rejected, moved to make the clause read:

Bills for raising money for the purpose of revenue or for appropriating the same shall originate in the House of Representatives.—*Madison Papers*, 1305.

On the 8th of September the clauses as now in the Constitution were substituted for the one adopted on the 6th of July. They were separated for the sake of order only.

THE HISTORY SINCE THE ADOPTION OF THE CONSTITUTION.

Frequent conflicts have arisen over bills "for raising revenue," that is, for imposing burdens upon the people; and by confounding the two false ideas are formed.

In the first Congress, in 1789, the question was upon authorizing a Secretary to report to the House plans for obtaining money. It was resisted upon the idea that the House should determine that for itself. The Senate was not concerned in that matter. In 1833 Clay offered in the Senate a bill to change the tariff. It was opposed in the Senate and defeated there, because it infringed upon the privileges of the House to originate "bills for raising revenue." Mr. Webster called it a "money bill."

In 1843 Mr. McDuffie in the Senate sought to revive the tariff act of 1833, but it failed in the Senate for the same reason. Neither of those bills ever were before the House. But in 1837 the House refused to act upon a Senate bill to issue United States Treasury notes, and in 1871 the House refused to consider the Senate bill to repeal the part of the act of 14th of July, 1871, "to reduce internal taxation" * * * which applied to income taxes. In the first two the Senate was right in respecting, and in the other two the House was right in claiming, the exclusive privilege of originating such bills; for they affected the revenue or taxation. In the debate on the last one Mr. Garfield's speech correctly stated the rule thus, namely:

The whole history of the subject leads to the inevitable conclusion "that this clause of the Constitution confers absolutely and exclusively upon the House the right to inaugurate all measures for the imposition, regulation, increase, diminution, or repeal of taxes." The question was not as to the "appropriation of money," but as to "raising revenue." Like questions have arisen since with like results. If there was a departure, it was when the House submitted to the present tariff act. In none of them was there any question as to paying out or appropriating money. So far as I am informed that question has arisen but twice before this. Once was when Mr. Knott and nine others of the Judiciary Committee, in 1881, reported against the claim of exclusive right in the House to originate a bill authorizing the purchase of land, and the gentleman from Ohio [Mr. HURD] and four others made a minority report. No action was taken upon the reports in that case.

The other case arose in 1855–'56. The importance of the subject justifies if it does not demand notice of its history. On the 11th of Decem-

ber, 1855, in the Senate, Mr. Brodhead, of Pennsylvania, submitted the following resolution:

Resolved, That the Committee on Finance be directed to inquire into the expediency of reporting the appropriation bills for the support of the Government, or adopting other measures with a view to obtaining more speedy action on said bills.—*Congressional Globe*, Thirty-fourth Congress, first session, page 16.

On the 7th of January, 1856, he called it up, and, after a full review, concluded that "the only restriction upon the power of the Senate to originate bills is confined to bills for raising revenue, and we have full power to originate all others, the appropriation bills not excepted."

Mr. Clayton, of Delaware, said:

He [Mr. Brodhead] is undoubtedly right in the view which he takes of the Constitution of the United States," &c.—*Ibid.*, 162.

Mr. Hunter, of Virginia, said:

As to the question of power I think there can be no sort of doubt. We exercise the power in almost every little pension case and in thousands of bills in which we appropriate money. The restriction in the Constitution has been decided in this body to apply only to those bills which provide for raising revenue —taxing bills, &c.—*Ibid.*

Mr. Toombs, of Georgia, said: "There is no question about the power of the Senate," and urged the necessity of such action. (*Ibid.*, 162.)

Mr. Seward, of New York, said he would vote for the resolution without committing himself as to the constitutionality or expediency of the proposed action. He added:

It is true that, according to the letter of the Constitution, appropriation bills may be originated by the Senate; yet we all know that in point of fact they have come into the place of revenue bills. We make a revenue bill but once in ten or twelve years, and these appropriation bills are in fact what were intended, I suppose, by the framers of the Constitution as bills of revenue.

He then combated the movement, saying that the Senate was grasping too much power. Mr. Hamlin, of Maine, concurred with Mr. Toombs. So did Mr. Bayard, of Delaware, and he lectured Mr. Seward for his remarks about the Senate grasping power. (*Ibid.*, 163.)

The resolution was adopted, by what vote does not appear.

On the 4th of February, 1856, Mr. Hunter, from the Senate Committee on Finance, reported this:

Resolved, That the Committee on Finance be instructed to prepare and report such of the general appropriation bills as they may deem expedient.

Because of Mr. Seward's objection it was laid over and came up on the 7th of February. As he was the principal opponent it is well to state his position. He said that to originate general appropriation bills in the Senate was new; that "the practice for this period of seventy years has been that all appropriation bills of that character have originated in the House of Representatives." He said that one of the "fundamental principles of freedom" in England was "that no money should be drawn from the people without the consent of their representatives;" that the commons held the sole right of raising and appropriating money, and that we adopted the same view. But he added:

Now I am not going to contend that the provision of the Constitution which I have read by its letter forbids the Senate from originating appropriation bills. Its letter clearly concedes it, and I concede also that there is an argument to be drawn from the fact that the convention discussed the proposition in both its shapes, and finally adopted the one which we now find, in which the limitation is applied only to bills originating revenue, that the convention may have considered that appropriation bills might be originated in the Senate; but against this argument is one which seems to me to be perfectly conclusive, and it is this reply: Whatever the convention-makers may have proposed, and however they may have understood the Constitution which they have framed, the fact is a stubborn one, that the Senate has never originated an appropriation bill, but that it has always conceded to the House of Representatives the origination of appropriation bills, and the House of Representatives has never conceded to the Senate the right to originate such bills, but has always insisted upon and executed that right itself.

He then, without mentioning when before such a question had arisen, proceeded to argue against the Senate's right, because "the spirit of the Constitution as ascertained from the British constitution and from the contemporaneous debates, and especially as ascertained from the practice of the Government for seventy years," he thought, "was stronger than the letter of the Constitution." (*Ibid.*, 375.)

Mr. Hunter replied and twitted Mr. Seward with just having voted for the Senate bill "appropriating millions of dollars for French spoliations. (*Ibid.*, 378.) Mr. Toombs remarked that while in the House he had frequently advised that the Senate originate some of the general appropriation bills. (*Ibid.*, 379.) Mr. Sumner said that he could not agree with Mr. Hunter and Mr. Toombs. "Nor on the other hand do I assert that such exercise of power is in the strict sense unconstitutional." He thought that the compromise in making the Constitution would be best carried out by interdicting the Senate "from originating the great appropriation bills," &c.

Mr. Toucey charged him with admitting and denying the power. Mr. Sumner said he "would not go into the extreme right under the Constitution." "I did not undertake on that to express an opinion," Mr. Toucey replied. Mr. Wilson expressed no opinion on the power, but feared the country might be "alarmed at the new departure." The resolution was adopted, the bills reported and passed by the Senate, and sent to the House.

In the debate of 1871, before mentioned, the question of appropriating money was not an issue and was not alluded to except in a digression by Mr. LOGAN. Mr. CONGER asked, "Does the gentleman hold that the House only has the right to make appropriation bills?" Mr. LOGAN seemed so to think, but it was not otherwise mentioned.

Once in Mr. Garfield's speech he mentioned the debate of 1856, and quoted from Seward and cited Sumner, and said he agreed with them that—

Though the language of the clause of the Constitution does not, strictly construed, include appropriations, yet the invariable custom of Congress has construed the exclusive right of the House to originate money bills as applying to all bills for the appropriation of money to carry on the Government.

He conceded the right of the Senate to originate all other appropriation bills. He then mentioned that the Senate in 1856 originated and passed the general appropriation bills for pensions and for repair of fortifications in February, and said:

Both these bills were laid on the table of the House on the 17th of April, 1856, without having been referred or debated, thus ending the attempt of the Senate to change the uniform, unbroken custom of the Government from its foundation to the present time.

As no reply was made to this irrelevant talk when the question was on a Senate bill to repeal a tax act, as no dissent appears, cursory readers treat the members as assenting thereto. In fact the record shows that not a word of this speech was spoken. It was all printed under leave and may not have been read. I now ask its examination.

This recital seems to mean that the House then and there, in a very positive and almost contemptuous way, sought to rebuke the Senate for presumption. What is the whole truth? On that very day the House entertained and referred to appropriate committees about fifty bills from the Senate appropriating money. They were for pensions, settling title to public lands, and "an act relative to foreign coins and the coinage of cents at the Mint of the United States." And to their reference there was no objection.

The following action was taken as to the other appropriation bills from the Senate:

"An act making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1857, and for other purposes."

Mr JONES, of Tennessee. I think that is a Senate general appropriation bill. A bill of the same character, making appropriations for the payment of the pensions of the United States for the next fiscal year, has passed the House, come back from the Senate, and having received the signature of the Executive, has become a law. I therefore move that the bill be laid on the table.

The motion was agreed to.

"An act making an appropriation for a new fortification for the defense of the entrance of Galveston harbor and bay, in the State of Texas."

Mr. QUITMAN. I move to refer the bill to the Committee on Military Affairs.

Mr. KELSEY. I understand that to be another appropriation bill originating in the Senate. I move to lay it on the table.

Mr. JONES, of Tennessee. I will say to the gentleman from New York that this is not one of the general appropriation bills. It is for constructing a new work, and I think should properly go to the Committee on Military Affairs, as moved by the gentleman from Mississippi.

Mr. KELSEY. I misunderstood the character of the bill. I withdraw my motion.

The bill was then referred to the Committee on Military Affairs.

"An act making appropriations for fortifications and other works of defense, and for repairs of barracks and quarters, for the year ending the 30th of June, 1857."

Mr. KELSEY. That is another Senate appropriation bill. I move to lay it on the table.

The motion was agreed to.

"An act for improvement of navigation of Patapsco River, and to render the port of Baltimore accessible to war steamers of the United States," and

"An act for the improvement of the harbor of San Diego, California,"

Were referred to Committee on Commerce.

"An act to remit or refund duties upon goods, wares, and merchandise lost by fire."

Mr. WASHBURNE, of Illinois. I move to refer the bill to the Committee on Commerce.

Mr. JONES, of Tennessee. I suppose that bill ought to go to the Committee on Ways and Means. It is for taking money out of the Treasury, and I think appropriately belongs to the Committee on Ways and Means.

Mr. WASHBURNE, of Illinois. This bill came from the Committee on Commerce in the Senate. A similar bill is now before the Committee on Commerce of the House, and that committee had jurisdiction of the subject at the last Congress.

The motion of Mr. Washburne was agreed to.

It thus appears that, though fresh in the minds of Representatives, the remarks of Hunter, Toombs, and others had not only excited no indignation, but Mr. Jones' remark that the general appropriation bill of the Senate need not be referred because it was already law by another bill passed unchallenged, and we may fairly suppose his "therefore" applied to both the other general appropriation bills, subsequently tabled. So far as I know no other allusion was made to them.

CONCLUSIONS.

This tedious and oft-told history completed, what is the result? To state it as strongly as can be, against this power in the Senate to originate a bill appropriating money from the Treasury have stood a few great names. To secure a footing they quoted the speeches of Franklin, Mason, and others in favor of their view, notwithstanding the constitutional convention refused to agree with those speeches. They invoke the fact that a compromise was made between the large and small States, but reject the other fact that one of the express terms of that compromise was the rejection of the very badge of inferiority of the Senate which is now insisted upon. They contend that because our general appropriation bills have ever originated in the House they can not constitutionally originate otherwise. Those bills have ever been

first discussed in Committee of the Whole House on the state of the Union.

By parity of reason a bill not so discussed must be unconstitutional. We have uniformly had a chaplain. By that reasoning legislation not thus sanctified by prayer would be void. The President has uniformly taken his oath of office at a particular place, and it has been administered by a particular officer. By thus reasoning he can not constitutionally be inducted into office elsewhere or by a different person. They admit that it is only in appropriations for public uses or in general appropriation bills that the Senate can not begin the work. But by what authority do they make the exception? The gentleman from Ohio [Mr. HURD] claims none. The language of the Constitution is:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

It covers all appropriations. They know that the lords could not originate such bills as have ever been originated in our Senate, and yet they seek to change the words of our Constitution to make our practice conform to that of Parliament in England. They insist that the law of Parliament applicable to supply bills, which simultaneously raised revenue and appropriated money, shall control us, who never join those things in the same bill. They ask us to put our Senate, which has ever had a large share in all appropriations of money, upon the footing of the lords, whose duty in that regard is only perfunctory. True, they have the power wholly to reject such bills. So has the King or Queen the power to veto. But when has either power been exercised? They struggle to bind us by English precedents, when they know that our system is a discarding of English precedents; that the constitutional powers and checks and limitations in our system are not to be found in musty tomes of history, but are crystallized in living words on the parchment roll of 1787.

For the argument on the other side recall the history of the constitutional convention, and the struggle of giant minds *pro* and *con* on this subject. The battle ended, the proposed clause "and for fixing the salaries of the officers of the Government" was missing. The words "or appropriating money" had been killed. "And shall not be altered or amended by the Senate" had been driven from the field. All that was alive of the first clause of the proposed compromise as to this power was, "All bills *for raising revenue* shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills." The second clause was by its side, but maimed. It still read, "No money shall be drawn from the Treasury but in consequence of appropriations made by law;" but the proposed qualification, "Which shall originate in the House of Representatives," had been deliberately slaughtered.

The two clauses were subsequently separated by the committee on style, and thus left as living witnesses of the fairness, stubbornness, and conclusiveness of the contest.

Again, I say, suppose this a question between two litigants in court; suppose the one insisting upon the plain words of the contract and the other upon interpreting it as if it contained other words which had been purposely left out by mutual consent. Could the court patiently listen to the latter? How is the case different when the high contracting parties were the people and the States? What right have their servants, Representatives and Senators, to quarrel over the power of attorney made for their control and to attempt to reingraft upon it words which have been deliberately cut off? There was no misunderstanding about the matter. "Money bills" was a term as familiar to the ears of our constitution-makers "as the sound of household words."

The latest made constitutions of the thirteen States were those of Massachusetts and New Hampshire, which declared that—

All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

As if to avoid any misconstruction from the use of the British words which designated bills which simultaneously raised supplies and appropriated money, the words "money bills" were changed to "bills for raising revenue," and a separate provision was made for "bills appropriating money."

The resolution of 1678 did not suit our fathers. They considered not what was "revenue to the King," for they had no king to whom to "give aids" and "supplies" and then in the same bills limit his use of them.

For many of these facts I am indebted to the luminous opinion of the supreme court of Massachusetts on this exact question, decided in 1878, not in ordinary course of litigation where a law was attacked for unconstitutionality. Then the court would have been bound to give the benefit of all doubts in favor of the law. But it was upon a question submitted to the court by the General Assembly before enacting a law. Even under their constitution, having "money bills" in place of "bills for raising revenue," that court decided that—

The exclusive privilege of the House of Representatives, under the constitution of the Commonwealth, to originate money bills is limited to bills that transfer money or property from the people to the State, and does not include bills that appropriate money from the treasury of the Commonwealth to particular uses of the government or bestow it upon individuals or corporations.—126 *Massachusetts Reports*, 557.

It would be so held in England if the house of commons would separate the bills of "supplies" from the bills of "disposition."

Against this array the minority report of the Judiciary Committee in 1881, before mentioned, presented certain definitions of revenue thus:

Webster defines revenue to be "the annual produce of taxes which a nation or state collects and receives into the treasury for public use."

* * * * * * *

Worcester defines revenue to be "the income of a nation or state derived from duties, taxes, and other sources for the payment of the national expenses."

* * * * * * *

And it cited the reference in Worcester to Brande's Dictionary of Science and Art as authority, saying,

Than which there is none higher in the language. Brande defines revenue to be "the name given to the incomes of a state derived from the customs, excises, taxation, and other sources, and appropriated to the payment of the national expenses." (*Brande's Dictionary*, volume 3, page 269.)

The report added:

This definition is approved in the Imperial Dictionary, the present standard dictionary of Great Britain, in the following words: "Revenue is the annual income of a state, derived from taxation, customs, excises, and other sources, and appropriated to the payment of the national expenses."

They were quoted also by the author of that minority report, the gentleman from Ohio [Mr. HURD], in his speech to-day, and the conclusion deduced therefrom in the report and speech was, "Money, therefore, to become revenue to the King must have been granted to him by the commons."

Definitions in dictionaries are seldom accurate in every particular. The same word frequently means different things in different places. "Cherries" in a gun-factory are tools by which bullet-molds are hollowed out, but not so at a fruit stand. A homely woman in England is a domestic woman; but here she is an ugly person, without regard to her domestic qualities. Brande's Dictionary of Arts and Sciences, published in 1842, and Ogilvie's Imperial Dictionary, published in 1850, are both English works.

It may be true that the income of Great Britain does not become revenue to the King until granted to him by the commons without affecting the meaning of the word "revenue" in the phrase "bills for raising revenue."

But apart from all this, neither of the English dictionaries quoted say that the income of the nation is not revenue until appropriated. They simply say it is income, and tell how it is derived and for what it is used. To illustrate: Webster defines "trousers," as "a garment worn by males," &c. By like argument that garment can not be trousers until worn, and that by a male.

Last on this point, Webster's Dictionary, published in 1840, and Worcester's Universal Dictionary, published in 1846—both American—both carefully avoid the coupling of "appropriation" with the definition of revenue, and confine it to simply income "for public use" or "for the payment of national expenses." And these definitions are correct in that regard even by English authority. Revenue is defined by Blackstone as—

A portion which each subject contributes of his property in order to secure the remainder.—1 *Blackstone's Commentaries*, 281.

Afterward he told of the King's revenue, and said:

How these immense sums are appropriated is next to be considered.—*Ibid.*, 325.

That was the English definition of "revenue" when our Constitution was made. In May's Constitutional History of England, published in 1861–'62, opposite the marginal "other sources of revenue" is—

But the King enjoyed other sources of income independent of parliamentary control.

Surely they were revenue to the King without appropriation by the house of commons.

No support to the gentleman from Ohio [Mr. HURD] comes from the citation of President Monroe's veto of the Cumberland road bill, in March, 1822. So far from discussing in that message any question kin to the one now in debate, he was antagonizing a bill which originated in the House of Representatives. He was not discussing where the bill should originate, but arguing that because taxes, &c., could only be raised by Congress for specific purposes, the money so put into the Treasury ought to be confined to those objects. He thought that bill a departure from that principle.

So much for the question of power in the Senate.

SHALL THE SENATE EXERCISE ITS POWER?

The power is indisputable. In many cases it is now used. Whether its use should be more extended I can not decide. Let us recall some of the reasons urged in 1856. Mr. Brodhead said that by a division of the appropriation bills between the two Houses they would be sooner ready and better considered. He said:

The evils to which I allude are well known. * * * I allude to the protracted sessions, and especially to the night sessions, during which the appropriation bills are usually considered, and some forty or fifty millions of dollars are voted away; and voted, too, during the absence of the best and most experienced Senators, who, in consequence of physical exhaustion, are not able to remain in the Senate Chamber during the midnight hours. It is desirable to prevent midnight sessions, also, because it is known that scenes sometimes occur in those night sessions which a sense of delicacy prevents me from describing. I may, however, say with great truth, that if at such times Congress is not in possession of the jobbers, both Houses are at least besieged by them.—*Congressional Globe*, first session Thirty-fourth Congress, page 160.

Mr. Toombs, in the same line, said:

There is no time for examining them. Within the last three years, I have seen in this Chamber a naval appropriation bill, appropriating $8,000,000, passed with-

out even being read. It was passed on the morning of the 4th of March, and the reason for not reading it as given by Senators on this floor was, that if we attempted to read the bill it would be lost. We were told that we had but so many minutes remaining; that it would take so many hours to read the bill, and that if you read it it could not be passed.—*Ibid.*, 379.

He also pointed out the fact that propositions which had been deliberately rejected by themselves, at their closing hours, came on as amendments and crept through, and said that practically the appropriations about which there was any room for disagreement were made not by the full House and Senate, but by heads of Departments or from men on conference committees, in a way and at a time when submission was the only escape from stopping the wheels of the Government. Has all that passed away, or is Congress still subject to such censure?

The appropriation bills must be passed. They ought to be fully discussed, though the time so consumed crowds out other business. Some think that if part of them were originated in the Senate that body need not adjourn for half its time in the beginning of each session, nor work so late at night at the end of each session to accomplish its task. Some think that were part of these bills first considered by the Senate the debates there would render unnecessary so long debates on them here. Some think that such an arrangement would give time to consider claims of meritorious persons who are worn out by delays, and time to inaugurate great reforms so needed by our overtaxed constituents.

I offer no advice. It would be unbecoming in me to do so. But I may say I do not foresee the danger in such a course so glowingly depicted by the gentleman from Ohio [Mr. HURD]. Our fathers had no such fears. They learned from British history, as epitomized in Blackstone's Commentaries, that the reason for the jealousy of the house of commons toward the house of lords was because lords could be made by the King at his pleasure, were a permanent body, and supposed to be under the influence of the Crown. We abolished king and lords. Our executive has naught to do with the creation or continuance of Senators. He is more likely to be subservient to that body than it to him. Its members change in a different way, and not all at once, but as regularly as do the Representatives. Though not elected directly by the people, they are by the people's representatives and senators in the State Legislatures. Though their terms of office be longer, they have a larger constituency to please and greater individual responsibility.

I repeat, our fathers had so such fear of the Senate. They thought it was enough that the Senate should not work on "bills for raising revenue," that is, imposing burdens on the people, until this House had laid the foundation. They feared not the Senate, and therefore allowed their co-operation in legislation. More, by removing from it the disability which the commons put upon the lords by divorcing bills of supply and bills of appropriation, they invoked their experience and conservatism in legislation with no limit but acting secondarily as to matters of taxation. Many of them, as Washington, Madison, Roger Sherman, Oliver Ellsworth, James Wilson, and Gouverneur Morris (the supreme court of Massachusetts said), thought it unwise to impose any restriction on the legislative power of the Senate.

So far from being afraid of the Senate, our fathers gave them the right to decrease or increase appropriations by amendment. How is the danger greater in allowing it to originate such bills than to refuse to pass them unless the House of Representatives will agree to their amendments? So far from fearing the Senate, our fathers gave it the sole and exclusive right to advise and consent to treaties. I say nothing now as to the extent of that power. But whether limited or unlimited by other parts of the Constitution, surely it may directly or indirectly affect the public purse far more than could be done by their originating appropriation bills, which could not become laws without the consent of the House of Representatives. If all were agreed in this, much good would come even if no change in practice occurred. It will be good for these brothers under the Constitution to "dwell together in unity." It will be a happy day when each, while steadfastly insisting upon its own, shall seek to add to the other's dignity and importance; not for its own aggrandizement, but impelled by a generous purpose to enable both to better serve their common country. No longer jarring and contending, their conjoint glory will be the pride of that country and the admiration of the world.

Mr. WILLIS. I now yield ten minutes to the gentleman from Maine [Mr. REED].

Mr. REED. I wish the gentleman would make it fifteen minutes, though I may not occupy more than ten.

Mr. WILLIS. I have given away all the rest of my time. I am sorry I did not know the gentleman's wishes earlier.

Mr. REED. I want sufficient opportunity to state my position clearly upon this question.

The SPEAKER. The gentleman from Maine is entitled to the floor for ten minutes.

Mr. REED. Mr. Speaker, the clause in the Constitution which is now to be made the subject of interpretation seems to be very simple. It says:

All bills for raising revenue shall originate in the House of Representatives.

That language is plain, simple, and easy to be understood. If the gentleman from Ohio [Mr. HURD] can give it any other meaning he must do it by reference to the history of its time and of its enactment. If, then, I can prove conclusively by the history of its enactment that it has no such meaning as he undertakes to give it, I think that all his eloquent discourse will fall to the ground, even though it be much sustained by applause of those who admire eloquence in diction more than they do soundness in reasoning.

The contest which resulted in the wording of this particular clause was not a contest between the commons of England on the one side and the house of lords and the Sovereign of England on the other. Any man who undertakes to view that sentence in the light solely of English history will get as badly misled as is the gentleman from Ohio. This is no case of power wrested from a King. To-day the laws of England bear this preface: "Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent," &c. These words embalm the old fact, the spirit of which perished long before our Constitution was adopted.

We have never had to wrest power from an arbitrary ruler. On the contrary, the sources of our power were the States and their citizens, and its bounds were settled by the constitutional convention. The fight in that constitutional convention was not a fight between an arbitrary ruler and the people to be governed. It was a contest between States. It arose from the fact that we were to establish a nation composed of States; and the contest was to preserve the rights of the States as against the rights of the nation; and, therefore, when the proposition was originally reported by the committee of detail to the constitutional convention August 5, 1787, it was introduced in this form, as will be found on page 377 of the Madison Papers, Elliott's edition of 1845:

All bills for raising or appropriating money * * * shall originate in the House of Representatives, &c.

It covered not only the raising of revenue but the appropriating of the same. When the matter came up later in the same month Mr. Randolph moved that the clause be altered so as to read:

Bills for raising money for the purpose of revenue or for appropriating the same shall originate in the House of Representatives.

That proposition as originally stated, together with the amendment proposed by Mr. Randolph, was defeated by a vote, if my recollection serves me, of nearly two to one. This was August 13, 1787, and the exact vote was 7 to 4. The question came up in that form more than once, and every time it came up it was defeated; and it was defeated upon the plain ground that the States demanded that the Senate, where they were peculiarly represented, should have the same power as the House of Representatives.

In September, however, on the 5th day, the proposition assumed this form:

All bills for raising revenue shall originate in the House of Representatives

And on page 511 of Madison Papers will be found a statement by Mr. Gouverneur Morris as to that very clause: "It had been agreed to in the committee on the ground of compromise." When the final vote was taken, September 8, the vote was 9 to 2 in favor of the compromise. An examination of the notes on pages 529 and 514 will show that I am correct. In other words, the whole history of this clause shows that the construction for which the gentleman from Ohio contends was put into plain language, that bills for raising money and also for expending money should originate in the House. That was voted down repeatedly. Then as a matter of compromise it was determined that bills raising revenue, raising money for the expenses of the Government, should originate in the House, and that left all other bills, those expending moneys, to originate either in the Senate or in the House as either body shall move.

And now the gentleman from Ohio comes here and says that notwithstanding this for which he contends was defeated time and again, notwithstanding the fact that what was adopted was called a compromise, and history shows it to have been a compromise, he comes here and declares that by some juggle of words this thing which had been repeatedly defeated by men who understood their position as thoroughly at least as he does was carried through and this constitutional convention passed what they never meant to pass, and that without a single word indicating any change of disposition!

It does seem to me that this matter is a demonstration, and that my friend from Ohio is carrying his affection for the English system of laws a trifle too far. For my part I have not seen anything in the history of the House of Representatives since I have been a member of it that should make me feel inclined to insist on more bills originating in it. We are to-day so clogged with the business which legitimately belongs to us that under our present system of working we absolutely can do nothing. If, then, we should undertake to shut off the Senate from what is their plain constitutional right, as the history of this legislation shows, as the plain language of the Constitution shows, I am afraid we should exhibit to the country a still worse instance of ineffectuality than we do to-day. [Applause on the Republican side of the House.]

Mr. WILLIS. I yield five minutes to the gentleman from South Carolina.

Mr. DIBBLE. It appears to me, Mr. Speaker, that the Constitution

itself settles this question incidentally when, in article 1, section 7, it says:

All bills for raising revenue shall originate in the House of Representatives;

and in section 8 it begins by saying:

The Congress shall have power, &c.;

and in the same section, under the head of raising and supporting armies under this power of Congress, it declares:

No appropriation of money to that use shall be for a longer term than two years.

Therefore the very language of the Constitution makes the distinction between "raising revenue," which it applies to the House, and the "appropriation of money," which it puts under the power of Congress.

But the rules of this House, which have been built up by the parliamentary experience of members of the House from time to time, in several instances make the same distinction. In Rule XI, paragraph 2, it gives to the Committee on Ways and Means subjects relating "to the revenues and the bonded debt of the United States."

In the next paragraph it sends to the Committee on Appropriations, subjects relating "to appropriation of the revenue for the support of the Government"—

Thus defining, in the powers and duties of the committees of this House, the distinction between "revenue" and "appropriation of revenue."

A still more marked instance of this distinction in the rules of the House is found in the thirteenth rule:

There shall be three calendars of business reported from committees, namely: First. A calendar of the Committee of the Whole House on the state of the Union, to which shall be referred bills raising revenue—

The very language of the Constitution—

general appropriation bills—

As a distinct subject—

and bills of a public character, directly or indirectly appropriating money or property—

As another distinct subject. And under Rule XXI, paragraph 6, speaking of bills, we find:

Upon all general appropriation and revenue bills * * * the yeas and nays shall be taken, &c.

Therefore we have not only the argument from the direct action of the convention, we have not only the argument from the Constitution, but we have, in the parliamentary rules which govern this House; the very distinction raised between the two terms, the language of the distinction following very much the language of the Constitution.

I would be one of those, Mr. Speaker, to assert for this House its full prerogative in relation to "bills raising revenue," which impose direct burdens on the people, and to maintain that the direct representatives of the people are the only ones to originate such bills; but when it comes to the disbursement of the moneys of the people, the co-ordinate legislative branch of this Government—the Senate of the United States—representing the States in their collective capacity, has reasonably under the structure of our Government as much right to suggest the way in which that money shall be spent for the public good as this House, and are not to be put in the same category as the house of lords, which is a body of hereditary nobility in England.

Mr. WILLIS. I now yield five minutes to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. Mr. Speaker, the principles involved in the question presented by the resolution of the gentleman from Ohio have already been so clearly set forth that I rise now only for the purpose of citing an authority which seems to me to be conclusive in regard to the matter. The constitution of Massachusetts, which was framed some seven or eight years before the Constitution of the United States was adopted, contains a similar constitutional provision with this exception: The language of the Massachusetts constitution is:

All money bills shall originate in the house of representatives.

The language of the Constitution of the United States is:

All bills for raising revenue shall originate in the House of Representatives.

The gentleman from Ohio has suggested that under the British constitution the term "money bill" embraces bills for raising revenue, bills granting a supply, and bills making an appropriation. While I am not sure I agree to that definition, it undoubtedly is true that the term "money bill" is a much broader term than the limited term used in our Federal Constitution, namely, a bill "raising revenue."

And yet it has been decided by the supreme court of Massachusetts, the opinion having been delivered by Chief-Justice Gray, now sitting upon the Supreme Bench of the United States, that even under that broad term "money bill" an appropriation may originate in the Senate. Questions were put by the Legislature of Massachusetts to the supreme court of that State as follows: First—

Can the senate, under the provisions of chapter 1, section 3, article 7 of the constitution, originate a bill or resolve appropriating money from the treasury of the Commonwealth?

The court answers:

The senate can, under the provisions of chapter 1, section 3, article 7 of the constitution, originate a bill or resolve appropriating money from the treasury of the Commonwealth.

The second question—

Can the senate under said provision originate a bill or resolve in any way involving, directly or indirectly, the expenditure of money from the treasury, or imposing any burden or charge thereon?

The answer is:

The senate can, under those provisions, originate a bill or resolve involving, directly or indirectly, the expenditure of money from the treasury, or imposing a burden or charge thereon.

The third question—

Is the power to originate a bill appropriating money from the State treasury limited by the constitution to the house of representatives, or does it reside in both branches of the Legislature?

The answer is:

The power to originate a bill appropriating money from the State treasury is not limited by the constitution to the house of representatives, but resides in both branches of the Legislature.

This opinion contains a most elaborate review of the whole question. It is a very carefully prepared and thorough decision, embodying a review of the English and American precedents. The court arrives at a conclusion different from that which has been reached by the gentleman from Ohio, and claims that even under the British constitution, which is unwritten and contains no written limitation, the power of appropriating money is not limited to the house of commons.

Mr. HURD. Will the gentleman from Massachusetts allow me a moment?

Mr. LONG. Certainly.

Mr. HURD. I would like to ask the gentleman from Massachusetts if it is not true that the point of the decision in the Massachusetts case to which he refers was not that it had not been settled in England that this power to originate appropriation bills was vested in the house of commons at the time of the framing of the constitution of Massachusetts?

Mr. LONG. In answer to the gentleman from Ohio as to the doctrine prevailing on this point at the time our constitution was framed our supreme court say:

The result of the review of this branch of the subject is that it can not be considered to have been settled in England before 1780, when the constitution of the Commonwealth of Massachusetts was adopted, that the appropriation to particular objects of moneys in the treasury or exchequer of the Sovereign belonged exclusively to the house of commons, and that bills for such appropriations must originate in the house.

That opinion is so conclusive that I could not fail to cite it in this connection. I will say that it is contained in volume 126 of the Massachusetts Reports. It limits the restriction on the senate strictly to bills raising revenue; that is, bills "that transfer money or property from the people to the State."

Mr. HAMMOND. Will the gentleman from Massachusetts allow me to remark that that opinion is quoted with approval by two-thirds of the Judiciary Committee of the Forty-sixth Congress in the report which I have caused to be read here?

Mr. LONG. I will call attention again to the fact that the language of the Massachusetts constitution is much broader than the language of the Constitution of the United States. In the constitution of Massachusetts the language is "all money bills," while in the Constitution of the United States it is, as I have already said, "bills for raising revenue." When, therefore, the gentleman from Ohio suggests that "money bills," under the British interpretation, were at one time construed to embrace, first, bills granting supplies; second, bills making appropriations; and third, bills for raising revenue, I would suggest that, if that be true, it is certainly a little remarkable that our fathers in framing the Constitution of this country should have limited the restriction to one of these three classes, namely, to "bills for raising revenue." It was equivalent to saying that there was to be no restriction as to "appropriation bills" or "bills granting supplies."

Mr. WILLIS. I now yield ten minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. Mr. Speaker, pride and duty go hand in hand to carry us along with the gentleman from Ohio when he appeals to us to guard jealously the prerogatives of this House. Certainly this is a duty we owe to ourselves and the country. But we are also to support the Constitution of the United States, and the just powers, under that instrument, of every department and every branch of the Government.

The question raised by the resolutions before the House resolves itself into this: What is the meaning of the section of the Constitution which provides that all bills for raising revenue must originate in the House of Representatives and may be amended in the Senate? The subject has been clouded by much learning. In the ten minutes given me I could not enter into that field even if I had anticipated this debate which has been so suddenly sprung upon the House; but after all, the real question lies within a very narrow compass. That question is, what did the framers of the Constitution mean when they rejected the phrase, "All money bills shall originate in the House," and substitute in lieu of it, "All bills raising revenue shall originate in the House?"

I admit the construction placed upon the words "money bills" by the gentleman from Ohio, so far as the British constitution is concerned. I admit further that those who framed the Constitution of the United

States were familiar with what is called the British constitution, and that they knew the meaning of the words there employed; and this is where I ground my argument.

Every lawyer knows that when a constitutional convention rejects a phrase, the meaning of which is well known and clearly defined by an unvarying line of precedents and in its stead uses a new and a different phrase, it does this solely because it means to accomplish a different thing, a different purpose from that implied by the old and well-known phrase. This presumption becomes absolutely conclusive when the new phrase on its face is clearly narrower and more restricted in meaning than the rejected phrase. I therefore admit to its fullest extent the argument of the gentleman from Ohio, that in the British constitution "money bills" meant bills not only taxing the people but bills appropriating money. I need not look into the history of our Constitution or examine what was done in the convention. It is sufficient for me to assert the proposition, that the gentleman from Ohio is right as to the meaning of the words "money bills" in the British constitution, that the framers of the Constitution knew the meaning of the words there used, and that they used different and narrower words, to bring us to the conclusion that they meant to confer upon the House of Representatives powers different from those conferred by the words "money bills" upon the house of commons in England.

But, Mr. Speaker, the question becomes plainer still when we look at what actually occurred in the convention. This proposition was considered a long time. It was first up on the 29th day of May. The proposition originally was, which was adopted by the Committee of the Whole:

All money bills—

Using the English term—

shall originate in the House of Delegates—

Meaning this House—

and shall not be altered by the Senate.

There we have two propositions. Taken together, they confer upon the House identically the power that existed in the house of commons in England.

The Senate, like the house of lords, was not to be allowed to originate or amend "money bills."

That was in May. The question was up again and again—next on the 31st of the same month; next on the 2d July; next on the 16th July; next on the 26th July. Long before the provision was perfected into its present shape the clause forbidding the Senate to amend was stricken out and the power to amend was expressly given to it. This indicates a clear intention not to be guided by the analogy of the British constitution; not to erect the Senate into a body as insignificant as the house of lords.

Then in August, on the 15th of that month, Mr. Strong made a proposition which is substantially the same as that now embraced in the Constitution. That was considered until the 15th day of September—twenty days. Then came in from the committee the provision we now have, which differs in two respects from the original proposition. That original proposition, as I stated, was to confer upon the House of Representatives precisely the same power the house of commons had in England, and which the gentleman from Ohio [Mr. HURD] says it had. But the proposition as finally adopted differed in two respects. In the first place, instead of using the words "money bills," the words were inserted "bills raising revenue." Will any lawyer tell me that that convention by striking out the words "money bills" and inserting the words "bills raising revenue" meant nothing? Can the gentleman from Ohio argue that the framers meant nothing whatever when they discarded a phrase the meaning of which was well known, and which had been decided upon time after time, not only in the English Parliament but in similar bodies in the United States.

Certainly every lawyer is bound to say that if the words are fairly capable of a different meaning from the words "money bills," then by the use of the different words the framers of the Constitution meant a different thing.

The gentleman's argument, Mr. Speaker, is based upon the construction of phrases in the British constitution and upon English precedents and nothing else whatever, except indeed he speaks of the practice under our Constitution of the United States, the precedents that have been set here. He says that never from the beginning of the Government down to the present time has a general appropriation bill originated in the Senate and passed the House. I admit it. He says that constitutes a line of precedents—precedents that ought to prevail in the construction of the Constitution. If that be so, then I ask him the question, are not other things done, other acts had on the very same subject by the very same Congress—acts much more frequent than the passage of general appropriation bills, running through all the history of the Government down to the present time—are they not also precedents?

Sir, there has never yet been a regular session of Congress at which the Senate did not originate bills appropriating money—bills which passed the Senate, were concurred in by the House, and approved by the President. The Speaker's table is piled up with them now, and some have already passed at this session as others passed at last session.

It will not do to say these bills were for special purposes, or that they were limited in amount. There is no difference in principle, and there can be none, between the power to make a special appropriation and the power to pass a general appropriation bill. There is not a line, or a word, or a syllable in the Constitution on which such a distinction can be founded. There is not a hint in the whole Constitution on which even the ingenuity of the gentleman from Ohio can found an argument for such a distinction. I defy any gentleman to show such a distinction, and I defy him to show that there is any difference between the power of the Senate to originate a bill appropriating $100 and its power to originate a bill appropriating a hundred million of dollars.

The SPEAKER *pro tempore* (Mr. SPRINGER). The time of the gentleman from Alabama has expired.

Mr. WILLIS. I yield ten minutes to the gentleman from Virginia [Mr. JOHN S. WISE].

Mr. JOHN S. WISE. It seems to me, Mr. Speaker, that the proposition advanced by the gentleman from Ohio [Mr. HURD] involves in the first place an idea which emasculates utterly the Senate of the United States, and that in the next place it involves the proposition that money raised by the Government does not become revenue until it has not only been collected but spent.

Now, it would be a convenient theory, and I wish it could be put in practice in this House at this late stage of this Congress, to establish the proposition that money does not become revenue until it is collected and spent. But as I understand the provision of the Constitution, it restricts the origination of bills for raising revenue to the House. Its object was to confine the power of taxation and the burden of taxation to that body, which came directly from the people, was presumed to know their wishes as to bearing taxes, and whose members are to be returned in a short time. On the other hand, the expenditure of the money of the Government may well be made by the Senate. According to the theory of our Government, the Senate is the body of wisdom, of prudence, of sagacity; and in the disbursement of the revenues of this Government it is presumed to have the good of the people at heart and to understand how to spend the money, although it may not be freshly informed as to how to raise it. And that is the sole distinction.

The original draught of the Constitution contained a provision which not only confined the power of originating bills for raising revenue to the House of Representatives, but also the power of originating appropriation bills. No two things could be more distinct than the power to raise money and the power to spend money. The two ideas and expressions are antithetical. In the Constitution as adopted the provision limiting the origin of revenue bills to the House was retained, and the provision restricting the origin of appropriation bills to the Senate was stricken out.

It was stricken out from the original proposition, which confined to this House the power to make appropriations, and to-day the words are nowhere to be found in the Constitution, so that the power to raise revenue is the only power which is confined to this House. The gentleman from Ohio has seen fit to cite in this connection authorities and examples from England. I wish to say to him that we are not in England, and to remind him that some of his English authorities and precedents are not always apposite or applicable here, as we have learned from experience in a somewhat celebrated case. They sometimes work in a way in which they were not intended to work when cited.

At the time of those authorities which he cites there was in England no such spirit as that which prevails here, and there was no such power behind the lords and commons of England as there is behind the Congress of the United States—the sovereign majesty of the people of the United States, not Her Sovereign Majesty the Queen.

To say that at a time like this, when the greatest danger which is impending over this country is the misuse of the power of the franchise, at the moment when this great structure of American liberty, raised by the people and for the people, is in danger from the ignorance of the people, to tell us at such a time that the great co-ordinate body of this Government—the Senate of the United States—can not see the danger, can not realize the destructive influences that are abroad and take a step which will prevent this Government from falling to pieces through the ignorance of those who exercise the franchise, merely because it takes money to carry out the measure, is to tell us that the Senate of the United States is not a co-ordinate power of this Government, with equal dignity and equal rights and equal responsibilities with this House in devising measures of public safety, and that it is a senile and emasculated body, sitting and waiting simply to record the will of this sovereign body—the House of Representatives; for the measures which may be originated by either body of Congress which do not involve the appropriation of money to give them vitality and efficacy may be enumerated upon the fingers of one hand.

I do not believe, sir, that that is the theory of our Government; I do not believe that it was the purpose of the framers of the Constitution to put the whole power of legislation in the hands of the House of Representatives, as such a construction would put it. I do not believe that the construction which takes the word "revenue," which means coming back into the Treasury, and makes it mean going out of the

Treasury, is the construction which was intended by the fathers and framers of the Constitution.

And, Mr. Chairman, I feel a peculiar solicitude at this time that no such construction should prevail, because I look upon the resolution offered by the gentleman from Ohio, although in form it is merely a question of privilege, as a direct attack upon what I conceive to be the most important measure before this Congress, as it sends the question to a committee whose chairman is, I learn, hostile to the educational bill. Sir, I come from a portion of this country in which 4,700,000 out of 6,200,000 illiterates reside. I come from a land that hungers and thirsts for knowledge, a land where the franchise has been poured out like water, but where intelligence and education of the masses has been withheld, until of late years, as if it were a distilled poison, dangerous and powerful as aconite. I come from a region of country where every one of our constituents, regardless of party, come forth, whenever their Representatives appear, exclaiming, with almost religious fervor:

'Tis a thing we long to know,
Oft it causes anxious thought;
Will you pass this bill, or no?
Is it ours, or is it not?

I come from a people who demand the passage of this measure, who believe that it has been constitutionally originated, and that it is the purpose of this Congress to pass it; their expectation is that it will be passed; and I say to the gentleman from Ohio that it will not do in dealing with a hungering and thirsting people, who realize the dangers of ignorance, who pant for knowledge, to tell them when they have asked for bread and you have given them a stone—it will not do to tell them that you would have passed the bill but for the fact that it had originated in the Senate, and therefore you did not have the power to pass it. It is the pledge of every party that this bill shall be passed. It is the prayer of everybody that it shall be; and I say to the gentleman, now and here, let him, if he will, assume the responsibility of defeating the passage of this measure by such a technicality as this, and let the responsibility rest where it ought to rest, for the people will rise in their wrath and scout the idea that the Senate of the United States is the powerless nonentity which his contention implies, lying bound hand and foot at the mercy of the House of Representatives, unable to respond to the great needs of the nation, unable to avert the greatest of national calamities, unable to do aught affirmatively, and but a negative power, until this House shall see fit to originate measures.

On measures like this, responding to a great need, the people are wise and vigilant. It will not do to tell them that it failed by technicalities. The passage of this resolution means delay, and delay at this late hour means death. The people know where and with whom the bill originated. They know where and with whom it rests upon its passage. They will not be deceived by the pretense that this vital stab is but an indifferent technical inquiry. If death follows, it will be known of all men where and by whom and why the fatal blow was struck, and I repeat that the responsibility shall rest where it belongs.

Mr. WILLIS resumed the floor and yielded three minutes of his remaining time to Mr. COX, of North Carolina.

Mr. COX, of North Carolina. Mr. Speaker, no provision of the Constitution has been more fully and elaborately discussed than the seventh section of the first article. I agree with much that has been said by my distinguished friend from Ohio [Mr. HURD], but believing that the effect of the passage of his resolution at this time will imperil the consideration of the Blair educational bill, I can not give it my support. I am somewhat in the condition of the judges described in Don Quixote who appealed to Sancho Panza to relieve them from their dilemma, and which is as follows:

A certain manor was divided by a large river, over which there was a bridge, at the end of which there was a gibbet and a hall, in which five judges presided to execute the law. A law was enacted as follows:

Wosoever shall pass over this bridge must first swear whence he comes and whither he goes. If he swears the truth he shall be allowed to pass; but if he forswear himself, he shall die upon the gallows without mercy or respite.

It happened that one man's oath being taken he swore he was going to cross the bridge to be hanged on the gibbet, which was his only errand. Therefore if he swore to the truth he should be permitted to pass freely; if to a lie, he should be hanged. Now the question was presented, what should be done? Sancho decided that the half which swore the truth should have been permitted to pass, and that which swore a lie be hanged. But as the reason for condemning and acquitting the culprit were equally balanced, they should let him freely pass; for it is always more laudable to do good than harm.

Now the proposition of the gentleman has an admirable provision in so far as it provides for the preservation of the prerogatives of this House. But as this character of bill has precedents in its favor, notably in the appropriation of the proceeds of the public lands by bills introduced in the Senate in 1832 and 1835, and as the circumstances that precipitated the mass of illiterate voters upon us can never occur again, and in view of the fact this illiteracy jeopardizes the perpetuity of our free institutions and hangs as an appalling cloud over some of the fairest portions of this land, I will resolve the doubt in favor of education. I have not had time during this discussion to fully examine this measure. It may be that the Senate can originate such bills. They have often exercised such authority; but, as is said by the gentleman from Ohio, that is not conclusive. I do not altogether agree with precedents he has quoted from the English Parliaments. One of these bodies is composed of an order of nobility, and while our Constitution provides for a dual body, yet the same reasons for this similarity did not conduce to their similar features. If the proposition was clear that the Blair bill was an infringement of the rights of the people as represented in this body I would be one of the last to support it, whatever benefits might result from an appropriation. But while the question may be involved in uncertainty and all the points now urged can be fully considered when the bill shall be brought forward for final determination, I am constrained to oppose the resolution now before the House in view of the great good that will arise from a general diffusion of intelligence.

Mr. HURD. Mr. Speaker, I believe I have fourteen minutes remaining.

The SPEAKER *pro tempore* (Mr. SPRINGER). The gentleman has that time.

Mr. HURD. I yield seven minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I will frankly say that if I were now called upon to vote on the question whether the Senate can originate an appropriation bill, I do not know upon which side of the question I should vote. The proposition now presented is simply whether this very grave and serious question should be referred to the Committee on the Judiciary for its report.

I do not propose to discuss the question upon the merits. I have a right to say it is a serious question, when by looking at the Congressional Globe I find that on the 7th February, 1856, the following resolution was pending in the United States Senate:

Resolved, That the Committee on Finance be instructed to prepare and report such of the general appropriation bills as they may deem expedient.

The question which it is now proposed to refer to the Judiciary Committee of this House was directly involved in that resolution. I find, sir, that in the discussion upon that resolution an eminent Senator from the State of New York, William H. Seward, used this language:

Whatever the convention may have purposed and however they may have understood the Constitution which they have framed, the fact is a stubborn one that the Senate has never originated an appropriation bill, but that it has always conceded to the House of Representatives the origination of appropriation bills, and the House of Representatives has never conceded to the Senate the right to originate such bills, but has always insisted upon and executed that right itself. This could not have been accidental; it was therefore designed. The design and purpose were those of the contemporaries of the Constitution itself; and it evinces their understanding of the subject, which was that bills of a general nature for appropriating the public money or for laying taxes or burdens on the people, direct or indirect in their operation, belonged to the province of the House of Representatives.

A little further on this eminent Senator said:

Sir, if this power is confined to the raising of revenue, and does not include the expending of it, then the right which was reserved to the House of Representatives is useless, because, practically, we provide for raising revenue so seldom that the exclusion of the Senate from it is of no real value to the country.

Again, this same distinguished Senator used the following language:

I think, then, sir, that I stand upon the principles and the spirit of the Constitution of the United States in advising against the instruction which is asked for by the Committee on Finance.

Further on in this debate I find the following language used by another distinguished Senator, Hon. Charles Sumner, from the State of Massachusetts:

And this brings me, sir, to the precise meaning of the provision. The seeming indefiniteness of the term "bills for raising revenue" may perhaps furnish apology for the present effort. It may be argued that while the Senate is placed under certain restrictions, it may nevertheless originate "appropriation bills." This, of course, is a question of interpretation. Does this interdict upon the Senate extend to the bills by which money is appropriated to the support of the Government as well as to those bills by which it is directly obtained? Are appropriation bills excluded under the term "bills for raising revenue?" Now, I can not join with the opinions so confidently expressed by the Senator from Virginia [Mr. Hunter] and the Senator from Georgia [Mr. Toombs] that it was clearly the intention of the Constitution to concede to the Senate the power of originating all appropriation bills.

* * * * * * *

I am not insensible to the public convenience which has been pressed in this debate; but permit me to say that should this convenience require the proposed departure from our standing policy, you will be wise, sir, if you hearken to the counsels of the Senator from New York, and refrain from any innovation, unless assured of the consent and co-operation of the House.

Mr. Sumner was then asked by Mr. Toucey whether he denied the constitutional power of the Senate to originate appropriation bills. I read Mr. Sumner's reply:

Mr. SUMNER. Will the Senator allow me to say that my statement was that I regarded it as a departure from the spirit of the Constitution?

Mr. TOUCEY. I would beg leave to ask whether he denies the power of the Senate to originate appropriation bills?

Mr. SUMNER. I have already said that the language in the Constitution seemed to me indefinite. It is not on the face of it clear. I am driven therefore to contemporaneous evidence in order to seek its precise meaning; and referring to that, my conclusion is that according to the spirit of the Constitution it does not belong to this body to originate appropriation bills.

Mr. Speaker, as I said at the outset, I do not know how I should vote upon this question. I have simply called attention to the utterances of these distinguished Senators, one of them at least an eminent lawyer, for the purpose of impressing upon this House that this is certainly a most serious question, and we should not hastily take action upon it.

I believe it is entirely proper this resolution should go to the Committee on the Judiciary, that from that committee we should have a report. Doubtless diverse views will come before the House. Let these reports be discussed, let these views be examined. It is not a question to be put aside lightly. It is in my judgment one of the most serious questions that can come before Congress.

Mr. HURD. Mr. Speaker, in the debate in the United States Senate on this very same subject in 1832, Mr. Webster said that the question, which is now submitted by this resolution to this House, was one of the most important which could be considered in legislation; one affecting the very highest privileges of the House; one which the House alone could decide for itself. Nearly a century has transpired since the formation of this system of government. Repeatedly has the question been considered; never has it been determined by the House. I believe it should be determined now without regard to the merits of the argument, which have been suggested this afternoon to the consideration of the members of the House. I believe it should be referred, as the resolution proposes, to the Judiciary Committee, that they may make an intelligible report to this House on this important subject.

It is hardly necessary in this view, then, that I should reply to any of the remarks which have been made in opposition to the proposition maintained by me in the opening. I will, however, say, in response to the gentleman from Maine [Mr. REED], that I read the history of England very differently from him. I believe that this power of appropriating money by the house of commons was a power extorted from the lords, compelled from the King, by the determination of the house of commons to insist upon the popular rights of the subjects of that government. I do not think that any man, who will devote himself carefully to the reading of history on this subject, will come to any other conclusion than that, and it was just this power, wrested from the Lords and from royalty for the protection of the British people, that it was the intention of the framers of this Constitution to put here for the protection of the people of America.

As for the remarks of the gentleman from Massachusetts [Mr. LONG] in reference to the decision of the supreme court of that State, I desire to say that decision does not determine the question involved here. It simply determines the signification of the term "money bills," and what was held in that opinion is not at all conclusive of what is the meaning of the word "revenue" here in our Constitution.

And I would say this much in referencee to the decision in Massachusetts in addition. It is based upon a statement of fact, namely, that it can not be considered to have been settled in England before 1780, when the constitution of Massachusetts was adopted, that bills appropriating money must originate in the house of commons.

I deny the fact stated by the supreme court of Massachusetts, upon which the whole decision rests, and, to maintain the truthfulness of my assertion, I appeal to all the commentators on the English constitution who have written on the subject from 1678 to the present hour.

I have nothing to say as to the merits of the particular bill to which this resolution relates. I do not know that I shall antagonize it when it is presented to the House for consideration, but when I see a bill relating to a public purpose coming from the Senate to this House originating an appropriation of nearly $100,000,000, I believe it to be our duty to decide this question whether the Senate has any such power as that.

Shall the desire to educate the people lead us to violate the fundamental law of the land? Shall the desire to overcome the evils of illiteracy impel us to violate our oaths? I do not care how much I might be devoted to the success of a measure, if I conscientiously believed the Constitution of the United States to be in its way I would let the measure go and keep my oath and maintain the Constitution of my country. [Applause.]

Mr. WILLIS. I desire briefly to call the attention of the House to the character of the pending motion.

Mr. HURD. How does the gentleman from Kentucky get the floor to conclude the debate.

Mr. WILLIS. By your courtesy.

Mr. HURD. I was not aware I had given it, but if the gentleman so regards it I will yield to him.

The SPEAKER. When the gentleman from Ohio rose the gentleman from Kentucky [Mr. WILLIS] had seven minutes of his time remaining.

Mr. WILLIS. Mr. Speaker, this is an unusual, I may say an extraordinary, resolution. What is its object? Why does it come forth at this particular moment? At what is it aimed? It states upon its face the object and the aim it has in view; that is, to call in question the constitutionality of a measure now pending in this Congress commonly known as the educational bill.

Why has the resolution been delayed up to this moment. On the 7th day of April, 1884, nearly two-thirds of a year ago, this educational bill passed the Senate of the United States. It has from that time until now been left buried under your infamous system of rules on the Speaker's table. Now, with only thirty or forty legislative days left, when we know that under these arbitrary rules the consideration of the most important measures must be defeated; now, after the lapse of two-thirds of a year—more than that—my friend from Ohio [Mr. HURD], anxious to vindicate the majesty of the rights of this House, rises in his seat for the first time and discovers they have been invaded by the action of the Senate.

Sir, I would have more appreciation of the resolution had he been more vigilant as a member of the House in presenting it to the House. I would have more consideration for it if it was aimed at some other of the many thousands of bills upon our Calendar or in committee which are less worthy than this, or that have been already passed by the Senate and have come to us. Only in this session, hardly fifty or sixty hours ago, a bill carrying the appropriations for the naval affairs of this country was passed by the Senate of the United States and referred to the Committee on Appropriations of this House. My friend from Ohio was here then; why did he not lift his eloquent voice against that invasion of the rights and privileges of this House? Ay, sir, if any question has been settled it is the right of the Senate not to raise revenue, which is not claimed, but to expend revenue, which right they have always exercised. The very men who founded our Constitution in the very first Congress that met passed bills of appropriations; and within the hundred years of our existence this right of the Senate to appropriate money has never been disputed, or, if disputed at all, has been successfully maintained as a right pertaining to that body. We have had committees of this House who have considered and deliberately considered it. We have had votes in this House, a body always jealous of its rights, and all have pointed to the maintenance of the right of the Senate to the extent involved in this educational bill.

Mr. Speaker, what is this bill? It is a bill that has already met the approbation of the committee of this House, a bill similar to the one that the gentleman refers to having been considered. Why, if we want to vindicate the dignity of the House, why should we attempt it upon a bill so vitally connected with the future welfare, prosperity, ay, the very perpetuity, of our public institutions in this country as the bill in question? It is known in this House that from day to day and from month to month the Committee on Education has been struggling to get the floor to press the consideration of this educational bill. We are now in the close of this session of Congress. Will this Congress adjourn without action upon this important measure?

Will you, the Representatives of the people of the United States, go back to your constituencies and tell them that you are more interested in passing a bill to prevent hog-cholera or pneumonia in cattle than a bill concerning the intellectual health of your own offspring? That is the question, and this resolution is a blow now being struck at the consideration of this great measure.

Send it to the Judiciary Committee! That is a ponderous, weighty, and deliberate body. Long before they have read the title of this bill yonder clock will have recorded the end of this session. And when we come to-day or to-morrow and ask this House to consider the educational bill, my friend will spring to his feet and say that grave questions affecting the dignity of this House are involved in this bill—these questions we have referred to the Judiciary Committee, and until their action as a committee is made known to this House and proper action taken upon it we ought not to enter upon the consideration of such a measure.

Mr. Speaker, believing that the mind of this House is determined upon this question, believing that further consideration either by the Judiciary Committee or by the House is unnecessary, recognizing the fact that this House has only a few days of life left, in the interest of the economy of the time of the House and in the interest of the objects of this great bill I move to lay the resolution of the gentleman from Ohio on the table. [Applause.]

Mr. HURD. Will the gentleman from Kentucky withdraw the motion for a single instant? I believe I had a moment or two of my time left, and desire to read an extract which will take but a moment.

Mr. WILLIS. I will withdraw, with the right to renew it again.

Mr. HURD. Certainly.

I desire to read simply what I intended to have read a few moments ago; that is, a statement by the late President of the United States, Mr. Garfield, on this very question. There was a resolution pending before the House in the Forty-first Congress declaring that the House had the exclusive right to originate all bills directly affecting the revenue, whether such bills be for the imposition, reduction, or repeal of taxes, when Mr. Garfield said:

> I wish to say merely that the House has never at any time, so far as I can find when the matter was challenged or called up, surrendered the right claimed in the resolution now pending; and if any House should ever make such surrender, I should look upon it as a dark day for the liberties of the country.

Mr. WILLIS. I renew the motion to lay the resolution upon the table.

Mr. YORK. On that I ask the yeas and nays.

Mr. WHITE, of Kentucky. Do I understand the gentleman from Kentucky desires to cut off debate on this question?

The SPEAKER. The gentleman moves to lay the resolution on the table, which is not a debatable motion.

Mr. WHITE, of Kentucky. Before that motion is put I desire to ask leave of the House to print some remarks in the RECORD on this subject.

Mr. O'FERRALL. I desire to make a similar request.

The SPEAKER. If there be no objection these requests will be granted.

There was no objection.

Mr. TOWNSHEND. I ask that the resolution be again read.

The resolution was again reported.

The SPEAKER. On this question the yeas and nays are demanded.

The yeas and nays were ordered, 66 members voting in favor thereof.

The question was taken; and there were—yeas 128, nays 123, not voting 72; as follows:

YEAS—128.

Adams, G. E.	Dibble,	King,	Reese,
Atkinson,	Dibrell,	Lawrence,	Rice,
Bagley,	Dingley,	Lewis,	Rockwell,
Barbour,	Dunham,	Libbey,	Rowell,
Barr,	Elliott,	Long,	Russell,
Bayne,	Ellis,	Lyman,	Skinner, C. R.
Beach,	Evans,	McCormick,	Smalls,
Bennett,	Everhart,	Millard,	Smith, A. Herr
Bisbee,	Findlay,	Miller, S. H.	Smith, H. Y
Blackburn,	Forney,	Milliken,	Spooner,
Blanchard,	Garrison,	Money,	Steele,
Boutelle,	Geddes,	Morrill,	Stephenson,
Bratton,	George,	Muldrow,	Stewart, J. W.
Breckinridge,	Guenther,	Mutchler,	Struble,
Breitung,	Hammond,	Nelson,	Taylor, E. B.
Brewer, F. B.	Hanback,	Nicholls,	Taylor, J. D.
Brewer, J. H.	Harmer,	Nutting,	Taylor, J. M.
Brown, W. W.	Hatch, H. H.	Oates,	Valentine,
Browne, T. M.	Haynes,	O'Ferrall,	Vance,
Buchanan,	Hemphill,	O'Hara,	Wadsworth,
Budd,	Henderson, D. B.	Payne,	Wait,
Cabell,	Hepburn,	Peel,	Wakefield,
Campbell, J. M.	Herbert,	Perkins,	Wallace,
Candler,	Hewitt, G. W.	Peters,	Warner, A. J.
Cannon,	Horr,	Pettibone,	Warner, Richard
Chace,	Houk,	Phelps,	White, J. D.
Cox, W. R.	James,	Pierce,	Williams,
Culbertson, W. W.	Jeffords,	Poland,	Willis,
Cullen,	Kean,	Price,	Wise, G. D.
Cutcheon,	Keifer,	Ray, G. W.	Wise, J. S.
Davidson,	Kelley,	Ray, Ossian	Wolford,
Davis, R. T.	Kellogg,	Reed,	York.

NAYS—123.

Aiken,	Graves,	Mitchell,	Stevens,
Alexander,	Greenleaf,	Morgan,	Stewart, Charles
Anderson,	Halsell,	Morse,	Stockslager,
Barksdale,	Hancock,	Moulton,	Storm,
Belmont,	Hatch, W. H.	Murphy,	Strait,
Bland,	Henley,	Murray,	Sumner, D. H.
Blount,	Hewitt, A. S.	Neece,	Swope,
Boyle,	Hill,	Ochiltree,	Thompson,
Buckner,	Hiscock,	Paige,	Throckmorton,
Campbell, Felix	Holman,	Parker,	Tillman,
Clardy,	Holmes,	Patton,	Townshend,
Clay,	Hopkins,	Post,	Tully,
Cobb,	Houseman,	Potter,	Turner, H. G.
Collins,	Hurd,	Pryor,	Turner, Oscar
Connolly,	Jones, B. W.	Pusey,	Van Alstyne,
Converse,	Jones, J. H.	Randall,	Van Eaton,
Cook,	Jordan,	Ranney,	Ward,
Cosgrove,	Kleiner,	Reagan,	Washburn,
Culberson, D. B.	Lamb,	Riggs,	Weaver,
Dargan,	Lanham,	Robertson,	Wellborn,
Davis, G. R.	Le Fevre,	Rogers, J. H.	Weller,
Deuster,	Lore,	Rogers, W. F.	Whiting,
Dockery,	Lovering,	Rosecrans,	Wilkins,
Eaton,	Lowry,	Seney,	Wilson, James
Eldredge,	McAdoo,	Seymour,	Wilson, W. L.
English,	McCoid,	Shively,	Winans, E. B.
Ermentrout,	McMillin,	Singleton,	Winans, John
Finerty,	Matson,	Skinner, T. G.	Wood,
Follett,	Maybury,	Snyder,	Yaple,
Gibson,	Miller, J. F.	Spriggs,	Young.
Glascock,	Mills,	Springer,	

NOT VOTING—72.

Adams, J. J.	Cox, S. S.	Hart,	O'Neill, Charles
Arnot,	Craig,	Henderson, T. J.	O'Neill, J. J.
Ballentine,	Crisp,	Hitt,	Payson,
Belford,	Curtin,	Hoblitzell,	Rankin,
Bingham,	Davis, L. H.	Holton,	Robinson, J. S.
Bowen,	Dorsheimer,	Hooper,	Robinson, W. E.
Brainerd,	Dowd,	Howey,	Ryan,
Broadhead,	Dunn,	Hunt,	Shaw,
Brumm,	Ellwood,	Hutchins,	Slocum,
Burleigh,	Ferrell,	Johnson,	Stone,
Burnes,	Fiedler,	Jones, J. K.	Sumner, C. A.
Caldwell,	Foran,	Jones, J. T.	Talbott,
Campbell, J. E.	Funston,	Ketcham,	Thomas,
Carleton,	Fyan,	Lacey,	Tucker,
Cassidy,	Goff,	Laird,	Wemple,
Chalmers,	Green,	McComas,	White, Milo
Clements,	Hardeman,	Morrison,	Woodward,
Covington,	Hardy,	Muller,	Worthington.

So the motion to lay the resolution on the table was agreed to.

After the second call of the roll,

Mr. TOWNSHEND said: I change my vote from "ay" to "no."

Mr. BALLENTINE. I should have voted "ay" if I had not been paired.

Mr. CONVERSE. I change my vote from "ay" to "no."

Mr. HENLEY. I also change my vote from "ay" to "no." I voted under a misapprehension.

Mr. DIBRELL. I desire to state that my colleague, Mr. CALDWELL, is confined to his room by sickness.

Mr. PETERS. I desire to change my vote from "no" to "ay."

The following members were announced as paired on all political questions until further notice:

Mr. RANKIN with Mr. BRAINERD.

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. HARDY with Mr. WADSWORTH.

Mr. CARLETON with Mr. HART.

Mr. FIEDLER with Mr. ELLWOOD.

Mr. FORAN with Mr. HITT.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. MULLER with Mr. HOWEY.

Mr. GREEN with Mr. BRUMM.

Mr. COX, of New York, with Mr. HOLTON.

Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.

Mr. BROADHEAD with Mr. BOWEN.

Mr. BALLENTINE with Mr. GOFF.

The following pairs were also announced:

Mr. BURNES with Mr. STONE, for this day.

Mr. DAVIS, of Missouri, with Mr. BINGHAM, for this day.

Mr. CALDWELL with Mr. FUNSTON, for this day.

Mr. DOWD with Mr. KETCHAM, until Monday, January 26.

Mr. O'NEILL, of Pennsylvania, with Mr. MULDROW, until Monday, January 26.

Mr. TALBOTT with Mr. THOMAS, for this day.

Mr. WARNER, of Ohio. I change my vote from "no" to "ay," and I move to reconsider——

Several MEMBERS. The result is not announced yet.

Mr. BRAINERD. I withdraw my vote. I find I am paired. I voted "ay."

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed a bill (S. 2570) granting an increase of pension to Col. Samuel M. Thompson; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

POWER TO ORIGINATE REVENUE BILLS.

Mr. WARNER, of Ohio. I move to reconsider the vote by which the resolution of the gentleman from Ohio [Mr. HURD] was laid upon the table.

Mr. WILLIS. And I move to lay the motion to reconsider on the table.

Mr. WARNER, of Ohio. Upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 141, nays 113, not voting 69; as follows:

YEAS—141.

Adams, G. E.	Davis, R. T.	Lewis,	Russell,
Atkinson,	Dibble,	Libbey,	Ryan,
Bagley,	Dibrell,	Long,	Skinner, C. R.
Ballentine,	Dingley,	Lyman,	Slocum,
Barbour,	Dunham,	McCoid,	Smalls,
Barr,	Elliott,	McComas,	Smith, A. Herr
Bayne,	Ellis,	McCormick,	Smith, H. Y.
Beach,	Evans,	Millard,	Spooner,
Bennett,	Everhart,	Miller, S. H.	Steele,
Bisbee,	Findlay,	Milliken,	Stephenson,
Blackburn,	Forney,	Money,	Stewart, J. W.
Blanchard,	Garrison,	Morrill,	Stone,
Boutelle,	Geddes,	Nelson,	Struble,
Brainerd,	George,	Nicholls,	Talbott,
Bratton,	Guenther,	Nutting,	Taylor, E. B.
Breckinridge,	Hammond,	Oates,	Taylor, J. D.
Breitung,	Hanback,	Ochiltree,	Taylor, J. M.
Brewer, F. B.	Harmer,	O'Ferrall,	Thomas,
Brewer, J. H.	Hatch, H. H.	O'Hara,	Valentine,
Browne, T. M.	Haynes,	Payne,	Vance,
Brown, W. W.	Hemphill,	Peel,	Wadsworth,
Buchanan,	Henderson, D. B.	Perkins,	Wakefield,
Budd,	Henderson, T. J.	Peters,	Wallace,
Cabell,	Hepburn,	Pettibone,	Warner, Richard
Campbell, J. M.	Herbert,	Phelps,	Wemple,
Candler,	Hewitt, G. W.	Pierce,	White, J. D.
Cannon,	Holmes,	Poland,	Williams,
Chace,	Horr,	Price,	Willis,
Clements,	Houk,	Ranney,	Wilson, James
Covington,	James,	Ray, G. W.	Wise, G. D.
Cox, W. R.	Jeffords,	Ray, Ossian	Wise, J. S.
Crisp,	Keifer,	Reed,	Wolford,
Culbertson, W. W.	Kelley,	Reese,	York.
Cullen,	Kellogg,	Rice,	
Cutcheon,	King,	Rockwell,	
Davidson,	Lawrence,	Rowell,	

NAYS—113.

Aiken,	Gibson,	Morse,	Storm,
Alexander,	Glascock,	Moulton,	Straight,
Anderson,	Graves,	Murray,	Sumner, D. H.
Barksdale,	Greenleaf,	Neece,	Swope,
Belmont,	Halsell,	Paige,	Thompson,
Bland,	Hancock,	Parker,	Throckmorton,
Blount,	Hatch, W. H.	Patton,	Tillman,
Boyle,	Henley,	Post,	Townshend,
Buckner,	Hewitt, A. S.	Potter,	Tully,
Campbell, Felix	Hill,	Pryor,	Turner, H. G.
Campbell, J E.	Hiscock,	Pusey,	Turner, Oscar
Clardy,	Holman.	Randall,	Van Alstyne,
Clay,	Hopkins,	Reagan,	Van Eaton,
Cobb,	Houseman,	Riggs,	Ward,
Collins,	Hurd,	Robertson,	Warner, A. J.
Connolly,	Jones, B. W.	Rogers, J. H.	Washburn,
Converse,	Jones, J. H.	Rogers, W. F.	Weaver,
Cosgrove,	Jordan,	Rosecrans,	Wellborn,
Culberson, D. B.	Kleiner,	Seney,	Weller,
Dargan,	Lamb,	Seymour,	Wilkins,
Davis, G. R.	Lanham,	Shively,	Wilson, W. L.
Deuster,	Le Fevre,	Singleton,	Winans, E. B.
Dockery,	Lore,	Skinner, T. G.	Winans, John
Eaton,	Lowry,	Snyder,	Wood,
Eldredge,	McMillin,	Spriggs,	Worthington,
English,	Matson,	Springer,	Yaple.
Ermentrout,	Maybury,	Stevens,	
Finerty,	Miller, J. F.	Stewart, Charles	
Follett,	Mills,	Stockslager,	

NOT VOTING—69.

Adams, J. J	Dowd,	Hunt,	O'Neill, Charles
Arnot,	Dunn,	Hutchins.	O'Neill, J. J.
Belford,	Ellwood,	Johnson,	Payson,
Bingham,	Ferrell,	Jones, J. K.	Rankin,
Bowen,	Fiedler,	Jones, J. T.	Robinson, J. S.
Broadhead,	Foran,	Kean,	Robinson, W. E.
Brumm,	Funston,	Ketcham,	Shaw,
Burleigh,	Fyan,	Lacey,	Shelley,
Burnes,	Goff,	Laird,	Sumner, C. A.
Caldwell,	Green,	Lovering,	Tucker,
Carleton,	Hardeman,	McAdoo,	Wait.
Cassidy,	Hardy,	Mitchell,	White, Milo
Chalmers,	Hart,	Morgan,	Whiting,
Cook,	Hitt,	Morrison,	Woodward,
Cox, S. S.	Hoblitzell,	Muldrow,	Young.
Curtin,	Holton,	Muller,	
Davis, L. H.	Hooper,	Murphy,	
Dorsheimer,	Howey,	Mutchler,	

So the motion to lay the motion to reconsider on the table was agreed to.

The following additional pair was announced:

Mr. WAIT with Mr. THOMAS, for this day.

TO CHANGE HOUR OF DAILY MEETING.

Mr. VALENTINE. Mr. Speaker, I rise to a privileged question, and I offer a resolution, which I send to the desk.

The SPEAKER. The Clerk will report the resolution, after which the Chair will decide whether it is a matter of privilege or not.

The Clerk read as follows:

Resolved, That on and after Monday next the regular meetings of the House during the present session shall begin at 11 o'clock each day; that it shall be in order each day for one hour, immediately after the reading of the Journal, for the Speaker to recognize such member as he may choose, alternating sides of the House and members, for the purpose of asking unanimous consent for the immediate consideration of such business as such member may select. But if, after the reading of the bill or resolution, ten members object to present consideration, the same shall not be considered: *Provided*, That if consideration be had, five minutes shall be given for debate for and five minutes against such measure if asked by any member.

Mr. MILLS. Mr. Speaker, I make the point of order that that would change a rule of the House.

Mr. MCMILLIN. I demand the regular order.

The SPEAKER. The regular order has been demanded heretofore, but the gentleman from Nebraska stated that he rose to a privileged question.

Several MEMBERS. That is not a privileged question.

Mr. VALENTINE. I admit that it is not privileged for consideration at this time, but must, under the rule, lie over until to-morrow.

The SPEAKER. The Chair thinks that so far as regards the mere introduction of the resolution, either for the purpose of having it lie over one day, or for the purpose of having it referred to the Committee on Rules, it is privileged; but not beyond that.

Mr. VALENTINE. That is all that I ask for it.

PRINTING AND DISTRIBUTION OF GOVERNMENT PUBLICATIONS.

Mr. ROGERS, of New York. I rise to a privileged question, and call up from the Speaker's table the Senate resolution (S. R. 104) providing for the purchase and distribution of Government publications, in order to have it referred to the Committee on Printing.

The SPEAKER. That is not a matter of privilege. Reports from the Committee on Printing relating to printing for either House are privileged under the rules of the House. The Chair will ascertain whether that resolution is one that comes within the rule, and, if so, will lay it before the House.

ORDER OF BUSINESS.

The SPEAKER. The regular order is called for, which is the call of committees for reports of bills of a private nature.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HAMMOND, from the Committee on the Judiciary, reported a bill (H. R. 8032) to remove the political disabilities of Virginius Freeman, of Virginia; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Several messages in writing from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 7964) to provide for the expenses and compensation of special messengers to be sent by the Secretary of State to the States respectively of Iowa and Oregon for the certificates of the electoral votes of 1884 for President and Vice-President of the United States, in pursuance of the provisions of section 141 of the Revised Statutes of the United States.

Also, an act (H. R. 3661) granting a pension to Lucy Le G. Jeffers.

Also, an act (H. R. 4273) for the relief of Madison R. Calvert.

Also, an act (H. R. 7329) granting the right of way to the Fremont, Elkhorn and Missouri Valley Railway Company across the Fort Robinson military reservation, in the State of Nebraska.

FITZ-JOHN PORTER.

Mr. SLOCUM. I am directed by the Committee on Military Affairs to report back the resolution requesting the President to transmit to the House a copy of the appeal of Fitz-John Porter.

The SPEAKER. The Chair will state to the gentleman that if this resolution be reported during the present call it must go to the Calendar. At any other time it would be in order for consideration.

Mr. SLOCUM. Then I withdraw the report.

JOHN HOLLINS M'BLAIR.

Mr. MURRAY, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7940) for the relief of John Hollins McBlair; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM C. IDDINGS.

Mr. LYMAN, from the Committee on Military Affairs, reported back adversely the petition of William C. Iddings, late a private in the Eleventh Michigan Infantry; which was laid on the table, and the accompanying report ordered to be printed.

SUFFERERS BY WRECK OF STEAMER ASHUELOT.

Mr. GEORGE D. WISE, from the Committee on Naval Affairs, reported back with amendments the bill (H. R. 7764) for the relief of the sufferers by the wreck of the United States steamer Ashuelot; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLAIM OF SOUTH CAROLINA.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back adversely the bill (H. R. 5160) to empower the Secretary of War to audit the claim of the State of South Carolina for rent alleged to be due for the use and occupation of the Citadel Academy, at Charleston; which was laid on the table, and the accompanying report ordered to be printed.

MONUMENT TO GENERAL G. K. WARREN.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back adversely the joint resolution (H. Res. 316) for the appointment of a committee to investigate and report upon the advisability of accepting grounds donated by citizens of Cold Spring, N. Y., upon which to erect a monument to the memory of the late General G. K. Warren; which was laid on the table, and the accompanying report ordered to be printed.

WILLIAM H. ROWLEY & SONS.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported back favorably the bill (H. R. 7892) for the relief of William H. Rowley & Sons; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARY F. POTTS.

Mr. VANCE, from the Committee on Patents, reported back favorably the bill (H. R. 7835) for the relief of Mary F. Potts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES VOORHEES.

Mr. MATSON, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 3170) granting a pension to James Voorhees; which was laid on the table, and the accompanying report ordered to be printed.

EMELINE L. FITCH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7869) granting a pension to Emeline L. Fitch; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. EAGLES.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6948) granting a pension to George W. Eagles; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

HARRIET M. BAILY.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7602) granting a pension to Harriet M. Baily; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID COMPROPST.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 4766) granting a pension to David Compropst; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN W. WRIGHT.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1144) granting a pension to John W. Wright; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 5244) granting a pension to Joseph Pittman;
A bill (H. R. 535) granting a pension to Godfried Haug;
A bill (H. R. 944) granting a pension to Joel E. Cady;
A bill (H. R. 2086) granting a pension to George W. Manning;
A bill (H. R. 2095) granting a pension to Alexander Kirk;
A bill (H. R. 5243) granting a pension to J. R. Soper;
A bill (H. R. 7181) granting a pension to George W. Russell;
A bill (H. R. 4245) granting a pension to C. C. Phillips;
A bill (H. R. 2088) granting a pension to Samuel P. Harding;
A bill (H. R. 7293) granting a pension to Mrs. P. E. Broaddus;
A bill (H. R. 2080) granting a pension to L. V. Hollyfield; and
A bill (H. R. 7600) to grant a pension to John G. Shawbell.

ROBERT CAREY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back with amendments a bill (H. R. 6011) granting increase of pension to Robert Carey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNIE E. BAILEY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back a bill (H. R. 1235) granting a pension to Annie E. Bailey; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH PARRY.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back favorably a bill (H. R. 5554) granting a pension to Sarah Parry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALMIRA K. PARKER.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7722) granting a pension to Almira K. Parker; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELBERT HEWITT.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7672) granting an increase of pension to Elbert Hewitt; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. CLARK.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported a bill (H. R. 8033) granting an increase of pension to George W. Clark; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. ELIZABETH A. RANDALL.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

THOMAS D. FITCH.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7696) granting a pension to Thomas D. Fitch; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARY E. FILLEBROWN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed, namely:

A bill (H. R. 4162) granting an increase of pension to Mrs. Mary K. S. Eaton;
A bill (H. R. 7640) granting an increase of pension to Hiram S. Rowley;
A bill (H. R. 7638) granting an increase of pension to Chauncey S. Pettibone; and
A bill (H. R. 5454) granting an increase of pension to Mrs. Lou Gobright McFalls.

GEORGE F. WEST.

Mr. SUMNER, of Wisconsin, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. 7561) to allow a pension to George F. West; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. MARY K. S. EATON.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back favorably the bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ANNA GINN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2350) granting a pension to Anna Ginn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back adversely the following bills; which were severally laid on the table, and the reports ordered to be printed:

A bill (H. R. 1771) granting a pension to William C. Meredith, guardian of Matilda Freeman; and
A bill (H. R. 2009) granting a pension to W. A. Hayes.

RACHEL J. FLOYD.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back with amendment a bill (H. R. 964) for the relief of Rachael J. Floyd; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

W. C. MARSH.

Mr. DOCKERY, from the Committee on Claims, reported back favorably the bill (H. R. 7745) for the relief of W. C. Marsh; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

FRANK J. BURROWS.

Mr. PRICE, from the Committee on Claims, reported back adversely the bill (H. R. 7657) for the relief of Frank J. Burrows; which was referred to the Commitee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

On motion of Mr. PRICE, by unanimous consent the minority were allowed to present their views to be printed with those of the majority.

HUGH AND BYRD DOUGLASS.

Mr. ROWELL, from the Committee on War Claims, reported, as a substitute for H. R. 4293, a bill (H. R. 8034) for the relief of the estate of Hugh and Byrd Douglass, deceased; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 4293) was ordered to lie on the table.

LIZZIE E. M'CORD, ADMINISTRATRIX.

Mr. STORM, from the Committee on War Claims, reported, as a substitute for H. R. 3880, a bill (H. R. 8035) for the relief of Lizzie E. McCord, administratrix of Moses S. McCord, deceased; which was read a first and second time, referred to the Committee of the Whole House

on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. 3880) was ordered to lie on the table.

D. MILLS PARRISH.

Mr. STORM, from the Committee on War Claims, also reported back with an amendment the bill (H. R. 3634) for the relief of D. Mills Parrish; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SIXTY-SECOND PENNSYLVANIA INFANTRY.

Mr. BREWER, of New York, from the Committee on the Payment of Pensions, Bounty, and Back Pay, reported back the bill (H. R. 7115) for the payment of bounty hitherto withheld from the volunteers of the Sixty-second Regiment Pennsylvania Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SCHOOL LANDS, DAKOTA TERRITORY.

Mr. VAN EATON, from the Committee on the Public Lands, reported back the bill (H. R. 3848) granting to Dakota Territory section 16, township 103, range 64 west, in the county of Aurora, in said Territory, for purposes of a reform school, and granting to said Territory one section of land in lieu thereof for school purposes; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN LEATHERS.

Mr. SNYDER, from the Committee on War Claims, reported back with amendments the bill (H. R. 1377) for the relief of John Leathers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

Mr. MCMILLIN. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole House for the purpose of considering the Private Calendar.

Mr. TOWNSHEND. I hope that motion will be voted down, so that I may call up and the House proceed to consider the Mexican pension bill.

Mr. MCMILLIN. In that connection, with the indulgence of the House, I wish to state that there are a few bills reported by the Committee of the Whole which have not yet been acted upon by the House. I am informed that we are required to go into Committee of the Whole in order to reach these bills this evening. I therefore make that motion.

Mr. TOWNSHEND. I do not think we can accomplish anything by going into Committee of the Whole House on the Private Calendar today, and therefore I hope the House will take up the Mexican pension bill.

CHANGE OF REFERENCE OF A BILL.

The SPEAKER. The Chair will correct the erroneous reference of a bill, if there be no objection.

There being no objection, the Committee on Pensions was discharged from the further consideration of the bill (S. 1111) granting an increased pension to Sallie Rodman, widow of General Isaac P. Rodman; and the same was referred to the Committee on Invalid Pensions.

AMENDMENT TO THE RULES.

Mr. REED. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. REED. I desire to move an amendment to the rules, to add at the end of Rule XX—

And when all amendments not subject to the point of order shall have been acted on by the House, it shall be in order at once to go into Committee of the Whole House on the state of the Union to consider the amendments affected by this rule.

The object of this is to enable us to pass the Mexican pension bill, the only way under our rules in which it can be done. I hope, therefore, no gentleman on that side will make any objection to it.

Mr. MCMILLIN. I demand the regular order. This Mexican pension bill to which gentlemen are referring is not for the benefit of the Mexican soldiers at all.

Mr. HEWITT, of Alabama. If gentlemen are so anxious to take up the Mexican pension bill, let us take up one that is for their benefit.

The SPEAKER. The demand for the regular order is in the nature of an objection. The proposed amendment to the rules will lie over.

L. W. PITTS.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7803) for the relief of L. W. Pitts; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. MCMILLIN. I insist upon the motion that the House go into Committee of the Whole House on the Private Calendar.

The House divided, and there were—ayes 84, noes 68.

Mr. TOWNSHEND. Yeas and nays.

The yeas and nays were ordered, 54 members voting in favor thereof.

The question was taken; and there were—yeas 103, nays 123, not voting 97; as follows:

YEAS—103.

Aiken,	Curtin,	Jones, J. H.	Slocum,
Alexander,	Dargan,	Jordan,	Smith, A. Herr
Bagley,	Davidson,	Lanham,	Stewart, Charles
Barbour,	Deuster,	Lyman,	Storm,
Barksdale,	Dibble,	McAdoo,	Sumner, C. A.
Bland,	Dibrell,	McMillin,	Taylor, J. M.
Blount,	Dockery,	Maybury,	Thompson,
Boyle,	Eaton,	Miller, J. F.	Throckmorton,
Bratton,	Eldredge,	Morse,	Tillman,
Brewer, J. H.	Elliott,	Mutchler,	Tucker,
Buchanan,	Ellis,	Nichols,	Turner, H. G.
Buckner,	Findlay,	Oates,	Turner, Oscar
Cabell,	Follett,	Ochiltree,	Van Alstyne,
Campbell, Felix	Forney,	O'Ferrall,	Van Eaton,
Candler,	Garrison,	Patton,	Wallace,
Clay,	Gibson,	Pierce,	Warner, A. J.
Clements,	Glascock,	Peel,	Warner, Richard
Collins,	Halsell,	Potter,	Wellborn,
Connolly,	Hammond,	Pryor,	Wilkins,
Converse,	Hancock,	Randall,	Williams,
Cook,	Hatch, W. H.	Reagan,	Wilson, W. L.
Cosgrove,	Hemphill,	Robertson,	Winans, E. B.
Covington,	Hewitt, G. W.	Rogers, J. H.	Wise, G. D.
Cox, W. R.	Hill,	Rosecrans,	Wood,
Crisp,	Hopkins,	Seymour,	Young.
Culberson, D. B.	Houseman,	Singleton,	

NAYS—123.

Adams, G. E.	Geddes,	Morgan,	Springer,
Anderson,	George,	Morrill,	Steele,
Barr,	Greenleaf,	Murray,	Stephenson,
Bayne,	Guenther,	Neece,	Stevens,
Beach,	Hanback,	Nelson,	Stewart, J. W.
Bisbee,	Harmer,	Nutting,	Stockslager,
Boutelle,	Hatch, H. H.	O'Hara,	Strait,
Brainerd,	Haynes,	Parker,	Struble,
Breitung,	Henderson, D. B.	Payne,	Swope,
Brewer, F. B.	Henley,	Perkins,	Taylor, E. B.
Brown, W. W.	Hepburn,	Peters,	Taylor, J. D.
Browne, T. M.	Hiscock,	Pettibone,	Thomas,
Budd,	Holman,	Post,	Townshend,
Campbell, J. E.	Holmes,	Price,	Tully,
Campbell, J. M.	Houk,	Pusey,	Vance,
Cannon,	James,	Ranney,	Wakefield,
Chace,	Jeffords,	Ray, G. W.	Ward,
Cobb,	Jones, B. W.	Ray, Ossian	Washburn,
Craig,	Kleiner,	Reed,	Weaver,
Culbertson, W. W.	Lawrence,	Rice,	Weller,
Cullen,	Le Fevre,	Riggs,	Wemple,
Cutcheon,	Libbey,	Rockwell,	White, J. D.
Davis, G. R.	Lovering,	Rogers, W. F.	Whiting,
Davis, R. T.	McCoid,	Rowell,	Wilson, James
Dingley,	McComas,	Russell,	Wise, J. S.
Dunham,	McCormick,	Seney,	Wolford,
English,	Matson,	Shively,	Woodward,
Ermentrout,	Millard,	Skinner, C. R.	Worthington,
Evans,	Miller, S. H.	Smalls,	Yaple,
Everhart,	Milliken,	Smith, H. Y.	York.
Finerty,	Mills,	Spooner,	

NOT VOTING—97.

Adams, J. J.	Dunn,	Johnson,	Paige,
Arnot,	Ellwood,	Jones, J. K.	Payson,
Atkinson,	Ferrell,	Jones, J. T.	Phelps,
Ballentine,	Fiedler,	Kean,	Poland,
Belford,	Foran,	Keifer,	Rankin,
Belmont,	Funston,	Kelley,	Reese,
Bennett,	Fyan,	Kellogg,	Robinson, J. S.
Bingham,	Goff,	Ketcham,	Robinson, W. E.
Blackburn,	Graves,	King,	Ryan,
Blanchard,	Green,	Lacey,	Shaw,
Bowen,	Hardeman,	Laird,	Skinner, T. G.
Breckinridge.	Hardy,	Lamb,	Snyder,
Broadhead,	Hart,	Lewis,	Spriggs,
Brumm,	Henderson, T. J.	Long,	Stone,
Burleigh,	Herbert,	Lore,	Sumner, D. H.
Burnes,	Hewitt, A. S.	Lowry,	Talbott,
Caldwell,	Hitt,	Mitchell,	Valentine,
Carleton,	Hoblitzell,	Money,	Wadsworth,
Cassidy,	Holton,	Morrison,	Wait,
Chalmers,	Hooper,	Moulton,	White, Milo
Clardy,	Horr,	Muldrow,	Willis,
Cox, S. S.	Howey,	Muller,	Winans, John.
Davis, L. H.	Hunt,	Murphy,	
Dorsheimer,	Hurd,	O'Neill, Charles	
Dowd,	Hutchins,	O'Neill, J. J.	

So the motion was not agreed to.

Mr. BEACH. I ask that by unanimous consent the reading of the names of members voting be dispensed with.

Mr. MCMILLIN and Mr. GIBSON objected.

The names of the members voting were read.

Mr. MILLS. I change my vote from "ay" to "no."

Mr. BREWER, of New York. I change my vote from "ay" to "no."

Mr. CAMPBELL, of Pennsylvania. I change my vote from "ay" to "no."

The following additional pairs were announced:

Mr REECE with Mr. WAIT, for this day.

Mr. PAIGE with Mr. KEAN, for this day.

Mr. LOWRY with Mr. ATKINSON, for this day.

Mr. SKINNER, of North Carolina, with Mr. KELLEY, for this day.

The result of the vote was then announced as above stated.

Mr. MILLS. I move to reconsider the vote just taken.

Mr. BROWNE, of Indiana. I move to lay the motion to reconsider on the table.

Mr. NICHOLLS. I move that the House do now adjourn.

Mr. WARNER, of Ohio. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARNER, of Ohio. I wish to inquire whether if the House refuses to go into Committee of the Whole and should then go to business on the Speaker's table could it take up anything but private bills.

The SPEAKER. It could not, unless by a two-thirds vote the House should dispense with private business.

Mr. WARNER, of Ohio. And that requires a two-thirds vote.

The SPEAKER. The Chair has so stated.

Mr. WOLFORD. I ask the gentleman from Georgia [Mr. NICHOLLS] to withdraw his motion to adjourn and to substitute for it a motion to take a recess.

Mr. NICHOLLS. I withdraw the motion to adjourn, and move that the House take a recess until 8 o'clock for the transaction of business under the former order of the House.

Mr. MILLS. If the motion for a recess should be agreed to, what business will come up?

The SPEAKER. Pension business alone.

Mr. HERBERT. As I understand, only private pension bills.

The SPEAKER. Such is the order of the House.

The question being taken on the motion for a recess, there were—ayes 94, noes 66.

Mr. ANDERSON. I call for the yeas and nays.

Mr. BLOUNT. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLOUNT. What vote would be necessary to take up public business?

The SPEAKER. In order to reach public business private business must first be dispensed with by a two-thirds vote. The Chair has already so stated in response to another question.

Mr. BLOUNT. I desired that that should be understood.

The question being taken on ordering the yeas and nays, there were—ayes 22.

Mr. ANDERSON. Count the other side.

The negative vote was counted; and there were—noes 146.

So (the affirmative not being one-fifth of the entire vote) the yeas and nays were not ordered; and the motion for a recess was agreed to.

And accordingly (at 4 o'clock and 35 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read a communication from the Speaker.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
January 23, 1885.

Mr. JOHN H. BAGLEY, Jr., of New York, will preside as Speaker *pro tempore* during the session of the House this evening.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the consideration of business under the order just read.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

Mr. MATSON. I ask unanimous consent that the business of this evening may begin with the first case reported by the Committee on Invalid Pensions on page 46 of the Calendar, except one case. There is one near the bottom of page 43 to which some objection was made heretofore by the gentleman from West Virginia [Mr. GIBSON]. I understand he wishes to make some statement in relation to it and will then withdraw his objection to it.

Mr. HOLMES. Without antagonizing the request of the chairman of the Committee on Invalid Pensions, I desire to say that the bill (H. R. 1981) for the relief of certain pensioners enrolled by special acts of Congress is placed in rather an anomalous position. I would ask that that bill be not passed over out of its regular order without being considered in Committee of the Whole. I am not particular whether it is considered at the beginning of the call or later.

The CHAIRMAN. On what page of the Calendar is the bill to which the gentleman from Iowa refers?

Mr. HOLMES. It is on page 44 of the Calendar.

The CHAIRMAN. The Chair will state the question. The gentleman from Indiana [Mr. MATSON] asks unanimous consent that the committee shall consider as the first bill the one whose title the Clerk will now read.

The Clerk read as follows:

A bill (H. R. 6946) for the relief of Margaret McCarty.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. GIBSON. The bill to which the gentleman from Indiana referred was the bill (H. R. 4079) for the relief of James D. Kirk. I desire the committee to take up that case now, for the reason that several evenings ago when it was called up I made some statements by way of objection to it, and at my request it was passed until I could look into the case. I can stay here but a very few minutes this evening, and before I go I desire to make a statement in relation to this bill, in justice both to the claimant and to myself.

When this case was up before my attention was called to it upon the reading of the report, which stated that James D. Kirk had been a member of the One hundred and sixty-seventh Regiment of West Virginia Militia. As soon as I heard that statement read I knew that there must be some mistake about the matter, there never having been any One hundred and sixty-seventh Regiment of West Virginia Militia; and, there being no evidence before us on that evening to show that this man was in the service, I objected to the consideration of the bill. Since that time I have had occasion to be in Wheeling, the capital of our State, and have examined the records there. In the adjutant-general's office of West Virginia there are the records of several companies that were formed under the laws of the State of Virginia, and this regiment was officered by officers appointed by the governor of the State of Virginia (at that time Governor Pierpont), and was numbered as a Virginia regiment; so that the mistake consists in stating that this man was a member of the One hundred and sixty-seventh West Virginia Regiment. It appears, however, that he was a member of the One hundred and sixty-seventh Virginia Militia.

Mr. STOCKSLAGER. But he was in the service?

Mr. GIBSON. Yes, sir. The record shows that he served for four months, at which time the company was disbanded. The record shows no wounds suffered by him there, but it shows that immediately upon the disbandment of that organization he enlisted in a Kentucky regiment and served during the balance of the war. Now, the question whether he was under any disability while he was in the One hundred and sixty-seventh Virginia Militia or not is a matter that I shall leave to this committee and to the evidence before it. I simply desired to make this statement here in relation to the case, because on a former occasion I had stated here publicly and emphatically that the man could not have been a member of the One hundred and sixty-seventh West Virginia Regiment, and I do not desire that he should suffer by any mistake that may have occurred in his papers or by what may have been a technical contradiction on my part of the statements made in his behalf.

Mr. HEWITT, of Alabama. I ask for the reading of the report. I ask to have it read as a part of my remarks.

The CHAIRMAN. The Chair will state to the gentleman from Alabama that the report was read when the bill was taken up on a former occasion.

Mr. HEWITT, of Alabama. I know it was; but I do not remember it, and I desire to have it read.

Mr. LE FEVRE. Mr. Chairman, I would ask that this bill be laid aside informally. It is a bill introduced by Mr. CULBERSON, who is not present. He came to me this afternoon and said that he was anxious to have the case called up, and as he is not here I ask that it be laid aside informally.

Mr. GIBSON. I will ask the gentleman from Ohio [Mr. LE FEVRE] to inform the gentleman from Texas [Mr. CULBERSON] of the statement that I have just made in relation to this bill.

The CHAIRMAN. The gentleman from Alabama [Mr. HEWITT] asks for the reading of the report. The Clerk will read it.

Mr. LE FEVRE. Mr. Chairman, is there any objection made to my request that this case be laid aside for the time being?

The CHAIRMAN. The gentleman from Ohio [Mr. LE FEVRE] asks unanimous consent that this bill be laid aside informally, and, no objection being made, it is so ordered.

RELIEF OF CERTAIN PENSIONERS.

Mr. HOLMES. Mr. Chairman, House bill 1981, for the relief of certain pensioners enrolled under certain acts of Congress, has been passed over, and now I desire to call it up.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That any pensioner of the United States receiving a pension by virtue of any special act of Congress, on account of disability incurred by him while in the military or naval service of the United States, shall be entitled to increase of such pension upon the same conditions of rerating and continuance of such increase which are applicable to other pensioners under the general pension laws.

The CHAIRMAN. The Chair will state to the gentleman from Iowa [Mr. HOLMES] that the request of the gentleman from Indiana [Mr. MATSON] was that the call should commence with a certain bill—with the exception of the bill which has just been under consideration and has been laid aside informally.

Mr. HOLMES. Without desiring to antagonize any measure which the gentleman may desire to call up, I yet do not wish this bill to be omitted from consideration in its regular order.

The CHAIRMAN. The Chair did not understand the gentleman from Iowa as having objected to the request of the gentleman from Indiana.

Mr. HOLMES. I made at that time the same statement that I have made just now, and I understood that to be accepted by the chairman of the committee, as no objection was made. I do not know that he has any objection now.

Mr. MATSON. I remember very distinctly, Mr. Chairman, that the gentleman from Iowa [Mr. HOLMES] did say that he desired to call up this bill, either now or at some future time.

The CHAIRMAN. The Chair so understood the gentleman from Iowa.

Mr. MATSON. I am not disposed to insist upon the point. As far as I am concerned I have no objection to his calling up this bill now, but I know this—as I think he does also—that objection has been made heretofore to the consideration of this bill at our evening sessions. I believe I objected to it in the first place myself on the ground that the order of the House in relation to these sessions was such as to at least cause members to understand that only private pension bills would be considered. While the language of the order is that bills upon the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered, the clear understanding of all the members of the House is that only private bills shall be considered.

Therefore it seemed to me to be unfair to other members of the House to press this bill, which is in the nature of a general bill, upon the attention of the House at these Friday evening sessions. Subsequently, when the matter was before the House, I think the gentleman from Alabama [Mr. HEWITT] objected upon the ground that this was a general bill. Now, I think this bill is right and that it ought to pass. I do not think it is a bill that would be seriously objected to on its merits; but I do think that we ought not to undertake to pass a bill of this kind at these evening sessions, because it might at least seem to be unfair to the House itself, for the reason that a majority of the members certainly understand that only private bills are to be considered on these occasions. However, I am not disposed to be factious in my opposition. I have made the objection once, and I shall not make it again. If the House sees fit now to go on with this bill I have no objection whatever.

Mr. HENDERSON, of Iowa. Mr. Chairman, I would like to ask the chairman of the Committee on Invalid Pensions whether he has any plan by which, under the rules of the House, he hopes to get action upon this bill except at a Friday evening session.

Mr. MATSON. I do not know how that may be. So far as that is concerned, there are no other bills reported by the Committee on Invalid Pensions that I suppose the House itself would give preference to over this one. However, that is neither here nor there. It is merely a question of fair play.

Mr. HENDERSON, of Iowa. I realize the force of the point the gentleman makes, but I am anxious to know whether he has any plan by which if this bill be passed over now he can hope to secure its consideration by the House at some other time than this, or at some of these evening sessions.

Mr. MATSON. The gentleman from Iowa [Mr. HOLMES] is in charge of the bill; whether he has any such plan or not, I am not aware.

Mr. HOLMES. Mr. Chairman, I am not advised as to what may be the understanding of members of this House in regard to the transaction of the business of the House, except that it is to be governed by certain rules which the House itself has adopted for that purpose. The rule which governs the order of business of these Friday evening sessions is as follows:

> That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Now, Mr. Chairman, the question is, Is this bill a bill which has been reported by the Committee on Invalid Pensions? Most assuredly it is. It was reported by that committee and was ordered to be placed upon this Calendar by the House, and, as I understand, it is now in a position superior to the action or control of this committee; because, having been placed upon the Calendar by the House, it can be displaced only by the action of the House. My friend from Indiana [Mr. MATSON] says that the members of this House should be here when this bill is to be considered, that it is not fair to transact this business in their absence. But in the transaction of the public business are we to wait upon the convenience of the members? The members of this House are supposed to be present when the House is transacting business. I know of no rule of law or equity, nor do I know of any rule of this House, which requires us to postpone public business until all the members of the House find it convenient to attend.

Mr. HEWITT, of Alabama. Will the gentleman permit me to interrupt him?

Mr. HOLMES. With pleasure.

Mr. HEWITT, of Alabama. I merely wish to suggest to the gentleman that it is wholly unnecessary to take up time in this discussion, because unless there is a quorum here we can not go on with this bill. It is a bill general in its character, and I do not think it would be right for the House to allow it to pass without the presence of a quorum. For that reason, I think we had better go on with the private pension bills.

Mr. HOLMES. Do I understand the gentleman from Alabama [Mr. HEWITT] to object to the consideration of this bill?

Mr. HEWITT, of Alabama. Yes. I shall object.

The CHAIRMAN. The Chair would state to the gentleman from Iowa [Mr. HOLMES] that this bill is upon the Calendar, is now reached and has been read.

Mr. HOLMES. There is no means of getting this bill before the House unless it be taken up at one of these Friday evening sessions. It is not in order, as I understand the rules of the House and the order of business, to take up this bill as a private bill in the afternoon, and to insist that it shall not be taken up at a night session is simply an indirect method of defeating the bill.

It is a proper bill. No gentleman has taken the floor to argue against the propriety of the bill or its justice. It simply permits the Pension Office to increase the amount of the pension where the disability has increased since the pension was allowed by special act of Congress. I shall therefore ask the ruling of the Chair and insist upon the consideration of this bill at the present time. Similar measures have already been passed at different times.

The CHAIRMAN. The Chair has already stated that this bill is now before the Committee of the Whole for consideration, and is now being considered.

Mr. PERKINS. I desire to make a suggestion to the gentleman from Alabama, and on this suggestion I trust we may be able to compromise. It is that we consider this bill now in Committee of the Whole, and, if the majority of the committee should be favorable to it, pass it in Committee of the Whole, but let its final passage in the House await the presence of a quorum. In this way perhaps the bill would be advanced somewhat. If the gentleman from Alabama is disposed to insist that the bill shall not pass finally without the vote of a quorum, let that question be deferred until the measure can be reached in the House; but if a majority of this Committee of the Whole are in favor of the bill, let us pass it this evening.

Mr. HEWITT, of Alabama. As has been stated by the gentleman from Indiana [Mr. MATSON], the chairman of the Committee on Invalid Pensions, the order under which these evening sessions are held was made by unanimous consent, with the understanding on the part, probably, of every member of the House that only private pension bills were to be considered under the order. To permit now a general bill, which has been put upon the Private Calendar by mistake or inadvertence, to be taken up and passed at a session of this kind in the absence of a quorum would not, I think, be fair to the House.

Mr. HOLMES. Is there any rule or order of the House to the effect indicated by the gentleman, that nothing but private bills can be considered at these night sessions?

Mr. HEWITT, of Alabama. I am only stating what was the understanding, I presume, of every member of the House, including the gentleman from Iowa, when this order was made; because it would have been impossible to obtain unanimous consent for the consideration at these night sessions of any general pension bill. Hence I think it would be doing injustice to members of the House who are not present to permit this bill to be considered at all at a night session. Therefore, though I can not object to its consideration, I shall demand a quorum upon any question connected with this bill.

Mr. WILSON, of Iowa. I think I can suggest a way by which the gentleman from Alabama can obtain the sense of a full House upon this bill. Can we not agree that the bill shall pass through the Committee of the Whole, and be taken up in the House to-night as the last bill for consideration, and that the previous question be ordered upon it, so that it shall come up in the morning as unfinished business, when a vote of the House can be had upon it? Would not that be agreeable to the gentleman from Alabama?

Mr. PERKINS. That is substantially the suggestion I have made.

Mr. HOLMES. Will that be satisfactory to the gentleman from Alabama?

The CHAIRMAN. The question is, Shall this bill be laid aside to be reported to the House with a recommendation that it do pass?

Mr. HENDERSON, of Iowa. Inasmuch as it is evident that the gentleman from Alabama will insist upon his objection, I suggest to my colleague [Mr. HOLMES] that this bill be laid aside informally until we pass some of the private bills on the Calendar, and that this bill be taken up toward the close of this evening's session.

Mr. HOLMES. To take the bill up toward the close of the session after it had been passed over when reached in regular order would be objected to for the same reason that objection is now made. I do not see any hope of passing this bill through the committee at any time unless it be passed now. I think it perfectly fair to pass the bill through the Committee of the Whole with the understanding that we shall wait until there is a fuller House before we ask action on the bill in the House.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass?

The question being taken, there were—ayes 40, noes 1.

Mr. HEWITT, of Alabama. I make the point that no quorum has voted.

Mr. HOLMES. As the gentleman from Alabama raises the question of a quorum, and as I do not wish to delay the other business before

the Committee of the Whole, I ask that this bill be passed over informally.

The CHAIRMAN. Is there objection to laying this bill aside informally? The Chair hears no objection. The Clerk will report the next bill.

ORDER OF BUSINESS.

Mr. MATSON. Mr. Chairman, I ask by unanimous consent to make a statement concerning the business of the evening. It has been suggested to me by a number of gentlemen, and I feel the force of it, that those gentlemen who are here [cries of "Louder!"]—it has been suggested by a number of gentlemen that those who come to the evening sessions should have preference in relation to the disposition of bills which they have offered, and in the passage of which they have an interest. Therefore, Mr. Chairman, I ask by unanimous consent that the business of this evening may proceed at least for a time with the understanding that the Chair shall recognize gentlemen alternately on each side of the House to call up such bills to which they may see fit to ask the attention of the committee. [Cries of "That is right!"]

The CHAIRMAN. Is there objection to the proposition made by the gentleman from Indiana? He asks unanimous consent that the Chair may recognize members who are present having bills on the Calendar in which they are interested to ask that they be taken up out of their order. Is there objection?

There was no objection, and it was ordered accordingly.

MRS. SARAH S. SAMPSON.

Mr. DINGLEY. I ask to call up for consideration at the present time the bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll the name of Mrs. Sarah S. Sampson, widow of Lieut. Col. Charles H. L. Sampson, late of the Maine Infantry Volunteers, at the rate of $50 per month.

The amendments reported by the committee were as follows:

In line 5, after the word "Sampson," insert the words "an Army nurse;" and in line 7 strike out the words "fifty dollars per month" and insert the words "twenty-five dollars per month."

Mr. STEELE. I understand these bills were to be taken up in their order. [Cries of "No!" "No!"] Otherwise there would be a scramble as to who shall have precedence in calling up a bill.

Mr. MORRILL. We are to alternate between the two sides of the House, and in that way we may pass thirty or forty bills to-night.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson, having duly considered the same, report as follows:

It appears from the papers before your committee that Mrs. Sarah S. Sampson joined the Third Maine Volunteers as matron when that regiment left Maine for active service, June 3, 1861. Her husband, then Capt. Charles A. L. Sampson, commanded a company in the regiment, and was subsequently promoted to be lieutenant-colonel of the same. From a report of Mrs. Sampson's services, published in the official report of the adjutant-general of the State of Maine for 1865, it appears that she was daily in attendance at the regimental hospital so long as the regiment remained encamped at Meridian Hill, near Washington; that she was at Clermont, caring for the wounded of Bull Run; that she was with the sick and wounded in the brigade hospital every day to the embarkation for the Peninsula, in March, 1862, and that she was distributing supplies and caring for the inmates of the hospitals all through the battles of the memorable Peninsular campaign.

In the autumn of 1862 her efficiency had been so well tested that she was assigned to visit hospitals in the Department of Washington, in which capacity she did so conspicuous service as to win the commendation of those in command. In December, 1862, she was in the hospitals at Fredericksburg, caring for the wounded of the first battle at that place. In February, 1863, she visited Birney's division hospital, near Falmouth, with supplies. She did conspicuous service in the hospitals at Gettysburg after that battle, and from that time to March, 1864, she was assiduously employed in the hospitals around Washington. In March, 1864, she was in the hospital at Brandy Station, and after the battle of the Wilderness went again to Fredericksburg to care for the wounded of that bloody contest.

Through the summer of 1864 she labored so devotedly in the hospitals at White House Landing, Fortress Monroe, and City Point that she was taken ill with fever, and was not able to return to hospital work till February, 1865. As soon as her health permitted she joined the Army hospitals at City Point, and labored assiduously, caring for our sick and wounded, till the war closed and the last of the sick and wounded had been removed.

The testimonials to the rare devotion and great efficiency of Mrs. Sampson's labors during the four years' labors in the Union hospitals are numerous and conclusive.

General M. V. Wiswall, military governor of the District of Columbia, says:

"I had abundant opportunity to observe Mrs. Sampson in her work of caring for the sick and wounded. I think I do her but justice when I say that during her nearly three years of service I know of no one more earnest, more self-sacrificing, or more intelligent in the discharge of duty than she was. Such women should be recognized by the Government."

Ex-Vice-President Hannibal Hamlin, under whose observation Mrs. Sampson's self-sacrificing labors came, says:

"I know Mrs. Sampson very well, and I know well the heroic and Christian duties which she nobly discharged during the war. * * * I think Congress should be asked to give her a pension, first on the ground of her services, and second on the ground that her husband was entitled to a pension, but from patriotic reasons did not obtain it."

Rev. A. F. Beard, during the war connected with the Christian Commission, and now pastor of the American church, Paris, says:

"My first introduction to Mrs. Sampson was subsequent to the battle of Wilderness, in Fredericksburg, where, overcome by work and exposure and the ghastly service, I was in extreme sickness. In her rounds Mrs. Sampson found me and administered to me among hundreds of others, with a skill and fidelity which saved my life, as it did the lives of many."

Hon. Anson P. Morrill, ex-governor of and ex-Representative to Congress from Maine, says:

"I saw much of Mrs. Sampson at Washington in 1861, '62, and '63, and knew her labors in behalf of the sick and wounded soldiers. * * * I found Mrs. S. to be a woman of wonderful energy and capacity, and thoroughly devoted to the alleviation of the suffering soldiers."

G. S. Palmer, M. D., late surgeon of the Third Maine Volunteers, and surgeon United States Volunteers, says:

"Mrs. Sampson was exceedingly well qualified in health, disposition, and intelligence to perform the most arduous and delicate duties of nurse and friend to the soldier, and she did perform these duties with most wonderful skill and cheerfulness. * * * I think I can say with truth and without disparagement to any one else that Mrs. Sampson was the most energetic, careful, and efficient female nurse in the Army. Her late husband was at first captain of Company D, Third Maine Regiment, and subsequently promoted to lieutenant-colonel. He was stricken down with malarial fever in the Peninsular campaign; was carried to Fortress Monroe, where he lay weeks suffering from that exhausting disease, from the effects of which he never recovered."

The following order from the War Department is of interest in this connection:

WAR DEPARTMENT, *Washington City, September* 21, 1864.

GENERAL: In consideration of the great services that Mrs. C. A. L. Sampson has rendered to our sick and wounded soldiers, the Secretary of War directs that you furnish her transportation to her home in Maine, and also to return from there to this city.

Your obedient servant,

C. A. DANA,
Assistant Secretary of War.

Brig. Gen. D. H. RUCKER,
Chief Quartermaster.

It appears that Lieutenant-Colonel Sampson, husband of Mrs. Sarah S. Sampson, resigned, after a little more than a year's service, in July, 1862, on account of ill health, and that from that time until his death, January 1, 1881, his health was broken. The death of her husband has made it necessary for Mrs. Sampson to support herself, a task which increasing years is rendering more and more difficult.

In view of these facts, and in further view of the services of Mrs. Sampson in caring for the orphan children of deceased soldiers since the close of the war, nine hundred officers and soldiers of the Union Army in Maine have united in a petition asking Congress to grant her a suitable pension.

Your committee recommend the passage of a bill allowing her a pension of $25 per month.

The amendments of the committee were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANNIE E. BAILEY.

Mr. CONVERSE. I call up a bill (H. R. 1235) granting a pension to Annie E. Bailey.

The CHAIRMAN. Is it on the Calendar?

Mr. CONVERSE. No; it was reported this afternoon.

Mr. TOWNSHEND. I have a bill about the first one on the Calendar.

The CHAIRMAN. The Chair will state to the gentleman that the gentleman from Ohio has been recognized under the arrangement made by the committee——

Mr. TOWNSHEND. I do not think gentlemen should be allowed to call up bills reported at this late day in preference to bills reported long ago and which are first upon the Calendar.

Mr. CONVERSE. It allows each member recognized to call up one bill, and there is no injustice about that.

Mr. HEWITT, of Alabama. The gentleman from Illinois was not here to object, and we are proceeding under an arrangement made by unanimous consent.

Mr. CONVERSE. I call up the bill (H. R. 1235) granting a pension to Annie E. Bailey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Annie E. Bailey, widow of First Lieutenant William C. Bailey, of Company B, Fourth Regiment West Virginia Infantry.

The report (by Mr. LE FEVRE) was read, as follows:

Annie E. Bailey is the widow of William C. Bailey, first lieutenant Company B, Fourth Regiment West Virginia Volunteers, who died December 9, 1874; and the evidence in her claim for pension shows that Lieutenant Bailey was discharged upon surgeon's certificate of disability for asthma, being utterly unfit for duty therefrom. The claim for pension was rejected because of alleged existence of disease prior to enlistment.

The evidence of the surgeon of the regiment shows exposure on a raid and contraction of severe cold from which asthma developed.

His colonel, Lieut. Col. John L. Vance, testifies to same effect, and to subsequent death from consumption.

F. A. Crowly, M. D., as to being Lieutenant Bailey's family physician, and treating him in connection with his father for asthma, which gradually developed into consumption.

Dr. Ephraim Williams was family physician prior to 1861, and testifies to non-existence of asthma.

John M. Gardner testifies to acquaintance with Lieutenant Bailey from 1857 to March 10, 1861, and to soundness and freedom from asthma. So positive is the sworn evidence as to freedom from asthma prior to enlistment, its contraction in the service, existence at and subsequent to the discharge, and development into consumption that there seems no room for doubt that Lieutenant Bailey's death was a sequence of his service, and your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES D. KIRK.

Mr. CULBERTSON, of Kentucky. I call up a bill (H. R. 4079) granting a pension to James D. Kirk.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of James D. Kirk, of Inez, Martin County, Kentucky, and pay him a pension from the date of expiration of his term of service in Company B, One hundred and sixty-seventh Regiment West Virginia Militia, at the rate allowed by law to private soldiers for disabilities incurred while in the service of the United States in the late war of the rebellion.

The amendments of the committee were read, as follows:

Strike out the words "Kentucky, and pay him a pension from the date of expiration of his term of service in," and in lieu thereof insert "late of."

The report of the committee (by Mr. LE FEVRE) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4079) granting a pension to James D. Kirk, have had the same under consideration, and beg leave to submit the following report:

It appears from the papers on file in the Pension Office that James D. Kirk, while serving as a private in Company B, One hundred and sixty-seventh Regiment West Virginia Militia, and returning with his command to Lawrence County, Kentucky, from a scout to Logan County, West Virginia, was accidentally wounded in right hand by the discharge of his gun while in the act of passing it through a fence. The ball passed through the palm of the hand, fracturing the middle metacarpal bones, causing the drawing up and consequent shortening of the fingers.

The fact of the injury and its incurrence in line of duty is fully shown by the affidavit of the officer and others of the command. The date of the injury is given as November 25, 1862. After recovery from the wound Kirk became a member of Company I, Thirty-ninth Kentucky Infantry, and served from August 28, 1863, until mustered out, a first-sergeant, September 15, 1865.

The claim has been rejected by the Pension Office because the applicant at time of injury was not in the service of the United States.

The command to which claimant belonged it is true was a State organization, but its services were valuable to the Government, and in fact the militia of the several States were co-operating with the forces of the United States in the suppression of the rebellion, and their services are recognized in the pension laws for wounds or injuries received while in an engagement, provided the claim was prosecuted to a successful issue prior to July 4, 1874.

This, as well as preceding Congresses, have recognized the services of the militiamen by granting pensions for those who are excluded from the provisions of the general pension laws, and believing this case to be meritorious, your committee report favorably on the bill, and ask that it do pass, amended, however, by striking out all between the word "Kentucky," in line 5, and the word "in," in line 7, and insert therein instead the words "late of."

The amendments were agreed to.

Mr. MORRILL. Does that grant arrears? As originally read it did grant arrears from the time of the disability, and, if so, I must object to it.

The CHAIRMAN. The bill will be read as amended.

The bill was again read as amended.

Mr. TOWNSHEND. There are no arrears in that. It is all right.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN SPARR.

Mr. STEVENS. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 7340) granting a pension to John Sparr.

The CHAIRMAN. The Clerk will read the bill.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Sparr, of Batavia, N. Y., late of Company C, Third Regiment New York Cavalry.

The report (by Mr. BAGLEY) is as follows:

John Sparr served as a private in Company C, Third Regiment New York Cavalry, from September 28, 1864, to July 12, 1865. He applied for pension February 24, 1879, alleging disability on account of injury to right leg by reason of the fall of his horse while chasing a confederate mail-carrier near Portsmouth, Va., in March, 1865, which injury resulted in varicose veins and weakness of leg. The claim for pension has been rejected because there is no record of the alleged injury, and claimant is unable to furnish the testimony of officers or comrades as to its incurrence or medical evidence of treatment in service or at discharge, and the evidence on file is deemed insufficient to corroborate claimant's allegations.

It appears that the claimant was one of a detachment made up of different commands, sent out on a raid across Blackwater River, at the time of the injury, and not being acquainted with his companions he is unable to furnish the testimony of an eye-witness. The captain of claimant's company testifies, however, that claimant's injury at the time alleged was, at the time of the latter's return to the company, reported to the affiant. The leg was swollen and sore, and soldier thereafter was excused from drill. The affiant had no doubt of the truth of claimant's statements in the matter.

Claimant states that he was treated in Camp Getty for the injury, but does not remember the name of the surgeon.

William Doring and Charles J. Sparr, neighbors, who are shown to be credible witnesses, testify that upon his return from the Army soldier was lame, and an examination of the leg showed that it was swollen and blue from the right knee to the foot.

Dr. Billings, who treated claimant from his discharge until 1872, is dead. Subsequent treatment is shown by the affidavits of the attending physician.

That claimant was sound at enlistment can not be doubted upon the evidence on file.

The action of the Pension Office in rejecting the claim because of the absence of the testimony of an eye-witness to the injury, and of medical treatment in the service, was undoubtedly proper under its rules governing the adjudication of pension claims; but in view of the fact shown your committee are of opinion that great injustice would be done a worthy soldier by insisting upon a strict compliance with such rules, and believing that he, by the best attainable circumstantial evidence, has established his title to a pension, we report favorably on the bill, and ask that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

AMOS M'DOWELL.

Mr. PETERS. Mr. Chairman, I ask unanimous consent to take from the Private Calendar House bill 7572, granting a pension to Amos McDowell, and put it upon its passage. It will be found on page 52 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to place on the pension-roll the name of Amos McDowell, late a member of the Forty-sixth Iowa Volunteer Infantry, and grant him a pension from the passage of this act, subject to the pension laws.

Mr. BAGLEY. I ask unanimous consent that the reading of this report be dispensed with, and that it may be printed. I appeal to my friend from Alabama that this reading of these long reports is simply delaying the passage of the bills.

Mr. HEWITT, of Alabama. The report should be read or else some statement made to show the character of the bill on which we are called to act.

Mr. PETERS. I think I can expedite matters by making a brief statement in reference to this case.

This is the case of an applicant for pension who contracted disease in the Army, but did not take sick until two days after he was discharged from the service. The medical testimony all goes to show that the seeds of the disease were in his system at the time of his discharge. Immediately after his discharge he was taken down with typhoid fever. The case was examined by a special examiner sent out from the Department, who reported favorably upon it, but for some reason it was rejected, because the Department did not think the evidence sufficiently proved that the disease was contracted in the Army prior to the discharge.

I think it is one of the strongest cases that has ever come before the House for its action.

The CHAIRMAN. Without objection, the reading of the report will be dispensed with and it will be printed in the RECORD.

There was no objection.

The report (by Mr. MORRILL) is as follows:

We find that claimant enlisted May 28, 1864, for one hundred days, and was discharged September 23, 1864, by reason of expiration of service. November 7, 1878, he filed a declaration for pension, alleging "typhoid fever, contracted at Memphis, Tenn., September, 1864, resulting in disability of left leg." The case was submitted to a special examiner, and a full and searching examination was made, developing the following facts, which seem to stand unquestioned, as there is no contradictory testimony. Two or three comrades testify that on their way to Davenport, Iowa, in September, 1864, to be mustered out the claimant appeared sick and complained to those around him that he felt badly. On the 23d of September they were mustered out, and he, accompanied by comrades, went to his home. The family physician happening to be present, gave him some medicine. He continued to grow worse, and a few days after (not more than ten) he was confined to his bed, and for two months was very sick with typhoid fever. For six months he was unable to leave the house. The fever left him with a diseased leg, which has continued ever since. He shows continuous medical treatment from the day he reached his father's house until the time of making the application, in 1878.

His family physician, Dr. William H. Gibbon, surgeon of the Fifteenth Iowa Regiment, testifies that he was claimant's family physician from 1858 until he entered the service, at which time he was in good health and a sound, able-bodied man; that when he (affiant) left the Army in 1865 he again became claimant's family physician; that he (claimant) had the typhoid fever the year before, and at the time he saw him his left leg was considerably swollen, with contracted muscles, caused by rheumatism; that he continued to be his physician until he went to Kansas, in 1873, up to which time the leg had not materially improved, the leg still being flexed and swollen; that he remained in the condition described from 1864 to 1873.

Dr. O. M. Dotson testifies that he treated claimant from 1873 to close of year 1877, and that he was disabled on account of abscesses on left leg from hip to ankle.

The lay testimony as to his disability is very full and complete.

A. B. Casselman, the special agent of the Pension Department, who conducted the examination, says in his report, speaking of one of the most important witnesses:

"Before taking the testimony of this witness I inquired relative to his reputation, and was informed that he was a man of the strictest integrity and regard for truth; that anything he might say could be implicitly believed."

In closing his report the special examiner says:

"I am of the opinion that this claim is established, showing in my opinion that claimant's alleged disabilities are due to the service; yet in view of the testimony relating to the degree of disability from disabled leg, I think it would be well to have him examined by the nearest board, especially as Surgeon Minor rates him for a disability not alleged."

Yet in the face of all this testimony, with the evidence of Dr. Gibbon and Dr. Dotson before him, with the testimony of reputable men that claimant was treated immediately upon his return home by Dr. Joy, who is now dead, the reviewer who sat in judgment upon the report of the special examiner, says:

"Approved for rejection on the ground that claimant has failed to connect his alleged typhoid fever and results with his military service, there being no record of any sickness in service, and claimant being unable to furnish medical testimony of prior soundness, origin in the service, or existence at or soon after discharge. Says he was taken with typhoid fever thirteen days after discharge."

Claimant swears positively that two days before his discharge he was taken with a severe headache and a fullness and disagreeable feeling at the stomach; that this sickness continued growing worse for ten days after he got home, when he was confined to his bed.

Your committee conclude that a very strong case is shown by the evidence; that it would be unreasonable to suppose that the fever was not contracted in the service, and they therefore recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY L. ALVORD.

Mr. WOLFORD. Mr. Chairman, I ask consent to call up bill 7659, granting a pension to Mrs. Emily L. Alvord. It will be found on page 53 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Emily L. Alvord,

widow of Brig. Gen. Benjamin Alvord, deceased, late Paymaster-General of the United States Army, and pay her a pension of $50 per month from and after the passage of this act.

The report (by Mr. WOLFORD) is as follows:

That General Alvord was an officer in the Army of the United States in continuous service for forty-seven years. His military record is most satisfactory and brilliant. He was in the Florida war against the Seminole Indians, was engaged in several skirmishes, and was promoted for his gallant conduct. He was in the war with Mexico, and participated in several engagements, and was twice promoted for his gallant and meritorious conduct in the battles of said war. He was in command as brigadier-general United States Volunteers from 1862 to 1866 in the war with the seceding States, and promoted in the regular Army, for faithful and meritorious services, to brevet lieutenant-colonel, and brevet colonel, and brevet brigadier-general in the United States Army. He was afterward Paymaster-General of the United States Army, and discharged the duties of the office with great ability, giving entire satisfaction, being honest, faithful, and industrious.

He died in 1884, having been on the retired-list four years, of disease contracted while in active service in the Army and in the line of his duty, as shown by the certificate of the surgeon of the United States Army, which certificate is appended to this report He graduated in the Military Academy of the United States; was a scholar of distinction; was assistant professor of mathematics and of natural and experimental philosophy at the United States Military Academy in 1837. He was the author of some valuable books, which honored him. He was a pure and devout Christian, of high honor, a warm and generous friend, and a kind husband and father, as brave as the bravest and as gentle as the gentlest. His widow, the only wife he ever had, his companion for many years and the mother of his children, is old and infirm, with but little money or property and with three children and a very old and helpless maiden sister of her husband to support.

Wherefore they report the bill without amendment, with the opinion that it ought to pass.

I certify that Brig. Gen. Benjamin Alvord, United States Army, retired, was at the date of his retirement suffering from chronic diarrhea, for which he had been repeatedly treated by me during the last two years of his active service. Though for many years, and dating as far in the past as the Mexican war, General Alvord had been frequently compelled to apply for medical treatment for diarrhea, to which he was strongly predisposed, it did not become a permanent and chronic disease until in 1876, and when in the line of his duty as Paymaster-General. At that time and subsequently his health became so much impaired as to necessitate the daily use of remedies and led to feeble action of the heart, general debility, and organic disease of the kidneys, of which he died.

BASIL NORRIS,
Surgeon, United States Army.

SAN FRANCISCO, CAL., *December* 8, 1884.

True copy.

WM. B. ROCHESTER,
Paymaster-General United States Army.

Mr. HEWITT, of Alabama. Mr. Chairman, I do not rise to oppose that bill, but I would like to ask the gentleman from Kentucky if the widows of any of our brigadier-generals have been put upon the pension-rolls at the rate of $50 per month?

Mr. WOLFORD. This man has, perhaps, as good a record as any man who ever served in the Army.

Mr. HEWITT, of Alabama. That is not the question.

Mr. WOLFORD. I want to say that to start with. It will not take a minute.

Mr. HEWITT, of Alabama. Will the gentleman answer the question that I have asked him?

Mr. WOLFORD. The gentleman who introduced this bill has gone to the Pension Office and has a list of some ten or a dozen names of persons who have been placed upon the pension-roll at the rate of $50 a month.

Mr. TOWNSHEND. The widows of brigadier-generals?

Mr. WOLFORD. Yes, sir. I send this list to the desk and ask the Clerk to read it.

The Clerk read as follows:

List of persons whose pensions have been increased by special act to $50 per month:

Anna J. Foster, July 5, 1884.
Virginia Zeilin, July 5, 1884.
Apolline A. Blair, July 5, 1884.
Martha T. Stribling, July 5, 1884.
Ellida J. Middleton, July 5, 1884.
Sarah N. Crane, July 5, 1884.
Fannie S. Beaumont, July 5, 1884.
Mary T. Barnes, July 5, 1884.
Betsy A. Mower, July 5, 1884.

Mr. HEWITT, of Alabama. I move to amend that bill.

Mr. WOLFORD. I hope the gentleman will not offer any amendment to it.

Mr. HEWITT, of Alabama. I am not going to make the point of order upon the bill. I know you will pass it as it comes from the committee; but I feel it a duty to move to strike out "$50 per month" and insert "to pay her a pension subject to the provisions and limitations of the pension laws." This will give her a pension of $30 a month. [Cries of "Vote!" "Vote!"]

The amendment was not agreed to.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET M'CARTY.

Mr. HENDERSON, of Iowa. Mr. Chairman, I now call up from the Calendar the bill (H. R. 6946) for the relief of Margaret McCarty. It will be found on page 46 of the Calendar.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the requirements and regulations of the pension laws, the name of Margaret McCarty, widow of W. H. McCarty, a member of Company C, Twenty-first Regiment of Iowa Infantry Volunteers.

The report (by Mr. HOLMES) is as follows:

Margaret McCarty is the widow of William H. McCarty, late a private in Company C, Twenty-first Iowa Volunteer Infantry. He enlisted on the 16th day of August, 1862, and was mustered in the same day, and was discharged on the 2d day of June, 1865.

The soldier, William H. McCarty, originally made application for invalid pension, which was executed September 29, 1879, and was filed October 28, 1879, and proofs introduced. This application was rejected by the Pension Office on the ground that the claim was not pending in the Pension Office at the time of the soldier's death, under section 4717 of the Revised Statutes of the United States. The soldier died October 22, 1879, at Rockdale, Iowa. The widow, Margaret McCarty, afterward filed her application for pension on the 5th day of September, 1882, which was rejected by the Pension Office on the ground that the death of the soldier was not occasioned by disability contracted in the service. The official records of the Surgeon-General's Office show that William H. McCarty was taken, on the transport Crescent City, July 2, 1863, with anasarca of the lower extremities, and was transferred July 11, 1863; was admitted to Adams general hospital at Memphis, Tenn., July 11, 1863, with disease of the joints, and returned to duty August 27, 1863; was admitted to University general hospital at New Orleans, La., July 26, 1864, with scorbutus and rheumatism, and returned to duty September 18, 1864; he was admitted to the Overton general hospital Memphis, Tenn., December 17, 1864, from the field, with chronic diarrhea, and transferred February 4, 1865; was admitted to the small-pox general hospital, Memphis, Tenn., February 5, 1865, with small-pox, and mustered out June 3, 1865. The records and evidence show that the soldier was a sound man and in good health when he entered the service. During his earlier service he was taken prisoner and confined for some months in Camp Tyler, Texas. While confined there he was severely attacked with scurvy, from which he seems never to have recovered. The scurvy attacked his teeth and gums and lower extremities. There is considerable evidence of his procuring medicine and of physicians' attendance during the time from his discharge to his death; but the evidence also shows that he lacked much in medicine and attendance, being too poor to procure them. The immediate cause of his death, as found by the Pension Office, was hemorrhage from abdominal scirrhus (cancer), and although the medical department of the Pension Office did not attribute his death to the disability contracted in the service, yet the evidence, aside from a technical medical conclusion, points undeniably to that fact. The soldier never recovered from the scurvy, and was sick almost continuously, and declining from the time of leaving the service until his death. We think the preponderance of the evidence and the record shows conclusively that his disability originated in the service, and, without recounting in detail the evidence which would lead us to this conclusion, your committee think it sufficient to say that they recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID FRIED.

Mr. STOCKSLAGER. Mr. Chairman, I now call up the bill (H. R. 7308) for the relief of David Fried.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of David Fried, late a private in Company F, Fifty-ninth Regiment Indiana Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws, with arrears from the date of the injury.

Mr. MORRILL. I would like to ask if that bill grants arrears?

Mr. STOCKSLAGER. It does.

The CHAIRMAN. The Clerk will again report the bill.

The bill was again read.

Mr. MORRILL. I move to amend by striking out the words "with arrears from the date of the injury."

We have rejected hundreds of cases in the Committee on Invalid Pensions. I object *in toto* to granting arrears.

Mr. STOCKSLAGER. I would like to have the report in this case read, and then I shall have something to say about it.

The report (by Mr. MATSON) was read, as follows:

The claimant, David Fried, enlisted as a private in Company F, Fifty-ninth Indiana Volunteers, December 19, 1861, and was discharged April 4, 1862, on account of gunshot wound, causing the loss on right hand of index finger between first and second joints, the second finger at first joint, and stiffness of the third finger at first joint. Claimant made application for pension, which was rejected by the Pension Office for the reason that the claimant did not prove, beyond a reasonable doubt, that he himself did not purposely discharge his gun, thereby causing the injury. The evidence is conclusive that the claimant was a good soldier; that he had been on picket duty, returned to his tent, lay down and went to sleep; that by some means (not testified to) the straw or cornstalks that were used for bedding caught fire; that his gun, which was in close proximity, was discharged, causing the injury as above set forth. The fact that no one saw the fire communicated to the gun, in the opinion of this committee, cuts no figure in the case, as it was for that reason, undoubtedly, that the accident occurred. If the claimant or his comrades had seen the fire communicated to where the guns were lying, as a matter of course they would have extinguished it.

The special examiner in this case says he can not show that this man shot himself—

"But that the burden is on the claimant; he is to prove his claim, at least so far as to exclude a reasonable doubt that he did not purposely wound himself."

This the examiner says the claimant has not done. This theory is in direct opposition to the doctrine enunciated by this committee, that the soldier is entitled to the benefit of any reasonable doubt that may exist.

The best evidence in this case, the discharge and certificate of disability of the claimant, seems to have entirely escaped the notice of this special examiner. The captain of his company and the surgeon of the regiment both certify to the accidental discharge of the gun, causing the loss of three fingers.

Your committee are of the opinion that the Government is debarred at this late day of going back on a record made over twenty years ago, and would therefore recommend the passage of the bill.

Mr. MORRILL. Now I move to amend by striking out the words I have suggested, so that it will leave the pension subject to the provisions and limitations of the pension laws.

Mr. STOCKSLAGER. Mr. Chairman, in the first place I must be permitted to say to the committee that I believe the doctrine of granting arrears of pension is right. I think there ought to be arrears granted in all cases.

But this case is different from many of the cases we are called upon to consider here. In the great majority of cases which the committee is called to act upon the pension has not been allowed by the Department because there is no law under which it can be allowed or because the general law does not reach the particular case. But that is not the question presented by the present case.

Here is a case where the claim was filed in ample time, long before the expiration of the time prescribed, years before July, 1880, where, if the Pension Department had done its duty, there would have been a pension allowed with arrears. As I have said, it is not a kind of case which the law does not reach where the applicant did not do his duty. This applicant did his full duty. He filed his claim, made his proof, and the Pension Department refused the claim on the extraordinary statement that he had not proved beyond reasonable doubt that the injury might not have been inflicted purposely.

The committee very properly say that the Pension Office overlooked the most important part of the testimony, and that was that the captain and the surgeon of the regiment, at the time of this soldier's discharge, both certify to the fact of the accidental wound. I think this is a case in which there ought to be arrears, and I think there ought to be arrears in all cases of this character where the applicant has done his full duty and filed his claim in time. There are no laches here. [Cries of "Vote!" "Vote!"] Very well; if gentlemen do not wish to hear I will submit the matter to a vote of the committee.

Mr. MATSON. As this bill was reported by me, I wish to say that evidently by some inadvertence the latter clause in relation to arrears was not stricken out. That clause was placed at the end of the bill and by some inadvertence was left in. I will say it has been the universal practice of the Committee on Invalid Pensions not to grant arrears. That has been the practice not alone of the committee of this House, but it has been the practice of the committees of former Congresses. No arrears have been granted.

Mr. BROWN, of Pennsylvania. And it has made no difference what the merits of the case were.

Mr. MATSON. I wish to say just one word more. I will say to my friend from Indiana [Mr. STOCKSLAGER] there have been cases presented to the Committee on Invalid Pensions that were stronger in their equitable and legal merits than this; and the arrears were not allowed because it has been the uniform practice of Congress to refuse them.

The amendment offered by Mr. MORRILL was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LOUISA A. ESTES.

Mr. MORRILL. I ask consent to take up the bill (H. R. 7709) granting a pension to Louisa A. Estes. It is on page 52 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Louisa A. Estes, widow of John Estes, late of Company E, Seventy-third Regiment of Indiana Volunteers, subject to the conditions and regulations of the pension laws.

Mr. HEWITT, of Alabama. I call for the reading of the report, unless it be long. In that case let there be a statement in explanation of the bill.

Mr. TOWNSHEND. The report is quite lengthy. I suggest that the gentleman from Kansas make a statement.

Mr. MORRILL. I will state in a very few words the substance of this case. This soldier died, as three physicians testify, from the effects of a wound received in the arm. He was shot in the arm and the bone worked out until no bone was left below the elbow. One physician was called who certified that the soldier died from the effects of opium. Three other physicians said they attended the man and saw no effects of opium. The druggist who furnished him all his medicine said he never supplied him any opium during twenty years of acquaintance with him. The three physicians said he died from the effects of nervous prostration caused by the injury he received during the war.

Mr. HEWITT, of Alabama. Did the three physicians certify that before the Pension Bureau?

Mr. MORRILL. Yes; and the Pension Department refused the application, as they always refuse such applications, on the evidence of one man. If fifty physicians certified that the man never took opium and one certified that he did, the Pension Office would have rejected the claim.

The report (by Mr. MORRILL) is as follows:

We find that Louisa A. Estes is the widow of John Estes, late a private in Company E, Seventy-third Regiment Indiana Volunteers, who died February 24, 1881. The claim of the widow for pension was rejected on the ground that his death was not the result of his military service, and the only proof in support of this position is the affidavit of Dr. William B. Davis, who first saw the soldier February 7, seventeen days before he died. Dr. Davis testifies:

"The immediate cause of death was anæmia. The anæmia was due to derangement of the digestive apparatus. This derangement of the digestive apparatus was due to a derangement of the nervous system. The derangement of the nervous system was due to the opium habit."

Dr. Winfrey, late assistant surgeon of volunteers, testifies that he was well acquainted with said soldier for about seven years prior to his death, and was his family physician up to within a short time of his death, and does not remember of ever prescribing opium for said soldier or know of his taking any.

Dr. Ott, a physician in good standing, testifies:

"I attended, as a physician, John Estes, of the town of Wathena, at the time of his death, in said town, on the 25th of February, 1881. In my judgment, the cause of his death was complete prostration of the nervous system, together with some brain affection (the latter, however, not having been proven by a *post-mortem* examination); said disease being caused by a constant drain upon the system by an injury claimed to have been received during the war."

Aug. Miller, for sixteen years postmaster of Wathena, and for twenty years the druggist of the village, a man of unquestionable integrity, says:

"From September, 1880, until February 25, 1881, I furnished all the medicine he required, and if there was any opium in any of the medicine I do not know it. Mr. Estes, in his lifetime, bought all of his medicine of me, and he never bought 5 cents' worth of opium of me. Furthermore, he did not look like one addicted to the opium habit, and it is my candid opinion that he was free from that vice; and any one who knows anything about the circumstances of the death of John Estes must admit that it was from the wound received in the Army that he died."

Several neighbors testify that they were intimate with the deceased and never knew him to use opium nor heard of his doing so.

Dr. J. F. Sanders also testifies:

"I was well acquainted with John Estes (deceased), and treated him in the beginning of his last illness. It was a nervous prostration, which he told me at the time he thought came from the wound in his arm. I will also state that I never knew of his taking opium in any form, and *know* he did not take any while I treated him. I did not treat him long—was acquainted with him about a year, and never heard of his using opium till I read it in your (Commissioner's) letter. *I believe it to be false.*"

The soldier received a severe wound in his arm while in battle in October, 1864, for which he applied for a pension in 1865, and received it until his death. The examining board of surgeons reported the disability equivalent to the loss of the hand. Four physicians have testified in this case. All agree that he died from the effects of nervous prostration. Three of them say it was the result of the wound; the other says it was caused by the use of opium. The village druggist, several of the intimate neighbors, his wife, three of the physicians say they never knew or heard of his using opium. The other, who saw him for the first time seventeen days before he died, says his disease was caused by opium. The preponderance of evidence is largely against this theory. The widow is left penniless, with a large family of small children.

Your committee, without hesitation, recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CREET H. DOUGHERTY.

Mr. LOWRY. I call up the bill (H. R. 383) granting a pension to Creet H. Dougherty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Creet H. Dougherty, late of Company E, Tenth Regiment of Illinois Volunteers, subject to the provisions and limitations of the pension laws, and pay him a pension from and after the passage of this act.

Mr. HEWITT, of Alabama. Let the report be read.

The report (by Mr. MATSON) was read, as follows:

That claimant enlisted in the military service of the United States as a private in Company E, Tenth Regiment Illinois Volunteers, August 30, 1861, and was honorably discharged July 4, 1865.

May 19, 1874, he filed a declaration for pension, alleging that April 15, 1865, near Raleigh, N. C., while on double-quick march, he received rupture of the left side from his cartridge-box striking him, which was rejected August 18, 1882, on the ground of no record of alleged disability and claimant's inability to furnish satisfactory evidence of origin of the same.

The incurrence of the hernia as alleged by claimant is shown by the evidence of Lieutenant Jamison, of claimant's company and regiment. He is shown to have been treated for hernia immediately on his discharge from the service, and the continuance of the disability is conclusively shown by both professional and lay testimony.

That the soldier was free from hernia prior to and at the time of his enlistment is also clearly established.

Your committee find that the disability of this soldier was contracted in the military service of the United States and in line of duty, and that he is entitled to a pension, and therefore recommend the passage of the accompanying bill.

Mr. HEWITT, of Alabama. It seems this soldier was wounded by his cartridge-box. I would like to have some explanation how that could happen. I have carried a cartridge-box, and I do not know any way in which I could have been wounded by it.

Mr. LOWRY. It is set forth in the report that the hernia, on account of which this claim is made, was incurred in the service. That is clearly established by the proof. It is also shown that the specific mode in which the hernia was incurred was by the cartridge-box striking the soldier at a time when he was on double-quick march. The committee state in their unanimous report that the soldier was free from hernia at the time he entered the service, but immediately on his discharge was treated therefor. As to the particular way in which the cartridge-box struck him, or how it was propelled against him, I am unable to state. The committee report that they are entirely satisfied with the justice of the claim.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. ELIZABETH A. RANDALL.

Mr. POLAND. I call up the bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall. The bill is not on the printed Calendar, as the report was only made to-day.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be directed to place on the pension-roll, subject to the conditions and limitations of the pension laws, the name of Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall, late captain of Company G, Seventh Regiment of Vermont Veteran Volunteers, and that such pension commence at the death of her said husband.

Mr. POLAND. The report in this case is exceedingly voluminous, and I do not think it will be necessary to read it in full. This Captain Randall and his wife (now his widow) lived in the town adjoining that

in which I live. They are people whom I have known for many years. I knew Captain Randall before he went into the Army and after he came home from the Army, down to the time of his death. Captain Randall made application to the Pension Bureau for a pension. It turned out that, on the inspection of his papers, the medical examiner was for giving the pension for one disability (there being two), and the chief of the medical board was for granting it for the other disability, and the result was that between the two, as they could not agree upon the cause for which the pension should be given, they gave him none at all. [Laughter.]

Mr. RAY, of New Hampshire. I move to amend by striking out the words "and that said pension commence at the death of her said husband."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM STRICKLAND.

Mr. TOWNSHEND. I call up the bill (H. R. 3994) granting a pension to William Stricklin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William Stricklin, late second lieutenant of Company G, Third Regiment Illinois Volunteers in the Mexican war, at the rate of $15 per month.

The amendments reported by the committee are as follows: In line 6 strike out the word "Stricklin" and insert "Strickland." In line 8 strike out the words "at the rate of $15 per month" and insert "subject to the provisions and limitations of the pension laws."

Amend the title so as to read: "A bill granting a pension to William Strickland."

The report (by Mr. STOCKSLAGER) was read, as follows:

This claim is now pending in the Pension Office, and has not been allowed because of a lack of medical testimony. The said Strickland was second lieutenant of Company G, Third Illinois Volunteers, in the Mexican war, and a lieutenant and two privates, together with other reliable witnesses, testify to the soldier's disability.

From the evidence the committee have no doubt that the claimant is clearly entitled to the pension, and the passage of the bill is recommended.

The committee move to amend the bill by substituting the name "Strickland" for the name "Stricklin," as it appears, the latter being an error. And also by striking out the words "at a rate of $15 per month" and inserting in lieu thereof the words "subject to the provisions and limitations of the pensions laws."

The amendments reported by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

LEMUEL J. BENNETT.

Mr. PERKINS. I call up the bill (H. R. 552) granting a pension to Lemuel J. Bennett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Lemuel J. Bennett, late of Company —, First Illinois Infantry Volunteers, subject to the provisions and limitations of the pension laws.

The report (by Mr. STOCKSLAGER) was read, as follows:

While serving in Company E, First Illinois Volunteers, in the Mexican war, Mr. Bennett contracted, it appears, rheumatism, disease of the bowels, and fever, which permanently disabled him; but his claim for pension has been rejected because of his inability to prove the origin of disability in a satisfactory manner. It is clear to the committee, however, that he is entitled to a pension, and the bill is reported back with the recommendation that it pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. ROBSON.

Mr. JONES, of Wisconsin. I ask unanimous consent to take up the bill (H. R. 3833) for the relief of John W. Robson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, arrearages included, the name of John W. Robson, late a private in the Sixth Wisconsin Battery, at the same rate as other soldiers of similar disability.

The amendment reported by the committee is as follows: In lines 5 and 6, strike out the words "arrearages included."

The amendment was agreed to.

The report (by Mr. D. H. SUMNER) was read, as follows:

The accompanying bill asks that John W. Robson, of Madison, Wis., be placed upon the pension-rolls of his country, subject to all the limitations and provisions of the pension law.

His case is a sad one, and his cause meritorious to the last degree, the history of which shall be briefly recited.

John W. Robson, a native of Great Britain, who came to America in 1850, enlisted as a private at Milwaukee, Wis., in the Sixth Battery, Wisconsin Volunteers, September 13, 1861, going at once into training at Camp Utley, Racine, Wis. After training a little less than two months, he was not mustered in, but was discharged, because his body lacked half an inch of the prescribed height. He thus not only lost compensation during that period, but lost his own time and the proceeds of his private business, and was compelled to beat his way home without money, being aided a portion of the way by the kindness of a benevolent lady, who, hearing his parley with the railway conductor, paid the required fare.

A few months later, being still anxious to serve his adopted country, Mr. Robson was informed by Lieut. A. W. Bishop, now of the regular Army, that the question of undersize would probably not be again raised against him, as the needs of the Government were becoming more urgent, and to recruit a company of eleven men, and he should have a suitable office as a reward. He therefore recruited in Sauk County, Wisconsin, the company of eleven soldiers.

In the mean time Lieut. John W. Fancher returned and began recruiting for the Sixth Battery, and wanted Mr. Robson and his recruits. As the Sixth Battery was the one in which he originally enlisted, he went to Milwaukee, taking the eleven recruits, all of whom enlisted with him. Not having a knowledge of the ways of the world, Mr. Robson received no commission for his successful recruiting and enlistment, but went into and through the rebellion as a private, while the credit that belonged to him was enjoyed by Lieutenant Fancher.

After gathering several deserters and about thirty volunteers, Mr. Robson was sent to the front in charge of them, arriving at Rienzi, Miss., within twenty days and in time to participate in the terrible battle of Corinth, October 3 and 4, 1862, which was the first engagement of the Sixth Wisconsin Battery, that had enlisted more than a year before, and from which he had been excluded, as already mentioned.

Thus Mr. Robson, by reason of having been discharged for short stature, lacked about ninety days of being able to veteranize under the act of Congress of 1863. Those who enlisted first with him veteranized under that act and reenlisted, receiving $400 bounty and a forty-day furlough each. He had enlisted with them, but could not veteranize nor receive a furlough or a bounty. He participated in all the battles of his battery, and also served during the period while the veterans were enjoying their bounties and furloughs at home.

He was mustered out in July, 1865, having fought as long and in as many battles, for half as much money, as those who enlisted at the time of his first enlistment.

On returning home, he was taken ill with the rheumatism, chills and fever, and the malarious diseases contracted during army life. He was better and worse at intervals, sometimes confined to his room and sometimes able to be out. While partially convalescent, he was asked by Nye J. Gibbs, adjutant-general of Wisconsin, to superintend the firing of a national salute on the 22d of Februrary, 1866, in celebration of Washington's birthday.

Being an expert artilleryman, which was the reason of the request, he complied, though too ill to attempt any labor or business, and began firing from a cannon relinquished by the Federal Government. The gun, having an imperfection, of which fact, however, he was not aware, exploded a charge prematurely and severed his right arm at the shoulder and otherwise severely injured him.

The wounds were at once aggravated by the malarious poisons which his system had absorbed in the South, and which were still further developed and brought into activity by those injuries, and he is not healed to this day. For five years he was unable to walk without a staff and unable to work. For weeks and months together it was necessary to keep a child or nurse to carry food or drink to his mouth, so deeply were his bones affected by this malaria.

Finally the insidious poison left the wounded part and concentrated itself in his head. A portion of the skull bone was cleft; other portions are now loosening; the cranium is bare, cracked, and feverish, a source of infinite pain, suffering, trouble, and expense, and in such condition as to render traveling away from home impossible without an attendant.

Thus Mr. Robson, who served valiantly through the rebellion with his two brothers, is not only disabled for life, but is also an invalid for life. He was ill at the time of firing the salute of February 22, 1866, the direct effects of his army life; but as he had no hospital record, having served every day without a moment's furlough, and as his legitimate army illness was so overshadowed by and merged in with the results of the accident just mentioned that he and his physicians were for the time unable to clearly separate the legitimate results of the two, he did not apply for a pension. These same difficulties have ever since restrained him from asking an annuity under the general pension laws, though with his friends he never doubted the justness of his claims.

He was preparing to make an application for a pension when the explosion took place; but after that the physician who attended him (Dr. A. H. Rudd) died; the old war diseases mixed and merged with the wounds resulting from the explosion, so that subsequent medical advisers were unable to testify to his exact condition before the injury, though they agreed that his terrible afflictions were originally caused by army life, and thus he has been dragged along, close companion of despair, alternately renewed and deferred hope and poverty.

If those who wish, in dealing with the soldiers, to make the word of promise to the ear and break it to the heart desire, they can, indeed, balance themselves on the technical point that Mr. Robson did not suffer all his disabilities in battle; but he served every day for over three years faithfully and gallantly in the rebellion; the fact that he was one-fourth of an inch under the prescribed standard height deprived him of those bounties, privileges, and emoluments enjoyed by his taller comrades who enlisted with him; he gave his skill and services to fire a national salute in honor of the birth of the Father of his Country, which resulted in shattering an arm and shoulder, and intensifying the operations of the malaria absorbed in the Army; in short, he is disabled, one-armed, and an invalid for life, because, and only because, he was a soldier.

His present deplorable condition of poverty and physical ailments are the direct result of his service to his country, without any qualification or reservation whatever. Because, then, the circumstances attending his disability were such that it would be difficult for him to secure an adequate annuity under the general pension laws, should he, amid so many recipients of aid by special act of Congress, be denied justice?

Mr. Robson, when the country was in the throes of civil war and the result was quivering in the balance, might have fortified himself behind a technicality and even escaped the draft by showing that he was less than the standard height. But he did not. After being rejected once for this reason he tried again, when times were more troublous, and every faithful, patriotic volunteer was a precious gift, and being accepted in spite of the technicality of short stature, bore the burden of a private gunner to the end of the rebellion.

Can this great Government, which he helped to save and for and in whose service he has been physically ruined, now hide behind a paltry technicality, which he scorned in the hour of need, and deny him a few crumbs from our bursting Treasury? This Government must be just if not generous. It has been generous with thousands; let it now be just with this one crippled, sick, and pensionless veteran, the son of a foreign country, who can rest his cause upon nothing but his own merits and the honorable intentions and correct judgment of the Congress of the United States. Do not thrust him aside like an old stagehorse, because the country has had the benefit of his youth and strength, and has no further use for his sick and crippled body, for the time may come when we shall need the services of his young sons now struggling on through the poverty that patriotism entailed upon their father and upon them.

Wherefore your committee recommends the passage of said bill, provided, however, that the same be amended by striking out the words "arrearages included."

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID M. HARRISON.

Mr. PETTIBONE. I ask unanimous consent to take up the bill (H. R. 4626) for the relief of David M. Harrison.

No objection being made, the Clerk began to read the bill.

Mr. MATSON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. MATSON] will state his point of order.

Mr. MATSON. My point is that this is not a bill reported from either the Committee on Pensions or the Committee on Invalid Pensions, and that therefore its consideration is not in order at this time.

Mr. PETTIBONE. Mr. Chairman, I hope no objection will be made to the present consideration of this bill. It is the case of a lost pension check, and the object of the bill is simply to restore the check.

The CHAIRMAN. The Chair sustains the point of order.

AUGUSTUS JONES.

Mr. MILLER, of Texas. I call up the bill H. R. 5191, reported from the committee with amendments, granting a pension to Augustus Jones.

The bill was read, as follows:

Be it enacted, &c., That the pension now allowed to Augustus Jones, a soldier of the war of 1812, be increased from $8 per month to the sum of $25 per month, to take effect from and after the passage of this act.

The report (by Mr. JONES, of Texas) was read, as follows:

Augustus Jones, of Columbus, Colorado County, Texas, was born at Kaskaskia, Ill., February 18, 1796, and is now over 88 years old. He served in Capt. Henry Dodge's company of volunteers in 1812, and afterward in Capt. John Scott's company of Russell's regiment, and was honorably discharged in 1814. In the war with Mexico he raised a company and served in Rall's regiment throughout the campaign in Mexico, and was honorably discharged at the close of the war.

February 14, 1871, he was placed upon the pension-rolls at $8 per month. It appears from affidavits of three respectable physicians that said Jones has no means of support for himself and wife except his pension, which is his only means of support, and that he is physically and mentally unable to earn a living, being now nearly blind and very feeble.

The committee therefore recommend the passage of the bill with the following amendment, namely: In line 5 strike out the word "five," so as to make it read "twenty dollars per month."

The amendment reported by the committee to strike out in line 5 the word "five," so as to make it read "twenty dollars per month," was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

T. A. MORTON.

Mr. MILLARD. I call up the bill (H. R. 7336) granting a pension to T. A. Morton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of T. A. Morton, late of Company E, Sixteenth Regiment New York Cavalry, subject to the provisions and limitations of the pension laws.

The report (by Mr. BAGLEY) was as follows:

The petitioner, Truman A. Morton, enlisted June 30, 1863, as a private in Company E, Sixteenth Regiment New York Cavalry; was discharged January 17, 1864; filed declaration for pension February 16, 1876; application rejected June 14, 1878, for the reason that alleged injury was received prior to enlistment. His certificate of discharge shows he was discharged on account of deafness; but this was not the ground upon which he applied for a pension. The proof is ample that while Morton and other soldiers were driving in a herd of cattle, for the use of the Army of the Potomac, near Stafford Court House, Va., they had a skirmish with a detachment of Mosby's confederate cavalry; that Morton's horse was shot under him, and a horse of one of Mosby's men fell upon him, injuring him severely in the stomach and bowels. From this injury he has never recovered. He was sent to hospital in Washington, D. C., and discharged from Ladies' Hospital in New York. The testimony as to his soundness and full manly strength prior to and at the time of his enlistment is ample; also, as to the fall of horse upon him and injury therefrom.

Dr. Miller, of Warsaw, N. Y., testifies that he treated Morton for the injury in fall of 1863, when he was at home on furlough; that he treated him immediately after his discharge, and occasionally up to 1877; that said injury was in the right side and in the pyloric extremity of the stomach. Other witnesses testify as to his sickness and inability to work. In August, 1882, the examining board of surgeons state as follows, viz.: "Judging from his (Morton's) present condition and from the evidence before us, it is our belief that the said disability did originate in the service aforesaid and in the line of duty." Also, "that he was thrown from his horse and injured in stomach October 10, 1863," and that he "was laid up in hospital till January 17, 1864, and then discharged from results of said injury."

Your committee therefore recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

EDWARD P. QUINN.

Mr. BAGLEY. I call up the bill (H. R. 7732) granting an increase of pension to Edward P. Quinn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Edward P. Quinn, of the city of Albany, late a lieutenant of Company D, New York Volunteers, to the sum of $40 per month.

The report (by Mr. BAGLEY) is as follows:

The petitioner was a first lieutenant of Company D, One hundred and twenty-third Regiment New York Volunteers; enlisted June 2, 1863, and discharged May 15, 1865. He received a gunshot wound of the lower jaw in a battle near Kenesaw Mountain, Georgia, June 22, 1864, which shattered the bone, requiring the removal of one-third of it, and rendering him unable to chew food to any extent, and while the wound was unhealed there issued from it into the mouth a foul, bloody, purulent discharge. The soldier also lost the right eye by a fragment of a bursting shell.

For these disabilities the petitioner is now receiving a pension of $24 a month, and seeks by special act to increase it to $40 per month.

A board, consisting of three examining surgeons, under certificate dated September 8, 1873, says:

"That the ball entered the angle of lower jaw, left side, carrying away all of the left side of the jaw, and escaped by the mouth; that he is unable to masticate food and his health is very seriously impaired, and he is emaciating; also that the right eye is destroyed."

Another certificate gives substantially the following description: Gunshot wound, lower jaw. Had resection of the whole of left side of lower jaw, causing great deformity and preventing the mastication of food.

David Little, examining surgeon, says:

"Ball entered near angle of lower jaw on left side and emerged from mouth, carrying away a portion of the jaw. There is a small part of left lower jaw remaining, but it is united to the sound part and plays about loosely with the movement of the mouth; all teeth of lower left jaw are gone. Mastication is greatly impaired. Claimant suffers constant neuralgic pains."

The petitioner is in a bad plight, which the statements sufficiently show. The Pension Office has no power to increase the pension. Similar cases have come before the committee and have been reported favorably, and the House has without hesitation concurred in the reports. The committee think the petitioner is entitled to the relief asked for, and recommend the passage of the bill with the following amendment: After the words "Company D," in line 6, insert "One hundred and twenty-third."

The amendment reported by the Committee on Invalid Pensions, to insert before "New York Volunteers" the words "One hundred and twenty-third," was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EMILY AGNEL.

Mr. REED. I desire to take up the bill (H. R. 765) for the relief of Emily Agnel.

The bill was read, as follows:

Whereas Emily Agnel, widow of Lieut. Col. and Professor Hyacinthe Robert Agnel, of the United States Army, was placed on the pension-roll on the 16th day of December, 1880, and from which date payment of said pension was made: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay or cause to be paid to the aforesaid Emily Agnel pension, at the rate prescribed by law, from the date of the death of the said Hyacinthe Robert Agnel: *Provided*, That all sums previously paid on account of pension to said Emily Agnel be deducted.

The report (by Mr. STOCKSLAGER) was as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 765) for the relief of Emily Agnel, have considered the same, and beg leave to report in the language of the Senate report on Senate bill 475, for the relief of said Emily Agnel, which your committee indorse, together with the recommendation that the bill pass.

"[Senate Report No. 510, Forty-eighth Congress, first session.]

"The Committee on Pensions, to whom was referred the bill (S. 475) granting arrears of pension to Emily Agnel, have considered the same, and respectfully report:

"The claimant, Emily Agnel, is the widow of Hyacinthe Robert Agnel, a professor of French in the United States Military Academy at West Point. He was appointed in 1840, and was continuously on duty there until his death, February 10, 1871. There seems to be no question as to the fact that Professor Agnel died in the service and line of duty, and two witnesses swear that his death was caused by 'intense mental strain and application to his duties.'

"The widow filed her application in the Pension Office December 16, 1880, and was finally pensioned June 12, 1882, at the rate of $30 per month from the date of filing such application. This time for the commencement of the pension was properly fixed under the act of March 3, 1879. The claimant now, by the present bill, asks for arrears from the death of her husband, February 10, 1871, until December 16, 1880, when her present pension began. To support this claim the claimant has filed with this committee her affidavit, that of her son, Francis W. Agnel, and that of James W. Covert, ex-member of Congress from New York, with other papers, showing the following facts:

"That Professor Agnel left an estate of less than $1,000, and after his decease his widow, now over 70 years of age, depended upon a son-in-law, Hiram Cranston, for counsel and assistance, who, at her request, instituted inquiries as to what was due her from the Government. She swears he assured her there was no provision of law to pension her, and that such was the common belief at the military post that she became impressed with this belief, or otherwise she would have lost no time in filing an application; that she also learned of an application made to the Pension Office by the widow of Professor of Ethics and Chaplain John W. French, in which the office disallowed his claim as a professor, and only allowed him a pension as a chaplain, and that she concluded therefore from that fact that it would prove of no avail to make application to the Commissioner, and finally abandoned all idea of applying under the pension laws.

"She further swears that upon laying the case before her Congressional Representative, James W. Covert, she was advised to apply to Congress for relief, which she did by a bill introduced on January 26, 1880 (H. R. 3940, Forty-sixth Congress), which, however, failed to pass; and that it was after the last day of June, 1880, when, under the advice of friends and an attorney, she resolved to apply to the Pension Office with the sole idea of getting the case before the Attorney-General for an opinion, and that it was, as she anticipated, rejected by the Commissioner, but a favorable opinion finally rendered by the Attorney-General. She also swears that she would have made application to the Commissioner of Pensions in the first instance instead of to Congress had it not been made known to her that the Department failed to recognize the position or rank her husband held as within the provisions of the pension laws.

"The affidavit of the claimant's son, Francis W. Agnel, is substantially to the same effect. He swears Cranston, with whom claimant resided, investigated the subject and advised her an application for pension would prove futile, and maintained this opinion till his death in 1877; that about 1877 claimant was informed as to the case of Professor French, and requested the affiant to investigate it, which he did, and discovered that the widow of said Professor French was to that date the only widow of a professor who had applied for a pension to the Commissioner of Pensions on the strength of her husband's professorship in the Army or the Military Academy, and that it had not been allowed; that he so informed the claimant, and they both concluded it would be of no avail for her to make application.

"He further swears he stated the case to his Congressional representative, James W. Covert, who advised Congressional action as the only measure of relief open to the widow, and in consequence a bill was introduced but failed to pass; that finally on his advice, with a view of obtaining more authoritative evidence in the time intervening between the completion of the second session of the Forty-sixth Congress and the convening of the Forty-seventh Congress, and for the use of the committee in Congress, and with a hope of obtaining through the Department of the Interior a reference to the Attorney-General, and that the latter's opinion might prove favorable, an application was made to the Pension Office, but subsequently to the last day of June, 1880.

"The affidavit of ex-Rrepresentative Covert corroborates the above statements in regard to himself, and states 'that despite my uttermost efforts the said measure failed, and that from and including the period of the introduction of the said

bill, and for some time subsequent to the last day of June, 1880, from the circumstances of the case, and from my investigation of it at the Pension Bureau and elsewhere, I had formed the impression that Emily Agnel was ineligible for pension under the general law, and that her sole relief vested in Congress.'

"The papers in the case show that the case was approved by the examiner in the Pension Office at $30 a month and certificate was made out. Before it was mailed the Commissioner directed it should be canceled and a new one issued at $8 a month. This latter was canceled and the claim rejected by order of the Secretary of the Interior, February 20, 1882. Upon request of Hon. Walter A. Wood, of the House of Representatives, it was submitted to the Attorney-General for his opinion, which was that the effect of the law making the professors of the Military Academy a part of the Army, and the law relative to their appointment and retirement is to make them commissioned officers of the Army, and that as in pay and allowances they are assimilated to the rank of colonel and lieutenant-colonel, they are, in case they contract disability under the conditions set forth in section 4693, entitled to pension at the same rate as officers of the rank of colonel and lieutenant-colonel. This opinion was concurred in by the Secretary of the Interior, and the present pension allowed.

"The papers in the case of John W. French, referred to by the claimant in this case, have been examined, and show the following facts:

"Professor French died July 8, 1871. The widow filed her claim February 20, 1877, and it was admitted June 6, 1877, at the rate of $20 per month, the full rate allowed a chaplain's widow. The fact of his having been a professor was entirely ignored.

"December 17, 1877, the widow filed an application for increase to $25, because her husband, as professor of ethics, &c., at West Point, was entitled to rank as major. This claim was rejected January 15, 1878, 'on the ground that the pension laws do not provide for professor of ethics, and attorney so informed. The appointment as chaplain conferred the full rank as captain and no more. The rank claimed for (major) was an assimilated rank and no more. His mere relief from duty as professor would have stripped him of rank as major.'

"It appears that this case then remained in *statu quo* under this decision until February 12, 1882, when a communication was addressed to the Pension Office on behalf of Mrs. French, alleging that Mrs. Agnel had been pensioned at $30, and asking whether Mrs. French was not entitled to the increase she had before claimed as a professor's widow. June 21, 1882, Mrs. French formally applied for correction in the rate and rank, referring to decision in Mrs. Agnel's case as a precedent. September 26, 1882, there was a reissue to correct rate and service to $25 from the date of the death of Professor French, thus giving her arrears to date.

"It appears the question was submitted to the Commissioner by the reviewing clerk, and he replied as follows:

"'I think the rate of pension in this case should be $25, the total rate of major. The question involved is the same as that decided in the claim of the widow of Professor Agnel, cited by you.'

"It would therefore appear that the allegations in the present case as to the action taken and position held by the Department in regard to the right of a professor's widow to a pension are corroborated by the records. The Commissioner of Pensions states, under date of March 4, 1884, that the cases of Professor French and Professor Agnel are the only cases of that character filed in his office.

"The Commissioner of Pensions has, further, made a positive recommendation in this case, which your committee deem of sufficient importance to insert *in extenso*. It is as follows:

"'PENSION OFFICE, *March* 26, 1884.

"'SIR: On the 21st instant I forwarded to the honorable Committee on Pensions, United States Senate, the application for arrears of pension of Mrs. Emily Agnel, widow of Professor Hyacinthe Robert Agnel, certificate No. 196076, which was rejected on the ground that the original application was not filed in this office until December 16, 1880, and from which date the pension was made to commence as provided by section 2, act approved March 3, 1879.

"'It was my intention, at the time of transmission of said application for arrears, to set forth the equities in the claim, but through inadvertence they were omitted. It appears that shortly after the death of the claimant's husband correspondence was held with this office as to her title to pension, and the office decided that there was no provision of law under which she could be granted a pension, as her husband was not regularly in the service, but a professor of French in the Military Academy. Subsequently the claimant's son, in 1877, called at the office and had a conversation in relation to the claim with my predecessor, who the son states informed him that in a similar claim adverse action had been taken, consequently the claim could not be favorably considered under the existing laws. Because of the position taken by the office the claimant thought it impracticable to file her claim with the Commissioner of Pensions, and sought relief through Congressional enactment by filing her petition in January, 1880, some six months prior to the expiration of the limitation prescribed by the act of March 3, 1879; hence it appears that the office was instrumental in the delay in filing the application, and by which the claimant was denied the pension from the date of death of her husband, and in view of said facts which establish an equity of which I can not take cognizance, it is recommended that the petition of the claimant be favorably considered by Congress.

"'Very respectfully,

"'W. W. DUDLEY, *Commissioner.*

"'Hon. JOHN I. MITCHELL,
"'*Chairman Committee on Pensions.*'

"In view of all the circumstances in this case, your committee think the widow equitably entitled to pension from the death of her husband, and therefore report the bill with recommendation that it pass with the following amendment, namely:

"Insert after the word 'directed,' in line 4, the following words: 'To readjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and.'"

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it do pass.

Mr. HEWITT, of Alabama. I can not let this bill go through without calling attention to it. It is a bill reported by the Committee on Pensions, giving this lady a pension on account of the death of her husband, and as will be observed it contains a provision for the payment of arrears. The only reason that can be assigned for allowing arrears of pension in this case is that the widow failed to file her application in proper time because the Commissioner of Pensions had informed her she was not entitled to a pension. Upon this ground she delayed filing her application until a decision was rendered that the widows of persons dying in the Government service as professors at West Point were entitled to pensions. This is the only ground for taking this case out of the general rule. I have called attention to the matter so that members may know what they are voting upon.

Mr. REED. I am bound to say, Mr. Chairman, that the statement of the gentleman from Alabama so far as it goes is correct; but it does not quite cover the whole ground. Application was made in this case, and the Commissioner of Pensions gave information that under the present state of the law it was impossible for a pension to be granted. Thereupon and on account of that statement, instead of proceedings being had at the Pension Office, application was at once made to Congress. Afterward, when the matter came to the knowledge of the Attorney-General, he rendered a decision that these cases were pensionable. Thereupon application was made at the Pension Office, and a pension was granted.

I have here a letter from the late Commissioner of Pensions, Mr. Dudley, stating explicitly (I do not think it necessary to occupy time in reading the letter) that it was the fault of the Commissioner that the application for a pension was not prosecuted in proper time; and in this letter it is recommended on account of the very apparent equities of the case, that the relief proposed in this bill be granted by Congress. I submit that this recommendation is just, and that a decision in favor of the relief proposed in this bill would be a righteous decision.

Mr. MATSON. This proposed pension touches very nearly the line of civil pensions. My understanding is that the husband of this lady never saw any field service; that his service was simply at West Point as a professor. The proposition now is to give the widow arrears of pensions—a thing refused night after night by this House to those who have seen the hardest kind of military service in the field. I do not think this is right.

Mr. REED. Will the gentleman allow me to suggest to him a distinction? The ground on which arrears of pension are in general refused by the House is that the cases coming before the House are outside of the law. This is a case which is entirely within the law. A pension has been granted, not by Congress, but by the Commissioner of Pensions, in pursuance of law. This statement seems to meet the suggestion that this is not a pensionable case. All that this bill is intended to do is to rectify a mistake made by an officer of the Government, whereby this woman was prevented from receiving her pension as early as she should have received it. I submit that under the circumstances this bill does not come within the rule adopted by the House with regard to arrears of pension.

Mr. MATSON. Mr. Chairman, I apprehend the gentleman from Maine is not ignorant of that principle of law which excuses no one for ignorance of it. Now, so far as this claimant having been misled is concerned, I doubt not he states the fact. I understand the case that way too, but the fact remains that she failed to file her application in time. There are thousands and tens of thousands of widows in this country who had no knowledge at all of the fact that the arrears-of-pension act had passed, and tens of thousands who filed their pension claims shortly after the time had expired within which they could file their claims for arrears. The question is whether you are going to make an exception of the widow of this man who never saw any field service at all, and refuse pensions to the widows of men who were killed on the field of battle and who did service. I do not think it is right. I can not bring myself to believe this proposition is a righteous one.

The CHAIRMAN. The question is, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass? The ayes seem to have it.

Mr. MATSON. I ask for a division.

The committee divided; and there were—ayes 20, noes 18.

So the bill was laid aside to be reported to the House with the recommendation that it do pass.

ROBERT CAREY.

Mr. HILL. I call up the bill (H. R. 6011) granting an increase of pension to Robert Carey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Carey, late a private in Company I, Ninety-ninth Regiment Ohio Volunteer Infantry, at $72 per month, in lieu of the pension he is now receiving.

The amendment of the committee was read, as follows:

Strike out "$72" and insert "$45."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELMINA P. SPENCER.

Mr. NUTTING. I call up a bill (H. R. 7262) increasing the pension of Elmina P. Spencer.

The bill was read, as follows:

Be it enacted, &c., That the pension of Mrs. Elmina P. Spencer be, and the same is hereby, increased to $25 per month; and the Commissioner of Pensions is hereby authorized and directed to place the name of said Elmina P. Spencer on the pension-roll as a pensioner of the United States for the sum of $25 per month.

The amendments of the committee were read, as follows:

In line 4 strike out "$25 per month" and insert "$20 per month;" and in line 8 strike out "$25" and insert "$20;" and add to the bill "said $20 per month being in lieu of all other pensions heretofore granted."

Mr. HEWITT, of Alabama. I should like to hear the report in that case read.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions having examined the proofs submitted to it to sustain the right to an increase of pension to Elmina P. Spencer, submit the following facts and circumstances in justification of their favorable action on said bill:

Elmina P. Spencer, in 1862, went out with the One hundred and forty-seventh Regiment New York State Volunteers, as its matron. She joined the regiment at Oswego City, N. Y., on the 27th day of September, 1862, and went with the regiment into active service. She remained with the regiment at Washington, D. C., performing efficient duty as matron and nurse in the regimental hospital. She administered to the wants of the soldiers who were sick with great energy and untiring zeal until November 30, 1862, when the regiment was ordered to join the Army of the Potomac at Falmouth, Va. Women were not permitted at that time to stay with the regiments at the front.

For a little time she was employed as nurse at the Patent Office hospital, Washington, D. C., and then returned to Oswego, N. Y., to gather supplies for the sick of the Army, and was permitted to rejoin the regiment in January, 1863, at Bell Plain, Va. She brought with her at this time a large quantity of supplies which she had gathered with great labor from those who sympathized with the sick and wounded of the Union Army. She was soon after assigned to duty as matron of the first division hospital, First Army Corps, under A. J. Wood, surgeon Second Wisconsin Volunteers. She again rejoined her regiment the last of May, 1863, near Falmouth, Va. Here she remained, attending to the wants of the sick and wounded with great energy and remarkable devotion, until the 12th of June, when the regiment started on the memorable and world-renowned Gettysburg campaign. Here the devotion and heroism of this woman was displayed by her marching with the regiment on this campaign. She took with her supplies for the sick and wounded, and she was ever active in encouraging and helping those who needed assistance.

She knew no fear; she was never too weary to minister personally to the wants of those who were sick or wounded; she never seemed conscious of weariness; the way was never too long or the roads too muddy for her; she was on the battlefield of Gettysburg, exposed to shot and shell, busy during the whole battle furnishing assistance by way of supplies of food, water, and medicine to the sick and wounded. Her acts of devotion at this one battle places her in the first rank of heroic women of the rebellion. She was agent for the distribution of supplies from the various soldiers' aid societies of New York State. She followed the fortunes of the Union Army through its darkest days. She left home and comforts for the dangers and discomforts of the march and battlefield. Her husband was in the same regiment, and died in the service, and on account of his death she now receives a pension of $8 per month. This sum is entirely inadequate for her support, however. She has no child, or home, or property. She is 65 years of age, and bowed down with poverty and the racking pains of disease. She can not, at the most, live long. She is now an object of charity, and the American people owe it to themselves as well as her that the pension be increased from $8 per month to $20 per month.

Several Grand Army posts, scattered from New York to California, have petitioned that this relief be granted.

She was injured by being struck with a spent ball at City Point, Va., from the explosion of an ammunition barge, and now suffers from its effects.

The committee recommend that the bill be amended by striking out the words "twenty-five," in line 4, and inserting the word "twenty" in place thereof. And the committee also amend said bill by adding the following words after the word "month," in line 8: "said $20 per month being in lieu of all other pensions heretofore granted."

Before the reading of the report was concluded,

Mr. BROWN, of Pennsylvania, said: Enough of that report has already been read to satisfy me that this lady is entitled to a pension.

Mr. HEWITT, of Alabama. If my friend from Pennsylvania is satisfied, I am.

Mr. BROWN, of Pennsylvania. I am.

The amendments of the committee were agreed to; and the bill as amended was reported to the House with the recommendation that it do pass.

MARY A. GREENE.

Mr. LE FEVRE. I call up a bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $50 per month, the name of Mary A. Greene, widow of the late Commander S. Dana Greene, United States Navy.

The report (by Mr. ROBINSON, of New York) was read, as follows:

It appears the petitioner is the widow of Commander Samuel Dana Greene, United States Navy, recently deceased.

Commander Greene entered the Navy September 21, 1855, and was actively employed until the time of his death with the exception of eleven months. On January 23, 1862, Commander Greene, then a lieutenant, was ordered to the Monitor, which was at that time being prepared for service at Hampton Roads. Prior to that date he had interested himself in the vessel and thoroughly examined her construction and design, and notwithstanding the many gloomy predictions of naval officers and officers of the merchant marine as to the great probability of her sinking at sea, he volunteered to go in her, and at the request of Lieutenant (now Admiral) Worden, her commander, was ordered as executive officer.

From the date of his orders he applied himself unremittingly and intelligently to the study of her peculiar qualities and to her fitting and equipment. He remained in the Monitor throughout her whole career, taking part in the engagement at Hampton Roads with the Merrimac on the 9th of March, 1862, and in the attack upon Drewry's Bluff, in the James River, on the 15th of May, and only left the ship when she sank under him at sea off Cape Hatteras, on December 31, 1862. Throughout the whole history of the Monitor he exhibited the highest qualities of professional skill and courage, especially during the fight with the Merrimac, when, according to the statement of Lieutenant Worden, he had charge of the turret, and handled the guns with great courage, coolness, and skill.

Lieutenant Worden also states that "throughout the engagement, as in the equipment of the vessel and on her passage to Hampton Roads, he exhibited an earnest devotion to duty unsurpassed in my experience."

The importance of the part borne by the Monitor in this action was recognized by Congress in passing a vote of thanks to Lieutenant Worden and advancing him to a higher grade. Owing to the wound and subsequent illness of the commanding officer no report was made of the fight until a long time afterward. To this fact it was doubtless due that no recognition was ever given to the services of Lieutenant Greene on that occasion, as was done in the case of Lieutenant Thornton, the executive officer of the Kearsarge, after her engagement with the Alabama, in accordance with the precedent in similar cases in the war of 1812. The services of the Monitor on that memorable day were at least as important as those of the Kearsarge in her engagement with the Alabama, and the captains in the two cases were similarly rewarded. Lieutenant Greene, however, to the day of his death failed to receive from the Government any reward in any shape for his distinguished services, although his case was more deserving than that of other executive officers, in that when his commander was wounded he succeeded to the command and retained it till the close of the action.

The exceptional character of the engagement, to the success of which the conduct and skill of Lieutenant Greene contributed in such an eminent degree, marks his case as one deserving exceptional treatment. It may be added that throughout his whole career he bore a high reputation for courage, professional skill, and untiring zeal in the performance of his duties, while his private life was above reproach, and his society sought for in the charming circle of his friends.

It appears further that the father of the petitioner, Maj. Jacob Babbitt, of the Seventh Rhode Island Volunteers, was killed in action at the battle of Fredericksburg on December 13, 1862, and that the death of Commander Greene leaves her in circumstances of great want and destitution, with two minor children of her late husband dependent on her for support.

Your committee may mention that never, perhaps, has a claim come before Congress with such indorsements. The petition of this lady comes before your committee with the cordial indorsement of the Admiral, Vice-Admiral, and twenty-two rear-admirals of the Navy. He was a man universally esteemed by his brother officers of all ranks, and around his bereaved widow their prayers and best wishes cluster.

In this fight with the Merrimac, Lieutenant Greene had hardly attained his majority. His patriotic mother gave him her parting blessing, scarcely expecting him to survive the perilous voyage he was undertaking. He had no time to write to her till after the battle, for he stepped from the terrors of the ocean to the terrible storm of this engagement.

Four days afterward, however, he wrote a long and graphic description of his voyage and of the engagement, from which your committee copy and condense the following extracts. On Thursday, the 6th of March, 1862, they started down New York Harbor in tow of the steamer Seth Low. On Friday, the 7th, a storm was encountered, and from that time until Monday at 7 p. m., eighty-five hours, he was in constant devotion to his duty without sleep or rest. He had outlived two tremendous storms, and had arrived just in time, and without a moment's rest, to fight the greatest naval battle in history. In these eighty-five hours he says he thought he had lived ten good years.

The following are the extracts from his letter:

"The sea was breaking over our decks at a great rate, and coming in through our hawse-pipes forward in perfect floods. Our berth-deck hatch leaked in spite of all we could do, and the water came down under the turret like a waterfall. It would strike the pilot-house and go over the turret in most beautiful curves. The water came through the narrow eye-holes of the pilot-house with such force as to knock the helmsman completely around from the wheel. At 4 p. m. [March 7] the water had gone down our smoke-stacks and blower-pipes to such an extent that the blowers gave out, and the engine-room was filled with gas. Our engineers fought with the gas, endeavoring to get the blowers to work, until they dropped apparently dead. I was nearly suffocated with the gas, but got on the deck after every one had left the engine-room just in time to save myself. The engine stopped and we could not work the pump. I rigged the hand-pump on the berth deck, but as we had to lead the hose out over the turret there was not force enough to throw the water out. We resorted to bailing, and had to pass the buckets up through the turret.

"At 8 p. m. we managed to get the engines to work, and the old tank going at five and six knots. Soon after midnight on Saturday morning another storm arose and again we were threatened with the stoppage of the engines and the blowers. Our wheel ropes jumped off the steering wheel and became jammed. In half an hour we fixed them.

"From 4 a. m. (Saturday, March 8) till daylight was the longest hour and a half I ever spent. I certainly thought Old Sol had stopped in China. At 3 p. m. we parted our hawser, but again secured it without difficulty. At 4 p. m. we passed Cape Henry, and heard heavy firing. As we approached Fortress Monroe a pilot informed us of the havoc of the Merrimac. We immediately cleared ship for action. At 9 p. m. we anchored near the flagship Roanoke. After a visit to the Roanoke we again got under way, and at 11 p. m. reached the Minnesota. I went on board, and just as I got back to the Monitor the Congress blew up.

"At 8 a. m. (Sunday, March 9) the Merrimac got under way. I triced up the port and fired the first gun. For forty-eight hours our officers and men had had no rest and very little food. They had nothing to eat for breakfast but hard bread, and were thoroughly worn out. I had not slept a wink for fifty-one hours, but after the first gun we forgot all fatigue and went to work fighting as hard as men ever fought. I pointed and fired the guns myself. Five times during the engagement we touched each other and each time I fired a gun at our enemy. After fighting for two hours we hauled off for half an hour to hoist our shot in the turret, and at it we went again. At about 11.30 the captain sent for me. I went forward and there found as noble a man as ever lived, his face perfectly black with powder and iron. He told me to take charge of the ship and use my own discretion. We still continued firing.

* * * * * * *

"The fight was over and we were victorious. My men and myself were perfectly black with smoke and powder. Secretary Fox hailed me and told us we had fought the greatest battle on record. He saw the whole fight. The next morning General Wool and Mr. Fox came on board and congratulated us on our victory. I felt proud and happy then, mother, and felt fully repaid for all I had suffered. When our noble captain heard that the Merrimac had retreated he said he was perfectly happy and willing to die.

"I had been up so long, had had so little rest, and been under such excitement that my nervous system was completely run down. Every bone in my body ached. My limbs and joints were so sore that I could not stand. My nerves and muscles twitched as though electric shocks were continually passing through them, and my head ached as if it would burst. Sometimes I felt as if my brain would come out over my eyebrows. I lay down and tried to sleep; I might as well have attempted to fly. The next morning we got under way and stood through the fleet. Cheer after cheer went up. I was captain then of the vessel that had saved Newport News, Hampton Roads, Fortress Monroe (as General Wool himself said), and perhaps your Northern ports. I am unable to express the happiness and joy I feel to think I had served my country and my flag so well."

After the engagement with the Merrimac Lieutenant Greene received the highest commendation from General Wool, then commanding at Fortress Monroe, Mr. Fox, Assistant Secretary of the Navy, and from other distinguished officers who witnessed the engagement. He was subsequently recommended for advancement in the strongest terms by his distinguished commander, Captain Worden, but failed to receive from the Government any substantial recognition in any shape for his very brilliant services. Thornton, deservedly, was made a captain. Worden is worthily wearing the honors of an admiral, but Greene was left to die in neglect and sadness without any adequate reward.

The neglect, we might say the ingratitude, of his country led to his untimely and lamented death, and she, whose father fell at Fredericksburg and whose husband's gallant conduct so largely contributed to the salvation of the Union,

lives to lament the loss of father and husband, and can look only to her country to save his and her children and herself from destitution.

In view of these circumstances and of the fact that the services of Commander Greene in the Monitor were of a character so wholly exceptional and unprecedented, your committee are of the opinion that the applicant should receive the pension named in the bill, and recommend that the said bill do pass.

Mr. MATSON. I wish to say in relation to that bill that it proposes to violate the precedents of this House as to increasing the pensions of widows of husbands below the rank of general officers. I apprehend since we made a test in the case of Mrs. Cushing, which presented as strong an exceptional case as could be presented, such cases ought not to be pressed upon the House except in the presence of a quorum. The Committee on Invalid Pensions, and, I think, the Committee on Pensions also, have laid down the rule and adhered to it in this Congress without any variation, although there may have been some exceptions in other Congresses, but they are rare, not to grant increase of pensions beyond $30 a month except to the widows of husbands who held the rank of general officers in the Army or Navy.

This proposes to increase the pension of the widow of a commander of the Navy, who ranks with a colonel in the Army, beyond that amount. I believe, indeed, that a captain in the Navy only ranks with a colonel in the Army, and that a commander ranks with a major only.

Mr. BREWER, of New York. What pension does this woman get now?

Mr. MATSON. Thirty dollars a month, and it is here proposed to increase it to $50 a month.

Mr. LE FEVRE. She gets no pension at all at this time. She will be entitled to $30.

Mr. MATSON. Amend the bill to make it $30, and I have no objection. I think this House, in the absence of a quorum, should not establish so grave a precedent.

Mr. HEWITT, of Alabama. The amendment of the gentleman from Indiana, as I understand it, is to strike out $50 and insert "subject to the provisions and limitations of the pension laws." This would give her a pension of $30 a month.

I wish to state that this bill comes from the Committee on Pensions, but I want it understood that I did not support it any further than agreeing to put her on the pension-rolls, subject to the provisions of the law.

Mr. WOLFORD. Mr. Chairman, I only want to say a few words in relation to this bill. I wish to say that the husband of this widow when alive was a very gallant and a very noble commander. Nobody will dispute, not even the gentleman from Alabama himself, that he deserved well of his country, and that his memory will live as long as the American history will live, green in the hearts of the American people. [Applause.]

That the gentleman from Indiana, who is always sound upon a question of pensions but sometimes a little too strict upon the questions of precedents, is mistaken in reference to this matter I want to submit to the committee. I can call to his attention a bill which was reported by myself from the Committee on Pensions of this House in which this committee, headed and led on by the gallant gentleman from Alabama, refused to give to the widow of Captain Egan a pension of over $30 a month. When that question was under consideration I moved to amend it in the House, with all of these gentlemen present and all fighting against it; I moved to amend the bill and give to the widow of a captain who had performed gallant and meritorious service for his country, but no more gallant than this commander whose case is now before us—I say I moved to amend by inserting $40 per month instead of $30; and although the gentlemen argued it with all the force of their logic and with great zeal and ability, and plead their precedents (and I admit that I care not for precedents), I succeeded in securing the adoption of that amendment.

I say that I do not care much for precedents. This is a law-making power. I stated in a few words, not over three minutes, the gallant conduct and the good services performed by Captain Egan, and the House passed the amendment almost unanimously. It went to the Senate and the Senate passed it without hesitation, and the widow of that officer was granted a pension of $40 a month.

I see not, therefore, why—and I do not intend to detain the committee a minute longer than necessary—why, when a gallant commander who has done a great deal for his country, a brave and gallant man, whether the service was performed on the land or on the sea, a man who gathered a name and gathered blessings innumerable for his country—I see not, sir, I say, why a grateful people can not afford to pay to the widow of such a gallant officer a pension that is worthy of the service rendered. I shall vote with great pleasure, and I hope gentlemen will consider well before they undertake to vote against it, to put this widow on the pension-rolls at the rate which is suggested in the bill, and not leave it, as proposed by the amendment, subject to the provisions and limitations of the pension laws. There is much that I would like to say in this connection, but I shall not detain the committee any longer, and hope we may come to a vote on this question. [Cries of "Vote!" "Vote!"]

Mr. BOUTELLE. Mr. Chairman, I do not desire to detain the committee from voting upon this bill, but it does seem to me that this case is one which deserves something more than a mere cursory attention from the Congress of the United States. I do not understand, sir, that this widow has any need to come to the House of Representatives to ask for a pension of $30 per month. Certainly if the general laws governing pensions will give her that amount there is no necessity for special legislation upon the subject.

This bill is on the Calendar of this House because the friends of Commander Greene asked the American Congress to take special cognizance of one of the most remarkable, one of the most memorable and important services ever rendered to the United States of America by one of its citizens. I need not go back, sir, to recite in the hearing of this committee the history of the contest between the Monitor and the Merrimac. It stands out pre-eminently in the naval annals of this country. Suffice it to say that from the first shot at Fort Sumter until the last echo of the rifles at Appomattox had died away no man wearing the uniform of the United States Government, of any age, was able to render more important and vital service to the country; and no man of the youth of Commander Greene, within my knowledge, in the history of this country, has ever had it fall to his lot to perform such pre-eminent service as he rendered in the memorable fight at Hampton Roads.

A boy of twenty-two years, finding himself in the midst of a terrific combat suddenly placed in command of a vessel, of a character three months before unknown to naval warfare; his commander shot down, blinded and disabled, at the post of duty, in that mighty contest, with such a foe as had never before been met upon the waters of any country—that young man, taking command in that supreme hour, with possibly not only the destinies of the Union cause but the very highest interests of humanity itself dependent upon the faithful performance of his duty, fought that ship with the gallantry of desperation and a magnificence of courage unexcelled in the history of the world.

Now, sir, the United States Government has been generous in the recognition of such services as that in other cases. In the case of the executive officer of the "Kearsarge" promotion merited and appropriate followed promptly upon the sinking of the "Alabama"—another most splendid achievement, but one whose result was of less immediate and vital consequence than that of the great fight with the armored monster at Hampton Roads.

For reasons which can be found in the records of that time, arising from the disability of Lieutenant Worden, the commanding officer of the Monitor, which prevented him from making at once his official report, the services of Lieutenant Greene were not brought to the notice of the Government in the formal way that carried special promotion, and he never received it. And I think I am stating a fact known to many friends of his in and out of the service that the melancholy, the quiet, sad feeling of neglect which it was natural for him to feel was largely instrumental in bringing about that tragic death which has resulted in this appeal on behalf of his widow, not to the generosity but to the tardy justice of the American Congress. [Applause.]

I undertake to say, Mr. Chairman, that if ever there was a bill presented to this House which justly called for exceptional legislation it is the bill presented here to-night asking the Government to pay $50 a month to the widow of the man who fought and defeated the Merrimac; to this widow who is also the daughter of another gallant officer of Rhode Island troops, who fell dead upon the field of battle at Fredericksburg; to a widow whose dead husband was the son of an old veteran, himself a graduate of West Point long years ago, who gallantly served his country on the fields of Mexico, retired to the pursuits of private life, answered the summons of his country at the first bugle-call in 1861, was shot through the head from cheek to cheek while leading his troops as a brigadier-general, and who in his old age and poverty to-night is able to look over not only his own noble record but also that of two sons given to his country's service, one of them the gallant boy who has written his name in a higher place than where we ask that it shall be put, upon the pension-roll of his country.

I appeal to this House not to hesitate to make an exception in favor of this bill. I assure gentlemen that it has the sanction and the good-will of the officers of the Navy, of which Commander Greene was so great an ornament. I appeal in behalf of that widow who to-night with her two children is waiting to learn from us, the representatives of the American people, whether we have forgotten in these twenty-three short years the service and the victory, the intelligence of which thrilled this nation to its heart's core on that eventful night when men feared and felt that the fortunes of the Republic were hanging in the balance. [Applause.]

Mr. HEWITT, of Alabama. In all that has been said by the gentleman from Maine [Mr. BOUTELLE] in relation to the conduct of this gallant officer I heartily concur. I might almost add that nothing could be said too extravagant in his praise.

But, Mr. Chairman, what the gentleman from Maine has said in relation to this officer might be said of all our naval officers during the late war; and when I speak of "our" naval officers I mean yours. I do not remember of any naval officer in the Union service during the late war that did not do his duty for his country.

I wish to bear testimony here to-night, Mr. Chairman, to the other arm of the military service, the infantry and cavalry who served in the Army during the late war, that no braver officers ever marched upon the battlefield than those of the Union Army; and I know but few of

them who did not do their whole duty for their country. And yet, Mr. Chairman, we have said that the widow of one of these brave men who may have fallen upon the battlefield shall have only a pension of $30 a month; that is the statute; that is the general law as it stands to-day which was passed during the war and which I do not believe there is a member of this House who has proposed to amend in that respect.

Now, sir, if we are to pass special laws selecting out certain widows and giving them $50 per month, I ask why not amend your general law and say that the widows of all these meritorious officers shall have pensions of $50? Lieutenant Greene did not stand alone in gallant, meritorious service during the late war. You can point if you will to thousands of men, soldiers in the ranks, whose pension is much less than $30, who did gallant service in the station which they held just as faithfully as Lieutenant Greene.

All that has been said by the gentleman from Maine [Mr. BOUTELLE] is strictly true; I would not gainsay it in the least. But what I do contend for and always have contended for here on this floor is that justice should be done to all alike, and that we should not make exceptions in this way by special enactments.

I do not expect, Mr. Chairman, to defeat this bill, nor do I propose to make any point of a quorum upon it; but as I have been uniformly opposed to this kind of legislation I shall vote against it.

Mr. MATSON. I desire to say a word. When the gentleman from Maine says that it was not necessary for this widow to come here and ask for a pension, I think he spoke perhaps unadvisedly. My information is that her husband committed suicide; that he did not die from any injury, or wound, or disease contracted in the service of his country.

Mr. BOUTELLE. Do I understand the gentleman from Indiana to hold that a person who commits suicide is necessarily beyond the provisions of the pension laws?

Mr. MATSON. Necessarily so.

Mr. BOUTELLE. I do not so understand it.

Mr. MATSON. Necessarily so.

Mr. BOUTELLE. Well, I beg pardon of the gentleman. I think there are a number of cases now pending in the Pension Office in which the proof goes to show that the very act of suicide was superinduced by disease contracted in the service.

Mr. MATSON. The law is very clear and distinct. The widow of a soldier is entitled to a pension only in case of death arising from injury, wound, or disease contracted in the service and in the line of duty; so it would be impossible for this widow to obtain a pension under the general law, if I am correctly informed as to the facts of the case, and I believe the gentleman from Maine [Mr. BOUTELLE] agrees with me as to the fact that this officer committed suicide. I understood him to so intimate in his speech. That being so, it would be utterly impossible for the widow to obtain a pension from the Pension Office.

Mr. BOUTELLE. I beg the gentleman's pardon; I made no intimation of that kind. I said that the feeling of neglect and possibly of injustice which this officer felt had no doubt tended to produce or to hasten his death.

Mr. MATSON. I will ask the gentleman from Maine [Mr. BOUTELLE] if he does not know the fact to be that this officer did commit suicide?

Mr. BOUTELLE. I answer the gentleman very frankly that I am not positively informed upon that subject.

Mr. MATSON. What is your information?

Mr. BOUTELLE. I do not know that that is pertinent.

Mr. MATSON. My impression is that I received the information this evening from the gentleman from Maine [Mr. BOUTELLE] himself. I am not certain about it, but I received that information either from him or from some other gentleman who was talking to me in relation to this case.

Now, Mr. Chairman, this claimant comes here to ask a favor of Congress. She can not get a pension through the Pension Office, and she comes here to Congress to ask this favor. I am willing that she shall have the pension that her husband would be entitled to if she could obtain it through the Pension Office. I think that is a favor, a clear favor, but I am willing to grant it. But I am opposed to granting her $50 a month. I am opposed to it because it would establish a dangerous precedent; not because I am opposed to the widow, nor because I do not think that her husband rendered gallant and meritorious service, but because it would establish a very dangerous precedent.

There is no case of a man in the service who discharged his duty faithfully whose widow might not come here and make a similar appeal. Tens of thousands of the men that were in the ranks fell in death upon the very breastworks of the enemy, and their widows are receiving only $8 a month. It is proposed in this case simply because of the opportunity the man had to do something to immortalize himself to give his widow $50 a month. It was all due to the opportunity that he had; that is all there was of it. He was a gallant man and he had the opportunity to distinguish himself. He discharged his duty well; but tens of thousands of others did the same. If it is the sense of this House and the sense of the country that all the widows are to have $50 a month, then it is right to pass this bill, but not otherwise.

Another question that might be inquired into in the cases of these naval officers—for they have extraordinary privileges—is the question whether or not this officer received prize-money, and, if so, how much? That is a pertinent inquiry in cases of this kind. The House can not have forgotten a case that I referred to a while ago, the case of Mrs. Cushing. Her claim was urged upon the attention of the House as an exceptional one, upon the ground that her husband had rendered the most distinguished services that had been rendered by any naval officer.

That was the plea set up for her by the distinguished gentleman from New York, Mr. COX, by the distinguished gentleman from Pennsylvania, Mr. RANDALL, by the gentleman from Ohio, Mr. KEIFER, by the gentleman from Pennsylvania, Mr. BAYNE, and by the host of friends who were here urging her claim to a pension of $50 a month. The disposition of the House was to break over the line, but I insisted that we could make a precedent by drawing the line at the rank mark. It is wrong to give pensions on account of rank, but when you come to increasing pensions you can only make a proper precedent by drawing the line at the rank mark. That is the only way; because if you go into the unknown region of meritorious and distinguished services there will be no end to the matter. Congress began many years ago to grant these extraordinary pensions of $50 a month to the widows of officers. The practice began by giving such pensions to the widows of general officers who had been killed in battle.

My impression is now that General Wadsworth, of New York (whose widow, the mother of a gentleman now representing that State on this floor, received a pension of this kind), was killed at the head of his command. So the thing went on until finally it grew into such proportions that the committees of this House were unable to resist the applications for an increase on the part of widows of general officers who were drawing $30 a month. In all such cases the increased pension has been granted, and the same may be said in regard to the widows of officers of the Navy of corresponding rank. It is a grave step to go beyond that, because when you do so there is no line of demarkation.

It is true, as my friend from Kentucky has said, that at the last session a bill was passed increasing the pension of the widow of a captain from $20 to $40 a month; but that was more an act of grace than anything else. Is this thing to go on? If so, where is it to stop? This is a serious question for the consideration of the House.

When the Cushing bill was before the House I felt it my duty, as the Committee on Invalid Pensions had reported upon it adversely, to demand that there should be a quorum of the House to vote upon the bill. I do not feel the same obligation in regard to this bill, because this comes from the Committee on Pensions. I do feel it, however, incumbent upon me to press upon the earnest consideration of members who are here to-night the fact that when we step beyond the precedents we go out upon an unknown sea, and there is no telling where we may land. I insist, Mr. Chairman, that this bill ought not to pass.

Mr. TOWNSHEND. Mr. Chairman, it is not my purpose to say anything in addition to what has fallen from the lips of the gentleman from Kentucky and the gentleman from Maine in laudation of the services of Commander Greene. I wish merely to say a word or two in reply to the gentleman from Alabama [Mr. HEWITT] and the gentleman from Indiana [Mr. MATSON] in regard to the precedents heretofore established.

Since I have been a member of this House there has been, if my memory serves me correctly, an instance where a widow of a colonel in the Army was granted a pension of $100 a month. I also remember a case, since I have been a member, in which the widow of a civilian has been placed on the pension-roll at the rate of $5,000 a year.

Now, it does seem to me that if the House has established precedents like those, it is certainly not wrong for us to recognize the pre-eminent services of Commander Greene by giving his widow a pension of $50 a month. I have nothing more to say.

Mr. BOUTELLE. Mr. Chairman, I know that my friend from Indiana [Mr. MATSON] is always fair and liberal in regard to these pension matters, and, therefore, I want to meet one point raised by him which is entitled to consideration; I refer to the point in relation to this question of rank. Now, the cause of this widow being here to-night without the ability to claim as of right a pension of $50 by virtue of the rank of her husband is very clearly shown in the report made in 1868 by Admiral (then captain) Worden. I want to read from this report four or five lines, because it tells the whole story. It shows why Commander Greene at the time of his death had not attained a higher rank. Captain Worden, under date of January 5, 1868, almost six years after that fight to which I have referred, writes in a report to the Secretary of the Navy:

> I desire now to remedy a wrong which I regret should have so long existed, and to do justice to that gallant and excellent officer (Lieutenant Greene), as well as to all the officers and crew of the Monitor, who without exception did their duty so nobly in that remarkable encounter, by placing on the files of the Department the following report.

Then Admiral (at that time captain) Worden goes on to state the indebtedness of the country to Lieutenant Greene. The tardiness of that report was the cause of Lieutenant Greene's failure to receive that recognition by promotion to which he was entitled, and which was extended in the case of the executive officer of the Kearsarge and in almost every other similar case in the history of our naval service. I

think my friend from Indiana, when he takes into consideration this fact, will be inclined to waive the objection he has raised here to-night. He goes with us so far as to assent to a pension of $30 per month. I hope he will agree to a pension of $50.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Alabama [Mr. HEWITT]; which will be read.

The Clerk read as follows:

Strike out the words "at the rate of $50 per month" and insert "subject to the provisions and limitations of the pension laws."

Mr. HEWITT, of Alabama. I modify that amendment so as to strike out "$50 per month" and insert "$30 per month."

The question being taken on the amendment of Mr. HEWITT, of Alabama, it was not agreed to; there being—ayes 12, noes 32.

The question being then taken, Shall the bill be laid aside to be reported to the House with a recommendation that it do pass? it was decided in the affirmative.

MRS. ADELINE E. CHADBOURNE.

Mr. RAY, of New Hampshire. I call up a bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of Mrs. Adeline E. Chadbourne, an Army nurse, on the pension-roll of the United States, at the rate of $25 per month, from and after the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE F. WEST.

Mr. WALLACE. I call up a bill (H. R. 7561) to allow a pension to George F. West.

The bill was read, as follows:

Be it enacted, &c., That George F. West, late a corporal Company I, Fifth Regiment of Wisconsin Infantry Volunteers, now on the pension-roll at the rate of $24 per month, from and after the passage of this act shall be entitled to receive the same pension as a soldier now receives, or that may hereafter be allowed by law, who has lost one arm at or above the elbow, or one leg at or above the knee.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

PARTEN H. MOREY.

Mr. BREWER, of New York. I call up the bill (H. R. 7728) for the relief of Parten H. Morey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll the name of Parten H. Morey, of Chautauqua, Chautauqua County, New York, subject to the provisions and limitations of the pension laws.

The amendments of the committee were read, as follows:

In line 4, strike out "place on the pension-roll the name of" and insert in lieu thereof "allow to."

In line 5 strike out "Parten" and insert "Pardon;" in lines 6 and 7, insert "late a private in the Seventh Company, First Battalion New York Sharpshooters."

Add to the bill, "a pension for single inguinal hernia, in addition to that now received by him."

Amend the title so as to read: "A bill for the relief of Pardon H. Morey."

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ALBERTINE COCKRUM.

Mr. PEEL. I call up a bill (H. R. 5902) for the relief of Albertine Cockrum.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albertine Cockrum, widow of John A. Cockrum, late a captain in the Missouri Home Guards, and pay her a pension from and after the passage of this act.

The amendment of the committee was read, as follows: In line 6 strike out "John A." and insert in lieu thereof "E. B."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN OTIS.

Mr. HOLMES. I call up a bill (H. R. 6882) granting a pension to John Otis, late a private in Company F, Twelfth Regiment Iowa Infantry Volunteers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Otis, late a private in Company F, Twelfth Regiment of Iowa Infantry Volunteers.

The amendments of the committee were read, as follows:

Strike out "late a private in Company F, Twelfth Regiment of Iowa Infantry Volunteers," and in lieu thereof insert "dependent father of Thomas Otis."

Amend the title so as to read: "A bill granting a pension to John Otis."

The amendments were agreed to.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES MILK.

Mr. ENGLISH. I call up a bill (H. R. 5309) for the relief of Charles Milk.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and required to place on the pension-roll the name of Charles Milk, late a member of Company B, One hundred and fifty-second Regiment of Indiana Volunteers, and now of Lagrange County, Indiana, and that a pension be, and is hereby, granted to the said Charles Milk, subject to the provisions and limitations of the pension laws.

The amendment of the committee was read, as follows:

Strike out "and now of Lagrange County, Indiana, and that a pension be, and is hereby, granted to the said Charles Milk."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN E. DENHAM.

Mr. JAMES. I call up a bill (H. R. 5798) granting a pension to John E. Denham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John E. Denham, late a sergeant of the United States Marine Corps, and grant him a pension of $8 a month, commencing with the date of his discharge from said Marine Corps.

Mr. MORRILL. I move to strike out "commencing with the date of his discharge from said Marine Corps" and in lieu thereof insert "from the passage of the act."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET ARMSTRONG.

Mr. MATSON. I call up the bill (H. R. 1898) granting a pension to Harriet Armstrong.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll the name of Harriet Armstrong, widow of Levi Armstrong, late a private in Company —, Indiana Volunteers, to take effect from and after the passage of this act.

The amendment of the committee was read, as follows:

Insert in line 6, "E, One hundred and third."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SARAH PARRY.

Mr. JOSEPH D. TAYLOR. I call up the bill (H. R. 5554) granting a pension to Sarah Parry.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Parry, widow of Thomas Parry, late a private in Company F, Thirtieth Regiment Ohio Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LOIS B. SMITH.

Mr. BAGLEY. I call up a bill (H. R. 7731) granting a pension to Lois B. Smith.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lois B. Smith, mother of Theodore H. Jameson, late of Company K, Thirteenth New York Volunteers, and pay her a pension of $8 a month from the date of death of the soldier, August 30, 1862.

The amendment of the committee was read, as follows:

Strike out "and pay her a pension of $8 a month from the date of death of the soldier, August 30, 1862."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN SWEENEY.

Mr. SPOONER. I call up the bill (S. 1112) granting a pension to John Sweeney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Sweeney, late a private in Company C, Second Regiment New York Heavy Artillery.

Mr. HEWITT, of Alabama. Some gentleman held here to-day that the Senate could not originate a bill requiring an appropriation. [Laughter].

Mr. SPOONER. I did not unite in that opinion.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH KENNEDY.

Mr. BROWN, of Pennsylvania. I call up a bill (H. R. 2692) granting a pension to Sarah Kennedy.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sarah Kennedy, widow of Seth T. Kennedy, late major of the Sixteenth Regiment Pennsylvania Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERIC S. RICH.

Mr. HANES. I call up a bill (H. R. 5969) increasing the pension of Frederic S. Rich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to increase the pension now allowed to Frederic S. Rich, late a private in Company H, Eighth Regiment New Hampshire Volunteers, from $8 per month to $30 per month, from and after the passage of this act.

The amendment of the committee was read, as follows:

Strike out "30" and insert "24."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ANTHONY BEYER.

Mr. HEWITT, of Alabama. I call up a bill (H. R. 7092) for the relief of Anthony Beyer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Anthony Beyer, late a private in Company E, Fifth Regiment of Iowa Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

C. W. BALDWIN.

Mr. WILSON, of Iowa. I call up a bill (H. R. 7313) granting a pension to C. W. Baldwin.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of C. W. Baldwin, late a private in Company C, Nineteenth Regiment Illinois Infantry Volunteers.

The amendment of the committee was read, as follows:

Strike out "C" and insert "Charles."

Amend the title so as to read: "A bill granting a pension to Charles W. Baldwin."

The amendments were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALBERT D. SIMMONS.

Mr. MATSON. I yield to the gentleman from Pennsylvania.

Mr. BROWN, of Pennsylvania. I ask to take up the bill (H. R. 7295) granting a pension to Albert D. Simmons.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed and authorized to put the name of Albert D. Simmons, late a private in Company E, One hundred and ninetieth Regiment Pennsylvania Volunteers, on the pension-roll, subject to the limitations and provisions of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JAMES O. M'KENNA.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 7175) granting a pension to James O. McKenna.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James O. McKenna, late of Company B, Sixth Iowa Cavalry Volunteers.

The bill was laid aside, to be reported to the House with the recommendation that it do pass.

LYDIA S. HUGGINS.

Mr. LOWRY. Mr. Chairman, I ask the consideration of the bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, authorized and directed to place the name of Mrs. Lydia S. Huggins, mother of Rufus A. Huggins, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

WILLIAM E. AYERS.

Mr. HISCOCK. I ask unanimous consent to take up the bill (H. R. 7773) granting a pension to William E. Ayers and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place the name of William E. Ayers, late of Company E, Twenty-fourth New York Cavalry Volunteers, on the pension-roll of the United States, under the rules and regulations of the Pension Office.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN JEFFRIES.

Mr. SMITH, of Iowa. Mr. Chairman, I ask unanimous consent to take from the Calendar the bill (H. R. 1982) granting a pension to Benjamin Jeffries.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Benjamin Jeffries, late a private in Company D, Eighth Regiment of Pennsylvania Volunteers, and in Company A, One hundred and ninety-first Regiment of Pennsylvania Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

NATHANIEL POND.

Mr. STRUBLE. Mr. Chairman, I ask to take up the bill (H. R. 4668) for the relief of Nathaniel Pond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Nathaniel Pond, now of Faribault, Minn., formerly a private soldier in Capt. Arael Shelden's company of Vermont militia in the war of 1812, under the name of Nathaniel Pond, jr., on the pension-rolls at the rate of —— dollars per month.

Amend the title so as to read: "A bill for the relief of Nathaniel Pond, jr."

The committee recommend the adoption of the following amendment:

Amend the title by adding the word "junior" to the name of Nathaniel Pond in the title of the bill, and also wherever it occurs in the body of the bill. Also to strike out the words "Arael Sheldon's," where they occur in line 6 of the bill, and insert the words "James Gray's." Also to insert the word "eight" before the word "dollars," in line 9 of the bill.

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CORDELIA GALE.

Mr. HEWITT, of Alabama. I ask unanimous consent to take from the Calendar the bill (H. R. 4548) granting a pension to Cordelia Gale.

The bill was read, as follows:

Be it enacted, &c., That the Pension Department place the name of Cordelia Gale, widow of Ebben G. Gale, deceased, late of Company D, Second Regiment Michigan Cavalry in the war of the rebellion, on the pension-roll, as a pensioner of the United States, under the laws and regulations of the United States at the time of the passage of this act.

SEC. 2. That this act shall take effect immediately.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

RICHARD W. BARNES.

Mr. HEPBURN. Mr. Chairman, I ask to take up the bill (H. R. 7502) granting a pension to Richard W. Barnes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Richard W. Barnes, late a private in Company A, Eighth Regiment Iowa Volunteer Cavalry, on the pension-roll, and pay him a pension of $30 per month in lieu of the pension now paid him.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHLOE A. WHIPPLE.

Mr. BAGLEY. Mr. Chairman, I ask unanimous consent to take from the Calendar, page 47, the bill (H. R. 7338) granting a pension to Chloe A. Whipple.

Mr. HEWITT, of Alabama. Mr. Chairman, I think we will have to stop at some place in the Calendar, and this is about as good as any. I think the committee had better rise.

The CHAIRMAN. The Chair has recognized the gentleman from New York, but will recognize the gentleman from Alabama to submit a motion after this bill is disposed of. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Chloe A. Whipple, of Batavia, New York, mother of Charles A. Whipple, late of Company L, Eighth New York Heavy Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

AMY A. LEWIS.

Mr. NUTTING addressed the Chair.

Mr. MATSON. I was about to move, Mr. Chairman, that the committee do now rise.

Mr. NUTTING. I have one bill that I should like very much to have acted upon to-night.

Mr. MATSON. If that is all I shall not press the motion now.

Mr. NUTTING. I desire to ask the consent of the committee to take up bill (H. R. 7337) for the relief of Amy A. Lewis. It is to be found on page 47 of the Calendar, near the bottom of the page.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amy A. Lewis, widow of J. H. Lewis, late of the Twelfth Battalion New York Light Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES H. BRIGANCE.

Mr. MILLER, of Texas. Mr. Chairman, I ask unanimous consent to call up the bill (H. R. 5605) to increase the pension of Charles H. Brigance from $8 to $20 per month, and put it upon its passage.

The CHAIRMAN. The Clerk will report the bill.

The bill is as follows:

Be it enacted, &c., That the pension of Charles H. Brigance, a soldier of the war of 1812, and now 94 years of age, be increased from $8 to $20 per month.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN W. WRIGHT.

Mr. PERKINS. Mr. Chairman, I ask unanimous consent to take up Senate bill No. 1144 and put it upon its passage. It is a bill granting a pension to John W. Wright.

The CHAIRMAN. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John W. Wright, late a private in Company D, Seventy-seventh Regiment Enrolled Militia of Missouri.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with various recommendations.

BILLS PASSED.

The following bills reported from the Committee of the Whole House without amendment were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 1235) granting a pension to Annie E. Bailey;
A bill (H. R. 7340) granting a pension to John Sparr;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 6946) for the relief of Margaret McCarty;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 383) granting a pension to Creet H. Dougherty;
A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 765) for the relief of Emily Agnel;
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 5309) for the relief of Charles Milk;
A bill (H. R. 5554) granting a pension to Sarah Parry;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 7175) granting a pension to James O. McKenna;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 7773) granting a pension to William E. Ayers;
A bill (H. R. 1982) granting a pension to Benjamin Jeffries;
A bill (H. R. 4548) granting a pension to Cordelia Gale;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7337) for the relief of Amy A. Lewis; and
A bill (H. R. 5605) to increase the pension of Charles H. Brigance from $8 to $20 per month.

Amendments reported from the Committee of the Whole House to bills of the following titles were severally agreed to, and the bills as amended were respectively ordered to be engrossed and read a third time; and being engrossed, were accordingly read the third time, and passed:

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
A bill (H. R. 3833) for the relief John W. Robson;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R .7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 6011) granting a pension to Robert Carey;
A bill (H. R. 7262) increasing the pension of Almina P. Spencer;
A bill (H. R. 5902) for the relief of Albertine Cockrum;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
A bill (H. R. 3994) granting a pension to William Stricklin (the title amended so as to read, "A bill granting a pension to William Strickland");
A bill (H. R. 7728) for the relief of Parten H. Morey (the title amended so as to read, "A bill for the relief of Pardon H. Morey");
A bill (H. R. 6882) granting a pension to John Otis, late a private in Company F, Twelfth Regiment Iowa Infantry Volunteers (the title amended so as to read, "A bill granting a pension to John Otis");
A bill (H. R. 7313) granting a pension to C. W. Baldwin (the title amended so as to read, "A bill granting a pension to Charles W. Baldwin"); and
A bill (H. R. 4668) for the relief of Nathaniel Pond (the title amended so as to read, "A bill for the relief of Nathaniel Pond, jr.").

Senate bills of the following titles, reported from the Committee of the Whole House without amendment, were severally ordered to a third reading, read the third time, and passed:

A bill (S. 1144) granting a pension to John W. Wright; and
A bill (S. 1112) granting a pension to John Sweeney.

Mr. MATSON moved to reconsider the various votes by which bills reported from the Committee of the Whole House were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

And then, on motion of Mr. MATSON (at 10 o'clock and 55 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Two petitions of citizens of Alleghany County, Pennsylvania, in favor of the improvement of the Alleghany River and its tributaries—to the Committee on Rivers and Harbors.

By Mr. BLOUNT: Petition of citizens of Macon, Ga., asking for the passage of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. S. S. COX: Three petitions of manufacturers and merchants of New York, urging the ratification of the reciprocity convention of Spain—to the same committee.

By Mr. DORSHEIMER: Four petitions of manufacturers and business men of New York, urging the ratification of the reciprocity convention with Spain—to the same committee.

By Mr. GREEN: Petition of E. W. Ward, E. S. Smith, W. P. White, and 100 others, citizens of Onslow, Pender, and Carteret Counties, North Carolina, praying for the improvement of the Sounds from New River to Beaufort Harbor, in said State—to the Committee on Rivers and Harbors.

By Mr. KLEINER: Petition of citizens of New Harmony, Ind., for improvements on the Wabash River at said town—to the same committee.

By Mr. LOWRY: Petition of 23 citizens of Harlan, Allen County, Indiana, for increase of widows' pensions—to the Committee on Pensions.

By Mr. LYMAN: Petition of David Smith, of Walpole, Norfolk County, Massachusetts, for relief—to the Committee on War Claims.

By Mr. MAYBURY: Petition of the Michigan Merchant Travelers' Association, for the passage of the bill to regulate commerce between the States relative to commercial travelers—to the Committee on Commerce.

By Mr. NELSON: Petition of citizens of Duluth, Minn., asking that the Government acquire the title to the two canals connecting Portage Lake, Michigan, and Lake Superior, as recommended by the Secretary of War—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Resolutions of the American Philosophical Society of the State of Pennsylvania, urging the free importation of books pertaining to the physical, natural, and medical sciences, and apparatus—to the Committee on Ways and Means.

By Mr. PARKER: Petition of the New York Chamber of Commerce, in favor of a marine hospital at the port of New York—to the Committee on Appropriations.

By Mr. SENEY: Petition of Ann E. S. Close, for a pension—to the Committee on Invalid Pensions.

By Mr. C. R. SKINNER: Of 22 citizens of Little Falls, N. Y., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. THOMPSON: Petition of G. H. McKinney, of Stanford, Ky., for relief—to the Committee on War Claims.

By Mr. TOWNSHEND: Petition of citizens of Edwards County,

Illinois, asking for a pension for Mrs. H. M. Hallam, widow of Samuel Hallam, late a private in Company B, Sixty-third Regiment Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: Petition of D. D. Johnson, of West Virginia, relative to change in the pension law—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions.

By Mr. ANDERSON: Of 45 citizens of Scandia, of 75 citizens of Delphos, of 122 citizens of Junction City, and of 63 citizens of Manhattan, Riley County, Kansas.

By Mr. BEACH: Of citizens of Mountaindale, of Clayville, and of Nyack, N. Y.

By Mr. DEUSTER: Of 110 inmates of the National Soldiers' Home near Milwaukee, Wis.

By Mr. FUNSTON: Of citizens of Linn County, Kansas.

By Mr. GEORGE: Of citizens of Grant's Pass, and of Greenville, Oreg.

By Mr. GUENTHER: Of citizens of Stinson, of Princeton, of Bellefountain, of Kilbourn City, and of Friendship, Wis.

By Mr. HANBACK: Of Thomas Craddick and 100 others, of Trego County, and of John Bowen and 127 others, of Ellsworth, Kans.

By Mr. D. B. HENDERSON: Of Howard Johnson and 33 others, of Dubuque County; of John Averill and 62 others, of Waterloo, and of T. J. Shreve and others, of Buchanan County, Iowa.

By Mr. HILL: Of J. M. McBride and 128 others, of New Hartford; of J. K. Seamon and others, of Wood County; of Richard T. Ross and 63 others, of Paulding County; of C. L. Bambet and 233 others, of Wood county; of M. P. Brewer and others, of Wood County; of J. W. Rogers and 34 others, of Pulaski; of James McGowan and 30 others, of Van Wert County; of James Crockett and 50 others, of Henry County; of G. P. Palmer and others, of Wood County, and of Charles A. Hendley and others, of Williams County, Ohio.

By Mr. HOUSEMAN: Of George Davis and 88 others, of Kent County, and of W. W. Warner and 110 others, of Allegan, Mich.

By Mr. KEAN: Of citizens of South Amboy, of Freehold, of Plainfield, and of North Long Branch, N. J.

By Mr. KLEINER: Petition of ex-soldiers and citizens of Selvin, Ind.

By Mr. LOWRY: Of 113 citizens of Angola, Steuben County ; of 28 citizens of Allen County, and of 83 citizens of Fremont, Ind.

By Mr. MILLIKEN: Of Phineas Smith and others, of Kennebec County; of L. H. Hawes and others, of Bath; of L. W. Smith and others, of Knox County; of M. M. Johnson and others, of Penobscot County, and of C. B. Adams and others, of Androscoggin County, Maine.

By Mr. S. H. MILLER: Of citizens of Spartansburg and of Centreville, Pa.

By Mr. MORRILL: Of Thomas Cass and others, of Winchester, and of William H. Denney and 55 others, of Nemaha County, Kansas.

By Mr. MOULTON: Of 200 citizens of Sullivan, of 200 citizens of Mason, of 200 citizens of Arthur, of 200 citizens of Farina, of 200 citizens of Carlinville, of 200 citizens of Vandalia, and of 300 citizens of Nokomis, Ill.

By Mr. NEECE: Of citizens of Hancock County, of Warren County, of McDonough County, and of Mercer County, Illinois.

By Mr. PATTON: Of 127 citizens of Leechburg, of 200 citizens of Jefferson County, of 61 citizens of Spruce, of 101 citizens of Parker's Landing, and of 63 citizens of Parker's Landing, Pa.

By Mr. PETERS: Of 144 comrades of Benton Post No. 61, G. A. R., Anthony, Kans., and of S. H. Bowers and 300 others, of Harper County, Kansas.

By Mr. POLAND: Of Perry Porter and others, of West Burke; of Asa G. Foster and others, of Weston; of Lyman S. Buckman and others, of Woodstock, and of James M. Tarbell and others, of Londonderry, Vt.

By Mr. PUSEY: Of citizens of Neola, of Henderson, of Logan, and of Riverton, Iowa.

By Mr. RIGGS: Of John H. Dyer and 128 others, of Winchester, Ill.

By Mr. SENEY: Of John Gilbert and 163 other citizens of Seneca County, Ohio.

By Mr. C. R. SKINNER: Of Alex. Kanady and 35 others, of Evans Mills; of James Dolan and 52 others, of Charles B. Bowers and 62 others, and of George McCawber and 75 others, of Watertown; of F. M. Dealing and 63 others, of Jefferson County; of 23 citizens of Constableville, of 48 citizens of Norway, of 59 citizens of Herkimer County, of C. P. Read and 96 others, of Orleans, Jefferson County, New York.

By Mr. H. Y. SMITH: Of citizens of Winterset, Madison County, Iowa.

By Mr. STEVENS: Of citizens of Attica, of Orangeville, of Ransomville, and of Gainesville, N. Y.

By Mr. J. W. STEWART: Of citizens of Waterville and of Rutland, Vt.

By Mr. STRUBLE: Of John Shearer and 49 others, of Sac County, and of Henry B. Schoonover and 63 others, of Green County, Iowa.

By Mr. A. J. WARNER: Of J. P. Lefever and others, of Morgan County, Ohio.

By Mr. W. L. WILSON: Of 192 citizens of Marion County, West Virginia.

By Mr. WOOD: Of citizens of Kewanna, of Francisville, of Leroy, and of Raub, Ind.

By Mr. WOODWARD: Of 155 citizens of Juneau County, and of 34 citizens of Richland County, Wisconsin.

SENATE.

SATURDAY, *January* 24, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PUBLICATION OF TREATIES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and ordered to be printed, and, with the accompanying documents, referred to the Committee on Printing:

To the Senate of the United States:

I transmit herewith, in answer to a resolution of the Senate dated January 5, 1885, a report of the Secretary of State and accompanying copies of such treaties and conventions between the United States and foreign powers as are requested by the resolution.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 23, 1885.

FRENCH SPOLIATION CLAIMS.

The PRESIDENT *pro tempore* also laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Foreign Relations:

To the Senate:

I transmit herewith a report of the Secretary of State of the 22d instant, respecting an estimate of an appropriation to enable the Department of State to cause a preliminary search to be made of the records of the French prize courts, from 1792 to 1801, inclusive, to ascertain whether any evidence or documents relating to the claims in question still exist, and, if so, the nature and character thereof; said preliminary search being intended to aid the Department of State to carry out the requirements of section 5 of the act approved January 20, 1885, to provide for the ascertainment of the claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 23, 1885.

OMAHA INDIAN CLAIMS.

The PRESIDENT *pro tempore* also laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying documents, ordered to be printed, and referred to the Committee on Indian Affairs:

To the Senate and House of Representatives:

I transmit herewith a communication of the 20th instant from the Secretary of the Interior, presenting, with accompanying papers, a draught of proposed legislation providing for the settlement of certain claims of Omaha Indians in Nebraska against the Winnebago Indians on account of horses stolen by members of the latter tribe from the Omahas.

The subject is commended to the favorable consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 23, 1885.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 7th instant, a letter of the Light-House Board, showing the necessity for the construction and maintenance of additional light-houses and buoy-signals in Narraganset Bay Rhode Island, with location and probable cost thereof; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Attorney-General, acknowledging receipt of a resolution directing him to report whether any claimants of lands taken by the Government under the act of July 5, 1882, remain unpaid, and what obstacles, if any, exist to their payment, and stating that he had this day transmitted a report containing the information called for in that resolution; which, on motion of Mr. INGALLS, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented resolutions of tobacco manufacturers and dealers of the city of Edgerton, Wis., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania, presented a memorial of the Philadelphia Board of Trade, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a petition of 181 citizens of Millville, Pa., a petition of 62 citizens of Cooksburg, Pa., and a petition of 19 citizens of

Elk City, Pa., praying that an appropriation be made for the improvement of the Alleghany River and its tributaries; which were referred to the Committee on Commerce.

Mr. MILLER, of New York, presented a petition of the Real Estate Exchange of New York city, praying for the creation of suitable defenses to New York Harbor; which was referred to the Committee on Military Affairs.

Mr. WILSON presented a memorial of the Legislative Assembly of Idaho Territory, remonstrating against any amendment of the law known as the "desert-land act;" which was referred to the Committee on Public Lands.

Mr. LAPHAM presented a memorial of John Blakely, of New York city, importer and manufacturer of tobacco, in favor of the ratification of the proposed Spanish-American reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Cigar-makers' Union No. 5, of Rochester, N. Y., remonstrating against the ratification of the proposed Spanish-American reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MANDERSON presented a memorial of the senate of Nebraska; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

SENATE OF NEBRASKA.

To the Senate and House of Representatives of the United States:

On motion of Mr. McShane, the following resolution was unanimously adopted by the senate:

Whereas the events of the past year have shown the danger to the cattle interests of Nebraska and of the entire West from contagious disease, and have proved the necessity for and wisdom of the animal industry bill passed at the last session of Congress; and

Whereas a committee appointed by the National Cattle-Growers' Association of America (which association secured the enactment of the above law) is now in Washington endeavoring to obtain the passage of such amendments as will make the law more effective; and

Whereas these amendments are in substance, first, to so regulate the employment of persons by the animal industry bureau as to secure greater ability and usefulness, while at the same time reducing the expense; and second, in the case of disease in States which have no quarantine laws, and in which the executive authorities can not co-operate with the Commissioner of Agriculture to stamp it out, to give power to the President of the United States to prevent the transportation of animals from the diseased districts out of that State into another: Now, therefore,

Be it resolved, That we cordially indorse the amendments proposed and recognize the necessity and wisdom of these measures; and further, we commend them to the consideration of our Senators and Representatives in Congress, with the request that they give to the committee of the National Cattle-Growers' Association all possible aid and assistance in securing the passage of said amendments.

I hereby certify that the within resolution was passed by the Senate January 19, A. D. 1885.

H. H. SHEDD,
President of the Senate.

Attest:

SHERWOOD BURR,
Secretary of the Senate.

Mr. MANDERSON presented a memorial of the Legislative Assembly of Idaho Territory, remonstrating against any amendment of the law known as the "desert-land act;" which was referred to the Committee on Public Lands.

Mr. DOLPH presented a memorial of the Legislative Assembly of Idaho Territory, remonstrating against any amendment of the law known as the "desert-land act;" which was referred to the Committee on Public Lands.

He also presented a memorial of the Philadelphia Board of Trade, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 7046) granting a pension to Alonzo Cornwell; and

A bill (H. R. 4752) granting a pension to William Herring.

Mr. JACKSON. I am instructed by the Committee on Claims, to whom was referred the bill (S. 2180) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., to report it adversely and recommend its indefinite postponement.

Mr. COCKRELL. Let that go on the Calendar, please.

The PRESIDING OFFICER (Mr. GARLAND in the chair). On the suggestion of the Senator from Missouri, the bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (H. R. 2263) for the relief of the State National Bank of Boston, Mass., reported it without amendment, and submitted a report thereon.

Mr. BAYARD, from the Committee on Private Land Claims, to whom was referred the bill (H. R. 1000) for the relief of Myra Clark Gaines, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MILLER, of California, from the Committee on Naval Affairs, to whom was referred the bill (S. 2040) for the relief of Capt. Andrew W. Johnson, reported it without amendment, and submitted a report thereon.

FRENCH SPOLIATION CLAIMS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a resolution to print 3,000 additional copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations committed prior to the 31st day of July, 1801, to report it with an amendment in the nature of a substitute. Upon investigation the committee find that the cost of printing the list will exceed $500. We therefore report in the form of a concurrent resolution, which will be required under the law. I ask that the concurrent resolution, reported as a substitute for the Senate resolution, may be considered at this time.

The Senate, by unanimous consent, proceeded to consider the following resolution:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations prior to the 31st day of July, 1801; of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

Mr. FRYE. I desire to call the attention of the chairman of the Committee on Foreign Relations to the communication from the President touching these claims and certain evidence now in France, which was referred to that committee this morning. I ask that the committee will give early attention to it, as it is very important to these claimants.

The PRESIDING OFFICER. The question is on agreeing to the resolution reported by the Committee on Printing.

The resolution was agreed to.

LIST OF WAR DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a letter from the Secretary of War, transmitting, in compliance with law, a list of the clerks and other persons employed in the War Department during the year ended November 30, 1884. I am directed by the committee to report adversely to the proposition to print the report. It seems like an unnecessary expenditure, as all of the information is contained in the Official Register, which will shortly be reprinted, and the expense does not seem to be warranted by the necessity. I ask that the document be laid on the table and that the Committee on Printing be discharged from the further consideration of the subject.

Mr. GORMAN. I think the report had better go over.

The PRESIDING OFFICER. At the suggestion of the Senator from Maryland the report will go on the Calendar.

BILLS INTRODUCED.

Mr. EDMUNDS introduced a bill (S. 2578) to prevent and punish crimes committed by means of explosive compounds; which was read twice by its title.

Mr. EDMUNDS. I wish to say that some little time since, my attention being drawn to what would seem to be the duty of the United States in respect of such matters, I requested a friend, having no time of my own at disposal, to make a draught of a bill, and this is that draught. I have only run my eye over it, although it has been on my table downstairs for a week or two, and I can see that the draught is not perfect by any means, and may raise questions between the rights of the United States over such crimes and the duties of the States. I do not think it is perfect in that respect and in some others, but I think it fit this morning to introduce it; and I ask that it may be referred to the Committee on the Judiciary, in the hope that that committee will put it into a shape that will, so far as the United States have the power, operate in the direction which its title indicates.

The PRESIDING OFFICER. The bill will be referred to the Committee on the Judiciary.

Mr. MAXEY introduced a joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution; which was read twice by its title, and referred to the Committee on Printing.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. COCKRELL, Mr. GARLAND, and Mr. MILLER, of California, submitted amendments intended to be proposed by them respectively to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PRINTING OF TESTIMONY.

Mr. DAWES submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the evidence taken by the Committee on Indian Affairs under resolution of the Senate of date December 3, 1884, be printed for the use of the committee.

SMITHSONIAN REPORT FOR 1884.

Mr. MAXEY submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,060 extra copies; of which 3,000 copies shall be for the use of the Senate, and 6,060 for the House of Representatives, and 7,000 for the Smithsonian Institution.

SUITS FOR DAMAGES.

Mr. HARRIS. If there be no further routine morning business, I ask the unanimous consent of the Senate to proceed at this time to the consideration of the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

By unanimous consent the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The Secretary will report the bill for information.

Mr. HARRIS. I suggest that the Secretary read the substitute reported by the Committee on the District of Columbia, and waive the reading of the original bill.

The PRESIDING OFFICER. The amendment of the committee will be reported.

The Chief Clerk read the amendment.

Mr. SHERMAN. I wish to call the attention of the Senator to a criticism on the bill. Suppose a person should be injured within the District and die outside of it, there would be no remedy under the peculiar phraseology of the first section of the substitute, it seems to me. Although the injury may be committed in this District the death of the person injured may happen elsewhere, which is frequently the case, especially in injuries by railroads. It seems to me that contingency ought to be provided for. I think where the injury is committed in the District and the death occurs anywhere the remedy should follow. I merely call attention to it. Perhaps it may not be a correct criticism.

Mr. HARRIS. Has the Senator from Ohio an amendment that he would propose to meet the difficulty that suggests itself to his mind?

Mr. SHERMAN. I will get a copy of the bill and suggest an amendment.

Mr. HARRIS. I desire to offer some verbal amendments. In section 1, line 12 of the substitute, after the word "damages," I move to amend the amendment by inserting the words "for such death;" so as to read:

The person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony.

The amendment to the amendment was agreed to.

Mr. HARRIS. In line 15 of section 1 of the amendment, after the word "recovery," I move to insert the words "under this act:" so as to read:

Provided, That in no case shall the recovery under this act exceed the sum of $10,000.

The amendment to the amendment was agreed to.

Mr. SHERMAN. In line 3 of section 1 of the amendment, after the word "whenever," I move to insert the words "by an injury done or happening;" so as to read:

That whenever, by an injury done or happening within the limits of the District of Columbia, the death of a person shall be caused by the wrongful act, &c.

Mr. HARRIS. I have no objection to that amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

Mr. RIDDLEBERGER. I should like to have the amendment as amended reported.

The Chief Clerk read the amendment as amended, as follows:

That whenever, by an injury done or happening within the limits of the District of Columbia, the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or, if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages for such death, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony: *Provided*, That in no case shall the recovery under this act exceed the sum of $10,000.

SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person and within two years after the death of the party injured.

SEC. 3. That the damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family, and be distributed according to the provisions of the statute of distributions in force in said District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HARRIS. The bill (S. 2149) authorizing suits for damages in cases of death caused by the wrongful act, neglect, or default of a person or corporation in the District of Columbia, now upon the Calendar, reported from the Committee on the District of Columbia, is almost precisely the same as the bill we have just passed. I move the indefinite postponement of the Senate bill.

The motion was agreed to.

MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes; and on motion of Mr. ALLISON the same was referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills:

A bill (S. 1112) granting a pension to John Sweeney; and

A bill (S. 1144) granting a pension to John W. Wright.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty-seven minutes spent in executive session the doors were reopened.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JONATHAN CHACE, chosen by the Legislature of Rhode Island a Senator from that State to fill the vacancy occasioned by the death of the late Henry B. Anthony.

The credentials were read and ordered to be filed.

HOUSE BILL REFERRED.

The bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, was read twice by its title; and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 383) granting a pension to Creet H. Dougherty;

A bill (H. R. 552) granting a pension to Lemuel J. Bennett;

A bill (H. R. 765) for the relief of Emily Agnel;

A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;

A bill (H. R. 1235) granting a pension to Annie E. Bailey;

A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;

A bill (H. R. 1898) granting a pension to Harriet Armstrong;

A bill (H. R. 1982) granting a pension to Benjamin Jeffries;

A bill (H. R. 2692) granting a pension to Sarah Kennedy;

A bill (H. R. 3833) for the relief of John W. Robson;

A bill (H. R. 3994) granting a pension to William Strickland;

A bill (H. R. 4079) granting a pension to James D. Kirk;

A bill (H. R. 4548) granting a pension Cordelia Gale;

A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;

A bill (H. R. 5191) granting an increase of pension to Augustus Jones;

A bill (H. R. 5309) for the relief of Charles Milk;

A bill (H. R. 5554) granting a pension to Sarah Parry;

A bill (H. R. 5665) to increase the pension of Charles H. Brigance from $8 to $20 per month;

A bill (H. R. 5798) granting a pension to John E. Denham;

A bill (H. R. 5902) for the relief of Albertine Cockrum;

A bill (H. R. 5969) increasing the pension of Frederic S. Rich;

A bill (H. R. 6011) granting an increase of pension to Robert Carey;

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;

A bill (H. R. 6882) granting a pension to John Otis;

A bill (H. R. 6946) for the relief of Margaret McCarty;

A bill (H. R. 7092) for the relief of Anthony Beyer;

A bill (H. R. 7175) granting a pension to James O. McKenna;

A bill (H. R. 7262) increasing the pension of Elmina P. Spencer;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 7337) for the relief of Amy A. Lewis;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7340) granting a pension to John Sparr;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 7728) for the relief of Pardon H. Morey;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 7773) granting a pension to William E. Ayers; and
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy.

ATTEMPT TO DESTROY BRITISH PARLIAMENT HOUSE.

Mr. BAYARD submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That the Senate of the United States has heard with indignation and profound sorrow of the attempt to destroy the Houses of Parliament and other public buildings in London, and hereby expresses its horror and detestation of such monstrous crimes against civilization.

Mr. HARRIS. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 32 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 24, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read.

CORRECTIONS.

Mr. MILLS. Mr. Speaker, I understood the Journal as read to state that the motion I made yesterday on the last vote before the recess was to reconsider and lay on the table. My motion was to reconsider, and the gentleman from Indiana [Mr. BROWNE] moved to lay on the table, and then the House adjourned.

The SPEAKER. The Chair will cause the Journal to be examined and corrected, if necessary.

The SPEAKER. If there be no further correction the Journal will be approved as corrected.

Mr. WARNER, of Ohio. Mr. Speaker, I suggest that that change of a vote may perhaps change the result.

The SPEAKER. On that roll-call 129 members voted in the affirmative and 122 in the negative.

CLAIMS OF OMAHA INDIANS.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 20th instant from the Secretary of the Interior, presenting, with accompanying papers, a draught of proposed legislation providing for the settlement of certain claims of the Omaha Indians, in Nebraska, against the Winnebago Indians, on account of horses stolen by members of the latter tribe from the Omahas.

The subject is commended to the favorable consideration and action of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 23, 1885.

FRENCH SPOLIATIONS.

The SPEAKER, by unanimous consent, also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a report of the Secretary of State of the 22d instant, respecting an estimate of an appropriation to enable the Department of State to cause a preliminary search to be made of the records of the French prize courts from 1792 to 1801, inclusive, to ascertain whether any evidence or documents relating to the claims in question still exist, and, if so, the nature and character thereof; said preliminary search being intended to aid the Department of State to carry out the requirements of section 5 of the act approved January 20, 1885, to provide for the ascertainment of the claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 23, 1885.

CONTINGENT FUND OF NAVY DEPARTMENT.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Navy, transmitting a statement of expenditures of the contingent fund for the Navy Department for the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

THE MESSAGERIES MARITIMES STEAMSHIP COMPANY.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting estimate from the Secretary of the Navy of an appropriation to pay claim for damages of the Messageries Maritimes Steamship Company; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY APPROPRIATIONS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of appropriations required to supply deficiency in the appropriations for the various departments of the Government for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOM HOUSE, DUBUQUE.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect recommending an appropriation of $10,000 for the approaches to the United States custom-house at Dubuque, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, ABINGDON, VA.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect upon the necessity of an additional appropriation for the public building at Abingdon, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT MINNEAPOLIS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, and recommending an extension of the appropriation for the public building at Minneapolis, Minn.; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS ALLOWED.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims allowed which have arisen under the act of July 4, 1864; which was referred to the Committee on War Claims, and ordered to be printed.

IMPROVEMENTS ON MESCALERO RESERVATION.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting estimate from the Secretary of the Interior of an appropriation to purchase certain improvements within the Mescalero Indian reservation in New Mexico; which was referred to the Committee on Appropriations, and ordered to be printed.

NORFOLK NAVY-YARD BUILDING.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of an appropriation for refitting, altering, and constructing buildings at the navy-yard at Norfolk, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF CERTAIN COLLECTORS.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of the Treasury, with inclosures, transmitting estimate of an appropriation for the payment of certain collectors; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia; and

A bill (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia.

WITHDRAWAL OF PAPERS.

Mr. GREENLEAF, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the pension case of Sarah L. Bragg.

LEAVE TO PRINT.

Mr. WOLFORD, by unanimous consent, obtained leave to have printed in the RECORD remarks on the resolution instructing the Committee on the Judiciary to consider and report on the right of the Senate to originate appropriation bills.

Mr. BLANCHARD, by unanimous consent, obtained leave to print

remarks on the resolutions offered by the gentleman from Ohio [Mr. HURD] yesterday concerning the educational bill.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of committees for reports.

AMENDMENT OF RULES.

Mr. VALENTINE. Mr. Speaker, I desire to call up for present consideration the resolution which I offered yesterday in regard to changing the hour of meeting. It is a privileged matter, as I understand.

The SPEAKER. The gentleman from Nebraska [Mr. VALENTINE] calls up for present consideration the resolution offered by him yesterday.

Mr. RANDALL. I make the point of order against this proposition, and ask the reading of clause 43, Rule XI.

The SPEAKER. The resolution will be read.

Mr. VALENTINE. I would like to hear the point of order.

Mr. RANDALL. My voice is not strong this morning. The reading of the rule will suffice to state my point.

The Clerk read as follows:

All proposed action touching the rules and joint rules shall be referred to the Committee on Rules

Mr. RANDALL. "Shall be."

Mr. KEIFER. There is another rule that relates to this subject.

Mr. VALENTINE. My judgment is that this point of order should have been made yesterday.

Mr. RANDALL. The proposition was not then up for consideration, and I could not make the point. I am advised that points of order were reserved.

Mr. VALENTINE. The point of order now made by the gentleman from Pennsylvania was not made yesterday. The only point of order then made was that under the rules the proposition must lie over one day.

Mr. MILLS. Oh, no; I made the point of order that it changed the rules and must go to the Committee on Rules.

Mr. VALENTINE. I read from the RECORD:

Mr. MILLS. Mr. Speaker, I make the point of order that that would change a rule of the House.

Mr. MILLS. Precisely; and must go to the Committee on Rules.

Mr. VALENTINE. I knew that the proposition changed the rules; it was the intention and object to do so; but I gave notice——

Mr. MILLS. Well, I make the point now; I reserve it.

The SPEAKER. A point of order has been made by the gentleman from Pennsylvania; but the Chair will hear the gentleman from Nebraska.

Mr. VALENTINE. I insist that it is too late to make the point of order now, a day having elapsed; and we are entitled now to have the resolution considered.

Mr. RANDALL. I say that the proposition was not up for consideration yesterday, and I was not required to make the point then.

The SPEAKER. The gentleman from Nebraska is entitled to the floor.

Mr. VALENTINE. I will very gladly listen to any statement of my friend from Pennsylvania. I prefer indeed to hear him on this question before addressing the House myself.

Mr. RANDALL. I did not mean to interrupt the gentleman.

Mr. VALENTINE. No; but you are doing it.

I think it would be in order at this time under the rules and practice of the House to make a motion to refer this resolution to the Committee on Rules; but I believe and shall insist that under the practice and rules it is too late at this time to make the point of order which under the rule would send the proposition there.

In the last Congress the gentleman from Illinois [Mr. TOWNSHEND] raised this question, and on the day when he gave notice of a proposition of this kind there was considerable discussion touching this question under the rules. In that case the Chair entertained a motion made by Mr. Robinson, then a member from Massachusetts, by which the resolution was referred to the Committee on Rules. That action, however, was had on the very day the proposition was first presented, and a point of order made was overruled. I say that now, gentlemen having failed yesterday to send this resolution to the Committee on Rules by a point of order under the rules, it is to-day too late to send it there by such a point; you must do so, if at all, by the action of the House.

Mr. RANDALL. I submit, Mr. Speaker, that the point I make is not too late. I submit also that the point was made yesterday by the gentleman from Texas. But the proper time for the point of order to be raised is when the question is up for consideration.

Mr. VALENTINE. There seems to be a misunderstanding or misapprehension of what was done yesterday touching the making of a point of order. Should that question become material, I think it is well to refer to the RECORD to ascertain what was done. The gentleman from Texas [Mr. MILLS] made the only point of order recorded here in the RECORD. It is in this language:

I make the point of order that that would change a rule of the House.

Mr. MILLS. And must therefore go to the Committee on Rules.

Mr. VALENTINE. Now in order to make a point of order effective you must state the exact point.

Mr. RANDALL. Oh, no!

Mr. VALENTINE. Oh, yes! My friend from Pennsylvania has frequently so held in the chair, and has required members to state the exact point. When a member has said, "I make a point of order against the proposition," the Chair has uniformly asked, "What is the point?" and then the member would state it.

Mr. THOMPSON. The gentleman from Tennessee [Mr. MCMILLIN] yesterday, when this proposition was presented, demanded the regular order, which reserved all points of order.

Mr. VALENTINE. This was then the regular order.

Mr. HOLMAN. I will state the language adopted by the gentleman from Texas in making the point of order.

The SPEAKER. The gentleman from Indiana will suspend his remarks a moment, and the Chair will suspend business in the House until order is restored on the floor. The gentlemen will resume their seats and stop conversation.

Mr. HOLMAN. The language used is this:

Mr. MILLS. Mr. Speaker, I make the point of order it would change a rule of the House.

Now, certainly that is a good presentation of the point of order in general terms, except that it does not refer to that particular rule of the House which requires an amendment of the rules to be referred to the Committee on Rules. It is perfect in all else. I submit the custom is not to reserve the point of order. It is done uniformly in general terms. The Chair will observe that immediately after Mr. MCMILLIN demanded the regular order, so nothing further could occur. I submit according to the practice of the House the point of order was clearly and distinctly made.

Mr. MILLS. I wish to say before I could finish by stating that it must go to the Committee on Rules a dozen gentlemen got up and made the point of order. The gentleman from Nebraska who offered the resolution acknowledged the point of order to be good and waived all further question by saying it would lay over for one day.

Mr. VALENTINE. That is what I thought.

Mr. HAMMOND. Mr. Speaker, it seems to me that it is entirely immaterial what was the scope of the objection of the gentleman from Texas [Mr. MILLS]. No objection was needed. We have two rules of the House that control this matter. The first, as mentioned by the gentleman from Pennsylvania [Mr. RANDALL], is that this being a proposition to change the rules of the House it "shall be referred to the Committee on Rules." There is no way under the practice of the House to avoid that peremptory command except by suspension of the rules or by a motion to refer to some other committee. The natural order, therefore, is that it shall go to the Committee on Rules unless some other reference be made.

We would not send to any other committee a proposed change of the rules. There is no suggestion of any suspension of the rules in order to give this a hearing. And now the only reliance of the gentleman from Nebraska [Mr. VALENTINE] is on Rule XXVIII, which declares that no standing rule or order of the House shall be changed without one day's notice of the intention to do it. He makes the point that if any member shall give one day's notice to change the rules of the House he shall have the right of the floor as a matter of privilege, without reference to any committee whatever of any and all proposed changes of the rules. The very statement of it is a reduction to absurdity. We could occupy the time of the House any day and every day by simply saying that to-morrow we will propose a change in this, that, or the other rule, claiming the right of the floor to discuss the subject-matter.

The two rules well consist. One is that the Committee on Rules shall first consider and report proposed changes; the other is a limitation on the time of discussion of proposed changes. That the House may not be taken unaware may be one reason of the limitation. But the House has also put on the change of the rules the safeguard that no rule shall be changed until the Committee on Rules shall have had a hearing and reported to the House.

Suppose this referred to the Committee on Rules now to-day, and the committee should meet in five minutes and bring back a report. It might be said, inasmuch as notice was given of it yesterday, it could be heard now. But suppose it had been referred to the Committee on Rules yesterday, and they had reported in five minutes. It could not have been heard, because Rule XXVIII is a limitation of time. The two things are absolutely distinct. You shall not take the House unaware, even though the Committee on Rules reported in favor of a change, and the proposed change must go through the Committee on Rules in order to get the sense of the House.

Mr. THOMPSON. I should like to suggest that the point of order can be as well made now as at any other time—that the point of order in reference to any matter pending can be made whenever the consideration of the question comes up in the House. The rule expressly provides certain matters must be considered in the Committee of the Whole House on the state of the Union, and that point of order can be made at any time before the consideration is begun. So any matter considered by the House when subject to the point of order—the point is good if made at any time before consideration is commenced. This

matter has not been considered by the House, and the most favorable aspect in which it presents itself is that the gentleman has placed himself in position to bring it to the consideration of the House by giving the one day's notice required by the rule. It may now be brought up for consideration, but before being entered upon, it is in order at any time to make the point of order against it. That point of order, under Rule XI, will carry it to the Committee on Rules.

Mr. REED. Mr. Chairman, I do not know this point of order has been decided under this system of rules, as they are called, but it seems to me that the power which the House has over its rules is complete and absolute, because it is a constitutional power, and that the House can not take away from itself the power that is conferred upon it by the Constitution. I suppose the House must at any time have the right to change its rules. I do not see how the House can limit itself.

Now, here are two provisions in our rules: the one is that such matters shall be referred to the Committee on Rules; the other is that the House shall not consider such matters unless a day's notice be given. A day's notice has been given of this change of the rule. I take it it is entirely optional on the part of the House whether it shall refer this to the Committee on Rules or not; but if the House thinks it will not refer it to the Committee on Rules, then it seems to me the question is open to the consideration of the House; because otherwise there is no way under our rules by which the rules can be changed except by the consent of the Committee on Rules. There is no way, if the doctrine of the gentleman from Pennsylvania be correct, under our present system, after a proposed modification is referred to the Committee on Rules, to get it out of the clutches of that committee by the House if they do not see proper to report it.

If the doctrine of the gentleman from Pennsylvania be sound, therefore, this proposed action must go to the Committee on Rules, and if they do not choose to report it there is an end of it. Now, we can not deprive ourselves of our constitutional power in any such way. There is no provision in our rules for a motion to discharge the committee from the further consideration of the subject and bring it before the House. Our rules do not provide for any such thing. That would facilitate business; hence it is not permissible under our system. [Laughter.]

I have always supposed that there was one thing which the House could do, and that was to exercise its constitutional power to make rules for its own future guidance. I am certain that I have seen since I have been here, but whether under this system of rules or not I do not remember precisely, this very motion prevail.

Mr. KIEFER rose.

Mr. DINGLEY. With the consent of my colleague I will refer him——

The SPEAKER. The gentleman from Ohio has been recognized.

Mr. DINGLEY. I merely desire to make a suggestion to my colleague in connection with his remarks. He stated that he was sure of the fact that during his service such a case had arisen, but whether under the old or the new rules he was not certain. I wish to call his attention to the case to which he refers.

In the Forty-sixth Congress, on the 28th day of May, 1879, when the gentleman from Illinois [Mr. SPRINGER] had proposed to submit an amendment to Rule XXXI as an independent motion, a point of order was made against it; and on the 4th day of June, 1879, a motion to amend the rules as an independent motion was decided to be in order. On the three hundred and eighty-eighth page of the Digest it is stated that—

Notice of an amendment to the rules is in order as an independent motion, but must lie over one day under clause 1 of Rule XXVIII.

I understand the rules as they existed at that time in relation to an amendment to the rules were precisely the same as they are to-day.

Mr. VALENTINE. That is correct. That decision was made by the gentleman from Pennsylvania. I remember perfectly. The motion was made by the gentleman from Illinois [Mr. SPRINGER].

Mr. KEIFER. I was about to cite this precedent in the Forty-sixth Congress. But I think there are numerous precedents in that and other Congresses under the old rules; and while I have not had time to examine that provision of the rule under which such decisions have been made, my recollection now is that the present rule is identical with our old rules in that respect. The confusion existing in the minds of members with reference to this subject arises no doubt from the fact that, following the ordinary course of legislation relating to the business in the House, amendments to the rules are required, when introduced, under the call in the regular way for the introduction and reference of bills, &c., necessarily to go under such call to the Committee on Rules.

But Rule XXVIII makes provision for the case of a member offering an amendment to the rules under his individual right as a member; that is to say, that in his right as a member to have the rules changed he may offer an amendment to the rules by giving notice to the House of his intention, in which case the proposed amendment shall lie over one day before being called up for consideration.

Now, the Speaker of the Forty-sixth Congress distinctly ruled on this proposition, which will be found by reference to page 388 of the Digest, in the following words:

Notice of an amendment to the rules is in order as an independent motion, but must lie over one day under clause 1 of Rule XXVIII.

And reference is made to the Journal of the first session of the Forty-sixth Congress, page 437. This is specifically stated here, and covers entirely the case presented by the motion of the gentleman from Nebraska. There is no doubt, sir, but that the House can, if it does not want to vote upon a proposed amendment without having it first considered by the Committee on Rules at any time it could on yesterday—with reference to this proposed amendment, and I think could to-day—by a motion refer it to the Committee on Rules. But I maintain that under the first clause of the twenty-eighth rule it is in order now for consideration, having had the one day's notice provided by the rule.

Mr. RANDALL. Mr. Speaker, I maintain that this is not a question of the equity or the wisdom of the rules. It is a question as to what is the rule.

Mr. REED. That first question has long since ceased to be mooted. [Laughter.]

Mr. RANDALL. The Committee on Rules do not stand in any different relation toward the House as to reports from that committee than do the other committees of this House. There is no compulsion on them, nor is there any compulsion on any committee with reference to its reports. Next, I maintain that the opinion to which the gentleman refers, if my memory is correct, was delivered before these rules were adopted.

Mr. KEIFER. But were not the old rules identical in this respect with the present rules? I think that will be found to be the case without the change of a word.

Mr. VALENTINE. They are *verbatim* the same.

Mr. HEWITT, of Alabama. Well, there was no point of order made, perhaps. There is a point of order raised here.

Mr. KEIFER. But that rule required, just as this, notice of the proposed amendment to the rules.

Mr. RANDALL. The House has restricted itself as to the manner of changing the rules; and the question of the restoration of that power is one of policy and not of principle.

Mr. VALENTINE. I scarcely know what I ought to do at this time touching this resolution. I deem it very important that there should be a specific ruling on this question. In the last Congress it arose identically as it has arisen here; and it went off without a decision under a motion made by Mr. Robinson, of Massachusetts, as he said for the purpose of relieving the Speaker from any embarrassment at that time. I do not know if the Speaker feels at this time sufficiently informed on the question to make a ruling. I do not know that he has examined the question with sufficient care to make a ruling to-day. I do not know if it is my duty at this time to make a like motion or not. I fear if the Speaker should rule against me on this matter, and hold that the resolution should go to the Committee on Rules, that will send it to a tomb and this Congress will never reach it.

If it be true, as stated by the gentleman from Pennsylvania [Mr. RANDALL], that this House has, by its rules adopted in the Forty-sixth Congress, so placed itself in the power of five members of this body that it can do nothing without their consent, then, indeed, we are in a sad plight, and something ought to be done to get out of this position in which we are placed by a former Congress, and by the adoption of the rules as a whole by this Congress at its first session. Therefore I have raised this question, and I hope that the House will have an opportunity as a body to pass upon it in some shape, as to whether it, sitting here, composed of more than three hundred members, shall be held down, tied down as it were, at the bidding of five of its members, in regard to the doing of any business that it may desire—which a majority, or all, if you please, but one member of this body, may desire to consider.

I hope that the Speaker will give to the House an opportunity to pass upon that question.

Mr. RANDALL. As a decision of mine has been referred to I have caused it to be looked up, and it will be seen after it has been read that it related simply to the question of reference as it involved one day's notice.

The Clerk read as follows:

Mr. SPRINGER. I also gave notice of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

"*Resolved*, That Rule LI be amended by adding thereto the following:

"And any pending measure reported but not disposed of shall be regarded as unfinished business, and shall be in order after the morning hour of any day when such business would be in order."

Mr. CONGER. What is that?

The SPEAKER. It is a resolution providing for an amendment of the rules for reference to the Committee on Rules.

* * * * * * *

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] will give his attention. The Chair understood the gentleman to state that he did not ask for the reference of this resolution to the Committee on Rules.

Mr. SPRINGER. I see that according to the ruling of the former Speaker it must be offered for reference.

The SPEAKER. The Chair does not allow the application as notice given, and states that the practice of the House allows the introduction of these proposed amendments to the rules during the morning hour of Monday for reference.

Mr. CONGER. The gentleman did not ask for its reference and does not now, as I understand.

The SPEAKER. Then the Chair states that he has not a right now to introduce the resolution, except for reference; and that is based upon the decision of the former Speaker.

Mr. SPRINGER. Then I offer it for reference.

* * * * * * *

Mr. CONGER. Then the Chair does not entertain the proposition, as it is not offered for reference.

The SPEAKER. The Chair has stated to the gentleman from Illinois that he can not receive the proposition except for reference, and the Chair understands the gentleman now to introduce it for reference. For this purpose the Chair entertains it.

Mr. RANDALL. It will be observed the point involved here to-day was not entered upon at all in that decision.

Mr. HAMMOND. I desire to say one word about a suggestion of the gentleman from Nebraska [Mr. VALENTINE]. He states that because a former Speaker of the House was embarrassed by the like question and his party relieved him, therefore the present Speaker should get embarrassed also and leave it to the House to relieve him. It seems to me that that would be a dangerous practice. If the House, in particular squads, for instance, or sections of men, should desire to change the rules so as to get at particular measures, they would vote from interested standpoints. The Speaker decides judicially; and it is perfectly right that as this has been an open question it should now be closed by some sort of ruling. If the Speaker shall be one way or the other—and I have not the slightest idea which way he is—his voice ought to be given to the House at least as argument in case there should be an appeal.

The SPEAKER. Rule XXVIII of the House provides that—

No standing rule or order of the House shall be rescinded or changed without one day's notice of the motion therefor, &c.

The Chair supposes that this notice might be given in two ways. A member might rise in his place and state that on the next day, or upon some succeeding day, he would propose to amend the rules in a certain way; or he might accomplish the same purpose by presenting to the House a proposition to amend the rules in a particular way. And the Chair supposes that the question as to whether or not the point of order can now be made that this proposition must have its first consideration in the Committee on Rules depends upon the same consideration, no matter in which one of those methods the notice might have been originally given.

Suppose a gentleman had risen on the floor yesterday and simply given notice under this rule that on to-day he would propose a motion to amend the rules, stating the character of the amendment, of course no question could then have been made that it must have its first consideration in the Committee on Rules. So it was on yesterday when the gentleman from Nebraska presented his proposition. It was a mere notice to the House under Rule XXVIII of a proposition to amend its rules, and the Chair thinks that the point of order, if it can be made at all, can properly be made to-day when the subject actually comes before the House.

The next question is, whether these rules provide two different methods for their own amendment; that is to say, whether they provide two different methods for bringing before the House for actual consideration a proposition to amend the rules. The Chair thinks not. The Chair thinks the two rules are not at all inconsistent with each other, but they very well stand together.

A proposition to amend the rules can not be considered by the House at all until there has been one day's notice given, either on the floor, as suggested by the Chair, or by the presentation of the proposition itself; but the giving of that notice in either form does not seem to dispense with the forty-third clause of Rule XI, which provides expressly that it shall be referred to the Committee on Rules. If the Committee on Rules should make a report to the House of a proposition to amend the standing rules or orders of this body which had not been referred to them more than one day before the report was made, the Chair would have no hesitation in saying that the report must lie one day on the table before it could be considered. But when a proposition to amend the rules has been made in the House and referred to the Committee on Rules one day before it is reported on, the Chair would have no hesitation in holding that it would then come up for consideration, because all the requirements of both these rules of the House in such a case have been complied with.

The Chair thinks that whatever may be the power of the House itself over its own rules, he is bound by all of them as they stand for the time being, and that this point of order can be made now and is well taken.

Mr. REED. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. REED. I desire to ask the Chair whether a motion can be entertained to consider this proposed amendment to the rules without its reference to the Committee on Rules.

The SPEAKER. The Chair thinks the only way to reach that is to discharge the Committee on Rules from the consideration of the matter, or else appeal from the decision of the Chair and get the judgment of the House that the proposition has not gone to the Committee on Rules.

Mr. REED. I desire to make another parliamentary inquiry. Is it in order to move now to discharge the committee?

The SPEAKER. That requires unanimous consent.

Mr. RANDALL. I call for the regular order.

Mr. REED. I wish to ask the Chair another question. At what time is it in order under the rules to move to discharge the committee?

The SPEAKER. There is no rule of the House prescribing a time when any motion of that character can be regularly made, either as to the Committee on Rules or as to any other committee of the House; but there is a time provided by the rules of the House when motions can be made to suspend all the rules and, by a two-thirds vote, accomplish any parliamentary proceeding that gentlemen desire.

Mr. REED. I will ask the Chair whether the question of a change of the rules is not a question of privilege?

The SPEAKER. Yes; for presentation, and for consideration when presented in a proper way, under the rules.

Mr. REED. Will the Chair allow me to ask another question? I do not know that it has ever been up before, but I would like to suggest to the Chair that this may be a question of privilege for consideration, and that therefore a motion, on a question of privilege, to discharge the committee, might be in order at any time.

The SPEAKER. The Chair thinks not. A motion to discharge the committee is one which does not seem to be provided for at all by the rules of the House as a regular proceeding. So, motions for the adoption of simple resolutions of the House, concurrent resolutions, and various other parliamentary propositions, are not provided for at all by the rules, but must be made by unanimous consent or by suspension of the rules.

Mr. REED. Then, under the rules of the House, the majority is deprived of the control of its rules, and is relegated to the two-thirds provision.

The SPEAKER. Just as the majority is deprived of power with regard to any other proposition referred to any other committee of the House.

Mr. REED. Then I simply desire to point out to the House that there is no possibility of discharging a committee under our present rules.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. TOWNSHEND. I desire to know whether upon a motion to refer this proposition to the Committee on Rules it is in order to move to instruct the committee.

The SPEAKER. There has been no such motion made.

Mr. TOWNSHEND. Then I move that this proposition be referred to the Committee on Rules.

The SPEAKER. The Chair has referred it to the Committee on Rules by the decision just made, unless that decision be overruled by the House.

Mr. TOWNSHEND. Does the Chair hold that upon the introduction of a proposition of this character it would go to the committee under a point of order without a motion to refer it?

The SPEAKER. The Chair so decides.

Mr. TOWNSHEND. Then I will ask the Chair if it is in order, upon the point of order being made, to move to refer the proposition with instructions?

The SPEAKER. The Chair has decided, upon the point of order, that this resolution goes to the Committee on Rules, just as the Chair would have decided upon a point of order that a bill introduced making an appropriation would go to the Committee on Appropriations or a bill raising revenue to the Committee on Ways and Means. No motion has been made or is necessary to be made to refer this proposition to the committee.

Mr. RANDALL. Mr. Speaker, I call for the regular order.

Mr. TOWNSHEND. I desire to make another parliamentary inquiry. Will it be in order now to make a motion to instruct the Committee on Rules in relation to this proposition?

ORDER OF BUSINESS.

The SPEAKER. Only by unanimous consent; and the regular order is demanded. The regular order is the call of committees for reports.

REGULATION OF STEAM-VESSELS.

Mr. DAVIS, of Illinois. I am directed by the Committee on Commerce to report back with amendments the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes, concerning commerce and navigation and the regulation of steam-vessels. I ask unanimous consent for the present consideration of this bill.

The SPEAKER. That can not be done. The bill will be referred to the House Calendar and the accompanying report ordered to be printed.

LEWES, DEL., A PORT OF DELIVERY.

Mr. GLASCOCK, from the Committee on Commerce, reported back favorably the bill (H. R. 3570) to constitute Lewes, in the State of Delaware, a port of delivery, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

TRANSPORTATION OF DUTIABLE GOODS.

Mr. GLASCOCK, from the Committee on Commerce, also reported back favorably the bill (H. R. 7569) to amend an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the House Calendar, and the accompanying report ordered to be printed.

LIGHT-HOUSE AT GRAND MARAIS, MINN.

Mr. WOODWARD, from the Committee on Commerce, reported back favorably the bill (H. R. 4119) relating to the construction of a light-house at Grand Marais, Minn.; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

TRANSPORTATION OF LIVE-STOCK.

Mr. CLARDY, from the Committee on Commerce, reported back favorably a resolution in relation to the transportation of live-stock by railway companies; which was referred to the House Calendar, and the accompanying report ordered to be printed.

POWLETT GUN-CARRIAGE.

Mr. ROSECRANS, from the Committee on Military Affairs, reported a bill (H. R. 8036) to provide for building and testing the Powlett gun-carriage; which was read a first and second time, referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

OFFICERS FOR RECRUITING DEPOTS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported, as a substitute for H. Res. 305, a joint resolution (H. Res. 318) authorizing the appointment from the enlisted men of the Army of one sergeant-major and not exceeding four first sergeants for each of the three general recruiting depots; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The joint resolution (H. Res. 305) was, by unanimous consent, laid on the table.

NATIONAL CEMETERY NEAR BATON ROUGE, LA.

Mr. DIBRELL, from the Committee on Military Affairs, reported back with amendments the bill (H. R. 5751) making an appropriation to construct a road and approaches from the Mississippi River through the city of Baton Rouge, La., to the national military cemetery, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NATIONAL CEMETERY NEAR MARIETTA, GA.

Mr. DIBRELL, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 172) making appropriation to build a road from the city of Marietta, Ga., to the national cemetery near that city; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SWAMP LANDS IN MINNESOTA.

Mr. STRAIT, from the Committee on Public Lands, reported back favorably the bill (H. R. 834) for the relief of certain settlers on swamp lands in Minnesota; which was referred to the Committee of the Whole House on the State of the Union, and the accompanying report ordered to be printed.

SALE OF LOTS IN PERU, IOWA.

Mr. LEWIS, from the Committee on Public Lands, reported back favorably the bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa; which was referred to the House Calendar, and the accompanying report ordered to be printed.

PARTITION OF LAND IN LOUISVILLE, KY.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 2149) authorizing the partition of certain land in Louisville, Ky., belonging jointly to John Echols and the Government of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

Mr. YOUNG. I desire to state that this report was authorized by the committee some time since, and it was supposed that the bill had been reported, but through some inadvertence or oversight it did not get on the Calendar.

REGISTRATION OF TRADE-MARKS.

Mr. VANCE, from the Committee on Patents, reported back favorably a bill (H. R. 4553) to amend the law in relation to the registration of trade-marks; which was referred to the House Calendar, and the accompanying report ordered to be printed.

JOSEPH F. WILSON.

Mr. HALSELL, from the Committee on Private Land Claims, reported back favorably the bill (H. R. 7522) for the relief of Joseph F. Wilson.

Mr. HALSELL. I ask for the present consideration of the bill.

The SPEAKER. Under the rules of the House a request for unanimous consent can not be entertained during the call of committees. Bills must go to the proper Calendar.

The bill was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SALE OF DISTRICT PROPERTY.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 7557) to provide for the sale of real property in the District of Columbia, and for other purposes; which was referred to the House Calendar, and the accompanying report ordered to be printed.

DAMAGES FOR WRONGFUL ACTS, ETC.

Mr. McCOMAS, from the Committee on the District of Columbia, reported back with amendment the bill (H. R. 7260) authorizing a husband or wife and next of kin to maintain an action to recover damages for the wrongful and negligent act of a person or corporation within the District of Columbia resulting in death; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

DISTRIBUTION OF OFFICIAL REGISTER.

Mr. BRATTON, from the Committee on Printing, reported back favorably joint resolution (H. Res. 314) providing for the distribution of certain copies of the Official Register of the United States; which was referred to the House Calendar, and the accompanying report ordered to be printed.

AMERICAN MERCHANT MARINE.

Mr. SLOCUM, from the Select Committee on American Ship-building and Ship-owning Interests, reported back, as a substitute for H. R. 7537, a bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American merchant marine, &c.; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ARREARS OF PENSION.

Mr. ROGERS, of Arkansas, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported back favorably the bill (H. R. 2802) to allow arrears of pension to certain invalid pensioners whose names were dropped from the pension-rolls and by act of Congress subsequently were restored; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize the gentlemen who were not in when their committees were called.

Mr. TOWNSHEND. I rise to make a parliamentary inquiry, whether the first business this morning is not the unfinished business of yesterday?

The SPEAKER. The Chair has not yet concluded the call of committees.

YELLOWSTONE PARK.

Mr. POST, of Wyoming (by Mr. HILL), from the Committee on Territories, reported back favorably the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park.

The SPEAKER. Does it make an appropriation or create new offices?

Mr. HILL. It simply provides for a change of the boundary line of the park.

The bill was referred to the House Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I would inquire, Mr. Speaker, whether the business pending yesterday afternoon at the time the House took a recess for the evening session does not come up properly for action at this time? The purpose was to take up the Mexican pension bill.

The SPEAKER. The Chair knows nothing about the purposes of gentlemen on the floor. There was nothing pending but the motion to adjourn.

Mr. TOWNSHEND. There was the motion of the gentleman to reconsider.

The SPEAKER. Yes; to reconsider the vote by which the House refused to go into Committee of the Whole House on the state of the Union. All motions in relation to that subject fall with the adjournment.

Mr. TOWNSHEND. Then I desire to submit the motion now to go to the business upon the Speaker's table for the purpose of taking up the Mexican pension bill and considering the Senate amendments.

Mr. DIBRELL. I move that the House go into Committee of the Whole House on the state of the Union for the purpose of taking up the agricultural appropriation bill.

The SPEAKER. That has precedence under the rules of the House, which provide that a motion to go into the Committee of the Whole House on the state of the Union to consider appropriation bills or bills raising revenue shall take precedence over motions to go to business on the Speaker's table.

HARRIET A. D. CORTS.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 8038) granting a pension to Harriet A. D. Corts; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

DISTRICT APPROPRIATION BILL.

Mr. FOLLETT, from the Committee on Appropriations, reported a

bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ROGERS, of Arkansas. I reserve all points of order on that bill.

PROTECTION OF CHILDREN IN THE DISTRICT.

Mr. WILSON, of West Virginia, submitted the following conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the Senate No. 729, for the protection of children in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. In line 11 of section 2, that the Senate recede from disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight;" so the clause will read "in their presence or sight;" and the House agree to the same.

2. In lines 2 and 3 of section 4, that in lieu of the words "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

WM. L. WILSON,
J. T. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.

H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
JOSEPH E. BROWN,
Managers on the part of the Senate.

The following is the statement accompanying the report under the rule:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the House to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, submit the following statement in explanation of the conference report:

I. In line 11 of section 2, the Senate bill conferred on certain officers "power to arrest without warrant all persons violating within their view any law relating to or affecting the protection of children." The House substituted for the words "within their view" the words "in their presence," as less equivocal. The Senate agrees to this amendment, with the addition of the words "or sight;" so that the clause as now agreed to reads, "in their presence or sight."

II. In lines 2 and 3 of section 4, by the Senate bill it was made criminal to entice, decoy, place, take, or receive any female child under the age of 21 years into any house of ill-fame," &c. The House substituted "16 years" for "21 years." Both Houses now agree upon "18 years."

WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.

The conference report was adopted.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT TO THE RULES.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ANDERSON. Would it now be in order to introduce an amendment or proposed amendment to the rule offered by the gentleman from Nebraska for reference to the Committee on Rules?

The SPEAKER. The Chair will recognize the gentleman for that purpose.

Mr. ANDERSON. I send to the desk a proposed amendment which I ask to be referred to the Committee on Rules with the proposed amendment of the gentleman from Nebraska.

The Clerk read as follows:

And provided further, That after the reading of the proposed bill or measure, and before the request for unanimous consent to its consideration is announced by the Chair, there shall be given, upon the demand of any member, five minutes for debate in favor of and five minutes for debate against the consideration of the proposed measure.

The proposed amendment was referred to the Committee on Rules.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

The message further announced that the Senate had passed a concurrent resolution providing for the printing of 3,000 copies of the communication of the Secretary of State in relation to claimants under the French spoliation claims.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SKINNER, of New York, indefinitely, on account of sickness in his family.

To Mr. WHITE, of Minnesota, indefinitely, on account of sickness.

To Mr. SPRIGGS, for ten days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Tennessee that the House do now resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The House divided; and there were—ayes 94, noes 57.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 116, not voting 90; as follows:

YEAS—117.

Aiken,	Davidson,	Long,	Slocum,
Alexander,	Dibble,	Lore,	Snyder,
Bagley,	Dibrell,	Lyman,	Stewart, Charles
Barbour,	Dockery,	McAdoo,	Storm,
Barksdale,	Eaton,	McMillin,	Sumner, D. H.
Bennett,	Eldredge,	Maybury,	Swope,
Blount,	Ellis,	Miller, J. F.	Taylor, J. M.
Boyle,	Ermentrout,	Mills,	Throckmorton,
Bratton,	Findlay,	Money,	Tillman,
Breckinridge,	Follett,	Morgan,	Tucker,
Buchanan,	Forney,	Morse,	Tully,
Burnes,	Garrison,	Murphy,	Turner, H. G.
Cabell,	Gibson,	Mutchler,	Turner, Oscar
Caldwell,	Halsell,	Nicholls,	Van Eaton,
Campbell, Felix	Hammond,	Oates,	Wallace,
Candler,	Hancock,	Ochiltree,	Warner, A. J.
Chace,	Hatch, W. H.	O'Ferrall,	Warner, Richard
Clardy,	Hemphill,	Paige,	Wellborn,
Clay,	Henley,	Peel,	Weller,
Clements,	Herbert,	Pierce,	Williams,
Collins,	Hewitt, G. W.	Potter,	Willis,
Connolly,	Hill,	Pryor,	Wilson, James
Converse,	Hoblitzell,	Pusey,	Wilson, W. L.
Cook,	Hopkins,	Randall,	Winans, E. B.
Cosgrove,	Houseman,	Reagan,	Wise, G. D.
Covington,	Hunt,	Reese,	Yaple,
Cox, W. R.	Jones, J. H.	Rogers, J. H.	Young.
Crisp,	Jordan,	Seymour,	
Culberson, D. B.	Lanham,	Singleton,	
Dargan,	Lewis,	Skinner, T. G.	

NAYS—116.

Adams, G. E.	George,	Murray,	Springer,
Anderson,	Glascock,	Neece,	Steele,
Atkinson,	Hanback,	Nelson,	Stephenson,
Bayne,	Harmer,	Nutting,	Stevens,
Beach,	Hatch, H. H.	O'Hara,	Stewart, J. W.
Bisbee,	Haynes,	Patton,	Stockslager,
Boutelle,	Henderson, D. B.	Payne,	Stone,
Breitung,	Henderson, T. J.	Perkins,	Strait,
Brewer, F. B.	Hepburn,	Peters,	Taylor, E. B.
Brown, W. W.	Hiscock,	Pettibone,	Taylor, J. D.
Browne, T. M.	Holman,	Phelps,	Thomas,
Budd,	Holmes,	Poland,	Townshend,
Campbell, J. M.	Houk,	Post,	Valentine,
Cannon,	Jeffords,	Price,	Vance,
Cobb,	Jones, B. W.	Ranney,	Wadsworth,
Craig,	Keifer,	Ray, G. W.	Wait,
Culbertson, W. W.	Kleiner,	Ray, Ossian	Wakefield,
Cullen,	Lacey,	Reed,	Ward,
Cutcheon,	Lamb,	Rice,	Washburn,
Davis, G. R.	Lawrence,	Riggs,	Weaver,
Davis, R. T.	Libbey,	Rockwell,	Wemple,
Dingley,	Lovering,	Rogers, W. F.	White, J. D.
Dunham,	Lowry,	Rosecrans,	Whiting,
English,	McCoid,	Rowell,	Winans, John
Evans,	McCormick,	Russell,	Wolford,
Everhart,	Millard,	Ryan,	Wood,
Finerty,	Miller, S. H.	Seney,	Woodward,
Funston,	Morrill,	Shively,	Worthington,
Geddes,	Moulton,	Spooner,	York.

NOT VOTING—90.

Adams, J. J.	Davis, L. H.	Horr,	O'Neill, J. J.
Arnot,	Deuster,	Howey,	Parker,
Ballentine,	Dorsheimer,	Hurd,	Payson,
Barr,	Dowd,	Hutchins,	Rankin,
Belford,	Dunn,	James,	Robertson,
Belmont,	Elliott,	Johnson,	Robinson, J. S.
Bingham,	Ellwood,	Jones, J. K.	Robinson, W. E.
Blackburn,	Ferrell,	Jones, J. T.	Shaw,
Blanchard,	Fiedler,	Kean,	Skinner, C. R.
Bland,	Foran,	Kelley,	Smalls,
Bowen,	Fyan,	Kellogg,	Smith, A. Herr
Brainerd,	Goff,	Ketcham,	Smith, H. Y.
Brewer, J. H.	Graves,	King,	Spriggs,
Broadhead,	Green,	Laird,	Struble,
Brumm,	Greenleaf,	Le Fevre,	Sumner, C. A.
Buckner,	Guenther,	McComas,	Talbott,
Burleigh,	Hardeman,	Matson,	Thompson,
Campbell, J. E.	Hardy,	Milliken,	Van Alstyne,
Carleton,	Hart,	Mitchell,	White, Milo
Cassidy,	Hewitt, A. S.	Morrison,	Wilkins,
Chalmers,	Hitt,	Muldrow,	Wise, J. S.
Cox, S. S.	Holton,	Muller,	
Curtin,	Hooper,	O'Neill, Charles	

So the motion was agreed to.

Mr. WAIT. I move to dispense with the reading of the names.

Mr. TOWNSHEND. I object.

The Clerk read the names of those voting.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. RANKIN with Mr. PAYSON.

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. HARDY with Mr. WADSWORTH.
Mr. CARLETON with Mr. HART.
Mr. FIEDLER with Mr. ELLWOOD.
Mr. FORAN with Mr. HITT.
Mr. JONES, of Alabama, with Mr. BURLEIGH.
Mr. MULLER with Mr. HOWEY.
Mr. GREEN with Mr. BRUMM.
Mr. COX, of New York, with Mr. HOLTON.
Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.
Mr. BALLENTINE with Mr. GOFF.
Mr. DAVIS, of Missouri, with Mr. KEAN.
Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.
The following were announced as being paired on this vote:
Mr. TALBOTT with Mr. SMITH, of Iowa.
Mr. MCCOMAS with Mr. SUMNER, of California.
The following gentlemen were announced as being paired for this day:
Mr. BROADHEAD with Mr. SKINNER, of New York.
Mr. BUCKNER with Mr. KELLEY.
Mr. HARDEMAN with Mr. JOHN S. WISE.
Mr. O'NEILL, of Missouri, with Mr. STRUBLE.
Mr. HEWITT, of New York, with Mr. BREWER, of New Jersey.
Mr. CAMPBELL, of Ohio, with Mr. BARR.
Mr. O'NEILL, of Pennsylvania, with Mr. MULDROW.
Mr. FERRELL with Mr. SMALLS.
Mr. GUENTHER with Mr. DEUSTER, on this vote.
The result of the vote was then announced as above recorded.

AGRICULTURAL APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union. The first bills in order are those making appropriations.

Mr. DIBRELL. I call up the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. Under the rules of the House the bill will be read at length.

The Clerk proceeded to read the bill.

Mr. VALENTINE. I think it is not absolutely necessary to read the bill at length before it is read by paragraphs for amendment. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. HATCH, of Missouri. That has been objected to. I would have asked that, but several gentlemen have desired that the bill shall be read.

The Clerk resumed and concluded the reading of the bill.

Mr. HATCH, of Missouri. I ask that the report be read.

The report (by Mr. DIBRELL) was read, as follows:

The Committee on Agriculture, having in charge the bill making an appropriation in support of the Agricultural Department for the fiscal year ending June 30, 1886, respectfully submit the following report:

The bill appropriates $546,290, which is $108,900 less than was appropriated in the last bill, and is $152,820 less than is asked for in the estimates. The reduction is made in the amounts to its statistical division, bureau of animal industry, tea plant, &c.

There is no new legislation in the bill except in the bureau of entomology, which includes a clause in regard to the habits and migration of birds in relation to insects and plants. And in the bureau of animal industry the following was added to make the law more effective, namely:

"And the Commissioner of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, and in such manner as he may think best, to prevent the spread of pleuro-pneumonia, not to conflict with existing law."

And the committee recommend the passage of said bill.

Mr. DIBRELL. I desire to state there is in this bill no increase of salaries and no new officers are provided for. I do not know that any gentleman wants to discuss the bill in general debate. I ask that it be read by paragraphs for amendment under the five-minute rule.

Mr. WARNER, of Ohio. I understand the gentleman from Tennessee to say that there is no increase of salaries or offices in this bill.

Mr. DIBRELL. None at all.

Mr. HATCH, of Missouri. There is a decrease of about $110,000 as compared with the appropriations of the last bill.

The CHAIRMAN. If there be no objection, the Clerk will proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk proceeded to read the bill, and read the following paragraph:

BUREAU OF AGRICULTURAL STATISTICS.

For compensation of one statistician, $2,500; two clerks of class 4, $3,600; three clerks of class 3, $4,800; four clerks of class 2, $5,600; five clerks of class 1, $6,000; seven clerks, at $1,000 each; four clerks, at $840 each; two clerks, at $720 each; for collecting foreign and domestic agricultural statistics, and compiling, writing, and illustrating matter for monthly, annual, and special reports, $75,000; in all, $109,300.

Mr. VALENTINE. I desire to say that I notice this item is $25,000 less than the corresponding item in the last appropriation bill. When in the Forty-seventh Congress I had the honor to be chairman of the Committee on Agriculture, and to have charge of the agricultural appropriation bill, that committee deemed it necessary to create, as it were, a new statistical division in the Agricultural Department. I stated at the time to the House that a large expenditure for one or two years would be necessary to place that division upon a proper footing, but that after it once had got in working order a gradual reduction might be had from year to year and the expenses would not be nearly so great after a year or two as what we then asked for. I desire to say that I am now much pleased to see the judgment of the Committee on Agriculture of this House has verified my statement at that time.

The Clerk read the following paragraph:

Forestry:

For the purpose of enabling the Commissioner of Agriculture to experiment and to continue an investigation and report upon the subject of forestry, and the collection and distribution of valuable economic forest-tree seeds, $10,000.

Mr. DIBBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 147 insert:

"Tea culture: For the cultivation and distribution of the tea plants on the Government tea farm, $3,000; of which sum not more than $2,000 shall be expended for salaries and wages of labor."

Mr. DIBBLE. I understand, Mr. Chairman, that there is no objection on the part of the committee to this amendment.

Mr. DIBRELL. There is no objection to that. The committee are willing to accept the amendment.

Mr. HATCH, of Missouri. I desire to state that this matter was left open in order that the committee might hear from the gentleman from South Carolina [Mr. DIBBLE], in whose district this little tea farm and these tea plants are located. The committee, when the bill was framed, did not have the information the gentleman has since given us. There was an appropriation last year of $3,000, and the committee left it out until they should hear from the gentleman from South Carolina.

Mr. HISCOCK. I wish to inquire whether there is any recommendation from the Commissioner of Agriculture on this subject?

Mr. HATCH, of Missouri. There is. The Commissioner recommended the sum mentioned, $3,000. It is simply to take charge of the property of the Government and to distribute such plants as may be on the farm to anybody that will have them.

Mr. MCMILLIN. I wish to inquire is it not the intention to still further engage in the experiments there?

Mr. HATCH, of Missouri. Not by any means.

Mr. MCMILLIN. What good, then, can come from this appropriation?

Mr. HATCH, of Missouri. The Government has this property, and these plants are valuable, and they have grown to a size that it becomes necessary to distribute them to such parties as want to set them out and grow them themselves. There are 80,000 such plants, and they are ready for distribution.

The amendment was agreed to.

The Clerk read the following paragraph:

SILK CULTURE.

For the encouragement and development of the culture and raising of raw silk, $15,000.

Mr. YOUNG. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 150 strike out "$15,000" and insert "$25,000."

Mr. YOUNG. I desire to suggest to my colleague on the committee, for his consideration, that this is probably one of the most important industries among the new ones just being developed in the entire country. In nearly all the Southern States and in every one of the Western States, especially in California, large sums of money have been devoted to this new and growing industry. I have not the statistics before me, but it is my recollection that nearly $50,000,000 worth of silk is imported into this country every year, This is a branch of American industry that heretofore has had no protection whatever under former legislation.

In all our tariff laws there is no protection afforded for this. It seems to me $15,000 is a very small sum, if it is deemed necessary to do anything at all in this direction, for the development of an industry so important and destined in the future to be so great in this country as the culture and production of silk. Therefore I suggest to my colleague [Mr. DIBRELL] that it would not be improper—indeed, it would be an eminently proper thing—to increase this item of appropriation from $15,000 to $25,000.

Mr. DIBRELL. Mr. Chairman, we have given all that the Commissioner of Agriculture has asked for this purpose. Last year the committee left this out, but the Senate added $15,000 to the bill, and it was agreed to in the committee of conference. This year the Commissioner has asked for only $15,000. I admit that this is an important branch of industry in this country; this flag here is an evidence of that fact; but, at the same time, I think $15,000 is enough to appropriate for this purpose at this time.

Mr. YOUNG. My colleague does not seem to have deemed it necessary to follow the recommendations of the Commissioner of Agriculture in other respects. I notice by this bill that the Commissioner's estimate for the expenses of his department for the next year is put down at $699,110, while the committee, disregarding the recommendation of

the Commissioner, have reported appropriations amounting only to $546,290. Now it may be true, though I doubt very much whether it is so, that $15,000 is sufficient for this purpose. At all events, the fact that a larger sum is not recommended by the Commissioner of Agriculture constitutes no conclusive argument why this House should not increase the appropriation. If the committee choose to disregard the recommendation of the Commissioner and to cut down his estimates nearly $200,000, it seems to me that they might disregard his recommendation in this instance also, when the question is as to increasing somewhat a very important item in this bill.

Mr. WARNER, of Ohio. If the gentleman from Tennessee [Mr. YOUNG] will allow me, I will ask him to explain in what way an increase of $10,000 in this item is going to lead to an increase in the silk culture of the United States. What is it proposed to do with this $10,000?

Mr. YOUNG. Mr. Chairman, I refer my friend from Ohio [Mr. WARNER] to the Committee on Agriculture for an answer to that question. They deemed it necessary to recommend an appropriation of $15,000 for this purpose, and they can doubtless give him the details as to how the appropriation is to be expended. I am not sufficiently familiar with the subject myself to do so.

Mr. WARNER, Ohio. Then, Mr. Chairman, when we have the details, we may be better able to judge whether or not the expenditure of $10,000 more is necessary or wise.

Mr. YOUNG. Is the gentleman from Ohio [Mr. WARNER] prepared to say that $15,000 is necessary for this purpose?

Mr. WARNER, of Ohio. I am not. I am asking for information.

Mr. YOUNG. Then call on the Committee on Agriculture to inform us upon the subject.

Mr. WARNER, of Ohio. I have called upon the gentleman from Tennessee for the information.

Mr. YOUNG. I confess that I am unable to give the details which the gentleman from Ohio desires; but I know this, that there is no more important industry in this country, among the new and growing ones, than this silk industry.

Mr. WARNER, of Ohio. We may all agree to that; but what I desire information about is just how this additional $10,000 proposed to be appropriated in this way is going to benefit the silk industry.

Mr. YOUNG. Well, if the gentlemen from Ohio [Mr. WARNER] will inform me how the $15,000 appropriated by the bill is going to benefit the silk industry, perhaps I can then give him information as to how the additional $10,000 would benefit it.

Mr. WARNER, of Ohio. But I can not give that information. I am seeking for information.

Mr. HATCH, of Missouri. Mr. Chairman, the committee had the subject under consideration, and received from the Commissioner of Agriculture all the information that he could impart as to the manner in which he had expended the appropriation made for this purpose in the last annual appropriation bill. The language of the appropriation is, "for the encouragement and development of the raising of raw silk, $15,000." Up to this time the Commissioner of Agriculture has not been able to expend one-half of the sum appropriated last year.

Mr. YOUNG. Then he ought to resign.

Mr. HATCH, of Missouri. Well, as the gentleman from Tennessee [Mr. YOUNG] has confessed that he does not know in what manner the Commissioner can expend properly and profitably the money now proposed to be appropriated for this purpose, I do not see why he should make that remark, or why the Commissioner should be called upon to throw this money away simply because it has been appropriated. But, Mr. Chairman, with all the information that the committee have they are of opinion that until these experiments shall have gone further than they have gone up to this time $15,000 is all that is necessary, and the committee did not propose to recommend to the House to appropriate $25,000, $30,000, or $40,000 simply for the luxury of making an appropriation.

Mr. WARNER, of Ohio. Will the gentleman yield for a question?

Mr. HATCH, of Missouri. With pleasure.

Mr. WARNER. of Ohio. If the Commissioner of Agriculture has been unable to expend wisely the $15,000 appropriated last year, how is he to expend the sum that remains of that appropriation and also this additional $15,000? If there were any such question here as presented itself some years ago in France—the destruction of the silk-worm—I can very readily see how this appropriation might be wisely expended. But, there being no such trouble here, I do not see how the Commissioner of Agriculture is going to expend even the $15,000 in a manner that will improve or help the silk industry in this country.

Mr. HATCH, of Missouri. In reply to the gentleman from Ohio [Mr. WARNER], I will state that the Commissioner's report shows that in the first six months of the present fiscal year he had something over one-half of the $15,000 remaining; but he is proceeding judiciously in making experiments, in distributing information, in distributing the silk-worms in different stages to persons who have applied for them, and in assisting parties who are experimenting upon their own means, and he deems $15,000 sufficient to carry on the Department's experiments for the next fiscal year.

That is the opinion of the Commissioner, and I am satisfied that the additional $10,000, if appropriated, would be simply so much more than there was any use for. I therefore hope that the committee will vote down the amendment of the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. Mr. Chairman, I withdraw the amendment with this remark: I have confessed that I am not acquainted with the details of this branch of the Agricultural Department. I was not charged by the House with the duty of acquiring information upon that subject. My friend of the Agricultural Committee was, and I supposed he would be able to give it. The amendment is withdrawn.

Mr. WILSON, of Iowa. I move *pro forma* to strike out the last words of the pending paragraph. I make this motion merely for the purpose of stating an interesting fact that came under my observation in the State of Iowa during the last year. I learned from thirty or forty different sources that our ladies are engaging in this industry; they are raising silk-worms, and are exhibiting them at our county fairs. The industry is spreading with wonderful rapidity. The intention of the Committee on Agriculture in reporting this appropriation is that we shall have here at Washington in the office of the Commissioner of Agriculture a depository of information, where those who are employing themselves in this direction may get such information and assistance as they desire. I withdraw the *pro forma* amendment.

The Clerk read as follows:

CONTINGENT EXPENSES.

For stationery, freight, express charges, fuel, lights, subsistence and care of horses, repairs of harness, paper, twine, and gum for folding-room, and for miscellaneous items, namely, for advertising, telegraphing, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, purchasing supplies, and necessary items, including traveling expenses while on the business of the department, $15,000.

Mr. BUDD. I move to amend by inserting after the paragraph just read the provision which I send to the desk.

The Clerk read as follows:

That in order to aid the Department of Agriculture in acquiring and diffusing among the people of the United States useful and practical information on subjects connected with agriculture, and to promote scientific investigation and experiment respecting the principles and applications of agricultural science, there shall be established, in connection with the college or colleges in each State established, or which may hereafter be established, in accordance with the provisions of an act approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agricultural and the mechanic arts," or any of the supplements to said act, a department to be known and designated as an "agricultural experiment station:" *Provided*, That in any State in which two such colleges have been or may be so established the appropriation hereinafter made to such State shall be equally divided between such colleges, unless the Legislature of such State shall otherwise direct.

That it shall be the object and duty of said experiment stations to conduct original researches or verify experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies for the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under a varying series of crops; the capacity of new plants or trees for acclimation within the isothermal limits represented by the climate of the several stations and their vicinity; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the different kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States.

That the said experiment stations shall be under the direction and control of the trustees or other governing body of such colleges, who shall have power to appoint a director and such assistants as may in each case be necessary.

That in order to secure, as far as practicable, uniformity of methods and results in the work of said stations, it shall be the duty of the United States Commissioner of Agriculture to determine annually a standard of valuation of the ingredients of commercial fertilizers, upon which the analysis of such fertilizers, as far as made by said stations, shall be based; to furnish forms, as far as practicable, for the tabulation of results of investigation or experiments; to indicate, from time to time, such lines of inquiry as to him shall seem most important; and, in general, to furnish such advice and assistance as will best promote the purposes of this act; but nothing herein contained shall be construed to authorize said Commissioner to control or direct the work or management of any such station except as to the standard of valuation of commercial fertilizers. It shall be the duty of each of said stations, annually, on or before the 1st day of February, to make to the governor of the State in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the said Commissioner of Agriculture, and to the Secretary of the Treasury of the United States.

That in order to make the results of the work of said stations immediately useful, they shall publish at least once in every three months bulletins or reports of progress, one copy of which shall be sent to each newspaper in the States in which they are respectively located, and to such individuals actually engaged in farming as may request the same, and as far as the means of the station will permit. Such bulletins or reports and the annual reports of said stations shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster-General may from time to time prescribe.

That for the purpose of paying the salaries and wages of the director and other employés of said stations, and the necessary expenses of conducting investigations and experiments and printing and distributing the result as hereinbefore prescribed, the sum of $15,000 per annum is hereby appropriated to each State, to be paid in equal quarterly payments, on the 1st day of January, April, July, and October in each year, to the treasurer or other officer duly appointed by the aforesaid boards of trustees to receive the same, the first payment to be made on the 1st day of July, 1885; but no such payment shall be made to any station until the trustees or other governing body of the college at which such station is located shall have executed, under their corporate seal, and filed with the Secretary of the Treasury, an agreement to expend all moneys received under this act for the sole and exclusive purpose and in the manner herein directed, and to maintain a farm of at least twenty-five acres in connection with such college, and shall also have executed and filed with said Secretary their bond, in the penal

sum of $15,000, with two sufficient sureties, approved by the clerk of a court of record in such State, conditioned on the faithful expenditure of and accounting for all moneys so received: *Provided, however*, That out of the first annual appropriation so received by any station an amount not exceeding one-fifth may be expended in the erection, enlargement, or repair of a building or buildings necessary for carrying on the work of such station; and thereafter an amount not exceeding 5 per cent. of such annual appropriation may be so expended.

Mr. HATCH, of Missouri (before the reading of the amendment was concluded). Mr. Chairman, enough of this amendment has been read to indicate to the House and to the Chair its character. It is not only the substance, it is the identical language, of a bill now pending before the House—a bill which has been reported by the Committee on Agriculture. I am compelled to make a point of order upon it, although it is a bill coming from our committee. The gentleman from Illinois [Mr. CULLEN] who reported the measure has now the authority and direction of the committee to move at the earliest possible time a suspension of the rules for its passage. But it would not be fair to the House or to the Committee on Agriculture to allow this measure to be attached to the general appropriation bill, because it is not only new legislation, but it makes large additional appropriations.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BUDD. If the gentleman will allow the amendment to be printed in full in the RECORD I will waive any demand for the further reading.

Mr. HATCH, of Missouri. I have no objection to that. I will state that the measure which the gentleman seeks to present as an amendment received the unanimous vote of the Committee on Agriculture; and every member of the committee will be glad to have his assistance in passing it through the House.

Mr. BUDD. I desire to state, while the point of order is pending——

The CHAIRMAN. The Chair has already sustained the point of order, but will withhold his decision until the gentleman from California has been heard.

Mr. BUDD. I move to strike out the last word.

Mr. BLOUNT. I hope the reading of the amendment will be completed.

Several MEMBERS. Let it be printed.

Mr. HEWITT, of Alabama. I object to the amendment being printed in the RECORD unless it be read.

The CHAIRMAN. The Chair thinks it unnecessary that this amendment should be read further in order to disclose the fact that it is not in order. Whenever it appears on the face of a paper that it is out of order the point may be made at once, without waiting to hear the remainder of the proposition read.

Mr. BUDD. Is it understood that the entire amendment will be printed in the RECORD?

Mr. HEWITT, of Alabama. I object to that unless it is read. I have no objection to its being read; but I object to printing the amendment in the RECORD unless it be read.

Mr. BUDD. I ask, then, that the reading be concluded.

Mr. HEWITT, of Alabama. I have no objection to that.

The Clerk resumed the reading, when

Several members objected to the further reading.

Mr. BUDD. I move to strike out the last word.

The CHAIRMAN. The gentleman can not move an amendment while the point of order is pending. Until this question of order is disposed of no further amendment is in order.

Mr. BUDD. I understood that the Chair had decided the point of order.

The CHAIRMAN. The Chair withheld his decision in order to hear the gentleman from California.

Mr. BUDD. Then I ask that the Clerk read as a part of my remarks on the point of order——

The CHAIRMAN. That is not a question of order.

Mr. BUDD. But for the purpose of explaining the matter against which the point of order is raised it is in order that the matter should be laid before the Chair.

The CHAIRMAN. The gentleman from California for the purpose of enlightening the Chair need not call for the reading of the amendment. The point of order is directed to the decision of the Chair and not to the committee. The Chair sustains the point of order, and is of the opinion that a sufficient portion of the amendment has been read to disclose the fact it is not in order.

Mr. BUDD. I move to strike out the last word.

Mr. COSGROVE. I rise to a parliamentary inquiry. Is it in order to strike out the last word of an amendment?

The CHAIRMAN. That is not before the committee. The gentleman moves to strike out the last word of the clause which has been read and upon that he will be heard.

Mr. BUDD. I ask the Clerk to read as a part of my remarks the amendment which he had already begun reading.

The Clerk proceeded with the reading of the amendment.

Mr. COSGROVE. Is not the gentleman reading a part of his amendment?

The CHAIRMAN. The gentleman has sent it up, and asked to have it read as a part of his remarks.

Mr. COSGROVE. I make the point of order there is nothing before the committee which can be amended, the gentleman's amendment having been ruled out by the Chair.

The CHAIRMAN. But the gentleman has moved to strike out the last word of the pending clause.

Mr. COSGROVE. The amendment offered by the gentleman has been ruled out of order.

The CHAIRMAN. This is being read as a part of the gentleman's remarks.

Mr. COSGROVE. How can he move to strike out the last word when the amendment is not before the committee?

Mr. HATCH, of Missouri. He moves to strike out the last word of the pending paragraph of the bill.

Mr. COSGROVE. I hope the time will not be taken up in this way.

Mr. BUDD. I hope this will not be taken out of my time.

The CHAIRMAN. It will not.

The Clerk finished the reading of the proposed amendment.

Mr. BUDD. My object in offering this bill as an amendment is, that there is but little likelihood under the rules of the House of the committee being able to get time for its consideration. It is a bill of great importance. It is an amendment to the law in regard to the Agricultural Department, which should be made. It is demanded by nearly all the States of the Union; and if we are going to carry on the Agricultural Department and appropriate annually large sums for it we should at least have something practical. Therefore I offered the amendment, knowing the point of order would be raised, for the purpose of having it before the House, that the members might carefully examine the bill for the purpose of passing it, and giving time to its consideration when the committee bring it up.

Mr. HATCH, of Missouri. I desire to say to the gentleman again, and to the House, that on last Wednesday the committee passed a resolution directing the gentleman from Illinois who reported this bill to the House, at the earliest opportunity or whenever it is in order under the rules, to move to suspend the rules and pass the bill, or to offer a resolution to set a day for its consideration. Every member of the Committee on Agriculture, so far as I recollect, is heartily in favor of the passage of the bill.

Mr. BUDD. I understand that to be the fact that every member of the committee desires it, and that perhaps nine-tenths of the House would like to pass it, but unless the rules are amended or suspended it can not pass.

I withdraw my formal amendment.

Mr. DINGLEY. I move to strike out the last word for the purpose of asking the gentleman in charge of the bill whether there was any request on the part of the Agricultural Department for an appropriation for further experiments in the production of sugar from sorghum?

Mr. DIBRELL. Yes, sir; the amount of the bill was $20,000, but I am not certain but the Commissioner asked for $50,000.

Mr. DINGLEY withdrew his formal amendment.

Mr. HATCH, of Missouri, moved that the committee rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had, according to order, under consideration a bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, and had directed him to report the same back to the House with an amendment.

Mr. HATCH, of Missouri, demanded the previous question.

The previous question was ordered; and under the operation thereof the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HATCH, of Missouri, demanded the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. Under the rule the vote on the passage of the bill will be taken by the yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 210, nay 1, not voting 112; as follows:

YEAS—210.

Adams, G. E.	Brainerd,	Clements,	Davidson,
Aiken,	Bratton,	Cobb,	Davis, G. R.
Alexander,	Breckinridge,	Connolly,	Davis, R. T.
Anderson,	Breitung,	Converse,	Deuster,
Atkinson,	Brown, W. W.	Cook,	Dibble,
Barbour,	Browne, T. M.	Cosgrove,	Dibrell,
Barksdale,	Buchanan,	Covington,	Dingley,
Bayne,	Budd,	Cox, W. R.	Dockery,
Beach,	Burnes,	Craig,	Dunham,
Bisbee,	Cabell,	Crisp,	Eaton,
Blanchard,	Caldwell,	Culberson, D. B.	Eldredge,
Bland,	Candler,	Cullen,	English,
Blount,	Chace,	Curtin,	Ermentrout,
Boutelle,	Clardy,	Cutcheon,	Evans,
Boyle,	Clay,	Dargan,	Everhart,

Finerty,	Lacey,	Poland,	Thompson,
Follett,	Lamb,	Price,	Tillman,
Funston,	Lanham,	Pryor,	Townshend,
Garrison,	Lawrence,	Pusey,	Tully,
Geddes,	Le Fevre,	Randall,	Turner, H. G.
George,	Lewis,	Ray, G. W.	Turner, Oscar
Gibson,	Libbey,	Reese,	Valentine,
Glascock,	Long,	Rice,	Van Alstyne,
Greenleaf,	Lore,	Robertson,	Vance,
Halsell,	Lovering,	Rockwell,	Van Eaton,
Hanback,	Lyman,	Rogers, J. H.	Wait,
Harmer,	McCoid,	Rogers, W. F.	Wallace,
Hart,	McCormick,	Rowell,	Ward,
Hatch, H. H.	McMillin,	Russell,	Warner, A. J.
Hatch, W. H.	Matson,	Seney,	Warner, Richard
Haynes,	Maybury,	Seymour,	Washburn,
Hemphill,	Millard,	Shively,	Weaver,
Henderson, D. B.	Miller, J. F.	Singleton,	Wellborn,
Henderson, T. J.	Mills,	Skinner, T. G.	Weller,
Henley,	Money,	Slocum,	Wemple,
Hepburn,	Morgan,	Smith, H. Y.	White, J. D.
Herbert,	Morrill,	Snyder,	Whiting,
Hewitt, G. W.	Moulton,	Spooner,	Wilkins,
Hill,	Murphy,	Springer,	Williams,
Hiscock,	Murray,	Steele,	Willis,
Holman,	Mutchler,	Stephenson,	Wilson, James
Holmes,	Nutting,	Stevens,	Wilson, W. L.
Hopkins,	Oates,	Stewart, Charles	Winans, E. B.
Horr,	Ochiltree,	Stewart, J. W.	Wise, G. D.
Houk,	O'Ferrall,	Stockslager,	Wolford,
Houseman,	Paige,	Stone,	Wood,
Hunt,	Payne,	Strait,	Woodward,
James,	Pierce,	Sumner, C. A.	Worthington,
Jeffords,	Peel,	Sumner, D. H.	Yaple,
Jones, B. W.	Perkins,	Swope,	York,
Jones, J. H.	Peters,	Taylor, J. D.	Young.
Jordan,	Pettibone,	Taylor, J. M.	
King,	Phelps,	Thomas,	

NAY—1.

Throckmorton.

NOT VOTING—112.

Adams, J. J.	Dorsheimer,	Johnson,	Payson,
Arnot,	Dowd,	Jones, J. K.	Post,
Bagley,	Dunn,	Jones, J. T.	Potter,
Ballentine,	Elliott,	Kean,	Rankin,
Barr,	Ellis,	Keifer,	Ranney,
Belford,	Ellwood,	Kelley,	Ray, Ossian
Belmont,	Ferrell,	Kellogg,	Reagan,
Bennett,	Fiedler,	Ketcham,	Reed,
Bingham,	Findlay,	Kleiner,	Riggs,
Blackburn,	Foran,	Laird,	Robinson, W. E.
Bowen,	Forney,	Lowry,	Robinson, J. S.
Brewer, F. B.	Fyan,	McAdoo,	Rosecrans,
Brewer, J. H.	Goff,	McComas,	Ryan,
Broadhead,	Graves,	Miller, S. H.	Shaw,
Brumm,	Green,	Milliken,	Skinner, C. R.
Buckner,	Guenther,	Mitchell,	Smalls,
Burleigh,	Hammond,	Morrison,	Smith, A. Herr
Campbell, Felix	Hancock,	Morse,	Spriggs,
Campbell, J. E.	Hardeman,	Muldrow,	Storm,
Campbell, J. M.	Hardy,	Muller,	Struble,
Cannon,	Hewitt, A. S.	Neece,	Talbott,
Carleton,	Hitt,	Nelson,	Taylor, E. B.
Cassidy,	Hoblitzell,	Nicholls,	Tucker,
Chalmers,	Holton,	O'Hara,	Wadsworth,
Collins,	Hooper,	O'Neill, Charles	Wakefield,
Cox, S. S.	Howey,	O'Neill, J. J.	White, Milo
Culbertson, W. W.	Hurd,	Parker,	Winans, John
Davis, L. H.	Hutchins,	Patton,	Wise, J. S.

So the bill was passed.

Mr. DIBRELL. I ask unanimous consent to dispense with the reading of the names.

Mr. HEWITT, of Alabama. I guess we had better have them read.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. CAMPBELL, of New York, with Mr. OCHILTREE.

Mr. HOBLITZELL with Mr. BINGHAM.

Mr. LOWRY with Mr. CRAIG.

Mr. GREENLEAF with Mr. BREWER, of New York.

Mr. NICHOLLS with Mr. NELSON.

Mr. HAMMOND with Mr. EZRA B. TAYLOR.

Mr. SMALLS. Mr. Speaker, I did not vote because I was informed that I was paired. I have not heard my pair read.

The SPEAKER. The Chair is informed that the announcement of the gentleman's pair was made on the first roll-call to-day. Under the rules it is not required to announce a pair the second time on the same day.

The result of the vote was then announced as above recorded.

Mr. HATCH, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I move that the House do now adjourn.

Mr. VALENTINE. I ask my friend to give way for a moment.

Mr. TOWNSHEND. Let us vote the motion down. I want to take up the Mexican pension bill this evening; and for that purpose I hope the motion to adjourn will not be agreed to.

The question was taken; and on a division there were—ayes 80, noes 66.

Mr. WHITE, of Kentucky, and Mr. REED demanded the yeas and nays.

The yeas and nays were ordered, 48 members voting therefor.

The question was taken; and there were—yeas 100, nays 107, not voting 116; as follows:

YEAS—100.

Aiken,	Dargan,	Lore,	Singleton,
Alexander,	Davidson,	Lyman,	Skinner, T. G.
Barbour,	Deuster,	McMillin,	Slocum,
Barksdale,	Dibble,	Maybury,	Stewart, Charles
Bennett,	Dibrell,	Miller, J. F.	Storm,
Bland,	Dockery,	Mills,	Sumner, D. H.
Blount,	Eaton,	Money,	Taylor, J. M.
Boyle,	Eldredge,	Morgan,	Thompson,
Bratton,	Ermentrout,	Murray,	Throckmorton,
Buchanan,	Garrison,	Mutchler,	Tillman,
Cabell,	Halsell,	Oates,	Tucker,
Candler,	Hancock,	Ochiltree,	Turner, H. G.
Chace,	Hatch, W. H.	O'Ferrall,	Turner, Oscar
Clardy,	Hemphill,	Paige,	Van Alstyne,
Clay,	Henley,	Patton,	Van Eaton,
Clements,	Herbert,	Peel,	Wallace,
Cobb,	Hewitt, G. W.	Pierce,	Warner, Richard
Connolly,	Hill,	Potter,	Wellborn,
Converse,	Houseman,	Pryor,	Weller,
Cook,	Hunt,	Randall,	Wilkins,
Cosgrove,	Jones, J. H.	Reagan,	Wilson, W. L.
Covington,	Jordan,	Reese,	Winans, E. B.
Cox, W. R.	King,	Robertson,	Wise, G. D.
Crisp,	Lanham,	Rogers, J. H.	Yaple.
Culberson, D. B.	Lewis,	Seymour,	Young.

NAYS—107.

Adams, G. E.	Greenleaf,	Millard,	Springer,
Anderson,	Guenther,	Miller, S. H.	Steele,
Atkinson,	Hanback,	Morrill,	Stephenson,
Beach,	Harmer,	Moulton,	Stevens,
Bisbee,	Hatch, H. H.	Neece,	Stewart, J. W.
Boutelle,	Haynes,	Nutting,	Stockslager,
Brainerd,	Henderson, D. B.	O'Hara,	Strait,
Breitung,	Hepburn,	Parker,	Swope,
Brown, W. W.	Hiscock,	Payne,	Taylor, J. D.
Browne, T. M.	Holman,	Perkins,	Townshend,
Burnes,	Holmes,	Peters,	Tully,
Campbell, J. M.	Hopkins,	Pettibone,	Valentine,
Cannon,	Horr,	Poland,	Vance,
Culbertson, W. W.	Houk,	Price,	Wait,
Cutcheon,	Jeffords,	Pusey,	Ward,
Davis, G. R.	Jones, B. W.	Ray, G. W.	Warner, A. J.
Davis, R. T.	Kleiner,	Reed,	Washburn,
Dingley,	Lacey,	Rice,	Weaver,
Dunham,	Lamb,	Rockwell,	Wemple,
English,	Lawrence,	Rogers, W. F.	White, J. D.
Evans,	Le Fevre,	Rowell,	Whiting,
Everhart,	Libbey,	Russell,	Wilson, James
Finerty,	Long,	Seney,	Wolford,
Follett,	Lovering,	Shively,	Wood,
Funston,	McCoid,	Smith, H. Y.	Worthington,
George,	McComas,	Snyder,	York.
Glascock,	McCormick,	Spooner,	

NOT VOTING—116.

Adams, J. J.	Cullen,	Hooper,	Phelps,
Arnot,	Curtin,	Howey,	Post,
Bagley,	Davis, L. H.	Hurd,	Rankin,
Ballentine,	Dorsheimer,	Hutchins,	Ranney,
Barr,	Dowd,	James,	Ray, Ossian
Bayne,	Dunn,	Johnson,	Riggs,
Belford,	Elliott,	Jones, J. K.	Robinson, J. S.
Belmont,	Ellis,	Jones, J. T.	Robinson, W. E.
Bingham,	Ellwood,	Kean,	Rosecrans,
Blackburn,	Ferrell,	Keifer,	Ryan,
Blanchard,	Fiedler,	Kelley,	Shaw,
Bowen,	Findlay,	Kellogg,	Skinner, C. R.
Breckinridge,	Foran,	Ketcham,	Smalls,
Brewer, F. B.	Forney,	Laird,	Smith, A. Herr
Brewer, J. H.	Fyan,	Lowry,	Spriggs,
Broadhead,	Geddes,	McAdoo,	Stone,
Brumm,	Gibson,	Matson,	Struble,
Buckner,	Goff,	Milliken,	Sumner, C. A.
Budd,	Graves,	Mitchell,	Talbott,
Burleigh,	Green,	Morrison,	Taylor, E. B.
Caldwell,	Hammond,	Morse,	Thomas,
Campbell, Felix	Hardeman,	Muldrow,	Wadsworth,
Campbell, J. E.	Hardy,	Muller,	Wakefield,
Carleton,	Hart,	Murphy,	White, Milo
Cassidy,	Henderson, T. J.	Nelson,	Williams,
Chalmers,	Hewitt, A. S.	Nicholls,	Willis,
Collins,	Hitt,	O'Neill, Charles	Winans, John
Cox, S. S.	Hoblitzell,	O'Neill, J. J.	Wise, J. S.
Craig,	Holton,	Payson,	Woodward.

So the House refused to adjourn.

Mr. LAMB. I ask unanimous consent to dispense with the reading of the names.

Mr. MILLS. I object.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. FORNEY with Mr. KEIFER, for the rest of this day.

Mr. BUDD with Mr. RYAN.

Mr. HENLEY. Mr. Speaker, I change my vote from "no" to "ay." I see there is no chance of accomplishing any business this evening.

The result of the vote was then announced, as above recorded.

Mr. MILLS. I now move that the House take a recess until 8 o'clock to-night.

Mr. TOWNSHEND. I move to go to business on the Speaker's table, for the purpose of taking up and considering the Mexican pension bill.

The SPEAKER. But the gentleman from Texas has moved that the House now take a recess.

Mr. TOWNSHEND. But I was on the floor before the gentleman made his motion.

The SPEAKER. The Chair will recognize the motion of the gentleman in its proper order. The motion to take a recess has precedence over any other motion, except, of course, the motion to adjourn or to fix a day to which the House shall adjourn.

Mr. HEWITT, of Alabama. I give notice that if this motion is voted down I shall ask the House to take up the special order for immediate consideration.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Texas that the House take a recess until 8 o'clock this evening.

The question was taken; and on a division there were—ayes 36, noes 64.

Mr. MILLS. No quorum.

Mr. TOWNSHEND. I rise to a parliamentary inquiry. If the motion of the gentleman from Texas prevails would the motion which I have submitted be the pending question to-night when the House assembles?

The SPEAKER. It would.

Mr. TOWNSHEND. I am inclined to think, then, that we had better vote to take a recess.

Mr. HEWITT, of Alabama. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of Alabama. If this motion of the gentleman from Texas does not prevail, I wish to ask whether or not I can call up the special order of April 18 in relation to the Mexican pension bill, reported from the Committee on Pensions? I would like very much to get that before the House for consideration.

The SPEAKER. There is a motion pending to take a recess, and a point of order made that no quorum has voted upon that motion. The Chair would be glad to hear and answer any parliamentary inquiry in relation to the matters before the House.

The gentleman from Texas makes the point that no quorum has voted. The Chair will order tellers.

Mr. MILLS. I withdraw the motion for a recess, and move that the House adjourn.

Mr. ROGERS, of Arkansas. Is the motion of the gentleman from Texas in order?

Mr. TOWNSHEND. I object to the withdrawal of the motion of the gentleman from Texas.

The SPEAKER. Does the gentleman from Arkansas make a point of order against the right of the gentleman from Texas to withdraw the motion?

Mr. ROGERS, of Arkansas. No; I only wish to ask a parliamentary question—whether the motion is in order?

The SPEAKER. The Chair thinks it is.

Mr. TOWNSHEND. But I make the point of order that the gentleman has no right to withdraw the motion, a vote having been taken upon it.

The SPEAKER. A vote has not been taken upon the question presented by the gentleman from Texas. An attempt was made to take a vote upon it, but no quorum voted.

Mr. MILLS. And less than a quorum could not take a recess, but can adjourn.

Mr. TOWNSHEND. No business has been transacted since the last vote on the motion of the gentleman from Texas to adjourn.

Mr. MILLS. But less than a quorum can adjourn.

The SPEAKER. The Chair will cause the decisions on that point to be read.

Mr. MILLS. There can be but two motions in the absence of a quorum—the motion for a call of the House and a motion to adjourn.

The Clerk read as follows:

A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal*, 1, 23, page 651—but there must have been some intervening business.—*Ibid.*, 1, 31, 1092.

[Another motion submitted, progress in debate, or reading a paper by the Clerk, an order to the yeas and nays, &c., has been considered such "intervening business" as will authorize the repetition of the motion to adjourn.]

The SPEAKER. The gentleman from Texas, after the motion to adjourn was defeated, moved to take a recess. The Chair entertained the motion and stated it to the House, and the House proceeded to vote upon it; after which the gentleman from Texas withdrew the motion for a recess. All that is the transaction of business, and it appears on the Journal of the House as such.

Mr. MILLS. And I now move to adjourn.

The SPEAKER. The gentleman now moves that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 86, noes 65.

Mr. TOWNSHEND. I call for the yeas and nays.

The yeas and nays were ordered, 54 members voting therefor.

The question being taken, there were—yeas 101, nays 100, not voting 123; as follows:

YEAS—101.

Aiken,	Davidson,	McMillin,	Slocum,
Alexander,	Deuster,	Maybury,	Snyder,
Barbour,	Dibble,	Miller, J. F.	Stewart, Charles
Barksdale,	Dibrell,	Mills,	Storm,
Bennett,	Dockery,	Money,	Sumner, D. H.
Bland,	Eaton,	Morgan,	Taylor, J. M.
Blount,	Eldredge,	Murray,	Thompson,
Boyle,	Forney,	Mutchler,	Throckmorton,
Bratton,	Garrison,	Oates,	Tillman,
Buchanan,	Halsell,	Ochiltree,	Tucker,
Burnes,	Hancock,	O'Ferrall,	Turner, H. G.
Cabell,	Hatch, W. H.	Parker,	Turner, Oscar
Candler,	Hemphill,	Patton,	Van Eaton,
Carlisle,	Henley,	Peel,	Wallace,
Chace,	Herbert,	Pierce,	Warner, A. J.
Clardy,	Hewitt, G. W.	Potter,	Warner, Richard
Clay,	Hill,	Pryor,	Wellborn,
Clements,	Houseman,	Pusey,	Wilkins,
Cobb,	Hunt,	Randall,	Wilson, W. L.
Converse,	Jones, J. H.	Reagan,	Winans, E. B.
Cook,	Jordan,	Reese,	Wise, G. D.
Cosgrove,	King,	Robertson,	Yaple,
Cox, W. R.	Lanham,	Rogers, J. H.	Young.
Crisp,	Lore,	Seymour,	
Curtin,	Lyman,	Singleton,	
Dargan,	McAdoo,	Skinner, T. G.	

NAYS—100.

Adams, G. E.	Guenther,	Miller, S. H.	Stephenson,
Anderson,	Hanback,	Morrill,	Stevens,
Atkinson,	Haynes,	Neece,	Stewart, J. W.
Beach,	Henderson, D. B.	Nutting,	Stockslager,
Bisbee,	Hepburn,	O'Hara,	Strait,
Boutelle,	Hiscock,	Paige,	Swope,
Brainerd,	Holman,	Payne,	Taylor, J. D.
Breitung,	Holmes,	Peters,	Townshend,
Browne, T. M.	Horr,	Pettibone,	Tully,
Brown, W. W.	Houk,	Poland,	Valentine,
Campbell, J. M.	Jeffords,	Post,	Vance,
Cannon,	Jones, B. W.	Price,	Wadsworth,
Culbertson, D. B.	Keifer,	Ranney,	Wait,
Cutcheon,	Kleiner,	Ray, G. W.	Ward,
Davis, G. R.	Lacey,	Rice,	Washburn,
Davis, R. T.	Lamb,	Rockwell,	Weaver,
Dunham,	Lawrence,	Rogers, W. F.	Weller,
English,	Le Fevre,	Rowell,	Wemple,
Evans,	Libbey,	Russell,	White, J. D.
Everhart,	Long,	Seney,	Whiting,
Finerty,	Lowry,	Shively,	Wilson, James
Follett,	McComas,	Smith, H. Y.	Wolford,
Funston,	McCormick,	Spooner,	Wood,
Glascock,	Matson,	Springer,	Worthington,
Greenleaf,	Millard,	Steele,	York.

NOT VOTING—123.

Adams, J. J.	Culbertson, W. W.	Hoblitzell,	Payson,
Arnot,	Cullen,	Holton,	Perkins,
Bagley,	Davis, L. H.	Hooper,	Phelps,
Ballentine,	Dingley,	Hopkins,	Rankin,
Barr,	Dorsheimer,	Howey,	Ray, Ossian
Bayne,	Dowd,	Hurd,	Reed,
Belford,	Dunn,	Hutchins,	Riggs,
Belmont,	Elliott,	James,	Robinson, J. S.
Bingham,	Ellis,	Johnson,	Robinson, W. E.
Blackburn,	Ellwood,	Jones, J. K.	Rosecrans,
Blanchard,	Ermentrout,	Jones, J. T.	Ryan,
Bowen,	Ferrell,	Kean,	Shaw,
Breckinridge,	Fiedler,	Kelley,	Skinner, C. R.
Brewer, F. B.	Findlay,	Kellogg,	Smalls,
Brewer, J. H.	Foran,	Ketcham.	Smith, A. Herr
Broadhead,	Fyan,	Laird,	Spriggs,
Brumm,	Geddes,	Lewis,	Stone,
Buckner,	George,	Lovering,	Struble,
Budd,	Gibson,	McCoid,	Sumner, C. A.
Burleigh,	Goff,	Milliken,	Talbott,
Caldwell,	Graves,	Mitchell,	Taylor, E. B.
Campbell, Felix	Green,	Morrison,	Thomas,
Campbell, J. E.	Hammond,	Morse,	Van Alstyne,
Carleton,	Hardeman,	Moulton,	Wakefield,
Cassidy,	Hardy,	Muldrow,	White, Milo
Chalmers,	Harmer,	Muller,	Williams,
Collins,	Hart,	Murphy,	Willis,
Connolly,	Hatch, H. H.	Nelson,	Winans, John
Cox, S. S.	Henderson, T. J.	Nicholls,	Wise, J. S.
Covington,	Hewitt, A. S.	O'Neill, Charles	Woodward,
Craig,	Hitt,	O'Neill, J. J.	

So the motion was agreed to.

Mr. WAIT. I ask unanimous consent that the reading of the names be dispensed with.

Mr. MILLS. I object.

The SPEAKER requested the Clerk to call his name; and the name of Mr. JOHN G. CARLISLE having been called, he voted "ay."

Mr. MILLS. I withdraw my objection to dispensing with the reading of the names.

Mr. TOWNSHEND. I renew the objection.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. CALDWELL with Mr. PHELPS, on this vote and for the rest of the day.

Mr. CONNOLLY with Mr. GEORGE, on this vote.

Mr. HOPKINS with Mr. MCCOID, for the remainder of this day.

The result of the vote was then announced as above stated.

And accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Memorial of citizens of Alexandria County, Virginia, for relief by an appropriation of money for aid of said county in respect to persons resident on the Arlington property—to the Committee on the Judiciary.

By Mr. CURTIN: Petition of Mrs. Harriet A. B. Corts, widow of George P. Corts, late assistant adjutant-general of volunteers, United States, asking an increase of pension—to the Committee on Invalid Pensions.

By Mr. EVERHART: Protest of the Philadelphia Board of Trade against the proposed treaty with Spain—to the Committee on Ways and Means.

By Mr. FINDLAY: Memorial of certain merchants and manufacturers of Baltimore, protesting against the ratification of the Spanish and San Domingan treaties and the extension of the term of the Hawaii treaty—to the same committee.

By Mr. GEDDES: Petition from Post No. 34, Grand Army of the Republic, of Norwalk, Ohio, urging the purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HARMER: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. W. H. HATCH: Petition of citizens of Adair County, Missouri, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOPKINS: Petition of Underground Telegraph Company, asking Congress to authorize public buildings and offices to connect with the underground wires in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. B. W. JONES: Protest of the Philadelphia Board of Trade against the proposed treaty with Spain—to the Committee on Ways and Means.

By Mr. JORDAN: Memorial and petition of Edgar Post, Grand Army of the Republic, Dunkirk, Ohio, asking grant of 160 acres of land to soldiers and sailors of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. LACEY: Petition of Harriet Webster, of Leighton, Mich., for increase of widows' pensions—to the Committee on Pensions.

By Mr. LOWRY: Resolutions of B. J. Crosswait Post, Grand Army of the Republic, Department of Indiana, for relief of William M. Carr—to the Committee on Invalid Pensions.

By Mr. MILLARD: Petition of citizens of Owego, N. Y., urging the passage of a national bankrupt law—to the Committee on the Judiciary.

Also, petition of citizens of Tioga County, New York, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. S. H. MILLER: Petition of citizens of West Salem, Pa., in favor of an increase of widows' pensions—to the same committee.

By Mr. RANDALL: Petition of Miss Emma Brown, daughter of the late Capt. Thomas Brown, asking for a pension—to the same committee.

By Mr. G. W. RAY: Petition of citizens of McDonough, N. Y., asking for an increase of widows' pensions—to the same committee.

By Mr. OSSIAN RAY: Petition of J. W. Crosby and 21 others, of O. W. Lull Post, No. 11, Department of New Hampshire, G. A. R., asking for a pension to Mrs. Adeline Gray, dependent stepmother of Harry Gray—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Memorial of Norman Wiard, relative to heavy ordnance—to the Committee on Military Affairs.

By Mr. SENEY: Protest of the Philadelphia Board of Trade against the proposed treaty with Spain—to the Committee on Ways and Means.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 100 citizens of Miltonvale, Kans.

By Mr. BAYNE: Three petitions of ex-soldiers of Allegheny County, Pennsylvania.

By Mr. BOUTELLE: Of W. F. Jenkins and others, of Danforth; of Joseph Small and others, of Steuben; of E. W. Sprague and others, of Sprague's Mills, and of T. C. Robinson and others, of Blaine, Me.

By Mr. T. M. BROWNE: Of 307 citizens of Wayne County; of 114 of Delaware County, and of 53 of Randolph County, Indiana.

By Mr. BURLEIGH: Of 74 citizens and soldiers of Hartford, and 63 citizens and soldiers of Lansingburg, N. Y.

By Mr. W. W. CULBERTSON: Of 164 voters of Maysville, Ky.

By Mr. CULLEN: Of H. E. Benner and 37 others, of Joliet; of John Langton and 82 others, of Streator, and of A. S. Wilkinson and 63 other ex-soldiers, of Ransom, Ill.

By Mr. FUNSTON: Of citizens of Mound City and of Paola, Kans.

By Mr. HEPBURN: Of James C. Galford and 172 others, of Allerton; of J. B. Chaney and 63 others, of Brooks, and of W. F. Moore and 73 others, of Livingston, Iowa.

By Mr. KLEINER: Of citizens and ex-soldiers of Lynnville, Ind.

By Mr. LACEY: Of Cyrus Slosson and 53 others, of Eaton County, Michigan.

By Mr. LONG: Of citizens of Rockland and North Abington, Plymouth County, Massachusetts.

By Mr. McCOMAS: Of 100 citizens of Cumberland, Md.

By Mr. MILLARD: Of citizens of Tioga County, and five petitions of citizens of Broome County, New York.

By Mr. MILLER: Of citizens of Mercer County, Pennsylvania.

By Mr. MORGAN: Of 140 citizens of Bates County; of 65 citizens of Hume; of A. Gilmartin and 21 citizens, of Le Roy, and of W. B. Krimminger and 61 others, of Vandalia, Mo.

By Mr. MORRILL: Of P. P. Gwinn and 172 others, of Onaga, and of Daniel Hunter and 281 others, of Holton, Kans.

By Mr. G. W. RAY: Of citizens of Chenango and Delaware Counties, New York.

By Mr. SENEY: Of A. F. Betts and 112 others, of Seneca County, Ohio.

By Mr. H. Y. SMITH: Of 170 citizens of Marion County, Iowa.

By Mr. WHITING: Of citizens of Cummington, of Erwing, of Shelburne, of Cooleyville, of Huntington, of Berlin, of Amherst, and of Ware, Mass.

By Mr. JAMES WILSON: Of citizens of Tama, of Marshall, of Benton, of Linn, and of Johnson Counties, Iowa.

By Mr. E. B. WINANS: Of Hamlet Hart, M. D., and 40 others, of Eureka; of Alex. O'Rourke and 62 others, soldiers and citizens of Flint; of John H. Sayres and 213 others, soldiers and citizens of Mason, Mich.

SENATE.

MONDAY, *January* 26, 1885.

Prayer by Rev. BYRON SUNDERLAND, D. D., of the city of Washington.

The Journal of the proceedings of Saturday last was read and approved.

SENATOR FROM RHODE ISLAND.

Mr. ALDRICH. The credentials of JONATHAN CHACE, who has been elected a Senator from the State of Rhode Island to succeed the late Senator Anthony, were presented to the Senate on Saturday last. I now ask that the oath of office may be administered to my colleague-elect, who is present.

The PRESIDENT *pro tempore*. If there be no objection, the Senator-elect from Rhode Island will attend at the desk for that purpose.

Mr. CHACE advanced to the President's desk, escorted by Mr. ALDRICH, and the affirmation prescribed by law having been administered to him, he took his seat in the Senate.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JAMES DONALD CAMERON, chosen by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1885; which were read and ordered to be filed.

HOUSE BILLS REFERRED.

The following bills received on Saturday last from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 383) granting a pension to Creet H. Dougherty;
A bill (H. R. 552) granting a pension to Lemuel J. Bennett;
A bill (H. R. 765) for the relief of Emily Agnel;
A bill (H. R. 838) granting a pension to Mrs. Lydia S. Huggins;
A bill (H. R. 1235) granting a pension to Annie E. Bailey;
A bill (H. R. 1587) granting a pension to Mrs. Elizabeth A. Randall, widow of Capt. Fernando Randall;
A bill (H. R. 1898) granting a pension to Harriet Armstrong;
A bill (H. R. 1982) granting a pension to Benjamin Jeffries;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 3833) for the relief of John W. Robson;
A bill (H. R. 3994) granting a pension to William Strickland;
A bill (H. R. 4079) granting a pension to James D. Kirk;
A bill (H. R. 4548) granting a pension to Cordelia Gale;
A bill (H. R. 4668) for the relief of Nathaniel Pond, jr.;
A bill (H. R. 5191) granting an increase of pension to Augustus Jones;
A bill (H. R. 5309) for the relief of Charles Milk;
A bill (H. R. 5554) granting a pension to Sarah Parry;
A bill (H. R. 5605) to increase the pension of Charles H. Brigance from $8 to $20 per month;
A bill (H. R. 5798) granting a pension to John E. Denham;
A bill (H. R. 5902) for the relief of Albertine Cockrum;
A bill (H. R. 5969) increasing the pension of Frederic S. Rich;
A bill (H. R. 6011) granting an increase of pension to Robert Carey;
A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 6882) granting a pension to John Otis;
A bill (H. R. 6946) for the relief of Margaret McCarty;

A bill (H. R. 7092) for the relief of Anthony Beyer;
A bill (H. R. 7175) granting a pension to James O. McKenna;
A bill (H. R. 7262) increasing the pension of Elmira P. Spencer;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 7308) for the relief of David Fried;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 7336) granting a pension to T. A. Morton;
A bill (H. R. 7337) for the relief of Amy A. Lewis;
A bill (H. R. 7338) granting a pension to Chloe A. Whipple;
A bill (H. R. 7340) granting a pension to John Sparr;
A bill (H. R. 7502) granting a pension to Richard W. Barnes;
A bill (H. R. 7561) to allow a pension to George F. West;
A bill (H. R. 7572) granting a pension to Amos McDowell;
A bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord;
A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;
A bill (H. R. 7709) granting a pension to Louisa A. Estes;
A bill (H. R. 7728) for the relief of Pardon H. Morey;
A bill (H. R. 7731) granting a pension to Lois B. Smith;
A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;
A bill (H. R. 7773) granting a pension to William E. Ayers; and
A bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the following memorial of the Legislature of Kansas; which was read:

Senate concurrent resolution No. 12.

Be it resolved by the Senate (the House of Representatives concurring therein), That—

Whereas an effort is being made to secure legislation by Congress creating a so-called cattle-trail across the State of Kansas; and

Whereas such a measure would be prejudicial to the interests of the people of this, and beneficial only to parties who neither reside in nor pay taxes to this State: Therefore,

Be it resolved, That our Senators in Congress be instructed, and our Representatives requested, to resist any and all such attempted legislation by the use of every legitimate and proper means, to the end that justice may be done and the best interests of the people of Kansas subserved.

Resolved, That the secretary of state be, and is hereby, directed to forward copies of these resolutions, properly attested, to the President of the Senate, Speaker of the House of Representatives, and our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal.

Done at Topeka, this 21st day of January, A. D. 1885.

[SEAL.] E. B. ALLEN,
Secretary of State.

Mr. INGALLS. I presume the memorial should be referred to the Committee on Public Lands.

Mr. FRYE. No; it should be referred to the Committee on Commerce, as the bill in relation to that subject is now pending before that committee.

Mr. INGALLS. Very well.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Commerce.

Mr. SAWYER presented a memorial of the iron mining and manufacturing companies of the Lake Superior region, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MORRILL. I present the petition of S. C. Pomeroy, John Coughlin, William Maipe & Co., O. M. Bryant, Hayward & Hutchinson, B. H. Warner, and a large number of persons and firms, representing business houses of the city of Washington, stating that the best location for the proposed city post-office is square 406, between Eighth and Ninth and E and F streets northwest, and praying that it be purchased by the Government for that purpose. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. MORRILL. I also present another petition of the same purport, praying that the location of the proposed city post-office may be on square 406, between Eighth and Ninth and E and F streets northwest, signed by F. B. McGuire, Thomas J. Fisher & Co., R. T. Merrick, N. W. Burchell, H. A. Willard, John Sherman & Co., T. E. Waggaman, and various other persons. I move that the petition be referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of Pennsylvania, praying for the improvement of the Alleghany River; which was referred to the Committee on Commerce.

He also presented resolutions adopted by the West Branch Lumberman's Exchange, of Williamsport, Pa., favoring the improvement of the West Branch of the Susquehanna River; which were referred to the Committee on Commerce.

Mr. HALE presented the petition of S. M. Ackley, lieutenant United States Navy, and other naval officers, praying for legislation in relation to promotion and rank in the Navy; which was referred to the Committee on Naval Affairs.

Mr. FRYE presented the petition of Isaac Emery and others, citizens of Portland, Me., and the petition of C. P. Watlocke and 200 other citizens of Portland, Me., praying for the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Board of Trade, of Bath, Me., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. WILSON presented the petition of Oscar Larson and 300 other citizens of Iowa, and the petition of E. W. Farnsworth and 500 other citizens of Iowa, praying for the passage of an act declaring a forfeiture of the unearned lands embraced in the grant to the Sioux City and Saint Paul Railroad land grant, and being the lands withheld from that company by the State of Iowa; which were referred to the Committee on Public Lands.

Mr. LAPHAM. I present the petition of Alice C. Underwood, of Virginia, in which she recites that her mother, Maria G. Underwood, who was the administrator of the late John C. Underwood, died on the 19th day of July last, and that the petitioner has been duly appointed executrix, and qualified, and given bonds as such. She asks for the substitution of her name in the resolution now pending for an allowance to the estate of her father, John C. Underwood, for expenses incurred in pressing his right to a seat as Senator-elect from the State of Virginia. I give notice that at an early day I shall ask to take up the resolution for consideration. I move that the petition lie upon the table until that time.

The motion was agreed to.

Mr. HOAR presented a petition of residents of Massachusetts and New York, praying that the United States acquire title to the two canals connecting Portage Lake with Lake Superior, and make those canals free of toll to the public; which was referred to the Committee on Commerce.

Mr. HAMPTON presented a petition of the mayor and aldermen of Columbia, S. C., praying for the establishment of a postal free-delivery in that city; which was referred to the Committee on Post-Offices and Post-Roads.

REPORTS OF COMMITTEES.

Mr. PLUMB. The Committee on Public Lands, to whom was referred the bill (H. R. 7299) forfeiting a part of certain lands granted to the State of Iowa, to aid in the construction of railroads in that State, and for other purposes, report it with an amendment. I am instructed by the committee also to ask the Senate to proceed to the consideration of the bill at the present time. It is a House bill. The bill and the proposed amendment have been subjected to the scrutiny of all those who are in any wise interested in it by reason of representation, and the amendment is without objection, as I think. It is very important for a good many reasons that the bill should be disposed of at as early a day as possible. While not of that importance which concerns the convenience of a class of people, it is as I think important.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the bill reported by him from the Committee on Public Lands be now considered. Is there objection?

Mr. LAPHAM. I should like to hear it read.

Mr. PLUMB. The amendment of the committee consists of the substitution of a new bill for all after the enacting clause, and I ask that the Chief Clerk may read that.

The PRESIDENT *pro tempore*. The Senator from New York asks that the bill be read. If there be no objection——

Mr. BAYARD. I do not desire to delay the Senator's bill, but a resolution was offered by me at the close of the last legislative session which I desire to have disposed of before the close of the morning business.

Mr. PLUMB. If the bill leads to debate or is liable to lead to any protracted discussion, I shall not insist on its further consideration this morning.

Mr. BAYARD. If the Senator assents to it, I will ask him to withdraw his request in order to allow me to call up the resolution offered by me at the close of the last legislative session. I apprehend that that resolution will scarcely lead to debate, and its adoption, I think, ought to take place at once.

The PRESIDENT *pro tempore*. The Chair will state that debate on these requests is not in order, and that the resolution named by the Senator from Delaware will be laid before the Senate when the order of resolutions is reached.

Mr. PLUMB. I think that will probably accomplish the Senator's purpose just as well.

Mr. BAYARD. I shall consent now, but may object afterward.

The PRESIDENT *pro tempore*. The Senator from New York, pending the request for unanimous consent, asks that the bill be read for information. If there be no objection the bill will be read for information.

The Chief Clerk proceeded to read the bill.

Mr. HARRIS. For what purpose is the bill being read?

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The Chair understands that the Senator from Kansas [Mr. PLUMB] reported the bill from the Committee on Public Lands and asked the unanimous consent of the Senate to proceed to its consideration. The bill is being read for information.

Mr. HARRIS. We certainly can not consider during the morning hour a bill such as that.

The PRESIDING OFFICER. Does the Senator from Tennessee object?

Mr. HARRIS. I do.

The PRESIDING OFFICER. The Senator from Tennessee objects, and the bill goes upon the Calendar.

Mr. PLUMB. I give notice that I shall ask the Senate at an early day to consider the bill in the morning hour.

Mr. INGALLS, from the Committee on the Judiciary, to whom was referred the memorial of J. W. Niles, representing the association of colored people known as the "Indemnity party," and other colored citizens of Arkansas, praying for the equal protection of the laws in securing homesteads, asked to be discharged from its further consideration and that it lie on the table; which was agreed to.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (S. 2551) for the relief of George E. Moore, of the District of Columbia, and also the petition of said Moore praying for certain relief, direct me to report a substitute for the bill. I ask that it be printed, and give notice, it being important as a matter of time that it be acted upon very promptly, that I shall to-morrow morning ask the Senate to take it up and consider it.

The PRESIDING OFFICER. The bill will be placed on the Calendar.

ROBERT STRACHAN AND OTHERS.

Mr. PIKE. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 1501) for the relief of Robert Strachan, John H. Johnson, Samuel M. Bryan, George Combs, Annie Botts, and George A. Hawkins, to report it adversely; and I am also instructed to report a resolution referring the claim to the Court of Claims. I ask that the resolution may be read and acted upon at the present time.

The resolution was read, as follows:

Resolved, That the claim of Robert Strachan, of Washington, D. C., be referred, in accordance with the provisions of section 1059 of the Revised Statutes of the United States, to the Court of Claims of the United States, together with the vouchers, proofs, and papers pertaining thereto, to be heard and determined by said court.

Mr. PLATT. Is that resolution under consideration?

The PRESIDING OFFICER. Subject to objection.

Mr. PLATT. I do not object to it, but I should like to inquire what the necessity for it is. Has not the committee the province of referring the claim without the adoption of the resolution?

Mr. PIKE. Not without the sanction of the Senate.

Mr. FRYE. This is the usual course.

Mr. PIKE. This does not come under the so-called Bowman act, but under the general provisions of the Revised Statutes, section 1059.

The resolution was considered by unanimous consent, and agreed to.

Mr. PIKE. I move that the bill be postponed indefinitely.

The motion was agreed to.

SMITHSONIAN REPORT FOR 1884.

Mr. MANDERSON, from the Committee on Printing, reported without amendment the following concurrent resolution; and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,060 extra copies, of which 3,000 copies shall be for the use of the Senate, and 6,060 for the House of Representatives, and 7,000 for the Smithsonian Institution.

EULOGIES ON THE LATE SENATOR ANTHONY.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony, to report it without amendment, and I ask for the immediate consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MOTHER OF J. P. RINGGOLD.

Mr. JONES, of Nevada. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred a resolution to pay the mother of John P. Ringgold, deceased, late clerk to the Committee on Commerce, a sum equal to six months' salary, to report it favorably and without amendment. I ask that the resolution be immediately acted upon.

The Senate, by unanimous consent, proceeded to consider the resolution; and it was agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the mother of John P. Ringgold, deceased, late clerk to the Committee on Commerce, a sum equal to six months' salary as clerk aforesaid at the rate of $2,220 per annum, out of the "miscellaneous items" of the contingent fund of the Senate, the said sum to be considered as including the funeral expenses and all other allowance.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 2579) granting a pension to Catharine S. Hewett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 2580) allowing the widow of E. Rumsey Wing, late minister to Ecuador, one year's salary; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALLISON introduced a bill (S. 2581) for the relief of C. M. Nittig; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 2582) to create the office of assistant chief signal officer, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MILLER, of California, introduced a bill (S. 2583) for the relief of Charles Murphy; which was read twice by its title, and referred to the Committee on Claims.

Mr. DOLPH introduced a bill (S. 2584) for the relief of Christian R. Purdum, Henry E. Clark, John M. Lamb, and Julius C. Shainwald; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. GORMAN introduced a bill (S. 2585) for the relief of James Albert Bonsack, of the State of Virginia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Patents.

Mr. PLUMB introduced a bill (S. 2586) for the relief of Ira Hawarth; which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. COCKRELL, Mr. MCMILLAN, and Mr. VEST submitted amendments intended to be proposed by them respectively to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

The message also announced that the House had passed a bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

PROTECTION OF CHILDREN.

Mr. RIDDLEBERGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

1. In line 11 of section 2, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight;" so that the clause will read "in their presence or sight;" and the House agree to the same.

2. In lines 2 and 3 of section 4, that in lieu of the word "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
JOSEPH E. BROWN,
Conferees on the part of the Senate.

WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Conferees on the part of the House.

The report was concurred in.

ATTEMPT TO DESTROY BRITISH PARLIAMENT HOUSE.

The PRESIDING OFFICER. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution submitted on Saturday last by the Senator from Delaware [Mr. BAYARD].

The resolution was read, as follows:

Resolved, That the Senate of the United States has heard with indignation and profound sorrow of the attempt to destroy the Houses of Parliament and other public buildings in London, and hereby expresses its horror and detestation of such monstrous crimes against civilization.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. BAYARD. Mr. President, I am better satisfied after the lapse of a day to ask now for the adoption by the Senate of the resolution offered by me at the close of the last legislative session, because this body has now the opportunity to affirm deliberately what spontaneously and instinctively prompted expression on the instant of information of the uncivilized, cruel, and barbarous attempt to destroy in another country human life, and with it public buildings dedicated to a government of laws, in the vain hope, possibly, to gain relief from suffering by thus overthrowing law itself in its very citadel, and at the cost of suffering and death to innocent persons.

It seemed to me eminently proper that as a law-making body of the American people the Senate should express its antagonism to a spirit which by destroying law will necessarily destroy all hopes of that liberty that can only exist under law.

To give emphatic expression to the meaning of this action, I ask for the yeas and nays on the passage of the resolution.

Mr. RIDDLEBERGER. I move to refer the resolution to the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Delaware asks for the yeas and nays on the adoption of the resolution. It is usual first to ascertain if the call for the yeas and nays is seconded.

Mr. RIDDLEBERGER. When we reach that point I shall make the motion to refer.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. I move to refer the resolution to the Committee on Foreign Relations.

Mr. BAYARD. I ask for the yeas and nays upon the motion to refer the resolution.

The PRESIDING OFFICER. The Senator from Virginia moves to refer the resolution to the Committee on Foreign Relations, on which motion the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. RIDDLEBERGER. Mr. President, I ask to refer the resolution to the Committee on Foreign Relations because I presume that that is the appropriate committee for the reference of such a resolution. I can receive information such as we have had here with "profound sorrow;" I am not always prepared to say that I receive it with "indignation." I would prefer that the Committee on Foreign Relations should report back the resolution after they shall have received more information than we have up to this time.

I believe the President of the Senate, on Saturday evening, ruled that this was legislative business, and that it should properly go into the legislative Journals or the record of the Senate, and I supposed it was understood here that what was said in connection with the resolution at that time would also make a part of the Senate record. It does not so appear. Warranted by the ruling of the President of the Senate, I can go back to Saturday evening and there find that a number of Associated Press telegrams were read in the Senate announcing that certain things had occurred in England, and then it was that the Senator from Delaware offered this resolution. I asked that the doors might be opened and the injunction of secrecy removed, when the Senator from Kansas [Mr. INGALLS] asked that the resolution might go over until this morning. That is the record. Now we have it this morning in the regular order of business.

It is a resolution expressive of the indignation of the Senate of the United States at the blowing up of certain buildings in England, because forsooth it was destructive of buildings in which the laws of England are made which guarantee liberty to the subjects of Great Britain. That reason is not sufficient to induce me to vote for the resolution. We can not be expected to approve all the methods of the Irish people, but while we are preparing and experimenting with dynamite to blow vessels out of the water and to drown people in the ocean, it scarcely becomes us to say that a people who do not constitute a government and can not make a proclamation of war shall not use the same instruments of war that we would use under the same circumstances. Put any of us in a country where we could not own land, where we could not exercise the God-given right of owning a foot of land, even though we earned it by the sweat of our faces, and then see what kind of methods we would employ.

I do not mean to justify the method, but I do mean to say that I shall not here vote for any resolution that may be distorted into an expression of sympathy, or even of common fellowship, with a country that knows nothing but tyranny, that practices nothing but cruelty in her wars, and gives none of her subjects the exercise of that liberty which we say on this side of the Atlantic belongs to every one. But a short time ago both Houses of the United States Congress were somewhat disturbed by the rendering of a judicial opinion in England, then trying some Irishmen, in which the judge violated every principle of the common law (and about all I like England for is her common law), violated every principle of the Bill of Rights, of Magna Charta, of the Constitution of the United States, by determining a question of fact for the jury itself. Was there any expression of indignation here by the Senate then? None that I heard of; none that the country has heard of. If an English judge can sit upon the bench there, with an Irishman before him on trial for his life, and can say to the jury "these are the facts," and that elicits no expression of indignation on the part of the law-making power of the United States, then I ask to be excused from expressing my sympathy in a matter such as we now have under consideration.

Now, sir, I say again that I am not here to approve these methods; but we do know the fact that there is war absolute between Ireland and England, so far as Irishmen without a government can make it. We are so neutral here as that some Senators think we ought not to dig a ditch without the consent of England—so liberal in everything that we can not express an opinion about anything concerning England unless it is an opinion adverse to a poor, struggling island that we need not fear.

Ah! sir, we find the fact staring us in the face to-day that a government which boasts of its common law, of which the Senator from Delaware has spoken as a government of law and liberty, has not dared to do justice to the population of Ireland for a hundred or more years. Though her natural increase of population has been equal to that of England herself, yet 2,000,000 less people inhabit the island to-day than did inhabit it two decades—twenty years—ago.

I am not here to express an opinion on matters of this sort or resolutions of this kind under these peculiar circumstances. I am entirely willing to let those people alone, for any resolution that we pass will be construed there as an expression of sympathy and fellowship with a country of cruelty and tyranny in dealing with her provincial subjects.

For that reason, and for that alone, I ask to have this resolution referred to the Committee on Foreign Relations.

Mr. MILLER, of California. Mr. President, I do not wish to enter into any debate on the questions raised by the Senator from Virginia. I do not think it necessary to refer this resolution to the Committee on Foreign Relations, because I believe it is expressive of the sentiment of the American people universally, including all classes of citizens of the United States, and I think we can vote upon it without any report from a committee.

Mr. LAPHAM. I offer an amendment, which I trust the Senator from Delaware will accept.

The PRESIDING OFFICER. The amendment is not in order pending a motion to refer.

Mr. HOAR. Let it be read.

The PRESIDING OFFICER. It may be read for information.

Mr. LAPHAM. I think it will receive unanimous consent.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. After the word "London," in the third line, it is proposed to insert:

And to imperil the lives of innocent and unsuspecting persons.

Mr. BAYARD. I very gladly accept the amendment.

The PRESIDING OFFICER. The Senator from Delaware modifies his resolution by accepting the amendment.

Mr. HOAR. The yeas and nays having been ordered, it requires unanimous consent to modify the resolution. I suppose there will be no objection, however.

The PRESIDING OFFICER. Is there unanimous consent that the resolution may be modified in the way proposed? The Chair hears no objection.

Mr. RIDDLEBERGER. I am forced to object to it. I object because I do not understand that we have any information on which to base such a resolution. I do not understand that we have any information here upon which to base such a resolution as this, and therefore I object. I can see every day where we get information of some building being blown up or something being done; but we do not act here on that sort of information. I object to the modification.

The PRESIDING OFFICER. The Senator from Virginia objecting, the resolution is still pending without amendment; and the question is on the reference to the Committee on Foreign Relations, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 2, nays 58; as follows:

YEAS—2.

Riddleberger,	Van Wyck.		

NAYS—58.

Aldrich,	Dawes,	Jonas,	Pike,
Bayard,	Dolph,	Jones of Florida,	Platt,
Beck,	Frye,	Jones of Nevada,	Plumb,
Bowen,	George,	Kenna,	Pugh,
Brown,	Gibson,	Lapham,	Ransom,
Butler,	Gorman,	McMillan,	Sawyer,
Call,	Groome,	McPherson,	Sherman,
Cameron of Pa.,	Hale,	Manderson,	Slater,
Cameron of Wis.,	Hampton,	Maxey,	Vance,
Chace,	Harris,	Miller of Cal.,	Vest,
Cockrell,	Harrison,	Miller of N. Y.,	Walker,
Coke,	Hawley,	Morgan,	Williams,
Colquitt,	Hoar,	Morrill,	Wilson.
Conger,	Ingalls,	Palmer,	
Cullom,	Jackson,	Pendleton,	

ABSENT—16.

Allison,	Fair,	Lamar,	Sabin,
Blair,	Farley,	Logan,	Saulsbury,
Camden,	Garland,	Mahone,	Sewell,
Edmunds,	Hill,	Mitchell,	Voorhees.

So the motion to refer was not agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the resolution.

Mr. LAPHAM. I now renew the amendment I offered.

The PRESIDING OFFICER. The amendment of the Senator from New York will be read.

The CHIEF CLERK. After the word "London," in line 3 of the resolution, it is proposed to insert:

And to imperil the lives of innocent and unsuspecting persons.

So as to make the resolution read:

Resolved, That the Senate of the United States has heard with indignation and profound sorrow of the attempt to destroy the Houses of Parliament and other public buildings in London, and to imperil the lives of innocent and unsuspecting persons, and hereby expresses its horror and detestation of such monstrous crimes against civilization.

Mr. BAYARD. I believe I have the right as the mover of the resolution to accept the modification.

The PRESIDING OFFICER. The yeas and nays having been ordered, it can only be done by unanimous consent.

Mr. FRYE. There can be a reconsideration of the vote ordering the yeas and nays, I think, without difficulty.

The PRESIDING OFFICER. The amendment may be acted upon in a moment by a vote.

Mr. RIDDLEBERGER. I shall not object any longer to having the resolution improved.

The PRESIDING OFFICER. The Senator from Virginia withdraws his objection to the modification.

Mr. RIDDLEBERGER. Yes, sir, and I now move to postpone the consideration of the resolution until Wednesday immediately after the morning hour.

The PRESIDING OFFICER. The Senator from Virginia withdraws his objection to the modification proposed by the Senator from Delaware, and it is incorporated in the resolution.

Mr. BAYARD. Yes, sir.

Mr. RIDDLEBERGER. I withdraw the objection to the amendment of the Senator from New York only because I think the resolution is in such shape that it can not be very materially damaged or improved by any amendment that may be placed upon it. I ask that the Senate postpone the consideration of the resolution until Wednesday immediately after the morning hour. We shall have had time then to know exactly what we are expressing our sympathy with in the resolution. We know nothing this morning that we did not know Saturday afternoon. We are rushing in here to pass a resolution that is to fix our position of sympathy on one side or the other of a contest that we can not close our eyes to or fail to see is going on; and we have nothing upon which to base it except the cablegrams of Saturday evening and those which appear in the newspapers of this morning.

Now, sir, I think the Senate of the United States can afford to wait until Wednesday. The passage of this resolution to-day does not place back any stone that has been blown from place by dynamite; the passage of this resolution to-day does not restore a lost limb or a life, if there be one lost. It simply puts us upon record here as the Senate of the United States in the expression of sympathy with England and against Ireland. That is what it does; nothing more, and nothing less; and when this resolution is passed, that will be the shape into which it will be distorted, I care not how it may be amended or how it may be improved by gentlemen who offer amendments to it.

I am not much of a stickler for precedents; but I question whether the Senate can find a precedent that will justify this hasty action here on Monday morning. I can not close my eyes and declare I will not see. I know as well what the bug is under this chip as I know that the resolution is pending here for the consideration of the Senate. It is not a question of socialism; it is not a question of nihilism; it is not a question of murder by one man of another; but it is a great and growing question that has been great from its inception, and has been growing from the time that it started.

If I could simply vote for a resolution that would express my regret at the death of a policeman over yonder—and I believe he is the only man, so far as I have heard, that was killed—if I could express my regret at the injury of any children and women in London, if I could express my regret here at the mere fact of the Parliament houses having been blown up and the Tower of London having been shaken, if the resolution were put in that form, I should vote for it readily. But when you offer a resolution which is really expressive of the sympathy of this Government with that, then I am not ready to vote for it and can not. Though I may be the only one voting against it, I may reverently thank God that I have got moderately used to voting by myself. I therefore ask that this resolution go over until Wednesday. I think that is a reasonable request. By that time we shall have more information. We shall have time then to frame a resolution expressive of our regret at the death of any of our friends if any of them have been killed; we may express our regret for those who have been maimed by name, if that be Senatorial; but to express any regret or to express anything that may be construed by any possibility into an expression of even common fellowship with the Government of England in the struggle which Ireland is making against her or she is making against Ireland, I can not and will not vote.

Mr. HOAR. Mr. President, I do not propose to enter into any discussion at this time. The state of my throat and lungs would prevent it if I were otherwise inclined. I only rise in consequence of a word which has been uttered by the Senator from Virginia and in consequence of an intimation which I see reported in the morning papers attributed to the representative of her Britannic Majesty's government in this country.

The Senator from Virginia seems to treat the occurrence which has taken place in London, of the authenticity of the reports of which there can be no question, as if it were a method of warfare adopted by Ireland or the Irish people against England, and their method of asserting their rights in the contest which has been going on for so many centuries. Now I have among my own constituency, in the city where I dwell and in the Commonwealth of Massachusetts, a very large number of persons of Irish descent. They are an intelligent, patriotic, manly, brave race. Their clergy are scholars and men of learning, men of piety, men of humanity, and men of charity. Their youth are growing up under the influence of American institutions and American schools, acquiring with a marvelous rapidity the habits of free government and the character which becomes freemen and sovereigns in a free government. And I think I am justified in stating that the doctrine expressed in this resolution is their doctrine as it is the doctrine of all other American citizens; that whatever wrongs they have to complain of, great as they have been as is admitted in the past, great as they continue to be as I believe in the present at the hands of England toward the island of their origin, and for which they have the love that all mankind have for the spot where they or their ancestors were born, the making by secret methods of assassination a warfare, not upon the wrongdoer, not upon the representative of the wrongdoer, not upon the army the instrument of the wrongdoer, but upon unoffending women and children, is as repugnant to the nature of that generous and brave race as it is to the nature of any other class of American citizens.

I see attributed to Her Britannic Majesty's representative at Washington the suggestion that the Government or people of the United States have in some mode been to blame or remiss in the matter of legal prohibition against such designs originating in this country, and I see reported from the British press some indications of a feeling there that America has been at fault in extending her right of asylum upon her soil to Irish exiles. I believe America has always performed the duties of neutrality as required by the law of nations and as required by a sound and wise regard for the interests of other civilized nations. We can not undertake to deal with mere speech; we can not undertake to deal with mere violent expressions of indignation; we can not undertake to deal with mere vapor; and, if we did, those things would be more dangerous to foreign governments if they were repressed than if they were suffered to be discharged and pass off in the natural way.

I think the United States will be as ready to make strict and efficient laws as she has in the past against the actual originating crimes, offenses, violence upon her soil directed against foreign governments or foreign peoples as any other nation ever has been or ever will be. Certainly we can submit our conduct in that respect to a comparison with that of the Government of Great Britain without shrinking or flinching.

But that is not the question of the present hour, and I should not have adverted to it but for these utterances which have been attributed to the British minister.

I shall give my vote for the resolution submitted by the honorable Senator from Delaware, with great confidence that in giving it I express the opinion of the brave and manly American citizens of the Irish race who are among my constituents, and the brave and manly lovers of Ireland as the land of their nativity, as much as the opinion of any other class of American citizens.

Mr. RIDDLEBERGER. Mr. President, I should not ask the indulgence of the Senate a moment longer but for the fact that the Senator from Massachusetts has assumed that I hold that this proposed mode of warfare was adopted by the Irish people. I said I was not called on here to approve the method even if it had been adopted. I disclaim that I have any knowledge of this, and I also deny that any other Senator here has any knowledge upon which he can base any assumption as to whether this was the work of a few people or a number of people, whether it was the work of one man or a thousand or a million. That is the reason I asked that we shall not express any opinion about it at all. I repeat that I am not called upon to express my approval of these methods. I am not called upon to express my disapproval of anything, nor to express sympathy with England in this matter. That was all, and that was the only reason why I objected to the resolution.

Mr. GIBSON. Mr. President, I regard the resolution offered by the Senator from Delaware [Mr. BAYARD] as appropriate, and it will command my cordial support.

If the deplorable transaction to which it relates concerned only the destruction of private property and the lives of individual citizens, the resolution might be held to be out of season and irrelevant, but it is manifest that the dynamite was employed to accomplish a public purpose—to destroy the lives of the members of the Parliament of Great Britain and Ireland, and the houses in which the British Parliament convenes, the most venerable parliamentary assembly in the world, upon which our own Congress was modeled by our forefathers, who were, it must be remembered, born and reared British subjects.

Kindred in institutions and in blood, it is meet and proper that the American Senate should express its sympathy for the law-givers and people of the United Kingdom upon the occasion of their escape from so great a public calamity and its abhorrence of the atrocious crime that was designed. But, sir, not only was the purpose reprehensible, but the means employed were simply diabolical.

Persons who use dynamite stealthily and by secret plots and agencies

to take life and destroy property dedicated to public or private purposes place themselves in the category of those who find in poison the proper means to execute the basest passions of the human heart.

The plotters and perpetrators of the foulest crimes by these methods and means are what pirates are on the sea—they are assassins, the most accursed and degraded of all criminals. They are the common enemies of mankind—*hostes humani generis.*

Sir, they are no patriots, but the enemies of their country, whatever may be the country that endures the shame to harbor or to own them. They are not soldiers, for no man that ever carried a musket bravely on the field of battle could find it in his heart to do murder by stealth; soldiers can not be assassins. Nor are they brave men, for secret murder is the resort of craven cowardice.

Above all, they are not Irishmen, for Irishmen are patriots; they are soldiers and brave men, who never strike in the back.

Ireland does not seek a remedy for the wrongs that centuries of unjust oppression have imposed upon her by poison and dynamite, by assassination and crime. She will find it in the intelligence and manhood of her sons and in the resources of civilization, which offer to her, and to all others who may be suffering from tyranny, the hope and means for the recovery of justice and freedom.

I see, therefore, in this resolution nothing unfriendly to Ireland, but a fitting expression on the part of the American Senate, nay, on behalf of the American citizens of Irish descent, brave and manly and heroic, in whatever part of our land they may live—a fitting expression of our sympathy for those who have escaped a great catastrophe, and our earnest detestation of a species of crime that stains the civilization of our age.

Mr. INGALLS. Mr. President, I observe in the dispatches from London, printed on Saturday evening and yesterday morning, that there was a profound feeling expressed among the citizens of Great Britain in favor of bringing some pressure to bear upon the people of the United States to prevent further operations by those who are employing dynamite as an instrument of destruction. The dispatches further said that this sentiment had been somewhat mollified by information of the bill offered by the Senator from Vermont [Mr. EDMUNDS] in the Senate of the United States, as expressive of a determination on the part of the American people that this Government should not be held in any way whatever responsible for these revolting outrages. I notice also an additional statement, that at a railway station an American traveler was assailed by infuriated Englishmen because he was an American, and only escaped violence by the display of use of his revolver.

Mr. President, I shall vote for the adoption of the resolution offered by the Senator from Delaware, not as expressive in any way whatever of the inculpation of the American people in these crimes; not because I believe there has been any sympathy on the part of the United States with those who have been engaged in them; not as an apology; not as an implication of any conviction that there has been guilty complicity on the part of any of the citizens of this country, but only as a declaration of my abhorrence of these methods that have been employed, and my conviction that those who employ them are not alone the worst enemies of the cause that they assume to represent, but of the cause of civilization and good government everywhere.

Sir, the bombs that shattered the walls of the Parliament Houses of England and the Tower of London shook the foundations of every capital in Christendom. There was no parliament house from Paris to St. Petersburg that did not tremble at that blow. Such acts are declarations of war against society, and merit and must receive the condemnation and abhorrence of all patriotic and thoughtful men.

But, sir, there is something worse in society than dynamite, and that is the passions, the wrongs, and the guilt which make dynamite possible. The worst dynamite is in the soul of man. Poverty, helpless and hopeless, oppression, ignorance, vice, the wrongs of centuries, are the ingredients of that minister of destruction. Every effect has its cause. Tyranny makes the nihilist. Despotism makes the Carbonari and the Commune. Free and happy citizens do not murder monarchs, nor destroy their capitols; and I intend by my vote on this resolution to express my detestation of injustice everywhere, and to say further that if it assumed that the American people or that the Irishmen naturalized in America are in any way responsible for or in sympathy with these crimes, or are in any manner their accomplices and abettors, I repel and disavow it.

The terrible events of Saturday convey a solemn and portentous lesson. No matter what opinion the student of history may have about the course of England toward Ireland for centuries; of her policies in the East Indies, in China, in Egypt, in New Zealand, in all portions of the earth where her power has been exerted, there can be but one opinion of the lesson that these occurrences teach; and that is, that for nations, as for men, there is nothing ultimately so unprofitable as injustice. The thief robs himself; the murderer inflicts a deeper wound upon himself than that which slays his victim; a nation or a state that imposes chains upon any portion of its citizens or its subjects places heavier manacles upon itself than those which bind its helpless victims; and those who deny the rights of mankind or impair the essential prerogatives of freedom anywhere must not forget that behind them, silent and tardy it may be, but inexorable and relentless, stands, with uplifted hand, the menacing specter of vengeance and retribution.

The PRESIDENT *pro tempore.* The question is on agreeing to the motion of the Senator from Virginia to postpone the further consideration of the resolution until Wednesday next.

Mr. RIDDLEBERGER. As the Senator from Kansas has referred to one incident, I have a paper in my hand giving a full account which I will read:

An American traveler, whose name is not known, was in a train of the Northwestern Railway going from London to Liverpool on Saturday, when an excited discussion arose over America's responsibility for the dynamite explosions. The opinion was freely expressed that the United States was greatly to blame for harboring such men as O'Donovan Rossa. The American defended his country in vigorous language, and was attacked by a crowd of the passengers. The American drew a revolver and kept his assailants at bay until the train reached Chester, when he jumped from the carriage and escaped.

That is about as nearly killing an American as I can hear that any Englishman came by the explosion, according to the dispatches which we had read in the Senate up to Saturday evening, when this resolution was promulgated. I can appreciate very fully what the Senator from Kansas has said, and I make the application as I suppose where he intended to direct it when he said dynamite is in the souls of men and men make dynamite possible. I am not defending dynamite. I am not here to defend the use of dynamite; I am not here to condemn it. I am not here to condemn it because it is used in violation of laws or of constitutions by a people who have no government with power to declare war. I can recall—and it is an unpleasant recollection—what transpired once at Harper's Ferry, when the lives of women and children were placed at imminent risk. That was at a time when the Constitution of this country said that slavery might live south of a certain parallel of latitude. I can remember these things, and the public sentiment of this country said that the men for whose benefit the Harper's Ferry raid was intended to liberate ought to be free, and they justified the means to that end. Constitutions were pierced by pikes, and laws were trodden under foot; and yet the decision of this country was finally that constitutions were made only to guarantee the liberties to which men were entitled. I say here, sir, from this place, that the people of Ireland, save and except only the fact that they are not chattels subject to sale and delivery, are as much in slavery as the African was in the South; ay, more, for among these certain persons could own property and, in some States South, vote; but an Irishman can not even own the land where he lives except with the consent of the British Crown. Ask me then to give expression to anything that can be tortured into sympathy with England in a matter of this sort! I can not and will not do it.

It is true, as the Senator from Louisiana says, these Irishmen are not soldiers. No, sir; they are not citizens even. Soldiers are never assassins, he says. True, brave soldiers never were. An Irishman can not even be a citizen, much less a soldier, and he can not be a policeman unless he first turns his back upon his own country. If the blowing up of the Parliament House of England shook every government center from Paris to St. Petersburg I am glad to know that we did not feel the thrill over here; and but for the introduction of the resolution offered by the Senator from Delaware, it would have passed away with the dispatches of Saturday and Monday morning.

Now, sir, I ask whether any Senator here has heard a single reason advanced why the Senate of the United States should pass this resolution. There is no reason except the one that the resolution was offered and is pending, and you dare not vote against it. That is the only reason for voting for it. When we vote for it we do something affirmative; and if we were wise we would do nothing affirmative, and then we could be charged with no neglect of duty.

No single reason has yet been advanced why this resolution should pass. It just simply stands here as a resolution of an experienced Senator from the State of Delaware, and therefore it must pass. That is all there is in it. If there is any other reason I have failed up to this time to find it in anything that has been said in its behalf.

Mr. HAWLEY. Mr. President, the American people have twice had solemn experience of the awful crime of assassination. In each case the wild news went shuddering on the wings of the lightning to the uttermost corners of the earth, and from every tribe and nation, pagan and civilized, came back solemn and indignant denunciation. The crimes in question to-day are far worse, far meaner, far viler, and more devilish. They have not the logic of assassination; they are not directed, as the bomb was against Alexander or against Napoleon, to the ruler of a country. They are simply an insensate dash against humanity. Who suffers? Two poor policemen, fifteen or twenty women or children out for a holiday visiting the public buildings. What "good" will this resolution do? I do not know. It does me good to curse the crime. It does the world good to hear from the whole world a denunciation of such deeds.

I should have been glad to simply record my name in a unanimous vote of the Senate in condemnation. I decline to discuss any of the questions which mere imagination can connect with it. The Irish agitation has nothing to do with it. I protest that I never heard an Irishman who did not lament such outrages, because fools charge them to his

race. I lay aside all other questions, and I protest that men of all creeds, all races, and all nations curse this work.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia to postpone the consideration of the resolution until Wednesday next.

Mr. RIDDLEBERGER. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yea 1, nays 62; as follows:

YEA—1.

Riddleberger.

NAYS—62.

Aldrich,	Dawes,	Jackson,	Pike,
Allison,	Dolph,	Jonas,	Platt,
Bayard,	Edmunds,	Jones of Florida,	Pugh,
Beck,	Frye,	Jones of Nevada,	Ransom,
Bowen,	Garland,	Kenna,	Sabin,
Brown,	George,	Lapham,	Sawyer,
Butler,	Gibson,	McMillan,	Sherman,
Call,	Gorman,	McPherson,	Slater,
Cameron of Pa.,	Groome,	Manderson,	Vance,
Cameron of Wis.,	Hale,	Maxey,	Van Wyck,
Chace,	Hampton,	Miller of Cal.,	Vest,
Cockrell,	Harris,	Miller of N. Y.,	Walker,
Coke,	Harrison,	Morgan,	Williams,
Colquitt,	Hawley,	Morrill,	Wilson.
Conger,	Hoar,	Palmer,	
Cullom,	Ingalls,	Pendleton,	

ABSENT—13.

Blair,	Hill,	Mitchell,	Voorhees.
Camden,	Lamar,	Plumb,	
Fair,	Logan,	Saulsbury,	
Farley,	Mahone,	Sewell,	

So the motion to postpone was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the resolution, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 63, nay 1; as follows:

YEAS—63.

Aldrich,	Dawes,	Jackson,	Pendleton,
Allison,	Dolph,	Jonas,	Pike,
Bayard,	Edmunds,	Jones of Florida,	Platt,
Beck,	Frye,	Jones of Nevada,	Pugh,
Bowen,	Garland,	Kenna,	Ransom,
Brown,	George,	Lapham,	Sabin,
Butler,	Gibson,	McMillan,	Sawyer,
Call,	Gorman,	McPherson,	Sherman,
Cameron of Pa.,	Groome,	Mahone,	Slater,
Cameron of Wis.,	Hale,	Manderson,	Vance,
Chace,	Hampton,	Maxey,	Van Wyck,
Cockrell,	Harris,	Miller of Cal.,	Vest,
Coke,	Harrison,	Miller of N. Y.,	Walker,
Colquitt,	Hawley,	Morgan,	Williams,
Conger,	Hoar,	Morrill,	Wilson.
Cullom,	Ingalls,	Palmer,	

NAY—1.

Riddleberger.

ABSENT—12.

Blair,	Farley,	Logan,	Saulsbury,
Camden,	Hill,	Mitchell,	Sewell,
Fair,	Lamar,	Plumb,	Voorhees.

So the resolution was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. Concurrent and other resolutions are still in order.

Mr. CULLOM. It is now within a few minutes of 2 o'clock, and I move that the Senate proceed to the consideration of the unfinished business.

Mr. McMILLAN. I hope the Senator from Illinois will withdraw that for the purpose of allowing morning business to be presented.

Mr. CULLOM. I will withdraw the motion for morning business.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

Mr. CULLOM. I should like to say a word before that motion is put, if I may be allowed. I hope the Senate——

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent to address the Senate on the motion of the Senator from California that the Senate now proceed to the consideration of executive business. Is there objection? The Chair hears none. The Senator from Illinois will proceed.

Mr. CULLOM. I shall not address the Senate at length. I only rose to express the hope that the Senate, instead of going into executive session to-day, would give its consideration to the unfinished business, the bill in relation to interstate commerce. I think if we are going to secure any legislation upon that subject, we ought to proceed with the consideration of the bill until it is concluded and some measure is passed. I hope that the Senator from California will not insist upon his motion to-day, but will allow us to go on with the consideration of that bill. I think in one or two days, at any rate, we shall be able to complete the consideration of that bill and get some measure through the Senate. I think it will be a saving of time, as well as securing legislation on an important subject, if that bill be allowed to proceed.

Mr. MILLER, of California. Mr. President——

The PRESIDENT *pro tempore*. The Senator from California asks unanimous consent to address the Senate on this motion. Is there objection? The Chair hears none. The Senator from California will proceed.

Mr. MILLER, of California. I am forbidden by the rules to state the reasons why I make this motion, but those reasons are well known to all the Senators present. There is business before the Senate which can only be done in executive session that is of more pressing importance than any other. I am as anxious to have a bill passed of some sort regulating interstate commerce as the Senator from Illinois, but in the condition of affairs I deem it proper to press forward the other business which is before the Senate.

Mr. MILLER, of New York. I desire to ask the Senator from California to withhold his motion for a moment, as I desire to take up Order of Business 866, being Senate bill 1291.

The PRESIDENT *pro tempore*. The Senator from New York appeals to the Senator from California to withdraw his motion.

Mr. MILLER, of New York. Only for a moment.

Mr. MILLER, of California. What is the bill?

Mr. MILLER, of New York. I desire to call up a bill for passage.

Mr. MILLER, of California. That can be done to-morrow morning. I would rather not give way now.

Mr. MILLER, of New York. It will take only a moment, as it will not lead to discussion.

Mr. MILLER, of California. If it causes no discussion, I yield.

The PRESIDENT *pro tempore*. The Senator from California withdraws his motion.

LANDS FORMED IN SAGINAW BAY.

Mr. MILLER, of New York. I ask unanimous consent to take up Senate bill 1291.

The PRESIDENT *pro tempore*. The Senator from New York moves that the Senate now proceed to the consideration of the bill (S. 1291) to quiet and confirm the title to certain lands in the Saginaw Bay, in the State of Michigan. The question is on agreeing to the motion.

Mr. SHERMAN. I think that had better be read in the first place. I should like to hear it read to see whether it is subject to objection.

The PRESIDENT *pro tempore*. The bill will be read for information if there be no objection.

The bill was read.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion that this bill be now considered.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was after the word "relinquished," at the end of line 8, to strike out "and granted;" so as to read:

That all the rights and title of the United States in and to all the accretions and marsh formations now existent connected with and added to Mai-Sou Island; in the Saginaw Bay, situate in township 16 north, of range 9 east, in the State of Michigan, since said island was surveyed under the authority of the United States, are hereby relinquished to the person who at the time of the passage of this act has the legal title to said Mai-Sou Island, &c.

The amendment was agreed to.

The next amendment was to add to the bill the following proviso:

Provided, That before such relinquishment shall take effect the person having the legal title to Mai-Sou Island as aforesaid shall pay to the Commissioner of the General Land Office, for the use of the United States, one dollar and a quarter per acre for the land so relinquished.

The amendment was agreed to.

Mr. CONGER. In the fifth line I move to strike out the word "added" and insert "adjacent," so as to read "connected with and adjacent to Mai-Sou Island."

The amendment was agreed to.

Mr. PLATT. It seems to me there ought to be some explanation of this bill. It may possibly be all right, but we know nothing about it except that the United States is giving away a lot of land.

Mr. CONGER. Will the Senator allow me to offer the amendments I propose?

Mr. PLATT. I have no objection to that being done.

Mr. CONGER. I move to insert in the sixth line, after the words "range nine east," for the purpose of confirming this: "In sections 3, 4, 8, 9, 10, and 17 in Huron County." This is an amendment to limit and define the relinquishment. A little of this marsh and accretion land comes in each of these sections, and I wish to limit it to the sections.

The amendment was agreed to.

Mr. CONGER. I move to add at the end of the proviso:

And a survey and plat of said relinquished lands shall be filed in the United States land office at Saginaw, State of Michigan, and in the General Land Office, city of Washington, District of Columbia.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of the former sitting, being the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers. The pending question is on the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. CULLOM. I only rise to express the hope that the Senate will proceed with the consideration of the bill.

Mr. MILLER, of New York. I ask unanimous consent to lay aside the regular order until the other bill is finished.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the regular order be informally laid aside and that the Senate continue the consideration of the bill taken up on his motion.

Mr. CULLOM. I inquire of the Senator from New York if there is going to be debate?

Mr. MILLER, of New York. The amendments are all offered and are all agreed to.

Mr. CULLOM. Then I shall not object.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from New York? The Chair hears none, and the Senate resumes, as in Committee of the Whole, the consideration of the bill last before the Senate. The Senator from Michigan has proposed an additional amendment. The question is on the amendment.

The amendment was agreed to.

Mr. BAYARD. I ascertained upon inquiry at the desk that there is no written report accompanying this bill. I ask the Senator who reports it what amount of land is thus disposed of?

Mr. CONGER. I only know from the map of the original survey of an island in Saginaw Bay some six or seven miles from the mainland; that at the time of that survey there was near it shoal land upon which reeds and rushes grew under water. Since that time by subsequent examinations and surveys a different state of things is found to exist. This island was sold and conveyed by patent to the party whose assignee is now claiming it. By the action of the waves on the bay there has been a channel formed through the island and the soil has been driven from the island toward the mainland and increased the elevation of the land under water so as to make the marshy land adjacent to it suitable for use. The island lies remote from the mainland in Saginaw Bay. The waters around it for several miles are so shallow, only five or six feet in depth, that they are not used for navigation purposes. The owner of the island purchased it twenty-five or thirty years ago and desires to connect the marshy land and reclaim the land which has washed away and now forms accretions, for the purpose of further improvements upon it.

There is a map the Senator can see among the papers which explains the situation better than I can in words. There is perhaps no conflicting claim in regard to any use or occupancy of these marshes, but the bill itself reserves all rights that anybody may have.

Mr. BAYARD. It is not the question of right, but we ought to know, before we pass such a bill, in definite terms what is the area of land released; and this being public land of the United States the usual reservation of metals and minerals should accompany the grant. This is a release of the title of the United States to whoever may be privately entitled in the presence of that release of the land; and as there has been no report accompanying the bill, I think there ought to be a very definite statement of the amount of land released and that it should be accompanied with a reservation of all mineral rights to the Government. It may be that this reservation of mineral rights may amount to nothing, or it may be a great deal.

I am aware that in one of the islands, and possibly more, in Lake Superior a silver mine, probably the richest in the country, if what I have heard is true, has been discovered, and has been worked under water. Of that the Senator probably knows more than I; but certain it is that if these be public lands, and there is any deposit of minerals, the usual reservation in that respect ought to accompany the grant. Therefore I should move to amend, in the absence of further information upon the subject, by adding a provision that all mineral rights are hereby reserved to the United States. I move that as an amendment to come in at the end of the bill.

The PRESIDENT *pro tempore*. The Senator from Delaware proposes an amendment, which will be read.

Mr. BAYARD. I move to insert:

Provided, That all mineral rights in the said lands are hereby reserved to the United States.

Mr. CONGER. I have no objection to that. This shoal is, as is all land underlying the water in Saginaw Bay, of a limestone formation, of which the Charity Islands are a sample. There are no minerals in this land, not even any quarries of stone of any value. I have no objection to the amendment.

Mr. VAN WYCK. I did not understand the Senator from Michigan. May I ask him how much was added by the accretion to this island?

Mr. CONGER. I have sent for a map which will show very clearly. I should think, as near as I can recollect the land as shown by the map, corners of it at least, which I had mentioned in the amendment, four or five sections of a township, there may be embraced one hundred and fifty, perhaps two hundred acres of this shoal, flat land. The island itself, Mai-Sou Island, which was surveyed, meandered, sold, and patented, and is owned by parties asking for this legislation, embraces about one hundred and fifty-four acres. It lies in a kidney-shaped form, and this accretion is in the hollow of it, while the island has been washed away to make the accretions and has filled up the shoal places on several sides of it.

Mr. VAN WYCK. I notice that a word has been changed. The bill spoke of accretions "added" to the island. The word "added" is stricken out and "adjacent" put in place of it. That would seem to extend it further than was intended by the original bill. The word "adjacent" would probably take it a good way and might give rise to a very liberal construction hereafter. Why is the word "adjacent" used?

Mr. CONGER. At one part of the island it is connected directly without any water with the surveyed island by accretion proper. In the other place there is a little space of water between the main island, a few rods across, where there is a sort of lake or channel, not filled up as much as beyond. It is not all added to it. Therefore I changed the word "added" to "adjacent." The probable result of the passage of the bill may be that by means of dikes around this land there will be two or three hundred acres adjacent to an island which is now occupied, and the added land may be made pasture land, improving the value of that property in the county of Huron.

Mr. VAN WYCK. I can see a reason for allowing this privilege of accretion added to the island, but I can not see the force of the proposition to give the privilege to a new island that possibly may be creating there.

Mr. CONGER. It is all connected as dry land.

Mr. VAN WYCK. There may be a series of islands there connected together.

Mr. CONGER. This, except for the purpose of a fishing shanty and such things as that, is so much under water that in particular stages of wind it is pretty much all overflowed. I see no objection to the bill, representing that county. I see no objection to anybody improving what is now a mere waste marsh of reeds and rushes. The plan is to improve it and make it a place of resort for the inhabitants of Saginaw and Bay City for summer enjoyment.

Mr. CAMERON, of Wisconsin. They are to pay the full price charged by the Government for the land?

Mr. CONGER. Yes, sir. Although the land is utterly worthless, the men propose to pay the ten shillings an acre which would be charged on the opposite shore.

Mr. CAMERON, of Wisconsin. It is all right.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Delaware [Mr. BAYARD] will be read.

The CHIEF CLERK. It is proposed to add to the bill the following additional proviso:

Provided further, That the right to all minerals is hereby reserved to the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

The bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business, being House bill No. 5461.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and eighteen minutes spent in executive business the doors were reopened.

DEATH OF REPRESENTATIVE DUNCAN.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the resolutions of the House on the announcement of the death of Hon. WILLIAM A. DUNCAN, late a Representative from the State of Pennsylvania.

The PRESIDING OFFICER (Mr. PLATT in the chair.) The Chair lays before the Senate a message from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 26, 1885.

Resolved, That this House has heard with profound sorrow of the death of Hon. W. A. DUNCAN, late a Representative from the State of Pennsylvania.

Resolved, That the business of the House be now suspended that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the House shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. CAMERON, of Pennsylvania. I offer resolutions, and ask that they be read at the desk.

The Chief Clerk read as follows:

Resolved, That the Senate has heard with profound sorrow of the death of WILLIAM A. DUNCAN, late a member of the House of Representatives from the State of Pennsylvania.

Resolved, That the business of the Senate be now suspended in order that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the Senate shall, at the conclusion of these ceremonies, adjourn.

Mr. CAMERON, of Pennsylvania. Mr. President, it is my sad duty

to announce to the Senate the death of WILLIAM A. DUNCAN, late my colleague in the House of Representatives from the State of Pennsylvania, which occurred on the morning of Friday, November 14, 1884, at his home in the historic town of Gettysburg, Pa.

Mr. DUNCAN was born in Franklin Township, Adams County, Pennsylvania, on the 2d day of February, 1836. After receiving a common-school education he went through his preparatory course for college at Mercersburg, Pa., and entered Franklin and Marshall College at Lancaster, where he was distinguished for his talents and close application to his studies, graduating in 1857, on which occasion he was selected to deliver the valedictory address of his class.

After leaving college, he entered the law office of Robert G. McCreary, esq., at Gettysburg, where he diligently pursued his studies, and on the 15th of August, 1859, was admitted to the bar, and at once entered upon the active practice of his profession.

Being possessed of a versatile mind, with an open, generous, and genial nature, full of magnanimity, and particularly devoted to his adopted profession, he became one of the most promising members of the Adams County bar, and very soon acquired a large practice. It is said by one who knew him intimately that "his professional career was characterized by devotion to his profession, fidelity to his clients, and marked courtesy in his relations to the court and members of the bar."

Mr. DUNCAN practiced law successfully for over twenty years. Possessing much natural ingenuity and industry, these with his uniformly gentlemanly bearing and high integrity rendered him skillfully armed and equipped for the contests at the bar and made him successful in his business affairs. He had a broad and cultivated mind, a keen and polished utterance, and a pure and patriotic heart. Always fair and candid, he sought no unfair advantage in argument, but invariably conceded to his opponent the same honesty of motive which he claimed for himself and which was universally accorded him. His good and reliable judgment rendered him very useful as a citizen in the conduct of any enterprise of public concern. He was patient, prudent, and far-sighted, and his astuteness was especially apparent before a jury. For years before his death he was in full practice, having a large share of assigned estates intrusted to his excellent management; and, as is generally the case in rural districts, his practice was of a miscellaneous character, rendering it necessary for him to give it close and constant application, which in the progress of time seriously affected his health.

In 1862 he received the nomination for the office of district attorney by the Democratic party of his county, of which he was an ardent and faithful adherent, and was elected in October of that year. While holding this position he performed his duties with such fidelity and impartiality that he was renominated in 1865, but owing to divisions in his party was defeated.

In 1868 he was again nominated for the third time for that position, and was elected, when he again proved himself worthy of the trust bestowed upon him by his fellow-citizens.

In 1882, after a very spirited contest, he was nominated by his Democratic friends to the Forty-eighth Congress to represent the nineteenth Congressional district of Pennsylvania, composed of the counties of Adams, Cumberland, and York, a district very strongly Democratic, and elected by 3,177 plurality. After taking his seat in the House he was assigned to duty on the Committee on Military Affairs and the Committee on Education, where he served with great credit to himself and his constituency.

Mr. DUNCAN was renominated last summer to represent his district again in the Forty-ninth Congress, and was elected in the succeeding election by 4,262 plurality. His re-election two weeks before his death, although suffering at the time with an incurable disease, was a high compliment to his sterling worth and showed the universal esteem in which he was held.

Mr. DUNCAN was a thorough and consistent Democrat. Having been imbued with the principles of that party from early childhood, his faith in its teachings and his zeal in its service increased yearly. At home he was one of the foremost leaders in its councils and an elegant and aggressive champion in defense of its traditions, but, like the great majority of his party in the State, was a firm and steadfast supporter of the doctrine of protection. It being his first term in Congress, he was too modest and retiring to obtrude his opinions upon the House or enter into discussion with older and more experienced members, but had he been permitted to live through the coming Congress he would have proven himself capable of sustaining in debate the measures he advocated with skill and good judgment.

One of the greatest characteristics of Mr. DUNCAN'S life was his abounding good nature and his unfailing charity toward others. If anything derogatory of another was said in his presence, he was sure to defend the absent one or to change the course of conversation by some humorous or diverting remark into other and more congenial channels. He had no ill to speak of others, even of those who may have treated him unkindly and unjustly.

Mr. DUNCAN was married in 1863 to Miss Catharine Schmucker, a daughter of Rev. S. S. Schmucker, D. D., an eminent divine of the Lutheran Church, an organization very large in numbers and which has in its membership some of the ablest and purest people in the State. Miss Schmucker, brought up under the teachings of a father of great strength and purity of character, was a worthy helpmeet to her husband and made his home a charming one, remarkable for its cultivated simplicity in a community noted for its intelligence and unostentatious hospitality.

Mr. DUNCAN had always enjoyed vigorous and robust health until about four years ago, when symptoms of pulmonary trouble began to develop to such an extent that he was compelled to abandon his legal practice. Although he employed the best medical skill and was extremely careful in his habits, the disease gradually gained headway. He returned to his home after the adjournment of Congress in July last. As the summer advanced his health rapidly declined, and for several weeks before his death he was unable to leave his residence. He grew weaker constantly, until death relieved him, dying calmly and peacefully in the presence of his wife and family.

Mr. DUNCAN was a Christian. He trusted in God and publicly avowed his allegiance to Him. His many virtues, which so fondly attached many warm friends to him, will be missed at his office, at his fireside, at the bar, and in these Halls.

In the Gettysburg Star and Sentinel of Tuesday evening, November 18, 1884, I find the following resolutions adopted at a meeting of his former associates at the bar:

That we have heard with profound sorrow of the death of our late brother, Hon. WILLIAM A. DUNCAN; that by his demise our bar has lost an able lawyer and prudent counselor, our county a useful man and a good citizen, our Congressional district an honorable gentleman and a faithful representative.

That the court, its officers, and the bar attend the funeral of the departed.

That these proceedings be entered on the records of the court, and be published in the county papers.

That we present a copy of these resolutions to the family of our lamented associate, and extend to them our deepest sympathy, and commend them to the Consoler of the afflicted and the Healer of all sorrow.

Mr. President, in my association with men in public or private life I have never heard of one who possessed a character more lovely. Strong in his convictions of right, fearless in his expression of them, he had the rare faculty of impressing his antagonists with the purity and sincerity of his motives, so that when they could not approve his position they never failed to respect the reasons which he gave to sustain it. Thus it was that he left no sting behind and his strongest political opponents were among his warmest personal friends.

During my service in the Senate we have been frequently called upon to mourn the death of fellow-members endeared to us by ties of association and friendship. In the death of Mr. DUNCAN I feel that we have not only lost a worthy associate, but the State which I have the honor in part to represent has lost an able and efficient representative. Our colleague has passed beyond the river that separates life from death, time from eternity! He has passed forever from these Halls, and has left behind him an honorable name and an unsullied reputation.

Mr. MAXEY. Mr. President, the neighbors of the late WILLIAM A. DUNCAN say he was manly, generous, talented, true.

To have achieved honorable position while young, and to have increased his reputation not only as a faithful guardian of public trust, but as a man in the social and daily walks of life, he must have possessed sterling qualities of head and heart. Graduating in 1857, he was chosen to deliver the valedictory. Admitted to the bar in 1859, he, by dint of hard study, honorable deportment, a good education, and native talent, rapidly rose in his profession, and acquired a large and lucrative practice. The high estimate placed upon him by his professional brethren is the best assurance of his honor as a man and ability as a lawyer.

He made friends wherever he went and retained them. He was a man of good culture and earnest application.

Three years after his admission to the bar he was elected district attorney, and to the same office five years later.

In 1882 he was elected to the Forty-eighth Congress, and in 1884 was elected to the next Congress. His last election speaks volumes. Stricken down by the dread disease, pulmonary consumption, the shadows were gathering thick and fast around him before the canvass was closed. The scythe of Death was whetted and ready to cut the brittle thread. The people knew that his days and hours were numbered, yet they showed their love and respect for the dying man by re-election to the position he had so worthily filled. Two weeks later he was numbered among the dead.

If a man die shall he live again? is the ever-recurring question.

The Creator by whose almighty fiat were launched, we know not when, countless worlds into boundless space, gave them laws infinitely wise and so nicely adjusted that this vast universe moves unerringly, so perfectly that the intellect of man can calculate centuries in advance the precise moment of an event resulting from those laws.

The infallible operation of the infallible laws of creation proves an infallible Law Giver.

The crowning glory of creation is man, with his mighty intellect, his soaring ambition, his lofty aspirations, his resistless energy; with a moral nature leading him pleasantly into the paths of gentleness, mercy, and benevolence, with an inborn veneration for the author of his existence. Can it be that such a God would create such a man, who, in obedience to the laws of his existence, has achieved such amazing triumphs over matter and such mighty triumphs over mighty intellects,

and yet would doom that man to annihilation with death? Can it be that such an intellect incased in a frail mortal body should die because the body dies? Through the unending cycles of eternity the soul of man will go onward expanding in the presence of the Omniscient. If a man die he shall live again.

WILLIAM A. DUNCAN was a man of many virtues, beloved by all who knew him, and best by those who knew him best. The memory of the just is blessed.

WILLIAM A. DUNCAN has finished his course on earth. He acted well his part. We scatter flowers over his grave. "He shall return no more to his house; neither shall his place know him any more."

Mr. MCMILLAN. Mr. President, already on two occasions during the past week we have been called upon to suspend our ordinary proceedings to pay respect to the memories of those who have been called by death from the public service. The voice of eulogy uttered upon those occasions has scarcely died within the Chamber ere we are called again to mourn the departure and commemorate the virtues of another fellow-laborer. The chair of WILLIAM A. DUNCAN in the House of Representatives is vacant. He was born in Adams County, Pennsylvania, in 1836, and died at Gettysburg, Pa., on Friday, the 14th of November, 1884, in the forty-ninth year of his age. Endowed by nature with a high order of talents, his intellectual powers were developed, enlarged, and invigorated by a liberal course of study and mental discipline at his alma mater, Franklin and Marshall College, from which he was graduated in 1857. After faithful and diligent application through a regular course of legal study and training he was admitted to the bar in 1859. Thus thoroughly furnished for his work, he entered upon the practice of the law, and devoted himself to his profession. By his ability, integrity, and industry he soon acquired an extensive practice, which he retained throughout his professional career of twenty-five years, during which he was twice elected by the people district attorney of his county.

He had an exalted view of the dignity and importance of the profession, and fully appreciated both its privileges and its responsibilities, and believed that for the administration of justice both lawyers and courts were to co-operate. In the trial of causes, therefore, he sought the truth and did not pervert justice; he was true as well to the court as to client. In his professional life he was not influenced by sordid or mercenary motives; he never turned a deaf ear to the cause of the poor or friendless, and was ever ready to defend the oppressed.

After so many years of arduous professional labor he consented to become a candidate for the House of Representatives of the United States, and in 1882 was elected by his constituents to represent the nineteenth Congressional district of Pennsylvania in the Forty-eighth Congress. He was a Democrat, but, with the majority of his party in Pennsylvania, he believed in the principle of protection to American industry.

His service in the House of Representatives was limited to a single term. During the Congress of which he was a member he served upon several important committees of the House.

Having participated so many years in the jurisprudence of his State he was enabled by his intellectual ability, his legal learning, his large experience, wise counsel, and sound judgment, to take a high position among his colleagues and to render valuable and efficient service in devising and framing the legislation of the nation. He was diligent, conscientious, and faithful in the discharge of his public duties, and his generous and honorable bearing and upright character won for him the high esteem and regard of his colleagues in the House of Representatives.

But those loved him most who knew him best. After his first term of service, although it was evident death had marked him as a victim and that he must very soon yield up his life, his constituents in November last re-elected him as their representative in the next (Forty-ninth) Congress. This was the benediction of those who had been the companions of his youth, the friends of his manhood, and who saw him and knew him in the daily walks of life. No higher or clearer expression of confidence and regard could be given by a constituency to their Representative; no greater reward could be received by a public servant.

The crowning characteristic of the life of our departed friend remains to be noticed. He was a faithful and sincere Christian; the graces which adorned his character were the fruits of his Saviour's love, and his daily life, which commended him to the favor and regard of his fellows, was the expression of his faith in Christ—this faith which prepared him to live, prepared him also to die.

If timid nature for a moment shrank at the approach to the dark valley the voice of the risen Saviour came to him in reassuring accents from the other side, "It is I, be not afraid;" and in the response of his faith his last song was the sweetest, as he sang with the Hebrew poet—

I shall be satisfied when I awake with Thy likeness.

Mr. JONES, of Florida. Mr. President, again we are called upon to record our expressions of regret over the loss of a good man. WILLIAM A. DUNCAN, of Pennsylvania, in the prime of his manhood and the beginning of his usefulness, has passed away forever. In his untimely death the Church has lost a sincere Christian, the bar an able lawyer, Congress an upright and useful member, and the country a devoted and patriotic citizen. It is hard for us to comprehend the wisdom of Providence in designating a man so circumstanced as a victim for the grave. After long years of study and preparation we find him, in his forty-seventh year, entering the other House as a member of the Forty-eighth Congress from one of the most important districts in his State. He had won his college prizes and passed on to the bar. There, in honorable competition with the able lawyers of his State, he acquired legal fame, and his intercourse with the people satisfied them that he was a fit person to represent them in the great parliamentary body which sits at the other end of the Capitol. The business of the bar for a time is put aside. Briefs and clients no longer interest him. The modest and unpretending country court-house, so long the scene of his patient and honorable labors, is overshadowed in his mind by the vast proportions of this great structure wherein his talents are to be exerted in the interest of a great nation. The stimulus of lofty and honorable ambition takes the place of ordinary professional promptings, and he comes here full of hope and heart and life, and gives his best talents and services to the interests of his country.

He served with great credit to himself and his district in the Forty-eighth Congress, and was re-elected to the Forty-ninth Congress at a time when the dark shadows of death was almost before his eyes. Conscious as his people were at that time that he would not be able to serve them in the new Congress, with a generous appreciation of his faithful services, they decided to console the last hours of his life by a public indorsement of his labors here, and show to the world that in the approaching death of WILLIAM A. DUNCAN Pennsylvania and Congress were about to lose a faithful representative and an honest man. It is not for us to pass upon the wisdom of the Almighty in matters of this kind. If from Mr. DUNCAN'S years, learning, industry, and honesty we are at liberty to infer that his death terminated a career full, with assurances of future usefulness, on the other hand it is possible that Providence interfered to save him from protracted suffering, and that, under the wise dispensation of the Almighty, what appears to be our and his country's loss is in reality his gain.

Mr. MANDERSON. Mr. President, not eventful the life that has closed. Spent amid stirring scenes and in troublous times it stands out against them in contrasts to be remarked. Born in that central State, the Keystone of the arch of Commonwealths, where—

Pennsylvania holds the scales,
And neither South nor North prevails—

where politics seems to be of every day—he was not a politician. Living on that, which one of the most stupendous events in modern history has made holy ground, where the strongest of human passions held fullest sway, and "dire was the noise of conflict," at far-famed Gettysburg, where "it seemed as though men fought upon the earth and fiends in upper air"—he was a quiet looker-on and not a soldier.

But he "acted well his part." It comes not to every man that he shall fill a page, or require even a line, in the world's history. Yet the uneventful lives seem the happiest ones, and the "mute, inglorious Miltons" of earth are usually the ones to envy, if content with life is its chiefest blessing. Of a genial nature, he made many friends, "well-springs in the wilderness," who loved him in life and mourn his too early death. Trained in the schools, he loved books, "those monuments of vanished minds," "delightful when prosperity happily smiles; inseparable comforters when adversity threatens."

Well balanced and intellectual, his pursuits were those of the scholar and his enjoyments those of the student. He could well exclaim:

My mind to me a kingdom is,
Such perfect treasure there I find.

Called to the bar, he became one of its leaders in his locality. Devoted to that "exacting mistress, the law," she gave him full return in a large clientage, to whose interests he was devoted.

Of upright character, he was universally esteemed, and it came naturally, from the recognition of all these commendable qualities, that his neighbors chose him to represent his Congressional district in the Forty-eighth Congress. Suffering during his term from that fell disease of which he died in November last, he was not able to place an imprint upon any of the legislation of the last session; but fresh and well deserved appreciation of his worth came to him when, while upon the bed of death, he was re-elected to the House of Representatives.

To me WILLIAM A. DUNCAN was personally unknown, but when, at the request of a colleague who esteemed him highly, I looked over the detail of his life that I, a native of the grand old Commonwealth that he honored as it honored him, might pay fitting tribute to his memory, I was charmed with its symmetry and could not but admire the features I have so feebly portrayed. A life so beautiful, a career so even gave promise of a useful future.

It is most apt to depict him growing with the years of experience into the trusted legislator, the wise counselor, respected of all men, of service to the State, until with ripened age came fuller honors, and at last with the full allotment of years would come the end to the rounded life. But it was not so to be. "God's finger touched him and he slept."

Mr. President, I second the adoption of the resolutions.

The PRESIDING OFFICER. The question is on agreeing to the

resolution submitted by the Senator from Pennsylvania [Mr. CAMERON].

Mr. CAMERON, of Pennsylvania. Before the question is put, I desire to state that my colleague [Mr. MITCHELL], who desired to take and would have taken part in these proceedings, is unavoidably detained from the Senate to-day.

The resolutions were agreed to unanimously; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *January* 26, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of Saturday's proceedings was read and approved.

INDIAN INDUSTRIAL SCHOOL, FOREST GROVE, OREG.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation of $10,000 for heating apparatus in the Indian industrial school at Forest Grove, Oreg.; which was referred to the Committee on Appropriations, and ordered to be printed.

COLLISION WITH UNITED STATES STEAMER TALLAPOOSA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Navy of an appropriation to pay the claim for damages of the New England Transportation Company resulting from the collision of its barges with the United States steamer Tallapoosa; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT ON DEER CREEK, MISSISSIPPI.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from Capt. Eric Bergland, Corps of Engineers, of a preliminary examination of Deer Creek, Mississippi; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING AT COLUMBUS, OHIO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, recommending an additional appropriation of $60,000 for constructing a third story to the public building in the course of construction at Columbus, Ohio; which was referred to the Committee on Appropriations, and ordered to be printed.

SALES OF OMAHA LANDS.

The SPEAKER also laid before the House a letter transmitting a statement from the Secretary of the Interior of an estimate of an appropriation for the expense of making sale of the Omaha lands in Nebraska; which was referred to the Committee on Appropriations, and ordered to be printed.

WOOD'S ISLAND HARBOR, MAINE.

The SPEAKER also laid before the House a communication from the Secretary of the Treasury, transmitting the report of a survey and preliminary examination of Wood's Island Harbor, in Maine; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT SAINT JOSEPH, MO.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the erection of the proposed public building at Saint Joseph, Mo., and a recommendation of an extension of the limit of its cost; which was referred to the Committee on Public Buildings and Grounds.

UNITED STATES COURT-HOUSE AT DES MOINES, IOWA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect, and recommending an appropriation of $45,000 for an extension of the United States court-house and post-office at Des Moines, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

SALMON RIVER IN NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a survey and preliminary examination of Salmon River at and below Covington, N. Y.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WARREN RIVER, RHODE ISLAND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of the survey of Warren River, Rhode Island, made with a view to the removal of obstructions from its channel; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. BUDD, by unanimous consent, obtained leave of absence until Wednesday next, on account of illness.

LEAVE TO PRINT.

Mr. ROSECRANS, by unanimous consent, obtained leave to print the papers relative to the transfer of certain officers of the Army to the list of supernumeraries.

PUBLIC BUILDING, FORT SCOTT, KANS.

Mr. FUNSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 292) for the erection of a public building at Fort Scott, Kans.

The SPEAKER. If there be no objection, the bill will be taken up. The Clerk will read it.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, United States courts, and other Government offices, at the city of Fort Scott, State of Kansas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed, for the site and building complete, the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

FRENCH SPOLIATION CLAIMS.

The SPEAKER. In accordance with the statute, the Chair will lay before the House the following concurrent resolution for reference to the Committee on Printing.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 24, 1885.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of the communication of the Secretary of State, containing a list of claimants against France by reason of the spoliations prior to the 31st day of July, 1801; of which 1,000 copies shall be for the use of the Senate, and 2,000 copies for the use of the House of Representatives.

Mr. FOLLETT. Mr. Speaker, I move to dispense with the morning hour.

Several MEMBERS. "Regular order!"

The SPEAKER. By the rules the morning hour is dedicated to the call of States and Territories for the introduction of bills. The rule provides that the Speaker shall call the States and Territories for that business. That rule ought to be complied with.

FIRE IN THE HOUSE OF REPRESENTATIVES.

Mr. STOCKSLAGER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. STOCKSLAGER. I rise to offer a privileged resolution.

The SPEAKER. The gentleman from Indiana states that he desires to present a privileged resolution. The Clerk will read the resolution, and afterward the Chair will decide whether it is a matter of privilege or not.

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the origin of the fire which occurred on the roof of the House this morning, and report to the House what measures, if any, are necessary to give greater security against fire to the roof and the files and records of the House thereunder; and the said committee shall have leave to report thereon at any time.

Mr. STOCKSLAGER. Mr. Speaker, I understand that there are very many valuable documents which were endangered by this occurrence, and I think this is a privileged matter.

The SPEAKER. The Chair thinks it is properly a matter of privilege.

The resolution was agreed to.

Mr. STOCKSLAGER moved to reconsider the vote by which the resolution was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. This being Monday, the regular order is the call of States and Territories for the introduction of bills and joint resolutions for reference to appropriate committees. Under this call resolutions and memorials from State and Territorial Legislatures, resolutions of inquiry addressed to the heads of Departments, and propositions to amend the rules may be presented for reference.

PUBLIC BUILDING AT SELMA, ALA.

Mr. CRAIG introduced a bill (H. R. 8040) to authorize the Secretary of the Treasury to erect a public building in the city of Selma, Ala.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MANUFACTURE OF GUNS.

Mr. ROSECRANS introduced a bill (H. R. 8041) to provide further aid and encouragement to perfecting and manufacturing the highest class

of guns, &c.; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

OREGON RAILROAD.

Mr. SUMNER, of California, submitted the following resolution; which was referred to the Committee on Pacific Railroads, and ordered to be printed:

Whereas it appears from the reports of the Commissioners of the General Land Office that the California and Oregon Railroad Company has failed to complete its line of road within the time required by law; and

Whereas no attempt was made during more than ten years to complete or build any part of said line of railroad, although said company had ample means to do so; and

Whereas on March 18, 1884, the above-recited facts were called to the attention of the President of the United States, and a protest duly made and filed protesting against the appointment of commissioners to examine said line of railroad; and

Whereas it is stated that the President has recently appointed three commissioners to examine and report on said line of railroad: Therefore,

Be it resolved by the House of Representatives, That the President of the United States be requested to inform this body, if not incompatible with the public interests, what were the reasons which impelled him to appoint said commissioners to examine and report upon said line of railroad from Redding northwardly, notwithstanding the fact that the only act of Congress under which any grant was made to said company is now null and void.

TAXATION OF GRAPE SPIRITS.

Mr. HENLEY introduced a bill (H. R. 8042) to relieve pure grape spirits from taxation in certain cases; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

RELIEF OF ARMY OFFICERS.

Mr. MITCHELL introduced a bill (H. R. 8043) for relief of certain officers of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

NAVY YARD, ETC., ON BLYTHE ISLAND, GEORGIA.

Mr. NICHOLLS introduced a bill (H. R. 8044) to appropriate $500,000 for the purpose of establishing a navy-yard and a depot of supplies on Blythe Island, in the harbor of Brunswick, State of Georgia; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

The bill was read, as follows:

Whereas in the year 1857 the Government of the United States purchased on Blythe Island, in Glynn County and State of Georgia, 1,100 acres of land for the sum of $130,000, with the purpose of establishing thereon a navy-yard and naval depot; and

Whereas the said land is still the property of the Government, never having been used as originally designed; and

Whereas said property is land-locked within the harbor of Brunswick, Georgia, the waters of said harbor being open to navigation during the entire year, and that an abundant supply of timber for ship-building purposes is open and within easy reach of said island:

Be it enacted, &c., That the Secretary of the Navy is authorized and directed to establish a navy-yard and depot for supplies on the said Government land on Blythe Island, in the State of Georgia; that the sum of $500,000, or so much thereof as may be necessary, be, and is hereby, appropriated, out of any money not otherwise appropriated, to carry out the provisions of this act, and that the same shall be expended under the direction of the Secretary of the Navy.

FEES PAID BY VESSEL-OWNERS, ETC.

Mr. DAVIS, of Illinois, introduced a bill (H. R. 8045) to amend section 4382, Revised Statutes, relative to fees levied and collected from owners and masters of vessels in domestic commerce; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

BRIDGE ACROSS SAINT CROIX RIVER.

Mr. TOWNSHEND (by request) introduced a bill (H. R. 8046) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Prescott, Wis., and Taylor's Falls, Minn.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES AGNEW.

Mr. STOCKSLAGER introduced a bill (H. R. 8047) granting a pension to James Agnew, of New Albany, Ind., late of Company C, Second Ohio volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FERDINAND HUSCHER.

Mr. STOCKSLAGER also introduced a bill (H. R. 8048) to increase the pension of Ferdinand Huscher, late hospital steward United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH A. BROOKS.

Mr. STOCKSLAGER also introduced a bill (H. R. 8049) granting a pension to Elizabeth A. Brooks, widow of John T. Brooks, captain of the steamer Diana, of the Mississippi Marine Brigade; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS FOR PRISONERS OF WAR.

Mr. STOCKSLAGER presented the following concurrent resolution of the Legislature of the State of Indiana; which was read, and referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay:

Be it resolved by the senate (the house of representatives concurring), That our Senators in Congress from this State be instructed and our Representatives in Congress be requested to use their influence to secure the passage of House bill No. 420, entitled "A bill for pensioning prisoners of war who were confined in confederate military prisons during the late war."

Resolved, That the governor be, and is hereby, instructed to furnish each of our Senators and Representatives in Congress a copy of these resolutions.

GEORGE DICKEY.

Mr. MATSON introduced a bill (H. R. 8050) to restore to the pension-roll the name of George Dickey; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN A. HUNT.

Mr. BROWNE, of Indiana, introduced a bill (H. R. 8051) granting a pension to John A. Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PENSIONS TO PRISONERS OF WAR.

Mr. ENGLISH presented a concurrent resolution of the General Assembly of the State of Indiana, requesting Representatives in Congress to favor the passage of House bill 420, providing for the granting of pensions to prisioners of war who were confined in confederate prisons during the late war; which was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

COMMUTATIONS OF RATIONS, OFFICERS MARINE CORPS.

Mr. ENGLISH also introduced a bill (H. R. 8052) granting rations, or commutations therefor, to officers of the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

MILTON HUNT.

Mr. ENGLISH also introduced a bill (H. R. 8053) granting a pension to Milton Hunt; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOSEPHINE WILSON.

Mr. ENGLISH also introduced a bill (H. R. 8054) granting a pension to Josephine Wilson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE JONES.

Mr. ENGLISH also introduced a bill (H. R. 8055) granting a pension to George Jones; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN THURSTON.

Mr. ENGLISH also introduced a bill (H. R. 8056) granting a pension to John Thurston; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JACK LETSEY.

Mr. ENGLISH also introduced a bill (H. R. 8057) granting a pension to Jack Letsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN GARVER.

Mr. ENGLISH also introduced a bill (H. R. 8058) granting a pension to John Garver; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHIAS PEDERSEN.

Mr. HOLMES introduced a bill (H. R. 8059) for the relief of Mathias Pederson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

PROPOSED CATTLE TRAIL ACROSS KANSAS.

Mr. MORRILL presented memorial of the State of Kansas in relation to a proposed cattle trail; which was referred to the Committee on Public Lands, and ordered to be printed.

PROTECTION OF BOTTLERS, DISTRICT OF COLUMBIA.

Mr. RYAN (by request) introduced a bill (H. R. 8060) to protect the bottlers of the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. PRUDENCE BOND.

Mr. PERKINS introduced a bill (H. R. 8061) granting a pension to Mrs. Prudence Bond; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

CHARLES W. SAUNDERS.

Mr. PERKINS also introduced a bill (H. R. 8062) granting a pension to Charles W. Saunders; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

JOHN HOPKINS.

Mr. PERKINS also introduced a bill (H. R. 8063) granting a pension to John Hopkins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF THE INTERNAL REVENUE.

Mr. WHITE, of Kentucky. I ask leave to present the following preamble and resolution [reading].

Mr. BLACKBURN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I desire to know, Mr. Speaker, whether the gentleman from Kentucky, my colleague, is under the call now being made by the Chair complying with its rules in sending bills or resolutions to the Clerk's desk.

The SPEAKER. The Chair does not yet know what the resolution is.

Mr. BLACKBURN. That is what I am trying to find out.

Mr. WHITE, of Kentucky. If my colleague will possess his soul in patience he will know.

Mr. BLACKBURN. I can not until my question is answered by the Chair as to whether the gentleman from Kentucky is in order in the call now being made in the House.

The SPEAKER. The Chair can not tell without seeing the resolution or hearing it read whether it is such a one as will be in order under the present call or not. If it is a resolution of inquiry, addressed to the head of a Department, it is in order.

Mr. WHITE, of Kentucky. It is a joint resolution, and if my colleague will possess his soul in patience he will know it.

Mr. BLACKBURN. I will not possess my soul of such patience until I ascertain whether the resolution the gentleman proposes is or is not in order for presentation in this manner.

The SPEAKER. Joint resolutions are in order under this call; the gentleman says he offers a joint resolution.

Mr. BLACKBURN. If this is a joint resolution I demand its reading from the Clerk's desk. In this connection I desire to ask the Speaker whether the reading of the joint resolution, if it be a joint resolution, by the gentleman from Kentucky entitles it to go into the RECORD.

The SPEAKER. It does not.

Mr. BLACKBURN. Then I ask that the resolution, if it be one, may be sent to the Clerk's desk and be disposed of in the order in which such resolutions are ordinarily disposed of.

Mr. WHITE, of Kentucky. I desire in the first place to read it myself, after which I will send it to the desk.

The SPEAKER. The practice of the House has always been to send such matters to the desk, to be read by their titles by the Clerk; but the Chair does not know of any rule prohibiting a member from reading his own proposition on the floor of the House if he desires to do so. The Chair thinks that a member may, when he offers a resolution, read it himself before sending it to the desk.

Mr. BLACKBURN. I would inquire of the Chair whether there is a rule or precedent allowing the gentleman from Kentucky to read a resolution of this character on the floor of the House?

Mr. WHITE, of Kentucky. I object to this interruption, and hope it will not be taken out of my time. [Laughter.]

Mr. BLACKBURN. And I very much regret the gentleman's objection to being interrupted, but it does not make the slightest difference. I desire to ascertain what the rule is in this respect, and to have it enforced. I rise, therefore, for the purpose of making a direct parliamentary inquiry of the Chair.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I desire to ask whether or not there is a rule or precedent to warrant the reading of a joint resolution or bill, under a call of States like this, by a member offering such paper, instead of sending it to the Clerk's desk and having it reported in the hearing of the House by the Clerk?

The SPEAKER. The Chair has already stated that it is aware of no rule upon the subject. The custom has been, and the practice of the House, to send such papers to the desk to be read by the Clerk. But it frequently happens that members proposing resolutions in writing read them themselves from their seats in the hearing of the House before submitting them to the House from the Clerk's desk. As the Chair has stated, however, there seems to be no rule upon the subject, only the practice of the House, which governs in such matters.

Mr. BLACKBURN. In order to determine the question, and by way of a precedent, I object to the gentleman from Kentucky reading a resolution which he proposes to offer in this manner; and I ask the Chair to rule upon the question.

Mr. WHITE, of Kentucky. I can assure my colleague that there is nothing whatever in this resolution which interferes with his theory of State rights.

Mr. BLACKBURN. The assurance of my colleague does not count with me very much. I insist upon a ruling by the Chair.

The SPEAKER. The gentleman from Kentucky can not be prevented, the Chair thinks, from reading his own proposition——

Mr. BLACKBURN. But it does not go into the RECORD?

The SPEAKER. But he can not make comments or submit any remarks upon it while the House is proceeding under this call.

Mr. BLACKBURN. I submit to the ruling of the Chair, with the distinct understanding that this is not printed in the RECORD.

Mr. WHITE, of Kentucky. Well, this will go into the RECORD: That it is a blow or criticism against the Secretary of the Treasury and Commissioner of Internal Revenue for extending the bonded period seven months without authority of law.

Mr. BLACKBURN. I have no doubt the Secretary of the Treasury can survive the blow.

The SPEAKER. The gentleman from Kentucky will proceed to read his resolution.

Mr. ROGERS, of Arkansas. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. ROGERS, of Arkansas. I want to hear the gentleman from Kentucky as to what this proposition is. If it is to be read I want to know what it is.

Mr. WHITE, of Kentucky. I desire to read so the gentleman from Arkansas can hear me.

Mr. ROGERS, of Arkansas. I do not want the gentleman to suppose that I am making any objection.

Mr. WHITE, of Kentucky, concluded the reading.

The SPEAKER. The gentleman from Kentucky will send the resolution to the Clerk's desk.

Mr. WHITE, of Kentucky. I ask for the reading of it from the desk.

The SPEAKER. This resolution is not in order under this call. [Laughter.]

Mr. WHITE, of Kentucky. It is a joint resolution.

The SPEAKER. It is simply a House resolution, and not in order under the call of States for the introdution of bills and joint resolutions.

Mr. WHITE, of Kentucky. Then I desire to adds the words "Be it enacted," &c.

The SPEAKER. The gentleman can take the resolution and put it in such form as he chooses. It is not before the House under this call.

Mr. WHITE, of Kentucky. These words were inadvertently omitted, and I desire to insert them.

The SPEAKER. The resolution will be returned to the gentleman from Kentucky.

CIRCUIT AND DISTRICT COURTS OF KENTUCKY.

Mr. BLACKBURN introduced a bill (H. R. 8064) to regulate the jurisdiction of the circuit and district courts of Kentucky; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ANDREW F. M'MILLIN.

Mr. BLACKBURN also introduced a bill (H. R. 8065) for the relief of the heirs at law of Andrew F. McMillin, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SANFORD C. WILLHOITE.

Mr. BLACKBURN also introduced a bill (H. R. 8066) granting a pension to Sanford C. Willhoite; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

BEAUFORT N. SAMPSON.

Mr. THOMPSON introduced a bill (H. R. 8067) granting a pension to Beaufort N. Sampson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM RAINS.

Mr. WHITE, of Kentucky, introduced a bill (H. R. 8068) for the relief of William Rains; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CATHERINE HELTON.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 8069) granting a pension to Catherine Helton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. CUMMINS.

Mr. WHITE, of Kentucky, also introduced a bill (H. R. 8070) granting a pension to John G. Cummins; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTERNAL REVENUE.

Mr. WHITE, of Kentucky, also introduced a joint resolution (H. Res. 319) to abolish the office of Commissioner of Internal Revenue and the entire system of internal-revenue taxation; which was read a first and second time by its title.

Mr. WHITE, of Kentucky. I call for the reading of the joint resolution.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the joint resolution be read.

Objection was made.

Mr. WHITE, of Kentucky. I claim that I have a right to have the joint resolution read.

The SPEAKER. It has been read once.

Mr. WHITE, of Kentucky. Not from the Clerk's desk.

The SPEAKER. It was read by the gentleman himself.

Mr. WHITE, of Kentucky. This resolution has not been read. The Chair decided the other was not a resolution.

The SPEAKER. The Chair did not decide it was not a resolution. The Chair decided it was not in order under this call in the form in which the gentleman read it.

Mr. WHITE, of Kentucky. I ask that the resolution which I have sent to the desk be now read, that it may be seen if it is in order.

The SPEAKER. No point of order is made upon it. The preamble and resolution are the same; only the form is changed.

Mr. WHITE, of Kentucky. The Chair assumes that.

The SPEAKER. The Clerk will report the resolution.

The joint resolution was read at length, and was referred to the Committee on Ways and Means, and ordered to be printed.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. WILLIS introduced a joint resolution (H. Res. 320) providing for the printing of the report of the Commissioner of Education for 1883 and 1884; which was referred to the Committee on Printing, and ordered to be printed.

DOCUMENTING VESSELS, ETC.

Mr. DINGLEY introduced a bill (H. R. 8071) to amend sections 4153, 4177, and 4371 of the Revised Statutes, as regards documenting vessels and designating their numbers and tonnage; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. DINGLEY also introduced a bill (H. R. 8072) relating to shipping commissioners; which was read a first and second time, referred to the Select Committee on American Ship-building and Ship-owning Interests, and ordered to be printed.

RECENT EXPLOSIONS IN LONDON.

Mr. FINDLAY submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State report at as early a date as practicable to this House whether any citizens of the United States or persons domiciled or residing within the same were concerned or participated directly or indirectly in bringing about the recent explosions in London, provided the transmission of such information is compatible with the public service.

HENRY T. ONLEY & SON.

Mr. COVINGTON introduced a bill (H. R. 8073) for the relief of Henry T. Onley & Son; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

MYRON M. SHERWOOD.

Mr. YAPLE introduced a bill (H. R. 8074) granting a pension to Myron M. Sherwood; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANK B. CASE.

Mr. YAPLE also introduced a bill (H. R. 8075) for the relief of Midshipman Frank B. Case, United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

J. W. LADD.

Mr. STRAIT introduced a bill (H. R. 8076) for the relief of J. W. Ladd; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

ELI WEBB.

Mr. WAKEFIELD introduced a bill (H. R. 8077) for the relief of Eli Webb, of Tracy, Lyon County, Minnesota; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

JACOB MASSIER.

Mr. VAN EATON introduced a bill (H. R. 8078) for the relief of Jacob Massier; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SILVER DOLLARS AND CERTIFICATES.

Mr. BLAND submitted the following resolution of inquiry; which was read, and referred to the Committee on Coinage, Weights, and Measures:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether the Clearing House Association of New York refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances or dues from the Government to said association, and whether any official or officials of the Government accedes to or recognizes this rule or practice.

Also, what amount of gold has come into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the present month.

Also, whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money or the effect of which is to depreciate it.

WILLIAM R. PROCE.

Mr. DOCKERY introduced a bill (H. R. 8079) for the relief of William R. Proce; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ANIMAL-INDUSTRY LAW.

Mr. WEAVER presented a resolution of the senate of the State of Nebraska, asking Congress to adopt certain amendments to the animal-industry law recommended by the National Cattle-growers' Association; which was referred to the Committee on Agriculture.

Mr. VALENTINE also presented a resolution of the senate of Nebraska, in favor of a bill to amend the "animal-industry law;" which was referred to the Committee on Agriculture.

ANDREW J. HILL.

Mr. HAYNES introduced a bill (H. R. 8080) increasing the pension of Andrew J. Hill; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SEWALL W. PIPER.

Mr. RAY, of New Hampshire, introduced a bill (H. R. 8081) for the relief of the legal representatives of Sewall W. Piper, formerly a private in Company C, Twelfth Regiment New Hampshire Volunteers, who was killed in action at the battle of Drewry's Bluff, May 16, 1864; which was read a first and second time, referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

LINA J. STEARNS.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 8082) granting a pension to Lina J. Stearns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN D. BEAN.

Mr. RAY, of New Hampshire, also introduced a bill (H. R. 8083) granting a pension to Martin D. Bean; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

VENEZUELAN AWARDS.

Mr. PHELPS presented a joint resolution (H. Res. 321) referring the subject of the Venezuelan awards to the President of the United States, &c.; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

UNIFORM BANKRUPT LAW.

Mr. ROGERS, of New York, presented a resolution of the Legislature of the State of New York, in favor of the passage of the bill (S. 1372) to establish a uniform bankrupt law; which was referred to the Committee on the Judiciary.

JOHN G. HAENTGES.

Mr. ROGERS, of New York, introduced a bill (H. R. 8084) granting a pension to John G. Haentges, late a private in Company B, Forty-ninth New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DESTRUCTIVE EXPLOSIONS.

Mr. HEWITT, of New York, offered the following resolution; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

Resolved, That the Secretary of State be requested to inform this House, if it be not incompatible with the public interest, whether the Department is in possession of any information tending to connect any person or persons resident in this country, and enjoying the protection of its laws, with attempts to destroy life and property within the dominion of any foreign power with which we have treaties of peace and amity; and to make such recommendations, by draught of bill or otherwise, as in his judgment may be desirable or necessary to be enacted into law for the punishment of such outrages.

Mr. DORSHEIMER introduced a bill (H. R. 8085) to prevent and punish crimes committed by means of explosive compounds; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CITY HALL, UTICA, N. Y.

Mr. SPRIGGS (by Mr. WEMPLE) introduced a bill (H. R. 8086) to authorize the United States of America to grant, relinquish, release, and set over to the city of Utica, in the State of New York, all their right, title, interest, and claim in and to the city hall in the city of Utica, in the State of New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

NAVAL ADVISORY BOARD.

Mr. COX (of New York) introduced the following resolution; which was referred to the Committee on Naval Affairs, and ordered to be printed:

Resolved, That the Secretary of the Navy be requested to inform this House the amount that has been expended by the naval advisory board as the cost of the board; the number of employés and amounts paid each; the amount of salary drawn by the civilian members of said board, and from what appropriation it was drawn, and the amounts paid each member of board as traveling, mileage, or other expenses.

MANUFACTURERS' NATIONAL BANK OF NEW YORK.

Mr. CAMPBELL, of New York, introduced a bill (H. R. 8087) to

change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

FREDERICK GALE.

Mr. PAYNE introduced a bill (H. R. 8088) granting a pension to Frederick Gale, late of the Twentieth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REUBEN JENKINS.

Mr. PAYNE also introduced a bill (H. R. 8089) granting a pension to Reuben Jenkins, late of the One hundred and sixty-eighth Regiment New York Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALBERT HARPER.

Mr. PAYNE also introduced a bill (H. R. 8090) granting a pension to Albert Harper, late of the Ninth New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DAVID SEARS.

Mr. NUTTING introduced a bill (H. R. 8091) granting a pension to David Sears, a soldier of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FRANZ GLADISCH.

Mr. MURRAY introduced a bill (H. R. 8092) granting a pension to Franz Gladisch; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES DRESSING.

Mr. MURRAY also introduced a bill (H. R. 8093) granting a pension to Charles Dressing; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ERNEST L. CASPARI.

Mr. MURRAY also introduced a bill (H. R. 8094) granting a pension to Ernest L. Caspari; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MATHEW S. PRIEST.

Mr. JOSEPH D. TAYLOR introduced a bill (H. R. 8095) for the relief of Mathew S. Priest; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SIDE-LIGHTS FOR LAKE SAILING VESSELS.

Mr. EZRA B. TAYLOR introduced a bill (H. R. 8096) relating to improved side-lights for sailing vessels under way in the inland and lake waters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

Mr. HARMER introduced a bill (H. R. 8097) relating to improved signal side-lights for sail vessels under way in the inland and lake waters; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

WILLIAM HIPPENSTIEL.

Mr. STORM introduced a bill (H. R. 8098) granting a pension to William Hippenstiel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES LOW.

Mr. STORM also introduced a bill (H. R. 8099) granting a pension to James Low; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PATENTS.

Mr. RANDALL (by request) introduced a bill (H. R. 8100) relating to patents; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

JOHN J. CARD.

Mr. SPOONER introduced a bill (H. R. 8101) to remove the charge of desertion and to correct the naval record of John J. Card, erroneously enrolled as John Carder; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

RAILROAD BRIDGE OVER CUMBERLAND RIVER, ETC.

Mr. McMILLIN introduced a bill (H. R. 8102) to give the assent of Congress to the construction of a railroad bridge by the East and Middle Tennessee Railroad Company over the Cumberland and Caney Fork Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAIAH SWEAT.

Mr. TAYLOR, of Tennessee, introduced a bill (H. R. 8103) for the relief of Isaiah Sweat, of McNair County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

GEORGE. S. HAWLEY.

Mr. STEWART, of Vermont, introduced a bill (H. R. 8104) granting increase of pension to George S. Hawley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TAXATION IN DISTRICT OF COLUMBIA.

Mr. POLAND introduced a bill (H. R. 8105) in relation to the taxation of property in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

J. H. AND C. H. ROWLAND.

Mr. LIBBEY introduced a bill (H. R. 8106) for the relief of J. H. and C. H. Rowland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES B. MITCHELL.

Mr. LIBBEY also introduced a bill (H. R. 8107) for the relief of James B. Mitchell; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

JOHN M. JOHNSON.

Mr. LIBBEY also introduced a bill (H. R. 8108) for the relief of John M. Johnson, postmaster at Deep Creek, Va.; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SINKING OF STEAMER TALLAPOOSA.

Mr. GEORGE D. WISE submitted the following resolution; which was referred to the Committee on Naval Affairs:

Resolved, That the Secretary of the Navy is hereby directed to report to this House at the earliest possible date the order or orders under which the United States steamer Tallapoosa was cruising at the time she was sunk by a collision with another vessel, at what date she left the city of Washington and the several ports at which she entered or places visited up to the time of said collision, and what was her destination; also a list of the officers, crew, and passengers on said vessel, and what special duties, if any, were assigned to said officers and crew.

MARSHALL CANFIELD.

Mr. WILSON, of West Virginia, introduced a bill (H. R. 8109) granting a pension to Marshall Canfield, late a private in Company H, Tenth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LUKE M'GOVERN.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 8110) granting a pension to Luke McGovern, late a private in Company L, Sixth West Virginia Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

EDMUND H. CHAMBERS.

Mr. WILSON, of West Virginia, also introduced a bill (H. R. 8111) for the relief of Edmund H. Chambers, of Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES MURPHY.

Mr. PRICE introduced a bill (H. R. 8112) for the relief of Charles Murphy; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

PROBATE COURTS IN DAKOTA.

Mr. RAYMOND introduced a bill (H. R. 8113) increasing the jurisdiction of probate courts in the Territory of Dakota; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SANBORN COUNTY AGRICULTURAL SOCIETY, DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 8114) granting to the Sanborn County Agricultural Society, of Dakota, certain lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories is now completed, but if there be no objection the Chair will recognize for the introduction of bills and joint resolutions gentlemen who were not in their seats when their States were called.

There was no objection.

ABRAHAM HEILMAN.

Mr. WOOD introduced a bill (H. R. 8115) to grant a pension to Abraham Heilman, a soldier of the late war for the Union; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JASON F. COLWELL.

Mr. HENDERSON, of Illinois, introduced a bill (H. R. 8116) granting a pension to Jason F. Colwell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES B. SMITH.

Mr. CUTCHEON introduced a bill (H. R. 8117) for the relief of Charles B. Smith, deceased, late lieutenant Fifth Iowa Cavalry; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

CHARLES W. JONES.

Mr. EVERHART (by request) introduced a bill (H. R. 8118) for the relief of the assignees of Charles W. Jones, by the extension of a patent; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

MRS. SUE M'INTIRE.

Mr. LE FEVRE introduced a bill (H. R. 8119) for the relief of Mrs. Sue McIntire, heir at law of W. E. Tarbutton, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ARMY APPROPRIATION BILL.

Mr. FORNEY, from the Committee on Appropriations, reported a bill (H. R. 8120) making appropriation for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. All points of order are reserved upon this bill.

The SPEAKER. The points of order will be reserved.

Mr. FORNEY. I give notice that I will call this bill up for consideration immediately after the bill making appropriations for the District of Columbia is disposed of.

ENROLLED BILLS SIGNED.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 1144) granting a pension to John W. Wright; and

A bill (S. 1112) granting a pension to John Sweeney.

ORDER OF BUSINESS.

Mr. BARBOUR. Regular order.

The SPEAKER. The regular order being demanded, this day being the fourth Monday is set apart for the consideration of such business as may be presented by the Committee on the District of Columbia.

Mr. BARBOUR. Mr. Speaker, I yield to my colleague from Mississippi on the committee [Mr. JEFFORDS].

RECOMMITMENT OF A BILL.

Mr. JEFFORDS. I am directed by the Committee on the District of Columbia to ask that House bill 7489 be recommitted to the committee, with the accompanying report.

Mr. RANDALL. What is the title?

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. 7489) to define the duties and liabilities of the District of Columbia under certain executed contracts.

The bill was recommitted to the Committee on the District of Columbia.

ORDER OF BUSINESS.

Mr. BARBOUR. Mr. Speaker, I believe the Committee on the District of Columbia have no other business to present to the House today. I am instructed, therefore, by the committee not to make any further claim to the attention of the House. I desire to state, however, that the gentleman from Ohio [Mr. FOLLETT] has in his charge two bills, both of them important measures, to present to the House, which are germane to the business of the District of Columbia, one of them being connected with the establishment of an additional police force for the ceremonies of the inauguration and the other the annual appropriation bill for the District.

TEMPORARY POLICE FORCE, DISTRICT OF COLUMBIA.

Mr. FOLLETT. Mr. Speaker, I am instructed by the Committee on Appropriations to submit a report, with an accompanying bill, and ask unanimous consent for its immediate consideration in the House.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

The bill was read a first and second time.

Mr. FOLLETT. I ask unanimous consent to present this bill for consideration at this time in the House.

Mr. WARNER, of Ohio. Let the bill be first read.

Mr. ROBINSON, of New York. I object to the consideration of the bill.

The SPEAKER. The gentleman from New York objects.

Mr. ROBINSON, of New York. Is this a bill to make provision for the public display on the 4th of March?

The SPEAKER. This is a bill to provide for an additional police force, as is customary at such times.

Mr. ROBINSON, of New York. I withdraw the objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, &c., That the sum of $6,000, or so much thereof as may be necessary (one-half payable from any money in the Treasury not otherwise appropriated, and one-half from the revenues of the District of Columbia), is hereby appropriated, to enable the Commissioners to maintain public order and to protect life and property during the ceremonies of inauguration of the President, from the 25th of February to the 5th day of March, 1885, inclusive; and the Commissioners of the District of Columbia are hereby authorized and required to make all needful rules and regulations for preserving public order and protecting life and property, and for regulating and fixing the fares by public conveyances during the aforesaid period, and to prescribe penalties for the infraction of such regulations; and such rules and regulations made, as provided, shall have the same force and effect within the District of Columbia as if enacted by Congress.

Mr. FOLLETT. This report from the Committee on Appropriations, and the bill accompanying it, are in response to two communications from the Commissioners of the District of Columbia, transmitted through the Secretary of the Treasury, requesting that provision shall be made for an extra police force during the inauguration ceremonies. It has been customary for several years past, I will state, to increase the police force of the District on such occasions. I do not deem it necessary to consume time in discussing the matter; so, if there be no objection to considering the bill now in the House, I shall ask the previous question upon the engrossment and third reading of it.

Mr. McCOMAS. Before unanimous consent is given I would like to ask the gentleman one question.

Mr. FOLLETT. Certainly.

Mr. McCOMAS. I desire to ask the gentleman, when he says that this appropriation is customary, whether the amount now appropriated is the customary amount?

Mr. FOLLETT. It is perhaps less than was appropriated four years ago.

Mr. McCOMAS. That is all I desired to ask.

Mr. FOLLETT. This provides substantially for the payment of two hundred policemen for that time, in addition to the regular force.

The SPEAKER. The question is on agreeing to the demand for the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FOLLETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE DISTRICT APPROPRIATION BILL.

Mr. FOLLETT. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

Mr. FOLLETT. I move to take up for consideration the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, and that the first reading of the bill for information be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. FOLLLETT. I ask the Clerk to read the report of the committee.

The Clerk read the report (by Mr. FOLLETT), as follows:

The Committee on Appropriations, in presenting the bill making appropriations for the support of the government of the District of Columbia for the fiscal year ending June 30, 1886, submit the following in explanation thereof:

The estimates upon which the bill is based will be found on pages 190 to 197 of the Book of Estimates, and, exclusive of the water department, aggregate $3,480,147.97, one-half of which amount, or of such amount as Congress may appropriate, is required to be drawn from the revenues of the General Government, and the remaining one-half to be levied upon the taxable property and privileges in the District of Columbia, other than the property of the United States and the District of Columbia, pursuant to section 3 of the act approved June 11, 1878, entitled "An act providing a permanent form of government for the District of Columbia." (Statutes at Large, volume 20, page 102.)

The total amount recommended to be appropriated for the general expenses of the District of Columbia for the fiscal year 1886 in the bill submitted herewith is, exclusive of the water department, $3,419,163.96, of which sum the General Government is required to pay $1,709,581.98, that being the one-half of the whole sum. The whole amount recommended is $60,984 less than the estimates.

The one-half of the whole amount appropriated for the current fiscal year and payable by the General Government is $1,699,493.27, being $10,088.71 less than the one-half contained in the accompanying bill for 1886.

The amount recommended for the water department and payable from the water revenues, and which is not included in the sums above, is $189,396.27. The amount appropriated for the same purposes for the current fiscal year is $186,349.

New legislation of a general character is recommended in the bill as follows:

"The accounting officers of the Treasury are authorized and directed to adjust and settle equitably the accounts of the late commissioners, allowing such of the same as are manifestly just and proper.

* * * * * * *

"That the records of the surveyor of the District of Columbia shall be public records.

"That hereafter the commissioners shall deduct $1 each month from the pay of each policeman, which sum so deducted shall be added to and form a part of

the present police fund, to be kept under the control of the commissioners, and be invested in United States or District bonds; and said police fund shall be used for the relief of any policeman who, by accident, while in the actual performance of duty, or by service not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such accident, leaving a widow, or children under 16 years, for their relief: *Provided further*, That such relief shall not exceed for any one policeman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any policeman dying in the service of the District."

A provision of the same import, applicable to the fire department, is also contained in the bill.

"The District of Columbia shall be allowed credit, as a part of its revenues, for one-half of all drawback certificates heretofore received or that may hereafter be received for general taxes under the acts of June 27, 1879, and July 5, 1884, less any of said drawback certificates already credited thereto."

The estimated receipts from the taxes and other revenues of the District for the fiscal year 1886 are, in detail, as follows:

Estimated assessed value of real estate, at $1.50		$89,500,000
Estimated assessed value of real estate (agricultural), at $1		3,800,000
Total estimated value of realty on June 30, 1885		93,300,000
Estimated assessed value of new improvements from June 30, 1885, to June 30, 1886		1,750,000
Estimated value of realty for fiscal year ending June 30, 1886		95,050,000
Estimate of personal realty for fiscal year ending June 30, 1886		11,250,000
Total real and personal for fiscal year 1886		106,300,000
Estimated receipts:		
Tax on real estate, $91,250,000, at $1.50	$1,368,750	
Tax on real estate, $3,800,000, at $1	38,000	
Estimated collection, 80 per cent. on real	1,406,750	1,125,400
Estimated collection, 90 per cent. on personal	168,750	151,875
Estimated receipts from arrears of general taxes prior to 1885 on $910,827, at 30 per cent		273,248
Estimated receipts from arrears of personal taxes on $12,297, at 80 per cent		9,038
Estimated receipts from licenses		130,000
Estimated receipts from markets		10,000
Estimated receipts from fines, &c., and police court		32,000
Estimated receipts from building permits		5,000
Estimated receipts from rent, wharves, hay-scales, &c		4,000
Estimated receipts from certificates of arrears		1,700
Estimated receipts from dog-tax		8,000
Estimated receipts from Washington Market—poor fund		7,500
Estimated receipts from fees of surveyor's office, income of reform and industrial schools, and miscellaneous		12,500
Total estimate of receipts		1,770,261
Estimated receipts for the water department for the fiscal year ending June 30, 1886:		
Unexpended balance		25,000
Water-main tax		30,000
Water-rent		130,000
Water-taps		2,500
Water-permits		2,600
Total		190,100

Mr. FOLLETT. Mr. Chairman, I desire to get the attention of the committee but for a few moments in the presentation of this bill; and first I desire to call attention to the matters of new legislation which appear in it. The first provision is one directing the accounting officers of the Treasury to adjust and settle equitably the accounts of the late commissioners, allowing all such sums as are manifestly just and proper.

There are involved in this provision about $19,000—between $19,000 and $20,000—of unadjusted accounts of the late board of commissioners. These accounts arose largely from the fact that Congress provided for the work of reassessment or readjustment of the assessment upon the property of the District of Columbia without providing for the clerical force necessary to accomplish that work. The work was made imperative; the commissioners were directed to have it done; but no appropriation was made for the purpose of employing the force necessary to do it. The result was that the commissioners employed a force, paying them out of the contingent fund which had been appropriated for contingent expenses. The First Comptroller of the Treasury held that clerical force for such work as that could not be paid out of the contingent fund, and hence these accounts have remained unadjusted to this time. This provision simply authorizes an equitable adjustment of those accounts, leaving it discretionary with the proper officers to determine which one of these accounts ought to be allowed and the amount that ought to be allowed.

Mr. BLOUNT. Does it make any difference so far as the expenses of the Government are concerned?

Mr. FOLLETT. Not at all.

Mr. BLOUNT. I understand that the contingent fund is ample for the purpose, the only difficulty being it could not be used for that purpose.

Mr. FOLLETT. The money has been paid. The only question now is of crediting the old board of commissioners with the disbursement. From the investigation I have made personally of the accounts I am satisfied all of them were paid for the benefit of the District of Columbia, and that the commissioners ought to be credited with them.

The next item of new legislation is a provision that the records of the surveyor of the District of Columbia shall be public records. They have a surveyor here in the District, but his records he has stoutly insisted were private records, and therefore belonged to him, and the District commissioners have no control over them. To obviate that trouble the District commissioners requested that this officer should be made a salaried officer, and should pay such fees as he collected into the treasury for the general benefit of the District and the Government. The Committee on Appropriations prefer to leave the officer as a fee officer, but by provision of law to make the records of that officer, for he is to all intents and purposes a public officer, public records.

Mr. RANDALL. I do not think that provision is in the bill.

Mr. FOLLETT. Yes, sir.

Mr. RANDALL. It is not in the bill; it was stricken out in committee.

Mr. FOLLETT. No; the provision making it a salaried officer was stricken out, but the other provision remains in lines 132 and 133.

Mr. BLOUNT. You do not claim there is any salaried officer in the bill.

Mr. FOLLETT. No. The chairman misunderstands me. The committee struck out the provision making the officer a salaried officer.

Mr. RANDALL. The provision creating a new office is out.

Mr. FOLLETT. Yes, sir; but the provision to make the records public records is in.

The next new legislation in the bill is to create a relief fund for the police department in the District as we did last year for the fire department—taking out from the compensation of each one of the police of the city $1 per month to be set apart for a relief fund to be used for such men and officers of the force as may be disabled in the service.

The next provision that is new legislation is, that the District shall be allowed credit as a part of its revenues for one-half of all drawback certificates heretofore received or that may hereafter be received for general taxes under the acts of June 27, 1879, and July 5, 1884, less any of said drawback certificates already credited thereto.

Under the act of Congress by which it was provided that one-half of the expenses of running the District government should be paid by the Government and the other half by the District those expenditures included not simply payment of current expenses, but payment of the indebtedness then existing against the District and the interest on that indebtedness. After the passage of that law an act was passed in 1879 requiring the collector of taxes of the District to receive in payment of taxes drawback certificates which had been given on a readjustment of taxes alleged to have been improperly assessed. In other words, the District of Columbia in the collection of the taxes takes these drawback certificates and thereby pays the entire amount of that indebtedness resulting from the readjustment of the tax.

The Secretary of the Treasury or the First Comptroller of the Treasury has declined to allow a credit to the District for those drawback certificates unless it were necessary to allow it for the purpose of meeting the amount of appropriations that were made in the fiscal year in which those drawback certificates were received; and therefore there are of these drawback certificates at that credit some $25,000, as I now remember, for which the District has received no credit. It has been deemed just and proper that the District should receive credit; having received these drawback certificates as so much cash in the collection of taxes, that they should be credited with that amount as against a like amount contributed by the Government for the purpose of paying the expenses of running the government of the District of Columbia.

Those are the items of new legislation incorporated in this bill. The appropriation in this bill, as in all the bills that have been reported for some years past for charities in the District of Columbia, is large. There are two new items upon this bill; three, perhaps I should say. One is for the construction of a new building for the benefit of the females who are sentenced to the workhouse, a building for the female convicts separate from the building in which the male convicts are confined. Workhouse facilities are now totally inadequate for the convicts that are sent there. In the male department there are from twenty to twenty-five male convicts put in one room, sleeping in bunks, and sometimes two together, for the purpose of giving room to accommodate all that are sent to the workhouse. I know of no workhouse in the country that is so crowded as the workhouse in the city of Washington. At the close of the war the Government turned over what property it had in that vicinity to the city of Washington, or to the District of Columbia, to be used for the purposes of the Washington asylum. There are two large magazine buildings, one of which it is supposed at a cost of $20,000 can be converted into a building for the accommodation of female convicts sent to the workhouse. The committee deem it important that that work should be done. The commissioners requested it, and no one who has visited the Washington asylum and seen the kind of accommodation there furnished would hesitate for a moment to say that the appropriation should be made.

There is another item under the head of charities, an appropriation of $15,000 for the purchase or construction of a building for the national homeopathic hospital of the District of Columbia. It is claimed by residents of the District of Columbia that all the charities now are under the exclusive management of the allopathic school of physicians, and for the purpose of testing the two systems in part; and for the purpose of accommodating those who desire to be treated by the homeopathic system, they request that an appropriation shall be made for the

construction or erection or purchase, as they may deem best, of a homeopathic hospital. The committee have recommended $15,000 for that purpose.

Another new provision in the matter of charities is for the construction of an additional building for the National Association for Destitute Colored Women and Children, and an appropriation of $18,000 is recommended for that purpose. At the time of the establishment of this association for destitute colored women and children a number of barracks that had been occupied during the war by the Government were turned over for occupancy by this charity. Some two or three years ago an appropriation was made by Congress for the erection of one new building. That building has been completed; and now, for the purpose of completing and furnishing the room that is desired for the purposes of this charity, they ask that another appropriation shall be made for the construction of a building adjoining this for the purpose of accommodating the children who are under the care of the association; and the committee have recommended an appropriation for that purpose.

Of course, appropriations that are made for charity, or for almost any purpose in the bill, necessarily come out of the amount that can be appropriated for street improvements; for that seems to be and is substantially the flexible appropriation of the bill which must suffer so far as other appropriations are made or is benefited by the reduction of other appropriations. The committee this year have appropriated for the improvement of streets and the making of new streets $265,000, all that it was deemed possible to appropriate or proper to appropriate in view of the other appropriations of the bill.

I may say here that it is impossible in any appropriation bill for the District of Columbia to satisfy all the people of all the parts of the city. Complaints are made that one portion of the city is getting more money for street improvements than it ought to have, and the same complaint comes substantially from every portion of the city.

I have said now, I believe, all that I desire to say except upon one point. There are here in the school system two superintendents of schools—one of them the superintendent of the white schools and the other the superintendent of the colored schools. A number of persons have waited upon different members of the committee with the request that the schools shall be put under one head and one management. About one-third of the children of school age in the District of Columbia are colored children and two-thirds white. We have been paying for several years a salary of $2,750 to the superintendent of white schools and a salary of $2,250 to the superintendent of the colored schools. I believe myself that it would be a wise system to place all these schools under one head and one management; but I am satisfied that that change can not now be made without producing friction such as would result injuriously to the schools. Therefore the committee have thought it advisable to leave the system as it found it, leaving to some future Congress the work of placing the schools under one head and one management. Therefore we have this year proposed no change and made no recommendation in that regard.

Mr. Chairman, I believe I have said all I desire to say at this time. I reserve the balance of my time.

Mr. RANDALL. I suggest that general debate be now closed.

Mr. FOLLETT. I ask unanimous consent that general debate be now closed and that the bill be read for amendments.

The CHAIRMAN. If there be no objection, general debate on this bill will be now closed and the bill will be read for amendments. The Chair hears no objection, and it is so ordered.

The Clerk, proceeding to read the bill by paragraphs for amendment, read as follows:

WASHINGTON AQUEDUCT.

For engineering, maintenance, and general repairs, $20,000.

Mr. LONG. I offer an amendment, which I send to the desk to be read.

The Clerk read as follows:

After line 171 insert:

"For the redemption of four certificates of indebtedness, issued by authority of section 7 of the act of the Legislative Assembly, approved June 26, 1873, dated July 1, 1873, of the denomination of $50 each, with interest payable semi-annually at the rate of 8 per cent. per annum, numbers 8824, 8826, 8827, and 1828, payable July 1, 1878, $366.96."

Mr. RANDALL. I would like to have some explanation of that amendment.

Mr. LONG. These are certificates representing indebtedness of the District issued some years ago. They are of the amount of $50 each, and the whole sum is only $200, with interest. The certificates represent the indebtedness of the District, which of course should be paid. In the course of business a notice was issued of a time at which these certificates must be presented for audit and for payment. Nearly all the certificates of this class were presented, but it so happened that these particular certificates were held by a man who is now in distress and poverty, who at the time did not know that such notice had been issued, to whom, in fact, the notice never came, and who, when he did present his certificates, found that the time for their presentation and payment had expired.

I am informed that the District commissioners state that no other certificates are likely to be presented, and, in fact, that all have been paid with the exception of these and a few others. There is no probability that any others will be presented, but whether that is so or not this man certainly should be paid, and I hope there will be no objection made to this amendment.

Mr. RANDALL. Is the whole of this amount to be paid out of the District treasury or only half of it?

The CHAIRMAN. Under the terms of the bill this appropriation is to be paid half out of the District treasury and half out of the Treasury of the United States.

Mr. LONG. I suppose that only half the amount will be paid by the District under the provisions of the bill.

Mr. RANDALL. Then that ought to be stated.

The CHAIRMAN. The bill so provides.

Mr. RANDALL. I thought that possibly this claim originated prior to the date of the act dividing the expenses between the United States and the District.

The amendment was agreed to.

The Clerk read as follows:

FOR THE FIRE DEPARTMENT.

For one chief engineer, $1,800; one fire marshal, $1,000; one secretary, $900; two foremen acting as assistant chief engineers, at $1,200 each; seven foremen, at $1,000 each; seven engineers, at $1,000 each; seven firemen, at $800 each; two tillermen, at $900 each; nine hostlers, at $800 each; sixty privates, at $780 each; three watchmen, at $600 each; one veterinary surgeon, $300; repairs to engine-houses, $1,000; for fuel, $2,250; purchase of horses, $2,500; forage, $6,000; hose, $2,250; repairs to apparatus and new appliances, $4,000; contingent expenses, including office-rent, horseshoeing, furniture, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, $6,500; in all, $108,100: *Provided*, That hereafter the commissioners shall deduct $1 each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, under the control of the commissioners, and be invested in United States or District bonds, and shall be used for the relief of any fireman who, by accident, while in actual performance of duty, or by service not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such accident, leaving a widow or children under 16 years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District.

Mr. FOLLETT. Under the provision in the bill of last year, which is substantially the same as this, except that in this bill the word "hereafter" is used so as to make the provision permanent, the word "fireman" has been given a construction by the First Comptroller of the Treasury which makes an amendment necessary. He limits the term "firemen" to the seven firemen provided for in the bill. I therefore offer the following amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

In line 386 strike out the word "fireman" and insert the words "employé of the fire department;" in line 389 strike out the word "fireman" and insert the words "employé of the fire department;" in line 395 strike out the word "fireman" and insert the words "employé of the fire department;" in line 398 strike out the word "fireman" and insert the words "employé of the fire department."

The amendment was agreed to.

The Clerk resumed and concluded the reading of the bill.

Mr. WARNER, of Ohio. As I understand, the meaning of this bill is that the government of the District costs annually about three and one-half million dollars, of which the Government of the United States pays one-half, or $1,700,000. The effect is that the taxes on the Government property in the city of Washington and District of Columbia amount to about $1,700,000. Is not that the fact?

Mr. FOLLETT. Yes, sir.

Mr. WARNER, of Ohio. That would seem to be a pretty good tax for the property which the Government owns here. That is all I desire to say.

Mr. FOLLETT. I move that the committee rise and report the bill and amendments to the House with the recommendation that it pass as amended.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, had directed him to report back the same with sundry amendments, and the recommendation that the bill with the amendments do pass.

The SPEAKER. The question is on the adoption of the amendments to this bill as reported from the Committee of the Whole House on the state of the Union.

Mr. FOLLETT. I ask that the question be taken on the amendments in gross.

The SPEAKER. If there be no objection, the question will be submitted on the amendments in gross. The Chair hears none.

The question being taken, the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the bill.

Mr. FOLLETT. As the hour has arrived which was assigned by order of the House for addresses on a deceased member, I will not ask

a vote on the passage of the bill at this time, as the rule requires that the vote must be taken by yeas and nays.

The SPEAKER. The Chair suggests that if the previous question be ordered now upon the passage of the bill it will come up to-morrow as the first business in order after the reading of the Journal.

Mr. FOLLETT. I demand the previous question on the passage of the bill.

The previous question was ordered.

DEATH OF HON. W. A. DUNCAN.

The SPEAKER. The hour of half past 2 o'clock having arrived, the Chair will bring to the attention of the House the special order assigned for this time.

The Clerk read as follows:

Resolved, That Monday, January 26, 1885, at 2.30 p. m., be fixed as the time for paying appropriate honor to the memory of Hon. W. A. DUNCAN, late a Representative from the State of Pennsylvania.

Mr. ERMENTROUT. I submit the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That this House has heard with profound sorrow of the death of Hon. W. A. DUNCAN, late a Representative from the State of Pennsylvania.

Resolved, That the business of the House be now suspended that fitting tribute may be paid to his memory.

Resolved, That as an additional mark of respect the House shall, at the conclusion of these ceremonies, adjourn.

Resolved, That the Clerk communicate these resolutions to the Senate.

Mr. ERMENTROUT. Mr. Speaker, Hon. WILLIAM A. DUNCAN, the subject of these funeral rites, was born in Franklin Township, Adams County, Pennsylvania, February 2, 1836. He died at Gettysburg, in his native county, November 14, 1884, in his forty-ninth year. His paternal ancestors originally went from the neighborhood of Edinburgh to Donegal, Ireland, from whence, about the year 1750, his grandfather, Seth Duncan, emigrated to the United States, and located in Lancaster County, Pennsylvania. He there married and lived till late in life, when he removed to Abbottstown, then York (now Adams) County. Seth had a number of children, most of whom became notable people. It was indeed a remarkable family. James and Matthew were brave officers in the Revolutionary war. William, after whom our late colleague was named, represented Philadelphia in the State Assembly as representative and senator for several terms and was an aid to Governor Simon Snyder during the war of 1812. His son, Abner L., was a distinguished lawyer in New Orleans, whither he had gone in 1806. He was one of General Jackson's aids at the battle of New Orleans, and counsel with Edward Livingstone in defending that general during his trial before Judge Hall for proclaiming martial law. His daughter Hannah became the wife of John Nicholson, the famous comptroller-general of Pennsylvania and partner of Robert Morris, the great American financier of the Revolution. Another daughter married Judge William Moulder, of Philadelphia. The most of them lived to a ripe old age. His son, Adam Seth Enos Duncan, the father of Mr. DUNCAN, was an exception. He died in 1840, aged 51 years. He, too, had been a soldier, serving in the war of 1812–'13 at Lundy's Lane, Chippewa, and Black Rock, and was twice wounded.

On the maternal side tributary rills of Pennsylvania-German blood steadied and calmed the Scotch-Irish flood of many generations coursing in his veins; for both grandmother and mother were of that race who more than two hundred years ago brought from the banks of the Rhine the arts, sciences, literature, and religion of a Christian civilization and planted them firmly in Pennsylvania.

Mr. DUNCAN, therefore, in his extraction was a Pennsylvanian, representing in blood and lineage the two great stocks which have so strongly impressed their characteristics on that State and made her a powerful, prosperous, and substantial Commonwealth.

It is a remarkable family record even for good old Pennsylvania. Yet our friend's whole life shows that he did not depend for laurels upon his dead ancestors; he was rather actuated by the famous sentiment of the eloquent Ulysses:

> Nam genus, et proavos, et quæ non fecimus ipsi,
> Vix ea nostra voco.

Nevertheless, if we would correctly weigh a man's life and character we must know the mold in which he was cast. We must all act for ourselves; but something of our characteristics we owe to our forebears, as a noted American writer puts it:

> Though nature appears capricious some qualities she carefully fixes and transmits, but some, and those the finer, she exhales with the breath of the individual as too costly to perpetuate. But I notice also that they may become fixed and permanent in any stock, by painting and repainting them in every individual until at last nature adopts them and bakes them in her porcelain.

With these antecedents Mr. DUNCAN was left an orphan at the age of 4 years with two brothers but a few years older, to the charge of a widowed mother. Nothing of the past worthy of preservation for her children was permitted to be lost by this estimable lady. Her affectionate care carried them through the troubles of childhood, followed them through the temptations of youth, and even after their careers of manhood had opened. She died in 1880 at the advanced age of 80 years, having found the reward of her motherly devotion in seeing her boys grow into successful business men and honored citizens. Heaven grant us many such women! They are the Cornelias of the Republic.

Presumably Mr. DUNCAN early showed an aptitude for intellectual pursuits, as he matriculated at the age of 17 at Franklin and Marshall College, Lancaster, Pa., in 1853. He graduated in regular course in 1857 as valedictorian of his class. This fact attests the eminent rank he attained while a college student as scholar, thinker, and orator. After graduating he entered the law office of R. G. McCreary, esq. (who preceded him one short year ago to the other world), at Gettysburg, the county seat of Adams, and in due course was admitted to the bar in 1859. He applied himself zealously to practice. Industry, diligence, and integrity brought with them the confidence of his associates, of the community, an extensive practice, and made his professional career a success. Endowed with such qualifications, combined with an agreeable address and methodical and regular habits, promotion to places of public trust became a matter of course. By the election of the people he filled the office of prosecuting attorney for Adams from 1862 to 1865, and so acceptably that he was again chosen to fill the same position from 1868 to 1871. He was also for a long time solicitor for the county, and filled various other local offices. In November, 1882, he was elected to represent the populous and intelligent counties of Adams, Cumberland, and York, comprising the nineteenth district of Pennsylvania, in the Forty-eighth Congress.

Here let us pause in our count of the unvarnished items that so far have made up this man's life. He did not flash into notice like a meteor, illuming the heavens to the great admiration of the lookers-on, and then disappear; nor did he become notorious by reason of any great noise he made or others made for him. We find him taking his origin in a quiet little township in Adams County, going through the phases of infancy and boyhood, beginning a career of study, till it brought him to the college door. He entered at the beginning. He steadily pursued his way, looking neither to the right nor to the left. The culmination of that course was the winning of its most coveted prize. He entered the arena of real life in the ranks of the profession of his choice. He there gained its most desirable and substantial rewards. He placed himself in contact with the public.

Public trusts became his legitimate possession and public usefulness his habit. No doubt he had conflicts in the race of life, but he preserved through them all his own self-respect, the confidence of the community which had known him from boyhood, and of all with whom he associated. He was indeed a type of those men who, whether they become more or less famous, whether they adorn private station or public position, bring to humanity its most lasting and substantial achievements; who well deserve the commendation of one gifted with more than poetic inspiration, who has said—

> All my life long
> I have beheld with most respect the man
> Who knew himself and knew the ways before him,
> And from amongst them chose considerately,
> With a clear foresight, not a blindfold courage,
> And, having chosen, with a steadfast mind
> Pursued his purposes.

With such antecedents he became a member of this body. With such a record the constituency which honored him and those who knew him had a right to expect a continuance of his usefulness. But Providence willed otherwise. An insidious disease, the appearance of which had given occasion for solicitude some six years ago, had already laid so heavy a hand upon his mortality that the usefulness of his Congressional career was paralyzed at its very threshold. And though the excitement and interest natural to every one upon entering a new field seemed at the beginning of this Congress for a while to kindle new life, it was but the last flicker of the divine spark premonitory of approaching extinction. Those of us who noted these changes saw full well that his days were numbered. He seldom appeared at the meetings of his committees, Education and Military Affairs. His wasted form and feeble gait were seldom seen, and his seat was but seldom occupied.

After the adjournment in July last and his return home, he rarely left the house, except on pleasant days to take short drives. This continued till a month before death, during which time I learn he was constantly at home, and often, owing to a difficulty in breathing, unable to converse with his friends. In the long, weary hours spent by him in the ante-chamber of death, he learned fully to realize his condition, and to become resigned to it. In vain friends spoke hopefully of renewed strength and prolonged life. He gave them no encouragement. Overruled by these friends, he allowed his party to honor him with a renomination for Congress, but his subsequent re-election crowned with success a brow already damp with the dews of death. Having renewed the religious vows of his early youth, and armed as he was with Christian faith in a Redeemer, he calmly awaited the beginning of a new life. In the early morning hours of November 14, 1884, at Gettysburg, his spirit peacefully took its everlasting flight.

Standing to-day at the grave of WILLIAM A. DUNCAN, my mind at this stage of our political history is irresistibly carried back to a suggestive episode in his career. In 1856, while yet a beardless youth upon the threshold of active life, he became the chosen ambassador of his instructors and fellow-pupils as the representative of his *alma mater* to bear congratulatory messages to James Buchanan, the last President of the United States of his party, on his election to the Presidency.

Twenty-eight years elapse—years crowded with tremendous events, bringing with them tremendous changes and affecting the social and political life of millions; bringing with them, too, overthrow after overthrow upon the party in whose supremacy his warmest sympathies were enlisted; and after years of toil and effort in her behalf, in the crowning hour of her success, and at the very start of a race involving most important results to him and his political household, like Moses on Pisgah's top, in sight of the Promised Land, his eyes close in death.

It is a question among men whether strict propriety does not require that on occasions like this the participants should mask their feelings and restrain the flow of natural emotions. Let those who prefer play the part of the stern Roman. I prefer to be the Greek, who weeps and still remains a man. For, in this solemn presence, occupying from early youth the relations I have to our dead friend, the first victim among my Pennsylvania colleagues since my connection with this House, the recollection of long-faded days transports me back over the gaps of time, place, and circumstance. Once more I stand with him on the perilous edge of an unknown future—unknown, but filled with glorious promise and pleasing prospect. When the alluring splendors of hope gilded life's bright morning with honor, wealth, and fame, beckoning on over untrodden and untried paths, there we parted, each bent upon his respective mission, each pursuing his separate path, converging here with many things then hoped for realized to both, his hoped for, unrealized balance absorbed by death. It is the one sad lesson of life—the chalice that sooner or later is commended to the lips of all—the vanity of human wishes. Yet the magic spell of that time projects a softening, soothing halo—to which no human heart can be insensible—into the very gloom of this hour.

I should hesitate to intrude upon the privacy of the domestic circle on an occasion like this; but it is due to those who survive him to say that the symmetry of our friend's rounded career, visible to the public eye, did not want the harmonious complement of a prosperous wedlock. Perhaps no one may tell how much of his success was due to this union. In 1863 he wedded Miss Catherine W. Schmucker, daughter of Rev. Dr. Samuel S. Schmueker, president of the Theological Seminary at Gettysburg, who is now deceased, the honored head of a family distinguished in the annals of the Church, in the learned professions, and in the higher walks of literature. The fruit of the union was four sons, now aged respectively 20, 19, 17, and 13 years. Happily they live to console, to comfort, and to sustain the bereaved widow in the bitter affliction of this irreparable loss. They are the legatees of many honorable family traditions, of which no doubt they will prove themselves worthy. I trust they will hold up without reproach in the battle of life the noble standard that fell from the grasp of their progenitor only when his hand was nerveless in death.

His end was universally lamented and regretted. The resolutions of respect and sympathy passed by his former associates at home, and the large concourse of sorrowing friends upon his interment, bear amplest testimony to this. All that lay in human power to avert or break the force of the blow has now been done, but—

They can not render back
The golden bowl that's broken at the fountain,
Or mend the wheel that's broken at the cistern,
Or twist again the golden cord that's loosed.

I doubt not that those of us who during the last session saw the too frail body that encased the immortal soul of our late associate must feel it to be better far to anticipate that hour when the breath of Almighty Power shall resurrect it from the dust, and change the body corruptible in time into the body incorruptible in eternity.

Thus ends my painful duty, a duty performed as best I could. I have not disfigured my face with grief as one without hope, nor indulged in vain lamentation, nor obscured with indiscriminate eulogy the memory of our late colleague. Not so have I purposed or performed. But as one who first learned to know him and become his friend years back in the college days, I have endeavored in decorous and befitting words to lay an honest tribute on his tomb—a tribute not unwarmed I hope by some rays of the ancient faith, some gleams of home pride, some cheering beams from the memories of long ago.

Mr. SWOPE. Mr. Speaker, as the successor, fellow-townsman, and life-long acquaintance of WILLIAM A. DUNCAN I feel impelled, not only or chiefly by time-honored custom, but much more by the dictates of friendship, esteem, and regard for high mental and moral excellencies, to offer a few words of tribute to the memory of my predecessor.

A monotone of sadness pervades the literature of every race and comes wailing down to us in the song and story of all the tribes of men. To be born is but the beginning of death. All the forces and potencies of nature seem at once to combine against the structure which she herself has reared. From the initial moment life is a struggle which yields no crown to the victor, and to the vanquished suffering, decay, and death. If life were to be estimated only by its last and culminating result, or by its continued contest with all destructive agencies, then, indeed, it would be true that—

Man was made to mourn.

The teachings of the pessimist would be in accordance with sound philosophy, and life itself would be evil, and only evil.

But man is himself a predominating factor in the economies of nature. He fills a larger place in the moral than he occupies in the material universe, and stands on a plane so far exalted above all other creations, that his life can not be measured by his length of days in the land. It is estimated not by years so much as by deeds; not by cycles of time so much as by eras of events. In the material universe not an atom of matter is ever lost, though constantly assuming new forms and combinations.

A drop of water which to-day may be tossed in wild commotion on the waves of the deep may to-morrow glitter in the dew-drop or fall in a tear. Thus every act of man is followed by an ever-widening circle of consequences and results, and forever reappears in novel and varied phases of existence. It may itself become a propagating germ, to be multiplied and reproduced throughout all time. This large view of the vast results which may be attained in a life which has not yet reached its meridian may in a measure reconcile us to the untimely loss of those who have not lived long, but well.

Mr. DUNCAN had the honor of being chosen by the people among whom he was born and reared, and so by them well-known and trusted, to represent them here. And though his usefulness was to some extent impaired by failing health and ever-increasing weakness, yet such was their firm faith in his honor and honesty of purpose and action, that they again re-elected him as their Representative for the Forty-ninth Congress. This in itself is a testimony of no slight or dubious character to his worth, ability, and conscientious regard for the interests of the people whom he most closely represented. Nor is the constituency of the nineteenth district of Pennsylvania by whom he was chosen wanting in the eminence and distinction of the men whom they have sent here in times past. Whatever differences of opinion may have prevailed, and may still prevail, in regard to great public interests and national policies, there can be no differences respecting the ability and patriotism of the Representatives chosen by the people who supported my lamented predecessor. Nor was my honored friend wanting in a watchful, careful, and intelligent regard for their interests.

But his patriotism was broader than his district. He regarded that as a fragment, however valued and prized, of the great and noble old Commonwealth of which it is a part; and this again as only a member of a national family of States, constituting one grand and glorious Union, whose honor and prosperity is the highest goal, to which all should be at once tributary and subordinate.

With no tormenting ambitions for public office, and but little experience beyond the cares of a local and honorable relationship to the community in which he lived, Mr. DUNCAN was sent here more by reason of the reputation he had gained as a good citizen, able lawyer, diligent worker, and an incorruptible patriot than because he had won any renown as a representative or legislator. That he did not disappoint or forfeit the confidence of his constituency, the faith of his party, or fail in his duty to the Commonwealth or to the county, is seen in the significant fact that he was returned on his second candidacy with a largely increased popular vote over his first election.

I may state here that which may be allowed me, as his personal friend and confidant in his last hours, that he wanted but this to smooth and make easy his path to the grave, already open to receive him, for he died just one week after his re-election. This is not the time to enlarge upon the strain and stress which is laid upon a member when his personal convictions of what is right and just are at variance with those entertained by many of his friends and by most of his constituents. Happy is he who escapes this ordeal, this trial by fire, and most happy he who in the long run and final result can demonstrate that he was right.

Those who have known Mr. DUNCAN only in this legislative hall can form no conception of the man. His first step here was the initial movement toward his grave, and every day accelerated the pace of the relentless disease which, hour by hour, sapped and undermined his vital forces. Still he fought a good fight against his remorseless foe. He gallantly contested every step; and could he have been placed under more favorable circumstances of climate and situation he might have protracted the contest for many years. But, sir, though often besought by family and friends to quit his post and forsake his duties he remained here, fulfilling all the responsibilities of his position until the close of the session, when, with every duty performed, and his public trust fulfilled, he came home to die in sight of those blue mountains at whose base he was born, and whose lengthening shadows, as the sun sinks behind them, almost reach his grave.

It has been said by the great dramatist, who was noted for his accurate portrayal of the human heart and his philosophic interpretation of the motives of human conduct, that—

The evil that men do lives after them;
The good is oft interred with their bones.

However true this adverse and discourageing estimate of the durability of good deeds may be, it can be accepted only with many limitations and under very unfortunate conditions of society. I prefer to believe in the truth of a higher, more inspiring, and philosophic sentiment:

The memory of the just is blest,
The name of the wicked shall rot.

I believe in the essential immortality of good deeds. Those that are

such are not and can not be buried with the bones of their authors, but live after and follow them.

Nay, sir, it is a cheering truth that of "the good men do time but the impression deeper makes, as streams their channels deeper wear." It is only when death has lent its solemn sanction to a completed life, and time has confirmed the value of thoughts and deeds, that their wisdom and unselfishness are rightly appreciated.

No man takes in the range and altitude of a mountain while environed by near-jutting prominences and thick forests. The chain needs to be projected against a remote horizon, girding which may be seen the long-drawn and towering massiveness of the whole. Thus it is that we contemplate those colossal figures which awe and inspire us along the granite ranges of history.

The virtue, purity, and patriotic devotion which look upon us from their secure heights to-day in the characters of Washington, Jefferson, and others on like Alpine summits are all the more conspicuous and impressive because of the distance from which we contemplate them. The ages will never displace them from their eminence nor shrink their solid dimensions. In the same measure and by the same law will every humbler name take its enduring place among the stabilities of the future. We may therefore confidently commit the record of our deceased brother to the keeping of that favoring genius who protects and guards the archives of the past.

WILLIAM A. DUNCAN was born in Franklin Township, Adams County, Pennsylvania, on February 2, 1836. After such preliminary training as was at that period accessible in country schools he entered Franklin and Marshall College, from which he graduated in 1857 with the highest honor. During his college course he displayed marked ability as a clear thinker and graceful writer, which qualities he enlarged and developed during his whole career. After leaving college Mr. DUNCAN studied law in Gettysburg, and was admitted to the bar in 1860. In 1862 he was elected district attorney, and re-elected in 1868. In 1874 he was the nominee of Adams County for the State senate. He was also a member of the State central committee. In 1882 he was elected a member of the Forty-eighth Congress of the United States, and was re-elected November 3, 1884. He died November 14, 1884.

While a close professional student, and a hard worker in all the details of his business, so that he commanded the unlimited confidence of his clients, he did not neglect the ordinary duties which pertain to a good citizen. He has been identified with every organization which had for its object the welfare and improvement of the community in which he lived. He was genial, kind, and courteous, and was most loved by those who knew him best.

In his domestic life his even and equable temper, his kind consideration for those about him, his hospitality to his friends, and his constant love for his wife and children, shone forth with peculiar luster. During the long period of his weakness and depression his devoted wife administered to his wants, relieved him of such burdens as she herself could bear, and with an entire devotion which ended only with his life sacrificed everything for him.

With the love of partial friendship, with the sorrow of a bereaved community, we interred the remains of our brother in the soil of a field made memorable by the bloodiest battle of cruel war.

He rests on the summit where carnage and death held their bloody revels twenty-one years ago, but where now all is peace and stillness, where the summer breezes blow softly from the blue mountains which overlook the plain now smiling with peace and plenty.

In the adjoining cemetery, where—

> Each in his narrow cell forever laid,
> The rude forefathers of the hamlet sleep,

rests all that is mortal of my lamented friend and predecessor.

Let us trust that each of us, before the final result comes, may have contributed his share, humble though it be, to the happiness, prosperity, and progress of his race, so that it may not truly be said of any one of us "he has lived in vain."

Mr. ATKINSON. Mr. Speaker, as the Highlander will not pass the tumulus of his friend without adding a pebble thereto, so I offer a brief tribute to the memory of my late colleague, WILLIAM A. DUNCAN, in whose honor these services are held to-day. It is fitting that we should turn aside for a little while from our daily duties to record our testimonials of esteem for one who faithfully and honestly performed his duty as a Representative, who conscientiously and laboriously served his constituents even when declining health made his onerous duties doubly difficult, and who thoroughly enjoyed the confidence and respect of the intelligent constituency which sent him to this House.

We can render him no other service; but it is a service which he well deserved, so that we may not perform it as a mere matter of official duty or custom, but because his gentle and amiable disposition, his fidelity and honesty, his industry, and his sacrifices for his country secure it for him as his just due.

The district which I have the honor to represent adjoins that represented by Mr. DUNCAN, but my acquaintance with him began only at the beginning of the first session of the Forty-eighth Congress. When I first met him I was impressed with his amiability and gentleness of disposition. A thorough gentleman, of refined and cultured tastes, I found him an interesting companion, and soon learned to appreciate him as a valued friend. Although disease had set its impress upon him, he never seemed to think of himself or his physical misfortunes, but bravely and unflinchingly bore the burden which would have fallen on a man of less courage with crushing force. He attended to his public duties with careful attention to detail and a total disregard of self, as if animated only by a desire to achieve the greatest results in the brief time which he knew was allotted him to live, apparently believing that—

> We live in deeds, not years; in thoughts, not breaths;
> In feelings, not in figures on a dial.
> We should count time by heart-throbs. He most lives
> Who thinks most, feels the noblest, acts the best.

Mr. DUNCAN'S humblest constituents could call upon him for his services, feeling assured that his business would receive as careful consideration as the more important affairs of the influential. He was polite and courteous to his fellow-members of this House and kind to his inferiors. As a lawyer he loved his profession, and although not without ambition for public life, yet acted as if the highest honor to which he aspired was to be distinguished in the profession of his choice.

Bringing fine literary culture to his professional studies, he thoroughly mastered the principles of the law and applied them readily and accurately to the facts presented in a cause. His intellectual abilities were of a high order, and he possessed a diversified knowledge outside the range of his profession rarely obtained by the laborious practitioner of the law.

He acquired a large practice soon after he was admitted to the bar, and his unwearied devotion to the interests of his clientage was one of the inducing causes which produced the disease of which he died. Few men possessed as great and enviable popularity as Mr. DUNCAN. His popularity was not accidental or evanescent, for his constituents had known him from his childhood.

Soon after he came to the bar he was elected district attorney of his native county, and so satisfactory was his performance of the duties of that office that he was again elected to the same position. After his first election as a Representative in Congress he felt that his failing health would not enable him to bear the exertion and fatigue incident to a canvass for re-election, and he would willingly have declined the honor of a renomination. But his many friends insisted that he should again be a candidate, and he reluctantly yielded to their importunities.

His physical inability rendered him unable to canvass his district, but the confidence of his people was so marked, that he was elected by a larger majority than when he was first a candidate. No higher compliment could have been paid to his personal worth.

Two weeks after his re-election death called him from the scenes of his struggles and his earthly triumphs. He fell in the meridian of his useful and honorable career; and his unfinished life, if the expression may be used, is well typified by a broken column. From the spring and summer of his career we had a right to expect an abundant autumn. We regret that by his untimely death this body and his people have been deprived of those matured fruits for which his character and attainments had justified us to hope.

His body has been laid to rest among his kindred upon the historic Cemetery Hill at Gettysburg, which two decades ago vibrated with the thunder of that mighty cannonade which marked the turning point of the struggle for the maintenance of the Union. The fierce conflict over, the nation dwells in peace, and may this peace be emblematical of the peaceful repose of his spirit since the conflict of his life is ended.

The sainted dead of the nation, who died that the Union might live, lie in the national cemetery at his feet. On the morning of the resurrection none can be in nobler company.

> He has outsoared the shadow of our night;
> Envy and calumny and hate and pain,
> And that unrest which men miscall delight,
> Can touch him not and torture not again;
> From the contagion of the world's slow stain
> He is secure; and now can never mourn
> A heart grown cold, a head grown gray, in vain—
> Nor, when the spirit's self has ceased to burn,
> With sparkless ashes load an unlamented urn.

Mr. POST, of Pennsylvania. Mr. Speaker, he whose memory we honor to-day and whose death we mourn was a modest, unassuming, honest, and faithful citizen. Content to perform with zeal and fidelity whatever duties his environment imposed he sought not renown, but courted rather that more subtantial boon, the confidence and esteem of his neighbors, with whom he was brought into daily contact and among whom he sought to achieve an honorable reputation.

During his brief term of service in this House Mr. DUNCAN was precluded from attendance upon its sessions often for several days in succession by reason of delicate health. At the time of taking his seat the ravages of disease had grievously impaired his powers of endurance, and he was therefore obliged to abstain from all social festivities, in order that his whole strength might be husbanded for the discharge of official duties. Hence it came that his acquaintance among his colaborers in this body was exceedingly limited and his usefulness neces-

sarily curtailed. For many years it had been his ambition to represent his district in Congress; and who can imagine the bitterness of his disappointment, when at last, the coveted prize being attained, he found himself physically incapacitated for active participation in the work of legislation.

In this contentious body, with its iron-bound, inexplicable rules and utter disregard for individual feeling; where recognition can only be obtained as the result of intellectual prowess, parliamentary *finesse*, or sheer force of will; where the power is wielded by a few of the legislative elders, and a new member is chiefly considered as a necessity in making up a quorum, a man in robust health and in the full vigor of manhood's strength may well be overwhelmed by the paucity of his chances for gaining a foothold; how utterly futile of accomplishment, then, this task must have appeared to our deceased friend, who entered this Hall enfeebled by disease and with emaciated frame.

Stricken down while yet comparatively a young man, deprived of an opportunity for displaying in public life whatever talent or adaptation therefor he may have possessed, in eulogizing the dead upon this occasion we can only speak of the character and reputation sustained by him in the private walks of life. In his intercourse with his fellows the deceased was kind, considerate, and courteous. In his business relations he was conscientious, fair, and generous. As a lawyer he was able, industrious, and successful. To all trusts confided to his keeping he was faithful, and as a husband and father he was loving, tender, and true.

A little more than a year ago the Forty-eighth Congress convened in its first session. In the year that has passed so quickly, as quickly as vanishing breath, the shadow of death has frequently darkened this Chamber. Of those who then came commissioned to this House of Representatives, bearing with pride such evidence of popular favor and eagerly hoping for higher honors, several have already gone to join the great majority. Life's fitful fever being over, they sleep. As the Death King has entered here with swift and echoless tread and borne away one after another of our associates, we are reminded of the uncertainty of life, and the great and solemn truth is forced home upon us that it is appointed unto all once to die.

WILLIAM A. DUNCAN was born in Adams County, Pennsylvania, February 2, 1836. After graduating with high honors from college he read law and was admitted to practice in 1859. Aside from serving two terms as district attorney for his county he held no other official position until his election to Congress. Always a strong partisan and taking an active interest in political matters, he was frequently a delegate to conventions, county and State.

Notwithstanding the fact that at the close of the last session Mr. DUNCAN returned to his home much prostrated, and it was apparent that the end of his earthly career was near at hand, and while unable to go about among them, his constituents unanimously renominated him for re-election, and at the election he was chosen by a large majority, thus attesting the regard of his people for their distinguished Representative. The certificate of the return judges of this election was received two days before his death.

I was one of the committee of the members of this House designated by the Speaker to attend the funeral obsequies of the deceased held in the quaint but historic little borough of Gettysburg. In that vicinity he had lived all his life, and from the immense concourse of mourning friends gathered there to pay their last tribute of respect it was evident that by those who had known him long and intimately he was beloved. There, side by side with those of his kin who had gone before, we laid him to rest, and as we retraced our steps from the city of the dead, leaving him asleep upon the breast of Mother Earth, we felt that a good man had gone from among us to his eternal home.

Mr. BAYNE. Mr. Speaker, I rise more for the purpose of joining my colleagues in paying a tribute to the memory of Mr. DUNCAN than with the view of saying anything which may enlighten the members of the House about his characteristics or his life. My acquaintance with Mr. DUNCAN was formed at the beginning of the present Congress; and I was brought into more or less intimate association with him by his being a member of the Committee on Military Affairs. I also met him frequently, and our social relations were somewhat intimate and always pleasant.

As Mr. DUNCAN appeared to me, a most prominent characteristic of his nature was that he was essentially and in every respect a gentleman.

Every element which goes to make up that desirable character was possessed in a conspicuous degree by him. He was studious always to avoid the mere suggestion of anything that would give offense. In his intercourse with others he was kindly, genial, respectful, treating all as equals.

The members of his own family—his sons and daughters—shared his association as adult equals are wont to do; and I have more than once observed the respect and consideration that were shown each other in the discussion of topics, and how free each felt to express his or her opinion, unawed by paternal austerity, fully encouraged rather by the mutual confidence and regard that prevailed in that good family.

Notwithstanding this genial, kindly temperament of Mr. DUNCAN, I am told that in the legal forum he conducted most vigorous fights, and that in professional controversies his brethren of the bar always regarded him as a foeman fully worthy of their steel. In Congress, being a new member and subjected to those unfavorable opportunities which new members have always to encounter here, he had but little chance to show the metal he was made of; but I am convinced from his course in the Committee on Military Affairs, from the decided conviction he expressed on subjects coming before that committee, that if his health had permitted him to live longer among us and it had been equal to the performance of the multifarious duties devolved upon us, here in the legislative forum he would have made his mark as he did in the legal forum before he came here.

Mr. DUNCAN was comparatively young, and it was a misfortune to his great State and to his constituency that he was taken off so soon. In the rough-and-tumble fight of this world and in the rugged contests which seem to exist always in this body it is not easy for a man of quiet, amiable, and gentle manner to make himself conspicuous before the country, but after a while, after the lapse of time, and with some experience, I feel he would have risen to a commanding position in this House, and that his abilities would have gained the fullest respect and admiration of his fellow-members.

His people have lost an honest and worthy man, his constituents a faithful and just Representative, and his family a good father and kind husband; and I sincerely join with my colleagues in paying this last tribute by this great body to the memory of Mr. DUNCAN.

Mr. HOPKINS. Mr. Speaker, upon the first day of the present session of Congress, when Representatives were exchanging salutations upon their reunion after a few months of separation, the cheerful greetings were silenced and the business of the House was suspended by the announcement that during the vacation two of our fellow-members had passed away from earth and would meet with us in this Hall no more.

Thus in the midst of our joyousness we were reminded that a dark shadow enveloped the households of two of our late companions. In the full enjoyment of our own active life and vigorous health we were reminded that death had stricken down two of those who sat here with us but a few months since. And we come to-day in a formal manner to honor the memory of WILLIAM A. DUNCAN.

There is much of the true philosophy of life in the Latin maxim, *de mortuis nil nisi bonum*. For it is unmanly to attack those who can not defend themselves. But in speaking of the dead the tendency is rather to indulge in exaggeration of their virtues. The friends of our departed colleague have no occasion to invoke the charity of silence; and it is quite certain that by extravagant eulogy we would do violence to the nature and wishes of him whose memory we honor.

By native capacity and educational acquirements Mr. DUNCAN was well equipped for a useful and honorable life. But, unfortunately, his mental vigor was not fortified by physical strength. He was always delicate. The insidious disease which undermined his life and bore him to an untimely grave crippled his energies, and to a great extent marred the perfection of his promised career. Taken away just at the period when a man's fame, if he is to have any in political life, is first forming, we can only conjecture what his success would have been. But there is enough known to excite sincere regret at his removal from his new career, when we remember that he was a man of cultivated mind, inflexible integrity, lofty aspirations, and courteous manners.

Mr. DUNCAN was never an aggressive man, but quiet, unobtrusive, and extremely modest. Yet, with all of his amiability, he was not without resolution and self-assertion. In his antagonisms he never excited enmity; in his successes he never aroused envy. The gentleness of his disposition, the frankness of his manner, the integrity of his character, made him many friends and many mourners at his death.

I had the sad satisfaction of attending the funeral of our respected colleague, and witnessed the universal evidence of high esteem in which he was held by all of his neighbors. The entire community followed his remains to their last resting-place in the historic cemetery which overlooks the town of Gettysburg, and manifested their profound respect as the body was laid away in that peaceful and lovely spot which had been the scene of a bloody and memorable conflict. As his calm life was undisturbed by the angry contentions around him, so his last, sweet sleep will be unbroken by the turbulent memories which throng the air above his grave.

The gentlemen who have preceded me have spoken at length of Mr. DUNCAN'S public services, and further allusion to them is needless.

I present my estimate of his character as a modest tribute to the memory of a modest man.

I move the adoption of the resolutions.

The resolutions were unanimously agreed to; and in accordance therewith (Mr. HEMPHILL being in the chair as Speaker *pro tempore*) the House (at 3 o'clock and 45 minutes p. m.) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Memorial of George Taylor, asking the enact-

ment of a bill allowing the commissioners of the District of Columbia to adjust certain accounts—to the Committee on the District of Columbia.

By Mr. BREITUNG: Petition from Carver Post, No. 123, Grand Army of the Republic, of Frankfort, Mich., urging Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. ERMENTROUT: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. J. E. CAMPBELL: Petition from Old John Brown Post, No. 450, of Oxford, Ohio, urging the purchase of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. W. W. CULBERTSON: Petition of Samuel May, of Floyd County, Kentucky—to the Committee on War Claims.

By Mr. CULLEN: Petition of G. N. Maze, John S. Armstrong, and 873 others, citizens of La Salle County, Illinois, asking for the passage of the bill making an appropriation for the construction of the Hennepin Canal—to the Committee on Rivers and Harbors.

By Mr. CURTIN: Petition for appropriation for improvement of the navigation of the West Branch of the Susquehanna River in Pennsylvania—to the same committee.

Also, resolution calling upon the Secretary of State to request the Chilian Government to pay for property unlawfully seized—to the Committee on Foreign Affairs.

By Mr. DARGAN: Petition of citizens of Darlington, S. C., praying for the prompt passage of the bill known as the Potter refunding bill—to the Committee on Ways and Means.

By Mr. DINGLEY: Memorial of the National Board of Trade, for an amendment of the banking laws so as to make more effective the punitive features of the same, especially those in reference to the limitation of loans to one individual or corporation—to the Committee on Banking and Currency.

By Mr. KETCHAM: Petition of Capt. W. S. Patton, United States Army, asking that the pension of Sarah T. Patton, widow of the late Lieut. Col. George W. Patton, United States Army, be increased to $40 per month from April 28, 1882, the date of Lieut. Col. Patton's death—to the Committee on Invalid Pensions.

Also, petition of Brig. Gen. Nelson A. Miles, United States Army, for an increase of Sarah T. Patton's pension—to the same committee.

By Mr. LAIRD: Petition of Ella Wright and 17 others, residents of Pleasant Hill, Saline County, Nebraska, asking an increase in widows' pensions—to the Committee on Pensions.

By Mr. LYMAN: Petition of citizens of Massachusetts and New York, urging that the United States acquire title to the two canals connecting Portage Lake, in the State of Michigan, with Lake Superior on the east and west, and make said canals free—to the Committee on Rivers and Harbors.

By Mr. MURRAY: Petition of Charles Dressing, of Cincinnati; of Franz Gladish, of Montgomery County; and of Ernest F. Caspari, of Montgomery County, Ohio, asking for pensions—to the Committee on Invalid Pensions.

By Mr. CHARLES O'NEILL: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. PAYNE: Papers relating to the claim of Albert Harper, late private Company G, Ninth New York Heavy Artillery—to the Committee on Invalid Pensions.

Also, petition of citizens of Cayuga County, New York, asking increase of widows' pensions—to the Committee on Pensions.

Also, petition of Frederick Gale, of Wayne County, New York, asking for a pension—to the Committee on Invalid Pensions.

By Mr. PETTIBONE: Petition of Joseph R. Anderson, of Bristol, Tenn., and 40 others, asking the passage of the Potter refunding bill—to the Committee on Ways and Means.

By Mr. PRICE: Petition of John J. Coughlin, for services rendered under the Architect of the Capitol—to the Committee on Claims.

By Mr. PUSEY: Petition of Mrs. C. H. Hill, of Red Oak, Montgomery County, Iowa, asking relief—to the same committee.

By Mr. PARKER: Resolutions of the Legislature of the State of New York, in favor of a national bankrupt law—to the Committee on the Judiciary.

Also, petition of citizens of Ogdensburg, N. Y., in favor of an increase of widows' pensions—to the Committee on Pensions.

By Mr. RAYMOND: Petition of citizens of Lake Preston, Dak., asking for an increase in widows' pensions—to the same committee.

Also, memorial of the Chamber of Commerce of Grand Forks, Dak., urging the passage of the Red Lake reservation bill—to the Committee on the Territories.

By Mr. ROSECRANS: Petition of J. R. Haskell, in relation to multicharge guns—to the Committee on Military Affairs.

By Mr. A. H. SMITH: Memorial of the Pennsylvania Club, of Philadelphia, in favor of Senate bill 398, in favor of common schools—to the Committee on Education.

Also, protest of the Philadelphia Board of Trade, against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. H. Y. SMITH: Petition of C. W. Reed and others, citizens of Grimes, Polk County, Iowa, for increase of widows' pensions—to the Committee on Pensions.

By Mr. STEELE: Concurrent resolution of the Legislature of Indiana, asking for the passage of House bill 420, granting a pension to soldiers confined in confederate prisons—to the Committee on Invalid Pensions.

By Mr. THROCKMORTON: Petition of J. L. Green and others, of Anna, Tex., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. VAN ALSTYNE: Joint resolution of the senate and assembly of the State of New York, recommending the passage of Senate bill 1372, being an act to establish a uniform system of bankruptcy in the United States—to the Committee on the Judiciary.

By Mr. WAKEFIELD: Petition of L. G. Davis and 19 others, of Brown County, Minnesota, praying for justice to settlers on lands claimed by the Winona and Saint Peter, and Saint Paul and Sioux City Railways—to the Committee on Public Lands.

By Mr. WARD: Petition of citizens of Indiana, for land warrant of one hundred and sixty acres of land to soldiers, &c., without conditions—to the same committee.

By Mr. WOODWARD: Petition of Hungerford Post, No. 39, Grand Army of the Republic, of Spring Green, Wis., in favor of the purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BLACKBURN: Of citizens of Harrison County, Kentucky.

By Mr. F. B. BREWER: Of citizens of Steamburg, N. Y.

By Mr. CANNON: Of citizens of Georgetown, Ill.

By Mr. PRICE: Of citizens of Shell Lake, of Menomonee, of Durand, and of Whitehall, Wis.

By Mr. SENEY: Of J. F. Leaghy and 40 others, of Seneca County, Ohio.

By Mr. SPRINGER: Of citizens of Dawson, of Waverly, of Petersburg, and of Chatham, Ill.

By Mr. STEELE: Of William Moore and others, of Hackleman, Ind.

By Mr. WELLER: Of citizens of Castalia, of Burr Oak, and of Maynard, Iowa

---

SENATE.

TUESDAY, *January* 27, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of Montana Territory, remonstrating against the leasing of any portion of the Crow Indian reservation to corporations; which was referred to the Committee on Indian Affairs.

Mr. GEORGE. I present a memorial of the Federation of Labor Unions of this city, and as it is very short I ask unanimous consent that it be read.

There being no objection, the memorial was read, as follows:

HEADQUARTERS FEDERATION OF LABOR UNIONS,
Washington, D. C., January 26, 1885.

To the Senate of the United States:

The undersigned, by authority of the Federation of Labor Unions of the District of Columbia, for and in behalf of the members of that body engaged in the building trades, respectfully protest against the passage of Senate bill No. 2507, to amend the law concerning mechanics' liens in the District of Columbia.

Workmen employed by contractors and builders were frequently defrauded before the passage of the present law, which fully protects them in their just rights by giving them a first lien on the product of their labor; and we submit that the efficiency of the law should not be impaired by the passage of the proposed amendment.

E. W. OYSTER, *President.*
J. F. BILLINGSLEY, *Secretary.*

The memorial was referred to the Committee on the District of Columbia.

Mr. PALMER presented the petition of Ward's Detroit and Lake Superior Line, the Detroit Dry-Dock Company, the Star Line Steamers Company, Frank E. Kirby, Capt. John M. Johnston, and 48 others, citizens of Detroit, Mich., praying that the United States Government acquire ownership and control of the two canals crossing Point Keweenaw, Lake Superior, Michigan, as recommended by the Secretary of War; which was referred to the Committee on Commerce.

Mr. MILLER, of California, presented a petition of furniture and chair manufacturers of New York city, praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania, presented the petition of A. G. Brown and 199 other citizens of Kittanning and vicinity, in Pennsylva-

nia, praying for the improvement of the Monongahela River; which was referred to the Committee on Commerce.

He also presented a petition of the Franklin Institute of Pennsylvania, praying for an appropriation to reimburse that institution for moneys paid on Government account; which was referred to the Committee on Finance.

He also presented a petition of the Franklin Institute, of Pennsylvania, praying that the Commissioner of Patents be directed to deliver to that institution one bound copy of the specifications of patents relating to electricity; which was referred to the Committee on Patents.

Mr. MORRILL presented the petition of L. Deane, Mann & Co., B. U. Keyser, W. Burris, G. B. Towles, Newton Crawford, H. Q. Keyworth, L. R. Trembly, and other citizens of Washington, D. C., praying that square 406, between Eighth and Ninth and E and F streets northwest, may be selected as the site for the city post-office and for the enlargement of the Post-Office Department building; which was referred to the Committee on Public Buildings and Grounds.

Mr. DOLPH presented the petition of Elizabeth G. Illsley, of Ipswich, Mass., widow of Charles E. Illsley, late private Company A, First Regiment Maine Infantry, praying that she be granted a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (S. 2295) to grant a right of way to the New Orleans and Mississippi Valley Railroad Company for the construction of a railroad and telegraph line through the United States public grounds at Baton Rouge, La., reported it without amendment, and submitted a report thereon.

Mr. COLQUITT, from the Committee on Pensions, to whom was referred the petition of R. K. Baird, praying for an increase of pension, submitted an adverse report thereon, which was agreed to; and the prayer of the petition was denied.

Mr. MORRILL. I report by direction of the Committee on Finance the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar favorably with amendments, and I desire to give notice that I shall endeavor to call up the bill for the consideration of the Senate on Tuesday next.

Mr. HARRIS. I simply desire to say that that report is not the unanimous report of the committee, but is the report of a majority.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HAMPTON, from the Committee on Military Affairs, to whom was referred the bill (S. 1955) authorizing the Secretary of War to loan to the Richland Volunteer Rifle Company, of Columbia, S. C., fifty breech-loading Springfield rifles, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 1687) authorizing the President to appoint and retire J. Madison Cutts as a lieutenant-colonel of the United States Army, reported adversely thereon; and the bill was postponed indefinitely.

Mr. HAMPTON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2194) for the relief of George A. Curden, to report it with a recommendation that it be indefinitely postponed. I will state that this bill is for the relief of an officer who lost his personal effects by fire. The adverse report is made because a general bill has already been reported to the Senate covering all such cases. I therefore move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following petitions, submitted adverse reports thereon, which were agreed to; and the prayers of the petitions denied:

The petition of Mrs. M. H. Dunn, praying an increase of pension from $30 to $50 per month; and

The petition of Mrs. N. Cushman, widow of the late Commander C. H. Cushman, praying for an increase of pension.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of William H. H. Gilley, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. 2587) granting a pension to William H. H. Gilley; which was read twice by its title.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1927) granting a pension to O. F. Miller;

A bill (S. 1969) granting a pension to William T. West;

A bill (H. R. 297) granting a pension to Violet Calloway; and

A bill (H. R. 1397) granting a pension to Albert O. Laufman, late second lieutenant of Company A, Sixty-third Regiment Pennsylvania Volunteers.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1951) granting a pension to Martin Bever, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Charles B. Spencer, praying for an increase of pension, submitted an adverse report thereon, which was agreed to; and the prayer of the petition denied.

He also, from the same committee, to whom was referred the bill (H. R. 1171) granting a pension to Isabel Campbell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1709) granting a pension to Leonora A. Boyden, reported it with an amendment, and submitted a report thereon.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 4238) granting a pension to Sallie Ingham, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 947) granting a pension to Powhattan B. Short, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2492) to prevent the discharge from the military service of the United States of graduates from the Military Academy under the provisions of section 3 of chapter 181 of the Supplement to the Revised Statutes, and for the repeal of the said section, reported it with an amendment.

Mr. McMILLAN, from the Committee on the Judiciary, to whom was referred the bill (S. 2381) to amend "an act providing for two additional associate justices of the supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes," approved July 4, 1884, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 5691) amending section 764 of the Revised Statutes, reported it without amendment.

Mr. SLATER, from the Committee on Pensions, to whom was recommitted the bill (S. 513) granting a pension to James Coffey, of Oregon, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 1731) granting an increase of pension to Frances H. Downes, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 6197) granting a pension to Peter Falkner; and

A bill (H. R. 4569) granting a pension to David Urbansky.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5926) granting a pension to John Maloney;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 3565) granting a pension to William Eurele;

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll; and

A bill (H. R. 2432) for the relief of Mrs. Jane Young.

Mr. WILSON. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 4856) granting a pension to Bvt. Col. C. A. Cilley, of North Carolina, to report adversely thereon and recommend its indefinite postponement.

Mr. RANSOM. I hope the bill will not be indefinitely postponed for the present. I ask that it be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. WALKER, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 3008) for the relief of certain settlers on the Duck Valley Indian reservation in Nevada, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1381) for the relief of certain settlers on the Duck Valley Indian reservation in Nedava, moved its indefinite postponement; which was agreed to.

FLAGS FOR INAUGURATION CEREMONIES.

Mr. COCKRELL. The Committee on Military Affairs, to which was referred the joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies, has instructed me to report it back to the Senate favorably, recommending its passage with a simple amendment, striking out in the ninth line the word "use" and inserting the word "loan."

Mr. HARRIS. I ask the unanimous consent of the Senate that the joint resolution be now considered, as it is important that it should go to the other House at once if it is to be adopted at all.

Mr. SHERMAN. I should like to have it read in full.

The Chief Clerk read the joint resolution, as follows:

Resolved, &c., That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inauguration ceremonies the flags and bunting in the Government depots, for use in decorating the city of Washington on the 4th day of March next: *Provided*, That the said committee shall indemnify the Departments against any loss or damage result-

ing from the use of said flags and bunting, except such damage as is necessarily incident to such use.

Mr. COCKRELL. It is a copy of the joint resolution which was passed in 1881.

Mr. SHERMAN. I have no objection to its consideration.

The PRESIDENT *pro tempore*. Debate is not in order. Is there objection to the present consideration of the joint resolution?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The amendment reported from the Committee on Military Affairs was, in line 9, to strike out the word "use" and insert "loan;" so as to make the proviso read:

Provided, That the said committee shall indemnify the Departments against any loss or damage resulting from the loan of said flags and bunting, except such damage as is necessarily incident to such use.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF SMITHSONIAN INSTITUTION.

Mr. MANDERSON. The joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution was referred to the Committee on Printing. I am directed by the committee to report it back favorably and to ask that it be now considered by the Senate.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs that the annual reports of the Smithsonian Institution shall be hereafter printed at the Government Printing Office, in the same manner as the annual reports of the heads of Departments are now printed, for submission in print to the two Houses of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF POLITICAL DISABILITIES.

Mr. GARLAND. The Committee on the Judiciary, to whom was referred the bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia, have instructed me to report it favorably and without amendment. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed (two-thirds of the Senators present voting in the affirmative).

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes; and

A bill (H. R. 8121) to enable the Commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1112) granting a pension to John Sweeney; and

A bill (S. 1144) granting a pension to John W. Wright.

BILLS INTRODUCED.

Mr. MILLER, of California, introduced a bill (S. 2588) for the relief of Mary A. Bickerdyke, of San Francisco, Cal.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CHACE introduced a bill (S. 2589) for relief of the Woonsocket National Bank, of Woonsocket, R. I.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. DOLPH introduced a bill (S. 2590) granting a pension to Elizabeth G. Illsley; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PENDLETON (by request) introduced a bill (S. 2591) to authorize the purchase of certain portraits to replace those presented by the French Government and destroyed in the burning of the Capitol in 1814; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. DOLPH, and Mr. MILLER of California submitted amendments intended to be proposed by them to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

BILL RECOMMITTED.

Mr. BUTLER. On the 22d instant I reported favorably the bill (S. 318) for the relief of cadet-engineers who were in the naval service at Annapolis on the 5th day of August, 1882. At the request of the Senator from Maine [Mr. HALE], who was necessarily detained from the meeting of the committee by illness, I ask that the bill be recommitted to the Committee on Naval Affairs.

Mr. CONGER. I should like to have the bill read.

The PRESIDENT *pro tempore*. The bill will be read for information, if there be no objection.

The Chief Clerk read the bill.

The PRESIDENT *pro tempore*. Is there objection to granting the request of the Senator from South Carolina, that the bill be taken from the Calendar and recommitted to the Committee on Naval Affairs? The Chair hears none, and it is so ordered.

PROTECTION OF CHILDREN.

Mr. RIDDLEBERGER. I move to reconsider the vote by which the Senate yesterday concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes. I simply desire to state in this connection that the conference committee acted upon the printed bill rather than the engrossed bill. It being a criminal statute and liable at all times to be construed strictly, it has been considered best to reconsider the vote and to have a new conference upon the bill, so that it may be reported back in accordance with the engrossed bill.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The question now recurs on concurring in the report of the committee of conference.

The report was non-concurred in.

Mr. RIDDLEBERGER. I move that the Senate insist further on its disagreement to the amendment of the House of Representatives and ask for a further conference with the House thereon.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. RIDDLEBERGER, Mr. PIKE, and Mr. BROWN were appointed.

MEMORIAL BUST OF HENRY WILSON.

Mr. DAWES. I offer the following resolution and ask for its present consideration:

Resolved, That the Joint Committee on the Library be requested to cause a bust of the late Vice-President Wilson to be placed over the tablet lately ordered to be placed in the room where he died.

The Senate, by unanimous consent, proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. DAWES. Mr. President, I ask the indulgence of the Senate for a moment.

A few days ago, it will be recollected that on the motion of my colleague [Mr. HOAR] the Senate directed a tablet to indicate in the Vice-President's room the place where the late Vice-President Wilson died. My colleague and myself have felt since then that the distinguished public services and the remarkable death of Mr. Wilson, at the time President of this body, called for some more marked commemoration.

Our history furnishes but one other instance of a distinguished public servant falling at his post and dying in this Capitol. The younger Adams, after a long life of great usefulness and renown at home and abroad, fell at his post with his harness on, and died in the Speaker's room of the House of Representatives. By direction of the House, of which he was then a member, a tablet surmounted by a bust of Mr. Adams was placed in the old Speaker's room where he died.

The public services and the life of Mr. Wilson were entirely American, and furnish a remarkable illustration of the working of our institutions. As such they will ever be cherished and acknowledged. That fame he largely achieved in this body, of which he was the President when he died.

There is another special reason for doing what is asked in the resolution. Mr. Wilson was the child of poverty, and she claimed him for her own till the end. It has been said of him here that he had no other home but this Capitol. Certain it is that all those who make home dear, whom other men love, and for whom they serve, had gone before him, and the nation alone was left for him to love and serve. It is fitting, therefore, it has seemed to us, that a memorial of him should be left here in this Capitol where he died.

I am aware, sir, that the Committee on the Library are already authorized to do what is asked in the resolution, but I am confident that the Senate would wish to add the significance and value of its request to this act. In concurrence with my colleague in the resolution which he offered, and in further carrying out that purpose, I have offered this resolution, which I hope the Senate will adopt.

The resolution was agreed to.

BOUNDARIES OF LIBERIA.

Mr. MORGAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be requested, if not incompatible with the public interest, to communicate to the Senate the correspondence between the Government of the United States and the Governments of Great Britain and Liberia in reference to an arbitration between Liberia and Great Britain upon the northwest boundary between Liberia and Sierra Leone, the instructions given to Admiral Shufeldt as umpire, his official report to his now Government, and the correspondence between him and the arbitrators on the parts of Great Britain and Liberia; also any further correspondence touching any discussion or difference as to any other portion of the boundaries of Liberia.

HOUSE BILLS REFERRED.

The bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

LAND DAMAGES FOR INCREASED DISTRICT WATER-SUPPLY.

Mr. HARRIS. If there be no further concurrent or other resolutions——

The PRESIDENT *pro tempore*. The Senator will suspend for a moment. If there be no further concurrent or other resolutions that order is closed.

Mr. HARRIS. I ask unanimous consent that the Senate proceed at this time to the consideration of Senate bill No. 2551, reported by me yesterday, and I gave notice at that time that I should ask the Senate to take it up this morning.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate do now proceed to the consideration of Order of Business 1072, being the bill (S. 2551) for the relief of George E. Moore, of the District of Columbia.

Mr. SHERMAN. I should like to have the bill read first.

The PRESIDENT *pro tempore*. The bill will be read for information if there is no objection.

Mr. HARRIS. I ask that the Secretary read the substitute reported by the committee for the information of the Senate, and then if the Senate will allow me to make an explanation of three minutes I am sure no Senator will object to the proposition.

The PRESIDENT *pro tempore*. Debate is not now in order. The substitute recommended by the committee, if there be no objection, will be read for information, after which the Chair will ask for objection.

The Chief Clerk read the amendment proposed by the committee, to strike out all after the enacting clause and insert a substitute.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Tennessee that this bill be now considered.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

Mr. HARRIS. I ask consent to waive the reading of the original bill. It is to cover a private claim. There is a substitute reported by the committee to cover the class to which the claimant belongs. Therefore I ask that the Senate act upon the substitute without reading the original bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the reading of the text of the bill be dispensed with. Is there objection? The Chair hears none. The question is on agreeing to the amendment recommended by the Committee on the District of Columbia, which will be read.

The Chief Clerk read the amendment, which was to strike out all after the enacting clause and insert:

That the time fixed by the act entitled "An act to increase the water-supply of the city of Washington, and for other purposes," approved July 15, 1882, within which owners of or parties interested in lands condemned or taken under the provisions of said act may accept the appraised value made or to be hereafter made under said act, or owners or persons interested in such lands who have declined or may hereafter decline to accept the appraised value of such lands, and have elected or may elect to file a petition in the Court of Claims under the provisions of said act, be, and the same is hereby, extended for one year from the passage of this act, notwithstanding the limitation provided by said act.

Mr. McMILLAN. What is the reason for the extension?

Mr. HARRIS. The act of 1882 makes it the duty of the Secretary of War to have made a survey and a map of such lands as are necessary for the extension of the aqueduct, the extension of the dam at Great Falls, and the construction of a reservoir in the northern part of the city. That map being prepared and delivered to the Attorney-General, it is made the duty of the Attorney-General to advertise for owners and abstracts of title to the lands so taken, and to have the lands appraised by the machinery provided by that act. It further provides that when the lands are appraised the Attorney-General shall tender to the owner who has presented satisfactory evidence of title the appraised value. It provides, however, that if the owner elects not to accept the appraised value, he may file his petition in the Court of Claims and there have the value ascertained; but it further fixes a limitation, that he may file that petition or accept the appraised value within one year from the first advertisement of the Attorney-General.

The owners are so numerous and the difficulties in reporting upon titles are so great that the Attorney-General within the year was not able to report on titles and have the lands appraised within the year, and under the act of 1882, as they have not accepted the payment or filed their petition in the Court of Claims, they are barred; and the act provides that the title to the land shall be vested in the United States. This simply extends the time, so that the Attorney-General may complete the investigation and report upon titles and pay the appraised value, or allow the owner to file his petition in the Court of Claims.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on the District of Columbia.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act to increase the water-supply of the city of Washington, and for other purposes.'"

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and five minutes spent in executive session the doors were reopened.

NAVAL APPROPRIATIONS.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, and 12, and agree to the same.

That the House recede from its disagreement to the amendment numbered 11 and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows: Insert after the word "seventy-five," in line 10, page 15 of the bill, the words "as fixed by the act approved June 30, 1876;" and the Senate agree to the same.

EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

SAMUEL J. RANDALL,
WM. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

Mr. HALE. Mr. President, this subject, which has given rise to a good deal of controversy, has at last been settled by what I may call a Simon Pure appropriation bill for the remainder of the fiscal year ending June 30, 1885. The bill at last as sent from the House is an itemized bill based upon the estimates for the current fiscal year. In conference it has been stripped of all new legislation, and is reported now from the conference committee as an appropriation bill.

The only question that arose with reference to new legislation, where any protracted conference was needed, was with regard to the Marine Corps. The House of Representatives put upon the bill a provision limiting the number of officers in that corps to seventy-five. Examination discloses that by the act of June 30, 1876, it was provided that—

From and after the passage of this act there shall be no appointments, except by promotion, to fill vacancies occurring in the list of commissioned officers of the Marine Corps until the number of such officers shall have been reduced, by casualties or otherwise, to seventy-five.

It was apparent to the conference that the scope and meaning and intention of that act is to fix the number of officers in the Marine Corps at seventy-five after they shall have been so reduced, and the amendment of the House has been agreed to with the additional clause calling attention to the act of 1876, which was the basis of the action of the House. In other respects, as I have said, it is a Simon Pure appropriation bill, and the present conduct of the Navy Department, its course of action and the legislation under which it exists, has not been changed. I ask that the report may be concurred in.

Mr. BECK. Mr. President, I only desire to say that as one of the conferees on the part of the Senate I was willing to surrender anything that the House desired or demanded, whichever is the proper word, because the appropriations for the Navy expired on the 31st day of December last and the month of January has now nearly run, and there seemed to be no difference between the conferees on the part of the House and on the part of the Senate that required a conference of more than ten minutes between them. Yet my information is that three or four thousand employés, carpenters, blacksmiths, laboring people, have been kept out of employment from the 1st to the 27th day of January, unable to accept other employment without abandoning the work to which they were accustomed and at which they expected every day to obtain employment again, supporting their families as best they could,

with no hope, unless Congress sees fit to give it to them, of ever getging a dollar for the month that they have been in enforced idleness.

While the negotiations between the conferees on the part of the House and the Senate were pending, and were, I do not say improperly but unaccountably, delayed, I offered in the conference this amendment, which it was said was not in order under the rules of the House and the rules of the Senate:

Provided, That all persons who were in the employ of the Navy Department under the provisions of the act making temporary provisions for the naval service," approved July 7, 1884, on the 31st day of December of said year, and who were furloughed, or suspended, or discharged from such employment in consequence of the want of appropriations for the naval service after that date, and who shall be re-employed under the provisions of this act, shall be paid their respective compensations from said 31st day of December to the date of the approval of this act, the same as if they had continued in their respective employments.

The rules, I understand, prevented that from being considered by the conferees, and I read it now for the purpose of saying that if the Naval Committee or some other committee desire to do justice to the employés of the Government who, without any fault of their own, have been in enforced idleness for a month in very severe weather, they will either in the deficiency bill or in some other bill make a provision similar to the one I have suggested.

I agreed to the report of the conference committee. I signed it because I thought any bill that would put an end to the condition of things that exists now would be better than none, for while the regular employés, who can afford to wait, will be paid from the 1st day of January, those who are dependent upon the day's labor for daily bread have lost nearly a month without any fault of their own, and without any good cause for the delay that I am able to understand.

The report was concurred in.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that he had, on the 26th instant, approved and signed the following bills:

An act (S. 929) granting a pension to Caroline Treckell;

An act (S. 764) granting an increase of pension to Abby P. Arnold; and

An act (S. 12) for the relief of Elizabeth Carson.

EXECUTIVE SESSION.

The Senate again proceeded to the consideration of executive business. After one hour and nineteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 34 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January* 27, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read.

ORDER OF BUSINESS.

Mr. RANDALL. I ask the previous question, which was prevailing on the District appropriation bill, may be proceeded with.

The SPEAKER. The gentleman from Pennsylvania demands the regular order of business.

QUESTION OF PRIVILEGE.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to correct the Journal. I ask the reading by the Clerk of the joint resolution introduced by myself under this clause of our Manual, page 314:

The Speaker shall examine and approve the Journal before it is read. And every day after taking the chair, on the appearance of a quorum, shall cause the Journal of the proceedings of the last sitting to be read.

I call, therefore, for the reading of the joint resolution which I introduced on yesterday, which is not in the Journal.

The SPEAKER. The joint resolution is not in the Journal.

Mr. WHITE, of Kentucky. It ought to be in the Journal.

The SPEAKER. Under what rule?

Mr. WHITE, of Kentucky. That it is a part of the proceedings of yesterday.

The SPEAKER. And so was every bill introduced on yesterday.

Mr. WHITE, of Kentucky. I have a right to call for the reading of every bill if I choose.

The SPEAKER. But it does not go into the Journal.

Mr. WHITE, of Kentucky. I ask to have it read.

The SPEAKER. That does not put it in the Journal.

Mr. WHITE, of Kentucky. It puts it in the RECORD.

The SPEAKER. It does not except by consent. If the gentleman will point out any rule which requires a bill or joint resolution to be entered on the Journal the Chair will enforce it. At present the Chair is not advised of any such rule.

A MEMBER. Has it not been the practice?

The SPEAKER. Nor has such been the practice, so far as the Chair knows.

Mr. WHITE, of Kentucky. I ask the Clerk to read the joint resolution.

The SPEAKER. The Clerk will read that part of the Journal relating to this matter.

Mr. SPRINGER. He asks the Clerk to read the joint resolution.

The SPEAKER. The Chair will see whether the Journal is correct.

Mr. LONG. He does not ask to have the Journal read, but his joint resolution.

The SPEAKER. He desires to have the Journal corrected, and the Chair desires to see whether the Journal is correct.

The Clerk read as follows:

J. D. WHITE. Also, a joint resolution (319) to abolish the office of Commissioner of Internal Revenue and the entire system of internal taxes—to the Ways and Means.

Mr. WHITE, of Kentucky. Now I call for the reading of the joint resolution.

Mr. SPRINGER. I object.

The SPEAKER. Objection is made.

Mr. WHITE, of Kentucky. I desire to be heard on that objection.

The SPEAKER. What motion does the gentleman make?

Mr. WHITE, of Kentucky. I demand as a right, if I have the right, to give this as my authority: That under the rule "it is not usual to read in full the names of members voting or not voting, or resolutions, or messages, but it is the right of any member to demand their reading in full, and their reading can only be dispensed with by unanimous consent or by a suspension of the rules, which requires the Journal to be read."

The SPEAKER. That means that when a bill or joint resolution is introduced any member has the right to have it read, and the one introduced by the gentleman from Kentucky was read yesterday by the gentleman himself and afterward by the Clerk at the desk.

Mr. SPRINGER. The gentleman makes no motion to amend the Journal.

The SPEAKER. If the gentleman does not make any motion to amend the Journal it will be approved. [After a pause.] There being no objection, the Journal stands approved as read.

Mr. WHITE, of Kentucky. I desire to correct the RECORD.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. Is that a privileged question?

The SPEAKER. It is usual to allow corrections of the RECORD.

Mr. WHITE, of Kentucky. Mr. Speaker, I have before me the RECORD of this morning. I find on page 1136 [cries of "Louder!"], in the second column, about the middle, that on yesterday I asked as follows:

Mr. WHITE, of Kentucky. I ask leave to present the following preamble and resolution.

And I proceeded to read until interrupted by my colleague [Mr. BLACKBURN]. I find on the next page, 1137, about the middle, that the Speaker said, "The gentleman from Kentucky will proceed with his resolution;" and thereupon I proceeded and concluded.

The RECORD goes on to state that "Mr. WHITE, of Kentucky, concluded the reading of the resolution." Again, sir, I find nothing here whatever in the RECORD of what I read. Not a word of it appears here. I have applied to the stenographic reporters for copies of the notes taken on yesterday, which notes have certainly been manipulated by some one after they left their hands. It is clear upon the face of the RECORD that they are not printed here as they left the hands of the Official Reporters themselves.

I desire, sir, to call the attention of the Speaker to the duties of these Official Reporters as laid down in the pages of the Digest, where the Official Reporters are made officers of this House. The question raised here is not only a question of what occurred on this floor on yesterday and of which I now complain, but a question of whether these reporters who receive $25,000 or more a year, after they have sworn that they will faithfully perform their duties, and report correctly what transpires here, whether some one, after they have done that work, can manipulate the RECORD to suit himself.

Mr. COX, of New York. I rise to a question of order.

The SPEAKER. The gentleman from Kentucky will indicate to the Chair what motion he desires to make.

Mr. WHITE, of Kentucky. The motion I make is that the official notes of the reporter shall be produced and read at the Clerk's desk as taken down on yesterday before being manipulated by some one.

The SPEAKER. The Chair will state that on being applied to yesterday by the Chief Official Reporter for advice as to whether or not the joint resolution which was read by the gentleman from Kentucky should be printed in the RECORD, the Chair advised him that the joint resolution did not properly belong there and ought not, therefore, to go into the RECORD as a part of the proceedings of the House.

The Chair does not know of any rule which would authorize or require the Official Reporter to insert everything that may be read, either on the floor of the House by a member himself, or from the desk by the Clerk, in the hearing of the House. Unanimous consent is frequently asked of the House to insert such matters in the RECORD, and the Chair knows of no other way in which they can get there under the rules of the House, except that it has been the practice of the House, the Chair

thinks, to insert in full resolutions of inquiry addressed to the heads of the Executive Departments of the Government.

The gentleman from Kentucky moves to correct the RECORD, so as to insert in it what he read on yesterday from his seat on the floor of this House.

Mr. WHITE, of Kentucky. That is not my motion at all, Mr. Speaker.

The SPEAKER. What is the gentleman's motion?

Mr. WHITE, of Kentucky. My motion is that the official notes of the reporters, as taken down on yesterday by these sworn officers, and by the rules of the House the reporters are officers of the House just as much as the Speaker himself—I ask that the official notes of the reporter be read from the Clerk's desk, that the House, when it knows what actually occurred, may take such action in connection with this question as it may deem appropriate.

Mr. SPRINGER. I object, and demand the regular order.

The SPEAKER. The Chair decides that when objection is made they can not be read. It could only be done by unanimous consent. The Chair understands the gentleman from New York [Mr. COX] and other gentlemen on the floor have made objection to the request of the gentleman from Kentucky.

Mr. COX, of New York. I demand the regular order.

The SPEAKER. The Chair does not think that what the gentleman from Kentucky desires to have inserted forms any part of any proceeding now pending before the House. It does not present any question on which the House is required to vote; and no gentleman, as a matter of right, can demand that it shall be read. It could be done solely by unanimous consent.

Mr. SPRINGER. Regular order.

The SPEAKER. The regular order is the call of the roll on the passage of the District of Columbia appropriation bill. The Clerk will call the roll.

Mr. WHITE, of Kentucky. I appeal from the decision of the Chair. I make this motion as a question of privilege, that I have a right to make.

Mr. COX, of New York. If there is anything appealable in the appeal, I move that it be laid upon the table.

Mr. WHITE, of Kentucky. I want to know whether the Official Reporters, who are sworn to report what I say here, are to be interfered with in the execution of that duty and their reports manipulated by the Speaker on his own responsibility.

The SPEAKER. The Chair decides that, under the practice of the House, the joint resolution offered by the gentleman from Kentucky on yesterday is not such part of the official record of the proceedings of the House as can be entered in full either upon the RECORD itself or upon the Journal of the House; and the Chair decides that the gentleman has now no right to demand, as a matter of right, the reading of the official notes of the reporters of what transpired on yesterday; from which decision the gentleman from Kentucky appeals.

Mr. COX, of New York. And I move that the appeal be laid on the table, if the decision is appealable.

Mr. WHITE, of Kentucky. I believe this is debatable. I desire to be heard.

The SPEAKER. It is not debatable. The motion to lie on the table is not debatable.

Mr. BEACH. Regular order.

Mr. WHITE, of Kentucky. Then I call for the reading of what took place on yesterday in the House, so that the House may see whether or not the motion I present is in order. [Cries of "Regular order!"]

The SPEAKER. The question is on the motion of the gentleman from New York to lay the appeal from the decision of the Chair upon the table.

The question being taken, the appeal was laid on the table.

DISTRICT APPROPRIATION BILL.

The SPEAKER. The regular order is the question on the passage of the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, on which the previous question has been ordered. The rules of the House require that the yeas and nays should be taken on the passage of this bill.

The question was taken; and there were—yeas 249, nays 4, not voting 70; as follows:

YEAS—249.

Adams, G. E.	Boyle,	Cannon,	Cullen,
Aiken,	Brainerd,	Cassidy,	Curtin,
Alexander,	Bratton,	Clardy,	Cutcheon,
Anderson,	Breitung,	Clay,	Dargan,
Atkinson,	Brewer, F. B.	Clements,	Davidson,
Bagley,	Brewer, J. H.	Cobb,	Davis, G. R.
Ballentine,	Brown, W. W.	Collins,	Davis, R. T.
Barbour,	Browne, T. M.	Converse,	Dibrell,
Barksdale,	Buchanan,	Cook,	Dockery,
Beach,	Buckner,	Cosgrove,	Dorsheimer,
Bingham,	Burnes,	Covington,	Dowd,
Bisbee,	Cabell,	Cox, S. S.	Dunham,
Blanchard,	Caldwell,	Cox, W. R.	Eaton,
Bland,	Campbell, Felix	Crisp,	Eldredge,
Blount,	Campbell, J. E.	Culberson, D. B.	Ellis,
Boutelle,	Candler,	Culbertson, W. W.	English,
Ermentrout,	Jones, J. H.	Payson,	Sumner, D. H.
Evans,	Kean,	Peel,	Swope,
Everhart,	Keifer,	Perkins,	Talbott,
Ferrell,	Kellogg,	Peters,	Taylor, E. B.
Fiedler,	Ketcham,	Pettibone,	Taylor, J. D.
Findlay,	King,	Phelps,	Taylor, J. M.
Finerty,	Kleiner,	Pierce,	Thomas,
Follett,	Lacey,	Poland,	Thompson,
Foran,	Lamb,	Post,	Throckmorton,
Forney,	Lanham,	Potter,	Tillman,
Funston,	Lawrence,	Price.	Townshend,
Garrison,	Lewis,	Pryor,	Tucker,
Geddes,	Long,	Pusey,	Tully,
George,	Lovering,	Randall,	Turner, H. G.
Glascock,	Lowry,	Ranney,	Valentine,
Goff,	Lyman,	Ray, G. W.	Van Alstyne,
Graves,	McAdoo,	Ray, Ossian,	Vance,
Greenleaf,	McCoid,	Reed,	Van Eaton,
Guenther,	McComas,	Reese,	Wadsworth,
Hammond,	McCormick,	Rice,	Wait,
Hanback,	Matson,	Riggs,	Wakefield,
Hancock.	Maybury,	Robertson,	Wallace,
Hardeman,	Millard,	Robinson, W. E.	Ward,
Hardy,	Miller, J. F.	Rockwell,	Warner, Richard
Harmer,	Miller, S. H.	Rogers, J. H.	Washburn,
Hatch, H. H.	Milliken,	Rogers, W. F.	Weaver,
Hatch, W. H.	Mills,	Rosecrans,	Wellborn,
Haynes,	Mitchell,	Russell,	Weller,
Hemphill,	Money,	Ryan,	Wemple,
Henderson, D. B.	Morgan,	Seymour,	White, J. D.
Hepburn,	Morrill,	Shively,	Whiting,
Herbert,	Morse,	Singleton,	Wilkins,
Hewitt, A. S.	Moulton,	Skinner, T. G.	Williams,
Hewitt, G. W.	Muldrow,	Slocum,	Wilson, James
Hill,	Murray,	Smalls,	Wilson, W. L.
Hiscock,	Mutchler,	Smith, A. Herr	Winans, E. B.
Holman,	Nelson,	Smith, H. Y.	Wise, G. D.
Hopkins,	Nicholls,	Snyder,	Wolford,
Horr,	Oates,	Spooner,	Wood,
Houk,	Ochiltree,	Springer,	Woodward,
Houseman,	O'Ferrall,	Steele,	Worthington,
Hunt,	O'Hara,	Stephenson,	Yaple,
Hurd,	O'Neill, Charles	Stewart, Charles	York,
Hutchins,	Paige,	Stewart, J. W.	Young.
James,	Parker,	Stockslager,	
Jeffords,	Patton,	Storm,	
Jones, B. W.	Payne,	Strait,	

NAYS—4.

Bennett,	McMillin,	Reagan,	Turner, Oscar.

NOT VOTING—70.

Adams, J. J.	Craig,	Holton,	Rankin,
Arnot,	Davis, L. H.	Hooper,	Robinson, J. S.
Barr,	Deuster,	Howey,	Rowell,
Bayne,	Dibble,	Johnson,	Seney,
Belford,	Dingley,	Jones, J. K.	Shaw,
Belmont,	Dunn,	Jones, J. T.	Skinner, C. R.
Blackburn,	Elliott,	Jordan,	Spriggs,
Bowen,	Ellwood,	Kelley,	Stevens,
Breckinridge,	Fyan,	Laird,	Stone,
Broadhead,	Gibson,	Le Fevre,	Struble,
Brumm,	Green,	Libbey,	Sumner, C. A.
Budd,	Halsell,	Lore,	Warner, A. J.
Burleigh,	Hart,	Morrison,	White, Milo
Campbell, J. M.	Henderson, T. J.	Muller,	Willis,
Carleton,	Henley,	Murphy,	Winans, John
Chace,	Hitt,	Neece,	Wise, J. S.
Chalmers,	Hoblitzell,	Nutting,	
Connolly,	Holmes,	O'Neill, J. J.	

So the bill was passed.

Mr. WAIT. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following members were announced as paired on all political questions until further notice:

Mr. RANKIN with Mr. KELLEY.

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. CARLETON with Mr. HART.

Mr. FIEDLER with Mr. ELLWOOD.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. MULLER with Mr. HOWEY.

Mr. GREEN with Mr. BRUMM.

Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.

Mr. DAVIS, of Missouri, with Mr. KEAN.

Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.

Mr. JORDAN with Mr. HITT.

Mr. BROADHEAD with Mr. BARR.

The following pairs were also announced:

Mr. SPRIGGS with Mr. ROWELL, for this day.

Mr. LE FEVRE with Mr. JOHN S. WISE, for this day.

Mr. O'NEILL, of Missouri, with Mr. CRAIG, for this day.

Mr. DIBBLE with Mr. HOLMES, on this vote.

The result of the vote was then announced as above stated.

Mr. FOLLETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FORNEY. I move to dispense with the morning hour, my object being to call up the Army appropriation bill.

Mr. STOCKSLAGER. I desire, Mr. Speaker, to call the attention of the House to the fact that six bills considered in Committee of the Whole House on the state of the Union, and reported from the Committee of the Whole on the 9th day of April last, are still unacted upon. I think those bills could be taken up and disposed of in a few minutes. I believe I am justified in saying so, because three bills of a similar character have already been acted upon by the House without a division, as I remember.

Mr. FORNEY. I think the Army appropriation bill will occupy but little time.

Mr. RANDALL. There is no diversity of opinion in the Committee on Appropriations on the subject of this bill; and I plead with the House to go on with its consideration. It is essential that this bill should go to the Senate at the earliest hour possible.

The SPEAKER. The gentleman from Alabama [Mr. FORNEY] moves to dispense with the morning hour.

Mr. WHITE, of Kentucky. I rise to a privileged question.

The SPEAKER. The Chair will recognize the gentleman for that purpose as soon as the pending motion is disposed of. The question is on dispensing with the morning hour.

Mr. STOCKSLAGER. I call for a division.

The House divided; and there were ayes 101.

Before the negative vote was taken,

Mr. STOCKSLAGER said: I do not call for further count.

So (further count not being called for, and two-thirds having voted in favor thereof) the morning hour was dispensed with.

QUESTION OF PRIVILEGE.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. I offer a resolution, which I send to the desk to be read.

The Clerk read as follows:

Resolved, That it is unjust to the Official Reporters of the House for the Speaker to be allowed to revise their notes in accordance with his views of the rules or propriety.

Mr. SPRINGER. Mr. Speaker, I make the point of order that this is not a question of privilege, because it states a mere abstraction and does not relate to any business now or heretofore before the House.

Mr. WHITE, of Kentucky. I desire to call the attention of the Speaker to the clause at the top of page 369 of the Manual: "A resolution relating to the convenience of members and the comfort of employés of the House is a privileged question;" and certainly this relates very much to the convenience of members. [Laughter.]

I have sent to the Public Printing Office for the official manuscript copy of yesterday's proceedings. The Official Reporters of this House are paid more than $25,000 a year to perform their official duties. They are to report correctly what takes place on this floor.

Mr. SPRINGER. Mr. Speaker, I insist upon the point of order. This is not a question of privilege.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] insists upon his point of order. Does the gentleman from Kentucky desire to submit any remarks upon the question of order?

Mr. WHITE, of Kentucky. I desire to be heard.

The SPEAKER. Upon the question of order?

Mr. WHITE, of Kentucky. Upon the question of order.

The SPEAKER. Then the gentleman from Kentucky will proceed upon the question of order. The question is: Is this a matter of privilege?

Mr. WHITE, of Kentucky. The rule clearly says, Mr. Speaker, that it is the duty of these officers of the House to report what takes place in the House as the proceedings of the House. They take an oath to perform that duty faithfully and well. I find, too, that Mr. McElhone, by a special rule, has been made the chief of the Official Reporters, and in this matter which I am about to bring to the attention of the House the reporter was Mr. McElhone himself—a man who reported a speech of Henry Clay one of the first times he was ever reported *verbatim* in this Capitol. The Official Reporter takes down and writes out what occurs here as the proceedings of this House. Then the reporter lays it before the Speaker, and the Speaker runs his pen through what displeases him. [Laughter.]

I say, sir, that this has a good deal to do with the convenience and comfort of members. If our constituents want to know what we are doing here they look at the RECORD.

Many a man has been condemned by making a bad record. But, sir, it is for each member to reckon with his constituents as his judges, and not with the Speaker as the judge of whether he has made a good record or a bad record. I am not afraid to stand before my constituents or my God, but I should be afraid to stand before the scrutiny of the Speaker. [Renewed laughter.] I thank my God that I am not responsible to this Democratic House for any convictions that I have of right or wrong, and still more that I am not responsible to their creature who has been made the Speaker of this House. [Hisses and other manifestations of disapproval.] I mean it in no disrespect to the Speaker.

The SPEAKER. The gentleman from Kentucky will please confine himself to the question of order.

Mr. SPRINGER. I insist that the rules of the House shall be enforced.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] insists that the rules of the House shall be enforced.

Mr. COX, of New York. Mr. Speaker——

The SPEAKER. The gentleman from New York is recognized.

Mr. WHITE, of Kentucky. I do not yield the floor, Mr. Speaker.

The SPEAKER. Then, if the gentleman from Kentucky holds the floor, he will confine himself to the question before the House—the question of order.

Mr. WHITE, of Kentucky. I think I am confining myself to that question.

Mr. SPRINGER. Mr. Speaker, I insist upon the point of order.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] makes the point of order that the gentleman from Kentucky has no right to proceed otherwise than in order, except with the consent of the House.

Mr. WHITE, of Kentucky. Mr. Speaker, if I understand this question of order, as it applies in this case, it is whether members on this floor representing free constituencies shall have a right under the rules of this House to have their remarks taken down correctly, *verbatim et literatim*, and reported in the broad light of the sun to their constituents and before the country, under the sworn obligation of these officers of the House, the Official Reporters.

Now, sir, here is what occurred on yesterday; and I bring it to the attention of the House and of the country—holding myself responsible to the country and to my constituents as much as to this House in its organization. On yesterday I offered a resolution——

Mr. SPRINGER. Mr. Speaker, I insist upon the point of order.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] insists upon the point of order that the gentleman from Kentucky [Mr. WHITE] must confine himself to the question of order before the House; and the Chair must insist that the gentleman from Kentucky shall either proceed in order or take his seat.

Mr. WHITE, of Kentucky. Mr. Speaker, I am stating the facts upon which I propose to base what I desire to say in regard to the point of order.

The SPEAKER. The question is not a question of fact. It is a question as to whether or not the resolution offered by the gentleman from Kentucky [Mr. WHITE] is a matter of privilege.

Mr. WHITE, of Kentucky. Mr. Speaker, if I am interrupted in this manner I shall appeal to the rules to show that I am clearly in order.

The SPEAKER. Then the gentleman will discuss the question of order.

Mr. WHITE, of Kentucky. That is precisely what I am doing. But, as to a gentleman like the gentleman from Illinois [Mr. SPRINGER], I can not hope to present the question in such a manner as to be acceptable to his extraordinary intellect. I am a finite being. [Laughter.] I am governed by ordinary usages, by the common-sense interpretation of what is a correct report of what has occurred upon this floor. But the gentleman from Illinois can weave fine theories about this business that are incomprehensible to me. I do not desire to make myself agreeable to him. I desire to speak on this question alone—to call attention to what occurred here yesterday, and to show that I have a right as a member on this floor to have what I say here correctly reported without anything being omitted or anything added to it. Now, sir, looking at the RECORD to-day it represents me as reading something on the floor yesterday; and yet not a word is given of what I read—not one word; and at the close of it it is said:

The SPEAKER. The resolution will be returned to the gentleman from Kentucky.

That is what the RECORD as it appears says; but if you take the sworn report of the officers of this House it shows what I did say.

Mr. SPRINGER. I insist on the question of order.

The SPEAKER. The gentleman from Kentucky will understand that the only question before the House is the question of order made by the gentleman from Illinois whether this is or is not a matter of privilege—that is to say, whether the gentleman from Kentucky had a right to have printed in the RECORD the joint resolution which he read from his seat on yesterday. If the gentleman from Kentucky will confine himself to that question the Chair, of course, will be glad to hear him; but if not, the Chair will submit to the House the question whether it is a matter of privilege. Under the circumstances the Chair, while entertaining a very decided opinion on the question, would prefer not to decide it himself.

Mr. DORSHEIMER and others. Question!

Mr. SPRINGER. The gentleman from Kentucky has been called to order several times.

The SPEAKER. The Chair thinks the gentleman from Kentucky must confine himself to the question of order, or must take his seat, or must proceed out of order with the consent of the House. The Chair

has no discretion about the matter when the point of order is insisted upon.

Mr. COX, of New York. Has the gentleman from Kentucky subsided?

Mr. WHITE, of Kentucky. No; I do not yield to the gentleman from New York.

The SPEAKER. The gentleman from Kentucky will proceed in order.

Mr. WHITE, of Kentucky. Mr. Speaker, I have read from the rules the theory on which I introduced the resolution. Members certainly have forgotten that there is a resolution before the House as a privileged resolution. Now, sir, if I am to be stopped by every member on this floor the minute I assert something that does not please his delicate ear, then I had as well stop.

Mr. BLACKBURN. Better.

Mr. WHITE, of Kentucky. I beg pardon; I did not hear the remark.

Mr. BLACKBURN. I suggested "better."

Mr. WHITE, of Kentucky. It is not for my colleague to say what I had "better" do.

Mr. BLACKBURN. No; I trust I am not responsible for anything that emanates from such a quarter.

Mr. WHITE, of Kentucky. It does not rest with that side of the House represented by my colleague to tell me what I had "better" do.

Mr. BLACKBURN. I should waste my time in trying to play tutor in such a case.

Mr. WHITE, of Kentucky. Of course you would. [Laughter.] I agree with you.

The SPEAKER. The House will be in order. The gentleman from Kentucky will please confine himself to the point of order.

Mr. WHITE, of Kentucky. Mr. Speaker, the resolution which I have offered goes to the very bottom of the question whether anything that occurs on this floor shall be reported at all or not. We have the Journal. The Journal gives a synopsis of what occurs. That is sufficient unless we are going to have, in our record of debates, a correct report of what occurs here.

Mr. DORSHEIMER. Question! Mr. Speaker, we ask that the question be put to the House.

The SPEAKER. The Chair is still supposing that the gentleman from Kentucky proposes to show that there is some rule of the House which requires the matter read by him yesterday to be printed in the RECORD——

Mr. WHITE, of Kentucky. That is not the question.

The SPEAKER. That it has been improperly excluded from the RECORD; and that, therefore, this must be a matter of privilege.

Mr. REED. Mr. Speaker, will the Chair permit me a suggestion?

The SPEAKER. Certainly.

Mr. REED. How is it possible for this House to decide whether certain things which were taken down by the Official Reporters have been improperly excluded when the House is not permitted to know what those things are which have been excluded? How is it possible for us to pass on the question if, upon the suggestion of the gentleman from Illinois, the gentleman from Kentucky is prevented from stating the facts which are the foundation of his complaint? He rises here under his privilege as a member and he asseverates that certain things which occurred on this floor, he being the actor, have been excluded from the RECORD; and the question now comes up before the House whether that was properly excluded from the RECORD, which is a statement of our transactions as they occur, in order and out of order. How is it possible for us to pass judgment on that question if the gentleman from Kentucky is not allowed to state the facts?

Mr. WHITE, of Kentucky. I do not yield the floor.

The SPEAKER. The gentleman from Kentucky has stated the fact that on yesterday when the State of Kentucky was called for the introduction of bills and joint resolutions he introduced and read from his seat a joint resolution; and his complaint is that the joint resolution thus introduced and read was not entered at large in the records of the House.

Mr. REED rose.

The SPEAKER. Now it makes no difference what the gentleman's joint resolution was, whether it related to our foreign affairs or to our domestic affairs, the simple question is whether the reading of a bill or joint resolution by a member from his seat entitles it as a matter of right to be printed in the RECORD. The Chair decided that it did not.

Mr. BLACKBURN. That was ruled yesterday.

Mr. REED. As a part of his remarks.

The SPEAKER. But the gentleman could not make the remarks when his bill was being introduced for reference. Under the rules of the House nothing is in order but to introduce a bill or joint resolution and have it referred to its proper committee.

Mr. REED. But he did make remarks, and they therefore became a part of the proceedings.

The SPEAKER. The Chair does not understand the gentleman from Kentucky complains that any remarks made by him were excluded from the RECORD, but merely that his joint resolution which he read does not appear.

Mr. WHITE, of Kentucky. The Speaker decided that it was not a joint resolution.

The SPEAKER. It was determined afterward to be a joint resolution because the gentleman converted it into that form, and it was then read from the Clerk's desk as a joint resolution.

Mr. COX, of New York, rose.

Mr. SPRINGER. Let the question be decided.

Mr. WHITE, of Kentucky. I do not yield the floor.

Mr. COX, of New York. I desire to be heard on the point of order. It is at the discretion of the Chair, as I understand it.

The SPEAKER. The Chair is willing to hear the gentleman on the point of order if there be no objection.

Mr. COX, of New York. The Speaker has heard already two distinguished gentlemen on the other side of the House.

Mr. WHITE, of Kentucky. I do not yield the floor.

The SPEAKER. Will the gentleman then confine himself to the point of order?

Mr. WHITE, of Kentucky. I will if the gentlemen on the other side will only keep their seats. [Laughter.]

Mr. SPRINGER. I ask the Chair to submit the point of order to the House.

The SPEAKER. That is what the Chair desires to do.

Mr. SPRINGER. This is a mere abstraction and does not state any case. It has not been considered heretofore as part of the business of the House during the morning hour on Monday. Is this to be prolonged for an hour?

The SPEAKER. The Chair will allow reasonable time for the discussion of the point of order.

Mr. WHITE, of Kentucky. Mr. Speaker, a resolution relating to the convenience of members and the comfort of the employés of the House is a privileged question. Now, sir, I can not imagine anything more uncomfortable to a member than to be misquoted or to have a part of what he says omitted—to leave the gist of what he says out. If the Speaker means nothing that is read under the call of the States shall be put in the RECORD, why, then, has he put the colloquy between myself and my colleague [Mr. BLACKBURN] into the RECORD?

The SPEAKER. The Chair would like to understand the gentleman from Kentucky. He does not understand the gentleman has heretofore complained that anything he said was not properly, fully, and correctly reported in the RECORD, but that the joint resolution he offered was not printed in the RECORD.

Mr. WHITE, of Kentucky. I have not finished my remarks, and I hope I shall not be judged until I have said what I want to say. Now, if I get up on the floor here and begin to read something, the fact I rise and begin to read is put down in the RECORD. The fact that I speak is put down in the RECORD; the fact that a colloquy ensued between my distinguished colleague now soon to be a Senator and myself and the distinguished Speaker is put down in the RECORD as part of the proceedings of the House; and I say here I meant no disrespect to the Speaker when I said he was a creature of that side of the House. I simply meant to throw the responsibility on the Democratic party. [Laughter.]

I call the attention of the House to the RECORD as it is printed—to what the Speaker says in conclusion of this colloquy. These words were inadvertently omitted, referring to the heading or the style of the resolution, "Be it enacted," or "Be it resolved," &c. The Speaker finding they had been omitted says: "The resolution will be returned to the gentleman from Kentucky." Now, clearly nothing that I had said, nothing that had been read, was a joint resolution. The Speaker so decided. The reporters, feeling under their oath of office they must put down every thing that occurred, put down not only what I said but what Mr. BLACKBURN said, what Mr. Speaker CARLISLE said; not only that, but they recorded what I had read as part of my remarks because it could not have been anything but part of my remarks when the Speaker decided it was not a bill. Does to-day's RECORD report the proceedings? Clearly what I read was a part of the proceedings. If you say it was not in order, then all I said in reply to Mr. BLACKBURN or Mr. BLACKBURN said to me, or the Speaker to us both, was not in order and ought not to appear in the RECORD.

But the Speaker leaves all that he said in the RECORD, and with one sweep of his keen eye cuts out one-half of what I said. [Laughter.] Is that fair when we are both Kentuckians—native-born Kentuckians—my father a Whig, his father a Whig [great laughter]; my father a Union man and a slaveholder, his father a Union man and perhaps a slaveholder? Why this discrimination? [Laughter.]

Now, sir, in the course of my remarks on yesterday I said:

Whereas it has transpired that the Commissioner of Internal Revenue and the present Secretary of the Treasury have by unwarranted regulation assumed to extend the bonded period for distilled spirits for two hundred and eight days in direct violation of the action of the Forty-seventh and Forty-eighth Congresses; and

Whereas the tobacco tax is an unnecessary burden upon the people, and is a fraud, useful only upon the statute-books for the purpose of the tobacco monopolists; and

Whereas the present system——

Mr. SPRINGER. I rise to a question of order. The gentleman has no right to read what he is reading, when discussing a question of order.

The SPEAKER. The Chair thinks the gentleman has a right to read as a part of his remarks.

Mr. WHITE, of Kentucky. I thank the Speaker.

And whereas the present system of internal-revenue taxation is far less beneficial to the people than useful to continue a highly protected and infernal industry, manipulated by unscrupulous capitalists who strive to corrupt Congresses and to control the Government in the interest of their monopoly of the whisky and tobacco trade—

Now, right there the gentleman from Kentucky [Mr. BLACKBURN] said: "I rise to a parliamentary inquiry," and which had the effect of shutting me off until that question was disposed of. The RECORD shows what Mr. BLACKBURN said, and states my reply as well as what the Speaker said. All of this is faithfully recorded; but the RECORD, under the pen of the Speaker of this House, supervising what the sworn officers of the House had taken down, is entirely changed in other respects. His pen has been run through what he did not like to appear in the RECORD.

Again, sir, after some little colloquy had taken place on this subject, the Speaker says:

The gentleman from Kentucky will proceed to read his resolution.

Whereupon I read as follows:

And whereas there is no longer any guarantee that the laws in relation to internal revenue will be honestly executed, although $5,000,000 are annually appropriated for that purpose: Therefore,

Resolved, That all acts or parts of acts concerning the superintendence of the assessment or collection of any duty or tax imposed by any law providing internal revenue be, and the same are hereby, abolished from and after July 1, 1885.

The Speaker runs his pen through that, and in the very next line the RECORD shows the Speaker says:

The gentleman from Kentucky will send the resolution to the Clerk's desk.

Then the Speaker decided that the resolution was not in order under the call and returned it to me. I submit now to the House that, whether it was a bill or not, whether it was a resolution or not, under this call of the House it was a part of the proceedings of this House.

Suppose you say that what occurs in the House which is not strictly in order shall not appear in the RECORD. If you adopt such a rule, if you hold that principle and follow it out, then the RECORD will not contain one-twentieth part of what is published in it. Are you going to put in the RECORD only so much as is in order, and leave out all that is out of order?

If that be so, who is to judge? Is the Speaker to be the judge? Then you have a centralized government. [Laughter.] Does this country want a centralized government, with the Senate as composed, a majority of its Democratic Senators ex-confederates; with the House in control of the Democratic party, a majority of the Democrats ex-confederates, and are they to sit in judgment upon the House, and shall their Speaker sitting in that chair decide what is in order and what is out of order? If so, then save the $25,000 paid to these reporters. Save their manhood and their official integrity. Avoid what appears to the country to be falsehood and perjury. The Official Reporters swear to report the proceedings of this House accurately. They report what they think are the proceedings of this House, and your Speaker runs his pen through what he thinks is contrary to rule or propriety. Where shall we stop? It does not make so much difference to me. It does make a great deal of difference to the people. Let it go out that your RECORD is only what pleases the Speaker, not what actually occurred in debate, and where will you find anybody in this country that will believe any action that occurs in this Congress to be correctly stated by what is published in the RECORD?

Mr. HENDERSON, of Iowa. They do not believe much anyway about it.

Mr. WHITE, of Kentucky. That is all I desired to say, and I withdraw the motion.

The SPEAKER. The Chair desires to state that it has not assumed any control over the RECORD whatever, either by the insertion of anything or by taking out anything that occurred in the House. But upon being applied to by the chief Official Reporter to know what might be properly printed in the RECORD, under the rules of the House, he advised that officer of the House yesterday, as he would do again under the same circumstances, that bills and joint resolutions introduced for reference, whether read by a member from his seat or read from the Clerk's desk, did not properly go at length into the RECORD; and that is the extent to which the Speaker went.

Mr. COX, of New York. I rise to a question of privilege. I move to strike out what has appeared in the RECORD, or will appear in the RECORD, of the remarks of the gentleman from Kentucky.

The SPEAKER. It has not appeared in the RECORD.

Mr. COX, of New York. I make the motion for a purpose. I will be a little more candid than my friend from Kentucky. Evidently he never intended—— [Cries of "Regular order!"]

The SPEAKER. This is the regular order, if it be a matter of privilege.

Mr. BLACKBURN. And it is a matter of privilege.

The SPEAKER. The Chair thinks not. If anything hereafter should be printed in the RECORD which ought not to be there, or anything should be omitted which ought to be there, the Chair would consider that that presented a question of privilege.

Mr. COX, of New York. The gentleman from Kentucky has kept the attention of the House for nearly an hour on that side and on this side with the public contempt apparently [laughter], and has made all sorts of allusions to the Speaker that were in bad taste and against the rules.

Mr. REED. If this debate is to go on I have no objection to the gentleman from New York proceeding; but I insist after he shall get through the debate shall not close. If that be the understanding I have no objection.

The SPEAKER. There is nothing before the House.

Mr. BLACKBURN. Let the understanding be as suggested by the gentleman from Maine, and let us declare this a holiday.

Mr. COX, of New York. My suggestion was that the remarks of the gentleman should be omitted from the RECORD. I wish to make one remark. The Speaker is too kind to the Kentucky people. A member of Congress may be like a crumb lodged in the throat, which gives no nourishment and makes a deal of trouble if it goes the wrong way.

The SPEAKER. The point is made that the motion of the gentleman from New York [Mr. COX] is not a privileged one.

Mr. COX, of New York. Then I will debate the point of order.

Mr. BEACH. I desire to inquire of the Chair whether it is not a privileged question to control the Journals of this House. That is the motion of the gentleman.

The SPEAKER. The motion does not refer to the Journal of the House. It refers to the RECORD. The gentleman desires to make it as a privileged motion; but there has nothing appeared as yet in the RECORD which it is alleged is out of order.

Mr. BLACKBURN. The motion of the gentleman from New York is to prevent that from appearing in the RECORD which is out of order.

The SPEAKER. Is that a privileged motion?

Mr. BLACKBURN. The point that the remarks were out of order is.

The SPEAKER. The point of order is made against the motion of the gentleman from New York [Mr. COX] that it is not privileged; and the Chair thinks it is not a privileged motion.

Mr. COX, of New York. The Chair seeks to dispose of the motion and to go to business. All I have to say is this—— [Cries of "Regular order!"] If the regular order consists in debating the point of order I am regular.

Mr. MILLER, of Pennsylvania. I move that the House do now adjourn.

The SPEAKER. The gentleman from New York [Mr. COX] is on the floor and states he desires to discuss the point of order. The Chair is obliged to recognize any gentleman who states he desires to discuss a point of order. The Chair has intimated his opinion that a question of privilege is not presented. The gentleman from New York intimated that he appealed from the decision of the Chair and desired to discuss it.

Mr. REED. I move to lay the appeal on the table.

The SPEAKER. But the gentleman from New York is discussing it.

Mr. VALENTINE. I want to know what is before the House?

The SPEAKER. The gentleman from New York made a motion which he claimed was privileged. The Chair decided it was not privileged. Thereupon the gentleman from New York appealed from the decision of the Chair and took the floor to discuss it.

Mr. VALENTINE. We did not hear that. I move to lay the appeal on the table.

The SPEAKER. The gentleman from New York has the floor, and while he is on the floor the gentleman from Nebraska can not get it to make that motion.

Mr. REED. Does the Chair say that the motion to lay the appeal on the table is not in order?

The SPEAKER. It is not in order while the gentleman from New York is on the floor.

Mr. REED. The motion was made at the proper time.

The SPEAKER. The gentleman from New York was on the floor and was interrupted by the disorder on the floor; and during that interruption the gentleman from Nebraska [Mr. VALENTINE] moved to lay the appeal on the table, the effect of which motion would be to take the gentleman off the floor. The gentleman from New York will proceed.

Mr. COX, of New York. I have reduced my motion to writing, so as to offer it in the proper form, and I will read it from my desk:

Resolved, That the remarks of Mr. WHITE, of Kentucky, on the resolution which he submitted this morning, were delivered out of order, and that the Official Reporters be directed to omit them from the RECORD.

Mr. KEIFER. I make the point of order on that resolution.

The SPEAKER. The point of order has been made and sustained by the Chair, and the gentleman from New York appeals from the decision of the Chair.

Mr. COX, of New York. The gentleman from Ohio [Mr. KEIFER], who is an ex-Speaker of the House, will remember that we have control over our own proceedings, our own records, our own Journal, and that it is the duty of the Speaker, under the second rule, to preserve order and decorum. And I hold that the gentleman from Kentucky, who day after day rises here in his seat to make indecorum, can be more or less suppressed by the Chair by virtue of the power vested in the Chair.

Mr. WHITE, of Kentucky. Mr. Speaker, I demand that the words

of the gentleman from New York [Mr. COX] be taken down. [Laughter.]

Mr. COX, of New York. I withdraw the words. [Laughter.]

Mr. WHITE, of Kentucky. Mr. Speaker, the gentleman from New York [Mr. COX] has nothing to do but to take his seat. I have demanded that his words be taken down. [Renewed laughter.]

The SPEAKER. The gentleman from New York [Mr. COX] has the right to withdraw the words if he thinks proper, and he has done that.

Mr. COX, of New York. But, Mr. Speaker, I do not withdraw what I said a while ago, but what I do not think the House heard—which was this: that a member of Congress may be like a crumb in the throat, of which some French writer has said that when it goes the right way it gives no nutriment, and when it goes the wrong way it is very troublesome. [Laughter.] That is my friend from Kentucky. He is all the time making points upon the Speaker, whose ultimate good nature, whose Kentuckyism—whatever that may mean—allows the gentleman to run on without check, to the disadvantage of the public business and of the decorum of the House.

Mr. MILLER, of Pennsylvania. What are we having now? The same thing over again.

Mr. COX, of New York. What is that? I thought at first it was the Doorkeeper. [Laughter.]

Mr. Speaker, I make the point of order that a resolution can be adopted to suppress these remarks that come in indirectly, and that are, in a certain sense, lacking in candor, because after the gentleman from Kentucky [Mr. WHITE] had made his speech he withdrew his resolution, showing that he did not believe in his own proposition. I move the previous question on the adoption of my resolution. [Cries of "Oh, no!"]

The SPEAKER. The gentleman from New York [Mr. COX] has appealed from the decision of the Chair.

Mr. COX, of New York. I withdraw the appeal.

The SPEAKER. The gentleman from New York withdraws his appeal; and the resolution is not before the House.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. I demand the regular order.

Mr. FORNEY. I move that the House do now resolve itself into Committee of the Whole on the state of the Union for the consideration of the Army appropriation bill.

RESIGNATION OF A MEMBER.

The SPEAKER. The gentleman from Alabama moves that the House do now resolve itself into Committee of the Whole on the state of the Union for the consideration of the Army appropriation bill. Before that question is put, the Chair will lay before the House a communication, which the Clerk will read.

The Clerk read as follows:

WASHINGTON, D. C., *January* 26, 1885.

Hon. JOHN G. CARLISLE,
Speaker House of Representatives:

I have this day notified the Governor of the State of Rhode Island that from and after this date I resign the office of Representative in the Forty-eighth Congress.

Very respectfully, &c.,

JONATHAN CHACE.

The SPEAKER. The communication will lie on the table.

The question is on the motion of the gentleman from Alabama.

ARMY APPROPRIATION BILL.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole House on the state of the Union (Mr. MILLS in the chair), and proceeded to the consideration of the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of the general Army appropriation bill.

Mr. FORNEY. I move that the formal reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. FORNEY. Mr. Chairman, I do not propose to make any extended remarks, but I wish to state to the committee that this bill which is now under consideration appropriates for the next fiscal year $24,429,052.50; which is less by $25,000 than the amount appropriated in the bill of last year. Of this amount $12,215,000 is for paying the traveling and general expenses of the Army. There is an increase in that appropriation, because under this bill the paymaster is required to pay some employés of the Quartermaster's Department who have not heretofore been paid by him. The amount appropriated for the subsistence of the Army is the same as in the last Army bill, $1,900,000. For the regular supplies of the Quartermaster's Department there is appropriated $2,771,000, which is less than the sum appropriated for that purpose in the bill for the current fiscal year. For incidental expenses of the Quartermaster's Department the amount appropriated in this bill is $690,000, which is some $15,000 more than the amount in the present bill.

We found that there would be a deficiency there, and we increased the amount. For transportation of the Army and its supplies there is appropriated here $3,125,000, the same as in the last bill. There are no material changes in the appropriations made in this bill from those made in the existing law. The only new legislation in the bill is found in the second section, which is to this effect:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen: *Provided*, That not more than one such officer shall be attached to any company at the same time.

This is recommended to us by the Military Committee of this House, and also by the Lieutenant-General. The class which is to graduate at West Point in 1886 will probably number between eighty and eighty-five, and the vacancies which occur annually in the Army are about seventy. The object of this is to provide for the remaining fifteen.

Mr. Chairman, I do not desire to say anything further. If my colleague on the committee, the gentleman from Ohio [Mr. KEIFER], desires to say anything, I will yield to him.

Mr. KEIFER. I shall occupy but a moment. This bill undertakes to appropriate the sums of money usually appropriated for carrying on the different departments of the Army. I think there is no omission, and the bill is generally framed in accordance with the recommendations of the heads of the several departments. In a few, and only a few, instances the appropriations have been cut down; but I know of no instances where the appropriations as reported in this bill are below what the chiefs of the respective departments think will be sufficient to carry on their departments through the fiscal year ending June 30, 1886.

There is very little new legislation in the bill. As the gentleman from Alabama [Mr. FORNEY] has stated, about the only new legislation is embraced in the second section on pages 15 and 16 of the bill. That provision is inserted in the language proposed by the Military Committee of this House. The Committee on Appropriations have adopted this provision exactly as the chairman and other members of the Committee on Military Affairs asked that it be adopted. I will say further that the provision has the approval in principle of the Secretary of War; and the very language found in the bill is approved by the General of the Army. The object of this section is simply to provide for cadets at West Point who might otherwise have to be dismissed after having gone through the Academy at very considerable expense to the Government.

This is not new legislation in the sense of being inserted in the law for the first time. It was the law for many years after the Military Academy was organized. Many general officers now in the Army, and many who have been in the Army, were originally attached to the Army as supernumeraries or second lieutenants, and were obliged to wait for the substantive rank, which came when a vacancy in fact occurred. General Grant, General Lee, and others thus went into the Army as supernumeraries.

This bill provides only for appointing cadets as supernumeraries where there are no vacancies to be filled; and it very rarely happens that there are not places for these military cadets. This year there will be no difficulty of that kind; and up to this time there has not been, so far as I am aware, any instance where cadets have had to be discharged. But it is anticipated—and this is the report we have from the Superintendent of the Military Academy and from the Secretary of War—that an unusually large number of cadets will graduate from West Point in 1886—a class exceeding in numbers any that has ever come out of that academy in a single year. In this bill we revive former legislation on this subject by complying with the recommendation which has been made to us.

Mr. MCMILLIN. The gentleman will allow me to inquire whether in the interest of the public service there is any necessity for the creation of these new positions; or is the object simply to make places for these graduating cadets?

Mr. KEIFER. I will try to answer that question. The public service, as we understand, requires the maintenance of the Military Academy. Existing law authorizes the President of the United States to make certain appointments of cadets to the academy. It also authorizes each member of this House and each Senator of the United States to nominate a cadet for appointment to the Military Academy, and to keep one there all the time. Now, we propose to provide that when these cadets graduate the Government shall have the benefit of their education by putting them in the Army.

It is supposed that in 1886 more cadets will graduate than there will be vacancies for; and to prevent, in the first place, the Government from losing the services of these young men whom it has educated, and also to avoid the injustice of discharging these young men after they have been graduated at West Point with the expectation of going into the Army, we propose to attach them as supernumeraries to companies in the Army, to await the occurrence of vacancies. Heretofore the vacancies as they have occurred have been more than enough to provide places for these cadets. But it seems that a specially good class will graduate in 1886. This class, by reason of the meritorious conduct and superior scholarship of its members, has kept fuller than any other class that has ever been at the academy. These young men we propose to take care of for the time being. It will only be necessary to maintain them as supernumeraries for a few weeks or months.

As I have said, we are simply reviving what was formerly the law, the change having been made shortly after the close of the war. When the law was changed it was supposed there would always occur in the Army a sufficient number of vacancies to provide for all the graduates of the Military Academy. I will only repeat, in conclusion, that this provision has been inserted in the bill upon the unanimous recommendation, as I understand, of the Military Committee of the House.

Mr. FORNEY. If no other gentleman desires to discuss this subject——

Mr. MCMILLIN rose.

Mr. FORNEY. I yield to the gentleman from Tennessee.

Mr. MCMILLIN. Mr. Chairman, I have listened with great interest to the very clear and terse statement of the gentleman from Alabama [Mr. FORNEY] who is in charge of this Army appropriation bill, and to the distinguished gentleman from Ohio [Mr. KEIFER], to see if there was any sufficient excuse given for a change of law which increases the number of Army officers when there is no increase in the number of enlisted men, and have heard none.

Mr. KEIFER. If the gentleman will allow me to interrupt him——

Mr. MCMILLIN. With pleasure.

Mr. KEIFER. We do not propose to change the number of officers, but merely to provide temporarily that some of these cadets may be attached as supernumeraries when vacancies occur to which they can be appointed. It is not likely to occur except in the year 1886.

Mr. MCMILLIN. Let us see how that is. I read the language of the bill itself:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes, and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen: *Provided*, That not more than one such officer shall be attached to any company at the same time.

If that does not increase the number of officers in charge of companies I am wholly unable to comprehend what it does mean.

Now, sir, I do not like to antagonize the opinion of those who have given special attention to this matter, but it does seem to me at this time of the top-heaviness of the Army, of superabundance of officers in proportion to the number of enlisted men, when we are reducing the age at which officers may be retired in order to make places for officers who are coming on, we can not well afford merely for the sake of giving appointments to create new offices. Is there any sudden exigency or permanent necessity demanding it? It will not, can not, be so claimed.

Mr. JOSEPH D. TAYLOR. Will the gentleman allow me to interrupt him?

Mr. MCMILLIN. Certainly.

Mr. JOSEPH D. TAYLOR. Then what are we to do with these cadets at West Point?

Mr. MCMILLIN. What are we to do with them?

Mr. JOSEPH D. TAYLOR. Yes, sir.

Mr. MCMILLIN. I would do exactly what any sensible man would do in his own private business matters—what he would do in any of the private transactions of life—I would have all the officers necessary for the command of our troops, but I would never consent to create new offices merely for the purpose of giving easy places to those who, under the law, have not places now; no, never, sir. There is not a private business man on this continent who would do it. If any one did his creditors would press him immediately under the just belief he was not capable of taking care of his own affairs.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman another question.

Mr. MCMILLIN. I have not yet answered the gentleman's first question; when I do he can ask me further, and I will answer him with much pleasure. When there are more officers graduating from West Point than the exigencies of the public service demand, I would do for the Military Academy exactly what this House and this Congress sensibly did for the Naval Academy—I would take those bearing the highest rank, those who were most fit, and appoint them, and allow the others who are unnecessary to go back into civil life.

Mr. BALLENTINE. You would never make a greater mistake in your life.

Mr. MCMILLIN. That may be. I am not speaking now as to the classes which were admitted to the academy or who were in the academy when the law was passed. But in the general conduct of the Army and Navy it seems to me correct that the Government needs only a certain number of officers, and that it is not wise to employ more than it does need. If you graduate more than the service demands—they have been educated, well educated, without cost to themselves—it is useless to say American citizens 23, 24, or 25 years old, with a good education given gratuitously, can not adapt themselves to the duties and responsibilities of American life.

Now, what is the condition of our Army to-day? There is something wrong; there is mismanagement somewhere. I have not been on the Military Committee, and I do not pretend to say what is the remedy; but within the last two years it has been reported by the Secretary of War that nearly one-third of our Army deserted in twelve short months. What is the matter? Who is to blame? Is it because we have superabundance of officers? There is trouble somewhere, and there is a good field for experiment and for change of present methods.

Now, this is a change of the law. It authorizes the appointment of officers not now authorized by law. Who is foolish enough to believe it will remedy any existing evil? No one!

Mr. STEELE. I understand the gentleman to say that the cadets who were in the Naval Academy ought not to have been legislated out?

Mr. MCMILLIN. That I do not adjudicate. I am not discussing that question. What I said was I did not pretend to express an opinion upon it. When that case comes up I will, however, have an opinion that will guide my action at that time. I will do what may seem to me just and proper.

Mr. STEELE. This only proposes to make places temporarily for those who went into the Military Academy with the understanding when they graduated they would go into the military service.

Mr. MCMILLIN. The law read by the gentleman from Ohio [Mr. KEIFER], which was repealed in 1878, and which it is now proposed to re-enact, was operative till 1882. In other words, the repealing act did not take effect till 1882. So every cadet in the academy in 1878 took his rank under the old law, and was not injured by the change. Of course, those entering the academy subsequently did so with knowledge of the new law, or are presumed to have known it.

Mr. MCMILLIN. I quite agree with the gentleman from Indiana as to the propriety of reducing the number of cadets. But in the mean time, until that is done, I would not create any offices not needed merely to give the salary and the place to somebody.

Mr. STEELE. Let me disabuse the mind of the gentleman from Tennessee on one point. We have now about three times as many officers as are actually needed for the size of our Army.

Mr. MCMILLIN. I have no doubt of that.

Mr. STEELE. And it is always understood that these officers are being instructed in military science and are keeping up with the advance of the military art in order to form a nucleus from which to make an army in case of necessity.

Mr. MCMILLIN. Would the gentleman, as a remedy for that evil, if it be an evil, where there are three times as many officers as are necessary, undertake to remedy it by increasing the number?

Mr. STEELE. I have tried time and time again to provide for many officers now on the roll of the Army by placing them on the retired-list, because they are broken down in the service, age has come upon them, and they are unable to perform the duties. Many of these men, worn out in the service, ought to be put on the retired-list, and, as I say, time and time again I have tried but without effect.

Mr. MCMILLIN. The trouble is the gentleman's remedy is a remedy which is worse than the evil complained of. But why did he not do this when he had an opportunity?

Mr. STEELE. Because I could not put it into execution. If I had the majority here I would have it done.

Mr. MCMILLIN. Well, the gentleman will not have a majority sufficient, I hope, to increase the retired-list for many days. He has not had it for some time, and is not likely to have it again.

Mr. STEELE. Does not the gentleman from Tennessee think that it would be a question of economy to place these officers on the retired-list at three-fourths of their salary, instead of paying them the whole amount?

Mr. MCMILLIN. Now the gentleman from Indiana announces a proposition which is as fallacious, with all due deference to him, as any other proposition that could well be made. He asks if it would not be better to give three-fourths salary to these officers than their full salary.

I would quite agree with him as to the truth of his proposition were it not for the fact that you place men in the positions that you have vacated by sending these officers to the retired-list, and consequently you not only pay the three-fourths salary of the retired-list, but you pay the full salary to the officers who take their places in addition.

Mr. STEELE. That could be readily provided against by the same bill which authorized the increase of the retired-list.

Mr. MCMILLIN. In my judgment, sir, the remedy is by diminishing the number of graduates at West Point. By diminishing the number admitted there or by making the academic term longer, as in the case of the Naval Academy, we might remedy the evil to some extent.

Mr. OATES. Why not repeal the law allowing appointments to be made from civil life?

Mr. MCMILLIN. The gentleman from Alabama says why not repeal the law authorizing the employment from civil life.

Mr. OATES. I said appointments from civil life.

Mr. MCMILLIN. Well, the appointments. It might be done to some extent in that way. Certainly many remedies that might be suggested for diminishing the number of those appointed in the Army are better than that system of appointment which gives a redundancy of officers.

Mr. FORNEY rose.

Mr. KEIFER. I would like to have a few moments, since this discussion has arisen.

Mr. FORNEY. I yield to the gentleman from Ohio.

Mr. KEIFER. I think the remarks of the gentleman from Tennessee are made from the proper standpoint. But while he claims that our Army organization is too cumbrous at the present time, and that this

tends to increase it, there is this to be said, that there is no proposition in this bill to permanently increase the Army.

Next year the graduating class at West Point, I am informed, will number about forty and the number of vacancies will probably exceed fifty. That year, as this, there will be a number of appointments made from non-commissioned officers, who are recommended under existing law for commissions, as well as appointments made from civil life. Now, the effect of this clause in the bill will be to keep certain graduating cadets, if that case arises, until vacancies occur, to which they can be appointed, instead of allowing the vacancies which occur from the commencement of one academic year to the other to be filled from civil life. As a matter of fact, taking the entire Army more than one-half of the commissioned officers of the Army are appointed and hold commissions from civil life.

The question is whether we shall in future allow the Army to be filled up by such appointments, and then have a case arise where we will discharge our graduating classes from the Military Academy. The provision incorporated in this bill has been prepared by the Military Committee of this House, and is simply to meet a case which is not likely to occur very frequently; and in that year there may be fewer appointments from civil life. That will be all the effect of it. The graduating cadets will hold along until vacancies occur, being attached temporarily by the provisions of this bill as additional second lieutenants. When vacancies occur by promotion, resignation, death, retirement, or from any other cause, then these cadets will be promoted to fill the places.

I am not in favor of changing the law as it stands with reference to the appointments of cadets, but if I were I would not undertake to do an injustice to these cadets at the academy. There is no injustice going to be done them this year. There will be plenty of vacancies this year and plenty for 1887, according to appearances. But it is likely there will be more cadets in 1886 than there will be places for at the time of their graduation in June.

Mr. McMILLIN. I will suggest, with the permission of the gentleman from Ohio, that that trouble will continue from the fact that with the increase of the number of members of this House there was under the law necessarily an increase permanently of the number of admissions to West Point; and hence in future there will be a greater number of graduations from West Point than in the past; and the thing the gentleman speaks of here as a temporary expedient will become a permanency.

Mr. KEIFER. It is likely that the classes at West Point and the number of graduates at West Point in future years will be increased a little in consequence of the increased number of cadets under existing law growing out of the fact of the increase of the number of members of this House; and the increase of the population makes it perhaps necessary that we should increase the military establishment.

But the gentleman seems to treat this as though it is some innovation. Now, section 1213 of the Revised Statutes, which was in force, I believe, from 1812 to 1878, was in substance the provision that is proposed to be put in this bill. I will read it:

SEC. 1213. When any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academical staff, he shall be considered a candidate for a commission in any corps for whose duties he may be deemed competent. If there be no vacancy in such corps, he may, subject to the provisions of section 1215, be attached to it by the President, as a supernumerary officer, by brevet of second lieutenant until a vacancy shall happen.

This act was, as I have said, in force from 1812 until 1878, when it was changed, and I think inadvertently. I will furnish to the reporters a list of distinguished officers who were commissioned under that section of the statute, section 1213. This list has been furnished me of men who were distinguished either in the Union Army or in the confederate army, and it includes some of the most prominent officers on both sides. The following is the memorandum:

Memorandum of names of some of the graduates of the Military Academy who have been temporarily attached to the Army as brevet or additional second lieutenants, and the time which elapsed before vacancies occurred:

General Burnside, three months.
General Gibbon, three months.
General Gillmore, four years.
General Grant, two years.
General Hancock, two years.
General J. B. Hood, one year eight months.
General Howard, seven months.
General Ingalls, two years.
General McFeely, two years.
General McClellan, nine months.
General A. A. Humphreys, one day.
General Keyes, one year two months.
General Meade, five months.
General Mansfield, one day.
General McPherson, one year five months.
General J. F. Reynolds, four months.
General Rosecrans, nine months.
General Sacket, one year.
General C. P. Stone, one year eight months.
General J. E. B. Stuart, four months.
General G. K. Warren, four years two months.
General A. S. Webb, three months.
General Weitzel, one year.
General Comstock, two months.
General A. S. Johnston, one day.
General R. E. Lee, one day.
General J. E. Johnston, one day.

I do not wish the House to fall into any wrong impression about it. This is not intended as a restriction on the power of the President to make appointments. It is for the purpose merely of taking care of an exceptional class at West Point. And I should be very glad at some time, either now or hereafter, to hear upon it some of the gentlemen who are familiar with the subject, who have probably given more attention to it than the members of the Appropriations Committee. I mean the gentlemen who are on the Military Committee.

Mr. FORNEY. I ask unanimous consent that general debate be considered as closed, and that the bill be now read by paragraphs under the five-minute rule for amendment.

There was no objection, and it was so ordered.

The Clerk proceeded to read the bill, and read the following paragraph:

PAY DEPARTMENT.—For pay of the Army: For one Lieutenant-General; three major-generals; fifteen brigadier-generals; twenty-three aids-de-camp, in addition to pay in the line; one military secretary, in addition to pay in the line; sixty-seven colonels; eighty-nine lieutenant-colonels; two hundred and thirty-four majors; three hundred and sixteen captains (mounted); three hundred and one captains (not mounted); thirty-four chaplains; thirteen storekeepers; forty adjutants; forty regimental quartermasters; adjutant and quartermaster of Engineer Battalion, in addition to pay in the line; two hundred and thirteen first lieutenants (mounted); three hundred and fifty first lieutenants (not mounted); one hundred and forty-five second lieutenants (mounted); three hundred second lieutenants (not mounted); one hundred and sixty acting commissaries of subsistence, in addition to pay in the line; and to one hundred lieutenants acting as assistant quartermasters, who are to receive at the rate of $100 per annum in addition to their pay in the line; additional pay to officer in charge of public buildings and grounds in Washington; additional pay to officer in command of the military prison at Fort Leavenworth, Kansas, $1,000; additional pay to officers of foot regiments while on duty which requires them to be mounted; additional pay to officers for length of service, to be paid with their current monthly pay; retired officers; for the payment of any such officers as may be in service, either upon the active or retired list, during the year ending June 30, 1886, in excess of the numbers for each class provided for in this act; enlisted men of all grades, not exceeding twenty-five thousand men; pay to enlisted men for length of service, payable with their current monthly pay; the allowances for travel, retained pay, clothing not drawn, and for interest on deposits payable to enlisted men on discharge; two retired ordnance-sergeants; for mileage of officers of the Army for travel, over shortest usually traveled routes, not to exceed $160,000; for miscellaneous expenses, to wit: Hire of not exceeding seventy-five contract surgeons and one hundred and sixty hospital-matrons; extra-duty pay to enlisted men for service in hospitals, and for general-service clerks and messengers at Army, division, department, and district headquarters, and at the headquarters of the general recruiting service, also at recruiting depots and at West Point, N. Y.; pay of forty-nine paymasters' clerks, at the rate of $1,400 each per annum, and fourteen veterinary surgeons; hire of paymasters' messengers, not to exceed $15,000; eighty post quartermaster-sergeants; cost of telegrams on official business received and sent by officers of the Army; compensation of citizen clerks and witnesses attending upon courts-martial, military commissions, and courts of inquiry; for reimbursement of traveling expenses of paymasters' clerks actually paid by them; and for commutation of quarters to commissioned officers on duty without troops at places where there are no public quarters; in all, $12,215,000.

Mr. McCOMAS. I desire to offer an amendment to come in after the word "Army" in the first line of the paragraph.

Mr. HOLMAN. I desire to make a point of order on the paragraph.

The CHAIRMAN. The gentleman from Indiana desires to make a point of order. That point of order will be entertained before the gentleman from Maryland [Mr. McCOMAS] is recognized to offer his amendment.

Mr. HOLMAN. In lines 56 and 57 in this paragraph are the words "and to one hundred lieutenants acting as assistant quartermasters." Those words are an interpolation in the present law, and therefore I presume are subject to the point of order that this is new legislation.

Mr. RANDALL. There are three lines there to which the point of order applies.

Mr. HOLMAN. The following words: "who are to receive at the rate of $100 per annum in addition to their pay in the line," are connected, as I understand, with the preceding portion of the paragraph.

Mr. FORNEY. Oh, no! they are not.

Mr. HOLMAN. The whole clause reads thus:

Three hundred second lieutenants (not mounted); one hundred and sixty acting commissaries of subsistence, in addition to pay in the line.

Now, omitting the words I have called attention to, it goes on:

Who are to receive at the rate of $100 per annum in addition to their pay in the line.

The words to be omitted to which I make the point of order are:

And to one hundred lieutenants acting as assistant quartermasters.

That is a new provision of law, and is subject to the point of order.

Mr. RANDALL. I make the point of order on lines 56, 57, and 58.

Mr. HOLMAN. Does my friend from Pennsylvania say that the other words, "three hundred second lieutenants (not mounted); one hundred and sixty acting commissaries of subsistence in addition to pay in the line," are not in the present law?

Mr. RANDALL. I do not say that; nor do I make the point of order against them. I merely make it against the one hundred lieutenants acting as assistant quartermasters; the point being that there is no law providing they shall get extra pay. I think it wrong in principle that officers of the Army should for any kind of duty they are called to perform receive extra pay. There is no law, so far as quartermasters are concerned, that gives them additional pay.

Mr. McMILLIN. And it increases the expenditure $10,000.

Mr. RANDALL. Yes; it increases the expenditure $10,000.

Mr. HOLMAN. The gentleman from Pennsylvania is correct as to the subsequent words, "who are to receive at the rate of $100 per annum in addition to their pay in the line." I thought, on a hasty reading, that those words belonged to the preceding portion of the paragraph; but now it is manifest the words covered by the point of order are the following:

And to one hundred lieutenants acting as assistant quartermasters who are to receive at the rate of $100 per annum in addition to their pay in the line.

Those are the words on which the point of order is made as constituting new legislation.

The CHAIRMAN. Does the Chair understand that the point made by the gentleman from Indiana [Mr. HOLMAN] embraces the same matter as the point made by the gentleman from Pennsylvania [Mr. RANDALL]?

Mr. HOLMAN. It embraces the same matter.

Mr. KEIFER. Mr. Chairman, I wish to understand the full extent and application of this point. I wish to know whether it includes any more than lines 56, 57, and 58.

Mr. FORNEY. I understand that it includes those three lines.

Mr. KEIFER. Only those?

Mr. HOLMAN. Yes; it covers only lines 56, 57, and 58.

Mr. KEIFER. I regret, Mr. Chairman, that gentlemen make the point of order against those three lines. There may be some doubt about the propriety of it. This is a bill to provide for the Army. There is no statute, I believe, that gives these officers pay at the rate named in this bill, but the provision is in harmony with what immediately precedes it, where one hundred and sixty acting commissaries of subsistence are given pay at the same rate. They certainly have less duties to perform and less responsibility than the officers provided for in these lines against which the point of order is made.

Mr. HOLMAN. But their pay is provided for by law.

Mr. KEIFER. I understand that the extra pay for acting commissaries of subsistence, in addition to the pay of the line, is provided for by law; but this is a provision to pay officers for duty that they are required to perform outside of the ordinary duties belonging to their office. Any officer of the line at a post may be detailed to perform the duties of a quartermaster.

The CHAIRMAN. Does the Chair understand the gentleman from Ohio [Mr. KEIFER] to say that there is no existing law which authorizes this extra pay to these officers?

Mr. KEIFER. I believe there is no existing law that authorizes pay at this rate; but I say that this provision is to pay these officers for a duty that they are required to perform outside of their regular duties, and I am sorry that gentlemen have made this point of order, because these officers certainly perform duties as great, if not greater, than those performed by the acting commissaries of subsistence, and they have more responsibility. For these reasons I think there is great injustice in allowing pay to one class of officers for these extra duties and denying it to another class.

Mr. HOLMAN. It may be true, Mr. Chairman, that some classes of officers are paid too much, but that certainly furnishes no argument in favor of an improper allowance of pay to others.

The CHAIRMAN. As it is admitted that this provision changes existing law, and as it does not affirmatively appear that it retrenches expenditures, the Chair sustains the point of order.

Mr. THOMAS. Mr. Chairman, I desire to make a further point of order on the provision beginning in line 59 and ending with the word "Washington" in line 60—"additional pay to officer in charge of public buildings and grounds in Washington." I should like to know whether there is any law that authorizes extra pay to officers in charge of the public buildings and grounds here.

Mr. FORNEY. There is. If there is no law, then this officer will not get any pay.

Mr. KEIFER. I call the attention of the gentleman from Illinois [Mr. THOMAS] to the fact that this provision does not undertake to fix the pay of this officer, but only appropriates the pay that is provided by law.

Mr. FORNEY. I think the provision for the extra pay of this officer will be found in the Statutes at Large, volume 17, page 535. I wish to make a formal amendment in line 95, at the end of the paragraph. The amount appropriated having been reduced $10,000, I wish to have the total changed so as to read "$12,205,000."

The CHAIRMAN. The Chair hears no objection, so the amendment will be made.

Mr. McCOMAS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After the word "Army," in line 41, insert the following:
"For one General, and the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint on the retired-list of the Army of the United States, from among those who have been Generals commanding the armies of the United States or generals-in-chief of said Army, one person with the rank and full pay of such General or general-in-chief, as the case may be; and the total number now allowed by law to compose said retired-list shall be, on such appointment, increased accordingly."

Mr. FORNEY. Mr. Chairman, I reserve the point of order on that amendment

Mr. McCOMAS. I hope the gentleman from Alabama will not insist upon the point of order, when he considers the character of this amendment and the little opportunity there is to do an act of justice.

The CHAIRMAN. Does the gentleman from Alabama [Mr. FORNEY] desire to hear the gentleman from Maryland on the point of order?

Mr. FORNEY. I desire to reserve the point of order.

The CHAIRMAN. What is the point of order that the gentleman from Alabama makes?

Mr. FORNEY. The point is that the amendment changes the existing law and increases expenditure.

The CHAIRMAN. Does the gentleman from Maryland wish to be heard on the point of order?

Mr. McCOMAS. If the gentleman from Alabama insists upon the point of order, I do not desire to be heard.

The CHAIRMAN. Then the Chair sustains the point of order.

Mr. SUMNER, of California. I offer an amendment which I send to the desk to be read.

The Clerk read as follows:

In line 89, after the word "Army," insert the following:
"*Provided*, That the cost of such telegrams shall not exceed the amount fixed and paid by the Government under contract for telegrams composed of a similar number of words, exclusive of address and signature, officially sent to and from the Signal Service stations of the United States."

Mr. KEIFER. Mr. Chairman, I shall make a point of order on that amendment, but I am willing to hear the gentleman state the necessity for it.

Mr. SUMNER, of California. Mr. Chairman, I am obliged to the gentleman from Ohio for his gracious indulgence. But I really did not suppose that there would be any objection whatever to this proposed amendment. Certainly if it have any effect at all, if it has not been anticipated by an existing agreement, it is in the line of economy, and I do not see how it can be considered obnoxious to the rule against new legislation.

Mr. KEIFER. I want to find out what the amendment of the gentleman from California is designed to meet.

Mr. SUMNER, of California. It was stated in the public press last fall—and I supposed that it was a well-understood fact—that a contract had been entered into by the Department embracing the Signal Service whereby the rates for telegraphic dispatches in that service, inclusive of all official correspondence by telegraph, were established in conformity with the tariff prescribed in the general, contract-job postal-telegraph bills of the Senate and House Post-Office Committees, reported at the last session of Congress, which contract, it was claimed, effected a reduction of about 30 per cent. from the former aggregate cost. If that be so, certainly the Government should not pay any more for telegraphic dispatches between these military officers, whose incidental or contingent expenses are provided for in this bill, than is required as payment for the transmission of official dispatches of similar length between officers and soldiers and any persons to whom they report in the Signal Service. Indeed, if that is not the case already, the same limitation should be put upon the payments for any and all communications by telegraph where the authorities or servants of the Government are in official correspondence. The announcement was, that advised by the action of the committees of the two Houses of Congress the contract referred to was framed; and there was no hesitation on the part of the telegraph monopolists—which for the time being are ostensibly divided under two or more company organizations—about agreeing to it. Why should there have been, when the rates so allowed and paid by the Government, although the reduction was said to be considerable, are still far in excess of what they reasonably should be?

It may be mentioned incidentally, Mr. Chairman, that in the Territories and in some of the States bordering upon Territories fully 15 per cent. of the telegraphic dispatches are transmitted over existing military lines and lines on routes where the original construction was by the Government direct, or with the aid of national and State subsidies, and on which watch is kept and repairs have been and are being made by men enlisted or otherwise employed in the Army. This fact furnishes one among many additional reasons why it is proper to insert the proposed amendment restricting this expenditure.

It may be imagined that this item of expense has not been very large. It is generally covered—I might say concealed—in the Book of Estimates by an enumeration of many other items in the same paragraph, against which a grand total is set down. But it is by no means insignificant. A company that pays its skilled employés less than one-half the amount that Government employés doing the same work are receiving, and confessedly ought to receive—whose labor, by the way, is in good part and inevitably performed to the profit of the telegraph monopoly in the transmission or in the receipt of telegrams on Government and other business—ought not to be paid by the Government any more than the very liberal rates, far too large according to my judgment, named in the sections reported by the Senate and House committees, to which I have alluded.

This amendatory provision is also calculated to have a moral effect, so to speak, as a declaration from this Congress bearing on the extortionate charges of the Western Union Telegraph monopoly for commercial or private dispatches.

Mr. KEIFER. I think this amendment is subject to a point of order.

Mr. HOLMAN. Before the gentleman from Ohio proceeds, I ask that the amendment be again read.

The Clerk again read the amendment.

The CHAIRMAN. What is the point of order raised by the gentleman from Ohio [Mr. KEIFER]?

Mr. KEIFER. My point of order is that this is new legislation and it does not appear that it will retrench expenditures. A reduction of expense does not necessarily follow. I understand that the Government has a contract by which the Western Union Telegraph Company sends messages at a given rate for all these public officers and Departments. That contract exists now. Whether the rates under that contract are above or below those embraced in the contract with reference to telegrams for the Signal Service I am not able to state. I do not know whether the gentleman who offers this amendment is able to state how the fact is in that respect. It seems to me the amendment is subject to the point of order. Besides, I do not think it is a wise amendment at this time.

The CHAIRMAN. The Chair does not see how this provision changes existing law. But even if it does it simply places a limitation upon the amount to be paid under this appropriation, which by the terms of the amendment is not to exceed the amount now paid by the Government for like service. The Chair therefore rules that the amendment is in order.

The question being taken on agreeing to the amendment, it was agreed to.

MESSAGE FROM THE SENATE.

The committee rose informally, and Mr. TOWNSHEND took the chair as Speaker *pro tempore:*

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia.

The message also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 1291) to quiet and confirm the title to certain lands in the Saginaw Bay in the State of Michigan;

A bill (S. 2551) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;"

A bill (S. 2577) to authorize the printing of the eulogies delivered in Congress upon the late Henry B. Anthony;

Joint resolution (S. R. 109) authorizing the loan of certain flags and bunting to the committee on inauguration ceremonies; and

Joint resolution (S. R. 114) to provide for printing the annual reports of the Smithsonian Institution.

The message further announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,060 extra copies; of which 3,000 shall be for the use of the Senate, and 6,060 for the House of Representatives, and 7,000 for the Smithsonian Institution.

The message also announced that the Senate insisted on its disagreement to the amendment of the House of Representatives to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. RIDDLEBERGER, Mr. PIKE, and Mr. BROWN.

ARMY APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. THOMAS. I move to amend by striking out, in lines 59 and 60, the words "additional pay to officers in charge of public buildings and grounds in Washington."

Mr. Chairman, I will briefly state my reasons for offering this amendment. Attention has recently been called to the fact that an officer of the United States Army has been engaged in superintending the construction of one of the public buildings within this city; that he filed a claim for additional compensation on account of such service; that he appealed to the Court of Claims, and was allowed $10 a day extra pay. Now, I submit that the work of superintending public buildings and grounds in the city of Washington is not more hazardous or onerous than the duty of fighting battles or carrying on campaigns against the Indians on the frontier. I see no just grounds upon which this additional compensation is allowed. I am not a member of the Committee on Appropriations, but the instance I have mentioned illustrated so pointedly the injustice being done in this way to other officers engaged in equally meritorious duty that I felt the question ought to be presented to the House.

Mr. FORNEY. The law for the payment of this extra compensation has been in existence since 1873. Under it the officer in charge of public buildings and grounds in this city has been paid $1,000 a year in addition to his pay as an officer of the Army—on the theory, I presume, that his expenses are greater here than they would be if he were with the Army. We have reported this appropriation in pursuance of law.

The question being taken on agreeing to the amendment of Mr. THOMAS, there were—ayes 37, noes 26.

Mr. FORNEY. I call for tellers.

The CHAIRMAN. No quorum having voted, tellers are ordered; and the Chair appoints the gentleman from Illinois [Mr. THOMAS] and the gentleman from Alabama [Mr. FORNEY].

The committee again divided; and the tellers reported—ayes 39, noes 64.

So the amendment was not agreed to.

Mr. WARNER, of Ohio. I move to amend by striking out, in line 95, the word "twelve" and inserting "ten," so as to make the aggregate appropriation for the pay of the Army $10,215,000.

Mr. KEIFER. I do not understand the gentleman's motion.

Mr. WARNER, of Ohio. I move to strike out "twelve" and insert "ten" in line 95.

Mr. Chairman, by the terms of the bill before us the enlisted men of the Army are kept down to 25,000, and it is well known that the military force is not kept up to 25,000 men. The regiments are almost never full. This section of the bill calls for $12,215,000 for the pay of the Army alone. Now I will ask the gentleman from Alabama [Mr. FORNEY] having the bill in charge to state to the committee, if he can do so, the proportion of this $12,215,000 which goes to pay the officers of the Army, and how much or what proportion to pay the enlisted men?

Mr. FORNEY. If the gentleman from Ohio would put himself to the trouble of referring to page 90 of the Book of Estimates for 1885 and 1886, he will find everything stated in detail: "one lieutenant-general, three major-generals, fifteen brigadier-generals," and so on.

Mr. WARNER, of Ohio. I understand that, but I thought perhaps you had the total.

Mr. FORNEY. The amount we appropriate here is merely what the law authorizes to be paid to them. It is supposed to be $12,500,000. Last year, 1884, $11,700,000 was actually paid out. If you strike out "twelve" and put in "ten" there will of course be a deficiency.

Mr. WARNER, of Ohio. I presume the appropriation is only what the law calls for. If I am right, much the larger part of this $12,215,000 is required to pay the officers of the Army, and I call attention to this here because of its bearing on the final paragraph of the bill.

Now, let us see. This bill appropriates pay for sixty-seven colonels.

Mr. FORNEY. Yes, sir.

Mr. WARNER, of Ohio. Now, there are only twenty-five regiments.

Mr. FORNEY. Twenty-five regiments of infantry, ten regiments of cavalry, and so many regiments of artillery.

Mr. WARNER, of Ohio. But in all, only 25,000 men.

Mr. FORNEY. That is all.

Mr. WARNER, of Ohio. Enlisted men; and we pay them $2,738,140. Eighty-nine lieutenant-colonels, two hundred and thirty-four majors—more officers of this rank than any other army in the world four times the size of ours has.

Mr. FORNEY. The gentleman must not appeal to the Appropriations Committee in that regard, but for his remedy he must turn to the Committee on Military Affairs.

Mr. WARNER, of Ohio. I understand that, and I am only calling attention to this now with a view, I say, to its bearing upon the final paragraph of the bill. I doubt not the Committee on Appropriations have included in the bill only appropriations to pay those entitled according to the law as here given.

Mr. ROSECRANS. If the gentleman will allow me a moment——

Mr. WARNER, of Ohio. I am merely calling attention to the character of the organization of our Army as it now exists, and to its top-heaviness as to officers in proportion to enlisted men.

Mr. STEELE. Somebody has done it every session, and everybody knows it.

Mr. WARNER, of Ohio. And it will do no harm to do it again.

Now, Mr. Chairman, it appears from this bill that the average cost per man, or rather the average pay per man, in the military service of the United States is between $500 and $600. Now the entire cost per man for maintaining——

Mr. WOLFORD. Allow me.

Mr. WARNER, of Ohio. I have only a moment. The average cost of maintaining the army of England is but a little over $200 per man; of the army of Germany considerably less than $200, and of the army of France less than $200.

The CHAIRMAN. The gentleman's time has expired.

Mr. DUNHAM. Are you in favor of European-paid labor?

Mr. WARNER, of Ohio. I hope some gentleman will yield me his time.

Mr. HENLEY. I will take the floor and yield my time to the gentleman from Ohio.

Mr. WARNER, of Ohio. The gentleman from Illinois asks me if I am in favor of well-paid labor.

Mr. DUNHAM. No; of European-paid labor.

Mr. WARNER, of Ohio. Ah! I am in favor of well-paid labor; and

let me call the attention of the committee to this fact; that by increasing the pay——

The CHAIRMAN. Does the Chair understand the gentleman from California yields his time to the gentleman from Ohio?

Mr. HENLEY. I do.

Mr. WARNER, of Ohio. That by increasing the pay of the official staff of the Army——

Mr. WOLFORD rose.

Mr. WARNER, of Ohio. Let me answer the question first. Every increase of the cost of the Army takes so much from the earnings of another class of people—the laboring classes of the country, who on the average get less than $350 per annum.

Mr. DUNHAM. I understand you to compare——

Mr. WARNER, of Ohio. I only want to show that the average pay per man of our Army is three times the entire cost per man of other armies, and that a large part of this is for officers; that is all.

Mr. DUNHAM. Is not that general all over this country as compared to Europe?

Mr. WARNER, of Ohio. No; it is entirely out of proportion to the pay or earnings of other classes of people in the country. I do not refer to enlisted men.

Mr. STEELE. Does not the gentleman from Ohio take pride in our having the best paid Army in the world?

Mr. WARNER, of Ohio. But you must remember somebody has the Army to pay, and those in the end must pay it who earn on an average less than $350 per annum. You can not increase the cost of the military service without taking so much from another class. If one class gets more another class must take less, and in the end it must come out of the pockets of those who are the producers of all wealth. I will now yield for a question to the gentleman from Kentucky.

Mr. STEELE. We had better begin cutting down salaries at home. Let us begin with our own.

Mr. WOLFORD. Now, will the gentleman allow me a question?

Mr. WARNER, of Ohio. Yes, sir.

Mr. WOLFORD. I want to understand first whether the gentleman from Ohio wants to receive the services of these officers without pay?

Mr. WARNER, of Ohio. By no means. I am not even arguing now for a reduction of salaries.

Mr. WOLFORD. Wait until I get through.

Mr. WARNER, of Ohio. I can not yield if that is the question the gentleman wants to ask. I am not arguing on that point at all, but I am trying to show that as our Army is organized we have now more officers than there is any need of, supernumeraries drawing large pay, and for that reason, in my judgment, section 2 of the bill which has been spoken of ought not to be adopted. It is against more supernumeraries, and the large list of civil employés, and the expense of maintaining so large an official corps that I am arguing, and not against the military force of the country. It is here that the great cost of our Army comes in—in the staff organization, the supernumeraries, the enormous civil-list, and the show and paraphernalia of the Army, and not in the pay or cost of the rank and file, the fighting men of the Army.

Mr. DUNHAM. How would you avoid paying these officers who are in the regular Army?

Mr. WARNER, of Ohio. I am not proposing to avoid paying them, but am simply trying to show that we have no need of increasing the number of our officers so rapidly as some gentlemen seem to think necessary. One gentleman, for instance, has announced himself in favor of retiring officers at an earlier age, the age of 40, I believe, and then increasing the number of cadets at the Military Academy. Retire officers earlier and let them in faster. First increase the number admitted, and then retire them earlier. That would no doubt be an effective way to multiply officers, but I am opposed to it.

Mr. ROSECRANS. Mr. Chairman, I take it for granted that the honorable gentleman from Ohio desires to waste unnecessarily no time of this committee. But it seems to me that he is producing an impression on the minds of the House that there is something definitely and clearly wrong in what he calls the top-heaviness of our Army. He talks about two hundred and thirty-five majors and only twenty-five regiments. Why, sir, the gentleman has not taken into consideration at all the organization of the Army. He has not paid any attention whatever to its organization. There are twenty-five regiments of infantry alone. In addition to that the gentleman seems to forget that we have an organized staff composed of paymasters, a medical corps, an engineer and ordnance corps, besides quartermasters and commissaries. Now, all of these officers have rank and some have office.

The gentleman forgets to inform the House, or call the attention of the members of this committee who are not acquainted with the military organization of our Army so fully perhaps as he is, that there has been a provision made whereby for military service (certain years of time in certain service) promotion follows as a matter of right to rank and pay where the office itself does not attach. To this he evidently alluded when he spoke of the multiplied number of field officers in proportion to regiments, for we have this additional number of field officers having rank but not attached to office; rank which disappears when the individual holding it dies, and rank to which pay is attached, for the purpose of rewarding services, &c.

It is owing to the fact of the existence of this class of officers that we have apparently a top-heaviness in our Army organization. We have field-officers who have rank conferred upon them in the order of office, and in addition rank conferred upon them for lapse of time, for service. This, as I have said, creates this apparently disproportionately large number of field-officers to the regiments and to the number of men composing our Army organization. It is a necessary incident in the existence of an army. We retain a full complement of officers, staff and line, with a minimum number of men. Of course, when you come to speak of the average cost of the maintenance of our Army and compare it to the total expenditures of other armies in the world, dividing the total cost of our Army by the total number of persons maintained on the rolls, the average will go down per capita in proportion to the number of private soldiers enlisted. But it is no reproach to our system, and certainly none to the committee here, that they have reported a bill paying the Army as it stands under existing law; nor is there any such exaggeration, as the gentleman would have inferred from what he said, in the proportion of field-officers.

Mr. WARNER, of Ohio. But, Mr. Chairman, I ask the distinguished gentleman from California if it is not a fact that we have sixty-seven colonels, eighty-seven lieutenant-colonels, and two hundred and thirty-four majors to less than 25,000 men?

I agree that our staff organization is magnificent. It is the largest perhaps, or as large as the staff organization of any army in the world. But while that is true we have an organization of 25,000 men with the same expenditure for officers that some of the armies of Europe expend for an organization of 100,000 or 500,000 men.

Mr. CUTCHEON. Mr. Chairman, I have no disposition to detain the committee at this point of this debate, but I am not willing that the impression made by the remarks of the gentleman from Ohio in regard to the expense of the maintenance of the American military establishment should go out without calling attention to the fact which makes the American establishment necessarily more expensive in proportion to numbers than that of other countries. It has been the policy of the American Government from time immemorial to maintain a skeleton army, an army of officers, I may say—that is, a large establishment of officers with the minimum number of enlisted men; and the only reason which makes the American establishment more expensive per capita than the European armies to which the gentleman from Ohio has referred is the fact that they maintain large standing armies, an enormous military establishment with a vast number of enlisted men, sometimes reaching into the hundreds of thousands.

Now, if the gentleman wants to reduce the per capita expense of the American military establishment he can do it by enlisting our Army up to the maximum of European armies in respect to enlisted men.

Mr. WARNER, of Ohio. Is it not the fact that with a standing army of 450,000 men the German organization is such as to admit right into it, without increasing the officers, enlisted men up to over a million?

Mr. CUTCHEON. And it is the policy of our Government to maintain an establishment of officers sufficient to enable us in case of a sudden emergency to increase our Army up almost to a half million of men without increasing the staff. We have a staff organization adequate to a large army; and we gain in economy by not enlisting our Army up to a number equivalent to the organization of its staff. Therefore, this system and policy adopted by our Government is one in the interests of economy and not against it.

Mr. WARNER, of Ohio. But in time of war we find we increase the officers about as fast as the enlisted men.

The CHAIRMAN. The question is on the amendment.

Mr. WARNER, of Ohio. I withdraw the amendment.

The Clerk read the following paragraph:

For barracks and quarters for troops, store-houses for the safe-keeping of military stores, for offices, and for grounds for camp and summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables and for repairing public buildings at established posts, $700,000: *Provided*, That hereafter no expenditure exceeding $500 shall be made upon any building or military post without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department; and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement: *And provided further*, That not more than $1,500,000 of the sums appropriated by this act shall be paid out for the services of civilian employés in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, Army transportation, clothing, and camp and garrison equipage; and that no employé paid therefrom shall receive as salary more than $150 per month, unless the same shall be specially fixed by law.

Mr. BEACH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add at the end of line 269 the following:

"*Provided further*, That $14,000 of said sum shall be immediately available for construction at the Military Academy at West Point of sixteen sets of quarters for enlisted men and their families, to be built of brick in groups of four each, each set to contain four rooms and to be one-story high."

Mr. FORNEY. I make the point of order that the proposed amendment is a change of existing law, and is not in the interest of economy.

Mr. BEACH. I do not think the amendment is subject to the point of order. This bill appropriates $700,000 for barracks and quarters for

troops. Now my amendment simply proposes to direct the manner in which a portion of this $700,000 shall be expended. I do not think it is subject to the point of order at all.

Mr. KEIFER. It does not retrench expenses.

Mr. BEACH. Here is a general appropriation of $700,000 for certain purposes. I suppose that this House has the right to direct the manner in which that money shall be expended, and that is all that the amendment does. It directs that a portion of the money shall be expended in the erection of this necessary building at the Military Academy at West Point. I will state I am not very familiar with the rules of the House. I have never made it my duty to study them. I have been more inclined to curse them than to study them, looking upon them as I do as an abomination and a nuisance.

The CHAIRMAN. The Chair thinks the proposed amendment is a change of existing law. He knows of no existing law authorizing the construction of these barracks as provided for in the amendment. And as it changes existing law, to be in order it must on its face be a retrenchment of expenditure. That does not appear on the face of the amendment. The Chair sustains the point of order.

Mr. CUTCHEON. I ask leave to recur to line 170. I was absent from my seat when that portion of the bill was read.

Mr. FORNEY objected; but subsequently withdrew the objection to going back.

The CHAIRMAN. Is there objection to going back to the point indicated? The Chair hears none.

Mr. CUTCHEON. The amendment I propose is to insert, after the word "interment," in line 170, the words "or transportation to place of residence;" making it read:

Expenses of the interment or transportation to place of residence of officers killed in action, or who die when on duty in the field, &c.

So that it will provide if an officer die in the field or in the line of duty, his remains may be transported by the Quartermaster's Department to the place of residence. If an officer be mustered out while on duty in the field, he is entitled to have his expenses of travel paid to his home. It seems to me a matter of similar justice that if an officer should die or be killed while in the line of duty in the field, his remains should have the same transportation.

Mr. WARNER, of Ohio. Suppose a private soldier dies in the field, what becomes of his remains?

Mr. FORNEY. I insist on the point of order.

The CHAIRMAN. The gentleman is too late in making the point of order. The Chair asked if there was objection to going back, and it was waived. The question is on the amendment offered by the gentleman from Michigan [Mr. CUTCHEON].

The amendment was not agreed to.

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. MCMILLIN took the chair as Speaker *pro tempore*.

Several messages, in writing, from the President of the United States, were communicated to the House by Mr. PRUDEN, one of his secretaries.

ARMY APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

MEDICAL DEPARTMENT.—For purchase of medical and hospital supplies, expenses of purveying depots, pay of employés, medical care and treatment of officers and enlisted men of the Army on duty at posts and stations for which no other provision is made, advertising, and other miscellaneous expenses of the Medical Department, $225,000. And not over $36,000 of the money appropriated by this paragraph shall be applied to the payment of civilian employés in the Medical Department.

Mr. STEELE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "Department," in line 297, add the following:
Provided, That section 4787 of the Revised Statutes, line 15, page 930, shall be so amended as to read "every three years," instead of "every five years."

Mr. MCMILLIN. Mr. Chairman, I make the point of order upon the amendment offered by the gentleman from Indiana [Mr. STEELE] that it changes existing law and does not retrench expenditures. I will reserve the point, however, and hear what the gentleman from Indiana has to say.

Mr. STEELE. Mr. Chairman, there is very little to be said on this subject. The section of the Revised Statutes the amendment refers to gives to every soldier of the war who lost a limb a new limb every five years. There is evidence within the knowledge of almost every member of this House, and it has been demonstrated, that new limbs are required by a great many of these soldiers every year, and that every soldier who has lost a limb requires a new one oftener than once in five years. My amendment simply proposes to give these men new limbs every three years, instead of every five years. I hope there will be no objection to the amendment, and that no point of order will be made against a measure so equitable as this. I understand that the gentleman from Tennessee [Mr. MCMILLIN] has reserved his point of order, and I hope he will not make it against this amendment.

Mr. MCMILLIN. Mr. Chairman, I prefer that the object should be attained in a different way. We can not have the matter investigated as it should be here in the Committee of the Whole. Let some proper committee of the House inquire into it and make a recommendation on the subject.

Mr. STEELE. It is simply a proposition to strike out "five" and substitute "three."

Mr. MCMILLIN. I understand that there is no suggestion or recommendation of this change from the War Department, or from any committee of the House.

Mr. STEELE. Will not the gentleman withdraw his point of order and let the House vote upon the amendment?

Mr. MCMILLIN. I insist, Mr. Chairman, that before we consider the proposition it shall come before the House from the Committee on Military Affairs or from some proper quarter.

The CHAIRMAN. The point of order being made, the Chair will rule upon it. On the face of this proposition it changes existing law, and, according to the rulings that have been made heretofore by the occupants of the chair, such a proposition is out of order unless it appears affirmatively on its face to reduce expenditures. This amendment does not do that, and therefore the Chair sustains the point of order.

The Clerk read as follows:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes, and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps, he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen: *Provided*, That not more than one such officer shall be attached to any company at the same time.

Mr. MCMILLIN. Mr. Chairman, I make the point of order on the second section of the bill. It is new legislation, and it does not retrench expenditures. And, for the purpose of showing that it is in violation of existing law, I will read from the Statutes at Large the third section of the act approved June 11, 1878, which provides—

That from and after July 1, 1882, only such number of the graduates of the United States Military Academy in any one year shall be entitled to appointment as second lieutenants in the Army as are required to fill vacancies of that grade existing on the 1st day of July in each year; those entitled to appointment to said vacancies to be determined by the academic board on the basis of their standing in the graduating class; and hereafter no supernumerary officers shall be attached to any company or corps of the Army, and all graduates of the Military Academy who are not appointed to the Army under the provision of this act shall be discharged upon the graduation of their class.

Now, it will be seen, Mr. Chairman, that this amendment is in direct violation of the existing law which I have just read. It will not be claimed by any member of this committee that the amendment retrenches expenditures, and it is therefore obnoxious to the rule and must go out.

The CHAIRMAN. Will the gentleman from Tennessee [Mr. MCMILLIN] give the Chair the date of the approval of the act from which he read?

Mr. MCMILLIN. June 11, 1878.

Mr. ADAMS, of Illinois. Mr. Chairman, the statute from which the gentleman from Tennessee [Mr. MCMILLIN] has just read is the Military Academy appropriation bill passed June 11, 1878. One week after that time the Army bill passed, which contained provisions which seem to me to be a modification of this prior statute. Those provisions are as follows:

That hereafter all vacancies in the grade of second lieutenant shall be filled by appointments from the graduates of the Military Academy, so long as any such remain in the service unassigned; and any vacancies thereafter remaining shall be filled by promotion of meritorious non-commissioned officers of the Army, &c.: *Provided*, That all vacancies remaining after exhausting the two classes named may be filled by appointment of persons in civil life.

I am not familiar, sir, with the laws touching the organization of the Army, but I have been struck with the discrepancy between these two statutes, and I desire to bring it to the attention of the gentleman from Tennessee. If I may be permitted I would say that this last statute (which was approved June 18, 1878) does modify the law providing for appointments from civil life; and, as I am strongly opposed to such appointments, I believe that this provision of the bill before the committee is an important one, and that, therefore, even if a point of order may be made against it it should not be made.

Mr. MCMILLIN. Mr. Chairman, in response to what the gentleman from Illinois has just said I will trespass upon the time of the House only long enough to suggest that the only change that that makes in the preceding law (as I gather from the hasty reading of the act here) is, that where there are vacancies the President shall appoint from those who have been graduated, but the body of the act I have just read is not interfered with by the other, nor will any one who has compared the two acts insist that it is.

Mr. WARNER, of Ohio. Mr. Chairman, this second section of the bill is certainly subject to the point of order. It contains this provision:

If there be no vacancy in such corps he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen.

That certainly is not the law now. It is new legislation. It does not retrench expenditures, and it is, therefore, subject to the point of order.

Mr. STEELE. Mr. Chairman, under the law providing for the Military Academy these cadets after graduation are to be assigned to the

Army. The pending paragraph of this bill simply provides a method by which this may be done. In the class of 1884 there were thirty-seven graduates. In the class of 1885 there will be thirty-nine graduates, not enough to fill the vacancies. In the class of 1886 there will probably be eighty graduating cadets. This increase results from the enlarged number of Representatives in this House. It may not be necessary that a single one of these graduates shall go upon the assigned list provided for in this bill; but if it should be so, we are only carrying out the law which provides that these graduates shall be assigned.

Besides, sir, it will be a matter of economy to the Government to retain in its service these men who have acquired a military education in the academy. It may save thousands of dollars in case of war. Every man knows that at the commencement of the late war the Government suffered more for want of experienced officers than from any other cause. Therefore I make the point that this provision would in all probability decrease expenses.

Mr. ROSECRANS. Mr. Chairman, I confess that, judging merely by the face of this provision, the point of order appears to be sound. But I wish to call attention to the fact that the law of 1878, which was read by the gentleman on the other side [Mr. ADAMS, of Illinois], was a modification of the old law concerning the appointment of graduates from West Point to positions in the Army. That old law, which was the rule for a great many years, will be found in section 1213 of the Revised Statutes. From the time of its enactment down to 1878 the carrying out of that provision never involved any material expense to the Government in maintaining surplus officers; generally speaking, there was a deficiency. It is true that about my time and previously there was a short period when, after the graduation of each class, there were more graduates entitled to be promoted than there were vacant positions. But it is curious to notice how rapidly these surplus officers were absorbed. I have in my hand a memorandum showing the facts in a number of these cases; and from the promptitude with which graduates of West Point were assigned to vacant positions in the Army, it would appear that the total expense to the Government from a temporary deficiency of positions for them must have been very slight indeed. It is obvious that no very large expenditure was involved in the change made by the act of 1878; and a return to that law will probably result in no serious increase of expense. There is nothing on the face of the provision to show that it will increase the expenses of the Government to any considerable degree.

I presume it may interest gentlemen here to observe how rapidly these men, who for a certain time were extras, were absorbed. According to the memorandum which I have before me, General Burnside served three months as a brevet second lieutenant under section 1213 of the Revised Statutes; General Gillmore four years; General Grant two years; General Hancock two years; General J. B. Hood one year and eight months; General Howard seven months; General Ingalls two years; General McClellan nine months; General A. A. Humphreys one day; General R. E. Lee one day; General J. E. Johnston one day. So they vary; some of them being assigned to vacancies almost immediately, and some waiting a little longer.

Now I wish to mention to the committee that of the class which will graduate in 1886 one member who was found deficient has been nominated for second lieutenant, to go into the Army ahead of his class. Under the operation of the present law, which the provision of this bill is designed to repeal, we are asked to take deficient officers. It is very doubtful whether there will be any economy in rejecting this provision. If we have poor "sticks" for officers we are bound to lose money. I do not think the extra expenditure is at all obvious.

Mr. MCMILLIN. But the point I make is that the retrenchment must be obvious. It is not a question whether the extra expenditure is obvious.

Mr. CUTCHEON. I desire to occupy just a moment on the point of order. I believe, Mr. Chairman, I am not mistaken in supposing (if I am, some gentleman can correct me) that under the present law, if these cadets elect to resign or are discharged under the provisions read by the gentleman from Tennessee [Mr. MCMILLIN], they are entitled to a year's pay. I may be mistaken, but I think that is the fact. If so, then I apprehend the provision now pending would retrench expenses, because before a year could elapse most of these graduates must be absorbed into the service.

But further than that, I take the position that the provision is in the interest of economy—in the line of retrenchment of expenses. These young men are, at the expense of the Government, educated for a specific branch of the public service. If when their education is completed they are discharged from the service, there is a squandering of the entire amount of money expended upon their education. To retain them in the public service will be in the line of retrenchment of expenses—will be a matter of public economy.

Mr. Chairman, you have listened to the long list of the most eminent men this Military Academy has ever given to the public service, including the generals-in-chief upon both sides in the late controversy between the States. These men, but for this provision which was in our statutes from 1812 to 1878, would have been lost to the public military service. They would have retired to private life and become involved perhaps in civil pursuits. The same is true of the brilliant class we are now about to graduate. The United States has educated them at large expense; they are now ready for the public service; to send these men to civil life will be to lose the education the Government has conferred upon them; to retain them in the public service will be in the line of retrenchment and reform.

Mr. WARNER, of Ohio. Unless the Chair is ready to rule I would like to be heard for a moment. By the reasoning of the gentleman from Michigan, having expended a given sum to educate a cadet at West Point, then if we do not continue him on the pay-roll the Government is losing money. On that point I wish to say that I do not believe the education received at West Point injures a young man or unfits him for the pursuits of civil life. If I did, I would be in favor of abolishing the academy altogether. But it can not be economy to retain a class of officers if they are not needed. After they have been educated, having spent a certain sum of money, it can not be economy to spend a further sum unnecessarily; and yet that is the point here. When their services are needed they can be commissioned.

This bill shows that there are now something like six hundred second lieutenants in the service for an army of 25,000 men. I submit that the cadet has no right even to ask because he has been educated at West Point Military Academy he should be retained in the public service during the rest of his life. I do not admit that for a moment. The Government gives him an education at its own expense. He is, to be sure, under obligation to serve the Government if the Government shall require it, but when the Government does not require it he can not claim it as a right that he shall be retained in service.

The CHAIRMAN. The Chair is ready to rule on the question.

Mr. STEELE. I wish to call the attention of the Chair to the fact that the statute does provide that graduates may receive $750 and be ineligible to reappointment after two years. These temporary appointments as supernumeraries of these cadets would all be exhausted by vacancies in one or two months. I have found the index of the statute but have not yet obtained the statute itself.

Mr. MCMILLIN. Even if the gentleman found the statute he would be stared in the face by the fact that they receive more.

Mr. STEELE. In a month perhaps these supernumeraries will all be taken up by vacancies.

The CHAIRMAN. The gentleman from Tennessee [Mr. MCMILLIN] makes the point of order that the amendment changes existing law and does not retrench expenditures. It can hardly be regarded as an open question whether the amendment changes existing law or not, for the committee in reporting the bill so reported that fact. It is as follows:

Section 2 of the bill is new legislation, recommended by the Lieutenant-General of the Army and the Committee on Military Affairs of this House, and is as follows, &c.

Mr. STEELE. I make the point that it will reduce expenses.

The CHAIRMAN. The Chair is now rendering his decision.

Mr. STEELE. They get mileage in addition to the $750.

The CHAIRMAN. It being admitted the amendment changes existing law, it must affirmatively appear on its face that it retrenches expenditures. Is there anything in the amendment that affirmatively shows the expenses of the Government will be less after the adoption of the amendment than it is under existing law? On the contrary, it provides for placing on the pay-roll certain officers whom the existing law discharges. If it be admitted they are to be discharged with a certain amount of pay—a thousand dollars or one year's pay—yet the change in the law the amendment provides places them permanently in the Army, and the expenditure is continued during the life of these officers. Under this view, as taken by the Chair, it has no doubt the amendment is liable to the point of order made by the gentleman from Tennessee, and therefore it sustains the point of order and rules the paragraph out.

Mr. STEELE. I wish to offer another amendment.

Mr. FORNEY. I wish first to make some amendments. On page 14, line 313, I move to strike out the comma after "repairing" and after "surveying" and to insert it after "instruments;" so that it will read, "for repairing surveying and other instruments, accumulated in depot for want of means to repair, $2,000."

The amendment was agreed to.

Mr. FORNEY. On page 3, line 37, I move to strike out "non;" so that it will read "other than the pay of such commissioned officers."

Mr. STEELE. I move to insert the following:

The Clerk read as follows:

SEC. 2. That when any cadet of the United States Military Academy has gone through all its classes, and received a regular degree from the academic staff, he shall be considered a candidate for a commission in any corps for the duties of which he may be deemed competent. If there be no vacancy in such corps, he may be attached to it by the President as an additional second lieutenant until a vacancy shall happen sixty days after the date of assignments are made to fill vacancies each year.

Mr. KING. I make the point of order against that; it changes existing law and does not retrench expenditures.

Mr. STEELE. These assignments will all be made, in all probability, from what we can see from the Army Register, within sixty days. I am satisfied that within that time all or nearly all will be absorbed. It will save $750 to the Government which we have to pay and the transportation of these supernumerary cadets. If they are not all absorbed

within the sixty days, then the few remaining—and I do not believe a single one would be left—but the few remaining, if any, would have to be paid the $750. I think on its face it does not decrease expenditures.

The CHAIRMAN. The Chair will state that this is substantially the same amendment that was ruled out on the point of order a moment ago, and sustains the point of order made against this.

Mr. KEIFER. I offer another amendment.

The Clerk read as follows:

Add as section 2 of the bill:

"That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows:

"ARTICLE 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine."

Mr. MCMILLIN. I reserve the point of order on that. I have not the statutes before me.

Mr. KEIFER. I think the gentleman will not insist upon the point of order if he will hear an explanation.

Mr. MCMILLIN. I will hear the gentleman, but reserve the point of order until I see the import of this proposed amendment.

Mr. KEIFER. Mr. Chairman, the purpose of this amendment is to give the courts-martial the right to sit at such times as the court may itself determine. Under existing law the military courts must meet between the hours of 8 and 3 o'clock. Ordinarily the courts can not assemble before 10 or 11, so that the time in which the business of the court can be transacted is limited between the time of meeting and the hour of 3 o'clock.

There is no reason or philosophy in this limitation. The theory upon which this sort of legislation grew up started two hundred years or more ago in Great Britain. First they limited the time at which courts-martial should close to 1 o'clock, that being the hour when English gentlemen went to their dinners; after which the presumption was that they were entirely unfitted to administer justice. [Laughter.] And the reason was given at the time the law was enacted that no gentleman of England was fit to sit after dinner to determine any judicial question.

A little later, I believe in 1689, in the reign of William and Mary, the ordinary time English gentlemen dined was changed from 1 o'clock to 3 o'clock, and so, in accordance with that change, they changed the law to extend the time when these courts-martial could sit from 1 to 3 o'clock, to conform to the time when gentlemen in England dined.

This was the law of England at the time of the Revolutionary war, when we adopted our Articles of War, and we adopted that limitation, and literally, from the law of England. We have continued that for more than one hundred years in this country, although the English people concluded that there was no longer any necessity to limit the time to 3 o'clock, and left the courts authority to sit entirely on their own motion.

Now, how does it operate? Here we have had a court-martial in the city of Washington meeting at 11 o'clock each day for a number of weeks. By the terms of the law they are compelled to adjourn at 3 o'clock, no matter what progress has been made in the case, no matter what reason may exist for continuing the sitting. Witnesses may be here from long distances that ought to be examined. They must go over. Now that this case is closed, so far as the introduction of evidence and hearing of argument is concerned, the court is still limited in the consideration of this important case to 3 o'clock, after which time they are unable to transact any business and must adjourn without authority to meet until after 8 o'clock on the next morning. And so the case goes on. It is very expensive to the Government to keep such a condition on the statute-book.

Mr. MCMILLIN. Mr. Chairman, if the gentleman from Ohio will yield to me for a moment I will state, that while this amendment is clearly subject to the point, I will not insist upon it.

Mr. KEIFER. The ninety-fourth article of war is as follows:

Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which in the opinion of the officer appointing the court require immediate example.

That discretion applies of course to a time of war, when there is a special necessity for an immediate hearing of a case. In time of peace the provision is not applicable. The provision I suggest will give the court discretion to sit at its own motion and convenience. My attention has been called to this matter by officers sitting upon the court-martial at this time in this city. They regard it as a great hardship and delay in the administration of justice because of this act.

I have a letter here from the judge-advocate of the court that is in session in this city, and if there is no objection I will have it printed in the RECORD, as it goes into the entire matter also which relates to the pay of these officers; and although it is not pertinent to this proposed amendment, I would only say in this connection that under the law as it stands these officers get no extra pay, although they are subjected to very great additional expense. This letter refers to both.

The letter referred to by Mr. KEIFER is as follows:

GENERAL COURT-MARTIAL ROOMS,
Ebbitt House, Washington, D. C., January 27, 1885.

MY DEAR SIR: In response to your inquiry of this date, I have the honor to state that the ninety-fourth article of war (section 1342, Revised Statutes) prescribes as follows:

"Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example."

This limitation has come into our statutes from the British articles of war, in force in 1775, which our Continental Congress adopted for our Army.

It took its rise in the first mutiny act (first William and Mary, cap. 5) enacted by Parliament in 1689, in which, by section 10, such proceedings of trials could only be held "betweene the houres of 8 in the morning and 1 in the afternoon."

The reason of this was because 1 o'clock p. m. was the fashionable dining hour, and no English officer or private gentleman was expected to be sober after that hour.

Later, the fashionable dining hour became 3 o'clock during the reign of the earlier Georges, and the time for sessions of the court was extended to that hour.

The American Revolution came on when that was the hour, and our Congresses, down to and including the Revised Statutes of 1874, have continued to re-enact this curious obsolete law, wholly unaware of the implication it contains, while in the British service it has been abrogated.

The effect of this is apparent in the present trial of Judge Advocate-General D. G. Swaim.

Yesterday the court had to suspend its deliberations at 3 p. m. because a continuance a moment later would have rendered the proceedings illegal and void.

You can well understand the hindrance to business this occasions, and I could give you many remarkable illustrations.

The ninety-fourth article of war should therefore be repealed—

First. Because of its inutility and positive hindrance to the prompt administration of criminal justice in the Army.

Second. Because of its implication, from its origin, on the honor of officers of the Army.

In this connection permit me to ask that there be substituted a much-needed clause.

The high general court-martial of which I am judge-advocate was assembled here by the President of the United States on November 15, 1884.

Eight of us, coming from a distance, have in consequence each been taxed for the administration of justice from three and a half to five dollars per diem for our board. You can figure for yourself what this amounts to, because as gentlemen on temporary duty we could make no permanent arrangement, and therefore have to go to respectable hotels and pay the usual rates.

We all have our establishments at our permanent stations, and therefore can not claim the meager commutation of quarters now provided when quarters are not furnished at permanent stations.

When an officer now gets a detail on court-martial duty away from his post he looks with dread upon it, because he feels he is thereby taxed by the Government.

This, I submit, is all wrong, and I have known officers who became seriously embarrassed in their slender finances by such tax.

In all foreign services officers are granted an allowance per diem on this important duty, not as an emolument, but as a commuted reimbursement of actual expenses incurred.

General Washington always did so, and it was wholly a matter of army regulation under Generals Washington and Alexander Hamilton until 1799, when Congress provided a fixed compensation, so that a judge-advocate received $2.50 per diem.

Annually Congress made specific appropriation for this until 1872, when it was taken away by a Secretary of War.

The Second Comptroller over and over again held that it was only a commutation for actual extra expenses necessarily incurred, and not an emolument.

I have, therefore, the honor to suggest, in lieu of article 94, the following, viz:

"Officers of the Army assigned to general court-martial duty at stations other than their proper posts, and who shall not receive commutation of quarters at the place of such duty, shall be entitled to an allowance of $3 per diem while employed on said duty."

I trust this suggestion will be favorably considered, and have the honor to be,

Very respectfully, your obedient servant,

ASA BIRD GARDINER,
Judge-Advocate.

Hon. J. WARREN KEIFER,
House of Representatives.

The amendment of Mr. KEIFER was agreed to.

Mr. KEIFER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following as a new section:

"SEC. 3. That when officers of the Army are detached from their proper stations, by competent authority, for service as members of military courts, boards, or commissions, they shall receive the sum of $2.50 per day for and during the period of such service."

Mr. MCMILLIN. That is subject to the point of order.

Mr. WARNER, of Ohio. I make the point of order.

Mr. KEIFER. Does the gentleman insist on the point of order?

Mr. WARNER, of Ohio. Oh, yes.

Mr. MCMILLIN. The gentleman from Ohio [Mr. KEIFER] has heretofore objected to putting general legislation upon appropriation bills.

Mr. KEIFER. But it is the only place where we can get it.

The CHAIRMAN. Does the gentleman from Ohio desire to be heard on the point of order?

Mr. KEIFER. If the point is insisted on I agree the amendment is subject to the point of order.

Mr. FORNEY. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MILLS reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. FORNEY. I move the previous question on the bill and amendments.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendments. If no separate vote be demanded the Chair will put the question on the amendments in gross.

No separate vote was demanded.

The amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is, Shall the bill pass? Upon this question the rules require the yeas and nays to be taken.

The question was taken; and there were—yeas, 232, nays 1, not voting 89; as follows:

YEAS—232.

Adams, G. E.	Ellis,	Lovering,	Smith, A. Herr
Aiken,	English,	Lowry,	Smith, H. Y.
Alexander,	Ermentrout,	McAdoo,	Snyder,
Anderson,	Evans,	McCoid,	Spooner,
Atkinson,	Everhart,	McComas,	Springer,
Bagley,	Ferrell,	McCormick,	Steele,
Ballentine,	Fiedler,	McMillin,	Stephenson,
Barbour,	Findlay,	Matson,	Stevens,
Barksdale,	Finerty,	Maybury,	Stewart, Charles
Bayne,	Follett,	Millard,	Stewart, J. W.
Beach,	Forney,	Miller, J. F.	Stone,
Bennett,	Funston,	Miller, S. H.	Storm,
Blanchard,	Garrison,	Mills,	Struble,
Bland,	Geddes,	Mitchell,	Sumner, C. A.
Blount,	Glascock,	Money,	Sumner, D. H.
Boutelle,	Greenleaf,	Morgan,	Swope,
Boyle,	Guenther,	Morrill,	Talbott,
Bratton,	Halsell,	Moulton,	Taylor, J. D.
Breckinridge,	Hammond,	Muldrow,	Taylor, J. M.
Breitung,	Hanback,	Mutchler,	Thomas,
Brewer, F. B.	Hardeman,	Nelson,	Thompson,
Brewer, J. H.	Hardy,	Nicholls,	Throckmorton,
Brown, W. W.	Harmer,	Nutting,	Tillman,
Browne, T. M.	Hatch, H. H.	Oates,	Townshend,
Buchanan,	Hatch, W. H.	Ochiltree,	Tucker,
Buckner,	Haynes,	O'Ferrall,	Tully,
Burnes,	Hemphill,	O'Hara,	Turner, H. G.
Cabell,	Henderson, D. B.	Paige,	Valentine,
Caldwell,	Henderson, T. J.	Patton,	Van Alstyne,
Campbell, Felix	Henley,	Payne,	Vance,
Campbell, J. E.	Hepburn,	Payson,	Van Eaton,
Candler,	Herbert,	Peel,	Wadsworth,
Cannon,	Hewitt, A. S.	Pierce,	Wait,
Cassidy,	Hewitt, G. W.	Perkins,	Wallace,
Clay,	Hill,	Pettibone,	Ward,
Clements,	Hiscock,	Post,	Warner, A. J.
Cobb,	Hoblitzell,	Potter,	Warner, Richard
Collins,	Holman,	Price,	Washburn,
Connolly,	Hopkins,	Pryor,	Weaver,
Converse,	Horr,	Randall,	Wellborn,
Cox, W. R.	Houk,	Ranney,	Weller,
Craig,	Houseman,	Reagan,	Wemple,
Crisp,	Hunt,	Reed,	White, J. D.
Culberson, D. B.	Hutchins,	Reece,	Whiting,
Culbertson, W. W.	James,	Rice,	Wilkins,
Cullen,	Jeffords,	Riggs,	Williams,
Curtin,	Jones,	Robertson,	Willis,
Cutcheon,	Jones, J. H.	Robinson, W. E.	Wilson, James
Dargan,	Kean,	Rockwell,	Wilson, W. L.
Davis, R. T.	Keifer,	Rogers, J. H.	Winans, E. B.
Deuster,	Ketcham,	Rosecrans,	Wise, G. D.
Dibrell,	King,	Russell,	Wise, J. S.
Dingley,	Lamb,	Ryan,	Wolford,
Dockery,	Lanham,	Seney,	Wood,
Dorsheimer,	Lawrence,	Seymour,	Woodward,
Dowd,	Lewis,	Shiveley,	Worthington,
Dunham,	Libbey,	Skinner, T. G.	Yaple,
Eldredge,	Long,	Slocum,	York.

NAYS—1.

Peters.

NOT VOTING—89.

Adams, J. J.	Davis, G. R.	Jones, J. K.	Pusey,
Arnot,	Davis, L. H.	Jones, J. T.	Rankin,
Barr,	Dibble,	Jordan,	Ray, G. W.
Belford.	Dunn,	Kelley	Ray, Ossian
Belmont,	Eaton,	Kellogg,	Robinson, J. S.
Bingham,	Elliott,	Kleiner,	Rogers, W. F.
Bisbee,	Ellwood,	Lacey,	Rowell,
Blackburn,	Foran,	Laird,	Shaw,
Bowen,	Fyan,	Le Fevre,	Singleton,
Brainerd,	George,	Lore,	Skinner, C. R.
Broadhead,	Gibson,	Lyman,	Smalls,
Brumm,	Goff,	Milliken,	Spriggs,
Budd,	Graves,	Morrison,	Stockslager,
Burleigh,	Green,	Morse,	Strait,
Campbell, J. M.	Hancock,	Muller,	Taylor, E. B.
Carleton,	Hart,	Murphy,	Turner, Oscar
Chalmers,	Hitt,	Murray,	Wakefield,
Clardy,	Holmes,	Neece,	White, Milo
Cook,	Holton,	O'Neill, Charles	Winans, John
Cosgrove,	Hooper,	O'Neill, J. J.	Young.
Covington,	Howey,	Parker,	
Cox, S. S.	Hurd,	Phelps,	
Davidson,	Johnson,	Poland,	

So the bill was passed.

Mr. ANDERSON. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. ELLIS. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. BLACKBURN with Mr. PHELPS, for this day.

Mr. WILKINS with Mr. HOLTON, for this day.

Mr. YOUNG with Mr. DAVIS, of Illinois, for this day.

Mr. TURNER, of Kentucky, with Mr. LACEY, on this vote.

Mr. DAVIDSON with Mr. STRAIT, for this day.

Mr. KLEINER with Mr. O'NEILL, of Pennsylvania, for this day.

Mr. MURRAY with Mr. HOLMES, for this day.

Mr. COOK with Mr. GOFF, until further notice.

The result of the vote was then announced as above stated.

Mr. FORNEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. I rise to a privileged motion. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider revenue bills.

Mr. MONEY. I ask the gentleman to yield to me to make a report from a committee.

Mr. WILLIS. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. If the motion of the gentleman from New York should be voted down would it be then in order to move to go into Committee of the Whole House on the state of the Union to consider other bills—the educational bill?

The SPEAKER. Certainly; a motion would be in order to go into Committee of the Whole House on the state of the Union generally.

Mr. HENLEY. I give notice that I propose to antagonize the proposition of the gentleman from New York by bringing on, if I can, the consideration of the bill for the forfeiture of Northern Pacific land grants.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. HEWITT].

The question being taken, there were—ayes 60, noes 96.

Mr. HEWITT, of New York. I call for tellers.

Mr. DORSHEIMER. I move that the House do now adjourn.

Mr. MONEY. I desire to make a report from a committee.

Mr. STOCKSLAGER. I desire to present a privileged report.

The SPEAKER. The gentleman from New York [Mr. HEWITT] asks for tellers on his motion, and pending that the gentleman from New York [Mr. DORSHEIMER] moves that the House do now adjourn.

The question is on the motion to adjourn.

The question being taken, there were—ayes 99, noes 80.

Mr. ANDERSON and Mr. WILLIS called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 32—not one-fifth of the last vote.

Mr. ANDERSON. Count the other side.

The negative vote was counted, and there were noes 141—the affirmative not being one-fifth of the whole vote.

Mr. WHITE, of Kentucky. I call for tellers on the yeas and nays.

Tellers were not ordered, only 10 members voting therefor.

So tellers on the yeas and nays were refused, the yeas and nays were not ordered, and the motion to adjourn was agreed to.

And accordingly (at 4 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolution of the Legislature of Pennsylvania, urging the passage of the foreign contract labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, urging the repeal of the act of July 22, 1876, by which the legal-tender quality of the trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. BRENTS: Petition of Stevens Post, No. 1, Department of Washington Territory, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. W. W. BROWN: Protest of the Philadelphia Board of Trade against the proposed commercial treaty with Spain—to the Committee on Ways and Means.

By Mr. CASSIDY: Resolution of the Legislature of Nevada, urging the passage of bill adjusting the direct war tax of 1861—to the Committee on War Claims.

By Mr. EVANS: Resolutions of the senate and house of representatives of Pennsylvania, in regard to contract labor—to the Committee on Labor.

Also, resolutions of the senate and house of representatives of Pennsylvania, urging the repeal of the act of July 22, 1876, by which the legal-tender qualities of the trade-dollar were abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. JEFFORDS: Petition of W. W. Douglas, administrator of Robert Packer, of Clinton, La., requesting claim may be referred to Court of Claims—to the Committee on War Claims.

By Mr. KLEINER: Concurrent resolution of Indiana Legislature, in favor of pensioning prisoners of war during the late rebellion—to the Committee on Invalid Pensions.

By Mr. LACEY: Petition of Leonard Engleten, late of Company D, Twenty-eighth Michigan Infantry, for a pension—to the same committee.

By Mr. LEWIS: Petition of citizens of Livingston Parish, Louisiana, asking an appropriation for the improvement of Tickfaw River, in said State—to the Committee on Rivers and Harbors.

By Mr. MATSON: Petition of Nathaniel Fish, late captain Company C, Third Cherokee Indian Regiment, for a pension—to the Committee on Invalid Pensions.

By Mr. S. H. MILLER: Petition of citizens of Sharpsburg, of Freeport, of Lucesco, of New Mainsville, and of North Buffalo, Pa., in favor of the improvement of the Alleghany River—to the Committee on Rivers and Harbors.

By Mr. NICHOLLS: Memorial of the Pennsylvania Club, praying for the passage of the Blair educational bill—to the Committee on Education.

By Mr. RANDALL: Petition of Franklin Institute of Philadelphia, to be reimbursed for money expended on account of the Government—to the Committee on Appropriations.

Also, petition of Franklin Institute of Philadelphia, to be furnished one copy of specifications of patents relating to electricity—to the Committee on Patents.

By Mr. SPOONER: Petition of John J. Card, for removal of charge of desertion, to accompany bill H. R. 8101—to the Committee on Naval Affairs.

By Mr. JOHN WINANS: Petition of Charlotte Hopkins and others, of Rock County, Wisconsin, asking an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ATKINSON: Of 60 citizens of Sutton County, and of 50 citizens of Snyder County, Pennsylvania.

By Mr. BRAINERD: Of citizens of Grand Valley, and of Tioga, Pa.

By Mr. F. B. BREWER: Of citizens of Machias, N. Y.

By Mr. T. M. BROWNE: Of 177 citizens of Randolph County and 44 citizens of Fayette County, Indiana.

By Mr. CALDWELL: Of ex-Federal soldiers of Nashville, Tenn.

By Mr. W. W. CULBERTSON: Of 206 voters of Fleming County, Kentucky.

By Mr. KLEINER: Of ex-soldiers of Stendal, Ind.

By Mr. LOVERING: Of General Lander Post, No. 5, G. A. R., of Lynn, Mass.

By Mr. SENEY: Of A. J. Snider and 47 others, of Wyandot, Ohio.

By Mr. STEPHENSON: Of Mrs. Drusilla Gouldsbury and others, of Waupaca County, Wisconsin.

By Mr. J. W. STEWART: Of citizens of Franklin County, of Chittenden County, and of Rutland County, Vermont.

By Mr. STORM: Of citizens of Pike County, of Carbon County, of Montour County, and of Carbon County, Pennsylvania.

By Mr. WOODWARD: Of 383 citizens of Richland County, of 85 citizens of Crawford County, and of 54 citizens of La Crosse County, Wisconsin.

SENATE.

WEDNESDAY, *January* 28, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

LANDING OF TELEGRAPH OCEAN CABLES.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I transmit herewith a report of the Secretary of State and accompanying papers, furnished in response to a resolution of the Senate of May 2, 1884, calling for information relative to the landing of foreign telegraphic cables upon the shores of the United States.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *Washington, January* 27, 1885.

The PRESIDENT *pro tempore*. The message will be printed, together with the letter of the Secretary of State; and the message and letter, with the accompanying papers, will be referred to the Committee on Printing for the time being, with a view of inquiring whether the great mass of documents transmitted shall be printed.

VENEZUELA CLAIMS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers and documents, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate:

I transmit herewith a letter from the Secretary of State concerning the awards made against Venezuela by the mixed commission under the convention of April 25, 1866.

I earnestly invite the attention of Congress to this communication and the accompanying documents.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

In response to the resolution of the Senate of the 22d instant, setting forth that—

"Whereas the United States, in 1866, acquired from the Creek and Seminole Indians by treaty certain lands situate in the Indian Territory, a portion of which have remained unoccupied until the present time; and

"Whereas a widely extended belief exists that such unoccupied lands are public lands of the United States, and as such subject to homestead and pre-emption settlement, and pursuant to such belief a large number of citizens of the United States have gone upon them claiming the right to settle and acquire title thereto under the general land laws of the United States; and

"Whereas it is understood that the President of the United States does not regard said lands as open to settlement, and believes it to be his duty to remove all persons who go upon the same claiming the right to settle thereon, and for that purpose has directed the expulsion of the persons now on said lands by the use of military force, and there seems to be a probability of a conflict growing out of the attempt to expel said persons so claiming right and attempting to settle: Therefore,

"*Resolved*, That the President be requested to advise the Senate as to the status of the lands in question as viewed by the Executive, the action taken, if any, to expel persons seeking to settle thereon, and the reasons for the same, together with any other information in his possession bearing upon the existing controversy"—

I have the honor to state that the matter was referred to the Secretaries of War and the Interior, and to transmit herewith their respective reports thereon dated the 26th instant.

The report of the Commissioner of Indian Affairs accompanying that of the Secretary of the Interior recites fully the provisions of the treaties made with the Indian tribes ceding the lands in question to the United States; showing the condition and purposes expressed in said treaties regarding said lands, as well as the action taken with reference thereto, from which it will be seen that they are not open to settlement under any laws of the United States.

The report of the Secretary of War shows the action of the military authorities at the request of the Interior Department under section 2147 of the Revised Statutes.

The status of these lands was considered by my predecessor, President Hayes, who, on the 26th day of April, 1879, issued a proclamation warning all persons intending to go upon said lands without proper permission of the Interior Department that they would be speedily and immediately removed therefrom according to the laws made and provided, and that if necessary the aid and assistance of the military forces of the United States would be invoked to carry into proper execution the laws of the United States referring thereto. A similar proclamation was issued by President Hayes on the 12th day of February, 1880. On the 1st day of July, 1884, I considered it to be my duty to issue a proclamation of like import.

These several proclamations were at the request of the Secretary of the Interior.

As will be seen by the report of the Secretary of War, the military forces of the United States have been repeatedly employed to remove intruders from the lands in question, and that notwithstanding such removals and in disregard of law and the executive proclamations, a large body of intruders is now within the territory in question and that an adequate force of troops has been ordered to remove the intruders and is now being concentrated for that purpose.

None of the land or general laws of the United States have been extended over these lands except as to the punishment for crimes and other provisions contained in the intercourse act, which relate to trade and the introduction of spirituous liquors and arms among Indians, and do not sanction settlement. It is clear that no authorized settlement can be made by any person in the territory in question.

Until the existing status of these lands shall have been changed by agreement with the Indians interested, or in some other manner as may be determined by Congress, the treaties heretofore made with the Indians should be maintained and the power of the Government to the extent necessary should be exercised to keep off intruders and all unauthorized persons.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

The PRESIDENT *pro tempore*. If there be no objection, the message of the President, with the accompanying papers, will be printed, and referred to the Committee on Indian Affairs.

Mr. COCKRELL. I should like to suggest that we have those documents printed as early as possible, because they contain information of great value.

The PRESIDENT *pro tempore*. The Secretary will give direction to hasten the printing.

Mr. COCKRELL. That will probably be sufficient.

RUSSIAN RELIEF TO JEANNETTE SURVIVORS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations:

To the Senate and House of Representatives:

I have the honor to transmit communications from the Secretary of the Navy, recommending certain action by the Government in recognition of the services, official and personal, extended in Russia to the survivors of the Arctic exploring steamer Jeannette and to the search parties subsequently sent to Siberia.

The authority of Congress is requested for extending the specific rewards mentioned in the paper accompanying one of the communications of the Secretary. The suggestion concerning the thanks of Congress is also submitted for consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

URIEL CROCKER.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate of the United States:

I have carefully considered the provisions of Senate bill No. 862, entitled "An act for the relief of Uriel Crocker."

The general statute provides for relief in case of the destruction of coupon bonds.

In my opinion this provision of law is sufficiently liberal to meet all cases of

missing coupon bonds worthy of favorable action, and I do not deem it advisable to encourage this class of legislation.

The bill is not, however, so flagrantly inexpedient as to call for my formal disapproval, and I have allowed it to become a law under the constitutional provision, contenting myself with communicating to the Senate, in which the bill originated, my disapproval of special legislation of this character.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

The PRESIDENT *pro tempore*. If there be no objection the message will be printed, and laid on the table.

Mr. HOAR. What is the last matter which was laid before the Senate?

The PRESIDENT *pro tempore*. A message from the President of the United States announcing that the bill for the relief of Uriel Crocker, a bondholder whose bonds were lost, had not been signed by the President but had been suffered to become a law by lapse of time, and stating the President's views in respect of that species of legislation.

Mr. HOAR. I do not know that there is anything in the Constitution which authorizes the President of the United States to express his disapprobation of a measure that has become a law.

The PRESIDENT *pro tempore*. The Chair thinks that is not a parliamentary question, although the Constitution provides that the President of the United States may communicate to either House of Congress his opinion in respect of matters of public welfare at any time.

PETITIONS AND MEMORIALS.

Mr. MILLER, of California, presented a resolution of the Chamber of Commerce of San Francisco, Cal., remonstrating against the ratification of the proposed treaty of commerce with Spain; which was referred to the Committee on Foreign Relations.

He also presented a resolution of the Chamber of Commerce of San Francisco, Cal., urging the appropriation of a sufficient sum for the support of mail facilities between the United States and Australasia; which was referred to the Committee on Appropriations.

He also presented a resolution of the Chamber of Commerce of San Francisco, Cal., urging the establishment of a signal station at Mount Tamalpais, near San Francisco, Cal.; which was referred to the Committee on Military Affairs.

Mr. PENDLETON presented a resolution adopted at the annual meeting of the Toledo Association of ex-Union Prisoners of War of Ohio, urging the passage of a bill similar to the so-called Logan or Robinson bills for pensioning ex-Union prisoners of war; which was referred to the Committee on Pensions.

Mr. HOAR. I ask leave to refer a letter addressed to me personally by Francis A. Perry, counselor at law in Boston, to the Judiciary Committee. It sets forth what he conceives to be a grievance under the operation of the existing law for the distribution of the Alabama award, so called. It is not in the form of a petition, but it is intended as a request for legislation, although addressed to one member of the Senate. I ask unanimous consent that the paper may be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be received and referred to the Committee on the Judiciary.

Mr. MORRILL presented the petition of C. W. Downing, L. Gardner, Francis Miller, and other citizens of Washington, D. C., praying for the purchase by the Government of square 406, between Eighth and Ninth and E and F streets northwest, for a site whereon to erect the proposed city post-office building; which was referred to the Committee on Public Buildings and Grounds.

REPORTS OF COMMITTEES.

Mr. MORGAN. I am directed by the Committee on Foreign Relations to report an amendment to the consular and diplomatic appropriation bill for the benefit of Mrs. Louise R. S. Wing, the widow of the former minister to the State of Ecuador. I move that the amendment, with the accompanying paper, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. DOLPH, from the Committee on Claims, to whom was referred the bill (S. 2117) for the relief of Mathilda Victer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

JAMES COFFEY.

Mr. SLATER. Yesterday I reported from the Committee on Pensions the bill (S. 513) granting a pension to James Coffey, of Oregon, which was indefinitely postponed. I now move that the order indefinitely postponing the bill be reconsidered, and that it be recommitted to the Committee on Pensions.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The bill will be recommitted to the Committee on Pensions if there be no objection.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians, in the State of Nebraska, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of Bridget Adams and the accompanying papers, now on the files of the Senate, be withdrawn and referred to the Committee on Military Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution requesting the President of the United States to return to the House of Representatives House bill No. 1017 for correction; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

The message further announced that the House had passed a bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia; and it was thereupon signed by the President *pro tempore*.

ARMY INSPECTOR-GENERAL'S DEPARTMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was read by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House of Representatives House bill No. 1017, the House being advised that there is an error in the enrolled bill by the insertion therein of the word "hereafter" instead of "thereafter," which was the word used when said bill passed both Houses of Congress.

AMENDMENTS TO BILLS.

Mr. MILLER, of California, from the Committee on Foreign Relations, submitted an amendment to be proposed to the consular and diplomatic appropriation bill; which was referred to the Committee on Appropriations.

Mr. MAXEY submitted an amendment intended to be proposed by him to the agricultural appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PACIFIC RAILROADS.

Mr. HOAR, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, reported it with an amendment and submitted a report thereon.

On motion of Mr. FRYE, it was

Ordered, That 1,000 additional copies of the said bill and the reported amendment, together with the report of the committee, be printed in pamphlet form for the use of the Senate.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After six hours and fifty-seven minutes spent in executive session the doors were re-opened, and (at 7 o'clock and 29 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January* 28, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. HUNT. Mr. Speaker, I demand the regular order.

The SPEAKER. The Chair will state to the gentleman from Louisiana [Mr. HUNT] that quite a number of gentlemen have bills and resolutions which they desire to introduce merely for reference.

Mr. HUNT. If gentlemen merely desire to present measures for reference I will reserve my demand for the regular order.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] has demanded the regular order, but he agrees to give way for the introduction of bills and resolutions for reference merely.

COUNTING THE ELECTORAL VOTE.

Mr. CLAY. Mr. Speaker, I desire to present a privileged report.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon on the 11th day of February, 1885, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer.

That one person be appointed teller on the part of the Senate, and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared.

That the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. The gentleman from Kentucky [Mr. CLAY] presents this as a report from the Select Committee on the state of the Law Respecting the Election of President and Vice-President.

Mr. REED. On what reference is that report made?

The SPEAKER. The Chair is not aware of any reference upon which the report is based.

Mr. REED. Would it be in order for the committee to make such a report unless upon a reference and by the direction of the House?

The SPEAKER. Since the point of order is made, the Chair thinks that the report is not in order.

Mr. REED. All I desire is an opportunity to read the resolution and see what it contains.

The SPEAKER. If there be no objection the resolution will be referred.

Mr. CLAY. Mr. Speaker, this is a report from the committee.

The SPEAKER. The Chair does not so regard it, because the subject has not been referred to the committee. This is the first appearance in the House. Does the gentleman from Maine [Mr. REED] make the point of order?

Mr. REED. I do for the present. I want an opportunity to look at the resolution. It struck me from the reading of it that it contained something objectionable.

The SPEAKER. Does the gentleman desire to have it referred to a committee?

Mr. CLAY. Yes, sir.

The SPEAKER. It will be so referred to the committee unless objection is made.

Mr. REED. Mr. Speaker, I submit that it can not be presented for reference except by unanimous consent.

The SPEAKER. Consent has just been given for the introduction of bills and resolutions generally for reference.

Mr. REED. General consent?

The SPEAKER. Yes.

Mr. REED. To continue how long?

The SPEAKER. For bills and resolutions which gentlemen desire to introduce for reference.

Mr. REED. Then there can be no objection made to the introduction of bills for reference?

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] demanded the regular order. The Chair stated to him that there were several gentlemen who had bills and resolutions which they desired to offer for reference merely. Therefore the gentleman from Louisiana withdrew his demand for the regular order and consented to the recognition of gentlemen desiring to introduce measures for reference; but the Chair supposes that when any gentleman objects to any particular bill he is entitled to have the objection recognized.

Mr. REED. Well, Mr. Speaker, I should like to examine that resolution.

Mr. CLAY. Mr. Speaker, it is not necessary to refer that to the committee.

The SPEAKER. It is not referred. The gentleman from Maine [Mr. REED] objects to its introduction at this time for reference.

Mr. WASHBURN. Let it be printed in the RECORD.

ORDER OF BUSINESS.

The SPEAKER. The Chair will now recognize gentlemen for the presentation of bills and resolutions for reference, after which gentlemen who have privileged matters to present will be recognized.

AMENDMENT OF THE REVISED STATUTES.

Mr. FIEDLER, by unanimous consent, introduced a bill (H. R. 8122) to amend section 3336 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Ways and Means, and ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. WELLBORN, the Committee on Indian Affairs was discharged from the further consideration of the bill (H. R. 6801) for the relief of James R. Duncon; and the same was referred to the Committee on War Claims.

RELIEF OF EUGENE SCHUYLER.

Mr. CURTIN, by unanimous consent, introduced a bill (H. R. 8123) for the relief of Eugene Schuyler; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

AMERICAN STEEL ARMOR.

Mr. CURTIN also introduced a bill (H. R. 8124) appropriating $25,000 for experiments with American-made steel armor for naval vessels; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SAMUEL M. THOMPSON.

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that the bill (S. 2570) be taken from the Speaker's table and referred to the Committee on Pensions.

The SPEAKER. There is a standing order of the House under which the Speaker refers matters of this kind. The bill will be referred to the Committee on Pensions.

RETIREMENT OF ARMY OFFICERS.

Mr. PATTON, by unanimous consent, introduced a bill (H. R. 8125) to promote the efficiency of the Army by the voluntary retirement of officers who entered the service during the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. STEELE. I ask that the bill just introduced be read.

The Clerk read as follows:

Be it enacted, &c., That on and after the passage of this act any civilian appointed in the artillery, cavalry, or infantry arms of the United States service, who entered the Army during the late rebellion, either the volunteer or regular, and who has served in either or both for the period of twenty years, shall upon his own application to the President be placed upon the retired-list of the Army: *Provided*, The whole number retired under this act shall not exceed 150 at any one time: *And provided further*, That this act shall not apply to any officer below the grade of captain.

FORT BRADY, MICHIGAN.

On motion of Mr. BREITUNG, by unanimous consent, the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon, was taken from the Speaker's table, read twice, and referred to the Committee on Public Buildings and Grounds.

LAND TITLES.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8126) to confirm titles to lands in certain cases; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

CHARLOTTE BROAD.

Mr. MILLIKEN, by unanimous consent, introduced a bill (H. R. 8127) granting a pension to Charlotte Broad; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DEWITT C. FOREMAN.

Mr. LACEY, by unanimous consent, introduced a bill (H. R. 8128) granting a pension to Dewitt C. Foreman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

NATIONAL CATTLE-TRAIL ACROSS KANSAS.

Mr. PETERS, by unanimous consent, submitted the following joint resolution of the Legislature of the State of Kansas; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD:

Senate concurrent resolution No. 12.

Be it resolved by the senate (the house of representatives concurring therein), That—

Whereas an effort is being made to secure legislation by Congress creating a so-called cattle-trail across the State of Kansas; and

Whereas such a measure would be prejudicial to the interests of the people of this, and beneficial only to parties who neither reside in nor pay taxes to this State: Therefore,

Be it resolved, That our Senators in Congress be instructed, and our Representatives requested, to resist any and all such attempted legislation by the use of every legitimate and proper means, to the end that justice may be done and the best interests of the people of Kansas subserved.

Resolved, That the secretary of state be, and is hereby, directed to forward copies of these resolutions, properly attested, to the President of the Senate, Speaker of the House of Representatives, and our Senators and Representatives in Congress.

I, E. B. Allen, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution now on file in my office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal.

Done at Topeka, this 21st day of January, A. D. 1885.

[SEAL.] E. B. ALLEN, *Secretary of State.*

Mr. PETTIBONE. I ask unanimous consent that Senate bill 705 be taken from the Speaker's table for passage at this time.

The SPEAKER. That is not in order now.

PENSIONS.

Mr. ROGERS, of Arkansas. I ask unanimous consent to withdraw the report of the Committee on Payment of Pensions, Bounty, and Back

Pay upon the bill (H. R. 2802) to allow arrears of pension to certain invalid pensioners whose names were dropped from the pension-roll and by act of Congress subsequently were restored, and to substitute another report.

The SPEAKER. If there be no objection, the gentleman will be allowed to withdraw the report already made, and present a corrected one in its place.

There was no objection.

ADMISSION OF DAKOTA.

On motion of Mr. PRYOR, by unanimous consent, the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes, was taken from the Speaker's table, read twice, and referred to the Committee on the Territories.

JOHN W. BLAKE.

On motion of Mr. ENGLISH, by unanimous consent, the bill (S. 1631) for the relief of John W. Blake, was taken from the Speaker's table, read twice, and referred to the Committee on Military Affairs.

INDEX OF FRENCH SPOLIATION CLAIMS.

Mr. McCOID, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to employ Frank Galt to examine the files of the House and prepare therefrom an index and history of all petitions, memorials, and other papers relating to the French spoliation claims; the said Frank Galt to be paid out of the contingent fund of the House at the compensation now paid committee clerks.

FIRE ON ROOF OF HOUSE OF REPRESENTATIVES.

Mr. STOCKSLAGER. I present a privileged report from the Committee on Public Buildings and Grounds.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, instructed to inquire into the origin of the fire at the roof of the House, which occurred on the morning of the 26th instant, have, in accordance with the resolution referred to them, taken that subject into consideration, and submit the following report:

Upon an examination and inquiry, the cause of the fire was beyond doubt accidental; probably owing to the throwing of waste paper or other light material into a fire-place, some of which might have been carried up the flue, and while ignited have been blown over to the wooden flagstaff or to the wooden box on the roof—in which the flag is kept—at the foot of the flagstaff. Although no flue is within forty feet of the flagstaff, yet with the vigorous wind prevailing at that time it is possible that a spark might have been fanned into a flame. To prevent the recurrence of such an accident your committee recommend that the flagstaff be covered with suitable sheet metal, and that the box for the flag be made of sheet metal; and that the Architect of the Capitol be directed to provide suitable outlets in the loft for water from the tanks; and that the Clerk of the House be directed to procure and place in all rooms, in which documents, papers, or records are stored, suitable small portable fire-extinguishers or hand-grenades for the extinguishment of fire.

Your committee will state that, the roof and its supports being constructed of metal, the damage by the fire was consequently slight.

Mr. STOCKSLAGER. I move that this report be adopted, and that the committee be discharged from the further consideration of the subject.

The SPEAKER. The presentation of this report discharges the committee. The question is on the adoption of the report.

Mr. CONVERSE. I desire to inquire whether the adoption of this report commits the House to the purchase of these fire-extinguishers?

Mr. STOCKSLAGER. I inquired as to the cost of these hand-grenades, and the Architect of the Capitol states that they can be bought for $10 a dozen, or not exceeding $1 apiece.

Mr. CONVERSE. We have now a water system which is better for the extinguishing of fires than any such system as this.

Mr. STOCKSLAGER. The water system does not supply these rooms where valuable documents are kept.

Mr. CONVERSE. Well, we can carry pipes there.

Mr. STOCKSLAGER. The cost of doing that would be much greater than the expense of procuring these simple hand-grenades, which are ready in case of fire at a moment's notice. I think the cost will be very slight—perhaps $20 altogether—perhaps $10.

Mr. CONVERSE. The cost may be more than $10,000.

Mr. STOCKSLAGER. Then the gentleman knows more about this matter than does the Architect of the Capitol.

The SPEAKER. The question is on the adoption of the report.

Mr. CONVERSE. I move that the report be referred to the Committee on Appropriations.

The question being taken on the motion of Mr. CONVERSE, there were—ayes 49, noes 80.

Mr. CONVERSE. No quorum has voted.

The SPEAKER. The point of no quorum having been made, the Chair will appoint the gentleman from Indiana, Mr. STOCKSLAGER, and the gentleman from Ohio, Mr. CONVERSE, as tellers.

Mr. CONVERSE. I desire to make another inquiry. I make the point of order, Mr. Speaker, against the resolution that while it is true the reception of the report is privileged, is a resolution reported for action on the part of the House privileged?

The SPEAKER. The Chair will state that the committee has reported no resolution except to send along with this report the resolution which was passed by the House heretofore directing it to make this inquiry. The committee on that resolution simply makes a report in writing, and recommends no resolution whatever.

Mr. CONVERSE. If no resolution is recommended by the committee to the House I will make no further objection.

The SPEAKER. The report simply contains an opinion of what ought to be done.

Mr. CONVERSE. I do not object then.

The report was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced the adoption by the Senate of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

HON. JAMES S. ROBINSON.

Mr. COX, of North Carolina. I demand the regular order of business.

Mr. PAIGE. I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. PAIGE. I submit the following resolution:

The Clerk read as follows:

Whereas on October 14, 1884, Hon. JAMES S. ROBINSON, a Representative in the Forty-eighth Congress from the ninth district of the State of Ohio, was elected to the office of secretary of state of the State of Ohio, and has entered upon the discharge of its duties: and

Whereas said Hon. JAMES S. ROBINSON is still to all intents, and so far as any official notification of resignation to this House is concerned, a member of this body and that his name is still borne upon the roll as a Representative in Congress: Therefore,

Resolved, That the Committee on Elections of this House be ordered to investigate and report to this House at the earliest moment the status of the rights of said Hon. JAMES S. ROBINSON as a member of this body.

Mr. KEIFER. Is that a question of privilege?

The SPEAKER. It relates to the right to a member's seat, whether one whose name is borne on the roll is in fact a member of this House.

Mr. KEIFER. It is proposed to refer the subject to the Committee on Elections?

The SPEAKER. It is.

Mr. KEIFER. I think it should go to the Committee on the Judiciary.

The SPEAKER. Does the gentleman make any motion?

Mr. KEIFER. The Committee on Elections in my opinion does not have jurisdiction of such inquiry into the right of a member to his seat.

The SPEAKER. Does the gentleman move an amendment to the resolution?

Mr. KEIFER. I do not.

The SPEAKER. Then the question is on the adoption of the resolution.

The preamble and resolution were adopted.

FITZ-JOHN PORTER.

Mr. SLOCUM. I rise for the purpose of submitting a privileged report from the Committee on Military Affairs.

The Clerk read as follows:

The Committee on Military Affairs make the following report:

Your committee, having had under consideration resolution of the House, introduced January 19, 1885, requesting the President to transmit a copy of the recent appeal of Fitz-John Porter, together with accompanying papers, respectfully report the same back with the recommendation that it do pass.

Mr. REED (interrupting). Is that a privileged report?

The SPEAKER. The Chair thinks it is a report of a committee of inquiry, which is privileged under the rules.

Mr. REED. The Chair decides it is privileged under the rules?

The SPEAKER. The Chair does, and the Clerk will proceed with the reading.

The Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 19, 1885.

Resolved, That the President be respectfully requested——

Mr. REED. I desire to call the Speaker's special attention to this. It seems to me that is not——

A MEMBER. Let us have the rule.

Mr. REED. If the rule could be read.

The SPEAKER. As the Chair remembers a resolution was offered——

Mr. REED. If under the rule it is privileged, I should not object to it.

The SPEAKER. On Monday during the call of the States a resolution was introduced, and referred to the Committee on Military Affairs. But the Clerk will read the rule.

The Clerk read as follows:

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference, on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

Mr. REED. Does it not go to the Calendar on the point of order being raised?

The SPEAKER. The practice of the House has been always heretofore to treat these reports not only as privileged for the purpose of

being made, but for consideration. That has been the invariable practice of the House.

Mr. REED. This is not a resolution of inquiry to make it privileged.

Mr. KEIFER. The rule requires this to be made within seven days.

The SPEAKER. It communicates certain papers for the benefit of the House.

Mr. REED. Does the Chair regard that as a resolution of inquiry within the rule?

The SPEAKER. The Chair thinks so. It is in the form of a resolution.

Mr. REED. Does the Chair decide its consideration is privileged?

The SPEAKER. If this were an original question, if there had been no practice in the House settled before, the Chair is not prepared to say what it would decide; but it has been the invariable practice of the House to receive and consider these reports.

Mr. REED. Does the Chair sustain that practice?

The SPEAKER. The Chair thinks the practice has continued so long and been so uniform under the rule it will be obliged to hold that it is privileged.

Mr. REED. The Chair so holds?

The SPEAKER. The Chair does so decide.

Mr. STEELE. I move that the resolution be laid on the table.

The SPEAKER. The Clerk will conclude the reading of the resolution, after which the Chair will entertain the gentleman's motion.

The Clerk continued the reading of the resolution, as follows:

Resolved, That the President be respectfully requested to transmit to this House a copy of the recent appeal of Fitz-John Porter, together with the accompanying papers.

Mr. STEELE. I now move to lay that on the table.

The SPEAKER. The question is on the motion of the gentleman from Indiana, which is not debatable.

The question was taken; and on a division there were—ayes 59, noes 116.

So the motion was not agreed to.

Mr. SLOCUM. I now move the previous question upon the adoption of the resolution.

Mr. HISCOCK. I would like to hear that read again.

Mr. TOWNSHEND. I object to any more reading of the resolution.

Mr. HISCOCK. It ought to be read and amended.

The SPEAKER. Is there objection to having the resolution again reported?

Mr. TOWNSHEND. I object. It is taking up the time of the House unnecessarily.

Mr. BROWNE, of Indiana. Then I ask the yeas and nays on the passage of the resolution to save time.

The SPEAKER. The gentleman from New York [Mr. SLOCUM] demands the previous question on the adoption of the resolution.

Mr. BROWNE, of Indiana. On that I ask the yeas and nays.

The yeas and nays were ordered, 47 members voting therefor (being more than one-fifth of the last vote).

The question was taken; and there were—yeas 179, nays 77, not voting 66; as follows:

YEAS—179.

Aiken,	Dorsheimer,	Lanham,	Shively,
Alexander,	Dowd,	Lewis,	Singleton,
Bagley,	Eaton,	Lore,	Skinner, T. G.
Ballentine,	Eldredge,	Lovering,	Slocum,
Barbour,	Ellis,	Lowry,	Snyder,
Barksdale,	English,	Lyman,	Springer,
Bayne,	Ermentrout,	McAdoo,	Stevens,
Beach,	Ferrell,	McMillin,	Stewart, Charles
Bennett,	Fiedler,	Matson,	Stockslager,
Bingham,	Findlay,	Maybury,	Storm,
Blackburn,	Finerty,	Miller, J. F.	Sumner, C. A.
Blanchard,	Follett,	Mills,	Swope,
Bland,	Foran,	Mitchell,	Talbott,
Blount,	Forney,	Money,	Taylor, J. M.
Boyle,	Garrison,	Morgan,	Thompson,
Breckinridge,	Geddes,	Morse,	Throckmorton,
Buchanan,	Gibson,	Moulton,	Tillman,
Buckner,	Glascock,	Muldrow,	Townshend,
Burleigh,	Graves,	Murray,	Tucker,
Burnes,	Green,	Mutchler,	Tully,
Cabell,	Greenleaf,	Neece,	Turner, H. G.
Caldwell,	Halsell,	Nicholls,	Turner, Oscar
Campbell, Felix	Hammond,	Oates,	Van Alstyne,
Campbell, J. E.	Hancock,	O'Ferrall,	Vance,
Candler,	Hardeman,	O'Hara,	Van Eaton,
Cassidy,	Hardy,	Paige,	Wakefield,
Clardy,	Harmer,	Patton,	Wallace,
Clay,	Hatch, W. H.	Peel,	Ward,
Clements,	Hemphill,	Phelps,	Warner, A. J.
Cobb,	Henley,	Pierce,	Warner, Richard
Collins,	Herbert,	Post,	Weller,
Converse,	Hewitt, A. S.	Potter,	Wemple,
Cosgrove,	Hewitt, G. W.	Pryor,	Wilkins,
Covington,	Hill,	Pusey,	Williams,
Cox, S. S.	Holman,	Reagan,	Willis,
Cox, W. R.	Hopkins,	Reese,	Wilson, W. L.
Crisp,	Houseman,	Rice,	Winans, E. B.
Culberson, D. B.	Hunt,	Riggs,	Wise, G. D.
Curtin,	Hurd,	Robertson,	Wolford,
Dargan,	Hutchins,	Robinson, W. E.	Wood,
Davidson,	Jones, B. W.	Rockwell,	Woodward,
Deuster,	Jones, J. H.	Rogers, J. H.	Worthington,
Dibble,	Kean,	Rogers, W. F.	Yaple,
Dibrell,	King,	Rosecrans,	Young.
Dockery,	Lamb,	Seymour,	

NAYS—77.

Adams, G. E.	Funston,	McCormick,	Steele,
Anderson,	George,	Millard,	Stephenson,
Bisbee,	Guenther,	Miller, S. H.	Stewart, J. W.
Boutelle,	Hanback,	Milliken,	Strait,
Breitung,	Hatch, H. H.	Morrill,	Struble,
Brewer, F. B.	Henderson, D. B.	Nelson,	Taylor, E. B.
Browne, T. M.	Henderson, T. J.	Nutting,	Taylor, J. D.
Brown, W. W.	Hepburn,	O'Neill, Charles	Thomas,
Campbell, J. M.	Hiscock,	Parker,	Valentine,
Cannon,	Holmes,	Payne,	Wadsworth,
Culbertson, W. W.	Houk,	Perkins,	Wait,
Cullen,	Keifer,	Peters,	Washburn,
Cutcheon,	Kelley,	Pettibone,	Weaver,
Davis, G. R.	Ketcham,	Poland,	Whiting,
Davis, R. T.	Lacey,	Price,	Wilson, James
Dingley,	Lawrence,	Ray, G. W.	Winans, John
Dunham,	Libbey,	Reed,	York.
Ellwood,	Long,	Smalls,	
Evans,	McCoid,	Smith, H. Y.	
Everhart,	McComas,	Spooner,	

NOT VOTING—66.

Adams, J. J.	Craig,	Jones, J. K.	Robinson, J. S.
Arnot,	Davis, L. H.	Jones, J. T.	Rowell,
Atkinson,	Dunn,	Jordan,	Russell,
Barr,	Elliott,	Kellogg,	Ryan,
Belford,	Fyan,	Kleiner,	Seney,
Belmont,	Goff,	Laird,	Shaw,
Bowen,	Hart,	Le Fevre,	Skinner, C. R.
Brainerd,	Haynes,	Morrison,	Smith, A. Herr
Bratton,	Hitt,	Muller,	Spriggs,
Brewer, J. H.	Hoblitzell,	Murphy,	Stone,
Broadhead,	Holton,	Ochiltree,	Sumner, D. H.
Brumm,	Hooper,	O'Neill, J. J.	Wellborn,
Budd,	Horr,	Payson,	White, J. D.
Carleton,	Howey,	Randall,	White, Milo
Chalmers,	James,	Rankin,	Wise, J. S.
Connolly,	Jeffords,	Ranney,	
Cook,	Johnson,	Ray, Ossian	

So the previous question was ordered.

On motion of Mr. HUNT, by unanimous consent, the reading of the names was dispensed with.

Mr. HORR. I withdraw my vote, being paired with the gentleman from Pennsylvania [Mr. RANDALL]; which fact I had forgotten when I voted.

The following gentlemen were announced as being paired on all political questions until further notice:

Mr. RANKIN with Mr. KELLEY.

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. CURTIN with Mr. BRUMM.

Mr. JONES, of Alabama, with Mr. BURLEIGH.

Mr. MULLER with Mr. HOWEY.

Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.

Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.

Mr. JORDAN with Mr. HITT.

Mr. BROADHEAD with Mr. BARR.

Mr. COOK with Mr. GOFF.

Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.

The following gentlemen were announced as being paired on this vote:

Mr. SENEY with Mr. JOHN S. WISE.

Mr. O'NEILL, of Missouri, with Mr. HOLTON.

Mr. LE FEVRE with Mr. ATKINSON.

Mr. SPRIGGS with Mr. BREWER, of New Jersey.

Mr. BUDD with Mr. CRAIG.

Mr. BELMONT with Mr. HART.

Mr. MURPHY with Mr. RYAN.

Mr. RANDALL with Mr. HORR, until January 30.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the adoption of the resolution.

Mr. BREWER, of New York. I ask that the resolution be again read.

There being no objection, the resolution was again reported.

The resolution was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. I rise to submit a privileged report. I desire to call up the bill making appropriations for the naval service.

The SPEAKER. Does the gentleman desire to submit a conference report?

Mr. HOLMAN. I do.

The SPEAKER. The Chair requests the gentleman to withhold the report a moment in order to lay before the House certain executive communications which have been accumulating on the table.

RUSSIAN RELIEF TO SURVIVORS OF JEANNETTE EXPEDITION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I have the honor to transmit communications from the Secretary of the Navy recommending certain action by the Government in recognition of the services,

official and personal, extended in Russia to the survivors of the Arctic exploring steamer Jeannette, and to the search parties subsequently sent to Siberia. The authority of Congress is requested for extending specific rewards mentioned in the paper accompanying one of the communications of the Secretary. The suggestion concerning the thanks of Congress is also submitted for consideration.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

The SPEAKER. In the absence of objection this communication, with the accepting papers, will be referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. COX, of New York. I think that goes properly to the Committee on Appropriations or to the Naval Committee. The Committee on Naval Affairs has a bill kindred to this measure now before it.

The SPEAKER. Then, without objection, the communication and accompanying papers will be referred to the Committee on Naval Affairs, and ordered to be printed.

There was no objection, and it was ordered accordingly.

IMPRISONMENT OF THOMAS R. MONAHAN.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith, as desired by the House resolution of the 9th instant, a report, with accompanying papers, from the Secretary of State in relation to the arrest and imprisonment of Thomas R. Monahan by the authorities of Mexico.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

VENEZUELAN MIXED COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

I transmit herewith a letter from the Secretary of State concerning the awards made against Venezuela by the mixed commission under the convention of April 25, 1866. I earnestly invite the attention of Congress to this communication and accompanying documents.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

FRENCH AND AMERICAN MIXED CLAIMS COMMISSION.

The SPEAKER also laid before the House the following message and accompanying papers from the President of the United States; which were referred to the Committee on Appropriations, and ordered to be printed:

To the House of Representatives:

I transmit herewith a preliminary report of the Secretary of State of the 26th instant, in response to a resolution of the House of Representatives passed on the 9th day of January, 1885, calling for copies of accounts and vouchers of the disbursing officers of the French and American Claims Commission, and certain other information in relation to the transactions of said commission.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 27, 1885.

BAYOU BARTHOLOMEW, ARKANSAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a preliminary examination of Bayou Bartholomew, Arkansas; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FRENCH SPOLIATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for the ascertainment of claims of American citizens for spoliations by the French prior to July 31, 1801; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES LEGATION IN COREA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State of an appropriation for the purchase of premises for the United States legation at Sêaul, Corea, and for repairing premises of the United States legation at Bangkok; which was referred to the Committee on Appropriations, and ordered to be printed.

WATERVLIET ARSENAL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to improve the sanitary condition of Watervliet arsenal, West Troy, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

TRANSPORTATION AND STORAGE OF SILVER DOLLARS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, asking that additional provision be made for transportation and storage of silver dollars now being coined; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT COUNCIL BLUFFS, IOWA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Supervising Architect, and recommending an increase of the limit of the cost of construction to $200,000 of the public building at Council Bluffs, Iowa; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT SYRACUSE, N. Y.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect relative to an increase of the limit of the cost of construction of the public building at Syracuse, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

MONEY-ORDER DIVISION, POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting additional estimates from the Postmaster-General of appropriations for the money-order division of the Post-Office Department; which was referred to the Committee on Appropriations, and ordered to be printed.

ABSECOM AND CAPE MAY STATIONS, NEW JERSEY.

The SPEAKER also laid before the House a letter from the Secretary of State, transmitting estimates by the Light-House Board of appropriations for Absecom Station and Cape May Station, New Jersey; which was referred to the Committee on Appropriations, and ordered to be printed.

CUSTOMS DUTIES, ETC., REFUNDED.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law, a statement of customs duties, tonnage, &c., refunded during the fiscal year ending June 30, 1884; which was referred to the Committee on Expenditures in the Treasury Department.

J. M. WILBUR.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting report of the committee appointed to investigate the claim of J. M. Wilbur for extra tiling in the New York post-office and court-house, and recommending the payment of the amount due the claimant; which was referred to the Committee on Appropriations, and ordered to be printed.

CHANGES OF REFERENCE.

On motion of Mr. BURNES, by unanimous consent, the Committee on Public Buildings and Grounds was discharged from the consideration of the letter from the Secretary of the Treasury relative to the public building at Saint Joseph, Mo.; and the same was referred to the Committee on Appropriations.

On motion of Mr. HENLEY, by unanimous consent, the Committee on Pacific Railroads was discharged from the further consideration of the resolution of inquiry introduced January 26, 1885, concerning the appointment by the President of commissioners to examine the California and Oregon Railroad; and the same was referred to the Committee on Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BUDD, indefinitely, on account of sickness.

To Mr. PAYSON, indefinitely, on account of sickness.

ORDERS TO PRINT.

On motion of Mr. OATES, by unanimous consent, the report of the Committee on Public Lands on the bill (H. R. 5266) to prohibit aliens and foreigners from acquiring title to or owning land within the United States of America was ordered to be reprinted for the use of the House.

On motion of Mr. ROSECRANS, by direction of the Committee on Military Affairs, unanimous consent was given to print petition and accompanying papers of J. R. Haskell, in relation to multicharge guns.

REPORT OF SMITHSONIAN INSTITUTION.

The SPEAKER. The Chair, in accordance with the statute, lays before the House for reference to the Committee on Printing the following Senate concurrent resolution:

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 26, 1885.

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,060 extra copies; of which 3,000 copies shall be for the use of the Senate, 6,060 for the use of the House of Representatives, and 7,000 for the use of the Smithsonian Institution.

The resolution was referred to the Committee on Printing.

CONFERENCE REPORT.

Mr. HOLMAN. Mr. Speaker, I desire to present a privileged report from a committee of conference.

Mr. LEWIS. I ask the gentleman from Indiana to yield a moment while I introduce a bill.

Mr. HOLMAN. I yield to the gentleman for a moment.

LUCIEN GOYAUX.

Mr. LEWIS, by unanimous consent, introduced a bill (H. R. 8129) for the relief of Lucien Goyaux; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ERROR IN ENGROSSMENT.

Mr. ROSECRANS. Mr. Speaker, I desire to offer a resolution in reference to what I take to be a privileged matter—the correction of an error in the engrossment of a bill. An error has been discovered in the engrossment of the House bill No. 1017, and it is desirable to have the bill recalled for correction. I therefore offer a resolution which I send to the Clerk's desk.

The SPEAKER. The Chair thinks that is a privileged matter. The resolution will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be requested to return to the House of Representatives House bill No. 1017; the House being advised that there is an error in the enrolled bill by the insertion therein of the word "hereafter" instead of the word "thereafter," which was the word used when the said bill passed both Houses of Congress.

The resolution was agreed to.

CONFERENCE REPORT.

Mr. HOLMAN presented the following conference report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3 and 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 7, 8, 9, 10, and 12, and agree to the same.

That the House recede from its disagreement to the amendment numbered 11, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment, amended as follows: Insert after the word "seventy-five," in line 10, page 15 of the bill, the words "as fixed by the act approved June 30, 1876," and the Senate agree to the same.

SAMUEL J. RANDALL,
WM. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

EUGENE HALE,
W. B. ALLISON,
JAS. B. BECK,
Managers on the part of the Senate.

Mr. HOLMAN also presented the statement of the managers on the part of the House; which was read, as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 7874, making additional appropriations for the naval service for the fiscal year 1885, submit the following written statement in explanation of the action recommended in the accompanying conference report:

On amendments 1, 2, 3, and 4, makes verbal corrections in the bill to conform to the existing law; restores provision for traveling expenses of apothecaries' yeomen and civilian employés, and the provision touching commutation for rations, which it was proposed by the Senate to strike from the bill.

On amendments 5, 6, and 7, restricts the repairs to the hulls and machinery of wooden ships to 20 per cent. of the cost of a new ship or machinery of like character, except that the cost of new boilers in a wooden ship so repaired shall not be so restricted.

On amendments 8, 9, and 10, corrects typographical and clerical errors in the text of the bill.

On amendment 11, restores provision that vacancies in the Marine Corps shall not be filled until the commissioned officers thereof are reduced to seventy-five, and that thereafter such number shall not be increased.

On amendment 12, strikes out the section which prohibits retired officers of the Army Navy, and Marine Corps from holding positions in the civil service and drawing salary therefor, together with their regular pay.

SAM. J. RANDALL,
WM. S. HOLMAN,
JOHN D. LONG,
Managers on the part of the House.

Mr. HOLMAN. I now call the previous question on the adoption of the report.

Mr. ELLIS. I ask the gentleman from Indiana to yield to me for a moment.

Mr. HOLMAN. How much time does the gentleman from Louisiana desire?

Mr. ELLIS. Only about three minutes.

Mr. HOLMAN. I will yield to the gentleman.

Mr. ELLIS. Mr. Speaker, I desire simply to put on record one or two observations in regard to a single point that has been one of difference, but upon which there is now agreement, namely, as to the restriction of the amount allowed for repairs to wooden ships. I call the attention of Congress to the fact that in the last sixteen years $150,000,000 have been expended upon the repairs of these old wooden ships. It is a fact, sir, that one ship, the original cost of which was $400,000, has been repaired to the amonnt of $1,200,000, or three times her original cost.

Mr. HENLEY. What ship is that?

Mr. ELLIS. I do not remember her name, but it is a fact. Another one I remember whose original cost was about $500,000, and which has been repaired to the amount of $900,000.

Now, Mr. Speaker, I do hope that this will cease. I do hope that this is the last time that the American Congress will ever sanction repairs to such an enormous and wasteful extent. The wooden ship is passing away. The failure of the live-oak upon the Government reservations, the place of which can only be supplied by the African teak, to-day renders the wooden ship more expensive than the iron or the steel ship. The wooden ship is passing away. Let it go; and hereafter I hope that Congress will never agree to the repair of any of these old wooden worthless hulks, unless the cost of the repairs be restricted to about 5 per cent. of the cost of the vessel. These old ships are useless; they are daily becoming a thing of the past. They are not fit for cruisers, not fit for battle-ships, not in any way commensurate with the requirements of the American Navy; and I trust that we shall never again sanction such a waste of money. I shall vote for this concurrence, but I desire to place these remarks upon record.

Mr. HOLMAN. Mr. Speaker, on account of what has fallen from the lips of the gentleman from Louisiana [Mr. ELLIS] I desire to say a few words. I would say to the gentleman that this is hardly a proper time to enter upon the discussion, and further, I think he falls into an error as to the sums expended by way of repairs upon our ships. I do not question that the sum he has named has been expended, but the gentleman will remember that in more than one instance the expenditures within the limits he has mentioned have involved the actual building of new ships, though the old names were retained; and it was for the purpose of preventing that from being done that the limit of 30 per cent. was established, that is, that vessels should not be repaired if the cost would exceed 30 per cent. of the cost of building the ship. The difference between the two Houses on this bill was upon the question of making repairs where they would not exceed 30 per cent. of the original cost, as proposed by the House, or 20 per cent., as proposed by the Senate. The House conferees yielded that point on the ground that the bill only applies to the residue of this fiscal year; but judging from the action of the House heretofore, I indulge the hope that when the bill appropriating money for the naval service for the next fiscal year shall come up this question will be properly considered and the former conservative action of the House adhered to; and I trust that in the mean time no judgment will be formed upon a hasty discussion on a subject of so much importance to the country until it shall have been fully considered by the House. I express that hope because I am confident that if Congress shall adopt the policy of refusing to repair to a proper degree existing naval vessels, or shall adopt the policy of only repairing vessels where the cost will be materially less than the 30 per cent. basis of repairs, it will be found at an early day that vessels which at present answer every purpose which this Government has now, and is likely to have for years to come, for the employment of naval vessels, and which by proper repairs will be of great value to the Government, will become a total loss even before other vessels have been or can be constructed to take their places. Yes, sir; long before a new navy can be constructed the vessels now of actual value will be unseaworthy and out of commission.

Mr. REED, of Maine. I think that is very true.

Mr. HOLMAN. On the other hand, by keeping up these vessels—many of which are of great value, such as we have employed in peace and war for half a century—by keeping them in reasonable repair and from time to time gradually substituting steel vessels, we shall in time, and within a reasonable time, have an entirely new navy of the material now approved, and yet secure the full value of the old. It is to be hoped that no rash or inconsiderate step will be taken on this subject of repairs, which may result in serious loss and embarrassments to the Government. I now call the previous question on the adoption of the report.

Mr. ELLIS. In view of the remarks of the gentleman from Indiana [Mr. HOLMAN], I must ask him to yield to me again for a moment. He says that I am mistaken.

Mr. HOLMAN. Do not misapprehend me. I do not question the amount expended, but I believe that there is a mistake in assuming that these large items have been wholly for repairs, when in fact they have involved the rebuilding of ships—the old names being preserved but the vessels being entirely reconstructed.

Mr. ELLIS. I ask indulgence of the gentleman and of the House while I prove what I said. I now state under the sanction of my oath as a Representative upon this floor that in the last sixteen years $154,000,000 have been expended for construction and repair, most of which has gone to the repairing of these old wooden vessels—enough money to have builded thirty Lepantos, enough to have builded seventy-five Impérieuses, one of the newest and best naval vessels, enough to have builded eighty Esmeraldas; and those are ships combining the qualifications of the battle-ship and the cruiser. Here is what the Secretary says:

The Shenandoah, built in 1862, at a cost of $463,866.75, has been charged with repairs since her completion amounting to $906,481.54.

Again, the Ossipee, built in 1861, cost $407,061.20, and her repairs since that time have amounted to $1,197,391.39.

Mr. HOLMAN. I have conceded the expenditure; I do not dispute that; but I again call the gentleman's attention to the fact that some of these vessels have been actually rebuilt—new vessels.

Mr. ELLIS. Here is more of it:

The Kearsarge, built in the same year——

Mr. CURTIN. How often was that ship repaired?

Mr. ELLIS. Heaven only knows.

Mr. BOUTELLE. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state his question of order.

Mr. BOUTELLE. I wish to inquire whether this whole subject of ship-building is open to general discussion at this time, because if it is some of us upon this side may desire to be heard.

The SPEAKER. It is open to discussion, unless the previous question shall be ordered by the House.

Mr. BOUTELLE. Then if the gentleman from Louisiana [Mr. ELLIS] is to be allowed to discuss one side of the question, I trust that the gentleman from Indiana [Mr. HOLMAN] will allow somebody else to be heard upon the other side.

Mr. ELLIS. I merely want to add that the Kearsarge, which was built in 1861 at a cost of $286,918, has been repaired at a cost of $1,123,415; and the Pinta, which cost in 1865 $135,915, has been repaired at a cost of $224,826.

Mr. STEELE. The gentleman is reading from the report of the Secretary of the Navy?

Mr. DINGLEY. If the gentleman from Louisiana will allow me——

Mr. HOLMAN. It was not the purpose to open up this discussion, and I must insist on the previous question.

Mr. DINGLEY. I desire only to ask a question.

Mr. HOLMAN. I have no objection to that.

Mr. DINGLEY. As the gentleman from Louisiana has called attention to the enormous amounts paid for what have been denominated repairs, I wish to ask him whether it is not true that in every one of the instances mentioned by him the vessels have been substantially rebuilt, in some cases two or three times, making the cost equivalent to the construction of two or three new vessels?

Mr. ELLIS. I should hope so.

Mr. DINGLEY. And is it not also true that a part of this extraordinary expense for repairs is due to the fact of the hasty construction of these vessels from unseasoned timber during the war?

Mr. ELLIS. Unquestionably.

Mr. DINGLEY. I agree in general with what the gentleman has said.

The SPEAKER. The question is upon ordering the previous question on agreeing to the report.

The previous question was ordered; and under the operation thereof the report of the committee of conference was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SWEARING IN OF A MEMBER.

Mr. COX, of North Carolina. As a question of the highest privilege, I present the credentials of the member-elect from the fifth district of North Carolina and ask that he be sworn in.

The SPEAKER. That is a matter of privilege. The Clerk will read the certificate.

The Clerk read as follows:

State of North Carolina to James W. Reid, greeting:

Whereas a vacancy has occurred in the representation from the State of North Carolina in the House of Representatives of the Congress of the United States by the resignation of Hon. Alfred M. Scales, Representative from the fifth Congressional district, taking effect on the 30th day of December, A. D. 1884; and

Whereas writs of election have been issued to the sheriffs of the several counties composing the said Congressional district, to wit, the counties of Caswell, Forsyth, Granville, Guilford, Person, Rockingham, Stokes, and Surry, commanding them to hold elections in the various townships of their respective counties, at the places established by law, on Thursday, the 15th day of January, A. D. 1885, at which the qualified voters might vote for some person to fill the vacancy aforesaid; and

Whereas it has been duly certified to us that James W. Reid was elected at said election held as aforesaid;

Now, therefore, we do, by these presents, commission the said James W. Reid a member of the Forty-eighth Congress of the United States of America, from the State of North Carolina, for the fifth Congressional district, and do hereby confer upon him all the rights, privileges, and powers useful and necessary to the just discharge of the duties of said office.

In witness whereof His Excellency Alfred M. Scales, our governor and commander-in-chief, hath signed with his hand these presents and caused our great seal to be affixed thereto.

Done at our city of Raleigh, on the 22d day of January, in the year of our Lord 1885, and in the one hundred and ninth year of our American Independence.

[SEAL.] A. M. SCALES,
Governor of North Carolina.

By the governor:

W. L. SAUNDERS,
Secretary of State.

Mr. JAMES W. REID appeared at the bar of the House and was duly qualified by taking the oath prescribed by law.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded by the gentleman from Louisiana [Mr. HUNT]. The first business in order is the call of committees for reports.

Mr. SINGLETON. I move to dispense with the morning hour, my purpose being that the House shall proceed with the consideration of the bill for the erection of a Congressional Library building.

PROTECTION OF CHILDREN IN THE DISTRICT OF COLUMBIA.

Mr. WILSON, of West Virginia. I rise to a privileged question, and call up from the Speaker's table, in order that the House may agree to the request of the Senate for a further conference, the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

The bill was taken from the Speaker's table, and the accompanying message of the Senate read, announcing that the Senate further insisted on its disagreement to the amendments of the House, asked a further conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. RIDDLEBERGER, Mr. PIKE, and Mr. BROWN.

Mr. WILSON, of West Virginia. I move that the House further insist on its amendments, and agree to the further conference asked by the Senate.

The motion was agreed to; and the Speaker announced the appointment of Mr. WILSON of West Virginia, Mr. SPRIGGS, and Mr. JEFFORDS as conferees on the part of the House.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] has demanded the regular order. The gentleman from Mississippi [Mr. SINGLETON] moves to dispense with the morning hour.

Mr. ROGERS, of New York. I rise to a privileged question, and call up from the Speaker's table a joint resolution of the House which has been returned from the Senate with amendments—the joint resolution (H. R. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

The SPEAKER. That is not a matter of privilege. Under the rules, reports of a certain character from the Committee on Printing are privileged. Does the gentleman desire to have the bill referred?

Mr. ROGERS, of New York. No, sir; I wish to have the House concur in the amendments of the Senate.

The SPEAKER. That is not a matter of privilege. The question is on the motion of the gentleman from Mississippi to dispense with the morning hour.

The question being taken, the motion was agreed to, there being—ayes 103, noes 31 (more than two-thirds voting in the affirmative).

MEXICAN TREATY.

Mr. HEWITT, of New York. I rise to a privileged motion.

The SPEAKER. The gentleman will state it.

Mr. HEWITT, of New York. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering revenue bills and with a view of taking up the Mexican treaty.

Mr. TOWNSHEND. I raise the question of consideration.

The SPEAKER. There can be no question of consideration raised against a motion of that character.

Mr. TOWNSHEND, What is it?

The SPEAKER. That the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

Mr. TOWNSHEND. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. If this motion is voted down will it then be in order to move to take up from the Speaker's table the Mexican pension bill? [Laughter.]

The SPEAKER. It would be in order unless some other motion having precedence over it should be made. It would be in order for the gentleman then to move to proceed to the consideration of the business upon the Speaker's table with a view to taking up that pension bill.

Mr. TOWNSHEND. Then I hope the House will vote down this motion in order to vote up the Mexican soldiers' pension bill.

Mr. HENLEY. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENLEY. My parliamentary inquiry is this, whether or not, if the motion of the gentleman from New York be voted down, it will not then be in order for me to move to proceed to the consideration of a land-forfeiture bill?

The SPEAKER. Of course it would. There are various special orders.

Mr. SINGLETON. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SINGLETON. Whether or not the gentleman from New York proposes to take up appropriation bills generally or only one of them.

The SPEAKER. The motion of the gentleman from New York is that the House shall resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue—not any particular bill.

Mr. HUNT. If the motion of the gentleman from New York is voted down, would it not then be in order for the House to take up the special order for the encouragement of the American merchant marine?

The SPEAKER. The Chair has already answered similar questions. As soon as this is voted down, there are various motions which will be in order according to priority under the rules of the House. The ques-

tion now is on the motion of the gentleman from New York [Mr. HEWITT], that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills raising revenue.

The House divided; and the Chair announced that the noes had it.

Mr. HEWITT, of New York. I think it will save time if we have the yeas and nays on this motion.

The House divided; and there were—ayes 45.

Mr. HENDERSON, of Iowa. Count the other side.

The other side was counted, and there were noes 128.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 80, nays 157, not voting 86; as follows:

YEAS—80.

Alexander,	Eaton,	Lowry,	Slocum,
Bagley,	Ferrell,	Matson,	Springer,
Bland,	Foran,	Maybury,	Steele,
Broadhead,	Garrison,	Miller, J. F.	Stewart, Charles
Buckner,	George,	Mitchell,	Stone,
Burnes,	Graves,	Morgan,	Storm,
Campbell, Felix	Greenleaf,	Morrill,	Strait,
Cassidy,	Hancock,	Morse,	Sumner, D. H.
Clardy,	Hewitt, A. S.	Moulton,	Talbott,
Clay,	Hill,	Muller,	Throckmorton,
Collins,	Holman,	Mutchler,	Turner, Oscar
Cosgrove,	Houseman,	Neece,	Van Eaton,
Covington,	Hurd,	Post,	Ward,
Cox, S. S.	Hutchins,	Price,	Wellborn,
Dargan,	James,	Pryor,	Weller,
Davis, R. T.	Kean,	Rice,	Whiting,
Dibrell,	Lamb,	Riggs,	Winans, E. B.
Dingley,	Lanham,	Robertson,	Wood,
Dockery,	Long,	Robinson, W. E.	Worthington,
Dorsheimer,	Lovering,	Rosecrans,	Yaple.

NAYS—157.

Adams, G. E.	Dibble,	Lewis,	Smalls,
Aiken,	Dowd,	Lore,	Smith, H. Y.
Anderson,	Dunham,	McAdoo,	Snyder,
Atkinson,	Eldredge,	McComas,	Spooner,
Ballentine,	Ellis,	McCormick,	Stewart, J. W.
Barbour,	English,	McMillin,	Struble,
Barksdale,	Ermentrout,	Millard,	Swope,
Bayne,	Evans,	Miller, S. H.	Taylor, E. B.
Beach,	Everhart,	Money,	Taylor, J. D.
Bennett,	Fiedler,	Murray,	Taylor, J. M.
Bingham,	Findlay,	Nelson,	Thomas,
Bisbee,	Finerty,	Nicholls,	Thompson,
Blanchard,	Forney,	Nutting,	Tillman,
Blount,	Funston,	Oates,	Townshend,
Boutelle,	Geddes,	O'Ferrall,	Tucker,
Boyle,	Gibson,	O'Hara,	Tully,
Brainerd,	Glascock,	O'Neill, Charles	Turner, H. G.
Bratton,	Halsell,	Paige,	Valentine,
Breckinridge,	Hammond,	Parker,	Vance,
Breitung,	Hanback,	Patton,	Wait,
Brewer, F. B.	Hardeman,	Peel,	Wakefield,
Brewer, J. H.	Hardy,	Perkins,	Wallace,
Brown, W. W.	Harmer,	Peters,	Warner, A. J.
Buchanan,	Hart,	Pettibone,	Warner, Richard
Cabell,	Haynes,	Phelps,	Washburn,
Caldwell,	Hemphill,	Pierce,	Weaver,
Campbell, J. M.	Henderson, D. B.	Poland,	Wemple,
Candler,	Henley,	Pusey,	Wilkins,
Clements,	Hepburn,	Ranney,	Williams,
Cobb,	Hewitt, G. W.	Ray, G. W.	Wilson, James
Converse,	Hiscock,	Ray, Ossian	Winans, John
Cox, W. R.	Holmes,	Reagan,	Wise, G. D.
Crisp,	Hunt,	Reed, T. B.	Wise, J. S.
Culberson, D. B.	Jeffords,	Reid, J. W.	Wolford,
Culbertson, W. W.	Jones, B. W.	Reese,	Woodward,
Cullen,	Jones, J. H.	Rogers, J. H.	York,
Curtin,	Kelley,	Rogers, W. F.	Young.
Cutcheon,	Lacey,	Shively,	
Davidson,	Lawrence,	Singleton,	
Davis, G. R.	Le Fevre,	Skinner, T. G.	

NOT VOTING—87.

Adams, J. J.	Ellwood,	Keifer,	Rockwell,
Arnot,	Follett,	Kellogg,	Rowell,
Barr,	Fyan,	Ketcham,	Russell,
Belford,	Goff,	King,	Ryan,
Belmont,	Green,	Kleiner,	Seney,
Blackburn,	Guenther,	Laird,	Seymour,
Bowen,	Hatch, H. H.	Libbey,	Shaw,
Browne, T. M.	Hatch, W. H.	Lyman,	Skinner, C. R.
Brumm,	Henderson, T. J.	McCoid,	Smith, A. Herr
Budd,	Herbert,	Milliken,	Spriggs,
Burleigh,	Hitt,	Mills,	Stephenson,
Campbell, J. E.	Hoblitzell,	Morrison,	Stevens,
Cannon,	Holton,	Muldrow,	Stockslager,
Carleton,	Hooper,	Murphy,	Sumner, C. A.
Chalmers,	Hopkins,	Ochiltree,	Van Alstyne,
Connolly,	Horr,	O'Neill, J. J.	Wadsworth,
Cook,	Houk,	Payne,	White, J. D.
Craig,	Howey,	Payson,	White, Milo
Davis, L. H.	Johnson,	Potter,	Willis,
Deuster,	Jones, J. K.	Randall,	Wilson, W. L.
Dunn,	Jones, J. T.	Rankin,	
Elliott,	Jordan,	Robinson, J. S.	

So the motion was not agreed to.

On motion of Mr. HEWITT, of New York, by unanimous consent, the reading of the names was dispensed with.

Mr. CANNON. Mr. Speaker, I was absent in the committee-room engaged in the work of the committee, and should be glad to have the right to record my name on this roll-call.

The SPEAKER. The Chair thinks that under the rules of the House he has no power to entertain a motion for unanimous consent except where a member was in the Hall of the House but failed for some cause to hear his name called.

Mr. CANNON. I was absent by the order, or at least by the consent, of the House, engaged in the business of the House in the committee-room.

The SPEAKER. That has always been considered as absence by the leave of the House.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. HOWEY, on all political questions, until further notice.

Mr. MURPHY with Mr. RYAN, for the remainder of this day, on political questions.

Mr. BLACKBURN with Mr. RUSSELL, on political questions, for this day.

Mr. MULDROW with Mr. ROCKWELL, for the remainder of the day, on all political questions.

The result of the vote was then announced as above recorded.

Mr. SINGLETON addressed the Chair.

Mr. TOWNSHEND. I now move to go to business on the Speaker's table for the purpose of reaching the consideration of the Mexican pension bill.

Mr. SINGLETON. Mr. Speaker, I move that the House proceed to the consideration of the special order of the House, being the bill for the construction of a library building.

Mr. TOWNSHEND. I raise the question of consideration as between that bill and the Mexican pension bill.

Mr. HUNT. I call up the prior order of the House, being the bill for the encouragement of the American merchant marine.

The SPEAKER. The gentleman from Mississippi calls up the special order, being the bill to authorize the erection of a Congressional Library building; pending which the gentleman from Louisiana calls up the special order for the encouragement of the American merchant marine——

Mr. TOWNSHEND. Is not my motion recognized?

The SPEAKER. Which latter motion, under the order of the House, has precedence over the other; and the question must be first taken on the motion submitted by the gentleman from Louisiana. Against this motion the gentleman from Illinois raises the question of consideration.

Mr. VALENTINE. Against everything.

The SPEAKER. The Chair is stating the motion as the gentleman himself made it. The gentleman from Illinois raises the question of consideration against the motion of the gentleman from Mississippi. The first question is on the motion of the gentleman from Louisiana.

Mr. SINGLETON. I wish to state that this House made a special order on the 17th day of March last, fixing the 3d day of April of last year for the consideration of this bill. I hope the House, if it intends to carry this library scheme through, will proceed now to the consideration of this very important and essential measure.

Mr. HUNT. The House made the special order on February 29 of last year, fixing the consideration of the bill (H. R. 4987) for the encouragement of the American merchant marine and to promote postal and commercial relations, for the 19th day of March last.

Mr. STOCKSLAGER. And it made business from the Committee on Public Buildings and Grounds a special order on the 7th day of April. [Laughter, and cries of "Regular order!"]

Mr. HENLEY. I wish, Mr. Speaker, to submit a question in the nature of a parliamentary inquiry. My understanding is that bills reported for the forfeiture of railroad land grants are entitled to precedence as against any of the other special orders which have been mentioned in this connection. I desire to know if I am correct in that understanding?

The SPEAKER. The gentleman has not called up any bill.

Mr. HENLEY. I desired to know as a matter of parliamentary proceeding whether I had the right now, under the special order to which I have referred, to call up these bills as against the others. I desire to call up a bill now for the forfeiture of a public land grant.

The SPEAKER. To what bill does the gentleman refer?

Mr. HENLEY. To the forfeiture of the lands granted to the Northern Pacific Railroad.

Mr. HUNT. And I raise the question of consideration.

The SPEAKER. The question is upon the motion of the gentleman from California, that order having priority over the others.

Mr. OATES. Mr. Speaker——

Mr. ANDERSON. As a bill reported earlier on the Calendar than the Northern Pacific, I call up for consideration, under the special order, the bill to adjust the land grants made by Congress to aid in the construction of railroads within the State of Kansas.

Mr. OATES. I rise to a question of order.

The SPEAKER. Against the gentleman from Kansas?

Mr. OATES. Against the motion of the gentleman from Kansas.

The SPEAKER. The gentleman from Kansas is now occupying the floor. The Chair will recognize the gentleman from Alabama.

Mr. ANDERSON. I call up that bill, Mr. Speaker, and any question of order in regard to it will be disposed of by an examination of the special order under which it is called up. I refer to the bill H. R. 6416.

Mr. OATES. Mr. Speaker, I rise to a question of order against the motion of the gentleman from Kansas as well as the motion of the gentleman from California.

The SPEAKER. The gentleman will state his point of order.

Mr. OATES. My point of order is that it is not competent for the gentleman to move to take up either one of the bills upon the Calendar; but the proper motion is that the House go to the House Calendar to consider that class of business.

The SPEAKER. The Chair at the last session of Congress decided that question of order in accordance with the suggestion of the gentleman from Alabama.

Mr. OATES. There are other bills on the Calendar prior to the bills which have been suggested relating to the same class of business.

The SPEAKER. The Chair will state that there are some special orders authorizing the committees to designate the bills which they will call up for consideration. But the special order upon which the gentleman from California relies does not authorize the committee to indicate the bills, but confines the business of the House under such circumstances to the consideration of that class of bills.

Mr. TOWNSHEND. Then the motion of the gentleman has no priority over my motion.

The SPEAKER. It has priority under the rules of the House.

Mr. STOCKSLAGER. I think the Public Buildings Committee have priority under the order of the House.

Mr. HENLEY. I believe I have the floor. I move now, Mr. Speaker, that the House proceed to the House Calendar for the consideration of land-grant-forfeiture bills.

Mr. HUNT. And I raise the question of consideration.

The SPEAKER. There can be no question of consideration raised against that motion. But if the motion prevails, as the bills are reached on the Calendar questions of consideration can be made against them.

Mr. STOCKSLAGER. If these gentlemen can not agree what business they shall take up I wish to remind the House that a special order was made in April last for the consideration of bills reported from the Committee on Public Buildings and Grounds and bills of the Senate on the Speaker's table relating to the erection of public buildings.

The SPEAKER. The question is on the motion made by the gentleman from California [Mr. HENLEY] to proceed to the House Calendar for the consideration of bills reported by the Committee on Public Lands in relation to the forfeiture of land grants.

The question being taken by a *viva voce* vote, the Speaker stated that in the judgment of the Chair the "noes" had it.

Mr. HENLEY. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 44—not one-fifth of the last vote.

Mr. MATSON. Count the other side.

The negative vote being counted, there were noes 91.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the Committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. CAMPBELL, of Ohio, until Monday next, on account of sickness in his family.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. HENLEY], on which the yeas and nays have been ordered.

The question was taken; and there were—yeas 140, nays 106, not voting 77; as follows:

YEAS—140.

Aiken,	Cobb,	Geddes,	Le Fevre,
Alexander,	Cosgrove,	Gibson,	Lewis,
Anderson,	Covington,	Glascock,	Lore,
Ballentine,	Cox, S. S.	Graves,	Lowry,
Barbour,	Crisp,	Green,	McAdoo,
Beach,	Culberson, D. B.	Halsell,	McCoid,
Bennett,	Cullen,	Hammond,	McComas,
Blanchard,	Dargan,	Hardeman,	McMillin,
Bland,	Davidson,	Hardy,	Matson,
Blount,	Dibrell,	Hatch, W. H.	Maybury,
Boyle,	Dockery,	Hemphill,	Miller, J. F.
Bratton,	Dowd,	Henderson, T. J.	Mills,
Broadhead,	Eldredge,	Henley,	Mitchell,
Buchanan,	Ellwood,	Herbert,	Money,
Burnes,	English,	Hewitt, G. W.	Morgan,
Cabell,	Ermentrout,	Holman,	Morrill,
Caldwell,	Ferrell,	Hopkins,	Moulton,
Campbell, Felix	Fiedler,	Houseman,	Murray,
Candler,	Finerty,	Jones, B. W.	Neece,
Cassidy,	Follett,	Jones, J. H.	Oates,
Clardy,	Foran,	King,	O'Neill, J. J.
Clay,	Forney,	Lamb,	Paige,
Clements,	Funston,	Lanham,	Patton,
Peel,	Rosecrans,	Taylor, J. M.	Weaver,
Perkins,	Ryan,	Throckmorton,	Wellborn,
Peters,	Shively,	Tillman,	Weller,
Pierce,	Skinner, T. G.	Townshend,	Wemple,
Post,	Springer,	Tucker,	Williams,
Pryor,	Steele,	Tully,	Winans, E. B.
Reagan,	Stewart, Charles	Turner, H. G.	Wise, G. D.
Reese,	Stockslager,	Turner, Oscar	Wood,
Riggs,	Storm,	Wallace,	Worthington,
Robertson,	Sumner, C. A.	Ward,	Yaple,
Robinson, W. E.	Sumner, D. H.	Warner, A. G.	York,
Rogers, J. H.	Swope,	Warner, Richard	Young.

NAYS—106.

Adams, G. E.	Ellis,	Lawrence,	Rogers, W. F.
Atkinson,	Evans,	Libbey,	Singleton,
Bagley,	Everhart,	Long,	Slocum,
Barksdale,	Garrison,	Lyman,	Smalls,
Bayne,	Greenleaf,	McCormick,	Spooner,
Bisbee,	Guenther,	Millard,	Stephenson,
Boutelle,	Hanback,	Miller, S. H.	Strait,
Brainerd,	Harmer,	Milliken,	Talbott,
Breitung,	Hart,	Morse,	Taylor, E. B.
Brewer, F. B.	Haynes,	Muller,	Taylor, J. D.
Brewer, J. H.	Henderson, D. B.	Nelson,	Thomas,
Brown, W. W.	Hepburn,	Nicholls,	Valentine,
Browne, T. M.	Hewitt, A. S.	Nutting,	Van Alstyne,
Buckner,	Hill,	O'Ferrall,	Vance,
Campbell, J. M.	Hiscock,	O'Hara,	Van Eaton,
Cannon,	Hitt,	O'Neill, Charles	Wadsworth,
Converse,	Holmes,	Parker,	Wait,
Cox, W. R.	Houk,	Pettibone,	Wakefield,
Craig,	Howey,	Poland,	Washburn,
Culbertson, W. W.	Hunt,	Potter,	White, J. D.
Cutcheon,	Hurd,	Price,	Wilkins,
Davis, G. R.	Hutchins,	Pusey,	Willis,
Dibble,	Kean,	Ranney,	Wilson, James
Dingley,	Kelley,	Ray, Ossian	Wise, J. S.
Dorsheimer,	Ketcham,	Reed, T. B.	Woodward.
Dunham,	Kleiner,	Reid, J. W.	
Eaton,	Lacey,	Rice,	

NOT VOTING—77.

Adams, J. J.	Davis, R. T.	Keifer,	Seymour,
Arnot,	Deuster,	Kellogg,	Shaw,
Barr,	Dunn,	Laird,	Skinner, C. R.
Belford,	Elliott,	Lovering,	Smith, A. Herr
Belmont,	Findlay,	Morrison,	Smith, H. Y.
Bingham,	Fyan,	Muldrow,	Snyder,
Blackburn,	George,	Murphy,	Spriggs,
Bowen,	Goff,	Mutchler,	Stevens,
Breckinridge,	Hancock,	Ochiltree,	Stewart, J. W.
Brumm,	Hatch, H. H.	Payne,	Stone,
Budd,	Hoblitzell,	Payson,	Struble,
Burleigh,	Holton,	Phelps,	Thompson,
Campbell, J. E.	Hooper,	Randall,	White, Milo
Carleton,	Horr,	Rankin,	Whiting,
Chalmers,	James,	Ray, G. W.	Wilson, W. L.
Collins,	Jeffords,	Robinson, J. S.	Winans, John
Connolly,	Johnson,	Rockwell,	Wolford.
Cook,	Jones, J. K.	Rowell,	
Curtin,	Jones, J. T.	Russell,	
Davis, L. H.	Jordan,	Seney,	

So the motion was agreed to.

Mr. LAMB. I ask unanimous consent that the reading of the names of members voting be dispensed with.

Mr. STRAIT. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. CAMPBELL, of Ohio, with Mr. GEORGE, for the remainder of the day.

Mr. HOBLITZELL with Mr. HATCH, of Michigan, for this day.

Mr. WILSON, of West Virginia, with Mr. JEFFORDS, on this vote.

Mr. SENEY with Mr. HOLTON, for the remainder of the day.

The result of the vote was then announced as above stated.

The SPEAKER. The House having agreed to proceed to the House Calendar for the consideration of bills reported by the Committee on Public Lands in relation to the forfeiture of land grants, the Clerk will report the title of the first of such bills on the Calendar.

The Clerk read as follows:

A bill (H. R. 180) to declare forfeited certain lands in the State of Michigan granted to aid in the construction of railroads, and to enforce the same by judicial proceedings; reported by Mr. HENLEY from the Committee on Public Lands.

Mr. HUNT. I raise the question of consideration on this bill; and I state that I do so in favor of the bill for the encouragement of the American merchant marine.

The SPEAKER. The question is, Will the House now proceed to the consideration of this bill?

Mr. SPRINGER. What is the title of it?

The SPEAKER. The Clerk will again report the title of the bill.

The title of the bill H. R. 180 was again read.

Mr. HENLEY. Do I understand the issue now is between the motion made by the gentleman from Louisiana and the consideration of the bill H. R. 180?

The SPEAKER. There is no issue between this bill and any other bill. The gentleman from Louisiana [Mr. HUNT] simply raises, as he has the right to do, the question of consideration.

Mr. HENLEY. At the proper time I desire to move to postpone the

consideration of the bill H. R. 180 to a certain day; and I do not want to lose that right by any action that may now be taken.

The SPEAKER. The question now is, Will the House consider the bill? If the House agrees to consider it, then any proper parliamentary motion will be in order.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. My inquiry is this, whether the House has not already settled the question of consideration by the vote just taken, which was to proceed to the consideration of this bill? The other measures were called to the attention of the House, and we were notified that if this vote failed one gentleman would call up one bill, another another, and a third a third; but the House by an emphatic vote has decided to take up this bill. Now the parliamentary inquiry I raise is whether the House has not already decided to consider this bill.

Mr. HOLMAN. Not this particular bill.

The SPEAKER. The Chair decided at the last session, and repeated the decision this morning, that under the special order in relation to reports from the Committee on Public Lands, it was not in order to move to go into Committee of the Whole on the state of the Union or to proceed to the House Calendar for the purpose of considering any particular bill, but merely for the purpose of considering that class of bills. If that ruling be correct, it follows that when the House has reached the Calendar under this special order the rights and privileges of members are precisely the same as if it had proceeded upon a motion to consider bills on the House Calendar generally under the ordinary rules of the House, and each bill, as it is reached, is subject to the question of consideration under another rule of the House. That is to say, the House has not yet voted that it will consider any designated one of these bills, but simply that it will proceed to the consideration of this class of bills.

Mr. SPRINGER. Mr. Speaker, I rise to a parliamentary inquiry. If the House had gone to the Speaker's table to consider bills there, would it be proper to antagonize one of those bills by a bill on the Calendar?

The SPEAKER. There is no antagonism here. It is only a question of consideration.

Mr. SPRINGER. But the gentleman himself desires that it be not considered; he desires to postpone it.

The SPEAKER. That is a matter with which the Chair has nothing to do as a question of order. Formerly, under the rules of the House, it was the duty of the Chair whenever a bill was reached, without any motion or demand, to put the question: "Will the House now consider it?" Under the present rules, however, the Chair is not required to put that question unless some gentleman on the floor demands it, and every gentleman has a right to demand it.

Mr. SPRINGER. Will the Chair permit another inquiry: If the House decides not to consider this bill, will not the next bill on the Calendar forfeiting railroad grants be in order?

The SPEAKER. Of course.

Mr. SPRINGER. Then the gentleman does not accomplish what he desires.

The SPEAKER. The question is, Will the House proceed to the consideration of the bill the title of which has just been read?

The question was taken; and the Speaker declared it decided in the negative, and directed the Clerk to read the next bill on the Calendar.

Mr. OATES. Mr. Speaker, I demand the yeas and nays. [Cries of "Too late!"]

The SPEAKER. There is a good deal of noise in the Hall, and the Chair thinks the gentleman from Alabama [Mr. OATES] ought not to be cut off from making the demand for the yeas and nays if he so desires.

Mr. HENLEY. Mr. Speaker, I rise to a question of order. Of course if the Chair rules that the gentleman from Alabama was in time with his demand for the yeas and nays, that settles it. Otherwise, I shall insist upon the point that his demand is too late.

The SPEAKER. The gentleman from Alabama arose while the Chair was announcing the result, but the Chair did not recognize him, not knowing what his purpose was, and supposing that it was to make some motion which would not be in order until after the announcement.

A MEMBER. The next bill was called before the gentleman from Alabama made his demand for the yeas and nays.

The SPEAKER. Still, if the gentleman from Alabama says that when he rose originally it was for the purpose of demanding the yeas and nays, the Chair thinks that he should be recognized for that purpose.

Mr. MAGINNIS. The word of a gentleman has never been called in question in a case of this kind.

The SPEAKER. So the Chair thinks.

Mr. OATES. I demanded the yeas and nays because I thought that the House did not understand what they were voting for. I apprehend that we should consider these bills on the Calendar in their order.

Mr. HENLEY. I differ with the gentleman on that point.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 164, not voting 77; as follows:

YEAS—82.

Atkinson,	Eaton,	McCormick,	Spooner,
Bagley,	Ellwood,	Miller, J. F.	Strait,
Barksdale,	Evans,	Mitchell,	Struble,
Bayne,	Everhart,	Morrill,	Swope,
Blanchard,	Forney,	Mutchler,	Talbott,
Boyle,	Hammond,	Nelson,	Taylor, J. D.
Brainerd,	Hardeman,	Oates,	Thomas,
Bratton,	Hatch, W. H.	O'Ferrall,	Tucker,
Broadhead,	Haynes,	O'Neill, J. J.	Turner, H. G.
Browne, T. M.	Hepburn,	Parker,	Valentine,
Buchanan,	Herbert,	Pettibone,	Van Eaton,
Buckner,	Hewitt, A. S.	Poland,	Wait,
Campbell, J. M.	Hewitt, G. W.	Price,	Wakefield,
Cannon,	Hitt,	Pryor,	Washburn,
Converse,	Houk,	Ray, Ossian	Weaver,
Cox, W. R.	Howey,	Reed, T. B.	Williams,
Culbertson, W. W.	Hurd,	Rice,	Wilson, James
Cullen,	Kean,	Rogers, W. F.	Wilson, W. L.
Cutcheon,	Kelley,	Seymour,	York.
Deuster,	Libbey,	Slocum,	
Dorsheimer,	McComas,	Smith, H. Y.	

NAYS—164.

Adams, G. E.	Dunham,	Lawrence,	Rowell,
Aiken,	Eldredge,	Le Fevre,	Ryan,
Alexander,	English,	Lewis,	Shively,
Anderson,	Ermentrout,	Long,	Singleton,
Ballentine,	Fiedler,	Lore,	Skinner, T. G.
Barbour,	Findlay,	Lowry,	Smalls,
Beach,	Finerty,	Lyman,	Snyder,
Bennett,	Follett,	McAdoo,	Springer,
Bingham,	Foran,	McCoid,	Steele,
Bisbee,	Funston,	McMillin,	Stephenson,
Bland,	Garrison,	Matson,	Stewart, Charles
Blount,	Geddes,	Maybury,	Stewart, J. W.
Boutelle,	Gibson,	Millard,	Stockslager,
Breckinridge,	Glascock,	Miller, S. H.	Storm,
Breitung,	Graves,	Mills,	Sumner, C. A.
Brewer, F. B.	Green,	Morgan,	Sumner, D. H.
Brewer, J. H.	Greenleaf,	Moulton,	Taylor, J. M.
Brown, W. W.	Guenther,	Muller,	Thompson,
Burleigh,	Halsell,	Neece,	Throckmorton,
Burnes,	Hanback,	Nicholls,	Tillman,
Cabell,	Hardy,	O'Hara,	Townshend,
Caldwell,	Harmer,	O'Neill, Charles	Tully,
Campbell, Felix	Hart,	Paige,	Turner, Oscar
Candler,	Hemphill,	Patton,	Van Alstyne,
Cassidy,	Henderson, T. J.	Payne,	Vance,
Clardy,	Henley,	Pierce,	Wadsworth,
Clay,	Hiscock,	Peel,	Wallace,
Cobb,	Holman,	Perkins,	Warner, Richard
Collins,	Hopkins,	Peters,	Wellborn,
Cosgrove,	Houseman,	Post,	Weller,
Craig,	Hunt,	Potter,	Wemple,
Crisp,	Hutchins,	Ranney,	White, J. D.
Culberson, D. B.	James,	Ray, G. W.	Wilkins,
Curtin,	Jeffords,	Reagan,	Winans, E. B.
Dargan,	Jones, B. W.	Reese,	Wise, G. D.
Davidson,	Jones, J. H.	Reid, J. W.	Wolford,
Dibble,	Kellogg,	Riggs,	Wood,
Dibrell,	Ketcham,	Robertson,	Woodward,
Dingley,	Lacey,	Robinson, W. E.	Worthington,
Dockery,	Lamb,	Rogers, J. H.	Yaple,
Dowd,	Lanham,	Rosecrans,	Young.

NOT VOTING—77.

Adams, J. J.	Dunn,	Keifer,	Rockwell,
Arnot,	Elliott,	King,	Russell,
Barr,	Ellis,	Kleiner,	Seney,
Belford,	Ferrell,	Laird,	Shaw,
Belmont,	Fyan,	Lovering,	Skinner, C. R.
Blackburn,	George,	Milliken,	Smith, A. Herr
Bowen,	Goff,	Money,	Spriggs,
Brumm,	Hancock,	Morrison,	Stevens,
Budd,	Hatch, H. H.	Morse,	Stone,
Campbell, J. E.	Henderson, D. B.	Muldrow,	Taylor, E. B.
Carleton,	Hill,	Murphy,	Ward,
Chalmers,	Hoblitzell,	Murray,	Warner, A. J.
Clements,	Holmes,	Nutting,	White, Milo
Connolly,	Holton,	Ochiltree,	Whiting,
Cook,	Hooper,	Payson,	Willis,
Covington,	Horr,	Phelps,	Winans, John
Cox, S. S.	Johnson,	Pusey,	Wise, J. S.
Davis, G. R.	Jones, J. K.	Randall,	
Davis, L. H.	Jones, J. T.	Rankin,	
Davis, R. T.	Jordan,	Robinson, J. S.	

So the House refused to consider the bill.

During the roll-call,

Mr. HENDERSON, of Illinois. Mr. Speaker, I desire to state that Mr. MURPHY, of Iowa, is absent on account of sickness.

Mr. ANDERSON. I ask unanimous consent that the reading of the names be dispensed with.

Several members objected.

The Clerk read the names of the members voting.

The following additional pairs were announced:

Mr. WARNER, of Ohio, with Mr. OCHILTREE, on this vote.

Mr. HENDERSON, of Iowa, with Mr. PUSEY, for this day.

Mr. HILL with Mr. JOHN S. WISE, for the remainder of this day.

Mr. KLEINER with Mr. DAVIS, of Illinois, for the remainder of this day.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

The SPEAKER. The House refuses to proceed to the consideration of this bill, and the Clerk will report the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 6408) forfeiting lands granted to the State of Michigan to aid in the construction of a railroad from Marquette to Ontonagon, in that State.

Mr. HUNT. Mr. Speaker, I raise the question of consideration against this bill.

The SPEAKER. The gentleman from Louisiana [Mr. HUNT] raises the question of consideration, and the question is, Will the House now proceed to the consideration of the bill the title of which has just been read?

Mr. OATES. Mr. Speaker, I wish to say to the House——

The SPEAKER. This is not debatable. The question is, Will the House proceed to the consideration of this bill?

Mr. DUNHAM. I call for a division.

The House divided; and there were—ayes 47, noes 88.

Several MEMBERS. No quorum.

The SPEAKER. No quorum has voted, and, under the rules, the Chair will appoint as tellers the gentleman from California, Mr. HENLEY, and the gentleman from New York, Mr. DORSHEIMER.

Mr. ANDERSON. Mr. Speaker, will it be in order now to call for the yeas and nays?

The SPEAKER. It will.

Several MEMBERS. Regular order.

Mr. ANDERSON. I consider all this as simply done for delay. I call for the yeas and nays.

The question was taken; and 58 gentlemen voted in the affirmative (more than one-fifth of the last vote); so the yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 161, not voting 83; as follows:

YEAS—79.

Atkinson,	Dorsheimer,	McMillin,	Stone,
Bagley,	Eaton,	Miller, J. F.	Strait,
Barbour,	Ellis,	Miller, S. H.	Struble,
Bayne,	Ellwood,	Mitchell,	Talbott,
Boutelle,	Everhart,	Muller,	Taylor, E. B.
Brainerd,	Ferrell,	Nelson,	Taylor, J. D.
Brewer, F. B.	Forney,	Nutting,	Thomas,
Broadhead,	Guenther,	Oates,	Tucker,
Brown, W. W.	Hardeman,	O'Ferrall,	Valentine,
Browne, T. M.	Hepburn,	O'Neill, J. J.	Van Eaton,
Buchanan,	Herbert,	Parker,	Wait,
Buckner,	Hewitt, A. S.	Payne,	Wakefield,
Burleigh,	Hewitt, G. W.	Perkins,	Weaver,
Campbell, J. M.	Hitt,	Poland,	White, J. D.
Cannon,	Hoblitzell,	Price,	Wilson, James
Converse,	Howey,	Pryor,	Wilson, W. L.
Cox, S. S.	Kean,	Reed, T. B.	Wise, J. S.
Culberson, D. B.	Kelley,	Seymour,	Worthington,
Culbertson, W. W.	Libby,	Slocum,	York.
Cullen,	McCormick,	Smith, H. Y.	

NAYS—161.

Adams, G. E.	Follett,	McAdoo,	Snyder,
Aiken,	Funston,	McCoid,	Spooner,
Alexander,	Fyan,	McComas,	Springer,
Anderson,	Garrison,	Matson,	Steele,
Ballentine,	Geddes,	Maybury,	Stephenson,
Beach,	Gibson,	Millard,	Stewart, Charles
Bennett,	Glascock,	Mills,	Stewart, J. W.
Bingham,	Graves,	Morgan,	Stockslager,
Bisbee,	Green,	Morrill,	Storm,
Bland,	Greenleaf,	Moulton,	Sumner, C. A.
Blount,	Halsell,	Muldrow,	Sumner, D. H.
Bratton,	Hammond,	Murray,	Swope,
Breckinridge,	Hanback,	Neece,	Taylor, J. M.
Breitung,	Hardy,	Nicholls,	Thompson,
Brewer, J. H.	Harmer,	O'Hara,	Throckmorton,
Cabell,	Hart,	O'Neill, Charles	Tillman,
Caldwell,	Hatch, W. H.	Paige,	Townshend,
Campbell, Felix	Hemphill,	Patton,	Tully,
Candler,	Henderson, T. J.	Peel,	Turner, H. G.
Clardy,	Henley,	Peters,	Turner, Oscar
Clay,	Hiscock,	Pettibone,	Van Alstyne,
Clements,	Holman,	Pierce,	Vance,
Cobb,	Holmes,	Post,	Wallace,
Cosgrove,	Hopkins,	Potter,	Ward,
Craig,	Houk,	Ranney,	Warner, A. J.
Crisp,	Houseman,	Reagan,	Warner, Richard
Curtin,	Hunt,	Reese,	Wellborn,
Cutcheon,	James,	Reid, J. W.	Wemple,
Dargan,	Jeffords,	Rice,	Whiting,
Davidson,	Jones, B. W.	Riggs,	Wilkins,
Davis, R. T.	Jones, J. H.	Robinson, W. E.	Willis,
Deuster,	King,	Rockwell,	Winans, E. B.
Dibble,	Lacey,	Rogers, J. H.	Winans, John
Dibrell,	Lamb,	Rogers, W. F.	Wise, G. D.
Dockery,	Lanham,	Rosecrans,	Wolford,
Dowd,	Le Fevre,	Rowell,	Wood,
Dunham,	Long,	Ryan,	Yaple,
Eldredge,	Lore,	Shively,	Young.
English,	Lovering,	Singleton,	
Fiedler,	Lowry,	Skinner, T. G.	
Finerty,	Lyman,	Smalls,	

NOT VOTING—83.

Adams, J. J.	Blackburn,	Burnes,	Connolly,
Arnot,	Blanchard,	Campbell, J. E.	Cook,
Barksdale,	Bowen,	Carleton,	Covington,
Barr,	Boyle,	Cassidy,	Cox, W. R.
Belford,	Brumm,	Chalmers,	Davis, G. R.
Belmont,	Budd,	Collins,	Davis, L. H.
Dingley,	Hooper,	Milliken,	Robinson, J. S.
Dunn,	Horr,	Money,	Russell,
Elliott,	Hurd,	Morrison,	Seney,
Ermentrout,	Hutchins,	Morse,	Shaw,
Evans,	Johnson,	Murphy,	Skinner, C. R.
Findlay,	Jones, J. K.	Mutchler,	Smith, A. Herr
Foran,	Jones, J. T.	Ochiltree,	Spriggs,
George,	Jordan,	Payson,	Stevens,
Goff,	Keifer,	Phelps,	Wadsworth,
Hancock,	Kellogg,	Pusey,	Washburn,
Hatch, H. H.	Ketcham,	Randall,	Weller,
Haynes,	Kleiner,	Rankin,	White, Milo
Henderson, D. B.	Laird,	Ray, G. W.	Williams,
Hill,	Lawrence,	Ray, Ossian	Woodward.
Holton,	Lewis,	Robertson,	

So the House refused to consider the bill.

Mr. ANDERSON asked that the reading of the names be dispensed with.

Mr. STRAIT objected.

The following additional pairs were announced:

Mr. HURD with Mr. RAY, of New Hampshire, on this vote.

Mr. WILLIAMS with Mr. WASHBURN, for this day.

The result of the vote was announced as above stated.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS, from the Committee on Rivers and Harbors, reported, as a substitute for House bill 7972, a bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. THOMAS. All points of order are reserved on this bill.

Mr. WARNER, of Ohio. Let all points of order be reserved.

The SPEAKER. Points of order will be reserved.

Mr. VAN EATON. I move that the House now adjourn.

Mr. McCOMAS. I ask the gentleman to yield to me that I may submit an important resolution.

Mr. VAN EATON. I yield for that purpose only.

IMPRISONMENT OF JULIO R. SANTOS.

Mr. McCOMAS. I ask unanimous consent to submit the resolution which I send to the desk.

The Clerk read as follows:

Whereas Julio R. Santos, an American citizen, naturalized in July, A. D. 1874, who was long an instructor in the University of Virginia, but recently a merchant in Bahia, Ecuador, has been imprisoned at Guayaquil, Ecuador, since November, A. D. 1884, for alleged complicity in a rebellion, and his speedy execution is apprehended;

And whereas it is alleged that this American citizen is innocent;

Resolved, That the Secretary of State be, and he is hereby, requested to inform this House what measures he has taken, and what further he intends to take, to secure the release or speedy trial of Julio R. Santos.

The SPEAKER. If there be no objection, this resolution will be referred to the Committee on Foreign Affairs.

Mr. BAYNE and others. Let us pass it now.

Mr. McCOMAS. I ask for the present consideration of the resolution.

There being no objection, the resolution was considered and adopted.

Mr. McCOMAS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, returned to the House, in accordance with its request, the bill (H. R. 1017) relative to the Inspector-General's Department of the Army.

ORDER OF BUSINESS.

Mr. VAN EATON. I renew the motion that the House adjourn.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. VAN EATON] that the House adjourn.

The question being taken, there were—ayes 48, noes 76.

Mr. HORR. I demand the yeas and nays.

The yeas and nays were ordered, 41 voting in favor thereof—more than one-fifth of the last vote.

The SPEAKER. If there be no objection, the Chair will lay before the House several executive communications.

There was no objection.

HINGHAM HARBOR, MASSACHUSETTS.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and preliminary examination of Hingham Harbor, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

WHITE HALL HARBOR, NEW YORK.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and preliminary examination of White Hall Harbor, New York; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. GARRISON, by unanimous consent, obtained leave of absence for ten days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. VAN EATON] that the House adjourn; on which the yeas and nays have been ordered.

The question was taken; and it was decided in the negative—yeas 31, nays 201, not voting 91; as follows:

YEAS—31.

Bayne,	Evans,	Potter,	Van Eaton,
Bingham,	Hewitt, A. S.	Price,	Wakefield,
Boyle,	Hiscock,	Ranney,	Washburn,
Breitung,	Houk,	Rice,	Whiting,
Brewer, J. H.	Kean,	Smalls,	Wilkins,
Converse,	Ketcham,	Snyder,	Wise, J. S.
Dorsheimer,	Mutchler,	Stone,	Wolford.
Dunham,	Nelson,	Strait,	

NAYS—201.

Aiken,	Dowd,	Long,	Singleton,
Alexander,	Eaton,	Lore,	Skinner, T. G.
Anderson,	Eldredge,	Lovering,	Slocum,
Arnot,	English,	Lowry,	Smith, H. Y.
Bagley,	Ermentrout,	Lyman,	Spooner,
Ballentine,	Everhart,	McAdoo,	Springer,
Barbour,	Ferrell,	McCormick,	Steele,
Barksdale,	Follett,	McMillin,	Stephenson,
Beach,	Forney,	Matson,	Stewart, Charles
Bennett,	Funston,	Maybury,	Stewart, J. W.
Bisbee,	Garrison,	Millard,	Stockslager,
Bland,	Geddes,	Miller, J. F.	Storm,
Blount,	Gibson,	Miller, S. H.	Struble,
Boutelle,	Glascock,	Mills,	Sumner, C. A.
Bratton,	Graves,	Money,	Sumner, D. H.
Breckinridge,	Green,	Morrill,	Swope,
Brewer, F. B.	Greenleaf,	Moulton,	Talbott,
Brown, W. W.	Guenther,	Muldrow,	Taylor, J. M.
Browne, T. M.	Halsell,	Neece,	Thomas,
Buchanan,	Hammond,	Nicholls,	Thompson,
Buckner,	Hanback,	Nutting,	Throckmorton,
Burnes,	Hardeman,	Oates,	Tillman,
Cabell,	Hardy,	O'Ferrall,	Townshend,
Caldwell,	Hart,	O'Hara,	Tucker,
Campbell, Felix	Hemphill,	O'Neill, Charles	Tully,
Campbell, J. E.	Henderson, T. J.	O'Neill, J. J.	Turner, H. G.
Campbell, J. M.	Henley,	Paige,	Turner, Oscar
Candler,	Hepburn,	Parker,	Valentine,
Cannon,	Hewitt, G. W.	Patton,	Van Alstyne,
Cassidy,	Hitt,	Payne,	Vance,
Clardy,	Hoblitzell,	Peel,	Wallace,
Clay,	Holman,	Perkins,	Ward,
Clements,	Holmes,	Peters,	Warner, A. J.
Cobb,	Hopkins,	Pierce,	Warner, Richard
Collins,	Houseman,	Poland,	Weaver,
Cosgrove,	Howey,	Post,	Wellborn,
Cox, W. R.	Hunt,	Pryor,	Weller,
Crisp,	Hutchins,	Ray, G. W.	Wemple,
Culberson, D. B.	James,	Reagan,	Willis,
Culbertson, W. W.	Jeffords,	Reed, T. B.	Wilson, James
Cullen,	Jones, B. W.	Reid, J. W.	Wilson, W. L.
Curtin,	Jones, J. H.	Reese,	Winans, E. B.
Cutcheon,	Keifer,	Riggs,	Winans, John
Dargan,	King,	Robinson, W. E.	Wise, G. D.
Davidson,	Lacey,	Rockwell,	Wood,
Davis, R. T.	Lamb,	Rogers, J. H.	Worthington,
Deuster,	Lanham,	Rogers, W. F.	Yaple,
Dibble,	Lawrence,	Rowell,	York.
Dibrell,	Le Fevre,	Ryan,	
Dingley,	Lewis,	Seymour,	
Dockery,	Libbey,	Shively,	

NOT VOTING—91.

Adams, G. E.	Dunn,	Johnson,	Randall,
Adams, J. J.	Elliott,	Jones, J. K.	Rankin,
Atkinson,	Ellis,	Jones, J. T.	Ray, Ossian
Barr,	Ellwood,	Jordan,	Robertson,
Belford,	Fiedler,	Kelley,	Robinson, J. S.
Belmont,	Findlay,	Kellogg,	Rosecrans,
Blackburn,	Finerty,	Kleiner,	Russell,
Blanchard,	Foran,	Laird,	Seney,
Bowen,	Fyan,	McCoid,	Shaw,
Brainerd,	George,	McComas,	Skinner, C. R.
Broadhead,	Goff,	Milliken,	Smith, A. Herr
Brumm,	Hancock,	Mitchell,	Spriggs,
Budd,	Harmer,	Morgan,	Stevens,
Burleigh,	Hatch, H. H.	Morrison,	Taylor, E. B.
Carleton,	Hatch, W. H.	Morse,	Taylor, J. D.
Chalmers,	Haynes,	Muller,	Wadsworth,
Connolly,	Henderson, D. B.	Murphy,	Wait,
Cook,	Herbert,	Murray,	White, J. D.
Covington,	Hill,	Ochiltree,	White, Milo
Cox, S. S.	Holton,	Payson,	Williams,
Craig,	Hooper,	Pettibone,	Woodward,
Davis, G. R.	Horr,	Phelps,	Young.
Davis, L. H.	Hurd,	Pusey,	

So the House refused to adjourn.

During the roll-call,

Mr. ANDERSON moved by unanimous consent to dispense with the reading of the names.

Mr. VAN EATON objected.

The following additional pairs were announced from the Clerk's desk for this day only:

Mr. ELLIS with Mr. DINGLEY.

Mr. MURRAY with Mr. WAIT.

Mr. FINERTY with Mr. HARMER.

The vote was then announced as above recorded.

The SPEAKER. The Clerk will report the next bill.

Mr. VAN EATON. I move that when the House adjourns to-day it adjourn to meet on Friday next.

Mr. ANDERSON. I move that motion be laid on the table.

The SPEAKER. That motion is not in order.

Mr VAN EATON. I demand a division.

The House divided; and there were—ayes 23, noes 102.

Mr. VAN EATON. No quorum has voted.

The SPEAKER appointed as tellers Mr. VAN EATON and Mr. HENLEY.

The House again divided; and the tellers reported—ayes 5, noes 159.

Mr. VAN EATON demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. DUNHAM. I move that the House do now adjourn.

The House divided; and there were—ayes 64, noes 92.

Mr. DUNHAM demanded the yeas and nays.

The House divided; and there were—ayes 32.

The SPEAKER. Exactly one-fifth of the last vote.

Mr. HENLEY. Count the other side.

The other side was counted, and there were 132.

The SPEAKER. Not one-fifth.

Mr. VAN EATON. Tellers on the yeas and nays.

Tellers were not ordered, and the yeas and nays were not ordered.

So the House refused to adjourn.

Mr. VAN EATON. I move the House take a recess until eleven and a half o'clock to-morrow morning.

Mr. WHITE, of Kentucky. Will not the gentleman yield to take up the Mexican pension bill?

The House divided; and there were—ayes 51, noes 99.

Mr. VAN EATON. No quorum is voting.

The SPEAKER appointed Mr. VAN EATON and Mr. HENLEY as tellers.

Mr. HENLEY. As a measure of pacification to the gentleman from Mississippi and those on the other side, I will say that I have no objection to the House taking a recess until eleven and a half o'clock to-morrow. [Cries of "That is right!"]

Mr. HOLMAN. Say 11 o'clock.

The SPEAKER. That requires unanimous consent after the point of order has been made that no quorum voted.

Mr. HENLEY. I will renew the motion.

The SPEAKER. The motion is still pending.

Mr. HAMMOND. I rise to a parliamentary inquiry. Before voting I desire to know whether, if the House votes to take a recess until to-morrow, we will not commence then where we are now and will have more of to-morrow to waste.

The SPEAKER. The tellers will take their places.

The House again divided; and the tellers reported—ayes 95, noes 19.

The SPEAKER. No quorum has voted.

The House again divided; and the tellers reported—ayes 100, noes 19.

Mr. STRAIT and Mr. DUNHAM. No quorum has voted.

Mr. VAN EATON. I move the House do now adjourn.

Mr. MCMILLIN demanded the yeas and nays on the motion to take a recess.

The SPEAKER. The motion to adjourn takes precedence.

The House divided; and there were—ayes 109, noes 75.

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 82, nays 135, not voting 106; as follows:

YEAS—82.

Adams, G. E.	Guenther,	McCoid,	Price,
Aiken,	Hammond,	McComas,	Pryor,
Atkinson,	Hart,	McCormick,	Robertson,
Bagley,	Haynes,	Millard,	Rockwell,
Barksdale,	Henderson, T. J.	Miller, S. H.	Rogers, W. F.
Bayne,	Herbert,	Mitchell,	Rowell,
Boyle,	Hewitt, A. S.	Morgan,	Seymour,
Breitung,	Hill,	Morrill,	Smalls,
Broadhead,	Hiscock,	Muldrow,	Snyder,
Cannon,	Hoblitzell,	Muller,	Stevens,
Converse,	Houk,	Mutchler,	Strait,
Cox, S. S.	Houseman,	Nelson,	Thomas,
Cullen,	Howey,	Oates,	Van Alstyne,
Dargan,	Hurd,	Paige,	Van Eaton,
Davis, R. T.	Kean,	Parker,	Wakefield,
Dorsheimer,	Keifer,	Payne,	Whiting,
Ellis,	Ketcham,	Perkins,	Wilkins,
Ellwood,	King,	Peters,	Wilson, James
Evans,	Lawrence,	Pettibone,	Wise, J. S.
Everhart,	Libbey,	Post,	
Findlay,	Long,	Potter,	

NAYS—135.

Alexander,	Breckinridge,	Collins,	Dockery,
Anderson,	Brown, W. W.	Cosgrove,	Dowd,
Barbour,	Buchanan,	Cox, W. R.	English,
Beach,	Burnes,	Crisp,	Ferrell,
Belmont,	Cabell,	Culberson, D. B.	Fiedler,
Bennett,	Caldwell,	Culbertson, W. W.	Follett,
Bisbee,	Candler,	Cutcheon,	Forney,
Bland,	Clardy,	Davidson,	Funston,
Blount,	Clay,	Deuster,	Gibson,
Boutelle,	Clements,	Dibble,	Glascock,
Bratton,	Cobb,	Dibrell,	Graves,

Greenleaf,	Matson,	Skinner, T. G.	Turner, Oscar
Halsell,	Maybury,	Slocum,	Valentine,
Hanback,	Miller, J. F.	Smith, H. Y.	Vance,
Hancock,	Milliken,	Spooner,	Wallace,
Hardeman,	Mills,	Springer,	Ward,
Hardy,	Neece,	Steele,	Warner, A. J.
Henley,	Nutting,	Stephenson,	Warner, Richard
Hepburn,	O'Ferrall,	Stewart, Charles	Weaver,
Hewitt, G. W.	O'Hara,	Stewart, J. W.	Wellborn,
Hitt,	O'Neill, J. J.	Stockslager,	Weller,
Holman,	Patton,	Storm,	Wemple,
Hopkins,	Peel,	Struble,	White, J. D.
Hunt,	Pierce,	Sumner, C. A.	Willis,
Jones, B. W.	Ray, G. W.	Swope,	Wilson, W. L.
Jones, J. H.	Ray, Ossian	Talbott,	Winans, E. B.
Lacey,	Reed, T. B.	Taylor, J. D.	Wise, G. D.
Lanham,	Reid, J. W.	Taylor, J. M.	Wolford,
Le Fevre,	Reese,	Thompson,	Wood,
Lewis,	Robinson, W. E.	Throckmorton,	Woodward,
Lore,	Rogers, J. H.	Tillman,	Worthington,
Lowry,	Rosecrans,	Townshend,	Yaple,
McAdoo,	Ryan,	Tully,	York.
McMillin,	Shively,	Turner, H. G.	

NOT VOTING—100.

Adams, J. J.	Curtin,	Hutchins,	Randall,
Arnot,	Davis, G. R.	James,	Rankin,
Ballentine,	Davis, L. H.	Jeffords,	Ranney,
Barr,	Dingley,	Johnson,	Reagan,
Belford,	Dunham,	Jones, J. K.	Rice,
Bingham,	Dunn,	Jones, J. T.	Riggs,
Blackburn,	Eaton,	Jordan,	Robinson, J. S.
Blanchard,	Eldredge,	Kelley,	Russell,
Bowen,	Elliott,	Kellogg,	Seney,
Brainerd,	Ermentrout,	Kleiner,	Shaw,
Brewer, F. B.	Finerty,	Laird,	Singleton,
Brewer, J. H.	Foran,	Lamb,	Skinner, C. R.
Browne, T. M.	Fyan,	Lovering,	Smith, A. Herr
Brumm,	Garrison,	Lyman,	Spriggs,
Buckner,	Geddes,	Money,	Stone,
Budd,	George,	Morrison,	Sumner, D. H.
Burleigh,	Goff,	Morse,	Taylor, E. B.
Campbell, Felix	Green,	Moulton,	Tucker,
Campbell, J. E.	Harmer,	Murphy,	Wadsworth,
Campbell, J. M.	Hatch, H. H.	Murray,	Wait,
Carleton,	Hatch, W. H.	Nicholls,	Washburn,
Cassidy,	Hemphill,	Ochiltree,	White, Milo
Chalmers,	Henderson, D. B.	O'Neill, Charles	Williams,
Connolly,	Holmes,	Payson,	Winans, John
Cook,	Holton,	Phelps,	Young.
Covington,	Hooper,	Poland,	
Craig,	Horr,	Pusey,	

So the motion was not agreed to.

Mr. ANDERSON. I ask unanimous consent to dispense with the reading of the names.

Mr. VAN EATON. I object.

The following additional pairs were announced for this day:

Mr. BAGLEY with Mr. KETCHAM.

Mr. BREWER, of New Jersey, with Mr. BUCKNER.

Mr. NICHOLLS with Mr. RICE.

Mr. BALLENTINE with Mr. BINGHAM.

Mr. JEFFORDS with Mr. LAMB.

Mr. ERMENTROUT with Mr. O'NEILL, of Pennsylvania.

The result of the vote was then announced as above recorded.

Mr. HENLEY. Mr. Speaker——

Mr. VAN EATON. I move that when the House adjourns to-day it be to meet on Friday next.

Mr. HENLEY. I believe I had the attention of the Chair before the gentleman from Mississippi rose.

The SPEAKER. The Chair will hear the gentleman from California.

Mr. HENLEY. I demand the yeas and nays on the pending motion, which is the motion to take a recess until to-morrow at half past 11 o'clock.

The SPEAKER. The question recurs upon that motion, but pending that the gentleman from Mississippi makes a motion which under the rules has priority over it. The Chair will cause the rule to be read if the gentleman desires it.

Mr. HOLMAN. There is no doubt of that rule.

The SPEAKER. The question now is on the motion of the gentleman from Mississippi, pending the motion to take a recess, which is that when the House adjourns to-day it be to meet on Friday next.

Mr. HENLEY. I desire to submit a parliamentary question to the Speaker. I see in subdivision 4 of Rule XVI the following language:

> No motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

The SPEAKER. That is a motion to postpone the consideration of a proposition to a day certain or indefinitely. This rule provides that—

> When a question is under debate no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order.

That is to say, a motion to adjourn, or, first to fix the day to which the House shall adjourn, next to adjourn, and next to take a recess, is the order in which these motions shall be submitted to the House. [Cries of "Regular order!"]

Mr. BLAND. Would it be in order to have read the Democratic and Republican platforms touching the forfeiture of these land grants?

Mr. HENLEY. I wish we could have them read.

Mr. MILLER, of Pennsylvania. The Democrats are in a majority; why don't you pass your bills?

Mr. BLAND. The RECORD will show why we do not pass them. [Cries of "Regular order!"]

The SPEAKER. The question is on the motion of the gentleman from Mississippi.

The motion was not agreed to.

Mr. VAN EATON. I move that the House do now adjourn.

Mr. HENLEY. I demand the yeas and nays on the motion pending, which is to take a recess.

Mr. REED, of Maine. But, Mr. Speaker, the gentleman from Mississippi moves that the House do now adjourn, which is a privileged motion.

The SPEAKER. There is so much confusion in the Hall that the Chair can not hear the motions of the gentlemen. If gentlemen will resume their seats and cease conversation in the Hall the Chair will endeavor to put in their proper order the several motions which are made.

Mr. HENLEY. I have demanded the yeas and nays upon the pending motion.

Mr. VAN EATON. And I have submitted a motion that the House do now adjourn.

The SPEAKER. That motion is always in order.

The House divided, but before the announcement of the result,

Mr. HOLMAN demanded the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor—more than one-fifth of the last vote.

The question was taken; and there were—yeas 80, nays 111, not voting 132; as follows:

YEAS—80.

Adams, G. E.	Hepburn,	Mitchell,	Rogers, W. F.
Atkinson,	Herbert,	Morrill,	Seymour,
Barr,	Hewitt, A. S.	Muldrow,	Slocum,
Belmont,	Hewitt, G. W.	Muller,	Smalls,
Boutelle,	Hill,	Mutchler,	Spooner,
Boyle,	Hiscock,	Nelson,	Stephenson,
Breitung,	Holmes,	Oates,	Stevens,
Cannon,	Howey,	Paige,	Stewart, J. W.
Converse,	Hunt,	Parker,	Strait,
Curtin,	Hurd,	Payne,	Struble,
Cutcheon,	Hutchins,	Perkins,	Thomas,
Dorsheimer,	James,	Peters,	Turner, H. G.
Dunham,	Kean,	Pettibone,	Van Alstyne,
Ellis,	Keifer,	Post,	Van Eaton,
Ellwood,	King,	Potter,	Wakefield,
Evans,	Lawrence,	Price,	Wemple,
Everhart,	McCormick,	Pryor,	Whiting,
Findlay,	Millard,	Ray, Ossian	Wilkins,
Hancock,	Miller, S. H.	Reed, T. B.	Willis,
Henderson, T. J.	Milliken,	Robertson,	Wise, J. S.

NAYS—111.

Alexander,	Dockery,	Matson,	Taylor, J. D.
Anderson,	Dowd,	Maybury,	Taylor, J. M.
Barbour,	English,	Mills,	Thompson,
Beach,	Ferrell,	Morgan,	Throckmorton,
Bennett,	Follett,	Neece,	Tillman,
Bisbee,	Forney,	Nutting,	Townshend,
Bland,	Funston,	O'Ferrall,	Tully,
Bratton,	Gibson,	O'Hara,	Turner, Oscar
Breckinridge,	Glascock,	O'Neill, J. J.	Valentine,
Brown, W. W.	Greenleaf,	Patton,	Vance,
Browne, T. M.	Halsell,	Peel,	Wallace,
Buchanan,	Hardeman,	Pierce,	Ward,
Burnes,	Hardy,	Reese,	Warner, A. J.
Cabell,	Haynes,	Reid, J. W.	Warner, Richard
Caldwell,	Henley,	Rogers, J. H.	Weaver,
Candler,	Holman,	Rosecrans,	Wellborn,
Clay,	Hopkins,	Ryan,	Weller,
Clements,	Houseman,	Shively,	White, J. D.
Cobb,	Jones, J. H.	Skinner, T. G.	Wilson, James
Collins,	Lacey,	Smith, H. Y.	Wilson, W. L.
Cosgrove,	Lanham,	Springer,	Winans, E. B.
Cox, S. S.	Le Fevre,	Steele,	Winans, John
Cox, W. R.	Lewis,	Stewart, Charles	Wise, G. D.
Crisp,	Lore,	Stockslager,	Wolford,
Culberson, D. B.	Lowry,	Storm,	Wood,
Davidson,	McAdoo,	Sumner, C. A.	Worthington,
Dibble,	McComas,	Swope,	Yaple.
Dibrell,	McMillin,	Talbott,	

NOT VOTING—132.

Adams, J. J.	Campbell, J. M.	Finerty,	Houk,
Aiken,	Carleton,	Foran,	Jeffords,
Arnot,	Cassidy,	Fyan,	Johnson,
Bagley,	Chalmers,	Garrison,	Jones, B. W.
Ballentine,	Clardy,	Geddes,	Jones, J. K.
Barksdale,	Connolly,	George,	Jones, J. T.
Bayne,	Cook,	Goff,	Jordan,
Belford,	Covington,	Graves,	Kelley,
Bingham,	Craig,	Green,	Kellogg,
Blackburn,	Culbertson, W. W.	Guenther,	Ketcham,
Blanchard,	Cullen,	Hammond,	Kleiner,
Blount,	Dargan,	Hanback,	Laird,
Bowen,	Davis, G. R.	Harmer,	Lamb,
Brainerd,	Davis, L. H.	Hart,	Libbey,
Brewer, F. B.	Davis, R. T.	Hatch, H. H.	Long,
Brewer, J. H.	Deuster,	Hatch, W. H.	Lovering,
Broadhead,	Dingley,	Hemphill,	Lyman,
Brumm,	Dunn,	Henderson, D. B.	McCoid,
Buckner,	Eaton,	Hitt,	Miller, J. F.
Budd,	Eldredge,	Hoblitzell,	Money,
Burleigh,	Elliott,	Holton,	Morrison,
Campbell, Felix	Ermentrout,	Hooper,	Morse,
Campbell, J. E.	Fiedler,	Horr,	Moulton,

Murphy,	Rankin,	Russell,	Taylor, E. B.
Murray,	Ranney,	Seney,	Tucker,
Nicholls,	Ray, G. W.	Shaw,	Wadsworth,
Ochiltree,	Reagan,	Singleton,	Wait,
O'Neill, Charles	Rice,	Skinner, C. R.	Washburn,
Payson,	Riggs,	Smith, A. Herr	White, Milo
Phelps,	Robinson, J. S.	Snyder,	Williams,
Poland,	Robinson, W. E.	Spriggs,	Woodward,
Pusey,	Rockwell,	Stone,	York,
Randall,	Rowell,	Sumner, D. H.	Young.

So the House refused to adjourn.

Mr. WARNER, of Ohio. I ask unanimous consent that the reading of the names be dispensed with.

Mr. DUNHAM. I object. Let them be read.

The names of members voting were read.

The result of the vote was then announced as above stated.

Mr. HENLEY. The pending motion, I understand, is that the House take a recess.

The SPEAKER. That is the motion now pending.

Mr. VAN EATON. And pending that motion I move that when the House adjourns to-day it be to meet on Saturday next.

Mr. HENLEY. I have not surrendered the floor.

The SPEAKER. The gentleman from California had not surrendered the floor.

Mr. HENLEY. I wish to say that this seems now to have become a question of physical endurance, and that the other side show a determination not to come to a consideration of the land-grant-forfeiture bills. The responsibility of defeating the land-grant forfeitures will rest upon the Republican side of the House. [Cries of "Regular order!"]

The SPEAKER. The question is not debatable. Pending the motion for a recess the gentleman from Mississippi [Mr. VAN EATON] moves that when the House adjourns to-day it be to meet on Saturday next.

Mr. WHITE, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WHITE, of Kentucky. If the House should vote to take a recess till to-morrow at half past 11 o'clock, when it reassembles would it not then be in the same position as it is now with reference to business——

The SPEAKER. The Chair has answered that question twice already.

Mr. WHITE, of Kentucky. With that side of the House filibustering against the consideration of the educational and Mexican pension bills?

The SPEAKER. The question is on the motion of the gentleman from Mississippi [Mr. VAN EATON].

The motion was not agreed to.

The SPEAKER. The question is now on the motion for a recess till to-morrow at half past 11 o'clock.

Mr. HENLEY. Pending that I move that the House do now adjourn.

The motion to adjourn was agreed to.

And accordingly (at 5 o'clock and 40 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Petition of John H. Hamiter, of La Fayette County, Arkansas, for reference of claim to the Court of Claims—to the Committee on War Claims.

By Mr. BLAND: Papers relating to the claim of James Duncan for property taken in October, 1864—to the same committee.

By Mr. BRECKINRIDGE: Petition of John Duggan, of Nevada County, Arkansas, formerly of Fayette, Tenn., asking for compensation for property taken and used by the United States Army during the late rebellion—to the same committee.

By Mr. W. W. BROWN: Resolution of the Legislature of Pennsylvania, instructing Senators and requesting Members in Congress to vote for the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, requesting Senators and Members of Congress to urge repeal of act of July 22, 1876, by which legal-tender quality of trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. COSGROVE: Petition of S. B. Cunningham and John F. Ancona, for adjustment of salaries—to the Committee on Accounts.

By Mr. G. R. DAVIS: Petition of Martin, Fuller & Co. and 36 other leading firms of Philadelphia, owners and shippers of live-stock, earnestly protesting against false and slanderous charges preferred by men ignorant of the business, and against the Hopkins resolution—to the Committee on Commerce.

By Mr. DINGLEY: Memorial of the National Temperance Society, officially signed, against the passage of a bill extending the bonded whisky period presented to the House by the Secretary of the Treasury—to the Committee on Ways and Means.

Also, memorial of the board of managers of the National Temperance Society, officially signed, asking for the early concurrence of the House of Representatives in the Senate bill to provide for a national commission of inquiry concerning the alcoholic liquor traffic—to the same committee.

By Mr. FINDLAY: Petition of Wilson Post, No. 1, Department of Maryland, Grand Army of the Republic, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. FOLLETT: Resolution of Cincinnati Chamber of Commerce favoring the reciprocity treaty with Mexico—to the Committee on Ways and Means.

Also, petition of George Keel, of Hamilton County, Ohio—to the Committee on War Claims.

By Mr. GARRISON: Petition of John W. Mears, of Virginia, for relief—to the Committee on Ways and Means.

By Mr. HANBACK: Petition of ex-soldiers in Grand Army of the Republic post at Cawker City, Kans., urging purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HARMER: Resolution of the Legislature of the State of Pennsylvania, in favor of the passage of the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of the State of Pennsylvania, in favor of the repeal of the act of Congress by which the legal-tender quality of the trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

By Mr. HOPKINS: Resolution of the Legislature of Pennsylvania, urging the passage of the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, in favor of retaining the legal-tender quality of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. KELLEY: Resolution of the senate and house of representatives of Pennsylvania, in favor of the bill known as the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the senate and house of representatives of Pennsylvania in favor of making the trade-dollar full legal tender—to the Committee on Coinage, Weights, and Measures.

By Mr. MILLARD: Petition of Margaret Smith, of Broome County, New York, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. MULLER: Memorial of the Real Estate Exchange and Auction Room of the city of New York, in regard to appropriations for defense of New York Harbor—to the Committee on Appropriations.

By Mr. NUTTING: Petition of Searle Post, No. 448, Grand Army of the Republic, of Leonardsville, N. Y., asking Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. O'FERRALL: Petition of Harriet Stratton and Mary H. Johnson and others, in favor of an increase of widows' pensions—to the Committee on Pensions.

By Mr. OSSIAN RAY: Papers relating to claim of legal representatives of Sewall W. Piper—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. H. ROGERS: Papers relating to the claim of Samuel W. Craft, of Lonoke County, Arkansas—to the Committee on War Claims.

Also, petition of Samuel W. Craft, for payment of property taken and used by the United States Army during the late war—to the same committee.

By Mr. STEPHENSON: Of L. H. Erskine and 62 others, of Door County; of A. Clute and 53 others, of Dexterville, Wood County; of L. H. Nickel and 61 others, of New London, and of Willis Hand and 60 others, of Price County, Wisconsin—to the Committee on Pensions.

By Mr. STORM: Resolution of the Legislature of Pennsylvania, requesting the Senators of that State to vote for the foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of the State of Pennsylvania, requesting its Senators and Members in Congress to vote for a bill retaining the legal-tender quality of the trade-dollar—to the Committee on Coinage, Weights, and Measures.

By Mr. TUCKER: Petition of A. W. Stark, for removal of disabilities—to the Committee on the Judiciary.

By Mr. JOHN WINANS: Petition of Lucy A. Virgin and others, of Johnstown, Wis., asking for an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of 302 citizens of Davis County; of 152 citizens of Clay County, and of 38 citizens of Marshall County, Kansas.

By Mr. ARNOT: Of 215 ex-soldiers and citizens of Allegany County, and of 84 ex-soldiers and citizens of Steuben County, New York.

By Mr. BAYNE: Resolution of Post 3, Grand Army of the Republic, Pittsburgh, Pa.

By Mr. BOYLE: Of citizens of Pottsville, and of Brownsville, Pa.

By Mr. BREWER: Of citizens of Portville, N. Y.

By Mr. W. W. BROWN: Of citizens of Potter County, of Tioga County, and of McKean County, Pennsylvania.

By Mr. BURLEIGH: Of citizens of Troy, of Salem, and of Allenborough, N. Y.

By Mr. W. W. CULBERTSON: Of 128 voters of Glenwood, Ky.

By Mr. ELDREDGE: Of H. B. Gregory and 143 others, of Hillsdale County, Michigan.

By Mr. FORAN: Of 162 citizens of Wayne County, of 142 citizens of Hancock County, of 104 citizens of Wayne County, of 19 citizens of Toledo, of citizens of Fremont, of Lucas County, of Akron, of Creston, of Highland County, of Hamilton County, of Medina, of Dodsonville, of Lynchburg, of Chillicothe, of Lodi, of Rainsborough, of Bainbridge, and of Cincinnati, Ohio.

By Mr. HANBACK: of Lewis Christie and others, of Monroe, Kans.

By Mr. HOLMAN: Of J. D. Kidd and 27 others, of Sherwood; of George Graham and 63 others, of Ripley County; of E. T. Rector and 63 others, of Jefferson County; of J. B. Kidney and 58 others, of Franklin County; and of F. M. Sherwood and 63 others, of Decatur County, Indiana.

By Mr. KLEINER: Of ex-soldiers of Patoka, Ind.

By Mr. LACEY: Of M. P. Maxon and 234 others, of Union City, Mich.

By Mr. LAMB: Of citizens of Fountain County, of Vigo County, of Warren County, and of Independence, Ind.

By Mr. LOWRY: Of 25 citizens of Fort Wayne, Ind.

By Mr. McCORMICK: Of 64 citizens of Lawrence County, Ohio.

By Mr. PAYNE: Of 100 citizens of Cayuga County, and 62 citizens of Wayne County, New York.

By Mr. G. W. RAY: Of citizens of Delaware County, and of Gilbert Post, Grand Army of the Republic, of Guilford, N. Y.

By Mr. STEELE: Of Snead Thomas and 148 others, of Marion; of James H. McClugg and 117 others, of Wabash, and of John W. Ruden and 47 others, of Miami County, Indiana.

By Mr. STOCKSLAGER: Of 64 citizens of Crawford County, and of 54 citizens of Jackson County, Indiana.

By Mr. D. H. SUMNER: Of citizens of Fox Lake, and of Waupun, Wis.

By Mr. WAKEFIELD: Of E. McKenzie and 137 others, of Rock County; of 30 ex-soldiers and citizens of Fulda, and of 68 ex-soldiers and citizens of Windom, Minn.

By Mr. WELLER: Of John L. Davis and 55 others, of Douglas, Iowa.

By Mr. WILKINS: Of J. J. Sullivan and 192 others, citizens of Holmes County, Ohio.

By Mr. E. B. WINANS: Of George Coleman and 85 others, citizens of Livingston County, and of W. W. Raymond and 119 others, of Ingham County, Michigan.

SENATE.

THURSDAY, *January* 29, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. PENDLETON called the Senate to order, and the Secretary read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. GEORGE H. PENDLETON, a Senator from the State of Ohio, to perform the duties of the Chair during my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., *January* 29, 1885.

Thereupon Mr. PENDLETON took the chair as presiding officer for to-day.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDING OFFICER (Mr. PENDLETON) laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 229 of the Revised Statutes, statements showing the contracts made by the bureaus of the War Department during the fiscal year ended June 30, 1884; which was read.

The PRESIDING OFFICER. The letter of the Secretary will be printed, and, with the accompanying documents, referred to the Committee on Military Affairs, if there be no objection.

Mr. CONGER. Should not the accompanying report be printed?

The PRESIDING OFFICER. The accompanying papers are very voluminous. If it is desired to have them printed, they had probably better go to the Committee on Printing for examination before the order to print is made.

Mr. CONGER. If it is in response to a call for information by the Senate it should be printed. The letter shows nothing beyond the fact that the information called for is communicated.

The PRESIDING OFFICER. This is a report made to the Senate in accordance with law, and not in response to a call by the Senate for special information.

Mr. SHERMAN. The papers had better be referred to the Committee on Printing, and let them determine whether it is necessary to print them; or they may be first referred to the Committee on Military Affairs, and if that committee wishes to have them printed, they can be reported back from that committee with such a recommendation, and then referred to the Committee on Printing.

Mr. CONGER. Very well; let that course be taken.

The PRESIDING OFFICER. The letter and accompanying papers will be referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a concurrent resolution of the senate and house of representatives of the State of Minnesota in relation to the purchase by the Government of the water ways at Point Keweenaw, on Lake Superior. It is a resolution instructing the Senators and requesting the members of the House of Representatives from Minnesota, and relates to a matter upon which legislation is sought from Congress. I ask that the resolution be treated as a memorial and referred to the Committee on Commerce.

The PRESIDING OFFICER. If there be no objection, the resolution will be received as a memorial. Does the Senator desire that the resolution shall be read, as is usual in such cases?

Mr. McMILLAN. The resolution is addressed to the members of the Senate and House from Minnesota, and I do not ask for its reading.

The PRESIDING OFFICER. The resolution will be referred to the Committee on Commerce.

Mr. LAPHAM. I have a copy of a petition of merchants and manufacturers of the city of New York, formerly presented to the Senate by the chairman of the Committee on Foreign Relations [Mr. MILLER, of California], with a large number of additional signatures to those upon it at that time, which I am requested to present. The petition prays for the ratification of the proposed Spanish reciprocity treaty. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. MILLER, of California, presented a concurrent resolution of the Legislature of California; which was read, and referred to the Committee on Military Affairs, as follows:

Assembly concurrent resolution No. 10, relative to the establishment of a branch of the National Home for Disabled Volunteer Soldiers.

Whereas Congress, by an act approved July 5, 1884, directed the board of managers of the National Home for Disabled Volunteer Soldiers to inquire into the expediency of establishing a branch of the home in the State of California for the Pacific coast, and to that end to receive propositions from the directors of the "Veterans' Home," located in Napa County, California, for the transfer of the buildings, grounds, and property of said "Veterans' Home" to the United States for use as a branch of the National Home for Disabled Volunteer Soldiers, and to report to Congress in respect to the propriety and expediency of accepting said "Veterans' Home" for such branch; and

Whereas the directors of the "Veterans' Home" of California have adopted and transmitted to the board of managers of the National Home for Disabled Volunteer Soldiers resolutions proposing to transfer the buildings, grounds, and property of said "Veterans' Home" to the United States for use as a branch home for the Pacific coast; and

Whereas the board of managers of the National Home have communicated to the directors of the "Veterans' Home" of California their intention to recommend to Congress, at its present session, the establishment of a branch of the National Home in California for the Pacific coast; and

Whereas there are many disabled volunteer soldiers of the war with Mexico and of the civil war on the Pacific coast, who are now in urgent and immediate need of the care and maintenance of such home and have a just claim for such relief as the Government has given to their comrades in the United States: Therefore

Be it resolved by the assembly of the State of California (the senate concurring), That our Senators and Representatives in Congress are requested to use every effort to procure the passage by Congress at its present session of an act authorizing and directing the board of managers of the National Home for Disabled Volunteer Soldiers, within three months after the passage of the act, or as soon thereafter as practicable, to locate a branch of said home at some suitable point in the State of California; and further, authorizing and directing said board of managers to accept and receive from the directors of the Veterans' Home Association of California a donation and transfer to the United States of all the property, real and personal, of said association in Napa County, in said State, if, in the judgment of said managers, the same be suitable for such home; and further, making at its present session an adequate appropriation of money for the support and maintenance of the disabled volunteer soldiers of said home in case the said transfer be accepted by said managers.

Resolved, That the governor be requested to transmit forthwith to each of our Senators and Representatives in Congress a copy of these resolutions.

W. H. PARKES,
Speaker of the Assembly.
JOHN DAGGETT,
President of the Senate.

Attest:

THOMAS L. THOMPSON,
Secretary of State.

Mr. HARRISON presented a concurrent resolution of the Legislature of Indiana; which was read, and referred to the Committee on Pensions, as follows:

A concurrent resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of House bill 420, to pension prisoners confined in confederate prisons during the late war.

Be it resolved by the senate (the house of representatives concurring), That our Senators in Congress from this State be instructed, and our Representatives in Con-

gress be requested, to use their influence to secure the passage of House bill No. 420, entitled "A bill for pensioning prisoners of war who were confined in confederate military prisons during the late war."

Resolved, That the governor be, and is hereby, requested to furnish each of our Senators and Representatives in Congress a copy of the resolutions.

Mr. CALL presented the petition of H. Myers, of Marietta, Ga., praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. BUTLER presented a memorial of cigar-makers of Charleston, S. C., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. CAMERON, of Pennsylvania. I present a resolution of the Legislature of Pennsylvania, in favor of the so-called foreign-contract-labor bill. Inasmuch as the bill on that subject has been reported, I move that the resolution lie on the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania. I present a resolution of the Legislature of Pennsylvania, favoring the repeal of the act of Congress of 1876 abrogating the legal-tender quality of the trade-dollar. As a bill relating to the trade-dollar is now on the Calendar, I move that the resolution lie on the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a memorial of firms representing the iron-ore producing and transporting interests of the Northwest and of Pennsylvania; a memorial of business men and firms of Philadelphia, Pa., and a memorial of citizens of Franklin County, Pennsylvania, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. VEST presented the petition of O. Chanute and others, citizens of Kansas City, Mo., praying for the repeal of the laws fixing the terms of United States collectors, district attorneys, and other Federal officers at four years; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. HARRISON. I am instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2373) to facilitate promotions throughout the Army by retiring from active service, upon their own application, officers of the Army who served in the war of the rebellion, to report it adversely and to recommend its indefinite postponement. The bill was introduced by the Senator from Illinois [Mr. CULLOM]. I do not know whether he desires to have it placed on the Calendar.

Mr. CULLOM. I inquire of the Senator what the report is?

Mr. HARRISON. The report is adverse. I think the Senator from Illinois could hardly himself have understood the entire scope of the bill and its effect upon the Army. The Secretary of War shows that it would result in giving a very large proportion of the officers of the Army the privilege of present retirement.

Mr. COCKRELL. With increased rank and pay.

Mr. HARRISON. The scope of the bill is so wide, that the committee thought, with the Secretary of War, that it ought to be reported adversely. We have done so, and ask its indefinite postponement.

Mr. CULLOM. Will the Senator consent to its going on the Calendar?

Mr. HARRISON. I have no objection at all. I called the attention of the Senator to the report so that he might make that request if he desired so to do.

Mr. CULLOM. Let the bill be placed on the Calendar.

The PRESIDING OFFICER. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred a communication of the Secretary of War, inclosing a letter from General W. B. Hazen, Chief Signal Officer United States Army, concerning First Lieut. George S. Grimes and other officers of the Signal Service, whose accounts have been suspended in the Treasury Department for the reason that tolls received for dispatches sent over the Bismarck and Fort Ellis section of the United States military telegraph lines were used contrary to law in paying the expenses of said lines, submitted a report thereon, accompanied by a bill (S. 2593) for the relief of certain officers of the Signal Service; which was read twice by its title.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R. 2722) for the relief of Martha Turner, reported it without amendment, and submitted a report thereon.

Mr. PIKE. I am instructed by the Committee on Claims to report adversely the bill (S. 1825) for the relief of Martha Turner. This is a bill for the same purpose as that which passed the other House and which I have just reported. I move the indefinite postponement of the Senate bill.

The motion was agreed to.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 2268) for the relief of John F. Severance, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of New York, from the Committee on Commerce, to whom was referred the bill (S. 2388) for the protection and improvement of the harbor of New York, reported it with amendments.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

DETROIT SCHOOL LANDS.

Mr. MAHONE. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan, to report it favorably and without amendment.

Mr. PALMER. I ask the unanimous consent of the Senate for the present consideration of the bill. It is merely to clear the title of the land on which the high-school building stands in the city of Detroit.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I ask that it be read in full for information.

Mr. PALMER. If the Senator from Ohio would prefer, I can state very concisely the substance of the bill.

Mr. SHERMAN. I ask for the reading of the bill for information.

The PRESIDING OFFICER. The question is not open to debate. The Senator from Ohio asks for the reading of the bill for information. That will be done.

The bill was read, as follows:

Be it enacted, &c., That any right of reversion or otherwise which the United States may be supposed to have in the space on which the high-school building belonging to the board of education of the city of Detroit is situated, being a part of the old town of Detroit, laid out by the governor and judges of the Territory of Michigan under an act of Congress approved April 21, 1806, entitled "An act to provide for the adjustment of the titles of land in the town of Detroit and Territory of Michigan, and for other purposes," be, and the same is hereby, granted and released to the said board of education.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WASHINGTON MONUMENT COMPLETION CEREMONIES.

Mr. SHERMAN. I am directed by the commission appointed under the joint resolution of Congress, approved May 13, 1884, in relation to ceremonies to be authorized on the completion of the Washington Monument, to report back for adoption a resolution, and I ask for its present consideration.

The Chief Clerk read the resolution, as follows:

Resolved, That the order of proceedings adopted by the commission appointed under the joint resolution of Congress approved May 13, 1884, for the dedication of the Washington Monument on the 21st day of February next, is approved; and that the officers of the Senate are charged with the duty of carrying out the same under the direction of the said commission.

By unanimous consent, the Senate proceeded to consider the resolution.

Mr. SHERMAN. It is scarcely worth while to read at the desk the accompanying order of ceremonies, because Senators have been served with copies of it. This formal resolution is necessary; and a similar resolution will be offered and no doubt adopted in the House of Representatives in regard to the matter.

The resolution was agreed to.

ADDITIONAL SENATE EMPLOYÉS.

Mr. JONES, of Nevada. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report a resolution, which I ask may be read.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ three messengers at $1,440 each; two skilled laborers at $1,000 each; two laborers at $720 each; two firemen at $1,080 each; two janitors at $900 each. And the Secretary of the Senate is hereby authorized and directed to pay the above employés out of the miscellaneous items of the contingent fund of the Senate.

Mr. JONES, of Nevada. I ask for the immediate consideration of the resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. MORGAN. I should like to have the Senator from Nevada explain the necessity for the resolution.

The PRESIDING OFFICER. Debate is not in order on the request for immediate consideration. Is there objection to the consideration of the resolution at this time?

Mr. VEST. Let it go over.

The PRESIDING OFFICER. Objection is made, and the resolution goes over until to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a concurrent resolution on the subject of counting the electoral vote.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan; and

A bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

BILLS INTRODUCED.

Mr. LAPHAM introduced a bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; which was read twice by its title, and referred to the Committee on Finance.

Mr. SAWYER introduced a bill (S. 2595) granting a pension to Philip C. Enders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM (by request) introduced a bill (S. 2596) for the relief of Henry A. Paus; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HARRISON introduced a bill (S. 2597) granting a pension to Dr. Delaney Wiley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BECK introduced a bill (S. 2598) for the relief of Mrs. Lizzie D. Clarke, of New Orleans; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. COKE and Mr. INGALLS submitted amendments intended to be proposed by them respectively to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

COUNTING OF ELECTORAL VOTES.

The PRESIDING OFFICER (Mr. PENDLETON) laid before the Senate the following concurrent resolution of the House of Representatives; which was ordered to lie on the table and be printed.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon on the 11th of February, 1885, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer.

That one person be appointed teller on the part of the Senate and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared.

That the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, communicated to the Senate the request of the House of Representatives to return to that body the bill (H. R. 691) for the relief of William W. Thomas.

The message also announced that the House had passed a concurrent resolution to correct an error in the enrollment of the bill (H. R. 1017) relative to the Inspector-General's Department of the Army; in which the concurrence of the Senate was requested.

EXECUTIVE SESSION.

Mr. MILLER, of California. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five hours and forty-five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January* 29, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read.

CORRECTIONS.

Mr. PRYOR. I desire to correct the Journal. On yesterday, by mistake, I called up the bill (S. 1565) for the admission of Dakota Territory as a State, when the one I intended to call up was the bill (S. 1682) to enable the people of that part of the Territory of Dakota south of the forty-sixth parallel of north latitude to form a constitution and State government, and for the admission of the State into the Union on an equal footing with the original States, and for other purposes. The Journal states that the bill (S. 1565) was read a first and second time, and referred to the Committee on Territories.

The SPEAKER. The correction will be made. The Chair will state that it is usual when a Senate bill is taken from the Speaker's table for reference to consider it as read a first and second time.

Mr. PRYOR. This is a matter of some importance. There are two Senate bills pending; one of which, the bill S. 1682, has reached the House, having been passed by the Senate; the other, the bill S. 1565, is still pending in the Senate.

The SPEAKER. The correction will be made, and the bill indicated by the gentleman will be referred to the Committee on Territories.

The SPEAKER. The correction will be made.

The Journal was then approved.

WASHINGTON MONUMENT.

Mr. DORSHEIMER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. DORSHEIMER. I rise to make a report from the commission appointed in relation to the ceremonies upon the 21st of February next. I am instructed by the commission to report the order of proceedings adopted by the commission for that occasion, and also a resolution which I ask be read.

The Clerk read as follows:

Resolved, That the order of proceedings adopted by the commission appointed under the joint resolution of Congress, approved May 13, 1884, for the dedication of the Washington monument on the 21st day of February next, is approved, and that the officers of this House are charged with the duty of carrying out the same under the direction of the said commission.

Mr. DORSHEIMER. I move the adoption of the resolution.

The SPEAKER. Is the reading of the proposed programme demanded?

Mr. COX, of New York. No, sir. Let it go through.

Mr. KEIFER. Let it be printed.

The SPEAKER. It will be printed in the RECORD.

The resolution was agreed to.

Mr. DORSHEIMER moved to reconsider the vote by which the resolution was agreed to, and also moved to lay that motion on the table.

The latter motion was agreed to.

The programme ordered printed is as follows:

ORDER OF PROCEEDINGS

Adopted by the Congressional Commission for the

DEDICATION

of the

WASHINGTON MONUMENT,

February 21, 1885.

DEDICATION OF MONUMENT.

The ceremonies at the base of the Monument will commence precisely at 11 *o'clock.*

1. The Hon. JOHN SHERMAN, a Senator from Ohio, chairman of the commission authorized by the joint resolution of May 13, 1884, will preside.
2. Music.
3. Prayer by the Rev. Mr. SUTER, of Christ church, Alexandria, Va.
4. Remarks by W. W. CORCORAN, Esq., the first vice-president of the Washington National Monument Society.
5. Masonic ceremonies by the Grand Lodge of the District of Columbia.
6. Remarks by Col. T. L. CASEY, the engineer of the joint commission, delivering the Monument to the President of the United States.
7. Dedication of the Monument to the name and memory of George Washington by the President of the United States.
8. Music.

The procession will forthwith be formed, and will move to the Capitol by the following route: Through the President's square to Seventeenth street, up Seventeenth street to Pennsylvania avenue, thence along Pennsylvania avenue to the Capitol, where it will be reviewed by the President of the United States from a stand at the east front.

9. After the review the procession will be dismissed.

When the procession begins to move salutes of one hundred guns will be fired at the navy-yard, the artillery headquarters, and Fort Myer.

ORDER OF PROCESSION.

Lieutenant-General P. H. SHERIDAN, marshal of the day, with a chief of staff, and an aid from every State and Territory.

THE MILITARY ESCORT.

Consisting of the regular forces of the Army and Navy.
Chartered military organizations, taking precedence by the dates of their charters.
Other military organizations.

THE CIVIC PROCESSION.

Congressional commission.
The orators and chaplains of the day.
The Washington National Monument Society.
Members and ex-members of the Joint Commission for the Completion of the Monument.
The engineer of the Monument, his assistants, and detail of workmen.
The President of the United States.
Members of the Cabinet.
President and Vice-President elect of the United States.
Ex-Presidents of the United States.
Judges of the Supreme Court and other Federal courts.
The diplomatic corps.
Governors of States, and their respective staffs, taking precedence in the order of admission of their States into the Union.
The Senate.
The House of Representatives.
The commissioners of the District of Columbia.
Officers of the Army and Navy.
The Society of the Cincinnati.
The Masonic fraternity, with other organizations which have made contributions for the erection of the Monument.
Citizens of States and Territories, and civic organizations without partisan flags or emblems, each State and Territory taking precedence in the order of its admission into the Union.
The fire department of the District of Columbia and visiting firemen.

In the evening, from 8 to 9 o'clock, there will be a display of fireworks near the Monument.

ORDER OF ARRANGEMENTS AT THE CAPITOL.

The Capitol will be closed on the morning of the 21st to all except the members and officers of Congress.

At 11 o'clock the east door leading to the Rotunda will be opened to those to whom invitations have been extended under the joint resolution of Congress and to those holding tickets of admission to the floor of the House and its galleries.

The floor of the House of Representatives will be opened for the admission of Senators and Representatives, and to those having invitations thereto, who will be conducted to the seats assigned to them.

The President, the President-elect, the Vice-President-elect, and ex-Presidents of the United States and special guests will be seated in front of the Speaker.

The Chief-Justice and associate justices of the Supreme Court will occupy seats next to the President and ex-Presidents and special guests, on the right of the Speaker.

The Cabinet officers, and the Admiral of the Navy, the Lieutenant-General of the Army, and the officers of the Army and Navy who by name have received the thanks of Congress will occupy seats on the left of the Speaker.

The chief-justice and judges of the Court of Claims and the chief-justice and associate justices of the supreme court of the District of Columbia will occupy seats directly in rear of the Supreme Court.

The diplomatic corps will occupy the front row of seats.

Ex-Vice-Presidents, Senators, and ex-Senators will occupy seats on the second, third, fourth, and fifth rows, on east side of main aisle.

Representatives will occupy seats on west side of main aisle and in rear of Senators on east side.

Commissioners of the District, governors of States and Territories, general officers of the Society of the Cincinnati, the Washington National Monument Society, members and ex-members of the Joint Commission for the Completion of the Monument, engineers of Monument and detail of workmen, and guests invited to the floor will occupy seats in rear of Representatives.

The executive gallery will be reserved exclusively for the families of the Supreme Court and the families of the Cabinet and the invited guests of the President. Tickets thereto will be delivered to the private secretary of the President.

The diplomatic gallery will be reserved exclusively for the families of the diplomatic corps. Tickets thereto will be delivered to the Secretary of State.

The reporters' gallery will be reserved exclusively for the use of the reporters for the press. Tickets thereto will be delivered to the press committee.

The Official Reporters of the Senate and of the House will occupy the reporters' desk in front of the Clerk's table.

The Marine Band will be in attendance.

Upon the arrival of the procession at the Capitol, and immediately after passing the reviewing stand, the members of the Senate will proceed to the Senate Chamber; the members of the House to the Hall of the House; the judiciary to the Supreme Court room.

The diplomatic corps will proceed to the Senators' withdrawing-room; the President, ex-Presidents, the Cabinet, the President-elect, the Vice-President-elect to the President's room.

The House being in session, and notification to that effect having been given to the Senate, the Senate, in a body, preceded by the President, ex-Presidents, the Cabinet, the President-elect, the Vice-President-elect, the judiciary, and diplomatic corps, will be conducted to the Hall of the House of Representatives.

The President of the Senate will occupy the Speaker's chair and will preside.

The Speaker of the House will occupy a seat at the left of the President of the Senate.

The other officers of the Senate and of the House will occupy seats on the floor at the right and the left of the Speaker.

The Architect of the Capitol, the Sergeant-at-Arms of the Senate, the Sergeant-at-Arms and the Doorkeeper of the House are charged with the execution of these arrangements.

PROCEEDINGS IN THE HALL OF THE HOUSE OF REPRESENTATIVES.

Prayer will be offered by Rev. S. A. WALLIS, of Pohick church, near Mount Vernon, Va.

Music.

Oration by Hon. ROBERT C. WINTHROP, of Massachusetts, read by Hon. JOHN D. LONG, a Representative from Massachusetts.

Music.

Oration by Hon. JOHN W. DANIEL, of Virginia.

The benediction will then be pronounced by Rev. JOHN S. LINDSAY, Chaplain of the House of Representatives.

Music (during which the assemblage will disperse).

ORDER OF BUSINESS.

Mr. THOMAS. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Illinois [Mr. THOMAS] demands the regular order. The regular order is the call of committees for reference.

Mr. THOMAS. I withdraw the demand for the regular order for the purpose of allowing a resolution to be offered.

COUNTING THE ELECTORAL VOTE.

Mr. CLAY. Mr. Speaker, I desire to make a report from the Committee on the Law respecting the Election of President and Vice-President, which I ask to have read from the Clerk's desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon, on the 11th day of February, 1885, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer.

That one person be appointed teller on the part of the Senate, and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared.

That the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. CLAY moved to reconsider the vote by which the resolution was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLACKBURN. Mr. Speaker, I rise to a question of privilege.

The SPEAKER. The gentleman will state it.

Mr. BLACKBURN. I am directed by the Committee on Rules to submit to the House a report and resolution, which I ask to have read.

The Clerk read as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart thirty minutes for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least five members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes; which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or on any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said thirty minutes, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Mr. BLACKBURN. I shall move the previous question on that resolution.

Mr. COX, of New York. I suggest to the gentleman from Kentucky to amend the resolution so as to require ten members to object instead of five.

Mr. BLACKBURN. This is a report from the Committee on Rules.

Mr. KEIFER. Mr. Speaker, I should like to know when the committee met.

Mr. BLACKBURN. On the day before yesterday.

Mr. KEIFER. I was not aware of it.

The SPEAKER. The Chair will state that the members of the committee were not all together in the room at once; but there was one time when three members were present, and the Chair was instructed to prepare a resolution for exhibition to the members of the committee. The Chair thinks this ought to be shown to the members of the committee who have not seen it before it is acted upon.

Mr. REED, of Maine. I would like to see the resolution.

The SPEAKER. Will the gentleman from Kentucky [Mr. BLACKBURN] withdraw the report for the present, in order that the other members of the Committee on Rules may have an opportunity to examine it?

Mr. BLACKBURN. Of course I will, sir.

Mr. KEIFER. I do not know that I shall object to it at all, but I would like to look at it.

Mr. BLACKBURN. I withdraw the report for the present.

Mr. McCOID. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state his inquiry.

Mr. McCOID. I wish to inquire whether the bills that are reported here upon the Calendars and undisposed of are considered as on the Speaker's table, and whether they would be covered by the resolution which has just been read?

The SPEAKER. That is hardly a parliamentary question at this time. The resolution, as read, provides for bills on any one of the Calendars of the House.

Mr. McCOID. But these bills reported from the Committee of the Whole and undisposed of are not on the Calendar.

The SPEAKER. The Chair thinks not.

Mr. McCOID. Then are they on the Speaker's table, and would they be covered by this resolution?

The SPEAKER. The Chair thinks not. They are like any other matter pending before the House.

Mr. McCOID. So that under this order——

Mr. ANDERSON. I call for the regular order, Mr. Speaker.

The SPEAKER. There is no order before the House, and therefore this is not a proceeding in the House under the rules. Is the demand for the regular order withdrawn?

Mr. ANDERSON. It is not.

HOMESTEAD-LAW MONUMENT.

The SPEAKER. The Chair lays before the House a memorial, accompanied with a specimen of the marble from which it is proposed to erect the monument to which the memorial relates. The Clerk will read the memorial.

The Clerk read as follows:

To the honorable the Senate and House of Representatives in Congress assembled:

The undersigned, the general agent of the National Homestead Monument Association, located at Mitchell, Davison County, Dakota Territory, in behalf of said association and the homesteaders of the United States, respectfully petition that your honorable body will, at the earliest practical date, appropriate land or money to aid in building a monument in said city to commemorate the homestead law. The homesteaders, grateful for the homestead law and for what it has done for themselves and their families, desire to commemorate that enactment by the erection of a suitable and enduring monument, as an evidence to the present and future ages of their appreciation and gratitude. This law, the most beneficent of the world in relation to home and family, operates in twenty-seven States and Territories, and it has given to the homesteaders an area of territory larger than Great Britain and Ireland, and about equal to the States of Ohio, Indiana, Illinois, and Kentucky, more than 3,000,000 people enjoying its bounty. This law recog-

nizes the rights of the people to the soil. The old landed system held the land for the few. The tillers were mere serfs. This paternal law reserves the land for the people, for them to possess and enjoy as freemen. It has increased the number of our homes, the strong citadels of the nation, and added to the prosperity and happiness of the people and to the wealth and power and glory of the whole country; and its enactment has rendered this age an epoch in the history of our country and made more stable our system of government by establishing it more firmly than ever in the hearts of the people. The great praise this, the people's law; the poor bless it. Your petitioner and those for whom he acts, heartily desiring that this monument be built, will to that end do their part. Knowing that the homestead law is a great national benefaction, and believing that your honorable body will grant the appropriation asked, your petitioners will ever pray.

JAMES DAVIES.

The SPEAKER. If there be no objection, this memorial will be referred to the Committee on Public Lands.

Mr. COX, of New York. I think it should be referred to the Committee on the Library. The bill which I introduced——

Mr. HOLMAN. I hope my friend from New York will consent that this memorial shall go to the Committee on Public Lands. It properly belongs there.

Mr. COX, of New York. If the gentleman from Indiana, who is an old homesteader, insists on that reference, I give way.

There being no objection, the memorial was referred to the Committee on Public Lands.

CHANGE OF REFERENCE.

On motion of Mr. CASSIDY, by unanimous consent the Committee on War Claims was discharged from the further consideration of the joint resolution of the State of Nevada relative to the direct war-tax of 1861; and it was referred to the Committee on Claims.

ORDER OF BUSINESS.

Mr. WELLER. I rise to a parliamentary inquiry. I desire to ask whether under the rules it would be proper at this time to move that the resolution submitted by the gentleman from Kentucky [Mr. BLACKBURN] be printed in the RECORD and lie over until to-morrow morning. If so, I make that motion.

The SPEAKER. The gentleman from Iowa asks that the resolution which the gentleman from Kentucky presented this morning from the Committee on Rules, and afterward withdrew, be printed in the RECORD and lie over till to-morrow morning. Is there objection?

A MEMBER. Let it be reported again.

The SPEAKER. It is suggested that the resolution be reported again, and then printed in the RECORD and lie over.

Mr. BLACKBURN. Then, with the consent of the other members of the Committee on Rules, I will ask to resubmit the resolution to the House, with the understanding that it be printed in the RECORD and lie over until to-morrow.

Mr. WELLER. It is a very far-reaching resolution and an innovation.

Mr. KEIFER. Perhaps after consultation there may be, by unanimous consent of the Committee on Rules, some amendments to the resolution as proposed this morning. I suggest that the gentleman from Kentucky withhold the resolution for a little while, and then let it be printed in the RECORD as it may be offered and go over until to-morrow morning.

Mr. WELLER. Then I ask whether the proposed amendments may not also be printed?

Mr. KEIFER. Certainly; that is the object.

The SPEAKER. There are no amendments pending. The gentleman from Ohio suggests that the resolution be withheld for the present until members of the committee can confer, and that it be printed in the RECORD in the form in which it may be agreed upon by the committee.

Mr. BLACKBURN. Certainly.

Mr. STORM. I ask unanimous consent that members desiring to offer amendments may be allowed to have them printed also.

The SPEAKER. The resolution is not yet presented. The Chair will entertain such requests when the matter shall come before the House.

Mr. WELLER. I wish further to inquire whether the amendments may not be printed with the resolution?

The SPEAKER. That is a matter with which the Chair has now nothing to do. The resolution has not yet been presented to the House.

WITHDRAWAL OF PAPERS.

Leave for withdrawal of papers from the files of the House was granted in the following cases:

To Mr. HOPKINS, in the case of Col. Alexander Montgomery, no report having been made thereon.

To Mr. CULBERTSON, of Kentucky, in the pension case of Thomas J. McIntyre, without leaving copies.

LAWRENCEBURG HARBOR, INDIANA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and preliminary examination of Lawrenceburg Harbor, Indiana; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MOBILE RIVER AND HARBOR.

The SPEAKER, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of survey and preliminary examination of Mobile River and Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

MANUFACTURERS' NATIONAL BANK, BROOKLYN.

Mr. KEAN, from the Committee on Banking and Currency, reported back favorably the bill (H. R. 8087) changing the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; which was referred to the House Calendar, and the accompanying report ordered to be printed.

BRIDGE ACROSS THE COOSA RIVER.

Mr. CLARDY, from the Committee on Commerce, reported, as a substitute for H. R. 3969, a bill (H. R. 8131) authorizing the construction of a bridge across the Coosa River, in the State of Alabama; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

SNUG HARBORS.

Mr. BARKSDALE, from the Committee on Commerce, reported back adversely a bill (H. R. 4691) to authorize the purchase of snug harbors for disabled seamen; which was laid on the table, and the accompanying report ordered to be printed.

FRAUDULENT CLAIMS AGAINST FOREIGN GOVERNMENTS.

Mr. DEUSTER, from the Committee on Foreign Affairs, reported back with amendment a bill (H. R. 7352) to prevent the prosecution under the protection of the United States of fraudulent claims against foreign governments; which was referred to the Committee on Foreign Affairs, and, with the accompanying report, ordered to be printed.

BRANCH SOLDIERS' HOME, CALIFORNIA.

Mr. ROSECRANS, from the Committee on Military Affairs, reported back favorably the bill (H. R. 7898) to provide for the establishment of a branch soldiers' home in the State of California; which was referred to the Committee on Appropriations, and the accompanying report ordered to be printed.

MILITARY RESERVATION, PLATTSBURG, N. Y.

Mr. CUTCHEON, from the Committee on Military Affairs, reported back adversely the bill (H. R. 2448) dedicating the military reservation at Plattsburg, N. Y., to the village of Plattsburg for a public park; which was laid on the table, and the accompanying report ordered to be printed.

SHORT CREEK LAKE.

Mr. COBB, from the Committee on the Public Lands, reported back favorably the bill (H. R. 5772) to donate Short Creek Lake, in Platte County, to the State of Missouri, and forever preserve the same for public resort and recreation; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

UNDERGROUND WIRES.

Mr. HOPKINS, from the Committee on Public Buildings and Grounds, submitted a report upon the question of underground wires to connect the Capitol, Executive Mansion, and Departments for telegraphic or telephonic communication, recommending an appropriation therefor; which was referred to the Committee on Appropriations, and ordered to be printed.

LABORERS ON RECORD WORK.

Mr. HOPKINS, from the Committee on Labor, reported back the petition of O. S. Montz, R. P. Fithian, and 64 other laborers on the RECORD work of the Government Printing Office for relief; which was referred to the Committee on Appropriations, and ordered to be printed.

LAVISA HETH.

Mr. MATSON, from the Committee on Invalid Pensions, reported back favorably a bill (H. R. 7524) for the relief of Lavisa Heth; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ELIZA M. BYERS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7386) granting a pension to Eliza M. Byers; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

RACHAEL QUEEN.

Mr. MATSON, from the Committee on Pensions, also reported a bill (H. R. 8132) to restore to the pension-roll the name of Rachael Queen, dependent sister of Jonathan Queen, late of Company F, Fifth California Volunteers; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOSEPH R. DODDS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported

back favorably the bill (H. R. 7769) to grant a pension to Joseph R. Dodds; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

THOMAS M'GILL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported a bill (H. R. 8133) granting a pension to Thomas McGill; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CAPT. VINCENT PHELPS.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DANIEL CORNWELL.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 945) granting a pension to Daniel Cornwell; which was laid on the table, and the accompanying report ordered to be printed.

HARRIET A. B. CORTS.

Mr. PATTON, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 8038) granting a pension to Harriet A. B. Corts; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SALLY RODMAN.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1111) granting increased pension to Sally Rodman, widow of General Isaac P. Rodman; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ROSANNA RILEY.

Mr. LOVERING, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7810) granting a pension to Rosanna Riley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. IDA P. BELCHER.

Mr. HOUK, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CATHARINE SCHOOLS.

Mr. HOUK, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 750) granting a pension to Catharine Schools; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MARK SPENCER VAN LOAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with amendment the bill (H. R. 7822) granting a pension to Mark Spencer Van Loan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JACOB WIENER.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendment the bill (H. R. 7292) granting a pension to Jacob Wiener; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SOPHIA A. MORGAN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general, United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7628) granting a pension to Catharine Hammer;
A bill (H. R. 7629) granting an increase of pension to Andrew Mantle;
A bill (H. R. 5094) granting a pension to Theilman Moritz; and
A bill (H. R. 7201) for the relief of William McKean.

LYDIA WEATHERBY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7724) granting a pension to Lydia Weatherby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANUEL TIBBS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 3914) granting a pension to Manuel Tibbs; which bill, with the adverse report, was ordered to be printed, and referred to the Committee of the Whole House on the Private Calendar.

DAVID BRYAN.

Mr. MORRILL (for Mr. LE FEVRE, of Ohio), from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 4216) granting a pension to David Bryan; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

EMILY AGNEL.

Mr. STOCKSLAGER, from the Committee on Pensions, reported back with a favorable recommendation the bill (S. 475) granting arrears of pension to Emily Agnel; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. J. P. WILLIAMS.

Mr. McMILLIN, from the Committee on Claims, reported a bill (H. R. 8134) for the relief of Mrs. J. P. Williams; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

BANK OF HOLT COUNTY, NEBRASKA.

Mr. RAY, of New Hampshire, from the Committee on Claims, reported back with amendments the bill (H. R. 6699) for the relief of the Holt County Bank, Holt County, Nebraska; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompaning report, ordered to be printed.

DAVID HALL, ALEXANDER THOMAS, AND OTHERS.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back the petition of David Hall, Alexander Thomas, Charles Carter, and Buford Lee with favorable recommendation; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

JOHN R. TRENTLEN.

Mr. RAY, of New Hampshire, from the Committee on Claims, also reported back the petition of John R. Trentlen with favorable recommendation; which was referred to the Committee on Appropriations, and, with the accompanying report, ordered to be printed.

PRYOR N. LEA.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with favorable recommendation the bill (H. R. 5701) for the relief of Pryor N. Lea; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

VIDAL HERNANDEZ.

Mr. ROGERS, of New York, from the Committee on War Claims, also reported back with favorable recommendation the bill (H. R. 1725) for the relief of Vidal Hernandez; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. EVERHART, from the Committee on War Claims, reported back with an adverse recommendation the bill (H. R. 1824) for the relief of the legal representatives of Solomon Cohen; which was ordered to be laid on the table, and the accompanying report printed.

Mr. SINGLETON, from the Committee on the Library, reported back with adverse recommendation a bill and joint resolutions of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7084) to authorize the erection of a monument in memory of Maj. Pierre Charles L'Enfant;

A joint resolution (H. Res. 259) to provide for the erection of a monument in memory of Col. Henry Buncombe, a Revolutionary soldier of the State of North Carolina; and

A joint resolution (H. Res. 44) providing for the erection of a monument at the Wyandot Mission, Upper Sandusky, Ohio.

LEAVE OF ABSENCE—EMPLOYÉS GOVERNMENT PRINTING OFFICE.

Mr. ROGERS, of New York, from the Committee on Printing, reported back, as a substitute for H. R. 3028, a bill (H. R. 8135) granting leave of absence to employés of the Government Printing Office; which was read a first and second time, and, with the accompanying report, referred to the Committee on Appropriations, and ordered to be printed.

The bill H. R. 3028 was ordered to be laid on the table.

JOHN ALEXANDER.

Mr. ROGERS, of Arkansas, from the Select Committee on Payment of Pensions, Bounty, and Back Pay, reported back with a favorable recom-

mendation the bill (H. R. 6013) for the relief of John Alexander; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADDISON N. COPEN.

Mr. HEWITT, of Alabama, from the Committee on Pensions, reported, as a substitute for H. R. 4973, a bill (H. R. 8136) for the relief of Addison N. Copen; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill H. R. 4973 was ordered to be laid on the table.

WORK OF THE TENTH CENSUS.

Mr. COX, of New York, from the Select Committee to Ascertain the Results of the Tenth Census, reported, as a substitute for H. Res. 289, a joint resolution (H. Res. 322) authorizing the Superintendent of the Tenth Census to continue the work on the Tenth Census; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ARTICLES FOR COLORED RACES' WORLD'S EXPOSITION.

Mr. KELLEY, from the Committee on Ways and Means, reported back with a favorable recommendation the joint resolution (H. Res. 290) providing for the admission of articles from foreign countries to be placed on exhibition at the world's exposition of the arts, &c., of the colored races to be held in Chicago in September, 1885; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

GEORGE S. HUNT & CO.

Mr. REED, of Maine, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 688) for the relief of George S. Hunt & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CASE OF KILBOURN VS. JOHN G. THOMPSON.

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report; which was read, ordered to be printed, and recommitted to the Committee on the Judiciary:

Resolved, That the Committee on Appropriations be instructed to include in the sundry civil appropriation bill for the ensuing fiscal year the following clauses, to wit:

To Hallet Kilbourn, on account of and in full of judgment recovered by him against John G. Thompson, late Sergeant-at-Arms of the House of Representatives, the sum of $20,000, with interest thereon from the 26th day of March, 1884, until paid, and $143.17, costs in the same.

To John G. Thompson, late Sergeant-at-Arms of the House of Representatives, the sum of $2,650 for expenses of every kind incurred and for labor and attention in the case of Hallet Kilbourn against said Thompson.

To Messrs. Shellabarger & Wilson, attorneys at law, in Washington city, $2,000, fees for services in said case, and to William H. Smith, of Washington city, $1,000, for services rendered in the same case.

SINKING OF THE TALLAPOOSA.

Mr. GEORGE D. WISE. I rise to present a privileged report.

The Clerk read as follows:

The Committee on Naval Affairs make the following report:

"Your committee, having had under consideration resolution of the House introduced January 26, 1885, calling upon the Secretary of the Navy for a list of the officers, crew, and passengers on the United States steamer Tallapoosa at the time she was sunk, and for other information concerning said vessel, respectfully report the same back with the recommendation that it do pass."

The resolution (introduced by Mr. GEORGE D. WISE) is as follows:

Resolved, That the Secretary of the Navy is hereby directed to report to this House, at the earliest possible date, the order or orders under which the United States steamer Tallapoosa was cruising at the time she was sunk by a collision with another vessel, at what date she left the city of Washington and the several ports at which she entered or places visited up to the time of said collision, and what was her destination; also a list of the officers, crew, and passengers on said vessel, and what special duties, if any, were assigned to said officers and crew.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was adopted.

Mr. GEORGE D. WISE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELIZABETH COMSTOCK.

Mr. LACEY. I ask unanimous consent to take from the Speaker's table for present consideration the bill S. 1242.

The SPEAKER. The regular order has been called.

Mr. LACEY. I wish to say in a word that this is a bill which ought to pass. A similar bill has been reported unanimously by the Committee on Ways and Means of the House.

Mr. WELLER. I was unable to hear the statement of the gentleman from Michigan.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Elizabeth Comstock, out of any moneys in the Treasury not otherwise appropriated, such sum, not exceeding $722.78, as she may show by satisfactory proof that she paid as customs dues on articles donated for the relief of colored emigrants.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. LACEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several members called for the regular order.

Mr. SPRINGER. I hope the call for the regular order will not be insisted on until I ask unanimous consent for the passage of a bill.

Mr. HISCOCK. I desire to present a report from the Committee on Ways and Means.

Mr. TOWNSHEND. I desire to call up the Mexican pension bill, and insist on the regular order.

The SPEAKER. This is the regular order. Unanimous consent was given for the presentation of reports by gentlemen who were not in their seats when their committees were called.

CATHOLIC CHURCH AT CARROLLTOWN, PA.

Mr. HISCOCK, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAINT JOHN'S UNIVERSITY, COLLEGEVILLE, MINN.

Mr. HISCOCK, from the Committee on Ways and Means, also reported back with a favorable recommendation the bill (H. R. 3941) authorizing the refunding of duties paid on six statues from Munich, Bavaria, by Saint John's University, of Collegeville, Minn.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MONUMENT TO HOMESTEAD LAW.

Mr. COX, of New York, introduced a bill (H. R. 8137) granting lands in aid of the erection of a monument commemorative of the homestead law; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

WILLIAM W. THOMAS.

On motion of Mr. REED, of Maine, by unanimous consent, it was ordered that the Senate be requested to return, for the correction of certain errors, the bill (H. R. 691) for the relief of William W. Thomas.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLAY, indefinitely; and

To Mr. BREITUNG, indefinitely, on account of sickness.

SCHEDULES OF CLAIMS ALLOWED.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting schedules of claims allowed by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund; which was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I now move that we go to the Speaker's table for the purpose of considering the Mexican pension bill.

The SPEAKER. That motion in that form is not in order. The House can not go to the Speaker's table for the purpose of considering any particular measure.

Mr. TOWNSHEND. Then I move that we go to the Speaker's table for the purpose of considering the bill there.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole on the state of the Union, and I announce that my intention is to call up the river and harbor bill.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] moves to proceed to the consideration of the business on the Speaker's table. Pending that motion, the gentleman from Kentucky [Mr. WILLIS] moves that the House do now resolve itself into the Committee of the Whole on the state of the Union and announces that he proposes to consider the river and harbor bill.

Mr. HENLEY. Mr. Speaker, I desire to ask the gentleman from Kentucky [Mr. WILLIS], for information, how much time the consideration of the river and harbor bill will probably consume?

Mr. WILLIS. That is a question that the gentleman himself can answer as well as I can. It will occupy the time just as long as the House chooses to consider it.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parlimentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND. Has the motion of the gentleman from Kentucky [Mr. WILLIS], to go into Committee of the Whole for the purpose of calling up the river and harbor bill, priority over my motion?

The SPEAKER. The Chair thinks so. It is provided by the rules of the House that the Committee on Rivers and Harbors shall have the same privilege to report as the Committee on Appropriations have to report general appropriation bills; and when the House is in Committee of the Whole on the state of the Union revenue bills, general appropriation bills, and river and harbor bills have preference.

The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into the Committee of the Whole on the state of the Union.

Mr. WILLIS. Pending that motion, I ask unanimous consent that general debate on the bill which I propose to call up, the river and harbor bill, be limited to two hours.

Mr. ANDERSON. Make it one hour.

The SPEAKER. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that general debate on the river and harbor bill be limited to two hours.

Mr. REED, of Maine, and Mr. WASHBURN. I object.

The SPEAKER. Objection is made, and the question is upon the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole on the state of the Union.

The question being taken, there were—ayes 112, noes 136.

Mr. TOWNSHEND. I ask for the yeas and nays.

Mr. MILLER, of Pennsylvania. That is right.

Mr. TOWNSHEND. I have already stated that my purpose is to call up the Mexican pension bill.

The question being taken on ordering the yeas and nays, there were—ayes 39, noes 138.

So (more than one-fifth of the last vote voting in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 150, nays 102, not voting 71; as follows:

YEAS—150.

Aiken,	Davidson,	Lewis,	Singleton,
Alexander,	Davis, R. T.	Libbey,	Skinner, T. G.
Bagley,	Dibble,	Long,	Slocum,
Ballentine,	Dibrell,	Lyman,	Smalls,
Barksdale,	Dingley,	McCoid,	Snyder,
Bayne,	Dockery,	McMillin,	Stephenson,
Belmont,	Dorsheimer,	Maybury,	Stewart, J. W.
Bennett,	Dowd,	Miller, J. F.	Stone,
Bisbee,	Dunham,	Mills,	Storm,
Blackburn,	Eldredge,	Mitchell,	Sumner, C. A.
Blanchard,	Ellis,	Morgan,	Sumner, D. H.
Bland,	Ellwood,	Moulton,	Talbott,
Blount,	Findlay,	Muldrow,	Taylor, J. M.
Brainerd,	Follett,	Muller,	Thomas,
Bratton,	Forney,	Murphy,	Thompson,
Breckinridge,	Geddes,	Mutchler,	Throckmorton,
Broadhead,	Gibson,	Neece,	Tillman,
Buchanan,	Glascock,	Nicholls,	Tucker,
Buckner,	Green,	Oates,	Turner, H. G.
Burleigh,	Halsell,	O'Ferrall,	Turner, Oscar
Cabell,	Hammond,	O'Neill, J. J.	Van Alstyne,
Caldwell,	Hancock,	Patton,	Vance,
Campbell, Felix	Hardeman,	Peel,	Van Eaton,
Candler,	Hatch, W. H.	Pierce,	Wallace,
Cannon,	Hemphill,	Potter,	Warner, Richard
Cassidy,	Henderson, T. J.	Price,	Wellborn,
Clardy,	Herbert,	Pryor,	Weller,
Clay,	Hewitt, A. S.	Pusey,	Whiting,
Clements,	Hewitt, G. W.	Reagan,	Williams,
Connolly,	Hill,	Reese,	Willis,
Converse,	Houseman,	Reid, J. W.	Wilson, W. L.
Cosgrove,	Hunt,	Rice,	Winans, E. B.
Covington,	James,	Robertson,	Wise, G. D.
Cox, S. S.	Jeffords,	Rogers, J. H.	Wood,
Craig,	Jones, J. H.	Rogers, W. F.	Worthington,
Crisp,	Jones, J. T.	Rosecrans,	Yaple.
Culberson, D. B.	King,	Russell,	
Culbertson, W. W.	Lanham,	Seymour,	

NAYS—102.

Adams, G. E.	Greenleaf,	Lowry,	Springer,
Anderson,	Guenther,	McComas,	Steele,
Atkinson,	Hanback,	McCormick,	Stevens,
Beach,	Hardy,	Matson,	Stockslager,
Boutelle,	Harmer,	Millard,	Strait,
Boyle,	Hatch, H. H.	Miller, S. H.	Struble,
Brewer, F. B.	Haynes,	Morrill,	Swope,
Brewer, J. H.	Henderson, D. B.	Morse,	Taylor, E. B.
Brown, W. W.	Hepburn,	Murray,	Taylor, J. D.
Browne, T. M.	Hiscock,	Nutting,	Townshend,
Brumm,	Holman,	O'Hara,	Tully,
Burnes,	Holmes,	Payne,	Valentine,
Campbell, J. M.	Hopkins,	Perkins,	Wait,
Cobb,	Houk,	Peters,	Wakefield,
Cox, W. R.	Howey,	Pettibone,	Ward,
Cutcheon,	Hutchins,	Phelps,	Warner, A. J.
Davis, G. R.	Jones, B. W.	Poland,	Washburn,
Deuster,	Kean,	Post,	Weaver,
English,	Keifer,	Ranney,	Wemple,
Ermentrout,	Kelley,	Ray, Ossian	Wilkins,
Evans,	Ketcham,	Reed, T. B.	Winans, John
Everhart,	Kilener,	Riggs,	Wolford,
Ferrell,	Lacey,	Robinson, W. E.	Woodward,
Fiedler,	Lamb,	Ryan,	York.
Finerty,	Lawrence,	Shively,	
Funston,	Le Fevre,	Spooner,	

NOT VOTING—71.

Adams, J. J.	Belford,	Budd,	Collins,
Arnot,	Bingham,	Campbell, J. E.	Cook,
Barbour,	Bowen,	Carleton,	Cullen,
Barr,	Breitung,	Chalmers,	Curtin,
Dargan,	Hoblitzell,	Money,	Seney,
Davis, L. H.	Holton,	Morrison,	Shaw,
Dunn,	Hooper,	Nelson,	Skinner, C. R.
Eaton,	Horr,	Ochiltree,	Smith, A. Herr
Elliott,	Hurd,	O'Neill, Charles	Smith, H. Y.
Foran,	Johnson,	Paige,	Spriggs,
Fyan,	Jones, J. K.	Parker,	Stewart, Charles
Garrison,	Jordan,	Payson,	Wadsworth,
George,	Kellogg,	Randall,	White, J. D.
Goff,	Laird,	Rankin,	White, Milo
Graves,	Lore,	Ray, G. W.	Wilson, James
Hart,	Lovering,	Robinson, J. S.	Wise, J. S.
Henley,	McAdoo,	Rockwell,	Young.
Hitt,	Milliken,	Rowell,	

[Before the result of the vote was announced the following proceedings occurred:

Mr. HURD. Mr. Speaker, I ask unanimous consent that the reading of the names be dispensed with.

Mr. FIEDLER. I object.

The Clerk read the names of members voting.

The following additional pairs were announced on all political questions and until further notice:

Mr. MORRISON with Mr. JOHNSON.

Mr. SHAW with Mr. LADD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.

Mr. ELLIOTT, with Mr. SMITH, of Pennsylvania.

Mr. COOK with Mr. GOFF.

Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.

Mr. GARRISON with Mr. BARR.

The following pairs for this day were announced:

Mr. CARLETON with Mr. OCHILTREE.

Mr. RANKIN with Mr. WILSON, of Iowa.

Mr. BUDD with Mr. HITT.

Mr. PAIGE with Mr. ROCKWELL.

Mr. JORDAN with Mr. JOHN S. WISE.

Mr. CAMPBELL, of Iowa, with Mr. GEORGE.

Mr. HOBLITZELL with Mr. BREITUNG.

Mr. RANDALL with Mr. HORR.

Mr. HURD was announced as paired with Mr. HART, on this vote.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed without amendment the bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan.

Mr. BLACKBURN. Mr. Speaker, before the result of this vote is announced, for the information and convenience of the House I again ask unanimous consent that the report which I made from the Committee on Rules this morning lie over until to-morrow, and be printed in the RECORD without being read.

The SPEAKER. It will be so ordered.

The report of Mr. BLACKBURN is as follows:

The Committee on Rules, having had under consideration various propositions referred to it by the House, beg leave to report back the accompanying resolution in lieu of all others referred, and recommend its passage:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart thirty minutes for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate; and the bills or resolutions so designated shall be immediately considered, unless objected to by at least five members; but no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said thirty minutes, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Mr. VALENTINE. I desire to give notice that when this matter comes up for consideration I shall offer amendments to strike out "thirty minutes" and insert "one hour;" and to strike out "five" as the number of members required to object and insert "ten."

A MEMBER. That does not require any notice.

ORDER OF BUSINESS.

Mr. WILLIS. Before the vote is announced, I believe it to be in the interest of public business to try to secure some arrangement as to the time to be occupied in general debate. If gentlemen will suggest some time I think we can now agree. We all recognize the necessity of getting through this business as rapidly as possible. I would suggest that three or four hours be allowed for debate; or if any gentleman wishes to suggest any other time——

Mr. REED, of Maine. I think it might do to conclude the debate at 4 o'clock to-morrow afternoon.

Mr. VALENTINE. This is very important legislation.

Mr. REED, of Maine. I suggest to the gentleman from Kentucky [Mr. WILLIS] that this river and harbor bill has been but recently presented to the House, and that an opportunity should be afforded for members to understand its meaning as a whole. It is a long and somewhat complicated bill. It embraces entirely new matters, which have been but recently presented here; and there has been no opportunity to consider the measure. But I presume an understanding might be reached that general debate should close at 4 o'clock to-morrow.

Mr. WILLIS. I will not press the question at this time.

CONTESTED-ELECTION CASE.

Mr. TURNER, of Georgia. I desire to give notice that when the pending appropriation bill has been concluded I shall endeavor to call up the contested-election case of Pool *vs.* Skinner.

ORDER OF BUSINESS.

Mr. HEWITT, of New York. Before the result of the vote is announced, I would like to submit to the Chair a parliamentary inquiry. I wish to ask whether, when the House resolves itself into Committee of the Whole, bills raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors should not be called up in their turn as they stand upon the Calendar?

The SPEAKER. That is not a question for the present occupant of the chair to decide. It is a question to be presented to the chairman of the Committee of the Whole House on the state of the Union. The Speaker of the House does not decide such questions.

Mr. HEWITT, of New York. If the House will indulge me a moment, perhaps I can obviate the necessity of making that point. I believe under the rules it would be competent to call up in Committee of the Whole the bill giving effect to the Mexican treaty; but I have no wish to antagonize in any way the spirit of the House or to interfere with the business which the gentleman from Kentucky proposes to bring before it. I do wish to say, however, that it concerns the national honor that this bill in reference to the Mexican treaty shall at some time or other receive consideration. I do not say that it ought to be passed. I hope it will not be rejected. But it ought to be considered, because——

Mr. ELLIS. Is this proceeding by unanimous consent? If so, I object.

Mr. HEWITT, of New York. Because a special provision is inserted in the treaty——

Mr. ELLIS. I object, and demand the regular order.

Mr. HEWITT, of New York. Then the gentleman will have to take the consequences.]

The result of the vote on the motion of Mr. WILLIS was announced as above stated.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for the purpose of considering appropriation bills.

Mr. HEWITT, of New York. Mr. Chairman, I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HEWITT, of New York. The chairman has just stated that the House is in Committee of the Whole on appropriation bills. I respectfully submit that the House is in Committee of the Whole and not upon appropriation bills. I make the point that the order in which bills must be considered is stated in the fourth paragraph of Rule XXIII of the Digest:

> In committees of the Whole House business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors.

I respectfully submit that bills of these three classes—that is to say, bills raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors—must be taken up in their order on the Calendar.

Mr. KEIFER. Mr. Chairman, I think the gentleman from New York misapprehends the rule under which the motion of the gentleman from Kentucky [Mr. WILLIS] was made. The motion to be in order must have been made, as I understand, under paragraph 9 of Rule XVI; and this rule gives to the member making the motion the right to designate one of two classes of bills—first bills raising revenue, and second appropriation bills. If, as I understand, this was a motion to go into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, revenue bills can not be called up at all during this session of the Committee of the Whole.

Mr. HEWITT, of New York. I respectfully remind the gentleman from Ohio that the Speaker, in submitting the question, stated the motion to be that the House resolve itself into Committee of the Whole House without any qualification, and the notes will show it.

Mr. KEIFER. I think that would raise a question of fact, because my recollection is the gentleman from Kentucky [Mr. WILLIS] made the motion to go into the Committee of the Whole House on the state of the Union for the purpose of considering appropriation bills.

Mr. FORNEY. General appropriation bills.

Mr. KEIFER. And I think the answer of the Speaker was to that question as the notes will show.

Mr. WILLIS. It is proper to state, Mr. Chairman, that I did not make that motion. I made the motion to go into the Committee of the Whole House on the state of the Union and stated that my purpose was when we got into committee to call up the river and harbor appropriation bill. Now, if the gentleman from New York [Mr. HEWITT] calls up a revenue bill and the chairman decides he is in order I shall object, in order to test the sense of the House as to whether it will go on with the consideration of that bill.

Mr. HEWITT, of New York. I wish to say to the gentleman from Kentucky and to the House that I did not propose to be in his way, but when my request to be permitted to make a reasonable statement by unanimous consent is objected to on this floor I am compelled to take to my rights under the rules.

Mr. WILLIS. I only hope the gentleman will not punish those of us who are with him because of that objection.

Mr. GIBSON. Under the circumstances, because others have been unreasonable I hope the gentleman from New York will not be unreasonable himself, and punish us for what was done by somebody else and over whom we have no control whatever.

Mr. KEIFER. It is easy to determine the fact by referring to the reporter's notes.

The CHAIRMAN. The motion was not made under that rule. This is not a general appropriation bill; it is simply a bill appropriating money.

Mr. KEIFER. I agree this is not a general appropriation bill in the sense of the rule, but it has been given rights by the rule.

The CHAIRMAN. The rights given by the rule are merely to report but not for consideration.

Mr. KEIFER. That is true under Rule XI.

The CHAIRMAN. Hence the Chair is of the opinion that the gentleman from New York [Mr. HEWITT] is correct and that he is entitled to have the bill he designates, provided it is first on the Calendar, first called. The rule refers to three classes of bills, which are named in the rule itself. Each shall be called in its order on the Calendar.

Mr. HEWITT, of New York. This matter can quickly be disposed of if the committee will only indulge me for one minute, after which I will waive the consideration of this matter.

The CHAIRMAN. Is there unanimous consent that the gentleman from New York shall be heard for one minute, after which he states he will waive the further consideration of this matter?

Mr. REED. Let the matter take its regular course.

The CHAIRMAN. The gentleman from Maine objects, and the Clerk will call the first bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 5678) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883.

Mr. HEWITT, of New York. I move that be passed over informally. I have charge of that bill from the Committee on Ways and Means.

The CHAIRMAN. Is there objection?

Mr. REED, of Maine. This must be done by the House.

The CHAIRMAN. That can be waived if the gentleman objects.

Mr. REED, of Maine. I do object.

Mr. WILLIS. I move that it be laid aside.

The committee rose informally; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having reached on the Calendar the bill (H. R. 5678) to amend the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March 2, 1883, objection was made, and under the rule the committee had directed him to report the fact to the House for instruction.

The SPEAKER. The question is, Shall the committee proceed to consider the bill?

The House voted in the negative; and thereupon the committee resumed its session, Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will call the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 6751) to abolish the discriminating duty on works of art the production of foreign and of American artists.

Mr. WILLIS. I object to the consideration of that bill.

The committee rose informally; and the Speaker resumed the chair.

Mr. BAYNE rose.

The SPEAKER. The gentleman has the right to have the bill read in committee if he wishes.

Mr. BAYNE. I do not wish it read, but I wish to raise the point against this motion.

The committee resumed its session.

Mr. KELLEY. I should like to have that bill read. It came from the Committee on Ways and Means, and I think is a very meritorious measure.

Mr. BAYNE. I desire to raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. I desire to raise the question of consideration. I claim that under clause 4 of Rule XXIII, the House having gone into the Committee of the Whole House on the state of the Union for the consideration of bills on the Calendar, the river and harbor bill takes prec-

edence of any other bill, and that it is now in order for the chairman of the Committee on Rivers and Harbors to call it up, and that to proceed to do away with each succeeding bill as it appears upon the Calendar is wholly unnecessary and a mere waste of time. I make the point that whole proceeding is obviated by clause 4 of Rule XXIII.

Mr. KELLEY. I call for the reading of the bill to abolish discriminating duties on works of art.

The CHAIRMAN. The Clerk will read the bill.

Mr. BAYNE. That is not a bill raising revenue; that is a bill defeating revenue. [Laughter.]

Mr. KELLEY. It relates to revenue.

The CHAIRMAN. The rule the gentleman from Pennsylvania recites speaks of three classes of bills—bills raising revenue, general appropriation bills, and bills for improving rivers and harbors; and under the general designation of bills raising revenue have been considered all bills affecting the revenue. The Clerk will proceed with the reading of the bill.

Mr. ANDERSON. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. It is whether, when the question of consideration is raised, the reading of the title of a bill is not all that is necessary—whether it is required to read the whole bill?

The CHAIRMAN. The Chair thinks not. Any member demanding the reading of a bill on which he is called to vote has the right to have it read.

The bill was read at length.

Mr. KELLEY. I ask the consideration of that bill. This is a measure involving our own diplomatic relations as well as the question relating to art.

The CHAIRMAN. Debate is not in order. Objection has been made to the consideration of the bill, and all the committee can do under the rule is to rise and report that fact to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached the bill (H. R. 6751) to abolish the discriminating duty on works of art the production of foreign and of American artists, and objection having been made to its consideration, the committee had risen and directed him to report the objection to the House.

The SPEAKER. The question is, Shall the committee proceed to consider that bill?

Mr. KELLEY. I think, Mr. Speaker——

The SPEAKER. The motion is not debatable.

Mr. KELLEY. I was going to ask for the reading of the bill in the House.

Mr. REAGAN. I object to its being read again.

The SPEAKER. The Chair thinks the gentleman has a right to have it read.

Mr. REAGAN. It has been already reported.

The SPEAKER. But not in the House.

Mr. KELLEY. I ask now that it be not only read but heard.

The bill was read at length.

The SPEAKER. The question is, Will the House direct the committee to proceed to the consideration of this bill?

The question was taken; and on a division there were—ayes 48, noes 87.

Mr. HISCOCK. Let us have the yeas and nays.

The yeas and nays were not ordered.

So the House refused to direct the committee to proceed to the consideration of the bill.

The Committee of the Whole House on the state of the Union resumed its session.

The next revenue bill on the Calendar was the bill (H. R. 4186) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect.

Mr. WILLIS. I object to the consideration of that bill.

The CHAIRMAN. Objection being made, the committee will rise and report that fact to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached the bill (H. R. 4186) to refund duties upon goods on shipboard when the tariff act of March 3, 1883, went into effect, when objection was made to its consideration, whereupon the committee had risen and directed him to report that fact to the House.

Mr. GUENTHER. I ask for the reading of the bill.

The bill was read at length.

The SPEAKER. The question is, Will the House direct the committee to proceed with the consideration of this bill?

The question was taken; and it was decided in the negative.

So the House refused to direct the committee to proceed with the consideration of the bill.

The Committee of the Whole resumed its session.

Mr. WILLIS. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. Will it be in order to ask unanimous consent that all these revenue bills, except the one the gentleman from New York desires to have a vote upon, be passed over by consent?

The CHAIRMAN. The Chair will state that that bill to which the gentleman refers is next in order on the Calendar.

The next revenue bill on the Calendar was the bill (H. R. 7366) to carry into effect a convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883.

Mr. WILLIS. I object to the consideration of that bill.

The CHAIRMAN. Objection being made, the committee will rise and report that fact to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached the bill (H. R. 7366) to carry into effect the convention between the United States of America and the United States of Mexico, signed on the 20th day of January, 1883, when objection was made to its consideration, whereupon the committee had risen and directed him to report that fact to the House.

Mr. HEWITT, of New York. I ask for the reading of the bill.

The bill was read at length.

The SPEAKER. The question is, Shall the Committee of the Whole House on the state of the Union be directed to proceed with the consideration of this bill?

The question was taken; and on a division there were—ayes 84, noes 91.

Mr. HEWITT, of New York. I ask the yeas and nays.

The yeas and nays were ordered, 57 members voting therefor.

The question was taken; and there were—yeas 105, nays 144, not voting 74; as follows:

YEAS—105.

Adams, G. E.	Greenleaf,	Miller, S. H.	Stockslager,
Alexander,	Guethner,	Milliken,	Storm,
Bagley,	Hardy,	Mitchell,	Strait,
Beach,	Hart,	Morgan,	Swope,
Bland,	Haynes,	Moulton,	Taylor, J. D.
Boyle,	Hemphill,	Muldrow,	Thomas,
Brewer, F. B.	Herbert,	Muller,	Throckmorton,
Broadhead,	Hewitt, A. S.	Neece,	Townshend,
Buckner,	Hiscock,	Nelson,	Valentine,
Burnes,	Holman,	O'Hara,	Van Alstyne,
Cannon,	Howey,	O'Neill, J. J.	Van Eaton,
Clardy,	Hutchins,	Parker,	Wait,
Collins,	James,	Post,	Wakefield,
Cosgrove,	Jeffords,	Ranney,	Washburn,
Craig,	Jones, B. W.	Reed, T. B.	Weaver,
Davis, G. R.	Kean,	Rice,	Whiting,
Davis, R. T.	Ketcham,	Riggs,	Wilkins,
Dingley,	Lamb,	Robinson, W. E.	Winans, E. B.
Dockery,	Lanham,	Rogers, W. F.	Winans, John
Eaton,	Long,	Russell,	Wood,
Eldredge,	Lore,	Shively,	Woodward,
Ellwood,	Lovering,	Singleton,	Worthington,
English,	Lowry,	Slocum,	Yaple,
Ferrell,	McComas,	Spooner,	York.
Follett,	McCormick,	Springer,	
Graves,	Maybury,	Steele,	
Green,	Miller, J. F.	Stewart, Charles	

NAYS—144.

Aiken,	Davidson,	Jones, J. T.	Rogers, J. H.
Anderson,	Dibble,	Keifer,	Ryan,
Atkinson,	Dibrell,	Kelley,	Skinner, T. G.
Balentine,	Dowd,	King,	Smalls,
Barbour,	Dunham,	Kleiner,	Smith, H. Y.
Barksdale,	Ellis,	Lacey,	Snyder,
Bayne,	Ermentrout,	Lawrence,	Stephenson,
Belmont,	Evans,	Le Fevre,	Stewart, J. W.
Bennett,	Everhart,	Lewis,	Stone,
Bingham,	Fiedler,	Libbey,	Struble,
Bisbee,	Findlay,	McAdoo,	Sumner, C. A.
Blackburn,	Finerty,	McCoid,	Sumner, D. H.
Blanchard,	Foran,	McMillin,	Talbott,
Blount,	Forney,	Millard,	Taylor, E. B.
Boutelle,	Funston,	Mills,	Taylor, J. M.
Bratton,	Geddes,	Morrill,	Thompson,
Breckinridge,	Gibson,	Murray,	Tillman,
Brewer, J. H.	Glascock,	Muehler,	Tucker,
Brown, W. W.	Halsell,	Nicholls,	Tulley,
Brumm,	Hammond,	Nutting,	Turner, H. G.
Buchanan,	Hanback,	Oates,	Turner, Oscar
Burleigh,	Hardeman,	O'Ferrall,	Vance,
Cabell,	Harmer,	Patton,	Wallace,
Caldwell,	Hatch, W. H.	Payne,	Ward,
Campbell, J. M.	Henderson, D. B.	Peele,	Warner, A. J.
Cassidy,	Henderson, T. S.	Perkins,	Warner, Richard
Clements,	Henley,	Peters,	Wellborn,
Cobb,	Hepburn,	Pettibone,	Weller,
Covington,	Hewitt, G. W.	Phelps,	White, J. D.
Cox, W. R.	Hitt,	Pierce,	Williams,
Crisp,	Holmes,	Price,	Willis,
Culbertson, D. B.	Houk,	Pryor,	Wilson, James
Culbertson, W. W.	Houseman,	Reagan,	Wilson, W. L.
Cullen,	Hunt,	Reid, J. W.	Wise, G. D.
Cutcheon,	Hurd,	Reese,	Wolford,
Dargan,	Jones, J. H.	Robertson,	Young.

NOT VOTING—74.

Adams, J. J.	Browne, T. M.	Clay,	Deuster,
Arnot,	Budd,	Connolly,	Dorsheimer,
Barr,	Campbell, Felix	Converse,	Dunn,
Belford,	Campbell, J. E.	Cook,	Elliott,
Bowen,	Candler,	Cox, S. S.	Fyan,
Brainerd,	Carleton,	Curtin,	Garrison,
Breitung,	Chalmers,	Davis, L. H.	George,

Goff,	Kellogg,	Poland,	Seymour,
Hancock,	Laird,	Potter,	Shaw,
Hatch, H. H.	Lyman,	Pusey,	Skinner, C. R.
Hill,	Matson,	Randall,	Smith, A. Herr
Hoblitzell,	Money,	Rankin,	Spriggs,
Holton,	Morrison,	Ray, G. W.	Stevens,
Hooper,	Morse,	Ray, Ossian	Wadsworth,
Hopkins,	Murphy,	Robinson, J. S.	Wemple,
Horr,	Ochiltree,	Rockwell,	White, Milo
Johnson,	O'Neill, Charles	Rosecrans,	Wise, J. S.
Jones, J. K.	Paige,	Rowell,	
Jordan,	Payson,	Seney,	

So the House refused to direct the Committee of the Whole on the state of the Union to consider the bill.

Mr. HEWITT, of New York. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. CLAY with Mr. O'NEILL, of Pennsylvania, on all political questions, for this day.

Mr. CAMPBELL, of New York, with Mr. RAY, of New Hampshire, for this day.

The result of the vote was then announced as above stated.

The Committee of the Whole House on the state of the Union resumed its sitting, Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will report the bill next in order for consideration.

Mr. WILLIS. There are only three other revenue matters, and I hope unanimous consent will be given to me now to call up the river and harbor appropriation bill.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to pass over all other bills in order on the Calendar for the purpose of calling up the river and harbor bill.

Mr. WHITE, of Kentucky. I hope that unanimous consent will be given.

Mr. HISCOCK. I object.

The CHAIRMAN. The Clerk will report the next bill.

The Clerk read as follows:

A bill (H. R. 7429) to modify existing laws relating to duties on imports and the collection of the revenue.

Mr. WILLIS. I object to the consideration of that bill.

The committee rose; and Mr. MILLS having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the Calendar, had reached bill H. R. 7429, when objection was made to the consideration thereof, and the committee thereupon rose, and he reported such objection to the House.

The SPEAKER *pro tempore*. The question is, Will the House instruct the Committee of the Whole House on the state of the Union to proceed to consider the bill H. R. 7429?

The question being taken, it was decided in the negative.

The Committee of the Whole House on the state of the Union resumed its sitting.

The CHAIRMAN. The Clerk will report the next business on the Calendar in order.

The Clerk read as follows:

Report 2027. Report and resolution relative to affairs of the Alaska Commercial Company.

Mr. WILLIS. I object to the consideration of that report.

The CHAIRMAN. The Chair can not say from what has been read that this is a bill in order. The fact is not disclosed that this is either a revenue bill or an appropriation bill. The Clerk will report the next bill in order.

The Clerk read as follows:

A bill (H. R. 8029) to authorize the establishment of export-tobacco manufactories, and for drawback upon imported articles used in manufacturing exported tobacco.

Mr. WILLIS. I object to the consideration of that bill.

The committee rose; and Mr. MILLS having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had the Calendar under consideration, had reached the bill H. R. 8029, when objection was made to the consideration thereof, whereupon the committee rose, and he reported such objection to the House.

The SPEAKER *pro tempore*. The question is, Will the House instruct the committee to proceed to consider the bill H. R. 8029?

Mr. REED, of Maine. I ask for the reading of that bill.

The bill was read.

MESSAGE FROM THE PRESIDENT.

Several messages, in writing, from the President of the United States were communicated to the House by Mr. PRUDEN, one of his secretaries, who also informed the House that the President had approved and signed bills of the following titles:

An act (H. R. 7768) to authorize the National Bank of Bloomington, Ill., to change its name to the First National Bank of Bloomington;

An act (H. R. 7963) to remove the political disabilities of J. Pembroke Jones, of Virginia;

An act (H. R. 7872) to remove the political disabilities of Gabriel H. Hill, of Virginia;

An act (H. R. 5639) extending the jurisdiction of the justices of the peace in Wyoming Territory; and

An act (H. R. 4681) for the relief of Yost Harbaugh.

ENROLLED BILLS SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan; and

A bill (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is, Will the House instruct the committee to consider the bill H. R. 8029?

The question being taken, there were—ayes 10, noes 77.

Mr. GEORGE D. WISE. No quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Virginia, Mr. GEORGE D. WISE.

The House again divided; and the tellers reported—ayes 5, noes 75.

Mr. GEORGE D. WISE (one of the tellers). I do not call for further count.

So (further count not being called for) the House refused to instruct the Committee of the Whole on the state of the Union to consider the bill H. R. 8029.

The Committee of the Whole House on the state of the Union resumed its sitting.

The CHAIRMAN. The Clerk will report the next bill on the Calendar in order.

The Clerk read as follows:

A bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors and for other purposes.

Mr. HISCOCK. I object to the consideration of that bill.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had the Calendar under consideration, the bill H. R. 8130 was reached, and when objection was made to the consideration thereof the committee rose, and he reported such objection to the House.

The SPEAKER. The question is, Shall the Committee of the Whole House on the state of the Union be directed to proceed to the consideration of the bill H. R. 8130?

Mr. WILLIS. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIS. Do I understand that an affirmative vote will take up the consideration of the river and harbor bill?

The SPEAKER. The question is, Shall the committee be directed to proceed to the consideration of the bill?

The question being taken, the Speaker stated that in the judgment of the Chair the "ayes" had it.

Mr. HISCOCK. I call for a division.

The House divided; and there were—ayes 113, noes 21.

So (further count not being called for) the House directed the committee to consider the bill H. R. 8130.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its sitting.

The CHAIRMAN. The committee, in pursuance of the order of the House, will proceed with the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. WILLIS. Mr. Chairman, I ask that the formal reading of the bill be dispensed with.

Mr. HOLMAN. Before that request is acted upon I wish to ask the Chair whether or no, if the reading of the bill be dispensed with, the point of order upon any particular paragraph of the bill will be in order when it is first read?

The CHAIRMAN. In the opinion of the Chair it will be in order when the bill is first read. There being no objection, the formal reading of the bill is dispensed with.

Mr. WILLIS. Mr. Chairman, our committee——

Mr. WHITE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] has been recognized.

Mr. WHITE, of Kentucky. Before the reading of this bill is dispensed with, I desire to inquire whether the bill as it lies on our desks is in perfect accordance with the views of the committee or whether there are amendments reserved by the committee?

The CHAIRMAN. That is a question about which the Chair has no information.

Mr. WHITE, of Kentucky. Then I call for the reading of the bill.

Mr. WILLIS. I will say to the gentleman that I know of no amendments in the hands of the committee.

The CHAIRMAN. The formal reading of the bill has been dispensed with by unanimous consent.

Mr. WHITE, of Kentucky. Mr. Chairman, I insist that I have risen in time to ask for the reading of the bill. I have no objection to dispense with the first reading of the bill if the committee will assure us that we have the real bill in our hands; but if this is not the committee's bill, then I call for the reading.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] can probably ascertain what he desires to know if he will ask some one who does know. For instance, the gentleman from Kentucky [Mr. WILLIS] can probably give him the information.

Mr. WILLIS. Mr. Chairman, I do not know what the gentleman [Mr. WHITE] has in his hands, but if he has House bill 8130 he has the river and harbor bill, and there are no amendments of the committee that I know of.

The CHAIRMAN. Is the answer of his colleague satisfactory to the gentleman from Kentucky [Mr. WHITE]?

Mr. WHITE. If I understand my colleague, he says that the bill of the House No. 8130 is the report of the committee. What I ask is: Is this a perfect bill, entirely satisfactory to the committee, or do they hold in reserve certain amendments? If they do, I shall ask for the reading of the bill.

Mr. WILLIS. I state, Mr. Chairman, that this is the bill which the committee propose to press for consideration and adoption, and there are no amendments that I recall which the committee have or propose to offer to the House; there is nothing behind.

Mr. WHITE, of Kentucky. Then I do not insist upon the readings, but I was told that this was not the bill.

Mr. WILLIS. Mr. Chairman, with the permission now of the House, and of each and every member of it, I will make a few suggestions in regard to the bill which the Committee on Rivers and Harbors have instructed me to report. Our committee fully realize the fact that we are in the closing hours of this Congress, and it is not the desire of the committee—certainly it is not the desire of myself—to do more at present than to call attention to the leading features and recommendations of this bill.

As the Committee of the Whole are aware, it is made the duty of the Secretary of War to submit every year estimates as to river and harbor improvements, and, among other things, he is required to state what amount can be "profitably expended" during the fiscal year. In pursuance of the law he has reported to the House and to the Committee on Rivers and Harbors (representing the House in these matters) that his estimates for the fiscal year ending June 30, 1886, are $34,507,630. Of this amount our committee has allowed the sum of $12,323,700; which, after deducting certain matters that were not estimated for, is about one-third of the official estimates. This amount, $12,323,700, it is hoped will not be deemed excessive as compared with $12,069,000, the amount of the bill as it passed the House last session, and $18,743,875, the amount of the last bill prior to that.

The principal items of the present bill are as follows:

One hundred and forty-two rivers, aggregating the sum of $7,600,600; one hundred and two harbors, $3,368,600; four breakwaters, $160,000; seven channels and inlets, $821,500; four harbors of refuge, $152,000; three ice-harbors, $23,000; for snagging and wrecking purposes, $177,000; one dry-dock, $65,000; one canal, $300,000; gauging waters, $6,000; examination surveys and contingencies, $100,000; expenses of the board to be known as the United States harbor board, $50,000; making, as I have said, an aggregate sum of $12,323,700 as the total amount recommended in the bill.

Of the items contained in the Book of Estimates one hundred and forty have been rejected by the committee. Two or three new works have been recommended. One of these is the "construction of the canal from the Illinois River, near the town of Hennepin, to the Mississippi River, at or below Rock Island." For the beginning of the work the sum of $300,000 is recommended.

Another new work inaugurated by this bill is the improvement of the harbor of Galveston upon plans, specifications, and estimates to be submitted by Capt. James B. Eads, and for which an initial appropriation of $750,000 is recommended by a majority of the committee.

In the last bill an appropriation of $100,000 was made for a national harbor of refuge at Sandy Bay, Cape Ann, Massachusetts, but before any money could be expended, it was provided in the bill that a board of three engineers should be appointed by the Secretary of War, who should decide that this point was the best location on the coast between Boston and Portland for such a harbor. That commission has made a report to the present Congress; and upon it an additional appropriation of $100,000 has been asked and allowed by the committee.

The commission in their report estimate that this work, if carried out, will cost in the neighborhood of $8,000,000 for its construction; $2,000,000 for its defense, if it be made a harbor of defense; and half a million dollars for lighting—making a total for all these purposes of $10,500,000. It is proper to state that the local engineer immediately in charge makes a much smaller estimate, ranging from five to six million dollars.

MISSISSIPPI RIVER AND ESTIMATES.

The largest appropriation in the bill is for the Mississippi River; the committee have appropriated from its mouth to its source $3,855,000. An itemization of this aggregate sum is as follows:

Reservoirs at headwaters, $35,000.

Saint Paul to Des Moines Rapids, $200,000; Des Moines Rapids (dry-dock) $65,000; Des Moines Rapids to mouth of Illinois River, $200,000.

From mouth of Illinois River to mouth of Ohio River, $400,000; from mouth of Ohio River to mouth of the passes, $2,800,000; removal of snags, wrecks, and other obstructions, $55,000.

Survey of Mississippi, $75,000; operating snagboats on the Upper Mississippi, $5,000.

Examinations and surveys at South Pass, $10,000.

Gauging of the Lower Mississippi, $5,000.

Making, as before stated, a total of $3,855,000. The estimates submitted for the above items were as follows:

Reservoir at headwaters of Mississippi River: Continuing operations	$140,000
Surveys for reservoirs at sources of Mississippi River, and Saint Croix, Chippewa, and Wisconsin Rivers	50,000
Improving Upper Mississippi River: Operating snagboats	60,000
Improving Mississippi River from Saint Paul to Des Moines Rapids, Minnesota; Iowa, Missouri, Illinois, and Wisconsin: Continuing improvement	500,000
Improving Rock Island Rapids, Mississippi River: Continuing improvement	13,000
Improving Des Moines Rapids, Mississippi River, Iowa and Illinois: Completing operations under modified project	91,700
Constructing dry-dock at Des Moines Rapids Canal: completing construction	65,000
Improving Mississippi River from Des Moines Rapids to mouth of Illinois River: Continuing improvement	500,000
Improving Mississippi River between mouths of the Ohio and Illinois Rivers: Continuing improvement	$1,000,000
Improving Mississippi River: Continuing the improvement from Cairo, Ill., to the head of the passes, including the improvement of the Red River at and below the head of the Atchafalaya	7,000,000
Improving Mississippi River above Falls of Saint Anthony: Continuing improvement	10,000
Improving Saint Anthony Falls, Minnesota: Continuing improvement	50,000
Survey of the Mississippi River between the head of the passes and its headwaters: Continuing surveys now in progress, and to make additional surveys and examinations of the river and its tributaries; to make such additional examinations and investigations, topographical, hydrographical, hydrometrical, as are necessary for maturing a plan for permanent improvement of the entire river	100,000
Continuing removal of snags, wrecks, and other obstructions from Mississippi River	170,000

Making a grand total, according to the estimates, of $9,729,700. The committee have therefore allowed about 40 per cent. of the estimates for that river.

APPROPRIATIONS RECOMMENDED FOR OTHER LARGE RIVERS.

In addition to the Mississippi River other great rivers receive the following amounts:

Missouri River, including surveys, snagging, &c., $590,000; Ohio River, $350,000; Tennessee River, including the Muscle Shoals, $350,000; Columbia River, $165,000; Delaware River, $125,000; Illinois River, $100,000; Kentucky River, $200,000; Potomac River, $150,000; James River, $150,000; Great Kanawha River, $175,000; Cape Fear River, $70,500; Red River, $65,000; Saginaw River, $50,000; Monongahela River, $50,000.

Making a total for the above fourteen rivers of $2,590,500. Adding this total to the amount proposed to be expended on the Mississippi River, will give a grand total of $6,445,500.

Mr. HISCOCK. I wish to inquire of the gentleman whether this bill contains the same limitation that has been contained in previous appropriation bills as to the manner in which the money is to be expended upon the Mississippi River.

Mr. WILLIS. The wording of the present bill, as I understand, is substantially the same as the last bill.

Mr. HISCOCK. In the last bill was there a provision that the money appropriated for the Mississippi River should only be expended upon the improvement of the navigation of the river? There was some legislation upon that subject, I believe.

Mr. WILLIS. There was no legislation of that kind in the last river and harbor bill. The gentleman probably has in his mind a resolution offered in the last session touching that question, which was voted down. The last river and harbor bill followed the estimate of the Engineers, and there was no limitation of that character.

Adding to the aggregate of all these fifteen rivers, the improvement of Hay Lake Channel, Michigan, $125,000, and the channel through the Saint John's River, $150,000, we have a total for fifteen rivers and two channels of $6,720,500.

The total amount recommended by the bill for all the rivers included in it, one hundred and forty-two, and seven channels, is $7,922,100. It will thus be seen that the fifteen rivers and two channels which have been named embrace over three-fourths of the amounts recommended for such improvements.

There are in the present bill recommendations for other rivers, as follows: Three at $4,000, twenty at $5,000, six at $6,000 and upward, seven at $7,000, six at $15,000, twelve at $10,000, two at $15,000, two at $17,000, twenty at $20,000 and upward, making seventy-eight rivers, for which the total amount appropriated as recommended is $955,000.

HARBOR ESTIMATES AND APPROPRIATIONS.

Appropriations were asked for in the estimates for five ice-harbors,

four breakwaters, and one hundred and four harbors. The following are the leading appropriations recommended by the committee:

Galveston Harbor, $750,000; Sandy Bay, Massachusetts, $100,000; Cleveland, Ohio, $100,000; New Orleans, $150,000; Charleston, $150,000; Humboldt, Cal., $100,000; Sabine Pass, Texas, $125,000; Mobile, $120,000; Aranzas Pass, $100,000; Savannah, $85,000; Toledo, $82,500; Chicago, $75,000; Milwaukee, $75,000; Cumberland Sound, Georgia, $75,000; Buffalo, $75,000; Baltimore, $75,000; Oakland, Cal., $75,000; Oswego, N. Y., $50,000; Boston, $50,000; Newburyport, Mass., $50,000, and Norfolk, $50,000, making a total for twenty-one harbors of $2,512,000, which, as compared with the total recommended for harbors in the bill, is two-thirds of the whole amount.

Mr. HEPBURN. What is your estimate or your idea of the cost of the improvement of Galveston Harbor under the plans which the bill seems to adopt?

Mr. WILLIS. I will state to the gentleman that the only way I can answer his question is by referring to the bill presented for the consideration of our committee, but which was not adopted. That bill called for $7,750,000 as the amount necessary under what is known as the Eads plan for the improvement of that harbor, but the committee have other information from the late Chief of Engineers, who held that this work even according to Captain Eads's plan could be done much lower than that, and they did not take the bill of Captain Eads, but placed the construction of the work under the charge of the Secretary of War, to be done under the plans and estimates to be submitted by Eads. I will state further that according to the report of the Senate, which adopted Captain Eads's plan, $1,500,000 of the total called for in Eads's bill was for contingencies, and deducting this the aggregate amount under the Eads contract would be $6,250,000. If my own opinion were asked I would express it, as drawn from various sources, that this harbor can be improved even on this plan at one-half what the bill calls for, which would be about $4,000,000.

Mr. HEPBURN. What was the plan commended to the committee by persons from that locality most familiar with the subject?

Mr. WILLIS. The bill was of course urged by those who were anxious to secure deep water, but not to the exclusion of the Government, and the committee in its final action has adopted not the Eads bill, but the Eads plan, and have required the Secretary of War on that plan, as cheaply and economically as possible, to improve that harbor.

Mr. HEPBURN. You adopted Eads himself.

Mr. WILLIS. I hope so, to some extent.

M. MILLIKEN. Will the gentleman permit me to ask him a question?

Mr. WILLIS. Certainly.

Mr. MILLIKEN. Is the plan of Eads to result in the permanent improvement of the harbor, or does he not say in his plan it will be improved for a certain number of years, after which further appropriations will be required to continue the improvement?

Mr. WILLIS. The only answer I can make to the gentleman is that the committee have required it to be made with a view to the permanent improvement of the harbor. Of course we know no better than the gentleman himself how permanent it will be. All these improvements are hoped to be permanent.

In further answer to the gentleman's question that Captain Eads's plan, as stated by himself to the subcommittee, contemplates the construction of jetties of stone. The jetties now in process of construction there, as I am informed, are made not of stone but of willow and other like materials, and are subject to the depredations of what is known as the teredo, which rapidly destroys them. It is because of the facts disclosed in the report of the Secretary of War, showing the large expenditure heretofore made at Galveston is liable to be lost to the Government through the attacks of these marine insects, that the committee have been largely influenced in its present action. The plan of Captain Eads contemplates, I say again, that the jetties must be constructed of rock and concrete, and therefore will be as permanent as any human works can be made. The bill requires that they shall be equally strong with those at the mouth of the Mississippi River, which are capped now with concrete, and have stood the test of storm and time up to the present moment.

Mr. MILLIKEN. I ask for information whether Captain Eads suggests this appropriation of $1,000,000, more or less—I do not exactly remember the sum—will secure the improvement of the harbor for only about eight or ten years?

Mr. WILLIS. No, sir. The gentleman has in his mind a clause of the bill similar to that of the Eads jetty bill for the mouth of the Mississippi River, requiring him to keep it in good condition for a certain number of years and giving him an annual compensation for so doing; but the committee, believing that the jetties constructed on the plan proposed by him would be permanent, have declined to enter into any such arrangement.

Mr. MILLIKEN. I desire to say that it appeared to me from the information I have gotten upon the subject that it was going to cost about $1,000,000 a year to keep the harbor in the condition in which it is left after the work is completed. I would like to understand if that is correct; if it is believed that it will cost any such sum to keep it open.

Mr. WILLIS. The gentleman is entirely mistaken in that supposition. Nowhere in this bill, or the Eads bill, is there anything of that kind. The bill which is commonly known as the Coke or Eads bill provided that when one foot of depth should have been secured by Captain Eads he should receive the sum of $1,000,000, and probably the gentleman is of the impression that we recommend that bill. If so, he is mistaken.

The bill to which I have referred further provided, on securing thirty feet depth and a certain width, that for the purpose of keeping it in that order the sum of $100,000 a year was to be allowed. But there is nothing of the kind in the bill which we have reported to the House. We have made no contract with Captain Eads except for his services as advisory engineer.

Mr. MILLIKEN. But whatever is in the bill reported to the House by the Committee on Rivers and Harbors, the question after all is, if you commence the improvements at all, how much they are going to cost in order to finish them, and how long they are going to remain in good condition. That is what we want to understand. If we are going to begin a series of improvements at this point which will only last some eight or ten years, then we will be able to estimate the cost per annum.

Mr. WILLIS. I can only answer the gentleman from Maine that the proposed plan is to construct the jetties of concrete and rock. How long such a work will endure of course I can not determine any better than he can; but from the experience of the past we may believe, with all reason, that they will be very permanent in their character. Every gentleman can determine that question for himself.

Mr. MILLIKEN. I am not antagonizing the gentleman's bill.

Mr. WILLIS. Of course, I understand that.

Mr. MILLIKEN. I am only trying to get information.

Mr. BRECKINRIDGE. The best engineers believe that such work as contemplated here will be of a very enduring and permanent character.

Mr. WILLIS. We have endeavored, Mr. Chairman, in this bill to protect the Government in that direction as far as we could by requiring the very best character of work.

I have thus, sir, presented the leading features of the appropriations contained in this bill. There are three or four matters of legislation which will come up for consideration as the bill is read for action under the five-minute rule. One of them contemplates the appointment by the President of a commission, to be known as the "United States Harbor Commission," which commission, however, is of a temporary character, lasting only one year.

The object of the creation of that commission is to examine into the harbors, principally those upon our Southwestern coast, which are in their nature somewhat the same as at Galveston, and to report all of the facts ascertained by them to the next Congress, so that when the next river and harbor bill is framed the House will have the means for an intelligent decision. It was claimed on the one hand and denied on the other that at many points in the United States the jetty improvements were not of a permanent or enduring character, and in this conflict of evidence the committee thought it to be its duty to the House and to the country to provide some method of ascertaining intelligently the facts in connection with each one of the harbors which had been called in question.

Mr. WARNER, of Ohio. Will the gentleman from Kentucky allow me right there?

Mr. WILLIS. Certainly.

Mr. WARNER, of Ohio. I ask him why the duties of this board are limited to the examination of harbors being constructed on the jetty plan or system? Why not extend the duties of the commission to the examination of other works, and generally to the works which have been undertaken by the Government for the improvement of our rivers and harbors?

Mr. WILLIS. The principal reason is that the time allowed the commission, one year, would not warrant the examination of all the harbors in the United States.

Mr. BRECKINRIDGE. Besides that, they are not all called in question.

Mr. WILLIS. They are not in the same position as those harbors with shifting sands in the bottom in the Southwest, like Galveston. There is no complaint against the method of constructing or improving harbors in the Northeast and in the North, where they have solid rock foundations. But the argument has been made in connection with the harbors having these shifting foundations of sand, and the object of this commission is to ascertain the facts and report upon them.

Mr. WARNER, of Ohio. Will the gentleman allow me a moment further? There is a question about the propriety of many of the works for which appropriation is made in this bill. Why limit, then, the observations of this commission to a certain class of work? Why not leave it for them at any rate to judge of the propriety of making recommendations to Congress as to the other works of improvement on rivers and harbors? I think it is a most important commission and I would like to see that plan extended.

Mr. WILLIS. The only reason, as I have said, operating upon the committee was, that they did not believe in the short time allowed for the existence of this commission that they could travel over the whole

United States for this purpose. And besides there were no complaints as to these other points of a character which caused the committee to think it necessary to make investigation. So far as I am personally concerned, as a member of the committee, I would have no objection to an amendment looking to the enlargement of the objects the committee had in view in creating this commission.

Mr. WARNER, of Ohio. I wish to offer an amendment at the proper time to that effect.

Mr. WILLIS. Provided, of course, it does not interfere with the necessary and important work of the commission.

Mr. WARNER, of Ohio. I should not, of course, desire to interfere with what the committee believed to be the principal duty of the commission, as I regard that as most important; but I believe they will have abundant time to examine other works of equally great importance and advise Congress as to the propriety of continuing, increasing, or reducing the appropriations therefor.

Mr. KING. Let me ask the gentleman from Kentucky: Have there been any complaints against the jetty system at the mouth of the Mississippi River?

Mr. WILLIS. I have heard, in response to my friend from Louisiana, of no complaint of the jetties at the mouth of the Mississippi River, nor is this commission, in the discharge of its duties, required to consider the jetties at that point.

The only other material legislation in the bill is the appointment of an advisory engineer, a consulting engineer, on the Mississippi River. The reports of the Mississippi River Commission indicate that as to one class of improvements they were not entirely satisfactory. I refer to the revetment work; and the committee believe it would redound to the interest of the public if some other engineer were to examine into the character of that work and report to the next Congress; and with that view Captain Eads has been recommended for appointment as an advisory engineer.

Mr. Chairman, in conclusion of these very desultory, imperfect, and hurried statements, I desire to say on behalf of the Committee on Rivers and Harbors that they have to the best of their ability applied themselves to the duties devolved upon them by the House. We have been in session over two-thirds of the legislative days; and not only that, but a majority of the committee were in session during the holiday recess. We have carefully examined these reports, and to the best of our judgment and with the fullest information before us we have endeavored within the limits of twelve or thirteen millions to reconcile the conflicting interests that are at stake. We do not disguise from ourselves the fact, however, that our work will not meet with the approval of all the members of this House. But I believe, and the committee believe, that when objection is made to the different improvements or appropriations, and attention has been called in committee to those appropriations, and all the facts are disclosed upon which the committee acted, the judgment of the House will be very charitable toward the action of the committee. We have had no desire to put anything in this bill that ought not to be there. We earnestly hope if there be anything in it that ought not to be there that this Committee of the Whole will strike it out. Our committee very much regret that the necessity for prompt action—this being the short session—has deprived them to a large extent of the advice of gentlemen whose interests were involved. While it was impossible, under the circumstances, to grant a formal hearing to the numerous delegations and gentlemen asking it, the committee gladly received all written communications and availed itself of the facts which they contained, and in this way every improvement desiring it had its day in court. With these brief remarks, and reserving the balance of my time, I now yield the floor.

The CHAIRMAN. The gentleman from Kentucky has twenty-six minutes of his time remaining.

Mr. PRICE. I desire to call the attention of the Committee of the Whole to what appear to me to be some incongruities in this bill in order that they may be corrected. The first thing that strikes my attention that is worthy of consideration is the fact that below the mouth of the Ohio River at Cairo, there is provided in this bill an appropriation of $2,810,000 more than is appropriated for the Mississippi River for all points above Cairo. Having some personal knowledge of the navigation of the stream and its various wants, I can only say that in my judgment a larger amount to be expended above and a less amount below would be of more general advantage to the commerce of the entire Mississippi Valley and to the country.

At this point allow me to say one thing that I know will not receive the sanction of this House, and yet it is my deliberate conviction, founded upon extended experience, and that is, that your whole levee system, as advocated by Captain Eads and his engineers, must prove instead of a permanent benefit a lasting damage to the commerce of the river and the advancement of the sections of country on each side of it. The Black River, in the State of Wisconsin, was once dealt with in this way, and its waters were gathered together and concentrated and the volume and flow increased by exactly the same means with the expectation based on the opinions of scientific men that it would by increasing the volume and velocity of current scour the channel and improve the navigation. An official investigation has clearly demonstrated that instead of having that effect this system has had the very opposite effect, and that as we build our dikes on the sides of the stream the bottom rises at the same time.

Mr. BLANCHARD. May I ask the gentleman a question?

Mr. PRICE. Yes, sir.

Mr. BLANCHARD. Is the Black River, of which the gentleman speaks, an alluvial stream?

Mr. PRICE. Yes, sir, near its mouth, and its deposits are precisely the same as the deposits in the Mississippi River.

Mr. KING. Will the gentleman state what is the difference between jetties and levees?

Mr. PRICE. I am not opposing the jetty system. I am speaking of the system of levees for the purpose of concentrating the water in one channel.

Mr. KING. What is the difference between them?

Mr. PRICE. One is on the top of the water, the other is under it. There are differences in other respects. The jetty system is one applied to the outlet of the waters to the Gulf.

Mr. KING. I understand the gentleman is for the principle of concentration.

Mr. PRICE. I have not said anything that can be tortured so as to warrant that conclusion. My conviction is that the object desired can best be arrived at by dividing the waters.

Mr. KING. Your proposition is that by carrying out this system you scatter the water all over the country.

Mr. PRICE. The gentleman has no logical right to say that that is my meaning.

Mr. KING. That is the conclusion to which one is logically brought by the gentleman's remarks.

The CHAIRMAN rapped to order and said: The Chair begs to state to gentlemen that in not addressing the Chair they are not conforming to the rules of the House. The Chair is informed that the violation of this rule confuses the reporter.

Mr. PRICE. I thank the Chair for the suggestion. It may confuse the reporter, but it does not confuse me. I am laying down the general principle, based on an experience of twenty years, that your levee system is a failure. With the levee system one crawfish or muskrat may in twenty-four hours endanger the safety of half a State or an entire State. And that can not be guarded against. History is full of illustrations of what I state. There is one instance, in Holland, where to-day the hulls of steamboats and vessels are floating above the chimneys of farm-houses, and there they are protected not by a wall of gravel, but by one of stone. The River Po furnishes another example.

The inevitable tendency in every case where it has been tried has been to lift the bottom of the stream without lifting the banks. But enough of the levee system. I have another objection to the bill. The objection is based upon the fact that this bill provides for an appropriation of $2,890,000 mainly to build up a diking system, which must prove disastrous; whereas from the expenditure of money on the upper portion of the stream there may be benefits derived infinitely in excess of the results that you can obtain from this expenditure below.

Again, Mr. Chairman, it does not appear to me exactly good policy to put $2,890,000 into an experiment, when every man familiar with the commerce of the upper portion of the stream knows that nothing has ever been expended upon that end of the river for removing bars, for removing snags, for putting in the jetty system for the purpose of concentrating the water and thereby improving the channel at isolated points, but what it has returned benefits worth more than 100 per cent. upon every dollar expended. That has never been the case with expenditures made on the lower part of the river in building levees, and, though I am willing to experiment there, I am not willing to experiment to the extent of $2,890,000 simply upon a plan laid down by some scientific theorist.

Mr. BLANCHARD. Will my friend from Wisconsin [Mr. PRICE] yield for a question?

Mr. PRICE. Yes, sir.

Mr. BLANCHARD. I desire to ask my friend whether there is a single word in this bill which states that this $2,890,000 is to be expended in building levees? I will ask him if the bill does not state that the money is to be expended under the direction of the Secretary of War in accordance with the plans, estimates, specifications, and recommendations of the Mississippi River Commission?

Mr. PRICE. My answer to that is, that the only system that is being pursued under the direction of the Mississippi River Commission and the engineers and the War Department is that of the levee system, and that therefore the appropriation in this bill must inevitably go to improvements upon that system if it is expended at all.

Mr. BLANCHARD. My friend is mistaken in saying that that is the only system adopted by the Mississippi River Commission.

Mr. PRICE. Mr. Chairman, it may be true that the money is not all expended in that way, but I say that nearly all of it is so expended. The jetty system also comes in, I know, for a certain amount of money, in contradistinction to the other system, but nearly all the money goes to the levee system.

Mr. BLANCHARD. The gentleman is again mistaken.

Mr. PRICE. I say, Mr. Chairman, that the jetty system is used to some extent in contradistinction to the other systems, and I suppose

the gentleman from Louisiana [Mr. BLANCHARD] will not contradict that.

MR. BLANCHARD. No, sir.

Mr. PRICE. But I say that nearly all the money expended on those improvements on the lower end of the river is expended on the levee system.

Mr. BLANCHARD. The gentleman is mistaken.

Mr. PRICE. Will the gentleman from Louisiana pretend to say that it is not nearly all expended on the levee system?

Mr. BLANCHARD. I do say so most emphatically.

Mr. PRICE. Then, if that be so, I do not understand the bill, and I think I do, notwithstanding what the gentleman has said. [Laughter.] Mr. Chairman, I know that my information upon this subject may not be quite accurate, for the reason that for long weeks I tried to get before this committee to tell them what I know on this subject of river improvement, but they drew around them the sacred circle of a transient and somewhat imaginary power and would not let me near them, while at the same time the only member Wisconsin and Minnesota had on the committee lay upon a bed of sickness.

Mr. Chairman, I denounce the levee system as simply a useless expenditure of the public money—I mean the $2,890,000 which is to be expended below Cairo and the main part of which is to be expended in a system which my experience tells me in the face of the theories of scientists will be of little or no use and will not result in any permanent benefit to the commerce of the river or of the country.

Mr. REED, of Maine. That was my idea. [Laughter.]

Mr. PRICE. I am glad the gentleman agrees with me.

Mr. Chairman, I desire to call attention to another thing. I am fighting the bill now generally, but I want to fight it specifically when we come to amendments. The Southern States pay probably about 30 per cent. of the revenue of the Government, but I find that this bill provides for an expenditure in those States of $3,887,900, as against $3,070,000 in the Northern States. Now, sir, that may be right; but as my friend from Kentucky [Mr. WHITE] said the other day, I am a finite being, and I can not see the point.

Mr. HENDERSON, of Iowa. Expended on what?

Mr. PRICE. For improvements. I say that there is to be $3,887,900 expended in the Southern States against $3,070,000 in the Northern States, making a difference of $817,700 in favor of a section that pays perhaps about 30 per cent. of the revenue, and against a section that pays probably the remaining 70 per cent. I can not undertake at this time to be exact as to the figures.

Mr. BOUTELLE. What is the aggregate amount appropriated by the bill?

Mr. PRICE. Eleven million one hundred and twenty-three thousand six hundred dollars.

Mr. HENDERSON, of Iowa. You have accounted for only between $6,000,000 and $7,000,000 in your statement.

Mr. PRICE. Well, I will account for some more of it.

Mr. BURLEIGH. May I ask the gentleman from Wisconsin a simple question?

Mr. PRICE. Certainly.

Mr. BURLEIGH. Does not the gentleman believe that by improving the rivers and harbors of the South we benefit the trade of the North also?

Mr. PRICE. Undoubtedly.

Mr. BURLEIGH. Then the benefits of these appropriations are not confined to any section?

Mr. PRICE. Most undoubtedly they are not. Now, will the gentleman hear my answer? In the statement I have made as to the amounts appropriated for improvements in the South and in the North respectively—$3,887,900 as against $3,070,000—I have not included the appropriations for the Mississippi, for the Missouri, for the Ohio, or for the reservoir system above. I have considered those as great national expenditures for the national benefit. The appropriation for the Mississippi, $3,770,000 in round numbers, is not included in what I have spoken of as the amount appropriated for the Southern States, $3,887,900, or in the $3,070,000 for the Northern States.

Mr. MILLER, of Pennsylvania. Those last two items, as I understand, are for the "runs" and "creeks."

Mr. PRICE. I have no objection to the gentleman understanding it in that way if he desires, but that is not my understanding. The gentleman from Iowa [Mr. HENDERSON] seemed to think that the two amounts which I stated, $3,887,900 and $3,070,000, embraced the whole amount appropriated in the bill. I have here a statement of the amounts appropriated in the bill:

For the Hennepin Canal	$300,000
For the Missouri River	190,000
For the Ohio	350,000
For the reservoir system at the upper end of the rivers	35,000
For the Mississippi River above Cairo	880,000
For the Mississippi River below Cairo	2,890,000

Here you have a difference of $2,010,000 in favor of the Lower Mississippi.

Mr. Chairman, I will not insist upon the exact accuracy of my figures, because my calculations have been made here amid the confusion of the House, but I do say that they are substantially correct—sufficiently so to serve as a basis for my objection to the appropriation of this large amount of money for expenditure at points where I do not believe it will benefit the commerce of the country—I am speaking now of the main river. They are sufficiently correct, too, for me to base my objection upon them to ignoring entirely, in making these appropriations, the question of who gets the money and where it comes from. I am willing to admit that to a certain extent and in certain cases that question ought to be ignored; I would not make it the governing consideration, but at the same time I would consider it in connection with the commercial wants of the several sections of our common country.

There are some of the details of this bill which I would like to see struck out, but I will take occasion to speak of those when we come to consider those particular clauses. I am now speaking generally of the provisions of the bill, and I think I am understood. I do not believe that Congress ought to expend $2,000,000 or any material part thereof upon the system of building dikes along the river. I do not believe as a general principle that we ought to give one section of country a greater proportion of the common funds than it contributes, unless there is some absolute commercial necessity reaching out and covering the whole commerce of the country, and I do not think that exists in the cases to which I now refer. Here is an appropriation of $1,070,000 to Texas alone. To call attention to this is sufficient to raise a doubt as to its propriety. I do not know absolutely that it is not proper, but I have doubt about it and desire to call attention to it.

I would not take the time of the House upon this matter but for the fact that I have taken the trouble to ascertain the amount which this bill gives to each State, and I hold the list in my hand.

A MEMBER. Have it printed.

Mr. PRICE. I will do so, with the statement that I do not guarantee the exact accuracy of my figures. But they are substantially correct—as nearly so as I can make them in the midst of the confusion of this House.

A MEMBER. Read the statement now.

Mr. PRICE. I will do so:

New York	$309,500
New Jersey	137,500
Ohio	240,000
Pennsylvania	117,500
Michigan	476,700
Illinois	221,000
Minnesota	46,500
Wisconsin	208,500
Maine	67,000
Vermont	20,000
New Hampshire	10,000
Massachusetts	246,000
Rhode Island	62,500
Connecticut	138,000
Iowa	5,000
Indiana	57,500
Dakota	12,500
Washington	12,000
Kentucky	331,000
Delaware	118,000
Maryland	87,000
Virginia	289,000
North Carolina	112,000
South Carolina	180,500
Georgia	225,500
Florida	77,500
Alabama	451,500
Louisiana	254,500
Texas	1,070,000

Mr. REED, of Maine. That does not include Galveston Harbor?

Mr. PRICE. It includes $750,000 to commence the work.

Mr. REED, of Maine. It is the initiative of an expenditure of about $8,000,000.

Mr. PRICE. It is so foreshadowed in the report of the committee.

Mississippi	$46,500
California	262,500
Oregon	230,000
District of Columbia	150,000
West Virginia	250,400
Tennessee	311,500
Missouri	9,000
Arkansas	75,000
Hennepin Canal	300,000
Missouri River	190,000
Ohio River	350,000
Reservoirs	35,000
Mississippi River above the mouth of the Ohio	880,000
Mississippi River below the mouth of the Ohio	2,890,000

Or $2,010,000 more than above the mouth.

Southern States as States	$3,887,900
Northern States	3,070,200

I yield ten minutes to the gentleman from Ohio [Mr. EZRA B. TAYLOR] and reserve the balance of my time.

Mr. EZRA B. TAYLOR. Mr. Chairman, for four or five sessions of Congress when bills of this nature were before the committee or the House I have remained silent, and I should remain silent to-day if this bill had not ignored the district which I represent on this floor. [Laughter.] Let not this laugh be a mistaken one; for I say that I rise to-day for the purpose of speaking a word in behalf of the bill, when, if I felt particularly interested, I should remain silent. I represent the most important harbor on Lake Erie, especially outside of Buffalo, a greater

tonnage than is found anywhere else on that lake, a growing harbor, an unfinished harbor, one that has cost comparatively little, and asks but little to finish it. Substantially it has been utterly ignored by this committee; yet I stand here for the purpose of saying a word or two in behalf of this and like bills, because I have never in this House given a vote or uttered a word in behalf of any measure because my people were solely or chiefly interested in it, and I have never given a vote against a bill because my people were not so interested. Upon this principle I acted in voting recently in regard to the interstate commerce bill, in which no people of any other State were more interested, I know, than were the people of Ohio.

Why do I say a word in behalf of this bill or bills of this kind? I do not like all the features of this measure, but I believe there is no such wise expenditure of the public money for the general good as in precisely such bills as this ought to be and substantially is. I have no sympathy with those who, because the works in which their part of the nation is interested have been finished, become indifferent or cool in their support of measures of this kind or oppose further appropriations of this character.

I have no sympathy for people representing large cities and great harbors who have no knowledge of or interest in others of a smaller kind. I believe mistakes have been and are made in bills of this kind by ignoring those harbors and rivers which are called small rivers and harbors. The great harbor and commerce of New York—what would it amount to if there were no smaller rivers, if there were no smaller streams of business to contribute to it? The harbor of Ashtabula, in my district, unknown to most of the people who listen to me on the floor or in the gallery, a harbor that would be classed with creeks and unknown harbors, unknown to me and to some of you until legislation was obtained for it, was unknown at home and useless to the people. Now it is a great harbor.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message in writing was received from the President of the United States, by Mr. PRUDEN, one of his secretaries.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session, Mr. HAMMOND in the chair.

Mr. EZRA B. TAYLOR. Mr. Chairman, I say before these improvements were begun it was unknown at home. Now it is the great harbor between the Lake Superior iron-ore country and the coal country of Pennsylvania and Ohio, adding to the general interests and commerce of the whole country more in proportion to the number of dollars which have been expended there than any large harbor you could name, New York, or Boston, or Portland, or any other.

And so it is everywhere. It is certainly growing to be a national question to improve such a harbor as this and others which have been named. To-day we do not as formerly decide what is constitutional in this regard by analyzing the water to see whether it be salt or fresh.

Neither have I, Mr. Chairman, any objection to this or any other bill because it appropriates more for some other State than it does for Ohio. I never would dream of asking whether it appropriates more money South than North, more money West than East. Such a consideration would have no right to have a place in my mind at all. The question is whether the proposed appropriation is a proper and a judicious one. If it is, let it be made; if it is not, let it be refused, whether it be in Ohio or in Texas, whether it be Ashtabula Harbor or Galveston.

I have said these words on the spur of the moment, Mr. Chairman, simply because there was an opportunity for me to testify my belief in the wisdom of this kind of appropriation of the people's money for the people's benefit. [Applause.]

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. PRICE] desire to retain the floor?

Mr. PRICE. I promised to yield to a gentleman on this side, but I do not see him in his seat, and therefore I will reserve whatever time I have remaining.

Mr. GIBSON took the floor.

Mr. SPRINGER. I ask the gentleman from West Virginia to allow me in his time to submit an amendment which will be read for information as a part of my remarks, with the notice that I will move it at the proper time when that part of the bill is reached.

Mr. GIBSON. It is due to me as a member of the committee to say that I have not read the amendment and do not know what is in it, and only allow it to be read out of courtesy to a fellow-member.

Mr. SPRINGER. I am only responsible for it myself.

The Clerk read as follows:

Add after line 305 the following:

"*Provided*, That no money shall be paid on account of the appropriation herein for the improvement of the harbor at Galveston, Tex., or for the services of advisory engineers, or for the survey of Galveston Bar and Harbor and adjacent waters, until the persons or corporations owning, using, or controlling the wharf in said harbor shall file with the Secretary of War an agreement in writing, duly executed, to the effect that in consideration of such appropriations as Congress may make for such improvement, the said persons or corporations will hereafter charge only such sums for wharfage dues or storage, or for any services which such persons or corporations may perform as wharf masters, owners, or common carriers as may be just and reasonable, and that Congress may at all times fix or prescribe what rates or charges are just and reasonable."

Mr. GIBSON. Mr. Chairman, it affords me great pleasure to be able to supplement the statement of our chairman with the conclusions arrived at by the committee in its report, which have been the result of earnest, intelligent, and constant labor on their part. The shortness of the session deprived the committee of the opportunity of being advised and enlightened by the members of this House and by the delegations representing the different places to be improved. That increased the labor devolving upon the committee. If, therefore, the committee in arriving at a bill have not been able to do exactly what the members of this House desired, or to do exact justice to every locality in the United States, the committee feels it has the right to appeal to the House for its charitable consideration.

There are other things, though, that I desire now to bring to the attention of the House, and I am precipitated into that line of remark by what has been said by the gentleman from Wisconsin [Mr. PRICE].

It has been alleged this bill was sectional in its features; that it was partisan; that some sections paying less revenue to the Government than others have received greater appropriations. That is true, but the gentleman will remember that, commencing at the city of Washington and going south along the whole line of the Atlantic coast to the extreme point of Texas, there are but two harbors in the United States in which a modern ship can go, while above the whole coast is lined with harbors that need no building up, and which are open and ready for the reception of the commerce of the world. It was therefore unnecessary the amount of appropriation along that coast should equal what was made for the coast south of it.

The same state of affairs, Mr. Chairman, exists upon the Pacific coast. Upon that coast, that long stretch of country, there is not one single solitary harbor in the United States where a first-class vessel, a man-of-war or merchantman, can enter.

Now, the committee felt that it was called upon in the improvement of these harbors to give to the country not only such harbors as are necessary to afford satisfactory and suitable facilities for its local commerce, but at the same time facilities for the entrance of great men-of-war, when we have them, as I hope we will at some early day—facilities where these war vessels can ride safely at anchor, and where they would be ready at all times not only to defend the country from danger, but to go out as couriers upon the high seas for its commerce, or to make aggressive war upon those who interfere with it. Now in relation to the improvement of the Southern harbors I desire to say this: That so far as the committee goes there has been no difference of sentiment or opinion whatever with any member of it, whether he come from one section or the other, with the exception of the propriety of the appropriations or the manner of this application at one solitary point.

Mr. REED, of Maine. That is, I understand the gentleman to say, the members of the committee have agreed generally on the provisions of the bill?

Mr. GIBSON. I say, sir, that within my knowledge there has not been, with the exception of what I will state now, a difference of opinion among the members of the committee as to any harbor for which provision is made in the bill.

Mr. REED, of Maine. The other members of the House have not had any hearing before the committee, have they?

Mr. GIBSON. I stated, and the gentleman from Maine, I should think, must have heard me, that owing to the shortness of the session and the brief time remaining we were deprived of the benefit as well as the pleasure of hearing the views of the various members of the House on the provisions contained in this bill when the committee had it under consideration.

Mr. REED, of Maine. But you agreed among yourselves, I understand.

Mr. GIBSON. Yes, sir; with the exception of the difference which I will now state.

The only difference in the committee in relation to any of the harbors south, and the only trouble, was with reference to the improvements of the harbor at Galveston. There is not a member of the committee or of the House that does not recognize the great national importance of our having some harbors upon our Gulf coast. He may turn to the map of this country, and he will find that the entire commercial dependence of the northwest, the west, and the southwestern country is upon the commercial facilities of some harbor upon that Gulf coast. As it is now, the great cereal products of our northwest country can find no outlet to the markets of the world except they be carried by railroads to our far North Atlantic coast; and I venture to make the assertion that you will find every one of these roads fighting with all of its influence and power the development of the water ways of the South and everywhere else. Now, when we came to the consideration of the proposition for the improvement of this Galveston Harbor, there was, as I have said, a diversity of opinion. The Senate bill known as the "Eads bill" was referred to that committee. That bill upon investigation was found to be wholly faulty, in our judgment, from beginning to end.

It would have given to Galveston, Tex., or the Gulf coast, no solitary harbor or protection of any kind, and would have opened the public Treasury of this country to the untrameled energies of one man, and thus tempted him to use that for his own benefit and purposes. I make no reflection whatever, Mr. Chairman, upon that gentleman. I only

speak of what we regarded as a defect in the formation of the Senate bill which precluded the propriety of its adoption by the committee. That bill, we believed, made it possible for the expenditure of $9,000,000, and more than possible that it would have resulted in utter failure to give to Galveston any harbor suitable for its commercial purposes. There were then certain members of the committee who were opposed to that bill, and the only question was, if it was to be improved at all, as to the method to be employed so as to give a suitable water way to the inland country dependent upon Galveston.

There were differences of opinion among the committee as to whether the Government engineers had been successful or not. Some thought that their works had proved to be failures. The subcommittee thought that the results expected had not been reached and could not be reached, unless there was a difference in the amount of appropriation and the mode of its application to the work. Some of that committee were unwilling in making the appropriation for Galveston Harbor to use it as a reflection upon the engineers of the Army. For myself I am free to say now that it would take something more than a one-side statement or a popular clamor to make me believe that the educated, scientific, intelligent, and honorable Engineer Corps of the United States Army is not capable of carrying on its engineering business. But I was not willing to bring my judgment and opinion in conflict with the judgment and opinion of most of the members of the committee or of persons interested there, and however much I might prefer, as an original proposition, some other mode or method, when it was acknowledged on all hands that the work was needed and ought to be done I would not quarrel or quibble about the manner of doing the work, but yielded; and I am here now to advocate the adoption of this or some other plan which will give to Galveston a harbor sufficient for its commerce at the present time as well as its prospective increase.

There are one or two other things in this bill to which I can not subscribe; and I want to give notice now that when we reach the consideration of the bill on page 39, line 933, I shall move to amend by striking out all after the word "commission." What I desire to call attention to now is that it is not only radical legislation, but it is an express provision repealing the whole features of the Mississippi River Commission, condemning all the work that has been done, and putting the Mississippi River in the unlimited and uncontrolled hands of Mr. Eads. I want to call the attention of this committee to the remarkable features of this provision.

After going on and saying that this money shall be expended and the work carried on by the Secretary of War in pursuance of the recommendations of the Mississippi River Commission, the bill says:

> As approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position.

Now, in the first place, if it was right that the Mississippi River Commission should be abolished, it is fundamentally wrong that this body should undertake to dictate to the Executive of this Government whom it shall appoint to execute the laws which Congress has passed. It is unconstitutional in every feature of it; to speak in the plainest terms, it would be an impudent recommendation to the Executive, an equal branch of this Government; and I have no hesitation in saying to the friends of this bill that I believe that it would bring an executive veto on the whole of it, as it ought to do.

Mr. WHITE, of Kentucky. Will the gentleman from West Virginia yield to me for a question?

Mr. GIBSON. Yes, sir.

Mr. WHITE, of Kentucky. I desire to ask the gentleman whether in the preparation of this bill the committee were governed for the most part by the report of the Chief of Engineers.

Mr. GIBSON. I will say to the gentleman from Kentucky that that committee got all the light it could from the Chief of Engineers and all the light it could from personal knowledge of the points to be improved and all the light it could from information from anybody who knew anything about the matter before us.

Mr. WHITE, of Kentucky. The point to which I wish to call the attention of the gentleman from West Virginia is whether in adopting this proposition as to the appointment of Captain Eads he could say the committee had no regard for the report or the opinion or the manner of proceeding adopted heretofore by the engineers.

Mr. GIBSON. I will come to that presently. Passing over the constitutional objection to this bill, which undertakes to interfere with the Executive by an uncalled-for, unusual, I might say unheard-of, recommendation by Congress on this subject, I come to the other point, as to the policy of adopting it if it were constitutional.

It will be remembered, Mr. Chairman, that this Mississippi River Commission, after thorough discussion by successive Congresses, after the subject had been considered and acted upon by every branch of this Government, was appointed, and not only so, but that it was appointed with a knowledge that a particular plan was to be carried out by them, and with something like a definite idea of what was to be the ultimate cost.

That commission is composed of seven gentlemen, all of whom are engineers except one, and that one is a lawyer. For what reason they put a lawyer on that commission I know not. But he has been put there; and only being one of seven, he is not strong enough to do much harm. But they have upon that commission six engineers, four of whom are Army engineers and two of whom are civil engineers. They were all selected on account of their supposed skill and knowledge. They have for several years been making themselves practically acquainted with all the points that were to be improved. They have started out with a comprehensive and consecutive system of improvement; and now, after we have appropriated several millions of dollars, the committee ask us to appropriate $3,000,000, and in the same breath condemn as utterly incompetent the commission that is there to carry on this work. I deny that that commission is incompetent; but there is some other reason why Mr. Eads is to be put there in charge of this work and why nothing can be done unless he approves of it. I call the attention of the House to the fact that it was only a few years ago that Mr. Eads submitted a plan for the improvement of the Mississippi River, and that plan was at an estimated cost of over $100,000,000.

Mr. BRECKINRIDGE. Will the gentleman cite his authority for that statement?

Mr. GIBSON. Mr. Eads made no report to Congress nor to any officer of this Government, because he was not an officer of the Government and had no right to make such a report. But every gentleman in this House who has looked into the matter knows that it is a fact.

Mr. BRECKINRIDGE. I do not.

Mr. GIBSON. All I can say to the gentleman from Arkansas is that he did not take the same pains to get acquainted with the facts at that time as he has done since; for if he had done so I am sure the energy he has devoted to the study of the matter would have informed him of the character of that proposition.

Mr. BLANCHARD. Will the gentleman from West Virginia give his authority for that statement?

Mr. WHITE, of Kentucky. Will the gentleman allow me? It is the substance of a report of Mr. Eads before the committee in 1882.

Mr. BLANCHARD. Is it there you get that information?

Mr. GIBSON. I will answer that. The gentleman asks my authority. I will tell him it was the common, accepted, and undenied statement of the newspapers of the day; and I will venture to say that some of the knowledge we get out of the newspapers on this subject has been as useful to this committee and to this House as much that we get from some other sources. For one I am ready not only to accept, but to express my appreciation of, the education that we get from first-class newspapers upon general subjects.

Now, I want to say it has been an acknowledged fact that the plan of Mr. Eads contemplated an expenditure of $100,000,000 from the mouth of the Mississippi up to Cairo, and now with the report of the commission adopted by Congress we are asked to set aside that commission and turn over all that magnificent stream of water, with all its tributaries and commerce, to the unlimited control of one man, and he not even under the obligation of an oath or a bond. I, for one, am opposed to it, and I will protest against it as the surrender of great national rights to one man. I am not ready to become a hero worshiper. I am ready to acknowledge that Mr. Eads is a great man. I am ready to acknowledge that he understands engineering much better than I could comprehend it. But I am here to say that there are other men in these United States and other men who are part of this Government who have some rights and some intelligence; and I do not propose to insult the whole Engineer Corps of this country by putting my condemnation upon a great project that has been carried on simply that Mr. Eads may get in control of it.

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from West Virginia yield?

Mr. GIBSON. Yes, sir.

Mr. BROWN, of Pennsylvania. Will the gentleman from West Virginia please inform the House how much is appropriated by the terms of this bill as a salary to Captain Eads? I notice $3,500 mentioned in one place and $3,000 in another, with an additional bonus in case of success.

Mr. GIBSON. It is not fair to other projects to undertake to bring them into discussion in this connection. But I will say that if Mr. Eads gets the water that we ask him to get at Galveston he will be richly entitled to every solitary cent he will get by the terms of this bill. And if the Government can by purchase of superior skill make a great national harbor at Galveston, it would get it cheaply by the expenditure of double the money we propose to pay him. But I will answer the question of the gentleman from Pennsylvania. Should Captain Eads succeed at Galveston he will probably get from $60,000 to $75,000 in the shape of salary and percentage upon the increase of water.

Mr. STEELE. Does he not get that whether he succeeds or not?

Mr. GIBSON. No, sir; he gets $5,000 salary per annum and then $3,000 for each additional foot of water to a channel depth of thirty feet, and he does not get any of the percentage until he has secured twenty-five feet of water there. There is no trouble about the payment of Mr. Eads there. If you decide you want a national harbor there is no trouble about the amount he gets for it.

But when you come to the Mississippi River you undertake to throw away the Mississippi River Commission you have got; you condemn a plan you have been operating for years; and you allow one man to go there and carry on this work according to his own plan, and that of nobody else, at an expenditure probably of a hundred million dollars. I want to submit this consideration to the friends of the Mississippi River, and I have as much interest in it as any one living on its banks; perhaps more so than those who have not so far to go to the seacoast as I have, and whose constituents are not so much interested in the question as mine are. We want to see that river improved and made navigable as far as possible and as it ought to be as a great national highway. But we do not want to see the great commercial interest overloaded and destroyed by injudicious and hurtful legislation.

There are some other features in this bill to which I desire to call the attention of the Committee of the Whole. There is notably one other, the Sandy Bay project. That, Mr. Chairman, is a harbor or project that does not address itself directly to the commercial development of the country or to the national defense. It can be in no sense a harbor of refuge such as is known by that name among European nations. There they undertake to specify as harbors of refuge such harbors as are used for gathering in their navy. They do not undertake to build harbors of refuge for merchantmen or for a mercantile navy. Those are not what are spoken of in European terms as harbors of refuge. Therefore, when gentlemen speak of European nations expending such enormous amounts of money for harbors of refuge, they fail to remember those harbors of refuge are great bulwarks of national defense.

Now, if we build a harbor of refuge at Sandy Bay, what have we accomplished? The report of the engineer shows you that it will cost from four to eight million dollars; and when it has been built it will be like the Arkansas man's house—it will be of no account when it rains, and when it is not raining he will not need any roof. The engineer reports that when the weather is bad merchantmen can not get into that harbor for refuge, and when it is good of course they will not need it. In addition to that we have the fact that all along that coast there are spacious harbors. You can not travel fifty, forty, or even thirty miles along the coast without finding some magnificent natural harbor where the commerce of the world might find refuge from storms and rest in safety and tranquillity.

A MEMBER. Where is that?

Mr. GIBSON. In Massachusetts. I am talking now about Sandy Bay, in Massachusetts. Why should Congress consent to the expenditure of from five to eight million dollars there when it will not add one solitary ship to our mercantile marine nor open up one single foot of land to foreign commerce? The expenditure of money for foreign commerce ought to be but for one great purpose. Every expenditure that this country can make to aid in the clearing up of a field or in carrying into the markets of the world, either at home or abroad, any of the natural products of our soil or any of the artificial products of our skill, commends itself to us, for the money so expended is wisely expended. We have recommended appropriations for the improvement of numbers of small streams and harbors, and why? Because the commerce of this country must be made up of the driblets that come from the interior. New York city has no commerce. With all its houses and all its wealth it does not make a solitary grain of corn or wheat, nor grow a stick of timber, nor dig from its soil a solitary particle of ore. Only after the wealth of the country is brought to New York can she handle it and carry it into the markets, and all the money of the world spent in the harbor of New York would not add to the development of this country unless at the same time we were to expend equivalent or adequate amounts in opening up the channels of trade between New York and the interior. For this reason the committee has thought it proper to recommend the improvement of these small streams. We have looked upon them as so many springs or fountains from which are made up the great rivers of trade and commerce which, in co-operation with the labor of the country, create its wealth. And not only this, sir, but we viewed them in another aspect.

A distinguished gentleman from New York stated upon this floor the other day that it was idle for this country to make treaties, reciprocal or of any other kind, because there were no markets into which we could go, because we could make nothing that we could sell in competition with the other manufacturing peoples of the world. Now, sir, the object of this committee has been to open up the water ways of the country and give the people cheap transportation. We wanted to some extent to break loose our internal commerce from the merciless hands of the railroad corporations, that are felt not only throughout the country but in this House. We thought that if we could open up all these channels of commerce and make the rivers free, so that the wealth created by the people in the interior could get out to the ocean, our people might then be able to manufacture and sell in competition with the people of other countries, and thus might be able to give employment to our starving poor, and peace, comfort, and prosperity to the industrious in our midst.

There are numerous other projects provided for in this bill which I think will commend themselves to the favor of this committee and of the House. I am here to commend the general features of the bill, to commend its purposes, to commend the good faith and the honest efforts of the committee in preparing the bill; and while I have felt called upon to make some objection to some of its features, I have done so, I hope, with good feeling and in a spirit of fairness.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him a question?

Mr. GIBSON. Yes, sir.

Mr. WHITE, of Kentucky. The chairman of the Committee on Rivers and Harbors has stated to the House that in this bill there were one hundred and forty-two rivers appropriated for, but he also stated that there were one hundred and forty rivers for which recommendations had been made in the Engineer's report, but for which no appropriations had been recommended in this bill.

Mr. WILLIS. One hundred and forty items, I said.

Mr. WHITE, of Kentucky. Will the gentlemen of the committee explain to us how they came to such a conclusion?

Mr. GIBSON. Why, sir, we came to that conclusion as any other gentlemen called upon to consult facts and to decide a case would come to a conclusion. We came to that conclusion because we did not conceive that the facts warranted us in recommending any additional appropriations.

Mr. WHITE, of Kentucky. Did the committee hear the views of any members of this House?

Mr. GIBSON. Why, my dear sir, if we had undertaken to hear some members of the House we never would have reported the bill at all. [Laughter.] I want to call the attention of gentlemen again to the fact that they ought not to complain of the committee because it did not hear them all. But I was going to say, Mr. Chairman, when I was interrupted, that, not feeling very strong to-day, if the House will permit me to reserve the balance of my time I shall be glad to do so.

Mr. Chairman, I desire to reserve the remainder of my time. How much have I left?

The CHAIRMAN. Twenty-two minutes.

Mr. REAGAN obtained the floor.

Mr. GUENTHER. I desire to put a question to the gentleman from West Virginia [Mr. GIBSON].

Mr. REAGAN. I can not yield.

The CHAIRMAN. The gentleman from Texas will proceed.

Mr. REAGAN. Mr. Chairman, I shall not detain the House long in making some remarks which it seems to me proper should be made this evening. There is in this bill a provision making an appropriation of $750,000 for improving the harbor at Galveston, Tex. It is manifest from suggestions which have been made on this floor since this bill has been up for consideration that there is a disposition to object to the amount of this appropriation. If the appropriation concerned only the city of Galveston there might perhaps be foundation for that objection. But I desire to call the attention of the House to some of the considerations which appear to me to justify and make necessary appropriations sufficient to secure a deep inlet to the harbor at that point.

The conformation of the country places Galveston far back from the general range of the coast line—eight hundred miles west of the island of Cuba, four hundred miles west of the mouth of the Mississippi, so that if you draw the radius from Galveston for a thousand miles and from New York for a thousand the lines will cross each other in Southeastern Minnesota.

I trust the House will bear in mind that when we speak for this appropriation we are not speaking merely for Galveston or for Texas, but we are speaking for a territory as large as that embraced in the original thirteen States. We are speaking for a population which at present is larger than was the population of the United States at the time of the Revolution. We are speaking for a people who can only reach the markets of the world and the great markets of our own country through shallow harbors by light-draught vessels or by rail. We need this harbor to accommodate the commerce and business of this large extent of country to which I have called attention.

I wish to refer briefly to a few facts presented in a report of Mr. Nimmo, the Chief of the Bureau of Statistics. Texas is a new State, and for that reason may be regarded as not of very much consequence. Being but one State, it may be considered as a State like Delaware or Rhode Island; yet its territory would make twenty-eight States like Massachusetts. Its capacity for sustaining population and producing wealth is very nearly or quite equal to a corresponding amount of territory in other parts of the country. Its population, according to the report of Mr. Nimmo, made last spring, amounts to 2,150,000. I am speaking now of the State of Texas.

According to the report of Mr. Nimmo, Texas is the largest cotton-producing State in the Union, having produced in 1883 1,193,400 bales of cotton. The next State in respect to the production of cotton was Mississippi, with 936,320 bales. Texas is also the largest cattle-producing State in the Union. Its cattle, according to this report, amounted in the year named to 4,277,700. The next State in respect to the production of cattle is Iowa, with 1,955,810. Texas is also the largest sheep-producing and wool-growing State of the Union, the number of sheep in the year 1883 having been, according to this report, 7,957,275;

the next State in this respect being Ohio, with something over 5,000,000. In respect to these great branches of production Texas stands at the head.

Now, when gentlemen undertake to criticise appropriations for the improvement of harbors on the coast of Texas and contrast them with appropriations for other States, they should bear in mind that Texas fronts not less than four hundred miles on the Gulf, and that in point of territory it is as large as the six New England States, New York, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, and part of Indiana. So that because Texas is but a single State it should not be argued that it must be put on a par with some other State so small that it may take forty such States to make one equal in area to Texas.

Upon another point I desire to say a word. The gentleman from Wisconsin [Mr. PRICE] in speaking about appropriations of this kind drew a contrast between the appropriations for different States. Is that the rule by which we are to be governed? Is it the object of the bill reported by this committee after so much labor and care and painstaking to distribute a given amount of money among the several States, or is it the object to improve the navigation of this country and furnish facilities for its commerce?

If the latter be the object, then, as stated by the gentleman from West Virginia [Mr. GIBSON], you will find, commencing at the northeastern border of our country and coming to Norfolk, for the most part deep natural harbors adapted to the accommodation of the commerce of the country. Yet, notwithstanding this, it will be found, according to a statement made at the last session of Congress by the chairman of the Committee on Rivers and Habors [Mr. WILLIS], that the total amount appropriated to New York for the improvement of navigation from the beginning of the Government to June 30, 1882, was $10,237,611. I simply call attention to this fact; I do not complain of it, for I suppose these expenditures have been for the benefit of the commerce of the country.

If the object is to improve the navigation of the country, to furnish facilities for its commerce, the money appropriated to this purpose should be expended where that purpose can be carried out. If you commence with the Norfolk Pass around Cape Sable to the mouth of the Mississippi and the mouth of the Rio Grande, there are, with three or four exceptions, none except third-class harbors—none accommodating vessels of over fourteen feet draught.

The entrance to these harbors is in most cases interrupted by bars and shoals in their front. The object of the appropriations by the Government is to execute plans for deepening channels over these bars into the harbors so as to accommodate the commerce of the country.

And here, sir, I desire to call attention to another thing. It seems to me in this House it has escaped the observation and reflection of members that the improvement of the commerce of the country, the improvement of the commercial facilities of the country, is not merely for the benefit of the locality where the improvements are made, but that as you improve the water ways you increase the commercial facilities, that by deepening the harbors and improving them you augment the general body of the commerce of the country; and I wish to say to my friends from New York, from Boston, from Philadelphia, and from Baltimore that if they desire commercial intercourse with our own country they should secure harbors at other commercial centers which would accommodate vessels as large as those which enter their own ports. If they do this they will secure enlargement and extension of their commerce. They can not, as was suggested by one of the gentlemen who spoke this evening, improve their commerce by improving their own ports and making deep water there and refusing to improve harbors and rivers elsewhere. That is not the way to do it.

I would say to gentlemen from New York that if they desire still further increase of commerce for that great city they ought to feel an interest in the improvement of navigation of every river and in deepening the water and the navigation of every harbor in this country. For wherever we augment the commerce of the country, wherever we build it up, that being the great commercial emporium of the country, its commercial capital, its banking capital, its railroad capital, where the capital of the country for various purposes is centered, its commerce will be improved of necessity by the general aggregate of commerce created by furnishing the necessary facilities to that commerce in all the ports of the country. And it is narrow, it is selfish, it is unjust, it is an unpatriotic view to refuse to extend commercial facilities to the balance of the country in order to build up the very commerce it is to their interest to build up.

Reference to the map, Mr. Chairman, will show that if we can have a deep entrance to the harbor at Galveston—a harbor of thirty feet depth—we will have a harbor that will accommodate the trade and commerce of the states of Northern Mexico. We will have a port that will accommodate Arizona, New Mexico, and the overland commerce of California, which is beginning to be very great. As one of the first wheat-producing States in the Union, as one of the first wool-growing States in the Union, and as the great vine-growing and wine-producing State in the Union, it is of great moment that its commodities should be brought within easy reach of the markets of the Atlantic coast. If you desire to do this to avoid long overland transportation on the one hand, or long ocean transportation around Cape Horn on the other, reference to the map will show you that you can do that best by making the short overland route that reaches from California to the Gulf of Mexico. Reference to the map will show you when you start from New York to California and get to Galveston you are half way to California.

A few years ago Mr. Huntington, in speculating on the result of the completion of the Southern Pacific Railroad from California to Galveston, estimated the number of thousands of tons of wheat that could and would be carried over that road as soon as they could reach deep water there. We shall not only benefit the present and prospective business of Texas, but command the commerce of Northern Mexico and give value to the commerce of Arizona, New Mexico, California, Nevada, and Utah, and coming farther east, this would be the nearest port to that rich and extensive tract of country called the Indian Territory. It would be the nearest port to the great grain-growing State of Kansas, now, perhaps, the first corn-producing State in the Union. While I have not myself made an examination, I heard a Senator, distinguished for his accuracy, recently state that with a deep-water harbor at that point the cost of shipment of corn to the markets of the world would be reduced 8 cents a bushel; and if that were so it would be a saving on the present year's crop of corn in Kansas greater than the cost of deepening the water in that harbor to thirty feet.

Mr. PETERS. Kansas is also the first wheat-producing State this year.

Mr. REAGAN. It has become the great grain-growing State of the southwestern part of the Union.

Mr. BROWNE, of Indiana. It is not a question with me as to the propriety of deepening the harbor at Galveston, but, from my knowledge of the past, whether it is possible to deepen it.

Mr. WHITE, of Kentucky. Has not the money spent there heretofore been wasted?

Mr. REAGAN. I will not undertake to make as full an answer to that question as the gentlemen who are on the committee will be able to do.

Mr. LONG. I hope the gentleman will yield to a motion to rise, and finish his speech in the morning.

Mr. REAGAN. No, I will not take up much time, and would rather finish what I have to say this evening. In addition to these countries which I have already mentioned, I might also include Western Arkansas, Western Missouri, Colorada, and Nebraska, whose interests are largely in favor of developing and improving the Galveston Harbor, through which they would find their nearest outlet to the ocean.

I understand the suggestion of the gentleman from Indiana. He has considered this question, and is prepared to deal properly with it in the light of the facts I have stated. But it may be that there are other members who have not taken the trouble to look into the facts and see the necessity for the construction of a great harbor in that indentation made by the Gulf of Mexico extending so far into the interior of the country. But in relation to the expenditure of money on Galveston Harbor, it is true that a million and a half of dollars have been expended from first to last, and there is but little difference in the condition of the harbor now and when the expenditure was commenced.

Now as to the question of the possibility of improving the harbor. Not being an engineer I can not speak on the basis of personal knowledge. But Captain Eads proposed for $7,750,000 to make an inlet into that harbor of thirty feet in depth, and to make his compensation dependent upon the successful prosecution of the work—that is, the obtaining of that depth of water—so that if he failed, however much money he might spend in the enterprise, he was to receive nothing for it. The committee have not seen proper to adopt that proposition, and I have no complaint of them for not doing so, for I understand the difficulties of the problems they had to encounter in their great work for the benefit of all parts of this country, and cheerfully accept the results of their labor.

Mr. WARNER, of Ohio. Just in this connection I hope the gentleman from Texas will permit me to ask him a question. Do I understand that Captain Eads proposes to construct a harbor with a channel of thirty feet depth at Galveston and agrees to take his pay after he has completed his work?

Mr. REAGAN. No, sir; his proposition contemplated that he was to be paid as the work progresses and a final payment on the completion of it. He was to be paid, according to his proposition, foot by foot as he increased the depth of water, but he was to get nothing at all until the depth of water was obtained. The water was to come before he was paid a cent.

Mr. WARNER, of Ohio. He was to get his pay for each foot of water as the water came?

Mr. REAGAN. Yes, sir.

Mr. WARNER, of Ohio. Is there anything in this proposition which would prevent him from abandoning the project altogether after he had obtained, say, five or six feet of water?

Mr. MILLS. That proposition is not embodied in this bill.

Mr. REAGAN. No; the committee have not adopted the proposition of Captain Eads.

I entered upon the discussion of this point to show to the committee that in the mind of this great engineer the harbor is capable of im-

provement in the manner suggested, and that he who had built the bridge across the Mississippi River at Saint Louis, who deepened the mouth of the Mississippi from eight to thirty feet, he who has been consulted by the greatest governments on earth as the leading engineer of the day on works of engineering importance, who designed the plan for the ship-railway across the Isthmus of Tehuantepec, and who stands to-day undoubtedly in my judgment at the head of the engineers of the world, was willing to undertake the work. He says that the work is practicable, and speaks with the utmost confidence of his ability to get thirty feet depth of water.

The guarantee of such a man as to the success of the enterprise, a man whose performances stand pre-eminent in the engineering skill of the world, with a reputation that is now world-wide, must be worth something in the minds of thoughtful men, because he proposes to stake that reputation upon the result of his judgment as to the work in Galveston Harbor. It seems, sir, that that guarantee, with the amount of money he would have had to risk, should carry responsibility and weight with it as to the advisability and the practicability of making it a suitable harbor for the commerce of the country to which I have referred.

Mr. GIBSON. If the gentleman from Texas will allow a suggestion I would say there is no doubt in the minds of any of the engineers as to the advisability of getting deep water there; and the only doubt is as to whether his project would not give too much water at Galveston.

Mr. WARNER, of Ohio. That is one of the principal points to which I wish to call the attention of the gentleman from Texas.

Mr. REAGAN. I will answer the gentleman from Ohio after a while.

Mr. Chairman, for eleven years this Congress has been most liberal in its appropriations for the harbor of Galveston. It has required the expenditures there to be made under the direction of the Engineer Corps of the United States. It has expended in attempting the prosecution of that work about a million and a half of dollars. That money has been expended and substantially no progress has been made. The interests of our country are so great and the needs of commerce of this immense region to which I have referred are so pressing, the interests at stake are so vast, that we seek now to have something done that is practicable, and that will be a success in the minds of men capable of deciding.

Mr. WARNER, of Ohio. I hope the gentleman will permit me to interrupt him a moment to ask whether this plan of Captain Eads has the approval of the Chief Engineer of the United States Army and the United States engineers generally. I would like to know this as a matter of information.

Mr. REAGAN. Mr. Chairman, the plan of Captain Eads has not been submitted to them for their approval; nor was the plan for deepening the mouth of the Mississippi submitted to them. It was done in spite of all that they could do to prevent it.

Mr. LEWIS. That is true.

Mr. REAGAN. It was done in spite of their declarations that it could not be done. It is simply because Captain Eads has succeeded against their judgment in that great work, because of his success in other great works, that we choose to appeal to Congress to allow him to do for us what he has done for the Mississippi.

But I desire now, Mr. Chairman, to fortify what I have said about the extent of region to be benefited by this great work by reading a paragraph or two from the report of Mr. Nimmo, submitted to the last Congress. He states, under the heading of

COMPARATIVE EXTENT AND IMPORTANCE OF THE AREA OF COUNTRY WHICH MAY BE SUBSERVED BY THE PORT OF GALVESTON:

The entire territory of which Galveston would become the nearest and most accessible first-class seaport, namely, the States of Texas, Kansas, and Colorado, the Indian Territory, and the Territories of New Mexico and Arizona, with parts of contiguous States and Territories, has an area of about 797,000 square miles. In that calculation California is left out. This is equal to the aggregate area of the New England States, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, Ohio, Indiana, Illinois, Michigan, Wisconsin, North Carolina, Kentucky, Tennessee, Iowa, Minnesota, Nebraska, the aggregate population of which States in the year 1880 was 35,756,780, as against a population of only about 3,000,000 within the area referred to, as being embraced within the range of the commercial enterprise of Galveston, under the favoring condition of a first-class harbor.

The area of which Galveston would thus become the nearest and most accessible seaport is also equal to the aggregate area of Great Britain and Ireland, France, Spain, Italy, and the German Empire, the total population of which countries is about 163,000,000, and is fully equal to those countries in the extent of land susceptible to culture, in fertility of soil, and in all the capabilities of material prosperity. Attention is invited to Inclosure E, the same being statements furnished to this office by the Chief Signal Officer of the United States Army, showing the mean annual precipitation throughout the area mentioned as being naturally tributary to the commerce of Galveston. The comparison as to rainfall in this area and in the countries of Europe above referred to is quite favorable to the former. These facts suggest the possibility of an enormous increase of wealth and of population within this area described as being within the range of the commercial activities of Galveston. Evidently the present development of the resources of the State of Texas and of its neighboring States and Territories are to the possibilities of such development but as a beginning. The proposed improvement of Galveston Harbor has therefore a prospective importance vastly exceeding its value to interests which would thereby be subserved at the present time.

Another feature of the case which I wish to present—perhaps it is the only one I shall present this evening—is that not only is this vast region of country described in the extract which I have just read interested in the improvement of the harbor of Galveston, but all the remainder of the country is interested also. We put into the markets of the world more than half a million of beef cattle annually. With this deep-water outlet these cattle may be sent in ships, either alive or dressed, to the great markets of the country, to supply the teeming millions of our people in the East, Northeast, and the North. The people of those portions of the country are interested in getting cheap meats, and we are prepared to give them cheap meats. The laboring poor, to whom meat is a luxury, would thus be blessed by the advantages of cheap and free intercommunication by deep-draught vessels between Galveston and all the ports of the North and East. We could supply them in this way not only with cheap beef, but also with cheap mutton. According to the Bureau of Statistics there are 7,000,000 sheep in that region now, and the country has capacity for their indefinite increase.

Mr. HISCOCK. Will the gentleman from Texas allow me to ask him a question?

Mr. REAGAN. Yes, sir.

Mr. HISCOCK. Does the gentleman think that any part of the meat could be transported by water?

Mr. REAGAN. I can only answer the gentleman by saying that thousands and tens of thousands of our cattle are transported now by water in light-draught vessels. That was for some time our means of getting them to the markets of the world. More recently we have been driving our cattle northward, feeding them for a time by the way, and then driving them eastward to supply the people with meat. But it has been stated that those cattle, in being driven through the country at certain seasons of the year, communicated to other cattle a disease which they do not have themselves, and our neighboring State of Kansas, for the purpose of protecting her cattle against this, is adopting such legal means as will probably prevent the driving of our cattle through that portion of the country. Missouri, too, attempted to do the same thing in another form by a law which was declared unconstitutional simply because it was not directed against diseased cattle, but inhibited the passage of all cattle. It has therefore become a serious question whether our people can much longer drive their cattle on through the West onto the plains of Dakota and Montana, where they are fed and fattened and sent to the States east of that region.

In addition to this, as I said in the outset, the region tributary to the harbor of Galveston is the largest cotton-producing region in the world. The manufacturers of cotton goods in the United States and elsewhere are interested in procuring cheaper cotton, in order that they may furnish to the people of the world cheap cotton goods. With deep water in Galveston harbor we can make our freights cheaper; we can cheapen the cost of our cotton to the manufacturers, and thus enable then to cheapen their cotton goods, which the people of this country, and the poor people especially, use so extensively. I mention these things simply as illustrations of what deep-water navigation there will do in improving the commercial facilities of the country generally. As I have said, it will cheapen food, and cheapen the great staple article of cotton and the products made from it, while at the same time it will give a better market to those who produce the cattle, the wool, and the cotton.

Mr. Chairman, I trust that when members come to consider their final action upon this appropriation they will bear in mind the extent of country that is to be benefited by it, the extent of population whose products are to be increased in value, and the extent of the population that is to be benefited by getting cheaper meats, cheaper cotton, and cheaper wool. I trust that they will look over the vast territory embraced within the Union and observe that Galveston stands in the halfway place between the city of New York and the city of San Francisco, and that from the conformation of the Gulf it is projected far back into the interior, and thus made accessible to a vast region and to millions of people.

I have already said that I have no objection to the appropriation in the bill, but it is right that I should accompany that remark with the expression of the wish which lies nearest to the hearts of many thousands, I might say millions, of people, that in providing for this great work an adequate appropriation should be made at once to be expended in successive years as the work progresses; so that there might be no interruption growing out of a failure of appropriations either by accident or otherwise until the completion of the work.

I join my colleagues in bowing to the judgment of the committee as to what is the better plan. We simply ask the House to give us what the committee in its good judgment has determined to be necessary for the beginning of this great work.

Mr. Chairman, how much time have I left?

The CHAIRMAN. Twenty-five minutes.

Mr. REAGAN. I yield the residue of my time to my friend from Texas [Mr. MILLS].

Mr. MILLS took the floor.

Mr. WILLIS. I move that the committee rise.

The CHAIRMAN. Does the gentleman from Texas [Mr. MILLS] desire to occupy his time now?

Mr. MILLS. No, sir; I wish to occupy it to-morrow. I yield for the motion that the committee rise.

Mr. DIBBLE. I ask the gentleman from Kentucky [Mr. WILLIS] to waive his motion for a moment in order that I may ask to have

printed in the RECORD a letter of General Gillmore concerning the jetties in Charleston Harbor.

Mr. WILLIS. I have no objection to that; I think the letter should be before the House.

The CHAIRMAN. If there be no objection, the letter referred to by the gentleman from South Carolina [Mr. DIBBLE] will be printed in the RECORD.

There was no objection; and the following was ordered to be printed in the RECORD:

THE JETTIES IN CHARLESTON HARBOR.

Letter of General Q. A. Gillmore, United States engineer, describing the condition and results of the work, and setting forth his reasons for believing that a depth of 30 feet on the bar can be secured:

CHARLESTON, S. C., *January* 22, 1885.

DEAR SIR: Referring to our recent interview, I wish to express my satisfaction with the progress of work on the Charleston jetties under the present contract, and the beneficial results in immediate prospect.

Captain Bailey informs me that the survey just completed indicates quite plainly that increased scour on the bar between the jetties has been developed.

Although the concentration of water upon the bar secured by the jetties up to the present time is very small in comparison with what is intended and with what the plan requires, both works being as yet little more than foundation courses, and the south jetty not having yet reached the crest of the bar by about 1,000 feet, I am confident that, even in their present condition, the works are able to maintain a much deeper channel than that which exists between them, and that the time to begin the dredging contemplated in the original estimate has arrived. Proposals for dredging have, therefore, been invited, the object being to aid the scouring power of the accelerated current.

I wish to reaffirm my confidence in the ability of these works, when completed, to maintain a deep navigable channel across the bar. I believe a depth of 30 feet to be easily attainable.

Adverse criticisms on the efficacy of submerged jetties have no application to the Charleston works. The latter are strictly tentative in character, and their distance apart was planned with the special object of reserving entire freedom of choice with respect to their ultimate height.

Their crests can of course be carried up to the height necessary to maintain the desired channel depth between them. Where they cross the bar they are half a mile apart, equal to about one-half of the width of the throat of the harbor between Forts Sumter and Moultrie, where the channel depths are 75 to 80 feet at low water.

Omitting engineering technicalities, two significant questions may be popularly stated as follows:

First. If the flow between Sumter and Moultrie maintains a channel depth of 75 feet where the width is one mile, what portion of that flow will be required between the jetties where the width is only half a mile in order to maintain a depth of 28 to 30 feet? The answer suggests itself, that not all the water flowing past Fort Sumter will be needed between the jetties. The plan, therefore, allows part of it to pass over their tops, thereby lessening the cost of the works more than one-half.

Second. If the flow between Sumter and Moultrie maintains a depth of 75 feet where the width is one mile, what depth would the same volume of flow maintain if it all passed between the jetties where the width is only half a mile? The answer is again evident, that, under these conditions, the depth scoured out would be excessive, possibly endangering the stability of the works themselves, and transporting a large body of sand to the seaward slope of the bar beyond the end of the jetties. This would introduce serious complications in the way of new shoals and a new bar. It has been one of the leading objects of the project to avoid such a contingency.

The principles suggested in the foregoing answers are neither new nor novel. They not only rest on long experience and observation, but are easily demonstrable by approved methods and formulæ. We need not go far for numerous and well-defined illustrations; two or three that are near home will be mentioned.

At the mouth of Saint John's River, where the tide rises and falls about five feet, the low jetties planned on the principles applied to the Charleston works, and not yet half finished, have produced a marked improvement in the gap between them. A channel has there been established by a scour alone of twice the depth existing there six months ago.

In Savannah Harbor, where there is about 7 feet rise and fall of tide, the Fig Island jetty, one mile long, with its crest fully 4 feet below high water, maintains a navigable channel 19 feet deep at high water through a shoal upon which there was only 11 feet before the improvement was begun. Farther down the harbor, at the head of Elba Island and at the upper flats, the low jetties, having their crests about 3 feet below high water, are continuously maintaining navigable channels 20 to 23 feet deep through shoals where only 16 feet could be carried at high water before any improvement was made by works or by dredging. These are points where the jetties have been completed a year or more, or long enough to produce a substantial approach to maximum results. At other points where the jetties were finished more recently the scouring is now in progress. In some cases the movement of the sand is so tardy that the deepening process has to be hastened or aided by other means, and this is the object of the dredging which will be commenced in Savannah Harbor in a few days.

It goes almost without saying that the Charleston jetties should not excavate a channel of unnecessary depth between them, with the certain result that the excess of material removed will be deposited outside where the natural depths are very moderate and the slope of the bottom exceptionally flat, and where we must depend for its removal upon the intermittent and irregular littoral current produced by winds. Where interests of great magnitude are at stake, ordinary prudence suggests that there should be a liberal factor of safety. This is provided in the present project by reserving the power to resist the volume of flow and the amount of scour between the jetties.

It has been the subject of profound regret on my part that the importance of this great national work has not been recognized in Congress by liberal appropriations. Frequent stoppages and increase in the ultimate cost of the work have been the results of this policy.

I invite attention to my annual report for a more lengthy expression of my views on this point.

Q. A. GILLMORE.

Hon. S. Y. TUPPER,
Chairman Committee on Harbor Improvements of Charleston Chamber of Commerce.

Mr. WILLIS. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

CORRECTION OF ENROLLMENT.

The SPEAKER *pro tempore*. The Chair desires to submit for adoption a resolution providing for the correction of an error in the enrollment of a bill.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill of the House (H. R. 1017) relative to the Inspector-General's Department of the Army, be directed to change the word "hereafter" in said bill to the word "thereafter."

The resolution was adopted.

And then, on motion of Mr. WILLIS (at 5 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Thomas B. Magruder, of Claiborne County, Mississippi, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. W. W. BROWN: Memorial of Philadelphia Produce Exchange, praying for the passage of the national bankrupt law—to the Committee on the Judiciary.

By Mr. CAINE: Petition of Cyrene E. Hix and 20 others, of Monroe, Utah, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. CALDWELL: Petition of John L. McMillan, executor of Dr. B. N. Carler, deceased, of Houston County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. CASSIDY: Resolutions of Nevada State Teachers' Association, favoring the Blair educational bill—to the Committee on Education.

By Mr. CONVERSE: Petition of the board of trustees of Ohio State University, asking the passage of the bill establishing agricultural experimental stations—to the Committee on Agriculture.

By Mr. ELLWOOD: Petition of citizens of Highland Park and of Belvidere, Ill., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. ERMENTROUT: Memorial of the Philadelphia Produce Exchange, favoring a national bankrupt law—to the Committee on the Judiciary.

By Mr. FORNEY: Petition of John Edwards, of De Kalb County, Alabama, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. GLASCOCK: Concurrent resolution of the California Assembly, in relation to national homes for disabled volunteer soldiers—to the Committee on Military Affairs.

By Mr. HARDY: Petition of Martin Van Ness, for compensation for services rendered under the Architect of the Capitol in the Library of Congress—to the Committee on Claims.

By Mr. H. H. HATCH: Petition of citizens of Bay City, Mich., urging that the United States acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior, and make them free of tolls—to the Committee on Rivers and Harbors.

Also, petition of citizens of Vassar, Mich., asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. D. B. HENDERSON: Paper from the Architectural Association of Iowa, urging the passage of the Stockslager bill regulating duties of Supervising Architect—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: Petition of Robert Steel, of Pittsburgh, Pa., late of the United States Navy, for relief—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

Also, resolution of the Produce Exchange of Philadelphia, in favor of a national bankrupt law—to the Committee on the Judiciary.

By Mr. HOUK: Petition of Jane M. Massingill, of Jefferson County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. HOWEY: Petition and resolutions passed by the New Jersey State Agricultural Society, praying for the passage of House bill 7498, establishing agricultural experiment stations—to the Committee on Agriculture.

Also, petition of Mary C. Shotwell and others, of Warren County, New Jersey, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. JEFFORDS: Petition of Thomas S. Redd, of Washington County, Mississippi, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of James G. Ferguson, of the State of Mississippi, for relief—to the same committee.

By Mr. B. W. JONES: Petition of O. S. Montz and others, compositors on CONGRESSIONAL RECORD, asking for relief—to the Committee on Appropriations.

By Mr. KLEINER: Petition of citizens of Evansville, Ind., praying for the improvement of Rough River, Kentucky—to the Committee on Rivers and Harbors.

By Mr. MILLARD: Petition of O. S. Montz and others, compositors on CONGRESSIONAL RECORD, for relief—to the Committee on Appropriations.

By Mr. McMILLIN: Petition of O. S. Montz and others, compositors on CONGRESSIONAL RECORD, asking relief—to the same committee.

By Mr. PATTON: Nine petitions of officers of the United States Army, asking for the passage of House bill 8125, to promote the efficiency of the Army by the voluntary retirement of officers who entered the service during the late war—to the Committee on Military Affairs.

By Mr. PETTIBONE: Petition of Furney Jones and of Sallie A. Fugate, of Claiborne County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of Mary Houston, of Conkling, Tenn., for pay for property taken and used by the United States Army—to the same committee.

Also, petition of Robert P. Harris, of Tennessee, for relief—to the Committee on Military Affairs.

By Mr. PIERCE: Petition of J. L. Trimble, of James Cook, and of W. H. Holmes, of Gibson County, and of Y. C. Nolen, of Haywood County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. ROBERTSON: Petition of Jane Wilson and others, of Breckinridge County, Kentucky, for an increase of widows' pensions—to the Committee on Pensions.

Also, petition of Harriet K. Taber, of Breckinridge County, Kentucky, asking for a pension—to the Committee on Invalid Pensions.

By Mr. ROSECRANS: Petition from Howard Post, Grand Army of the Republic, No. 11, of Baltimore, Md.; from Eustis Post, No. 5, of Florida; from George H. Thomas Post, No. 29, of New Jersey; from Hooker Post, No. 51, of New Hampshire; from ex-soldiers in the custom-house at Boston, Mass.; and from 37 ex-soldiers of Washington, D. C., asking that Congress purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the Australian mail service—to the Committee on the Post-Office and Post-Roads.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the Lowell bankruptcy bill—to the Committee on the Judiciary.

Also, resolutions of the Chamber of Commerce of San Francisco, Cal., relative to the Nicaragua Canal—to the Committee on Foreign Affairs.

Also, concurrent resolution of the Legislature of California, relative to the bill (H. R. 7898) to provide for the establishment of a branch soldiers' home in said State—to the Committee on Military Affairs.

By Mr. RYAN (by request): Petition of James Clendinnin, of Jackson County, Alabama, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. WAKEFIELD: Resolution of the Legislature of Minnesota, requesting Senators and Members of Congress to secure by purchase by the United States Government of the Portage Lake and Lake Superior Ship-Canal Company's canal and Portage Lake and River Improvement Company's canal—to the Committee on Rivers and Harbors.

By Mr. WOLFORD: Memorial of the Arizona Mining Company of New York—to the Committee on Foreign Affairs.

By Mr. YOUNG: Petitions of Thomas J. Wallen, of Sallie M. Parish, of William J. Bishop, of Fayette County; of Bettie L. Abington, widow of James B. Abington, deceased, and of Louisiana E. Green, of Shelby County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. W. W. CULBERTSON: Of 151 voters of Concord, Ky.

By Mr. ELLWOOD: Of 121 citizens of Malta, De Kalb County, Illinois.

By Mr. FUNSTON: Of citizens of Girard and of Blue Mound, Kans.

By Mr. FIEDLER: Of J. W. Towell and others, of Newark, N. J.

By Mr. GEORGE: Of citizens of Douglas County, of Washington County, and of Oregon City, Oreg.

By Mr. GREENLEAF: Two petitions of citizens of Monroe County, New York.

By Mr. HUTCHINS: Of citizens of Jerome, N. Y.

By Mr. JOHNSON: Of Rollin Jenkins and others, of Essex County, New York.

By Mr. KEIFER: Of R. B. McCallum and 82 others, of Clark County, Ohio.

By Mr. KLEINER: Of ex-soldiers of Troy, Ind., and of ex-soldiers and citizens of Oakland City, Ind.

By Mr. LACEY: Of Thomas Lennon and others, of Quincy, Mich.

By Mr. LAWRENCE: Of citizens of Lawrence, Beaver, and Washington Counties, Pennsylvania.

By Mr. NUTTING: Of citizens of Fulton, West Monroe, Lacona, and Demster, Oswego County, New York.

By Mr. STEVENS: Of citizens of Le Roy, Green County, New York.

By Mr. A. J. WARNER: Of John Davis and others, of Pennsville; of F. A. Bartley and others, and of John Hoffman and others, of Meigs County, Ohio.

By Mr. WELLER: Of Charles H. Miller and 244 others, of Howard County, and of C. B. Barcom and 62 others, of Allamakee County, Iowa.

By Mr. WORTHINGTON: Of Thomas Nelson and others, of Vermont, and of H. J. Wyman and others, of Brimfield, Ill.

SENATE.

FRIDAY, *January* 30, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of 27th instant, with inclosures, from the Secretary of the Interior, in relation to objections on the part of the Creek Nation of Indians to pending legislation providing for the opening up to homestead settlement of certain lands in the Indian Territory.

The matter is presented to the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *January* 29, 1885.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of the preliminary survey of the unconfirmed private land claim, No. 109, in the Territory of New Mexico, known as the Rancho de Taos, Francisca de Antonio de Gijosa, claimant; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Private Land Claims.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a tracing of the plat of the preliminary survey of the unconfirmed private land claim, No. 123, in the Territory of New Mexico, known as the Santissima Trinidad or Rancho de Galvan tract, Francisco Sandoval, claimant; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Private Land Claims.

WILLIAM W. THOMAS.

The PRESIDENT *pro tempore* laid before the Senate the following resolution from the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES, *January* 29, 1885.

Ordered, That the Clerk of the House be directed to request the Senate to return to the House of Representatives the bill (H. R. 691) for the relief of William W. Thomas.

Mr. SHERMAN. I move that the request be granted.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the Senate comply with the request of the House of Representatives, and that the Secretary be directed to return the bill to that body. That order will be made if there be no objection.

ARMY INSPECTOR-GENERAL'S DEPARTMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent:

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 1017) relative to the Inspector-General's Department of the Army, be directed to change the word "hereafter" in said bill to the word "thereafter."

Mr. BECK. I move that the Senate concur in the resolution of the House.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. I should suppose that action upon the motion of the Senator from Kentucky to concur in the resolution would depend very much upon the information the Senate had as to whether the word in the bill originally was "hereafter" or "thereafter."

Mr. BECK. That has been carefully examined. It was "thereafter" in the engrossed bill, and was passed by both Houses as "thereafter." The President was requested by both Houses to return the

bill after the facts were all fully ascertained. He did so return it, and the purpose of the resolution is to correct the enrollment so as to make it correspond with the bill as it passed both Houses.

Mr. INGALLS. The bill has not then been signed by the President?

Mr. BECK. He returned the bill. He may have signed it; he had it before him; but the ten days had not elapsed, and he returned it at the request of both Houses.

Mr. INGALLS. This slipshod manner of amending legislative enactments is altogether too common. I can recall within the last Congress a dozen or fifteen instances where we have been called upon to amend bills in which mistakes had been made in the enrollment or engrossment either by joint or concurrent resolution. There is a defect somewhere in our system. If we have not a force of clerks who are competent to properly enroll and engross bills, I think there should be some reformation. I have no objection to this resolution, of course, but it is a very grave question.

Mr. BECK. The resolution makes the bill correspond with the action of both Houses.

Mr. INGALLS. The change of the word "hereafter" to "thereafter" changes the whole purport and range and scope of the bill, and we ought to know something about it, instead of being called upon in this blind and senseless way to act upon a resolution from the House. I suppose this is all right.

Mr. BECK. It is.

Mr. INGALLS. But it is a very improper mode of legislation.

Mr. SEWELL. Mr. President——

The PRESIDENT *pro tempore*. It is perhaps the duty of the Chair to state, as the Chair signs enrolled bills, that this was a House bill. It came to the Senate engrossed of course. The Chair has examined the engrossed bill upon which the Senate acted, and finds that the enrollment at the House of Representatives of that House engrossed bill did not correspond to the engrossed bill in the particular that the resolution refers to. The bill, therefore, as it passed both Houses, was incorrectly enrolled in the other branch. The Committee on Enrolled Bills of the Senate and its clerk in all such cases, of course (the original engrossed bill having been returned to the House of Representatives), take the certificate of the Committee on Enrolled Bills of the House that the bill has been correctly enrolled. The Chair takes that certificate also, together with the signature of the Speaker, as proof that the enrollment is correct, and the presiding officer of this body, as he is authorized and in fact required to do, signs the bill, which was done in this case. The error in the enrollment was not discovered until after that.

Mr. SEWELL. As chairman of the Committee on Enrolled Bills I was about to make a similar statement to that made by the Chair. I have thoroughly investigated the matter, and find that it was a clerical mistake which originated in the Committee on Enrolled Bills of the House. The engrossed bill and the correct bill contained the word "thereafter;" and the letter "t" being left out changed the whole character of the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of Amos A. Lawrence and 15 other citizens of Boston, Mass., praying that they may be made a corporation, for the purpose of promoting immigration to the Territory of Utah and developing its agricultural and mineral resources, with such privileges and immunities, and subject to such restrictions, as Congress may grant or impose; which was referred to the Committee on Territories.

Mr. PENDLETON. I present the petition of a large number of citizens of the county of Lake, in the State of Ohio, constituting the Farmers' Association of that county, praying for the passage of the interstate commerce bill commonly known as the Reagan bill. I move that the petition lie on the table, inasmuch as the bill is before the Senate as the unfinished business.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented resolutions of the Chamber of Commerce of Pittsburgh, Pa., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. BECK presented a memorial of officers in the United States naval service, remonstrating against the passage of the joint resolution (S. R. 107) giving the thanks of Congress to Commander W. S. Schley, United states Navy, and Lieut. W. H. Emory, United States Navy; which was referred to the Committee on Naval Affairs.

Mr. CULLOM presented a petition of corporations and citizens of Chicago, Ill.; a resolution adopted by the Board of Trade of Chicago, Ill., and a petition of business men of Chicago, in favor of the United States acquiring title to the two canals connecting Portage Lake, in Michigan, with Lake Superior, and making said canals free of tolls, as recommended by the Secretary of War; which were referred to the Committee on Commerce.

He also presented a memorial of citizens of Quincy, Ill., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. VEST presented the petition of G. W. Cooper and other citizens of McDonald County, Missouri, praying for legislation opening the Oklahoma country to settlement by citizens of the United States; which was referred to the Committee on Indian Affairs.

Mr. SEWELL presented a petition of citizens of New Jersey, praying an appropriation for digging out and opening a channel not less than six feet deep at high water between the bays of Barnegat and Tuckerton, New Jersey; which was referred to the Committee on Commerce.

Mr. CONGER presented resolutions of the Detroit (Mich.) Board of Trade, in favor of the passage of Senate bill No. 2522, providing for the purchase by the United States of the two canals across Keweenaw Point, Lake Superior, State of Michigan; which were referred to the Committee on Commerce.

He also presented the petition of J. T. Cobb, secretary, and 11 other members of the Michigan State Grange, praying for the passage of the so-called Reagan interstate-commerce bill; which was ordered to lie on the table.

Mr. MILLER, of New York, presented the petition of Edward S. Torrey, administrator *de bonis non* of the goods, chattels, and credits which were of the estate of Joseph Torrey, deceased, late a major in the Revolutionary war, praying the payment of certain commutation-money due the decedent in accordance with the provisions of the resolution of Congress passed March 22, 1783; which was referred to the Committee on Revolutionary Claims.

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

Mr. BAYARD. I ask leave to submit a statement of the expenditures of the Columbia Institution for the Instruction of the Deaf and Dumb, by the president of that institution. This statement is in accordance with a section of the Revised Statutes, which makes it requisite that such a statement should be communicated to Congress. It was handed to me as one of the directors of that institution on the part of the Senate. I move that the statement be referred to the Committee on Appropriations and printed.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on the Library, reported amendments intended to be proposed to the legislative, executive, and judicial appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. RIDDLEBERGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 2420) to provide for the establishment of evening schools in the District of Columbia, reported it without amendment.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2162) granting an increase of pension to Julia M. Michler, widow of Lieut. Col. Nathaniel Michler, deceased;

A bill (S. 2048) granting a pension to Elizabeth Templeton;

A bill (S. 1949) granting a pension to Elise Burki;

A bill (S. 2052) granting a pension to William Gieseking;

A bill (H. R. 4613) granting a pension to Preston M. Shannon; and

A bill (H. R. 1836) for the relief of Elizabeth Moyal.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of Mary A. Hughes, praying for a pension, reported adversely thereon; and the committee were discharged from its further consideration.

Mr. JACKSON. Some days since the Committee on Pensions reported adversely on the petition of Mrs. Nannie Cushman, overlooking the fact that there was a bill accompanying the petition. They now report adversely the bill (S. 2466) to increase the pension of Mrs. Nannie Cushman, and I move its indefinite postponement.

The motion was agreed to.

Mr. CAMDEN. The Committee on Pensions, to whom was referred the bill (H. R. 3332) granting a pension to George S. Riggs, have instructed me to report adversely. I will state that the relief asked for in the bill has been granted at the Pension Office since the bill was introduced, so that the party has obtained the relief desired. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1801) granting a pension to Mrs. Elizabeth Ann Rice; and

A bill (S. 1837) for the relief of George P. Home.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 2348) granting a pension to John D. Rickards, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6594) granting a pension to Russell F. Dimmick;

A bill (H. R. 5632) granting a pension to Sarah J. Bremmer; and

A bill (H. R. 5630) granting a pension to George W. Rugg.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 2453), granting a pension to Frank S. Marsh, reported it without amendment, and submitted a report thereon.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2452) granting a pension to Mary M. J. Frank, to report it back adversely. I wish to state that the adverse report is based upon the fact that by a special act, approved August 15, 1876, the person named in the bill was placed on the pension-roll. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. WILSON. I am also directed by the Committee on Pensions, to whom was referred the bill (H. R. 435) granting a pension to Samuel W. Tracey, to report it back adversely, on the ground that the case has been reopened in the Pension Office and is there pending. I move the indefinite postponement of the bill.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1924) granting a pension to Thomas Simpson, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 7141) granting a pension to Daniel W. Adams, reported it without amendment, and submitted a report thereon.

COUNTING THE ELECTORAL VOTE.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom was referred a concurrent resolution in regard to the count of the electoral vote, to report the same back and recommend its adoption.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives the 11th of February, 1885, at 12 o'clock noon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. HOAR. I ask for the present consideration of the resolution.

By unanimous consent, the Senate proceeded to consider the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. I desire to say that the resolution is precisely the one under which the electoral count proceeded four years ago, except that there was connected with it then another resolution providing for a declaration of the result of the vote in the alternative in case some State should be found to have voted on a day not according to law. There is no occasion for that at this time.

I ask unanimous consent that the House resolution on the same subject may be taken from the table and considered at the present time, and I shall then move to amend it so as to make it conform to the Senate resolution. The House resolution is exactly like the Senate resolution except that the House propose to have but one teller for the Senate instead of two, as provided in the resolution now before the Senate.

The PRESIDENT *pro tempore*. What disposition does the Senator desire to have made of the resolution now before the Senate?

Mr. HOAR. I desire that the House resolution shall take the place of the pending resolution. Unanimous consent to consider the House resolution involves the laying of the Senate resolution aside.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending order be laid aside temporarily, and that the Senate now consider the resolution of the House of Representatives, which will be reported.

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives at 12 o'clock noon on the 11th of February, 1885, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that one person be appointed teller on the part of the Senate and two persons appointed tellers on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The PRESIDENT *pro tempore*. Is there objection to the consideration of the resolution just read? The Chair hears none, and it is before the Senate.

Mr. HOAR. I move to amend the resolution by striking out in line 6, after the word "that," the words "one person be appointed teller" and inserting "two persons be appointed tellers;" so as to read:

That two persons be appointed tellers on the part of the Senate.

Mr. INGALLS. Are not all the precedents in accordance with the amendment suggested by the Senator?

Mr. HOAR. They are, without interruption, from the foundation of the Government.

Mr. INGALLS. I do not recall any instance where the custom has been departed from.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was concurred in.

Mr. HOAR. I move that the Senate resolution be laid upon the table.

The motion was agreed to.

BILL INTRODUCED.

Mr. INGALLS introduced a bill (S. 2599) for the relief of R. G. Ward; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO ARMY APPROPRIATION BILL.

Mr. BECK submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. CAMERON, of Pennsylvania, it was

Ordered, That Louis C. Madeira and Emilio F. Cabada have leave to withdraw from the files of the Senate their papers in connection with Senate bill No. 878.

MICHAEL P. SMALL.

Mr. HAMPTON. I ask unanimous consent that a bill reported the other day from the Committee on Military Affairs, being the bill (S. 2399) for the relief of Maj. Michael P. Small, with an adverse report, may be recommitted to the Committee on Military Affairs. I have the permission of the committee to make this request, and I do it because some important evidence which was not before the committee is now in the possession of a Senator who was absent at the time of our consideration of this measure in the committee.

The PRESIDENT *pro tempore*. Will the Senator from South Carolina state the condition of the bill? Is it on the Calendar or was it indefinitely postponed?

Mr. HAMPTON. The bill was indefinitely postponed.

The PRESIDENT *pro tempore*. The Senator from South Carolina asks unanimous consent that the vote of the Senate indefinitely postponing the bill named by him be reconsidered, and that the bill be recommitted to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

GERIAH COLLINS.

Mr. COCKRELL. On the 6th of January the Senator from Tennessee [Mr. JACKSON] reported adversely from the Committee on Pensions the bill (H. R. 930) granting a pension to Geriah Collins, and the bill was placed upon the Calendar. The adverse report was based upon the ground that the claim was then pending in the office of the Commissioner of Pensions unadjudicated. I have in my hand a letter from the Commissioner of Pensions, which gives a different statement from the statement that was given to the Committee on Pensions, and I ask, in view of that fact, that the bill and the adverse report be recommitted to the Committee on Pensions for reconsideration.

Mr. JACKSON. Do I understand that the Commissioner of Pensions makes a different report from that which he made to the committee?

Mr. COCKRELL. He makes a different report, and says that the claim was rejected.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill (H. R. 930) granting a pension to Geriah Collins be taken from the Calendar and recommitted to the Committee on Pensions. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. COCKRELL. I now present the letter of the Commissioner of Pensions giving a statement as to the rejection of the case, and I move that it be referred to the Committee on Pensions.

The motion was agreed to.

PACIFIC RAILROADS.

Mr. HOAR. I move that the Senate now proceed to consider the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts.

Mr. VAN WYCK. I would inquire, if the bill is taken up now——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. An inquiry is in order, I presume; a parliamentary inquiry of the Chair?

The PRESIDENT *pro tempore*. A parliamentary inquiry is in order.

Mr. VAN WYCK. Then I make the parliamentary inquiry of the

Chair, whether if the bill is taken up now it will be under the five-minute rule?

The PRESIDENT *pro tempore*. It will be.

Mr. HOAR. That is not my purpose.

Mr. VAN WYCK. The Senator from Massachusetts says it is not his purpose to have the bill considered under the five-minute rule. So I thought.

Mr. HOAR. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Chair will hear it, if there be no objection.

Mr. HOAR. It is not my purpose to have the bill taken up under the five-minute rule, but it is my purpose simply to have it taken up and proceed to its consideration.

The PRESIDENT *pro tempore*. The Chair thinks on reflection that the Chair was in error in replying to the Senator from Nebraska. If the Senate agrees to the motion of the Senator from Massachusetts, the Chair thinks that the bill will be before the Senate at large.

Mr. HOAR. I desire to state further that it is not my purpose to press a vote upon the bill or to press any formal action upon it to-day. I suppose it would go over, of course, in the interest of the interstate-commerce bill at 2 o'clock at least and perhaps before. I propose to ask the Senate to listen to the reading of the report, which is a few pages, and the reading of the amended bill, and then to make a brief statement, which will not occupy more than ten minutes, perhaps—not a speech—and then let the matter go over.

Mr. HARRIS. If the Senator from Massachusetts will allow me, I desire to inquire if it would not be well to ask the Senate to proceed to the consideration of House bills favorably reported upon the Calendar.

Mr. HOAR. This is a House bill favorably reported on the Calendar, and such an order would put it at the foot.

Mr. HARRIS. I can readily see how the Senator from Massachusetts may desire to take up a particular House bill, as perhaps every other Senator may.

Mr. HOAR. It would require unanimous consent, I suppose, to make a general order to proceed to the consideration of a number of bills by name or an amendment of the rules.

Mr. HARRIS. Of course it would require unanimous consent, unless it were presented in the form of a resolution changing the rule.

The PRESIDENT *pro tempore*. The Chair will state that this debate is proceeding by unanimous consent.

Mr. HOAR. I hope the Senate will pardon me, as this is a very important matter. This is an extremely important bill, as every Senator within the sound of my voice knows. It undertakes to deal with a vast indebtedness to the Government, and it undertakes to remove from further discussion and dispute a great many complicated questions. It is a bill which has excited a good deal of interest in the country. I suppose I am not saying anything which will be disputed anywhere when I say that it has excited an immense deal of interest among stock-jobbers and speculators, and that newspapers are full of all manner of discussions pro and con, some of which, of course (I make no such general charge against the press of the country), are inspired by the interest of speculative dealers in stocks.

This measure as reported has been the result of great care. It is not stimulated or instigated by any railroad, but the result of the original investigation of the Judiciary Committee, looking very carefully into the whole subject with such aid as the representatives of the Government have afforded them. It seems to me that it is proper that the bill should be brought at an early day before the Senate, and that the principle upon which it proceeds should be understood by the Senate, which will be largely the result of reading the report, and that a brief statement should be made in addition to what is contained in the printed report. After that is done I shall propose to let the bill stand over until to-morrow, and I suppose under the rules it will require another motion to bring it up at that time.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Massachusetts, that the bill be now taken up for consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk began to read the House bill.

Mr. HOAR. I inquire of the Chair if the Secretary is reading the House bill?

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Secretary is reading the House bill.

Mr. HOAR. That, of course, is the proper and regular way; but the House bill is quite a long one, and I ask unanimous consent that the reading of that bill at this time be waived, and that the substitute reported by the Judiciary Committee may be alone read.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent of the Senate that the reading of the House bill be dispensed with, and that the Secretary read the substitute reported by the Committee on the Judiciary. Is there objection? The Chair hears none. The Secretary will proceed to read the substitute.

The Chief Clerk read the amendment of the Committee on the Judiciary, which was to strike out all after the enacting clause of the bill and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to ascertain the amount of the respective indebtedness of the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, the Sioux City and Pacific Railroad Company, the Central Pacific Railroad Company, and the Western Pacific Railroad Company, to which the subsidy bonds of the United States were advanced in aid of the construction of the Pacific railroads and branches, as of the 1st day of April, 1885, upon the same principle as if the whole sum of said bonds and interest paid and to be paid by the United States thereon, and not theretofore repaid by credits on account thereof, were to be paid to the United States in cash on said day. And the said sums shall be computed and ascertained as follows:

First. From the sums which shall on said 1st day of April, 1885, have accrued as interest paid or payable down to that day by the United States on said bonds, and not already reimbursed to the United States, there shall be deducted the amounts in the sinking fund properly applicable to the respective companies.

Second. The balance remaining shall be added to the sum of the principal of said bonds attributable, respectively, to the said Central Pacific Railroad Company and the said Union Pacific Railroad Company in the settlement hereinafter provided for.

Third. And there shall be also added to said principal sums the amount of the interest yet to accrue and be paid by the United States on said bonds, so as to ascertain the total sums that would be due to the United States for principal and interest paid on said bonds at their maturity if no further payment or reimbursement were in any wise made by any of said companies in respect thereto after said 1st day of April, 1885.

Fourth. The present worth as of said last-named day of said total sums shall then be computed, without compounding, on the basis that money is worth 3 per cent. interest per annum. And the final sums so computed and ascertained shall be deemed the sums that would be paid in cash on said 1st day of April, 1885, by said companies, if payment in cash were to be made.

SEC. 2. That the Union Pacific Railway Company, successor to the Union Pacific Railroad Company, and the said Central Pacific Railroad Company be, and they hereby are, authorized to make, issue, and deliver to the Secretary of the Treasury, who is hereby authorized and directed to receive the same, each its one hundred and twenty several bonds of redemption, each bearing date the 1st day of April, A. D. 1885, to an aggregate amount equal to the balance of said indebtedness so computed and ascertained as in section 1 of this act is provided, that is to say, the Central Pacific shall issue its bonds for the debt due by it to the United States and also the debt due by the Western Pacific to the United States, and the Union Pacific shall issue its bonds for its debt due the United States and also the debt of the Kansas Pacific, the Central Branch Pacific of the Union Pacific, and the Sioux City and Pacific Railroads; and each of said bonds shall provide for and bear interest at the rate of 3 per cent. per annum for the time each bond has to run; and each of said bonds shall be for the equal one hundred and twentieth part of the balance of such debt and interest so ascertained. Each of said bonds shall be payable semi-annually, with interest at 3 per cent. per annum, in lawful money of the United States, the first thereof on the 1st day of October, 1885, the second on the 1st day of April, 1886, and so on on the 1st days of October and April thereafter until all said bonds shall have been fully paid and discharged; and each of said bonds, respectively, when paid, shall be thereupon canceled and surrendered to said company. Said bonds of redemption shall be received by and on behalf of the United States in provisional payment of the bonds so issued by the United States to said companies mentioned in section 1 of this act: *Provided, however*, That no money shall be paid to the said several companies, or any of them, or any of their successors or assigns, from the United States Treasury, for or on account of services rendered to the United States, or any department of the Government thereof, over or upon the said railroad and telegraph line so aided by the advances of subsidy bonds, or upon any railroad or telegraph line owned, leased, or operated by said company, until the bond next maturing shall be fully paid as herein provided; but the obligation to pay said bonds so to be executed to the United States by said companies, and the obligation of the United States to pay for services, shall be deemed otherwise independent.

SEC. 3. That the statutory lien and security created and subsisting under and by virtue of the act of Congress approved July 1, 1862, and the act of July 2, 1864, and the act of May 7, 1878, to secure the repayment of said subsidy bonds, and the interest thereon, including and together with the whole line of all of the said railroad companies, and also any railroad owned by them, wherever the same may be situated, and all their telegraph lines, their rolling stock, fixtures, and property of every kind and description forming a part of the operating property of said companies, as well as that which they, their successors or assigns, may hereafter acquire, shall be and remain as security for the payment of the bonds of redemption herein authorized until the same are fully paid: *Provided, however*, That said Central Pacific and Union Pacific Companies, respectively, or their successors as aforesaid, shall be entitled at any time to prepay or anticipate the payment and discharge of said bonds of redemption so held in the United States Treasury; and to that end it shall be lawful for said companies, their successors or assigns, respectively, to make, issue, and dispose of their bonds to an aggregate not exceeding the amount of their said respective bonds of redemption which may remain then outstanding and unpaid, together with the amount of the first-mortgage bonds of said companies outstanding, to bear such rate of interest and to run for such term as may be deemed most expedient, and to secure the same by mortgages upon their respective railroads, telegraph, equipment, franchises, and property, said bonds and mortgages to be subject and subordinate to said lien and security of the United States until the same shall be extinguished; and upon such payment of all said bonds to the United States the said statutory lien and security in favor of the United States shall thereupon cease and be of no effect; but the duty of each and every of said companies, respectively, and their successors and assigns, to obey and perform all the requirements of law in all other respects shall continue to exist; and upon any anticipated payment of said bonds of redemption the Secretary of the Treasury is hereby authorized and directed to abate from said bonds interest on the amount thereof, from and after the date of such payment to the maturity thereof, at the rate of 3 per cent. per annum; and whatever mortgages any of said companies may execute in pursuance of the provisions of this section shall be made in all things in strict conformity to the laws of the States or the Territories in which the property mortgaged is situate; and that in respect of all the property that exists in any State or Territory, the security of the United States shall be made by a mortgage or other suitable conveyance of such form, tenor, and effect as shall make the security a valid and legal one under the law of such State or Territory: *Provided*, That neither of said companies shall use or dispose of any of its property or assets, otherwise than in the ordinary and proper course of its current business, without the consent of the President of the United States first obtained: *And provided further*, That no dividends shall be paid by either of said companies unless the same shall have been actually earned, nor unless such company shall have paid to the United States the amount of all matured indebtedness then due and payable under this act, and shall also have paid all debts which have previously matured which are secured by a lien paramount to that of the United States.

SEC. 4. That so long as each and every of said companies shall keep their said railroads and telegraph lines in proper repair and use, and shall at all times transmit dispatches over said telegraph line, and transport mails, troops, munitions of war, and supplies of public stores upon said railroads for the Govern-

ment, or any Department thereof, whenever required to do so (at fair and reasonable rates of compensation, not to exceed the lowest rates paid by any private party for the same kind of service, and subject to and bound by the provisions of any act of Congress, and the authority exercised thereunder, relating to postal, military, or any other Government transportation), and shall give the Government preference in the use of the same for all the purposes aforesaid, as mentioned in the sixth section of the act of July 1, 1862, and all acts amendatory of said act, and shall make punctual payment of the said bonds of redemption, no other or further sums shall be demanded or required of the company so performing said service and complying with this act; and none of the penalties or liabilities provided for in said acts, or any of them, shall be incurred by or enforced upon said companies while such due performance of all duties and punctual payments shall continue, but all such payments, requirements, penalties, and liabilities shall be suspended and not deemed to be due or payable, owing or incurred, until default of some of the provisions of the acts relating to and in force respecting said companies shall be made, in which case they shall stand revived and continue in force in the same manner and to the same extent as if this act had not been passed.

SEC. 5. That the acceptance of this act shall be deemed and held to be an acceptance of the act approved May 7, 1878, entitled "An act to alter and amend the act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, and also to alter and amend the act of Congress approved July 2, 1864, in amendment of said first-mentioned act."

SEC. 6. That a failure for six months to pay any of said redemption bonds as the same shall become due and payable as hereinbefore provided shall, at the option of Congress or of the President of the United States, be deemed, taken, and held to make all the said bonds due and payable, and all the rights and securities of the United States may be thereupon enforced.

SEC. 7. That this act shall take effect, as to said companies and their branches, respectively, as hereinbefore described, upon their acceptance by their boards of directors, and under their corporate seals, signed by their presidents and countersigned by their secretaries, respectively, being filed or deposited with the Secretary of the Treasury, within three months from the passage of this act; but if such acceptance be not so filed, said companies shall take no benefit therefrom. Upon said acceptance being filed and the settlement in this act provided for being completed, the Secretary of the Treasury is authorized and directed to sell any securities held in the sinking fund for said companies. And said settlement shall be completed on or before the 1st day of October, A. D. 1885.

SEC. 8. That if said companies shall fail to accept the foregoing provisions of this act, or if said settlement shall fail to be completed as and within the time in this act provided, there shall be charged and collected from such company or companies, their successors and assigns, so failing, from and after the 1st day of July, 1885, 35 per cent. of their annual gross earnings, to be ascertained as provided in section 1 of the act of May 7, 1878, in lieu of the 25 per cent. provided for in said act; and to that end said act of May 7, 1878, commonly called the "sinking-fund act," and any and all amendments or modifications thereof, be, and the same are hereby, extended to the Kansas Pacific Railroad Company, to the Sioux City and Pacific Railroad Company, and to the Central Branch of the Union Pacific Railroad Company; and said act, and all amendments or modifications thereof, shall henceforth apply to said corporations equally as to those specifically named in said act.

SEC. 9. That in the event of the non-acceptance of the provisions of this act by said companies, or in the event of the failure to complete the settlement hereinbefore provided for in this act, it is further provided that section 3 of said act of May 7, 1878, be, and the same hereby is, so amended as to allow the Secretary of the Treasury to invest in the sinking funds of said companies, in the first-mortgage bonds of said companies, or any bonds or securities of the United States, in his discretion; or he may, with the assent of the companies, apply the same to the extinguishment of the interest of the subsidy bonds, the Government to refund the same on demand at any time, if at any time it becomes necessary in order to meet any debts or obligations of the said corporations prior in lien to said interest.

SEC. 10. That it shall be the duty of the Attorney-General to cause the provisions of this act to be enforced, and he shall take all steps needful to that end, and shall make report to the President each year or oftener thereon, which report shall be laid before Congress. And until the settlement in this act provided for shall be completed, all existing provisions of law relating to said companies, respectively, shall remain in force; and on and after said 1st day of October, 1885, sections 8 and 9 of this act shall, if said settlement fail to be completed, take effect.

SEC. 11. That this act shall be deemed and taken to be a public act to all intents and purposes, and shall be subject to alteration, amendment, or repeal, as in the judgment of Congress the public good may require.

Mr. HOAR. Let the report be now read.

The PRESIDING OFFICER. The report of the Judiciary Committee will be read.

The Chief Clerk read the following report, submitted by Mr. HOAR January 28, 1885:

The Committee on the Judiciary, having had under consideration House bill 6771, report the same back with an amendment and recommend its passage.

The bills referred to relate to, and attempt to provide for, the ascertainment and settlement of the debts due the United States by the Central Pacific Railroad Company, and the Western Pacific Railroad Company, the Union Pacific Railroad Company, the Kansas Pacific Railroad Company, the Central Branch Union Pacific Railroad Company, and the Sioux City and Pacific Railroad Company.

In the investigation of this most important matter the committee have endeavored to devise some means by which the Government could best secure the payment of the debt due the United States by the several companies named, and at the same time do justice to the companies and parties interested besides.

It may be well for a moment to revert to the reasons why the Government consented to be connected with these enterprises, and the causes which lead to the impressing upon them the character, in any way, of national undertakings. These are most forcibly stated and set forth by Judge Davis, speaking for the Supreme Court of the United States, in United States *vs.* Union Pacific Railroad (91 U. S. Rep., 79, *et seq.*), as follows:

"Many of the provisions in the original act of 1862 are outside of the usual course of legislative action concerning grants to railroads, and can not be properly construed without reference to the circumstances which existed when it was passed The war of the rebellion was in progress, and owing to complications with England the country had become alarmed for the safty of our Pacific possessions.

"The enterprise was viewed as a national undertaking for a national purpose, and the public mind was directed to the end in view rather than to the particular means for securing it. Although the road was a military necessity, there were other reasons active at the time in producing an opinion for its completion besides the protection of an exposed frontier; there was a vast unpeopled territory lying between the Missouri and Sacramento Rivers which was practically worthless without the facilities afforded by a railroad for the transportation of persons and property. With its construction the agricultural and mineral resources of this territory could be developed, settlements made where settlements were possible, and thereby the wealth and power of the United States largely increased; and there was also the pressing want, in time of peace even, of an improved and cheaper method for the transportation of the mails and of supplies for the Army and the Indians.

"It was in presence of these facts that Congress undertook to deal with the subject of this railroad. The difficulties in the way of building it were great, and by many intelligent persons considered insurmountable.

"The scheme for building a railroad 2,000 miles in length, across mountains, over deserts, and through a country inhabited by Indians, jealous of intrusion upon their rights, was universally regarded at the time as a bold and hazardous undertaking. It is nothing to the purpose that the apprehended difficulties in a great measure disappeared after trial, and that the road was constructed at less cost of time and money than had been considered possible. No argument can be drawn from the wisdom that comes after the fact.

"The project for building the road was not conceived for private ends, and the prevalent opinion was that it could not be worked out by private capital alone. It was a national work, originating in national necessities, and requiring national assistance.

"The primary object of the Government was to advance its own interests, and it endeavored to engage individual co-operation as a means to an end—the securing a road which could be used for its own purposes."

These corporations are, then, except the Central Pacific Railroad, creatures of the United States. They were brought into existence for public purposes, and their property, to a large extent, is devoted to public uses. Many severe accusations have been brought before the committee against these companies, as to their management and control, and as to exorbitant exactions in many instances, and invidious distinctions made by them in the direction of their affairs. Of the truth of many of these charges the committee have no doubt, but they do not consider these as bearing largely on the question of the relations of the United States as a creditor endeavoring to obtain adequate security for its debt. This is to them simply a question of how to ascertain the indebtedness of these companies to the Government and secure its payment, and not to regulate the freights and charges of these companies, propositions more directly and naturally connected with other and different measures. There can be no doubt very gross abuses have been committed, but with them the committee have not thought they were concerned in this proceeding further than as they touched or affected the indebtedness to the Government and its security. In this connection the language of Chief-Justice Waite, speaking for the Supreme Court in the Sinking-fund cases (99 U. S. Reps., 723), will not be considered inappropriate:

"Without undertaking, in any measure, to cast censure upon those by whose matchless energy this great road was built, and, as if by magic, put into operation, it is a fact which can not be denied, that when the road was in condition to be run its bonds and stocks represented vastly more than the actual cost of the labor and material which went into its construction. Great undertakings like this, whose future is at the time uncertain, requiring as they do large amounts of money to carry them on, seem to make it necessary that extraordinary inducements should be held out to capitalists to enter upon them, since a failure is almost sure to involve those who make the venture in financial ruin; it is not, however, the past with which we are now to deal, but rather the present and future; we are not sitting in judgment upon the history of this corporation, but upon its present condition. Dealing then with the present condition of these companies, and anticipating as far as can be their future condition, the question is one merely between creditor and debtor, and that is how to so deal with the debtor as to best secure the creditor in his just claim against the debtor, and the solution of this is to be had upon common business principles, applied to the actual existing state of affairs as connected with these obligations."

The history of these debts and their present status may be found in the annual report of the Commissioner of Railroads, made at this session of Congress, page 18 *et seq.*, and from which the committee beg to quote somewhat at length:

"In my report for last year, page 15, I recommended that Congress consider the practicability of funding the debt, and called attention to the fact that under the decision of the First Comptroller, affirmed and adopted by the Secretary of the Treasury in his circular of June 27, 1883, the Government is liable to pay in cash for all services rendered by the bonded Pacific railroads over any portions of their roads, owned, leased, or operated, which have not been subsidized in bonds. I added 'it is clear that under this decision, which is in accord with the decision of the Court of Claims (U. P. R. R. *v.* U. S., 16 Ct. Cls., 353) the companies have a manifest interest in diverting traffic from the subsidized portions of the roads.' I also called attention to the detailed statement of the Central Pacific Railroad Company, and to the fact that the earnings on the subsidized portion of the road diminished in greater proportion during the year 1882 than on the non-aided portion. Comparison of the statement on page 43 of my report for 1883 with that on page 43 of this report will show the net earnings of 1882 on the aided portion to have been $3,171,680.93, and for 1883 $2,646,122.76, a decrease of $525,558.19, or $131,389.55 of the proportion of such earnings due to the Government.

"The Central Pacific system, in connection with the Galveston, Harrisburg and San Antonio system, embraces a line from Ogden, Utah, by way of San Francisco, to New Orleans, a distance from Ogden to San Francisco of 895 miles, from San Francisco to El Paso of 1,286 miles, and from El Paso, over the Galveston, Harrisburg and San Antonio sytem, to New Orleans of 1,209 miles, a total distance of 3,390 miles, exclusive of 915 miles of auxiliary roads, and 490 miles of steamer lines. Of this total mileage only 860.66 miles are subsidized with bonds and are under the operation of the act of May 7, 1878.

"The figures for the year 1883 show still more strikingly the decrease of earnings per mile on the subsidized portion of this system. The comparative statement of earnings and expenses on page 40 of this report shows that while there was an average decrease of earnings per mile on the whole system in 1882 of $462.35, the decrease on the non-aided portion was only $227.47 per mile as against $553.26 on the aided portion. During the year 1883 the average decrease per mile on the whole system was $183.30, but the earnings on the non-aided portion *increased* $57.62 per mile, while there was a *decrease* on the aided portion of $835.63 per mile.

"These figures clearly exhibit the grave uncertainties which must be encountered, in any plan which makes the payment of this vast debt depend upon a mere percentage of net earnings. This contrasted decrease is doubtless to be largely attributed to the natural diversion of traffic from the subsidized portions of the line, which lie wholly north and east of San Francisco, consequent upon the opening of new and competing lines through a territory whose traffic before the opening of the Southern Pacific and the Atlantic and Pacific roads was necessarily limited to the Central Pacific, but a large part of which is naturally tributary to the newer lines, and which mainly induced their construction.

"For all foreign freights the Atlantic seaports are the objective point.

	Miles.
From San Francisco to New York, via the Central and Union Pacific	3,334
From San Francisco to New York, via Atlantic and Pacific	3,458
From Los Angeles to New York, via Atlantic and Pacific	3,176
From San Francisco to New Orleans, via Southern Pacific	2,495
From San Francisco to Galveston, via Southern Pacific	2,184
From Los Angeles to New Orleans, via Southern Pacific	2,014

"It will thus be seen that the Atlantic and Pacific has opened a very formidable competition to New York and San Francisco and all points to the south of it, and that the Southern Pacific, on its line to New Orleans and Galveston, has

opened to the whole of California, even to its northernmost extremity, the shortest present line to the Atlantic ports. The point on the Central Pacific of equal distance between New York and New Orleans at which, other things being equal, the traffic destined for foreign exportation would seek the New York or New Orleans terminus would be about four hundred and nineteen miles east of San Francisco.

"The Union Pacific is now subjected to the competition in the territory south of its line of the Chicago, Burlington and Quincy, and the Denver and Rio Grande roads, which parallel it through its whole length from its eastern terminus to Ogden. It is also threatened with a no less formidable competition in the near future by the construction of a line through the territory north of it in the interest of the Chicago and Northwestern, upon a line, partially surveyed beyond the terminus at Valentine, of the Fremont, Elkhorn and Missouri Valley Railroad Company, of which two hundred and ninety-three miles west of the Missouri River are already constructed, and which, when completed, will open a line of easy grade and construction again parallel to this road through its entire length.

"By reference to the statements on pages 14 and 15 of this report it will be seen that up to July 1, 1884, the United States has paid $65,099,504.18 as interest on the subsidy bonds, while the total credits of the several companies on the interest account, as shown by the Treasury statement, were $18,804,122.28, leaving an unpaid balance of $44,295,381.90. This, added to the principal sum of the bonds, 64,623,512, makes $108,918,893.90. Deduct from this sum $6,084,099.82, the amount now in the sinking fund, and there remains a balance of $102,834,794.08, the amount of their indebtedness July 1, 1884, none of which is due until the maturity of the bonds.

"The annual interest paid by the United States on these bonds is $3,877,410.72. The total average annual repayment by the companies thus far has been $2,266,-624.79, showing an average annual increase of the debt of $1,610,785.93.

"Of the $2,266,624.79, the average annual payment, $1,013,016.64, is carried to the sinking fund, and only $1,253,608.15 is carried to the interest account. The United States, therefore, advances annually for interest an average of $2,623,802.57 in excess of the annual repayments of interest by the companies.

"The first-mortgage bonds of these companies respectively are equal in amount to the subsidy bonds issued by the Government, and mature about the same time. They are secured by the mortgage pledge not only of all the property of the companies respectively, but of their 'corporate rights, privileges, and franchise.' Foreclosure would pass the title to the purchaser, discharged from the Government lien, and exempt from all legislative interference based upon the existing subsidy debt.

"By section 10 of the act of 1864 they have priority of the lien over the Government.

"By section 8 of the act of May 7, 1878, the sinking fund created by that act 'shall be held for the protection, security, and benefit of the lawful and just holders of any mortgage and indebtedness of such companies, respectively, lawfully paramount to the rights of the United States.'

"The continuation of the sinking-fund method is therefore to accumulate a fund which, in the possible insolvency of any of these companies, will stand for the benefit of the first-mortgage creditors, and must be paid to them should the foreclosure of the first mortgage for any reason fail to realize the debt thus secured.

"The relation of the Government to the debts of these railroads is shown by the following tables:

"The first-mortgage debts, at their maturity, assuming that the interest in the mean time will be paid, and all of which has priority over the subsidy lien, will be as follows:

Central Pacific	$27,853,000
Union Pacific	27,229,000
Kansas Pacific	6,303,000
Sioux City and Pacific	1,628,000
Central Branch Union Pacific	1,600,000
	64,613,000

"The subsidy debt to the United States was, on the 30th of June, 1884, $102,834,-794.08, and at the maturity of the subsidy bonds (say 1898) will be about $128,500,-000, allowing to the companies the average of past annual credits, and assuming the average increase to be, as in the past, about $1,600,000 per year. In other words, the total indebtedness at maturity will closely approximate $193,000,000, including both the first mortgage and subsidy debts.

"It necessarily follows that if the Government, as a second-mortgage creditor, would protect its debt in the event of the foreclosure of the first mortgage, it must bid to an amount sufficient to cover both, or about $193,000,000, a sum vastly in excess and probably twice as much as the same property would now cost to construct.

"Should the property be sold to any purchaser other than the Government for a sum less than enough to cover both these debts, the Government must lose the difference. If sold to the Government, it must pay in cash the whole first mortgage, amounting to about $64,613,000, and become the owner, contrary to any policy of the Government which has hitherto obtained, and operate them in the face of all the competition of parallel and rival roads which they must necessarily encounter. Nor is there any probability that the Government could reimburse its outlay by any resale.

"Should the debt be funded as proposed, each semi-annual payment would be so nearly, or possibly quite, paid by the current earnings for Government transportation—if with the consent of the companies the whole may be so applied—that the balance, if any, could be easily paid out of the general earnings, and under such circumstances it would be clearly in the interest of the companies to pay.

"In my annual report for 1882 I called attention to the unsatisfactory working of the present system. I said, page 15:

"'It is manifest that when the bonds mature, at the close of the present century, the present sinking fund will not be sufficient to meet them, and if left to be dealt with then as a mere book account, with the risk of possible diminution of income from the rapidly increasing competition which they must surely encounter, adjustment may then be more difficult and embarrassing than now. * * *

"'It is respectfully submitted that it is worthy of careful consideration whether it would not be wisest and best for Congress now to commute the present mode of payment into one of fixed amounts not dependent upon the fluctuations of net earnings or the contingencies of competition, which might cause net earnings to disappear.'

"In my report for 1883, pages 13-16, I again called attention to the subject. Without repeating that discussion, I may quote my opinion as then expressed, that—

"'At the rate provided for in the Thurman act it would require a century or more to accumulate a fund sufficient to discharge this debt, and with strong probability that by this method it can not be done. Nor would it be practicable to increase the percentage without manifest detriment, as well to the companies as their patrons. The payment, by whatever mode it be collected, must come from the earnings of the road. If the rates be too high the burden falls with onerous weight upon the business, and would work directly in the interest of non-aided competing lines.'"

It is further shown by the Commissioner's report, as all who have examined the matter now fully understand, that the act of May 7, 1878 (the Thurman sinking-fund act), has failed to accomplish its ends and purposes, and it is manifest the payment of these debts can not be secured by and under this measure, and this from causes that could not be anticipated when the act was passed.

With this array of facts before the committee, and an exhibit of the liabilities and the assets of these roads, as appears more fully in the report of the Secretary of the Interior at this session (pamphlet, President's message and reports of heads of Departments, page 189, *et seq.*), the committee have concluded that while harsh and coercive measures might, to some extent, punish justly these companies for failing to meet their obligations, they might also, and most probably would, result in great loss to the Government in a failure to be reimbursed for outlays for these roads. The crippling or breaking down these companies, or the compelling a sale at which the Government would be forced to bid to protect herself, would not be wise policy. Whatever mismanagement may have attended these roads in the past, and however little they appeal to the sympathy of Congress for time in the payment of their debts, yet the surest and speediest possible payment, as matters now stand, will be secured, in the judgment of the committee, by an extension of time, with large further securities for payment, in which to meet these debts. And to this end, concurring in the views of both the Secretary of the Interior and the Commissioner of Railroads, the committee favor the bill with amendments as before indicated.

The bill is in brief this: to fix a day on which the indebtedness of the companies respectively to the Government shall be ascertained upon the same principle as if the whole debt and interest were to be paid on that day, with a proper rebate of interest at the rate of 3 per cent. per annum, and deducting from such amounts all payments made by the companies in money, or transportation, or otherwise, and extending the time at an interest of 3 per cent. The period for extension of payment of the last installment of the indebtedness is forty-six years beyond the date of maturity of the subsidy bonds, or an average extension of the whole debt of twenty-three years.

In consideration of the extension of time thus granted the companies are required to deposit with the Secretary of the Treasury bonds of redemption for the amount of the debt as ascertained in specific sums, one bond to mature every six months, and all the earning of the roads by Government transportation upon any roads owned, leased, or operated by the company shall be applied to the payment of the current maturing bonds of redemption, and no money shall be paid by the Government for transportation or service of any kind over the aided or non-aided roads until the bond next maturing shall be fully paid.

It extends the statutory lien and security now subsisting over all roads owned or operated, or hereafter acquired and wherever situated, by the companies, including telegraph lines, franchises, rolling-stock, and property of every kind and description, to remain as security for the bonds of redemption until all are paid, embracing over 5,000 miles of road not now held as security by the Government.

It also requires that the company accepting the provisions of this bill shall also accept the provisions of the Thurman act, yielding all questions of constitutionality of said act.

The plan further provides that either of said companies may prepay and discharge the debt in full at any time, and, as an inducement for such prepayment, an abatement of 3 per cent. per annum in interest is allowed, and the companies are authorized to mortgage their franchises and property for the purpose of raising funds to redeem these bonds of redemption if they see fit to do so. The sinking fund heretofore established in the Treasury is discontinued, but not till the bonds and mortgages provided for in the bill are executed and delivered.

The railroads and telegraph lines are required at all times to be at the service of the Government at rates as low as the lowest accorded to any individual for like service. A failure for six months to pay any of the redemption bonds at maturity, under the provisions of this bill, renders all of said bonds thereupon due and payable.

In order that the companies shall partake of the benefits of the proposed plan, they must accept the same under their corporate seals on or before April 1, 1885.

The purpose of the extension proposed is to bring the semi-annual payments sufficiently within the ability of the companies to render such payments entirely certain, and it can not, in the opinion of the committee, be of any vital consequence to the Government whether the debt be paid in fifty or sixty years, so long as its ultimate payment can be certainly secured.

The necessity of this extension further appears from the fact that the first-mortgage bonds of equal amount with the subsidy bonds mature at the same time, and these bonds having under the act of 1864 priority of lien over the Government, which stands in the relation of only a second-lien creditor, must be paid before the Government can obtain anything, and such payments would so strain the resources of the company that if no extension be given the probabilities are that the foreclosure of the first-mortgage bonds would extinguish the debt of the Government, unless it is prepared to pay for the Union Pacific, including the Kansas Pacific, and for the Central Pacific sixty-odd millions of dollars to cover the debt with interest of the mortgage which has priority over the Government.

If the Government became the purchaser and thereby the owner of these roads, it would thus find itself engaged in the railroad business generally, which would be altogether a new and very questionable policy in its history, and then it is by no means certain that, after paying this large prior debt, the Government would reimburse itself with the entire management and control of the roads in its hands, at least for many years beyond the time contemplated in the extension provided for by the bill. And there is scarcely any reasonable probability that the Government could reimburse itself for this outlay by any resale of the roads. In the event of the companies failing to accept the provisions of the plan of extension, "the Thurman sinking-fund act" remains in full force and effect as to all of the aided roads, including the three lines not hitherto embraced thereunder, with the percentage increased from 25 to 35 per cent.

If the Thurman sinking-fund act remains in force by the neglect of the companies to accept the plan heretofore described, then the Secretary of the Treasury is given enlarged power in the investment of the fund. The Attorney-General is required to look to a strict enforcement of this act.

Believing the plan of adjustment provided for in the bill herewith presented is fair and just, and will secure the Government in the payment of the debts due her by the roads, the committee submit it to the Senate as amended.

Your committee therefore propose to amend the bill by striking out the preamble and all after the enacting clause, and inserting the substitute herewith submitted. They further propose to amend the title of the bill by substituting the title herewith reported and marked "A:"

"A.

"A bill to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act, and to provide for a settlement of the claims growing out of the issue of bonds to aid in the construction of certain of said railroads, and to secure to the United States the payment of all indebtedness of certain of the companies therein mentioned."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

Mr. HOAR. Mr. President, if the condition of my voice will permit me to make a brief statement, I shall ask a few minutes at the present

time in explaining the theory on which this amendment goes. I suppose every Senator has a general knowledge of the history of the Union Pacific Railroad so called, the line connecting the Eastern States at a point which was then the western extremity of compact settlement in 1862 with the Pacific Ocean. Congress intended, for reasons which are very familiar and which are stated in the report, to make a great railroad line from the east to the west, which should be situated among the railroads of the country, having a relation to the transportation of traffic, freight, and passengers east and west, something like that which the Mississippi and Missouri Rivers had north and south, and which they are to have in the future when all the land on their banks is filled with cities, farms, and compact settlements. That was intended to be a great, well-endowed, solvent, independent line, which would be beyond the reach of stock-jobbers or persons who were ambitious to use it for speculative ends, and which would bear to the commerce of the country a relation like that of the Mississippi River or of New York Harbor. The reasons which caused that expectation to fail are also known; they were the subject of investigation both in this and in the other branch of Congress, and they are a memory in our political and business history which nobody desires needlessly to revive. It turned out that the bonds which had been given by the Government to aid in the building and endowment of the road, the first-mortgage bonds which the Government permitted to be a lien upon the road and its property prior to its own, the mortgage bonds which were secured by the mortgage of the land grants of the companies and other special mortgages made on special properties of the company, were all divided among the persons concerned in the building of the road, leaving the road crippled, poor, embarrassed, and without provision for the security of its indebtedness when it should become due.

Congress at that time had its choice of two remedies which were proposed. One was to repeal the charter of the Union Pacific Railroad, which was the one of these roads that was the creature of the Government, and to have the road managed for an indefinite period by commissioners to be appointed by the President of the United States, and to allow the stockholders and holders of bonds, creditors of the road, to prove in a judicial proceeding to be devised by Congress their claims against the road, and show that the owners of the stock and the bonds were free from the taint of the transactions to which I have referred, and then that a new corporation should be made, the Government coming in to succeed to the apparent debts of the persons whose debts were exposed to this taint and to the stock held by stockholders who were in complicity with these proceedings, so that the just stockholders and the Government should make a new corporation owning the stock to the extent of the original stock, and the honest creditors and the Government should be creditors owning the debts to the amount of the original debts.

That scheme, which was prepared by two eminent counsel then employed by the Department of Justice to represent the interests of the United States, did not for various reasons meet the approbation of the committee of the House of Representatives which had charge of the investigation, of which committee I was then a member, the principal reason being the injury to our institutions of having a corporation managed by five persons, who might be five politicians; we did not know who would be appointed or what skill or knowledge or even what integrity they might have; and it would give rise, if not to actual scandals, certainly to actual fears and rumors of scandals. So that scheme was dismissed.

The other scheme was the one which was adopted; the only other alternative suggested. It was to provide for a suit in the Supreme Court of the United States, to be instituted by the Government, in which all the persons who had received dividends of stock or bonds, or in any other way, in excess of a reasonable dividend, should be made parties, and should be compelled to refund to the treasury of the road (and of course to that extent increasing the security of the United States for its debts) what they had so wrongfully received.

The Supreme Court of the United States held that this suit could not be maintained, some of the judges dissenting. By that decision the United States are bound. Since that time the stock in this road has almost entirely changed. Some year or two ago, when the stock of the road was above par, statements were made by persons high in the confidence of the public that this road would undoubtedly immediately and for the future earn enough, in addition to discharging its obligations, to make it a good dividend-paying road, paying 6 to 10 per cent., and that its stock was a valuable investment at par. Thereupon, it being difficult to find profitable investments, Government bonds yielding only 3 per cent. interest, a very large number of persons, millions upon millions of dollars in my own State being represented, proceeded to purchase the stock of this road, and it is held by widows, by orphans, by trustees, by persons in humble places in life, by savings banks who represent such persons, by charitable institutions, and by educational institutions. Mr. Adams, the present president, who has lately come into the presidency, has made an analysis of the stock of this road, by which it appears that only about one-sixth of its entire stock is held by persons who can be supposed for a moment to hold it for speculative or stock-jobbing purposes.

It did not seem to the committee I believe, certainly it did not seem to me, that it was just for the United States to deal with the present question of the condition of the road by constantly remembering and citing against it the faults or wrongdoings of twenty years ago. We determined for good reasons to let the road live and not to kill it. Then we determined for good reasons to let it go on and manage its own business, let its stock remain salable upon the market as the stock of other corporations is. And therefore it seems to us that although the remedy of the United States failed, yet still that the duty of Congress is to deal with this road to-day with absolute justice, looking out of course in the first instance for the interest of the Government as a creditor, without being affected in our judgment by the faults of past years, except so far as those faults operate as a warning to be careful and strict in exacting the securities which shall prevent their repetition.

Within the past year a gentleman has come into the management of the road bearing an honored historic name, but not needing the historic honors which have come down to him from his ancestors to make those who know him ready to give him their confidence as a person who by his capacity and by his integrity is fit to be trusted in the management of a great enterprise like this; and he has undertaken the management of the road, called to it by the majority of its stockholders, with the purpose, as he declared publicly and privately, to have the road so managed that all its obligations to the Government and to its creditors shall be met, the first obligation or duty of the management of the road being scrupulously, fully, and exactly to discharge those, and then to manage it as a road to earn money for its proprietors like other business enterprises. Now, though I suppose I speak the opinion of the entire Committee on the Judiciary, I am authorized only to express my own; and I say that for one I confide in that as the purpose of the present management of the road, and therefore am prepared to recommend to the Senate and vote for a scheme which will in my judgment afford perfect security for the Government, be best for its business interests and for its debts, and at the same time will permit this road to escape bankruptcy and go on and discharge its public duties as a carrier and its duty to its stockholders as a business enterprise.

Then all the roads mentioned in this bill, which are the Central Pacific and one or two roads which are its dependents; the Union Pacific and the Kansas Pacific, which is its dependent, and the Sioux City and Pacific, which is classed here with the Union Pacific, but will have to have a separate clause in the bill relating to it, for it does not belong where it is now put in the bill—these roads all together will owe to the United States in twelve years or thereabouts from the present time when their debts mature—they all mature from 1894 to 1898—a sum (deducting what the Thurman act proposes shall be paid into a sinking fund), as near as it can be calculated, amounting to about $129,000,000; and the property of the companies is subject to a prior debt to become due at the same time which will bring it up to about $193,000,000. The precise accuracy of those figures depends of course on the amount which will be paid in the mean time under the provisions of the Thurman act, which depends on the amount of business of the roads, but that is about the amount.

If things go on as they are at the present time, the United States will be confronted with this problem: It must pay off the prior indebtedness, which will amount then to over $60,000,000—I speak in round numbers—and must then take the road to be run by itself as a great railroad manager, or to be sold in the market where the United States, of course, will be the victim of any combination of purchasers who will undertake to buy it for a song, bankrupting and destroying the present ownership of the road, or we must adopt some other method at that time.

The proposition of the committee is a plan which does not come from the roads; it is not the suggestion of the roads; it comes in its main feature from the Secretary of the Interior and the Railroad Commissioner, and is matured in its details by the committee of the Senate. It proposes to divide the indebtedness, to ascertain the present worth of the indebtedness; in the first place to apply the sinking fund to the present debts; take that money and have the sinking fund applied at its existing value to the present debts; then calculate what the debt will amount to in 1896—I think that is the year which is fixed upon—and then take the present worth of that sum, supposing money to be worth 3 per cent., which is, of course, the hardest rule that could be applied to the railroads, because 3 per cent. is the lowest point that money has touched, and it will take at the present time a larger sum at 3 per cent. to be worth the sum fixed upon in 1896 than would probably be required by what will be the actual rate which securities will bear in the interval. But that rule has been adopted by the committee. Then, having obtained that sum, it is to be divided into one hundred and twenty parts for each railroad in regard to the indebtedness of each, and a bond is to be given payable with interest at 3 per cent. every six months. That would amount to an extension of the debt to a period of sixty years from the present time, and to an extension of the indebtedness, deducting the twelve years which it runs now, about forty-eight years from the present time, and as the debt will be paid every six months, of course it will be an average payment of it in twenty-three years. It is, therefore, an extension of the credit to these companies for twenty-three years. That is the substance of it.

In return for that we get, in the first place, the expectation on our part that the roads will be able to pay that debt. We get instead of

the probability of their becoming bankrupt and a certainty in my judgment of their becoming bankrupt if we do not adopt the scheme, an assurance of payment. We get in the next place the removal from the courts and from Congress and from the public mind of all the questions, which are very numerous and complicated, growing out of our present relations to the roads and growing out of the complicated provisions and details of the Thurman act. But we get further the subjection to the United States as security for the debt of the United States of all the railroads which these companies have built as extensions of their present lines, of all their interest in roads which they have acquired by taking their stock, and of every property wherever situated of the roads of every nature and kind whatever, which is required to be put into securities which will be satisfactory to the law officers of the United States. We get an additional security of more than 5,000 miles of railroad constructed, operating in many instances very profitably, that is not now in the existing mortgage.

I will not detain the Senate at this time by any longer or fuller statement.

Mr. CONGER. Will the Senator allow me to ask a question?

Mr. HOAR. Certainly.

Mr. CONGER. Would these new bonds, which will be liens upon the old subsidized road and also upon the new roads, have any better security in point of priority of lien than the present bonds?

Mr. HOAR. Not in point of priority of lien over the prior debt to which the United States is now subjected.

Mr. CONGER. Will those bonds take the place of these?

Mr. HOAR. They will have to pay them at maturity.

Mr. CONGER. I mean to ask whether the present mortgage is relinquished?

Mr. HOAR. No; it is not the purpose or effect of the bill to relinquish the present mortgage; that stands, but is changed as to the terms of payment.

Mr. CONGER. The Government will have no additional security except the additional roads?

Mr. HOAR. That is the principal addition. I ought to say further that there are some detailed provisions, which I will not detain the Senate now by calling attention to, which remove doubts in regard to the right of the road to dispose of its property not in the ordinary course of business. The right to make dividends is limited, but they can not dispose of any property, except in the ordinary course of business, without getting the consent of the President of the United States.

Mr. SEWELL. I did not hear the first part of the remarks of the Senator from Massachusetts, and I ask him what does the United States relinquish in the bill as reported?

Mr. HOAR. It relinquishes its right to have its debt paid in twelve years from the present time.

Mr. SEWELL. Is the interest the same?

Mr. HOAR. No.

Mr. SEWELL. Does not the present debt bear 6 per cent. interest?

Mr. HOAR. That will be computed at 6 per cent. interest.

Mr. SEWELL. Does not the report make it 3?

Mr. HOAR. On the present debt 6 per cent. interest is to be computed up to the time it is due.

Mr. SEWELL. And hereafter it bears how much?

Mr. HOAR. Hereafter it is to bear 3 per cent.

Mr. SEWELL. That is a relinquishment of 3 per cent., practically.

Mr. HOAR. I do not so understand it. We have no right to collect interest after the maturity of the debt.

Mr. SEWELL. But suppose it is not paid and the debt contiuues?

Mr. HOAR. Provided it is not paid at maturity, the United States need not trouble itself about the rate of interest after that. It is beyond any human being's idea where it is to go or how the debt is to be paid with a rate of interest of 6 per cent. after maturity.

Mr. SEWELL. Does the Senator then consider that the road is not worth the debt?

Mr. HOAR. The Senator from New Jersey is too good a business man not to know that that is a question to which a literal answer might convey a very incorrect impression. Suppose you should come to me as the counsel of some dry-goods merchant who had a million dollars of indebtedness, and who, if his business was now wound up or wound up six months hence, could not pay fifty cents on the dollar; but still, if his business went on and he had an extension over a period of time, he would be very sure to work out the whole of it. I could say I had no doubt of it. Those two statements would not be inconsistent. If I should say the business and property are worth the debt now you might find it difficult to answer that question literally.

Mr. SEWELL. I should say from reading the report that the Senator from Massachusetts had made up his mind that with this amount of debt bearing 6 per cent. interest the road could not pay it.

Mr. HOAR. That is my belief.

Mr. SEWELL. And that a reduction of 3 per cent. would allow the company to do it.

Mr. HOAR. My belief is this: Under the Thurman act there is very great and reasonable dispute as to the meaning; but as the Government claims the Thurman act to be, the roads would have been in bankruptcy last summer if it had been literally and rigidly insisted upon. The roads would be in bankruptcy within a year under the Thurman act administered according to the extremity of the Government claim. That is what I have to say about it. But suppose it goes on, suppose the Government claim is not rigidly administered until the courts have passed upon the various questions as to how much the companies shall pay into the sinking fund and what is the rate of compensation for their transportation of mails and other Government freight; I still think, if the railroad goes on according to its own construction and claim of the meaning of the Thurman act, that in 1896, this whole indebtedness of $193,000,000 becoming due at that moment, the roads then will be bankrupted and the property must either be run by the Government as a great railroad manager or sold for a song. So, then, what this bill does——

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, the hour of 2 o'clock having arrived. The unfinished business is the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discrimination by common carriers.

Mr. HOAR. I ask unanimous consent to say a word further. The 6 per cent. interest for the next twelve years reserved by the contract is to be received just as the principal without any relinquishment.

The PRESIDING OFFICER. Does the Senator from Massachusetts ask unanimous consent?

Mr. HOAR. I have the right under this bill to say what I choose. The Chair will recognize me on the present order of business.

Mr. SEWELL. The Senator from Massachusetts is answering my question.

Mr. HOAR. After the maturing of this debt the bill contemplates that interest is to be paid upon the debt on the same terms as the Government now is able to borrow money upon its indebtedness. That is the position of things. So in point of fact the operation will be, the Government paying 3 per cent. interest on the whole public debt or nearly the whole of it at that time, there will be $193,000,000 on which these roads will be supplying to the Government the 3 per cent. which is paid out till they pay off gradually the principal. It will amount to the same thing as if these roads in 1896, if they keep this provision of this bill, assumed and wiped out $193,000,000 of Government debt at that time.

Mr. SEWELL. I did not get exactly the time that the interest is computed up to.

Mr. HOAR. The bonds fall due thirty years from the time when they were advanced by the United States in the course of the construction of the Union Pacific Railroad, as the Senator knows very well, twenty-five miles at a time. They built twenty-five miles, and the Government commissioners reported that the twenty-five miles were finished in accordance with the terms of the law, and then they got so many bonds. The Senator from Iowa, I suppose, knows better than I do about that matter. They fall due in thirty years.

Mr. WILSON. They commence maturing in 1895 and continue until 1899.

The PRESIDING OFFICER. The Chair, understanding the Senator from Massachusetts as yielding the floor, recognizes the Senator from Arkansas [Mr. GARLAND].

Mr. HOAR. I yield the floor.

Mr. GARLAND. I do not claim it.

Mr. HOAR. I have got through, unless the Senator wishes to speak in reference to this colloquy.

Mr. CULLOM. I hope the Senate will now proceed to the consideration of the unfinished business, and continue its consideration until the bill is finished.

Mr. GARLAND. I ask permission of the Senate to occupy ten minutes of its time on the matter brought up by the Senator from Massachusetts.

Mr. CULLOM. The Senator from Alabama [Mr. PUGH] is entitled to the floor on the interstate commerce bill.

Mr. GARLAND. I thought I was recognized.

The PRESIDING OFFICER. The Senator from Arkansas was recognized.

Mr. GARLAND. I want to make a few remarks on the matter that the Senator from Massachusetts has called up.

Mr. PUGH. I will take the floor on the interstate commerce bill, and I will yield to the Senator from Arkansas ten minutes, if it is agreeable to the Senate.

Mr. GARLAND. The bill which the Senator from Massachusetts has been speaking to I wish to say a very few words about.

Last summer I reported a bill from the Judiciary Committee in reference to this general subject, but limited to the Central Pacific Railroad. For reasons that were then shown to the Senate the Union Pacific was omitted from that bill. This winter the Judiciary Committee having before it the House bill on this subject, on my own motion the bill in reference to the Central Pacific road was recommitted to the committee, and on the investigation had after the recommitment of that bill and the House bill the present bill is reported by the Senator from Massachusetts. I wish to call the attention of the Senate to the fact that it is substantially, only putting in the Union Pacific, the bill that I reported last summer in reference to the Central Pacific, being

changed in a few particulars. There is one particular in which it is changed, to which I wish now to call the special attention of the Senate. I allude to the first, second, third, and fourth clauses of section 1.

Upon re-examination of the whole question as to two of these railroads the committee thought it was best to remedy what was a defect in the original legislation in regard to these roads in relation to the roads paying the interest. That was not in the bill that was on the Calendar last summer in reference to the Central Pacific Railroad. When the question came before the Supreme Court, as reported in ninety-first United States Reports, the court disposes of the question thus:

A provision in the charter that the grants thereby made are upon the condition that the company "shall pay said bonds at maturity," while it implies an obligation to pay both principal and interest when the bonds shall become due, does not imply an obligation to pay the interest as it semi-annually accrues. (U. S. vs. Union Pacific Railroad Co., 91 United States Reports, 72.)

The court, in reasoning upon that section, which was section 6 of the act, said that the language of the act led to that conclusion. It thereby left the United States paying current interest when the roads were not paying the current interest. The first, second, third, and fourth clauses of section 1 of the proposed bill are an attempt to remedy this, to make up as far as can be this difficulty that arose under the original legislation on the subject. The court, in giving this construction to section 6 of the original act, seems to incline to the conclusion that Congress purposely omitted to require the interest to be paid by the companies for reasons which I will not now detain the Senate by reading, that is, for supposed advantages that the Government had in the transportation of its mails, its munitions of war, and anything else it chose to send over the roads. The committee thought upon the investigation of this matter that it was proper to remedy this difficulty as far as possible, as it was probable the companies would have an undue advantage by this arrangement over the Government. The introduction of this new feature in these clauses of section 1 is for the purpose of making the Government whole, as far as it can; as it pays out current interest to receive current interest.

I thought it was best that I should give this explanation to the Senate on this particular feature of the bill. That is all I care to say now.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CALL submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

BILLS INTRODUCED.

Mr. CHACE introduced a bill (S. 2600) for the relief of the Woonsocket National Bank of Woonsocket, R. I.; which was read twice by its title, and referred to the Committee on Finance.

Mr. MAHONE introduced a bill (S. 2601) to remove the political disabilities of George T. Sinclair, of Virginia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON (by request) introduced a bill (S. 2602) to exempt the Young Men's Christian Association of Washington, D. C., from the payment of general taxes upon certain lands in Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. FRYE introduced a bill (S. 2603) for the relief of Andrew Burgess, John Hall, and William T. Roundtree, of the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

CONSULAR AND DIPLOMATIC APPROPRIATIONS.

Mr. ALLISON. I present some letters and statements in the nature of a report on the consular and diplomatic appropriation bill, and ask that they be printed.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The Chair hears no objection, and the order will be made.

COAST-SURVEY REPORT.

Mr. MANDERSON. I am instructed by the Committee on Printing to report a resolution.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

Mr. MANDERSON. That is the usual concurrent resolution, and I ask that it be considered at this time.

The resolution was considered by unanimous consent, and agreed to.

ADJOURNMENT TO MONDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourn to-day it be to meet on Monday next.

Mr. CULLOM. I hope the Senator from Pennsylvania will not make that motion.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is not one open to discussion.

Mr. CULLOM. I am very anxious to have the Senate sit to-morrow in order to finish the interstate-commerce bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

The motion was agreed to.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers, the pending question being on the amendment proposed by Mr. BECK to strike out all after the word "reasonable," in line 14, section 1, down to and including the word "person," in line 31; as follows:

And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class, without discrimination; but nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety, or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. PUGH. Mr. President, the question before the Senate is whether the Senate bill shall be substituted for the House bill as a remedy for admitted evils in interstate railroad and water transportation. The undisputed evils are clearly set forth in both bills. The methods and practices of transportation companies in all their unjust, injurious, and immoral character are seen and felt in every State, and the sufferers demand relief in some form from Congress. It is the duty of Congress to make an honest effort to meet the demand. What is the best thing to be done is the troublesome question. I frankly admit my inability to answer the question.

I have no knowledge or information, and, not to be offensive, I do not believe any other Senator has such knowledge or information founded on trial and intelligent experience that properly qualifies us for general legislation that will safely and wisely regulate by fixed rules interstate commerce. The far-reaching importance and confounding variety of complications admitted to exist in the freight carriage of our 1,200 railroads, running in every direction a distance of over 125,000 miles, through thirty-eight States abounding in marketable productions, should fill the minds of lawmakers with doubt, difficulty, and hesitation in undertaking to legislate upon the subject. The kind of knowledge indispensable to a proper understanding of the causes and character of the evils to be remedied, and what laws will cure them, is possessed by very few Senators. Theoretical or speculative reasoning as to the practical operation and effect of any inflexible statutory laws to govern railroads in all the cases of unjust and injurious interstate transportation, specified in each of the bills before the Senate, is to my mind too misleading and unreliable to conduct us to safe and wise conclusions in legislation. There is no subject over which Congress claims jurisdiction that is more elastic, shifting, changeable, and unmanageable in its very nature than interstate commerce and railroad transportation. The unalterable variety of its nature makes it necessarily incapable of regulation and management by permanent and inflexible statutory rules that are allowed no relaxation, modification, or variation in their application and enforcement. These manifest truths teach me that it is the highest duty of Congress to enter this unexplored field by slow and gradual approaches. Radical and speculative legislation may multiply the evils and cause irreparable mischief. Not knowing myself what is certainly best to be done, I will do the best I can with the lights before me and rest on the conviction that if what I do fails to reach the evils it can do no harm. A great man has said that "statesmanship is the science of circumstances." How to apply organic Congressional power to the new facts, conditions, relations, and circumstances constantly arising and requiring treatment, in the wonderful growth of this great country, is the severest trial and test of American statesmanship. The regulation of interstate commerce and railroad transportation by Congress furnishes a complete illustration of my meaning.

I can not make a more valuable contribution in the discussion of this interesting subject than to read the testimony of Albert Fink, one of the ablest, most experienced, and best informed railroad men in this or any other country. His knowledge was derived by many years of personal association with the operation of railroads and their management; he has filled for years positions of great trust and responsibility, and his integrity has never been questioned. Under the sanction of an oath he made the following statement as a witness before the Senate Committee on Education and Labor, September 17, 1883, and his testimony relates directly to every question involved in the proposed legislation; and whether we agree or disagree with his opinions and conclusions, he will certainly add to our information and aid us in comprehending and solving the difficult problems under consideration.

The testimony of Mr. Fink is divided and addressed to each particular subject, as follows:

NECESSITY FOR CO-OPERATION OF RAILROADS.

A. I am the head of a bureau established by a number of railroads—about

forty—which are endeavoring to work together in all matters which require co-operation, for example, and particularly the establishment and maintenance of uniform tariffs; that is the principal object for which the bureau is established. The railroad system has become so extended and the business relations of so many roads to each other have become so complicated that it became necessary that there should be organized co-operation. The tariff of one road influences the tariff of many others. It would not do for so many companies to operate each road separately from the other. They have to arrange with each other to form connections, to establish through lines of transportation and tariffs for such through lines. It is a very complicated question, to make these tariffs uniform on many competing lines, and to arrange them so that they bear equally upon different localities, and to avoid unjust discrimination, and it is still more difficult to see that the tariffs properly established over so many roads are maintained alike to all shippers receiving like service. To accomplish this is the object of the bureau, which is established in the interest of the public as well as in the interest of railroads. It is a union of railroads for the purpose of conducting the transportation business in a business-like way and in the best interest of the public and the companies.

The commercial management of railroads has become very much complicated by the great number of competing roads. If there was only one road or if all the roads belonged to one company it would be comparatively an easy matter to manage the tariff question, but when there are so many roads, each operated separately, having separate interests, there would be nothing but confusion and chaos as far as the tariffs are concerned.

Q. (by the Chairman). How many roads are there?

A. I suppose there are upward of 1,200 roads, even counting many roads that have been consolidated as one road.

THE ASSOCIATION OF ROADS EAST OF CHICAGO.

* * * * * * *

There are five trunk-lines—the Grand Trunk of Canada, the New York Central, the Erie road (or the New York, Lake Erie and Western, as it is now called), the Pennsylvania road, and the Baltimore and Ohio. These are the main lines. Then come their connections—the Lake Shore, the Michigan Central, the New York, Pennsylvania and Ohio—in fact, all the principal East and West roads as far as the Mississippi River, and as far as Chicago, and as far as the Ohio River—all the principal roads in that territory—the Cleveland, Columbus, Cincinnati and Indianapolis, the Indianapolis and Saint Louis, the Vandalia, the Ohio and Mississippi, the Pittsburgh, Fort Wayne and Chicago, the Chicago, Saint Louis and Pittsburgh, the Indianapolis, Bloomington and Western, the Lake Erie and Western, the Canada Southern, the Boston and Albany, the Fitchburg, the New York and New England.

Q. The Grand Trunk of Canada is included?

A. The Grand Trunk is one of the roads; yes, sir, and a very important one.

Q. With all its connections?

A. Yes. They have a road to Chicago. Their main road runs from Chicago to Portland, Me.

Q. This combination or association, if I understand you correctly, does not include any roads west of the Mississippi, or at least none west of the Missouri?

A. None west of the Mississippi. West of Chicago they have separate organizations of the same nature. They also have a similar organization in the South. These associations are formed pretty much on the same plan and for the same purpose.

Q. These are the roads that naturally take the produce from the interior of the country to the Atlantic seaboard?

A. Yes; east and west roads. There is a system of roads between the Mississippi and Missouri Rivers, and others, running north and south. They are separately managed.

Q. By a like combination or association?

A. Yes; as far as rates of transportation are concerned.

Q. As to this association of which you are the head, what are the principal westerly points and connections of your roads, and what are their principal points of outlet on the Atlantic seaboard?

A. The principal points west are Chicago, Saint Louis, Cincinnati, Indianapolis, Toledo, Detroit, Cleveland, and other intermediate points. The eastern outlet is the Atlantic coast from Portland, you may say, to Baltimore, including Boston, New York, Philadelphia, and Baltimore.

Q. Would it include the outlet of the Chesapeake and Ohio?

A. They have an outlet here at these points, also one at Newport News, Va., but are not part of the association, although they work together with the association as far as tariffs are concerned.

Q. They abide by the regulations and decisions without being actually bound by them?

A. Yes, they agree to them, but they need not abide by them if they do not choose to do so.

Q. So far as actual results are concerned, they are practically part of the association?

A. Practically, yes.

Q. Are there any other lines of importance that carry through products from the interior to the Atlantic coast—is there any outlet for the South—at Brunswick, or anywhere?

A. There are outlets at the South by some railroads, but not very important ones as far as export traffic is concerned. There is a route from the West to Brunswick, Savannah, Charleston, Port Royal, and Norfolk. The Chesapeake and Ohio have their terminus at Newport News. Then there are other roads, besides these I have named, from the West, from Saint Louis and Louisville and Memphis—the Norfolk and Western, the East Tennessee and Virginia, the Memphis and Charleston, called the Virginia Air Line, with its terminus at Norfolk. This is an important east and west road. It is, however, more particularly engaged in the Southern business, the cotton business; it connects with roads to Saint Louis, Louisville, Cincinnati, Memphis, Nashville, and other points, and does business there.

THE ASSOCIATION OF ROADS WEST OF CHICAGO.

Q. West of this system is one lying between the Missouri and the Mississippi Rivers, I understood you to say?

A. Yes.

Q. What is that called, and who is at the head of that association, and what roads are in it?

A. That association comprises the roads running from Chicago west—the Chicago and Alton, the Rock Island, the Chicago, Burlington and Quincy, then the Chicago and Northwestern and the Chicago and Milwaukee roads.

Q. Who occupies in that association a position similar to yours?

A. Mr. J. W. Midgley.

Q. Farther westward what are the principal railroad connections? Is there any associations among the railroads to the west or south of those you have mentioned?

A. There are associations, called the Iowa and the Colorado Associations, that take in all the roads to Colorado west of Chicago. The same roads that I have named are engaged in the traffic to Colorado, and the same commissioner is at the head of the bureau.

Q. This same Mr. Midgley?

A. Yes, sir.

Q. Then his system takes in the Colorado roads?

A. Not the Colorado roads, but the roads between Chicago and Saint Louis and the Missouri River.

Q. And the roads that reach to New Mexico and Arizona and the Territories?

A. Not the roads as far south as that, but of course it takes in the traffic to those points.

Q. They all feed into and connect with each other?

A. They all compete with each other.

THE SOUTHERN RAILWAY AND STEAMSHIP ASSOCIATION.

Q. What other like associations among railroads exist in this country?

A. There is an association called the Southern Railway and Steamship Association, the first one established upon the present plan. It was established in 1875. It comprises nearly all of the Southern roads south of the Ohio and east of the Mobile and Ohio Railroad, and the Atlantic coast.

Q. Mention some of the principal ones.

A. The principal ones are the Georgia Central road, the Georgia road, the Western and Atlantic road, the Louisville and Nashville system, the Richmond and Danville system, the Norfolk and Western, the Memphis and Charleston, the Savannah, Florida and Western, the East Tennessee, Virginia, and the Georgia system. These are the principal roads.

Q. Does this system cover the Mississippi Valley?

A. No; it does not reach the Mississippi Valley. There are some other roads in that territory east of the Mississippi; they run north and south. They have no joint interest with the other roads, which are east and west roads—such as the Illinois Central and the Mobile and Ohio.

Q. Under what system or arrangement, if any, are those roads you now mention comprised?

A. They are not under any particular system. There is no organized system under which they operate; they co-operate with each other. There are only two or three roads, and it is an easy matter for them to co-operate without any organization.

Q. Then to recur to this system of the South, of which you have been speaking, which was organized first of any, and in 1875, under what gentleman having the same powers or like powers to yourself were these roads organized?

A. The organization was made after I left the Louisville and Nashville Railroad. I had then been connected with the Southern system of railroads, and there was so much confusion and strife in regard to the establishment and maintenance of tariffs that it was utterly impossible to conduct the transportation business in a proper way. It caused a good deal of ruinous competition and unjust discrimination, each road making its own tariffs and underbidding the other. The result was, generally, that the roads worked for almost nothing, or at a loss, and it was almost impossible to control the tariffs. I was then the general manager and vice-president of the Louisville and Nashville Railroad, a road that was in contact with both the Northern and Southern systems of roads—a sort of connecting link between these two systems, and I had to do business with between fifty and sixty different roads, and when it was desired to make an agreement of any kind the parties could not be got together, and when some of them came together others were missing, and nothing could be done. But if they should all happen to come together they could not agree, or if they did agree there was no organization or executive department to see that the agreements were maintained. This state of affairs led me to suggest the plan of an organization of railroads with a central bureau through which the different roads could readily transact business with each other, instead of so many roads endeavoring to do business separately with one another, making it almost impossible to accomplish anything. All these complications were avoided by transacting business through the head of the bureau, who understood the relations of the roads to each other, and knew what was required, and through whom the roads could communicate with each other, and negotiate on all subjects requiring co-operation. The representatives of the roads would hold meetings and discuss matters. If they could not agree, the head of the bureau was to decide the questions at issue, and act as the executive, it being also his duty to see that the agreements were carried out. In this way the roads would be enabled to transact business promptly and to establish uniform tariffs and to see that they were maintained. This is the object of this and like associations. They are in the nature of clearing-houses, where the parties, instead of settling the money balances, settle their differences and their little quarrels (or their big quarrels, as the case may be). A definite way is provided in which business can be successfully transacted. It is simply accomplishing by organization what was ineffectually attempted by a mob under the old system. I made it my special business for about six months to organize the association, and since then it has been successfully carried on by others. The plan has been found to work so well that it has been adopted elsewhere. Mr. Virgil Powers is the present commissioner.

* * * * * * *

THE WATER ROUTES OF TRANSPORTATION.

Q. Will you now mention the water routes, whether by river or canal connection, that have to do the transportation of the country, either by connection with the railroads themselves or otherwise?

A. The principal water lines engaged in the East and West traffic are via the lakes and the Erie Canal in the North, and the Welland Canal in Canada. The Mississippi River to New Orleans forms another important water line.

Q. How important is that water line in connection with the transportation interests of this country?

A. The water lines that I have mentioned are very important factors in the transportation business of the country. They not only secure cheap transportation themselves, but they have the great advantage of regulating the railroad tariffs.

Q. Please explain how that is—that the water lines regulate, or can regulate, the railroad charges.

HOW THEY ACT AS REGULATORS OF RAILROAD CHARGES.

A. The cost of transportation upon the water routes being cheaper, the railroads have to carry freights as cheaply or nearly as cheaply. They can only increase their charges over the charges made by water routes to the extent that they offer additional advantages; while somewhat higher rates can be charged by the railroads, the basis of their charges are the charges made by the water lines. If they charge more than a certain amount above the water rates, the business would all go by water. Not only is this the case where railroads come in direct competition with the water routes, but the effect of these water routes upon the rail transportation rates is felt throughout almost the whole country. This is the result of the great competition between the railroad companies themselves. As to the Erie Canal and lakes, the railroads that directly compete with those routes between Chicago and New York must conform to the low water rates; but it is also necessary that, say, for example, from Indianapolis, which has no water connection with New York, the rates should be made upon the same basis as the Chicago rates—that is, the same rate per ton per mile, or nearly so.

CHICAGO RATES THE BASIS FOR RATES FROM AND TO OTHER WESTERN POINTS.

That rule is almost a fixed rule now, adopted by the railroad companies; that whenever the Chicago rates are lowered the rates throughout the whole territory east of Saint Louis, Louisville, Cincinnati, Peoria, Columbus, &c., are lowered proportionately. There are so many roads that run from those points direct to the East, under independent management—they want a share in the business of the country. If they were to try to exact proportionately higher

rates, say from Indianapolis or Saint Louis, than from Chicago, there would be enough margin left between the Saint Louis or Indianapolis rate and the Chicago rate to New York that freight could be sent from Indianapolis to Chicago, and then by railroad or canal from Chicago to New York. In order to prevent this the railroads that run direct from Indianapolis, Saint Louis, &c., to the East make the rates so low that the business must go over their roads, and can not go to Chicago. While the water routes only exist between Chicago and New York, the effect upon transportation rates is felt all over the country by reason of the competition between the railroads.

NOTWITHSTANDING COMBINATION, RATES ARE FIXED BY COMPETITION.

No combination of the railroads can suppress this competition. It could only be done if the railroads were all owned by one party and were operated in one interest. But as it is they have all separate interests, and each one guarding its own interest keeps up this competition, and even in agreeing between themselves upon rates, those rates are fixed by competition. This, unfortunately, is not understood by the public. It is generally believed that when competing railroads agree upon uniform rates, that this excludes competition. This is not the fact. The effect of water competition is not only felt in the territory east of the Mississippi and Ohio Rivers, but is felt south of the Ohio River. For example: The low rates from Louisville, under the influence of the Chicago low rate, are felt at Memphis, Nashville, and farther south. Freight from Memphis is shipped to Louisville and gets a low rate from there, and the people of Nashville and such places get as much advantage from the low rates as if really located on a water course: so that the influence of the water transportation is felt almost throughout the whole country. That is the influence of the Erie Canal. To the south there is the water-route from New York to New Orleans via ocean, and from New Orleans freight is carried to Memphis and Saint Louis and the West via the Mississippi. In order to meet these low rates, the east and west roads from Louisville and Memphis or from Memphis to Norfolk east have to conform again to the low rates made by the Atlantic Ocean and the Mississippi River.

Q. That has reference to goods from east to west, as well as from west to east?

A. Both ways. In this way the water-courses are really regulating the railroad transportation rates throughout, you may say, the whole country. Of course the low rates from here to the Mississippi River are enjoyed by the people west of that river. Rates generally are higher west of that river, but the people west of the river get the benefit of the low rates east. In many other ways the water routes help. The Ohio River, the Tennessee River, and the Cumberland River affect the railroad rates at the interior. There is plenty of competition that regulates the rates and keeps them at an exceedingly low figure.

NO COMBINATION PRACTICABLE ON WATER LINES.

Q. Will you please state how it is that there can be no combination of transportation interests by water as well as by land? Why can there be no combination so as to put up water rates as well as land rates?

A. It is hardly possible. The competition is only between canal-boats or steamboats; the water ways are free to all. If any one boat or a combination of boats should try to charge too high rates, it would require a comparatively small capital to start new boats. * * * I mean combinations for the purpose of charging excessive rates. Nor is it possible for railroads to combine for that purpose, because, as I have shown, the railroad charges are controlled by the charges on water ways. The water ways are free; nothing is paid for their use, and it requires very little capital to start competing steamboat lines.

There are certain arrangements by which railroads run in connection with steamship lines.

The Pennsylvania Railroad owns a steamship line from Erie, Pa., to Chicago. They have control of what is called the Anchor Line. The New York, Lake Erie and Western road owns a water line absolutely—the Union Steamship Line—running between Buffalo and Chicago. There is another steamship line between Buffalo and Chicago, that, while not owned separately by a railroad corporation, runs in connection with the New York Central road. All these water lines, while working with the railroads, are subject to competition, and their rates must be as low as by other water lines.

* * * * * * *

WATER TRANSPORTATION THE REGULATOR OF RAIL RATES.

Q. The real water regulator of the prices of fares and freights is the Mississippi River and the Atlantic Ocean, is it not?

A. And the Erie Canal.

Q. But the Erie Canal is liable to interruption?

A. During the interruption of navigation the Erie Canal still influences rail rates, although during the winter months the railroad companies are able to charge higher rates.

RAILROAD RATES COMPARED WITH WATER RATES.

It is the general impression that when the Erie Canal closes the railroads have it all their own way, that the railroads can then charge what they please. This, however, is not the fact, nor would it be if there were no Mississippi River. If the railroads were to attempt to charge high rates during winter-time business men would endeavor to throw most of the freight on the canal during the summer-time, leaving the railroads nothing to do in winter. The railroad companies can not increase their charges over the transportation charges by water more than the advantages are worth which the shippers receive by getting their goods promptly forwarded at all times. That is all the additional charge that railroads can impose, even in the winter-time, over the transportation rates charged by the canal.

Q. Still that would make necessary the holding back of the crop?

A. It would, but the railroad companies do not want the crop held back, and they must offer such inducements that will move the crop during the winter season; and they do so.

Q. But are not the necessities of the farmers such as to oblige them to send the crop forward?

A. At present they have become accustomed to sending their crops forward, but before the railroads undertook to carry this low-priced freight the farmers had to hold their crop. Now the advantages of the railroads over the canal are such as to induce them to move the crop, and of course the railroads offer every inducement to them to move it. * * * The canal carries now about from 40 to 60 per cent. of the grain that comes to New York during the navigable season. It carries only about 20 per cent. of the total grain receipts at Boston, New York, Philadelphia, and Baltimore during the year.

THE FIXING OF RAILROAD CHARGES.

Q. Will you explain as fully as you can to the committee the actual *modus operandi* or method by which this association arranges the fares and freights among the different roads—upon what general principles do you act—and, in fact, give us as correct an inside view of its operations and its useful or beneficial tendencies to the general public as you will?

A. It would be very difficult for me to explain fully to the committee the operation of this association, as the committee would have to be in a great measure familiar with many details in the management of this railroad transportation. I can only give, perhaps, a general outline of it. As I said before, the principal object of this association is to establish equitable and uniform tariffs over the roads represented on the committee as far as their competitive traffic is concerned. It has nothing to do with the local business of the roads. When two or more roads come into competition with each other for the same business, then it becomes necessary to have some understanding between those two roads as to the rates that should be charged for the same service. If one road were to charge one rate and another another rate, of course the road that would charge the lowest rate would do all the business and the other could not do any.

Q. That is competition, is it not?

A. Yes, but it don't work well in the transportation business. If there was no agreement as to uniform rates, shippers who would want to ship by one road would have to pay higher rates than shippers by another road. If these rates were kept secret the shipper would not know what the rates of the different roads were, and one shipper might thus get his goods shipped cheaper than the other. That would be unjust discrimination. It has become the practice of all railroads, and I think of all steamship lines, when they compete with each other, to agree upon a certain charge to be made by all routes for the same service, and let the shipper select his own route. That is generally called combination, and it is assumed generally that this combination is made for the purpose of exacting unreasonable compensation. But this is not necessarily so.

Q. That is, as you say, generally called combination, and we hear, under the existing system of transportation, that competition is the natural regulator of fares and freights; and the natural protector of the interests of the public in that regard. Is not, then, the direct purpose of this association to prevent that natural competition which is supposed to protect public interests?

A. These associations can not control the natural and legitimate competition, as I have already stated.

Q. Right there, I wish you would make your explanation as clear and full as possible.

LEGITIMATE COMPETITION DISTINGUISHED FROM RUINOUS COMPETITION.

A. We have to draw a line between legitimate competition, that is the life of trade, and competition that results simply in the ruin of the parties that are engaged in the competition. The object of these associations, besides that of giving uniform tariffs, and arranging through tariffs for the whole country, is to prevent ruinous competition. I think the competition between railroads is somewhat different from the competition in other business. Competition between private parties soon comes to an end when prices get so low that they can not carry on any business. A railroad company, however, can carry on competitive business for a long time at non-paying rates, and either not find it out, or else make the traffic for which there is no competition pay for the losses incurred in the competitive business.

Q. I suppose an instance of that is where they make up on local charges what they lose on the through charges?

A. Yes.

CHARGES ASSESSED ON THE VALUE OF SERVICE.

The proper plan is to assess the railroad charges in accordance with the value of the services rendered. Nobody should ask services for less than cost. The tendency of this railroad competition is, that by one road underbidding the other on the competitive business, the rates soon become so low that the business is worth nothing. They have often carried it, and sometimes carry it yet, at less than cost, and this is not to the advantage of the public. The public can always afford to pay reasonable rates for the service. It is not to the advantage of the public at large to do otherwise, because if you send all these railroad companies into bankruptcy, and thus ruin the people (who are really the owners of the railroads), you ruin the credit of the country, and you ruin the industries that are dependent upon railroads, such as the iron industries and the other manufacturing establishments which furnish supplies to the railroad; you also necessarily reduce the wages of the laborers. When railroads can not earn any money, the laborers employed on the roads have their wages reduced, or frequently lose their pay altogether. I may refer to the difficulties which arose in 1877, during and after a long railroad war, when so many of the employés rose and "struck." This was the result of low wages or reduced time of labor during the railroad wars.

EFFECTS OF COMPETITIVE STRIFE BETWEEN RAILROADS.

In fact it is hardly necessary to demonstrate that it is not to the interests of the people to have the railroad companies do work for less than cost; and this would be the inevitable result if they engage in competitive strife (as I will call it to distinguish it from legitimate competition). The nature of the business is such that when one railroad underbids another in order to secure a little more business, as soon as the other finds out that it has been underbid, it has to underbid its rival still further, and so rates go down and down until as in 1881 freight was carried from Chicago to New York, 1,000 miles, for 8 cents a hundred. This is a loss of from 8 to 12 cents a hundred in doing the mere work, not to say anything of interest on capital invested.

Q. What is the actual cost?

A. Anywhere from 16 to 40 cents—Chicago to New York. It depends upon what you count in the cost. The mere additional cash cost of moving 100 pounds of freight from Chicago to New York may be estimated at about 16 cents on grain. The average cost of all classes of freight, taking in general expenses, would be about 24 cents; and taking in interest it would be about 40 cents per 100 pounds. I will have to explain this subject more particularly later on; but upon the lowest estimate the charge of 8 cents made in 1881 was about only one-half the actual outlay of money, not to say anything about investment. But, apart from the ruinous result to the railroad companies, these railroad wars are objectionable as far as public interest is concerned. During these wars each road makes its own tariff without any agreement with its competitors as to uniform rates. It may make changes from day to day in these rates, and the shippers do not know what the charges will be for twenty-four hours to come. One man may have laid in his supplies at the regular tariff to-day and in a week from now the tariff is down to one-half of what it was then, and he is at very great disadvantage compared with his neighbor who lays in his goods a little later.

OBJECTS OF COMBINATION.

Now, it is for the purpose of establishing uniform tariffs, and to maintain the same without great fluctuation, to prevent ruinous wars, and the bankruptcy of railroads which would necessarily follow, that these railroad associations are established; it being their object to agree upon the proper tariff to be charged, and to have that tariff made known to the public, to prevent railroads from making reductions secretly in these rates, and to make charges alike for the same service. That is the object of these associations. And it is a very important object; in fact, if fully obtained, we would have reached the solution of what is generally called the "railroad problem." In my opinion it is only upon this plan of association, now adopted by many railroad companies in this country, that the evils of the transportation business heretofore experienced, and of which the people so much complain, can be remedied.

PRUSSIAN SYSTEM—STATE GOVERNMENT OF RAILROADS.

In Europe, especially in Prussia, this object has been obtained by the purchase on the part of the government of all the railroads in the country. This puts them all under one control, and enables the government to make uniform tariffs and strictly maintain them. This plan, however, could not be followed in this country.

AMERICAN SYSTEM—SELF-GOVERNMENT OF RAILROADS.

Here we must accomplish the same end by voluntary associations of roads under what may be called a self-government. Between the two modes of dealing with the railroad problem, I think the one adopted here is much more suitable to the spirit of our people and the character of our Government. I merely

wish to call attention here to the necessity and importance of the work which these railway associations are to accomplish. The difficulties encountered in endeavoring to accomplish this work are as great as is its importance. How are some 1,200 independent railroad companies, each having separate interests, to govern themselves so as to secure to the people, over 120,000 miles of railroads, throughout this immense country, uniform tariffs—tariffs that operate justly upon all sections of the country, justly between commercial communities, between rival cities, and between individual shippers? That is the problem to be solved. It can not be solved by each individual road following its own course and making its own tariffs without reference to the tariffs of other roads. The work to be done can only be done by the joint action of all roads that are jointly interested in the same traffic and that can influence each other's tariffs.

HISTORY OF ATTEMPTS AT JOINT ACTION.

Ever since there have been competing roads, efforts have been made, arising from the nature and necessity of the case, to act jointly in all matters of joint interest; and this for the reasons above stated. But the methods that were frequently adopted for such joint action were defective and inefficient. Representatives of railroads would hold conferences and discuss the subject-matters that required joint and uniform action on the part of many roads. They could hardly ever be all got together, and if they came together they could hardly ever agree; but if they did agree, the agreements were hardly ever carried out, at least not for any length of time. There was no authority to see that the agreements were enforced. Considering the complicated transactions covered by the agreements, it was impossible that these agreements could carry themselves out without supervision or control. Yet, strange to say, that was expected. The history of railroad management in the past records the complete failure of these efforts; and nothing else should have been expected.

In 1874 the first effort at some sort of organized co-operation was made by the roads which are now represented on the joint executive committee. I refer to the agreement known as "the Saratoga compact." Some seven commissioners were appointed, whose duty it was to control the rates. The organization was imperfect, and it soon fell to pieces. But it taught its lesson.

SOUTHERN RAILWAY AND STEAMSHIP ASSOCIATION—METHOD OF OPERATIONS.

In 1875 the Southern Railway and Steamship Association was organized. (I have already referred to it.) It provides for a complete government of the subject-matter with which the association has to deal. The representatives of the roads come together and form a legislative department. There is an executive officer who carries out the resolutions of the legislative department. If the representatives of the roads do not agree, there is a judicial department that decides the question at issue between the contending parties. Majority does not rule. All questions of difference are to be settled judicially. They are to be submitted to arbitration. The interests of each individual road can thus be protected, which would be impossible under a majority rule. This is the principle upon which the Southern Railway and Steamship Association was established, and the joint executive and other associations have adopted the same principles. The only defect in these organizations is that there is no authority to legally enforce agreements. The voluntary consent of all parties is necessary, and it may be considered surprising that under these conditions the government of the railroads by these associations has been as successful as it has proved to be; although it is still very imperfect, it is a great improvement upon former methods.

The difficulty is not so much in arranging the joint tariffs, because there are certain principles that guide this work. The tariffs are generally determined for the railroads by other conditions and competition such as the water routes. These latter are really the tariff-makers for the whole country.

ADVANTAGE OF THROUGH BILLS OF LADING.

The railroads are now in the habit of issuing through bills of lading, guaranteeing the delivery of goods at destination, collecting the charges from each other, so that the shipper has nothing to do but to ship his goods to the consignee at the point of destination, who, upon receiving the freight, pays the full charge. This saves a great deal of labor to the shipper.

That system is now in full operation throughout the country. Perhaps in no country in the world is it so perfect as here. You can get a rate to any point in the country and get a through bill of lading.

Now, in order to give a rate to a shipper to any point in the country, it is necessary that the railroads should come together and establish the rate, and that it shall be understood and made known to the public. It is one of the objects of this association to do that. In other words, instead of a shipper having to deal with forty or one hundred railroads, these roads are practically operated as if they were a single road, so far as the accommodation of the public requires. Taking the several roads from here to Chicago constituting one route, not only is it necessary that they should agree among themselves, but there are about fifty different routes or combinations of routes by which goods can be shipped from here to Chicago; and in order to give people one uniform rate from here to Chicago, all the roads constituting these routes have to come together and agree upon uniform rates. The question is, what shall that uniform rate be?

FACTORS IN FIXING RATES.

The idea generally entertained is that railroad companies can ask anything they want. But there is the competition with water routes, the competition in the markets for the articles to be transported, and other conditions influencing rates. The point is for the managers of these roads to come together and study the conditions under which they have to do business, and to adapt their rates to these conditions so that they may induce shippers to ship by the railroads. That is the problem. What the rate shall be is a matter of judgment and experience. If you make a rate that does not bring you any business, it is very soon found out.

Q. Is the result of that, practically, that all have to ship at that rate at which the route having the greatest advantages can do it?

A. All roads have to conform to the rate that is charged by the road that can or wants to make the lowest rate.

Q. But still the road that can carry at the lowest rate wants to get all it can?

A. Of course it does, and so do all the others, but the rates are limited by competition and condition of trade.

Q. And is there not, on the other hand, a tendency among the other roads to hold the charges as high as possible, and is it not to the interest of that road having the greatest facilities to conform to that higher rate, and make all the more profits?

A. It is to the interest of all to get as much freight as possible; it is for their interest to make such a rate as will induce freight to move. If you charge too high rates you get very little business, and it is better to encourage business and get more at reasonable rates. Of course there are certain limits to which only you can go, below which the business becomes unprofitable.

ITS COMPARISON TO THE FEDERAL SYSTEM FOR STATES.

I might explain further that the relation of this office to the various railroads having established it is pretty much like the relations of the Federal Government to the several States. It attends to the general business in which all the roads are interested, the same as the Federal Government transacts the business in which all the States have a common interest. If, for example, each State were allowed to make its own tariffs, and levy tolls and duties on commerce, without any restraint or agreement between all the States, it would lead to a terrible condition of affairs; and so, likewise, it would if all the railroad companies should do the same thing each for itself.

The regulation of commerce between the States became impossible under the Articles of Confederation. The common carriers in each State were governed by the common law, which is well adapted to the regulation of transportation in a State where facts and conditions are the same or similar. But there is no common law of the United States, and the impracticability of applying the fixed rules of the common law to interstate commerce and transportation created, among other causes, the necessity for our present Government, in which Congress is invested with "power to regulate commerce between the States." To undertake to establish the common law by a statute of Congress to regulate interstate commerce is to do what was found to be impossible under the Articles of Confederation. Again I read from Mr. Fink's testimony:

To compare the railroads under the organizations which I have explained with the States under the Federal Government, each road would represent a State. If each road, acting for itself, would make its own tariff, levying its own duties, you can see that it would lead to a great deal of confusion, just as it would if the separate States of the Union were to establish tariffs and collect duties separately, each for itself. The railroads have established a general government; all roads come together and legislate as to the uniform tariffs and freights that should be charged, and appoint an executive officer to see that these tariffs are complied with. The fact that in all countries where there are railroads there are these institutions in a more or less organized form indicated the necessity for them.

"RAILROAD UNIONS" IN GERMANY.

In Germany they have what they call the "Railroad Unions," dealing with the same questions that we deal with here in my office.

RAILROAD CLEARING-HOUSE IN ENGLAND.

In England the railroads have what is called a "clearing-house," which is an incorporated association formed by all the railroads, or nearly all the railroads of England. In that clearing-house they deal with the same questions that we do, under different rules and organizations. The English clearing-house makes the money settlements between the different roads, instead of each link in the chain of routes settling with the other; they settle through the clearing-house. The clearing-house is incorporated by the government, and it has worked for the last twenty or thirty years very satisfactorily.

RAILROAD PROGRESS LIES IN CONSOLIDATED MANAGEMENT.

I have shown the necessity and the benefits to be derived from the railroad companies working together in this way. In fact, it ought not to require much argument to show the necessity of it. I think the general drift of public opinion has long been that the railroads should all be under one government—and under the National Government—and that arises from the fact of difficulties coming up in the management of so many different railroads which makes it almost impossible to carry on the transportation business in a proper way. The same difficulties were experienced in all countries. In Prussia all the railroads are operated now under state control. Prussia has purchased all the railroads of the state. The reason for that is precisely the same as the reason for our associating together, and trying to work the different railroads as one railroad. The experience of the whole world is in the direction of uniform and consolidated management—at least of the commercial part of railroads.

* * * * * * * *

The rates of transportation are not in the power of the railroad companies to fix arbitrarily. They are regulated by so many conditions and influences that there is no danger that the railroads can exact unreasonable compensation. The danger, I think, is rather the other way. The question is whether the railroad companies can carry on business at such low rates as are forced upon them. Not only the water ways, as I have explained, control the rates almost completely—limiting them, at any rate, within very narrow limits—but the competition of the markets for the products that are to be carried is another great factor in fixing railroad transportation rates. The price of grain, for example, is not fixed by railroad companies, but is fixed in the markets of the world. That price is generally regulated now by the Liverpool market, and if railroads want to carry any grain they have to carry it at a price that will enable the producers to compete in the Liverpool market with the markets of the world. The East India wheat and Black Sea wheat have even become factors in making railroad rates from Chicago to New York. There is therefore no danger whatsoever of any excessive charge being made. The object of this association, as I have said before, is to fix upon a uniform rate. The limit of the rate generally is very closely fixed. This is the case with every commodity. Take, for example, sugar. That article is now being carried for 25 cents per hundred pounds from New York to Chicago. That is a quarter of a cent a pound, which is a very small charge upon that article for its transportation over such a distance, nearly 1,000 miles. The reason for this low rate is that sugar is carried to the West by the Mississippi River. New Orleans is a great sugar market, and if the railroads of the East want to compete with this market the rates must be fixed so low as to meet that competition. There are other articles that require very low rates in order to be transported at all. For example, coal and iron, and all like heavy and cheap articles. The tariff is fixed by the market price for the products in different places in the country. The railroad transportation charges can never be more than the difference between the market value of the articles in different markets—that determines for the railroad companies their charges in a great measure. And therefore this cry about the railroad companies or a railroad combination exacting arbitrarily from the people unjust compensation for their services is all gotten up for other purposes than to tell the truth.

RELATIVE IMPORTANCE OF LOCAL AND THROUGH BUSINESS.

Q. I wish to ask you a question now, which, if it interferes with your continuous answer, you may let pass for the present and take it up later. I want to learn from you in which way the country pays most to the railroads, whether in the form of rates or charges such as are arranged through your association, or for local rates or charges? That is, which is the greater source of income to the roads of this country, as a whole, the through business or the local business?

A. That is very different on different roads.

Q. But, I say, take the country as a whole. Do people pay more as local charges, or as through charges?

A. You mean in the aggregate?

Q. The aggregate.

A. I could not tell you that without looking further into the matter.

Q. Could you tell what it probably is over the roads that are in your association—which is most important to them, in other words—the through business or the local business?

A. The local business is the most important.

LOCAL CHARGES AFFECTED BY THROUGH CHARGES.

The local charges are, in a great measure, affected or regulated by the through. In the case of a railroad war, where the roads lose money on the through business, they would of course try to make it up on the local business; and the local charges would in comparison with through charges be much higher and unjustly discriminating. Hence, the operation of the association is to maintain a

paying through rate, as high as it can be got (which is never very high), and in that way they can rather lower the local rates and properly adjust them to the through rates. The principle that is adopted by most railroads is, that when a proper, a reasonable, and profitable through rate is established, they graduate their local rates by it.

Q. What is the relation between them?

A. For example, the Pennsylvania Railroad would not charge more to a place fifty or one hundred miles this side of Chicago than to Chicago, and they might charge less—not, perhaps, in full proportion to the mileage, but to some extent so. They would graduate the rates this side of Chicago on the Chicago rate. But, when there is a war of rates—when they charge only 10 cents to Chicago, they can not reduce their local rate in proportion; then rates to the local points are comparatively higher. That constitutes one of the greatest objections that people have to railroad tariffs when rates are comparatively so much lower to competitive points than to local points. This can all be done away with. When the through rates are maintained reasonably high, then they can adjust their local rates accordingly, and keep the local tariffs in line with the through tariffs so that there will be no unjust discrimination—so that a man twenty miles this side of Chicago will not have to pay more than a man at Chicago, which he would have to do in case of a railroad war. In a properly regulated tariff that does not occur. That is the reason why through rates should be maintained. It protects the local shipper. It does not make so much difference to shippers what the absolute rates are; the comparative rates are of more importance.

GRANGER LAWS.

The low rates at competitive points, compared with high rates at local points, gave rise, I think, some years ago to the granger legislation in portions of the West. In the State of Illinois, for example, the roads were crossing each other at every ten or twelve miles, and wherever two roads crossed they went into a fight with each other, and put the rates down to almost nothing, while on each side of the competing stations they kept them up; and that led to a great dissatisfaction among the people, and justly so. The railroad managers have learned something by that experience, and are trying to keep up the through rates and adjust local rates in proportion. This unjust discrimination formerly practiced has now, in a great measure, been done away with. That is one of the advantages of these associations, regulating the competitive tariffs. Whenever a tariff is fixed from one point—for example, from Chicago—those to other points are adjusted accordingly and kept in harmony with each other; this prevents unjust discrimination.

RELATION OF RATES ON LONG AND SHORT HAULS.

Q. Are there instances where more is charged for the shorter haul than for the longer one? For instance, more charged for drawing freight from Philadelphia to some point between Philadelphia and Chicago than from Philadelphia to Chicago?

A. No; they are not when through tariffs are maintained. But there are instances where a rate to an intermediate point may be higher than a rate for a longer distance. For instance, from here to New Orleans the rate may be 40 or 50 cents per hundred pounds, and to Atlanta perhaps a dollar; but this is not unjust discrimination, and does not operate against Atlanta. Points that are not on water courses have to pay more than points that are; that is in the nature of things, and railroads, of course, have to conform to the settled state of affairs. Railroads do sometimes engage in carrying business from here to New Orleans for 50 cents in order to compete with the steamship lines, while they charge a dollar or more to Atlanta, an intermediate point.

Q. What is your view of it? Ought not these railroads to leave the business to the water routes?

A. They will not do that, and it is better for the public that they should not. They keep the steamship lines in order. This sort of competition is constantly going on.

TENDENCY OF RAILROAD CHARGES TO A REDUCTION.

Q. What has been the effect on the course of transportation charges since the organization of this association of yours?

A. As I said before, all these railroad charges are entirely independent of these associations. It can be shown from the experience of these associations that the tendency of rates is to go down constantly if not arrested by them. When the Southern Railway Association was first formed the rate from New York to Atlanta was $1.60 on first-class goods. Now it is $1.25; and I think that in a very short time it will be $1. These rates are always regulated by other factors than by the association. The association simply conforms to the conditions under which the rates must be made; but if you would go through these statistics you would find that the tendency of rates is constantly to be lowered. The rates, for example, to-day, on grain are much less than they were three or four years ago, but can never be as high again.

* * * * * * *

TOTAL ANNUAL RECEIPTS AND EXPENDITURES OF AMERICAN RAILROADS.

The gross receipts of all the railroads in the country were then only $500,000,000. Of course, out of that about three or four hundred millions were paid out for working expenses.

Q. Have you in your mind at present what the gross receipts are now?

A. Yes; last year the gross receipts were about, in round figures, $700,000,000 for both passenger and freight business. The freight receipts were about $500,000,000 last year—that is, on the 112,000 miles of railroads which reported their earnings.

Q. What are the net receipts; have you any idea?

A. The net receipts were about $300,000,000, the gross receipts being about $700,000,000. The dividends and the interest on the bonds had to be paid out of about $300,000,000. I think the stockholders got about $100,000,000 of that. It is about 3 per cent. on the stock.

Q. On the capitalization?

A. No; on the stock. And the bondholders get about 5 per cent. The whole railroad capitalization is $7,000,000,000, and about half of that is stock and half bonds.

Q. You mean that there are $7,000,000,000 invested in railroads?

A. Yes. Of which about half is represented by bonds and the other half is represented by stock.

Q. And the whole amount of dividend on the bonds is 5 per cent.?

A. Yes; and on the stock 3 per cent.

* * * * * * *

Q. The bond is the prior claim, and that is entitled to its interest, and if there is anything remaining of the net profits it is distributed in the form of a dividend to the stockholders?

A. Yes; and that dividend is 3 per cent. A great many roads do not pay any dividend, but the average dividend paid is about 3 per cent. on all the roads.

He goes on to show the difference in the cost of railroads in this country and in Europe. The average cost per mile of railroads in this country, including the value of the rolling-stock, the whole equipment, is about $60,000 a mile. In England it is $200,000 a mile, and in the other European states it is $100,000 a mile. They have monumental stations, and the cost of the right of way is much greater than it is in this country. Including rolling-stock and all, in his estimates he makes it about $60,000 a mile. The operating expenses of the railroads is about 50 per cent. of the earnings. Mr. Fink says that if the railroads were destroyed to-day, just in the condition they are in now, they could not be restored for less than $60,000 a mile, including everything, the whole equipment.

He also shows another fact which I shall state without troubling the Senate to listen to his lengthy statement. He shows that the cost of railroad transportation in this country is 100 per cent. less than it is in any state in Europe. The cost of railroad transportation has been reduced in the last decade 100 per cent., and it is more to-day in England, Germany, and France by 100 per cent. than it is on our railroads in this country. For the laboring man there seems to be much sympathy everywhere, and I share it largely myself. There is not a workingman in this country who pays for the transportation of what he consumes and wears in an entire year more than what he gets for one day's labor. Mr. Fink takes up each item of cost in clothing and food, and he says that the cost of transportation from the West to New York does not reach $2 per annum on all the laborer consumes; so that the laborer gets the transportation of his clothing and his food for a whole year at the cost of one day's work. He makes it that the laborer pays the railroad company $1.90 for cost of transportation, and he makes that for a day's work.

There is no item in the cost of what a workingman consumes in this country which is as little as the railroad charges. It costs him more to get a barrel of flour from the depot at New York to where he consumes it than it does to ship it a thousand miles from Chicago to New York. Mr. Fink says there is no country in the world where the cost of shipping is as little by 100 per cent. as it is in this country. I do not mean what the railroad and the equipment that brings the barrel of flour will cost, but I mean what it cost him to bring his barrel of flour from where it is shipped to where he gets it. I have troubled the Senate by reading a great deal from the testimony of Mr. Fink, and now——

Mr. BECK. Before the Senator passes from that point——

Mr. PUGH. I beg pardon; there is more of his testimony here that I wish to read.

Mr. BECK. I have some of his testimony before me, and I may make some reference to it hereafter.

Mr. PUGH. The Senator will understand that I announced in the beginning that I am reading the testimony of a man who has been associated all his life with railroad management, and whose education is practical. Ours is theoretical, speculative. Whether we agree with him, or whether the information we have differs from what he gives here, I do not say anything upon. Whether his reasoning is sound or unsound I have nothing to say upon, because I do not know what to say, and I do not believe any other Senator does who is not familiar with the practical operation of the railroad system.

I wish to show something more to the Senate. I do not suppose that it is worth much, because Mr. Fink is a railroad man, but then I want to hear what they all have to say.

Mr. BECK. Will the Senator allow me to ask him a question before he goes to another point?

Mr. PUGH. Certainly.

Mr. BECK. It is charged that the railroads carry a long haul—say from Chicago to New York—for less than they can afford, but they make it up by charging double and treble for a haul along the line. That is the charge, whether it is true or not. The Senator himself examined the witness, I believe, at this point, and the question asked is this:

Q. Could you tell what it probably is over the roads that are in your association—which is most important to them, in other words—the through business or the local business?

The answer was:

A. The local business is the most important. The through business is a mere incident of the business of a road.

If they are charging below cost for what is a mere incident, and doubling and quadrupling what is the main portion of the road's business to make up for the long haul, is that just? That is what I want to get at.

Mr. PUGH. Mr. Fink does not state that as a fact. He says that the tendency is where there is no organization to enforce their rules and their tariff, to make up what they lose on the through line by reason of competing roads by local charges along the line. He states further that all that can be remedied if their agreements for uniform tariffs to prevent that result could be enforced through the authority of the Federal Government.

Mr. BECK. I wish to call attention to one other point.

Mr. PUGH. I wish to state first that Mr. Fink says the railroads of this country were all made to carry local freights. They are State roads. They have been made trunk-lines under the act of 1866 to carry through freight, interstate commerce, but the roads were built to carry local freights. There is where the inducement lies for investment—is the profit arising from local freight in the absence of competition such as exists between railroad and water lines from one point to another, like Chicago and New York. That is a perfectly indisputable fact. It is a physical fact; and what is the use of ignoring its existence in legislating upon this subject and endeavoring to enforce an iron rule in this regard?

Mr. BECK. I would not trouble the Senator but for the fact that

I have studied this testimony very carefully, and the Senator himself conducted a good deal of the examination, and it was a very careful one on the part of the committee. There is one point on which I wish an explanation in connection with the bill. When the Senator from Alabama asked this witness whether railroad people were not constantly cheating and violating their agreements and making secret arrangements, the witness said:

I know the object of your inquiry. It is one of the objects of the railroads in coming together to establish rates; but another object which they have in view, and a much more difficult one to carry out, is to have all the railroads maintain the rate so established. The practice of railroad companies has been that after agreeing upon rates with other roads, one or more, or all of them, make lower rates secretly; and after a while it is found out that every road has its own rate and every shipper has his own rate; so that one shipper does not know what the other shipper is paying, and the agreed tariffs are not maintained. Now, for the purpose of maintaining rates, there are certain means adopted by railroads which are the only means that can be adopted at present, or until the Government gives some help in the matter—and that is what is called the system of pooling.

I know all about the condition of facts; and when Mr. Fink is asking that his authority shall be made legal, because he has no power now, and he wants to have it, over competing roads so as to enforce it, why is it not better that under a general system the authority of the United States should be brought to bear against such secret discriminations as were exhibited in the case of the Standard Oil Company? Why should not the rates be made public, so that there could be no cheating, as the bill proposes, and why should not honest competition be had, and men punished if they do not compete fairly, as they profess to do, instead of giving to Mr. Albert Fink or any other man, however able, the authority to enforce such regulations? That is what I desire to find out.

Mr. PUGH. That is a repetition of the evils we all know are existing broadcast everywhere, and they are the evils we are endeavoring to correct. I do not propose to correct them by giving all the power to Mr. Fink that he wants, and I do not propose to correct them by the enactment of iron statutory rules to be enforced alone by a court without any reference to local conditions, local facts, local relations, made exceptional by trade, by the unavoidable laws of supply and demand, the condition of business, and the condition of transportation—those natural laws over which Congress has no control and the effects of which we can not avoid or regulate. I want a system to have some reference to the existence of those local laws and to adapt the power to local conditions, local necessities, local evils, such as those of which the Senator from Kentucky complains.

Mr. Fink says that while he agrees as to all the Senator states as to the fact heretofore, that condition of things is being greatly remedied and is disappearing largely, although it still exists, no doubt, to a very unjust and ruinous extent.

Mr. BECK. One other question and then I am done. I know how hard it is to be interrupted——

Mr. PUGH. Especially to a modest man like myself. However, I yield to the Senator.

Mr. BECK. Does not Mr. Fink also say, and is it not the Senator's own opinion, that the fact that the constitutions of States in some cases and in other cases the laws of States have created a commission appointed by the States to give further information, has aided very much in making the evils less than they would have been?

Mr. PUGH. Undoubtedly.

Mr. BECK. Would not a general law not defining what should be any State rate, but making a penalty, still further help to get clear of these troubles? I want to do exactly what the Senator does, I think.

Mr. PUGH. That is exactly what I propose to discuss hereafter briefly.

Mr. BECK. I beg pardon. I wish to hear it discussed.

Mr. PUGH. It often comes out to be the fact that if a man had kept quiet, perhaps he would have been answered his question.

Mr. BECK. I shall not interrupt the Senator any more.

Mr. PUGH. I have no objection on earth to the interruption. I think I am about as familiar with this subject as any other Senator, but I plead ignorance. I claim no knowledge that I want in force as a statutory law. I am in the dark. I want to get light by experience and trial. I want to go into this field with caution and prudence and hesitation and get the surroundings from all the sources and suggestions I can treat as reliable; and when I inform myself in this particular I am prepared to act safely and wisely. I do not want to make a leap in the dark. I am just as anxious to correct these evils as the Senator from Kentucky or any other Senator. I will show why I think the Senate bill is a better one, while it is imperfect, than the bill which came from the House. I shall come to that and get through very briefly after I finish reading from Mr. Fink. I asked him this question:

In your judgment, how has the supervision of State boards of commissioners acted upon the railroad interests and the rates of transportation? That is a broad question, but I want to get your judgment as to the wisdom of supervision of railroads by State boards of commissioners, so far as a judgment may be formed by experience of the operation of that control.

The granger pressure in the West forced State laws to be passed, iron rules for the regulation of State freight. It was found that those laws could not be executed so as to be a benefit to the shipper and to the road; and to-day in Iowa, Minpesota, and other Western States those rigid iron rules have been repealed and the whole thing modified and put under the control of commissions, which are working the whole system judiciously, wisely, and safely. To my question this was the answer:

A. There are different commissions in the different States, with different powers, and I would have to speak, perhaps, separately of each. As a rule the commissions are only advisory, and I think that is a most excellent feature and a very good thing to have these commissions, because you can explain to commissioners a great many things that you can not explain to the people at large. It is desirable that the people should have some tribunal to which they could go and make complaints and get them investigated. They make their complaints to these commissioners, and the commissioners confer with the railroad companies. That is a very excellent plan; and if the commissioners are the proper sort of men they will do a great deal of good. The defect of that system, however, is that its work can never reach very far beyond their own State. A great many of the railroad questions are national. Railroad operations are not confined within State lines; and these commissioners, having jurisdiction only within the State, their operations are very much limited and very much hampered, because most of the questions that arise are of broader scope. Still, when the commissioners are fair men they do a great deal of good. For example, the Massachusetts commission has done a great deal of good, and I think the New York commission is composed of good men. They have been getting along very well so far.

Mr. COKE. Will the Senator from Alabama allow me to ask him a question?

Mr. PUGH. Certainly.

Mr. COKE. I ask the Senator if he thinks it possible that a single national commission can arrange, supervise, and look after the railroads covering this entire country from one end to the other as a State commission can a State system of railroads?

Mr. PUGH. I have been pondering on that question, and I will make an answer to it before I conclude, in logical connection. The Senator only calls up the answer prematurely out of the arrangement of my argument. However imperfectly I may answer it, I shall endeavor hereafter to give the Senator the same answer that I would do now. I wish Mr. Fink to speak on the Reagan bill. I interrogated him on that matter, and he answered thus:

THE REAGAN RAILROAD BILL CRITICISED.

Q. I suppose you have heard of the Reagan railroad bill?

A. Yes.

Q. I would be glad if you would give the committee the benefit of your criticisms on that bill; what you think would be the effect of it on railroad charges and prices of commodities.

A. I think it is so impracticable a measure that it could not be carried out for one day. It is one of the most impracticable measures that has ever been proposed. Mr. REAGAN evidently does not understand the practical working of the transportation business. His intention and the principles upon which the bill is based are all right; there is no difference between us about that; but the carrying out of these principles as he proposes is utterly impracticable. It would simply impede the whole transportation business of the country. The leading idea of his plan is that each railroad should make a fixed charge for the transportation of any commodity, and that should be the charge under any and all circumstances. For example, if you were to carry lumber over the New York Central Railroad, from Buffalo to New York, and make a certain charge for it, that charge should be for all other lumber, no matter where it came from. The effect of it would be that it would exclude the New York Central from competing for business west of the terminus. When the lumber comes from other places than Buffalo, there are now made different rates from different shipping points, according to the distance and length of other competing roads from the same point of competition.

Just as many competing points as there are, just so many different rates would there be from Buffalo, and the New York Central has to take a prorate of the total rate beyond that point. For example, lumber comes from Louisville and goes to New York. Now, according to the Reagan bill, the rate that the New York Central can charge for lumber coming from Louisville to New York would be the same as lumber that comes from Buffalo. The Louisville route to New York is a great deal shorter via the Pennsylvania road than the New York Central route, and if the New York Central wants to do any of the Louisville business, it must carry it for the same total rate as the Pennsylvania Railroad, and this can only be at a less charge per ton per mile than it makes from Buffalo. If it does not make as low a rate as the Pennsylvania road, the Pennsylvania Railroad will carry all the lumber to New York, instead of the New York Central carrying a portion of it.

Mr. GEORGE. Had Mr. Fink read the Reagan bill?

Mr. PUGH. I presume he had.

Mr. GEORGE. Does it contain that provision?

Mr. PUGH. There is a through charge. It provides that there shall not be any more charged for a local rate than for a through rate. I shall speak of the Reagan bill if the Senator will be patient.

Mr. COKE. If the Senator from Alabama will permit me, I will state that the testimony from which he has been reading was taken nearly two years ago. The Reagan bill has been under discussion in the other House for several years and has been changed from the shape it was then in.

Mr. PUGH. The Reagan bill was in incubation for ten years, I am informed, and all the intellect of the country has been employed in making it perfect. The leading features of it to which Mr. Fink refers were the first incorporated in the bill. The changes that were made were made on the passage of the bill while it was up for consideration at this session.

Mr. COKE. I speak of the bill as it came from the House, not as it was two years ago.

Mr. PUGH. Mr. Fink continues:

THE RATES FOR LONGER AND SHORTER HAULS.

Q. There is another feature in the bill which I desire to mention. It provides that no road shall charge more for the shorter haul than for the longer.

A. Yes.

Q. How would that operate?

I asked him. He answered:

That is a very correct principle—

Is it possible that this railroad man makes that admission?

That is a very correct principle, but there are many cases where it could not be carried out advantageously to the people and the railroads. You will find that in this transportation business you can not pass a law that will apply universally to all cases. There are so many exceptions that they would be more than the rule.

Mr. KENNA. That proposition would exclude all law and all regulation, either by commission or otherwise.

Mr. PUGH. I suppose if there was any power anywhere to modify the law to suit this case that ought to be treated as an exceptional one, and the evil would be corrected in the case of the exception.

Mr. KENNA. I ask the Senator to reread what he has read from Mr. Fink's testimony, and to state whether under his proposition any form of law could be framed.

Mr. PUGH. Mr. Fink says explicitly there are cases where the principle, being generally correct, could not be applied, because everybody knows that in railroad transportation the exceptional cases are made up out of local facts, local conditions, local circumstances and relations on account of the laws of supply and demand, productions, and markets, the cost of transportation, the facilities for transportation, the competition between water ways and railways. All these local conditions make the cases exceptional from the general rule which Mr. Fink says should be met and supplied through the agency of an elastic commission.

Mr. KENNA. Will my friend the Senator from Alabama object to reading again what he has just read in connection with what he now says? If he does so, he will find that no elasticity of any commission or any law can fit Mr. Fink's proposition.

Mr. PUGH. I will reread it. Mr. Fink says:

But there are many cases where it could not be carried out advantageously to the people and the railroads. You will find that in this transportation business you can not pass a law that will apply universally to all cases. There are so many exceptions that they would be more than the rule.

I stand on that statement.

Mr. KENNA. If there are so many exceptions that they would be more than the rule, will my friend inform the Senate how any rule operating either directly or through a commission can be made to control the railroad system of the country?

Mr. PUGH. I propose to answer that question when I get more information on the subject, and when I have more experience from the operation of a law, whatever it may be, through a commission or otherwise. When I am more enlightened by experience and trial, I shall be able to answer that question for myself, and I think it would be more satisfactory to the Senator.

Mr. KENNA. If Mr. Fink would do likewise, his proposition would be more satisfactory.

Mr. PUGH. It seems to be the general belief that Mr. Fink is regulating this thing. He is simply the witness upon the stand speaking of matters with which he is familiar, being a man of integrity, being a man of education, a man of large experience, trusted in the highest position to manage millions and to govern the great system of transportation all over the country with all of its complications. I say I wish to see what Mr. Fink has to say on that subject, and I wish to see if he can enlighten me when I come to frame a law in the dark, as I am. I want light from some quarter, and I want to get some light from him or anybody else in discharging my great duty here as a Senator in remedying the evils which we all admit to exist, but I do not want to do it by adopting a system that will multiply the evils and produce more mischief than it will regulate.

We are now brought in full view of the provisions of each bill before the Senate and prepared for their more intelligent consideration. That there shall be no misunderstanding of the provisions and character of each bill, I have arranged a synopsis of them which is presented in parallel columns, as follows:

REAGAN OR HOUSE BILL.	CULLOM OR SENATE BILL.
Section 1. Unlawful directly, or indirectly, to charge or receive any greater or less rate or amount of freight than is charged to or received from any other person for like and contemporaneous service. All charges for such services shall be reasonable. And any person who pays the required fare shall receive the same treatment and be afforded equal facilities and accommodations without discrimination, but separate accommodations may be provided. There must be no discrimination on account of race or color; and furnishing separate cars with equal accommodations and facilities at same charges not discrimination. Not more than 3 cents per mile to be charged any passenger. Railroad companies must furnish, without discrimination, the same facilities for carriage of freight with equal expedition. No break, stoppage, or interruption allowed.	Section 3. To charge or receive more than a reasonable rate of compensation declared to be extortion and a misdemeanor.
Section 2. Rebates and drawbacks prohibited.	Section 4. To directly or indirectly, by any rebate, drawback, or other device, charge or receive more from one person than another under substantially similar circumstances and conditions for contemporaneous service, or to neglect or refuse to furnish the same facilities for freight carriage to all persons under substantially similar circumstances, declared to be unjust discrimination and a misdemeanor. The misdemeanors of unjust discrimination and extortion punished by fine of not more than $1,000. Any violation or obstruction of the act a misdemeanor, punishable by fine of not more than $1,000.
Section 3. Combinations or contracts to prevent continuous carriage unlawful. Pooling freights prohibited.	
Section 4. No more to be charged for short than long hauls.	
Section 5. Freight charges to be posted, and unlawful to charge or receive more or less than specified in schedule.	
Section 7. Commission of any act prohibited punished by payment of three times the amount of damage to the complainant, to be recovered in any State or Federal court having jurisdiction; and if found by the court to have been willful, cost and lawyers' fees allowed. Any such action made the subject of equity jurisdiction for discovery and relief.	
Section 8. Violation of act, misdemeanor, punished by fine of not more than $2,000.	
Section 1. An interstate-commerce commission created, composed of nine members, with the powers and duties defined in the act.	1. They shall consider and investigate all the various questions relating to commerce between the States, especially in the matter of transportation, so far as may be necessary to the establishment of a just system of regulations.
Section 5. Complaint may be made to commission of extortion or unjust discrimination, which shall be forwarded by commission to railroad company and demand made to satisfy the complaint or to answer the same in writing within a reasonable given time. If reparation be made and the complaint withdrawn, case to be dismissed. If complaint not satisfied in the time specified, nor answer made, or if either party demand a hearing, and there is reasonable ground for investigating complaint, the commission shall do so, and determine all questions of fact at issue, record its finding, and furnish a copy to both parties. If the company is found guilty of extortion or unjust discrimination, as charged, the commission shall notify the company to discontinue the practice forthwith, and to pay the complainant, within a reasonable given time, the damages assessed by the commission. If the damages are paid and the practices discontinued, no other penalty inflicted. If the company neglects or refuses to pay the damages and cease the practices, the commission shall certify same with the facts to the district attorney, who shall, at the request of the complainant, forthwith commence proceedings to recover the damages and compel compliance with the provisions of the act.	
Commission required to call on railroad companies for annual reports, and if not made, or if the company shall neglect or refuse to answer any question or to produce any book, paper, contract, or other document, or certified abstract thereof, deemed guilty of a misdemeanor and fined not exceeding $1,000 for each offense.	
In making investigations required by the act the commission shall have power to summon witnesses, administer oaths, and require the production of books, papers, contracts, or documents, or certified abstracts thereof, relating to the matters under investigation and necessary for the information of the commission.	
The commission is authorized to require annual reports from all transportation companies, and to require specific answers to all questions upon which the commission may need information. The annual reports shall show in detail the amount of capital stock issued and the amounts paid therefor; the dividends paid; the number of stockholders; the funded and floating debts, and the interest paid thereon; the cost and value of the company's property, franchises, and equipment, with a complete description of the same; the number of employés and the salaries paid each class; the amounts expended for improvements each year, and how expended; the monthly earnings and receipts from each branch of business and from all sources; the monthly operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the company each year; and the reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other companies, as the commission may require.	
The commission shall report on or before December in each year to the Secretary of the Interior such information and data collected as may be considered of value in the determination of questions connected with the regulation of commerce between the States, with recommendations as to additional legislation. The reports of the commission shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation; and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever, either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters	

relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce may avail itself of the all-rail or part rail and part water routes; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce, and for the protection of said commerce against unjust exactions based on a class of securities known as "watered stock;" the commission to be governed in its examinations by such rules of action as will be fair, just, and equitable toward all interests involved in commerce among the States.

It shall be unlawful for any transportation company to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time schedule, carriage in different cars, or by other means or devices the carriage of the interstate freight from being continuous, whether carried on one or several railroads. And no break of bulk, stoppage, or interruption shall prevent the carriage of such freight from being continuous unless made in good faith for some necessary purpose without intent to evade any of the provisions of this act.

No Senator has more respect for the ability, honesty, and earnest devotion to public duty of the distinguished author of the House bill than myself, but I feel constrained to oppose the bill which has associated his name forever with Congressional legislation on interstate commerce and railroad transportation.

In the evils denounced, and the wrongs that ought to be remedied, I challenge the specification of any material substantial difference between the Reagan, or House bill, and the Cullom or Senate bill. If there is any difference in their scope and in their specification of the wrongs to be remedied, it is manifestly in favor of the Senate bill. It is wider in its range and a far more comprehensive, effective, operative, capable, expeditious, and inexpensive agency than that provided in the Reagan bill. Take the two bills section by section, and you will not find in the House bill a single wrong denounced that is not specifically and unmistakably condemned and prohibited in the Senate bill. The only real practical difference between the two bills is in the machinery organized to make the prevention of the wrongs most adequate, certain, and complete.

Mr. COKE. May I ask the Senator whether there is any provision in the Senate bill against pooling?

Mr. PUGH. Yes, sir.

Mr. COKE. I have not seen it.

Mr. PUGH. You have not scrutinized it. You read it through glasses that were not well rubbed. You will find there that pooling and drawbacks are all condemned in the most unmistakable manner. It is impossible to exclude them from the meaning of the words employed in the Senate bill.

The Reagan bill leaps in the dark, because the men who favored it had no experience upon which they could make a law. All their knowledge was speculative, theoretical, as to the effect of any law on this subject. The Reagan bill leaps in the dark, and engages the State and Federal courts primarily in a struggle with railroad corporations as public enemies to be subjected to regulation by the force of general, prohibitory, penal, and criminal statutes, without any regard to differences or changes in the conditions, relations, or surroundings of the twelve hundred railroads running all over thirty-eight States a distance of 125,000 miles. There is no power anywhere in the bill to suspend, modify, relax, or vary in any way the operation of rigid, inflexible statutes, so as to meet inevitable and unavoidable results that are being constantly produced by the natural laws of supply and demand, varying conditions of trade and productions, and other elements that business principles require to be considered in the wise adjustment of such a far-reaching and complicated system of interstate transportation.

It prohibits all roads under all circumstances and conditions from charging any more in any case for a short than a long haul of freight. It may be that the road is making a long haul between remote points in competition with water ways at a rate below the cost of transportation, or below what the common law would enforce as a reasonable rate, and yet no more can be charged for the short haul where there is no competition, although the charge made for the short haul is reasonable. Without regard to the principles of the common law of which it is "a codification" as stated by my friend the Senator from Texas [Mr. COKE], the price for the short haul can in no case, whether reasonable or not, be more than for the long haul. And again, whether the price for the long haul is reasonable or not for the short haul, the short haul may be compelled to pay as much as the long haul. The section allowing as much for short as long hauls is inconsistent and irreconcilable with the provision that the freight rates shall be reasonable.

Then, again, the bill provides that the posted schedule rates shall be fixed and unalterable, except on five days' notice and the posting of new schedules, and that while the posted rates are operative no more nor less shall be charged for freight than the schedule price. It may be that the maximum and minimum schedule rates on some roads may become unreasonable—too much or too little; and yet the schedule rates may stand in the discretion of the corporation until altered on five days' notice and new schedules posted. There is nothing in the bill making it compulsory on the corporation to give the five days' notice and post new schedules, and it is not likely that any change will be made in the rates where the maximum and minimum charges are too high under changed conditions and circumstances. What power has Congress to prohibit a common carrier and to make it a penalty and a criminal offense for a common carrier to charge less for all freight hauled by him under similar circumstances than the minimum rate in the schedule? The power of Congress to limit maximum rates is doubted, and where is our authority under the Constitution to prohibit and make unlawful and criminal a contract of the carrier with all the shippers to haul their freight at less rates than the schedule rates while the schedule rates are operative?

Mr. COKE. Will the Senator allow me a moment?

Mr. PUGH. Under the rules of the Senate the Senator can get the floor when he pleases and occupy as much time as he pleases.

Mr. COKE. I simply want to make one statement. I stated just now that there was no prohibition in the Senate bill upon pooling. The Senator from Alabama says there is. I now say after a close examination of the bill that there is not, and that the Senator is mistaken.

Mr. PUGH. Now we will let Senators read the two bills and answer that question for themselves. I say that the language of the Senate bill clearly includes pooling, drawbacks, and everything resulting in unjust discrimination and unequal rates and charges. Is pooling or is a drawback an unjust discrimination? It is the very essence of pooling; it is the very object of drawback. If it is not unjust discrimination, if it is not unequal rates, if it is not charging one shipper more than another, all of which is prohibited in the Senate bill and made a misdemeanor subject to a fine of not less than $1,000, I am very much mistaken.

And, again, the bill clearly recognizes the power of Congress to prohibit and punish railroad corporations for discriminating between passengers on account of race or color; and while it provides that furnishing separate and equal facilities and accommodations for passengers shall not be considered such discrimination, yet the recognition of the power to make laws to prevent discrimination on account of race or color stands conspicuously admitted. Under what clause of the Constitution is the power granted to Congress to legislate in any way for any purpose as to the race or color of the passengers? Is the power embraced in the grant to regulate commerce between the States? What has the race or color of passengers to do with interstate commerce or transportation? The common law secures to every passenger who pays the same fare the right to equal facilities and accommodations.

But there is nothing in the common law which requires that passengers of different races and colors shall ride together in the same car. Is the power derived from the fourteenth amendment of the Constitution? The Supreme Court of the United States has decided in the memorable civil-rights cases that "the fourteenth amendment is prohibitory in its character, and prohibitory upon the States." It declares that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The Supreme Court says: "It is State action of a particular character that is prohibited. Individual invasion (or invasion by a corporation) of individual rights is not the subject-matter of the amendment." "Congress is invested with power to enforce the prohibition—to adopt appropriate legislation for correcting the effects of such prohibited State laws" (not railroad acts separating the two races and giving them equal accommodations in different cars). "This is the legislative power conferred upon Congress, and this is the whole of it." The Reagan bill is an enlargement of the power of Congress as limited by the decision of the Supreme Court, and to that extent is unconstitutional, dangerous, and mischievous.

The bill is also clearly inconsistent with itself in requiring that no more than 3 cents a mile shall be charged passengers on any road.

The whole passenger and freight problem is solved by answering the question in every case, What is a reasonable rate? Is it possible that a rate that is reasonable in one case is reasonable in all cases, whatever may be the differences in supply and demand, productions and trade, cost of road, price of labor, and other elements entering more or less into the question of what are reasonable rates? Every case ought to stand on its own facts and circumstances, and should be decided by a tribunal that has the power to discover and apply the facts so as to do justice according to the common law arising on the facts in each case.

I am now brought to a brief consideration of the Cullom or Senate bill. I do not claim that this bill is perfect. No doubt time and trial would show many imperfections. It will take long time and trial and intelligent experience to crystallize a wise, safe, and efficient system of railway interstate transportation.

Everything we can do now is experimental. The Senate bill goes far enough for a beginning in an experiment. It is safer to experiment with a commission having elastic and flexible powers to discover facts in every case, and examine conditions, relations, and surroundings, to learn if there is anything exceptional that ought to qualify the appli-

cation of common-law principles or the rules of equity. The Senate bill has been called a sham and a pretext to delay action and mislead the people. I deny it, and call for the proof. I am answered with speculation and declamation as to what is to be its operation. The commission is to be composed of men selected by a Democratic President and a Republican Senate, and the board will be as well qualified and as incorruptible as the judges of our highest courts. It will have power to explore the whole field and gather all the information so much needed by Congress to enable it to deal with this difficult and dangerous problem with its eyes open and in full view of information indispensable to wise, safe, and efficient legislation.

Shall we try the comparatively more expeditious, less expensive, more practicable, and less dangerous agency of a commission, with its powers of adaptation to local or special or qualifying facts and conditions, to afford relief in each case and improve the general system of transportation, or will we take the House bill and drive complainants into courts with inflexible jurisdiction to enforce inflexible statutes on subjects full of unavoidable changes and variety? In my humble judgment the House bill is incapable of beneficial execution. And when the evils attending an effort to enforce it are made manifest the railroad corporations will have verified their predictions that Congress would prove incapable of framing wise and safe laws for the regulation of interstate transportation. By resorting to extreme and impracticable measures to satisfy the necessity for some remedial legislation we may increase popular discontent by the failure of our remedies and leave railroad corporations to manage their affairs as common carriers in their own way restrained only by self-interest and the fear of mob violence.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The pending question is on the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-four minutes spent in executive session the doors were reopened.

ADJOURNMENT TO MONDAY.

Mr. CULLOM. I move to reconsider the vote agreeing to the motion that when the Senate adjourn to-day it be to meet on Monday next.

Mr. BUTLER. I move that the Senate do now adjourn.

The question being taken by yeas and nays, resulted—yeas 27, nays 27; as follows:

YEAS—27.

Bayard,	Dolph,	Jackson,	Pendleton,
Beck,	Garland,	Jonas,	Pugh,
Butler,	George,	Jones of Florida,	Ransom,
Call,	Gibson,	Kenna,	Saulsbury,
Cameron of Pa.,	Groome,	Lamar,	Vance,
Cockrell,	Hampton,	McPherson,	Vest.
Colquitt,	Harris,	Manderson,	

NAYS—27.

Allison,	Edmunds,	McMillan,	Palmer,
Bowen,	Frye,	Mahone,	Pike,
Cameron of Wis.,	Harrison,	Maxey,	Platt,
Coke,	Hawley,	Miller of Cal.,	Riddleberger,
Conger,	Hoar,	Miller of N. Y.,	Sherman,
Cullom,	Jones of Nevada,	Morgan,	Wilson.
Dawes,	Lapham,	Morrill,	

ABSENT—22.

Aldrich,	Farley,	Mitchell,	Van Wyck,
Blair,	Gorman,	Plumb,	Voorhees,
Brown,	Hale,	Sabin,	Walker,
Camden,	Hill,	Sawyer,	Williams.
Chace,	Ingalls,	Sewell,	
Fair,	Logan,	Slater	

So the Senate refused to adjourn.

The question recurring on agreeing to the motion of Mr. CULLOM to reconsider the vote by which the Senate agreed to adjourn until Monday next, the yeas were 26, and the nays 29; as follows:

YEAS—26.

Allison,	Edmunds,	McMillan,	Pike,
Bowen,	Frye,	Mahone,	Platt,
Cameron of Wis.,	Harrison,	Maxey,	Riddleberger,
Coke,	Hawley,	Miller of Cal.,	Sherman,
Conger,	Hoar,	Morgan,	Wilson.
Cullom,	Jones of Nevada,	Morrill,	
Dawes,	Lapham,	Palmer,	

NAYS—29.

Aldrich,	Dolph,	Jonas,	Pugh,
Bayard,	Garland,	Jones of Florida,	Ransom,
Beck,	George,	Kenna,	Saulsbury,
Butler,	Gibson,	Lamar,	Vance,
Call,	Groome,	McPherson,	Vest.
Cameron of Pa.,	Hampton,	Manderson,	
Cockrell,	Harris,	Miller of N. Y.,	
Colquitt,	Jackson,	Pendleton,	

ABSENT—21.

Blair,	Gorman,	Plumb,	Voorhees,
Brown,	Hale,	Sabin,	Walker,
Camden,	Hill,	Sawyer,	Williams.
Chace,	Ingalls,	Sewell,	
Fair,	Logan,	Slater,	
Farley,	Mitchell,	Van Wyck,	

So the motion to reconsider was not agreed to.

Mr. BUTLER. Now I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 53 minutes p. m.) the Senate adjourned until Monday next.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January* 30, 1885.

The House met at 12 o'clock m., and was called to order by Hon. J. B. CLARK, Jr., Clerk of the House, who said: The Speaker being absent it is the duty of the Clerk to call the House to order. A communication from the Speaker will be read.

The Clerk read as follows:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, January 30, 1885.

Hon. J. B. CLARK, *Clerk of the House:*

I hereby designate Hon. J. C. S. BLACKBURN to preside as Speaker *pro tempore* of the House during this legislative day.

J. G. CARLISLE,
Speaker of the House of Representatives.

Mr. BLACKBURN then took the chair as Speaker *pro tempore;* and after prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D., the Journal of the proceedings of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore.* The Chair asks permission of the House to submit several executive communications.

There was no objection.

CONGO CONFERENCE.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read:

To the House of Representatives:

In response to the resolution of the House of Representatives of the 5th of January, 1885, calling for information as to the Congo conference at Berlin, I transmit herewith a report of the Secretary of State of the 28th instant in relation to the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 29, 1885.

Mr. BELMONT. I move that this message, with the accompanying documents, be referred to the Committee on Foreign Affairs and ordered to be printed.

The motion of Mr. BELMONT was agreed to.

RETURN OF A BILL.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was laid on the table, and ordered to be printed:

To the House of Representatives:

In compliance with a resolution of the House of Representatives (which was concurred in by the Senate) of January 28, 1885, I return herewith the bill (H. R. 1017) relative to the Inspector-General's Department of the Army.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 29, 1885.

HOMESTEAD SETTLEMENT IN INDIAN TERRITORY.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a communication of the 27th instant, with inclosures, from the Secretary of the Interior, in relation to objections on the part of the Creek Nation of Indians to pending legislation providing for the opening up to homestead settlement of certain lands in the Indian Territory. The matter is presented to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, January 29, 1885.

SINKING OF THE STEAMER TALLAPOOSA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, in response to a resolution of the House of January 29, 1885, making inquiry concerning the recent collision of the United States steamer Tallapoosa.

Mr. REED, of Maine. I ask that this communication be read.

Mr. BEACH. Does that require unanimous consent?

The SPEAKER *pro tempore.* It is the privilege of any member to have the communication read.

The Clerk proceeded to read the following:

NAVY DEPARTMENT, *Washington, January* 30, 1885.

SIR: I have the honor to acknowledge the receipt of a resolution, introduced by Mr. G. D. WISE and adopted by the House January 29, as follows:

"*Resolved,* That the Secretary of the Navy is hereby directed to report to this House, at the earliest possible date, the order or orders under which the United States steamer Tallapoosa was cruising at the time she was sunk by a collision with another vessel, at what date she left the city of Washington, and the several ports at which she entered or places visited up to the time of said collision, and what was her destination; also a list of the officers, crew, and passengers on said vessel, and what special duties, if any, were assigned to said officers and crew."

The Tallapoosa left Washington July 15, 1884, on her customary freighting cruise to the navy-yards and stations, under orders to proceed "to Norfolk, New York, Newport, and Portsmouth, N. H., receiving and discharging such freight

as may be placed on board for the several stations mentioned." She arrived at Norfolk July 16 and at New York the 17th. On the 19th she left New York and reached the torpedo station at Newport the next day. While in Narraganset Bay she went to Bristol to inspect the works of the Herreshoff Manufacturing Company and to witness the trials of the steam-yacht Yosemite over the measured mile established by this Department between Bristol and Newport. On the 23d she went to the Fish Commission station at Wood's Holl, and on the 24th reached Portsmouth, where was assembled the North Atlantic squadron, and from which port, while awaiting the arrival of the Greely relief ships, she went down the coast of Maine and returned, touching at Bar Harbor. After the Greely reception ceremonies of August 1 and 4 she went, on the 5th, to Gloucester, Mass., and returned to Portsmouth. I joined the Tallapoosa at New York, August 19, with my family, and left her at Portsmouth after the Greely reception.

At Portsmouth the Tallapoosa took freight on board, consisting principally of 18,864 pounds of copper and 17,275 pounds of lead for Washington, and on August 18, without special orders from the Department, sailed for Boston, arriving the next day, and there taking on board compasses and other nautical instruments valued at $2,488, for Washington, a quantity of lumber and cordage for the training station at Newport, and a large amount of cordage valued at $11,931.62 for New York, she left Boston August 21, her immediate destination being Newport, and in the evening of that day was sunk in Vineyard Sound by collision with the schooner James S. Lowell. She has been raised and taken to the New York navy-yard, where she is now undergoing repairs.

A list of the officers and crew on the vessel at the time she sunk is hereto annexed. There were no passengers. It is not known that any special or unusual duties were assigned to said officers and crew.

As full details of all events transpiring upon or in connection with the Tallapoosa during the foregoing period as the House may deem it wise to seek it will give me pleasure to narrate.

Occasion is taken in this communication to state the service in which the Tallapoosa has been usually engaged. She is an unarmed side-wheel steamer, which has been ordinarily used for the transportation of freight between the navy-yards and of seamen recruits to vessels and stations, which work it is essential that some ship owned by the Government shall do. Having a large upper saloon and hurricane deck, she is well adapted not only for her transportation business, but also to take part in naval ceremonials in which any public officials may be called upon to participate, or to enable the Secretary of the Navy to visit the naval stations and vessels, or the President to inspect the ships or squadrons. She has therefore been appropriately used whenever needed for these purposes. I may be allowed to say that, in my judgment, such visits, whether by the Secretary or President, or both, are always productive of good, tending as they do to arouse among officers and seamen increased interest in their work and to improve and elevate the character of the naval service. The Secretary of the Navy, taken from civil life as he must be, can make no wiser disposition of a portion of his time than in visiting the officers, seamen, and ships of the Navy when at sea. In no other way can he come to fully understand the character of the establishment with which he has to deal and to fully qualify himself for the peculiar duty he has to perform. My only regret is that I have not been able during my brief period of service to see more than I have of the excellent work which has been done by the North Atlantic squadron during the last three years, with which the country may well be satisfied, and from which there may have been developed just such capacity and confidence as that which made so successful the Greely relief expedition. My efforts in the administration of the Navy Department, whether wisely or unwisely directed, have been largely influenced by facts learned and opinions formed as the result of observations of the ships in actual service afloat.

The Despatch and Tallapoosa, while reasonably serving the purposes indicated, are not the most suitable vessels, and should be replaced by other and better ships whenever the reconstruction of the Navy in accordance with modern requirements has sufficiently progressed. The practice of other naval powers may afford a proper guide to our actions. All maintain as a part of their navy not only transports, dispatch steamers, and tenders, but also vessels used by high naval officers and government officials on inspections and reviews of ships and squadrons.

Very respectfully,

WM. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

LIST OF OFFICERS AND CREW ON TALLAPOOSA AUGUST 21, 1884, WHEN SUNK.

Officers.

J. F. Merry, lieutenant-commander; W. H. Everett, lieutenant; F. E. Beatty, lieutenant; W. B. Whittelsey, ensign; J. M. Baxter, mate; L. B. Gallagher, mate; Hugh Kuhl, mate; C. E. Black, passed assistant surgeon; O. C. Tiffany, passed assistant paymaster; N. P. Towne, passed assistant engineer; James Bishop, jr., pay clerk; Leonard Hanscom, carpenter; also Paymaster John F. Tarbell.

Crew.

Joseph Arnold, William A. Brooks, Julien G. Baker, Charles E. Brown, John W. Brown, Thomas Brooks, William R. Burke, Moses G. Berry, James E. Booth, Moses H. Baker, Smith Berry, Albert Byer, John C. Conway, William H. Christian, Charles G. Carlson, John Carter, Charles H. Cootes, Timothy Campbell, Thomas Condon, George E. Dodge, John F. Dugan, William Dimming, Clarence D. Drodenburg, Peter Duffy, Robert H. Dickinson, William E. Denmore, Joshua Davis, James Darcy, Edwin Delph, James Dulhanty, Patrick Egan, Dennis Foley, John Fowler, Charles F. Fugitt, George A. Foster, Charles Har, David Herrington, John Hughes, Thomas Herbert, Thomas Howell, Alexander Hutton, Daniel W. Hickman, Benson Humphreys, Andrew H. Holm, Gustave Haldt, John Jones, Jacob Jacobson, Richard H. Johnson, William E. Jones, William Johnson, James F. Kelly, Thomas B. Kramer, William G. Kidd, John J. C. Koch, Patrick H. Kane, John Kinne, George H. Lee, Fillmore M. Lewis, Daniel Lane, Andrew A. Lund, James Letford, John J. Leonard, W. Jacob Lew, Thomas Murphy, John McDermott, Frank McMurray, John W. Magee, William Middleton, Daniel McCarthy, Patrick Morgan, James McCann, Jacob Miller, Jules McLean, Felix McKurston, Michael O'Neil, Timothy O'Reilly, Peter Ostersen; August Ohmsen, William O'Donnell, Patrick O'Brien, Arthur O'Brien, Joseph Padmore, Marshall Parker, John H. Palmer, James H. Richmond, Horace Riley, William J. Redimaker, William E. Rockett, George Rees, Frank Sherman, Frederick Scharff, James O. Smallwood, Amandus Staub, Edward Shanklin, Alexander H. Sewell, Frank Small, Henry K. Steiver, Charles F. Scott, Patrick Sweeney, Edward Small, Mackehoff Skidmore, Christian A. Simon, Frank Sullivan, Peter Thompson, George Tinker, John Thompson, Herbert S. Trueman, Clarence D. Tippitts, Daniel H. Tinsley, John C. Tuinman, James Taylor, William J. Turner, Samuel W. Wells, Isaac Williams, Murray Williams, Frederick Williams, Andrew White, Charles Williams, Oscar Westerholm, Henry H. Walker.

Before the reading was concluded,

Mr. REED, of Maine. If that can be printed in the RECORD it will answer.

Mr. COX, of New York. I object to its being printed in the RECORD. It will be printed in the ordinary way.

Mr. ROBINSON, of New York. I object. It is very good reading, and I should like to hear it.

Mr. REED, of Maine. It will not take long.

Mr. MILLS. I would like to inquire of the Speaker whether it is too late to object to the laying of those things before the House by unanimous consent.

The SPEAKER *pro tempore*. The Chair asked unanimous consent to present these executive communications to the House and no objection was made. The gentleman from Maine asked for the reading of this communication from the Secretary of the Navy in reference to the Tallapoosa.

Mr. HISCOCK. I suggest, Mr. Speaker, that we all want to see this communication from the Secretary of the Navy, and I hope there will be no objection to it being printed in the RECORD. It is a matter attracting general attention.

The SPEAKER *pro tempore*. Is there objection?

Mr. TALBOTT. I withdraw the objection I made.

Mr. COX, of New York. I will withdraw my objection in order to save time.

The SPEAKER *pro tempore*. Is there objection to the letter of the Secretary being printed in the RECORD?

Mr. RANDALL. What is it?

The SPEAKER *pro tempore*. The request is to have printed in the RECORD a communication from the Secretary of the Navy in reference to the sinking of the Tallapoosa.

There was no objection, and it was ordered accordingly.

The letter was referred to the Committee on Naval Affairs, and ordered to be printed.

SCAJACANADA CREEK, NEW YORK.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War transmitting a report from the Chief of Engineers of survey and preliminary examination of Scajacanada Creek, at Buffalo, N. Y.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDINGS, FORT WAYNE, IND.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect, and recommending an increase in the limit of cost of the public building at Fort Wayne, Ind.; which was referred to the Committee on Appropriations, and ordered to be printed.

HAMPTON INSTITUTE, VIRGINIA.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of the reappropriation from certain unexpended balances for the Hampton Institute, Virginia; which was referred to the Committee on Appropriations, and ordered to be printed.

RANCHO DE TAOS.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, transmitting tracing of private land claim 109 of Rancho de Taos, Territory of New Mexico, Francisco de Antonio de Gijosa, claimant; which was referred to the Committee on Private Land Claims.

SANTISSIMA TRINIDAD.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of the Interior, inclosing a tracing of the Santissima Trinidad, or Rancho de Galvan, private land claim No. 123, New Mexico; which was referred to the Committee on Private Land Claims.

COLUMBIA INSTITUTION FOR DEAF AND DUMB.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the president of the Columbia Institution for the Deaf and Dumb, submitting a report of receipts and disbursements for the fiscal year ending June 30, 1884; which was referred to the Committee on the District of Columbia, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

Mr. VALENTINE, for one week, on account of important business.

Mr. MCCORMICK, for to-day, on account of sickness.

FRENCH SPOLIATION CLAIMS.

On motion of Mr. HOLMAN, by unanimous consent, the Committee on Appropriations was discharged from the further consideration of the message of the President, with accompanying papers, relating to the French spoliation claims; and the same was referred to the Committee on Foreign Affairs.

WAYS AND MEANS.

Mr. MILLS. I am instructed unanimously by the Committee on Ways and Means to ask that a day be set apart for the disposition of bills other than general revenue bills.

The SPEAKER *pro tempore*. The Clerk will read the resolution, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved, That Saturday, the 7th day of February next, after the reading of the Journal, be set apart for the consideration of bills reported by the Committee on Ways and Means, except general revenue bills and bills relating to treaties.

Mr. THOMAS. I object.

CORRECTION OF THE JOURNAL.

Mr. PHELPS. I rise to a privileged question, Mr. Speaker, in behalf of the gentleman from Illinois [Mr. HITT], who is detained from the House by illness. He is recorded as having voted in the negative on the motion of the gentleman from New York [Mr. HEWITT] to go to the business upon the Speaker's table for the purpose of taking up the Mexican treaty bill. Mr. HITT was absent from the House and paired, and therefore his vote in the negative should be erased.

The SPEAKER. The correction will be made accordingly.

FRENCH SPOLIATION CLAIMS.

Mr. COX, of New York. I ask unanimous consent to offer a resolution as a matter of mere clerkly convenience.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to have taken from the files of the House all petitions and other papers in reference to the French spoliation claims and send the same to the Court of Claims.

The SPEAKER. Is there objection?

Mr. RANDALL. Does any committee report that resolution?

Mr. COX, of New York. It is suggested by the Clerk of the House as a matter of convenience.

The SPEAKER *pro tempore*. The Clerk of the House stated that these papers were in an insecure condition, in no one's custody, and open to the inspection of everybody.

Mr. RANDALL. Has any committee reported it?

The SPEAKER *pro tempore*. No committee has acted on it. Is there objection to the introduction of the resolution?

There was no objection, and the resolution was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND, from the Committee on Appropriations, reported a bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. HOLMAN. I reserve all points of order.

The SPEAKER *pro tempore*. It will be so noted.

Mr. MCMILLIN. I demand the regular order of business.

QUESTION OF PRIVILEGE.

Mr. KEIFER. Mr. Speaker, I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KEIFER. On Wednesday last my colleague from Ohio [Mr. PAIGE] offered a preamble, with a resolution attached, relating to the seat of my late colleague, Mr. ROBINSON, of Ohio. That preamble recited that Mr. ROBINSON, late a member of this House, had been elected to the office of secretary of state of Ohio, and had entered upon the duties of that position.

The preamble also recited that Mr. ROBINSON was borne upon the rolls of this House as a member, and the resolution, which was adopted by the House, directed the Committee on Elections to inquire into the relations of Mr. ROBINSON to the House. Now, I desire to have read, sir, from the Clerk's desk the following telegram relating to this subject.

Mr. CONVERSE. I rise to a question of order. I would like to have it stated by the Chair by what authority this question comes before the House at this time as a matter of privilege after having been presented and referred to the Committee on Elections.

The SPEAKER *pro tempore*. The gentleman from Ohio rose without having previously notified the Chair of his object, and stated that he rose to a question of privilege, which the Chair presumes the gentleman proposes to present to the House.

Mr. CONVERSE. I make the point of order that the gentleman has not stated any subject or question of privilege. The subject to which he referred is a subject which has been referred to the Committee on Elections of this House. It is not a question of privilege, therefore, as far as that question is concerned, because it has passed beyond the control of the House, for the present at least.

Mr. KEIFER. The House, Mr. Speaker, is the only avenue through which I can get a matter referred to the committee. I have, therefore, to lay it before the House in this form in order to reach the committee at all.

Mr. CONVERSE. I object, unless the gentleman will state his question of privilege and have it ruled on by the Chair, to the reading of any such paper as he proposes to have read.

The SPEAKER *pro tempore*. The Chair does not know and can not know what is the purpose of the gentleman from Ohio, who states that he rises to a question of privilege. The Chair supposes the gentleman desires to submit some resolution or other matter which he proposes to refer to the committee to which the subject referred to has already gone by the previous order of the House.

Mr. KEIFER. This, I will state, relates to a question of the highest privilege.

Mr. CONVERSE. I submit that the gentleman should state his question of privilege before he can have the right to occupy the floor in debate or with the reading of any paper. There is nothing before the House which indicates that the gentleman has any such right.

The SPEAKER *pro tempore*. The gentleman from Ohio has made no motion in reference to the matter.

Mr. KEIFER. I have stated that the subject-matter was with reference to the right of a member to a seat in this House. I am now proceeding to have a telegram read which I desire and expect to have referred to the Committee on Elections. This telegram relates to the subject-matter which is of the highest privilege.

Mr. CONVERSE. I shall object to the reading of it until we understand what the question of privilege is.

Mr. KEIFER. If the Speaker will have the telegram returned to me I will read it as a part of my remarks.

Mr. CONVERSE. I object to the gentleman's proceeding in that manner until it has first been determined to be a question of privilege.

The SPEAKER *pro tempore*. The Chair has had no opportunity, either from an examination of the paper referred to by the gentleman from Ohio or from any remarks which he has submitted to determine whether the gentleman raises a question of privilege or not. The gentleman will read or send the paper to the desk to be read by the Clerk.

Mr. CONVERSE. I object to the reading of any paper until it be shown that there is a question of privilege presented.

Mr. KEIFER. I will make that perfectly clear to the satisfaction of the Chair and to the House as soon as I shall have read this telegram. That resolution to which I have referred was introduced, as I have said, with a preamble and was adopted, referring the matter of the right of the seat of my late colleague, Mr. ROBINSON, to the Committee on Elections.

Mr. CONVERSE. I object to the gentleman proceeding in this way. By what right does the gentleman proceed to make an argument?

The SPEAKER *pro tempore*. The gentleman from Ohio on the left claims that he raises a question of privilege, and the Chair presumes that he is about to state it.

Mr. KEIFER. I know gentlemen are very sensitive, but I am proceeding to show why I have the right to have this telegram read.

The SPEAKER *pro tempore*. But the Chair does not think the gentleman from Ohio has the right to call up here for debate a matter which has been already passed upon by the House, even though it involves a question of the highest privilege. The subject has gone into the hands of a committee of the House and that committee has not as yet made a report upon it.

Mr. KEIFER. I have no right whatever to go before the committee with the matter. If I had an ordinary petition, or anything that states a fact, a paper reciting the resignation, if you please, of a member, I must submit it through the House. I am not intending to debate or argue the subject, but simply to have this question referred to the committee, which will settle the whole question as a matter of fact. In order that they may intelligently act upon it I desire to submit this paper.

Mr. CONVERSE. I insist on the point of order.

The SPEAKER *pro tempore*. The gentleman from Ohio on the right of the Chair objects to the gentleman on the left proceeding to debate the question.

Mr. KEIFER. I was only going to ask the Clerk to read the telegram which I desire to have referred to the committee.

Mr. COX, of New York. The gentleman says he wants to refer this matter to the committee. Why does he not put it in that box? He says he can not reach the committee. He can reach the committee through the petition-box, but he has no right to read his petition.

Mr. CONVERSE. If it is a petition it can go through the petition-box.

The SPEAKER *pro tempore*. The gentleman has the right, of course, to send any petition he chooses to a committee through the petition-box under the rules of the House, but the Chair does not understand the gentleman to present a petition.

Mr. KEIFER. This is a telegram from an officer I think connected with the state department of Ohio. It is directed to me and reads as follows:

Members of Congress are State officers——

Mr. CONVERSE. I insist upon the objection I have made that the gentleman can not read this paper until he recites his question of privilege.

Mr. KEIFER. I understand the Chair to decide that I might proceed to read it myself or send it to the Clerk to be read.

Mr. CONVERSE. Let the gentleman state his question of privilege.

The SPEAKER *pro tempore*. In the absence of objection the Chair would have permitted the reading of the paper. The Chair did not know whether it was matter competent to be sent to the committee in the shape of evidence.

Mr. KEIFER. I will read the telegram and then the Chair will be better able to determine.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. CONVERSE] objects to the reading of the telegram.

Mr. KEIFER. I desire to read it for the purpose of showing that I took the floor on a question of the highest privilege, one that was decided the day before yesterday by the Speaker to be a question of the highest privilege because it related to the right to a member's seat. That question it is true has been referred to the Committee on Elections, but desiring to possess that committee with the facts in relation to this matter rather than to suppress them I propose to send matter there that will enable them to dispose of the question.

The SPEAKER *pro tempore*. The present occupant of the chair would have preferred that this matter had come up while the permanent Speaker was here, as the question was originally brought up while the permanent Speaker was in the chair. It was then brought up as a matter of the highest privilege and was so treated. It has been temporarily disposed of by being referred to one of the committees of the House, and the Chair does not understand it is the right of any member to bring that matter back to the House for consideration as a question of privilege until that committee shall have reported.

Mr. KEIFER. I do not ask to bring it back. I do not ask to discharge the committee from the further consideration of the question, as I might under the rule.

The SPEAKER *pro tempore*. That motion would be in order.

Mr. KEIFER. I do not propose to do anything of the kind.

Mr. REED, of Maine. I suggest to the gentleman that he move to discharge the committee, and he can then read that paper as a part of his remarks.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] was not recognized for that purpose.

Mr. BLOUNT. I call for the regular order. I understand the Chair has ruled twice on this question.

The SPEAKER *pro tempore*. The Chair has ruled that the gentleman from Ohio has not in the judgment of the Chair stated a question of personal privilege.

Mr. KEIFER. I have not asked to state a question of personal privilege. If the Chair will turn to the RECORD, page 1038, he will find this was brought up as a matter of the highest privilege, because, as the Speaker stated, it related to the question of the right to a member's seat. The question was simply referred to the committee to report on that subject and I am seeking to get the facts before the committee.

The SPEAKER *pro tempore*. The Chair does not think the gentleman has the right to debate the question in the House after it has been referred to a committee.

Mr. KEIFER. I was not proposing to debate the question.

The SPEAKER *pro tempore*. The gentleman from Ohio has not yet stated a question of privilege.

Mr. KEIFER. Allow me then to state my question of privilege and let it be ruled on. I wish to say the preamble and resolution on page 1038 of the RECORD were adopted and referred to the Committee on Elections, no doubt under a misapprehension on the part of the House to which it was led by the gentleman from Ohio [Mr. PAIGE]. The preamble stated in effect that Mr. ROBINSON had not resigned his seat, whereas I wish to show that by an official message from the governor's office that the gentleman from Ohio who presented that resolution had himself a certified copy of the resignation of Mr. ROBINSON at the time he had the subject referred to the Committee on Elections for investigation.

The SPEAKER *pro tempore*. The Chair does not understand that this is a question of privilege.

Mr. KEIFER. The only purpose I have——

Mr. ROGERS, of Arkansas. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair does not think the gentleman from Ohio has stated a question of privilege.

Mr. KEIFER. I have not been permitted to state it.

The SPEAKER *pro tempore*. The Chair has certainly given the gentleman every opportunity.

Mr. KEIFER. I understand the sensitiveness of my colleagues from Ohio on this subject, because, as the telegram will show, they perfectly well know Mr. ROBINSON resigned on the 12th day of last month to the governor of Ohio.

The SPEAKER *pro tempore*. The gentleman from Ohio is not in order. The Chair has more than once ruled that he has not presented a question of privilege.

ORDER OF BUSINESS.

Mr. COX, of New York. What is the regular order?

The SPEAKER *pro tempore*. The regular order is the morning hour for the call of committees for reports on private bills.

Mr. REAGAN. I move to dispense with the morning hour and with all further private business for the day.

The SPEAKER *pro tempore*. Does the gentleman from Texas propose to make two motions at once?

Mr. REAGAN. I make the motion to dispense with the morning hour, and that the consideration of private business be dispensed with for the day.

The SPEAKER *pro tempore*. The Chair suggests to the gentleman from Texas that the two motions had better be separated.

Mr. REAGAN. Then I move to dispense with the morning hour.

The question being taken, there were—ayes 24, noes 111.

So (further count not being called for) the motion was not agreed to.

The SPEAKER *pro tempore*. The morning hour begins at five minutes before 1 o'clock.

MERCHANTS' BANK OF LITTLE ROCK.

Mr. CANDLER, from the Committee on Banking and Currency, reported back with a favorable recommendation the bill (H. R. 7973) to change the name of the National Bank of Little Rock to the First National Bank of Little Rock; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

FORBES'S HISTORICAL ART COLLECTION.

Mr. MAGINNIS. I am instructed by the Committee on Military Affairs to report back the bill (H. R. 6339) providing for the purchase of Forbes's historical art collection. The committee ask to be discharged from the further consideration of the bill, that the report be printed, and that the bill and report be referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. If there be no objection the Committee on Military Affairs will be discharged from the further consideration of the bill.

There was no objection.

The SPEAKER *pro tempore*. The question is on referring the bill to the Committee on Appropriations.

Mr. STEELE. I object to the bill going to the Committee on Appropriations.

Mr. MAGINNIS. It does not depend on the gentleman's objection. I have a right to report the bill from the Committee on Military Affairs and to move its reference to the Committee on Appropriations. I make that motion.

Mr. STEELE. I move to amend the gentleman's motion so that the bill shall be referred to the Committee on the Library.

The question being taken, there were—ayes 30, noes 70.

Mr. STEELE. No quorum.

The SPEAKER *pro tempore*. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Indiana, Mr. STEELE, and the gentleman from Montana, Mr. MAGINNIS.

The House again divided; and the tellers reported—ayes 61, noes 71.

So the motion was not agreed to.

Mr. STEELE. Mr. Speaker, I withdraw the demand for a further count, but I would like to have the report read.

Mr. BLANCHARD. I object.

Mr. STEELE. I want to hear it only so far as it states the action of the committee.

The SPEAKER *pro tempore*. Objection being made, the Chair thinks it is too late for the gentleman to demand the reading as a matter of right.

Mr. STEELE. I withdraw the demand.

The SPEAKER *pro tempore*. The gentleman from Indiana withdraws his demand for the reading of the report, and the question is upon the motion made by the gentleman from Montana [Mr. MAGINNIS], that this bill reported from the Committee on Military Affairs be referred to the Committee on Appropriations, and that it be printed, with the accompanying report.

The motion was agreed to; and it was so ordered.

CHANGE OF REFERENCE.

On motion of Mr. LOVERING, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese, and the same was referred to the Committee on Pensions.

WILLIAM S. SPRATT.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported, as a substitute for the bill H. R. 4222, a bill (H. R. 8139) granting a pension to William S. Spratt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE S. HAWLEY.

Mr. RAY, of New Hampshire, from the Committee on Pensions, reported back with a recommendation that it do pass the bill (H. R. 8104) granting an increase of pension to George S. Hawley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

D. B. DAWNING.

Mr. ROGERS, of New York, from the Committee on War Claims, reported back with an amendment and with a recommendation that it do pass the bill (H. R. 2173) for the benefit of D. B. Dawning; which

was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM KENDALL.

Mr. BROWN, of Pennsylvania, from the Committee on Claims, reported back with a recommendation that it do pass the bill (H. R. 3986) for the relief of the legal representatives of Maj. William Kendall; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHANGE OF REFERENCE.

On motion of Mr. HEWITT, of Alabama, the Committee on Pensions was discharged from the further consideration of the bill (S. 1286) for the relief of Henrietta M. Sands, and the same was referred to the Committee on Invalid Pensions.

WATER SUPPLY OF WASHINGTON.

Mr. WILSON, of West Virginia, by unanimous consent, introduced a bill (H. R. 8140) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;" which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MRS. RICHARDSON.

Mr. HEPBURN, by unanimous consent, introduced a bill (H. R. 8141) granting a pension to Mrs. Richardson, of Allerton, Iowa, widow of Milton J. Richardson, late of Company F, Seventeenth Iowa Infantry; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LUCY PARR.

Mr. HEPBURN, by unanimous consent, also introduced a bill (H. R. 8142) granting a pension to Mrs. Lucy Parr, of Allerton, Iowa, widow of Samuel B. Parr, late of Company I, Fourth Regiment Iowa Infantry; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. BLAND. Mr. Speaker, I move that the House do now resolve itself into the Committee of the Whole on the Private Calendar.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BLAND] moves that the House do now resolve itself into Committee of the Whole on the Private Calendar, which is equivalent to a demand for the regular order.

Mr. WILLIS. Mr. Speaker, I desire to say that if the motion of the gentleman from Missouri [Mr. BLAND] is voted down I am instructed by the Committee on Rivers and Harbors to press the consideration of the river and harbor bill.

Mr. McMILLIN. I believe that whether this motion be agreed to or not, a two-thirds vote will be necessary to dispense with private business to-day.

The SPEAKER *pro tempore*. The gentleman is right.

Mr. WILLIS. I understand the motion now before the House is that of the gentleman from Missouri [Mr. BLAND], to go into Committee of the Whole for the consideration of business on the Private Calendar. I repeat, that if this motion be voted down I will, under instructions of the Committee on Rivers and Harbors, endeavor to have the House go on with the river and harbor bill.

The question being taken on the motion of Mr. BLAND, it was agreed to, there being—ayes 119, noes 51.

The House accordingly resolved itself into Committee of the Whole House (Mr. HATCH, of Missouri, in the chair), and proceeded to the consideration of business on the Private Calendar.

HIRAM JOHNSON.

The first business on the Private Calendar was the bill (H. R. 1477) to pay Hiram Johnson and other persons therein named the several sums of money therein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. McMILLIN. That bill has been heretofore considered, and an understanding reached that it should retain its place on the Calendar to await the report of the committee, the bill having been recommitted. I ask, therefore, that the bill be passed over informally.

The CHAIRMAN. If there be no objection, that order will be made. The Chair hears none.

PRIVATE LAND CLAIM IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. 130) to confirm a certain private land claim in the Territory of New Mexico.

Mr. HALSELL. I ask that that bill be laid aside informally, not to lose its place on the Calendar.

There being no objection, it was ordered accordingly.

ORDER OF BUSINESS.

Mr. McMILLIN. It has been the custom of the Committee of the Whole on the Private Calendar during its last three sittings to pass over informally all bills down to and including the seventh bill on the Calendar, a bill (H. R. 75) for the relief of Edward Byrne. The Committee of the Whole had reached the consideration of the next business on the Calendar, the petition of Bishop E. Fitzgerald. I ask, therefore, that all business on the Calendar down to the case I have just mentioned be passed over informally. I believe those who are interested in the cases to be passed over have consented to this heretofore.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee [Mr. McMILLIN]? The Chair hears none, and it is ordered accordingly.

BISHOP E. FITZGERALD.

The next business on the Private Calendar was the petition of Bishop E. Fitzgerald, reported adversely from the Committee on War Claims.

Mr. ROGERS, of Arkansas. I desire to move that this matter be indefinitely postponed.

Mr. McMILLIN. I have no objection to that. I know nothing about the claim.

The CHAIRMAN. The gentleman from Arkansas [Mr. ROGERS] moves that this petition be reported to the House with the recommendation that its further consideration be indefinitely postponed.

The motion was agreed to.

FENDALL CARPENTER.

The next business on the Private Calendar was the bill (H. R. 4686) for the relief of Fendall Carpenter.

The bill was read, as follows:

Be it enacted, &c., That the sum of $4,400 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay to Fendall Carpenter for twenty-five bales of cotton seized and sold by the United States military authorities during the late war, and the proceeds thereof appropriated to the use of the Quartermaster's Department of the United States Army.

The report (by Mr. JONES, of Wisconsin) was read, as follows:

The Committee on War Claims, to whom was referred the claim of Fendall Carpenter, of Fayette County, Tennessee, beg leave to submit the following report:

The claimant resided in Fayette County, Tennessee, during the late war of rebellion, cultivating his farm, having on hand twenty-eight bales cotton, while the confederate troops were scouring the country for contributions, willing or unwilling, from citizens qwning cotton. Claimant, in the early part of 1862, concealed his cotton, where it remained until the coming of the Federal military forces in August, 1862. The latter, learning of the cotton, seized twenty-five bales thereof. As this cotton was seized in 1862, several months prior to the act of March 12, 1863, requiring all such property to be turned over to agents of the Treasury specially appointed for that purpose, it was sold by the military authorities, realizing upon the same $4,400 gold, which money was appropriated to payment of vouchers and receipt rolls in the Army, and consequently was not paid into the "captured and abandoned fund" in the Treasury.

The claimant applied to the Department to be refunded said proceeds, and the matter coming to the attention of President Lincoln, he, on the 23d December, 1863, indorsed upon the application:

"Will the Judge-Advocate-General please examine this case and report upon it to the Secretary of War.

"A. LINCOLN."

The Judge-Advocate-General, Mr. Holt, made his report on the following day, and as his report embraces succinctly the facts and conclusions of law, in both of which your committee concur, it is hereby adopted as part of this report, as follows:

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, December 24, 1863.

To Hon. E. M. STANTON,
Secretary of War:

In the case of Fendall Carpenter, a citizen of Fayette County, Tennessee, referred to me by the President under his indorsement of the 23d instant, with the request that I report upon the same to the Secretary of War, I have the honor to submit as follows:

On the 25th of August last a detachment of United States troops penetrated to the vicinity of Carpenter's residence, seized twenty-eight bales of cotton belonging to him, of which three bales were burned, and the remaining twenty-five bales were carried away. For the latter he was furnished with a receipt (which is filed with the papers in the case), certifying that this cotton had been taken "for the use of the United States," and signed by Lieut. Thomas Purcell, quartermaster Sixteenth Iowa Volunteers.

This cotton was delivered to C. C. Williams, acting assistant quartermaster of the military post of Bolivar, Tenn., and was, by order of Brigadier-General Ross, commanding district, advertised for sale on August 27, and thereupon sold for about $4,400. The cotton was treated throughout as captured property, and is described in the advertisement "as taken from the enemy." Carpenter now claims that this amount shall be paid over to him as the proceeds of property of which he has been unjustly deprived. His claim, if established, must be based either upon his loyalty as a Union citizen previous to the seizure, or upon the fact that his case is within the President's proclamation of 25th July, 1862.

The evidence as to the loyalty of Carpenter is presented by the affidavits of two of his fellow-citizens, who state that at the election in February, 1861, he voted against secession; that he opposed the rebellion until it became dangerous for him to do so any longer, when he withdrew himself from public matters and remained as quiet as possible; that he is a man of property, but has never contributed anything to the support of the rebellion; further, that in the spring of 1862 he concealed this very cotton to prevent its being destroyed by the rebel authorities. It is understood, also, that Hon. Horatio King and Hon. Thomas R. Smith, of Tennessee, vouch for the loyalty of Carpenter and of the parties whose affidavits have been quoted.

If, however, the fact that Carpenter for a certain period before the seizure took no part in assisting the rebellion be held to evince on his part an acquiescence therein, or be deemed evidence of his having lent aid or countenance thereto, his case will, it is believed, be found to come within the protection of the proclamation and act of July 17, 1862, which authorized it. The sixth section of this act imposes a forfeiture of all their property and estate upon all persons engaged in armed rebellion, or in aiding and abetting such rebellion, who shall not within sixty days after a proclamation to that effect, to be made by the President, cease to be so engaged, &c., and return to their allegiance to the United States. And thereupon the proclamation of July 25, in pursuance of this act, warns all persons to comply with its provisions on pain of the forfeitures and seizures therein prescribed. On August 25, 1862, the same day with the seizure

in question, but whether before or after it does not appear (nor is it material), Carpenter subscribed before a United States provost-marshal a comprehensive and stringent oath of allegiance, in which he engaged to support the Constitution of the United States against all enemies, to render all due allegiance to the Federal authorities, and to use his best endeavors to put down armed rebellion against the same, to protect the property and preserve the peace in his neighborhood, and to refrain from ever taking up arms or serving in any way against the Government of the United States.

This oath is filed with the papers in the case. It is stated in Carpenter's behalf that this was the first opportunity which had been afforded him of entering into a formal and solemn engagement of this character, and that he embraced it at once by subscribing the oath which has been recited. Thus it will be seen that Carpenter, within the time specified by the proclamation, did formally "return to" and make a public profession of his allegiance to the United States, and there is no proof that he has departed therefrom in any particular, or demeaned himself otherwise since than as a loyal citizen.

It is a just implication from the act of July, 1862, that all persons complying with its conditions within the time limited shall be protected in the enjoyment of their property. Under the circumstances, therefore, which have been detailed, it is concluded that the appropriation of the cotton of Carpenter by the United States authorities was unauthorized, and that he is entitled to claim the proceeds of the sale.

The question now passed upon has already been considered in the case of E. P. McNeal, a citizen of Tennessee, and from a report made therein from this office of November 6, 1862, the sum of $10,000, proceeds of his cotton, seized about the same time as that of Carpenter, was ordered to be restored to him by order of the Secretary of War. McNeal, like Carpenter, had subscribed an oath of allegiance within the period prescribed by the proclamation, but his record as to previous loyalty was by no means so satisfactory as that of the latter, nor was his claim so meritorious. As was remarked in the case of McNeal, an important consideration of public policy is involved in cases of this character. The good faith of the Government has been pledged to all those who, heeding the warning of the President's announcement of amnesty, have accepted the terms which it offered, and conformed their behavior to the solemn engagement into which they then entered. To such the Government on its part owes protection and security for themselves and their property, and should ever stand ready to make good to them, where practicable, the pecuniary losses which they have incurred in consequence of unauthorized or ill-advised seizures by officers of our Army.

It is recommended, therefore, that the sum of about $4,400, which resulted from the sale of Carpenter's cotton, be at once paid over to him by Brigadier-General Ross; provided, as is believed, this sum has not yet been deposited in the Treasury. If, however, this amount has passed out of the hands or control of this officer, he should be required to report what disposition has been made of it, so that if possible it may be reached *in specie* and paid to the claimant.

J. HOLT,
Judge-Advocate-General.

The proceeds of the cotton were, however, never refunded to claimant by the Secretary of War for supposed want of authority so to do.

Inasmuch, therefore, as the Government has applied the money received from the sale of claimant's property to the payment of legitimate expenses of the Army, your committee think he is clearly entitled to be refunded such proceeds, and submit the accompanying bill and recommend its passage.

Mr. STORM. I move that this bill be laid aside to be reported to the House with a recommendation that it do pass.

Mr. HOLMAN. There are two questions which I wish to put to the gentleman in charge of this bill. First, I would like to know whether there is any evidence that the proceeds of this cotton went into the Treasury. That is not shown in the report. Secondly, I wish to inquire how it happened that this claimant, whose claim is well presented by the Judge-Advocate-General, never availed himself of the opportunity during the period such opportunity was afforded with reference to this class of claims to take his claim into the Court of Claims for adjudication. The Judge-Advocate-General says:

It is recommended, therefore, that the sum of about $4,400, which resulted from the sale of Carpenter's cotton, be at once paid over to him by Brigadier-General Ross; provided, as is believed, this sum has not yet been deposited in the Treasury. If, however, this amount has passed out of the hands or control of this officer, he should be required to report what disposition has been made of it, so that if possible it may be reached *in specie* and paid to the claimant.

Now, I find no statement in this report as to whether this money was found in the possession of General Ross, or what disposition was made of it—whether it was paid into the Treasury or not; and there is no explanation as to the reason the claimant did not go into the Court of Claims, as he had the right to do under the law.

Mr. STORM. Mr. Chairman, the gentleman from Wisconsin [Mr. JONES] who made the report in this case I do not see in the House. I know that gentleman is careful in all his reports, and that this was carefully considered by him. It was also considered in the whole committee, and I know that it was the unanimous report of the committee. If the gentleman from Wisconsin were here he would be able to answer the question of the gentleman from Indiana fully.

Mr. GEDDES. Mr. Chairman, I have a distinct recollection of what occurred while this report was submitted to the committee, and it agrees with the views as set forth in this report. I think that on careful examination there will be found in it a full and complete answer to the questions submitted by the gentleman from Indiana. If he will refer to the early part of the report he will find that it is there disclosed that this money was not exactly turned into the Treasury of the United States. It was, however, used by the officers of the Army in the payment of legitimate expenses of the Army and was accounted for by them to the War Department, and so found by Judge-Advocate-General Holt in the investigation he gave to it. It is there stated in the early part of the report, to which I invite the attention of the gentleman from Indiana, that "it was sold by the military authorities, realizing upon the same $4,400 gold, which money was appropriated to payment of vouchers and receipt rolls in the Army, and consequently was not paid into the 'captured and abandoned fund' in the Treasury."

The proof seems clear and abundant that the Government had the benefit of the property and of the fund.

Mr. HOLMAN. From the connection between the paragraph read by the gentleman from Ohio and the closing paragraph of Judge-Advocate-General Holt's report the statement is clear so far as the report goes. It states:

As this cotton was seized in 1862, several months prior to the act of March 12, 1863, requiring all such property to be turned over to agents of the Treasury specially appointed for that purpose, it was sold by the military authorities, realizing upon the same $4,400 gold, which money was appropriated to payment of vouchers and receipt rolls in the Army, and consequently was not paid into the "captured and abandoned fund" in the Treasury.

That is as my friend from Ohio has read it; but he overlooks the fact that Judge-Advocate-General Holt, to whom this subject was referred by a special order of the President, speaks as follows:

If, however, this amount has passed out of the hands or control of this officer, he should be required to report what disposition has been made of it, so that if possible it may be reached in specie and paid to the claimant.

I had the honor to serve with my friend from Ohio on the Committee on War Claims, and I take it for granted the fact was ascertained from the War Department what disposition had been made of this money. My friend will bear in mind that under the law allowing these claimants to go to the Court of Claims a fund was accumulated in the Treasury for their benefit—regarded as a fund held in trust for the benefit of loyal claimants—it will be remembered, I say, that no instance had occurred where there was deliberation on the subject where money has been paid out of this fund unless by proof the fact had been established that the money had been legitimately used for the use of the Army. General Holt naturally suggests that if this money was used for some legitimate purpose it is the same as if paid into the Treasury in trust for these claimants, and if used for a legitimate purpose that fact can be shown. But I find that this report unhappily and entirely evades that question as to whether the proceeds of the sale of this cotton were ever accounted for.

Now my friend will remember also that the committee of which he is chairman at the last session of Congress decided where a party had a right to go into court and establish his claim and failed to do so, that after having an opportunity to have his day in court he could not come before Congress. How did it happen that this claimant, who if the money went into the Treasury or was properly used for Government purposes and he is clearly entitled to it—how does it happen he did not go into the Court of Claims?

Mr. YOUNG. I can answer that question.

Mr. GEDDES. A moment's reflection will satisfy the gentleman from Indiana that he is falling into an error in the investigation of this report. He must notice that the investigation of Judge-Advocate-General Holt was December 24, 1863, and the members of the committee making this report embodied in full this report of Judge-Advocate-General Holt, which concludes as has been correctly read by the gentleman from Indiana. But it must also be remembered that now, in 1881, twenty-one years thereafter, this investigation is made by the committee based not only upon the report of Judge-Advocate-General Holt, but by other proof in the War Department bearing on this question; and in view of the proof, it is said, it is now found, twenty long years after the investigation of Judge-Advocate-General Holt—it is now known that this money was used in the legitimate expenses of the Army as the reason for not turning it into the Treasury.

Mr. HOLMAN. That is the turning point of the claim. Was the money accounted for? If it were accounted for the official document will show the fact, and that official document is among these papers. And that would make this in the nature of a trust fund, to be held by the Government for the benefit of the party, and an obligation which the Government ought to pay. But the question is, do the papers in this case show that it was accounted for to the Government by these officers, or was it an act of spoliation committed for their own private benefit? That is the point.

Mr. STORM. The returns to the Quartermaster's Department show the use that was made of it.

Mr. GEDDES. I understand the gentleman from Indiana, and agree with him fully in reference to the general principle involved. I would require the proof to come up to the standard he suggests. But I understand this report made to our committee by the subcommittee does meet the very question, and evades or seeks to evade it in no way whatever. It meets the question in a distinct and unequivocal manner.

Again, I repeat from the report that—

In 1884 it is found that this money was used in the payment of vouchers and of receipt-rolls in the Army, and consequently was not turned into the Treasury.

Now if the proofs show that the money was thus applied to the benefit of the Government directly, as this report to the subcommittee and adopted by the full committee declares, then I think we are abundantly justified in submitting the report and asking its adoption by this committee.

Mr. HOLMAN. Now as to the other point. Why did not the party go into the Court of Claims?

Mr. GEDDES. I am not prepared now to answer that question.

Mr. YOUNG. I can give the gentleman the information.

Mr. HOLMAN. My friend will remember very distinctly that the last Committee on War Claims made it a rule of that committee that

where a party had a right to go to the Court of Claims under the law and failed to do so the excuse should be abundantly set forth.

Mr. GEDDES. That is a rule of the committee now.

Mr. YOUNG. Mr. Chairman, I know the gentleman, the claimant in this case, very well. He lives in one of the counties of my district, some twenty-five or thirty miles from my home, in an interior county. He is a gentleman of high standing and character where he lives, not very well acquainted with public affairs or public laws, and at the time that the law was enacted permitting him and claimants of this character to prefer their claims before the Southern Claims Commission there was not, perhaps, one man in a hundred in the locality where he lived that ever heard of the law or was aware of its existence. Outside of the city of Memphis, the newspaper center of the district, I undertake to say that for five years after the termination of the war there were not one hundred men living in that district who were fully acquainted with their legal rights or who ever heard of the existence of the Southern Claims Commission.

This bill was presented to Congress, I believe, more than twelve years ago, and this applicant has been knocking at the doors of Congress ever since in utter ignorance, I have no doubt, that he had any other remedy than to present the claim here and obtain action upon it through the legislative branch of the Government.

In answer to some other objections urged by the gentleman from Indiana I desire to say a word. I wish to submit to him as a lawyer that he would lay down the proposition that this man is to be deprived of his clear legal rights because he is not able to prove when, how, and exactly the manner and time in which this money was paid into the Treasury of the United States. The gentleman from Indiana would submit that principle for our guidance; and I ask him upon what principle of right or justice or upon what legal grounds he could deprive this man of his right because it was not in his power to direct how the Government of the United States should dispose of the proceeds of his property? It is shown by the proof set up in the report made by the Committee on Claims that his property was disposed of by an officer of the Government of the United States, that its proceeds were applied to the use and benefit of the Government, and now is he to be deprived of the proceeds of his property because it was not paid by that officer into the Treasury of the United States, instead of being legitimately and properly used for the benefit of the Government in another way?

Mr. HOLMAN. Will the gentleman from Tennessee allow me?

Mr. YOUNG. Certainly.

Mr. HOLMAN. I am conceding, the gentleman will perceive, that this class of claims rests entirely upon the assumption that the Government of the United States is the trustee for the fund that went into the Treasury, and I concede also that if the Government, through its legitimate officers, applied the money to a legitimate purpose of the Government—if, indeed, it was an appropriation of private property to a public use, instead of an act of military spoliation—that then the Government would properly be liable to refund the money, although it had not been turned into the Treasury and accounted for in the usual way. But here we find set forth at length, and very properly, in the report of this committee, the report of Judge Holt on the same subject. Now, the other fact that this money was used for another purpose appears with some degree of certainty; but I ask the committee where is the proof on which they base their findings? There must be vouchers or papers somewhere to show for it.

Mr. YOUNG. I ask the gentleman from Indiana if he expects the committees of this House—the Committee on Claims, or any other committee—to publish all the proof upon which they base their conclusions? Is not a committee of this House to be trusted when it asserts in its reports that from all the testimony in the case it has reached such and such conclusions?

Mr. HOLMAN. Does not the gentleman know that the determination of this class of cases has always turned upon the question whether they were acts of spoliation appropriated to the use of the officer committing the act or the seizure of private property for the use of the Government?

Mr. YOUNG. The gentleman stated that he was acquainted with the position of the gentleman from Ohio, the chairman of the Committee on Claims, upon that question; that he had decided at the last Congress that if it was an act of spoliation or robbery, that this Government was not responsible for it. Now, the gentleman from Ohio comes in here with a report of the chairman of the committee and defends that report, which shows that the claim is a just one and ought to be paid.

Now, I think the question as to whether or not this was an act of spoliation or an act of lawful warfare is set at rest by the report of this committee and the indorsement by its distinguished chairman. This committee could not be expected to set out in detail all the testimony on which they base the conclusion embraced in their report. For aught we know, and the presumption is that way from the high character of the gentlemen who compose the committee, from its distinguished chairman down, the presumption is a fair and reasonable one that all the testimony necessary to establish the justice and legality of this claim was before that committee and they acted upon that testimony. And I confess I can see nothing in the objections of the gentleman from Indiana to influence the judgment of this House against declaring this claim a just and valid one, which ought to be paid.

Mr. HOLMAN. I am not disposed to prolong this discussion, and regret exceedingly the gentleman who made the report [Mr. JONES, of Wisconsin] is not present.

Mr. STORM. He is here now.

Mr. HOLMAN. My friend from Wisconsin, then, will be able to explain the two questions I have asked: First, by what evidence does it appear that the proceeds of this cotton were applied to the use of the Government? And, secondly, how is it explained that while this claimant was clearly entitled, on Judge Holt's statement, to go into the Court of Claims and have this money paid out of the fund which had accumulated, how does it happen he did not go there?

Mr. JONES, of Wisconsin. This report was made early in the last session. Since that time in the multiplicity of other bills and reports which have been before us I confess some of the facts of this claim are not now fresh in my mind. I did not suppose it was to be brought up to-day, or I would have re-examined the evidence. I am certain, however, of the main facts which influenced our action. There is no doubt but that the property was taken by the Federal troops. It was sold at auction and paid for in cash. The money received was paid over to one of the Army quartermasters, and by him used in the necessary expenses of the Army.

The claimant promptly laid his claim before the authorities for compensation. I believe this was in 1863. He has diligently pressed it from that day to this. It obtained at that time the sanction of Judge-Advocate Holt, who examined the facts and recommended its payment. The claim was sent from one Department to another. Although favorably recommended by the War Department, it was not allowed, for the reason, as claimant was notified, that no appropriation had been made from which it could be paid even if allowed.

The claim remained before the Departments, War and Treasury, for several years. It was never rejected on the merits. The Secretary of the Treasury decided when it came to that Department that he had not jurisdiction under the statute providing for the payment of captured property.

The claim remained before the Departments until it could no longer be pressed there owing to the act of 1867, which suspended further action upon such claims.

After the claimant was notified by the Treasury and War Departments that he could only find relief in Congress, he brought his claim here, and has ever since been seeking redress.

The loyalty of the claimant was clearly proved.

The taking of the property was beyond all doubt. Our committee were of the opinion that the claimant is clearly entitled to the relief he seeks.

Mr. HOLMAN. I suggest, Mr. Chairman, that this claim be laid aside to be reported favorably to the House, as the gentlemen having charge of the measure think it proper that that should be done; but if on examination of these papers again by my friend from Wisconsin [Mr. JONES]—and it requires some experience to be familiar with all the legislation touching this class of claims—if upon further examination of the papers there is found to be a lack of sufficient evidence showing this property went to the use of the Government instead of being a spoliation on the part of an officer, for which we are not to assume responsibility, that in that event the case be opened up again and recommitted to the committee.

Mr. JONES, of Wisconsin. I am satisfied with that.

Mr. HOLMAN. With that understanding I have no objection to the bill being laid aside to be reported favorably.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MCMILLIN. I have been requested by the gentleman making the report in the next case [Mr. ROGERS, of New York] to ask that it be passed over informally.

There being no objection, the bill (H. R. 2204) to provide for the payment of the claim of Joseph R. Shannon, reported with an adverse recommendation by the Committee on War Claims, was passed over informally.

A. GATES LEE.

The next business on the Private Calendar was the bill (H. R. 4687) for the relief of A. Gates Lee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to cause to be investigated by the Quartermaster's Department of the United States Army the alleged use, occupation, and damage by the United States authorities, for the use of the United States troops, during the late war, of a certain mill property situated in McCracken County, in the State of Kentucky, alleged to have been the property of A. Gates Lee; such investigation to extend to the title of the property, the status of the owner, whether loyal or not, the value of the property destroyed, the actual rental value of the property for the time it was occupied by the United States troops, the amount of damage arising from the appropriation of material to the use of the Army; and when such investigation shall be completed the Secretary of War shall report the result thereof, with his recommendation thereon, to Congress for action in the premises.

Mr. ROWELL. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. I think this class of claims should go to the Court of Claims under the Bowman act.

Mr. ROWELL. Will the gentleman from Indiana let the report be read?

Mr. HOLMAN. I have no objection to that. Let the report be read.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 640) for the relief of A. Gates Lee, of McCracken County, Kentucky, have had the same under consideration, and report as follows:

The evidence in the case shows that claimant and his brother, B. P. Lee, were in 1861 partners and owners of a large flouring-mill at Paducah, Ky.; that they were both loyal to the Government of the United States, and suffered pecuniary loss for their loyalty; that B. P. Lee died in 1864, leaving A. Gates Lee his surviving partner.

In September, 1861, the military authorities of the United States took possession of their mill, and used it for officers' quarters, quartermasters' stores, and for barracks for soldiers; that the property was occupied by various regiments most of the time for something over two years.

The evidence further shows that in addition to its use the property was badly damaged, not only by having its machinery torn out and destroyed, but by having the weather-boarding torn off and floors taken up, so that at the time it ceased to be occupied it was of very little value as a flouring-mill.

Lieutenant Wilson appointed a commission of citizens of Paducah to appraise the damage to this property, and this commission returned an estimate of $11,875, this covering not the rental value, but the damage to the mill property.

The claim was presented to the Quartermaster's Department and rejected, because there was no legal authority to pay this kind of claim. An offer of $25 per month was made as rent, the claimant being advised that his remedy was an appeal to Congress. The claim was also presented to the claims commission of the War Department, but was never acted upon.

Your committee are of opinion that it would be a bad precedent to pay for wanton destruction of property by soldiers without orders from competent authority, and, while the case under consideration is one of great hardship, we are not prepared to recommend its payment. We are, however, of opinion that the matter ought to be investigated by the War Department, with a view to ascertain the actual rental value of the property for the time it was occupied, and also the amount of damage arising from the appropriation of material to the use of the Army under proper orders, and not attributable to mere wantonness. We therefore present the accompanying bill as a substitute for the bill under consideration and recommend its passage.

Mr. HOLMAN. I suggest to the gentleman making this report that this claim ought not to go to the War Department for examination, for the reason that, conceding, as of course I do from what is set forth in the report, the loyalty of the claimant, the other facts presented are expressly excluded from consideration by the terms of our legislation. Where it is alleged that there has been a wanton destruction of property at the seat of war, or even that at the seat of war property was injured while occupied by Federal troops, a reference to the War Department is the most expensive method of determining cases of that kind that can be adopted. Where the claim is referred to the Court of Claims the claimant prepares his own proof and submits it. But where you refer it to the War Department, of course it goes to the Quartermaster-General, and an agent has to be sent to visit the region of country where the claim arose for the purpose of making an examination and taking proof, and if my friend from Illinois [Mr. ROWELL] will look and see the large sums of money that we have paid out every year for the examination of claims already referred, I think he will hesitate to send any claim to the War Department unless it be one in which a military examination would be peculiarly proper and necessary. This does not appear to be such a case. It seems to be simply one of the large classes of claims which are arising all the time and of which great numbers have already been referred to the Court of Claims. I have no sort of objection to its reference to the Court of Claims, because that will not necessitate any material expense, but, as I have said, a reference to the War Department is always very expensive, and upon the face of the report this does not seem to be a case to justify such a reference.

Mr. ROWELL. Mr. Chairman, if the gentleman from Indiana [Mr. HOLMAN] will examine the Bowman act, which authorizes certain classes of cases to go to the Court of Claims, he will find that this case would go there simply to come back without any adjudication, because it belongs to a class of cases that can not be sent to the Court of Claims under that act. This bill provides certain limitations to avoid any investigation as to damages growing out of the wantonness of the soldiers.

This mill property was situated at Paducah, Ky., and was owned by men of intense loyalty—men who for their loyalty suffered not only the loss of fortune, but also a great deal of persecution. They owned this large flouring-mill at Paducah. It was taken possession of by the Government and was occupied as a barrack for the space of two years by officers and soldiers of the United States. The owners were offered a certain rental, which they refused to take. Subsequently they have been pressing their claim constantly; or at least the living representave of the firm has been pressing the claim, both before the Departments of the Government and in Congress.

This bill provides that the War Department shall investigate the question of occupancy, the length of that occupancy, the rental value of the property, and the value of any material taken by the Government for the use of the Army, but excludes from the investigation and computation any damages. Now, the larger part of the injury for which Mr. Lee claims compensation, under the proof submitted to our committee, is for damage, wanton damage as I take it—at least of that kind that ought to be investigated by the agent of the War Department—and it is not a case of the kind that can be properly investigated by the Court of Claims. It seems to be a meritorious case for investigation and ascertainment of the facts, and for that reason we presented this bill instead of attempting to make the investigation ourselves.

Mr. HOLMAN. Will the gentleman allow me to interrupt him for a moment?

Mr. ROWELL. Yes, sir.

Mr. HOLMAN. Suppose the War Department makes this investigation and reports that this property was damaged to the extent of $11,000, or any other sum, by the wanton acts of the soldiers, does the gentleman say that Congress is to appropriate money to pay those damages?

Mr. ROWELL. Mr. Chairman, I certainly do not say anything of the kind; and this bill does not authorize the Department to report anything of that kind. It expressly excludes all compensation for wanton damage.

Mr. HOLMAN. Then what does it include?

Mr. ROWELL. It includes the rental value of the mill property for the time it was occupied by the United States forces and the value of such property as was legitimately or properly taken for the use of the Army.

Mr. HOLMAN. Now will my friend allow me this further question: Does he think the Government can enter upon the policy of paying rent for property used at the seat of war? If that is to be the policy, a field unexampled in its magnitude is opened up. I wish to call the attention of the chairman of the Committee on War Claims [Mr. GEDDES] to this question, whether such claims for rent of property used by the United States at the seat of war should be brought within the jurisdiction of the Court of Claims? If the Government is to be responsible for all property occupied on its behalf at the scene of hostilities during the late war, the rule should be of universal application. There should not be a bill here and there taken up and compensation made only in particular cases; all the people of that section of the country should be treated alike. Yet you have not done so up to this time.

Mr. ROWELL. Mr. Chairman, I do not know of any rule of justice which would authorize the Government of the United States to take possession of and occupy the property of a loyal citizen without making compensation to him; and I do not care whether claims of this character are few or many. Ordinarily during the first years of the war, when property was taken possession of in Kentucky, at Paducah and Louisville, and later in Tennessee, if such property was owned by loyal citizens, rent was paid for it by the Quartermaster's Department. There are here and there cases where rent was not paid. In this case the Quartermaster's Department offered to pay rent for this very property; but because of the damage resulting from the use of the property, because of the ruin of this mill, the owner was not willing to take as rental the amount which the Quartermaster's Department determined the property was worth for barracks. He insisted upon a rental value for the property as a mill.

This is one of the cases where a loyal man lost the use of his property and the Government enjoyed its use. All through that country from 1861 to 1865 such men did receive rent for their property. This man did not; and I do not care whether there be one such claim or a thousand, if the case presents the incidents of loyalty on the part of the owner of the property and occupancy of it by the Government, it is simple robbery if the Government does pay such claims when properly proven.

Mr. HOLMAN. Would my friend modify this provision of the Bowman act?

The jurisdiction of said court shall not extend to or include any claim against the United States growing out of the destruction or damage to property by the Army or Navy during the war for the suppression of the rebellion, or for the use and occupation of real estate by any part of the military or naval forces of the United States in the operation of said forces during the said war at the seat of war.

Would my friend modify that provision?

Mr. ROWELL. But a little while ago the gentleman from Indiana was insisting that he was perfectly willing claims of this character might be referred to the Court of Claims under the Bowman act, knowing that in this very act was a prohibition against the Court of Claims considering such cases; so that the submission of the matter to that court under the Bowman act would be a useless proceeding. In answer to the gentleman, I say I would be willing to modify in this respect the Bowman act; but, inasmuch as it has not been modified, I am in favor all the time of reporting such meritorious cases as this for action by Congress.

Mr. HOLMAN. Well, Mr. Chairman, this question is now before us in an unusually clear light. The provisions of the act of the last Congress expressly exclude this class of claims from consideration by the Court of Claims; and I now submit to the chairman of the Committee on War Claims, as representing this large body of claims, whether it should be the policy of Congress or of that committee to abandon that limitation, and open up this class of claims for consideration by that court. If so, I submit to him that this restriction upon the Court of Claims should be repealed; and all the people of the section of the country where these claims have arisen should be put upon one common basis. There are hundreds of thousands of cases of this kind which have arisen all over the South—tens of thousands, no doubt, in the single State of Kentucky. There is scarcely a county in that State where cases of this kind did not occur.

Now, if investigations of this kind are to be had, the investigation

must amount to something; something must result; it can not be that a report of the facts should be called for, if, when reported, however strongly, the facts are not to justify an appropriation of public money. If the purpose is to change the rule heretofore adopted, I think it ought to be changed as to all cases of this class; we should not take up a single case here and there and make it an exception to the general policy.

There does not appear to be anything in this claim which should distinguish it from countless other cases which have occurred all over that section of the country which was the seat of the late war. For one, I regret to see the expenses of the Quartermaster's Department constantly swollen by references of these matters to it, when another tribunal, the Court of Claims, has been invested with the very limit of the jurisdiction which Congress has been willing to confer in regard to the adjustment of these claims.

My friend from Illinois is right in saying that under the Bowman act this claim can not even be considered by that court, because up to this time the policy has not been to allow adjudications by that tribunal where either spoliations or rents at the seat of war are to be taken into account.

Mr. GEDDES. Mr. Chairman, as the remarks of the gentleman from Indiana [Mr. HOLMAN] were largely addressed directly to me, I ought perhaps to express my own conviction in regard to this class of claims. Personally, I would not consent to enlarge the provisions of the Bowman act; I am disposed to adhere to those provisions. But there will arise exceptional cases where the occupancy of real estate at the seat of war is not temporary, where the occupancy is of a nature to give rise to an implied contract for payment for the use and occupation of the property. Where a citizen admittedly loyal has his real estate taken possession of and used for a considerable period of time by the Government, I think a distinction may be occasionally made in such a case from occupancy, temporary in its nature, at the seat of war and in the progress of hostilities.

The spirit and purpose of the act referred to is to exclude that class of claims, and I am willing to adhere to the letter and spirit of the law.

Mr. HOLMAN. Pernfit me to inquire of my friend, does he not recollect the Memphis claim and numerous other claims, that of Judge Eyres and others, where the question has been alone presented, the loyalty of the man being admitted—the question has alone been presented whether or not even occupation for years at the seat of war would justify Congress in appropriating money for the occupation of property or not? Were not the cases of Judge Eyres and others considered before this committee for a number of years?

Mr. MCMILLIN. Let us have a vote on the question.

The CHAIRMAN. The question is on the motion that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

BARRINGTON BEHYMER.

The next business on the Private Calendar was the bill (H. R. 1265) for the relief of Barrington Behymer.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay to Barrington Behymer, out of any money in the Treasury not otherwise appropriated, the sum of $547.90, with 6 per cent. interest thereon from October 27, 1874, to date of payment, being the difference between the pay and allowances of a sergeant-major of cavalry and the pay and allowances of a second lieutenant of cavalry, from March 10, 1864, to October 10, 1864, he having been commissioned and served and performed the duties as second lieutenant in the Fifth Regiment Ohio Volunteer Cavalry during that period, but not having been mustered as such second lieutenant.

The report (by Mr. ROWELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1265) for the relief of Barrington Behymer, have had the same under advisement, and make the following report:

The claim in this case is stated at $547.90, being for the difference between the pay of sergeant-major and second lieutenant of cavalry from March 10, 1864, to October 10, 1864. Claimant was, on March 1, 1864, commissioned by the governor of Ohio a second lieutenant in the Fifth Ohio Cavalry. The captain of Company L was, at the same time, commissioned major, the first lieutenant commissioned captain, making the vacancy to which claimant was commissioned. At the time these commissions were issued, the Fifth Cavalry was not entitled to the majorship to which the captain of Company L was commissioned, owing to the numbers of the regiment; consequently there was no vacancy of a second lieutenancy, to which claimant was commissioned, and he was refused muster, and thereafter continued to draw pay as sergeant-major till the expiration of his term of service. He was assigned to duty as second lieutenant, as were the other officers above named to the rank to which they were commissioned, and all continued to do duty in the rank as assigned.

Your committee are of opinion that it would be a bad precedent to commence paying this kind of claims. In 1864, owing to their diminished numbers, a large number of regiments were in the same position as the Fifth Ohio Cavalry—not entitled to a full complement of officers. A commission by the governor of a State, under such circumstances, should not give a party any right to pay from the General Government.

As regards the duty in a higher rank, it is not uncommon in the Army for an officer to discharge the duties of a higher rank, and if we were now to commence paying every officer according to the position held at different times, it would take a very large sum of money to liquidate all the claims that would be presented.

The usages of the Army and Army Regulations are against the allowance of such claims, and we therefore recommend that the bill do not pass.

Mr. ROWELL. I move that the enacting clause of the bill be stricken out.

The motion was agreed to.

WILLIAM CLIFT.

The next business on the Private Calendar was the bill (H. R. 4688) for the relief of William Clift.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Clift, of Hamilton County, Tennessee, the sum of $3,000, for wood taken and used by the Army of the United States during the late war.

The report (by Mr. STORM) was read, as follows:

The Committee on War Claims, to whom was referred the petition of William Clift, of Hamilton County, Tennessee, asking for compensation for timber and wood, stated at $19,645, makes the following report:

The facts in the case are as follows: In 1863 the claimant and one William Stringer were the owners in common of certain lands lying on the north side of the Tennessee River, in Hamilton County, Tennessee, containing about 5,000 acres. It was covered with timber, principally oak, when, in the fall of 1863, the United States Army advanced and took possession of this section of the country. From that time until the close of the war details were almost constantly employed on the land cutting the timber and hauling it away for the several uses of the Army. The Government erected a saw-mill near this land, and a great deal of the timber was sawed on that mill. The timber was used in the construction of bridges, storehouses, and other Army buildings. The greater part, however, was taken for fuel for the use of the Army. Some tracts were entirely cut off, some culled, and some untouched.

The claim was investigated by Lieut. Col. J. A. Ekin, chief of quartermaster's department of the South, through his agents, Dougherty and Woodburn, who took a large amount of testimony, and made a very full report. Army officers, as well as private citizens, testified to the intense loyalty of the claimant. He suffered greatly in his person and property on account of his devotion to the cause of the Union. There is no doubt but the timber was taken by the United States Army and used by it. United States officers testify to this. The value of the timber was the only thing in dispute.

These agents, after much time spent in investigating this claim, recommended paying claimant for 12,030 cords of wood, at 75 cents per cord, amounting to $9,022.50. Colonel Ekin, in making his return of the claim in November, 1875, also recommended the payment of the same amount. In August, 1876, the Quartermaster-General gave direction to report this and six other cases, mainly for timber taken from lands in the vicinity of Chattanooga, Tenn., on the basis of the settlement made in the Abner C. Carroll cases, referred to the Treasurer March 6, 1871. In that case the timber was considered as constituting one-half of the value of the land. On that basis claimant's demand was reduced to $3,435.23.

The Quartermaster-General's Department was not satisfied with this. Joseph Livsey was appointed agent by the Quartermaster's Department, and in October, 1876, commenced taking depositions to show the value from the assessment of lands in that county, and by showing its value before and after the war.

The witnesses differed greatly in value, some swearing the assessment was no criterion of value, that lands were assessed sometimes at only one-half, and sometimes one-fourth their actual value; that this tract was only valuable for its timber, the land being what is termed "ridge land."

On looking over all the testimony in the case, the committee believe that the claimant should be allowed the sum of $3,000, which is $435.23 less than any of the Government agents found. The only reason given by the War Department for its rejection was that the claimant made his demand so high ($19,545) that it was fraudulent on its face. This might be a good rule to follow in some cases in order to discourage the presentment of dishonest claims, as, for instance, where a man claimed for four horses taken and used by the Government when he had only two. He must have known his claim was fraudulent.

But the claim in this case rested purely on the opinion of witnesses, and widely different results would be attained according to the basis upon which the estimate was made. When the number of cords was the basis (and who will say that was fraudulent?) a much larger result was reached. When the assessment was taken as a basis and a comparison with other tracts similarly located a smaller amount was found to be due, and when we consider that these statements are usually prepared by lawyers or claim agents, who always insert the largest amounts, knowing always that they can recover less than they claim but can never recover more, the claimant should not in this case be regarded as presenting a fraudulent claim.

He is now about eighty-five years of age, has suffered much for his country, and the sum now allowed ($3,000) ought to be paid, and the committee report favorably that sum, and recommend the passage of the accompanying bill.

Mr. HOLMAN. Let me inquire whether this claim, admitting the loyalty of the claimant, was not cognizable before the Southern Claims Commission? If so, I should like to ask whether this claimant appeared before that commission; if he did not, what explanation has the gentleman from Pennsylvania to give why he did not? I understood the rule of the Committee on War Claims to be that if a party had a tribunal open to him and failed to avail himself of it he could not come afterward to Congress for relief. I wish therefore my friend could explain why it happened that he did not go before that commission, and also whether the position taken by the War Department is not a sound one.

Mr. STORM. Mr. Chairman, the War Claims Committee, of which I have the honor to be a member, has adopted a rule that where a tribunal was invested with the power of hearing cases before it their judgment should be final. Now the proper tribunal for this case was not the Claims Commission, but the Quartermaster-General's Department. The claim was for fuel taken for the use of the Army, and consequently that department of the Government had jurisdiction of it and investigated it.

I desire to say here now for the benefit of the gentleman from Indiana, who generally complains that these claims come here supported by an *ex parte* affidavit of the claimant and such witnesses as he may call to support his claim, that this was investigated by the Quartermaster-General's Department through agents sent out there for the purpose of examining witnesses. All the testimony in this case was taken by Colonel Ekin through agents sent there by the Quartermaster-General's

Department for the purpose of investigating the claim to the very bottom.

Mr. HOLMAN. Special agents?

Mr. STORM. Yes; by special agents. They investigated the claim and examined such witnesses as they chose to call, not calling them with a view to supporting the claim, but with a view to defeating it. And the Quartermaster's Department took the strangest position ever heard of in a case of this kind. They disallowed an admitted portion of an honest claim because the claimant made his demand for a larger sum than the investigation showed he was entitled to. That is the ground upon which the Quartermaster-General's Department, having jurisdiction of this claim, rejected it. I will admit, as the report states, that if a man having a certain number of horses and cattle, knowing how many he had—say he had four, and must have known he had four—should have presented a claim for eight, it would have been so notoriously a fraud, that if he should lose the claim for four horses, the number he honestly lost, it would have been serving him right for having presented a claim for double the number when he knew he did not have them. But what is the disparity in this case due to? From what did it arise? It arose from the different bases upon which the parties estimated the value of this wood.

There was no dispute as to the fact that this man was the owner of a tract of 5,000 acres of land; that the Army was encamped in the neighborhood of that property for the period of a year or more; that they built a saw-mill and manufactured lumber and built bridges and storehouses and that they used it for fuel for the Army, and that this was continued for a year or two. All of these facts are admitted. That this wood was taken has been proven by the testimony of twenty-five or thirty witnesses, all of whom testify that it was taken from this tract of land, and Colonel Ekin found through his agents that 12,030 cords of wood had been used in this manner, which at an estimate of 75 cents a cord reached a total sum of $9,022.50.

The Quartermaster's Department was, however, dissatisfied with this adjudication and said it was not correct. They sent it back and directed another investigation upon the basis of the settlement made in the case of Abner C. Carroll. That was done in March, 1871, and upon that basis, which ignored entirely the value of the property as cordwood, they found the sum due to this claimant to be $3,435.25. There is no dispute about that. The Quartermaster's Department was still dissatisfied with this award, and then had another investigation for the purpose of ascertaining the value of this cordwood upon the basis of the assessed value of certain tracts of land in that part of the county; and even that investigation resulted in a larger amount in favor of the claimant than what the committee recommended in the bill which is now pending before this committee.

Now, all these investigations were carried on by the Quartermaster's Department of the Government, which was seeking to defeat this man's recovery of any sum; and we have allowed a sum lower than any of the investigations that department set on foot to ascertain the amount or value of the property. The committee have recommended a bill for this man's relief awarding a specific amount in full of the claim. It has been in existence for some twenty-five years, and we have allowed no interest on the claim, but have reported, in order that it may be set at rest forever, that the claimant be allowed the sum of $3,000 in full.

Mr. HEWITT, of Alabama. How much is that a cord for the wood?

Mr. STORM. It is less than 25 cents a cord for it.

Mr. HOLMAN. Mr. Chairman, I do not see any reason why the Departments of this Government and their integrity should be necessarily assailed in almost all of the claims that come before Congress. Now, the Quartermaster's Department of this Government under the control of General Meigs was certainly as safe a tribunal for the adjudication of claims growing out of quartermasters' supplies as the Congress of the United States. It is a tribunal which approaches much more nearly a court than Congress can. The agents who investigated this matter for the Quartermaster's Department, under the control of Colonel Ekin, went to the ground, and investigated the claim on the spot and took testimony as to its character. We have not been honored with any portion of the report made by those agents. I have no doubt, however, that it was voluminous and could not have been very well incorporated into the report of the committee.

Mr. STORM. It is quite voluminous.

Mr. HOLMAN. But after this thorough investigation, made a second time, and the claim is rejected by the Department, it comes to Congress for its consideration.

Mr. LONG. Rejected on what grounds?

Mr. STORM. On the ground that it was fraudulent.

Mr. DIBRELL. It was rejected by the Department on the ground that the wood was charged at too high a rate. This claim was made out immediately after the war, and the Department was charged for the wood at the war prices then prevailing. Now the committee have brought in their report and allow less than one-sixth of the amount asked for, which amount was the value of the property at the time it was taken. The claim was made out immediately after the war, and the wood was charged for at the rate of $1.50 a cord, while the committee have brought in their bill, which reduces the amount to less than 25 cents a cord.

Mr. HOLMAN. When was this claim first presented to the War Department?

Mr. STORM. Shortly after the war. The price was then fixed at $1.50 per cord, being the prevailing price, and the Quartermaster-General was dissatisfied with it and said that it was a fraud upon its face. Afterward upon investigation the price was fixed at 75 cents a cord by his own agents, and still they say that is too much. Now the committee recommend as a final settlement of the claim the sum of $3,000, which, as has been said, is less than 25 cents a cord.

Mr. HOLMAN. In reference to the adjudication of claims by the Quartermaster's Department it is proper to say that here is as near a court of justice as the Government can provide for the adjudication of this class of claims, unless they are permitted to go into the courts. Now, what possible motive could this public officer have had for defeating this claim as alleged?

Mr. DIBRELL. The agents of the Quartermaster's Department have all recommended the payment, but the Quartermaster-General refused, for the reason that the wood was charged for at what he regarded as a fraudulent price, being the price prevailing at the time it was taken.

Mr. HOLMAN. That was General Meigs?

Mr. DIBRELL. Yes, sir.

Mr. HOLMAN. I do not recall any one of the officers of this Government whose integrity and impartiality has been more thoroughly recognized through his long career in that very important department, especially during the war, than General Meigs; and he certainly understood this matter and the investigation that has been made.

Mr. DIBRELL. There was not a man of stronger prejudices in the Army.

Mr. HOLMAN. And certainly General Meigs and his department were as competent for the consideration of this claim as Congress or the committees of Congress, which, from the necessities of the case, must act hastily, and with brief time, for that full and competent consideration of claims which would give to the investigation a judicial character.

Mr. STORM. Now, Mr. Chairman——

Mr. HOLMAN. Let me continue for a moment.

And again, the committee of which the gentleman is an honored member has heretofore adopted, as I have understood, the rule that when the claim had been submitted to a proper tribunal, a court or any other tribunal competent to adjudicate it, the party having had his day in court, it was more reasonable certainly that justice was done than would be the result if Congress took the matter up without any regard to the action of the proper tribunal, and acted upon it itself on the spur of the moment.

A person with no means, no resources to prosecute the claim, submits to the adverse decision, and there is an end to it. But a party with proper influence keeps the matter before Congress from time to time until in the course of years the decision of the proper tribunal is overruled in this hasty manner almost without consideration, because it is well known we can not give these matters much consideration.

Mr. STORM. We have all the testimony before us that the Quartermaster had. We have the full report of Colonel Ekin, who took the testimony for several days, and it is quite voluminous. We have his conclusion, which is simply this: This claimant made a claim for $19,000. The agents said, "We find $3,425 to be due;" and the Quartermaster says, "I will not allow that, because you made your claim for $19,000." Does the gentleman from Indiana think that was just? If it should be the judgment of the Supreme Court of the United States, would it be right? That is the question. I agree in the compliment he pays to the high character of the Quartermaster. But here we have facts to act upon on our own consciences and oaths. We have the fact undisputed that the Government got this man's wood to the full amount he claims. But the Quartermaster says, "I will not allow what is reported by the agents who investigated the claim, because you made your claim for $1.50 per cord and the agents only allow 25 cents." All the objection to the man's claim is that in the first instance he made it too high.

Mr. HOLMAN. I would rather rely as to justice both to the Government and to the claimant upon the deliberate decision of an officer who for years had been engaged in investigating this class of claims, an officer who has not only shown himself to be impartial but who is known to be thoroughly competent—I would rather rely upon his judgment deliberately formed than on my own hastily formed.

Mr. STORM. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

The motion was agreed to.

PATRICK COOK.

The next business on the Private Calender was the bill (H. R. 1739) for the relief of Patrick Cook.

The bill was read, as follows:

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, to pay to Patrick Cook, a resident of the District of Columbia, the sum of $1,500, such sum being the amount awarded him by the late board of audit for and on account of damages to his real estate in the city of Washington. That one-half of said sum shall be chargeable to the revenue derived from taxation within the District of Columbia

The report (by Mr. GUENTHER) was read, as follows:

The Committee on the District of Columbia, to whom was referred the petition of Patrick Cook for relief for damages to property as assessed by experts of board of audit, District of Columbia, submit the following report:

The committee, after examination, find that on the 20th of January, 1875, Patrick Cook filed before the board of audit a claim for damages to certain lots belonging to him in the city of Washington, in square No. 24, said damages occasioned by public improvements in excavating Twenty-fourth street northwest, between M and N streets; and on the 3d of August, 1875, the board of audit, after inspection, awarded to said Patrick Cook the sum of $1,500, that sum being the one-half of the amount claimed by him in his said petition. The said sum of $1,500 was, however, not paid to the said Patrick Cook, for the reason that the board of audit was legislated out of existence before they had prepared and issued to him the necessary certificate; and thus the claim now stands. Your committee think that he should be paid the $1,500 adjudged by the board of audit as due to him, and to that end report the accompanying bill, with recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BAGLEY took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, returned to the House of Representatives, in accordance with its request, the bill (H. R. 691) for the relief of William M. Thomas.

The message further announced that the Senate agreed to the concurrent resolution of the House of Representatives directing the Clerk of the House of Representatives, in the enrollment of the bill (H. R. 1017) relative to the Inspector General's Department of the Army, to change the word "hereafter" in said bill to the word "thereafter."

The message further announced that the Senate had agreed to the concurrent resolution of the House with regard to the count of the electoral vote for President and Vice-President, with an amendment; in which the concurrence of the House was requested.

WILLIAM FRANKLIN GROUNDS.

The Committee of the Whole resumed its session.

The next business on the Private Calender was the bill (H. R. 1672) for the relief of William Franklin Grounds; reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and hereby is, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to William Franklin Grounds, of Arizona Territory, the sum of $19,157, in payment in full for three hundred and fifty-six beef cattle, one hundred and six cows, and seven horses taken from him by the Hualapai Indians, and used by them for their subsistence, while temporarily absent from their reservation between the 1st day of February, 1874, and the 31st day of March, 1874.

The amendment was read, as follows:

In line 7 strike out "$19,157" and insert in lieu thereof "$13,129."

The Clerk read in part the report (by Mr. NELSON), which in full is as follows:

Mr. NELSON, from the Committee on Indian Affairs, submitted the following report (to accompany bill H. R. 1672):

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1672) for the relief William Franklin Grounds, have duly considered the same, and submit the following report:

From the proofs and official records it appears that the Hualapai tribe of Indians, numbering about six hundred, between the 1st day of February and the 1st day of April of the year 1874, left their reservation in Mohave County, Arizona Territory, and wrongfully strayed off into the region where Mr. Grounds had his cattle ranch, and while there and in the vicinity they killed, ran off, and destroyed one hundred and six cows, two hundred and fifty head of other cattle, and seven head of horses, the property of said William F. Grounds.

These cows were at that time worth not less than $35 per head. Of the other cattle there were ninety-two head two-year old steers, of the average weight of five hundred pounds per head; also twenty-nine head three-year-olds, of the average weight of eight hundred pounds per head, and one hundred and twenty-nine head of other cattle, of the average weight of 1,000 pounds per head; that these cattle were at that time of the value of 4½ cents per pound; that the horses referred to were of the aggregate value of $500.

That this stock, when killed, was lawfully in the possession of said Grounds, and was kept by him at a place where he had the lawful right to keep the same, and that it was the moral and equitable duty of the Government to protect him in the possession and enjoyment of the same.

That said stock was killed, run off, or otherwise destroyed by said Indians without the fault or negligence of said Grounds and under such circumstances as would equitably entitle said Grounds to indemnity from the Government.

A bill similar to the one under consideration was before the Committee on Indian Affairs of this House in the Forty-seventh Congress, and was reported upon favorably by said committee, which report, for the more full and specific information of the House, is hereto attached and made part hereof.

Your committee do therefore recommend that the bill under consideration be amended by striking out in lines 6 and 7 of the printed bill the words "nineteen thousand one hundred and forty-seven" and inserting in lieu thereof the words "thirteen thousand one hundred and twenty-nine," and that the bill as so amended do pass.

"[House Report No. 633, Forty-seventh Congress, first session.]

"Mr. Mason, from the Committee on Indian Affairs, submitted the following report (to accompany bill H. R. 2824):

"The Committee on Indian Affairs, to whom was referred the bill (H. R. 2824) for the relief of William Franklin Grounds, have duly considered the same, and submit the following report:

"The testimony of eleven witnesses and the official reports of Indian agents and officers of the Army show substantially the following state of facts:

"On the last of January, 1874, and for a long time prior thereto, the Hualapai Indians, a tribe in amity with the United States, were occupying the Camp Beale Spring reservation in Mohave County, Arizona Territory. They were, during their occupancy of that reservation, subsisted and cared for by the United States Government; were under the immediate charge of an agent of the Indian Bureau, and in close proximity to the United States troops stationed at the same reservation. In consequence of the high price of subsistence in that part of the Territory, and on account of the many new settlements and mining camps springing up in the vicinity (report Commissioner Indian Affairs, 1873, page 285), the Secretary of the Interior directed that these Indians should be removed to the 'Colorado River reservation,' one hundred and eighty miles south, and at that time occupied by other tribes. Under the fear of this removal, the Hualapai Indians, numbering six hundred, after receiving their issue of Government rations, quietly left their reservation at Camp Beale Spring about February 1, 1874, and did not return until about April 1, 1874.

"Forty miles from this reservation, at Truxton Spring, is the cattle ranch of the claimant, William Franklin Grounds, and not far from the ranch is the Hualapai range of mountains. In the valleys, cañons, and ravines of these mountains these Indians took refuge, from which they made frequent forays, killing and stealing the cattle and horses of Mr. Grounds, upon which they subsisted during the entire period of their absence from the reservation. It appears that every effort was employed and every precaution used by claimant to lawfully protect his property and avoid a conflict with the Indians which could be expected from a prudent man and a good citizen. As soon as he discovered these Indians stealing his cattle and anticipated the danger attending the protection of his property he made application to the commanding officer at Camp Beale Spring, and also to General Crook, commanding the Department of Arizona, for a detail of troops. These they were unable to send him, and not receiving protection for himself and property from the Government, he employed, at his own expense, four additional herders, one of whom was severely wounded by these Indians while trying to prevent them stealing the cattle of his employer.

"These depredations upon the cattle and horses of Mr. Grounds continued until about the 1st of April, 1874, when the Indians returned to their reservation at Camp Beale Spring, where they remained, and again received subsistence from the Government. On being interrogated by the commanding officer of the post, and by the Indian agent in charge, the Indians admitted killing and stealing the cattle of Mr. Grounds, and stated that they were willing that the number of cattle stolen should be deducted from the rations to be issued to them.

"Mr. Grounds, whose good character and strict integrity are testified to by reliable citizens of the Territory and certified to by the officers and agents of the Government, places the number of cattle stolen from him by the Hualapai Indians between February 5, 1874, and the last of March, 1874, at three hundred and fifty-six, and the number of horses at seven. He is, in the material part of this testimony, corroborated by experienced stockmen in the Territory, who saw his herd just before and examined it just after and during the depredation, and also by the testimony of his herders. The Indian agent, W. E. Morford, who was directed by the Commissioner of Indian Affairs to investigate this case, and who re-examined the claimant, his witnesses, and the Indians, states in his report, under date of August 22, 1876, that the captains of the different bands of Hualapai Indians admitted the depredations charged by Mr. Grounds, and gave the number of his cattle killed by their people at about five hundred. There are no persons so likely to know and as able to state the number of cattle stolen and killed as the Indians who slaughtered and ate them, and Mr. Grounds, who owned, guarded, and frequently counted them. His honesty and fairness of statement are made more apparent in placing the number stolen at a less number than that estimated by the stockmen and herders and that stated by the Indians.

"Your committee are therefore of the opinion that the number of cattle stolen is as accurately stated as it would be just and reasonable to require under the circumstances of their taking. Had the cattle been delivered under a contract such an exaction would have been eminently proper, but having been stealthily or forcibly driven off to the mountains or killed by a band of hungry and desperate Indians, it would be unjust to demand, and impossible for him to supply, testimony that each steer or horse was counted when taken.

"The superior quality and the estimated weight and value of these cattle, and the market price of the horses and cows, are testified to by seven competent witnesses. From this testimony it appears that these cattle were far above the average of Texas cattle. Mr. Grounds swears that he paid $7 per head more than the market price for the privilege of selecting his cattle from the herd when he purchased them in Texas. He states the number and age and average weight of the 250 cattle as follows:

		Pounds.
129	beef-cattle, 650 pounds net each (1,074½ pounds per head)	83,850
29	beef-cattle, 3 years old, 500 pounds net each (826⅔ pounds per head)	14,500
67	beef-cattle, 2 years old, 375 pounds net each (619⅝ pounds per head)	25,125
25	beef-cattle, 2 years old, 300 pounds net each (496 pounds per head)	7,500
250	Total	130,975

"He also states that the price of beef at that time at Mineral Park, near his ranch, was 10 and 11 cents per pound net. The one hundred and six cows stolen he valued at $40 per head.

"Thomas Shipp, a ranchman and cattle-raiser near Mineral Park, Ariz., testifies that he considers Mr. Grounds's herd the best in the Territory; that he saw the butcher at Mineral Park weigh some of the cattle he bought from Mr. Grounds, and they weighed 1,425 pounds gross; that he sold his cattle in the spring of 1874 from 9½ cents to 11 cents per pound net.

"Benjamin Spear, a merchant at Mineral Park, states that beef in the spring of 1874 was worth 10 cents per pound and that Mr. Grounds received 11 cents per pound net for what he sold. James W. Cureton, James Calvin Cureton, and William H. Leahy, cattle-herders, say the cattle of Mr. Grounds were fatter and larger than the average Texas cattle, and considered them the best Texas cattle they had seen in the Territory, being all selected. All these witnesses, with Joel McKee, a farmer and stock-breeder, who has been dealing in horses and cattle since 1847, and all of whom frequently saw these cattle, estimate the average weight of each kind the same as Mr. Grounds has done, as heretofore shown.

"Mr. Morford, the Indian agent, says, in his report upon this subject, that after examining all the witnesses he had private conversations with citizens and neighbors of Mr. Grounds, and found that he had taken great care in the selection of his stock and had already acquired an enviable reputation for the quality of his cattle and for his straightforwardness in all his dealings.

"Both the officers of the Army and the Indian agents who were present and investigated this case say that it is a just claim, and Mr. W. E. Morford, the Indian agent, who made the last and fullest investigation of the claim, in his report thereon, says:

"'I feel perfectly assured that $40,000 would not remunerate Mr. Grounds for his losses when we take into consideration the natural increase of his stock. * * * I do not hesitate to say that I think the total sum claimed by Mr. Grounds, namely, $19,147.25, is a just and honest claim, and that he should be reimbursed by the Government at as early a date as possible.'

"All the witnesses heretofore named state that the cows were cheap at $40 per head, and after describing the horses stolen, and giving the brands, fix the market value of the seven at $500.

"The Commissioner of Indian Affairs, in an official communication, reports that the contract price paid by the Government for beef at the Colorado River reservation, Arizona, for the fiscal year beginning July 1, 1873, and ending June 30, 1874, was from $4 to $5 per hundred gross, which at $5, is equivalent to over $10 per 100 pounds net, as will be seen from the following rule and example: '$\frac{11}{16}$

of the live weight is a near approximation to the net weight. For example, a living ox weighs 1,272 pounds; its net weight is 762.56 pounds." (Tracy's Commercial and Mechanical Arithmetic, p. 33.)

"Upon the testimony and official data the committee find that the average weight of the two hundred and fifty beef-cattle was five hundred and twenty-four pounds each, and estimating them at the contract price paid at that time in that locality by the Government and at the lowest instead of the highest price fixed by the witnesses, the average price per head would be $52.40, and

For the two hundred and fifty head a total of	$13,100
One hundred and six cows, at $40 per head	4,240
Seven horses	500
Total	17,840

"The committee believe that these prices fixed by reliable witnesses and the contract price of the Government was the fair market value at that time and at that place. Truxton Spring, and Mineral Park its market, are in the northwest corner of the Territory, remote from lines of transportation, and the time just at the close of the Apache war, when cattle were comparatively scarce and high in the Territory.

"It appears from the evidence, and partly from the report of the Commissioner of Indian Affairs for 1881, that the Hualapai Indians have always been friendly to the Government, and that one hundred of their warriors were supplied with arms and served under General Crook in his campaign against the hostile Apaches. A. A. Spear, who was a scout for General Crook in the Apache campaign, and who lived at Camp Beale Spring at the time these Indians left the reservation, says that at the close of the Apache campaign all except forty of these hundred warriors gave up the arms which had been issued to them. These forty were permitted to retain their Government arms and remain in service at Camp Beale Spring. Among those who deserted the reservation were these forty warriors, armed with Government rifles, and acting as an auxiliary force in case of a fresh outbreak by the Apaches. The Government was therefore under some obligations to these Indians. It was at the same time bound to protect its citizens against the acts of its allies, whom it had armed and thereby rendered capable of committing these depredations.

"These acts, from the admissions of the Indians, were not committed through any enmity for Mr. Grounds, nor for the purpose of gratifying malice or seeking revenge. It was for the sole purpose of subsisting themselves in the mountains during a period which the Government should and would have fed them had they remained at the reservation.

"If we commute the per diem ration for each Indian on the basis given by the Commissioner of Indian Affairs in his report for 1878 (page xiii), we shall find that the Government, during the period these Indians were absent and subsisting on the horses and cattle of Mr. Grounds, saved in subsistence stores about $8,000.

"Your committee are satisfied that the claim of Mr. Grounds is a just one, and that the Government is under obligations to compensate him for these losses. In arriving at these conclusions, your committee are guided by numerous legislative precedents in cases similar to this, and by the principles declared by eminent publicists. They believe that it would be in violation of the spirit of our institutions to impose on one citizen the burdens which should be borne by all, and that the citizen who pays taxes, bears arms, serves on juries, and bears his just proportion of the burdens of Government, and complies with all its exactions, is entitled to security in person and property, and to the prompt fulfillment by the Government of all the obligations it is under to him as a citizen.

"The Committee on Indian Affairs of the United States Senate, first session Thirty-fourth Congress, to whom was referred a bill authorizing the payment of certain claims for Indian depredations, and in which the equities were not as clear and strong as those which exist in this case, say:

"'The spoliations for which redress is now sought were caused by predatory expeditions, undertaken without lawful authority and without cause, as likewise without the usual formalities, and solely with the view to plunder, and is therefore excepted by Vattel and all the approved publicists from the principle under which redress is here sought to be derived, and brings it within the principle under which, by the practice of all civilized nations, the citizen or subject has been held entitled to indemnity, and under which this Government has uniformly extended redress.' (Senate Report, No. 244, first session Thirty-fourth Congress, vol. 2.)

"These great principles of government have been recognized, and passed into a compact between this Government and the citizen in the several 'trade and intercourse laws' enacted by Congress in 1802, 1834, and 1859. Since then it has repeatedly, in the hundreds of private acts for relief, recognized its obligations to pay the citizen out of the Treasury of the United States for losses sustained by Indian depredations. It has gone even further, and paid friendly Indians for losses sustained at the hands of hostiles of the same tribe when they, the hostiles, failed to make restitution of the property stolen as stipulated in the articles of capitulation. The Committee on Indian Affairs of the United States Senate, to whom was referred the memorial of the heirs of Robert McConnel, in connection with the above case, in their report recommending the passage of the bill for their relief, say:

"'The Government has indemnified the friendly Creek Indians by a large appropriation for the non-performance of the article of capitulation, and, your committee think, rightfully. The same principle demands the same indemnity for the petitioners, unless it be held that the Government is under higher obligations to cause justice to be done the Indians than to her own citizens.' (Senate Report 243, first session Thirty-fourth Congress, volume 2.)

"In November, 1873, Mr. Grounds, who had been in Texas since the spring of 1872, returned to his ranch in Arizona, driving his herd of cattle on receipt of the notice sent out by General Crook, commanding the Department of Arizona, that the hostile Apaches were subdued, and that citizens might return to the Territory without fear of harm to person or property. 'On the faith of this notice, and, as we are bound to presume, on the faith of the promise implied in the acts of February 28, 1859, and July 15, 1870 (2156 and 2098 Revised Statutes), and the faith of legislative precedents in granting relief in such cases heretofore, the claimant risked his property in the Territory, bore his just share of the burdens and expense of government, and, as the testimony shows, fulfilled all the requirements of the law and the rules of the Department.

"The Commissioner of Indian Affairs, in forwarding the report of the Indian agent, W. E. Morford, to the Secretary of the Interior, and by him transmitted to the Speaker of the House of Representatives under date of January 11, 1882, admits that the depredation is fully proven, and says: 'I now recommend that Congress be requested to act upon the case on its merits as disclosed in the papers.'

"Your committee are satisfied from the testimony that the number of beef-cattle stolen from William Franklin Grounds by the Hualapai Indians was not less than two hundred and fifty, that the number of cows was one hundred and six, and the number of horses seven.

"They are also satisfied from the testimony and official data that the value fixed by the witnesses and the contract price of the Government was the fair market value in that section at that time, and in taking the lowest estimate have discriminated in favor of the Government.

"Believing, as your committee do, that the Government should be as prompt in fulfilling its obligations to the citizen as the citizen is required to be in the performance of his duty to it, and that it should not set the example of evasion of duty or repudiation of just debts, we recommend that the bill be amended by striking out the words 'three hundred and fifty-six,' in lines 7 and 8, and inserting in lieu thereof the words 'two hundred and fifty,' and also by striking out the words 'nineteen thousand one hundred and forty-seven,' in lines 6 and 7, and inserting in lieu thereof the words 'seventeen thousand eight hundred and forty;' and as thus amended we recommend the passage of the bill."

The CHAIRMAN. The question is on the amendment.

Mr. HOLMAN. This bill presents a somewhat novel proposition. It is that the Government is responsible for all the acts of spoliation by the Indian tribes. We have passed during the present session a number of claims of this class; but we have charged the amount on the sums due the tribes of Indians by whom the spoliation was committed. I did not notice what gentleman made the report; but I should like to hear the proposition discussed and the arguments in favor of it that this Government is morally bound to pay for all the acts of depredation committed either by the Indians or anybody else. I can not consent without further explanation than is given us in that report that a claim like this should pass the committee.

Mr. LONG. The report is made by the gentleman from Minnesota [Mr. NELSON].

Mr. HOLMAN. I move that the bill be laid aside to be reported to the House with the recommendation that it be laid on the table.

Mr. NELSON. I call for the reading of the remainder of the report.

Mr. MCMILLIN. Has not the report been read except some exhibits?

Mr. NELSON. The main part of the report has not been read.

The Clerk resumed the reading of the report.

Before the reading was concluded,

Mr. NELSON said: I think so much of this report as relates to the material facts of the case has now been read. The balance of it relates to the value, in respect to which this committee differs from a former committee, having cut down the amount one-third. I move the adoption of the amendment reported by the committee.

Mr. HOLMAN. The gentleman from Minnesota [Mr. NELSON] must observe that the question is not whether this property was destroyed by these Indians. The question is whether or no the Government of the United States is liable to pay for all the acts of spoliation committed by the Indian tribes.

Mr. NELSON. Mr. Chairman, my answer to that is, that the Government of the United States is as much liable in this case as in all the other depredation cases in which claims have been allowed by this Congress. A large number of bills, perhaps more than twenty, founded on no stronger basis than this bill, have been reported from the Committee on Indian Affairs, incorporated into the Indian appropriation bill, and passed by this House.

Mr. HOLMAN. Yes; but my friend misapprehends the state of the case. Those were not claims of this character at all. Those were claims resting upon treaties with the Indian tribes, by which the Indians have agreed that in case they destroy property the facts shall be ascertained by the Commissioner of Indian Affairs, and the amount of the damage or spoliation committed shall be deducted from the sums due them under treaty stipulations. But here the case is entirely different. All the appropriations made by this Congress to meet the claims referred to by the gentleman from Minnesota have been simply appropriations to provide for carrying out treaty stipulations with the Indian tribes and the payment of money out of the funds of the Indians. This bill is based upon an entirely different proposition.

Mr. NELSON. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN] is injecting a speech into mine. I supposed I had the floor, and that the gentleman rose merely to ask a question. I wish now to call his attention to the fact that, while there is an apparent distinction between the two classes of cases, there is none in reality. In the case of the Indians referred to in this bill, while there was no treaty between them and the United States, the fact is that they were under the special care and guardianship of the United States, and were guarded and furnished with supplies by the Army; and pending that care and control of them an order was issued for their removal. At that the Indians became frightened, and strayed away into the mountains where this cattle ranche of Mr. Grounds was, and destroyed his stock. In other words, these Indians have no funds, no property, and never have had any. In that section of the country there are no treaty Indians. The Government has simply assumed control of them, as it did, in the first instance, of all the Indians. The Government took charge of these Indians, furnished them with supplies, and paid them annuities; not under treaties, but under its general obligation to take care of them. It had a military force to guard them, and while they were under the care and control of that military force, and under the guardianship of the United States, the Government allowed them to stray off and destroy this property.

I take it that this Government, having established the principle that whenever these Indians commit depredations we have no remedy against them, because they are mere minors or wards of the nation, the Government is bound, upon broad principles of natural equity, to pay for any depredations committed by its wards. Either that, or else it should leave us with some kind of remedy against the Indians themselves. I yield the remainder of my time to the gentleman from Texas [Mr. WELLBORN].

Mr. WELLBORN. Mr. Chairman, it seems to me that an impartial

and careful investigation into the peculiar relation that the Government of the United States sustains to Indian tribes of America must inevitably lead to the conclusion that it is the duty of the Government of the United States to protect its citizens against the irruptions and incursions of these hostile tribes, and that in the event of the failure of the Government to extend that protection to its citizens, then the Government is bound to indemnify the citizen for whatever injury or damage he may sustain in consequence of the Government's failure to protect him.

But, sir, it is not my purpose in taking the floor at this time to discuss the general principle underlying claims for damages growing out of Indian depredations. There are three peculiar circumstances in this case which make it necessary to engage in such discussion, and I invite the attention of the gentleman from Indiana [Mr. HOLMAN] to the statements I am about to make. I say there are three circumstances connected with this case which make it unnecessary for the claimant to rest his claim on the general principle which makes the Government liable for Indian depredations. What are the three circumstances to which I refer? The report shows first that, indirectly at least, it was through the agency, through the instrumentality of the Government of the United States that these depredations were caused. This tribe of Indians had been placed upon a particular reservation by the authority of the Government. For the reasons stated in the report, the Government determined to change them from the reservation on which they were originally placed and send them to another some one hundred and eighty miles distant from the first. The order was issued by the Secretary of the Interior directing their removal. As has been stated by the gentleman from Minnesota [Mr. NELSON], the Indians became frightened at the prospect of removal and wandered off into the mountains contiguous to the ranch owned by the claimant, and while there committed these depredations upon his property. Therefore I say, sir, that the cause, the indirect cause, of these depredations was the action of the Government of the United States through one of its highest officers, the Secretary of the Interior.

But there is another fact which raises an unquestioned equity, to say the least of it, against the Government. Not only was it through the agency of the Government that these Indians were placed in a position to commit the depredations which they did commit upon this claimant, but, sir, the very arms, the very munitions that they used in destroying his cattle were arms and munitions supplied to them by the Government of the United States. About one hundred warriors of this tribe had been in the employ of the Government. While so employed they were armed by the Government. A short time before these Indians left their reservation the authorities of the Government required them to surrender most of their guns, leaving, however, guns in the possession of forty warriors of the tribe; and the report shows that it was with these guns the cattle were slain. So that the Government is not only indirectly responsible for the Indians being in a position where they could destroy the claimant's property, but further, the Government actually supplied the arms with which the depredations were committed.

But there is still another consideration which gives increased strength to this claim, and, as it does seem to me, removes it from the field of controversy. Not only did the Government furnish these Indians the motive for the depredation; not only did the Government supply the agencies, the arms with which this motive could be executed, but during the two months that these Indians were living upon the cattle of this claimant the Government was saved the expense of providing for them. As the report shows, the ordinary rations issued by the Government to this tribe of Indians would have amounted during that time to $8,000. Eight thousand dollars. This amount was saved to the Government of the United States during the time that these Indians were living upon the property of the claimant.

Now, I submit that these three circumstances constitute an equitable and valid claim against the Government, without reference to the principle, which in my judgment would make the Government responsible to the claimant even though these circumstances did not exist. This is all I desire to submit in reference to the case. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment submitted by the committee.

Mr. HOLMAN. Mr. Chairman, I can hardly believe that this Committee of the Whole will hastily adopt so remarkable a rule as that involved in this bill. Gentlemen who have discussed the subject do not even favor us with precedent; yet it is almost impossible to find any class of private claims in reference to which our legislation does not furnish some precedent; as the rule of Congress, whatever it may be upon any given subject, is liable to countless modifications.

Here the naked question is presented whether the Government of the United States is under a moral obligation to protect all the property of the Western country from spoliation by Indian tribes. If the Government is thus liable, then in those instances where we have made treaties with the Indians providing that out of the treaty funds damages resulting from Indian depredations should be paid we have done an unjust thing; for if the obligation rests upon the Government to pay for all damages committed by the Indian tribes, it would seem to be hardly proper that in specific cases we should compel particular tribes of Indians to pay such damages and relieve the Government from the necessity of payment.

My friend from Minnesota [Mr. NELSON] called attention to the fact that in a number of instances during the present Congress and during every preceding Congress for the last fifty years we have paid such claims out of Indian funds by virtue of treaty stipulations. But I do not concede that a case can be found where the Government has held itself liable to make such payment out of the public Treasury. If the Government is liable on the principle of moral obligation to preserve the peace everywhere, to prevent damage to property everywhere, and there is no liability whatever to the Government, then the idea of paternal government is carried beyond anything that has been heretofore suggested.

The three points made by my friend from Texas [Mr. WELLBORN] do not vary the rule at all. The object of government is protection to all the people within its jurisdiction and to all their property. As well might you say that because during the late war a raid was perpetrated by those in arms against the Government into a loyal State and property destroyed the Government is liable for that destruction as to say that in a case like this the Government is bound to pay for all losses suffered by reason of the depredations of a marauding band of Indians.

These Indians wandered away, and my friend from Texas thinks the Government ought not to have permitted them to wander. The Government has assumed no higher obligation in regard to the Indian tribes than with reference to any other people, except so far as concerns the general direction of affairs affecting them in their peculiar condition.

The gentleman from Texas says that these Indians were armed. Why, sir, all Indian tribes are armed more or less.

Mr. WELLBORN. Are all armed by the Government as warriors to fight for the Government?

Mr. HOLMAN. Then the fact of arming Indians is to make the Government liable! The Government is forbidden to deprive its people of the right to bear arms; and because the people have this right, the Government is to be liable for all depredations everywhere.

Mr. OURY. Does the Government permit the people in the Territories to defend themselves against the Indians? Have they that right under the law?

Mr. HOLMAN. The people of the Territories have done so time and again. They have been doing so all the time.

Mr. OURY. We have been driven into it often; but does the Government permit the people of a Territory to defend themselves against incursions of Indians?

Mr. HOLMAN. My friend remembers it is being done all the time. Whenever a band of Indians has wandered from the reservation and committed depredations, the people have arisen *en masse*, as they have the right to do——

Mr. MAGINNIS. Will the gentleman insist that the sheriffs, the marshals, and other ordinary officers of the law have the right to follow those Indians onto an Indian reservation?

Mr. HOLMAN. Not onto a reservation, I concede.

Mr. MAGINNIS. Then it is a city of refuge set up by the Government for these men.

Mr. HOLMAN. If you follow them what do you accomplish? Now, when the Government does the best it can to protect the person and property of all its citizens——

Mr. MAGINNIS. But it does not.

Mr. HOLMAN. When the Government does the best it can to protect the person and property of its citizens everywhere, does it follow when wrongs are committed the Government must make reparation? The Government is under obligation to preserve peace between the gentleman and myself, and no higher obligation rests upon it anywhere than right there. It can not enter into payment of damages for an invasion of every right.

Besides all that, Mr. Chairman, here is a herder ten years ago on the plains or mountains of Arizona and a band of wandering Indians destroys his property, and you say the Government must pay for it. Now the great cattle-kings have invaded that whole region within these ten years, and the mountains and the prairies and the valleys are all covered with countless herds of cattle. Does the gentleman assume because a roving band of Indians makes a descent upon one of these herds of cattle and destroys it that the Government of the United States is bound to pay the damage? Why, sir, it is a new doctrine in this House. It is one that can not be sustained. The very fact that in all your treaties with the Indians having property you carefully provide that every claim shall be scrutinized and ascertained repels the idea that the Government ever assumed any such moral obligation as this bill seems to present.

Mr. CASSIDY. If the gentleman will permit me to interrupt him, I will say that this is not so much a claim for damages as a claim for subsistence. It comes in on that ground.

Mr. HOLMAN. I do not see that any such claim as that can be maintained.

Mr. MAGINNIS. It is a depredation claim.

The CHAIRMAN. The gentleman from Indiana is entitled to the floor and will proceed unless he yields for interruption.

Mr. HOLMAN. These Indians were being supported by the Government as a mode of preserving the public peace on the one hand and as an act of national charity on the other. It is not peculiar to the Indian, for wherever great bodies of people have been in destitution you have provided for them. When the floods overwhelmed the people of the Ohio valley and the people of the Mississippi valley, and they were starving for the food that had been submerged by the relentless flood, they were provided with shelter and food and clothing out of the public Treasury.

Mr. WELLBORN. Did the Government fix them on reservations with metes and bounds?

Mr. HOLMAN. You appropriate money year after year out of the Treasury to provide for these unhappy and unfortunate portions of our population from suffering and starvation. You have done it on the same principle you have extended national charity in countless forms. You have done it in this instance more repeatedly under the safeguards of the Constitution of the country.

But does that impose a liability on the part of the Government because it extended this charity to these unfortunate tribes? Does that impose on the Government the responsibility for all their marauding acts? I think not. Because the Government in protection of the people on the frontier has gathered these Indians into reservations, the fact that the Government has done this to protect the people from spoliation does not impose on the Government the duty of meeting every act of spoliation they shall commit by exactions on the public Treasury. The very acts of the Government to protect the people of the Western country are made arguments in favor of the liability of the Government. As the Government feeds them to preserve the public peace it does but an act of natural charity. It gathers them into reservations where they can be watched, so as to prevent them from committing depredations. If they break away from the Government and commit acts of spoliation, it is said because the Government has put them upon these reservations and done the best it can to protect the persons and property of our citizens upon the border therefore the Government is liable for whatever damages may result from acts of spoliation by these Indians. Why, sir, that is a new doctrine in this House.

Why, even in the case of Indians who by treaty stipulations have agreed that spoliations by members of their tribe shall be paid out of the fund held by the National Government in trust for them—even there you require that the claim shall be submitted to the Commissioner of Indian Affairs, and that he shall investigate it to the bottom, and that not until that thorough investigation shall have occurred shall he recommend it; and not until then shall the money be taken out of the funds held by the Government for the benefit of the tribe. But it is not here shown even that these Indians had any fund, and I presume they had not; it is not shown that this claim was ever investigated by proper authority. It comes here with no testimony except *ex parte* testimony. It is not shown that this claimant occupied other relation to the Government than that of the great body of men now occupying the public domain as feeding grounds for their herds. He was in Arizona, and taking advantage of the rich pastures of that country to increase his wealth—just as the cattle-kings do all over the country. You might as well say that thus availing himself of the public resources of the public pastures, which furnished food for countless herds of stock; occupying the domain of the Government, without authority, to promote his wealth, that therefore the Government is to be held responsible for every act of spoliation committed against him. You might as well say that a marauding body of men from Mexico committing depredations would impose the same liability in honor and morals as the marauding act of this Indian tribe.

Mr. GEORGE was recognized.

Mr. HOLMAN. Permit me one moment. I am afraid that in trying to finish a sentence I have been discourteous to my friend from Texas.

Mr. WELLBORN. Not at all.

Mr. HOLMAN. I have said, sir, I believe all I desired to say.

Mr. GEORGE. Mr. Chairman, in answer to the position assumed by the gentleman from Indiana [Mr. HOLMAN], I desire to call the attention of this committee to the law as it has stood for many years. Congress has recognized its obligation in the past.

In 1796 (1 Statutes, 469) we read:

SEC. 14. *And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the Territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

The essential provisions of this section are that in case of any depredations committed by Indians application shall first be made by the United States to the nation or tribe to whom the depredators belonged. In case no satisfaction is made by the tribe, the proofs of the depredation already obtained are to be transmitted to the President of the United States. The United States guarantees eventual indemnification to the party injured without regard to whether the tribe has annuity funds due them or not; but if annuities are due, the President is authorized to deduct from them the value of the property taken or destroyed.

This section is the first statutory enactment of a policy continued for many years. The acts of March 3, 1799 (1 Statutes, 743, section 14, page 747) and of March 30, 1802 (2 Statutes, 139, section 14, page 143) re-enact this same section.

This law remained upon our statute-books re-enacted in various forms until the year 1834. During said time claims of this character were generally paid out of the annuities due to the Indians. But in 1834 a more general and more comprehensive law was enacted regulating trade intercourse with the Indian tribes, which continued the guarantee of the United States for eventual indemnification in the same language as under the old act, and provided that if no annuity was payable to the Indian the amount claimed should be paid from the Treasury of the United States.

Mr. HOLMAN. Does my friend read from the statute?

Mr. GEORGE. And this law continued in force for twenty-five years longer, until 1859.

Mr. HOLMAN. What does the gentleman read from?

Mr. GEORGE. I am making this a part of my remarks, because I have investigated the subject very carefully and know it to be true.

Mr. HOLMAN. I know, but what is the gentleman reading from?

Mr. GEORGE. I am reading from a former statement made by myself on this subject.

In 1859 a law was passed containing this provision:

That so much of the act entitled "An act to regulate trade intercourse with the Indian tribes and to preserve peace on the frontiers," approved June 30, 1834, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing upon white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indian to make indemnities out of the annuities as described in said act.

An authoritative construction and limitation were put upon this act by the joint resolution of June, 1860, which provided that the repeal by the eighth section of the act of Congress, or so much of the act as provides that the United States shall make idemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing upon white men, should not be construed to destroy or impair any indemnity which existed at the date of said repeal; so that from and after that time the liability of the United States as fixed by act of Congress was first to pay all depredations committed by Indians prior to the date of its passage. If annuity funds were due, the United States to pay out of these funds; if none were due, then the United States were obliged to pay out of the United States Treasury for all depredations. And as to depredations committed after its passage, the United States took upon itself the obligation of a trustee in all cases where annuities were due the Indians, and continued on itself the obligation to pay over to persons suffering by acts of the Indians the amount of their damages out of these annuities.

The practice of the Government after that time was to pay these depredation claims through the Departments without legislative intervention, which practice continued until 1870, when Congress provided that no money thereafter appropriated under any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department should be used to pay annuities due to or to be used or expended for the care and benefit of any tribe or tribes of Indians, or should be applied to the payment of any claim for depredation that may have been or may be committed by such tribe or tribes or any number or numbers thereof; and that no claim for Indian depredation should thereafter be paid until Congress should make special appropriation therefor.

It is quite evident from this recital of past legislation that this Government has recognized its liability to its citizens to see that they are reimbursed for depredation losses which they have sustained. This guaranty results from the soundest principles of law without the aid of any statutes, and therefore could not be affected by any act repealing any particular statute; and I take it that the act of 1870 and the prior acts referred to were in no sense intended as a contrary declaration, but were intended merely to effect the method of obtaining relief. In fact,

Senator Harlan, in reporting this section of the act of 1870 from the Committee on Indian Affairs, expressly stated that it was the purpose of the Committee on Indian Affairs to prevent thereafter the payment of claims for Indian depredations out of general appropriations without requiring them to be submitted for the action of Congress.

The effect of this enactment was to prevent the payment of these claims through the Department as they were allowed and to require the claims to be submitted to a further examination and appropriation by Congress. That such was the intention was evidenced by the act of May 29, 1872, which provided that the Secretary of the Interior should prepare and cause to be published such rules and regulations as he might deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims, and that he should carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress at each session thereof the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based, simply providing that no payment on account of such claim should be made without a specific appropriation therefor by Congress. Since that date no general law has been passed making appropriations; but special appropriations have from time to time been made in individual cases by private relief bills, thus continually admitting the doctrine of liability.

Thus it will be seen that the whole spirit and tenor of our laws, the same now that it has ever been, is to treat the property of the citizen taken from him by Indians in treaty relations with the United States as appropriated to public use, entitling the citizen to compensation; and Congress, acting upon this theory, has promptly made compensation till within a few years. Spain and Great Britain allowed the Indians to pay for their depredations and debts in lands. And by the same statute, whereby the United States prohibited the conveyance of lands by the Indians, they guaranteed ultimate indemnification to citizens for losses sustained at their hands.

I have here a list of claims paid by Congress by special acts, which I will not detain the committee to read, but with the permission of the House will publish with my remarks. All told, they amount to $1,599,000, of which sum only about $53,000 was paid from annuity funds.

By act of March 3, 1819, section 5, 3 Statutes, 517, $4,000 is appropriated from the Treasury to satisfy claims of citizens of the United States for property stolen or destroyed by the Osages.

By act of March 2, 1827, 6 Statutes, 361, William Morrison, late contractor for supplies to the Army, is allowed credit for sixty-nine beef-cattle taken from near the military post of Prairie du Chien in July, 1821, by certain predatory tribes of Indians.

By act of March 25, 1830, 6 Statutes, 408, the Secretary of War is directed to pay $6,756 to four persons for property taken by the Osage Indians from 1816 to 1823.

By act of May 31, 1830, 4 Statutes, 428, certain depredation claims are referred to the Third Auditor to be decided according to the provisions of section 14 of the act of March 30, 1802, the money to be paid out of the Treasury.

By act of March 2, 1831, 4 Statutes, 470, $1,300 is appropriated for payment of sundry claims for Indian depredations.

By act of June 26, 1834, 4 Statutes, 705, $7,800 is appropriated to defray the expense of investigating claims against the Seminoles for property stolen or destroyed by them and for liquidating such as may be satisfactorily established.

By act of June 30, 1834, 4 Statutes, 721, payment not exceeding $250,000 is granted out of the Treasury to citizens of Georgia for claims founded upon the capture and detention or destruction of property by Creek Indians prior to the act of March 30, 1802.

By act of June 30, 1834, 6 Statutes, 581, certain claims for Indian depredation are referred to the Secretary of War, who is directed to pay out of the Treasury all which shall be established.

By act of July 1, 1836, 6 Statutes, 659, $403 is appropriated to James Alexander and $575 to Ira Nash for losses sustained and depredations committed by Sac and Fox Indians in 1814.

By act of July 2, 1836, 6 Statutes, 671, the Secretary of War is directed to pay to Joseph Bogy $6,000 for his merchandise and property taken or destroyed by the Choctaw Indians in 1807.

By act of March 3, 1837, 5 Statutes, 158, 162, the President is directed to report to Congress as to depredations committed by the Seminoles and Creeks before and after the recent Indian war.

By act of March 3, 1841, 6 Statutes, 822, the Secretary of the Treasury is directed to pay out of the Treasury to Avery, Saltmarsh & Co., mail contractors, $9,779 for property employed by them in transporting the mail captured and destroyed by the Creek Indians in May, 1836.

By act of June 15, 1844, 6 Statutes, 913, the Secretary of War is directed to pay George Wallis $3,000 out of the Indian annuities for the destruction of cattle belonging to the said Wallis by the Sac and Fox and Iowa Indians.

By act of August 9, 1846, 9 Statutes, 24, private, $1,500 is appropriated from the Indian annuities to pay to the legal representatives of Cyrus Turner for depredations committed by Sioux Indians.

By act of March 2, 1847, 9 Statutes, private, $1,081 is appropriated from the Treasury to pay Elijah White and others for property taken by the Pawnee Indians.

By act of March 3, 1847, 9 Statutes, 55, private, $676.91 is appropriated from the Treasury to pay Joseph E. Primeau and Thomas J. Chapman for depredations committed by Yankton Indians.

By act of August 14, 1848, 9 Statutes, 90, private, $300 is appropriated from the Treasury to pay Charles M. Gibson for a wagon captured and destroyed by the Seminole Indians in Middle Florida in February, 1839.

By act of March 3, 1849, 9 Statutes, 141, private, $4,155 is appropriated from the Treasury to pay Thomas Talbott and others for property taken by the Pawnee Indians.

By act of August 30, 1852, 10 Statutes, 41, 55, $1,200 is appropriated from the Treasury to pay James M. Marsh for losses for property taken by the Sioux Indians while extending the line of surveys under contract.

By act of January 18, 1855, 10 Statutes, 843, $500 is appropriated from the Treasury to pay Moses D. Hogan for cattle taken by the Indians.

By act of August 18, 1856, 11 Statutes, 65, 81, the Secretary of the Interior is ordered to investigate claims for depredations by Indians in New Mexico.

By act of March 16, 1858, 11 Statutes, 527, $200, with interest, is appropriated from the Treasury to John Hamilton for his time and services during his imprisonment with the Indians in the war of 1812 with Great Britain.

By act of June 19, 1860, 12 Statutes, 44, 58, $16,679.97 is appropriated to pay for loss and destruction of property of citizens of Minnesota and Iowa, at Spirit Lake, in 1857, by Sioux Indians.

By act of March 2, 1861, 12 Statutes, 203, $9,640.74 is appropriated from the Treasury to indemnify citizens of Iowa and Minnesota for destruction of property at or near Spirit Lake by Ink-pa-du-tah's band of Sioux Indians.

By act of February 16, 1863, 12 Statutes, 652, 653, provision is made for payment out of their forfeited annuities for damages done by Sioux Indians in Minnesota on the occasion of the Sioux massacre in 1862.

By act of May 28, 1864, 13 Statutes 92, $928,411 is appropriated from the Treasury to pay the awards of the commission under the act of February 16, 1863, for damages done by the Sioux Indians in 1862, and a further sum of $214,963 is appropriated for additional claims.

By act of June 29, 1866, 14 Statutes, 609, $28,175 is appropriated from the Treasury for Elizabeth Woodward and George Chorpenning for destruction of property by Indians in 1852, and $26,370 is appropriated to pay George Chorpenning for property destroyed by Indians prior to April 1, 1856, this to be deducted from the Indian annuities.

By act of March 2, 1868, 15 Statutes, 356, $400 is appropriated from the Treasury to the widow of Maj. Gen. I. B. Richardson for one mule and four horses stolen from him by Apache Indians while on military duty in New Mexico.

By act of April 10, 1869, 16 Statutes, 13, 39, $10,906.34 is appropriated from the Treasury to pay for depredations committed by Indians in Northwestern Iowa in 1857.

By act of February 27, 1871, 16 Statutes, 704, $2,564.10 is appropriated, out of any money appropriated for the benefit of the Cheyenne and Arapaho Indians, to Lucy A. Smith, for losses by depredations of said Indians in Nebraska.

By act of May 7, 1872, 17 Statutes, 395, commissioners are appointed to examine into depredations committed by Indians and Mexicans in Texas.

By act of May 21, 1872, 17 Statutes, 611, $14,650 is appropriated from the Treasury to indemnify Charles F. Tracy for depredations committed by Apaches in May, 1870.

By act of June 5, 1872, 17 Statutes, 675, $10,000 is appropriated from the Treasury to pay Mrs. Fanny Kelly for property taken and destroyed by Sioux Indians in 1864.

By act of June 10, 1872, 17 Statutes, 690, $30,000 is appropriated from the Treasury to pay the heirs of Alexander Watson for property lost, captured, or destroyed in Florida during the Indian hostilities commencing in 1835.

By act of June 10, 1872, 17 Statutes, 701, $13,200 is appropriated from the Treasury to Elbridge Gerry for valuable services rendered the Government in 1864, and for all claims for Indian depredations up to the date of the passage of this act.

By act of March 3, 1873, 17 Statutes, 766, $2,250 is appropriated from the Treasury to Mrs. Anu Marble, administratrix, for losses by depredations by Cheyenne Indians.

By act of April 28, 1874, 18 Statutes, 543, $1,095.37 is appropriated from the Treasury to pay Mrs. Siloma Deck for losses by depredations by Sioux Indians in 1862.

By act of March 3, 1875, 18 Statutes, 424, $2,500 each is appropriated to Adelaide German and Julia German, two white children captured in Kansas, the same to be withheld from annuities due the Cheyennes.

By act of March 3, 1877, 19 Statutes, 549, $2,283.92 is appropriated from the Treasury to pay Hans C. Peterson for damages by Sioux Indians in Minnesota in 1862.

By act of March 3, 1879, 20 Statutes, 396, $2,915, with interest at 7

per cent., is appropriated from any treaty funds of the Kiowa Indians to the heirs of Abel S. Lee for property taken and destroyed by the Kiowa Indians in 1872.

By act of March 3, 1879, 20 Statutes, 396, $5,000 is appropriated out of any money hereafter appropriated for the use and benefit of the Cheyenne Indians to Mrs. Celia C. Short.

By act of June 8, 1880, 21 Statutes, 549, $15,867.50 is appropriated to pay Henry Warren for damages sustained by depredations of Indians in 1871, while Warren was a Government contractor, the same to be withheld from the amounts due the Indians.

By act of June 16, 1880, 21 Statutes, 588, $2,000 is appropriated from the annuities due the Cheyenne or Arapaho Indians to Amanda M. Cook, whose mother was killed and herself captured by the Indians in 1865.

By act of March 3, 1881, 21 Statutes, 640, $58,659.46 is appropriated from the Treasury to pay Dodd, Brown & Co., assignees of E. H. Durfee & Co., and others, for depredations committed by various tribes of Indians, the amounts to be deducted from the annuities.

By act of May 17, 1882, 22 Statutes, 86, $9,870.10 is appropriated, from unexpended balances of treaty funds, to pay various claimants for damages caused by a raid of Northern Cheyennes.

By act of March 3, 1883, 22 Statutes, 804, $12,200 is appropriated from moneys due the Cheyenne and Arapaho Indians, to Powers & Newman and D. and B. Powers for depredations committed by these Indians.

The history of this country shows that while the gentleman from Indiana is correct as to many instances of claims paid out of annuity funds, yet that the principle had been recognized by our legislation that they should also be paid, when there are no annuity funds, directly from the Treasury of the United States. Depredation claims of this character have been paid out of the Treasury of the United States by this Congress, and that, too, when there were no annuity or treaty funds.

Mr. HOLMAN. Will the gentleman from Oregon mention a claim of this class which has been passed upon by this Congress or the last either?

Mr. GEORGE. The claim of Mrs. Boddy is one, and I believe it was honored by the support of the gentleman from Indiana himself.

Mr. Chairman, the payment of these claims is a matter of very great interest to a large class of our people, especially in the Northwest, and they are a class whose energy, enterprise, and ability have changed much of the vast West from the domain of the savage to that of civilization.

The claims pending before the Department and Congress amount now to probably $10,000,000. Of these claims the Interior Department has reported about $1,500,000 to Congress with a favorable recommendation. Congress, however, has made no appropriation by general law for a number of years, and these claims have been gradually accumulating. Whenever attempts have been made to secure general appropriations to meet these claims our Representatives from the West have been met by the opposition of the more numerous Representatives of the East. The argument has been made that the Government is under no obligation to pay any of these depredation claims; that when the citizen places himself in the position of risk, as in other cases of damage from riot or invasion from a foreign country, the Government is not responsible, having exercised due diligence and done its duty. The people of the West are told that if they are robbed or murdered by white men the State does not make pecuniary recompense to the sufferers or their heirs, and therefore the question is asked why they should expect it because the depredation is committed by an Indian. It is contended that our case is similar to those of other citizens who suffer from invasion from abroad, who can not recover on grounds of public policy; that the paying of these depredation claims would have a tendency to make less liable their personal efforts for the preservation of property and of our common country.

It has been contended upon our side that the situation is an entirely different one; that the Government treats the Indians neither as foreign nations nor as citizens; that it treats them as wards of the nation; that it assigns them to a territory to occupy, places them in charge of United States officials, whose duty it is to restrain them from plundering settlers on the frontier; that they are placed under the sole care and control of the United States; that the laws of the Commonwealths in which their reservations are situated are not allowed to extend over them; that the processes of the civil courts have no effect inside of their jurisdiction, and that our citizen who is wronged can follow them only to the bounds of their reservation—there he must stop; that the laws of the United States give him no indemnity or no remedy for the wrong done him; that he is restrained from taking the remedy into his own hands; that he is even prohibited under the law from receiving from the Indian any compensation for his injury; and that he may behold the stolen property before his very eyes inside the bounds of the reservation, and he dare not take possession of his own. If he had been wronged by a white man he could to a certain extent remedy his wrong by retaking possession of his property. He could accept satisfaction for the injury done him; the laws of the land would furnish him the courts with all their powerful processes to enforce his rights. He could recover judgment, seize and take the last dollar of the property of the wrongdoer and have him punished at public expense for the crime committed. But if the wrongdoer be an Indian the party wronged is powerless.

Now, it is a well-established principle of law that every citizen who bears his lawful proportion of the burdens of the Government is entitled to protection in his person or property in some form. If the General Government will not allow the white man to enforce his rights against the Indian depredator, and will not permit him to accept a compromise offering from the Indian, and will not allow the common remedies of the courts and the law, it is in duty bound by every principle of justice and good government to remedy the wrong itself. In every proper and just view it is an appropriation of private property to public use. Upon what principle of law or morals can our Government stand back and refuse to pay these claims while withholding from the citizens all remedy in the law and taking and retaining in its own custody and possession all the lands and assets of every description of these people? To do so is an act of perfidy to the frontier settlers and of bad faith such as no court could tolerate between man and man, and in its tendency is demoralizing to the whole nation.

I am tempted to quote the eloquent and forcible words of the gentleman from Montana [Mr. MAGINNIS] on a former occasion. He said:

Mr. MAGINNIS. I will call the attention of the committee briefly to the manner in which these Indian depredation claims come to be a subject for Congressional action. We are told that Indian depredation claims have no business here, and that the Government is not rightfully obligated to pay any of them—a proposition which the people of the West and their Representatives contest. We are told that if men place themselves in positions of risk, they must take the consequences; that, as in cases of damage from riot or from war, the Government is not responsible, having exercised due diligence and done its duty. We are told that if people are robbed or murdered by white men the State does not make pecuniary recompense to the sufferers or their heirs, and we are asked why should it do so because the depredation is committed by an Indian.

I will endeavor to explain the difference, and show that depredation claims stand on an entirely different ground.

The Government sets up in the Territories these independent principalities known as reservations. They are occupied by people recognized in a sense as independent nationalities, under the control and protection of the General Government. The laws of the Commonwealths in which they are situated do not cover them. The process of the civil courts can not invade them. They are cities of refuge, and the Government declares to all surrounding people that they shall not disturb its wards, and assumes the position of guardian and arbiter between them and all others. You say that people who trade or settle in such countries should take the risk of their ventures. So they should under the laws. But if a white man burns your house or steals your horse you can follow him anywhere with the law. You can arrest him, punish, and perhaps recover your property. But when these Indians make a raid off their reservations, invade a settlement, and take your horses and cattle and drive them, under your very eyes, to the reservation, what can you do with the law?

Suppose they murder and destroy and then retreat to their own dominions, and your marshals and sheriffs follow them in hot pursuit to the very boundaries of their reservation, what remedy have you? Your law no longer follows the Indians. The process of your court falls dead as soon as your pursuit reaches the line of his reservation, which the Government orders you not to cross, and safe in his city of refuge the depredator laughs at you and is safe from your law officers, and can exhibit your stolen property before your outraged face, and you have no right to reclaim it, and no remedy for your wrong, except through the General Government.

The Government, in pursuance of its settled policy, says that you shall not cross that line, nor shall your courts, or their officers, or your local laws. It says, these people are the wards of the Government, and if you have any cause of complaint you must come to the Government of the United States, and it will arbitrate your differences and settle the measure of your damages.

Having no other recourse, and being forbidden to resort to any, the settler therefore comes to the Government of the United States to right his wrong, and to obtain justice for the acts which have been committed by those whom the Government excludes from the operation of the local law, and for whom, as its own wards, it assumes the responsibility.

Grounded on these principles of justice, and for these reasons, a law was rightfully framed and passed, and for many, very many, years stood on your statute-books, providing that in all cases of depredations committed by Indians, such depredations being duly proved, the Interior Department should award damages to the person trespassed against, and the amounts so awarded should be deducted from the annuities paid by the Government to the Indians committing such depredations.

A man has a herd of cattle or horses, and the Indians come in and kill them or steal them. That man has no remedy, by law or otherwise. What, then, must he do, if you deny him a remedy in court or Congress? He is compelled to fall back upon the right which every man has to defend his property. The result of that may be to bring on a war with the Indians, involving the Government in a tremendous expense. Sir, the time has come when this Congress should look at these facts and deal justly by these people. If men are denied redress, they will take means to redress themselves; this will bring on conflicts and destroy the peace which you are bound to preserve, and which you are spending so many millions to preserve, and it will involve you in an expense far beyond that which is necessary to pay such claims you justly owe the people who have been despoiled by your wards.

To show the state of sentiment in my State on this subject I quote the following from a late message from Governor Thayer, of Oregon. Referring to Oregon Modoc war bonds, he says:

The indebtedness arising out of these claims belongs to the same class as the Modoc war expenses. They were occasioned by depredations of Indians, who, escaping from the control of the United States agents having them in charge, ravaged the settlements. If the Indian tribes that engaged in these hostilities had been independent nations, the State would evidently have no claim to indemnity from the United States; but it is well understood that their status is that of wardship. They are under the care and control of the United States. They have had assigned to them a territory to occupy, and have been placed in charge of United States officials, whose duty to the State, as well as to the United States, is to restrain them from marauding and from plundering and outraging frontier settlers. When they fail to do this, and the State is obliged to call out her citizens to resist such predatory incursions, she is properly entitled to be indemnified for the expense incurred.

Upon every principle of justice and right these claims should be assumed by the United States Government.

Now, Mr. Chairman, in view of our past history, I submit that it is unjust now for Representatives from the East, simply because the depredation border is now removed from their immediate vicinity and they no longer have a direct interest in claims of this character, to deny through

their more numerous representation the claims of the newer sections. For years they voted money from the Treasury to pay the depredation claims of their own border; and only when they ceased to have a direct interest because the field of trouble is extended westward do they discover any doubt in their minds as to the legality of such payments.

These claims have accumulated, as I have stated, until they now amount probably to the sum of $10,000,000 in the aggregate. The situation is beset, however, with this difficulty: The machinery provided by Congress for the investigation of these claims has not proven suitable, and the Interior Department has availed itself in many cases of the clause which allowed it to transmit the evidence and claim to Congress without recommendation; so that, as I have already stated, of this vast sum of $10,000,000 in the aggregate claims amounting to but $1,500,000 have been allowed. Some of the other claims are disallowed, but the greater part are simply transmitted without departmental adjudication. Again, many claimants are unsatisfied with the amounts allowed by the Department on their claims. In fact, the official machinery of the Interior Department is unfitted for judicial investigation. It is unfair to the Government, as it is principally *ex parte*, and it is unfair to the claimant in subjecting him to the dangers of unsatisfactory valuation at the caprice of some Department clerk.

It is thus apparent that some additional method must be adopted that will provide for the examination of the claims in detail with better and more adequate facilities than those which the law now furnishes before they can be paid in general.

In the last Congress I introduced a bill providing for the creation of a commission with special power and authority, and with special machinery, for the examination of all this class of claims, using the evidence already on file and such additional as the parties might present. The same bill is before the present Congress, as is also one providing that claimants may be allowed the aid of the Court of Claims if desired, but through press of business and clogged by the rules of this House nothing probably will be done. The Indian question being now practically settled, these claims have probably reached their maximum, and it is to be hoped that legislation will once more resume its original thread.

In the last ten years we have failed to do our duty in that respect, which fact is about the only foundation that I can find for the position assumed by the honorable gentleman from Indiana.

MESSAGE FROM THE PRESIDENT.

The Committee informally rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

The message further announced that the President had approved bills of the following titles:

An act (H. R. 7871) to remove the political disabilities of W. H. Ward, of Virginia; and

An act (H. R. 7874) making additional appropriations for the naval service for the fiscal year ending June 30, 1885, and for other purposes.

WILLIAM FRANKLIN GROUNDS.

The Committee of the Whole resumed its session.

Mr. HOLMAN. The claim of Mrs. Boddy, to which the gentleman from Oregon has referred, was allowed. It had none of the earmarks of the present claim, as the gentleman will bear me out in saying when he looks over the report. The gentleman from Oregon is right in saying that every session of Congress a number of such claims are reported by the Indian Bureau to be paid out of the annuities to Indian tribes. But this is not one of those cases. This case is put upon the moral obligation of the Government.

Suppose the Government sold lands and induced settlers to take possession of them there, there might be the pretense of a moral obligation on the part of the Government—remote, I admit. But here there is not a shadow of such a pretense. When the Government sells its lands and invites its people to take possession of them it should be especially vigilant in seeing that those citizens are not exposed to peril and danger. But that is not this case. Here is a man who thinks proper to enter upon the public lands with his stock. Like many other great cattle-owners of the West he enters upon the plains with his herds of cattle to fatten on the public domain, not invited by any idea of the purchase of a home. He is there simply for the purpose of advancing his fortunes, not under the invitation of the Government and without any assurance of Government protection. Bands of Indians, under these circumstances, come down on his property and destroy his herds.

The reason I have strenuously objected to the claim is that it presents in a very bald form the proposition which I do not think Congress can sanction, that the Government of the United States is morally bound for the consequences of every act of spoliation that occurs within its limits. I never have recognized such a liability, and I hope the House will not do so now.

The CHAIRMAN. The question is on the amendment submitted by the committee, which the Clerk will again report.

The Clerk read as follows:

In line 7 strike out "$19,157," and insert in lieu thereof "$13,129."

The amendment was adopted.

Mr. WELLBORN. I move that the bill as amended be laid aside to be reported to the House with a favorable recommendation.

Mr. HOLMAN. I have already moved that the bill be laid aside to be reported to the House with the recommendation that it be laid on the table.

Mr. WELLBORN. Then I offer my motion as an amendment or a substitute for that of the gentleman from Indiana.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN].

Mr. WELLBORN. Does the Chair hold that my motion is not in order? What disposition does the Chair make of it?

The CHAIRMAN. The Chair holds the motion submitted by the gentleman from Indiana has precedence.

Mr. WELLBORN. The question I submit to the Chair is whether that motion is not amendable?

The CHAIRMAN. It is not. The question is, Shall the bill be laid aside to be reported to the House with the recommendation that it do lie on the table?

The committee divided; and there were—ayes 36, noes 49.

Mr. HOLMAN. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Minnesota, Mr. NELSON, and the gentleman from Indiana, Mr. HOLMAN.

Mr. WILLIS. With the permission of the gentlemen who have submitted these motions, I will ask unanimous consent that a yea-and-nay vote be allowed in the House.

Mr. WELLBORN. I have no objection to that.

Mr. HOLMAN. If the Chair thinks proper to submit that proposition to the committee I am agreeable.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that this bill be laid aside to be reported to the House with the understanding that a yea-and-nay vote be taken on it.

Mr. VALENTINE. That it shall be reported favorably?

Mr. HOLMAN. No, sir; unfavorably.

The CHAIRMAN. The proposition, as the Chair understands it, is that the bill be reported to the House without recommendation, and with the understanding that a yea-and-nay vote be taken on it.

Mr. KEIFER. That can not be done under the rule. The bill must be reported with some recommendation.

Mr. MCMILLIN. It can be reported without recommendation by unanimous consent.

The CHAIRMAN. The Chair will submit the proposition again. The gentleman from Kentucky asks unanimous consent that the bill under consideration may be laid aside and reported to the House without any recommendation, with the understanding that a yea-and-nay vote shall be taken on the bill in the House.

Mr. NELSON. I object unless the yea-and-nay vote shall be taken on the question of the engrossment and third reading of the bill.

The CHAIRMAN. The Chair understands that under this agreement the bill will be reported without recommendation. The first vote, of course, will be on the engrossment and third reading of the bill.

Mr. HOLMAN. I suppose that would naturally be the first vote taken.

The CHAIRMAN. The Chair hears no objection to the proposition, and it is so ordered.

WIDOWS AND HEIRS OF HENRY LEEF.

The next business on the Private Calendar was the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; reported with an amendment by Mr. MCMILLIN from the Committee on Claims.

The bill was read, as follows:

Be it enacted, &c., That the sum of $20,000 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for indemity and compensation to Juliet Leef, widow, and the heirs of Henry Leef, deceased, to be paid to them, or their legal representative, in full for losses and damages sustained by the said Henry Leef, in his lifetime, in consequence of the illegal seizure of the bark Mary Teresa by Alexander H. Tyler, consul of the United States at Bahia, Brazil.

Mr. MCMILLIN. I move that the bill be laid aside to be reported to the House with the recommendation that it do pass.

Mr. HOLMAN. Let the report be read.

Mr. MCMILLIN. I desire to make a brief statement. This bill has been reported seven times favorably to Congress and has once passed the House of Representatives. It has never been reported adversely. And the amount proposed in the present bill is one-fifth less than that in the bill that heretofore passed the House. I think it is evidently a just claim. I have thoroughly examined it, and hope my motion will be agreed to.

Mr. HOLMAN. I have the report before me. I will not insist on its being read.

Mr. MCMILLIN. It can be inserted in the RECORD.

Mr. HOLMAN. Oh, no.

The CHAIRMAN. The question is on the amendment reported by the committee.

The amendment was read, as follows:

In line 3 strike out "$20,000" and insert "$15,500."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SONE AND FLEMING MANUFACTURING COMPANY.

Mr. BROWN, of Pennsylvania. I am directed by the Committee on Claims to request the consideration of House bill No. 4183, out of its order. It is the bill for the relief of the Sone and Fleming Manufacturing Company (limited) of the city of New York.

Mr. WILLIS. I must ask the gentleman from Pennsylvania [Mr. BROWN] to wait for a few minutes, as I have charge of the next bill on the Calendar and wish to proceed to its consideration.

The CHAIRMAN. The Clerk will report the next bill in order.

JOHN B. DAVIS.

The next business on the Private Calendar was the bill (H. R. 653) for the relief of John B. Davis.

The bill was read, as follows:

Be it enacted, &c., That the Postmaster-General is hereby authorized and directed to pay to John B. Davis, late contractor on mail-route No. 7506, State of Arkansas, the sum of $10,943.16, in full payment for transporting the United States mails between Memphis, Tenn., and the mouth of White River, Arkansas, and from thence to Duvall's Bluff, in Arkansas, in the years 1868, 1869, and 1870; and the payment is hereby authorized and directed to be made out of any money in the Treasury not otherwise appropriated.

The report (by Mr. ELLWOOD) was read, as follows:

That the claim of Mr. Davis was before the last Congress, and a favorable report was made in both of its branches. The Senate report clearly sets forth the nature and justice of the claim, which this committee adopts, as follows:

"That in the year 1867 John B. Davis was a contractor with the Post-Office Department for the transportation of the mails by steamers from the mouth of White River to Jacksonport, in Arkansas.

"The mail matter for the central and western portions of the State of Arkansas, and for the northern part of Texas, was chiefly collected and concentrated at Memphis, in the State of Tennessee, carried by a line of steamers to the mouth of White River, and from that point by petitioner's steam vessels to Duvall's Bluff, and thence by rail to Little Rock, and other points west.

"The schedules for arrivals and departures of the vessels were so arranged, and by contract with the Post-Office Department, that the mails from Memphis and the west reached the mouth of White River ten or twelve hours after the petitioner's boats left that point, thus causing three or four days' delay in the entire mail service of all points west of Duvall's Bluff.

"Great complaint was made by the press and people of Arkansas and Texas on account of these delays. In this state of affairs a special agent of the Post-Office Department directed Mr. Davis to extend his service and carry all the Arkansas mails through from Memphis to the mouth of White River. This service was performed once each week from the 1st July, 1867, until the 31st day of the same month, and from the 1st August, 1867, until the 31st March, 1868, twice each week, the petitioner having purchased another steamer to enable him to do this work.

"The Post-Office Department recognized this service, and in the month of May, 1868, paid Mr. Davis for the weekly service at the rate of $5,000 per annum, and for the semi-weekly at the rate of $10,000 per annum.

"Mr. Davis continued to carry these mails semi-weekly from April 1, 1868, to March 21, 1870, but has never been paid therefor.

"In reply to a communication addressed by the committee to the Postmaster-General, asking information as to the nature of the service rendered, and the authority under which Mr. Davis acted, the Second Assistant Postmaster-General, on the 29th May, 1878, stated 'that the certificate of the postmaster at Memphis shows the service to have been performed' from the 1st April, 1868, to the 21st March, 1870, but no payment was made after 31st March, 1868, as no satisfactory evidence of proper authority for the performance of the same was presented to this office until after the time had elapsed within which the appropriation for those years could have been used.

"Since that time the Second Assistant Postmaster-General, in a letter addressed to the attorney for the claimant, states that 'should the contractor be paid for service between Memphis and the mouth of White River at the same rate as paid him for the service within the route under contract, the compensation would be at the rate of $3,837.83 per annum,' and according to his estimate there should be paid to the claimant the sum of $10,943.16.

"The committee are of opinion that the rate of compensation is reasonable, and recommend the passage of the bill."

Mr. DINGLEY. Mr. Chairman, is this a unanimous report from the committee?

Mr. MCMILLIN. My memory is that it is a unanimous report.

Mr. WILLIS. The report is unanimous; that is my recollection.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

SONE & FLEMING MANUFACTURING COMPANY.

Mr. BROWN, of Pennsylvania. I now ask to take up out of its order the bill to which I called attention a few moments ago (H. R. 4183) for the relief of the Sone & Fleming Manufacturing Company.

Mr. MURRAY. Mr. Chairman, I object to that bill being taken up out of its order.

The CHAIRMAN. The regular order is demanded.

Mr. MCMILLIN. Mr. Chairman, two yea-and-nay votes in the House have been already provided for, and possibly a third, and I therefore move that the committee do now rise in order to dispose of the business reported.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration the Private Calendar, and had directed him to report back various bills with sundry recommendations.

ORDER OF BUSINESS.

Mr. MCMILLIN. There are several bills to which no objection was made in the Committee of the Whole. We are to have yea-and-nay votes on certain other bills, and I suggest that by unanimous consent we dispose first of those to which no objection was made in the Committee of the Whole and afterward vote upon the other bills.

Mr. HOLMAN. Mr. Speaker, the committee having agreed that there shall be a yea-and-nay vote on the bill for the relief of William E. Grounds, I ask that it be so ordered.

Mr. MCMILLIN. That was the agreement.

The SPEAKER *pro tempore*. The Chair understands that there is no objection to that order.

Mr. BAYNE. Mr. Speaker, is that one of the bills reported to-day?

The SPEAKER *pro tempore*. It is.

Mr. BAYNE. There are other bills that have been reported favorably heretofore and which are entitled to precedence.

The SPEAKER *pro tempore*. The Chair understands that a yea-and-nay vote is to be had upon the bill referred to by the gentleman from Indiana [Mr. HOLMAN] when it is reached.

Mr. HOLMAN. That is the understanding, by general consent.

The SPEAKER *pro tempore*. The Chair so understands. Is there objection to the proposition made by the gentleman from Tennessee [Mr. MCMILLIN] that those bills to which no objection was made in the Committee of the Whole shall be first disposed of? The Chair hears none, and the Clerk will report the bills in their order.

BILLS PASSED.

House bills of the following titles, reported favorably from the Committee of the Whole House on the Private Calendar, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2158) for the benefit of John C. Herndon;
A bill (H. R. 4685) for the relief of Robert Tally, colored;
A bill (H. R. 4686) for the relief of Fendall Carpenter;
A bill (H. R. 4687) for the relief of A. Gates Lee;
A bill (H. R. 4688) for the relief of William Clift;
A bill (H. R. 1739) for the relief of Patrick Cook; and
A bill (H. R. 653) for the relief of John B. Davis.

Bills of the following titles, reported from the Committee of the Whole House on the Private Calendar with amendments, were taken up, the amendments agreed to, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil; and

A bill (H. R. 4382) for the relief of William H. Davis.

Mr. MCMILLIN moved to reconsider the several votes by which bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EDWARD FITZGERALD.

The next business reported from the Committee of the Whole House on the Private Calendar was the petition of Edward Fitzgerald, trustee of the Catholic church at Fort Smith, Ark.; which, in accordance with the recommendation of the Committee of the Whole House, was indefinitely postponed.

BARRINGTON BEHYMER.

A bill (H. R. 1265) for the relief of Barrington Behymer was next taken up, and the recommendation of the Committee of the Whole House on the Private Calendar that the enacting clause be stricken out was agreed to.

NICHOLAS J. BIGLEY.

The SPEAKER *pro tempore*. The next bills in order are those to which there was objection in the Committee of the Whole House on the Private Calendar. The title of the first bill will be read.

The Clerk read as follows:

A bill (H. R. 1347) for the relief of Nicholas J. Bigley.

Mr. WARNER, of Ohio. I move that the House take a recess till 8 o'clock this evening, for the consideration at the evening session of pension business under the standing order of the House.

Mr. TURNER, of Kentucky. I move that the House adjourn.

The motion of Mr. TURNER, of Kentucky, was not agreed to.

The question recurring on the motion of Mr. WARNER, of Ohio, for a recess till 8 o'clock p. m., it was not agreed to; there being—ayes 35, noes 61.

The SPEAKER *pro tempore*. The bill the title of which has been read was reported from the Committee of the Whole House on the Private Calender on the 9th of January last without recommendation and with an understanding that the yeas and nays should be taken upon the substitute recommended by the minority of the Committee on War Claims.

Mr. HOPKINS. I call for the previous question.

The SPEAKER *pro tempore*. The Chair understands that there will be no further debate, as the yeas and nays have been ordered by the House.

Mr. HOPKINS. The question was fully debated in Committee of the Whole. I call for the regular order.

The SPEAKER *pro tempore*. The question is on agreeing to the substitute, on which the yeas and nays have been ordered.

Mr. HOLMAN. I ask that the original bill and the substitute be both read.

The bill was read, as follows:

Be it enacted, &c., That the sum of —— dollars be, and the same is hereby, appropriated, out of the funds in the Treasury not otherwise appropriated, to pay Capt. Nicholas J. Bigley for the value of the steamer Hercules and tow of coal destroyed at Memphis, Tenn., in the month of February, 1863.

The SPEAKER *pro tempore*. The Clerk will now report the proposed substitute.

The Clerk read as follows:

Strike out all after the enacting clause of the bill and insert the following:
"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Nicholas J. Bigley the sum of $21,211.40 for 70,638 bushels of coal lost at Memphis, Tenn., in the month of February, 1863.

The SPEAKER *pro tempore*. The question is upon agreeing to the substitute just read, on which the House has ordered the yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 106, nays 87, not voting 130; as follows:

YEAS—106.

Adams, G. E.	Evans,	Lawrence,	Rockwell,
Bayne,	Ferrell,	Long,	Rowell,
Bisbee,	Fiedler,	Lore,	Russell,
Blackburn,	Findlay,	Lovering,	Slocum,
Boutelle,	Finerty,	Lyman,	Snyder,
Boyle,	Follett,	McCoid,	Stewart, Charles
Brewer, F. B.	Forney,	Millard,	Stewart, J. W.
Brewer, J. H.	Funston,	Miller, S. H.	Storm,
Brown, W. W.	George,	Morrill,	Strait,
Browne, T. M.	Gibson,	Mutchler,	Struble,
Brumm,	Graves,	Nelson,	Taylor, J. D.
Buckner,	Green,	Nicholls,	Taylor, J. M.
Burleigh,	Guenther,	Nutting,	Thomas,
Campbell, J. M.	Hanback,	Ochiltree,	Thompson,
Cannon,	Hart,	O'Hara,	Valentine,
Cassidy,	Hatch, H. H.	O'Neill, J. J.	Wait,
Collins,	Haynes,	Parker,	Wallace,
Connolly,	Henderson, T. J.	Patton,	Weaver,
Culbertson, W. W.	Hiscock,	Payne,	Weller,
Cullen,	Holmes,	Pierce,	White, J. D.
Curtin,	Hopkins,	Perkins,	Whiting,
Dibble,	Horr,	Peters,	Willis,
Dibrell,	Howey,	Pettibone,	Wilson, W. L.
Dingley,	James,	Poland,	Wise, J. S.
Ellis,	Jeffords,	Ranney,	Young.
Ellwood,	Kean,	Ray, G. W.	
Ermentrout,	Keifer,	Reed, T. B.	

NAYS—87.

Alexander,	Eaton,	Maybury,	Stephenson,
Barbour,	English,	Miller, J. F.	Stephens,
Beach,	Everhart,	Morgan,	Stockslager,
Bennett,	Geddes,	Muldrow,	Swope,
Blount,	Greenleaf,	Neece,	Throckmorton,
Bratton,	Halsell,	Oates,	Tillman,
Breckinridge,	Hatch, W. H.	O'Ferrall,	Turner, H. G.
Buchanan,	Hemphill,	Peel,	Turner, Oscar
Burnes,	Herbert,	Price,	Van Alstyne,
Cabell,	Hewitt, G. W.	Pryor,	Vance,
Caldwell,	Hill,	Ray, Ossian	Van Eaton,
Candler,	Hoblitzell,	Reagan,	Warner, A. J.
Cobb,	Holman,	Reid, J. W.	Warner, Richard
Converse,	Houseman,	Robinson, W. E.	Wellborn,
Cosgrove,	Jones, B. W.	Rogers, J. H.	Wilkins,
Cox, W. R.	Jones, J. H.	Rogers, W. F.	Williams,
Crisp,	Jones, J. T.	Seymour,	Wilson, James
Culberson, D. B.	Lanham,	Shively,	Winans, E. B.
Dargan,	Le Fevre,	Skinner, T. G.	Wise, G. D.
Deuster,	Lowry,	Spooner.	Yaple,
Dockery,	McMillin,	Springer,	York.
Dowd,	Matson,	Steele,	

NOT VOTING—130.

Adams, J. J.	Davis, L. H.	Ketcham,	Robertson,
Aiken,	Davis, R. T.	King,	Robinson, J. S.
Anderson,	Dorsheimer,	Kleiner,	Rosecrans,
Arnot,	Dunham,	Lacey,	Ryan,
Atkinson,	Dunn,	Laird,	Seney,
Bagley,	Eldredge,	Lamb,	Shaw,
Ballentine,	Elliott,	Lewis,	Singleton,
Barksdale,	Foran,	Libbey,	Skinner, C. R.
Barr,	Fyan,	McAdoo,	Smalls,
Belford,	Garrison,	McComas,	Smith, A. Herr
Belmont,	Glascock,	McCormick,	Smith, H. Y.
Bingham,	Goff,	Milliken,	Spriggs,
Blanchard,	Hammond,	Mills,	Stone,
Bland,	Hancock,	Mitchell,	Sumner, C. A.
Bowen,	Hardeman,	Money,	Sumner, D. H.
Brainerd,	Hardy,	Morrison,	Talbott,
Breitung,	Harmer,	Morse,	Taylor, E. B.
Broadhead,	Henderson, D. B.	Moulton,	Townshend,
Budd,	Henley,	Muller,	Tucker,
Campbell, Felix	Hepburn,	Murphy,	Tully,
Campbell, J. E.	Hewitt, A. S.	Murray,	Wadsworth,
Carleton,	Hitt,	O'Neill, Charles	Wakefield,
Chalmers,	Holton,	Paige,	Ward,
Clardy,	Hooper,	Payson,	Washburn,
Clay,	Houk,	Phelps,	Wemple,
Clements,	Hunt,	Post,	White, Milo
Cook,	Hurd,	Potter,	Winans, John
Covington,	Hutchins,	Pusey,	Wolford,
Cox, S. S.	Johnson,	Randall,	Wood,
Craig,	Jones, J. K.	Rankin,	Woodward,
Cutcheon,	Jordan,	Reese,	Worthington.
Davidson,	Kelley,	Rice,	
Davis, G. R.	Kellogg,	Riggs,	

So the substitute was agreed to.

The following pairs were announced from the Clerk's desk:

On all political questions until further notice—

Mr. MORRISON with Mr. JOHNSON.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. ADAMS, of New York, with Mr. WHITE, of Minnesota.
Mr. ELLIOTT with Mr. SMITH, of Pennsylvania.
Mr. COOK with Mr. GOFF.
Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.
Mr. GARRISON with Mr. BARR.

For the remainder of this day—

Mr. WORTHINGTON with Mr. WADSWORTH.
Mr. TULLY with Mr. MCCORMICK.
Mr. ROBERTSON with Mr. EZRA B. TAYLOR.
Mr. CLEMENTS with Mr. RYAN.
Mr. SENEY with Mr. RICE.
Mr. LAMB with Mr. SMALLS.
Mr. FORAN with Mr. KETCHAM.
Mr. DAVIDSON with Mr. HOLTON.
Mr. BARKSDALE with Mr. PAYSON.
Mr. HARDEMAN with Mr. CRAIG.
Mr. CLAY with Mr. KELLEY.
Mr. BLAND with Mr. MCCOMAS.
Mr. COLLINS with Mr. HENDERSON, of Iowa.
Mr. WOOD with Mr. BREITUNG.
Mr. PUSEY with Mr. LACEY.
Mr. BALLENTINE with Mr. HARMER.

And also for the night session—

Mr. MITCHELL with Mr. ATKINSON.
Mr. CARLETON with Mr. WAKEFIELD.
Mr. BUDD with Mr. SMITH, of Iowa.
Mr. CAMPBELL, of New York, with Mr. PHELPS.
Mr. REESE with Mr. DAVIS, of Illinois.
Mr. AIKEN with Mr. STONE.
Mr. HAMMOND with Mr. LIBBEY.
Mr. TOWNSHEND with Mr. HENDERSON, of Illinois.
Mr. PAIGE with Mr. HOUK.
Mr. CAMPBELL, of Ohio, with Mr. HITT, until Monday next.
Mr. CLARDY with Mr. O'NEILL, of Pennsylvania.
Mr. HEWITT, of New York, with Mr. BINGHAM.
Mr. POTTER with Mr. WASHBURN.

The vote was then announced as above recorded.

Mr. BOYNE and Mr. HOPKINS moved to reconsider the vote by which the substitute was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOLMAN. I move to recommit the bill with instructions.

The SPEAKER *pro tempore*. That motion is premature, but it will be in order when the question recurs on the passage of the bill.

Mr. HOLMAN. It may be made, according to the rule, either before or after the previous question on the passage of the bill.

The SPEAKER *pro tempore*. The Clerk will read the rule.

The Clerk read as follows:

It shall be in order pending the motion before or after the previous question shall have been ordered on its passage for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOPKINS demanded the previous question on the passage of the bill.

Mr. HOLMAN. I now submit my motion to recommit with instructions.

The Clerk read as follows:

To recommit to the Committee on War Claims with instructions to refer the claim to the Court of Claims for adjudication and report under the provisions of an act entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government, approved March 3, 1883."

Mr. HOLMAN. That is the Bowman bill.

Mr. GEDDES. On that I demand the yeas and nays.

The House divided; and there were—ayes 27, noes 111.

Mr. WARNER, of Ohio. I demand tellers on the yeas and nays.

Tellers were ordered; and Mr. WARNER, of Ohio, and Mr. HOLMAN were appointed.

The House again divided; and the tellers reported—ayes 37, noes 111.

So (more than one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

Mr. HEWITT, of Alabama. We have not time to call the roll before 5 o'clock, and therefore I move that the House take a recess under the special order until 8 o'clock this evening.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Without objection the Chair will lay

before the House certain messages from the President of the United States.

There was no objection.

ARCTIC STEAMER ALERT.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

When the expedition for the relief of Lieutenant Greely and his party was being prepared in the early part of the year 1884, and a search for suitable vessels was being made, the Alert, then the property of Great Britain, and which had been the advance ship of the expedition under Sir George Nares, was found to be peculiarly fitted for the intended service, and this Government immediately offered to purchase that vessel; upon which Her Majesty's Government generously presented her to the United States, refusing to accept any pay whatever for the vessel. The Alert rendered important and timely service in the expedition for the relief of Lieutenant Greely and party, which, in its results, proved so satisfactory to the Government and people of this country.

I am of the opinion that the Alert should now be returned to Her Majesty's Government, with suitable acknowledgments for its generous and graceful act of courtesy for so promptly putting the vessel at the service of the United States, and I therefore recommend that authority be given me by Congress to carry out this purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

The SPEAKER *pro tempore*. Without objection this communication will be referred to the Committee on Foreign Affairs.

Mr. BOUTELLE. Mr. Speaker, as a subcommittee of the Naval Committee of this House now have under consideration a bill introduced in this House for the disposition of the three vessels which formed the late Arctic relief squadron, I would suggest that the proper reference of that communication would be to the Committee on Naval Affairs.

The SPEAKER *pro tempore*. Does the gentleman make that motion?

Mr. BOUTELLE. I do.

Mr. COX, of North Carolina. I believe this communication has been already referred to the Committee on Foreign Affairs. That is undoubtedly the proper reference.

Mr. HOLMAN. The motion, as I understand it, of the gentleman from Maine is to refer it to the Committee on Naval Affairs.

The SPEAKER *pro tempore*. For the reason assigned by the gentleman from Maine.

Mr. BOUTELLE. For the reason, as I have said, that a subcommittee of that committee have under consideration the subject-matter embraced in this communication.

The SPEAKER *pro tempore*. Is there objection to the reference suggested by the gentleman from Maine?

Mr. COX, of North Carolina. I object.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Maine as a substitute for the motion of the gentleman from North Carolina.

Mr. COX, of North Carolina. I understand that the reference has been already made to the Committee on Foreign Affairs.

The SPEAKER *pro tempore*. The Chair suggested that if there was no objection the reference would be to that committee. The gentleman from Maine moves that it be referred to the Committee on Naval Affairs.

The question was taken; and on a division there were—ayes 48, noes 37.

Mr. COX, of North Carolina. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. WHITE, of Kentucky. I rise to a question of order. If I understand correctly, there is already pending before the House a yea-and-nay vote. I desire to ask the Speaker if that is not the proper order of business?

The SPEAKER *pro tempore*. The Chair will state that unanimous consent was asked by the Chair and obtained of the House to submit certain communications from the President of the United States, which, under the rule, must be disposed of in that manner; and the Chair is endeavoring to aid the House in making that disposition of these communications.

The Chair will order tellers.

Mr. COX, of North Carolina, and Mr. BOUTELLE were appointed tellers.

The House again divided; and the tellers reported—ayes 78, noes 29.

The SPEAKER *pro tempore*. No quorum has voted.

Mr. MCMILLIN. If the gentleman from North Carolina will withdraw the point that no quorum has voted I will move that the House do now take a recess until 8 o'clock, for the consideration of the special order of business fixed for Friday evenings.

The SPEAKER *pro tempore*. That motion, of course, is not in order after the point is made that no quorum is present.

Mr. MCMILLIN. I am aware of that, and if the gentleman insists upon the point of order I withdraw the motion.

Mr. COX, of North Carolina. I withdraw the point of order that no quorum is present.

The SPEAKER *pro tempore*. The point of order being withdrawn, the motion of the gentleman from Maine is agreed to, and the communication will be referred to the Committee on Naval Affairs.

IMPRISONMENT OF AN AMERICAN CITIZEN IN ECUADOR.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Affairs:

To the House of Representatives:

I transmit herewith, in response to a resolution of the House of Representatives of the 28th of January, 1885, a report by the Secretary of State in relation to the case of Julian R. Santos, an American citizen, imprisoned in Ecuador.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

UNITED STATES OFFICERS FOR MILITARY INSTRUCTORS, COREA.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Military Affairs:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State in regard to the desire of the Government of Corea to obtain the services of one or more officers of the United States as military instructors in that country, and recommend the adoption of a joint resolution authorizing such officers as may be conveniently spared, and who are selected for that duty, to proceed to Corea for the purpose indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. PAYSON, indefinitely.

To Mr. SWOPE, until Tuesday next, on account of important business.

REPRINT OF THE BANKRUPTCY BILL.

On motion of Mr. BAGLEY, by unanimous consent, a reprint was ordered of the bill (S. 1372) known as the bankruptcy bill, for the use of the House.

WITHDRAWAL OF PAPERS.

On motion of Mr. WHITE, of Kentucky, by unanimous consent, leave was granted to withdraw from the Committee on War Claims papers in the case of James F. Blount.

PATRICK COOK.

Mr. BARBOUR. Mr. Speaker, I will detain the House but a moment, if I can have its attention for a brief time. A bill passed the House to-day, known as House bill 1739, for the relief of Patrick Cook, which was evidently a mistake. It was a District of Columbia bill, which had been considered by that committee and had been laid upon the table by them. My request now is that unanimous consent be granted to reconsider the passage of that bill.

Mr. MCMILLIN. That ought to be done, as it appears to have been on the Calendar erroneously; a fact not brought out in the proceedings before the committee.

Mr. O'NEILL, of Missouri. I think that there ought to be some objection to that.

Mr. HATCH, of Missouri. I hope my colleague will not object.

Mr. O'NEILL, of Missouri. I shall not object. I only thought that some objection ought to be made. Of course it is an accident if any bill happens to pass this House. [Laughter.]

There being no objection, the House reconsidered the vote by which the bill was passed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. MCMILLIN] will preside to-night as Speaker *pro tempore*.

Under the previous order of the House, the hour of 5 o'clock having now arrived, the House will take a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Clerk will read the order under which the session is held this evening.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

Mr. MATSON. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the Private Calendar for the consideration of business under the order just read.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

Mr. MATSON. I ask unanimous consent that the business of the evening may proceed, so that members present may call up such bills as they wish, the Chair alternating between the two sides of the House.

The CHAIRMAN. If there be no objection that order will be observed. The Chair hears none.

SALLY RODMAN.

Mr. SPOONER. I call up the bill (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman. This bill was reported yesterday by the gentleman from Massachusetts [Mr. LOVERING] and he told me he had adopted the Senate report, which I will send to the Clerk.

The CHAIRMAN. The Clerk will read the bill.

The bill was read, as follows:

Be it enacted, &c., That from and after the passage of this act the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sally Rodman, widow of Isaac P. Rodman, late a brigadier-general of United States volunteers, and to pay her a pension at the rate of $50 a month, in lieu of that which she now receives.

Mr. HEWITT, of Alabama. I call for the reading of the report.

The report of the Senate Committee on Pensions (by Mr. BLAIR) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman, having had the same under consideration, beg leave to submit the following report:

The claimant is the widow of Isaac P. Rodman, late a brigadier-general of United States volunteers, who was killed at the head of his division in the battle of Antietam.

The evidence shows that since the death of her husband the widow has been enabled to earn her living by taking boarders during the summer months. In this way, with the aid of the pension of $30 per month which she has received, she has supported herself and family, including an imbecile daughter who is dependent upon her.

It is shown that owing to the continued loss of health she is now unable to pursue this method of gaining a livelihood or any other, and is therefore left entirely dependent upon the pension which she now receives, and that the sum is inadequate for the support of herself and dependent family. It may be further said that General Rodman was one of our bravest officers and most distinguished himself by gallant service in the field during the late war.

This case is one of special claim for increase of pension by reason of the absolute dependence of Mrs. Rodman, she being deprived even of the resource of manual or other occupation. In addition to her own claims, which more than justify this increase, should be considered the fact that she is burdened with the support of an adult but imbecile and helpless daughter. Indeed, in our belief there should be some provision made for the support of this child.

We recommend the passage of this bill.

Mr. PRICE. I do not rise to oppose particularly this bill. But I rise again to make a protest against this whole system. I do not make an objection to have the effect of killing this bill, but I want to be understood as opposing this kind of legislation. I am willing to take care of the daughter and to take care of her mother; but I am not willing to do it at the rate of $50 a month to the exclusion of as good women burdened with as adverse circumstances all over our country to whom you give $8 a month. I want to enter my protest, to let you know where I stand. But if you wish to pass this bill I shall not oppose it.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. WARD. I call up the bill (H. R. 7386) granting a pension to Eliza M. Byers.

The CHAIRMAN. The Chair will state to the gentleman from Indiana that that bill has not been delivered to the Clerk.

Mr. MATSON. I desire to say that the reports made yesterday are possibly still in the hands of the printers.

The CHAIRMAN. The report is here but the bill is not. The Clerk will send for it to the file-room and the Chair will recognize the gentleman from Indiana later.

GEORGE W. EAGLES.

Mr. MORRILL. I call up the bill (H. R. 6948) granting a pension to George W. Eagles. It is on the fifty-first page of the Calendar.

The bill was read, as follows:

Be it enacted, &c. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of George W. Eagles, late a private in Company D, Eighteenth Regiment Illinois Volunteer Infantry.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6948) granting a pension to George W. Eagles, submitted the following report:

We find that claimant enlisted August 1, 1862, and was discharged May 23, 1865. His declaration for pension was filed May 20, 1880, alleging disease of lungs on march from Louisville to Perryville, about October 7, 1862, and the disease of heart at battle of Lookout Mountain, in March, 1863. The claim was rejected in the Pension Office on the ground "that there is no record and no medical or other satisfactory evidence in service or at discharge." The records show that he was absent from his company in November and December, 1862, and that on the 26th of December he was left at the hospital in Gallatin, though the cause is not given. Dr. William A. Gordon, whose credibility is reported as good, testifies that he is claimant's family physician; that he was free from heart and lung disease when he enlisted, and that he believes the family was free from any hereditary taint of lung disease.

Charles L. Sanders testifies that he lived near claimant five years before enlistment, and that he never knew of his having any disease of heart or lungs.

Ephraim Rockwell testifies that he was a sergeant, and was in charge of the sick; that claimant contracted disease of the lungs while on march from Louisville to Perryville, about October 21, 1862; that he knows this from personal knowledge of the facts, as he was present and had charge of the sick at that time; that he thinks Dr. Abbott treated him; that the doctor said he had lung fever. The regiment was ordered to Murfreesborough, and claimant was left behind at some place in Tennessee. He heard afterward that he was sick a long time.

Thomas M. Morlin testifies:

"That claimant was taken sick while on march from Louisville to Perryville, about October 8, 1862; was with him in hospital at Munfordsville, Ky., in November and December, 1862, and in hospital at Nashville in July and August, 1863; at the battle of Lookout Mountain he was excused from duty, and was afterward transferred to the Invalid Corps."

John Lamb testifies that claimant has been in very poor health since 1865; that he lives near him and sees him frequently, and has personal knowledge of his physical condition.

Placia Muse says:

"Became acquainted with claimant in fall of 1865; he was then quite feeble and complained of disease of heart and lungs; any continued exertion would bring on fainting spells; he was then almost totally disabled, and has been in the same condition ever since; have lived near him; seen him often, and assisted him and his family to live; he is extremely poor and unable to work."

The postmaster at Leavenworth vouches for the credibility of the witnesses. The examining board of surgeons at Leavenworth, in their report, January 17, 1883, say:

"The cardiac area is much increased; the heart's action is rapid and violent; he has a pinched, anxious look; health not good; disability, total."

The lack of medical evidence caused the rejection of the case in the Pension Office. Dr. Abbott, whom Sergeant Rockwell testifies treated him in service, is dead, and the claimant's extreme poverty is certainly a very good reason for his not employing physicians after his discharge.

Your committee, believing that the soldier is justly entitled to a pension, recommend the passage of the bill.

Mr. HEWITT, of Alabama. I wish to ask the gentleman who has reported this bill a question. Do the committee find that this applicant contracted a disease which now disables him while in the service?

Mr. MORRILL. The committee find that without a question. If the hospital records had been perfect ten words in those records would have given this man a pension at the Pension Office. The proof is absolute. He was in the hospital, but there is nothing to show what disease he was treated for.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA M. BYERS.

Mr. WARD. I again call up the bill (H. R. 7386) granting a pension to Eliza M. Byers.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza M. Byers, widow of Dr. William J. Byers, late surgeon of the —— Regiment of Indiana Volunteers, subject to the provisions and limitations of the pension laws.

The following amendment was recommended by the Committee on Invalid Pensions:

Strike out the words "late surgeon of the —— Regiment Indiana Volunteers," and insert the words "and pay her the pension of the widow of a surgeon of volunteers."

Mr. MCMILLIN. I wish to ask the gentleman who calls up this bill, or the gentleman who reported it, the reason for the amendment.

Mr. WARD. The bill provides for the payment of a pension to Eliza M. Byers as the widow of a surgeon of a ——— Regiment of Indiana Volunteers. The amendment provides for the payment of a pension to her as the widow of a surgeon of volunteers.

Mr. MCMILLIN. Was he ever in the service as a surgeon? I think the report should be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7386) granting a pension to Eliza M. Byers, having had the same under consideration, beg leave to report as follows:

The husband of this claimant was sent to attend the wounded at Shiloh immediately after the battle, in response to the request of the Secretary of War, directed to Governor Morton. He was a physician and surgeon of known ability, and responded with alacrity to the call of the Government for help in its extremity.

The fact of his service as a volunteer surgeon and the value and extent of such service, and the further fact of the incurrence of an incurable disease in the line of duty while serving as such volunteer surgeon and his death therefrom, are shown by the sworn statements of nineteen witnesses, among them General M. D. Manson, now lieutenant-governor of Indiana, Hon. THOMAS B. WARD, a member of this House, William C. Kise, late colonel Tenth Indiana Volunteers, three eminent physicians, and other reputable and well-known citizens of Indiana.

There are numerous precedents for the granting of pensions in such cases, and we recommend the passage of this bill with the following amendment: Strike out of lines 5 and 6 the following words, "late surgeon of the —— Regiment Indiana Volunteers" and insert in lieu thereof the following words, "and pay her the pension of the widow of a surgeon of volunteers."

The amendment was agreed to

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN A. VANDERHOFF.

Mr. FIEDLER. I call up the bill (H. R. 7256) granting a pension to John A. Vanderhoff.

The bill as read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John A. Vanderhoff, late a private in Company A, Eighth Regiment United States Infantry, from which service he was discharged on account of disability April 20, 1840.

Mr. GIBSON. When was this soldier discharged?

Mr. FIEDLER. In 1840.

Mr. MCMILLIN. Let the report be read.

The report (by Mr. JONES, of Texas) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7256) grant-

ing a pension to John A. Vanderhoff, after duly considering the same, beg leave to report:

It appears that Mr. Vanderhoff enlisted in Company A, Eighth United States Infantry, December 4, 1837, and was discharged April 20, 1840, to quote a letter from the honorable Commissioner of Pensions to the chairman of this committee—

"'On account of the loss of portions of five fingers from frost-bite,' he claims pension for said disability, and alleges that the same was incurred while on a twenty-four-hour leave of absence from the fort at Sacket's Harbor, New York, about January 1, 1840. The claim has been rejected because the soldier was not in the line of duty when the alleged disability was incurred.

"The Surgeon-General United States Army furnishes a record of treatment at the post hospital, Madison Barracks, Sacket's Harbor, New York, January 2, 1840, for 'frost-bite,' but the surgeon of the post, in correspondence with the Surgeon-General, indistinctly recollects that the soldier was intoxicated when the disability was incurred. The soldier denies being intoxicated, and as the evidence on this point is obscure, I am of the opinion that it should not interfere with the soldier's right to pension in view of his long term of service and the time when said service was rendered, and also his present age and disability, and I therefore submit the papers for your consideration."

It being very clear to the committee that Mr. Vanderhoff is entitled to a pension, the bill for his relief is reported back to the House with the recommendation that it do pass.

Mr. HEWITT, of Alabama. I think that bill should be amended by striking out all that relates to the discharge of this soldier.

The CHAIRMAN. Does the gentleman from Alabama submit an amendment?

Mr. HEWITT, of Alabama. I ask that the latter part of the bill be again read.

The Clerk read as follows:

Late a private in Company A, Eighth Regiment United States Infantry, from which service he was discharged on account of disability April 20, 1840.

Mr. HEWITT, of Alabama. I move to amend by striking out all after the word "infantry."

The amendment was agreed to.

Mr. GIBSON. I feel compelled to object to the passage of this bill. The object of the pension laws is to place upon the pension-list those soldiers who by service for their country have been disabled.

Now this report shows that in 1840 this soldier, in a city, in the midst of civilization, where he could have no possible chance of frost-bite or suffering unless by his own neglect, while upon leave of absence and in a state of intoxication, was frost-bitten, and the best they can say about it is that the evidence upon that point is obscure. Yet we are asked to put upon the pension-list, among the roll of those whom their country honors for their patriotic services, a man who can show no claim for any service rendered to the country, nor for any disability incurred in the service of the country.

I submit to this House that it is unwise, unjust, to put upon that list men who have thus been disabled; and I submit that it is dragging down the pension-roll into disgrace and arraying the common sense of the country against the whole policy of pensions to put such a man upon the roll. I therefore object to the passage of this bill.

Mr. MORRILL. Mr. Chairman, I ask unanimous consent that this bill be laid aside informally.

Mr. FIEDLER. I object.

The CHAIRMAN. The question is, Shall this bill be laid aside and reported to the House with a recommendation that it do pass?

Mr. McMILLIN. Mr. Chairman, I wish to ask the gentleman reporting this bill at what time this applicant first applied for a pension?

Mr. FIEDLER. The gentleman who reported the bill is not present, but I introduced it.

Mr. McMILLIN. Can the gentleman tell us when this applicant first applied to the Pension Office for a pension?

Mr. FIEDLER. I do not know the exact date. This soldier is an old man 70 years of age; ever since 1840 he has been disabled from following any avocation by which he could support himself, and obliged to live in part on the charity of neighbors. From what has been said here gentlemen may have got the impression that he is a common drunkard. That is not the fact. He is a man who was well recommended to me before I took hold of his case. As I have said, he is 70 years old; he has but a few years to live; he asks only for a pension from the date of the passage of this bill, and I think that if gentlemen could have an opportunity to see the man they would not rise here to oppose this bill. If the gentleman from Tennessee [Mr. McMILLIN] will read the report he will see that even the Commissioner of Pensions recommends the granting of the pension, and I think the judgment of the Commissioner ought to go at least as far as the judgment of any gentleman on this floor, inasmuch as he has greater opportunity for studying these cases carefully than we do or can have.

Mr. McMILLIN. In reply to what the gentleman from New Jersey [Mr. FIEDLER] has just said, I can only say that if in the judgment of the Pension Office this applicant is so deserving of a pension, the wonder is that the office has not already given him one.

Mr. HEWITT, of Alabama. Mr. Chairman, I can answer that objection.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. McMILLIN] yield?

Mr. McMILLIN. With pleasure.

Mr. HEWITT, of Alabama. This is a case that does not fall under the pension laws.

Mr. McMILLIN. Because——

Mr. HEWITT, of Alabama. Because at the time this man was frost-bitten he was on leave of absence for twenty-four hours, and it has been the uniform ruling of the Pension Office that a soldier absent on leave is not in the line of duty, and that if he is wounded, or if he contracts disease while absent on leave, he is not entitled to have a pension therefor. This is one of those cases that are rejected upon what we may term technical grounds, and the only thing that makes against the applicant is that there is a little doubt as to whether or not this soldier had been drinking at the time he was frost-bitten. The soldier himself is an old man, and is said to be a reputable man and a man of good standing in the community in which he resides, and he denies that he had been drinking at the time he was disabled. But that was not the ground on which the application was rejected by the Pension Office, because the Commissioner did not believe the allegation of drunkenness to be well founded. If the Commissioner had believed that this soldier was intoxicated at the time he was frost-bitten he certainly never would have recommended the case to Congress. As gentlemen know, there is an act of Congress which has been many years upon the statute-book, by which, in cases where the rules of the office compel the rejection of a claim that is nevertheless regarded as an equitable one, the Commissioner is required to recommend the case to Congress for the passage of a bill for the special relief of the claimant.

Mr. McMILLIN. Mr. Chairman, the gentleman from Alabama [Mr. HEWITT] sees but one difficulty in the way of this claimant, but I see two. There are two reasons, it seems to me, for hesitating about this bill, and they are backed up by very strong circumstances, which tend to show the correctness of the conclusion at which the Pension Office arrived. One is that this man was clearly not in the line of duty at the time he received this injury. The gentleman from Alabama [Mr. HEWITT] speaks of that as a technical objection. It is an objection so substantial that it has governed the ruling of the Pension Office ever since its organization—a ruling the breaking down of which would close up entirely the chasm which now exists between good and evil service, and which determines the question whether, in any given case, a pension shall be granted or denied.

The next difficulty in the way is the intoxication of the claimant at the time he received the injury, and the circumstances to which I wish to call the attention of the House are these: there is a law which has been on the statute-books for years allowing this man to apply for and receive a pension, if entitled to one at all; yet forty-four years—nearly half a century—after the disability should have accrued, Congress is called upon for the first time to interfere in his behalf, and, for aught that appears here, he never even thought that he was entitled to a pension, or never thought so sufficiently to induce him to apply to the Pension Office until more than a quarter of a century after the disability accrued. Can this committee believe, in view of these circumstances, that this claimant himself believed that he was entitled to a pension? It seems to me not.

I simply desired to make this statement. I know it is said that the claimant is old; but if there is to be no distinction between faithful service and that service which was at least questionable, then the distinction between a good soldier and a bad one vanishes, and glory in the arms of the country is gone.

Mr. HEWITT, of Alabama. Though this man, when discharged from the Army, being a young man and able to work, notwithstanding he had been frost-bitten or otherwise injured in the service, saw proper to struggle and try to make a living for himself for a quarter of a century, I do not think that is any good reason, provided he was entitled to a pension, why the Government should not give him a pension in his old age. The gentleman from Tennessee [Mr. McMILLIN] seems to think that because we did not pension this man immediately after his discharge, he ought not to have a pension at all; that this fact is a reason why he should not have a pension.

Mr. McMILLIN. The gentleman misunderstood me if he supposes me to reason in that way. I did say that the fact of the man having waited nearly half a century before applying for a pension was a circumstance tending to show that he himself did not believe he was entitled to a pension.

Mr. FIEDLER. I wish to correct the gentleman on that point. This soldier did not wait for half a century before making his application.

Mr. McMILLIN. How long?

Mr. FIEDLER. I do not know exactly how long.

Mr. McMILLIN. It is nearly half a century since this soldier was discharged.

Mr. FIEDLER. As the gentleman from Alabama has suggested, this man, although partly disabled, was able for some years after his discharge to make a living. He has, however, had an application pending for a pension for some years; but he had no "friends at court" to take care of his application; he did not understand what was the cause of the delay in his case until he came here himself last winter, when the Commissioner of Pensions advised him to have a bill introduced, and stated that he had no doubt Congress would grant the application for a pension, as under the law the Commissioner could not grant it.

Mr. HEWITT, of Alabama. Now, Mr. Chairman, the same argument urged by my friend from Tennessee [Mr. McMILLIN] against granting a pension to this old man could be urged against two-thirds of the pension claims presented to Congress. The same argument could be urged against every man who has filed a claim in the Pension Bureau during the last eight or nine years based upon service rendered in the last war, because, unless his injury dates back to that war, to the time he was in the service, he is not entitled to a pension. I repeat that the argument which the gentleman from Tennessee has urged against this bill might be urged against two-thirds of the claims pending to-day in the Pension Bureau and against four-fifths of the claims which are presented to Congress.

But again, the gentleman says that this man is not entitled to a pension because when he incurred the injury he was not in the line of duty. I admit that under the letter of the law as construed by the Pension Bureau he was not entitled to a pension. But for the construction which the Pension Bureau has been giving this law for so long a time this man would have been put upon the pension-roll without the necessity of application to Congress.

I remember very distinctly that in the Forty-fourth or Forty-fifth Congress I reported to this House a bill to pension the widow of a soldier who had served in the late war, the circumstances being substantially these: Having had a furlough for thirty days to return home, the soldier at the expiration of his thirty days, or just before, started to return to his command, and while on his way was accidentally killed. The widow having applied to the Pension Bureau for a pension, the bureau decided she was not entitled to be pensioned because the soldier was not in the line of duty when accidentally killed.

Mr. BROWN, of Pennsylvania. Was not that bill reported upon the theory that while returning to his command the soldier was in the line of duty?

Mr. HEWITT, of Alabama. I am speaking of what the decision of the Pension Bureau was upon that case. I think if I had been Commissioner of Pensions and had been called upon to decide that case I would have held that the soldier was in the line of duty, because it was his duty upon the expiration of his leave of absence to return to his command. I reported that bill upon the ground that the soldier was in the line of duty, and his widow was entitled to a pension. That bill was reported in the Forty-fourth or Forty-fifth Congress—I do not remember which; and it passed this House. I think it passed the Senate. If it did not it ought to have passed there.

Mr. GIBSON and Mr. WARNER, of Ohio, rose.

The CHAIRMAN. The Chair recognizes the gentleman from West Virginia [Mr. GIBSON].

Mr. WARNER, of Ohio. Before the gentleman from Alabama takes his seat I would like to ask him a question. I wish to inquire whether the Commissioner of Pensions has not recently changed the ruling of the office on that point, so as to admit cases of this kind. Without making any opposition to this case, I merely inquire whether a late ruling of the Commissioner—I do not know that it has yet been published, but I understand such a ruling has been made—would not admit this case, although it would have been, under the previous rulings, rejected. I understand the ruling of the Commissioner now to be that where a soldier was temporarily absent from his command for a day or two on leave, but within the military lines and subject to recall at any hour, he was really in the exercise of his duty, and if injured at such a time, unless it appears by positive testimony that the injury was the result of his own fault, he is entitled to a pension. I think that ruling is correct.

Mr. McMILLIN. If the gentleman from West Virginia will yield to me a moment——

Mr. GIBSON. Certainly.

Mr. McMILLIN. Does not the gentleman from Ohio know there is an express statute to the contrary of what he says? The rule is——

Mr. WARNER, of Ohio. I am not aware there is a statute contrary to that. On the other hand, I think there is no such statute, and I am inclined to think the ruling of the Commissioner now is the correct ruling, and is really within the intent and meaning of the law.

The CHAIRMAN. The gentleman from West Virginia has been recognized.

Mr. HEWITT, of Alabama. I have not yielded the floor except for a question to the gentleman from Ohio.

Mr. WARNER, of Ohio. Yes. The gentleman yielded to me for a question.

Mr. HEWITT, of Alabama. I have been on my feet all the time.

The CHAIRMAN. The gentleman will proceed.

Mr. HEWITT, of Alabama. I do not know whether the Department has made the ruling, as suggested by my friend from Ohio, or not. I only have to say if he has not done it, he ought to do it. That is what I think is the law.

Mr. WARNER, of Ohio. I think it is the law, too.

Mr. HEWITT, of Alabama. I think this soldier if he was injured by being frost-bitten, on twenty-four hours' leave, was in the line of duty, unless he was drunk or something of that sort.

Mr. WARNER, of Ohio. Subject to call at any minute.

Mr. HEWITT, of Alabama. If he was drunk I do not think he should have a pension. If the testimony specified he was drunk I do not think the Commissioner would have recommended this case to Congress. The decision of the Commissioner was based on the old rule, that being absent on leave he was not in the line of duty, and therefore not entitled to a pension.

Mr. GIBSON. Mr. Chairman, it is not a pleasant matter for me to object to the pensioning of any disabled man. I know what it was to have been a soldier. I know what it is to be crippled and wounded. I think I can appreciate the hardships that soldiers went through. I am glad to be able to say in all my experience as a soldier during the war, and as a man since then, I have had nothing to occur to break my respect for those honest and brave soldiers who followed the flag of their country, who maintained it in time of war, and who have been a credit to it in time of peace. I am here to-night and at any other time in good faith, as far as my oath of office will allow me, to carry out not only the letter but the spirit of the law in pensioning and supporting those who have lost their lives in defense of their country or their ability to maintain themselves.

But, as I said before, Mr. Chairman, the theory of the pension law was based first upon the maintenance of the man who has been deprived of the power to maintain himself, and then upon the theory of honoring those who deserved honor at the hands of the country. Now here comes a man who was in the regular Army, enlisted in time of profound peace, as a matter of occupation and for pay, in 1837. A few years afterward, when there was nothing to call him out from his quarters, nothing to expose him to the inclemency of the weather, he gets leave of absence in a city where they have police authorities, where they have hospitals, where they have all the provisions which civilized people have adopted for the purpose of taking care of the unfortunate—he goes on leave of absence and comes back frost-bitten; and how can anybody say that occurred in the line of duty or in defense of his country?

And not only that, but the report says that the surgeon who attended him said he was frost-bitten while intoxicated.

Mr. FIEDLER. If the gentleman will permit me, I will interrupt him.

Mr. GIBSON. Certainly.

Mr. FIEDLER. If the gentleman will read the report he will see that it states nothing of the kind. There was a charge made which the soldier denied, and there was no proof presented to substantiate that charge. The charge was indistinct.

Mr. GIBSON. Let me go on. The surgeon says the question was raised at the time of the injury, but that the soldier denied he was intoxicated. Now, that was a matter of proof, but there is no proof contradicting that statement that he was intoxicated, and that this injury occurred while he was intoxicated and not in the line of duty.

I wish to say under my obligations as Representative here, under my duty to the honest citizens who have been kept out of their pensions by this sort of claims, I feel called upon to object to this bill, and I notify the gentleman now that he can not pass it here without a quorum.

Mr. HEPBURN. I ask that the bill be passed over informally.

Mr. McMILLIN. Before that is done I ask the indulgence of the House to read a section of the Revised Statutes. If we apply the rule of enumeration of one thing, in construction of the law, excluding any other, it seems to me the law is as I insisted when the gentleman from Ohio was on the floor. This class of officers are enumerated among those absent who are entitled to a pension according to section 4700 of the Revised Statutes:

> Officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension laws in the same manner as if they were in the field or hospital.

And they are the only classes I have any memory of who are so regarded as in the line of duty.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that this bill be laid aside informally.

Mr. FIEDLER. I object.

Mr. PERKINS. Let me make a suggestion that I think will be satisfactory to all parties. I think that we may be able to enter into a stipulation or compromise which it seems to me would be fair to both sides. I would suggest, therefore, that we take a vote in committee, and if the committee report the bill favorably let the previous question be ordered on it in the House with the understanding that it shall not be considered in the House until we have a quorum present. I think the gentleman from West Virginia will consent to that arrangement.

Mr. GIBSON. If it is understood that it is to be considered only in the presence of a quorum I will not object. I am willing, sir, to fight this case entirely upon its merits and take no technical advantages of any kind. I shall not object to that understanding.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas? The Chair hears none.

Mr. WOLFORD. Mr. Chairman, I desire to be heard.

The CHAIRMAN. The Chair has just submitted the proposition to the committee that a vote be taken in the committee upon laying this bill aside to be reported to the House, with the understanding that if reported favorably the previous question shall be ordered and the bill

disposed of when a quorum is present; to which the Chair understands there was no objection.

Mr. GIBSON. Do I understand the gentleman to propose that the previous question is to be considered as ordered?

Mr. HEWITT, of Alabama. The previous question is ordered but no vote to be taken until a quorum is present.

Mr. GIBSON. I want to ask the Chair a parliamentary question, whether that will cut off debate; or whether if the previous question is ordered it will give an opportunity for the discussion of the bill in the House?

Mr. MORRILL. One hour will be allowed.

Mr. GIBSON. That will be satisfactory to me.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. WOLFORD. Mr. Chairman, a single word on this proposition.

The CHAIRMAN. There is nothing before the committee now but to take a vote on the proposition, which has been assented to on all sides.

Mr. WOLFORD. I suppose before a vote is taken it will be in order to discuss the bill. I want to say a few words on this bill.

The CHAIRMAN. The Chair will state to the gentleman from Kentucky that a discussion is not now in order, as unanimous consent has been given to close the debate and come to a vote upon the bill on the terms suggested.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY C. AXLINE.

Mr. McCOID. Mr. Chairman, I ask consent now to call up the bill (H. R. 6653) granting a pension to Mary C. Axline and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place the name of Mary C. Axline, widow of Jacob Axline, late a private in Capt. Hickman Mills's company of Missouri Enrolled Militia, on the roll of pensioners of the United States, at the rate of $12 per month.

The report (by Mr. HOLMES) was read, as follows:

That claimant is the widow of Jacob Axline, who was a first lieutenant of the "Hickman's Mills" Enrolled Missouri Militia, who was enrolled April 5, 1862, and was killed by "bushwhackers" June 1, 1864.

The application of the widow was rejected by the Pension Office November 2, 1875, on the ground "that the person on whose account pension is claimed was a member of the Enrolled Missouri Militia, and that the claim was not prosecuted to a successful issue within the time prescribed by law."

It is disclosed by the evidence in the case that the officer, who had been commissioned first lieutenant of the company after enlistment was passing from Hickman's Mills, where his company was stationed with a part of the Second Colorado Cavalry, to Westport, Mo., another military station, and was shot and instantly killed by concealed bushwhackers, who made their escape.

It is also in evidence that the widow has never remarried. Your committee think the widow of this officer, who lost his life in defense of his country, should receive a pension, and therefore recommend the passage of the accompanying bill, amended, however, by striking out the word "private," in line 5, and inserting the words "first lieutenant," and by striking out all after the word "militia," in line 6, and inserting in lieu thereof the following: "Subject to the provisions and limitations of the pension laws."

The amendments recommended by the committee were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

HARRIET A. B. CORTS.

Mr. PATTON. Mr. Chairman, I call up the bill H. R. 8038, and ask that it be put upon its passage. It is a bill granting a pension to Harriet A. B. Corts.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet A. B. Corts, widow of George P. Corts, late an assistant adjutant-general of volunteers, and pay her a pension at the rate of $50 per month from and after the passage of this act, the same to be in lieu of the pension now received by her.

The report (by Mr. PATTON) was read, as follows:

That the claimant is the widow of George P. Corts, late assistant adjutant-general Second Brigade, Third Division, Second Army Corps, United States volunteers. He entered the service in Pittsburgh, Pa., April 29, 1861, in the Twelfth Pennsylvania Volunteers, deciding to do so the very day that Fort Sumter was fired upon. This was a three months' regiment and upon the expiration of his term of service he returned to Pittsburgh, and in connection with the late General Hays within a few days raised the Sixty-third Pennsylvania Volunteers. He served with that until he was commissioned by President Lincoln an assistant adjutant-general of volunteers "for bravery on the field," and assigned to the staff of General Alexander Hays. He served with him until he fell, May 6, 1864, in the battle of the Wilderness. In that battle the husband of the claimant was shot through the shoulder, and though he recovered sufficiently to do some light court-martial duty, he was mustered out, suffering from his wounds until he died from their effects April 18, 1870.

The nature of the service he gave his country may be understood from the report of General Hays of the battle of Gettysburg:

"Capt. George P. Corts, assistant adjutant-general, and my aid, Lieutenant Shields, of the Sixty-third Pennsylvania Volunteers, were constantly by my side, exhibiting, as always heretofore, self-possession and courage of the highest order. Captain Corts lost two horses killed under him."

Immediately after the battle of Bull Run Mrs. Corts came to Washington to attend her brother, who was seriously wounded, and finding the greatest need of laborers in the hospitals, went to work as a nurse. For about one year she was a volunteer nurse in Ward D, Armory Square hospital, and then for two years and over engaged under the auspices of the Michigan Soldiers' Relief Association, visiting over twenty hospitals in and around Washington each week regularly, and supplying stores as the soldiers' needs required, as well as aiding in their collection.

After the death of her husband Mrs. Corts made application and was pensioned at the rate of $20 per month from the death of her husband. She now asks that this be increased on account of her own services. It appears by her petition that her services for over three years were given without any pay whatever, besides several hundred dollars of her own money, which she had earned as a teacher, and paid her own expenses while she worked as a nurse. She was married in 1864, but continued her work as a nurse till the war closed, in 1865.

She has also lost a brother, who died of wounds contracted in the service, and her father is also unable to support himself by reason of disease contracted in the Army, and partially dependent upon her for support. She has a daughter also dependent upon her. Mrs. Corts is also suffering from a broken ankle, and is less able to support herself, or those dependent upon her, and it also entails much additional expense. She has no property, and no one to look to for assistance or support.

The following exhibits are presented in support of her claim:

"In view of all these facts, the gallant services of her husband, and her own long and valuable services as a nurse, given without fee or reward, the death of her brother, and disability of her father, and her own dependent condition, your committee recommend the passage of the bill, with the following amendment: 'Strike out the word 'fifty,' in line 8, and insert 'forty.'"

Mr. HEWITT, of Alabama. I desire to ask the gentleman reporting this bill one or two questions: First, this is an increase of pension based upon the gallant services of the husband of this lady?

Mr. PATTON. No, sir, not altogether; partly that and partly upon her own services as nurse.

Mr. HEWITT, of Alabama. His rank was that of captain?

Mr. PATTON. Yes, sir.

Mr. HEWITT, of Alabama. Then you propose to increase the pension to $40. She is drawing a pension now of $20 as the widow of a captain?

Mr. PATTON. Yes, sir.

Mr. HEWITT, of Alabama. And you propose to increase it to $40 because she herself acted in the capacity of a nurse?

Mr. PATTON. Yes, sir.

Mr. HEWITT, of Alabama. Therefore you propose to give a double pension. Is that the idea?

Mr. PATTON. If the Clerk will read the appendix or letters in connection with this report I think the gentleman from Alabama will have no objection.

Mr. HEWITT, of Alabama. I do not care to have it read. But I did not want the pension to be based upon the idea alone of her being the widow of a gallant officer of the rank of captain, because I did not wish to establish that precedent. But if it is based upon the ground that she acted as a nurse in the service, we having heretofore pensioned nurses from $20 to $25 a month, I do not object.

Mr. BAGLEY. If the gentleman from Alabama will permit me a moment I will say, in reference to this bill, that I remember distinctly when it was considered in the committee it was based upon her services as nurse. She was getting $20 a month as a widow's pension, and her military services in the field as a nurse were deemed sufficient to warrant this additional pension. That was the consideration that influenced the committee.

Mr. MATSON. I desire to say in addition that while the action of the committee was distinctly upon the ground of her services as a nurse, still so far as I was individually concerned I thought she ought to have an increase of $5 more than she gets here because other nurses had been pensioned at $25; and I thought she should have $45 instead of $40. So I remember distinctly that the action of the committee was based wholly upon the proposition that she deserved the increase of pension because of services as nurse.

Mr. WARNER, of Ohio. I would much rather see the sum voted to this widow paid for her services as a nurse, and not confound pensions with service. There is a bill on the Calendar, and I trust it will pass yet this session and become a law, to pay all nurses $25 a month for the time they were employed as nurses less the sum they have already received. That would apply, of course, to this lady, as to all other nurses.

Now the distinction between a pension and pay for service is clear, and I do not think they ought to be confounded. I do not like myself this mixing of pensions, because they will be taken as precedents hereafter, say what you will on this floor. It will be referred to as a case where one widow of a captain has had a pension of $40 a month, and consequently we should give it to another.

The widow of a major-general who was a volunteer and killed in battle is entitled to only $30 a month under the law. I do not think it wise to combine pension and pay, which seems to be what is proposed in this bill, although it is claimed otherwise.

I think the pension should be left at $20; or, if you will, make it $30, and give as much as to the widow of a major-general under the law; but do not confuse pension and pay. Leave this widow to draw her pay under the bill which I believe will become a law. The House will be asked to pass it the first opportunity. Leave her to draw her pay under that with other nurses, and let her pension be separate and distinct from pay. I for one do not like the combination.

Mr. HORR. I do hope this House will not postpone this lady's case until we can pass the bill to which the gentleman from Ohio refers through the House.

Mr. WARNER, of Ohio. Is the gentleman from Michigan going to oppose it?

Mr. HORR. I am not going to oppose it; but I think the time would never come when this lady would get anything under it. I judge from my experience in passing meritorious bills.

The amendment was agreed to.

The CHAIRMAN. The question is: Shall the bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. WARNER, of Ohio. I shall vote against it.

The question being taken, it was decided in the affirmative.

The bill as amended was accordingly laid aside to be reported to the House with the recommendation that it do pass.

THOMAS M'GILL.

Mr. RYAN. I call up the bill (H. R. 8133) granting a pension to Thomas McGill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas McGill, late first-class pilot on the steamer Sally List.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 436) granting a pension to Thomts McGill, submit the following report:

We find that in 1864 the steamer Sallily List was employed by the United States Government and was used in transporting troops and supplies between Louisville, Ky., and the mouth of Red River. On or about the 25th of May, 1864, while the boat was under the orders of General A. J. Smith, commanding the Union forces at Vicksburg, it was ordered to Memphis. While on the river and near the foot of Yellow Bend, on the Arkansas side of the river, the boat was fired upon by a force of confederate soldiers, commanded by General Marmaduke. The boat was badly damaged and claimant was severely wounded. One shot entered the right shoulder, penetrating the body and coming out at the back; another shot pierced his left wrist. Claimant was at the time of receiving the wound pilot of the steamboat.

The proof seems conclusive that the steamer was in Government employ at the time that claimant was occupying the dangerous and responsible position of pilot, and while faithfully discharging his duty received the wounds as above described. The Pension Office could not grant a pension for the reason that he was not an enlisted man. The committee have uniformly recommended pensions to employés wounded in battle, and they therefore recommend the passage of the bill.

Mr. McMILLIN. I suggest to the gentleman from Kansas that he should allow that bill to be passed over informally. It is for the pension of a man who never was in the military service; a mere employé in a civil department, that happened to be transporting troops.

Mr. RYAN. I think we ought not to do as the gentleman from Tennessee has suggested. The House has never yet refused to pension a man who, as a civilian, was employed in the military service during the war, and sustained injuries while so employed, especially when he was absolutely wounded. This man, in the performance of his duty, was wounded through the body and through the wrist, and has in consequence been wholly disabled.

Mr. HEWITT, of Alabama. I ask my friend from Kansas if this man was acting under military orders?

Mr. RYAN. Yes, sir; he was under the command of General A. J. Smith.

Mr. CUTCHEON. I would suggest to the gentleman from Tennessee [Mr. McMILLIN] that this man was performing a duty which an enlisted man could not perform, a duty requiring particular and special knowledge of the stream he was navigating; and no enlisted man could have been detailed for the work. They had to call on such men for that service.

Mr. WARNER, of Ohio. And he was acting under orders in a military capacity.

Mr. MATSON. Not only was he acting under military orders, but he was in the performance of a military act at the time he was wounded. Not only that, but he was placed in perhaps as dangerous a position as a man could be placed in while acting as pilot under the circumstances. In addition to that, let me say there are a large number of precedents of pensioning men of this very class—I mean pilots—because they were engaged in an extremely hazardous service, military in every sense of the word. It seems to me this is as strong a case of the kind as can be presented, and it is necessary to appeal to Congress to get any remedy or aid at all.

Mr. McMILLIN. I shall not take the course with this case that I would take if it were the case of an exclusively civil employé. The service this man did may have been a forced service, as occasionally occurred at that time. If it had been a service which this man could have avoided at his will, he not being an enlisted man, I would have made the question of a quorum to the last.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

OLIVE W. PARKER.

Mr. MILLIKEN. I call up the bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Olive W. Parker, widow of Stephen N. Parker, deceased, late of the Ninth Battery Massachusetts Volunteers.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3901) granting a pension to Olive W. Parker, having had the same under consideration, report as follows:

The claimant is the widow of Stephen N. Parker, late a private of the Ninth Independent Battery of Massachusetts Light Artillery Volunteers, who was enlisted on July 20, 1862, and was mustered out June 6, 1865, and who claims to have been injured by the bursting of a shell at the battle of Gettysburg, Pa., July 3, 1863, and who died subsequent to his discharge from the service in consequence of inflammation of tonsils, and whose claim for pension was pending at the time of his death and since renewed by the widow of the deceased, but rejected February 8, 1882, on the ground that the disease of which he died was not the same as that contracted while in service.

The committee find that the deceased was probably injured at the time and place alleged, and while in service, as confirmed by the testimony of his captain, Daniel Marston, late of the Ninth Massachusetts Battery, and Horace Prescott, late a private in the same battery. The records of his battery are inconclusive as to the disability incurred, and the medical testimony from that source is, through inability of procurement or other cause, wanting.

But Albert H. Blanchard, M. D., late a surgeon of the Third Massachusetts Cavalry, shows that he was acquainted with the deceased both prior and subsequent to his service; that the deceased was a well man prior to his entry into service; that he treated him during the last three years of his life, and knew his condition subsequent to his discharge and up to the time of his death; that he was subject to frequent attacks of headache, with confused feelings and noises in his head, which amounted to disease; that he was incapable of performing ordinary labor in consequence, except with great difficulty; that this condition was precisely such as would result from concussion of the brain, and, in his opinion, did result from that cause. The deceased was also treated, subsequent to discharge, by Charles H. Boody, a practicing physician of Wayland, Mass., who confirms the testimony and opinion of Dr. Blanchard.

From all the testimony adduced the committee are of the opinion that, while the deceased came to his death from inflammation of tonsils, which disease might have been contracted subsequent to his discharge from the service of the United States, he evidently was also suffering from a disordered condition of his head, resultant from concussion caused by the bursting of a shell in the battle of Gettysburg, and should have been entitled to a pension therefor.

The committee therefore report the bill favorably, with a recommendation that it do pass.

Mr. HEWITT, of Alabama. I would like to ask the gentleman who calls up this bill if this pension is based on the ground that the death of this soldier was the result of the wound that he received in the service or of disease contracted while in the service and in the line of duty, or is it based on the idea that the soldier himself would have been entitled to a pension for the wound, and, although he may have died from some cause that had no origin in the war, yet the husband having been wounded, being entitled to a pension for that wound, the widow should have a pension? Does this case go upon the idea that widows of all the soldiers who may have been entitled to a pension and who died are also entitled to a pension although the disease that caused the death may not have any connection with the war? That is the question I wish answered.

Mr. MILLIKEN. I do not so understand it, Mr. Chairman. I was not there myself; I did not see this man either get the wound or die; but I have some statements here from which I understand the case in this way: That this man was at the battle of Gettysburg there is no question; that a shell burst over his head and caused concussion of the brain there is, I believe, no question. Then, I understand that for three days after that he knew nothing at all, and that from that time up to the time of his death he was very often confused, sometimes out of his mind, and gave his family a great deal of trouble in searching for him when he wandered away. I understand, too, that he had a sore in his head which discharged frequently, and which some of the physicians testify (I believe that is in the report) was such a sore as would very likely be caused by a concussion of the brain.

Mr. HEWITT, of Alabama. Mr. Chairman, that is all I desire to know. If this pension is based upon that idea, then I have no objection to the bill.

Mr. RAY, of New Hampshire. If the gentleman from Alabama [Mr. HEWITT] will give way for a moment, I will state that it is the opinion of the committee that the evidence in this case is such, that if this man had made application himself for a pension he would undoubtedly have obtained it, but he died before any application was made, and when it was made it was rejected upon the ground that the immediate cause of his death was this disease. But the committee think that if the man had made application in his lifetime he would have obtained a pension beyond any doubt, because the evidence is quite clear from his captain and from one or two comrades that he was injured in the way stated by the gentleman from Maine [Mr. MILLIKEN]. Therefore, the Government having paid no pension at all in this case up to the present time, and the widow being poor and needy and an old lady, we are inclined to think that the pension ought to be granted.

Mr. MILLIKEN. Mr. Chairman, allow me to say one thing further. I understand that this man in one of his insane attacks wandered off into the woods; that while he was there one of these fits came upon him, and that being thus away, with no one to attend to him, he caught a severe cold, from which this trouble in the tonsils resulted and from which he died immediately after; so that in fact his death was directly traceable to his wound.

Mr. WARNER, of Ohio. And that is the theory upon which this pension is proposed to be granted?

Mr. MILLIKEN. Yes.

Mr. HEWITT, of Alabama. If that is the theory, I have no objection to the bill.

Mr. MILLIKEN. That is the theory.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LAVISA HETH.

Mr. STOCKSLAGER. I call up the bill (H. R. 7524) granting a pension to Lavisa Heth.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Lavisa Heth, widow of Wilford S. Heth, late a private in Company F, Forty-ninth Regiment Indiana Volunteers, on the pension-roll, subject to the limitations of the pension laws.

The report (by Mr. MATSON) was read, as follows:

The husband of this claimant was a good soldier, with a record extending through the whole war, having served in the Forty-ninth Indiana Volunteers and in the One hundred and Forty-fourth Indiana Volunteers. He incurred rheumatism in the military service and suffered therefrom up to the time of his death. The immediate cause of his death was a heart-clot, which occurred while he was suffering from a severe attack of pneumonia. The Pension Office could not, upon the certificate of the physician attending him in his last illness, grant the widow a pension, as rheumatism was not the immediate cause of his death. He states in his affidavit, however, that rheumatism rendered him more liable to heart-clot.

It appears to your committee, therefore, that there was a sufficient connection between the cause of death and the disease which originated in the service to enable us to justify a favorable report in this case, particularly in view of the faithful services of the soldier, and the needy and helpless condition of his widow, which is clearly established by abundant testimony,

Mr. HEWITT, of Alabama. Mr. Chairman, I understand that this bill is based upon the same idea as the last one, namely, that the disease, rheumatism, contributed to the death. That being so, I have no objection to the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

PRISCILLA J. SMALL.

Mr. MURRAY. I call up the bill (H. R. 2540) granting a pension to Priscilla J. Small.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-roll, subject to the provisions and limitations of the pension laws, the name of Priscilla J. Small, widow of Andrew J. Small, late a lieutenant of company H, First Regiment Ohio Volunteer Cavalry.

The report (by Mr. LE FEVRE) is as follows:

Andrew L. Small was commissioned first lieutenant of the First Regiment Ohio Volunteer Cavalry March 18, 1865, but first enlisted on the 27th day of August, 1861, in Company I, First Regiment Ohio Volunteer Cavalry. He was finally mustered out of the service September 13, 1865. His record as a soldier is excellent. He died at Piqua, Ohio, November 4, 1874, and the claimant was granted a pension at the rate of $17 per month from November 4, 1874, the date of her late husband's death, and increased $2 per month from the same date on account of one child under 16 years of age at the date of the soldier's death.

The pension was originally granted upon the following evidence:

John B. Small, on November 25, 1878, in an affidavit, made oath as follows:

"I was duty sergeant in Company I, First Ohio Volunteer Cavalry, in the war of the rebellion. My brother, Andrew L. Small, was acting first lieutenant of same company. We served together over four years. I was with him before and at the time of the departure of said company from Hilton Head, S. C. My brother was afflicted with a dry, hacking cough during the most of our stay at Hilton Head, and had occasional fever, but did not call on or was not attended by the surgeon of the regiment or any other physician. I went with him from Hilton Head to New York by ship, and from thence to Columbus, Ohio, where we were discharged from the service at Camp Chase. All through the journey he was afflicted with a dry, hacking cough and occasional fever, and his expressed determination to bring the company home deterred him from employing a physician. The cause of the disease was exposure in the service, which increased gradually until we left Hilton Head, and was further aggravated by the crowded condition of the ship to New York and traveling in crowded box-cars from New York to Columbus, Ohio. Upon our arrival at home, in Piqua, he employed his old family physician, Dr. H. H. Smiley, who treated him before we separated. My brother never recovered from the disease above mentioned."

In a subsequent affidavit the same witness testified as follows:

"I was associated with Andrew L. Small almost continually after our return home, seeing him every week and sometimes oftener, until his death, and the disease which he had on returning home gradually increased until the time of his death."

Dr. H. H. Smiley, under date of November 30, 1878, testified as follows:

"I was called to prescribe for Andrew L. Small September 14, 1865, and found him suffering from attack of lung fever; found inflammation greater in the left lobe of lung. The case became chronic, and the patient was unable to take any exercise requiring effort for five or six weeks. Bronchial respiration became apparent, with dullness and more or less hectic fever. About the end of three months hepatization of left lobe of lung and adhesion followed. At the end of the first year the patient became able to attend to light duties, but continually suffered more or less pain; he was obliged to quit his occupation as a carpenter and tried to work upon a farm, but was never able to perform hard labor without bringing on palpitation of the heart. He suffered from night-sweats, and there was never a lapse of six months but I was called to treat him. He continued in this condition until the last year of his life when he became feeble and short of breath, could not breathe easily during the night, and was often obliged to sit up in bed. In the fall of 1874 he became confined to his bed and died on the 4th day of November, 1874. The immediate cause of his death was diffused suppuration of the lungs, diarrhea, and prostration consequent upon previous diseased condition."

G. W. Enbody and William F. Blood, comrades of Andrew L. Small's company, testify that—

"He had sickness and fever on his way from Hilton Head to New York, and from New York to Columbus, Ohio. The steamer was greatly crowded, and from New York to Columbus they rode in crowded box-cars."

J. M. Sellenberger, another comrade, under date of November 30, 1878, testifies:

"On what was known as Wilson's raid, in March, 1865, from the Mississippi to the Atlantic, Andrew L. Small was attacked with disease of the lungs, which manifested itself by almost constant coughing and some fever, and this condition seemed to increase until we were discharged from the service. He was a sound man previous to enlistment."

W. F. Blood, another comrade, testifies:

"I was with Andrew L. Small on the Wilson raid, and heard him complain of trouble with his lungs, and he had a hacking cough and fever. Was with him on the journey home, and he was sick all the way home, and from that time to the date of his death never recovered his health."

Charles Wolfram, another comrade, testifies in substance the same as affidavits already quoted of other comrades.

Casper Miller and Charles W. Alexander, both neighbors, testify that—

"We were intimate with Andrew L. Small while in the Army, and lived near him from the time of his return from the Army until the date of his death. When he returned from the Army he was afflicted with a lung disease, manifested by a severe cough, from which he never recovered, but grew gradually worse until the date of his death. There were times when he would be relieved temporarily, but not long at a time, and he always complained of disease of the lungs."

Dr. Kitzmiller, of Piqua, Ohio, May 21, 1878, testified:

"I knew Andrew L. Small to be a sound and healthy man previous to enlistment. I saw him after his return from the Army, and he had the appearance of one suffering from some organic disease, and he grew worse until his death in December, 1874. Dr. H. H. Smiley was his physician."

Against this great array of testimony, given by so many comrades and neighbors, a special examiner was sent in the summer of 1883, and upon his report Mrs. Priscilla J. Small was dropped from the pension-rolls. Some testimony was obtained tending to show that the immediate cause of Andrew L. Small's death was not what has been stated by his family physician and friends. In commenting upon this examination Stephen Johnston, an attorney of Piqua, Ohio, who stands above reproach both for integrity and ability, wrote to the Pension Department, August 20, 1883:

"I demand an investigation of Special Examiner Edmunds, and charge that in the pension case of Priscilla J. Small—

"(1.) That before he took any evidence in the case he declared in the presence of reputable witnesses that he would set aside this pension, no matter how much evidence she was able to produce.

"(2.) Because in taking the evidence he attempted to suppress evidence material in the case.

"(3.) Because he disregarded the usages of courts in taking evidence.

"(4.) Because he acted as a detective instead of a judge.

"(5.) Because he sought to obtain the testimony of witnesses that he knew to be swift and unfair in their evidence."

Your committee has examined this case with great care, and the conclusion is that Special Examiner Edmunds, in preparing his report, seemed to ignore the rights of the pensioner in order to gratify his desire to make a personal attack upon worthy and reputable persons toward whom he had obtained a personal dislike, and who, since his report, have been vindicated from all the charges he saw fit to make.

The charges made your committee have not deemed it necessary to repeat, because they have been triumphantly disproved in a court of justice.

The passage of the bill is recommended.

Mr. WARNER, of Ohio. I would like to ask the gentleman whether that special examiner is still in the service?

Mr. MURRAY. I understand that he is, but I think he ought not to be.

Mr. WARNER, of Ohio. And, if so, where he was during the last election? [Laughter.]

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

HARRIET M. BAILY.

Mr. HANBACK. I call up the bill (H. R. 7602) granting a pension to Harriet M. Baily.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harriet M. Baily, widow of William P. Baily, late a colonel in the service of the United States of the Second Regiment of Delaware Volunteers.

The report (by Mr. MORRILL) was read, as follows:

We find that Harriet M. Baily is the widow of Col. William P. Baily, of the Second Regiment of Delaware Volunteers. Colonel Baily enlisted July 16, 1861, and was discharged May 16, 1864. January 12, 1877, he applied for and received a pension for paralysis. He died February 1, 1877, being at the time utterly helpless, requiring the constant aid and attention of another person, and receiving the highest pension allowed under the law. The immediate cause of his death was acute pneumonia, and the Pension Office was compelled to reject the application of claimant on the technical ground that the disease from which he died was not the result of his military service.

The attending physician, Dr. Monroe B. Long, of Plainfield, N. J., testifies that he was for five years the medical attendant of Col. W. P. Baily.

"He has been greatly affected with paralysis agitans and its nervous complications, such as paralysis of the eyelids, of the laryngeal muscles, of loss of control of the muscles of the limbs and body generally, requiring constant care and attention in dressing, eating, walking, &c. * * * Thus for years he passed a miserable existence, until the last illness terminated in death."

The doctor then describes the last illness as acute pneumonia, and adds:

"I have known Mrs. Harriet M. Baily for years, and consider her a lady to be admired for her long, patient, and faithful care of her afflicted husband, for honesty of purpose in the pension matters connected with herself, and as a lady of good standing in society."

Colonel Baily's terrible condition was caused by a wound received at Fredericksburg, Va., December 13, 1862. A few weeks would have probably ended his miserable existence had not the attack of pneumonia terminated fatally, and it is highly probable that had it not been for his enfeebled condition his system might have resisted the fatal disease.

Your committee recognize the fact that the Pension Office could not, under existing laws, grant the pension, but they believe that claimant is in equity entitled to it, and therefore recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

MARK SPENCER VAN LOAN.

Mr. BAGLEY. Mr. Chairman, I call up the bill (H. R. 7822) granting a pension to Mark Spencer Van Loan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mark Spencer Van Loan, of Catskill, N. Y., late a private in Company K, Eighteth New York Volunteers.

The report (by Mr. BAGLEY) is as follows:

The claimant enlisted in Company K, Eightieth New York Volunteers, as a private, February 26, 1862, and was discharged November 28, 1862. He filed a declaration for pension May 25, 1880, and it was rejected on the ground that the records of the War Department show that the alleged disability (left inguinal hernia) existed prior to enlistment.

The claimant, in his affidavit, alleges that the rupture was caused while on the retreat from Cedar Mountain the day after the battle; that his company, among others, was sent to Cedar Mountain to re-enforce some other troops, and upon arriving there ascertained that the confederates had gone, and that his company was then turned back to go to Rappahannock Station. He was detailed to guard some baggage-wagons, and while on a run he stumbled over a stone or rock in the road which was concealed from view by the wagon just ahead, and he fell to the ground. Upon arising he experienced a severe pain in the side, which proved to be a rupture.

Upon arriving at Frederick, Md., he told an officer he could go no farther; went to the hospital at that place, and was afterwards sent to Capitol Hospital at Washington, and afterwards transferred to Fort Schuyler, N. Y., where he performed some guard duty. Applied to Robert Barthalo, United States Army surgeon, who examined him, and gave a certificate stating that he found him incapable of performing duty because of a left oblique inguinal hernia. It is on this certificate that the entry appears, "Existed prior to enlistment," which fixes the record in the War Department.

Claimant states emphatically, under oath, that he "never made such a statement, and that it is positively untrue, but that the injury was received at Cedar Mountain. Never saw any of the company officers after that. The only one of my comrades who knew how I was injured was John Young, my tent-mate, who died many years ago." Captain of the company was killed at Gettysburg, and the first lieutenant was afterwards killed. Hence he can get no testimony of officers. Hernia kept growing worse until he got home and used a truss. Is now incapacitated for heavy labor.

Adjutant-General's report states: "January and February, 1862, present." Same report to June 30, 1862. July, August, September, and October, 1862, was absent sick in general hospital. Discharged on surgeon's certificate of disability November 28, 1862.

Surgeon-General's certificate states: "Entered general hospital, Frederick, Md., September 14, 1862, and was transferred September 24, 1862. Entered Capitol general hospital, Washington, D. C., September 25, 1862 (diagnosis not given), and was transferred October 7, 1862, to general hospital, Fort Schuyler, N. Y., October 10, 1862, with hernia, and discharged from service November 28, 1862."

Examining Surgeon J. Jewell says that from the evidence before him it is his opinion that the said disability did originate in the service in the line of duty, and that the disability is permanent. Claimant has a left inguinal hernia, and it descends into the scrotum.

Upon the question of prior soundness the testimony of Horace Barker, captain of a barge on which Van Loan worked during the year 1860, is presented. He says claimant's work was to assist in loading and unloading freight, which consisted of hay, butter, pork, leather, and other produce; that the work was such as to require heavy lifting and hard work, and that claimant was able to and did perform such labor, and that no man with a rupture could have performed such work. There were but three deck-hands on the barge, including Van Loan, who did the heavy work.

Samuel L. Penfield, owner of the barge on which Barker was captain, says, substantially, that claimant was employed by him, and corroborates the evidence of the captain, and that claimant did the work of a sound, able-bodied man; that after his return from the Army he was unable to perform hard work, and has been employed as a flagman at a railroad crossing part of the time during the summer and autumn, and that he has received small pay because of his inability to do hard labor.

Walton Van Loan, brother of claimant, says that nothing was known of the soldier having hernia until his return from the Army.

William L. Du Bois, druggist, testifies to having furnished claimant with a truss several times.

William P. McLawry, M. D., at an examination made January 3, 1885, says that Van Loan has a large inguinal, indirect hernia of one side, easily reducible, but very difficult to retain even with a strong truss. It incapacitates him from all heavy work, and even a slight cough brought it down in spite of well-directed and pretty firm pressure.

The claimant is very poor; has a family, consisting of wife and three children, and oftentimes is obliged to ask aid of the charitable. He is an honest, sober, moral man, willing to work, if able. He withheld his application for a pension to a late day for the reason that he had an aversion to appealing for such relief, but his necessities finally compelled him.

The committee think it a deserving case, and believe his disability was incurred in the service, and recommend the passage of the bill.

Mr. BAGLEY. Mr. Chairman, I will state the facts of the case. This man entered the service in 1861, and was a good and faithful soldier. On the retreat from Cedar Mountain, while guarding a cattle-train and on the double-quick, he stumbled and fell over a stone, which caused hernia. The Pension Office rejected his application on the ground that the disability was incurred prior to enlistment. The only evidence in the War Department that goes to establish such a state of facts is the statement in his certificate of discharge that the disability was incurred prior to enlistment. The man himself swears positively that he never made any such statement; that the officer who wrote the certificate had no means of knowing the facts, and that the statement is entirely untrue. The evidence to show his prior soundness is full and complete. I am personally acquainted with this applicant, this being one of the very few pension bills that I have introduced. I know this to be a meritorious case. The man is poor, has a large family, and is in need of a pension.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

L. W. PITTS.

Mr. HOLMES. I desire to call up the bill (H. R. 7803) granting a pension to L. W. Pitts. It is on page 52 of the Calendar.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of L. W. Pitts, late of Company B, Third Regiment Kentucky Cavalry Volunteers.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7803) granting a pension to L. W. Pitts, having considered the same, report as follows:

The claimant, L. W. Pitts, late a private in Company B, Third Kentucky Cavalry Volunteers, enlisted in October, 1861, and was finally discharged July 15, 1865. His declaration for pension was filed March 20, 1880. He alleges disability from injury received at Owensborough, Ky., in November, 1862, while on detached duty enlisting men, his horse falling and dislocating his left shoulder and finger. Claimant's application was rejected by the Pension Office on the ground of no record; meaning, we suppose, no record of injury, and that claimant has declared his inability to furnish satisfactory testimony to show that his alleged injuries were received in direct line of duty. The fact that claimant was a sound, healthy, able-bodied man when he entered the service admits of no question. There are no regimental hospital records on file, as shown by the report of the assistant adjutant-general. The report of the assistant surgeon-general in this case shows that there are no records of the Third Kentucky Cavalry, nor of the Twelfth Kentucky Cavalry, on file prior to March, 1864; hence the deduction of the Department that there is no record of the injury in the hospital records is evidently not the fault of the soldier but of the regimental surgeon in not keeping them at all.

The evidence in this case shows conclusively that the claimant was injured, that his horse fell on him, that he was absent on recruiting service, and also had an order to arrest a deserter, and that he was in the line of duty at the time. There seems to be very little point in the case to be put in issue, except it be the question of whether he was intoxicated or not; and this is only stated by one witness as a rumor, which, as the evidence shows pretty conclusively, was instigated by malice.

Dr. Littlepage, of the Twelfth Kentucky Cavalry (not claimant's regiment), was called to attend him immediately after the injury at the house of one Boyd, where he was taken, and gives an unqualified statement of the injury to claimant as alleged by him, and also of the serious character of the dislocation of the shoulder. The evidence of the examining surgeons and of all the witnesses is to the effect that claimant is from one-half to totally disabled.

Dr. Dowell, an eminent physician and surgeon, who examined him, says:

"The applicant for pension has the following symptoms: The head of the humerus is partly thrown off the glenoid cavity against the coracoid process. There is projection of the acromion and a hollow under it at the back joint. The head of the bone is prominent in front and may be felt to move in rotating the elbow. He has cramps of the hand, difficulty in raising the elbow, because the head of the bone strikes the coracoid process. Partial dislocation forward is what I diagnosed the trouble, and it is of long standing. I think he is disabled for the performance of manual labor; total, or $8 per month."

Dr. King, another examining surgeon, referring to the nature of the disability, says:

"That the head of the humerus does not enter fully into the glenoid cavity. I believe said cavity to contain an ossific or calcareous deposit. The applicant also has received an injury to distal articulation of left-hand third finger."

Both doctors give it as their opinion that the disability originated in the service, and that it is not aggravated or protracted by any vicious habits.

Claimant states that he had fulfilled the order of arrest which he carried by taking into custody one Galloway, and were both riding one horse when the horse became frightened, or, as claimant believes, one Adcock struck the horse. Whether the horse was struck or became frightened otherwise is not material. Claimant was unable to control him, and as a result the horse fell upon claimant, dislocating his shoulder and finger. This is testified to by Galloway.

Claimant mentions in a late affidavit the receipt of an anonymous letter, in which the statement is made, "We have owed you a grudge for twenty years; and after waiting impatiently we have met with an opportunity, and embraced it."

Your committee find that the claimant is a man of most excellent character, and the evidence of himself, the witness Calloway, Dr. S. B. Littlepage, assistant surgeon of Twelfth Kentucky Cavalry, that he was called to treat claimant at Boyd's farm about October, 1862, found his left shoulder dislocated, that he reduced it, administered to his wants, and returned to Owensborough, and did not treat him any more, we think prove this case. The doctor further says:

"I remember distinctly of treating L. W. Pitts at the Boyd farm, near Owensborough, Ky. My affidavit was made from memory, but is correct. Having to ride through a country infested with guerrillas to treat the said Pitts perhaps makes the matter more vivid to my memory than otherwise it might be. Pitts, in my opinion, deserves a pension."

It will be remembered that Littlepage was called in from another regiment, and resides now at Rockfort, Ind., and makes his statement without any prejudice against claimant or partiality for him. In view of the fact that claimant appears to be a man of upright character as a citizen, that he served nearly four years as a soldier, and is now in a very helpless condition, all of which is plainly traceable to the injury received while in the line of duty, your committee cheerully recommend him as a proper subject for a pension, and return the bill with the recommendation that it do pass.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a favorable recommendation.

Mr. HEWITT, of Alabama. I think we had better have some explanation of the case.

Mr. HOLMES. As the report is somewhat long, I will state briefly the circumstances. This man, L. W. Pitts, was a soldier in the Twelfth Kentucky Cavalry, and was detached for the purpose of arresting a deserter named Galloway. Pitts had arrested Galloway and was returning with him, both being on the same horse. They were accompanied by another cavalryman on another horse, when the horse on which Pitts and Galloway were riding became frightened. It is alleged in the evidence that the other cavalryman, Adcock, struck the horse of Pitts. But there is some dispute about that, and the fact is immaterial. At any rate the horse became frightened, threw the two men and fell upon Pitts, dislocating his shoulder and breaking one of his fingers. He was quite severely injured, and was taken to the house of a Mr. Boyd, where he was attended by Dr. Littlepage, surgeon of the Twelfth Kentucky Cavalry. It is testified by Dr. Littlepage, as well as other surgeons, that the shoulder of Pitts was very seriously dislocated, and that there is an ossific deposit.

There seems to be no question about the extent of the injury and the justice of the claim. It was rejected at the Pension Office because there was no hospital record; but it appears at the Adjutant-General's Office and the Surgeon-General's Office that no records of the Third Kentucky Cavalry or the Twelfth Kentucky Cavalry were kept; so

that there was probably good reason for the failure to find any hospital record in reference to the injury of this soldier.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it do pass.

There was no objection, and it was ordered accordingly.

RACHAEL A. QUEEN.

Mr. MATSON. I desire to call up the bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen. Before the bill or report is read I wish to state that the report, which was sent to the Printing Office to-day, has been returned for correction. It embodies the original letter of the Commissioner of Pensions recommending the passage of this bill. This case comes from the State of California, and I know nothing about any of the parties. The bill and report are based on the letter of the Commissioner of Pensions, under the resolution of May, 1880, recommending this as a meritorious case.

This claimant is the sister of a soldier who was killed in battle. The Commissioner of Pensions represents to the committee that she is, and has been all her life, terribly deformed; that she was wholly dependent upon her brother; that she has no other relative, is now in a helpless condition, and is an object of public charity. This is the substance of the report. I call up the case because I regard it as one of extraordinary merit.

The bill was read as follows:

Be it enacted, &c., That the Secretary of the Interior be, and is hereby, directed to restore to the pension-roll the name of Rachael A. Queen, dependent sister of Jonathan Queen, late of Company F, Fifth California Volunteers.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

GEORGE S. HAWLEY.

Mr. STEWART, of Vermont. I desire to call up the bill (H. R. 8104) granting an increase of pension to George S. Hawley. This case has not yet been placed on the Calendar because it has been so recently reported.

The bill was read, as follows:

Be it enacted, &c., That George S. Hawley, late a first lieutenant in the Twenty-third Regiment United States Colored Troops, now on the pension-roll at the rate of $24 per month, from and after the passage of this act shall be entitled to receive a pension at the rate of $50 per month.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

George S. Hawley served as a private Company F, Fifth Regiment Vermont Volunteers, from August 27, 1861, to December 15, 1863, when he re-enlisted in the same regiment and served until March 11, 1864, and on the next day (March 12, 1864) was mustered into service as first lieutenant Company E, Twenty-third United States Colored Troops, to serve three years or during the war. He was honorably discharged September 30, 1864, on account of wounds received in action before Petersburg, Va., July 30, 1864. The proceedings of a board of officers convened at Annapolis, Md., September 27, 1864, contain the following:

Case No. 813.

First Lieut. George S. Hawley, Company E, Twenty-third United States Colored Troops.

* * * The board find this officer now suffering from the effects of a gunshot wound in the face; the ball entered on the left side below the malar bone, passing through the hard palate and posterior nares, and emerged through the malar bone of the right side, carrying away the teeth of both sides of the upper jaw, interfering with the function of mastication. The board is of the opinion that this officer will not be fit for duty in the field again, and they recommend he be discharged from the service.

L. P. GRAHAM,
Brigadier-General Volunteers.
G. S. PALMER,
Surgeon, United States Volunteers.
T. HENDRICKSON,
Major, United States Army.

The claimant was pensioned at $17 per month from September 30, 1864, to May 3, 1880, and at $18 per month from that date to — 1883, since which time he has received $24 per month.

Examining Surgeon E. D. Warner, September 6, 1873, thus reports his condition:

"He was wounded by a musket-ball, which entered the left side of the face at the lower part of the antrum, passing directly through and emerging directly opposite. The teeth in the upper jaw were all removed except one back molar. The entire roof of the mouth was all carried away, leaving nasal passages entirely open. The result was a flattening of the antrum on both sides of the face, a long-continued discharge from the face, speech was almost destroyed, deglutition seriously affected in consequence of food passing directly into the nostrils. He can only masticate by artificial teeth and a large plate which covers the entire roof of the mouth. The face is greatly disfigured."

Dr. F. P. Wheeler, examining surgeon, May 3, 1880, reports his condition substantially the same, and adds that without an artificial upper jaw and roof of the mouth Lieutenant Hawley can neither articulate a word nor masticate and swallow food nor drink. Surgeon Wheeler further certifies that the pensioner is suffering with arthritic rheumatism, affecting all the joints and the extremities, and that the pensioner, on account of said rheumatic disease, has not been able for the last year to perform any manual labor, and but very little for the last five years.

Again Dr. Wheeler says:

"I can not resist the conclusion that the disease with which this pensioner is afflicted has been gradually induced by impaired digestion, imperfect assimilation of food, and blood-poison, caused by a lack of those secretions so essential in the preparation of food for the stomach in the first process of digestion, occasioned by the gunshot wound through the mouth."

The same surgeon, November 14, 1881, reports Hawley—

"In nearly a helpless condition; can not walk nor bear his weight upon his feet; has but little use of his hands and arm; can not sustain himself upon crutches; his joints enlarged and stiff from chronic arthritic rheumatism. Pensioner is rendered completely helpless by this rheumatism and can not make a move of any kind without assistance. I find his disability equal to and entitling him to $50 per month."

The pensioner is now in the Soldiers' Home in Montgomery County, Ohio, totally disabled and without property, except his pension. He has a wife and family of young children; has gone to the Soldiers' Home, in order that his dependent family may have the entire benefit of his pension. We call attention to the following statement of Hon. JOHN W. STEWART, member of Congress from Vermont, who has personal knowledge of the facts touching Lieutenant Hawley's unfortunate condition.

To the Committee on Invalid Pensions:

GENTLEMEN: House bill 8104, introduced by me and referred to your committee, granting increase of pension to George S. Hawley, is, in my judgment, meritorious, and I beg leave to submit a brief statement of facts within my personal knowledge.

The nature and extent of the wound and its immediate evil results to the pensioner are sufficiently shown by the records of the case from the Pension Office now before you.

Mr. Hawley is a resident of the town in which I live. He has a wife and a family of young children. He has left them and gone to the Soldiers' Home in Montgomery County, Ohio, in order that his dependent family may receive the entire benefit of his pension, $24 per month. He is totally disabled, and is only able to move about slowly and with great difficulty upon crutches. He can do nothing by way of support, and needs help and care from others. His rheumatic difficulties began when in the service, but his terrible wound so overshadowed lesser complaints that the surgeon was not called upon to notice or treat him for rheumatism, so that the record evidence required by the Pension Office when he made application there for increase of pension could not be produced. Yet from the date of his discharge to the present time this disease has made steady progress, until it has reduced him to helplessness, and he lives a life of daily suffering, from which there will be no release but death. His imperfect mastication, resulting from his wound and the consequent incomplete digestion, have no doubt eminently contributed to aggravate the disease he contracted in the Army. He has no property. I personally know him to be an intelligent, honest, and upright citizen, whose habits are and always have been exemplary.

I do not hesitate to commend his case to your favorable consideration.

I am, very respectfully,

J. W. STEWART, M. C.

JANUARY 27, 1885.

We also append Dr. Hall's affidavit and the affidavit of other citizens of New Haven, Vt., having knowledge of the facts, showing Lieutenant Hawley's soundness before going into the Army and present helpless condition.

Your committee recommend the passage of the bill granting him an increase of pension to $50 per month from and after the passage of the act.

Strike out, in line 5, the word "twenty-four" and insert the word "fifty."

The undersigned, a physician of New Haven, Vt., being duly sworn, hereby deposes and states that he knew George S. Hawley, a former resident of this town, before he entered the military service of the United States; he was then a strong, sound, healthy man; that after his discharge he suffered from rheumatism; that he was for years unable to perform manual labor; that he stated repeatedly to affiant that he suffered pain when he made any movement; that affiant believes that his disability is the result of exposure while in the military service.

E. D. HALL, M. D.

Subscribed and sworn before me this 26th day of December, 1884, at New Haven, Vt.

ALFRED M. ROSCOE, *Notary Public.*

I personally know Dr. Hall, above named, to be a reputable practicing physician of my county.

J. W. STEWART, M. C.

The undersigned residents of New Haven, Vt., being duly sworn, hereby depose and state, that they knew George S. Hawley, a former resident of this town, before he entered the military service of the United States, war of the rebellion, and knew that he was a sound, healthy man; that after his discharge he suffered from rheumatism, and for years was only barely able to walk; he grew more and more lame; he was finally obliged to use crutches; he appeared to suffer pain when making any movement; that it is believed that his disability was caused by exposure during his military service.

J. W. Hinman, S. D. Doud, A. J. Mason, A. S. Squier, S. J. Wright, M. J. Landon, A. Mansfield, E. H. Landon, Sylvester Doud, Oliver Smith, E. A. Langdon, C. L. Nutting, H. C. Palmer, H. C. Reason, S. Nutting, H. E. Washburn, J. E. Cowles, O. S. Dickinson, Josiah Cowles, D. H. Squier.

Subscribed and sworn to before me at New Haven, Vt., this 27th day of December, 1884.

ALFRED M. ROSCOE,
Notary Public.

I have examined the list of names appended to the within affidavit and personally know every one of the persons named. They are all, without exception, reputable men, residents of the town adjoining my own on the north, whose statement of any fact within their knowledge is entitled to full credit.

J. W. STEWART,
Member of Congress.

JANUARY 27, 1885.

Mr. RAY, of New Hampshire. This man is now perfectly helpless; his joints are all stiff. He is an inmate of a soldiers' home, and requires the services of an attendant.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID BRYAN.

Mr. HILL. I call up for consideration the bill (H. R. 4216) granting a pension to David Bryan.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Bryan, late a private in Company B, Seventy-eighth Regiment Ohio Volunteers.

The amendments to the bill were read, as follows:

Insert "N" after "David," and strike out "B" and insert "D."

Amend the title so as to read:

"A bill granting a pension to David N. Bryan."

The amendments were severally agreed to.

Mr. HEWITT, of Alabama. There ought to be some report or statement about this bill.

The CHAIRMAN. The report covers three or four pages.

Mr. HILL. The bill, which I call up by request of my colleague

[Mr. LE FEVRE] who is absent, is based upon the following facts: The report goes on to show, Mr. Chairman, that this soldier was affected with paralysis and became totally paralyzed. He made application to the Pension Bureau for a pension on the ground that he had contracted chronic diarrhea and rheumatism in the service. The proof showed that he was not so afflicted but had paralysis, and that paralysis had not ensued necessarily from those diseases. The report recites that his family physician, a score of his neighbors, and a number of his comrades testified that when he entered the service he was a perfectly sound man, and that when he came home he was disabled from these causes and still remains so. The case has been rejected by the Pension Bureau on account of the technicality I have named. I had not given this case any attention at all until it was put into my hand by my colleague, when I read the report and have made this statement from what I read in that report.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ALMIRA K. PARKER.

Mr. RAY, of New Hampshire. I call up the bill (H. R. 7722) granting a pension to Almira K. Parker.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Almira K. Parker, dependent mother of Ira J. Adams, deceased, formerly a private in Company A, Third Regiment of New Hampshire Volunteers, at the rate of —— dollars per month, from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 7722, having considered the same, make the following report:

The claimant is a widow and is the mother of Ira J. Adams, deceased, formerly a private in Company A, Third Regiment New Hampshire Volunteers. He enlisted August 15, 1861, and served until his death, July 2, 1864, caused by a gunshot wound received in action at Drury's Bluff, May 13, 1864. He was her only son, and but 18 years old at the time he enlisted.

The claimant is utterly destitute of property, and is now old and in feeble health. She was allowed a pension as a dependent mother at the rate of $8 per month from July 3, 1864, to August 16, 1864, the date of her second marriage. Her second husband, one Douglass Parker, died November 21, 1879, leaving an estate worth only $21. Her first husband left her no property whatever.

By letters on file in the Pension Office from the soldier to his mother, during the war, it clearly appears that he contributed from his bounty and wages considerable sums toward her support. Her pension was stopped solely on account of her second marriage. Mrs. Parker has no relatives or friends who are able to provide for her and furnish her a home in her declining years.

Your committee think that she ought to be pensioned now, and report the bill (H. R. 7722) granting her a pension back to the House with an amendment, striking out all after the word "volunteers" in the seventh line, and inserting the words "subject to the provisions and limitations of the pension laws."

The amendments of the committee were read, as follows: Strike out "at the rate of —— dollars per month, from and after the passage of this act," and insert "subject to the provisions and limitations of the pension laws."

The amendments were agreed to.

Mr. HEWITT, of Alabama. I should like to ask the gentleman from New Hampshire [Mr. RAY] why the Commissioner of Pensions dropped her from the roll?

Mr. RAY, of New Hampshire. Because she was married six weeks after the pension was allowed, in 1864. The law cut off her pension at that time.

Mr. HEWITT, of Alabama. A dependent mother?

Mr. RAY, of New Hampshire. Yes; that is so, as I understand it.

Mr. HEWITT, of Alabama. I think the gentleman is mistaken—the widow it cuts off, but not a dependent mother.

Mr. RAY, of New Hampshire. That was the reason given in the papers. I think she was a widow, or she could not have been married a second time without previously having been a widow.

Mr. HEWITT, of Alabama. Remarriage cuts off the pension of a widow, but not that of a dependent mother.

Mr. RAY, of New Hampshire. The marriage of a dependent mother cuts her off. She may be dependent on that son for support, and therefore is entitled to a pension.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

DAVID PETERSON.

Mr. VAN ALSTYNE. By request I call up the bill (H. R. 3185) granting a pension to David Peterson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of David Peterson, of Keokuk, Iowa, on the pension-roll, on account of his services in Company G of the Ninth Iowa Regiment in the war of the rebellion.

The report (by Mr. HOLMES) was read, as follows:

The Committee on Invalid Pensions, to whom was referred bill H. R. 3185, have had the same under consideration, and beg leave to report:

David Peterson enlisted as a private in Company G, Ninth Iowa Volunteer Cavalry, on the 30th day of September, 1863, and was discharged May 10, 1865. In July, 1864, while stationed with his company at Keokuk, Iowa, and while on guard at night, he was overcome by sleep and was surprised in that condition, resulting in his court-martial and his sentence to confinement for six months at Fort Snelling, Minn. While in such confinement he contracted the disease for which he applies for a pension. There is no question as to the fact that the applicant is disabled, and from the evidence certainly to a three-fourths degree. The only question is whether he shall be given a pension under the circumstances named. He himself frankly testified that the disability was acquired while in confinement at Fort Snelling. His application was rejected by the Pension Office on the ground that his disability, originating while in confinement at Fort Snelling, was not acquired while in the line of duty, while in military service. This undoubtedly on the view that he is not entitled to any relief for disabilities arising while he was under sentence of court-martial.

Your committee, however, think that the sentence of court-martial was all the sentence that he received, and that the loss of his health was not included in such sentence, and, as will be noted, the soldier was not at the front, but doing guard duty at Keokuk, in the State of Iowa, at the time he was found asleep at his post. While an infraction of duty should be punished, and has been in this case, the claimant having served his full sentence, we do not think that the rigor of the Government should be exercised further, and that if the claimant, as seems clearly proved, became disabled while serving out such sentence, that he should receive a pension. Your committee therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

LYDIA WETHERBEE.

Mr. HAYNES. I call up the bill (H. R. 7724) granting a pension to Lydia Wetherbee.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Lydia Wetherbee, dependent mother of George L. Wetherbee, deceased, formerly a private in Company B, Fourteenth Regiment New Hampshire Volunteers, at the rate of $12 per month from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7724) granting a pension to Lydia Wetherbee, having duly considered the same, respectfully report:

Lydia Wetherbee, a widow 72 years of age and without means, is the daughter of a Revolutionary soldier. Her son, George L. Wetherbee, a private of Company B, Fourteenth New Hampshire Volunteers, was killed in battle near Winchester, Va., September 19, 1864. She was largely dependent on said son for support before and up to the time of his death. The deceased left a widow, but no children, who drew a pension until her second marriage, three or four years after her first husband was killed. Mrs. Wetherbee's claim was rejected at the Pension Office because the soldier left a widow. (R. S., section 4707.)

The Commissioner of Pensions, in a letter announcing the rejection of Mrs. Wetherbee's claim, September 26, 1884, says:

"The needy circumstances of the claimant and the sacrifices made by her during the late rebellion, in giving up her sons to the country's service, appeal strongly to the sympathy of every one, but the law governing her claim is imperative."

Your committee think that since the widow has remarried and her pension stopped on that account, it is equitable that the soldier's mother, whom he largely aided in his lifetime, now poor and old, should receive the same pension.

Your committee accordingly report favorably and recommend the passage of the bill with an amendment striking out all words after the word "volunteers," in line 7, and inserting the words "subject to the provisions and limitations of the pension laws."

The amendment of the committee was read, as follows:

Strike out "at the rate of $12 per month from and after the passage of this act" and insert "subject to the provisions and limitations of the pension laws."

The amendment was agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. IDA P. BELCHER.

Mr. MATSON. I yield to the gentleman from South Carolina.

Mr. SMALLS. Mr. Chairman, I call up House bill 7836, for the relief of Mrs. Ida P. Belcher.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Ida P. Belcher, widow of the late Capt. Edwin Belcher, of Company E, Seventy-third Pennsylvania Volunteers, on the pension-roll, and that she be paid a pension at the rate of $25 per month from and after the passage of this act.

The committee recommend the adoption of the following amendment:

Strike out in line 7 and 8 the words "and that she be paid a pension at the rate of $25 per month from and after the passage of this act" and insert "subject to the provisions and limitations of the pension laws as applicable to widows of deceased officers and soldiers."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ABIGAIL HONEY.

Mr. SMITH, of Iowa. Mr. Chairman, I move that the committee proceed to the consideration of the bill (H. R. 5929) for the relief of Abigail Honey.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abigail Honey, widow of Joseph W. Honey, late a private in Company H, Twenty-sixth Regiment Iowa Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. SOPHIA A. MORGAN.

Mr. HEWITT, of Alabama. Mr. Chairman, I yield to the gentleman from New York.

Mr. HISCOCK. I call up the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Sophia A. Morgan, widow of Byt. Brig. Gen. Charles H. Morgan, at the rate of $50 per month.

The committee recommend the adoption of the following amendments:

In lines 6 and 7, after the words "brigadier-general," insert the words "and brigadier-general of volunteers."

Amend the title so as to read: "A bill granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brigadier-general of volunteers."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

PETER M. HAGLER.

Mr. CULLEN. I desire to call up the bill (H. R. 252) granting a pension to Peter M. Hagler.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Peter M. Hagler, late a corporal of Companies B and G of the One hundred and ninth and One hundred and eleventh Regiments Illinois Volunteers, respectively.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARY K. S. EATON.

Mr. BAGLEY. I call up Senate bill 468, granting an increase of pension to Mrs. Mary K. S. Eaton.

The bill was read, as follows:

Be it enacted, &c., That the pension of $30 per month heretofore granted and now allowed to Mrs. Mary K. S. Eaton, widow of General Amos B. Eaton, late Commissary-General of the Army of the United States, be, and the same hereby is, increased to the sum of $50 per month; and that the Secretary of the Interior be, and he hereby is, directed to pay to her the sum last mentioned per month from and after the passage of this act.

Mr. HEWITT, of Alabama. It seems to me that that bill had better be amended by inserting the words, after $50 per month, "in lieu of the pension now received by her."

Mr. CUTCHEON. I ask that the bill be again reported, to see if there is any necessity for returning it to the Senate with an amendment.

The bill was again read.

Mr. HEWITT, of Alabama. I see that it is not necessary to offer that amendment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CAPT. VINCENT PHELPS.

Mr. PERKINS. Mr. Chairman, I call up the bill (H. R. 7805) granting a pension to Capt. Vincent Phelps.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Vincent Phelps, late a captain and assistant quartermaster in the United States Army, and to pay him a pension from his resignation from the service.

The committee recommend the following amendment:

Strike out, in lines 7 and 8, the words "and to pay him a pension from his resignation from the service."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

GEORGE W. CLARK.

Mr. BROWN, of Pennsylvania. I call up the bill (H. R. 8033) granting an increase of pension to George W. Clark.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George W. Clark, late a private in Company E, Twelfth Regiment New Hampshire Volunteers, to $50 per month, from and after the passage of this act.

Mr. HEWITT, of Alabama. I think the report in that case had better be read.

The report (by Mr. RAY, of New Hampshire) is as follows:

George W. Clark, private Company E, Twelfth New Hampshire Volunteers, enlisted August 19, 1862; discharged June 2, 1865. He was wounded by the explosion of a shell while in the line of duty at the battle of Swift Creek, Virginia, at or near Bermuda Hundred, May 9, 1864, which resulted in the amputation of his right arm and right leg. The stump of his leg is some six or seven inches in length. The arm is amputated just below the elbow. He now draws a pension of $36 per month. He is compelled to have an attendant to assist him, more or less, every day, in dressing and undressing and otherwise. He is without any means except his pension.

Your committee make a favorable report, and recommend the passage of the accompanying bill granting him $50 per month hereafter.

Mr. HEWITT, of Alabama. I would like to ask the gentleman what is the pension of a soldier who has lost both arms or both legs?

Mr. RAY, of New Hampshire. That would depend upon the length of the stump left.

Mr. HEWITT, of Alabama. Where both arms were lost, or both legs?

Mr. RAY, of New Hampshire. No; not in that case.

Mr. MORRILL. Where both legs or both arms were lost the pension is $72 per month.

Mr. RAY, of New Hampshire. Yes; but this is a case where the soldier lost one arm and one leg.

Mr. HEWITT, of Alabama. I was going to say that this case is not equivalent to the loss of both legs or both arms.

Mr. RAY, of New Hampshire. Nor does the bill propose to give him such a pension as a person would be entitled to who had lost both arms.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMELINE L. FITCH.

Mr. PRICE. Mr. Chairman, I desire unanimous consent to call up the bill (H. R. 7869) granting a pension to Emeline L. Fitch.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby directed to place on the pension-roll the name of Emeline L. Fitch, widow of John T. Fitch, late of Company D, Seventh Indiana Volunteers, subject to the conditions and restrictions of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

DAVID COMPROPST.

Mr. FUNSTON. I ask unanimous consent to call up the bill (H. R. 4766) granting a pension to David Compropst.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David Compropst, late a sergeant of Company E, One hundred and seventh Regiment Illinois Volunteer Infantry.

Mr. HEWITT, of Alabama. Mr. Chairman, the report in that case, if it is not read, should be printed in the RECORD.

The CHAIRMAN. Without objection, that will be done.

The report (by Mr. MORRILL) is as follows:

We find that claimant enlisted August 11, 1862, and was discharged June 21, 1865. He made application for pension March 31, 1871, which was rejected July 23, 1872, on the ground of "no record, and inability to furnish evidence showing treatment in service," &c. Claimant alleges inflammatory rheumatism contracted at Glasgow, Ky., May, 1863; says he was treated in hospital at same place in May and June, 1863, and in hospital at Wilmington, N. C., in April and May, 1865. Adjutant-General's report shows sick at Glasgow, Ky., June 23, 1863. John Carrell, John A. Lefever, and Thomas Albert testify that claimant was a sound, healthy man at enlistment, that he became disabled with inflammatory rheumatism at Glasgow, Ky., in May, 1863, from exposure while on picket duty.

Lieut. Griffin N. Bruffet, of the same company, testifies fully and explicitly as to the incurrence of the disability in service, and that he was treated in two hospitals for the disease, and that he was often off duty during the rest of his service on account of said disability, and that claimant has never since discharge been able to do hard work. Surgeon Wright, of same regiment, says claimant was sound at enlistment; that he was sick and under his treatment in the service; but that he can not say when, where, or for what disease. R. H. Dillehart testifies that he knew claimant as a sound, healthy man at enlistment; saw him soon after discharge, and he was suffering from rheumatism. "I have lived near him ever since, and know that he has suffered from inflammatory rheumatism ever since."

Other witnesses testify to continuance to present time. The evidence on this point is very abundant and conclusive. Dr. James E. Roberts, whom claimant says treated him from time of discharge to 1870, is dead, having died about 1873 or 1874. Two witnesses testify that they know that Dr. Roberts treated him during the time claimed.

Your committee regard this case as an unusually strong one, and are unable to understand why it was not allowed in the Pension Office. They recommend the passage of the bill.

Mr. MORRILL. I want to say to the gentleman from Alabama that this is one of the strongest cases that I have ever seen, and it is a wonder that the Pension Office did not grant the pension.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN C. CLARK.

Mr. PETERS. I call up the bill (H. R. 3052) for the relief of John C. Clark.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized to pay to John C. Clark, as arrears of pension, a sum of money equal to $4 per month from January 1, 1863, to July 1, 1882.

The committee recommend the adoption of the following amendments:

Strike out in line 4 the word "as."

Strike out in lines 4 and 5 the words "a sum of money equal to $4 per month" and insert after the words "eighty-two," in line 7, the words "the rating to be determined by the Pension Department from the evidence of disability on file."

Mr. HEWITT, of Alabama. Let the bill be read as it will stand if amended.

The Clerk reported the bill as proposed to be amended.

Mr. HEWITT, of Alabama. I think my friend had better not press that bill to-night.

Mr. PETERS. I would like to make a brief statement in relation to it, which I think will be satisfactory.

Mr. HEWITT, of Alabama. I have no objection to that.

Mr. PETERS. This is a case, Mr. Chairman, in which the application was made prior to the taking effect of the law cutting off arrears. The evidence showing that the application was made and that a receipt for the application had been sent by the Department is, I think, overwhelming. A comrade who sent his application at the same time received his receipt at the same time and received his pension, which of

course gave him arrears. The application in this case was sent to the Pension Department, and there, by reason of some delay in consequence apparently of the loss on the part of the Pension Department of the papers for the application, which could not be found when the evidence was sent in, this man was deprived of his pension until too late to entitle him to arrears. And after the man had prepared his testimony he was informed by the Pension Department his application was not on file; and that of course cut him out of arrears.

Now there were the two cases exactly in point; the applications both filed at the same time. In one of them the papers were lost by the Pension Department; in the other the papers were retained and the man obtained the arrears of pension.

Mr. HEWITT, of Alabama. I wish to ask the gentleman why were not the lost papers substituted?

Mr. PETERS. Because the Pension Department under its rules would not do that.

Mr. HEWITT, of Alabama. Does the Pension Bureau hold that a lost paper can not be substituted?

Mr. PETERS. That is what they hold; that a lost paper can not be substituted.

A new application was made. The party did not find out his papers were lost till nearly a year afterward, and he had to make a new application. His pension was obtained, but he could only draw from the date of the new application.

Mr. HEWITT, of Alabama. It is a right hard matter when a man files his application just a day or an hour after the statute runs. Men of that kind think it is very hard for them to be cut out of their back pay.

Mr. McMILLIN. I will suggest to the gentleman from Alabama, as showing the reluctance with which this House has granted arrears under any circumstances, that this kind of a case was presented: The party lived in this city. The husband, disabled in the line of duty, died from the effects of wounds received in the service. Before his death he sent for an officer employed in the Government service to come and take his affidavit to his application. He died supposing his application was on file, but the attorney had failed to file it till a few days after his death. And in that case no arrears were allowed by the Pension Office, and the arrears were refused.

This was as strong a case as can be put. The rule adopted by this House has been that where it grants help to an individual in a special case it will not grant arrears; and to grant the application made here by the gentleman from Kansas [Mr. PETERS] is to override what has been the uniform practice of the House.

Mr. PETERS. Let me call the attention of the gentleman from Tennessee to the distinction between his case and mine. In his case the fault was that of the attorney, and that in law would be the fault of the principal. But in this case it was not the fault of the attorney.

Mr. McMILLIN. I will present another case where it was not the fault of the attorney. Another application was made to this House where the papers forwarded in time did not, through some defect in the mails, arrive before the expiration of the arrears act; and this House refused to grant the arrears in that case, although it was shown there was no fault on the part of the applicant.

Mr. PETERS. Let me suggest to the gentleman from Tennessee that these papers were received by the Pension Department before the limitations of the law took effect; but they were lost by the Pension Department. In the case the gentleman speaks of, through some defect in the mail, the papers did not arrive in time; but here they did arrive in time and were lost by the Department through the negligence of its officers.

Mr. HEWITT, of Alabama. Was any application made to substitute the lost papers?

Mr. PETERS. I think not; because the rule of the Department was that they would not consider any such application.

Mr. HEWITT, of Alabama. I do not see why a mandamus from the court would not lie to compel an executive officer to allow the substitution of papers in such a case.

Mr. PETERS. But a man making this application is not likely to have money enough to carry that out as against the Government.

Mr. MATSON. There are precedents for this case. The case referred to by the gentleman from Tennessee [Mr. McMILLIN], who served in the Committee on Invalid Pensions in the Forty-seventh Congress, is perhaps correctly stated. I remember very distinctly the case of Meredith, which I reported myself in the Forty-seventh Congress, where the report of the committee was precisely the other way; where it was shown clearly that the application was lost in passing through the mails, and arrears were granted. The form of the bill, however, was somewhat different from the form proposed here, but the effect was the same.

In the case of Dobson, another case reported in the Forty-seventh Congress, when the gentleman from Tennessee and I were both members of the Committee on Invalid Pensions, it was shown the original formal declaration was sent to Dobson's member of Congress, but instead of filing it with the Commissioner of Pensions, as he was directed by the letter to do, he filed it with the committee, and the formal declaration was found on the files of this House. There the Forty-seventh Congress directed the Commissioner of Pensions to readjudicate Dobson's claim as if he had filed it on the 1st day of July, 1880.

There was another case, the case of Cullen, reported in the same Congress, where it was shown very clearly and distinctly that the application had been lost in the mails. That is this case, as I remember it. In this case the proof shows that the application, after having been mailed by the claimant, was lost in the mails.

Mr. MORRILL. If the gentleman will allow me to correct him, I will remind him that the proof is that the case was actually received in the Department before the 1st of July, 1880. The Department acknowledged the receipt of it. Two men swear that they saw that acknowledgment and that it was dated in that way.

Mr. MATSON. The gentleman is correct; I now remember that fact. So that this is really a stronger case than the others. I ought to say further that this bill was not reported by the Committee on Invalid Pensions until after they had made a most thorough examination of it, until after the case had been considered and reconsidered, and the committee felt fully satisfied that the testimony of the witnesses could be relied upon. We were extremely careful about it, and it was not until we had examined it in this thorough manner that we were willing to take action on such a case as this. We followed in the line of the precedents set by prior Congresses. Let me say further that I believe this is the only case reported by the present Committee on Invalid Pensions recommending the passage of a bill to grant arrears, and in this case we do it upon the distinct ground that the claimant had done everything that he could do to entitle himself to the benefit of the arrears act.

Mr. PETERS. I would like to add one thing further. The last case that came under the old law, as I understand it, was No. 407856. The case that was sent to the Department at the same time this application was sent received the number 378269; so that a large number of cases were received after that and prior to the time when the law repealing the arrears went into effect.

Mr. MORRILL. Mr. Chairman, I want to remind the committee of another precedent, which the gentleman from Indiana [Mr. MATSON] will remember. Last Friday evening the gentleman from Maine [Mr. REED] called up a case, and the bill was passed, in which arrears were allowed to a widow on the ground that the Commissioner of Pensions, prior to July 1, 1880, had decided that she was not entitled to a pension. She had never made a formal application——

Mr. MATSON. That case did not come from the Committee on Invalid Pensions.

Mr. MORRILL. No; but from the Committee on Pensions. The lady had applied to the Commissioner, and he had decided that her husband was not an enlisted man. Subsequently the Attorney-General decided that he was an enlisted man and was entitled to a pension. The Commissioner of Pensions recommended that arrears should be granted, and this House on last Friday evening passed the bill. In this case the evidence is that the man complied strictly with the law. He filed his application before the 1st of July, 1880, and is entitled to arrears just as much as any one of the 407,856 other applicants for arrears.

Mr. McMILLIN. I admit, Mr. Chairman, that the case presented by the gentleman is stronger than any of the others that have been presented; but, in order that this may not be taken as a precedent for the granting of arrears, I desire to state again that it has been the uniform custom of this House not to grant them. Where such bills have gone through they have generally slipped through without receiving the attention that is ordinarily given to such matters, and I presume it will be so hereafter. In this case, however, it seems that the application was actually sent to the Department and received there in time.

Mr. MORRILL. And actually acknowledged by the Department.

Mr. McMILLIN. And acknowledged by the Department. Therefore no injury can result from this case as a precedent; but I do not admit that the House is committed to a policy that goes beyond this; on the contrary, I hold that it is not.

Mr. CUTCHEON. Mr. Chairman, I desire to make a single remark, or rather to put a single query, and that is, how it is possible for the Pension Office upon such a state of facts to decline to grant the arrears?

Mr. MORRILL. They say they have no papers upon which to grant them.

Mr. CUTCHEON. Then all I have to say is that there is a very great infirmity in the regulations of that office.

Mr. HEWITT, of Alabama. I shall not insist upon a vote by a quorum in this case, because I think it is one in which the Commissioner of Pensions ought to have allowed the pension and the arrears. I wish, however, to remind my friend from Kansas [Mr. MORRILL] that the case from the Committee on Pensions which came up last Friday night was a very unfortunate one, in which the committee, I think, should not have reported favorably. The gentleman will remember that, although the bill was reported from the Committee on Pensions, I opposed it and voted against it.

Mr. MORRILL. Does not the gentleman consider this a much stronger case than that?

Mr. HEWITT, of Alabama. Infinitely so.

The CHAIRMAN. The question is upon the amendment reported by the committee.

The amendment was agreed to.

Mr. MATSON. I desire to offer a substitute which I think will be for the benefit of the claimant, and within the line of bills of this kind heretofore passed. I will read my proposed substitute for the information of the Committee of the Whole:

That the Secretary of the Interior be, and is hereby, authorized and directed to readjudicate the pension claim of John C. Clark, late of Company ——, —— Regiment —— Volunteers, as if the same had been filed in the Pension Office prior to the 1st day of July, 1880.

Mr. MCMILLIN. Is that the amendment which the gentleman proposes?

Mr. MATSON. Yes, sir; I understand that this man has obtained a pension since.

Mr. MCMILLIN. Ought not the proposed amendment to show that the application was received in the office prior to that time?

Mr. HEWITT, of Alabama. That would not properly be any part of the bill.

Mr. MATSON. The report will show that. This is the form used heretofore in cases of this kind.

Mr. PETERS. I ask the gentleman from Indiana to read his substitute again.

Mr. MATSON again read the proposed substitute.

Mr. PETERS. I see no objection to that.

The question being taken on the subsitute of Mr. MATSON, it was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOSEPH R. DODDS.

Mr. WEAVER. I call up the bill (H. R. 7769) to grant a pension to Joseph R. Dodds.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized to place on the pension-roll the name of Joseph R. Dodds, late a private in Company K, Seventh Regiment of Iowa Cavalry Volunteers, subject to the conditions and limitations of the pension laws.

The report (by Mr. MORRILL) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7769) to grant a pension to Joseph R. Dodds, submit the following report:

Your committee find that claimant enlisted August 29, 1862, in Company K, Seventh Regiment Iowa Cavalry; that he was discharged August 28, 1865, and that he filed declaration for pension December 15, 1879, alleging "kidney disease, resulting from being alkalied at Bijou Hills, Dak., October, 1863."

Lieut. John C. Rutan, of same company and regiment, testifies:

"I knew J. R. Dodds at the time of his joining said company; that he was physically sound and in good health; that on the line of march from Fort Randall to Fort Sully he was so badly affected by alkali as to be entirely unfit for service."

Dr. Louis Waldter testifies:

"I served in the same command with J. R. Dodds, formerly of Company K, Seventh Iowa Regiment; that we were together at Vigo Lake, Dakota, when the said J. R. Dodds became alkalied by being compelled to use the water from said lake. I found by examination of other points of the lake and surrounding country any amount of crystallized alkali—no other kind of water for miles around to be had; that previous to said time of being alkalied he was physically sound and free from disease of any kind; that since that time he has been and still is totally unable to perform manual labor or follow his former avocation, and that in my practice in the treatment of chronic diseases I have been consulted, and that I believe his kidneys to be so affected by reason of said alkali as to render a cure impossible."

Charles T. Taylor says, under oath:

"I have personally known J. R. Dobbs, formerly of Company K, Seventh Iowa Cavalry; that he was treated by Dr. J. Noel for kidney disease and urinary trouble; that I have conversed with the doctor in reference to his case, and he said the alkali had so thoroughly impregnated his system that no remedy could be used known to the medical profession but what would have a tendency to resolve the case into Bright's disease of the kidneys; that said Dr. J. Noel died in June, 1882."

Claimant gives a full account of the circumstances under which he drank the water, and adds:

"At this time and previous to drinking this alkali water I weighed one hundred and eighty-six pounds; that thereafter my kidneys became affected; my urinary organs became deranged; * * * my hair came out and some of my toe-nails came off; that I was reduced to a mere skeleton of my former self, so that I weighed but one hundred and twenty pounds; that I was totally incapacitated from doing military duty or to follow my usual avocation since discharge; that I have been treated since my discharge from the service by Dr. Jesse Noel; that he is now dead; * * * that I was treated while in the service at Fort Sully by the post surgeon, E. J. Farr, regimental surgeon of the Thirtieth Wisconsin Volunteers; that while I was under his care during the winter I was not required to remain at the hospital, but merely to report to him in person mornings, and was allowed to do such light duty as I chose to do; that in the fall of 1864 I was taken to Sioux City, Iowa, and given the privilege of receiving my discharge for disability or remaining a clerk in the ordnance department; that I remained as such clerk until the expiration of my term of service."

The hospital records prior to 1866 are not on file, so no evidence can be obtained from that quarter. The examining surgeon at Phelps, Mo., August 23, 1881, reported his disability total. At a subsequent examination at Beatrice, Nebr., the board report that "we think this man's trouble is due to enlargement of the prostate, and not disease of the kidneys." Upon the strength of this report the Pension Office rejected the case in this language: "Disability due to enlargement of the prostate gland incident to old age." Claimant was 22 years of age at the time of his enlistment and contracted the disease from which he has ever since suffered one year later. The Pension Office decides that the enlargement of the prostate gland was due to old age. The evidence shows that he contracted the disease while in the line of duty; that he has suffered from it ever since, and it surely makes very little difference in his suffering whether the disease is called by one name or another.

Your committee recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELBERT HEWITT.

Mr. RAY, of New Hampshire. I call up the bill (H. R. 7672) granting an increase of pension to Elbert Hewitt.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to increase the pension heretofore allowed to Elbert Hewitt, late a private in Company C, Sixth Regiment Vermont Volunteers, from $24 to $50 per month, from and after the passage of this act.

The report (by Mr. RAY, of New Hampshire) was as follows:

The Committee on Invalid Pensions, to whom was referred the bill H. R. 7672, having considered the same, make the following report:

Elbert Hewitt, late a private in Company C, Sixth Regiment Vermont Volunteers, now pensioned at $24 per month, wants an increase to $50 per month. He was disabled by a gunshot wound in the face, received in battle September 19, 1864. Dr. James E. Morse, pension surgeon, gives the following description of the injury:

"Lower jaw fractured in three points; upper front teeth carried away and most of all the lower ones gone; nose greatly injured and great deformity of the face; mastication greatly impaired, and he is suffering with dyspepsia in consequence. Has discharges from his nose and throat of a bloody, purulent matter, which is very offensive to himself and those around him."

The pensioner is also very much debilitated, and able to perform but little labor. Dr. Davis, examining surgeon, in 1873, reports the loss of twelve teeth, chronic ulcer of the malar bone, and bad disfigurement of the face, in addition to his other ailments. The examining board at White River Junction, October 27, 1884, also report, additional to the above, that it is impossible for his teeth to meet by reason of the narrowing of the lower jaw. The pensioner is poor, and able to perform but very little labor.

Your committee think his case a deserving one, and recommend the passage of the bill (H. R. 7672) granting him an increase, amending the same by striking out the word "fifty" and inserting "forty," in line 6.

The amendment reported by the committee to strike out "$50" and insert "$40" was read and agreed to.

Mr. HEWITT, of Alabama. I think some reason should be given why this bill should pass.

Mr. RAY, of New Hampshire. This soldier was shot through the face and his teeth knocked out. He is suffering from the loss of his teeth and the breaking of his jaw. He has a chronic ulcer of the malar bone. He is also suffering from dyspepsia on account of inability to masticate properly his food.

This is a case in which, it seems to me, the increase of pension ought properly to have been granted by the Pension Office; but the soldier has been allowed only $24 a month. He is a poor man and unable to work. The committee, although not in favor of allowing $50 a month, have recommended unanimously the allowance of $40.

Mr. BAGLEY. The man is very badly disfigured.

Mr. RAY, of New Hampshire. Yes, sir. His photograph was before the committee, and he is one of the worst disfigured men I ever saw.

The CHAIRMAN. If there be no objection, this bill will be laid aside to be reported to the House with a recommendation that it do pass.

There was no objection, and it was ordered accordingly.

CLARK G. MAINE.

Mr. PARKER. I call up the bill (H. R. 7000) for the relief of Clark G. Maine.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clark G. Maine, late a private in Battery E, First New York Light Artillery.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with various recommendations.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 6948) granting a pension to George Eagles;
A bill (H. R. 8133) granting a pension to Thomas McGill;
A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (H. R. 7524) granting a pension to Lavisa Heth;
A bill (H. R. 7602) granting a pension to Harriet M. Bailey;
A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;
A bill (H. R. 7803) granting a pension to L. W. Pitts;
A bill (H. R. 8132) to restore to the pension-roll the name of Rachel A. Queen;
A bill (H. R. 8104) granting increase of pension to George S. Hawley;
A bill (H. R. 3185) granting a pension to David Peterson;
A bill (H. R. 5929) for the relief of Abigail Honey;
A bill (H. R. 252) granting a pension to Peter N. Hagler;
A bill (H. R. 8033) granting increase of pension to George W. Clark;

A bill (H. R. 7869) granting a pension to Emeline L. Fitch;
A bill (H. R. 4766) granting a pension to David Compropst;
A bill (H. R. 7769) granting a pension to Joseph R. Dodds; and
A bill (H. R. 7000) for the relief of Clark G. Maine.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7386) granting a pension to Eliza M. Byers;
A bill (H. R. 6653) granting a pension to Mary C. Axline;
A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 7722) granting a pension to Elmira K. Parker;
A bill (H. R. 7724) granting a pension to Lydia Wetherbee;
A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;
A bill (H. R. 3052) for the relief of John C. Clark;
A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt; and
A bill (H. R. 4216) granting a pension to David Bryan; the title of which was amended to read: "A bill granting a pension to David N. Bryan."
A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army.

The title was amended to read: "A bill granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army and brigadier-general of volunteers."

Senate bills of the following titles were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman; and
A bill (S. 468) granting increased pension to Mrs. Mary K. S. Eaton.

JOHN A. VANDERHOFF.

The amendment to the bill (H. R. 7256) granting a pension to John A. Vanderhoff was agreed to, and the bill as amended ordered to be engrossed and read the third time.

The SPEAKER *pro tempore*. In accordance with the agreement, the previous question will be considered as ordered on the passage of the bill.

There was no objection, and it was ordered accordingly.

Mr. MATSON moved to reconsider the several votes; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to; and then, on motion of Mr. MATSON (at 10 o'clock and 45 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Remonstrance of Dilworth, Porter & Co., McCandless, Jameson & Co., William Shannon & Son, McCard & Co., and 120 others, merchants and manufacturers, representing all branches of business in Pittsburgh, Pa., against the enactment of another bankrupt law—to the Committee on the Judiciary.

By Mr. BLANCHARD: Petition of Widow J. B. Planché, of Natchitoches Parish, Louisiana, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of Ida M. Wells and others, of the Parish of Rapides, Louisiana, for compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. J. H. BREWER: Petition of H. T. Knox, of Burlington, N. J., for increase of pension, arrears, &c.—to Committee on Invalid Pensions.

By Mr. W. W. BROWN: Memorial of Clarence W. De Knight, praying for payment due him as page of the House of Representatives during a portion of the first session of the Forty-eighth Congress—to the Committee on Appropriations.

By Mr. CUTCHEON: Memorial of the Board of Trade of the city of Detroit, asking that the United States acquire title to the Portage Lake and Lake Superior Companies' ship-canals and make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Resolution of the Legislature of Pennsylvania, recommending passage of foreign-contract-labor bill—to the Committee on Labor.

Also, resolution of the Legislature of Pennsylvania, recommending the repeal of act of July 22, 1876, by which the legal-tender quality of the trade-dollar was abrogated—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the National Board of Trade, favoring the Senate bankrupt bill—to the Committee on the Judiciary.

By Mr. FOLLETT: Petition of soldiers of North Baltimore and Perrysburg, Ohio, for passage of bill giving land to honorably discharged soldiers of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. FOLLETT: Petition of John A. Coan, for compensation for two horses and bridles taken from him in 1864 by United States officers—to the Committee on War Claims.

By Mr. FORAN: Petition of merchants and citizens of Cleveland, Ohio, praying that the United States acquire title to the Portage Lake and Lake Superior ship-canals, and make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. GEORGE: Petition of ex-soldiers in Grand Army of the Republic post at East Portland, Oreg., urging the purchase of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HOWEY: Petition of Louise Peer and others, of Fair Mount, and Joseph Bardell and others, of Hackettstown, N. J., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. HOPKINS: Resolution of National Board of Trade, in favor of a national bankrupt law—to the Committee on the Judiciary.

By Mr. HUTCHINS: Petition of William Ogden Giles, praying an investigation of the French-American claims—to the Committee on Foreign Affairs.

By Mr. B. W. JONES: Memorial of New York State cider and vinegar makers—to the Committee on Ways and Means.

By Mr. LACEY: Petition of John J. Potter and 49 others, citizens of Eaton and Barry Counties, Michigan, for the passage of bill granting a pension to Thomas Niles—to the Committee on Invalid Pensions.

Also, papers relating to a bill introduced granting a pension to Catharine Carpenter—to the same committee.

Also, resolutions of the Board of Trade of Detroit, Mich., asking for the acquisition by the United States of the Portage Lake and Lake Superior ship-canals—to the Committee on Rivers and Harbors.

By Mr. CHARLES O'NEILL: Petition of managers of houses of refuge and reformatories for children, urging an appropriation to have published the statistics of work done in said institutions—to the Committee on Appropriations.

Also, resolutions of the Philadelphia Produce Exchange, urging the passage of the national bankrupt bill at an early day—to the Committee on the Judiciary.

By Mr. A. H. SMITH: Resolution of the National Board of Trade, Philadelphia, in favor of the Senate bankrupt bill—to the same committee.

Also, remonstrance of citizens of Lancaster County, Pennsylvania, against the ratification of the treaty with Spain—to the Committee on Ways and Means.

By Mr. STRAIT: Concurrent resolution of the Legislature of Minnesota, requesting that such legislation may be had as will allow the United States to acquire title to the Portage Lake and Lake Superior Ship Canal and the Portage and River Improvement Company's canal, making an open passage from Keweenaw Bay to Lake Superior—to the Committee on Rivers and Harbors.

Also, petition of Peter P. Dorteed and 248 others, citizens of Sacred Heart, Minn., asking that additional homesteads may be granted to all those who have taken less than one hundred and sixty acres, the same without further settlement—to the Committee on the Public Lands.

By Mr. THOMPSON: Petition of J. E. Maxfield, J. A. Guzman, and James Cassidy, for relief—to the Committee on Appropriations.

By Mr. TOWNSHEND: Petition of citizens of Illinois, asking for the passage of a law for the relief of persons claiming an interest in certain lands on and adjoining Manhattan Island, New York—to the Committee on the Judiciary.

By Mr. J. M. TAYLOR: Papers relating to the claim of Fidel Spah, of Jackson, Madison County, Tennessee—to the Committee on War Claims.

By Mr. VAN ALSTYNE: Petition of Benjamin J. Hevennor, for pay as first lieutenant in One hundred and fiftieth Regiment New York State Volunteers—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. WILKINS: Petition of Thomas Brown and 300 others, citizens of Muskingum County, Ohio, urging the passage of the Lovering House bill 6463—to the Committee on Invalid Pensions.

By Mr. W. L. WILSON: Petition of George E. Moore of the District of Columbia, for the passage of Senate bill 2551—to the Committee on the District of Columbia.

By Mr. J. S. WISE: Petitions of E. J. Conard, of George Cooper, of Oliver G. Butts, and of Mary A. Conard, widow of John W. Conard, deceased, all of Loudoun County, Virginia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BAYNE: Of soldiers and citizens of Allegheny County, Pennsylvania.

By Mr. BRENTS: Of citizens of Sprague and of King Counties, Washington Territory.

By Mr. J. H. BREWER: Of citizens of Orleans, N. Y.

By Mr. BRUMM: Of citizens of Pine Grove and of Rock, Schuylkill County, Pennsylvania.

By Mr. KEIFER: Of George W. Stephens and others, of Plain City, Ohio.

By Mr. KLEINER: Of citizens and ex-soldiers of Fort Branch, Ind.

By Mr. LAIRD: Of citizens of Alexandria, of Dorchester, and of Kenesaw, Nebr.

By Mr. MATSON: Of citizens of Monroe County, of Bartholomew County, and of Morgan County, Indiana.

By Mr. PERKINS: Of M. F. Thomas and 40 others, of Opolis, Kans.

By Mr. STEVENS: Of citizens of Niagara County, New York.

By Mr. TOWNSHEND: Of the Department of the Potomac, Grand Army of the Republic.

By Mr. WEAVER: Of citizens of Kirkwood, of Talmage, of Beatrice, of Wahoo, and of Pawnee, Nebr.

By Mr. YAPLE: Of citizens of Lawrence, of Centreville, of Kalamazoo, and of Burr Oak, Mich.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January* 31, 1885.

The House met at 12 m., and was called to order by the Clerk.

The CLERK. In the absence of the Speaker it is the duty of the Clerk to call the House to order.

ELECTION OF MR. BLACKBURN AS SPEAKER PRO TEMPORE.

Mr. RANDALL. I offer the following resolution as a question of privilege.

The Clerk read as follows:

Resolved, That JOSEPH C. S. BLACKBURN, a Representative from the State of Kentucky, be, and he is hereby, elected Speaker *pro tempore* during the temporary absence of the Speaker.

The resolution was unanimously agreed to; and Mr. BLACKBURN took the chair as Speaker *pro tempore*.

Prayer by Rev. Dr. FULLERTON, of Georgetown.

The Journal of the proceedings of yesterday was read and approved.

JOHN M. LOBBAN.

Mr. POST, of Wyoming, by unanimous consent, introduced a bill (H. R. 8143) for the relief of John M. Lobban; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

SUITS FOR DAMAGES WHERE DEATH RESULTS.

On motion of Mr. POLAND, by unanimous consent, the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia was taken from the Speaker's table, and the following amendment of the Senate was read:

Strike out the following:

"That when the death of a person is caused in the District of Columbia by the wrongful act or neglect of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, the person or corporation liable to such action if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured, and although the death is caused under such circumstances as amount in law to a felony.

"SEC. 2. That such action shall be brought in the name of the personal representative of such deceased person, and commence within two years from the decease of such person; and the court or jury before whom the issue is tried may give such damages as are just, with reference to the pecuniary injury resulting from such death to the wife and next of kin, but not to exceed $10,000; and the amount recovered shall be for the benefit of such wife and next of kin, who shall receive the same proportions as in the distribution of the personal estate of persons dying intestate."

And in lieu thereof insert the following:

"That whenever, within the limits of the District of Columbia, the death of a person shall be caused by the wrongful act, neglect, or default of any person or corporation, and the act, neglect, or default is such as would, if death had not ensued, have entitled the party injured, or, if the person injured be a married woman, have entitled her husband, either separately or by joining with the wife, to maintain an action and recover damages, the person who or corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, even though the death shall have been caused under circumstances which constitute a felony: *Provided*, That in no case shall the recovery exceed the sum of $10,000.

"SEC. 2. That every such action shall be brought by and in the name of the personal representative of such deceased person, and within two years after the death of the party injured.

"SEC. 3. That the damages recovered in such action shall not be appropriated to the payment of the debts or liabilities of such deceased person, but shall inure to the benefit of his or her family, and be distributed according to the provisions of the statute of distributions in force in said District of Columbia."

Mr. POLAND moved that the amendment be disagreed to.

The motion was agreed to.

Mr. POLAND moved that the House ask for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. POLAND, Mr. TUCKER, and Mr. DORSHEIMER.

WICKLIFFE COOPER.

Mr. ROBERTSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 2278, correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army, and put the same upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized and directed to correct so much of the record of the War Department as states that the late Maj. Wickliffe Cooper, Seventh Cavalry, committed suicide on the 8th of June, 1867, and to substitute therefor the following words: "Died by hand of person or persons unknown, while in the line of his duty as an officer of the Army."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. RANDALL. I would like to ask the gentleman from Kentucky if this has been considered by the Military Committee of the House?

Mr. ROBERTSON. I do not know that it has been considered by the committee of the House; but it passed the Senate at the last session of this Congress and is now on the Speaker's table.

Mr. RANDALL. I do not want to object to the passage of the bill; but I think such measures should be considered by the committees of the House before action is taken by the House upon them.

Mr. ROBERTSON. This, I will state to the gentleman from Pennsylvania, only corrects the war record of this officer. He is recorded in the office as having committed suicide, whereas proof, which has been subsequently placed before the Department, shows that he was killed in the line of duty. This is to correct the record.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. ROBERTSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BLANCHARD. I demand the regular order.

Mr. JOHN S. WISE. I ask leave to call up from the Speaker's table a House bill for present consideration.

The SPEAKER *pro tempore*. The gentleman from Louisiana demands the regular order.

Before proceeding with the regular order the Chair asks unanimous consent of the House to submit certain executive communications now on the Speaker's table.

There was no objection.

CORRECTION.

Mr. DUNHAM. Before that I desire to make a correction. I supposed that I was paired on yesterday when a yea-and-nay vote was taken in the House, and it was so understood; but the RECORD contains no announcement of such a pair. I desire to state that had I not supposed I was paired I should have voted "ay" on the Bigley bill.

ARMY AND NAVY HOSPITAL, HOT SPRINGS, ARK.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to complete the Army and Navy hospital at Hot Springs, Ark.; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING FOR THE COURT OF CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the chief-justice of the Court of Claims, asking an appropriation for printing for the court for the current and next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL APPROPRIATIONS FOR CERTAIN PUBLIC BUILDINGS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect, and recommending additional appropriations for the public buildings at Kansas City, Mo., Cleveland, Ohio, and Boston, Mass.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING AT JEFFERSON, MO.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Supervising Architect, asking an increase in the limit of cost of the public building at Jefferson City, Mo.; which was referred to the Committee on Appropriations, and ordered to be printed.

INFANTRY SERVICE, UNITED STATES ARMY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, inclosing a communication from the infantry offi-

cers of the Army, relative to the passage of Senate bill 2442 to increase the efficiency of the infantry branch of the Army; which was referred to the Committee on Military Affairs, and ordered to be printed.

MILITIA FORCES OF THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting an abstract of the militia forces of the United States; which was referred to the Committee on the Militia, and ordered to be printed.

GLOUCESTER HARBOR, MASSACHUSETTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, inclosing reports from the Chief of Engineers of the survey and preliminary examination of Gloucester Harbor, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order of business has been demanded.

Mr. BLANCHARD. Mr. Speaker, for the present I will withdraw the demand for the regular order.

HUGH AND BYRD DOUGLAS, DECEASED.

Mr. JOHN S. WISE. Mr. Speaker, I now ask unanimous consent to discharge the Committee of the Whole House from the further consideration of the bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the legal representatives of Hugh and Byrd Douglas, deceased, late of Nashville, Tenn., out of any money in the Treasury not otherwise appropriated, the sum of $6,299.33, for rent of and damages to their property in Nashville by officers of the Army of the United States during the late war.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. WARNER, of Ohio. Before consent is given I wish to ask the gentleman from Virginia if this is a unanimous report from the Committee on War Claims?

Mr. JOHN S. WISE. It is unanimously reported.

Mr. WARNER, of Ohio. If it is unanimously reported from the committee I have no objection to the request of the gentleman.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Virginia to call up for consideration this bill, which he states is unanimously reported from the Committee on War Claims.

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JOHN S. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EULOGIES ON HON. WILLIAM A. DUNCAN.

Mr. ERMENTROUT, by unanimous consent, introduced a joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan; which was read a first and second time.

Mr. ERMENTROUT. I ask for the present consideration of the resolution.

There was no objection.

The joint resolution was read, as follows.

Resolved, &c., That there be printed of the eulogies delivered in Congress upon the late William A. Duncan, a Representative in the Forty-eighth Congress from the State of Pennsylvania, 12,500 copies, of which 3,000 shall be for the use of the Senate and 9,500 for the use of the House of Representatives. And the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said William A. Duncan to accompany said eulogies; and for the purpose of engraving or printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ERMENTROUT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

HENRIETTA LOEB.

Mr. BROWN, of Pennsylvania, by unanimous consent, introduced a bill (H. R. 8144) granting a pension to Henrietta Loeb, dependent mother of Louis Loeb, late a private in Company I, Sixth New Jersey Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

REMOVAL OF BURDENS ON MERCHANT MARINE.

Mr. COX, of New York. I ask unanimous consent to have a short bill taken up from the House Calendar and put upon its passage. It is the bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American merchant marine, &c. It was reported by my friend from New York [Mr. SLOCUM] from the Select Committee on Ship-building and Ship-owning Interests. The people for whose benefit this act is intended are now waiting for the action of Congress.

The bill was read, as follows:

Be it enacted, &c., That so much of the tenth section of the act approved June 26, 1884, entitled "An act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and for other purposes," be so amended as to strike out the words "but to no other person or corporation" and insert in lieu thereof the following: "Or in liquidation of any just debt for board or clothing he may have contracted prior to engagement, not exceeding one month's pay for board and one month's pay for clothing; and no allotment shall be payable except to his wife, mother, or other relative, or to the original creditor for board or clothing."

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SKINNER, of North Carolina. I object.

Mr. COX, of New York. I ask permission to say just a word. There are many vessels waiting for this measure before shipping their crews. This bill has been introduced at the request of the Chamber of Commerce of New York, the shipping commissioner, and various commercial bodies throughout the country. It is a short amendment, which will so modify the present law that business can go on.

The SPEAKER *pro tempore*. The Chair hears no objection to the present consideration of the bill.

Mr. SKINNER, of North Carolina. I object.

MRS. HARRIET CLIFFORD.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8145) to increase the pension of Mrs. Harriet Clifford, widow of Capt. Walter Clifford, deceased, late of the Seventh United States Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN G. LAMB.

Mr. CONNOLLY, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Doorkeeper of the House of Representatives be, and he is hereby, authorized and directed to continue in the service of the House of Representatives John J. Lamb, a laborer employed under the janitor of the House, and authorized by resolution of July 2, 1884, to be paid at the rate of $720 per annum; and that the Committee on Appropriations be requested to provide for the payment of the same in some of the general appropriation bills, payment to extend from March 4, 1885, to June 30, 1886.

REMOVAL OF BURDENS ON MERCHANT MARINE.

Mr. COX, of New York. I ask the gentleman from North Carolina to withdraw his objection.

Mr. SKINNER, of North Carolina. I withdraw the objection.

Mr. HOLMAN. I trust that the tenth section of the act which this bill proposes to amend will be read in connection with the proposed amendment.

Mr. SLOCUM. I think I can explain the change which is made in a very few words. The section as it is now allows no allotment of pay except to immediate relatives. As amended it allows a man to allot one month of his pay for board and one month for clothing. It is the unanimous report of the committee.

Mr. COX, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 10, after the word "clothing," insert "for which;" so that it will read: "Or in liquidation of any just debt for board or clothing for which he may have contracted prior to engagement," &c.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

TERMS OF COURT IN MINNESOTA.

Mr. WASHBURN. I ask unanimous consent to take from the House Calendar for present consideration the bill (H. R. 7324) providing for holding a term of the circuit court in Minneapolis, Minn.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HOLMAN. There is so much confusion in the Hall that I am not able to hear what is going on.

The SPEAKER *pro tempore*. The Chair asks gentlemen to suspend conversation in the Hall.

Mr. WASHBURN. This bill has been reported by the Committee on the Judiciary; and it is unanimously recommended by the delegation from my State.

Mr. HOLMAN. I think there is no necessity for appointing an additional clerk.

Mr. WASHBURN. The gentleman from Indiana has suggested an

amendment, to put in the word "deputy" before the word "clerk;" so that it will read:

That the circuit judge of said eighth judicial district shall appoint a deputy clerk, &c.

To this I have no objection.

Mr. MCMILLIN. I ask the gentleman from Minnesota at how many points in the State are Federal courts held now?

Mr. WASHBURN. At two points.

Mr. HOLMAN. I hope the second section will be read again as it is proposed to be amended.

Mr. WASHBURN. I have acceded to the amendment suggested by the gentleman from Indiana, to insert the word "deputy" before "clerk," in the second line of the second section.

Mr. MCMILLIN. How far from Minneapolis is the nearest court?

Mr. WASHBURN. I will state that the court in that section of our State is now held at Saint Paul.

Mr. MCMILLIN. How far from Minneapolis?

Mr. WASHBURN. Ten miles. There are two terms of the court held there at present. The business has accumulated to such an extent that the additional term provided for by this bill is required, and it is proposed the next term of the court shall be held at Minneapolis, where there is a larger population than at Saint Paul. The only question is whether there shall be three terms held at Saint Paul or two at Saint Paul and one at Minneapolis.

Mr. WARNER, of Ohio. I will inquire of the gentleman from Minnesota [Mr. WASHBURN] whether there is a United States building at Minneapolis at which the court can be held?

Mr. WASHBURN. There is a United States building in course of construction there in which provision will be made for the court.

Mr. MCMILLIN. Mr. Speaker, I think this bill had better go over at present. I do not believe it is sound policy to put these courts within ten miles of each other all over the country. There are already more of them than are needed.

Mr. WASHBURN. There is no new court created by this bill. It simply provides for an additional term of the court, without any additional expense.

Mr. MCMILLIN. Mr. Speaker, I will state to the House that there is an increased appropriation now demanded for that public building, and if we pass this bill one of the reasons given for that additional appropriation will be that there is a Federal court to be held there.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. MCMILLIN] object? [After a pause.] The Chair hears no objection, and the question is on the passage of the bill.

Mr. HOLMAN. Mr. Speaker, I reserved the right to object, but I wanted to give the gentleman from Tennessee an opportunity to state the ground of his opposition to the bill.

Mr. BRECKINRIDGE. I call for the regular order, Mr. Speaker.

A MEMBER. Is a call for the regular order an objection?

Mr. BRECKINRIDGE. If it is not, I object and also call for the regular order.

The SPEAKER *pro tempore*. Objection is made to the present consideration of this bill, and the regular order is called for. The regular order is the question upon the passage of the bill to which the previous question was applied at last night's session, which the Clerk will report.

Mr. SPRINGER. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. SPRINGER. My point is that unfinished business on the Private Calendar should go over to the next day which is set apart for the consideration of such business.

The SPEAKER *pro tempore*. The Chair will state that the House last night applied the previous question to this bill, and before the bill was disposed of the House adjourned. Therefore, in the opinion of the Chair, this bill is the regular order this morning.

Mr. SPRINGER. I think the Chair is wrong about that.

The SPEAKER *pro tempore*. The Chair will remind the gentleman from Illinois [Mr. SPRINGER] of a precedent, the Fitz-John Porter case, in which a similar ruling was made.

Mr. SPRINGER. But the Fitz-John Porter case was a special order, which continued from day to day.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from Illinois is mistaken in his premises as to the order.

Mr. SPRINGER. I remember that that bill was a special order, which continued from day to day.

The SPEAKER *pro tempore*. It is the opinion of the Chair that this bill is the first business in order this morning when the regular order is called for. The Clerk will report the bill by its title.

The Clerk read the title of the bill, as follows:

A bill (H. R. 7256) granting a pension to John A. Vanderhoff.

Mr. WILLIS. Mr. Speaker, in order to save time I ask unanimous consent to set aside the order for the yeas and nays, and let us have a *viva voce* vote upon this bill.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the House did not order a yea-and-nay vote, but only the previous question. The question is on the passage of the bill.

Mr. GIBSON. I ask for the reading of the report in this case.

The SPEAKER *pro tempore*. If there is no objection, the report will be read.

Mr. KEIFER. Mr. Speaker, can that be done without unanimous consent?

The SPEAKER *pro tempore*. The Chair stated that if no objection was made the report would be read.

Mr. KEIFER. I object.

The SPEAKER *pro tempore*. Objection is made to the reading of the report. The question is on the passage of the bill.

Mr. GIBSON. I believe I am entitled to the floor under the order of the House last night.

Mr. BRECKINRIDGE. I call for the regular order.

Mr. KEIFER. Is debate in order, Mr. Speaker?

The SPEAKER *pro tempore*. It is not.

Mr. GIBSON. Mr. Speaker, by unanimous consent at the session last night this bill was allowed to be reported to the House, with the understanding that when it came up there was not only to be a quorum present, but that I was to have leave to state my objections to the passage of the bill.

The SPEAKER *pro tempore*. The Chair can only state that it is not advised, either by the Journal or the RECORD, of any such order of the House. The gentleman from West Virginia can proceed to debate this bill only by unanimous consent.

Mr. POST, of Pennsylvania. I object.

Mr. ROGERS, of Arkansas. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. ROGERS, of Arkansas. My point is that the confusion in the Hall is so great that it is utterly impossible to know what is going on.

The SPEAKER *pro tempore*. The Chair recognizes that point of order as well taken. The House will be in order.

Mr. GIBSON. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair can not indulge the gentleman; it is not in the power of the Chair.

Mr. GIBSON. I think this raises a question of privilege.

The SPEAKER *pro tempore*. The Chair does not so regard it. It is not in the power of the Chair without unanimous consent to indulge any gentleman in debate on a bill upon which the previous question is operating.

Mr. GIBSON. I desire to put a parliamentary inquiry to the Chair.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GIBSON. When the records of the proceedings of the House yesterday show that unanimous consent was given to me to state this morning my objections to this bill, I want to know whether objection can now be made to my proceeding.

The SPEAKER *pro tempore*. The Chair will ask the gentleman whether the RECORD shows such an agreement by the House.

Mr. GIBSON. Yes, sir; it does.

The SPEAKER *pro tempore*. The Clerk will read that portion of the RECORD relating to this subject.

Mr. GIBSON. Without such an agreement it would have been impossible to get the bill before the House.

The SPEAKER *pro tempore*. The Chair must state to the gentleman that he is entirely in error. The RECORD shows the Committee of the Whole House agreed that the gentleman might state his objections to the bill; but that is simply an agreement of a committee of this House, and in no wise binds the House. The Clerk will read what the RECORD shows.

The Clerk read as follows:

The amendment to the bill (H. R. 7256) granting a pension to John Vanderhoff was agreed to, and the bill as amended ordered to be engrossed and read the third time.

The SPEAKER *pro tempore*. In accordance with the agreement the previous question will be considered as ordered on the passage of the bill.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. The Chair has no power to indulge debate on this question except by unanimous consent, and objection has been made.

Mr. GIBSON. I move to recommit the bill.

The SPEAKER *pro tempore*. That motion is in order; but it is not debatable.

Mr. KEIFER. That motion is only in order after we reach the question upon the passage of the bill.

The SPEAKER *pro tempore*. That is precisely the stage which this bill has now reached. It has been engrossed and read a third time, and the question is on its passage. The gentleman from West Virginia has the right under the rules to move to recommit either before or after the ordering of the previous question upon the passage of the bill. The question is on the motion to recommit the bill to the Committee on Invalid Pensions.

The motion was not agreed to.

The bill was then passed.

Mr. MATSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union, my object being to call up the river and harbor appropriation bill. Pending that motion I move that when the Committee of the Whole next resumes the consideration of the river and harbor appropriation bill all general debate be limited to three hours.

Mr. BAYNE. I ask my friend to allow a longer time than that for general debate on this bill.

Mr. WILLIS. What time would the gentleman suggest?

Mr. BAYNE. As I understand, the list of the chairman of the Committee of the Whole embraces at least six or eight names.

Mr. WILLIS. My understanding is that most of those gentlemen propose to speak only fifteen or twenty minutes each. If the gentleman will indicate what limit will be satisfactory to him, I think we can agree.

Mr. THOMAS. Say four hours.

Mr. WASHBURN. I do not think it wise to fix any time at present. There are gentlemen who desire to be heard quite fully on this bill. The measure embraces some very extraordinary features; and there is no reason why ample time should not be given for discussion upon it.

Mr. THOMAS. I move to amend the motion of the gentleman from Kentucky by striking out "three" and inserting "four."

Mr. WILLIS. I accept that amendment. I think it will allow ample time.

Mr. BAYNE. I move to amend so as to fix four and one-half hours as the limit. There is a half hour, I think, belonging to the gentleman from Texas [Mr. MILLS], and there will be only three and one-half hours in addition if the debate be limited to four hours.

Mr. WILLIS. I accept the amendment of the gentleman from Pennsylvania [Mr. BAYNE].

Mr. WASHBURN. I move to amend the motion as modified, so as to allow six hours for general debate.

Mr. ANDERSON. I move to amend so as to make the time one hour.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that all general debate in Committee of the Whole House on the state of the Union on the river and harbor bill be limited to four and one-half hours. The gentleman from Minnesota [Mr. WASHBURN] moves to amend the motion so as to limit general debate to six hours.

Mr. GIBSON. I desire to ask the Chair whether that motion includes the time already reserved by those who have occupied the floor?

Mr. BAYNE. That was the inquiry I was about to make.

The SPEAKER *pro tempore*. The Chair will state, of course, that time would be included.

Mr. GIBSON. I understand, then, that time will be included.

The SPEAKER *pro tempore*. It will.

Mr. TOWNSHEND. I demand the regular order of business.

Mr. DIBBLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DIBBLE. How much time is now reserved by the speakers who have already spoken?

The SPEAKER *pro tempore*. The Chair is not informed, and can not inform the gentleman. That time belongs to the committee, and the Chair has no right to know it.

Mr. DIBBLE. I refer to the time which members stated upon the floor they had reserved.

Mr. ANDERSON. I move that the time be limited to three hours.

The SPEAKER *pro tempore*. The question first recurs on the amendment of the gentleman from Minnesota [Mr. WASHBURN] to fix the time at six hours. Under the rule the question on the longest time is taken first.

Mr. SPRINGER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. If this time be limited to three hours, or to six hours, is there any arrangement by which that time is to be controlled by any individual, or has it already been given out?

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Illinois that that matter belongs to the Committee of the Whole House on the state of the Union, and the Chair has no control over it.

Mr. SPRINGER. I should like to know whether that time has already all been divided up?

The SPEAKER *pro tempore*. It is a matter over which the Chair has no control.

Mr. HISCOCK. It is a matter of some consequence, Mr. Speaker, to the House, or will be to the committee, if a list has been made up and gentlemen are to be recognized by that list. It may so happen that those who are upon that list, and who will occupy the whole time, are on one side of the question.

The SPEAKER *pro tempore*. If the gentleman desires the Chair to repeat his statement recently made the Chair will do so with pleasure, and inform the gentleman from New York that the Chair has no information of any list made up or any reservation of time.

Mr. REED, of Maine. It is well understood that the entire six hours is already subscribed for, so to speak. [Laughter.]

The SPEAKER *pro tempore*. The Chair has no information of that fact. The question before the House is the motion to close debate, and the question suggested by the gentleman from Maine is not a matter before the House.

Mr. HISCOCK. I suggest whatever time is agreed upon be equally divided.

Mr. TOWNSHEND. Is this debate in order?

The SPEAKER *pro tempore*. The Chair is trying to have some understanding reached.

Mr. TOWNSHEND. I object.

Mr. THOMAS. I demand the regular order of business.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will recognize no one until order is restored in the House.

Mr. WILLIS. I ask for a vote.

The SPEAKER *pro tempore*. The Chair will take no vote until the House observes such order as will enable the vote to be taken intelligently.

Mr. WILLIS. What is the question?

The SPEAKER *pro tempore*. The question first occurs on the motion of the gentleman from Minnesota, limiting debate to six hours.

Mr. WASHBURN. Two hours of the time of the gentlemen who have already spoken have been reserved, so that under the six hours' limit there will be only four hours left for those who have not yet been heard. I submit, therefore, whether for a bill of this importance that time is not sufficiently short.

Mr. WILLIS. I do not understand any time has been reserved as coming within this limitation.

Mr. HATCH, of Missouri. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HATCH, of Missouri. I desire to know if the time now occupied in the discussion of this question is to be taken out of the four and one-half hours?

The SPEAKER *pro tempore*. It does not.

Mr. REED, of Maine. I desire to call the attention of the House to the fact stated by the gentleman from Minnesota that there is already reserved by those gentlemen who have already spoken two hours of time. I would state also, as a matter within our knowledge, a list has been already made up of members, which will more than occupy the other four hours. If then the House limits the committee to the period suggested by the gentleman from Minnesota it is time already taken up, and gentlemen who have not their names down will have no opportunity to address the House. Now, this bill, of immense importance, involving a great many new principles and enormous expenditure of the public money, ought not to be rushed through without full expression of sentiment on the part of members of the House.

Mr. BLANCHARD. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLANCHARD. I desire to know if this debate is proceeding by unanimous consent.

The SPEAKER *pro tempore*. It is not proceeding by unanimous consent, but is regularly in order on motion to limit debate.

Mr. REED, of Maine. I am sorry the gentleman from Louisiana, a member of the committee, should see fit to interrupt me.

Mr. BLANCHARD. Did I understand the Chair to state this was proceeding by unanimous consent?

The SPEAKER *pro tempore*. The Chair stated expressly it was not proceeding by unanimous consent, but in regular order on the motion to limit debate.

Mr. BLANCHARD. Then I misunderstood the Chair.

Mr. MILLER, of Pennsylvania. The gentleman from Maine has an hour if he wishes to occupy it.

Mr. REED, of Maine. This is a bill, Mr. Speaker, which interests the whole country, and members of the House generally have not been allowed to express themselves before the tribunal which has decided this matter so far as it has been decided; no audience has been given to any member of this House before the committee which has fixed the items of this enormous bill, except to members of the committee themselves, and the result of that seems to be quite perceptible on the surface of the transaction. It is, therefore, all the more important that the members of this House should have full and free opportunity to discuss the items of this bill. Hence, I hope that we shall not limit ourselves to-day in regard to this matter, but that we shall go on and discuss it and close the debate when we have got reasonably through.

Mr. BRECKINRIDGE. I would like to ask the gentleman from Maine how long he desires the general discussion of the bill to continue?

Mr. REED, of Maine. I will answer the gentleman from Arkansas that, in my judgment, we should go on to-day, and perhaps the next day when we take the bill up for consideration we will be able to judge how much more time will be needed.

Mr. BRECKINRIDGE. I have no desire to cut off the opportunity for full and free discussion of the bill. I wish the most unlimited de-

sire for discussion to prevail; and as far as I am individually concerned I have no wish to fix any arbitrary limit to the discussion. On the contrary, I think there should be a thorough discussion of the bill.

Mr. HISCOCK. Why not accept the proposition of the gentleman from Maine to have no limitation fixed to-day?

Mr. BRECKINRIDGE. Or limit it to the adjournment to-day.

Mr. WASHBURN. I yield five minutes to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE was recognized.

Mr. WILLIS. I demand the previous question.

The SPEAKER *pro tempore*. The gentleman has not the floor for that purpose.

Mr. BAYNE. I think the House will make a mistake if it puts a limitation upon the debate on this bill. It is a bill embracing a large number of new provisions.

Mr. COBB. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COBB. I desire to ask whether or not a motion to limit debate is debatable?

The SPEAKER *pro tempore*. The Chair answers that it is.

Mr. COBB. Then I presume, of course, that we can go on indefinitely.

The SPEAKER *pro tempore*. The Chair knows of but one remedy which the House can apply to cut off debate, and that is the previous question.

Mr. BAYNE. I was about to say that this bill involves a great many new features and embodies certain new principles.

Mr. KING. I demand the previous question.

The SPEAKER *pro tempore*. The gentleman has not the floor.

Mr. BAYNE. The bill involves a number of radical changes upon the system of making appropriations for rivers and harbors. It involves changes of such a nature that they demand close scrutiny by Congress and a close investigation, and unless they are subjected to that radical scrutiny and to a close analysis Congress is likely to make most serious mistakes. I ask the chairman of this committee, therefore, in the interest of fair play and in the interest of a fair and honest river and harbor bill, not to put any proposition before this House that will gag the House or prevent fair, candid, and open debate.

The bill should be subjected, as I have said, to the closest analysis, because it contains provisions that are inimical, in my judgment, to an honest expenditure of the money of this Government for the improvement of the rivers and harbors of this country. In the consideration of a bill of such magnitude and importance the gag rule should not be applied. Let us go on and discuss it to-day, and after we get through to-day, after the features of the bill have been sufficiently explained and understood, after a full, free, and open discussion in the House, if then it be the will of the House to place some limitation upon debate we can do so understandingly. But not now; because many of the features of the bill are new, and all of the speeches that have been made upon the bill so far, except the brief one made by the gentleman from West Virginia [Mr. GIBSON], have been in favor of it. When there are gentlemen here who desire to antagonize it in its present form, and expose, as far as they can, what they regard as wrong and what they regard as unwise in its preparation, it certainly does not seem to be altogether right to cut them off from that opportunity.

Mr. WASHBURN. I yield five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, owing to the shortness of the session and the number of projects to be investigated by the Committee on Rivers and Harbors, it was seen in the early part of the session that it would be utterly impossible for the committee to listen to either members or delegations with reference to the different improvements throughout the country in which they were interested. We thought and still think that it was safe to trust a preliminary examination of this question to a committee made up of representatives from many of the different sections of the country. I can say for myself, and I think I can safely say for the committee, that I have never known a more unprejudiced, more conscientious investigation of the different items of a bill than has been made at this session of Congress in the preparation of this bill.

There has been already one day's debate upon the bill. Six hours more, as is proposed and I think is acceptable to the committee, will consume the greater part if not the whole of this day. There are but a few more days of this session in which to consider the bill in the House and Senate, and if the friends of the river and harbor improvements expect to have a bill passed at this session it behooves them to look well to the limitation of debate in the House, and proceed as rapidly as possible with the practical consideration of the bill. Within six hours all of the mooted questions in the bill can be properly considered and understood by every member in the House. The bill is printed and in the hands of the members of this House. They are all supposed to be able to read. They are all supposed to be able to understand what they do read; and if they look at the printed bill and read it they can vote intelligently upon it, and all the talk about the great need for long discussion goes for naught when you look at it intelligently.

In this connection it is proper for me to say that there are provisions which do not meet my approval, and I propose to resist them with such power as I can when we come to the discussion of the bill; and I suppose, as a member of the Committee on Rivers and Harbors, I would be given an opportunity to express my approval of certain sections and disapproval of others. It is not an extraordinary bill by any means when taken as a whole, while, as I have said, there are certain provisions in the bill which do not meet my approval and upon which I have asked to be heard.

Mr. REED, of Maine. It will place the rest of us at rather a disadvantage if the members of the committee who framed the bill are to have all the time—not only before the committee, but in the House.

Mr. WASHBURN. Mr. Speaker, the gentlemen on the Committee on Rivers and Harbors who prepared this bill can afford to be very patriotic and liberal as long as they have all the time for the discussion that is to be given in this House. But I desire to say that there are other members of the House as much interested as the Committee on Rivers and Harbors, and who are just as friendly to the improvement of the rivers and harbors as the members of the committee. Such members ought to have and desire to have a full opportunity for expressing their opinion of this most extraordinary bill; and that they may be given that opportunity I have asked that the limitation of debate be extended so that they can express their views on the most extraordinary and strange features embodied in the bill.

Mr. THOMAS. Will the gentleman from Minnesota [Mr. WASHBURN] allow me to ask him a question? I believe it was on that gentleman's motion that it was proposed to limit the debate to six hours. I agree to that proposition entirely. It is satisfactory to me, and I have said I thought it would be agreeable to the committee if the debate could be limited to that time.

Mr. LONG. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. LONG. Is a motion in order to move to postpone indefinitely the motion to limit debate?

The SPEAKER *pro tempore*. The Chair knows no precedent for such a motion.

Mr. LONG. I move to postpone indefinitely the motion limiting debate.

The SPEAKER *pro tempore*. The Chair has stated that he knows of no precedent for any such motion. But under the rule any question that is under debate is subject to a series of motions, and in the opinion of the Chair the rule would give the House the opportunity to postpone the consideration of the motion. Has the gentleman from Minnesota [Mr. WASHBURN] yielded the floor?

Mr. WASHBURN. I yield to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. To make the motion I have indicated?

Mr. WASHBURN. Not for that purpose.

Mr. BOUTELLE. There is no member of this House who is not well aware that there is no measure coming before the Congress of the United States which the people of this country are more jealously scrutinizing than the river and harbor bill. As has been already said this bill involves enormous expenditures, some of them of a novel and unprecedented character. Already the question has been raised by the gentleman from Wisconsin as to the advisability of the continuance of a great system of river improvements which have been carried on at enormous expense and for which an appropriation of large amount is made in this bill. I refer to the Mississippi River levee system. I find in the newspapers of this morning, in the associated press report, a dispatch to which I wish to call the attention of the House.

Mr. WILLIS. I ask if all this is in order? Is it in order to debate the bill at this time?

The SPEAKER *pro tempore*. The Chair has already ruled that the motion to limit debate is debatable.

Mr. BOUTELLE. I trust this will not be taken out of my time.

The SPEAKER *pro tempore*. If the gentleman from Kentucky [Mr. WILLIS] makes the point of order the Chair will have to insist that the gentleman from Maine shall confine himself to the motion which is pending.

Mr. BOUTELLE. I am confining myself to that motion.

The SPEAKER *pro tempore*. Which is a motion to limit debate.

Mr. BOUTELLE. I am aware that the pending motion is a motion to limit debate. And I am endeavoring to show that this bill involves questions of so much magnitude and questions so much the subject of controversy and difference of opinion among business and scientific men that it ought to be carefully discussed. I read a telegraphic dispatch that appears in this morning's papers:

THE MISSISSIPPI RIVER LEVEES.

NEW ORLEANS, *January* 30.

A dispatch to the Picayune from Vicksburg, Miss., says: The United States steamer Vidalia arrived this morning with Capt. Clinton R. Sears, the United States engineer in charge of this district, on board. He made the trip from Memphis to inspect the levees now being constructed under his orders by the Government. He reports Long Lake levee, seventeen miles below Helena, as being in a most dangerous condition. The water is going through it at a rapid rate in two places, the break extending about two hundred and fifty yards, and the water being from one and a half to two feet deep. The water has backed up behind the levee, and it is impossible to secure the earth to continue the work

on it. Fork Levee, which extends from Arkansas City to Ames's Ridge, is now the most important levee work on the west side of the river, and the situation there is extremely critical, as the water is passing through several breaks, aggregating in width about five hundred yards, the water averaging two feet in depth. The back water also prevents work on this levee.

I submit, Mr. Speaker, that facts like these should suggest to this House that before we enter upon appropriations such as are called for by this bill a decent respect for public opinion and our responsibilities as legislators require us to give this subject careful consideration here.

Mr. WASHBURN. I move that the consideration of the motion to limit debate be postponed till next Tuesday.

The SPEAKER *pro tempore*. The Chair will entertain the motion; but under the rule the question will first be on the motion of the gentleman from Minnesota [Mr. WASHBURN] to amend the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. REED, of Maine. The motion of the gentleman from Minnesota is to postpone the consideration of the motion to limit debate.

Mr. WILLIS. I believe I have the floor.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] has not the floor. The gentleman from Minnesota [Mr. WASHBURN] took the floor in his own right and was entitled to hold it for one hour, and he has never yielded it. The Chair, however, will hear the gentleman from Maine.

Mr. REED, of Maine. I suggest to the Chair that the motion of the gentleman from Minnesota is that the entire subject under discussion be postponed until Tuesday.

The SPEAKER *pro tempore*. The Chair knows that, and he will suggest to the gentleman from Maine that if he consults the rule he will find that the various motions must take precedence as they are laid down in the rules, and the motion to amend is voted on before the motion to postpone indefinitely.

Mr. REED, of Maine. If the Chair will permit me, I desire to state that the order of motions given in the fourth section of Rule XVI is "to postpone to a day certain," "to refer or amend," which gives precedence to this motion.

The SPEAKER *pro tempore*. Does the gentleman from Minnesota move to postpone to a day certain?

Mr. WASHBURN. Yes, sir.

The SPEAKER *pro tempore*. The Chair understood the gentleman to yield to the gentleman from Massachusetts [Mr. LONG] to move to postpone indefinitely.

Mr. RANDALL. I desire to make a suggestion to the House, which may, perhaps, bring about a harmonious result. I suggest that the general debate be continued on this bill till 5 o'clock, that the House then take a recess until 8 o'clock, and that the general debate be continued from 8 o'clock till such hour as the House may adjourn.

Mr. KEIFER. There will be nobody here to-night to hear it.

Mr. WASHBURN. Mr. Speaker, I move the previous question upon my motion.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moved that the House do now resolve itself into the Committee of the Whole on the state of the Union, and pending that motion he has moved that all debate upon what is known as the river and harbor bill, when such bill shall be reached, shall be limited to four hours and a half. The gentleman from Minnesota [Mr. WASHBURN] has moved as an amendment that that debate be limited to six hours. The motion now pending is to postpone until Tuesday next the further consideration of this motion, and upon that motion the gentleman from Minnesota asks the previous question.

Mr. HATCH, of Missouri. Mr. Speaker, I move to lay this whole subject on the table.

Mr. BRECKINRIDGE. I offer as a substitute the suggestion that has been made by the gentleman from Pennsylvania [Mr. RANDALL]. I think it is in the nature of a substitute.

The SPEAKER *pro tempore*. The Chair hardly thinks it is a substitute. The gentleman from Missouri [Mr. HATCH] moves to lay this subject on the table.

Several members addressed the Chair.

The SPEAKER *pro tempore*. That motion is not debatable.

Mr. THOMAS. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. There are too many gentlemen rising to questions of order for the Chair to hear any particular one. Gentlemen will be seated, and the Chair will then hear their parliamentary inquiries and points of order. The gentleman from Illinois [Mr. THOMAS] will now please state his point of order.

Mr. THOMAS. My point of order is that the motion of the gentleman from Missouri [Mr. HATCH] is not in order after the previous question has been demanded on the motion of the gentleman from Minnesota [Mr. WASHBURN].

The SPEAKER *pro tempore*. The Chair thinks differently. The previous question has not been ordered. The question is upon the motion of the gentleman from Missouri [Mr. HATCH] to lay this subject upon the table.

Mr. BROADHEAD. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROADHEAD. I desire to ask the Chair whether if this motion to lay on the table shall prevail it will not carry the bill with it?

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the bill is not before the House; it is in Committee of the Whole House, and this motion if it prevails will have no effect upon the bill.

The question is upon the motion of the gentleman from Missouri [Mr. HATCH] to lay this subject upon the table.

The House divided; and there were—ayes 86, noes 71.

So the motion to lay on the table was agreed to.

The SPEAKER *pro tempore*. The motion to lay this subject upon the table has been agreed to; and the question now recurs upon the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. WILLIS. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. This subject being now laid upon the table, I desire to ask the Chair whether a motion to limit debate is not now in order?

The SPEAKER *pro tempore*. The Chair thinks that it is.

Mr. WILLIS. I ask unanimous consent to make a brief statement, which will not occupy more than two minutes.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] has the floor.

Mr. WILLIS. Mr. Speaker, I do not intend to trespass upon the courtesy of the House further than to occupy two or three minutes in replying to what has been said here in regard to the committee which reported this bill and of which I have the honor to be chairman.

The House will bear in mind that when this bill came up for discussion the day before yesterday, in obedience to the instructions of the committee I asked what time would be agreed upon for the discussion of the bill. Thereupon the gentleman from Maine [Mr. REED], as the utmost time that was asked for in the discussion, requested that at 4 o'clock yesterday general debate should be ended; and the matter was not further pressed. This morning, after the debate had run for a day, in order to arrive at the sense of the House I again made a motion, by way of suggestion, as to the general debate, as is the custom in regard to all general bills, and I asked the opinion of those who oppose the bill. One gentleman thereupon suggested that instead of three hours the time should be three hours and a half. I accepted that. Another gentleman proposed to extend the time to four hours, and another to four hours and a half. I accepted that suggestion. Thereupon the gentleman from Minnesota [Mr. WASHBURN] moved to make it six hours. Now, that is the whole history of this effort to limit or "gag" debate. Speaking for the committee I desire to say that, subject to the limitations necessarily imposed upon us by the shortness of this session, neither I nor any member of that committee has had any desire to exclude any gentleman from the expression of his views upon the pending bill; but we recognize the fact that there are only twenty-eight days of legislative life left, and that there are other appropriation bills pressing for consideration; and subject to the limitations imposed by these facts we desire the fullest debate on this bill.

With reference to the suggestion as to members not being permitted to go before the committee, I desire to state, what is known to the House, that there were thousands of items to be passed upon by this committee. In the last session, which was the long session, we invited every member, whether he desired to come before the committee or not, and all the delegations, because we had ample time to hear them. But at this session, being limited by the law to ninety days, we could not have the advantage of the personal presence of all the members of this House and the thirty or forty delegations from different parts of the country that desired to be heard. Nothing was done for the purpose of excluding information. On the contrary, when any member of the House informed a member of the committee that he desired to be personally heard, we told him the rule that we were compelled to adopt, and requested him to put in writing the suggestions he had to make; and that was done by all the gentlemen who desired to present anything to the committee, including the gentleman from Maine [Mr. REED]. I feel bound to make this statement in justice to the committee.

I desire to say further that we of the committee are willing to let this debate run as long as any member on the floor who is friendly to the bill desires; but we believe that in the interest of the bill there should be some limit fixed this morning. If the House agrees to that, desiring myself to have the fullest debate that can be had, I state to the House for its information that, as one member of the committee, I shall surrender to other gentlemen all the time allowed to me. I ask that by general consent the proposition of the gentleman from Minnesota that the general debate be limited to six hours be accepted; and I now demand the previous question.

Mr. SPRINGER. I rise to a question of order. My point is that the House has just laid on the table the whole subject of limiting debate on this bill, and that it is not in order at this stage to renew the motion to limit debate.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. HISCOCK. I desired to make the same point of order. I suppose we can reach our object by voting down the previous question.

Mr. SPRINGER. If we now lay this subject on the table again, can this process be repeated from time to time all day? I move to lay on the table the motion of the gentleman from Kentucky.

Mr. WASHBURN. I hope this side of the House will agree to what

I regard as a very reasonable proposition made by the gentleman from Kentucky.

The SPEAKER *pro tempore*. This debate is proceeding only by unanimous consent.

Several members objected and called for the regular order.

The question being taken on the motion of Mr. SPRINGER to lay on the table the motion of Mr. WILLIS, there were—ayes 99, noes 73.

Mr. WILLIS. I will not consume the time of the House by pressing further this matter. I ask for the regular order.

The SPEAKER *pro tempore*. The motion to lay on the table is agreed to. The regular order is the question upon the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into Committee of the Whole on the state of the Union.

RIVER AND HARBOR APPROPRIATION BILL.

The question being taken on the motion of Mr. WILLIS that the House resolve itself into Committee of the Whole on the state of the Union, it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] is entitled to the floor for twenty-five minutes.

Mr. MILLS. Mr. Chairman, ten years ago the country dependent on the Mississippi River for transportation of its products to market was in the same condition that the country is which is dependent on Galveston Bay and that much larger scope of country lying north and northwest of that bay must be in the future. That large section of country lying along the waters of the Mississippi and its tributaries in the West is the principal grain and provision producing part of our Union, and its markets are in New and Old England. Ten years ago, and before that, it was common to hear persons speak about the worthlessness of agricultural products there. However prolific was the yield of all the necessaries of life, the obstructions between the producer and the consumer were so great that the value of their products was almost consumed in the costs of transportation. We were often told that corn was being consumed for fuel when Eastern populations were hungering for bread.

I heard some gentleman say here the other day that Mr. Eads had said some years ago that the improvement of the Mississippi River would cost $100,000,000. I know not what Mr. Eads may have said, but, sir, if these walls could have been hung with phonographs, registering and preserving the utterances of the human voice, and they could be brought before us now, they would tell of hundreds of utterances in these Halls that the people of the West would have the Mississippi River open if it cost $100,000,000. All her Representatives said it. The people of the West were conscious of their power, and they were determined to expend their treasure to open a way for their products to the markets of the world. Why, sir, that river had been under the work and management of the United States engineers for forty years. The Government had expended for its improvement during that time more than $2,000,000 at its mouth alone. Nothing had been accomplished. Congress had appointed committees to investigate the difficulties in the way of transportation routes to the seaboard. They had labored patiently and made large reports of their investigations. But the problem remained unsolved. Agricultural labor was paralyzed. Stagnation and rot and decay were everywhere in their midst. In 1875, when the contract was made with Eads, after all the large expenditure made by our engineers, there was but eight feet of water on the bar at the mouth of the river, as I am informed.

This was all that was to show for all that money, and science, and skill, and learning, which was so highly eulogized by my friend from West Virginia [Mr. GIBSON]. Eads had recently accomplished that great wonder of the world, the spanning of the Father of Waters at Saint Louis with a great bridge which will remain as long as architecture endures the admiration of mankind. The representatives of the people had confidence in him. They came to Congress and brought him here, and he submitted a proposition, which was accepted, for $5,250,000 to give thirty feet of water at the mouth of the river. That thirty feet of water has been obtained, and a free way to market has been made for the wheat, and corn, and pork, and provisions of that great granary and storehouse of the country.

What, sir, has been the result of that work? The stagnation and decay that characterized every inch of that country before now passed away, and the hum of active and prosperous industry meets you everywhere. And New Orleans, your city, my friend [to Mr. HUNT], that had death at her doors, with silence in her streets, with her levees untenanted, once more revived with business activity, and to-day, like the eagle, she renews her youth and becomes once more the great cotton-exporting city of the Union. Now, sir, I want to read you some extracts from the report made by the Chief of the Bureau of Statistics about the cost of transportation of wheat before that work was accomplished and what it was after it was finished. Some of these statements are given on the authority of Mr. Morgan, who was secretary of the Merchants' Exchange at Saint Louis.

Mr. Nimmo, in his report, says:

Mr. Morgan also states that upon the opening of navigation in the month of March, 1881, and for some time thereafter, the through rate from Saint Louis to Liverpool was as high as 26½ cents per bushel on wheat, while the rate by rail via New York and thence by steamer to Liverpool was about 35 cents. He states, however, that since the first rush ended freights have gradually declined, until on the 31st of May the rate from Saint Louis to Liverpool via the Mississippi River was only 18½ cents per bushel on wheat, whereas at the same time by the rail route via Atlantic seaports it was about 30 cents per bushel, a difference of 11½ cents per bushel in favor of the river route.

Mr. John King, jr., late first vice-president of the Baltimore and Ohio Railroad Company, in his report to the joint executive committee of east-and-west trunk lines, under date of April 27, 1881, states that on the 20th of March last the total charges for transporting grain from Saint Louis to Liverpool via New Orleans, including river rates, ocean rates, insurance, and transfer charges at New Orleans, amounted to 46.74 cents per 100 pounds, or 28 cents per bushel, and that at the same time the total charges for transporting grain from Saint Louis to Liverpool via New York, including rail and ocean rates and all incidental charges, amounted to 60.44 cents per 100 pounds, or 36½ cents per bushel. This shows the charges on the route via New Orleans to be less than the rates via Atlantic seaports by 8½ cents per bushel.

At the time this statement was made by Mr. King the river rate was 8½ cents per bushel from Saint Louis to New Orleans. It is believed, however, by well-informed persons, that grain can thus be transported in barges at a profit for 4 cents per bushel.

The result of the maintenance for a long period of so wide a difference between the rates by the river route via New Orleans and the rail route via Atlantic seaports has, of course, been *to deflect to the Mississippi River route almost all grain at Saint Louis intended for exportation to foreign countries.*

Hence the bitter and almost malignant opposition to the improvement of our water ways in the South and West which always comes from the East. New York city has shown her political power in this House constantly under one pretext and another with both political parties against every attempt that seeks to release us from the dominion of her trade.

Mr. DUNHAM. Allow me to ask the gentleman a question.

Mr. MILLS. Certainly.

Mr. DUNHAM. I wish to inquire when these rates you speak of were made from New York to Liverpool?

Mr. MILLS. What I have read has been quoted from Mr. Nimmo's report.

Mr. DUNHAM. But at what time were these rates made?

Mr. MILLS. As I have already stated, they were made in 1881.

Why, Mr. Chairman, the people of New York and of the Eastern States, who have had the great channel of commerce flowing across the continent into their laps, almost took the hydrophobia a few years ago when we were passing a river and harbor bill. It was denounced all over the country, and members of Congress fell under that denunciation, and even grave Senators, strong in their popularity at home, barely saved themselves because they had voted in favor of removing some of the obstructions to the navigation of the Mississippi and other rivers in other States of the Union.

And that great journal the New York Herald, that was so potent a factor in striking down the members of Congress who voted for the improvement of those rivers and harbors, now very anxiously, very persistently, very laboriously, and very ably presses upon the Congress of the United States the necessity of ratifying the Spanish treaty, that takes out of the coffers of the Government $25,000,000 of money on sugar without reducing the price of sugar one farthing to the 55,000,000 of consumers.

I am not at all astonished to find that city still opposing every effort that is made by the people of the Western States to get to market cheaply. It is not in the constitution of human nature to give up these vast advantages which have been flowing into their pockets. They will not willingly consent to relinquish them, but will exhaust every element of their political power to compel both Democrats and Republicans to bow in obedience to their command. Now, Mr. Chairman, what has been the result of the work of the United States engineers at Galveston? We are told they are men of great learning; that they have been educated at West Point by the Government; that they are learned and skillful and all that. Their success has been precisely the same at Galveston that it was at the mouth of the Mississippi River, and precisely the same at Brownsville that it was at Galveston and at the mouth of the Mississippi River, and that is their success is expressed by the word "failure."

In 1874 they began the work of the improvement of Galveston Harbor by the "gabionnade" system. The engineers all expressed confidence that this system was a success. They never faltered in their devotion to it, and never wavered in their confidence of procuring what they undertook to get, that is, eighteen feet of water on the bar. But in 1879 the gabionnade system was abandoned, swept away, and it has gone "where the woodbine twineth." It has gone out into the wide, wide sea, and the $527,000 expended by the Government to make a channel by the gabionnade has been sunk in the depths of the sea. In 1879 the mattress system was adopted. A jetty four and one-quarter miles in length was constructed at a cost of $975,000, including $100,000 contributed by the city of Galveston. The total amount expended up to the present is $1,578,000. That single jetty was to perform wonders, and it did perform wonders. There is something strange about it to one who does not comprehend fully the science of engineering. It deepened the water. There is no doubt about that, for the engineers tell us so in their report. But it deepened it on the wrong side of the jetty.

It was the design of the engineers that the channel should be on the north side of the jetty, but the water refused, and cut the channel on the south side. The engineers designed that the south side should be shoaled, but the water determined to shoal the north side, and they cut a channel from four to eight feet deep on the south side. The water was twelve feet deep on the bar when the work began in 1874. In September, 1875, a heavy storm came and ploughed out a channel nine inches deep. Now they have thirteen feet of water, and there are three inches of that thirteen feet involved in a contest between the engineers and the clerk of the weather as to who is entitled to claim it. In addition to the grand success of getting a channel on the wrong side of the jetty, they have turned the current of the Gulf along the shore of the island, which is cutting it away and threatening the permanent destruction of that part of the island and the submerging of houses along with the jetty in the waters of the Gulf. Such have been the achievements of our engineers. The people of Texas have no confidence in obtaining deep water under their plans, and they look for success only by the adoption of the plans of Eads at the mouth of the Mississippi, and that is by raised jetties, confining the outflow to the channel and making it do the dredging.

To obtain the result so much needed and so much desired not only by Texas but by the whole of that vast section between the Mississippi River and the Pacific Ocean and between the Gulf of Mexico and the British Possessions, we come to Congress, and ask you to adopt measures that will open our way to market, and open it as soon as possible.

Why do I say that this vast area of country is tributary to Galveston? Because it is nearer to the Gulf than it is to the Atlantic. It is nearer Dakota than New York is, and it is nearer to all the people along the Mississippi River on its west side than New York is. Not only that, but all the people along the farther borders of the Territories of the United States must inevitably come to the Gulf of Mexico for their markets. They now have three ways open to them by which they may reach the consumers of their products. They may go east to the Atlantic, or south to the Gulf, or west to the Pacific.

Washington, Oregon, and California can go to the Pacific. But you must remember that their customers are not at Honolulu, but in New England and Europe. Their products find their markets in eastern countries. In order to reach them they can not sail across the isthmus, for it has mountains and not water. They must go clear around the cape and make a three months voyage to reach England. That will not do. Or they must go clear across the continent to New York, and that will not do. Or they must go to Galveston. It is a very simple question to determine. We all know that they will take the shortest and quickest and cheapest route, because in trade shortness of time and distance are material elements of value. Time and money saved in transportation are so much saved to the producers, for the producer has to bear all the charges of reaching an open market. I mean a market governed by the laws of demand and supply. I do not mean markets governed by acts of Congress, but markets where prices are governed by the amount of articles to be sold and the amount of demand there is for their purchase. When the producer reaches the market he must sell at the market price, and all the cost of getting his products to market must be borne by him. As the people of the Northwest have to sell their agricultural products in the open markets of the world, they have to bear all the heavy charges of transportation. The territory tributary to Galveston contains 2,000,000 square miles. It has more than 10,000,000 of people—only five to the square mile. It is populating rapidly.

I have some figures to show how fast it is growing. Idaho increased in the last ten years 117 per cent.; Wyoming increased 127 per cent.; Kansas, 178 per cent.; Washington, 213 per cent.; Arizona, 217 per cent.; Nebraska, 267 per cent.; Colorado, 387 per cent.; and Dakota, 853 per cent.

This shows you the rapid rate at which the West is increasing. It is capable of sustaining a population as thick as that of New York; and that State I believe has 110 or 115 of population to the square mile, almost one-half of what Massachusetts and Rhode Island have, and about one-fourth of what Great Britain has; and all these people have got to go to market to the Gulf of Mexico if they are going to market their products where they will receive the largest amount of benefit for them.

Now let me show you the distances of some of the young cities of the West from Galveston. Kansas City, which is the center of this great grain-growing country, is 600 miles nearer to Galveston than it is to New York; Denver is 730 miles nearer; Salt Lake City is 750 miles nearer; Cheyenne is 650 miles nearer; Santa Fé, 1,000 miles nearer; Yankton, 300 miles nearer; Lincoln, 275 miles nearer; Topeka, 550 miles; Omaha, 375 miles; San Francisco, 900 miles, and Los Angeles, 1,100.

Why, then, should they go farther across the continent by rail when they will save these distances by striking salt water at Galveston? They will all go to Galveston, and of course their trade will be lost to the cities on the Atlantic coast; and of course they will resist under every pretext possible every improvement of these water ways that makes it possible to take that trade away from them.

Now let me show you how in doing this thing they are acting against the interests of the great body of their people. The railroad interest, the vast capital invested in the trunk lines running west from New York, are doing all in their power to keep this business. But the interest of the great body of the Eastern people who live by the bread and meat they get from the Western States requires that they shall have these obstructions removed, so that they may get the necessaries of life cheaper. Looking at the last report of the Agricultural Department for December, 1884, I find the price of a bushel of corn in Maine is 75 cents; in New Hampshire, 76 cents; in Vermont, 65 cents; in Massachusetts, 72 cents; in Rhode Island, 78 cents; in Connecticut, 65 cents. The average price of a bushel of corn in the six New England States is 72 cents. Then look to Iowa, Missouri, Kansas, and Nebraska, the great corn-producing regions of the West, and you find the bushel of corn in Iowa is worth 23 cents; in Missouri, 26 cents; in Kansas, 22 cents; in Nebraska, 18 cents. The average price of a bushel of corn in those four States is 22 cents, while the average price of a bushel of corn in the New England States is 72 cents; a difference of only 50 cents in the average price of a bushel of corn in those four States and in the six New England States!

What I have just been remarking applies also to wheat. There is a similar difference, although not precisely the same, in the prices of wheat, hay, and other articles that the New England States want and our people raise in excess. The prices of these articles are very much higher in the East than in the West; and it is for the interest of the poorer people in New England that they should buy them cheaper. Remove, then, all the obstructions intervening between them and the producers of these articles which are the necessaries of life to them! The Representatives of New England should aid us in removing these obstructions as far as it is possible to remove them, and thus help their people to cheaper food. Suppose it costs six or seven million dollars to do it, what of that? Why, sir, if the price of transportation of a bushel of wheat should be reduced eight and a quarter cents by opening the mouth of the Mississippi River, what is the saving to the wheat-growing regions on 100,000,000 bushels? It will represent a sum large enough, even on the first crop of wheat, to save the whole expense of that work. If you open the port of Galveston, the State of Kansas, as my colleague [Mr. REAGAN] said the other day, will save on her corn crop alone enough to pay for the work.

Why, then, should it not be opened? Why should we not have these obstructions removed? But some gentlemen say that we ought to leave this thing to the engineers of the United States; that they can do it, and that we reflect upon them when we intrust the work to Mr. Eads. Why, sir, have we cast reflection on the great Corps of Engineers? Did the United States cast reflections upon them when it put in the hands of Mr. Eads the great work at the mouth of the Mississippi River? Why did the owners put in his hands the construction of the great bridge at Saint Louis over the Mississippi River? Why was one general after another during the war removed from the command of your Army? Why did you put General Grant there? Was it any reflection on the other distinguished generals that stood around him that had marched at the head of your armies and fought with him, or because Grant had great military abilities transcending those of his fellows? Was that necessarily a reflection on the others? They had been tried and had failed. He had been tried and succeeded. Why should the Government be deprived of the services of a commander who knew how to succeed?

Here is a great engineer. We recognize him as standing at the head of all the engineers in the United States, and he is regarded to-day as the greatest in the world. Why, only the other day he made an examination of certain works at Rio Janeiro, for which the Emperor of Brazil paid him $25,000; and I understand that he was paid $15,000 by the Parliament of Great Britain for his opinion on a work involving the clearing out of obstructions from some of the waters of Great Britain.

[Here the hammer fell.]

Mr. MILLS. I wish I had five minutes more.

Mr. JONES, of Alabama. Mr. Chairman, I will yield the gentleman ten minutes of my time.

Mr. REED, of Maine. I move that the gentleman from Texas [Mr. MILLS] be allowed five minutes more, by unanimous consent.

Mr. HISCOCK. I have no objection, Mr. Chairman, to any arrangement that may be made of that kind; but I suggest that it be with the understanding that the same courtesy shall be extended to the other side.

Mr. REAGAN. Mr. Chairman, the gentleman from Alabama [Mr. JONES] has taken the floor and yielded my colleague ten minutes of his time.

The CHAIRMAN. The difficulty about that is that the Chair has already recognized another member of the committee, the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I have no objection to the gentleman from Texas [Mr. MILLS] proceeding for five minutes.

Mr. BLANCHARD. I believe I am entitled to recognition after the gentleman from Illinois [Mr. THOMAS], and if he will give five minutes of his time to the gentleman from Texas [Mr. MILLS] I will yield five minutes of my time to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. I have no objection to that.

The CHAIRMAN. The gentleman from Texas [Mr. MILLS] will proceed. The gentleman from Illinois [Mr. THOMAS] yields him five minutes of his time.

Mr. MILLS. Mr. Chairman, during the short time that has been allowed me (for which I feel very thankful to the gentleman) I want to discuss another objection that is raised to this improvement—the objection that there is a wharf company at Galveston which charges exorbitant rates upon the commerce coming and going through that port. There is a wharf company at Galveston. I suppose there are wharf companies in all cities on the seaboard—at least there are certain regulations about wharves in all such cities. Wharves have to be built, and it takes a great deal of money to build a wharf which runs out such a distance that vessels drawing ten, fifteen, or twenty-five feet of water can lie alongside. I am speaking now only my own individual opinion upon this subject; but I have no doubt that there are wharf companies in Baltimore, Philadelphia, New York, Boston, Chicago, New Orleans, San Francisco, and many other places. I do not know anything about the rates charged by the Galveston Wharf Company, but I do know that the constitution of my State has confided to the Legislature full power over all wharf companies and other companies in the State to fix and regulate their charges. I will read the provision of our constitution upon that subject:

SEC. 3. The right to authorize and regulate freights, tolls, wharfage, or fares levied and collected, or proposed to be levied and collected, by individuals, companies, or corporations, for the use of highways, landings, wharves, bridges, and ferries devoted to public use, has never been and shall never be relinquished or abandoned by the State, but shall always be under legislative control and depend upon legislative authority.

SEC. 4. The first Legislature assembled after the adoption of this constitution shall provide a mode of procedure by the attorney-general and district or county attorneys, in the name and behalf of the State, to prevent and punish the demanding and receiving or collection of any and all charges as freight, wharfage, fares, or tolls, for the use of property devoted to the public, unless the same shall have been specially authorized by law.

SEC. 5. All laws granting the right to demand and collect freights, fares, tolls, or wharfage shall at all times be subject to amendment, modification, or repeal by the Legislature.

Mr. BROWN, of Pennsylvania. I desire to ask the gentleman from Texas [Mr. MILLS] whether the legislation authorized by that constitution has ever been entered upon?

Mr. MILLS. I will say to the gentleman that the Legislature of my State is now in session; and I see by the public prints that their minds have been directed to this very matter, and that they are preparing to revise and look into the wharf charges at Galveston.

Mr. BROWN, of Pennsylvania. When was that constitution adopted?

Mr. MILLS. Ten years ago.

Mr. REAGAN. If my colleague [Mr. MILLS] will permit me, I will state that I have seen a comparison of the wharf charges there with those in other cities, showing that the charges in Galveston are lower than in other cities.

Mr. MILLS. And I am informed by mercantile gentlemen who live in Galveston, and have to deal with this wharf company, that the charges are lower than elsewhere. I have here a paper in which the charges are published. I do not know how long they are kept standing, but I find them spread broadcast before the world in this newspaper. I will not occupy time by reading them, but I will make the statement a part of my remarks:

RATES AND REGULATIONS OF WHARFAGE OF THE GALVESTON WHARF COMPANY, APRIL 1, 1881.

All vessels and their owners landing goods on the wharves thereby contract to pay, and are responsible for, the wharfage on the same, according to the following rates, to be collected from the vessels or their agents:

	Cents.
Anchors and chains, per 100 pounds	5
Barrels, wet	6
Barrels, dry	5
Barrels, empty, wet	3
Barrels, empty, dry	2
Barrel staves, per thousand	30
Bacon, per cask	25
Bacon, per case	15
Bags or sacks in bales, per cubic foot	1
Bagging, per cubic foot	1
Bagging, per 100-yard roll, each	6
Bagging, per 50-yard roll, each	3
Baskets, per nest	2
Ballast, per ton	25
Bales, over 5 cubic feet, per foot	1
Bedsteads, each	10
Bedsteads, common, each	5
Bedsteads, boxed, per cubic foot	1
Bellows, per cubic foot	1
Bananas and plantains, per bunch	2
Breakfast bacon, per box	5
Boxes liquors, cheese, soap, candles, &c	3
Boxes, extract coffee, ink, bluing, &c. (small)	2
Brooms, per dozen	5
Broom-handles, per thousand	30
Broom-corn, per bale	5
Brick, fire, per thousand	60
Brick, common, per thousand	50
Bran, per sack	4
Bran, per ton of 2,000 pounds	50
Blinds, doors, and sash, per cubic foot	1
Boilers, steam, per 100 pounds	5
Bones and horns, per ton of 2,000 pounds	30
Bone-dust, per ton of 2,000 pounds	50
Bone-black or bone-meal, per sack of 100 pounds	3
Bolts and spikes, rivets, nuts, and washers, per keg	5
Buckets, per dozen	8
Buckets, well, per dozen	5
Butter, per keg	3
Butter, per firkin	4
Building stone, rough, per ton of 2,240 pounds	50
Buggies, each	50
Buggies, boxed, per cubic foot	1
Carboys, each, full	10
Carboys, empty	5
Casks, wine	20
Casks, hardware, per 100 pounds	5
Casks, merchandise, per cubic foot	1
Carriages, boxed	75
Carriages, each, per cubic foot	1
Carts, each	25
Castings, hollow or solid, per 100 pounds	5
Cattle, grown, each	30
Cattle, two-year-olds, each	20
Cattle, yearlings, each	10
Cattle, calves, each	10
Champagne, in baskets	5
Chairs, per bundle (2 each)	5
Charcoal, per sack	3
Cotton, per bale, landed	10
Cotton, per bale, shipped	10
Cotton, per sack	10
Coal, dumped in cars, per ton of 2,240 pounds	30
Coal, dumped on wharf, per ton of 2,240 pounds	50
Coal, in sacks	25
Coaches, stage, each	100
Corn, per sack	3
Corn, in shuck, per barrel	3
Cotton seed, per ton of 2,000 pounds, cargo	25
Cotton-seed meal, per ton of 2,000 pounds	15
Cotton-gins, per cubic foot	1
Cotton-planters, each	10
Corn-planters, each	10
Corn-shellers	6
Corn-mills, per cubic foot	1
Coffee, per sack of 135 pounds	4
Codfish, per drum of 500 pounds	15
Cordage, per 100 pounds	5
Cotton-ties, per 100 pounds (inward)	2½
Cotton-ties, per 100 pounds (outward)	5
Copper, per 100 pounds	5
Copper, pig, per 100 pounds	5
Coal oil, per case	2
Cocoanuts, per 100	25
Collars, horse, per dozen	5
Crates, crockery or merchandise, per cubic foot	1
Cultivators, each	30
Drays, each	25
Doors, each	3
Demijohns, full	2
Demijohns, empty	1
Dry goods, in case, per 100 pounds	5
Filters, boxed or otherwise, per cubic foot	1
Flour, per sack of 100 pounds	2½
Flour, per sack of 50 pounds	1½
Fustic and other dyewoods, per ton of 2000 pounds	50
Fertilizer or guano, per ton of 2,000 pounds	50
Furniture, boxed, per cubic foot	1
Groceries, dry, boxed, per 100 pounds	5
Grain, for export, including bran, per 100 pounds	1
Grind and mill stones, per 100 pounds	5
Gunny bags, in bales, per cubic foot	1
Hardware, per 100 pounds	5
Hames, per dozen	4
Hams, per cask	25
Hay, per bale	10
Hay, per half bale	5
Hogsheads, empty	5
Hogshead staves, per thousand	50
Hay-cutters	6
Half barrels, wet	3
Half barrels, dry	3
Half barrels, empty	1
Herring, per box	1
Hoop-poles, per thousand	25
Horses and mules, each	50
Hogs	5
Horseshoes, per keg	5
Household goods, per 100 pounds	5
Hides, loose, each	1
Hides, in bales, per 100 pounds	5
Hides, green, in bundles of 2 each	3
Ice, in hogsheads	25
Ice, as per invoice, less 30 per cent. for waste, per ton	50
Ice-cream freezers, each	2
Iron, boiler, plate, bar, hoop, wrought, sheet, and galvanized, per 100 pounds	5
Iron pipe, water, per ton of 2,000 pounds	50
Iron shutters and wrought fittings, per 100 pounds	5
Iron, junk and scrap, per ton of 2,240 pounds	50
Iron, pig, per ton of 2,240 pounds	50
Iron safes, over 2,000 pounds, per 100 pounds	10
Iron safes, under 3,000 pounds, per 100 pounds	5
Iron wire, telegraph and fence, per 100 pounds	2½
Junk, in bales (except iron)	10
Kegs, merchandise	3
Kegs, empty	1
Kits, fish	2
Laths, per thousand	10
Lemons, per box	4
Lead, per 100 pounds	5
Lumber, per thousand	30
Leather, per 100 pounds	5
Malt, per sack	
Marble, per 100 pounds, dressed	
Marble, per ton of 2,000 pounds, rough	50
Marble dust, per barrel	5
Machinery, per 100 pounds	5

	Cents.
Mineral ores, per ton of 2,000 pounds	50
Mowing machines, each	50
Moss, per bale	5
Matting, per roll	5
Nails, per keg	3
Nails, per half keg	2
Oakum, per bale	5
Oats, per sack	4
Oil-cake, per ton of 2,000 pounds	15
Oranges, per box	4
Ordnance stores, per 100 pounds	5
Oysters, per barrel	5
Paint, per 100 pounds	5
Pails, per dozen	5
Pails, flour, per nest	3
Paper, printing, per bundle	3
Paper, wrapping, per ream	1
Pecans, per sack	3
Pianos, boxed, per cubic foot	1
Pineapples, per 100	25
Plows, each	5
Plows, sulky	25
Plow material, k. d., per 100 pounds	5
Potash, per 100 pounds	4
Posts, fencing, each	1
Powder, kegs	4
Powder, half kegs	2
Powder, quarter kegs	1
Railroad material for construction and operation:	
Railroad iron and steel rails, per ton of 2,240 pounds Railroad fish-bars, plates, and chairs, per ton of 2,240 pounds Railroad frogs, spikes, bolts, and nuts, per ton of 2,240 pounds	30
Railroad iron bridges, locomotives, per ton of 2,240 pounds Railroad trucks, wheels, axles, &c., per ton of 2,240 pounds	1 00
Railroad iron, for street-railroad, per ton of 2,240 pounds	50
Railroad passenger cars, each	15 00
Railroad passenger cars, narrow gauge	10 00
Railroad platform cars	8 00
Railroad platform cars, narrow gauge	5 00
Railroad lumber, per thousand feet	30
Railroad ties, eight feet long, each	2
Raisins, per box	3
Raisins, per half box	2
Raisins, per quarter box	1
Rags, per bale	10
Refrigerators, per cubic foot	1
Rubber belting, per 100 pounds	5
Roofing slate, per ton of 2,000 pounds	40
Rope, per 100 pounds	5
Salt, per sack	3
Salt, per sack (cargoes imported)	2
Sand or soil, per dray-load	5
Sawdust, per dray-load	10
Sewing-machines, each	10
Sewing, k. d., per 100 pounds	5
Sieves, per package, 2 dozen	10
Shot, per 100 pounds	5
Shingles, per thousand	10
Sheep, each	5
Shooks, box, per car-load	5 00
Shooks, box, less than car-load, per 100 pounds	2
Shell, per dray-load, 5 barrels	5
Soda, in casks and drums, per 100 pounds	2
Shovels and spades, per dozen	6
Spices, per sack	5
Stoves, per cubic foot	1
Sugar, per hogshead	25
Sugar, per barrel	5
Sugar, Havana, in boxes	15
Smoke-stacks, per 100 pounds	5
Stoves and trimmings, per 100 pounds	5
Sulkies	25
Tierces beef	10
Tierces lard	10
Tierces rice	10
Tierces hams	10
Tierces tallow, &c	10
Tierces with barrels inside	10
Tierces empty	4
Timber, walnut, &c., per ton of 50 cubic feet	25
Tin plate, per 100 pounds	5
Tin, pig, per 100 pounds	5
Tobacco, chewing, per 100 pounds	5
Tobacco, smoking, per cubic foot	1
Tiles, per ton of 2,000 pounds	50
Trunks, filled with merchandise, or nests	6
Tubs, per nest	5
Trucks, railroad, per 100 pounds	5
Truckage, per loaded freight car	1 00
(Locomotives, passenger trains, and empty cars, free.)	
Wagons, each	50
Wagons, spring or cane	75
Wagon material, k. d., per 100 pounds	5
Washing-machines, each	10
Washboards, per dozen	4
Watermelons, each	1
Water-coolers	2
Wire, per 100 pounds	5
Wheelbarrows	5
Wheels and axles, railroad per 100 pounds	5
Wheels and axles, log carrier	75
Wood, per cord	25
Wool, per sack	10
White lead, per 100 pounds	5
Zinc, in rolls, per 100 pounds	5

Goods not in above list will be charged in proportion, say: Less than forty pounds to the cubic foot will be classed as measurement and charged 1 cent per foot; forty pounds and over to the cubic foot will be classed as weight, and charged 5 cents per hundred pounds.

All goods and articles of every kind landed or received upon any of the wharves are thereafter at the risk of the owners, and not of the company, and must be removed the same day, or, at furthest, the next day. After which time, any of said goods and articles remaining on the wharves, the owners and consignees thereof will be responsible for, and will be charged an additional wharfage of one-third the rates specified in the preceding schedule for every day they so remain, and may be removed by the wharf company without further notice (at the risk and expense of the goods and the owners and consignees thereof) to any part of the premises, continuing the charge for additional wharfage each day they remain on said premises. Or the wharf company may have the same removed and stored elsewhere than on its own premises without further notice (at the risk and expense of the goods and the owners and consignees thereof), and the same will be held until all charges are paid. Same wharfage to be charged on all goods or articles delivered from one vessel to another, provided either of such vessels is fast to the wharf or to any vessel fast to the wharf.

The company hereby gives notice that they will not be liable for losses if caused by excessive and unusual weights, or by piling up heavy articles, such as salt, more than four sacks high, and railroad iron more than three tiers high, on the wharves. Or by landing articles of extraordinary weight, such as locomotives, without special permission (in writing) from the company's agent; but that it will hold all persons liable for such damages as may be occasioned by overloading the wharves, without special permission.

On all shipments from the interior which are to be delivered to a vessel or agent, whether on through bill of lading or not, the carrier placing or landing produce, goods, &c., on the wharf, also the owner thereof and the shipper, are each and all responsible for the wharfage.

The owners and consignees of all goods delivered on a wharf or levee of the company thereby become bound to the company for the wharfage thereon.

All wharfage is contracted to be paid, and is due and payable to the company, at its office in Galveston.

The company also gives notice that it does not undertake storage, and will not be responsible for losses or damage, from any cause, to goods or articles landed or received on its wharves.

All vessels of fifty tons and over not engaged in receiving or discharging cargo, or seized by legal process, and lying at the wharf after such seizure, will be charged wharfage at the rate of 5 cents per registered ton for each day or part of a day.

Vessels of less than fifty tons will be charged wharfage at the rate of $2 per day or part of a day.

JOS. AIKEN, *Secretary.*

I notice that the wharfage charge for cotton is 10 cents per bale and for flour 5 cents a barrel. I do not know anything about wharf charges myself; this is the only wharf I know anything at all about; but it seems to me that these are not exorbitant charges. However, if they are, the people of my State through their representatives have full power under the constitution to regulate them, and they are now proceeding to do it. In conclusion I want to appeal to this House in behalf of the vast body of population that is now living, and that is hereafter to swarm, in the immense territory northwest of the Mississippi River, to open up to us the only safe gate by which we can get to market with the products of our labor. If you will remove the obstructions and let us deliver to our people in the East at a less cost of transportation you will buy your corn and wheat and provisions cheaper, we will sell them higher in the West, and the people in both sections will be benefited by the removal.

Mr. THOMAS. Mr. Chairman, as I had occasion to observe in my remarks this morning, this is in the main a fair and meritorious bill. The committee, early after it met for the first time at this session, remembering the shortness of the session and observing the rule laid down in other Congresses at short sessions, determined to make the present river and harbor bill as reasonably small as it could be made so that the works now in progress should not suffer for want of proper appropriations. I have not given myself the trouble to make a comparison of the appropriations proposed from a sectional standpoint; and I am glad to be able to testify that from the beginning to the end of the sittings of our committee there was not the slightest shadow of sectionalism suggested, nor was there the slightest shade of partisanship shown, but each measure was taken up and considered fairly, dispassionately, and conscientiously, and such appropriations were made for the several projects as a majority of the committee determined were right and proper.

There are some provisions of the bill which did not meet my approval at the time they were adopted, nor do they now. Looking along the southern coast of the United States, we found that from the mouth of the Chesapeake Bay to the Mexican line there was but one port where an ordinary second-class man-of-war or merchant vessel could enter, and that was at the mouth of the Mississippi River. We found that no modern first-class vessel could enter at Charleston; at Savannah, at the mouth of the Saint John's, at Pensacola, at Sabine Pass, at Galveston, at Aransas Pass, or any other point down to the Mexican line.

It struck us as something strange indeed that after the vast expenditures made by the United States Government under its engineers this state of affairs should exist; that after all the work that had been done on the harbor of Charleston, for instance, and the money expended there, it yet remained a fact that a first-class ship of war or vessel of the merchant marine could not enter its harbor.

When we looked at Savannah, with its commercial interests, the vast territory depending upon it as an entrepôt for articles from other sections of the Union and from foreign countries, and as a seaport for the products not only of Georgia, but of a large section of the Southern States, and remembering also the vast amount of money which had been expended there, I say we were seriously disappointed and were greatly surprised to find that there was not water enough there for a vessel drawing twenty feet to enter its harbor.

Remembering the growth of Florida, the commerce of the Saint John's River, the frequency with which that sunny land is visited by travelers and health-seekers, and the vast amount of production that must be shipped out and in over the bar, we were surprised to find that no

first-class man-of-war or merchant vessel could pass over it. We looked at once to see whether we could divine the cause of all this, whether we could ascertain why it was that good, sufficient, and substantial work had not been done under the appropriations given for these points. We found that the Engineer Corps of the Army, men above suspicion and supposed to have been educated in one of the best schools in this country, or in the world, were pursuing a line of policy and employing methods which the hydraulic engineers of the world have long since condemned, and which have never yet yielded success in a single instance.

So the committee, believing that something substantial ought to be done, that some reasonable and practical plan ought to be adopted for the improvement of the harbors of Charleston, Savannah, and the mouth of the Saint John's, as well as Sabine Pass and the other Gulf ports, have proposed that there shall be organized a harbor board, to be composed of two officers of the Engineer Corps, one officer of the Coast and Geodetic Survey, and four engineers from civil life, all of whom shall be distinguished for their education and ability as engineers.

It is directed by this bill that this harbor board shall make an examination of the principal ports along the southern border and lay before Congress at its next session a report as to a proper plan for the improvement of these points. They are to review the work which has been done there and to take into account the amount of plant and material on hand. They are to observe whether success or failure has followed the efforts of the engineers in charge, are to study the present plans, and are to furnish to this House full and complete information not only as to the plan but as to the cost of the several improvements.

It may be urged here, and doubtless will be, that the Engineer Corps of the Army are an educated, cultivated, honest class of men. That is admitted. It does not follow, however, because a man is intelligent, honest, and high-minded that he is a hydraulic engineer, that he understands the principles which should govern the improvement of a great seacoast harbor.

The amount of money involved in the employment of this short-lived commission, for it is to last but one year, is a mere bagatelle when compared with the amount of useful information which it will be able to lay before the House; and I hope most earnestly that this provision of the bill for the appointment of this harbor commission will be adopted by the House in the interest of economy and common sense.

During the time of the sitting of the committee, Mr. Chairman, I could see no reason why an exception should be made in favor of Galveston Harbor over Sabine Pass and over the mouth of the Saint John's, over Charleston and Savannah. I believed then, and I believe now, it will be infinitely better for the country to await the action of this harbor board provided for before making any large appropriation for the improvement of Galveston Harbor.

We are reminded of the fact, sir, that Galveston is the only feasible seaport for a vast extent of territory. Our attention is called to the plains of Kansas with their teeming fields of corn, wheat, and other productions, and Colorado with its mountains of ore and its other immense products are brought to mind as arguments in favor of Galveston; the widespreading plains of New Mexico are laid open before us; Texas with its almost limitless square miles is held up before our eyes as reasons why this great improvement should be made. I want to call the attention of the House to the fact that Kansas, Nebraska, California, and even New Mexico were made to do duty as arguments in favor of the improvement of the Mississippi River; to the fact that the great agricultural products of Kansas and Nebraska were cited time and again as reasons why the Mississippi River should be improved and a market by water furnished for these productions. I grant you that the arguments offered then and the reasons given were good and sufficient; but shall we employ these same hackneyed arguments and again traverse the fields of Kansas, Nebraska, California, and New Mexico for arguments in favor of the improvement of Galveston Harbor? I question its propriety most seriously.

Any one acquainted with the harbor of Galveston knows that out toward the Gulf it is a shoal, sloping coast, that it is a long distance to deep water, and that it is very questionable indeed whether ever a good and sufficiently deep entrance can be made to that harbor, and whether it can be maintained if made. Every one knows it rests upon the shifting, unstable quicksands that can be found all along the borders of the southern coast.

But, recognizing the necessity, however, for some harbor along that coast, I was willing that this harbor board provided for in the bill should consider the matter—should look into it carefully and furnish this House at the next session with a plan and the cost required.

Mr. HISCOCK. Has there been a comparison made between Galveston and the mouth of the Brazos?

Mr. THOMAS. There can be no comparison; they are wholly different; they are not parallel cases at all. I think the gentleman has in mind the mouth of the Sabine River or Sabine Pass. I am able to speak somewhat intelligently of these two harbors, having at one time made a personal investigation of them. The bottom of the Sabine River and its entrance into the Gulf is made up of blue clay and oyster reefs, which are comparatively permanent, which if dredged out or washed out or worked out in any way will furnish a substantial and lasting harbor; I have no doubt of it. It has been my opinion from the first, after I made a personal examination a few years ago, that Sabine Pass was the only point along the southern coast of Texas where a good and lasting harbor could be made. But I bowed to the better judgment of other men; others who thought they knew more about it, and who doubtless were correct in their opinion, as my conclusion had been based on only a superficial examination.

The work at Galveston Harbor by the engineer in charge has not been satisfactory—has furnished very poor water indeed; and I am not surprised that the Representatives and the people of Texas demand that better improvements should be made there. There is no doubt, sir, that something ought to be done, but I can see no reason why we should take this harbor out of the general class to which it belongs, why we should make an exception of this over Charleston or Savannah. As I said a while ago, I believe the true policy would be to await the report of the harbor board before making any very considerable appropriation for that harbor.

It was urged, sir, that the work at Galveston was so unsatisfactory that we ought to stop it at once; that we ought to make no further appropriation until a proper plan had been formulated and adopted for the improvement of that harbor.

The same statement was made and urged with reference to Savannah, and also with reference to the mouth of the Saint John's River. But the committee yielded to the arguments that possibly it was mistaken in the matter, and that possibly the work under the Engineer Corps of the Army would prove satisfactory and productive of substantial results in the end.

Our attention was called to the fact that only meager appropriations had been made from time to time for these projects, and that the engineers had not been able to press forward as earnestly in the prosecution of the work as they might otherwise have done on that account; and, as I have said, we thought that our fears might be unfounded, and that it would not be good policy to strike out the items for the different places mentioned.

It has been said, Mr. Chairman, in an undertone, that the life of the bill might have been endangered if the appropriations for Savannah and Charleston and the mouth of the Saint John's had been left out; that there would have been no "pork in the bill," to use the slang phrase of the day, for men living upon the Southern borders, and, as a consequence, that they would be likely to vote against the bill. I am happy to say, sir, that no such consideration actuated the committee in the course it took. We stand ready at any and at all times to defend the bill in its main features, whether we have provided "pork" or appropriations for any member or not.

We looked alone to the interests of the harbor under consideration, and were guided in our preparation of the bill solely by that consideration.

There has been a good deal said about Galveston Harbor. There have been some serious charges made against that point and those engaged in promoting what is known as the present Eads scheme; and as illustrating that I call the attention of the committee to, and ask the Clerk now to read, an extract from a Dallas paper, one of the leading journals of that State.

The Clerk read as follows:

GALVESTON HARBOR IMPROVEMENT—A SYNDICATE PUSHING THE EADS SCHEME FOR AN APPROPRIATION OF $7,750,000.

DALLAS, *January* 22.

A leading business man of Galveston, whose name has been furnished your correspondent in confidence, and who is thoroughly informed on the Galveston Harbor improvement, in a column communication to the Dallas Herald exposes the Eads scheme for an appropriation of $7,750,000 with which to secure deep water, and also defends the plan and operations of Colonel Mansfield, in charge of the Government works at Galveston. The salient points of his article are as follows:

"The plan adopted by the Government comprehended two jetty walls running parallel, or nearly so, and designated respectively as the north and south jetties. When the work was begun it was problematical as to which jetty it would be best to construct first. Colonel Mansfield concluded to construct the north jetty first, it being the shortest; but this idea met with such strong opposition from the leading financial men of the city, who evidently had little faith in the ultimate success of the work, and who therefore preferred to have the longest jetty constructed first, so that the more money might in the mean time be spent here, that the original idea was surrendered to the influence exerted against it, and the south jetty was constructed first. Mark the result. A survey made by the city engineer showed that on the south side of the south jetty a depth of twenty feet had been obtained along the entire length of the jetty, except in one or two places where the wall had not been completed to the full length. Have you ever heard that twenty feet of water had been obtained on the Galveston bar? Probably not. Why? Because the information was too important to be given to the public, and straightway a syndicate was formed to sell it to the people.

"The unexpected discovery of deep water on the wrong side of the jetty proved that Colonel Mansfield's plan was feasible and its success assured if the north jetty should be constructed by him. The first thought of the syndicate was how to take advantage of the discovery. The regular appropriation was nearly or quite exhausted, and so the first step was to prevent another appropriation by Congress, and thus stop Colonel Mansfield's work. The Eads plan had meanwhile been brought forward with a great hurrah, and from that time to this has been strongly advocated by every influence that the syndicate could bring to bear in favor of it. It was absolutely necessary to procure the influence of the Galveston News, that journal having been an advocate of the Mansfield plan, and one of the principal proprietors was admitted into the syndicate. It is unnecessary to state that the News has been an earnest advocate of the Eads plan ever since that time. The Eads bill is said to be based upon the principle, no water, no pay. But it will be found that with the additional depth of a few feet

the bulk of the appropriation will have been secured. The syndicate also knew that this result could be accomplished by the expenditure of the comparatively small sum required to build the north jetty, and that a larger sum would remain for division.

"Colonel Mansfield has hitherto complained that his work ought not to be condemned before completion; but the powerful influence of the press was brought to bear upon him, and his ability as an engineer has even been questioned. If the Government allows Colonel Mansfield to complete the work it will cost, say, from $500,000 to $750,000 If Eads does the work it will probably cost the syndicate less, but the people will have to pay ten times as much. This is the case in a nutshell. The city of Galveston appropriated $2,500 to the use of the deep-water committee now in Washington and an additional fund of $25,000 was raised by subscription. If they succeed in getting the Eads bill passed they know that they can well afford to be laughed at, on the principle that 'they laugh best who laugh last.'"

In no place in his article does the Galveston man accuse Captain Eads directly of being cognizant of the alleged swindle intended by the syndicate, but he leaves that sort of an implication, and declares it to be the purpose of the syndicate to divide from six to seven million dollars between them if the appropriation asked by the Eads bill is allowed.

Mr. REAGAN. Will the gentleman allow a question?

Mr. THOMAS. I will yield for a question; not for a speech.

Mr. REAGAN. I do not desire to make a speech. I wish to inquire of the gentleman from Illinois if he desires by reading that paper to be understood by the committee as asserting that the Committee on Rivers and Harbors recommend the adoption of the Eads plan.

Mr. THOMAS. I will make that perfectly plain before I get through.

Mr. REAGAN. I desire to ask another question: Does the gentleman by reading an anonymous letter propose to make himself responsible for the statement that a syndicate has been sent here with $25,000 or $2,500 or any other sum to influence legislation by this Congress?

Mr. THOMAS. I will make that perfectly plain in the course of my remarks.

Mr. REAGAN. The gentleman can say whether he does or does not.

Mr. THOMAS. I will answer in my own way.

I know nothing of the responsibility or the irresponsibility of the writer of this article, or the editor of the paper in which the extract appeared. I only know that it does appear as an article in one of the Dallas papers—the Dallas Herald; it is a paper published in Dallas, Tex. I am in no way responsible for the charge made there, that there was a syndicate formed and that money had been expended to influence legislation either properly or improperly. I give it simply as an expression of opinion coming from one of the important newspapers of the State of Texas, and let it stand on its own bottom.

The bill introduced in the Senate, which was subsequently brought to the attention of the Committee on Rivers and Harbors of the House, involved, if the project of Captain Eads, urged by the delegation from Texas was adopted, the expenditure of about $8,750,000, of which $7,750,000 was for the construction of the works, and $1,000,000 subsequently for their maintenance for ten years. The committee rejected that proposition; and yet it rejected it only indirectly, for it will be seen that it has indirectly adopted it. I say this because this bill makes an appropriation of $750,000 for the purpose of improving Galveston Harbor "according to the plans and estimates to be submitted by James B. Eads," and so, indirectly, the proposition of the expenditure of $8,750,000 for this harbor under the direction and according to the plans of Captain Eads is indorsed by the committee.

The engineer in charge says that by building what is known as the north jetty and raising above the water the south jetty, at a cost of about $3,000,000, all the water needed for a first-class vessel will be furnished in that harbor. That was the reason, sir, I opposed the adoption of this plan. I thought we had better go slow when the Engineer Corps estimated on the one hand that an expenditure of $3,000,000 would complete the work, while on the other hand eight and three-quarter millions would be required under the Eads plan. I say, I thought we had better wait until the harbor board, provided for in another part of this bill, should investigate the whole matter and furnish sufficient estimates of the cost as a basis for intelligent action and appropriations in the future. I thought it better that we should hold on and that it was not statesmanlike to make an appropriation in this form. I believe now that it is imprudent to make such an appropriation in this bill, taking the plan of Captain Eads, at a cost of eight and three-quarter million of dollars, when, as I have said, the engineers report that the same facilities for that harbor can be furnished for $3,000,000. Admitting that we are not much encouraged by their promises in view of their failures in days gone by, have we come now to a point where we are ready to say that there are no other engineers in this country except Capt. James B. Eads who are able to submit plans and estimates for the improvement of our harbors? For myself I think not.

No one holds Captain Eads in higher estimation than I do. I have had the good fortune to know him for a number of years intimately and well. I know his grand achievements as an engineer. I remember he built the Saint Louis bridge. But what has the building of a bridge to do with the improvement of a harbor? The learning and talent that may be required for the one may be comparatively useless in the other. A man may be a splendid bridge-building engineer, while he may know nothing of improving rivers and harbors.

If it is determined to take this work out of the hands of the Engineer Corps of the Army, I say it is but fair to the whole country and the other engineers of this country that the doors be thrown open, and that they be allowed each in his own right to furnish plans, specifications, and estimates of cost for the improvement of this harbor. If you are not willing to do that, then I say in Heaven's name wait until this harbor board have furnished plans and estimates for its improvement. There is no reason why this extraordinary appropriation should be made for Galveston anyhow.

Charleston is a great port, and yet we gave it but 25 per cent. of the estimate; Savannah is a great port, and yet we gave it but 25 per cent. of the estimate. The mouth of the Saint John's is a great port, and we gave it but 25 per cent. of the estimate. Why should an exception be made in favor of Galveston? Do we give it an appropriation based upon any reasonable estimate? I say, no. In the first place, neither Captain Eads nor his associates have furnished a plan for the improvement of Galveston Harbor. They have not told us how long the jetties are to be, how high they are to be, how broad they are to be, what materials they are to be built of, how they are to be constructed, where the materials are to be obtained, what it will cost, nor anything about it. But this appropriation of $750,000 is based upon an entirely speculative estimate. The Chief Engineer of the Army has asked for $500,000 as the whole amount of the estimate. One-fourth of that, as we gave to Charleston, to Savannah, to the mouth of the Saint John's, would have made a very much smaller sum than $750,000.

Mr. BLANCHARD. Will the gentleman from Illinois yield for a question?

Mr. THOMAS. Yes, sir.

Mr. BLANCHARD. When the engineer in his estimate said that he wanted $500,000, was not that for the expenditure in one year and not for the completion of the project?

Mr. THOMAS. Certainly; and you have provided in this bill for $750,000 for one year on a plan which involves $8,750,000. Mansfield asks for $500,000 in one year on a plan involving an expenditure of $3,000,000.

Mr. BRECKINRIDGE. Will the gentleman yield to me for a question?

Mr. THOMAS. Certainly.

Mr. BRECKINRIDGE. I ask the gentleman if the estimates submitted by the engineers now in charge are not predicated on a plan or theory which the committee utterly rejects as impracticable?

Mr. THOMAS. I think they are. That plan is predicated on the theory of submerged jetties. I have gone, however, on the view that the Engineer Corps of the Army could learn as other men do, and would take warning from failures in other places, and would learn lessons of wisdom from success under other systems; and that they would adopt a plan which would secure success at one-half the cost proposed in this bill.

Mr. HISCOCK. May I ask the gentleman a question?

Mr. THOMAS. Yes, sir.

Mr. HISCOCK. Do I understand the gentleman to say that no plan in detail has been submitted for this work?

Mr. THOMAS. Not one scrap, not one line, not one word, not one figure has been submitted in detail.

Mr. HISCOCK. I understood the gentleman to say that no estimates had been submitted. I draw the distinction between estimates and plans.

Mr. THOMAS. There has been neither plan nor estimate except the rough estimate that the work would be done for $8,750,000.

Mr. HISCOCK. Is that in writing?

Mr. THOMAS. No, sir; not even that is in writing.

Mr. HISCOCK. It depends on declarations made orally before the committee?

Mr. THOMAS. Exactly so.

Mr. HENDERSON, of Illinois. I think that is somewhat unfair.

Mr. THOMAS. In what respect?

Mr. HENDERSON, of Illinois. The plan and estimates are to be submitted to the Secretary of War.

Mr. THOMAS. I will answer my colleague on that point.

Mr. BRECKINRIDGE. My colleague says the estimate is $8,750,000. He includes the amount contemplated for ten years' maintenance, which makes $1,000,000 in excess. Does my colleague know we have got all the plans and all the estimates and all the guarantees in this case that we had in the improvement in the South Pass of the Mississippi River?

Mr. THOMAS. That is granted. It is granted and admitted that we have all the guarantees and all the plans, except that in the case of the Mississippi River the committee was fully informed as to the plan proposed.

The South Pass of the Mississippi River was to be jettied with willows and piling and strengthened by rubble-stone and concrete; but there is nothing here to show that that sort of material is to be used. In fact, there is really a provision in this bill that the material shall not be the same, for it is known that willows and piling are subject to destruction by the teredo, and this bill provides that this work shall be built of material that is not subject to the ravages of the teredo. Hence it follows that some other material must be used. It is suggested by my colleague on my right [Mr. HENDERSON, of Illinois] that my statement places the matter in an unfair light. Let us see.

Mr. WHITE, of Kentucky. Mr. Chairman, I ask the gentleman from Illinois [Mr. THOMAS] to yield to me for a question.

Mr. THOMAS. I will yield presently, after I have answered another question. My colleague, General HENDERSON, suggests that I have not put the matter fairly in reference to the plans and estimates.

Mr. HENDERSON, of Illinois. I dislike exceedingly to interrupt my colleague; but if he will allow me I will state the point to which I desire to direct his attention.

Mr. THOMAS. I shall be very glad to answer any question my colleague may ask.

Mr. HENDERSON, of Illinois. What I intended to object to in the gentleman's statement was this: He said that there was a proposition to do this work for about eight millions and a half.

Mr. THOMAS. Eight millions and three-quarters.

Mr. HENDERSON, of Illinois. Now, Mr. Chairman, there was no such plan accepted by the committee, and they never proposed to accept any such plan. The committee determined that if this work was done it should not be done by Captain Eads, but should be done by the War Department, the same as all other public works.

The plans and estimates were to be made by Captain Eads and submitted to the Secretary of War, but it was stated by the chairman of the committee, and I think my colleague [Mr. THOMAS] concurred, that it would not take any such sum as he has stated to do the work—that $4,000,000 would probably cover the entire cost.

Mr. THOMAS. Mr. Chairman, the only estimate or shadow of an estimate upon which the committee acted or could act was a proposition of James B. Eads to do this work for $7,750,000, with another million dollars to maintain it for ten years. I say, therefore, that while we did not directly adopt that estimate, it was indirectly adopted by the committee and is proposed in this bill. This bill proposes to make improvements according to plans, specifications, and estimates to be submitted by James B. Eads. Now, what is the difference?

Mr. RAY, of New York. Mr. Chairman, I ask the gentleman to yield to me for a moment.

Mr. THOMAS. Certainly.

Mr. RAY, of New York. I understood the gentleman [Mr. THOMAS] to say that this bill would not compel the performance of the work by Captain Eads. I will ask him, does not this bill provide in terms that the Secretary of War shall engage the services of Captain Eads?

Mr. THOMAS. The bill provides that this improvement shall be made by the Secretary of War according to the plans and estimates of James B. Eads, who is to be employed for the purpose of furnishing the plans and superintending the work. It is further provided that he shall receive a salary of $5,000, and $3,000 for each additional foot of water secured. Now, if the work is not to be done according to the plans of Captain Eads, I want to know whose plans it is to be done by? And if we are to determine what those plans are to cost, how are we to arrive at a conclusion about it unless we take what Captain Eads says? And he says that it will cost $8,750,000. So I have not put the case unfairly, and I am borne out by the facts when I say that the Secretary of War is compelled to do this work not according to the plan by which it can be done cheapest, but according to the plans of James B. Eads, and James B. Eads says it will cost $7,750,000 to construct the work, and $1,000,000 more to maintain it for ten years—or at least he agrees to take the contract for that sum.

Mr. WHITE, of Kentucky. Will the gentleman yield to me for a moment?

Mr. THOMAS. Yes; for a question.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from Illinois [Mr. THOMAS] if Captain Eads has been before the committee to explain all this.

Mr. THOMAS. He has not.

Mr. WHITE, of Kentucky. Then how has the committee arrived at this information?

Mr. THOMAS. There was a subcommittee appointed, which had an interview with Captain Eads.

Mr. WHITE, of Kentucky. Then they had time to interview Captain Eads, but they did not have time to hear members of the House. [Laughter.]

Mr. THOMAS. I suppose that some members of the subcommittee interviewed him. In fact I have heard that they did, and I saw them in conversation with him. I was a member of the subcommittee myself, but I had no interview with Captain Eads on this subject.

Mr. BLANCHARD. Will the gentleman yield to me for a moment?

Mr. THOMAS. Certainly.

Mr. BLANCHARD. I desire to ask the gentleman from Illinois if Captain Eads did not address the committee during the last session of Congress, and make an elaborate explanation of his plans for the improvement of Galveston Harbor.

Mr. THOMAS. I have understood that Captain Eads did, though I was not present at the time.

Mr. BRECKINRIDGE. Mr. Chairman, that argument is printed, and there are plenty of copies of it to supply every member of the House.

Mr. OCHILTREE. Will the gentleman from Illinois yield to me for a moment?

Mr. THOMAS. For a question.

Mr. OCHILTREE. I wish to ask the gentleman if he, as a member of the subcommittee, did not meet the Texas delegation, with Captain Eads, in the room of the Committee on Commerce; if he did not then and there advise the delegation to accept the modification of the Galveston item suggested by the committee; and if he did not agree to support the measure in the House if they would agree to the modification?

Mr. THOMAS. I will answer the gentleman. I did not go there to see Captain Eads, and I did not see him, and the amount suggested by me was not adopted by the committee, and I did not pledge myself to support this bill. I did go at the solicitation of my friend to meet the Texas delegation, but that was with reference to quite another measure; it was with reference to the question whether we would adopt the bill that was first brought before us. This present measure was not discussed at all, but was the fruit of subsequent work of the committee, and of several interviews with Captain Eads, as I understand

Mr. OCHILTREE. The only change was in the amount. The original amount was $500,000.

Mr. THOMAS. Now, Mr. Chairman, I have said all the time that I was willing to make any proper appropriation for Galveston. I was willing that we should put it exactly on a footing with other harbors. I have always been ready to admit and to bear testimony that the work down there under the plans of the Engineer Corps was not satisfactory, but I thought it was enough to appoint a harbor board to examine into the matter and report at the next session of Congress some plan for this work, instead of rushing headlong into a scheme which is to involve us in the expenditure, if we may judge from the estimates, of eight and three-quarter million dollars. I find no fault with Captain Eads. I believe him to be a high-minded, honorable man, of irreproachable character. I believe him to be one of the greatest engineers that the world has ever produced. But I do not think it follows that because he is such a man, and because he is my personal friend, and because I have such admiration for his great achievements, I should therefore involve this Government in the expenditure of what appears to me to be an extravagant sum of money.

Mr. BROWN, of Pennsylvania. I would like to ask the gentleman whether the scheme proposed includes the proposition to expend $100,000 a year through all the future to maintain the work, because it is understood that it takes a million dollars for ten years?

Mr. THOMAS. That was the plan under the old bill, which was rejected. So that is not involved in this.

Objection is found by several members of the committee to the progress of the work on the Mississippi River under the Mississippi River Commission. It is believed that the commission have not adhered to the plan originally adopted for the improvement of the Mississippi River; that they have been engaged in the expenditure of money upon questionable projects, upon schemes which, instead of furnishing deep water and improving the navigation of that river, have resulted in the expenditure of money and that alone.

I had occasion to investigate the plan of the Mississippi River Commission as it was originally adopted by Congress. After a most thorough investigation I gave it my hearty approval; and I believe to-day that if the Mississippi River Commission had adhered to their original plan, and had gone on with the improvement of the river upon that plan, we would have had very different results from those which confront us to-day. Take, for instance, the work done at Horse-Tail Bar, twenty miles below Saint Louis. At that point, before the improvement, the depth of the river at low water was five feet. The plan of the Mississippi River Commission as originally adopted has been adhered to in reference to this work, and we find over that whole stretch of twenty miles from fifteen to seventeen feet of water.

Take Plum Point reach, extending forty-two miles on the Mississippi River, where before this work there were but six feet of water. Now, through its whole extent there is a depth of fifteen to sixteen feet. Take Providence reach, thirty miles long, which at low water had an average depth of but six or eight feet. There the plan originally adopted by the commission has been adhered to, and we find from sixteen to eighteen feet of water throughout the whole length. The original plan of the commission, wherever adhered to, has resulted most happily. It is where the commission have fallen into the practice of speculative improvements, have laid revetment here and revetment there in an insecure manner, that money has been expended without corresponding beneficial results.

Therefore, Captain Eads being, as will be admitted by all acquainted with the facts, the author of the original plan of the Mississippi River Commission, the committee thought it would be well to recommend him for appointment on that commission, so that he might bring them back to the original plan and that we might secure the results desired.

The statement has been made that upon the plan of the Mississippi River Commission the cost of the work would be $100,000,000. Any one who has looked into the facts knows that there is nothing at all to justify such a statement. The Mississippi River Commission and the engineers who have investigated the subject have stated that it would cost from $17,000,000 to $20,000,000 to complete the work so that a vessel drawing twenty feet of water could come to Cairo.

Mr. HUNT. Will the gentleman be kind enough to state what are the "speculative improvements" in which the Mississippi River Commission has indulged and what amount of money they involved?

Mr. THOMAS. I will refer my friend from Louisiana to the gentleman from Arkansas [Mr. BRECKINRIDGE], a member of the committee, who has made this point a special study, and who will present it to the committee. I wish to say that I concur most thoroughly in his conclusions. He will be able to make this question as plain as it can be, for he has given it special attention.

There is another project embraced in this bill which strikes me as decidedly questionable; and that is the project for the establishment of a great national harbor of refuge at Sandy Bay, Massachusetts. The engineers who were sent to that point to make an examination disapprove of the work and say that it is not needed. Yet the committee has put it in; and I must say that at the time, under the influence of the eloquent tongue of my colleague on the committee, the gentleman from Massachusetts [Mr. STONE], I voted for the appropriation. After looking further into it, however, I have found I was wrong, and I now say that since this project involves the expenditure of $4,000,000 to furnish a single harbor of refuge I object to it, believing that it is not needed.

Mr. HEPBURN. Did I understand the gentleman to say the commission has estimated that the proposed improvement of the Mississippi, when completed, will cost $17,000,000?

Mr. THOMAS. Seventeen to twenty millions.

Mr. HEPBURN. Will the gentleman tell me where they have said that?

Mr. THOMAS. I will, with pleasure. If the gentleman will look at the report of the special committee of the Forty-seventh Congress, of which Hon. J. C. Burrows, of Michigan, was chairman, he will find the testimony of the commission on that point.

Mr. HEPBURN. Did not the commission report to the House on that subject as follows——

Mr. THOMAS. I can not yield for the gentleman to read. I have but a minute or two remaining.

Mr. HEPBURN. I have here the estimate of the commission, placing the sum at $33,000,000.

Mr. THOMAS. There was a difference of opinion, I remember, among the members of the commission as to the amount it would cost; and I recollect that their evidence was taken individually. The average estimated cost was from seventeen to twenty million dollars.

Mr. HEPBURN. One of them places it at $66,000,000.

Mr. THOMAS. I remember that, too.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Including the five minutes yielded by the gentleman from Louisiana the gentleman has nine minutes left.

Mr. THOMAS. In the nine minutes left me I can but touch this point, and I do not know but that I shall ask, at the end of the time that I may be allowed, a few minutes further in which to discuss this question. I should like, for instance, to discuss further the project of making this national harbor at Sandy Bay. The project involves an expenditure, as I have stated, of $4,000,000, and is intended to furnish a harbor of refuge for the ocean-going and coastwise trade of New England. It is admitted there have been a great many vessels lost along that coast for the want of a good, safe harbor of refuge; but it is admitted at the same time that there are other places where harbors to meet all the requirements of commerce could be established for a much less cost.

Another point to which I wish to call the attention of the committee is that of reservoirs on the headwaters of the Mississippi. There is a small appropriation put into this bill to complete one of these reservoirs. I will call the attention of the committee to the language of the Chief of Engineers on this subject, as it is contained in a few words. The Chief of Engineers says, on page 1614 of his report:

> The object of the reservoirs is to collect surplus water, principally from the precipitation of winter, spring, and early summer, to be systematically released so as to benefit navigation upon the reaches of the several streams below the dams and also that of the Mississippi below Saint Paul. Alleviation of floods in localities near the proposed reservoirs expected to obtain to some extent, but control of extended floods or freshets covering long reaches not expected. It seems proper to note here that this office is not responsible for the extravagant statements made by friends of the system and appearing in newspapers and other publications from time to time as to the extended benefits to be derived from the reservoirs under consideration.
>
> In order that navigation may be benefited upon the Mississippi above the mouth of the Saint Croix, upon the Saint Croix, the Chippewa, and the navigable reaches of the Wisconsin, the system of dams proposed for each must be carried out, and no benefit of consequence to the Mississippi below Lake Pepin can be predicated unless the entire system is built.

Believing the committee anxious to stop this work if no satisfactory results were to follow, I concluded, after the expenditure of so large a sum of money as the Government had already invested, it was better to make the small appropriation necessary to complete one system to see whether it would work out as was predicted by its friends. The engineer states unless the whole system is completed that no satisfactory results will follow; that the waters of the Mississippi will neither be restrained nor increased in volume unless the whole system is completed.

Mr. WASHBURN. Is not that below Lake Pepin?

Mr. THOMAS. How much of the river above Lake Pepin is affected by this?

Mr. WASHBURN. One hundred miles between Lake Pepin and Saint Paul and three hundred miles above; about four hundred miles are affected by this system of reservoirs on the Upper Mississippi.

Mr. THOMAS. It was stated there was that stretch of river to be affected directly by the construction of this one set of reservoirs, and for that reason the appropriation was put in. Therefore I mention it to justify the committee in the amount put in, while I must say I should question the propriety of completing the whole project, the whole system of reservoirs, unless this system when completed will show the navigation of the river can be improved in low water, that the floods can be restrained by these reservoirs in time of freshet.

How much time have I left?

The CHAIRMAN. The Chair will state to the gentleman from Illinois that by a mistake of the Chair he has already had more time than he is entitled to.

Mr. THOMAS. I ask by unanimous consent that I may be allowed ten minutes further.

The CHAIRMAN. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. THOMAS. I ask the Chair to call my attention when five minutes have elapsed, as I have agreed to yield five minutes to the gentleman from Minnesota [Mr. WASHBURN].

Mr. Chairman, fault will doubtless be found with me for the position I have taken in opposition to the improvement of the Galveston Harbor. I want to say that while I am a friend to the improvement of the rivers and harbors of this country, I think we ought to proceed with these works as a safe and conscientious business man would proceed with his private business, and that we should not allow considerations either political, social, or otherwise to control us, except those which point out to our judgments the most beneficial commercial results from any improvement we make.

I want again to say that if this appropriation for Galveston had been limited, had been put upon an equal footing with other harbors of the same character and of the same importance, I should probably have restrained myself and abstained from finding fault with the proposition; but when the committee have seen fit to put its foot upon the estimates of the engineer—have seen fit to go on without estimates satisfactory to the committee or to the House and put in three quarters of a million for one year on this harbor, I must protest against it.

I think we had better call a halt. I think we had better wait until the harbor board provided for in the bill has examined and reported. That, I think, would be a safe plan. It does no harm to Galveston. It treats that harbor and its improvements precisely as it treats other points, and I can see no justice in making an exception in favor of Galveston.

I admit that by improving the Mississippi River the grain products of the great West have found a market abroad much more easily and cheaper than in former years. I am aware of the fact that saving in transportation alone in one year, since the completion of the jetties at the head of the passes, reached more than $11,000,000, which amount was saved to the grain producers of the Mississippi Valley.

I am aware also that during the last year nearly $28,000,000 was saved in freight and in insurance to the grain producers of the Mississippi Valley by the improvement of the Mississippi River and the improvements at the heads of the passes.

I have no sympathy with that sectionalism which places the appropriations of one section against those of another. New England gets her bread cheaper if the farmers of Illinois, Iowa, Missouri, and Kansas can get it to the sea cheaper; and so, instead of their suffering by these improvements, or by these appropriations for the improvement of our rivers and harbors, their poor and laboring classes are benefited by the reduction in the cost of transportation and the consequent reduction in the price of their food.

If Galveston or the State of Texas in a smaller degree, with all her cattle, woolen, and other interests, can be benefited even in a proportionate degree, I should be willing indeed to make any proper appropriation for that State. But if we can get the expenditure down to $3,000,000, why pay eight and three-quarter million of dollars to accomplish the same result? If you can get it down to four millions, why pay more? If Captain Eads says he can do it for eight and three quarter millions of dollars and maintain it for ten years, and the engineers say they can do it for $3,000,000, would it not be safer and more statesmanlike to take the plans of all the engineers of the country and see who can do it best and cheapest?

[Here the hammer fell.]

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota for the five minutes yielded by the gentleman from Illinois.

Mr. WASHBURN. Mr. Chairman, I will not occupy now the time yielded to me by the gentleman from Illinois unless I can have unanimous consent to occupy also the additional time that has been assigned to me by other members of the committee.

Mr. BLANCHARD. I will have to object to that.

Mr. WASHBURN. Then I shall not occupy the time now.

Mr. BLANCHARD. Mr. Chairman, looking at the House in its

present condition, seeing so many empty seats, I must express my regret that the question before the House seems to have lost much of its interest in the minds of the members as an important public measure, notwithstanding the fact that the House this morning refused to entertain a motion to limit debate upon the bill.

Sir, this bill as reported to this House by the Committee on Rivers and Harbors is the result of more than six weeks of the most industrious and indefatigable effort on the part of the committee. The labors of the members of the committee have been so great in the preparation of this bill that they have been practically excluded from participating in what has been going on in the House. For weeks that committee, in order to prepare and report this bill to the House, have had to meet every day at from half past 10 o'clock to 11, and remain in session until 4 or 5 o'clock in the afternoon. As agents of the House, given a particular duty to perform, intrusted with the preparation of an important bill, we have, after painstaking investigation, presented here the results of our agency in the measure now pending for your consideration. Mr. Chairman, I am not here to contend that every single feature contained in this bill meets my approbation. At the same time I am not here to fight any of the features of the bill, bowing as I do in a spirit of concession to the wisdom of the majority of the committee with reference to the measures which do not meet the approbation of my judgment.

The features of this bill which have attracted the greatest opposition are, first, the improvement of Galveston Harbor; next, the improvement of the Lower Mississippi; third, the appropriation made for a national harbor of refuge at Sandy Bay; and, fourth, the appropriation made to commence the construction of the Hennepin Canal. Now, sir, in three at least of these great measures I am in accord with the majority of the committee. I do not think there is a single fair-minded, unprejudiced gentleman on this floor who will take the pains to investigate what is known as the project for the improvement of Galveston Harbor but will come to the conclusion that no more meritorious measure has been presented to this House involving an appropriation than this one. Now, Mr. Chairman, when I first began the investigation of this project for the improvement of Galveston my mind was not made up one way or the other in respect to it; but when I had looked into it carefully, so impressed was I with the merits of the measure that I gave to it the approbation of my judgment.

I ask gentlemen to listen to me while I briefly state the case of Galveston. There is behind Galveston, which is the chief commercial city of Texas, a vast State; and not only one State, but a number of States and Territories. But if we take the State of Texas alone, there are within the borders of that State more than two millions of people; and so great is the immigration which has poured and is now pouring into the State that within one single decade its representation in Congress increased nearly double. That State is to-day the leading cotton-growing State of the Union. It is to-day the leading cattle-growing State of the Union. And it is to-day the leading wool-growing State of the Union. It is a State having a length of seacoast of between eight hundred and nine hundred miles, and there is not a single harbor or port upon that long line of seacoast where a man-of-war or a merchant vessel drawing eighteen feet of water can enter.

Now, north of Texas is the Indian Territory, which would naturally seek an outlet to the sea at Galveston. There are the States of Kansas, Colorado, and California; there are parts of the Territories of Arizona and New Mexico; there is the western part of Missouri, Arkansas, and Louisiana to be benefited by the opening of the harbor at Galveston.

Mr. Chairman, Galveston is to-day the second cotton port in the United States. The annual receipts of cotton at Galveston aggregate about 800,000 bales, and it is only second to New Orleans in respect to the quantity of cotton received there.

Mr. HISCOCK. How many tons would that be?

Mr. BLANCHARD. The gentleman can make the calculation for himself upon the basis of 500 pounds lint cotton to the bale.

Now, as regards the cattle raised in Texas, by an act of Congress passed recently (not during this session) those cattle are practically excluded from crossing other States in the Union to find a market. And yet with the enormous number of cattle they have there they have not a sufficient seaport to which they can drive them for transportation to the markets of the world. The city of Galveston, with all of these immense resources back of her, has to-day upon her outer bar only about fourteen feet of water.

Mr. BUCHANAN. Will the gentleman permit me to say, although it may not be of much importance, that the statistics show Savannah is the second cotton port of the Union, and not Galveston?

Mr. BLANCHARD. I will ask my friend from Georgia if he has the figures relating to Savannah?

Mr. BUCHANAN. I have seen them as to last year's crop.

Mr. BLANCHARD. I know the figures are close between Savannah and Galveston. One year Galveston is ahead, and another, perhaps, Savannah is.

Now, Mr. Chairman, when James B. Eads undertook the deepening of the water at the mouth of the Mississippi River, Congress assigned to him the least available of the three outlets of the Mississippi—that was the South Pass—and it is a fact that at the South Pass, where he was directed by Congress to commence his work, in order not to interfere with the commerce which came through the other passes, there were but eight feet of water, and the largest vessel which could enter the port of New Orleans through the deeper passes could not draw more than seventeen or eighteen feet of water. To-day, and since the completion of the jetties, the largest vessels drawing the greatest draught of water can enter the port of New Orleans without detention, and in consequence of this great improvement at the mouth of the river New Orleans has risen to the position of the second exporting city in the Union, ranking next to New York in that regard. And by reason of the fact that she now has a deep-water entrance, her foreign commerce within a few years has more than doubled.

These are the magnificent results of the work accomplished under the supervision of James B. Eads. I am surprised, Mr. Chairman, that the name of James B. Eads in this bill, to some members, seems like the red flag flaunted in the face of the infuriated bovine. Because it is proposed to deepen Galveston Bay, and because it is proposed to give Mr. Eads a salary for that purpose, and because it is proposed to have him the advisory engineer of the Mississippi River Commission at a very small salary, gentlemen on this floor seem to take alarm. Let us look one moment at the record which Eads has made. Not only has he deepened the mouth of the Mississippi, as I have stated; not only has he successfully treated the most difficult portion of that river, but looking back upon his record as an engineer we find that he was the first to construct, in an incredibly short space of time, a number of gunboats during the late civil war which were enabled to pass Vicksburg and Port Hudson and do so much damage to the southern portion of the confederacy. Then, later on, he was the architect of the Saint Louis bridge, which, considering the difficulties of its environment, is considered by engineers as one of the most difficult feats of engineering accomplished in this or any other country.

Mr. Chairman, I am no more of a hero-worshiper than any other gentleman on this floor, but I am here to do justice to James B. Eads. The fame of this man is not confined to the limits of his own country, as is shown by the fact that, when temporarily in England a couple of years ago, the Parliament of Great Britain employed him to make an examination and give an opinion as to the feasibility of the proposed canal between Manchester and Liverpool, and for an investigation which could not have occupied him but a few days, and for an argument which occupied him but about two hours, Parliament voted him the very handsome compensation of $15,000. And not only that, sir, but the society of arts in England conferred a most distinguished honor upon Captain Eads in token of their recognition of his eminence in the engineering world—an honor never before bestowed upon an American. They voted him the Albert medal for eminent merit and proficiency in the arts and sciences, and when he visited England the second time that medal was presented to him by the Prince of Wales in person.

Again—and I will ask gentlemen to pay attention to this—so widely extended is the fame of this great engineer that the Emperor of Brazil but recently, as I am informed (not by Eads), has been seeking to employ him to make an examination of the mouth of the Rio Janeiro with the view of submitting plans for its improvement; and in order to induce him to accept such employment, the Brazilian Government sent him what might be considered a *carte blanche* so far as compensation is concerned. But, on account of his engagements in this country and in Mexico in connection with the construction of his ship-railway, he has not accepted that employment.

Now, Mr. Chairman, it is these works, this record, and the fame which Mr. Eads has won, not only for himself but for his country, as the leading engineer of this epoch, that has led the committee to think it wise and proper to utilize the talent and skill of this great American engineer in our own country rather than let it go abroad into the employment of foreign potentates. I for one, Mr. Chairman, am not here to cast any reflection on the Engineer Corps of the Army of the United States, but I do not believe, sir, all the engineering talent of the country is to be found within the corps; and I call the attention of gentlemen present to the fact that the Government of the United States is perhaps the only great government in the world that does not go outside of its corps of Army engineers to engage the best engineering talent that can be found in the construction of great public works. Whenever England, France, or Germany, or any of the prominent European countries, have a great engineering feat to be accomplished they do not confine themselves to the engineer corps of their armies, but they look about and abroad and employ the best talent to be found; and I say, Mr. Chairman, that that is an example that we will do well to follow.

Mr. BROWN, of Pennsylvania. Have we not done so?

Mr. BLANCHARD. We have done so, sir, but in a very few instances, one of which was the contract awarded to Mr. Eads to deepen the mouth of the Mississippi River. And now when he has accomplished that great work so successfully, and when he has assured your committee that he can obtain a depth of thirty feet in Galveston Harbor as he has done at the mouth of the Mississippi, when he has said that he is willing to stake his reputation as an engineer upon it and almost his life, I say we should heed the words of this man who has already accomplished so much.

Mr. ADAMS, of Illinois. Will the gentleman yield for a question?

Mr. BLANCHARD. Yes, sir.

Mr. ADAMS, of Illinois. I would like to ask the gentleman to explain, now or hereafter, the plan upon which Captain Eads proposes to do this work. I have listened faithfully to what has been said upon the subject, but so far I have not heard a word of explanation that I have been able to understand.

Mr. BLANCHARD. In answer to my friend from Illinois [Mr. ADAMS] I will state that Captain Eads was before the Committee on Rivers and Harbors for more than two hours at the last session of this Congress in explanation of his project for the improvement of the Galveston Harbor, and I hold in my hand a printed copy of his remarks and explanations made on that occasion. The time accorded me prevents me going into a detailed explanation of the work proposed.

Now, Mr. Chairman, my other friend from Illinois and colleague on the committee [Mr. THOMAS] was mistaken when he said that this measure had not been explained to the committee. As I have said, Captain Eads himself has explained his plans, and his explanation is in print and accessible to any member of the House who applies for it.

Mr. THOMAS. I ask the gentleman to yield to me for a moment.

Mr. BLANCHARD. With pleasure.

Mr. THOMAS. My attention was distracted for an instant, and I did not hear distinctly what the gentleman said; but I understood him to say that I was mistaken about this plan not having been explained to the committee.

Mr. BLANCHARD. I said that you were mistaken in saying that the project had not been explained to the committee.

Mr. THOMAS. What I said was that at this session of Congress it had not been explained to the committee either by Captain Eads or anybody else.

Mr. REAGAN. The question was not whether it has been explained at this session, but whether it had ever been explained.

Mr. THOMAS. If my colleague, the gentleman from Louisiana [Mr. BLANCHARD], will allow me——

Mr. BLANCHARD. I decline to yield any more just now.

Mr. THOMAS. I would like to ask the gentleman one more question.

Mr. BLANCHARD. I can not yield further at present.

Mr. BRECKINRIDGE. I wish to state to the gentleman from Louisiana [Mr. BLANCHARD], going back to the remark of the gentleman from Georgia [Mr. BUCHANAN], that the port of Galveston is one-third larger as regards receipts of cotton than the port of Savannah, and I have the statistics here to show it.

Mr. BLANCHARD. I hope my friend from Georgia who sits near me [Mr. BUCHANAN] has heard the remark of the gentleman from Arkansas just uttered.

Now, gentlemen say that no plans are furnished for this work at Galveston. When Mr. Eads proposed to make a contract with the Government of the United States for the deepening of the water at the mouth of the Mississippi River did he submit any plans? No. A commission of engineers had been appointed by the Government to make an examination of the mouth of the Mississippi and ascertain what it would cost to improve the channel so as to give a depth of twenty-six or twenty-eight feet. That commission consisted of Generals Wright, Alexander, and Comstock, of the Engineer Corps; Professor Henry Mitchell, of the United States Coast and Geodetic Survey; T. E. Sickles, W. Minor Roberts, and H. D. Whitcomb, distinguished civil engineers. They reported that the cost to the Government to deepen the channel as much as twenty-six or twenty-eight feet would be $5,342,110. Yet, when Mr. Eads offered to contract with the Government, he said he would do the work and achieve the depth of thirty feet for a sum of $90,000 less than this commission of engineers said it would cost.

It is a fact that the jetties at the mouth of the Mississippi River, as erected by Mr. Eads, are only one-third the length of those which will be required to deepen the channel at Galveston thirty feet. The jetties at the mouth of the Mississippi River, owing to the peculiar conditions existing there, could be and were constructed of willow mattresses. We have not that destructive marine insect the teredo at the mouth of the Mississippi, but it is found in untold millions at Galveston and all along that coast; hence, the jetties required to be built at Galveston can not be built of wood or willow mattresses or any material of that kind because of the teredo. They must be constructed of stone or concrete, and must be three times as long as the jetties at the mouth of the Mississippi River.

Mr. BRECKINRIDGE. My friend will find that Captain Eads in his printed testimony before our committee speaks of the probable use of willows in the construction of the Galveston jetties, without defining the extent to which they could be employed. But he has stated to me that he never expected he could project that character of work more than one-fifth or one-sixth of the entire extent of the jetties; and he has told me since that further reflection has convinced him he would not be able to use them at all. As his evidence before the committee has appeared in print, I desired to make this statement.

Mr. BLANCHARD. Mr. Chairman, I thank my friend from Arkansas for the statement. When we consider that the work at the mouth of the Mississippi River is only one-third the length of that required at Galveston; when we consider that at the mouth of the Mississippi jetties could be built of willow mattresses while at Galveston they must be built of stone and concrete; when we consider that we paid Captain Eads $5,250,000 for the work done at the mouth of the Mississippi, will any member rise here in his place and say on his responsibility that $7,000,000 is too great a sum to be expended at Galveston Harbor?

How much money has been already expended at Galveston by the Army engineers in charge of that work, and what results have they achieved? I have the figures here. They have already expended at Galveston nearly $1,600,000, with the result of not deepening that harbor more than three inches, according to the reports. Furthermore, there are two members of the Committee on Rivers and Harbors who, during last fall, made a personal investigation of the works of the Government at Galveston, and I have the authority of one of them at least for saying that those works have well-nigh disappeared; that though they were first built up to mean low tide, they are now six feet below mean low tide. In other words, the teredo and the storms have swept them away, and there is now but little, if anything, to show at Galveston Harbor for this expenditure of $1,600,000.

At the mouth of the Mississippi River, before Mr. Eads took charge of the work, there had been expended by the Army engineers the very large sum of $2,300,000; and with what result? When those jetties were commenced a ship drawing seventeen feet of water could barely enter the port at New Orleans. Yet, after an expenditure of $5,250,000 under the direction of Captain Eads, New Orleans ranks to-day as the second best seaport in the Union, being only equaled in its facilities of harbor approach by the Golden Gate at San Francisco.

Now, when this great engineer comes here and tells your committee, who are but your agents, that, notwithstanding the failure of the Army engineers, he can deepen that harbor to thirty feet at a cost not exceeding $7,000,000, is that too large a sum to be expended upon so great a work? Would the people of the United States be willing to-day for a billion of dollars to part with the results achieved by Eads at the mouth of the Mississippi? I opine not. If by an expenditure of six or seven million dollars Galveston Harbor can be improved so as to afford thirty feet depth of water, will not the people of the United States sanction the expenditure? Why, sir, when we consider what is done by other countries in respect to the improvement of rivers and harbors, what we do in the same direction is but a miserable pittance. I have here the figures to show that upon a single harbor, that of Cherbourg, France has expended in its improvement more than $100,000,000.

Again, sir, here now while we are talking over this Galveston project, our neighbor Mexico, notwithstanding the fact that her pecuniary resources are a mere bagatelle compared with ours, has appropriated $10,000,000 for the improvement of the harbor at Vera Cruz, and that to be accomplished under a plan submitted by Mr. Eads.

I desire briefly to call the attention of this House to the very remarkable statement of what has been done by the little country of Holland, in Europe, and what I read is taken from a speech of mine during the first session of the Forty-seventh Congress:

The greater part of the Netherlands has been formed of deposits of rivers in the same manner as the Egyptian delta is formed by the Nile or the delta of the Mississippi by that great river. The principal rivers which have so formed it are the Rhine, including its different branches, the Meuse and its branches and confluents, and the Scheldt.

To establish a firm footing amid so many rivers the inhabitants have kept them as far as possible within prescribed channels by embankments and have formed innumerable canals to receive the superfluous waters and to serve as means of internal communication. "The system of drainage," says a writer in the Encyclopedia Britannica, "of what would otherwise have been an immense mud-bank, well deserves to be ranked among the wonders of the world. The land thus rescued from the rivers is nowhere much elevated above the sea, and in many places is even below the sea-level, so as to require still more wonderful defenses against the ocean. These defenses are in part supplied by the operation of nature casting up sand-hills along great part of the coast; but where these have not been formed their place is supplied by dikes of vast extent, built in the course of ages, partly of huge blocks of granite brought from Norway and partly of bundles formed of young trees reared expressly for the purpose. These dikes stretch for hundreds of miles along the coast, and with those which line the rivers and canals, and with the requisite sluices, drawbridge, and hydraulic works of every kind, are estimated to have cost not less than £300,000,000" (equivalent to about $1,500,000,000). "They form in so small a country a most astonishing monument of human industry. Yet they are not greater than the situation requires. They are barely sufficient to preserve the country from the dominion of the waters. The motto on the arms of one of the provinces, '*Luctor et Emergo*,' still describes the struggles of the invincible Hollanders requisite for maintaining the ground they stand upon." The highways or roads often run for miles in a straight line along the summits of these dikes, and are thus at once dry and elevated, commanding extensive views.

Not only have the Hollanders done this, but they have also drained and reclaimed Lake Haarlem, containing 42,000 acres. As early as A. D. 1643, a proposition to endike and drain the lake was made; and similar schemes, notably in 1742 and 1821, were brought forward from time to time. But it was not until 1836, when one furious hurricane, on the 9th of November, drove the waters as far as the gates of

Amsterdam, and another on the 25th of December sent them in the opposite direction to submerge the streets of Leyden, that the mind of the nation was turned seriously to the matter. In August, 1837, the King appointed a royal commission of inquiry; the scheme proposed by the commission received the sanction of the second chamber in March, 1839, and in the following May the necessary law was passed and the work commenced. The lake covered an area of about seventy square miles, and had an average depth of more than thirteen feet. As it had no natural outfall, it was calculated that probably one thousand million tons of water would have to be raised by mechanical means.

Pumping commenced in 1848, and the lake was dry by the 1st of July, 1852. The cost of reclaiming this 42,000 acres was £1,080,000, or about $5,400,000. The government, however, sold lands to the amount of £780,000, so that the actual cost to the nation was only £300,000, or $1,500,000.

At the time when Holland undertook the accomplishment of these gigantic works of internal improvement her resources and her population were insignificant compared with ours. Let us glance a moment at them.

According to the census of that country of 1853, the eleven provinces constituting Holland contained a population of only 3,203,232; and according to the budget of receipts and expenditures of the national revenue for 1856 the total revenue from all sources of the Government was £6,099,255, or about $30,500,000.

Mr. Chairman, when we consider the small number of inhabitants of that country, and the small revenue of the government at the time of the completion of these works, we do not wonder that what they have performed in the way of protection against the mad waters should excite the marvel and admiration of mankind. In the language of another, "the inhabitants of this little storm-beaten republic, with matchless courage and constancy, have literally raised their country from the bed of the ocean, through centuries of toil, and advanced it to the foremost position in Europe, in commerce, agriculture, manufactures, opulence, and arts. All this has been done amid the storms of a frozen ocean by a handful of people through the instrumentality of their government."

To this what says this great Republic, with its 55,000,000 of people and its annual revenues of more than $300,000,000? Does it begrudge the ten or twelve millions this bill carries? I do not believe it.

Sir, this is but one showing of what other countries have done in advance of us in great works of internal improvement. I hold there is more than one clause in the Constitution which justifies large appropriations for the improvement of our rivers and harbors. And, sir, I for one, within the just limits of the Constitution, am in favor of internal improvements.

I regret, Mr. Chairman, my time is so limited I can not further discuss this proposed improvement at Galveston. I wish now to notice the remarks of my colleague of the committee, the gentleman from West Virginia [Mr. GIBSON], in reference to his criticism on the appropriation made in this bill for the improvement of the Mississippi River from Cairo to the Gulf. My friend stated, among other things, that according to the plans proposed by Captain Eads for the river it would cost $100,000,000 to improve the Mississippi River from the head of the passes to Cairo. That swift-winged messenger the telegraph flashed throughout the country that extravagant assertion of my friend, and it overtook Captain Eads on his way to Mexico in the interest of his ship-railroad at the city of Dallas, Tex., and I hold in my hand a telegram received this morning from him, which I will read:

DALLAS, TEX., *January* 30, 1885.

Mr. BLANCHARD, of Louisiana,
(*Care House of Representatives, Washington*):

Please correct, or ask Mr. GIBSON to retract, statement of yesterday. I have never stated cost of improving Lower Mississippi at $100,000,000. The plan reported by commission in 1880 was my plan, and if adhered to and judiciously executed will not cost $30,000,000.

JAS. B. EADS.

Now, Mr. Chairman, against the assertion of the gentleman from West Virginia I place the words of Captain Eads himself. He uttered that assertion when he was attacking that feature of the Mississippi River appropriation, which places Eads in the position of advisory engineer to the Mississippi River Commission at a salary of $3,500 per year.

I desire to say right here, this salary of $3,500 which is proposed to be paid to Captain Eads, in order to get the benefit of his great services as an advisory engineer to the commission, is something he cares little or nothing about, for it is a well-known fact that he is a comparatively wealthy man.

I will stop right here to say that he declined to enter into the employment of the Government of the United States for the improvement of the Galveston Harbor at the price of $5,000 a year and $3,000 contingent on each foot of depth attained. He said that that compensation was nothing like what was offered to him by foreign governments.

But notwithstanding that, Mr. Chairman, the committee did not change those figures, and they did not for the reason that they had confidence and the assurance that the liberality of the people of Galveston themselves would meet the emergency of the case and make up to Captain Eads whatever of compensation he lacked or demanded which the Government refused to give. In other words, we believed that while his services are in demand at large sums by other countries, he will not refuse this work for the Government of the United States at Galveston, the people there making up to him if necessary a sum sufficient to induce his acceptance of the proposition.

I cite this in behalf of Galveston to show the earnestness of the people there. It is no scheme of any wharf company, as has been stated here. I could, if I had time, as a contrast to the paragraph read from the Clerk's desk by my friend from Illinois [Mr. THOMAS], have a counter-statement read from the leading newspaper of Texas relating to the improvement of Galveston Harbor, and refuting the statement that the project is urged in the interest of any wharf company. The charge that the contemplated improvement of the harbor is in the interest of a wharf company is the invention of the enemies of the improvement, and wielded by them for the destruction of the measure.

Not only have the people of Galveston shown their earnestness and liberality in this matter by offering that if Congress will pass this bill and give them the depth of water their commerce demands they will, in order to secure the undertaking of the work, satisfy Captain Eads themselves in the matter of compensation, but they have heretofore shown even greater liberality and spirit of enterprise in matters pertaining to the improvement of their harbor. The last session of the Forty-seventh Congress failed to pass a river and harbor bill, and by reason of that failure there was no money to prosecute Major Mansfield's work at Galveston. In this emergency the city of Galveston raised $100,000 for the purpose of carrying on those works, and thus the deficit which had been brought about by the failure of Congress to pass the river and harbor appropriation bill of that year was met.

Again, as I am informed, prior to that time these same people raised and expended another hundred thousand dollars in aid of the works of the Government looking to the improvement of their harbor. Now when I tell this House this I think they will agree with me that the Galveston appropriation in this bill is put there to meet the great demands of that city and section for a deep-water harbor. I think they will agree that it is no scheme, no job of any sort whatever; and in proof of that I point to what those people have done and are proposing to do themselves toward the attainment of that end.

Now, sir, coming back to the remarks of the gentleman from West Virginia [Mr. GIBSON], who I regret to see is not now near me, I desire to answer his argument that the clause of the Mississippi River appropriation which places Mr. Eads in the capacity of advisory engineer to the commission "is unconstitutional and unprecedented." He stated that he could not vote for such a proposition for the reason that it was unparalleled in the history of our country and was not sanctioned by the Constitution. Why? Because, as he insisted, it attempted to take from the Executive of the Republic the power of appointment conferred upon him by the Constitution. I will state right here in this connection what this clause of the bill is, so that gentlemen may judge for themselves.

It is that the work to be done on the Mississippi shall be done under the direction of the Secretary of War, in accordance with the plans, specifications, recommendations, and estimates of the Mississippi River Commission, as approved or amended by the advisory engineer, which office is hereby created at a salary of $3,500 per year, and it is recommended to the President to appoint to that position James B. Eads.

There is no appointment in the bill of anybody to any office, and in that particular no part of the bill, certainly, is amenable to the criticisms passed upon it by the gentleman. I desire to say further that he is mistaken when he states that there is no precedent in the legislation of this country for such a provision.

Mr. LONG. Let me ask the gentleman, would you have recommended the appointment of an advisory engineer if the committee had supposed that anybody else was to be appointed than Captain Eads?

Mr. BLANCHARD. I will state, in answer to the question of my friend from Massachusetts, that this bill does not appoint anybody.

Mr. LONG. But I ask the question in good faith, would you have recommended the creation of such an office if the committee had believed that anybody else was to be appointed than Captain Eads?

Mr. BLANCHARD. And I answer the gentleman from Massachusetts in equally good faith that in my own opinion we would not. But it is certainly within the constitutional power of the President in making such appointment to disregard the recommendation of Congress. He could appoint Captain Eads under that provision, or anybody else. But further than that, I wish to say that there are plenty of precedents for the action proposed to be taken.

If I recall aright the legislative history of our country, it occurs to me, without having looked it up at all, that during the administration of the elder Adams, and when it was thought the country was about to be involved in a war with France, the Congress of the United States passed a bill recommending that General Washington, then in retirement, be appointed commander-in-chief of the armies and navies of the United States, and it was done. But coming down to a later period—and as I see the gentleman from West Virginia before me now I desire to call his attention to a measure which passed Congress in 1860. I refer to the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1861,"

approved June 25, 1860, by President Buchanan. In that act appears the following clause:

For the completion of the Washington Aqueduct, $500,000, to be expended according to the plans and estimates of Captain Meigs, and under his superintendence.

This is not only the making of an appropriation, but the designation of an officer under whose direction it should be expended.

Mr. HISCOCK. Did you say that Buchanan signed it?

Mr. BLANCHARD. I repeat, this was not only an act of Congress making an appropriation of half a million dollars—quite a large sum at that time—but actually appointing a man under whose superintendence that money was to be expended.

Mr. PERKINS. May I ask the gentleman a question?

Mr. BLANCHARD. Not now.

Mr. GIBSON. Will not the gentleman allow me a moment, since I submitted to his interruption during my remarks?

Mr. BLANCHARD. I can not yield now.

There, I say, is the provision of the law, and it meets the very case the gentleman denied existed; and apropos to that I will read from the message of President Buchanan transmitting to Congress his approval of the act and the reasons he gave for signing the bill. I will not read it all, but will refer to a clause relating to the appropriation for the construction of the Washington Aqueduct:

It has been alleged—

Said the President—

I think, without sufficient cause, that this clause is unconstitutional—

That is to say, the clause appointing Captain Meigs—

because it has created a new office and has appointed Captain Meigs to perform its duties. If it had done this it would have been a clear question, because Congress has no right to appoint to any office, this being especially conferred upon the President and the Senate. It is evident that Congress intended nothing more by this clause than to express a decided opinion that Captain Meigs should be continued in the employment to which he had been assigned by competent authority.

Now, Mr. Chairman, Congress in this bill, if this bill becomes a law, does nothing more than to designate to the President in the way of a recommendation Captain Eads for the position of advisory engineer of the commission.

Mr. GIBSON. Will the gentleman yield to me now?

Mr. BLANCHARD. Yes, sir. I now yield to the gentleman.

Mr. GIBSON. I want to ask the gentleman from Louisiana if Captain Meigs was not at that time an officer of the United States Army serving his Government, if he had not been already assigned by the Government to carry on a special work, and if this was not an appropriation to carry out specifications which he had made in his report to the Government previously; and I want to ask him if there is any analogy between that case and that of employing James B. Eads to overlook the officers of the Government.

Mr. BLANCHARD. Answering the last question of the gentleman first, I will say if he can not see the relevancy of this citation to the case at bar, then I can not make it any clearer to him.

Mr. BLANCHARD. Answering the first question the gentleman put to me, I will state that Captain Meigs was an Army engineer. I will state further, just as Mr. Buchanan does, that he had been previously, by competent authority, assigned to that work. But, Mr. Chairman, the President the very next day could have ordered, by virtue of his position as Commander-in-Chief of the Army and Navy of the United States, that officer of the Army away from that work; and for fear he would do it the Congress of the United States, in making at that time a very large appropriation——

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. BLANCHARD. I ask unanimous consent to be permitted to proceed for ten minutes more.

Mr. REED, of Maine. I hope if the extension of time is allowed to the gentleman from Louisiana he will remember it when an extension of time may be asked for others.

Mr. BLANCHARD. The gentleman from Louisiana did not object to an extension of time being granted to the gentleman from Illinois [Mr. THOMAS] awhile ago.

The CHAIRMAN. Is there objection to the request that the gentleman from Louisiana have his time extended for ten minutes?

There was no objection.

Mr. BLANCHARD. The President could have ordered Captain Meigs away from that duty; but in order that he might be there to continue that work the Congress of the United States recommended, in stronger language than we use in the present bill, that Captain Meigs continue in the prosecution of the work. Do we do more? I submit in all candor that we do not. I will ask any gentleman here if there is anything more in this feature of the bill than a mere recommendation to the President to appoint James B. Eads to fill the position of advisory engineer which is created by the act? And I repeat again, that notwithstanding that recommendation, the President could refuse to appoint Captain Eads and could appoint another. Therefore, that clause of the bill is clearly not amenable to the criticism of the gentleman from West Virginia [Mr. GIBSON] that this is an unconstitutional and unheard-of provision, because Congress thereby attempts to exercise the constitutional prerogatives of the Executive.

Mr. PERKINS. Will my friend from Louisiana yield to me for a moment?

Mr. BLANCHARD. Yes, sir.

Mr. PERKINS. Does this do anything more than provide for the employment of Captain Eads for this purpose?

Mr. BLANCHARD. It does not.

Mr. PERKINS. And has any court ever held that Congress has no right to authorize the employment of a man for a particular purpose?

Mr. BLANCHARD. No, sir; and that is all there is in this proposition. I thank my colleague for his valuable suggestion.

Now, the gentleman from Wisconsin [Mr. PRICE], whom I do not now see in his seat——

Mr. PRICE (in another part of the Hall). I am here.

Mr. BLANCHARD. I am glad to see that the gentleman is present. In the few remarks he submitted to the House the day before yesterday he took occasion to sectionalize this bill, if I may so express it. He took occasion, and I am glad he is the only member on this floor who has done so, to ascertain how much was given to the East, how much to the Northwest, how much to the West, and how much to the South. I will say to the gentleman from Wisconsin, and I say it with gladness, that the question of sectionalism, whether political or otherwise, never entered into consideration in the River and Harbor Committee. I say we rose to a plane superior to that; and I am sorry to see that the gentleman himself did not do the same.

Mr. Chairman, I exceedingly regret that I have not the time to have read from the Clerk's desk some figures, since the gentleman from Wisconsin has interjected the sectional issue into this discussion. No one regrets that he has done this more than I do. I for one want to know no North, no South, no East, no West in considering great questions affecting our common country.

Mr. PRICE. Will the gentleman allow an interruption?

Mr. BLANCHARD. No, sir; I have only ten minutes. I regret exceedingly that that issue was brought in here, but since it was brought in by the gentleman from Wisconsin, I must be permitted in the few moments allotted me to meet him on that question. And, I repeat, not having the time to have read from the Clerk's desk these figures, I will take occasion to have them printed with my remarks.

In this connection I will state that the gentleman's own State of Wisconsin ranks very high up in the aggregate of appropriations made for the improvement of its rivers and harbors. It comes next to New York and Michigan, or third on the list. Therefore, sir, it comes with an ill grace from a Representative of that State to object to this bill in the face of these facts. Because, forsooth, with $750,000 in this bill for Galveston Harbor, a little more is given to the Southern than to the Northern section of the country, he makes up his mind to fight the bill.

Mr. Chairman, ours is a great country. It has the longest and greatest rivers, it has the greatest lakes, and it has the longest line of seacoast of any country on the face of the globe. It is too great and grand and glorious for a narrow sectional spirit longer to be tolerated.

Why, sir, there is within the limits of the United States one-sixth of the world's entire wealth; and it is a fact, sir, that we as a people are increasing in wealth at the rate of $2,000,000 a day—more than twice as rapidly as our nearest rivals Great Britain and Germany, and nearly six times as rapidly as the greatest of our other rivals. It is a further fact, and I call the attention of this House and of the country to it, that we as a people to-day are doing one-third of the world's entire mining, one-fourth of the world's entire manufacturing, one-fifth of the world's entire agriculture, and one-sixth of the world's entire banking on a territorial capital of but one-eighteenth of the world's land area, and that, too, but partially reduced to use.

Sir, I say, in conclusion, let us continue to present the example of a continental republic, possessed of every variety of climate and production, whose people are as one again—loyally devoted to the perpetuity of the Union, fearing no foreign foe, following the pursuits of peace, and solving practically the great problem of self-government. [Applause.]

APPENDIX.

Executive Document No. 64, Forty-eighth Congress, first session, issued by the United States Engineer Office, gives the entire amount appropriated by the Government for the improvement of the rivers and harbors of this country from the day the very first appropriation was made. This, including all the repairs, surveys, dredging-machines, and other machines and materials used, amounts to $105,796,403, comparatively moderate, if we consider the sums expended by other powers of far less extent than this.

Viewed sectionally, the Eastern States have no cause to complain, New York feast of all. That State stands at the head of the list in appropriations, having secured no less than $9,539,973.95 for rivers and harbors situated entirely within its limits.

The South, on the other hand, has some cause to protest. There is a greater extent of water front in the South than any portion of the Union, and more rivers, yet it falls far in the rear, and the Southern State which has fared best ranks only eighth in the list, as follows: New York, $9,539,973; Michigan, $7,915,856; Wisconsin, $6,675,795; Illinois, $6,277,080; Ohio, $3,832,764; Delaware, $3,043,636; Massachusetts, $2,928,779, and Texas, $2,569,372. Divided sectionally, it is found that the eleven Eastern States have obtained $24,742,717, or about $2 to each inhabitant; the twelve Western States, $38,033,533, or $2.15 to each inhabitant, and the thirteen Southern States, $27,176,222, or $1.50 to each inhabitant. Two States, Colorado and Nevada, have secured nothing for harbors. It is dis-

covered further that the little mountain State of Vermont has received very nearly as much as South Carolina, and that Connecticut's harbors and rivers have cost more to improve than those of Alabama, Georgia, Florida, Kentucky, South Carolina, or Tennessee, including their share of the improvements in the Mississippi, Ohio, and Tennessee Rivers.

Mr. BAYNE. Mr. Chairman, I have frequently heard debates on the river and harbor bill in the House and in Committee of the Whole House on the state of the Union, and in most cases the attacks made upon the bill were directed against the small appropriations. Thus far the criticism of this bill has avoided the small appropriations and has been directed to the large ones. After an examination, in connection with the Committee on Rivers and Harbors, of the various recommendations for rivers and harbors throughout the country, I have come to the conclusion that these much-derided small appropriations are in the main more profitably expended than the large ones, and that commerce is aided more by the small than by the very large appropriations.

To my mind the objectionable features of this bill are not the small appropriations. I have no doubt that there are such appropriations made in this bill for undeserving items, but in the preparation of a measure of this kind, with the information available to the Committee on Rivers and Harbors, it was simply impossible for that committee to judge intelligently of all the various schemes presented for its consideration.

There are in this bill ninety-five appropriations of $5,000 and less; ninety-four between $5,000 and $20,000; forty from $20,000 to $50,000; nineteen from $50,000 to $100,000; eighteen from $100,000 to $200,000; eight from $200,000 to $500,000; one between $500,000 and $1,000,000; between $1,000,000 and $2,000,000, none; and between $2,000,000 and $3,000,000, one.

If the members of this House will carefully scrutinize these items I believe that in the appropriations made for the small streams—appropriations of $5,000 and less, those between five thousand and twenty thousand and those between twenty thousand and fifty thousand—they will find but very few objectionable ones, and they will find that the Committee on Rivers and Harbors, so far as it has had opportunity and facilities for examining into these cases, has given a fair and considerate judgment in dealing with the different rivers and harbors.

The present method of making appropriations by Congress for these purposes is radically wrong. Under it the Committee on Rivers and Harbors and the House can have no adequate information as to whether an expenditure of money for any particular stream should be made or not. With the information accessible to the committee under the present system it is impossible to say with anything like precision or accuracy that a given sum should be applied to a particular improvement. As I have said, the method is radically wrong. If you will take up the last report of the Engineer Department you will perceive how defective the method is. The Chief Engineer in his report to Congress says:

In view of the misapprehension that seems to prevail regarding the annual estimates, it may be advisable here to go somewhat into detail.

After an interval of more than ten years an act was passed and approved June 23, 1866, "making appropriations for the repair, preservation, and completion of certain public works, heretofore commenced under the authority of law, and for other purposes." (Statutes at Large, volume 14, page 70.) This act made provision by specific appropriation for more than fifty works of improvement and directed that examinations or surveys be made at more than thirty other localities with a view to their improvement. It was quite full, and expressed with much detail the manner in which the sums appropriated were to be applied. It also made provision for reports both special and annual (to be submitted to Congress) in relation to the various improvements and surveys therein provided for. Among other things set forth in the act as necessary to be reported to Congress, it required that the annual report shall be accompanied "with a statement of the amount and date of all former appropriations for each work, and a full estimate for its entire and permanent completion, with the amount that can be profitably expended in the next fiscal year."

In the following year an act was approved March 2, 1867 (volume 14, page 418), making provision for sixty works of improvement and eighteen examinations or surveys, and containing the same general and specific requirements as to expenditures, reports, estimates, commercial statistics, &c.

It is proper to state that these annual estimates are made in compliance with the above-quoted requirements of law, and are not to be considered as carrying with them a recommendation of the officer in charge of the district or of this office, either in respect to the commercial value of the improvement or to the amount to be appropriated, other than for the most economical administration of works, the prosecution of which had already been approved by Congress.

The preliminary step is taken by Congress when it authorizes a survey, and any gentleman on this floor by simply requesting the Committee on Rivers and Harbors to insert in the river and harbor bill authority for the Engineer Department to make a survey can have such a proposition inserted in the bill. Then the Engineer Department will make the survey, and the Chief Engineer will make a report and estimate as to the amount of money that will probably be required to make the stream thus surveyed navigable.

That report comes before us as a recommendation from the Engineer Department, or rather it has been so treated by Congress. In point of fact, as gentlemen will see, the Engineer in Chief disclaims making any such recommendations in these estimates that he sends to Congress. So you see we are pursuing a method wholly embraced in most cases within a circle, whose confines do not contain sufficient data on which to act intelligently on so important a subject. Congress authorizes the survey of the stream; the Engineering Department surveys the stream and makes a report to Congress with an estimate; Congress makes an appropriation because the Engineer Department made the survey and estimated the cost; and the Engineer Department made the survey and estimated the cost because Congress authorized it so to do. There you have the long and short of the entire proceeding.

Therefore the Committee on Rivers and Harbors was compelled, in the exercise of a wise discretion, to reject many of these recommendations, and about one hundred and forty or one hundred and fifty of the streams embraced in the reports of the Engineering Department for this year were rejected upon such knowledge as the committee could obtain out of the Book of Estimates. Now, what kind of a basis is that upon which to make these appropriations? Of course the committee is often aided by members of Congress, but the information thus obtained varies. Some members of Congress are happily endowed with a very vivid imagination. They can point out the great advantages to commerce which are to result from the improvement of a given stream. Others are matter-of-fact individuals, not specially endowed with powers of imagination; so they make statements not so attractive and often not so influential, and are quite unable to make the worse appear the better reason. Others, again, have much argumentative fertility and can make words appear to be things, and can wholly obliterate, when necessary, things by words.

The information coming in this way is impelled doubtless by an honorable desire on the part of the members that an appropriation should be made. Their fellow-members, anxious not to impute to them any intention to misrepresent the facts, take their word, and the appropriations are made. Then you find members of Congress who appear before the committee and argue, "Oh, if you will improve this stream in my section of the country you will build up a vast commerce; there are hundreds of thousands of acres of fine timber land and fine coal land; all that is needed to develop the resources of that section of the country is to make an appropriation." Others say, "We do not want appropriations made except so far as commerce may demand it." That is a principle to which I agree. That is the policy for which I contend, that no appropriation should be reported by the Committee on Rivers and Harbors or passed by this House unless the actual present demands of commerce require it. I do not believe in appropriating money for particular streams with the view of developing a commerce that may ultimately come from that district. Sufficient unto the day is the necessity thereof.

Thus, in considering these propositions, the Committee on Rivers and Harbors and the House are not advised as they should be with reference to the amounts which ought to be appropriated for particular streams. I am not surprised that gentlemen rise on this floor and criticise with just severity the report of the Committee on Rivers and Harbors, because it is open to such criticism from the very necessities and exigencies of the case.

It was hoped that some responsibility for river and harbor expenditures would be placed somewhere. It was thought that this responsibility ought to be fixed in the Secretary of War, or if not in the Secretary of War, in the Chief of Engineers. But when we come to the Secretary of War, what have we? We have from that officer, as a general thing, a mere submission of the estimates made by the Engineer Department, without any specific recommendations.

Secretary Lincoln, a man of the highest integrity and character, undertook in a letter to the Forty-seventh Congress to point out various small streams which were provided for. Some of these appropriations were carried through, some were defeated. But on went the work of spending money for stream after stream, notwithstanding the fact that this information had come from the Secretary of War.

On this occasion the Secretary of War has recommended an appropriation of $8,000,000 for the river and harbor bill. My friend the chairman of the Committee on Rivers and Harbors [Mr. WILLIS] was in error when he said that this bill contains but one-third of the amount recommended to Congress. This bill appropriates more than $4,000,000 in excess of the recommendation by the Secretary of War to Congress.

Mr. WILLIS. I am sure my friend does not desire to misrepresent me; and as I see a similar statement in one of the New York papers of this morning, I hope he will allow me to say that, as he knows and I know, the Chief of Engineers submits annually to the Committee on Rivers and Harbors an estimate of the amount which can be profitably expended on these works during the coming fiscal year. The estimate thus submitted by him for the next fiscal year is $34,000,000; and that is what I stated. This amount is not what will complete the existing projects, but the amount which he states can be profitably expended. That is all I said.

Mr. BAYNE. I do not wish in any way to misrepresent the gentleman——

Mr. WILLIS. There can be no difference of opinion upon that point. There is only one side to it.

Mr. HISCOCK. Does the engineer recommend that the amount be expended——

Mr. WILLIS. Yes, sir.

Mr. HISCOCK. Or does he say that it could be expended?

Mr. WILLIS. He recommends the expenditure. The subordinate engineers often submit estimates which the Chief of Engineers cuts down, as he has done in this case.

Mr. HISCOCK. My recollection is that he states the amount which can be expended, if the work goes on; but he does not indorse the work.

Mr. WILLIS. He advises Congress that at these various points he can profitably expend—"profitably" is the word—these various amounts.

Mr. GUENTHER. May I call attention to the fact that the Secretary of War says that $500,000 can be profitably expended for the improvement of the Fox and Wisconsin Rivers, yet the committee has not reported an appropriation of one solitary cent for that purpose?

Mr. WILLIS. That is true.

Mr. BAYNE. The chairman of the Committee on Rivers and Harbors is mistaken in saying that the Engineer in Chief recommends the appropriation of $34,000,000. If the gentleman had paid attention to what I have been reading he would have discovered that the engineer disclaims in specific terms any responsibility for these estimates put in by the subordinate engineers.

Mr. WILLIS. Here is a column on page 164 in regard to rivers and harbors, in which all the rivers and harbors recommended to Congress are stated. In the last column are the words "the amount that can be profitably expended in the next fiscal year as reported by the Chief of Engineers."

Mr. JOSEPH D. TAYLOR. Read the note on the same page.

Mr. BAYNE. I do not yield, and I hope gentlemen will not interrupt me. Now, Mr. Chairman, the note on page 164, referring to the very statements put in by the Chief of Engineers, is as follows:

NOTE.—The following statement is not furnished as a part of the "annual estimates for the public service" required by the act of March 3, 1875 (18 Statutes, page 370), to be furnished by the Secretary of War to the Secretary of the Treasury, but is inserted as a convenient and customary summary of items taken from the annual report of the Chief of Engineers for the year 1884, showing, under the provisions of the act of Congress approved March 2, 1867 (14 Statutes, page 421), "the amount that can be profitably expended in the next fiscal year" on each of the uncompleted works mentioned.

Mr. WILLIS. That is precisely what I have said.

Mr. BAYNE. Immediately before that, on page 164, my friend the chairman of the Committee on Rivers and Harbors will find that the Secretary of War recommends an appropriation of $8,177,000 for the rivers and harbors of the United States for the fiscal year ending June 30, 1886.

Mr. WILLIS. That is not in conflict with the other. Where is the conflict?

Mr. BAYNE. I say, Mr. Chairman, that I do not wish to misrepresent the chairman of the Committee on Rivers and Harbors; there is nothing further from my intention than that.

Mr. WILLIS. I am aware of that fact.

Mr. BAYNE. Now, I understand him to say that a recommendation had come in here from the Secretary of War for $34,000,000, and that we had appropriated about one-third of that recommendation. I say the Secretary of War has recommended but $8,177,000 to go into the river and harbor bill for this year, and not a dollar more.

Mr. WILLIS. There is no conflict between the gentleman and myself. I repeat again, that the Chief of Engineers, the officer in charge of these works, has recommended to Congress he can profitably expend $34,000,000, that the Secretary of War has scaled that down to $8,000,000, and the committee has scaled it down to $12,000,000, are matters we know, but it still remains not that $34,000,000 will complete these works, but that if Congress will give him the money he can profitably expend that amount; and that amount is a reduction, as the gentleman knows, on the estimates of the local engineers in charge of the different works.

Mr. BAYNE. All I have been trying to do, and the gentleman's statement confirms it, is to show that Congress has no adequate information on which to make these appropriations. You hear my friend saying that the Engineer Department recommends $34,000,000 in round numbers.

Mr. HISCOCK rose.

Mr. BAYNE. I can not yield. I have more than I can get through with. I would permit my friend as soon as any other cheerfully if I had the time.

Now, the Engineer Department estimates about $34,000,000. The Engineer in Chief has trimmed it down—how much I do not know. The Secretary of War has diminished it to a little over $8,000,000.

But I have a number of other matters to mention here before I take my seat. There are, as I have said already, some objectionable measures in the bill. One is Sandy Bay, on the coast of Massachusetts, for which an appropriation of $100,000 is put in to begin a work that will cost from six to eight millions of dollars for a harbor of refuge; and that appropriation is made here in the face of the recommendation of the commission which went there to examine into the proper place to locate a harbor of refuge. That measure ought to be stricken out of the bill. Until the engineers unite or the commission appointed to report whether a harbor there is necessary and select a locality other than that or agree upon that, there should be no money advanced for that purpose.

Another objectionable measure in this bill is the Hennepin Canal; not because it is objectionable in my mind *per se*, for I think it would facilitate commerce to construct that canal. I believe that it is an honest project and intended to benefit commerce. I do not believe there is any job back of it in any respect, but I am opposed to incorporating canals in the river and harbor appropriation bill. If you put this one in you will put another and another, and in a few years hence you may have thirty or forty canals in your river and harbor bills. Therefore I think this canal should stand upon its own footing and be reported by the Committee on Railways and Canals.

Another scheme objectionable in this bill, and which involves a violent departure even from the methods the committee has always heretofore employed in the way of making a bill, is one of $750,000 for Galveston. That appropriation is made without any plans, specifications, or estimates having been furnished to Congress. No man here knows what the scheme of Captain Eads may be for the improvement of that harbor.

No man can undertake to say that it will prove successful. That appropriation is made in a spirit, in my opinion, of blind faith in Captain Eads and without anything else in the world to recommend it. It has been cited on the floor here often and over again that Captain Eads achieved wonderful engineering exploits; that he built the Saint Louis bridge and improved the mouth of the Mississippi River. Mr. Chairman, the Saint Louis bridge, as has been said by my colleague [Mr. THOMAS], has nothing whatever to do with engineering skill in providing water ways. The work on the passes at the mouth of the Mississippi River, I declare to you to-day, is but an experiment yet to be tried, with the chances largely against its ultimate success.

Mr. KING. Where does the gentleman get his authority?

Mr. BAYNE. I will give my authority. In the first place, if any man will go beyond the mouth of those passes and make the necessary soundings he will find a bar beyond the mouth of the passes; and let the Engineer Department of the Government make that investigation, and my word for it they will find that result.

Mr. KING. Will the gentleman yield for a question?

Mr. BAYNE. I can not yield now. I say they will find that result, and that for this and another reason which I will cite the jetty system is a failure.

Mr. KING. That is not true.

Mr. BAYNE. Another fact is also apparent, that this pretended jetty system is a failure at the mouth of the Mississippi River for the reason that whereas ten, twelve, or fourteen years ago the Atchafalaya Bayou was a narrow, unpretending water way, fordable at many points, with but little water in it, now it has become quite a stream, and the waters of the Mississippi River have been diverted by the jetties into that bayou; and the danger is now that all the waters of the Mississippi River will eventually take that course to the ocean.

Now, the plan, as I understand it, is to get Mr. Eads back of the Mississippi River Commission in order to do what? At a salary of $3,500 a year he is placed there in order that he may throw a dike across the Atchafalaya, and thus make the waters of the river pursue their course to the sea through the jetties at the mouth of the river. There is an express appropriation of $65,000 for that purpose. What is the effect of this plan? The effect is as certain as that rain falls, to fill up the river between the Atchafalaya and the passes at the mouth of the Mississippi River. That part of the river is gradually filling up, and, unless the waters of that stream are again deflected into the Mississippi, they will so fill up that water way that it must become unnavigable.

On the other hand, if you fill that place up, throw a dike across the Atchafalaya River, you are simply inviting the floods of the Mississippi River to make their way through some other bayou—to open up some other water course for them—and they will reach the ocean through such pass as they are reaching it through the Atchafalaya, and as they will continue to reach it in gradually increasing volume if they are not shut out by a dike across that river. Why is this true? Simply because the jetty system implies a species of damming up the water. They talk of getting "accelerated velocity" in order to scour out a channel and deepen it.

How do they get it? They dam the water to get the greater fall. These jetties are constructed upon that principle, and there is no more certain thing in this world than that those low alluvial lands about there will be broken through at different points by these great floods down that river, and no man's ingenuity or skill in this world can confine these vast quantities of water within the banks of the Mississippi between the Atchafalaya River and the Gulf.

Mr. BRECKINRIDGE. Will the gentleman yield for a question?

Mr. BAYNE. I will, for a question.

Mr. BRECKINRIDGE. Does not my friend from Pennsylvania know that the flood-head at the South Pass is nearly a foot lower to-day than when the jetties were built? The effect of the jetties has been to lower the flood-head, not to elevate it, as the gentleman stated.

Mr. BAYNE. There may be records going to indicate that fact, and it is possible that it is attributable to the fact that a greater volume of the water is going down that unnamable river, and thus lowering the water at the passes. That is in all probability the cause of it.

Mr. BRECKINRIDGE. But my friend said that this jetty system had dammed the river up.

Mr. BAYNE. And there is nothing more certain than that the jetty system is damming it up now to a certain extent, and the water that formerly went through the passes has been deflected and is passing through the Atchafalaya River.

Mr. BRECKINRIDGE. But how do you account for the fact that it has lowered the head of water at the passes?

Mr. BAYNE. It has not lowered it above.

Mr. BRECKINRIDGE. But it has lowered it at that point.

Mr. BAYNE. That is true; but not above. Where you confine the channel and increase the velocity of course it would secure a deepening of the channel in time; but the water above has been dammed up by these jetties, and the consequence is the flow and push of the water is not so great above as in the jetties, and the sedimentary deposits will gradually fill up the channel above the jetties, which result is going on at this very moment, and I predict with what little knowledge I have on this subject, and it is not very great, that this jetty system will ultimately prove a failure.

There will be only one way to obviate it, and that is to build jetties all the way up the Mississippi River, and thus confine its waters within one channel, and within jetties so powerful and secure and so well built that the waters of this great stream can not undermine them or wash them away.

It would require hundreds of millions of dollars to do that thing. Now they want a channel made at Galveston. Galveston has my cordial sympathy. I will appropriate a million or two millions or three millions or five millions to give you an assured harbor at Galveston. I do not want to deny Galveston the chances of putting out its commerce and receiving into its harbor the largest vessel we float. I am not only willing but I am anxious that it should be done. But why do it according to the plan of Captain Eads? How do you know it is going to succeed? I say the reasons against success are infinitely stronger there than they were against the success of the jetties at the mouth of the Mississippi.

Why? Because you have four hundred and fifty square miles of water above the harbor in an almost stagnant condition; and the only way you get an outflow is when the tide rises and pushes a body of water in which must run out, or where there are heavy rains in that section which contribute to those streams and the water comes down those streams. You can not create the velocity of flow that you have at the mouth of the Mississippi River; and for that reason the scheme proposed by Captain Eads, if we know what it is, will prove a failure at Galveston; and the engineer talent of this country, including Captain Eads, has not yet discovered the method of giving a 30-foot channel at Galveston.

Mr. FUNSTON. Now, with the gentleman's permission, I would like to ask him a question: How does he know that to be the plan of Captain Eads?

Mr. BAYNE. I will tell the gentleman how I know that to be his plan. Captain Eads was before the committee, not at this but at the last session of Congress, and he was interrogated by myself respecting his plan. I had a curiosity to know what his plan was. He expatiated with elaborate eloquence on his theories; but I wanted to know something about the practical plan. So I put the inquiry to him:

Mr. BAYNE. Is your present plan for improving Galveston Harbor similar to your plan for the jetty work at the mouth of the Mississippi River?

Captain EADS. It is based upon the same principles precisely. The location of the works must be quite different, of course.

Mr. BAYNE. And it is to make a channel 1,000 or 1,500 feet wide?

Captain EADS. The channel at Galveston would be wider than that, but it would be nothing like the width that the Government engineers propose.

Mr. BAYNE. Nothing like 12,000 feet?

Captain EADS. That is a matter I should take into serious study before I should determine what particular width and direction I should give, but I do not think it would be over 3,000 feet.

Mr. BAYNE. Is there a similarity of conditions between Galveston and the mouth of the Mississippi?

Captain EADS. Only in so far as this is a bar composed of material that is brought there by the action of the current?

Mr. BRECKINRIDGE. At Galveston the bar is formed by material brought there by the action of the Gulf currents, and at the mouth of the Mississippi the material was brought there by the action of the Mississippi currents?

Captain EADS. Yes, sir.

Mr. BAYNE. Have you made a personal examination of the harbor at Galveston?

Captain EADS. I have been there several times.

With a diplomacy worthy of the gentleman, whose abilities are acknowledged, he declined to say that he had made such an examination as would enable him to tell what his plans were, where he would place his jetties, how far apart they would be; and to this day and hour he has not stated that plan. And yet Congress is asked to appropriate $750,000 without knowing how he is to expend one dollar of that money.

Then one word more in this connection. Mr. RANKIN inquired:

Mr. RANKIN. As I understand it, there is nothing in this plan of yours that is not open to the world. Is there anything to prevent the Government engineers from adopting it?

Captain EADS. No.

Mr. RANKIN. Suppose the city of Galveston should accept yours as a business proposition—and I direct this question more to the representatives of that city who are now present than to you. If that plan is adopted by the Government why would it not be better to appropriate a certain sum for each year than to appropriate four or five millions in one sum for the whole number of years? The committee are now asked to recommend this appropriation to do something for which we have no estimate. They generally manage to get the money out of it some way.

Mr. THOMAS. I desire to ask the gentleman from Pennsylvania a question.

Mr. BAYNE. Very well.

Mr. THOMAS. Were the provisions of this bill or the other bill that came to the committee before the committee at the time Captain Eads was there?

Mr. BAYNE. No, sir; neither the provisions of this bill nor the bill that has since been presented was before the committee at the time Captain Eads was there.

Mr. BRECKINRIDGE. My friend is in error. The bill introduced by Judge REAGAN was at that time before our committee and under consideration.

Mr. OCHILTREE. And it was because that bill had been introduced that Captain Eads was present.

Mr. BAYNE. My memory may be at fault. I do not remember seeing the bill till I saw it this session of Congress; and I am sure I could not have seen it, or at least examined it, or I would have a vivid recollection of its existence; because of all the marvels presented to any legislative body for its action I never found the equal of that bill which was presented for the improvement of Galveston Harbor in the interest of Captain Eads—a bill appropriating $1,000,000 for the first foot, $1,000,000 for the second foot, $500,000 for the third foot, $500,000 for the fourth foot, $350,000 for each of the next six feet, $400,000 for each of the next two feet; all that vast appropriation to be given to Captain Eads for securing eleven or twelve feet of water—which anybody could have secured over that bar by the simple use of dredgeboats—and without a single solitary guarantee to the Government that that contract would be performed and that work done except the withholding of $500,000 for ten years, on which the Government was to pay interest at the rate of 4 per cent.

Mr. KING. There is no such provision in this bill.

Mr. BAYNE. I never saw such a measure in all my legislative experience. I doubt whether anybody anywhere ever saw the like of it before, and I hope the American Congress will never see its like again.

Mr. BRECKINRIDGE. Is that provision in this bill?

Mr. RAYNE. No, sir; it is not in this bill.

Mr. BRECKINRIDGE. Ah! It is a man of straw.

Mr. BAYNE. That was the original bill, and it is very properly used as a measure of Captain Eads's fertility of resource and as an indication of the things he may do, and in fact the reason he did not do it was because the Committee on Rivers and Harbors would not have it so.

Mr. GIBSON. I suggest to the gentleman from Pennsylvania this question: If Captain Eads would so deal with the Government in regard to Galveston Harbor, how would he be likely to act with unlimited power as to the Mississippi?

Mr. BAYNE. Now, Mr. Chairman, the proposition of the committee is better by far than the original proposition, and yet the proposition of the committee ought to be voted down. To make a vast appropriation of $750,000 for this work without a plan, without estimates, without knowing how it is going to be applied—to say to one man, "Take this money and expend it as you please and secure a certain number of feet of water"—to leave it all to him, the Government exercising no scrutiny, no judgment about the matter, is a proceeding which as a member of this House I can not countenance.

I think Congress ought to have sufficient data on which to form an intelligent judgment before making such an appropriation as this. I think Congress ought to know where this money is going, and how it is going to be expended, and upon what plan. I think Congress ought to have the opportunity of submitting the plans for this work to the rigid scrutiny of other engineers, in the service of the Government and elsewhere. I think these plans ought to be published in the newspapers, so that all the world might see them and see what was proposed to be done, and then, perchance, Congress might get such enlightenment in the way of criticism upon the plans as to lead gentlemen to say, We will not appropriate this money to be expended in this way, because we believe that if we did it would be lost.

Inasmuch as the gentlemen from Texas have such an abiding faith in Captain Eads I am willing to recommend his employment by the Government, but I am unwilling to appropriate any more money than will be required to get out the necessary plans for the work. Then I want those plans and specifications brought before Congress, that it may examine them and see whether the money should be expended in that way or not.

Now, Mr. Chairman, the next great appropriation in this bill is that for the Mississippi River. I can recollect very well when on the floor of the House gentlemen rose in their places and said, "Give your appropriations for the grand Mississippi River; make liberal appropriations for the Mississippi, but strike out all the creeks and rivulets and the runs."

Gentlemen criticised the river and harbor bill perhaps with just severity, but very often I believe with an undiscriminating judgment that did not do them credit. But in that way they created a volume of public sentiment in favor of making large appropriations for the Mississippi—a sentiment almost as vast in extent as the body of water in that great river at high flood. So, on the present occasion, we are asked to make another great appropriation of nearly $4,000,000 for the Mississippi.

Now, Mr. Chairman, what has been the result of the work that has been done so far on that river? Sir, it has proved a complete failure, and the Macedonian cry has come to us, "Give us Eads that he may help us!" "Help us or we sink!"

Mr. BROWN, of Pennsylvania. It was Cæsar that said that.

Mr. BAYNE. Yes, it was Cæsar that said that; but it is the same thing. It is what the Mississippi River Commission is likely to say.

We have here a demand for nearly $4,000,000, and, after having made some examination into that subject, I say here that every dollar of that money, if it is expended on that river—except the portion of it that may be spent for dredging—will be money absolutely thrown away.

Has any gentleman here a full knowledge of the dangers besetting the channels of that river at high flood? Why, sir, I am credibly informed that the water will undermine the banks so that at times as much as four or five or six acres of land will drop into the stream at once—land having great large trees on it, with roots running deep down into the ground, and, therefore, a far stronger and more powerful obstacle to resist the action of the water than any piles that can be driven. Yet that land with those great trees upon it, with their great roots, is undermined and swept away almost in a moment. Nevertheless you have a "commission" down there driving in their little piles, and geting up their little mattresses, and hauling their little cart-loads of stone, and putting that material down, and undertaking to check the course of that mighty stream at high flood. It is the finite fighting the infinite. It is simply an impossibility.

Tennyson says somewhere:

> Possibles do and impossibles dare,
> And gallop in spirit everywhere.

This is but the daring of the impossible. It is not the conclusion of good sound sense; it is not the conclusion of practical knowledge. It is the daring, the hope, the dream, the expectation of vivid imaginations that something can be done; and therefore, as I have said, this cry has gone up from the Mississippi River people—"Give us Eads, or we shall fail in our undertaking!" Sir, they have failed in their undertaking. And now is Congress going to vote three or four million dollars more for this Mississippi River improvement to be wasted in the same way?

The plans of the commission are all ready to go on. Those plans have been submitted. The members of the commission themselves have the integrity and the candor to say that their plans have failed. The report of the commission tells of the difficulties they have encountered—a caving bank here, another caving bank there, and another there; and if any gentleman will take up that report and mark the number of cases of caving banks, I venture to say that he will find at least ten or twelve such places where the banks are stated to have caved.

Why, sir, I heard only last night that a lot of piles had been driven at one point on the Mississippi River for the purpose of narrowing the channel—carrying out the scheme of the Mississippi River Commission; that the water had washed the sand away; that the piles had toppled over, and that one of them had come in contact with the wheel of a steamboat and broken it. These are results of the efforts you are making to narrow the channel of the Mississippi River and to improve the river at an expenditure which must ultimately reach hundreds of millions of dollars, because every million you put in there will require another million or more to undo the mischief your system is causing.

Mr. BRECKINRIDGE. Will the gentleman allow me to corect an error of fact? The Mississippi River Commission does not state that this work is a failure; the majority of the commission state that it is a success, and ask for liberal and prompt appropriations to prosecute the work. My friend knows very well the serious difference of opinion that there is in regard to some things in that report; but his statement just now with regard to the report of the commission was, I presume, an unintentional error, and therefore I decided to correct it right here.

Mr. BAYNE. Now, if there is any dispute on this point, I call attention to the report of the Mississippi River Commission. On page 3 it speaks of a caving bank; again on page 4 it speaks of a caving bank, and again on page 7 and page 8. On page 9 two are mentioned, and again caving banks are mentioned on pages 10 and 12. Thus you can go through this report page after page and find nothing but "caving banks" and other difficulties. And finally the commissioners "cave," and must have the assistance of Captain Eads! There is this blind belief on the part of some men that Captain Eads can go there and get that commission out of its difficulty. Eads is a great man, but he is unequal to that emergency.

A MEMBER. And you are not willing to let him try?

Mr. BAYNE. Yes, sir; I voted to put in Captain Eads as an advisory member of the commission. I am willing to give the utmost facilities for securing whatever result is possible; I am willing he shall go there and advise with that commission. But I do protest against this Congress appropriating nearly $4,000,000 to be thrown away on that river.

Mr. WHITE, of Kentucky. Will the gentleman allow me to ask him whether the very same gentlemen who are now urging the appointment of Mr. Eads were not absolutely certain in 1882 that this Mississippi River Commission was all that was needed to manage the improvement of that river?

Mr. BAYNE. Yes, it was thought so.

Mr. WHITE, of Kentucky. They were then just as sure that the commission was all that was necessary as they now are that Captain Eads is the desideratum.

Mr. BAYNE. Not only so, but it is confessed all around that the plan pursued by the commission is the plan which Eads suggested.

Mr. BRECKINRIDGE. Oh, no; that is not conceded at all.

Mr. BAYNE. They may change their plan now; but the plan of Mr. Eads was to narrow the channel and put into operation the scouring-out process. He himself says over and over again that this is his plan—to narrow the volume of water, thus encouraging the scouring-out process and securing a deep channel. That is the whole system. I can not elaborate it or put it in scientific terms. In plain language that is the plan.

My friend from New York [Mr. HISCOCK] has just handed me a telegram on this subject from the War Department. I will read it.

WAR DEPARTMENT, *January* 31, 1885.

Hon. F. HISCOCK:

Your telegram received. Chief of Engineers reports that the only damage reported is that mentioned in Captain Sears's letter of January 26, which is said to have occurred 17th of January, and is reported as follows: "On the 17th instant a cave occurred two hundred and fifty feet in length and one hundred feet deep about 1,000 feet above range 20. It took place in a pocket, making it larger. The current is too strong and the river too high to admit of making another mat. It is proposed to float a string of piles, prepared for experimental pile revetment, and sink them in this pocket." The breach is stated to be near Pilcher's Point, about eighteen miles above Lake Providence. Further report will be called for by telegraph from the officers in charge.

ROBT. T. LINCOLN, *Secretary of War.*

This is a recent report, and it confirms the report of the commission that these banks are caving at one point and another, that revetments have failed, that piles have failed, that dikes have failed, that everything has failed. And it is in the nature of things that everything must fail, because no practicable human agency can cope successfully with the great flood tides of the Mississippi River; and the sooner we make up our minds to that fact the better it will be for us all and the better it will be for the Treasury of the United States. Everything has failed but the Treasury and the water. The water is still there; and the Treasury is still at the other end of the Avenue. [Laughter.]

Now, Mr. Chairman, I have here pointed out what I believe to be grave objections to this bill. I believe this vast appropriation for the Mississippi River is an objection, and an insuperable one. I believe the appropriation for the Mississippi River should be somewhere in the neighborhood of $500,000 for the purpose of dredging and alleviating the dangers that beset the navigation of that stream. I think only about fifteen or twenty or twenty-five thousand dollars should be appropriated for Galveston Harbor, to include Captain Eads to prepare plans and specifications to be submitted to the next Congress. And if Captain Eads can convince the next Congress he can give Galveston a channel twenty-five or thirty feet in depth, I say employ him to go on and supervise that work under the direction of the Secretary of War and have that work done.

I know the difficulties that the people of the South Atlantic coast labor under in reference to harbors; I know the great number on the North Atlantic coast. I appreciate the difference, and I for one am anxious to help them out. I want to help them out wherever I can, and whenever I am convinced an appropriation will effect that object I will give it cheerfully; but I am unwilling to vote these vast sums out of the Treasury for that purpose when we have no assurance at all this money will secure the results predicted.

Mr. Chairman, I ask leave to incorporate in my remarks some matter I have not had an opportunity to deliver.

There was no objection, and it was ordered accordingly.

Efforts have been made to discredit the capacity of the officers of the United States Engineer Corps. It has been said that their education is limited in the science of civil engineering. Having the highest confidence in the honor and integrity of these officers, I desired to inform myself as to their opportunities for qualifying themselves for the important service they are required to perform in relation to the improvement of rivers and harbors. So I wrote to General Newton, Chief of Engineers, who replied, as follows:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 27, 1885.

SIR: In reply to your letter of the 26th instant, I have the honor to say that all officers of the Corps of Engineers, in addition to their military duties at the United States Military Academy, are there instructed in mathematics, natural and experimental philosophy, astronomy, chemistry, mineralogy, and geology, electricity and magnetism, civil engineering and drawing, in all of which they must take a high standing. This course requires four years' hard study.

Immediately after graduation the officers assigned to the Corps of Engineers are ordered to the Engineer School of Application at Willets Point, N. Y., where for two and a half years their practical and theoretical instructions are continued, and they become familiar with surveying, astronomy, and electrics, as well as the important portions of military engineering.

With this preparation these officers are then assigned to duty as assistants to officers engaged upon river and harbor works, and as such assistants have practical instructions in work of this character. After serving as assistants for periods varying from four to eight years, sometimes longer, they are assigned at first to the charge of districts of minor importance and in time to the more important works now in charge of the Corps of Engineers.

From the commencement of operations looking toward the improvement of rivers and harbors, about the year 1823, until such work ceased from lack of appriations, about 1839, the Corps of Engineers had entire charge of these works of improvement, and again in 1844 and 1852 they were committed to their supervision.

In 1864, when operations by Government upon river and harbor works were again resumed, these were placed in charge of officers of the Corps of Engi-

neers of the Army, and for the past twenty years the work has progressed under their care and control.

They alone, aided by such assistants as the extensive operations in this field devolving upon them rendered it necessary for them to call to their aid, have for the past sixty years, whenever money was available, carried on these important works, and if the conditions of these rivers and harbors when work commenced could be compared with the results obtained and spread before the country in a tabulated form, the result would demonstrate the skill and fidelity of the corps.

With facts so patent as those which have been enumerated in relation to the preliminary education required at West Point and Willets Point, and the long experience almost amounting to an exclusive control of the river and harbor improvements for the past sixty years, I must express my astonishment at learning that it has been proclaimed in Congressional committees that the officers of the Corps of Engineers of the Army have but a limited education in civil engineering.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brigadier and Brevet Major General.

HON. THOMAS M. BAYNE,
House of Representatives, Capitol.

The following was received by me from Col. W. E. Merrill, one of the most accomplished engineers in the United States Engineer Corps:

The paper on the South Pass jetties, printed in the October number of the Transactions, by Mr. E. L. Corthell, is a valuable and interesting one, but there are some errors in it which are worth noting, and it contains certain suggestions that should not be permitted to pass without comment.

The South Pass jetties have given an excellent mouth to the Mississippi River, and their success has been such as to warrant the United States in paying for them a large bonus over the cost of construction; but it should not be forgotten that the engineer who built them contracted with Congress to give a depth of thirty feet for a width of three hundred and fifty feet for a total sum of $7,250,000 on the principle, widely advertised, of "no cure, no pay," and failed to secure the depth. As a matter of fact, he only earned under his contract the first three installments of half a million each, with a quarter of a million for maintenance, making in all only $1,750,000. The fourth installment of half a million was not payable until a channel had been secured having a depth of twenty-six feet with a width of three hundred feet, and no such channel has even yet been secured. In order to be sure of the exact facts of the case I to-day (January 21, 1885) telegraphed to the inspecting officer to know the exact width of the 26-foot channel, and have just received the reply that it is two hundred and ten feet wide.

In March, 1879, Mr. Eads procured the passage of an act of Congress reducing the required width of the 26-foot channel from three hundred to two hundred feet, abolishing the clause requiring the 28-foot and 30-foot channels, and redistributing the payments, so that he should receive the same sum, $7,250,000, for the 26-foot channel as he was to have received for the 30-foot channel. It is true that a provision was inserted requiring a central depth of thirty feet regardless of width, but this clause added nothing to his obligations, as it was hardly possible to secure the required depth of twenty-six feet over a width of two hundred feet without having a central depth at least four feet greater. His original contract for a channel thirty feet deep, with a width of three hundred and fifty feet, would probably have carried with it a central depth of thirty-five feet.

I mention these facts not in the way of criticism or personal allusion, but merely to show the great difficulty of making results tally with predictions when dealing with large bodies of water in motion, and to show that iron-clad contracts with the Government can sometimes be set aside. In my judgment there was much more engineering skill and fertility of resource shown in the works at the head of the South Pass than at the jetties themselves. There were abundant precedents for the latter, but none that I know of for the former.

The lessons which Mr. Corthell draws are nine in number and on them I would like to make a few comments.

In his condemnation of the "outlet" theory, as applied to the Mississippi River, I fully agree; but my acquiescence comes from a study of the river above New Orleans, and I do not see that experience at the jetties has any particular bearing on the subject. No engineer has ever disputed the fact that by contracting a stream you can deepen it; in fact it is an elementary principle, and it has been applied on the Ohio River with moderate success since 1825. I say "moderate" success, because local deepening is often followed either by the formation of a new bar below the contraction or by a decrease of depth on the bar next above.

I do not think that the criticisms on the work at Galveston and at Charleston are justified by the facts. In building jetties upon movable sands the lower courses must necessarily be built first, and, from the nature of their construction, they can subsequently be widened or heightened as occasion may demand without making the ultimate cost of the jetty materially greater than if the intention to build it above the sea-level had been proclaimed from the beginning. Nothing has been done at either locality except what would have had to be done in any event. It seems to me that a wise and prudent engineer, dealing with such a difficult problem as the improvement of a harbor on a sandy shore, would proceed cautiously, feeling his way by degrees, prepared to change his plans whenever their effect seemed unfavorable.

I am disposed to believe that as a rule jetties should be above the level of the sea, as they are at Ymuiden, the mouth of the Maas, Port Said, and many other localities; but in spite of the belief I should certainly try first to build two submerged jetties and see how they worked, because it is quite possible that one or the other might require removal. It is also possible that in some localities submerged jetties may answer every purpose, at a great saving in cost; in other places jetties above water may confine storm-tides too much, and may cause too violent an action within the jetties and create a shoal bar in the open sea beyond them. To illustrate the necessity of making haste slowly, and the difficult nature of the general problem, I would refer to the sandy harbors along the northeast coast of France and the north coast of Belgium, where jetties have proved a practical failure, even with the aid of large flushing basins and high tides.

In spite of the large experience of the French and Belgian engineers with this class of harbors, the King of the Belgians a few years ago offered a large prize, open to the engineers of all nations, for the best essay on harbors on sandy coasts. The result of the competition I have not learned; but it is clear that the engineers who have had most experience with these harbors consider the problem a very difficult one. The failure at the mouth of the Maas is sufficient proof that it is not always possible to predict the results of jetties on sandy shores, even though a large river flows out between them.

In reply to the criticisms on Galveston Harbor contained on page 326 I will submit the following statement from Colonel Mansfield, the engineer in charge, to whom I forwarded Mr. Corthell's article, with the request that he would send me a reply.

Colonel Mansfield quotes the paragraph beginning on the third line of page 326, and replies as follows:

"This budget of errors, and the errors following, as regards results, may be best answered by giving a brief account of the work at Galveston, so far as executed, with accompanying results, and stating what is intended to be done in the line of further improvement.

"I will right here call attention to a most important consideration which seems to be entirely overlooked, namely, the condition of the two problems—the one the removal of a bar formed by the *détritus* from a great river, where immediately beyond the crest of the bar and the jetty-heads is the deep water of the Gulf ready to receive the material brought down by the current and scoured from the bar, where it can no longer obstruct navigation; the other the removal of a bar formed by sand drifted along the coast and heaped up by the sea at the entrance to a bay into which no rivers of any size enter.

"There is no parallelism in the case of the South Pass, Mississippi River, and Galveston Bar. The problems being so entirely dissimilar, they must be treated separately and upon a careful study of all the conditions surrounding each. A treatment that would solve the one might not solve the other.

"Galveston Bay has an area of four hundred and fifty-one square miles, forming an immense reservoir, whose surface is known to have been raised to a height of ten feet in a great storm, and not infrequently raised three, four, five, and even six feet by easterly winds, though the average range of tides is but one and one-tenth feet. The discharge of accumulated waters of the bay under off-shore winds, which usually follow easterly blows, creates strong currents through the gorge, maintaining here forty feet of water, and the momentum of discharge is sufficient to excavate and maintain a channel of thirty feet to a distance of over a mile, twenty-five feet a distance of two miles, and twenty feet over three miles out from the gorge.

"The crest of the bar is about four miles out, and the distance across from 18′ to 18′ is about one and one-quarter miles, and beyond the exterior 18-foot curve the bottom of the Gulf deepens at the rate of about one fathom to the mile. Beside the outer bar, obstructing the entrance to the bay, there was an inner bar obstructing entrance to Galveston channel, along which the wharves are located. Upon this inner bar there is now twenty-six feet of water at low tide, where formerly there was but about nine feet; and the depth of water over the outer bar has been improved, so that navigation has been benefited to the extent of about two feet, and this has been accomplished by the Government works, which consist of an incomplete jetty running from Fort Point out to the crest of the bar a distance of four and one-quarter miles.

"The project contemplates the raising of this work to a greater height if necessary and the construction of a jetty on the north side, the position of which is yet to be determined.

"Previous to my taking charge in 1880, Major Howell had expended $527,000, and secured as a result twenty feet water on the inner bar. I have expended since in the construction of the jetty $975,000.

"This structure is a most substantial one, and is not likely to deteriorate much; that it has been an economical one the records will plainly show.

"Should it be necessary to raise this jetty above high-water mark, it can be done for less than $1,000,000, while the jetty upon the other side, equally high, may be built for less than $2,000,000.

"My opinion is that it will not be necessary to raise the jetties to a height above overflow. To be sure, the greatest effect will be produced thereby, but the question, if any, is, will it be necessary in order to secure the required depths of channel? I think not; nor will it be necessary to raise the jetties so high, in order to guard the channel against filling from wave action. Let me give you my experience.

"At Arkansas Pass Bar, my jetty, nearly a mile in length, originally brought near to the water surface at mean low tide, but since compressed so that there was an average of more than four feet over its entire length, caused a channel to cut where desired through the bar eleven feet deep where there was but four and a half feet before, and this channel has been maintained a long time and is improving. I am now raising this jetty above overflow.

"Here is a single jetty, not on the side whence the drift comes, but on the other side, and nothing in the way of a jetty to prevent the whole drift of sand along the coast from coming into the channel.

"It would seem that Mr. Corthell has yet much to learn on the subject of the improvement of river and harbor bars. No two rivers or harbors are precisely alike, and to lay down in advance a law that shall be rigidly applied to all alike, without regard to the varying circumstances, would be the height of absurdity."

The statement of Mr. Corthell that there is to be two and one-fourth miles between the jetties is positively denied by the Chief of Engineers and by the resident engineer, both of whom state that the north jetty has not yet been located. Mr. Corthell asserts that "lateral outlets were left near the land, ostensibly to let the tides into the bay," and he vigorously condemns this method of construction. I agree with him, but I can find no authority for the existence of these outlets; nothing of the kind appears in the last official map of Galveston Harbor. There is a low place in the jetty about three miles from the shore, but this is nowhere "near the land," and it appears to be merely a place where the work is incomplete. The map shows that the shore end of the jetty, for at least a mile from the shore, is above the wafer surface.

The total expenditures made by United States engineers on the improvement of the outer bar at Galveston is a little less than a million. This is just one-eighth of the sum that Mr. Eads asks Congress to appropriate in a lump for his project. I would like to ask the author of the paper if he or any one else could have done any more with the sum allowed by Congress than Colonel Mansfield has done, and how he or any one else could have completed an eight-million job for one million. It is understood that Mr. Eads proposes to build a pair of jetties, just as the Government engineers propose. With an eight-million appropriation he can undoubtedly work much faster than a Government officer with two hundred thousand a year; but the nature of the problem is such that in any event he must do about the same amount of work in pretty much the same way.

The only possible variation is in the location and length of the jetties, and as his location has not been divulged it can not be criticised. Experience gained in building the existing south jetty shows that it can be raised above water-level for one million more. The north jetty can be built at the same cost as the south jetty, and the entire improvement can be completed for $3,000,000. Why then should the United States give any one a bonus of four millions for what can be done just as well by its own officers at cost, and without any bonus at all.

If the United States is not satisfied to use its own officers to do this work, then I submit that the matter should be thrown open to public competition, and all members of the Society of Engineers should have an opportunity to submit proposals. It is more than probable that competent engineers and contractors can be found who will guarantee twenty-six feet of water for a much less profit than $4,000,000. Congress has passed laws requiring that contracts be given to the lowest bidder, and yet we find that Congress itself is seriously discussing the question of selecting one man out of the whole nation, and giving him, without competition, an enormous contract at more than double the estimated cost of the work.

The practical effect of such a contract is to make an immediate appropriation of nearly eight millions for the improvement of Galveston Harbor. Had less than half of this sum been appropriated when work on the outer bar began, the work would now be completed. Mr. Corthell's statement that one and a half million dollars have already been expended on Galveston bar (meaning the outer bar) is incorrect; a very large amount having been expended on the inner bar, a very necessary work, but wholly disconnected with the outer bar. The exact expenditure on the south jetty has been $975,000, or less than a million.

The final lesson that Mr. Corthell enunciates is that civil-engineering work should be in the hands of civil engineers. He seems to forget that United States military engineers are thoroughly educated as civil engineers, and in many particulars experience in the two branches is identical. Moreover, all the other Army officers have had years of experience as civil engineers, and it is as civil engineers that they are admitted into the American Society of Civil Engineers

He makes a plea that "the doors be thrown open freely to all engineers fitted by education and experience for the service required." To this I make no objection; but there is a wide difference between an engineer and a contractor, and while he talks of throwing open the doors "to all engineers," his whole paper is written in the interest of a single favored contractor.

If Congress should choose to select Mr. Eads as the engineer of the works at Galveston Harbor I should not raise a word of protest, for I have as high an appreciation as any one of his genius as an engineer; but when he is brought forward as a contractor in such a contract the matter stands on a different footing, and I feel it my duty to point out the objections.

In conclusion, I would call Mr. Corthell's attention to his error in asserting that in no other country are military engineers employed on civil works. Great Britain makes exactly the same use of her military engineers as does the United States.

Mr. BRECKINRIDGE obtained the floor, but yielded to

Mr. WILLIS, who moved that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, had come to no resolution thereon.

PATENT OFFICE BUSINESS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House report from the Commissioner of Patents of the business of his office for the year ending December 31, 1884; which was referred to the Committee on Patents, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. WARNER, of Ohio, by unanimous consent, was granted leave of absence for three days, from February 2, on account of important business.

GOVERNMENT PUBLICATIONS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House joint resolution (S. 104) providing for printing and distribution of the Descriptive Catalogue of Government Publications; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

SUPERVISING ARCHITECT.

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, by unanimous consent, reported back with amendments the bill (H. R. 7523) defining the duties of the Supervising Architect, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

MOUNT DESERT FERRY.

Mr. MILLIKEN, by unanimous consent, introduced a bill (H. R. 8146) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

And then, on motion of Mr. COX, of North Carolina (at 5 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. ANDERSON: Petition of citizens of Waterville, Kans., asking for such amendment of homestead law as will enable settlers within railroad limits to take homestead on additional 80-acre tracts—to the Committee on the Public Lands.

By Mr. W. W. BROWN: Memorial of the Philadelphia Commercial Exchange, praying for the passage of the bankrupt law—to the Committee on the Judiciary.

Also, memorial of the Academy of Natural Sciences of Philadelphia, praying for the placing certain scientific books on the free-list—to the Committee on Ways and Means.

Also, memorial of the National Board of Trade, urging the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

By Mr. CUTCHEON: Joint resolution of the Legislature of the State of Michigan, relative to the importation of alien laborers under contract—to the Committee on Labor.

By Mr. DEUSTER: Petition of business men of Milwaukee, Wis., asking that the United States shall acquire the title to the two canals connecting Portage Lake, Michigan, with Lake Superior—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of the Commercial Exchange of Philadelphia, for passage of Senate bankrupt bill—to the Committee on the Judiciary.

Also, petition of the Academy of Natural Sciences of Philadelphia, to place on the free-list books on physical, natural, and medical science, and apparatus—to the Committee on Ways and Means.

By Mr. EVERHART: Resolution of the Commercial Exchange of Philadelphia, urging the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

Also, resolution of Philadelphia Produce Exchange, favoring national bankrupt bill—to the same committee.

Also, petition of the New York State cider and cider-vinegar makers, for repeal of so-called "vaporizing act of 1879"—to the Committee on Ways and Means.

By Mr. FORNEY: Petition and papers of Susan Wilson, widow of Benjamin I. Wilson, deceased, late of Cherokee, Ala., asking for reference of claim for property taken by the United States Army during the late war, to the Court of Claims—to the Committee on War Claims.

Also, petition and papers of Rebecca Riggers, widow of Robert Riggers, deceased, of Cherokee County, Alabama, asking reference of similar claim to Court of Claims—to the same committee.

By Mr. HARMER: Resolution of the Academy of Natural Sciences of Philadelphia, in favor of placing on the free-list books pertaining to physical, natural, and medical science, and apparatus—to the Committee on Ways and Means.

Also, memorial of the board of directors of the Commercial Exchange of Philadelphia, in favor of the Senate bankruptcy bill—to the Committee on the Judiciary.

By Mr. KEAN: Petition of citizens of Elizabeth, N. J., calling attention to the rapid spread of Mormonism, and asking early action to prevent same—to the same committee.

By Mr. KEIFER: Petition of John G. Wamen and 48 others, praying for the passage of a bill granting a pension to Anthony Peterson, of Ohio—to the Committee on Invalid Pensions.

By Mr. McCOMAS: Memorial of Richard S. Kirk, of Montgomery County, Maryland, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition of Henry C. Mumma and Samuel Mumma, executors of Samuel Mumma, deceased, of Washington County, Maryland, for compensation for property taken by the United States Army during the late war—to the same committee.

By Mr. PHELPS: Petition of citizens of Morris County, New Jersey, and others, favoring legislation for the Territory of Utah—to the Committee on the Judiciary.

Also, petition of the iron-ore men of the Northwest, against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. PRYOR (by request): Petition of James Clendinnin, of Jackson County, Alabama, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. W. F. ROGERS: Resolutions of the Merchants' Exchange of the city of Buffalo, in favor of the purchase by the United States of the Portage Lake and Lake Superior Ship-canals—to the Committee on Rivers and Harbors.

Also, resolution of the Merchants' Exchange of the city of Buffalo, in favor of the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

By Mr. ROSECRANS: Petition of James A. Powlett, relative to the loading of heavy ordnance—to the Committee on Military Affairs.

Also, petition of citizens of Monticello, Ind., asking Congress to suppress Mormonism in the Territories—to the Committee on the Judiciary.

By Mr. A. HERR SMITH: Resolution of the Academy of Natural Sciences of Philadelphia, in favor of putting on the free-list scientific books and apparatus—to the Committee on Ways and Means.

Also, resolution of the Commercial Exchange of Philadelphia, in favor of the passage of the Senate bill—to the Committee on the Judiciary.

Also, petition of 67 citizens of Lancaster County, Pennsylvania, against the ratification of the reciprocity treaty with Spain—to the Committee on Ways and Means.

By Mr. TUCKER: Petition of Henry T. Hartman, of Lexington, Va., to extend the time of patent, &c.,—to the Committee on Patents.

By Mr. WAIT: Petition of Stephen M. Kellogg, of Waterbury, Conn., for the purchase by the United States of the Portage Lake and Lake Superior Canals—to the Committee on Rivers and Harbors.

By Mr. WEAVER: Petition of W. A. Hartly and others, of Bennet, Nebr., asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. J. S. WISE: Papers relating to the claims of John W. Conard, Ebenezer J. Conard, Oliver G. Butts, George Cooper of John, all of Loudoun County, Virginia—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. FORAN: Of 393 citizens of Pike, Brown, and Fayette Counties, Ohio.

By Mr. KLEINER: Of soldiers of Dale, Ind.

By Mr. LOWRY: Of 30 citizens of Fort Wayne, Ind.

By Mr. MORRILL: Of J. E. Baird and others, of Indian Territory.

By Mr. SHIVELY: Of William H. Jordan and others, of Bourbon, Ind.

By Mr. E. B. TAYLOR: Of J. S. Hutson and others, of Trumbull County, Ohio.

By Mr. WARD: Of citizens of Anderson, of Zionsville, of Jamestown, and of Elwood, Ind.

By Mr. WELLER: Of citizens of Bassett, Iowa.

SENATE.

MONDAY, *February* 2, 1885.

Prayer by Rev. J. DE WITT MILLER, of Philadelphia.

The Journal of the proceedings of Friday last was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of John C. Spooner, chosen by the Legislature of Wisconsin a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

He also presented the credentials of GEORGE G. VEST, chosen by the Legislature of Missouri a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

MILITARY INSTRUCTORS IN COREA.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read and ordered to be printed, and referred to the Committee on Military Affairs:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State in regard to the desire of the Government of Corea to obtain the services of one or more officers of the United States as military instructors in that country, and recommend the adoption of a joint resolution authorizing such officers as may be conveniently spared, and who may be selected for that duty, to proceed to Corea for the purpose indicated.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

THE ALERT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

When the expedition for the relief of Lieutenant Greely and his party was being prepared in the early part of the year 1884, and a search for suitable vessels was being made, the Alert, then the property of Great Britain, and which had been the advance ship of the expedition under Sir George Nares, was found to be peculiarly fitted for the intended service, this Government immediately offered to purchase that vessel; upon which Her Majesty's Government generously presented her to the United States, refusing to accept any pay whatever for the vessel. The Alert rendered important and timely service in the expedition for the relief of Lieutenant Greely and party, which, in its results, proved so satisfactory to the Government and people of this country.

I am of the opinion that the Alert should now be returned to Her Majesty's Government, with suitable acknowledgments for its generous and graceful acts of courtesy in so promptly putting the vessel at the service of the United States, and I therefore recommend that authority be given me by Congress to carry out this purpose.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., January 30, 1885.

The PRESIDING OFFICER (Mr. HOAR in the chair). If there be no objection, the message will be referred to the Committee on Naval Affairs and printed.

Mr. CONGER. That seems to be a question of courtesy between nations. In that respect it is immaterial to the people of the United States or the Navy whether the vessel is returned or not returned. If it relates to the comity of nations, the courtesy, and the recognition of their tender of it to this nation, and the return of it after its valuable service to the country, the question should go to the Committee on Foreign Relations, I think.

The PRESIDING OFFICER. Does the Senator from Michigan make that motion?

Mr. CONGER. I do.

The PRESIDING OFFICER. The Senator from Michigan moves that the message be referred to the Committee on Foreign Relations.

The motion was agreed to.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the 21st ultimo, certain documents relating to the collection of the tax upon distilled spirits; which, with the accompanying papers, was, on motion of Mr. WILSON, referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Commissioner of Patents, submitting, in compliance with the requirements of section 494 of the Revised Statutes, a report of the business of the Patent Office for the year ending December 31, 1884; which was referred to the Committee on Patents, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the organized and unorganized militia force of the United States; which was referred to the Committee on Military Affairs, and, with the accompanying papers, ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with a resolution of the 5th ultimo, copies of all the papers on file in his Department relating to the condition of affairs at the Kiowa, Comanche, Wichita, and other Indian agencies; which was read.

The PRESIDING OFFICER. If there be no objection, the communication will be printed and referred to the Committee on Indian Affairs, with the accompanying papers.

Mr. CONGER. By that reference will the accompanying papers be printed?

The PRESIDING OFFICER. They will not. The letter of the Secretary will be printed without the accompanying papers. The Chair supposes, as the papers are very voluminous, consisting largely of reports which have already been printed, it would be well to refer the papers without printing to the committee, and they can request the printing if they see fit.

Mr. CONGER. Very well. The committee can ask for their printing if it is deemed necessary.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of War, transmitting sundry communications, in the nature of petitions, from infantry officers of the Army, urging the passage of Senate bill 2442, to increase the efficiency of the infantry branch of the Army; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also presented the petition of J. F. Halloway, president, and 12 others, of New York city, on behalf of the Society of American Engineers, praying such legislation as will increase the efficiency of the Patent Office and secure a prompt determination of the causes considered therein; which was referred to the Committee on Patents.

He also presented the petition of W. D. Graham, of Wesson, Miss., praying for the substitution of the seventh for the first day of the week as a day of rest and devotion; which was referred to the Committee on Education and Labor.

Mr. SHERMAN. I present, in the nature of a petition, resolutions adopted at a meeting of the National Board of Trade held recently in this city, in which they respectfully pray for the passage of the bill entitled "An act to amend the laws relating to the entry of distilled spirits in distillery and special bonded warehouses," submitted recently by Secretary McCulloch, claiming that the measure will afford a greatly needed remedy for the existing oppression to an important branch of industry. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented the petition of A. W. Colton, M. D. Carrington, J. H. Bowman, and 50 other citizens of Toledo, Ohio, and two petitions of citizens of Cleveland, Ohio, praying that the United States Government shall acquire the ownership of the two canals crossing Point Keweenaw, Lake Superior, Michigan, as recommended by the Secretary of War; which were referred to the Committee on Commerce.

He also presented a petition of ex-Union soldiers of Toledo, Ohio, praying for the passage of an act granting one hundred and sixty acres of land to all honorably discharged soldiers of the late war; which was referred to the Committee on Pensions.

Mr. CONGER presented a memorial of the Marine City (Mich.) Stave Company, by C. McElroy, president; the Detroit Stave and Heading Works, by R. S. Keys, secretary; the Saint Clair (Mich.) Timber Company, by John T. Sill, secretary and treasurer, and other citizens of Michigan, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

He also presented a joint resolution of the Legislature of Michigan, in favor of the passage of the House bill prohibiting the importation of contract labor; which was referred to the Committee on Education and Labor.

He also presented a concurrent resolution of the Legislature of Michigan; which was read, and referred to the Committee on Commerce, as follows:

Preamble and concurrent resolution adopted by the senate and house of representatives of the State of Michigan.

LANSING, *January* 29, 1885.

Whereas the Senate of the United States did pass a resolution of the date of April 22, A. D. 1884, instructing the honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal; and also to inquire upon what terms said canals might be purchased by the United States, and make free water ways to the commerce of the great lakes; and

Whereas the honorable Secretary of War did designate Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity to said resolution; and

Whereas the honorable Secretary of War did report, on or about January 5, A. D. 1885, that Colonel Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same, and make them free water ways to the commerce of the lakes; and

Whereas the tolls collected by these canals are a serious burden to a numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

Whereas these water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the East and seaboard; and

Whereas the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest, and most serious disasters have occurred: Therefore,

Be it resolved by the senate of the State of Michigan (the house concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure such legislation by Congress as will result in

the United States acquiring, upon fair and reasonable terms, title to and ownership of the Portage Lake and River Improvement Company and Portage Lake and Lake Superior Ship Canal and Railway Company, connecting the waters of Keweenaw Bay through Portage River, Portage Lake, and the Portage Lake and Lake Superior Ship Canal and Railway Company with the waters of Lake Superior, for the purpose of making them free to the commerce of the lakes, and securing a commodious harbor of refuge for that commerce at a point on Lake Superior most dangerous to it.

Resolved, That the secretary of the senate be, and he is hereby, instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

ARCHIBALD GRATTAN,
President of the Senate.
LEWIS M. MILLER,
Secretary of the Senate.
NEWCOMB CLARK,
Speaker of the House of Representatives.
D. E. CROSSMAN,
Clerk of the House of Representatives.

Mr. WILSON. I present the petition of D. McKay and other citizens of Iowa, praying for the passage of the bill forfeiting what is known as the Sioux City and Saint Paul Railway Company land grant, being in amount 85,957 acres, located in Northwestern Iowa, and which the State of Iowa has withdrawn from that railroad company. As that bill has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented the petition of General James A. Beaver and others, citizens of Centre and Clearfield Counties, Pennsylvania, praying that an appropriation be made for the improvement of the Susquehanna River; which was referred to the Committee on Commerce.

Mr. ALLISON presented a petition of citizens of Osceola and Plymouth Counties, Iowa, praying for an amendment of the bill (H. R. 7299) providing for the forfeiture of certain uncarned lands granted to the Sioux City and Saint Paul Railway Company which will protect the rights of persons who have in good faith purchased lands from said company; which was ordered to lie on the table.

He also presented a petition of the managers and officers of houses of refuge and reformatories for children in various parts of the United States, praying for an appropriation to enable the Bureau of Education to publish an annual digest of information as to the work of reformatory institutions for children; which was referred to the Committee on Education and Labor.

He also presented a memorial of 58 citizens of Iowa, remonstrating against the proposed Government control of the telegraph system; which was ordered to lie on the table.

Mr. PENDLETON presented a petition of Mast, Crowell & Kirkpatrick and other publishers of Springfield, Ohio, praying for a reduction of the rate of postage on second-class matter; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH presented a memorial of the Legislative Assembly of the State of Oregon, praying for speedy legislation declaring lands in Oregon and Washington Territory included within the grant to the Northern Pacific Railroad Company to aid in the construction of its main line from Wallula Junction to Portland, and which have not been earned by the construction of its road, withdrawn from the operation of said act; which was read, as follows:

House Joint Memorial No. 3.

Introduced by Mr. Cox in the house January 15, and read and adopted. Read in the senate and concurred in January 16, 1885.

Resolved by the house (the senate concurring). That the annexed memorial be directed to the Senators and Representatives from this State in Congress assembled, and that they be instructed to urge upon Congress an early action thereon:

To the honorable the Congress of the United States:

Your memorialists, the Legislative Assembly of the State of Oregon, respectfully represent: That within the grant of lands made by Congress to the Northern Pacific Railroad Company, to aid in the construction of its road, there is a vast area of excellent agricultural land lying within the State of Oregon, and to the west of Wallula, in Washington Territory, which, by reason of said grant, has been for years, and now is, withheld from settlement, to the great detriment of the public interests of the State.

That, in the judgment of your memorialists, the said Northern Pacific Railroad Company, by its failure to construct so much of its road as lies through such lands, in accordance with the conditions upon which such grant was made to it, has justly incurred a forfeiture of such portion of its grant.

Therefore, your memorialists, on the part of the people of the State of Oregon, urge upon your honorable body, as a matter which the people of this State may justly demand as a right, to adopt some speedy legislation declaring such lands withdrawn from such grant, and that the same be thrown open for settlement.

UNITED STATES OF AMERICA, STATE OF OREGON,
Office of the Secretary of State, Salem, January 22, 1885.

I, R. P. Earhart, do hereby certify that I am the secretary of the State of Oregon, and custodian of the great seal thereof; that the foregoing transcript of the house joint memorial No. 3 has been by me compared with the original copy of the said house joint memorial No. 3 now on file in this office, and that it is a true and correct transcript thereof, and the whole of said original house joint memorial No. 3.

In testimony whereof, I have hereunto set my hand and affixed hereto the great seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 22d day of January, A. D. 1885.

[SEAL.]
R. P. EARHART,
Secretary of State.

Mr. DOLPH. As a bill has already been reported on the subject, I move that the memorial lie on the table.

The motion was agreed to.

Mr. BECK presented the petition of John A. Fairfax, of Loudoun County, Virginia, praying compensation for board furnished certain laborers employed by the board of public works of the District of Columbia; which was referred to the Committee on the District of Columbia.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that Hon. JOSEPH C. S. BLACKBURN, a Representative from the State of Kentucky, had been elected Speaker *pro tempore* during the temporary absence of the Speaker.

The message also announced that the House had non-concurred in the amendment of the Senate to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. L. P. POLAND of Vermont, Mr. J. R. TUCKER of Virginia, and Mr. WILLIAM DORSHEIMER of New York managers of the conference on the part of the House.

The message further announced that the House had passed the following bills:

A bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton;

A bill (S. 111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman; and

A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. 252) granting a pension to Peter M. Hagler;

A bill (H. R. 653) for the relief of John B. Davis;

A bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil;

A bill (H. R. 7869) granting a pension to Emeline L. Fitch;

A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;

A bill (H. R. 2158) for the benefit of John C. Herndon;

A bill (H. R. 2540) granting a pension to Priscilla J. Small;

A bill (H. R. 3052) for the relief of John C. Clark;

A bill (H. R. 3185) granting a pension to David Peterson;

A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;

A bill (H. R. 4382) for the relief of William H. Davis;

A bill (H. R. 4685) for the relief of Robert Tally, colored;

A bill (H. R. 4686) for the relief of Fendall Carpenter;

A bill (H. R. 4687) for the relief of A. Gates Lee;

A bill (H. R. 4688) for the relief of William Clift;

A bill (H. R. 4766) granting a pension to David Compropst;

A bill (H. R. 5929) for the relief of Abigail Honey;

A bill (H. R. 6653) granting a pension to Mary C. Axline;

A bill (H. R. 6948) granting a pension to George W. Eagles;

A bill (H. R. 7000) for the relief of Clark G. Maine;

A bill (H. R. 4216) granting a pension to David N. Bryan;

A bill (H. R. 7256) granting a pension to John A. Vanderhoff;

A bill (H. R. 7386) granting a pension to Eliza M. Byers;

A bill (H. R. 7524) granting a pension to Lavisa Heth;

A bill (H. R. 7602) to grant a pension to Harriet M. Baily;

A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;

A bill (H. R. 7722) granting a pension to Almira K. Parker;

A bill (H. R. 7724) granting a pension to Lydia Wetherbee;

A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;

A bill (H. R. 7803) granting a pension to L. W. Pitts;

A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;

A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;

A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;

A bill (H. R. 8033) granting an increase of pension to George W. Clark;

A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;

A bill (H. R. 8104) granting an increase of pension to George S. Hawley;

A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen;

A bill (H. R. 8133) granting a pension to Thomas McGill;

A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased;

A bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American marine, &c.; and

Joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

REPORTS OF COMMITTEES.

Mr. PUGH, from the Committee on the Judiciary, to whom was referred the bill (H. R. 6220) regulating appeals from the supreme court of the District of Columbia and the supreme courts of the several Territories, reported it without amendment.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 7895) for the regulation of the prac-

tice of dentistry in the District of Columbia, and for the protection of the people of said district from empiricism in relation thereto, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5650) for the promotion of anatomical science and to prevent the desecration of graves, reported it without amendment, and submitted a report thereon.

INAUGURATION CEREMONIES.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, direct me to report the same back with sundry amendments. If the Senate will indulge me a single moment, I desire to say that inasmuch as this bill must become a law before the 20th of this month if it is to perform its purposes, I ask the Senate to consider the bill at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. HARRIS. I ask the Chief Clerk to read the amendments I have furnished him, that the committee recommend.

The PRESIDENT *pro tempore*. The amendments will be announced in their order.

The Chief Clerk read the amendments, which were, in line 3, before the word "sum," to strike out "the" and insert "such;" in the same line, after the word "sum," to strike out "of $6,000, or so much thereof;" in line 4, after the word "necessary," to strike out "(one-half payable from any money in the Treasury not otherwise appropriated and one-half from the revenues of the District of Columbia)," and insert the words "not to exceed $8,000;" in line 6, after the word "appropriated," to insert "out of any money in the Treasury not otherwise appropriated;" in line 9, before the word "day," to strike out "twenty-fifth" and insert "twentieth;" in line 12, after the word "all," to insert the words "reasonable and;" and in line 15, after the word "period," to strike out:

And to prescribe penalties for the infraction of such regulations; and such rules and regulations made as provided shall have the same force and effect within the District of Columbia as if enacted by Congress—

And to insert—

Any person violating any of such rules and regulations shall be liable to a fine in the police court of the District of Columbia not to exceed $25.

So as to make the bill read:

Be it enacted, &c., That such sum as may be necessary, not to exceed $8,000, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to enable the commissioners to maintain public order and to protect life and property during the ceremonies of the inauguration of the President, from the 20th day of February to the 6th day of March, 1885, inclusive; and the commissioners of the District of Columbia are hereby authorized and required to make all reasonable and needful rules and regulations for preserving public order and protecting life and property, and for regulating and fixing fares by public conveyances, during the aforesaid period. Any person violating any of such rules and regulations shall be liable to a fine in the police court of the District of Columbia not to exceed $25.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. ALLISON introduced a bill (S. 2604) for the relief of Russell Smith; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2605) granting a pension to George G. Early; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 2606) granting a pension to Lewis P. Howard; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SEWELL introduced a bill (S. 2607) granting a pension to Mary B. Holmes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLUMB introduced a bill (S. 2608) granting an increase of pension to James M. Dickey; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO INDIAN APPROPRIATION BILL.

Mr. PLUMB submitted amendments intended to be proposed by him to the Indian appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McPHERSON, it was

Ordered, That W. Grosch have leave to withdraw his petition and papers from the files of the Senate.

PACIFIC RAILROADS.

Mr. HOAR. I move to proceed to the consideration of the bill (H. R. 6771) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862; also to amend an act approved July 2, 1864, and also an act approved May 7, 1878, both in amendment of said first-mentioned act.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported from the Committee on the Judiciary as a substitute.

Mr. HOAR. I am authorized by the Judiciary Committee to propose a few amendments to the substitute reported by the committee, and I ask to have them adopted in order that they may become a part of the substitute, and that the substitute so amended shall be treated as the report of the committee. I do not know but that it is proper to ask unanimous consent for that, the Senate having taken no action upon the original report except to hear it read. I should like to have these amendments inserted as a part of the substitute.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that certain amendments which he now reports from the Committee on the Judiciary to the original amendment reported from the committee be inserted to stand as a part of the amendment for the action of the Senate. Is there objection? The Chair hears none. The Senator from Massachusetts will send to the desk the amendments of the committee to be inserted.

Mr. HOAR. Perhaps before the Chief Clerk reads the amendments which I send to the desk, I may be permitted to state what they are in a word.

The Sioux City road was treated as one of the dependencies of the Union Pacific Railroad, and the Union Pacific Railroad was required to issue its bonds for the debt of that road; but it turns out that that road has no connection whatever with the Union Pacific, and is in fact a rival road. The mistake arose in this way: The Union Pacific Railroad was originally authorized to build the track, in the statute of 1862; but afterward, not doing it, a statute was passed authorizing such corporation to build it as the President of the United States should designate, and he designated this corporation; so that the amendment puts that road in and makes it responsible for its own debt.

Then the substitute as drawn was left somewhat obscure as to whether it added the interest on the principal into the bonds and spread the payments over the term of sixty years, or whether it required semi-annual interest to be paid on the whole debt from the beginning. The committee recommend the latter course, which is most favorable to the United States. The other course would postpone for an average of thirty years the payment of the interest, and the substitute is amended to make that clear.

The third amendment is that the committee substitute 40 per cent. of the net earnings as the sum to be paid instead of 35 per cent. of the gross earnings in lieu of 25 per cent. of gross earnings under the Thurman act, if this act is not accepted.

The Chief Clerk will please now read the amendments.

The PRESIDENT *pro tempore*. The Chief Clerk will read the amendments submitted by the Judiciary Committee as a part of the original amendment.

The CHIEF CLERK. In the second subdivision of section 1, line 26, strike out "and;" in line 27, after the word "Company" insert "and the Sioux City and Pacific Railroad Company."

At the end of line 2 of section 2 strike out the word "and," and after the word "Company," in line 3, insert "and the Sioux City and Pacific Railroad Company."

In section 2, line 15, after the word "Pacific," insert the word "and;" in line 16, after the word "Pacific," insert the word "railroads;" in line 17 strike out the letter "s" in the word "railroads," and after that word insert "shall issue its bonds for its debt due the United States," and in line 22, after the word "ascertained," strike out the words "each of said bonds shall be payable semi-annually, with interest at 3 per cent. per annum, in lawful money of the United States," and insert:

The principal and interest of said bonds shall be payable in lawful money of the United States. The interest on each, at the rate of 3 per cent. per annum, shall be payable semi-annually from and after its date, and the principal shall be payable as follows.

In section 3, line 16, after the word "Pacific," insert "and Sioux City and Pacific Railroad."

In section 4, line 27, after the word "companies," insert "or of this act."

In section 8, line 7, strike out "thirty-five" and insert "forty;" and in the same line strike out the word "gross" and insert "net;" so as to read:

Forty per cent. of their annual net earnings.

After section 9 add a new section, as follows:

SEC. 10. That nothing in this act contained shall operate to discharge, extinguish, diminish, or affect the rights of the United States in the property now belonging to or hereafter to be acquired by either of said companies, as against any person or corporation who may have acquired or shall hereafter acquire rights in the same subsequent and subject to the rights of the United States, or in any way diminish or affect the rights, if any, of such person or corporation to redeem such property or be substituted thereto on paying the debt due to the United States.

Mr. BECK. I should like to understand if it is proposed to take a vote upon the amendments of the Judiciary Committee to-day. I ask the Senator from Massachusetts.

Mr. HOAR. Yes; that is the desire if there is no objection. It was explained fully the other day.

Mr. BECK. I read what the Senator said the other day, and I supposed that the amendments now being made to perfect the substitute of the Judiciary Committee would be printed, and that we should have a right to look at the proposition as amended. I propose at some time or other to show why the House bill should not be disposed of in the way now proposed and this taken as a substitute. I think there are amendments that ought to be made to the House bill, and to my mind the only chance to do anything is to amend the House bill. I want to do something, and I believe that the adoption of the substitute of the Judiciary Committee is just equivalent to saying that nothing will be done; the two Houses will be so far apart that there will be no chance to do anything. I had not expected to argue the question to-day, and I do not want to do so.

Mr. HOAR. What is the desire of the gentleman from Kentucky?

Mr. BECK. I supposed when these amendments were all printed we should fix a day for the discussion. I do not think the bill can be discussed in half an hour or so, and I hope unanimous consent will be given the moment the Senator from Illinois gets through with the interstate-commerce bill to take this up daily at 2 o'clock, and let it remain as the unfinished business until disposed of.

Mr. HOAR. While that would suit me very well as having the bill in charge, I am quite sure it would not receive unanimous consent because there are so many other measures in the Senate that are special orders.

Mr. BECK. This is one of the most important measures before us.

Mr. HOAR. It would result, I am afraid, in our getting no action. But I would suggest to the Senator from Kentucky whether this would not answer his purpose for the present: Let this bill go over until to-morrow morning standing as it does now. Will he not be able to argue the question to-morrow at this hour after the morning business?

Mr. BECK. I hope so. I will endeavor to present my views to-morrow morning, but I am not a member of the committee and the amendments which are being made require very careful examination. I have read the report of the Railroad Commissioner, the report made by the committee, and the bill as it came from the House, and there has been a great deal of discussion in regard to it. Of course I am familiar with the Thurman act and the object of it.

Mr. HOAR. If the Senator will pardon me——

Mr. BECK. I will endeavor to be ready by to-morrow morning.

Mr. HOAR. The amendments just put in amend the committee's proposition in three particulars. First, the Sioux City road was supposed by the draughtsman of the measure to be a part of the Union Pacific Railroad system as a dependent. It turns out to be entirely independent and indeed a rival road. Therefore it is put into the bill in its own name. That is certainly as well for the United States. There will be no objection, I am sure, to that in any quarter on any theory of the proper remedy.

Then the amendment as drafted left it possibly doubtful whether the interest on the bonds was to be added to and made a part. I do not think the whole Judiciary Committee would agree that there was any doubt before; I would not for one; but as drawn it left it possibly doubtful whether the meaning was not to add in the interest on each bond and make it payable at the maturity of the bond. The effect of that would have been for an average time of half the length of these bonds to postpone the payment of interest. One amendment made to-day makes it perfectly clear that the whole debt is to have its interest paid semi-annually from the time the new arrangement is made. That saves the United States several millions of dollars. That makes clear what was intended by the committee to be the meaning of the measure as originally reported.

Mr. BECK. One of the objections I saw, which perhaps is obviated now, was that the first payments which were to be made under the original bill were to be much smaller than those made afterward.

Mr. HOAR. No; it is just as if the Senator from Kentucky had a debt against me of $10,000 and he said to me, "Pay that a thousand dollars a year, paying me semi-annually interest on the whole from the beginning."

Mr. BECK. It is now made so that the payments shall be of the proper proportion each year?

Mr. HOAR. Yes, of the proper proportion each year.

Mr. BECK. Not postponing the largest payment until the latest?

Mr. HOAR. No, sir; each year pays exactly its proportionate part of the debt. It is made clear now; and it was intended to mean so before, but in my judgment it was doubtful. That removes what would have been an objection to the bill in some minds.

Mr. BAYARD. A simple illustration, I may say, of the doctrine of equation of payments.

Mr. HOAR. That is all. The third amendment is this: The bill as first reported by the committee, in order to avoid the question which had been made under the Thurman act as to the meaning of the term "net earnings," made a provision that if the roads did not accept this bill, but went on under the Thurman act, the Thurman act should be amended so that they should pay in 35 per cent. of their gross earnings every year. The railroads said that 35 per cent. of the gross earnings would not leave them profit enough to pay the running expenses, such as taxes and certain fixed charges. Therefore the committee leave the net earnings to be paid as before, but raise the amount from 25 to 35 per cent. If this new scheme is adopted that is immaterial, but if these railroads, or any one of them, refuse to accept this new scheme and go on under the Thurman act, they are obliged to pay 35 instead of 25 per cent. of their net earnings.

The PRESIDENT *pro tempore*. The report this morning is to make that 40 per cent.

Mr. HOAR. Yes; 40 per cent. of the net earnings, instead of 35. I am obliged to the Chair.

Now, if the Senator from Kentucky desires it, I will consent that the bill shall go over to this hour to-morrow morning, to be taken up then and subject to the disposition of the Senate then as it is now, unless some other Senator would like to address the Senate at this time.

Mr. BAYARD. I would suggest, in the absence of the Senator from Vermont [Mr. MORRILL] and the Senator from Ohio [Mr. SHERMAN], that notice was given that a bill, perhaps of greater importance than this, a bill relating to the coinage of silver, which was brought in a few days ago, was to be called up to-morrow, and I should be sorry to see a collision occur for precedence between two measures, both of which are important, and the silver bill is considered the more important of the two.

Mr. HOAR. Perhaps these amendments will remove the objection of the Senator from Kentucky so far that he will not desire a postponement. But I do not think we ought to ask any Senator who has prepared himself to speak upon it to vote upon this measure against his will without giving at least one day's opportunity. I therefore wish to do what is agreeable to the honorable Senator from Kentucky.

Mr. McPHERSON. If the Senate will bear with me a moment, I desire to say a word. This bill has been before the Senate only a few days. The report of the Senate committee was only laid upon our table on Friday, I think. It is a very important measure, and one that Senators have probably had time to give but little attention to so far. For myself I have not had time to look it over carefully to know fully what it does provide. I should like to have the bill go over a sufficient time to enable us to investigate the subject carefully. With my present views of the question, I am totally opposed to giving further time to the Pacific railroads. They have paid millions upon millions of dollars to stockholders by way of dividends without paying the Government or making any arrangement, by sinking funds or otherwise, to take up the bonds issued by the Government. I am not in favor of extending to them any further privileges, and with my present view of the case I shall so vote. However, I would like an opportunity to investigate the subject more carefully.

Mr. HOAR. I think the Senator will be satisfied on such investigation that this bill is drawn solely in the interest of the Government, and that whether the railroads are to be considered as having rights of property to be protected, or no rights of property which deserve to be protected, the interest of the Government is the same.

Mr. McPHERSON. I look upon it that the officers and managers of these railroads are entitled to but very little consideration from the Government, and I do not know that the Government is wise in extending the time and increasing its own debt against these railroads in the manner and form provided in this bill. I am of the opinion that it is the duty of the Government to take possession of the property and dispose of it.

Mr. HOAR. I am myself—I will not say unalterably, because that is not a word to be used in legislation—but I am opposed earnestly, decidedly, to having the United States run the great railroad systems of this country that lead from the Atlantic to the Pacific. I am opposed to having the Government take possession of these roads and sell them in the market at any time within the next ten years, provided we can escape both these calamities by getting within a reasonable time every dollar of the principal and interest of our debt paid. I think we can do that under this bill. I think we can get every dollar of the principal and interest due us paid, and escape both these calamities, and without this bill we can not do it.

Mr. McPHERSON. What right has the Senator to assume any such thing, that we can get both principal and interest paid? We propose under the bill to reduce the interest.

Mr. HOAR. But we propose to more than double the security; we propose to continue the debt at the same rate of interest which the Government itself pays; and I have the right to assume that which any Senator has who enters into an investigation and comes to a conclusion; that is my opinion. I do not assume it with any other positiveness than that which is the result of investigation.

Mr. McPHERSON. If it is only the Senator's opinion, I must dissent from it. I do not believe in the Government running railroads; I agree with the Senator in that respect, but I am not in favor of the Pacific railroads or any railroads running both the railroads and the Government any longer.

Mr. BECK. I only desire to say to the Senator from Massachusetts

that when he asked to have the bill go over until to-morrow morning I was aware of what the Senator from Delaware has suggested, that the Senator from Vermont [Mr. MORRILL], the Senator from Ohio [Mr. SHERMAN], and the Senator from Delaware [Mr. BAYARD], on the Finance Committee, expect to-morrow morning to bring up the question about the trade-dollar and silver coinage, and being a member of that committee I have taken some interest in that question and have endeavored to look into it. I did not want to antagonize that.

This bill came from the House at the close of the last session, and I examined it then somewhat, as it was argued by the Senator from Nebraska [Mr. VAN WYCK] and others, and I saw defects which I thought ought to be amended. I agree with the Senator from Massachusetts that I would rather give away the road than have the Government attempt to run it. I do not want the Government to run a railroad, and yet I want to save all I can. I have been looking into the report; I have examined as carefully as I could the action of the House of Representatives, trying to ascertain its temper as well as its action, seeing what we are likely to agree about before Congress adjourns, and not being prepared to criticise the action taken by the Judiciary Committee, and not desiring to do so if I can avoid it, all I want is reasonable time to look into the whole subject. After the bill is laid before us with the committee's substitute and the amendments of to-day, which I think modify the former action and remove some of the difficulties I had, I suppose, now if we can get it called up, say on Wednesday morning, I shall be able to say what I desire to say. I do not wish to consume time or throw obstacles in the way. I desire to agree with the committee if I possibly can; but let the Finance Committee dispose of its matter if it can to-morrow, and I shall ask no further time than till Wednesday at 1 o'clock.

Mr. HOAR. Very well, then; I will agree to let this matter stand off and call it up again on Wednesday morning.

Mr. BECK. I shall not ask any further time, and perhaps I may not speak at all after I have read the amendments. I have no desire to consume time.

Mr. WILSON. I did not understand the statement of the Senator from Massachusetts.

Mr. HOAR. The Senator from Kentucky desired to have this bill stand until Wednesday morning, that he might be prepared to address the Senate on it if he should then desire to do so.

Mr. WILSON. I wish to state that, notwithstanding I greatly regret what seems to be a demand that I shall say something on this measure, I still feel that the conditions of the case and the circumstances surrounding it will impel me so to do.

Mr. HOAR. Is the Senator ready to proceed now?

Mr. WILSON. I do not wish to interfere with other business.

Mr. HOAR. I shall be delighted to have the Senator proceed now with his remarks, if he is ready.

Mr. WILSON. The Senator from Kansas [Mr. PLUMB] I believe desires to proceed with another matter.

Mr. HOAR. That is a private matter, which we can yield to the Senator from Kansas without any trouble.

Mr. WILSON. If that can be disposed of, I have no objection to this bill being taken up after that.

Mr. HOAR. Then I will ask unanimous consent that this be laid aside informally for the measure of the Senator from Kansas, so that the Senator from Iowa may proceed to-day; and then if the Senator from Kentucky is not ready, let it go over until Wednesday.

Mr. ALLISON. I desire that the regular business, which is now before the Senate in the morning hour, shall not be displaced by unanimous consent. I think the first case on the Calendar, which the Senate decided to take up——

Mr. WILSON. That is my desire also.

Mr. PLUMB. I move that the Senate now proceed to the consideration of Order of Business 396, being the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. The Senator from Kansas has made a motion which the Chair will state.

Mr. HOAR. Will the Senator from Kansas withhold his motion for a minute?

Mr. PLUMB. Very well.

Mr. HOAR. I ask the Senate to allow this matter to go over until Wednesday morning. I move that the pending bill be postponed until Wednesday morning.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the further consideration of the railroad bill be postponed until Wednesday next.

Mr. HOAR. After the morning business.

The PRESIDENT *pro tempore*. The Chair can not put the motion precisely in that form.

Mr. HOAR. It makes no difference. I shall have the right to move to take it up then.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the further consideration of the bill be postponed until Wednesday next.

The motion was agreed to.

The PRESIDENT *pro tempore*. If there be no objection the amendment reported from the Committee on the Judiciary will be reprinted as amended for the use of the Senate.

SUITS FOR DAMAGES.

The PRESIDENT *pro tempore*. Before the Senator from Kansas makes his motion the Chair will lay before the Senate a bill from the House of Representatives, being the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

The bill passed the House of Representatives and was sent to the Senate, amended in the Senate and returned to the House of Representatives. The resolution of the House on the amendment of the Senate will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *January* 31, 1885.

Resolved, That the House non-concur in the amendment of the Senate to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. POLAND, Mr. TUCKER, and Mr. DORSHEIMER be the managers on the part of the House.

Mr. HARRIS. I move that the Senate insist upon its amendment, and grant the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. HARRIS, Mr. INGALLS, and Mr. RIDDLEBERGER were appointed.

DES MOINES RIVER LANDS.

Mr. PLUMB. I move to take up Order of Business 396, being the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. McMILLAN. I hope the Senator from Kansas will not press that motion this morning. The Senator from New York who sits nearest me [Mr. LAPHAM] has taken a very great interest in that bill, and he is indisposed this morning, so unwell that he is unable to come to the Senate Chamber, and he desires to have this matter laid over until he can be in the Chamber. The Senator's colleague [Mr. MILLER, of New York] also, I think, is absent this morning, and both feel an interest in the bill.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Kansas.

Mr. McMILLAN. I hope the Senator will withdraw the motion.

Mr. PLUMB. If I were certain that when the Senator from New York came here we should not then be obliged to open this case at very great length, I should not object; but I fear that some dilatory tactics may be employed to prevent a consideration of the bill, and that in the hurry and push of matters which undoubtedly will engage the attention of the Senate in the last days of the session its consideration will be prevented. All I want is that the Senate shall say by a yea-and-nay vote whether it means to give these people the relief called for in this bill. I do not want it to be pushed over so that that result can not be reached.

The PRESIDENT *pro tempore*. The Chair will again state that debate is not in order. Does the Senator from Kansas withdraw his motion?

Mr. PLUMB. No, sir; I do not withdraw it.

Mr. CONGER. I ask permission to say a word.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent to make remarks on this subject. Is there objection? The Chair hears none.

Mr. CONGER. Mr. President——

Mr. PLUMB. I withdraw the motion with the understanding that I shall renew it in the morning and at that time call for a vote.

Mr. CONGER. I wish simply to say to the Senator from Kansas that while I am with him in getting up the bill at the proper time, I told both the Senators from New York that I would see to it that it was not taken up in their absence.

Mr. PLUMB. In calling it up now I only designed to have the report read and to get that routine at least cleared out of the way; but I will let the matter go over until to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from Kansas withdraws his motion.

PUBLIC-LAND LAWS.

Mr. DOLPH. I move to take up for consideration Order of Business 1001, being the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Public Lands with amendments. The first amendment was in section 1, line 3, after the word "thirty-two," to insert "excepting sections 2275, 2276, 2283, 2286, and 2288;" in line 7, after the word "and," to strike out "sections" and

insert "section;" in line 8, after "twenty-two hundred and ninety-nine," to strike out "and twenty-three hundred and nine;" so that as amended the clause will read:

That chapter four of title thirty-two, excepting sections 2275, 2276, 2283, 2286, and 2288, and section 2299 of the Revised Statutes of the United States, and all other laws allowing pre-emption of the public lands of the United States, are hereby repealed.

Mr. DOLPH. The bill as it came to the Senate repealed the whole of chapter 4 of title 32 of the Revised Statutes. On examination of that chapter it was found that there were certain sections incorporated in it which contained general legislation, and did not relate entirely to the pre-emption laws—sections which ought to be continued in force. The sections are those named in the exception in the amendment reported by the committee. If any Senator desires an explanation of the sections that are retained, I am prepared to give it.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on agreeing to the amendment reported by the Committee on Public Lands.

The amendment was agreed to.

The next amendment of the Committee on Public Lands was, after the word "repeal," in line 11 of section 1, to strike out the following proviso:

Provided, however, That all persons having the right of pre-emption who have heretofore, in good faith and in the absence of fraud, made settlement on the public lands of the United States conformable to the pre-emption laws heretofore in force, shall be permitted to make final proof and entry of the land so settled upon, not exceeding one hundred and sixty acres, conformable to existing pre-emption laws.

And in lieu thereof to insert:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions and subject to the same limitation, forfeitures, and contests as if this act had not been passed: *And provided further*, That any person who has not heretofore had the benefit of the pre-emption law, and who has failed, from any cause, to perfect title to a tract of land heretofore entered by him under the homestead laws, may make a second homestead entry in lieu of the pre-emption privilege hereby repealed.

The amendment was agreed to.

The next amendment was to strike out section 2, in the following words:

SEC. 2. That sections 2464, 2465, 2466, 2467, and 2468 be, and the same are hereby, repealed: *Provided*, That such repeal shall not prejudice the rights of those who have in good faith made entries under the law and complied with the requirements thereof: *And provided further*, That whenever, from any cause, any person legally eligible thereto has entered and located a homestead, and subsequently loses the same in consequence of any grant previously made, or by any means whatever, without fault on his or her part, such person, upon satisfactory proof made thereof, may enter another homestead upon any of the lands of the United States subject to homestead.

And in lieu thereof to insert:

SEC. 2. That an act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the Western prairies,'" approved June 14, 1878, be, and the same is hereby, repealed: *Provided, however*, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

The amendment was agreed to.

Mr. CONGER. Is not the question on striking out and inserting put separately?

The PRESIDING OFFICER. No, sir; it is not a divisible question.

Mr. CONGER. I was not aware of the nature of the motion. I hope the Chair will put the question again on the amendment just acted upon.

The PRESIDING OFFICER. If there be no objection the amendment just acted on will be considered as not disposed of, but pending. The Chair hears no objection, and the amendment is pending.

Mr. DOLPH. I suggest, inasmuch as this bill embodies several distinct propositions, the repeal of the pre-emption law, the repeal of the timber-culture act, and the repeal of the desert-land act, and amendments to the homestead law, that unanimous consent be given that the vote be taken separately on each section after it is amended. That is to say, after the sections are put into shape, let the question be whether the section as amended be adopted. I think that will facilitate the disposition of this bill.

This amendment is necessary because the bill as it came from the House undertook to repeal certain sections of the Revised Statutes which had been superseded by a subsequent act. The amendment is only intended to make the bill relate to the statutes in force at this time. I suggest now that we go through and perfect this bill by adopting such amendments as the Senate concur in, and then by unanimous consent that a vote may be taken separately on the section repealing the pre-emption law, on the section repealing the timber-culture act, and on the section repealing the desert-land act, so that the debate on the merits of the bill may all come in after the several sections have been amended.

Mr. CONGER. If the gentleman in charge of the bill desires that course and that still leaves it open for remark on this particular amendment on which I wish to comment, I shall have no objection. If the proposition of the Senator from Oregon is acceded to, the question on the adoption of this amendment is postponed until we go through the bill.

Mr. DOLPH. The question will be finally on the adoption of the section as amended. Certainly there can be no objection to the amendment because it strikes at the existing law, whereas the bill as it came to the Senate referred solely to the old sections of the Revised Statutes which have been superseded. I can not see that there can be any question raised as to the propriety of the amendment, and I ask unanimous consent that we have a vote on each section as amended.

The PRESIDING OFFICER. The Chair will state to the Senator from Michigan that while a proposition to strike out and insert is not divisible, pending that question it is in order to amend the part proposed to be stricken out or the part proposed to be inserted.

Mr. CONGER. The remarks which I propose to make are against the repeal of the timber-culture act, which is in section 2 reported here. If there shall be any subsequent opportunity to speak upon it before a vote occurs, either in committee or in the Senate, I will wait until that time.

The PRESIDING OFFICER. The question will be open in the Senate as it is in committee. The question is on agreeing to the amendment reported.

The amendment was agreed to.

The next amendment of the Committee on Public Lands was to strike out section 3, as follows:

SEC. 3. That every homesteader shall make final proof, by two credible witnesses, that he has continuously resided upon and cultivated and permanently improved his or her homestead for four consecutive years next succeeding such entry. Such proof shall be in duplicate, and filed, one set in the local land office and one in the General Land Office, for one year; and if no contest be filed and no notice given, supported by affidavit made before some officer, State or Federal, authorized to administer oaths, charging and specifying fraud either in the original entry or the proof made and filed as aforesaid, before the expiration of that time, the Secretary of the Interior shall cause the patent to issue on the entry; but if a contest be filed or affidavit be made as aforesaid, or if there be, from any cause, reasonable ground to suspect fraud in the case, the Secretary of the Interior shall cause the Commissioner of the General Land Office to investigate the same and make such order as shall be just and lawful. And an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, be, and the same is hereby, repealed.

The amendment was agreed to.

Mr. DOLPH. I ask leave to recur to section 1 for the purpose of offering an amendment to save pre-emption rights on lands purchased of the Ute Indians.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Oregon that the amendments reported by the committee should first be disposed of, after which he will have an opportunity to offer any additional amendments.

The next amendment of the Committee on Public Lands was, in section [5] 4, after the word "repealed," in line 4, to insert:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the passage of this act may be perfected, upon due compliance with law, in the same manner, upon the same terms and conditions, and subject to the same limitation, forfeitures, and contests as if this act had not been passed.

Mr. DOLPH. This amendment is necessary, because as the bill came from the House existing rights were not preserved—rights of persons whose claims had been initiated—which was an oversight.

The amendment was agreed to.

Mr. MORGAN. I wish to inquire what has become of the amendment proposed by the committee in line 7 of section 3.

The PRESIDING OFFICER. The Chair has just been informed by the Secretary that he overlooked the amendment referred to by the Senator from Alabama. He will now read it.

The SECRETARY. In section [4] 3, line 7, before the word "calendar," the committee propose to strike out "thirty" and insert "eighteen;" so as to make the section read:

That section 2301 of the Revised Statutes be amended so as to read as follows: "SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section 2289 from paying the minimum price for the quantity of land so entered at any time after the expiration of eighteen calendar months from the date of such entry, and obtaining a patent therefor, the proofs of actual settlement and cultivation thereof to be filed at least six months prior and as preliminary to the application for the patent, and in the same manner and to the same effect as is provided and required in section 3 of this act as to final proofs and the issuance of patents."

Mr. MORGAN. I doubt the wisdom of that change. I think we had better go back to the House bill on that subject. One of the objects of the homestead law, to which we are now confining all entries, is to secure a home for a *bona fide* settler, and it is also to cut off the men who float settlements upon public lands for speculative purposes, persons in the neighborhood of great iron works and in the neighborhood of coal works and various other public works of that kind. The reports from the Secretary of the Interior show a most extraordinary list of frauds that have been perpetrated under the homestead and pre-emption laws in different parts of the Union. Thousands and thousands of alleged fraudulent cases, and cases that are shown to be fraudulent, have occurred in consequence of pre-emption claims and homestead claims being set up by persons who never had a *bona fide* intention of acquiring a homestead.

We permit under the laws after a certain lapse of time that any home-

steader shall commute his homestead settlement into a pre-emption claim, and by paying the minimum price of a dollar and a quarter an acre get a patent for the land; and then his capacity to sell it is entirely restored and he can put it into the hands of the person he may wish to dispose of it in favor of. That is a very great temptation to persons who wish to build up large establishments; as, for instance, around iron mines, iron manufactories, iron furnaces, men will take their laborers and locate them in different places on the public lands as homestead settlers, and after a brief interval of time these persons, notwithstanding they had made affidavit that they intended to settle there for the purpose of a permanent home, would under the pre-emption laws pay for the lands at the minimum price, get a patent, and dispose of them of course to the person who put them there. It is really giving a pre-emption to the speculator on the public lands under the guise of a homestead settler.

The House of Representatives, in order to obviate that, required that the homestead settler under the provisions of this amended law should remain on the land thirty calendar months. The Senate Committee on Public Lands have reduced that period to eighteen calendar months. I believe thirty is the safer period. If a man is required to remain on his homestead thirty months, cultivate the soil, experience the reality of living upon it, there will be very much less temptation to fraud. I hope the Senate will return to the House propositions on that subject.

Mr. DOLPH. The pre-emption law was passed in 1841, as I recollect. It was amended in 1843. As it was passed it only applied to surveyed lands. Some time after 1850 it was made to extend to unsurveyed lands. It has no doubt accomplished a very beneficial purpose, and it is in force at this time, and under it the settler may acquire title to one hundred and sixty acres of land, and under this provision for commutation of homesteads an additional one hundred and sixty acres of land by paying the minimum price therefor. Under the homestead law as it stands at present, at any time after six months and before the expiration of five years from the date of settlement a homestead may be commuted, the minimum price paid for the land by the homestead settler, and title acquired. It is proposed by this bill to repeal the pre-emption law so that title can be obtained by one settler hereafter to only one hundred and sixty acres of agricultural land.

There are some members of this body and there are many people who are opposed to a repeal of the pre-emption law. It was proposed by the House bill not only to repeal the pre-emption law, but to require thirty months' residence by a homestead settler before he could commute for his homestead claim. It is said, and I think well said, that in a great many instances before the thirty months expire the settler on the public land will be in need of money, and that he ought to be allowed to obtain title in less time than that if he chooses to pay for his land at the minimum price in order that he may use it as the basis of credit for purchasing teams and the other necessary appliances for improving his homestead and making a home.

This amendment as proposed by the committee was a compromise of the different views entertained by members of the committee upon this subject. I think it is not well to make so radical and sweeping a change as at once to repeal the pre-emption law, and then extend the time of residence required before a commutation of a homestead can be made from six months to thirty months. The bill as reported by the committee requires a residence of eighteen months and extends the time twelve months in addition to the residence required under the provisions of the existing law.

Mr. MORGAN. One of the results of this bill will be, whether it is the object of the bill or not, to restrict very much the disposal of the public lands. After this bill shall become a law, except in a few exceptional cases, no one can acquire a title to public land except under the homestead feature. He must become an actual settler on the land, and must be qualified to take a homestead under the law. Those qualifications as they exist at present are very strong invitations to immigration from foreign countries to come and take up the lands of the United States. I do not object to that, because it increases our population, and of course all population that is worth anything at all increases the public wealth and the strength of the country. But when we are confining our own citizens to this as the only means of getting homestead entries, it seems to me well enough that we should put some limitation on the period of residence, so that those who come from abroad can not commute their homestead settlements into absolute titles within a very brief period of time and enter into a speculative sort of dealing with the public domain.

If we find that the public domain is really going too fast and that we must put some restrictions upon its disposal, those restrictions ought to extend their special benefits to persons who are of American origin, whether of American ancestry or not. We have a great many people in the different large cities of the Union who would realize great blessings if they could be induced to leave those crowded places and go out onto the public lands and there establish themselves in farming, or acquire homes at all events; and inasmuch as we are taking up the system and reforming it, it seems to me that is a necessary part of the reformation which we ought to adopt. The House, I think, was right when it insisted that a man should not acquire the right to an absolute fee in the land until after he had resided upon it for thirty months. To shorten the period is merely to invite people who come from abroad to stay here and acquire titles to our lands before they really get an introduction to a knowledge of our institutions and laws and our system of government. I do not know that I should be willing to embarrass or check the further immigration that comes here. I desire the country to remain free to access for all good people from all parts of the world; but when they come here I do not desire to give them the heritage that belongs rightfully to the people who have descended from American ancestors in this country until they have established homes here and have signified in that practical way a determination to become part of the community.

Now, sir, suppose that foreign landlordism, which is very much complained of by some persons, and I think rightfully complained of, should take it into its head to establish very large settlements in this country, the foreign landlords could send their tenants from other countries to this, and after the persons had come here and remained a brief space of time on public lands under the guise of a homestead entry, the landlords could supply them with money to pay for their lands at a dollar and a quarter an acre. They can very well afford to do it, and in that way they can aggregate very large holdings, and unless we pass laws that no foreigner shall own lands in this country or shall acquire lands above a certain number of acres in one body or in one county or in one State or in one Territory, this law can be easily evaded by men who will come here or send their tenants here for purely speculative purposes.

Suppose a man wants to take up an extensive cattle range or an extensive sheep range, what has he to do but send his herders and shepherds here and locate them about these lands and let them engage in the raising of cattle or sheep, work for him, and after each has had the land in possession for some little time go and buy it out and acquire the absolute title? What is to prevent that? Nothing. I do not know that we can prevent it at all; but it seems to me that the House provision would be some check upon it; that by deferring the realization of the speculative adventure for thirty months we should better subserve the interest of this country than we should by deferring it for eighteen months. If we could defer it for five years it would make no difference, because when a man goes on a tract of land and settles there, the presumption is that he wants to make a home for his family; he wants to live there continuously. It is no hardship on such a man that he may be compelled to remain in possession of the land he takes up even for five years; if he expects to make a home for himself and his family, there it is only a benefit to him that he can occupy it for five years before he is compelled to pay the final fee and take out title.

The Senator from Oregon suggests that perhaps the man may be poor; he may want to make a mortgage on his land, to make some pledge of it to raise money to buy stock or improvements. I would sympathize with a man in that condition very much. At the same time if he has a homestead and is a good laboring man, an honest, industrious citizen, he will not want credit. He need not obtain credit by the mortgage or pledge of his land. The fact of his being there permanently with his family, of his improving his land, will give to his creditor who wishes to provide him with a horse or a wagon, or whatever it may be necessary for his business, encouragement to advance him the money, to give him credit.

So I think the suggestion made by the Senator from Oregon is not a very important one as compared with the suggestion which I make, that if you shorten up the period at which the party by commutation can take these lands at the minimum price from the Government you thereby endanger the country with that flood of immigration which we are now trying really to resist in some form.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Public Lands.

Mr. MCMILLAN. Let the amendment be reported again.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In section [4] 3, line 7, before the word "calendar," strike out "thirty" and insert "eighteen;" so as to read: "after the expiration of eighteen calendar months."

The amendment was rejected.

The next amendment of the Committee on Public Lands was to insert as a new section:

SEC. 5. That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

Mr. MCMILLAN. I should like the Senator from Oregon to explain the effect of that section, as he understands it.

Mr. DOLPH. I suppose every Senator is aware that from a very early period in the history of the disposal of the public lands by the Government it was the custom as soon as the public lands were surveyed to put them up at public sale; and after they had been offered for a certain length of time at public sale if they were not sold they were then subject to private entry, and could be purchased at any time thereafter, until they were withdrawn by law, by any person in any quantity at a dollar and a quarter an acre. Such lands are known as "offered" lands.

There is remaining unsold now in the United States, subject to sale at ordinary private entry, mainly situated in the States of Missouri, Arkansas, Mississippi, Louisiana, Alabama, and Florida, and the northern portions of Michigan and Minnesota, a large amount of public land. The amount is probably about 2,000,000 acres in Mississippi; 1,000,000 in Florida; 500,000 each in the States of Alabama, Arkansas, and Louisiana, and 200,000 in Missouri; in the northern portion of Michigan and Minnesota about 500,000 acres each. There are, perhaps, 50,000 acres in Wisconsin, Colorado, California, and Oregon. There are about 50,000 acres in each of the Territories of New Mexico and Washington.

These offered public lands subject to private entry are, in part at least, agricultural lands. The bill as it came from the House undertook to repeal by wholesale all the laws for the disposition of the public lands except the homestead law. Upon examination it was found that the provision for that purpose was so imperfectly drawn that the committee could not with safety adopt it. Without great difficulty and much labor it could not be ascertained what laws were repealed by it; but supposing that the main thing intended to be accomplished was the prevention of the sale of public lands at private entry, the committee substituted the section under consideration to forbid the offering of lands at public sale hereafter and to withdraw all the public lands known as offered lands from private entry. That is the object of the section.

Mr. COCKRELL. I should like to ask the Senator from Oregon if the public lands in Missouri have not been open and subject to private entry for a long time?

Mr. DOLPH. That is so. I think very few lands have been offered at public sale in any except the Southern States within the last twenty-odd years. It has not been the policy of the Government to offer lands, consequently the land referred to must have been in the market for twenty years at least.

Mr. COCKRELL. All the lands in Missouri have been in market and have been once offered and are now subject to entry.

Mr. DOLPH. I understand that to be the case.

Mr. COCKRELL. It would be a great wrong to that State to take those lands out of the operation of the existing law and make them so that nobody but a homesteader could take possession of them, because they are not agricultural lands. They are hilly, broken, timbered lands; they are fit only for grazing, and it would simply be to say that nobody else shall settle in that portion of Missouri where those lands are. There they are; they have been open to private entry at a dollar and a quarter an acre for the last twenty years, and the people right there have not taken them up at that price. It is only recently that they have commenced taking them up for grazing purposes, for cattle and sheep, and it will be many, many long years before they are taken up even for that purpose. I should move that an exception be made in regard to Missouri of lands situated in that State.

Mr. DOLPH. The present policy of the Government appears to be to preserve all the public lands for actual settlers, and, as I said before, it is not the present policy of the Government to offer lands at public sale. The amount of lands subject to private entry in many of the public-land States is very small and will continue to grow less. The hardships the Senator speaks of in reference to his own State exist in regard to those States where there are no great bodies of public land subject to private entry. It will be understood that any one person may purchase at one time all the lands subject to private entry in the United States at the minimum price of a dollar and a quarter an acre. The committee believed that the time had come when these lands ought to be withdrawn from private entry and reserved for homes because portions of them at least are agricultural lands; and if at any future time any further legislation is required for the disposition of such lands as are not agricultural lands, that legislation should be had.

I propose to offer as an amendment to this measure a bill reported favorably from the Committee on Public Lands amending the law authorizing the sale of timber lands in California, Oregon, Nevada, and Washington Territory for commercial purposes, and I think perhaps the provisions of that bill might properly be extended to the State of Missouri and other States where there are timber lands or lands of the class referred to which are not agricultural lands; but the object of the committee in proposing this amendment, which is not a change of the bill in that respect from the House bill, because as I understand it the section of the bill to be superseded by this amendment as it came from the House repealed the law authorizing the sale of lands at private entry; the object of the committee is to repeal the law by which agricultural lands may be now entered at private entry. As I have said, if any further legislation is required in regard to the remnant which remains after as many homes have been taken out of the public domain as can be taken, that legislation can be had.

Mr. COCKRELL. I should like to ask the Senator this question: Why take these lands in Missouri that have been open to homestead and pre-emption settlement and also to private entry for twenty years and have not been taken up yet—why take them and place them so that they can not be had except by homestead? You absolutely place them beyond the control of any one who would desire to settle upon them. No one could undertake to settle upon one hundred and sixty acres of those lands. That would not be sufficient in quantity and area to graze stock sufficient to support a family. I can not see why Missouri should be excepted. There is no complaint about the existing law there now. Everybody seems to be perfectly satisfied with it. The only question is as to whether the terms of acquiring title to the land should not be relaxed to some extent and the price graduated to certain of the lands.

I must confess that there has been no abuse there of the present law; there has been no effort to keep large areas of the lands and monopolize them in any way, or to inclose them and exclude small cattle-men or small sheep-men from the use of them.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill to regulate interstate commerce.

Mr. CONGER. Before that is proceeded with I wish to have an opportunity for my colleague to offer an amendment to the bill just under consideration.

Mr. CULLOM. I have no objection to that being received.

The PRESIDING OFFICER. If there be no objection the proposed amendment will be received, printed, and laid on the table.

Mr. PALMER. I offer a new section to the pending bill as to public lands, and ask that it be read for the information of the Senate.

The PRESIDING OFFICER. If there be no objection the amendment suggested by the Senator from Michigan will be read.

The CHIEF CLERK. It is proposed to add as a new section the following:

SEC. 7. That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there are no conflicting claims thereto, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

Mr. PALMER. I ask that that amendment be printed.

The PRESIDING OFFICER. If there be no objection, the amendment will be printed and laid on the table.

Mr. DOLPH subsequently said: I ask unanimous consent to offer some amendments to the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture for the purpose of their being printed. The bill was partly considered this morning, and I think the amendments are so important that they require to be printed.

The PRESIDENT *pro tempore*. The amendments will be received and printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.; in which it requested the concurrence of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 31st ultimo, approved and signed the following acts:

An act (S. 1144) granting a pension to John W. Wright; and

An act (S. 1112) granting a pension to John Sweeney.

INTERSTATE COMMERCE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Illinois [Mr. CULLOM] moved a substitute for the House bill, pending which the Senator from Kentucky [Mr. BECK] proposed an amendment, and the question now is on the amendment proposed by the Senator from Kentucky to the original bill.

Mr. INGALLS. Let that be read.

The CHIEF CLERK. It is proposed to strike out all after the word "reasonable," in line 14, section 1, down to and including the word "person," in line 31; as follows:

And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class, without discrimination; but nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety, or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. INGALLS. This is an amendment to the part proposed to be stricken out?

The PRESIDING OFFICER. An amendment to the House bill, to the part proposed to be stricken out.

Mr. CULLOM. I desire to say, Mr. President, that, as I am informed

by the Committee on Appropriations, there are two appropriation bills ready to be considered by the Senate coming from that committee. There are two others, as I am informed, about ready for consideration. In view of that fact and of other pressing business demanding action by the Senate, I desire to say that I am exceedingly anxious that this bill shall be finished to-day. If it is not, however, I shall ask the friends of the measure to remain here to-morrow until it is finished, and shall consider a declination on the part of the Senate to do it as an evidence that there is no diposition to pass a bill at all on the subject. I hope, therefore, that we shall proceed with the consideration of this bill and complete it to-day if it is possible to do so consistent with the time that we have for consideration; but if we do not, I give notice now that I shall ask the Senate to remain here to-morrow until the bill is concluded.

Mr. ALLISON. Do I understand the Senator from Illinois to suggest now that if this bill is not completed to-day, he will resist an adjournment to-morrow until it is finished.

Mr. CULLOM. Until it is concluded.

Mr. HARRISON. Mr. President, it is not my intention to discuss the pending amendment, but rather to make some general remarks upon the subject of interstate commerce, more particularly in the direction of a comparison of the two schemes for regulating that commerce which are suggested by the House bill and by the bill reported by the Committee on Railroads of the Senate.

There seems to be a disposition in some quarters to limit the discretion of the Senate in the consideration of the merits of these two bills. We were advised by the Senator from Kentucky [Mr. BECK], and in effect by the Senator from Texas [Mr. COKE], that it would be impossible to get any legislation upon this important subject unless the Senate should consent to accept the House bill known as the Reagan bill. The Senator from Kentucky was not quite willing to impute to those who favored the Senate bill a disposition to defeat all legislation upon this subject. He formally conceded to them good faith in the maintenance of their views, but suggested that practically they were doing the work of the railroad monopolists in insisting upon the Senate as against the House bill.

I do not know what right any Senator has to say that the House of Representatives, or the conferees of that body, if the amendments of the Senate shall go into a committee of conference, would not be disposed to meet the conferees on the part of the Senate in a full and free discussion of the differences between the two bodies. No one has a right to say that the views of the Senate upon this measure as they shall ultimately be expressed by the amendments adopted to the House bill will not have in such a conference committee fair and respectful treatment; that they will not be met there with a disposition to harmonize differences and to agree upon some measure that shall express, not the will of a single branch of Congress, but the conjoint and concurrent will of the two equal and co-ordinate bodies.

There are points of agreement in the two bills which it seems to me any conferee on the part of the House really desiring to have legislation in the interest of railway shippers would be willing to accept, though that acceptance should involve the surrender of some features of the House bill. Both of these bills prohibit any discrimination between shippers; both declare the exaction of an unreasonable rate to be extortion; both prescribe a heavy fine for extortion and unjust discrimination, and provide for prosecutions in the courts of the United States. So far the bills run together.

But I can not for one surrender my judgment as a member of this body to any suggestion as to the temper or disposition of the House of Representatives upon this question. While willing to do whatever I may to bring the two Houses in agreement, that we may accomplish at this session of Congress something in the direction of the restraint and control of the railways of this country, I must in the first instance express my own judgment in my votes here.

It has been assumed, the Senator from Texas so told us, that the Reagan bill is the people's bill. Mr. President, I do not know that the Senator from Texas holds any other or fuller commission to speak for the people of this country than I do. I deny that the Reagan bill has received the sanction of a general popular approval in this country. So far as I know, it is not the statute law of a single State in the American Union to-day.

I notice in the press dispatches of this morning that the Reagan bill has been introduced into the Legislature of Texas and that it was not probable that it would receive the sanction of that body. So it appears that in the State from which the distinguished author of the House bill comes the Legislature is unlikely to adopt that scheme for the reform of railroad abuses which is heralded here as the only one in the interest of the people.

Mr. COKE. Will the Senator state who sent the dispatch to which he refers?

Mr. HARRISON. It was an Associated Press dispatch. I do not, of course, know the name of the press agent. It professed to be a statement by the gentleman who introduced the bill in the Texas Legislature. But, Mr. President, if we are to look to State legislation as expressive of the popular view upon this question, then I am told that out of thirty States that have undertaken to legislate for the control of railway transportation twenty-five have adopted the commission plan. I am not able to vouch for the exact correctness of this statement, but I have here a long list of States, embracing the leading commercial States of this Union, which in their legislation upon this subject are very nearly in accord with the Senate bill.

Mr. COKE. If the Senator will permit me, I will suggest that the Reagan bill ought not to pass the Legislature of the State of Texas or any other State, because it purposes to regulate only interstate commerce.

Mr. HARRISON. Mr. President, does the Senator suppose that there is in the Legislature of Texas a man so ignorant that if he were to introduce there the Reagan scheme would not adapt its provisions to the regulation of State commerce instead of interstate commerce? I did not mean to suggest that any Texas legislator had conceived the idea of regulating interstate commerce by a State law.

Mr. COKE. The Senator's assertion with reference to this dispatch was that the Reagan bill had been introduced, not the Reagan bill changed or adapted to any other conditions, but that the Reagan bill had been introduced in the Legislature of Texas.

Mr. HARRISON. I supposed every one would understand when I spoke of the Reagan bill being introduced in the Texas Legislature that I meant the scheme or frame of that bill adapted to the regulation of State traffic, and not interstate traffic.

Mr. COKE. If the Senator will permit me, I will suggest to him that any adaptation of a bill to the regulation of State commerce would be an elimination of all the features of the Reagan bill.

Mr. HARRISON. Mr. President, the Senator has not well studied the Reagan bill. The prohibition of pooling between points in the same State might be made just as well apply to State commerce as to interstate commerce. Its prohibition of rebates would apply just as well to State as to interstate commerce, and almost every other feature of the bill is equally applicable to State commerce as to interstate commerce.

Mr. COKE. Then, if the Senator will permit me, I will say that the constitution of the State of Texas forbids unjust discriminations by the railroad corporations, and also forbids consolidation of competing railroad lines, which means a prohibition on pooling.

Mr. HARRISON. Mr. President, the point I was making was this: that if we are to look to State legislation as indicating what the popular judgment is as to the best method of dealing with this great question, the overwhelming weight of evidence is in favor of a commission bill. And yet Senators assume here, without any higher commission to represent the people or any more sincere interest to protect them than I claim for myself, to label the one bill as the people's bill and the other as a bill favorable to the railroads. But for this suggestion I should not have addressed the Senate upon this question at all. It is my purpose in what I shall say to maintain that the Senate bill contains the more efficient scheme of exposing and repressing the discriminations and unjust exactions of railroad companies.

What is it that the people complain of? What is the just grievance at the bottom of this great popular clamor against the railroad companies? I think, as both these bills admit, just two things: First, extortion, the charging, especially for local freights, of unreasonable rates, thus unduly burdening the local traffic for the maintenance of the railways; and secondly, and chiefly, discriminations between shippers of the same class.

Mr. President, I do not stop to prove the existence of these evils. They are confessed of all fair men. I do not stop to prove, for proof is not needed, that the railroad companies by these discriminations between individuals and between localities, and by the unrestrained exercise of the power to establish rates, have assumed and do now exercise a most dangerous and unwarranted control over the commerce of this country.

A few years ago I was in the Territory of Montana, and while there became aware of an incident in connection with railway management that illustrates the arbitrary character of the control which has been exercised by some of our great railway corporations. The Union Pacific Railroad, extending from Omaha, in Nebraska, to Ogden, in Utah, was also the owner of the Utah and Northern Railway, a narrow-gauge road extending from Ogden northward through Idaho and into Montana. A circular was issued from the office of the Union Pacific Railway Company establishing a rate equal to three times the ordinary first-class rate on all canned goods, rice, green coffees, and that class of goods that came to Ogden from San Francisco over the Central Pacific and then asked transportation over the Utah and Northern road into Idaho and Montana. The railroad company openly defended this policy. They said to the merchants of that great region of country, "You should buy your canned goods, your rice in the East, in order that we may have the long haul over the Union Pacific Railroad instead of giving the Central Pacific, our rival, the haul to Ogden and to us only a short haul over the Utah and Northern." They endeavored to placate the opposition which this order created by the suggestion that they would give the merchants on the line of the Utah and Northern road some favored rate from Omaha in order to induce them to buy their goods East instead of West. This was in effect saying to that entire community, "You shall not deal where you may deal to the best ad-

vantage; you shall not select your own market, East or West, as may please you; we take control of that matter, and we say to every merchant in Montana who deals in rice or canned goods, 'You shall not buy them in San Francisco, but in Omaha or Chicago.'"

I give this as a specimen, Mr. President, of the business discrimination and tyranny which some of these railroads have exercised. I am glad we have come to a time in this discussion when no one in the Senate denies that the power of Congress over this question of interstate commerce by railway is as ample as over that by the sea. It may be, as the Senator from Kentucky said, that some attorney of a railway company, in the committee-room, may yet maintain the doctrine that Congress has no power over this subject, but in the discussion here no one has expressed the smallest doubt of the right of Congress to control and regulate by wise provisions of law these great channels of interstate commerce.

Mr. President, intelligent legislation of a curative or remedial character will always be directed to the evils to be cured, and the intelligent legislator will always desire to have a clear understanding of the evils which are to be remedied before he drafts his bill. I think we have a clear and definite understanding of the evils to be remedied by this legislation. They are extortion, the exaction of unreasonable rates from shippers; they are discriminations between localities or between shippers at the same locality. I believe there is not a Senator here who will not agree if we can so legislate as to make every railroad tariff reasonable and to make those reasonable rates apply without discrimination to every locality and to every shipper that we shall have effected a radical, thorough, and lasting cure of this railroad trouble.

Mr. President, do these evils have their origin in the fact that there is now no law restraining them? Do these practices prevail because they are lawful? Do railroad companies extort because there is no limitation upon their discretion in fixing rates? Do they discriminate because the law allows it? No, Mr. President; both of these things are prohibited now by law. The Senator from Texas undertook to show the other day that the Reagan bill was a simple codification of the common law now in force in all of our States. The fact is, that any shipper from whom an unreasonable rate is exacted has now the amplest legal right to recover back the excess. The fact is, that any shipper against whom a discrimination is practiced has the amplest legal right now to recover the damages he suffers by that discrimination. If that be true, it is not more law we want; it is not a statute which shall codify the common law simply, because statute law is no more self-executing than common law. Statutory rights and statutory penalties can only be enforced as common-law rights are, by resort to the courts. One is of as high sanction as the other. So I would regard it as an utterly futile piece of legislation if we should pass here a bill simply declaring the common law upon this subject.

What is the trouble? It is that the shipper needs to be re-enforced in his contest with the railroad companies. If some one should ask me why it is, if the exaction of an unreasonable rate is now unlawful and the excess may be recovered back, that shippers do not recover it back; or if one should ask me why it is, if discriminations are illegal, that shippers do not expose them and recover their damages, my answer would be that it is an unequal contest to which the shipper is invited.

I think then I may declare, with the approval of those who listen to me, that legislation upon this subject to be efficient must re-enforce the shipper in his contest with these great railway corporations. The Reagan bill does not do that in the smallest degree. To be sure it gives him smart money in case of a recovery, but he can not get his smart money until he has established his case in court, and in the work of ascertaining the facts or in prosecuting his claim the Reagan bill yields him no help, but leaves him as he is now, a weak and feeble contestant with these rich and powerful corporations.

So, if I wanted to correct these evils in railway management, I should address the legislation to that particular point. I would help the man in his contest with the railroad company.

Let us look for a moment further at this question. Let me suppose that a shipper at the city of Indianapolis makes a shipment of freight over the line of a certain railway company to New York. Another man engaged in the same business at the same place is shipping over the same road at the same time. The first shipper can not know what rate the other man is paying. He knows what rate he is paying. He may be suspicious that the railway company is giving his rival in business a favored rate which enables him to get his produce to the seaboard cheaper than the other can. Suppose the man thus discriminated against concludes to bring suit, what is the first thing he must do? He must prove the existence of a discriminating rate in favor of his rival. How will he go about proving it? He goes to the local freight agent and examines the bill of lading, but the rate indicated on the bill is precisely the rate paid by him. He asks the local freight agent, "Has my rival a contract for a drawback?" The answer is, "No;" and that answer may be perfectly true, for the arrangement for a rebate is made by some one else. It is paid at the other end of the line. How utterly helpless that man is to discover the fact that he has been discriminated against! The information is in a distant city. It can only be had by an examination of the officers there and of their books and papers. That man needs to be helped to find out whether a discrimination is made in favor of his rival. Legislation should provide some agency at the public expense which would ascertain that fact for him by an inspection of the books of the railroad company and a careful analysis of all their cash expenditures.

But that is not the only disadvantage under which the shipper labors. He knows that if he goes into such a contest the railway company has it in its power to further oppress him in his business by such other discriminations as might be sufficient to ruin him. Let me suggest but a single method. When large amounts of freight are moving there is a great demand for cars. This shipper who has entered into a legal contest with the railroad company wants cars. How easy it is for the manager to say to him, "We can not furnish you any; our cars are engaged;" or by other vexatious methods to delay and impede his shipments. Therefore it is that the shipper does not often undertake this unequal contest. Therefore it is that he submits to existing wrongs in fear of greater that may follow if he attempts their redress.

The Reagan bill leaves the shipper absolutely without any help, absolutely without any re-enforcement in this contest with the corporations. To be sure it denounces penalties, but he can not recover the penalty until he has proved his case. He can not prove his case except by forcing his way into the recesses of the accounts of the railroad companies in distant cities. He can not urge his case without the risk of being further discriminated against.

There is another point in which the shipper is weak in this contest. He can not get the public ear. He can not concentrate public opinion upon his individual grievance. He may talk about it; he may possibly get some local newspaper to mention it; he may even excite some interest in his favor in the community where he lives, but his voice is unheard by the great mass of the people of this country. He can not reach the public ear, and he can not concentrate the mighty power of a wide public sentiment against the wrong. The Reagan bill leaves him just as helpless as he is now. It leaves the battle to be fought out between the individual shipper, with all the limitations, with all the elements of weakness that invest and surround his case, and the great power of the corporations.

The view I have expressed is not held by me alone. I think if the Senator from Texas has read the testimony and arguments before the House committee upon this subject he will agree with me in the statement that the argument and statements of Mr. Chittenden, of New York, showed a familiarity with the question in all its phases and a fairness of judgment that was not equaled, certainly not excelled, by any other man who appeared before that committee. This gentleman was no railroad lawyer. He was a representative of the Anti-Monopoly League of New York. He was one of those who had been most influential in the fight with the railway companies in the State of New York which resulted in the passage in 1882 or 1883 of their present railroad-commission bill. No one can read his statement without seeing how careful and how wide his study of this question has been. He was familiar with the British commission and with all the English cases upon this subject. I shall read what he says upon this subject in support of the proposition I am arguing, that our legislation should be in the direction of re-enforcing the shipper in his unequal fight.

Mr. COKE. If the Senator will allow me, I ask him if Mr. Chittenden was not advocating the adoption of the Reagan bill before the committee of the other House?

Mr. HARRISON. Exactly; I am glad the Senator has called my attention to that fact. I read now the testimony of a man who on the whole favored the Reagan bill, and I ask the Senator to keep that in mind while I read some extracts from this same gentleman on another point that I shall reach presently. Here is what Mr. Chittenden says at page 114 of this book:

> I have stated three propositions. If the Reagan bill goes beyond them, if it involves any new principles of common law, I am not in favor of it. I do not think the country calls for any change in the common law. The people do call for some more effective means of enforcing the rights of the citizen at common law, for every lawyer in active practice knows that it is impossible for the citizen, as matters now stand, to enforce these rights in the courts of the country.

This gentleman says we do not want any more law; the common law covers the whole ground; if the Reagan bill goes further he is not for it; but what we do want, as he expresses it, is "some more effective means of enforcing the rights of the citizen at common law;" something that will re-enforce the citizen in this contest with the railroad companies. Let me read again, for at page 117 he puts this even more strongly. Mr. STEWART, of the committee, asked him this question:

> Then why are not the courts open for redress?
>
> Mr. CHITTENDEN. They are, but what is the position of a man who undertakes to get redress in these courts? No merchant dares to do it. He can be crushed in his business if he does. The question to-day before this great dry goods trade is, whether or not it is wise, whether they can afford to go into the legal fight and attempt to get these pooling contracts set aside by the courts. No. There is hardly a week passes in the office of any prominent lawyer in New York that this matter is not presented. A merchant comes into the office of his counsel with a claim against a railroad for an overcharge or a denial of some legal right, the lawyer examines it and decides that there is no doubt about the merchant's right to redress. But when it comes to bringing a suit the merchant hesitates—he can not afford to do it. He can not take the risk of doing it, because the railroads have it in their power, at any time, to destroy the business of any man or firm that seeks redress in the courts.

There it is. What is the weakness? The weakness is in the disparity of strength of those who are invited to contest their rights in the

court. One would think we ought to re-enforce that man if we want to help him, and that we ought by our legislation in some way to protect him effectually against those discriminations of a vexatious kind which would be used against him in order to intimidate others from seeking redress in the courts.

I repeat what I have said, that the Reagan bill does not help such a man at all. To be sure it denounces a penalty, as the common law now denounces damages; to be sure it says that the vexatious practices to which the railroads would resort to crush the man who enters into this contest with them are illegal, but the common law says that. Yet these things are practiced. Right here, Mr. President, is the strength of the commission plan.

Mr. Chittenden says that legislation in the direction of a good railroad commission is not popular legislation with the railroads. In this testimony he declares that the whole combined strength of the railroads was thrown against the passage of such a bill in the New York Legislature.

Now, how does the commission plan furnish the help to the individual in his contest with the railroad company which I have undertaken to show is the important thing after all? In the first place, all the details of railroad management are to be open to the commission. Every closet, every dark place in which secrets as to rebates and discriminations of all sorts are locked up, shall be open to it. The light of day shall be turned upon every one of their transactions without any expense or trouble to the shipper; he may not need to move in the matter at all. The original investigations required of the commission by the bill may disclose it all. He may not even need to make a complaint; but when he files a complaint, then, without expense, without leaving his own office or abandoning for a day the transaction of his own business, the powerful influence of the Government, represented by these railroad commissioners, is brought to bear, and a scrutiny thorough and searching is instituted into all the books and papers of the railroad company. He is not required to go and look up the facts; he is not required to bring a suit in the dark; but the railway commission makes the investigation for him and puts into his hands every fact that it will be necessary for him to prove in his suit against the company. The Reagan bill gives him no such help.

I should have said that I assume an intelligent and an honest commission. The salaries provided in the Senate bill are sufficient to secure the ablest and most reputable men in the country. I believe that no executive will venture to trifle with public sentiment by the appointment of any other than men of first-class ability and character upon the commission. Given such a commission, and their first work is to open the secrets of the railway companies. Take the discriminations by rebates in favor of the Standard Oil Company, were the smaller corporations and oil producers who were seeking to have equal rates able to discover and expose the facts? No, it took the power of the State of New York wielded through a legislative commission to bring out those facts. We start, then, with a commission composed of nine intelligent, reputable, disinterested men—one living in each of the nine judicial circuits of the United States.

This commission, as I have suggested, secures a prompt, thorough, and inexpensive investigation of every grievance. The merchant has only to formulate his complaint. I said "formulate." It may be without form, so it conveys to the commission information as to the particular in which he claims the railroad company has violated the law. Having filed his complaint he sits in his own office, he pursues his own business; the Government has taken up his case. The United States has thrown itself into the scale in behalf of the citizen in this contest. By its own agency, at its own expense, it pursues the inquiry; and when it is closed, if it is found that on a particular day the railroad companies were giving one shipper under the same conditions and circumstances an advantage over another it places in the hands of the man discriminated against all the facts that enable him to maintain his case.

That would indeed be the end of the proceeding. Does any one suppose that, after the facts have been brought out, any shipper would need to bring into court any solvent railway company in the country to compel the payment of his damages? They would settle without the service of a summons.

Yet the Reagan bill, lauded here as the popular bill, does not in any of these particulars that I have mentioned help the shipper at all. In high-sounding words it denounces penalties, but it says to the shipper, "Fight out the fight yourself."

Then, again, the commission has the power to get the public ear as the individual shipper has not. It has the power to concentrate public sentiment upon any practice of the railroad company that is thought to be unjust. Take the humblest man in any of our towns; he can not make himself heard beyond the village he lives in. He has no influence; the railroad managers would laugh at him; he is but a pigmy in this contest and he is contending with giants. But when this great commission representing the authority of the United States, composed of able, intelligent men, men of wide reputation, of calm judgment, and without prejudice, looks into the grievance of this humble citizen, and says to the railroad companies and to the country, "You have practiced an oppression upon that man," the whole country hears the case, and public opinion is concentrated in its condemnation.

Do you suppose in that case the railroad company would resort to vexatious retaliatory measures upon the man who had made his complaint to the commission? Do you suppose that they would venture to say to such a shipper when he asked for cars, "We have no cars?" Do you suppose they would venture to resort to any of these small vexatious tricks? Not at all; for here stands this great commission, which may require them at any moment to answer why they did not furnish that man with cars and where their cars were. They can not hide these facts from the commission. The shipper can not tell whether their cars are in use or not, but the railroad commission can ascertain for him. It is not possible, it is not to be thought of for one moment, that any railroad company in this country would ever venture upon any of these small persecutions against a shipper who had complained against them. They would rather show special care and alacrity in meeting his wishes.

So it is that under the commission plan the shipper's investigation is made for him, the facts are ascertained, and if he is compelled to seek legal redress his case is prepared for him by the Government. Not only so, but he is likely to have his grievance corrected without resort to litigation by reason of the power of public sentiment and the force of the mandate of the commission, though no execution lies behind it. Our legislation goes directly to the point at which we find the present imperfection in the law.

I wish for a moment to call attention to what Mr. Chittenden says in relation to the operations of the New York railroad commission bill. Mr. WOODWARD, of the committee, asked him—I read from page 111:

Do those powers exist now in the English commission? Is that commission a success?

Mr. CHITTENDEN. I understand that they are as successful as our commission, and I do not think anything can be more successful than the New York railroad commission has been during the eight months of its life. I am going to refer to that if the discussion does not take up too much of my time.

Then, at page 115, the following question was asked by Mr. DUNN:

Let me ask you if one central commission could possibly answer the purpose; ought there not to be branches of that commission at all the commercial cities and centers of the country, divided, for instance, as the courts of the United States for the convenience of the citizen?

And I may pause to say here that by the amendment of the Senator from Iowa [Mr. ALLISON] we have provided for one commissioner for each judicial circuit, and under the bill he is authorized to sit and take testimony himself. Mr. Chittenden's answer was as follows:

I do not know that I can answer that. I will say this, however, that such a railway commission as we have in the State of New York, of which we have only had about eight months of trial, in my judgment, is sufficient to redress very many, perhaps nearly all, the State grievances. State railway commissions will redress State grievances, but the place where they fail and where they are utterly useless and powerless is where they come in contact or are required to deal with interstate commerce. They are not worth then the snap of your finger.

Of course not, Mr. President. A plea to the jurisdiction must be sustained as to all matters of interstate commerce before a State commission. The State Legislature has no power over interstate commerce, but when we supplement by Congressional legislation this defect, when we have a great national railway commission which would co-operate with the commissions of the different States, interchanging information, which would enable a State commission practically to transfer to the national commission any grievances connected with interstate commerce which might be brought to their attention, and which they could not for want of jurisdiction settle—when we have completed this system, which is the favorite system of legislation in the States, by putting upon it as its climax and consummation a great railroad commission on behalf of the General Government, then everything would be made to work smoothly and harmoniously. Mr. DUNN then said:

They have no power.

Mr. LONG. Do you mean to say that there ought to be an interstate commission?

Mr. CHITTENDEN. I will answer that question shortly. You will see to what my argument leads. We obtained in the State of New York, after shaking political parties to their center for refusing it, a lame sort of commission. By careful previous arrangement the appointment on that commission of one member who represented the people was secured, and although we were promised better things we had two men put on that commission for the purpose of controlling Mr. O'Donnell, the nominee of the friends of the bill. The commission has been in operation now for about eight months. The result has been that the two commissioners put there to control Mr. O'Donnell are now acting with him, and the proof has been so clear and the force of these grievances has been so great upon that commission that now they are all acting together and in general harmony. You hear no one in the present Legislature proposing a repeal of the commission bill.

He adds further:

Let me show you how the commission operates upon commerce—

This is a most interesting illustration of the power and usefulness of the commission. He says:

Let me show you how the commission operates upon commerce that is not interstate commerce. You heard Mr. Depew—

The general attorney of the New York Central Railway—

say that his company had yielded to a decision of this commission which had already cost them $200,000! Well, I have this to say for Mr. Depew: He is, in my judgment, the ablest railroad man living in the United States. He is so because there is in his conduct of railroad matters so large an infusion of common sense. He fought this railroad commission as earnestly as it was possible to fight it down to the time when the bill was passed and he was beaten. I have seen him bring down his special-raters with free passes by car-load after car-load to resist the passage of this law, and afterward to induce the governor to veto it; but when the opposition failed and the commission bill became a law

Mr. Depew said, "Very well, gentlemen, that is the end of it; I propose now in good faith to accept this commission and to obey its decisions; at all events, where they are reasonable." And when they asked him to enter into the brutal attack that was made upon Mr. O'Donnell, one of the commissioners, to defeat his confirmation by the senate, Mr. Depew said, "No; I am not prepared to say that Mr. O'Donnell will not make a good commissioner." And he took no part in it. And it is due to him in all these matters within the State of New York to say, and I am glad to be able to say it, that he has thrown his influence, and it is powerful in the New York Central Railroad, in the direction of complying with the requisitions of the commission.

I shall refer to only one of the many cases before the commission. The milkmen upon the Harlem road came before the commission and claimed that it was not right that they should be charged 45 cents a can for transporting milk into the city of New York, whether the distance was ten miles or one hundred and fifty miles. They did not so much object to a uniform rate per can, but they insisted that the rate itself was an unreasonable one. They presented their complaint before the railroad commission. There was a hearing. The New York Central Railroad was heard. The whole commission decided the rate was unreasonable, a majority deciding that it should be reduced 33⅓ per cent.; one, that it should be reduced 50 per cent. The railroad immediately reduced it.

There, in a contest with one of the greatest corporations in this country, it was not found necessary that the milkmen should go into court and enforce their rights, but the simple judgment of the commission was at once acquiesced in at a loss already accrued, as the attorney of the road says, of over $200,000. Mr. Chittenden continued:

Mr. Depew now says to this committee, and Mr. Depew does not state things that are untrue, that that decision has cost the New York Central Railroad (and it has not been in operation more than six months) $200,000. Who has received that $200,000? Either the milkmen, the producers along the line of that road, or the consumers of New York, who would have had this amount taken out of their pockets by an unreasonable rate which has been demanded and paid in that State for the last eight or ten years, and would have been paid forever but for the New York commission.

I shall read further, because I esteem this testimony of special value. It is the testimony of a most intelligent man. It is the testimony of a man whose sympathy and whose work has been with the people against the railroad companies. Speaking of the commission again, Mr. Chittenden says, in answer to the question:

"But not as to the local State traffic?"

Let me go a little further. The commission is required to examine immediately all complaints within certain limitations, and to make their report, and when they make report that any railroad company is violating a law, the attorney-general of the State is directed, and it is made his official duty, to prosecute for that violation.

I pause to say that under the Senate bill it is made the official duty of the United States district attorney to prosecute for its violation, either by an action for damages in the name of the claimant, or, if necessary, by a suit on the equity side of the court, for an injunction to prohibit the continuance of the illegal practice. Mr. Chittenden says:

But the great value of the commission is that it lets in the light of publicity upon the doings of railroad companies. This commission requires them now to make quarterly reports instead of annual, as was then the custom, and to do various other things of value to the citizen.

I shall read one further extract from Mr. Chittenden. He said:

Gentlemen, one valuable element in a commission is its operation and effect upon railroad men. Of this Mr. Depew furnishes a good illustration. He is a strong and a hard fighter, and yet he recognizes the force of public sentiment and public opinion, and therefore when a fair commission, such as I assume we are to have—we have it in New York by accident—examines a question between the citizen or a number of citizens and a railroad, and expresses its deliberate judgment that the citizen is right, Mr. Depew, and men of his class, will yield and not carry the contest further, for they do not like this controversy with the people any better than the people like it.

That is not simply the opinion of this gentleman as to what the railroads would do, for he has given us a most forcible example of what they did do in the case of the complaint of the milkmen along the line of the Hudson River Railway. The influence and power for good of a national commission would be greatly multiplied because of its increased dignity and power. He adds further, and it is the last quotation I shall make upon this subject, in speaking of the railroad companies:

The only orders they—

The commission—

have made, that I have seen, which were not acquiesced in by the railroad companies, were those which related to interstate commerce.

So it seems that in every case which has been presented to the railroad commission in New York, the judgment of that commission as to what the railroad company ought to do as between itself and the shipper has been accepted as absolutely conclusive. The shipper has not in a single instance been put to a resort to the courts to get his rights. Yet the advocates of the Reagan bill, which gives no re-enforcement or help to the shipper but leaves him only a resort to the courts for any infringement of his rights, tell us that is the people's bill, and that this commission plan which has worked so successfully in New York, which has worked so successfully in Massachusetts, which has worked successfully, as a recent report of the commission in Iowa shows, in that State, a plan which is the general resort of the States desiring to deal with this question, is against popular opinion. I would not give a snap of my finger for any legislation upon this question that did not re-enforce the man in his unequal contest with the railroad companies, not by giving smart-money, to be had when he gets through, but by some help at the beginning. Experience shows that by a good commission he is relieved of all necessity of going to the court because the influence of these commissions, and of the public sentiment which they concentrate upon any particular wrong, is such as to compel acquiescence even by the greatest corporations.

I have here the seventh annual report of the board of railroad commissioners of the State of Iowa. It comes through Hon. James W. McDill, at present one of the commission and formerly a member of this body. I read a brief extract from page 12:

The commissioners are glad to report that the various railroad companies have by agreement reduced the rates on grain to Chicago, Peoria, Beardstown, Saint Louis, and East Saint Louis, from stations on the Iowa divisions to and including Creston and corresponding points, 3 cents per hundredweight. Reductions east of Creston and corresponding points are now being considered.

A result reached so pleasantly can not fail to be a matter of congratulation. Nothing has ever been done in railway matters in the State which has proven so satisfactorily to the public a proper appreciation of the common public good by the railway officials as this reduction of rates. Many thoughts presented by the managers in the letters and extracts of letters herewith presented are worthy of much consideration.

Mr. JACKSON. Will the Senator from Indiana allow me to call his attention to that same report of the Iowa commission, on page 8, where they state that the rates have been reduced even below what they were fixed by the "granger law?"

Mr. HARRISON. Yes; I will read that extract also. They say:

Since writing the above the commissioners have received additional information which they deem it proper to make public. Eleven of the railroads of Iowa which carry the bulk of the grain to market, in answer to our inquiries, report there has been no increase of rates, and the commissioners are satisfied that rates have not been raised for several years, and that the roads are generally carrying at or below the rates agreed upon with the commissioners in 1878, which was a slight reduction below rates prescribed in what is commonly known as the "granger law."

It seems there was a rate prescribed in the granger law, and then the commission suggested a somewhat lower rate, and the railroad companies have actually gone below the last rate in their transportation upon the suggestions of these commissioners.

Mr. President, I have thought it necessary to make these remarks to-day simply because for one I was unwilling that this debate should close without putting on record the reasons which lead me to believe that the scheme of the Senate bill is wider, more intelligent, more discriminating, more efficacious as a remedy for the confessed evils in railway management by far than the Reagan bill.

But it must not be thought that the Senate bill simply constitutes a commission to get information, and without other powers. The Senator from Arkansas [Mr. GARLAND] said the other day that the broad language used in the second section, conferring powers upon a commission, was a virtual attempt to strip Congress of all control over the subject of interstate commerce, and to confide to the commission as full a control as was possessed by Congress under the Constitution. I do not think that was a fair construction of the language. But that argument, which was referred to as being very conclusive by the Senator from Kentucky [Mr. BECK], has been answered by an amendment which has been adopted, and which limits the powers of the commission to those expressly granted in the bill.

As to the other objection, that judicial power is conferred upon the commission, I do not think it is well founded. Its powers are simply supervisory. They are empowered to get information; they are empowered to administer oaths, just as a committee of Congress may in the examination of witnesses. It is not a judicial function. The commission may make recommendations as to what ought to be done, but the bill does not give their conclusion the force of a judgment. It is not the exercise of judicial power, because the bill provides that after the commission has expressed an opinion on the subject, if the railway company does not of its own motion comply, proceedings are to be taken in the courts of the United States to enforce it. So the bill is not subject, I think, to either of those criticisms.

But the Senator from Texas says that the Senate bill prescribes an exclusive remedy through the commission; that if the bill passes, every one having a grievance against a railway company connected with interstate commerce must assert it through the railroad commission; that he will be deprived of his right to institute an action in the first instance, and to conduct it himself without reference to the commission. I marveled at that statement coming from so good a lawyer as the Senator from Texas.

I believe the rule of law is that when a new right is given and a particular form of remedy is pointed out that form of remedy is exclusive; but here no new right is given. It is simply a recognition of the common law; it does not supplant it; and the method of an inquiry through the commission would never be held by any court in the world to be exclusive. Each shipper will be as fully at liberty after the bill passes as he is now to ignore the commission, to refuse to avail himself of its services, to institute his own suit where he pleases and prosecute it the best way he can.

But, says the Senator from Texas, you are depriving the State courts of jurisdiction and giving exclusive jurisdiction to the United States courts. There never was a greater misconception than that. I suppose the Senator will admit that the prosecution of criminal offenses against the United States must be in the courts of the United States. He would not expect the grand jury of a county to be charged with the investigation of violations of the criminal laws of the United States. So the bill provides that indictments under its provisions for extortion

or for unjust discrimination shall be prosecuted in the United States courts.

It was further intended by the bill to supplement its provisions in the interest of the shipper by giving him the benefit of the services of the United States district attorney. The Senator will understand that the United States district attorney can not practice, as such, in a State court, and we could not send him into a State court to represent anybody. Therefore, if any shipper desires to avail himself of the use of the only law officer we can give him, he must go into a court where that law officer is recognized.

But the shipper is perfectly free to go into any State court and select his own lawyer. He may take the benefit of the investigation of the commission; he may avail himself of the facts which have been brought out by their examination of the books of the railroad company, and go to any State court having jurisdiction and bring his suit there.

The Senator from Texas also said that the Senate bill would result in bringing the shipper from Oregon to Washington to have his grievance investigated. The Senator did not enter upon the consideration of this bill with that open-minded fairness which he generally brings to the consideration of public questions or he would not have said that. The bill provides for a commission for the judicial circuit of which Oregon is a part. It authorizes this commission to make an investigation there. While the general conferences and consultations are to be held here, everything that the shipper needs to do may be either done by mail or it may be done in the very locality where he lives.

The Reagan bill undertakes to declare certain things to be illegal, which the Senator from Texas says are now illegal, which are not named in the Senate bill. It makes a rebate absolutely illegal and a misdemeanor. A rebate by way of discrimination is made illegal and a misdemeanor under the Senate bill. A rebate is the repayment of some part of a sum received. Under the Reagan bill if a railroad company had exacted an unreasonable rate they could not pay it back, because they would be paying a rebate. They would be in this interesting condition: liable to prosecution for having taken the unreasonable rate, and liable to a second prosecution if they paid it back.

There are a great many people in this country who think they understand the railroad problem in every detail. I am not one of them. There are a great many people who upon a very scanty examination of the question feel themselves competent to prescribe rates and to provide an iron-bound code of rules to regulate all railway traffic.

It seems to me there may be cases where a rebate ought to be paid. Take my own city, tapped by all the great trunk-lines to the seaboard. Here is a miller who is shipping his flour over the Pennsylvania route; beside him is another who is shipping over the Baltimore and Ohio, the destination of both being New York. The shipper by the Pennsylvania route desires to ship to-day five hundred barrels of flour. He inquires of the agent as to the rate, and is told. The shipper asks, "Are not some of these other roads giving a lower rate?" The agent answers, "No, sir; that is the rate of all the roads; but I will say this to you, if any of the other roads are shipping at a lower rate you shall have the benefit of that rate." It turns out that the Baltimore and Ohio road that very day was shipping for 10 cents a barrel less to New York. Are Senators willing to declare that it shall be made a misdemeanor for the Pennsylvania Railroad Company to equalize to its shippers that cut by the Baltimore and Ohio? I do not say to equalize to a favorite shipper, but to equalize to all shippers of flour at that time over their road. I am not willing to declare that to be a misdemeanor.

Therefore I prefer that this declaration should be in the terms of the Senate bill, which is that if a rebate is used to discriminate between shippers it shall be a misdemeanor punishable by fine, but where it is used as a means of equalizing rates the reason of the rule certainly fails, and the rule ought to fail with it.

A great deal has been said about the long and short haul clause in the Reagan bill. I wish to recur again to the testimony of Mr. Chittenden to show the Senate what he said on that subject. The Senate will bear in mind that the Senator from Texas has claimed that Mr. Chittenden was a defender of the Reagan bill. I had myself described him as one of the most intelligent, earnest, and persistent opponents of railroad monopoly that I have ever known. Now, let us see what Mr. Chittenden says about the long and short haul business:

Mr. CHITTENDEN. Mr. Chairman, I do not want to take up a moment's time of the committee. I have been giving the time since yesterday to the problem that was presented in the Memphis and Winona case, and that had led me to an examination of the decisions under the nintieth section of the railway-clauses act in England to which I had reference yesterday, and I find that that problem has given to the house of lords in England the same trouble that it certainly gives me. It may not give the committee any. In one case that I have found, which went up from Scotland to the house of lords, the house of lords were divided upon the question whether under this ninetieth section such a similar discrimination as that mentioned here was authorized. In that case the road led from Derby to London. Its maximum rates, as all the rates in England are, are fixed by Parliament. It made a rate to a place called Hampton-on-Arden. They charged 8 shillings from Hampton to Derby, but on through-passenger traffic from Hampton to London the proportion would be only 2 shillings, and yet by a divided court the house of lords held that that was not contrary to the ninetieth section of the act which I read yesterday, and they held further that it was certainly doubtful whether it was practical to take away that power of discrimination from the railway companies. All I have to say is that I should hesitate myself some time before I committed myself absolutely to the provisions of the Reagan bill, which prohibits more for a short haul than for a long haul under all possible circumstances. There is a very serious question there that certainly is deserving the best examination of the committee. I say this because I thought to some extent differently yesterday. It is probably the most doubtful question there is involved in the bill.

In view of this statement, is it too much to ask that that question may lie over until the railroad commission can give us their judgment upon the subject? As ardent an advocate and friend of strong restrictive legislation as Mr. Chittenden declares that he is not able to give to that provision his assent.

I do not stop to speak at length of the schedule provision of the Reagan bill. I believe it to be utterly impracticable. I notice that while we are all appealed to here to stand by the Reagan bill, and are threatened with the failure of all legislation if we do not, the friends of the Reagan bill are themselves proposing to amend it. Under the bill as it came from the House it would be impossible for a railroad company to reduce its charges until it had for five days posted up a notice of the reduction in every depot on all its lines. It would take five days certainly, possibly more, to get the schedule printed and put up on some of the long lines of railroad, and then there are to be five days more before any reduction or increase of rates could go into operation. It is an unintelligent way to deal with this question; it is an impracticable proposition.

Is it asking too much of those who really want legislation to meet us upon the propositions we have offered, namely, to prohibit extortion, to prohibit all discriminations, to establish a railroad commission which shall make inquiry into all matters of railroad management and shall re-enforce the shipper in his unequal contest with the railroads? Congress ought at once to pass some efficient legislation that will bring this gigantic power under the control of reason and of law, instead of being left as now with self-interest as its only law. We ought to have legislation. We shall have it if there is a disposition to harmonize differences as to details. If the commission plan is adopted I believe we shall have legislation that, before it has been in operation two years, will have the universal approval of the people of this country.

Mr. MAHONE. Mr. President, I hesitate to advance a suggestion upon the subject before the Senate. It has been ably and at length, if not fully, discussed.

As a whole, I like neither the House nor the Senate bill, while in either there is much I approve.

The power to conform the conduct of the common carrier to the rightful subserviency of the public interests is the admitted prerogative and high duty of the sovereign.

The sovereign appears in this case when the carrier engages in the business over which to him (the sovereign) is delegated exclusive control.

It is not here as in the governments of Europe where common carriers are licensed by the national authority, or the right to regulate their conduct would be absolute and complete. Here it can only apply where the power of the grantor ends and that of the government of delegated powers begins.

Where the power is coextensive with the franchise it would seem not a difficult problem to adjust the conduct of the carrier to such performance of public service as induced and inspired the grant conferred. Yet the matter which it is now proposed to subject to legislative regulation has long engaged the serious thought and consideration of the older governments of Europe as well as of the States of this Union, with results sometimes damaging to the corporations and their capabilities of serving the public, and at no time securing that measure of performance which it was believed the public interests demanded and to which of right they were entitled.

It has been alike unfortunate for investors and the public that our railway system has drifted away from the sphere in which it was intended to operate. Its members have become more or less the agencies of stock operations and the prey of parasites, to the wrong and injury of the real plant, and not infrequently have the prime promoters had their honest investments swept away by designing trustees.

It has been from such diversion and such misdirection of our public works that come indirectly much of the evil and abuse which gives rise to an extended and increasing outcry, well founded, for relief at the hands of the great body of people.

That our railways have contributed more to the development, population, and power of the country than any other agency is confessed, and that so many are the interests dependent upon the system, and such their magnitude, that all must agree that too much care and caution can not well be taken in shaping such legislation as public exigency seems to demand.

That regulation of the conduct of carriers in respect to interstate commerce is demanded by far-reaching considerations of public policy has not been, and I venture to say can not be, successfully controverted.

Besides the remedies against the abuses which it is intended to restrain, it seems to me of paramount importance to prescribe, as Congress may do, certain definite principles on which transportation companies may engage in the business of interstate commerce.

These are embodied in the amendment which I gave notice it would be my purpose to offer when the bill shall be perfected for the consideration of the Senate. They go, as I believe, to the very root of the sub-

ject, and, while serving the people everywhere to an equitable service, impose no wrong on the carrier—no hardship.

He has no right to use a delegated trust, which in the higher sense and legal implication is granted for the public good, in any manner which shall give to any one person, community, or locality, in the performance of the like service, advantage over another.

Such is the nature and the consideration alone on which carriers are incorporated. It is of the very essence of the duty imposed by the grant, sought, conferred, and accepted, that he treats all comers by the same rules and with the same reasonable measure. It is an abuse of this trust to pursue his preferences to the prejudice of persons or communities. It is a pernicious misuse of the grant to direct the energies of the enterprise in the single interests of the immediate promoters. The public, of sovereign right, are entitled to enjoy the advantages of the invention at reasonable charges. This is all that an enlightened public judgment expects, and that, it seems to me, is the duty of the sovereign to enforce.

Mr. President, no acceptable or sufficient reason can be assigned why a person desiring to go from any railway station in any State or Territory to any other in any State or Territory of the Union, where the journey may be effected by any connection of carriers, whether wholly by land or by land and water, should not be entitled to receive a through ticket and for his baggage a through check. It is merely a matter of arrangement between the transportation companies, which I conceive to be in the line of their public duty and conservative of their own better interest.

There is no good reason why a shipper similarly situated, and likewise desiring transportation for any produce or merchandise, should not be entitled to a through receipt and bill of lading all the way to destination at a fixed total charge for the service. This is likewise a matter of convention between the carriers composing the route. The duty is to enforce it. The like is done by the leading express companies of the country as to packages, and yet it is by means of the transportation lines they perform such service.

Then I say, Mr. President, this done, and we open to the proper use of the people of the nation our transportation routes as wide and as free as the sea. The system as to interstate commerce becomes one of an interchangeable and homogeneous service, and the amendment I propose aims directly at such result. Besides this, it fixes a principle for computing the charges for the transportation of passengers and freights, which I venture to say is theoretically and practically correct.

The terms "reasonable" and "discrimination," when applied to this subject, are indefinite and vexatious. The concession granted that the same charge may be levied on a bale of cotton from Texas to Norfolk as is made by the same route to New York—that the same charge may be levied on a car-load of corn from Chicago to Richmond as is made by the same route to Newport News, or that the carrier may charge as much for a short as for a long haul, in effect legalizes discrimination. It is to alter unjustly the rightful relations of the markets and the producer—the merchant and the consumer. In the transportation of either and both—passengers and freights—there enters certain distinct and well-defined elements of cost, which the year's business of any well-organized transportation company will near enough ascertain to fix a fair and substantial basis on which to formulate an equitable tariff of charges for the succeeding year. These are what are commonly called "fixed charges"—including terminal expenses and the cost of hauling. Both are dependent in different measure upon the volume of business, and the latter sensibly upon the evenness of opposing currents. Fixed charges comprehend such items of expense as are necessarily incurred by the corporation, whether it transports one passenger or one thousand, whether it hauls one thousand tons of freight or ten millions, and they are in the direct ratio of the number of each transported.

Right there enters the first and essential factor in computing the proper charge for the transportation of either passengers or freight, and you have the data for determining what the proper constant is in respect to each by classes. Such charge must be made against each passenger and each ton of freight, no matter what the distance transported.

The cost for hauling is practically, as to the same member, pro rata per mile. One is common to all distances, and the other is ratable. The principle thus briefly described entitles the passenger from any station this side of New Orleans to the same rate per mile, plus the fixed charge to New York, Washington, or Richmond, as that paid by the passenger from New Orleans, and *vice versa*. It entitles the shipper from New Orleans and from any intermediate station, to Lynchburg, Norfolk, or Washington, to the same rate per mile, plus the fixed charge, as is charged to New York.

It entitles the shipper from Cincinnati, Saint Louis, or San Francisco, or from any intermediate point, to the seaboard, or to any intervening station on the same route, to the same rate per mile plus the fixed charge.

It entitles the shipper in Virginia, no matter from what station, to the same rate per mile, plus the fixed charge, as is paid over the same route to points South and Southwest.

It maintains relatively the geographical relations of persons, communities, and markets. It leaves to enterprise and God-given advantages a fair field. It opens all markets to the producer everywhere upon even terms. In an equitable sense it makes no place a way-station.

It enables the producer, for himself and at once, without let or hindrance, to choose his own market, and it leaves to the commercial energies of every locality an unhindered, open way to the trade of the country.

It will stimulate development, vitalize dormant resources, and enlarge the volume of business and increase the revenues of the transportation lines, as will every step taken which shall promote the facilities, improve the accommodations, and lessen the cost of transportation. I mean such relations between the transportation lines of the country and the public, such composition and formation of passenger and freight charges, as the amendment I have submitted proposes to institute. And this is the amendment:

Amendment proposed by Mr. MAHONE to the amendment of Mr. CULLOM to the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers, namely:

Add at the end of section 12 the following:

"And it shall not be lawful for any transportation company to engage in such transportation of passengers or freights with any other such company unless it admits and contracts with any and all other transportation companies desiring to engage with it and its connecting carriers in the business of interstate commerce upon the same terms of association as those agreed upon between it and such other company. And the rate of transportation over all lines engaged in such business shall be computed and charged upon the following basis—that is to say: For passengers of the same class the combined charge of all the carriers, to be divided as they may agree, shall nevertheless, for all distances, be pro rata per mile. For freights of the same class and of like units, taking the car-load as the maximum, the total charge from the station of shipment to the station of final delivery shall be composed of two items—the charges for fixed expenses and the charge for any transfer where a break of gauge or transshipment from rail to vessel, or *vice versa*, or a necessary porterage may be imposed, such proper charges for each class of freight and like units below and including the car-load to be ascertained and agreed by the transportation companies concerned, subject to the approval of the said board of commissioners. The charge for transportation of freights of the same class and unit below and including the car-load shall be, as to the same carrier composing part of the route traversed, for all distances, pro rata per mile, to be divided between the carriers directly performing the service as they may agree."

The PRESIDING OFFICER (Mr. SHERMAN in the chair). The question is on the amendment proposed by the Senator from Kentucky [Mr. BECK] to the House bill. It will be read.

The CHIEF CLERK. In section 1, line 14, after the word "reasonable," it is proposed to strike out down to and including the word "person," in line 31, as follows:

And any person or persons having purchased a ticket to be conveyed from one State to another, or paid the required fare, shall receive the same treatment and be afforded equal facilities and accommodations as are furnished all other persons holding tickets of the same class, without discrimination; but nothing in this act shall be construed to deny to railroads the right to provide separate accommodations for passengers as they may deem best for the public comfort or safety, or to relate to transportation relating to points wholly within the limits of one State: *Provided*, That no discrimination is made on account of race or color; and that furnishing separate accommodations, with equal facilities and equal comforts at the same charges, shall not be considered a discrimination. Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. VANCE called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. MAXEY (when his name was called). I should like to make an explanation before voting. If I understand it——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MAXEY. I want to have it understood what we are voting on.

The PRESIDENT *pro tempore*. That is debate.

Mr. MAXEY. Then I shall not vote at present.

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN] at the suggestion of his colleague. I shall not vote on this amendment. I should vote "yea," if the Senator from Illinois were here.

The roll-call was concluded.

Mr. GEORGE (after having voted in the affirmative). I inadvertently voted. I was paired with the Senator from Wisconsin [Mr. CAMERON]. I withdraw my vote.

Mr. RIDDLEBERGER. I am paired with the Senator from Arkansas [Mr. WALKER]. I do not know how he would vote if he were here. I should vote to follow the committee bill. Inasmuch as I do not know how he would vote on an amendment of this sort, I withhold my vote.

Mr. MILLER, of California. I wish to announce the pair between my colleague [Mr. FARLEY] and the Senator from Pennsylvania [Mr. CAMERON].

The result was announced—yeas 22, nays 23; as follows:

YEAS—22.

Beck,	Garland,	Jones of Florida,	Slater,
Call,	Gibson,	McPherson,	Vance,
Camden,	Hampton,	Maxey,	Vest,
Cockrell,	Harris,	Morgan,	Williams.
Coke,	Jackson,	Pugh,	
Colquitt,	Jonas,	Saulsbury,	

NAYS—23.

Conger,	Harrison,	McMillan,	Pike,
Cullom,	Hawley,	Mahone,	Platt,
Dawes,	Hill,	Manderson,	Sewell,
Dolph,	Hoar,	Miller of Cal.,	Sherman,
Edmunds,	Ingalls,	Morrill,	Wilson.
Frye,	Jones of Nevada,	Palmer,	

ABSENT—31.

Aldrich,	Cameron of Wis.,	Kenna,	Ransom,
Allison,	Chace,	Lamar,	Riddleberger,
Bayard,	Fair,	Lapham,	Sabin,
Blair,	Farley,	Logan,	Sawyer,
Bowen,	George,	Miller of N. Y.,	Van Wyck,
Brown,	Gorman,	Mitchell,	Voorhees,
Butler,	Groome,	Pendleton,	Walker.
Cameron of Pa.,	Hale,	Plumb,	

So the amendment was rejected.

Mr. BECK. I suggested another amendment, which I will offer. I have not the bill before me, but I think it is in section 4, line 5, after the word "same," to strike out "for a shorter than for a longer distance, which includes the shorter," and to insert "for any distance less than the whole length of the line than is charged for similar service for the whole length of the line."

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kentucky.

Mr. BECK. I call for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. INGALLS. I was not able from the reading, in consequence of the confusion, to understand precisely the point. Will the Senator from Kentucky state what he designs to accomplish?

Mr. BECK. The point is that the railroads shall not charge more to haul freight from Omaha to Virginia City than from Omaha to San Francisco; that they shall not haul a car-load past a place on the line to a place four or five hundred miles further and charge the intermediate points twice as much, as they are in the habit of doing.

Mr. INGALLS. Does the Senator think they ought to be allowed by law to charge as much for a short haul as for a long haul?

Mr. BECK. I do not. I will not refuse to remedy one glaring evil because I can not remedy all.

Mr. INGALLS. Why can not they both be remedied?

Mr. BECK. They may be. I will try to remedy this one now, and then I may vote with the Senator to prevent another.

Mr. INGALLS. But in preventing one difficulty the Senator proposes to legalize another which is as bad.

Mr. BECK. I do not propose to legalize anything. I do not propose to give them any rights they have not now. When I propose to do away with an evil, then I want to test the sense of the Senate, and if the Senator from Kansas will find a way to go further I think perhaps I shall go with him.

Mr. HARRISON. Will the Senator from Kentucky allow me to ask him whether the bill as it stands does not prohibit the evil of which he speaks?

Mr. BECK. I think it does not.

Mr. HARRISON. Then the friends of this bill admit that it is imperfect.

Mr. BECK. There were amendments put in by the House, as, for example, in the first section, by persons who were not friends of the bill, in order to embarrass it, as the one put on to meet the question made by the Senator from Alabama [Mr. PUGH] limiting fares to 3 cents a mile, which the committee did not want. It was kept in by the enemies of the Reagan bill in the Senate to-day by a yea-and-nay vote for the very purpose of defeating it.

Mr. HARRISON. But the Senator does not contend that this language to which his amendment refers was amended by the enemies of the bill in the House. Does he not know that is the original language of the bill?

Mr. BECK. It is not the way the bill read when presented by Mr. REAGAN, as I understand.

The PRESIDENT *pro tempore*. The Senator from Kentucky is not in order in referring to any proceedings of the House of Representatives.

Mr. BECK. I believe I am not; but the temptation was very great.

The PRESIDENT *pro tempore*. It is the duty of the Chair to restrain the Senator.

Mr. BECK. That is true, and I submit. It was shown before the committee of the House that, for instance, a bale of cotton would be hauled from Memphis to New Orleans for a dollar a bale, passing through a place called Winona, I believe, one hundred and twenty miles south of Memphis, and if hauled from Winona to New Orleans $3 a bale would be charged. I seek to remedy that. It was proven time and again in the case I gave of the Pacific railroads that at Reno or Virginia City or elsewhere $800 a car was charged, when that point was passed by the railroad and a car hauled to San Francisco for $300. I seek to prevent that, and I have asked for the yeas and nays upon it. To the first section of the bill my amendment was beaten, but I shall ask the yeas and nays on that when it comes into the Senate again.

Mr. MILLER, of California. I should like to ask the Senator from Kentucky if he thinks the Reagan bill as it now stands does not prevent the charge he mentions in transportation between Winona and New Orleans?

Mr. BECK. I am afraid it does not, and if it does it may go much further than I propose to go in regard to the intermediate haul at present. I am willing the commission may examine into that and report. I propose only to deal with flagrant, admitted evils, and to leave for future adjustment all doubtful questions as to whether there should be a different rate ten miles further or twenty miles further because of peculiar conditions, or because the point is one where there are no connections reaching out, which is one of the arguments for charging more. I leave all that for future adjustment, and I do not legalize that, nor do I give the railroads any greater power than they have now over the intermediate rates along the line; but I seek to reach that great class of cases where men along the line are made to pay double and treble, and even quadruple, what the hauling is worth in order to make up for the losses that are sustained in carrying traffic from one end of the land to the other; where railroads, in order to break each other down or to break down water ways, so as to get clear of competition, that they may charge hereafter what they please, carry at losing rates, and make the whole line profitable by doubling up charges along the line. I desire to get clear of that; and as to other matters, I leave them to the future.

Mr. MILLER, of California. The evils which the Senator from Kentucky suggests are precisely those which we ought to try to remedy; and if his amendment is better calculated to remedy such evils, I should want to vote with him.

Mr. BECK. I think it is. I do not see how any injury can come to a road from the adoption of it. Very elaborate arguments have been made as to adjusting rates along the intermediate points; that you may haul ten miles farther off on the same road, and stop at a place where only one car a week has to be left, and where the train has to be readjusted, so that they can not afford to haul for as small compensation as they could where a whole train-load was taken off or half a train-load was taken off, or where the terminal loading and unloading was easy. I leave all such matters for future adjustment; I simply seek to get at the great question that the charge for the whole length of the line shall be as great as they shall charge for any part of it. That seems to be just on its face.

Mr. MILLER, of California. I suppose the object to be attained here is a just compensation for the service rendered by the common carrier. I presume that is the principle which we are trying to enforce in this legislation.

Mr. BECK. I am endeavoring to do that.

Mr. MILLER, of California. I am inclined to think that the amendment of the Senator from Kentucky does have a tendency to effect that object better than the language of the bill as it now stands.

Mr. MCPHERSON. I should like to ask the Senator from Kentucky if he has carefully considered his amendment and thinks it makes it any plainer than the original bill. From reading the amendment at the desk, and carefully looking at it, I am of the opinion that it will leave it in no better shape than the bill. The House bill certainly covered that point as much as the amendment of the Senator from Kentucky.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Kentucky, upon which the yeas and nays have been ordered.

Mr. HOAR. I move to amend by inserting after the word "line," where it first occurs in the amendment of the Senator from Kentucky, the words "in proportion;" so as to make the connection read:

That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for any distance less than the whole length of the line in proportion than is charged for similar service over the whole length of the line.

The purpose of this amendment is to test the sense of the Senate upon the two principles. The principle on which the amendment of the Senator from Kentucky depends is that the charge of a railroad company should be proportioned to the length of transportation. If that be not a true universal principle, then the amendment of the Senator from Kentucky is not a wise or sound proposition. If it be true as a universal principle, then the amendment of the Senator from Kentucky very properly goes some length in accomplishing it; but it does not go to the full extent of the principle. Therefore, it seems to me that it is proper we should have the two questions brought face to face—the view that this is to be settled by the laws of trade on the one side, and the view that the service done is to be compensated according to the proportion of service. On that I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I wish to ask the Senator from Massachusetts if he will explain his amendment by telling me "in proportion" to what?

Mr. HOAR. You shall not charge more in proportion for one distance than you do for another—in proportion to distance, of course.

Mr. CONGER. I did not know but that it might possibly be in proportion to the expense of carrying.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Massachusetts to the amendment of the Senator from Kentucky, upon which the yeas and nays have been ordered.

The yeas and nays were taken.

Mr. RIDDLEBERGER. I repeat that I am paired with the Senator from Arkansas [Mr. WALKER]. I do not know how he would vote on any of these amendments if present. I would say at this time that if I were at liberty to vote I should vote against all of them, and for the bill as it came from the Senate committee.

The result was announced—yeas 5, nays 41; as follows:

YEAS—5.

Dawes,	Hoar,	Mahone,	Morgan.
Edmunds,			

NAYS—41.

Allison,	George,	McMillan,	Sabin,
Beck,	Gibson,	McPherson,	Saulsbury,
Call,	Hampton,	Manderson,	Sewell,
Cockrell,	Harris,	Maxey,	Sherman,
Coke,	Harrison,	Miller of Cal.,	Vance,
Colquitt,	Hawley,	Morrill,	Van Wyck,
Conger,	Jackson,	Palmer,	Vest,
Cullom,	Jonas,	Pike,	Williams.
Dolph,	Jones of Florida,	Platt,	
Frye,	Jones of Nevada,	Plumb,	
Garland,	Kenna,	Pugh,	

ABSENT—30.

Aldrich,	Cameron of Wis.,	Ingalls,	Riddleberger,
Bayard,	Chace,	Lamar,	Sawyer,
Blair,	Fair,	Lapham,	Slater,
Bowen,	Farley,	Logan,	Voorhees,
Brown,	Gorman,	Miller of N. Y.,	Walker,
Butler,	Groome,	Mitchell,	Wilson.
Camden,	Hale,	Pendleton,	
Cameron of Pa.,	Hill,	Ransom,	

So the amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the amendment of the Senator from Kentucky, on which the yeas and nays have been ordered.

Mr. PLUMB. I wish to offer an amendment before the roll is called.

The PRESIDENT *pro tempore*. An amendment to the amendmen t?

Mr. PLUMB. An amendment to the amendment.

The PRESIDENT *pro tempore*. It is in order.

Mr. PLUMB. I move to amend the amendment of the Senator from Kentucky by adding to the words proposed to be inserted, "under similar conditions and circumstances;" so as to read:

Any distance less than the whole length of the line than is charged for similar service over the whole length of the line, under similar conditions and circumstances.

The statements which have been made in regard to the injuries or wrongs to be remedied by this section, which it is proposed to amend, which is the vital one of what is known as the Reagan bill, are exaggerations—that is to say, the grosser cases have been stated as justifying the application of this principle, which I think is an unwise one, and will do, in any possible application of it, either as originally incorporated or as proposed by the Senator from Kentucky, more harm than good. The Senator from Kentucky himself states as its justification that it is designed to prevent a railroad from charging more from Omaha to Virginia City than the same railroad company charged from Omaha to San Francisco. That is not a fair statement of the effect of the section, nor has there been a fair one made that I have heard.

The case stated is a strong one, or would be if there were a single railroad from Omaha to San Francisco via Virginia City, as there is not, which of course lets the bottom out of all of it. In the next place, it is not the usual case. There are hundreds of instances, thousands of cases where the application of this principle would be destructive, and do a great deal more harm than good unless modified as I propose to modify it. Take, for instance, the case of a haul from Indianapolis to East Saint Louis and one from Indianapolis to Saint Louis. The haul between Indianapolis and East Saint Louis is a mile and a half or two miles shorter than the haul from Indianapolis to Saint Louis. The haul from Indianapolis to East Saint Louis will in most cases be that pertaining to small business, a single car, loaded at Indianapolis after the usual delay, and requiring similar delay before it is unloaded. It may be necessarily taken on a local freight train, which stops at all local stations, and thus this car will be subjected to numerous shifts to make way for its fellows in the train, and all this costs money.

The car going to Saint Louis, on the other hand, might be one which was delivered at Indianapolis to the company, which would in turn transport it westward by a connecting road. It would go to Saint Louis as part of a through train, and arriving there would be hitched to a train which would take it on to Kansas City. There would then have been none of the expense of extra handling or of demurrage on account of loss of time in using the car, as in the first case, and the cost of transportation would necessarily be much less, though the car was actually hauled two miles farther than the first one. Should not some portion, at least, of this expense be borne by the shipment which caused it?

So that in adopting this principle to remedy the particular evil complained of by the Senator from Kentucky, who is seeking to prevent a recurrence of the very great discrimination of which he speaks, we are really striking a class of cases in which there is no discrimination that any one can complain of or that any one ever has complained of—striking recklessly without due regard for the whole effect.

There is another feature of this general proposition to which I wish to call attention and which is embraced in this same section. It is the prohibition of both pooling and competition. Pooling is affirmatively prohibited, and competition is made impossible. And why? Because a schedule of rates has been established, taking the New York Central, we will say, as one continuous line from New York to Saint Louis for the purposes of this bill with rates between New York and Saint Louis and to intermediate points which can not be changed except on five days' notice. Now, it occurs very often that there is not 10 per cent. of the business doing from Saint Louis to employ the existing means of transportation. During this time a shipper reaches Saint Louis with one or a dozen cars of wheat which he desires to transport to New York, and naturally seeks to avail himself of the opportunity to get a low rate. The river boats can cut their rates to take the freight from the railroads, but the roads can not cut rates as against the boats or against each other, notwithstanding they may be willing to do the business at much less than usual rates in order to keep their men employed even if they make no profit. They can not enter into competition, for the moment they break the Saint Louis to New York rate for even a single shipment every single local rate on the line from New York or from Saint Louis to intermediate points must at once be lowered to meet the competing rate fixed on this single shipment from Saint Louis to New York.

So I say, if this bill is to be adopted or if this principle is in any way to be embodied in what we may finally do, it must be modified in some sensible degree in order to preserve the benefits arising from healthy and proper competition, and also to preserve in any degree that flexibility which is a necessity of modern business.

I am aware, Mr. President, that the amendment which I propose will, if adopted, defeat the cherished and illy-disguised object of the section under consideration. This object was frankly stated the other day by the Senator from West Virginia [Mr. CAMDEN] as that of compelling the railroad companies to charge more for the long haul, more for the grain and merchandise transported to and from distant points, in order that persons living more convenient to one or the other or both of the terminal points of the railroad may have a better rate on what is called the short haul. That is to sacrifice the interest and the advantage which portions of the country remote from the seaboard now have. Atchison, Leavenworth, Kansas City, Minneapolis, are to have higher rates imposed on them in order that points farther east may have better rates.

But, Mr. President, the bill does not even give assurance of this result. The long haul may be put at a higher price, but there is no assurance that the shorter haul will have a lower one, for the bill by fair implication authorizes the same charge for a short haul as for a long one.

The people of the West, of Kansas, of Texas, and other remote States, have an advantage which they ought not to have, that ought to be ascertained in some authentic way; we ought to know by the testimony of somebody, that of shippers, a board of commissioners, some experts, somebody who has investigated the question, that these advantages are unconscionable, that they ought not to be continued. But it has not been alleged here or elsewhere in the discussion of this bill that the people living in these remote sections of the country have an advantage which they ought not to have under the existing condition of things; and yet it is this at which the bill is aimed. It is the design in some way of those who have done the most to frame this bill to see that that rate of freight which exists now between extreme portions of this country shall in some way be modified or abrogated or increased in order to accomplish something, nobody really knows what.

The question of the difference between the long haul and the short haul, the question of the right of a community living nearer to one of the terminal points of a railroad to the advantage growing out of its geographical position—all these questions have been the subject of controversy and of consideration by the railroads and by the community, out of which has grown the present system; and if it is wrong, there ought to be somebody to show it and show wherein it is wrong, and to propose a remedy for it, and not strike, as I think this bill does, blindly and in the dark. There has been no allegation anywhere that I have seen that remote communities are getting benefits too greatly to their advantage. But the animus was disclosed by the Senator in the position taken as I have just stated.

I think, therefore, the least that can be done is to provide that in determining this question of the charge to be made as between the short and the long haul, we should say that all the circumstances and the conditions under which the transportation occurs should be taken into consideration in determining the basis for the adjustment of the rate. There are evils of discrimination which call loudly for remedy, but in removing them we should not risk the creation of greater ones.

I note that in another place in this bill the rate of carriage of persons is to be 3 cents a mile and no more. That has no effect so far as Kansas is concerned, or I suppose in reference to most of the States, because the rate is 3 cents per mile or under. But take the State of Colorado, the Territories of New Mexico and Arizona. In the State of Colorado the rate which may be charged according to law is 7 or 8 cents per mile. That is to say, that much is permitted to be charged. A rate of 8 cents a mile is permitted to be charged in New Mexico. And yet if a citizen of Colorado were to go from La Junta, in that State, to Deming, in New Mexico, while he can not travel one single mile in either State or Territory for less than 7 or 8 cents a mile, he could, by purchasing a through ticket, and by reason of the fact that he crossed the State line, travel for 3 cents a mile.

It would pay a citizen of Santa Fé desiring to go to Deming to go back to La Junta, in Colorado, and there buy a through ticket, board

a train, and go back down to Deming in order to get the advantage of this 3 cents a mile. That is not, perhaps, of any very great consequence; but it illustrates how crude, unwise, and unadapted to the existing condition of things this legislation is.

Mr. VAN WYCK. Will the Senator state what the rate is in the State of Kansas?

Mr. PLUMB. Three cents a mile.

Mr. VAN WYCK. How long has it been that?

Mr. PLUMB. About two years.

Mr. VAN WYCK. What reduced it to 3 cents a mile?

Mr. PLUMB. The law.

Mr. VAN WYCK. Precisely; the very same thing that is proposed here is done in the State of Kansas.

Mr. PLUMB. Yes, Mr. President, but the trouble is that we can not make uniformity in this way. Under our power to regulate interstate commerce, we give certain persons accidentally situated the power to avail themselves of advantages which are unconscionable by comparison with those enjoyed by the great body of people whom we can not reach. If we could cut down the rates in Colorado and New Mexico, that would be a different thing. But I only speak of this as an illustration of the lack of consideration which this question has received.

Mr. CULLOM. Will the Senator allow me to interrupt him? I desire to call his attention——

The PRESIDENT *pro tempore*. Does the Senator from Kansas yield?

Mr. PLUMB. Oh, yes.

Mr. CULLOM. I simply want to inquire whether the Senator is not talking to the House bill and not to the Senate bill.

Mr. PLUMB. There are some other provisions of the bill which in case the Senate bill is not substituted for it I shall have occasion to present to the attention of the Senate hereafter.

Mr. BECK. I desire that amendment be read again.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from Kansas to the amendment of the Senator from Kentucky will be again read.

The CHIEF CLERK. The amendment to the amendment is to add "under similar conditions and circumstances."

Mr. BECK. I do not believe that "similar conditions and circumstances" could be found in very many cases that could be imagined. One day differs from another; to-day there is rain, to-morrow sunshine, or snow, or sleet, or somebody is sick. The effect of such a provision would be simply to make lawsuits interminable and cause continual contests, each company seeking to show that the circumstances and conditions were not exacely alike, but varied somewhat——

Mr. INGALLS. The amendment does not say that.

Mr. BECK. The law does not apply unless the circumstances are similar.

Mr. INGALLS. "Similar." There may be differences, and the cases may be similar.

Mr. BECK. My friend from North Carolina [Mr. VANCE] illustrated it to me a moment ago by saying that an individual in Buncombe County, N. C., when he was a boy, rushed into the market-house or public square on court day and swore he could whip any man there, their conditions and circumstances all being equal; he was 45 years of age; lame in one leg, blind in one eye; married twice; had four children by his first wife, three by the second; two had died and three then had the measles; and if anybody was similarly situated he was ready to fight him. [Laughter.] That fellow was pretty safe; and the railroads would be pretty safe if this could be got in. They never would have any "similar conditions or circumstances," just like the gentleman's friend in Buncombe when he was spoiling for a fight.

The Senator from Kansas [Mr. PLUMB] says that it is pretended that the country wants this bill and that the people are clamoring for it, while there is nothing in it that any man who knows anything about it wants. Why, sir, the provisions in this House bill amended as I think they ought to be in some regards correspond with the constitutions of ten States of the Union in regard to their State commerce. It is in accordance with the laws of thirty States of this Union. All that it says is, "You shall not make unjust discrimination between one man and another in doing the same work." The proof was made abundant before the committees of the House and before the New York Legislature that the Standard Oil Company alone had made discriminations amounting to $10,000,000 in eighteen months as against all their competitors. Ought not that to be remedied? The Senator from Kansas says no; if one man can make a better bargain with them than his neighbor, he ought to have it, and it is folly to talk about passing a bill that will prevent that being done! That is the first proposition.

Mr. PLUMB. Does the Senator claim that this provision of section 4 will prevent what he has spoken of?

Mr. BECK. I have given the first proposition; now we will come to the second. I say that from Omaha, on the way to San Francisco, the Union and Central Pacific Railroads have been in the habit of charging seven or eight hundred dollars a car-load to Virginia City, while if that same car, loaded exactly in the same way, as nearly under similar conditions and circumstances as can be imagined, were carried to San Francisco, eight hundred miles farther, they charged only $300. That ought not to be permitted. That is what my amendment proposes to prohibit. Ought that to be allowed?

Mr. PLUMB. Is that what it proposes to do?

Mr. BECK. That is what this one amendment proposes to do, and all it proposes to do.

Mr. PLUMB. Suppose the station at Virginia City was two and a half miles off, within sight of San Francisco, instead of being, say, four hundred miles off.

Mr. BECK. Yes, you may suppose this, and suppose that, and suppose the other, and make out any proposition you please; the actual fact is that there is eight hundred miles difference in distance. The proof made before the committees was, further, that from Memphis to New Orleans they hauled cotton at a dollar a bale, and from Winona, one hundred miles nearer to New Orleans, they charged $3 a bale. Ought that to be allowed? These are facts, not suppositions. When the gentleman is driven to the wall in meeting plain facts and plain outrages committed on the way travel, he resorts to suppositions. Mr. Fink himself, whose testimony was read by the Senator from Alabama on Friday, admitted that the way travel, the local travel, and the local freights of the roads were the main business; the through freight was merely an incident. He conceded that all roads had to depend upon their local travel, their local freight, their way business, to maintain them, and the great bulk of their business is the way business. The Senator, in order to make a case, had to take the Saint Louis bridge, one point in the whole country where an anomalous condition of things exists, to show that the railroads ought to charge more to East Saint Louis than they would to Saint Louis, because they had to take off and detach only one car on the east side of the bridge. The Saint Louis bridge, I believe the Senator knows, not only as to railroad charges but as to postal charges, stands as an independent corporation, and he himself was one of a subcommittee one or two years ago—for I was with him at the time—and we had to make a separate arrangement to get our mail cars passed over that bridge, because it was a separate incorporation, and was not connected with any other. Is not that the fact?

Mr. PLUMB. Yes; but I did not make any point to the effect that the Saint Louis bridge cost more per mile than any mile of road.

Mr. BECK. But it stands as a separate and complete corporation, over which even the mails can not be carried under any contract with any railroad; but a separate contract has always had to be made with it, and one exists to-day for service over that bridge different from and larger than any other. Is not that the fact? That being the fact, the Saint Louis bridge is no illustration of the case. It is the only one he could give to get even the shadow of a semblance for making an inequality.

The Senator went on to say that there could be no competition under the bill, because the roads were obliged to keep up the schedule, and that would prohibit pooling and also prevent competition. I have an amendment to offer, that I gave notice of, that would obviate that; which is, in section 5, after the word "substituted," in line 36, to insert this proviso:

That there may be a reduction of rates prior to the posting of such new schedule, but in such case the new schedule shall be posted as aforesaid within five days after a reduction is made, and such schedule shall also specify the date on which the reduction commenced.

It was to prevent such suggestions as the Senator from Kansas has made that they can not by this iron rule of five days meet the competition that might come against them that the amendment was drawn which I had the honor to suggest and propose to offer as soon as this is passed upon. It is to prevent that very allegation from being made.

Why, sir, there is nothing in the bill of the House, as I understand it, that has not met the approval of the country and of the lawmakers of the country. Ought a great body of men owning 125,000 miles of railroad, representing six or eight thousand million dollars of capital, the largest combination of men of wealth in the world perhaps, to be wholly without any regulation of law in their interstate commerce? Ought they not to be required to work for one man as cheaply as they work for another? Ought they to be allowed to give the Standard Oil Company back $10,000,000 in eighteen months so as to break down all competition? Ought they to charge a man twice or three times what the service is worth over any part of a line in order to enable them to gamble at the extremities and drive off competition? Ought they to be allowed to enter into combinations among themselves whereby they will not haul anything for any one unless the price they see fit to demand is exacted?

These are the simple propositions of the House bill. It needs no commission to say that the things prohibited are wrong. The constitutions of ten States have said they are wrong and have prohibited them. This bill does not say what roads are State roads or are engaged in interstate commerce. The man who is aggrieved will go to court and have that determined, and have it determined in the fair, plain way before the courts of the country, organized to do him justice and to do the railroads justice. The Senate bill, getting away as far as possible from the House bill, proposes to put all this in the hands of a body of experts, a body of men who will be owned by the railroads in less than sixty days in all probability, and they are to tell a man whether he is to go into court or not, and he can not go into court unless they say he may go. Why

not let the man who is injured appeal to the courts of the country, as he can do in all the States, as against the roads that are carrying on State commerce? That is all the House bill proposes to allow him to do. If he is wrong he will pay the costs; if he is right the court will say so. That is the manly, fair way to meet the question, and not allow any intermediate body of men, however respectable, to tell him whether he shall or shall not, or to be investigating in advance and making reports unfavorable to him if they happen to be railroad men, as they all get to be as soon as they have control of these corporations.

I think the most disreputable exhibit I ever heard made in a public body was made the other day by the Senator from Texas [Mr. COKE] in regard to a man whose book I read with great pleasure, Mr. Charles Francis Adams, whose opinions when he was not employed as a railroad man were in accordance with the Reagan bill, in accordance with the legislation we are now demanding, and the very moment he became a railroad magnate, with their money in his pocket and became their servant, we find him denouncing the very measure that he himself had formerly advocated. So it is with all of them.

The testimony of Mr. Fink was read the other day. As able a man as he is, no abler perhaps than Mr. Adams, when you come to take his testimony it develops that the railroads are cheating each other, they are guilty of all sorts of fraud; and he has organized a voluntary court in New York with subordinates around him, and if Congress will just give him the power to punish the rascals he can regulate them, but he is against the right of the citizen to go to the courts of the country to do the very thing that he, Mr. Fink, and his subordinates say they think they ought to have the power to do and are demanding that Congress shall give them the power to do!

I do not want either Mr. Charles Francis Adams or Mr. Fink or any other employé of the railroads to tell a citizen when aggrieved whether he shall have rights or not. The courts of the country are open to him, and I do not want any commission to be determining when he shall go into court and when he shall not go into court. If he is a competitor of the Standard Oil Company and has proof that they have been paid $10,000,000 in rebates he ought to have the right to go into court and he ought to have a right to prove the fact, and the men who broke down the business of the competitors of the Standard Oil Company ought to be fined and imprisoned to deter others from being guilty of like offenses. If a man living at Virginia City is charged three times as much as a man living in San Francisco for hauling over the same road he ought to have a right to go into court and prove that fact and punish the men who are guilty of it, and he ought not to be required to call upon any commission, no matter how made up, to tell him what he should do.

I confess that I am not seeking to deal with all these things. I am not seeking to break down any railroad. I believe that these plain, simple provisions should be passed, declaring to the railroad corporations, "You shall not discriminate; you shall not charge more over a part of the road than you charge for the whole; and you shall not change your rate secretly so as to prevent the men of the country from knowing what they will have to pay for transportation, because the problem of transportation is the problem of profit and loss; you may reduce, for that is in the interest of the shipper, but you shall not increase without five days' notice; if you have competition you may come down if you like; no shipper objects to that; it gives that much more to the man who produces and that much more to the man who ships the freight; but you shall not secretly increase." When those three things are done, I am willing to stop for the time being.

I desire the railroads to understand that we have the same jurisdiction over interstate commerce that the States have over State commerce, and that we can punish them when they are guilty of flagrant wrong. As I said the other day, no man will assert that any State has the power to control great lines of railroad running from New York to San Francisco or *vice versa*. There is not a State in the Union that could give a remedy to the men in Nevada who are compelled to pay three times as much for hauling half the distance to Virginia City that is charged from Omaha to San Francisco. Congress is derelict in its duty if it does not pass a plain, simple law, saying that the man aggrieved shall have the right to complain, and the man who is guilty of that discrimination shall be punished, and let the citizen and the corporation settle that in the courts of the country.

I do not intend to make any more speeches about it, but it strikes me as a plain case.

Mr. PLUMB. Extravagant instances can be found to support almost any theory or any proposed legislation, and I am compelled to believe that the Senator from Kentucky is without any knowledge of any discrimination except the two cases that he has mentioned or he would have named them. They are sufficiently gross to be remedied and should be, but not by injuring other and unoffending communities.

In regard to the case that he has specially laid stress upon, the one of the charge from Omaha to San Francisco as compared to that from Omaha to Virginia City, I ask him to observe that Congress has power over every single mile of those roads—they are not one road, but two roads—but that heretofore Congress has especially exerted itself about the collection of its debt, and has appeared entirely willing that those roads should charge the people along their line anything they were pleased to if only they might thereby be enabled to pay their debt to the Government. We have not done our duty to the people living along that line of communication in dealing with this great question upon the one single basis of the ability of the Government to collect the last penny of the bounty or subsidy that it gave for the construction of those roads.

But, Mr. President, one swallow does not make a summer, nor does one example nor do two examples necessarily make the basis for legislation. I do not limit myself to the example between Indianapolis and Saint Louis as showing the wrong of the proposed rule. The cost of the Saint Louis bridge is no factor in the example I did make. Take the case of Independence, within ten miles of Kansas City, in the State of Missouri. Will the Senator say that a railroad company might not under some circumstances be entitled to charge more for taking a car-load of freight from New York to Independence than it charged for taking a car-load of the same kind of freight to Kansas City, ten miles farther from New York?

The car itself, after being unloaded at Independence, would probably have to be hauled empty to Kansas City. It would probably be sent from Saint Louis in a local train, which traveled only ten or twelve miles an hour, and would be required to stop at all the way stations, for the purpose of depositing freight, unloading cars, setting cars out upon sidings, &c. It might cost two or three times as much money to take that car-load of freight from Saint Louis to Independence as to take it to Kansas City.

I do not say there are not abuses in the system as now carried on. No doubt there are, and the law should correct them. The case which the Senator from Kentucky cited of the haul from Omaha to Virginia City is probably one, and a gross one, but I am not willing myself to enter upon this general legislation for the purpose of correcting a single abuse. I believe the Senator from Kentucky cited also the case of the Standard Oil Company. I think that abuse is not alleged longer to exist, but whether it does or not, if it is an abuse and does still exist it is provided carefully for in the Senate bill. However, I am not discussing now the merits of the two bills. To take one case as a basis for legislation in regard to all the 125,000 miles of railroad transportation in this country, ten or twelve hundred different corporations, it is, it seems to me, an entirely insufficient basis for legislation of the drastic character that is proposed.

The power of Congress not only to fix the rate but to do so irrespective entirely of the cost can not be doubted. We may say also that if the companies do one man's business for nothing you shall not charge another man to make it up; and this would be just. But to make the inflexible rule which says that without reference to conditions, without reference to the character of the haul, with reference to nothing, the cost of railroads or anything else, you shall not charge for hauling four hundred and forty miles more than you do for four hundred and forty-one or four hundred and fifty is a measure that is entirely too sweeping, and one that in my judgment will accomplish nothing useful. There is no necessity for it. It is competent for Congress, and quite easy also, to ascertain the elements of cost in each case and adjust the price of carriage thereto. When we know the facts we can make discriminatinsc or other rates as we see fit. But we shall then be acting with knowledge and not taking a leap in the dark.

I repeat that the bill prohibits competition, and this entirely apart from the question of the posting of the schedules, for whether posted or not, schedules of rates must exist and goods must constantly be delivered under them. Any instantaneous change of rate would practically be impossible, and yet if a reduced rate is made at a competing point, all local rates for points nearer the terminal point must instantaneously be changed. All the freight which is being delivered, all the freight *en route*, must at once accommodate itself to the competing rates thus given, or the railroad company renders itself amenable to the punitive provisions of the bill. I say therefore the bill does prohibit both combinations and competition, and for my part I can not imagine a condition of business in which one or the other of those principles is not in operation.

It is not necessary that a power which exists should be exercised unwisely. The very magnitude of the case should be considered; the fact that we are entering now upon this legislation for the first time; that we must necessarily, in order to produce that perfect harmony which ought to exist and that absolute justice which is the function of the law, act in co-operation with the various States of the Union, in order that the through rates may be properly adjusted to the short haul, and the charges upon interstate commerce, added to those upon local business within the power of regulation by the States, may conjointly produce a fair return upon the capital invested and no more.

Mr. MCMILLAN. Mr. President, it seems to me that this principle would operate very injuriously upon the portions of country situated in the Mississippi Valley particularly, or the center of this continent. There the people must get their commodities to the seaboard east or west. In the city in which I live we are already importing teas through San Francisco to Saint Paul. We are transporting freights from Saint Paul to Portland and to the Pacific coast. The vast body of our freight is our material wealth transported from Saint Paul to the Atlantic seaboard, shipments to New York or to European ports.

If we should be compelled to follow the principle laid down in the bill it would deprive the portion of country situated in the Mississippi

Valley from the benefit of any competition at the terminal points on either coast. For instance, if we were shipping freights to New York where all the great trunk lines terminate and come in competition, we could have no benefit of a through-freight rate on either of those lines, because all the intermediate rates must be regulated by the terminal rates. The great trunk lines pass through different portions of the country. They pass through great cities where they do not come in competition, and they would be compelled to regulate their through freight by these intermediate rates. For example, freight carried from the Mississippi to Philadelphia would regulate the freight to New York, so that the through lines would give no benefit of competition at New York to the shippers from Saint Paul or Minneapolis, the great points for the shipment of the flour and wheat of the Northwestern country.

In addition to that, there is an element which puts us at a positive and irretrievable disadvantage. Very soon a transcontinental line of railroad will be completed from the waters of Lake Superior to the waters of Puget Sound entirely through British territory. The Canadian Pacific road is already constructed from the shore of Lake Superior to the Rocky Mountains, and it will be completed to Puget Sound—or to Georgian Bay, the head of it—within eighteen months, so that there will be a line of transportation wholly through British territory across this continent, and we shall have no control whatever of that line.

How are we to enter into competition with transportation upon the British line if we shall be limited by this provision in the bill? They strike our line of transportation on the great waters of the lakes. From New York goods can come to Lake Superior and take the Canadian Pacific road at its eastern terminus and go to the head of Puget Sound. They can regulate their own freights; they can carry freights both east and west; and we are not in a position to take any benefit of competition arising from that line. Coming in competition at the terminal points at both oceans, yet we can not reduce our rates for through carriage at either of those terminal points without regulating and conforming those through rates to whatever may be charged at the intermediate points. Trunk lines are built and running in connection with the Canadian Pacific road, coming down to the headwaters of the Mississippi at Saint Paul; so that in every direction we shall be brought in competition with that line over which we have no control and are put at a positive disadvantage. As has been suggested by the Senator from Indiana [Mr. HARRISON], the Grand Trunk road through Canada is already in competition with our transportation lines to the Atlantic coast.

This principle affords no benefit to the shipper. There is no regulation of a standard here by which freights shall be charged. The railroads can charge any unreasonable rates for any of the intermediate points. There is no standard laid down by which freights shall be regulated. They may charge an unreasonable rate for any intermediate point, and that is the standard and the limitation by which through freight is to be determined.

As I understand the bill, it would put us at a disadvantage which would destroy transportation from the center of the continent either east or west, while in the Cullom bill a standard is laid down and a supervision is provided for which would prevent unjust charges either on through freight or upon freight to intermediate points, and no transportation company is permitted to charge an unreasonable rate for any distance.

Mr. BECK. Before the Senator from Minnesota sits down I wish to say that he must be aware of the fact that neither the House bill nor any amendment proposed to it professes to limit the right of any railroad company to charge what it may see fit along the whole length of its line. The competition with the Canadian line may be sharp, and if they should have to reduce their rates they would have a perfect right to do that.

Mr. MCMILLAN. The Senator from Kentucky will observe the principle upon which the bill proceeds. Suppose freight is shipped from Saint Paul or Minneapolis to Portland, it there comes in competition with the carriage by the Canadian Pacific. Suppose that the rate at any intermediate point on the Northern Pacific road is greater than the Canadian Pacific sees proper to charge for its freight rate, then the Northern Pacific road must regulate its freight by its charge to intermediate points, and the Canadian Pacific may reduce it for the purpose of taking the freight and preventing the Northern Pacific from carrying any of the freight from Lake Superior or from any portion of the continent. The Canadian Pacific could compete successfully and prevent our road from carrying a pound of freight. The Senator from Kentucky is quite familiar with the location there and the interests which would be affected by such a provision if it were incorporated in the bill.

Mr. BECK. It was because I was afraid the Senator from Minnesota did not quite comprehend the meaning of the House bill and its amendment that I rose to make the suggestion I did. We do not pretend to limit the charge. We say, "If you haul half way you may charge as much as you do for the whole way, but you shall not charge more." Surely that is fair. There is another question I wish to make. No road can be seriously damaged by not taking the freight that it loses money on. Can it?

Mr. MCMILLAN. Yes, sir, it can.

Mr. BECK. It can?

Mr. MCMILLAN. It may, certainly. But the Senator from Kentucky will perceive that if the Northern Pacific Railroad were to carry freight to Wallula Junction at what would be a living rate, enabling the company to live and pay a fair interest upon its investment, the Canadian Pacific road could make its through rate to Puget Sound a much less rate than that for through freight, and the Northern Pacific road would be compelled to charge for its through freight whatever was charged to Wallula Junction, and it would be an utter destruction of all the transportation from the middle of the continent to either seaboard, I care not which.

So far as the State which I have the honor in part to represent is concerned the transportation of the Minnesota Valley is vitally interested. The interest there involved is the transportation of wheat and flour to the New York and Liverpool markets. The vast amount of freight shipped for these ports I can not at present state, but it is very large. Loads of flour go out daily from the mills at Minneapolis and the city in which I have the honor to live. It would be utter destruction to all those interests if a principle were adopted which would prevent us from having the benefit of the competition at the terminal point on the coast.

Mr. SHERMAN. I think I shall move that the Senate proceed to the consideration of executive business. I do not wish to interfere at all with the bill, but if we are to sit it out to-morrow we need not continue the session longer to-day. I hope we shall finish the bill to-morrow, and I shall stand by the Senator from Illinois to-morrow and stay as long as he asks us to do.

Mr. CULLOM. If the Senator will allow me, I will repeat what I said at the beginning of the discussion of the bill this afternoon, that if the bill should not be finished to-day I shall ask the friends of the bill to-morrow to remain here until the interstate commerce bill, or some bill on the subject, is passed by the Senate. I hope Senators will take notice, so that they may be prepared to come here and stay as long as may be necessary to-morrow.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 2, 1885.

The House met at 12 o'clock m. (Mr. BLACKBURN in the chair as Speaker *pro tempore*). Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MCCORMICK, for to-day, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. BAYNE. Mr. Speaker, I ask unanimous consent to withdraw from the files of the House papers in the case of F. A. M. Kreps, of Pittsburgh. These are papers relating to his enlistment and discharge and other papers connected with his military service.

Mr. RANDALL. To be withdrawn under the rule of the House.

The SPEAKER *pro tempore*. Certainly.

Mr. BAYNE. There is no adverse report in this case.

Mr. RANDALL. But it had better be done under the rules of the House, which prescribe the method.

Mr. BAYNE. Very well; there is no objection to that.

The SPEAKER *pro tempore*. Without objection, the request of the gentleman from Pennsylvania will be granted.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDING, ALASKA.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect relative to the fitting up of a Government building in Alaska for the use of the civil government; which was referred to the Committee on Appropriations, and ordered to be printed.

WITHDRAWAL OF PAPERS.

Mr. STEELE. Mr. Speaker, I ask unanimous consent, before the regular order is proceeded with to-day, to withdraw papers in the case of Jethro M. Boyd, now before the Committee on War Claims.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Indiana that it is usual to file these requests in writing in order to prevent errors or mistakes. Without objection, the request of the gentleman from Indiana will be granted.

Mr. RANDALL. Under the rule.

The SPEAKER *pro tempore*. Of course, under the rule.

Mr. RANDALL. I make this statement for this reason that sometimes these papers are asked to be withdrawn when it is well understood that the claim will be reported upon adversely.

Mr. STEELE. In this case there is no such report; but a general bill has been passed covering the case, and it is only desired to withdraw these papers now in order that they may be properly referred to the Department under the general law.

Mr. RANDALL. But in all cases papers should only be withdrawn under the general rule.

The SPEAKER *pro tempore*. Without objection, the request of the gentleman from Indiana will be granted, the Chair requesting that he file his request in writing.

There was no objection, and it was ordered accordingly.

R. G. P. WHITE AND OTHERS.

Mr. BALLENTINE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate bill 646, for the relief of R. G. P. White, Peter Hanger, and L. T. Green, and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read subject to objection.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. R. G. P. White, of Pulaski, Tenn., the sum of $1,250; to Peter Hanger, of Little Rock, Ark., the sum of $20; and to L. T. Green, of Chattanooga, Tenn., the sum of $51; the said sums being for the rent of property belonging to them, respectively, and occupied by the United States under contract, and for which vouchers were given by the United States to them.

Mr. WELLER. I hope the gentleman will give a statement in regard to the thousand and some hundred dollars payment contemplated by this bill.

Mr. HOLMAN. Has this been reported by any committee of the House?

Mr. BALLENTINE. Yes, sir. It is reported unanimously from the Committee on War Claims, or rather I will say to the gentleman from Indiana that there is a bill precisely similar to this Senate bill on which a favorable report has been made.

Mr. HOLMAN. Will my friend from Tennessee send up the report accompanying the House bill and have it read?

Mr. BALLENTINE. Certainly; I will forward the report to the desk.

Mr. WELLER. I desire it to be understood that the right to object is not waived.

The SPEAKER *pro tempore*. The right of objection will be considered as reserved.

The report (by Mr. ROGERS, of Arkansas) was read, as follows:

That the facts in the case appear to be correctly set forth in a report of the Senate Committee on Claims, first session of Forty-eighth Congress. As the examination by your committee has led them substantially to the same results with those arrived at by the Senate committee, they do not think it necessary to recapitulate the facts, but refer to that report and herewith annex a copy for information.

Your committee recommend that the bill referred to them do pass.

The Committee on Claims, to whom was referred the bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green, having carefully considered the same, report as follows:

"R. G. P. WHITE.

"R. G. P. White was the owner of two two-story brick stores in Pulaski, Tenn., during the years 1862, 1863, and 1864. One of these buildings was occupied as a military post-office from the 15th of November, 1863, to the 16th day of November, 1864. The other store was occupied by Federal military authorities from the 15th day of November, 1863, to the 23d day of September, 1864. On the 30th day of August, 1865, Col. Elisha Mix, commanding, issued an order convening a board of officers at Pulaski 'for the purpose of assessing the rent of certain houses and public buildings in the possession of the military authorities of this place.' The board so appointed met, found the preceding statement as to occupancy, and stated the rent of both buildings for the time mentioned $1,250. Thereupon a voucher for that amount was issued to the claimant by M. O. Hall, lieutenant and quartermaster. The voucher was duly presented to the accounting officers, but was disallowed, being barred by the act of February 21, 1867.

"PETER HANGER.

"The claimant was the owner of a blacksmith-shop at Little Rock, Ark., which was occupied by United States troops from January 1, 1865, to February 28, 1865. A voucher was regularly issued to him for the sum of $20 for the rent of the said shop. Payment of this voucher was refused by the accounting officers on the ground that it was barred by the act of February 21, 1867.

"L. T. GREEN.

"The claim of L. T. Green is for the rent of a house of three rooms from August 1, 1865, to October 31, 1865, both days inclusive, at the rate of $15 per month, amounting to $45, and for the rent of one house of one room for three months at the rate of $2 per month, amounting to $6. Both houses were situated in Chattanooga, Tenn., and were occupied by the Federal forces. A voucher was issued by the proper officer. Payment was refused upon the same ground upon which the preceding cases were rejected.

"The committee, following the rule which it has always consistently followed, recommend the allowance of the claim and the passage of the bill, there having been a contract made in each case by competent authority."

Mr. HOLMAN. Mr. Speaker, I do not wish to raise any objection, but in order to enable the Committee on War Claims to examine further, I ask that by unanimous consent this matter be passed over until to-morrow morning after the reading of the Journal, and then be considered by the House.

Mr. BALLENTINE. I have no objection to that.

ORDER OF BUSINESS.

Mr. STOCKSLAGER. I demand the regular order.

The SPEAKER *pro tempore*. The regular order is the call of States and Territories for the introduction of bills and joint resolutions for printing and reference to appropriate committees. Under this call resolutions of State and Territorial Legislatures are in order for reference, and also resolutions of inquiry addressed to the heads of Executive Departments.

ISAAC STINNETT, SR.

Mr. PRYOR (by request) introduced a bill (H. R. 8147) for the relief of Isaac Stinnett, sr., of the county of Limestone, in the State of Alabama; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHINESE IMMIGRATION.

Mr. BUDD submitted the following resolution of inquiry; which was read, and referred to the Committee on Foreign Affairs:

Whereas it is alleged that the Secretary of the Treasury, under date of January 14, 1884, issued, as a circular to the collectors of customs, the following regulations and instructions among others:

"5. Chinese subjects, not laborers, desiring to come to the United States from countries other than China, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, if there be one at the port of departure, countersigned by a United States consular officer, or, if there be no such Chinese officer stationed at such port, on a like certificate to be issued by a United States consular officer.

"6. Section 6 of the act of 1884 does not apply to Chinese persons other than laborers lawfully in the United States. Such persons are by treaty entitled 'to come and go of their own free will and accord,' and when they leave the United States are entitled to re-enter on any evidence satisfactory to the collector that they are not Chinese laborers.

"For the convenience of such persons and of the customs officers and others, such persons who may desire to depart from, and return to, the United States, may enter the United States on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by the collector of customs of the port of departure, which certificate may be *prima facie* evidence of a right to enter the United States.

* * * * * * *

"8. Chinese persons who may be compelled to touch at the ports of the United States in transit to foreign countries may be permitted to land under the regulations of January 23, 1883 (section 5044), so far as may be applicable, such persons to take passage by the next vessel leaving for their destination or the voyage of which may form part of the route necessary to carry them to their destination."

And whereas, if issued, such instructions and regulations are in violation of the act of July 5, 1884, relating to Chinese immigration, and are therefore a practical nullification of an act of Congress by one of the Executive Departments of this Government; and

Whereas Congress by the act of July 5, 1884, intended to, and did, by express terms prohibit all Chinese, whether laborers or merchants, former residents or new arrivals, from entering the United States of America without the certificate required by such act and issued by the officers and in the manner therein provided: Therefore,

Be it resolved, That the Secretary of the Treasury is hereby directed to report to this House, at the earliest possible date, what, if any, regulations and instructions relating to the rights of Chinese to enter the United States of America have been issued by the Treasury Department since July 5, 1884; under what law for the regulation or prohibition of the coming of Chinese to this country such regulations have been issued; and if any instruction has been issued that a United States consular officer might issue the certificate required by the act of July 5, 1884, to be issued by a foreign government, or if any other instructions or regulations such as above set forth have been issued, to specify under what section and clause of any law relating to the rights of the Chinese to enter the United States the same are authorized.

ACCOMMODATIONS OF CAPITOL.

Mr. ROSECRANS introduced a bill (H. R. 8148) to create a commission to devise plans for increasing the accommodations of the Capitol, &c.; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

REAPPROPRIATION OF UNEXPENDED BALANCE.

Mr. HENLEY introduced a bill (H. R. 8149) to reappropriate the unexpended balance of an appropriation made by former acts of Congress; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

SURVEYOR-GENERAL'S RECORDS.

Mr. BISBEE introduced a bill (H. R. 8150) to authorize certified copies of the records of the office of surveyor-general of any State or Territory to be admitted in evidence; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES JOHNSON.

Mr. STEELE introduced a bill (H. R. 8151) for the relief of James Johnson, late of Company I, One hundred and first Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

WILLIAM D. FARNSWORTH.

Mr. SHIVELY introduced a bill (H. R. 8152) for the relief of William D. Farnsworth; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PRISONERS IN CONFEDERATE PRISONS.

Mr. SHIVELY also presented concurrent resolutions of the General Assembly of the State of Indiana, requesting its representatives in Congress to favor the passage of House bill No. 420, providing for the granting of pensions to prisoners of war who were confined in confederate prisons during the late war; which was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

PURITY OF ELECTIONS.

Mr. HOLMAN (by request) introduced a bill (H. R. 8153) to maintain the purity of the ballot-box, prevent bribery and corruption in elections, and punish perjury for violations of its provisions; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FREDERICK LOUSTER.

Mr. STOCKSLAGER (by request) introduced a bill (H. R. 8154) granting a pension to Frederick Louster; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ADDIE L. MOORE.

Mr. HOLMES introduced a bill (H. R. 8155) granting a pension to Addie L. Moore; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JAMES CLARK.

Mr. TALBOTT introduced a bill (H. R. 8156) for the relief of James Clark, late a private in Company C, First Maryland Volunteer Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK LOWNDES.

Mr. HOUSEMAN introduced a bill (H. R. 8157) granting an increase of pension to Frederick Lowndes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. WASHINGTON.

Mr. ELDREDGE introduced a joint resolution (H. Res. 324) referring the title of Mary A. Washington to property referred to in the case in 94 United States Reports, page 716, to the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

KATE M. MACOMBER.

Mr. MORGAN introduced a bill (H. R. 8158) granting an increase of pension to Kate M. Macomber; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

DEPUTY MARSHALS AND SUPERVISORS OF ELECTIONS.

Mr. DOCKERY submitted the following resolution; which was read, and referred to the Committee on Expenditures in the Department of Justice:

Resolved, That the Secretary of the Treasury be directed to inform the House of Representatives what has been the total amount of expenses incurred under the law providing for the appointment of deputy marshals, chief supervisors, and supervisors of elections, and in what States the money has been expended; showing the separate amounts expended in each State, and also the accounts for such services which remain unadjusted.

SIMMONS W. HARDEN.

Mr. WEAVER introduced a bill (H. R. 8159) granting a pension to Simmons W. Harden; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

FREDERICK A. LEONING.

Mr. WEAVER also introduced a bill (H. R. 8160) granting a pension to Frederick A. Leoning; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ANIMAL INDUSTRY LAW.

Mr. WEAVER also presented resolutions of the house of representatives of Nebraska, asking Congress to amend the animal-industry law, as recommended by national cattle-growing associations; which were referred to the Committee on Agriculture.

Mr. CASSIDY introduced a bill (H. R. 8161) granting all United States lands, excepting mineral lands, in Nevada to the State of Nevada for irrigating purposes; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

SECTION 4244 OF REVISED STATUTES.

Mr. FERRELL introduced a bill (H. R. 8162) to amend section 4244 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

SPECIAL AGENTS IN TREASURY DEPARTMENT.

Mr. McADOO submitted the following resolution of inquiry; which was read:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of the names of the persons who were borne on the rolls of the Department as special agents on the 1st day of November, 1884; also, a list of those on said rolls as such special agents on the 2d day of February, 1885; said lists to include the names of those borne on what is known as the fraud-rolls of said Department. Also to specify the names of those removed or discharged between said dates, and the cause or causes of said removal or discharge; also the names of those discharged and reinstated between said dates, and the reasons for their reinstatement.

The SPEAKER *pro tempore*. The resolution will be referred to the Committee on Expenditures in the Treasury Department.

Mr. McADOO. I would like to have it referred to the Committee on Appropriations.

The SPEAKER *pro tempore*. In the absence of objection, the resolution will be referred to the Committee on Appropriations.

There was no objection.

DYNAMITE IN LONDON.

Mr. BELMONT offered the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the Secretary of State be requested to forthwith inform the House, provided such communication be not deemed incompatible with the public interest, whether or not any representations have been either formally or informally made to this Government by the British Government growing out of the use of dynamite in London. If such representations have been made in writing, then to transmit to the House complete copies of all communications that have passed between the two governments on the subject; but if the representations or communications have been verbal, then a statement of their tenor and purport.

THE CONGO CONFERENCE.

Mr. BELMONT also offered the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be requested, if not incompatible with the public interest, to cause the originals or copies of all communications which have been received respecting the Congo conference, and especially copies of the text of the commissions or powers sent by the Government to each of the three American plenipotentiaries or agents, to be immediately transmitted to the House.

ANNIE BAGLEY.

Mr. JAMES introduced a bill (H. R. 8163) for the relief of Annie Bagley, widow of Robert Francis Bagley; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LANDS IN SAGINAW BAY.

Mr. GREENLEAF introduced a bill (H. R. 8164) to confirm the title to certain lands in the Saginaw Bay, in the State of Michigan; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

ADDITIONAL LIEUTENANTS.

Mr. SLOCUM introduced a bill (H. R. 8165) authorizing the attachment to the Army as additional lieutenants of graduates of the Military Academy in cases where no vacancy exists; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CENSUS BUREAU.

Mr. COX, of New York, introduced a joint resolution (H. Res. 325) abolishing the Census Bureau; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DEDICATION OF WASHINGTON MONUMENT.

Mr. COX, of North Carolina, introduced a joint resolution (H. Res. 326) to provide suitable accommodations for the public at the dedication ceremonies of Washington Monument; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ADJUSTMENT OF ACCOUNTS.

Mr. KEIFER presented a joint resolution of the General Assembly of the State of Ohio, requesting the passage of House bill No. 110 to authorize the adjustment of accounts between the United States, the several States and Territories, and the District of Columbia; which was referred to the Committee on Claims.

PURCHASE OF PORTRAITS.

Mr. JORDAN introduced a bill (H. R. 8166) to authorize the purchase of certain portraits to replace those presented by the French Government and destroyed in the burning of the Capitol in 1814; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

TRADE-DOLLARS.

Mr. ERMENTROUT presented a joint resolution of the Legislature of Pennsylvania, requesting the repeal of the act of July 22, 1876, abrogating the legal-tender quality of the trade-dollar; which was referred to the Committee on Banking and Currency.

FOREIGN CONTRACT LABOR.

Mr. ERMENTROUT also presented a joint resolution of the Legislature of Pennsylvania, asking for the passage of the foreign-contract-labor bill; which was referred to the Committee on Labor.

Mr. A. HERR SMITH presented a resolution of the Legislature of Pennsylvania, in favor of the passage of the bill known as the foreign-contract-labor bill; which was referred to the Committee on Labor.

THE TRADE-DOLLAR.

Mr. A. HERR SMITH also presented a resolution of the Legislature of Pennsylvania, urging the repeal of the act of Congress of July 22, 1876, repealing the legal-tender quality of the trade-dollar; which was referred to the Committee on Coinage, Weights, and Measures.

EXEMPTION FROM TAXATION.

Mr. ATKINSON introduced a bill (H. R. 8167) to exempt the property of the Young Men's Christian Association of Washington, D. C.,

from taxation; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

J. D. BOND.

Mr. McMILLIN introduced a bill (H. R. 8168) for the relief of J. D. Bond and brother, of Wilson County, Tennessee; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

MECHANICS' LIEN IN THE DISTRICT OF COLUMBIA.

Mr. BARBOUR (by request) introduced a bill (H. R. 8169) to amend the law concerning mechanics' liens in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

THE SIGNAL SERVICE.

Mr. CABELL introduced a bill (H. R. 8170) for extending the benefits of the Signal Service to the farmers of the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

THEOPHILUS J. COCKE.

Mr. CABELL also introduced a bill (H. R. 8171) for the relief of Theophilus J. Cocke, late a private in Company C, Fourth United States Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

SAMUEL B. COE.

Mr. RAYMOND introduced a bill (H. R. 8172) granting a pension to Samuel B. Coe; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PROBATE COURTS IN DAKOTA.

Mr. RAYMOND also introduced a bill (H. R. 8173) to increase the jurisdiction of probate courts of Dakota Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The States and Territories have all been called, but with the consent of the House the Chair will recognize for the introduction of bills and resolutions gentlemen who were not in their seats when their States were called.

LAND GRANT OF NORTHERN PACIFIC RAILROAD.

Mr. GEORGE presented a joint memorial of the Legislative Assembly of the State of Oregon, for the forfeiture of the unearned portions of the land grant of the Northern Pacific Railroad in Oregon and west of Wallula, in Washington Territory; which was referred to the Committee on Public Lands.

UMATILLA RESERVATION.

Mr. GEORGE also presented a joint memorial of the Legislative Assembly of the State of Oregon, for the opening of the Umatilla reservation; which was referred to the Committee on Indian Affairs.

LAKE SUPERIOR SHIP-CANAL, ETC.

Mr. LACEY presented a resolution of the Legislature of the State of Michigan, requesting legislation by Congress for acquiring the rights of the Portage Lake and River Improvement Company and Portage Lake and Lake Superior Ship-Canal and Railroad Company, &c., for the purpose of promoting the commerce of the lakes and securing a harbor of refuge on Lake Superior; which was referred to the Committee on Commerce.

IMPORTATION OF CONTRACT LABOR.

Mr. LACEY also presented a joint resolution of the Legislature of the State of Michigan, in favor of the passage of House bill 2550 to prohibit the importation of contract labor; which was referred to the Committee on Labor.

The SPEAKER *pro tempore*. The call of States and Territories has now been completed.

ORDER OF BUSINESS.

Mr. SPRINGER. I desire to move to suspend the rules to pass the bill which I send to the desk.

Mr. BAYNE. I desire to call the attention of the Chair to the fact that on the first Monday of last month a motion was made to suspend the rules and pass the bill H. R. 1339. The bill was then read, and is now before the House.

The SPEAKER *pro tempore*. As the Chair understands, the Journal and RECORD fail to show that the previous question was applied to the bill referred to; and the gentleman from Pennsylvania [Mr. BAYNE] has now, in the judgment of the Chair, no superior advantage.

Mr. BAYNE. Mr. Speaker, I was recognized by the Chair and the bill was read. It now comes up, as I understand, as unfinished business.

The SPEAKER *pro tempore*. The Chair does not so regard it. The gentleman from Illinois has been recognized.

Mr. SPRINGER. I have sent to the Clerk's desk a Senate bill (S. 674), now on the Speaker's table; and my motion is to suspend the rules in order to take that bill from the Speaker's table and pass it.

Mr. RANDALL. I do not understand that the suspension of the rules to-day prevents me from calling up as a privileged matter the report from the Committee on Rules providing for an amendment of the rules of the House.

The SPEAKER *pro tempore*. The Chair thinks it would be competent for the gentleman to call up the report to which he refers.

Mr. RANDALL. Then I ask that the report be read.

The SPEAKER *pro tempore*. The Chair will state, however, to the gentleman from Pennsylvania, that in the judgment of the Chair that report would be subject to the question of consideration, to be determined by the House.

Mr. RANDALL. Of course; I understand that.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania move to take up that report from the Committee on Rules?

Mr. RANDALL. I ask to take up the resolution providing for a change of the rules, as reported by the Committee on Rules.

Mr. SPRINGER. I am willing to give way for that.

Mr. RANDALL. I do not think it will take a great while.

Mr. SPRINGER. I am willing to withhold my right and give way for the consideration of that report, as it is very important, provided it does not prejudice my right to the floor afterward.

The SPEAKER *pro tempore*. The gentleman from Illinois withdraws his motion; and the gentleman from Pennsylvania now calls up the report from the Committee on Rules.

Mr. THOMPSON. I would like to make a parliamentary inquiry. When the gentleman from Illinois has the floor under the rules upon a motion to suspend the rules and pass a bill, what right has he to give up the floor to any one else?

The SPEAKER *pro tempore*. The Chair will state that upon the request of the gentleman from Pennsylvania the gentleman from Illinois withdrew his motion; and the gentleman from Pennsylvania rose to call up a privileged report.

Mr. THOMPSON. Has the gentleman from Illinois the right to give way and afterward claim the floor again?

The SPEAKER *pro tempore*. The Chair did not understand that the gentleman reserved any rights at all. The gentleman from Illinois withdrew his motion, and the gentleman from Pennsylvania called up the privileged report.

Mr. SPRINGER. I distinctly stated that I yielded the floor for the purpose only of accommodating the House on this very important question.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Illinois. The gentleman from Pennsylvania calls up a privileged report of the Committee on Rules, which the Clerk will read.

Mr. THOMPSON. Now, Mr. Speaker, I do not understand that the gentleman from Pennsylvania is seeking to oppose other gentlemen who have meritorious measures they desire to bring up to-day.

A MEMBER. Let the report of the Committee on Rules be read.

The SPEAKER *pro tempore*. The Chair has so directed.

Mr. THOMPSON. I desire to make a parliamentary inquiry, if the Chair will indulge me a moment.

The SPEAKER *pro tempore*. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON. I desire to know whether it is in the power of other gentlemen of the House in this list to-day to suspend the rules and antagonize the motion made by the gentleman from Pennsylvania?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kentucky that he has no information as to any list at all.

Mr. THOMPSON. Is it in order now for me to make a motion to suspend the rules?

The SPEAKER *pro tempore*. It is not.

Mr. THOMPSON. It is not in order for me under the rules of the House to make a motion to suspend the rules?

The SPEAKER *pro tempore*. It is not. The gentleman rose to state a parliamentary inquiry and not to make a motion. The gentleman from Pennsylvania [Mr. RANDALL] was in possession of the floor and has asked to call up a privileged report from the Committee on Rules.

Mr. THOMPSON. It is not privileged against a motion to suspend the rules.

The SPEAKER *pro tempore*. Under the rules and chain of decisions a report made from the Committee on Rules regulating the order of business in the House is a privileged report, and the gentleman from Pennsylvania [Mr. RANDALL] has called up that report.

Mr. BAYNE. But, Mr. Speaker, I desire to rise to a point of order.

The SPEAKER *pro tempore*. The Chair desires to have order in the House so that it may be able to hear the point of order raised by the gentleman from Pennsylvania.

Mr. BAYNE. I desire to raise the point that the Chair can not entertain at this time any other motion than that relating to the unfinished business.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. BAYNE. I make the point of order against any other proposition than that involved in House bill 1339, to increase the appropriation for the erection of a public building at Pittsburgh, Pa., and I wish to state the facts to the Chair. On the first Monday of last month——

Mr. RANDALL. I object to time being taken up in this way.

The SPEAKER *pro tempore*. The gentleman is entitled to be heard on his point of order.

Mr. BAYNE. On the first Monday of last month I rose in my place and was recognized by the Chair to make a motion to suspend the rules and pass the bill 1339 to increase the appropriation for the erection of a public building at Pittsburgh, Pa. The bill was read, and was therefore before the House. To have made a motion for the previous question would have been out of order, because the motion contemplated by a suspension of the rules did not require any ordering of the previous question. The call of the previous question was subordinated, as were all the other rules of the House, to the motion I then made to suspend the rules and pass the bill. Under the rules of this House on the first Monday of each month a motion is in order for suspension of the rules of this House. On the first Monday of each month a motion is in order for suspension of the rules by any member recognized by the Chair. It is within the discretion of the Chair to recognize any gentleman on the floor he may see fit; and I contend that the recognition having once been made and the subject-matter of that recognition having been before the House, no other business can interpose before the disposition of that motion on the next day in which such business is in order, and I ask for the ruling of the Chair on that point.

Mr. HOPKINS. Allow me also to call the attention of the Chair to the ruling made on the same point by the Speaker of the House in the case of the Keokuk bill at the last session of Congress. The bill had been read under a motion for a suspension of the rules when the motion to adjourn prevailed. On the following day for motions which involved suspension of the rules the Chair ruled that the Keokuk bill came up as the unfinished business.

The SPEAKER *pro tempore*. Reference to the RECORD shows the statement of the gentleman from Pennsylvania on the ruling of the Chair is altogether accurate. The House did adjourn pending the motion the gentleman made, and it was the gentleman's right this morning to call it up. The previous question had not been called, but the motion was pending when the House adjourned, and it was the right of the gentleman from Pennsylvania to call it up as the first business in order when the hour arrived for motions to suspend the rules.

Mr. COX, of New York. There was no previous question.

The SPEAKER. It has not been called.

Mr. COX, of New York. It could not be called on a motion to suspend the rules.

The SPEAKER *pro tempore*. Of course not. It was the gentleman's right to call it up, but the gentleman did not.

Mr. BAYNE. I beg to say——

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. SPRINGER] took the floor.

Mr. BAYNE. I beg to say to the Chair that the moment, the very moment, the Chair announced the call of States and Territories for the introduction of bills had ceased I rose in my place and addressed the Chair.

The SPEAKER *pro tempore*. The Chair accepts the statement of the gentleman from Pennsylvania as conclusive, and states to the House that under the rule the gentleman was entitled as the first in order to complete the unfinished business of the day to which he has referred. It was the gentleman's right, and it was the fault or oversight of the Chair it failed to find the gentleman asserting his rights. The gentleman's point of order is well taken, and the bill to which he refers is first in order, and in the judgment of the Chair is fairly now to be considered.

Mr. BAYNE. I ask for its consideration.

Mr. RANDALL. I ask whether my recognition will come in immediately after the consideration of that subject which seems to have in the judgment of the Chair—and properly, no doubt—precedence?

The SPEAKER *pro tempore*. The Chair will answer and say yes. The Chair now recognizes the gentleman to call up the unfinished business.

PUBLIC BUILDING, PITTSBURGH, PA.

Mr. BAYNE. Mr. Speaker, I call up the unfinished business of to-day.

The SPEAKER *pro tempore*. The unfinished business coming over to-day is the motion of the gentleman from Pennsylvania [Mr. BAYNE] to suspend the rules and pass the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.

Mr. BAYNE. I ask that the bill be again read.

The bill was read, as follows:

Be it enacted, &c., That the amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Pittsburgh, Pa., be, and the same is hereby, increased to $1,500,000, and that sum is hereby fixed as the limit of cost for the erection of said building.

SEC. 2. That the officers of the United States Government having charge of the erection of public buildings are authorized and required to be governed by the limitation hereby prescribed in making contracts for the erection of said building.

Mr. THOMPSON. I ask for a second to the motion of the gentleman to suspend the rules.

Mr. BAYNE. I ask by unanimous consent that the second be considered as ordered.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. Under the rule thirty minutes is allowed for debate, fifteen minutes on one side and fifteen minutes on the other. The Chair will first recognize the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. Mr. Speaker, I will occupy but five minutes of the time allowed to me under the rule in explanation of this matter as well as I can, and then yield the remainder of the fifteen minutes to my colleague from Pennsylvania [Mr. HOPKINS], through whose energy and attention this measure has been reported from the committee, and whose report fully sets forth the facts which justify the passage of the bill.

A site was purchased at Pittsburgh in 1871 or 1872, at a cost of about $350,000, by the Government for the erection of a public building in that city. The Government appropriated $300,000 for that purpose, and the citizens of Pittsburgh made up about $50,000, the remainder of the amount then deemed to be requisite. In the last Congress a bill was passed authorizing the construction of a building at a cost of $750,000; but upon an examination of the plans proposed it was found that that building would be wholly inadequate to answer the purposes of the immense business connected with the Government offices in that district. There are, Mr. Speaker, in that district thirty-two counties; there are two courts held almost regularly within the district—the United States circuit and district courts. The population of Allegheny County is about 400,000, and the population of the cities of Pittsburgh and Allegheny, with the surrounding boroughs, will reach in the neighborhood of 300,000. The amount of internal revenue collected at Pittsburgh since the internal-revenue act went into force amounts to more than $100,000,000. The amount collected in the cities of Allegheny and Pittsburgh in 1883 was $2,738,790, while the amount derived from the post-office reached $344,000.

The number of Government officials in that county is about from two hundred and fifty to two hundred and seventy-five. There are first the United States courts, district and circuit courts, which, as I have said, are held almost continuously; there is in that district the twenty-second internal-revenue office and also the twenty-third internal-revenue office, as well as the pension office, and the post-office, being one of the largest in the country. I believe it is the fourth or fifth, in amount of revenue derived from it, of the post-offices of the whole country.

The work has been in part completed, but when it was found that the building to be put up with a limitation of $750,000 would be wholly and entirely inadequate to the wants of the community, the Chamber of Commerce of Pittsburgh passed a resolution asking for the suspension of the work on the existing plans until a larger limit should be obtained and a more suitable building erected by authority of Congress in order to give larger facilities to the business wants of that community. A delegation came here which presented the facts to the Secretary of the Treasury, who caused a stoppage of the work until Congress might consider and take appropriate action upon this question.

That is the state of affairs at Pittsburgh; and I yield now the remainder of the time to my colleague [Mr. HOPKINS].

Mr. REAGAN. Before the gentleman from Pennsylvania sits down will he allow a question?

Mr. BAYNE. Certainly.

Mr. REAGAN. I desire to ask if the gentleman thinks it right to appropriate a million and a quarter of dollars for the construction of a court-house at Pittsburgh and refuse three-quarters of a million to provide adequate commerce for a country half as large as the original thirteen States?

Mr. BAYNE. In reply to the gentleman from Texas I will state that if you give me equal assurances that an appropriation of $750,000 for Galveston Harbor will result as surely to the advantage of the United States and its people as that this increase of appropriation will be of advantage to the Government as well as to the city of Pittsburgh and the surrounding country, and that it will result in a tangible, substantial good for the interest of the public, I will vote for your appropriation in one minute. I harbor no feeling whatever toward Galveston or its people except that there shall be success in whatever works are undertaken for the improvement of that harbor and that will be for the interest of the people. I have never introduced throughout my eight years of service in this House the sectional issue once upon this floor. I have never raised my voice in that direction, and no man can point to a word or syllable in the RECORD that will indicate that I have ever done so. I want Galveston and the city of Pittsburgh and all other points in this great country to be benefited by any measure that comes before Congress, but I want all such measures to stand upon their own footing, and go through if right, and be voted down if wrong.

Mr. THOMPSON. I would like to ask the gentleman from Pennsylvania, if I can get his attention, whether or not the appropriation that is now asked is going to complete this building, or if there is any assurance from any quarter that it will complete it?

Mr. BAYNE. Yes, sir.

Mr. THOMPSON. Have the plans been altered to conform to the increased size of the building?

Mr. BAYNE. Yes, sir.

I will say that my colleague [Mr. HOPKINS] can inform the gentleman from Kentucky more briefly on this point than I can, since he is thoroughly familiar with the subject.

Mr. THOMPSON. I was simply asking for information, and if the gentleman's colleague can give it, it will be satisfactory to me to have him answer the question now.

Mr. HOPKINS. I had intended to reserve the time to reply to any gentleman who might find fault with or feel disposed, if there are any such, to oppose the bill; but I shall be glad to answer any question I can.

In reply to the gentleman from Kentucky, I have here a letter from the Supervising Architect of the Treasury, which I ask to have read from the Clerk's desk, and which will answer the question of the gentleman completely.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
January 30, 1884.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant, asking that at my earliest convenience I give you an estimate of the probable cost of the construction at Pittsburgh, Pa., of a building suitable to the needs of the community and adapted to the necessities of the public business.

In view of the information furnished me to-day as to the needs of the various public offices to be accommodated, I am satisfied the amount specified in bill H. R. 1339, increasing the limit of the cost of the building, namely, $1,500,000, will be required for the construction of a suitable building for the accommodation of all the public offices, and judging from the proposals received for the stone work for a portion of the building, the work can be entirely completed within that sum.

Very respectfully,

M. E. BELL, *Supervising Architect.*

Hon. JAMES H. HOPKINS,
House of Representatives, Washington, D. C.

Mr. HOPKINS. Now, Mr. Speaker, that answers the question as to whether this appropriation is needed, and whether it is sufficient to complete the building. The Supervising Architect answers the building can not be completed for less than that, and that it can be completed for that amount.

Mr. CURTIN. I ask my colleague how long will it take to complete it?

Mr. HOPKINS. The length of time will depend very much on the energy applied and the amount of money appropriated each year. There is now an unexpended balance of the former appropriation. This is simply to enlarge the limit so that the building can be erected according to the plans. We are not asking for a dollar of appropriation during the present Congress. There is an unexpended balance of a former appropriation, which I think is ample to run the work during the current year.

Mr. REAGAN. I desire to ask a question for information. I understand the gentleman's colleague to say that a million and a quarter was desired. I see the estimate is a million and a half.

Mr. HOPKINS. A million and a half is the limit fixed by the bill. I want to call the attention of the House to two or three points illustrating the amount of business done in Pittsburgh for the Federal Government. There are received from duties upon imports at Pittsburgh alone about half a million dollars a year; and in the internal-revenue district at Pittsburgh alone there are $2,000,000 of receipts. My colleague referred to the fact that the courts of the western district of Pennsylvania embraced nearly two-thirds of the entire State; and hence it is that the business of the Federal courts at Pittsburgh surpasses that at Philadelphia. There is an average of three hundred and ninety-seven cases tried in the circuit court at Pittsburgh per annum. The district and circuit courts hold there their regular terms and special terms; so that one or other of those courts is in session one-half the year, sometimes both in session at the same time; thus requiring not only two court-rooms, but requiring facilities far beyond what is provided by the plan of construction if the present limit is not enlarged, which would simply give a little more space than that now provided for the use of the Federal Government.

At present three of the large offices of the Federal Government have to occupy rented houses. The custom-house, pension office—and, by the way, there are $3,000,000 paid in pensions, the number of pensioners on the rolls being 16,000—the custom-house, the pension office, and the internal revenue all occupy rented houses because of the insufficient capacity of the present structure; and if the new building is erected on the modified plan they will still be cramped for space and still require to rent other buildings, and it will be a matter of no benefit to the community and no advantage to the public service.

Now, Mr. Speaker, at the present time the thousands of idle workmen in Pittsburgh demand that the Government should do something toward giving them employment; not for the sake of charity, not for the sake of benefiting idle labor alone, but because the Government needs this structure and can be benefited itself at the same time that it confers a blessing on the workingmen.

The statistics, I believe, were referred to, although I could not hear all the remarks of my colleague in regard to the internal revenue of the various districts that are embraced in the western district of Pennsylvania, each of which has its separate internal-revenue office, all of which have their judicial business transacted at Pittsburgh when they have cases to try in the Federal courts. Let me allude to one other fact, that the county of Allegheny is now erecting a court-house of its own.

Mr. HOLMAN. I hope it will be understood by the Chair that all the time is not to be consumed by the gentleman from Pennsylvania [Mr. HOPKINS] on behalf of the bill.

The SPEAKER *pro tempore*. The gentleman has two minutes of his time remaining.

Mr. BAYNE. Will my colleague yield to me for a question?

Mr. HOPKINS. Certainly.

Mr. BAYNE. Was not this bill unanimously reported by the Committee on Public Buildings and Grounds, and further, has it not been favorably reported by the Committee of the Whole House on the state of the Union?

Mr. HOPKINS. The bill was fully discussed by the Committee of the Whole House on the state of the Union, and was favorably recommended by a vote of 141 to 31.

I was about to call attention to another fact: that the county of Allegheny is now erecting a court-house of its own at a cost of $2,500,000. Now, surely the great Government of the United States can afford to expend one million and a half. Surely the magnitude of its business and its dignity and its wealth and its power would justify an expenditure of two-thirds of the amount that the county of Allegheny is expending for the accommodation of its public business. The proportion would justify the erection of a building at a much greater cost than that asked for by the pending bill.

If I have any time remaining I reserve it.

The SPEAKER *pro tempore*. The fifteen minutes allowed for the affirmative side have expired.

Mr. THOMPSON. I yield to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. It has seemed to me, all along, that the amount recommended for the increase of this public building is excessive; and I have been unable to see in the discussion that has gone on, either to-day or in the Committee of the Whole, an adequate reason for the increase recommended. I rise, however, more particularly to protest against one argument that the gentleman from Pennsylvania [Mr. HOPKINS] has urged in behalf of making an increased appropriation; and that is that the Government of the United States owes it to its citizens to do so because many of them are out of employment and need the work.

Mr. HOPKINS. The gentleman misunderstood me if he supposed that I stated that as a reason why the work should be done. I spoke of it as an incident.

Mr. MCMILLIN. Well, whether it comes in incidentally or directly, it seems to me that it is not an adequate or proper reason; and, with all due deference to my friend from Pennsylvania [Mr. HOPKINS], who is remarkable for his accuracy, I do not think that it enters as a legitimate consideration into legislation providing for a public building. The very same reason can be urged for a public building in every town and hamlet in the United States, for distress is not only widespread but almost universal. We have undertaken to do so much for the laboring man by legislation that we have well-nigh by legislation crushed him to the earth. Strikes are prevailing everywhere. Stringency is characteristic of every community in the land, and the United States Government can not by making appropriations directly or indirectly from the public Treasury relieve that state of things. The best way to help the laborer is to take some of the taxes off of him. The true theory, the real duty of Government, as I conceive it, is to protect the citizen in life, liberty, and pursuit of happiness; and beyond that let him work out his own salvation. After Government has performed that duty, then, if legislation will only keep its heavy hands off the workingman, he will do better than he will if the Congress of the United States attempts to keep him on stilts. Beyond this, the less man is governed the better he is governed.

I have said this much, Mr. Speaker, because I have thought it proper to protest against the excessive appropriation that is recommended in this bill, not with any hope that it will be defeated. A half million, a million, or five millions, or ten or twenty millions seem to make but little impression here, and if all the recommendations for appropriations that come before us are adopted we shall soon have no surplus in the Treasury to be held up as a tempting bait for legislation of this kind.

Mr. BAYNE. Will the gentleman yield to me a moment?

Mr. MCMILLIN. Certainly.

Mr. BAYNE. If the gentleman were convinced that it would require every dollar of this $1,500,000—every dollar up to the limitation in this bill—to accommodate the immediate necessities of Pittsburgh and the western district of Pennsylvania, the Government having already expended on this building upward of $200,000—would he refuse to appropriate the sum required to give the necessary accommodations to the business of that district?

Mr. MCMILLIN. I would not, of course, hesitate to make any such necessary appropriation.

Mr. BAYNE. Then I assure my friend from Tennessee, with full knowledge, that those are the facts, and that not one dollar less than this amount will give adequate accommodation for the present business of that district.

And I assure my friend of another fact: that the United States circuit court is held now in a small room; and I call upon my colleague [Mr. BOYLE], who practices frequently before that court, to state whether he has not had to go into a private chamber to attend sessions of that court in cases involving hundreds of thousands of dollars?

Mr. MCMILLIN. But the gentleman forgets the fact that the court will no longer be held in that kind of a place after we have spent even the $750,000 in the erection of a public building.

Mr. BAYNE. Yes; it will.

Mr. MCMILLIN. Now, Mr. Speaker, the gentleman from Pennsylvania [Mr. BAYNE] has asked his question and I have answered it. I state further that in legislating here I hope I have the spirit to meet every exigency that may arise, and to vote for whatever appropriations are really necessary for the public service, but do not want to vote for a dollar more than is essential to good government. Amounts do not startle me when there is no question about the propriety of the appropriation. But now I want to ask my friend from Pennsylvania [Mr. BAYNE] a question: You came here one or two years ago and asked for an appropriation of $750,000. How is it that your demand has doubled in one short year?

Mr. BAYNE. I will answer the question. It is because after the bill was introduced and the plans of the Supervising Architect were made it was found that a building could not be put up for the amount of money appropriated that would accommodate the business of that district.

Mr. MCMILLIN. The Supervising Architect ought to have known what he was doing when the first appropriation was asked for, if he was the one who first made the estimates. You came here and asked for $750,000 and got it, and now you come and seek to double the amount. The custom of getting a building begun on a small basis and increasing the appropriation afterward is entirely too common.

Mr. BAYNE. There is another thing I want to say to the gentleman, if he will yield to me a moment.

Mr. MCMILLIN. My time has expired, or I should be very glad to yield further to my friend from Pennsylvania.

The SPEAKER *pro tempore*. The time of the gentleman from Tennessee [Mr. MCMILLIN] has expired, and the gentleman from Kentucky [Mr. THOMPSON] is entitled to the floor.

Mr. THOMPSON. Mr. Speaker, I yield three minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, if I understand this question correctly. $300,000 was expended for the purchase of the site for this building, I ask my friend from Pennsylvania [Mr. HOPKINS] to tell me whether I am correct in that?

Mr. HOPKINS. Three hundred and fifty-one thousand dollars was expended for the site; of which the Government paid $300,000 and the citizens of Pittsburgh the remainder.

Mr. HOLMAN. So the Government has paid $300,000 for the site of this building, and the limit of cost is therefore now over a million, including the cost of the site. There was $800,000 appropriated for the building prior to December, 1884, and in addition to that $300,000 for the site.

Mr. RANDALL. Not in addition.

Mr. HOPKINS. No, not in addition to the amount for the site.

Mr. HOLMAN. That is to say, the whole amount authorized up to this time for site and building is $1,051,000.

Mr. RANDALL. That is the limit, but only $800,000 has been appropriated.

Mr. HOLMAN. But the limit now for the building and the site together is $1,051,000?

Mr. RANDALL. That is right.

Mr. HOLMAN. And now it is proposed to extend that limit to $1,500,000.

Mr. REAGAN. I think the gentleman from Indiana has got that wrong. According to the statement made here, as I understand it, there has been about $350,000 appropriated, and this bill appropriates one million more.

Mr. HOLMAN. This bill increases the limit for the building alone from $750,000 to $1,500,000. In addition to the site, the building is to cost $1,500,000, and the cost of the site is $300,000, making the whole cost to the Government $1,800,000. That is the proposition.

Mr. BAYNE. That is not the proposition.

Mr. HOLMAN. That is it, as I understand it.

Mr. BAYNE. If the gentleman from Indiana [Mr. HOLMAN] will allow me to make a suggestion, I will inform him that when they dug out the foundations for this building they found that there was a leak and the water ran in, and they had to put in a concrete foundation, which necessitated the expenditure of an additional seventy or eighty thousand dollars—money that was not expected to be expended at all.

Mr. HOLMAN. I understand that to be the fact, but now, instead of that $70,000 or $80,000 being asked for, it is proposed to appropriate $750,000. [Laughter.] If the gentleman will amend his bill so as to appropriate merely the amount of that additional expense, resulting from an unforeseen cause, I will vote with him; but to appropriate $750,000 additional on the ground that a mistake was made of $70,000 or $80,000 in the original estimate is hardly reasonable.

Mr. YOUNG. Will the gentleman from Indiana [Mr. HOLMAN] yield for a question?

Mr. HOLMAN. I have only three minutes altogether.

Mr. YOUNG. I wont take this out of your time. [Laughter.] My question is this: If the gentleman from Indiana [Mr. HOLMAN] thinks that $400,000 is only a sufficient and reasonable appropriation for a public building in a town of 30,000 inhabitants, Evansville, in his own State, does he think that $1,500,000 is too large a sum for a public building in a city of 400,000 inhabitants?

Mr. HOLMAN. The State-house of the State of Indiana, now in progress of construction and approaching completion, one of the finest buildings in the great West, is to cost but $2,000,000, and I am quite sure that it will cost nothing beyond that—a State-house in a great city, the capital of a great State. But here, after obtaining authority for an expenditure to the amount of $1,051,000 for a site and a public building for Government offices in a city of the magnitude of Pittsburgh, it is proposed to run up the limit to $1,500,000 for the building. The main trouble about these appropriations for public buildings is their extravagance; that is what excites the indignation of our people—the extravagance of these appropriations and the way in which they are made, placing Congress at the mercy of your Supervising Architect.

The SPEAKER *pro tempore*. The time of the gentleman from Indiana [Mr. HOLMAN] has expired.

Mr. THOMPSON. Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore*. Seven minutes.

Mr. THOMPSON. Mr. Speaker, when I called for a second on this motion it was in order that the House might be informed as to the condition of the building for which this appropriation is now asked. I do not know that I am competent to pass upon the question whether any further expenditure of money upon this particular building ought to be made, as proposed by this bill; but, Mr. Speaker, we have seen heretofore in reference to various public buildings which have been undertaken that a great amount of extravagance has crept in, especially where by subsequent legislation the expenditure has been enlarged beyond that fixed in the original bill. My friend from Tennessee [Mr. MCMILLIN] has called the attention of the House and of the gentleman from Indiana [Mr. HOLMAN] to the bill for the construction of a public building at Evansville, Ind., $462,000 having been spent to erect there a building to be used for custom-house purposes, when not one dollar of customs revenue has ever been collected there.

A MEMBER. We understand you voted for it.

Mr. THOMPSON. Indeed I did not. The building was authorized and erected before I was elected a member of Congress.

Mr. HOPKINS. Did the distinguished gentleman from Indiana [Mr. HOLMAN] vote for that bill?

Mr. THOMPSON. I really do not know whether he did or not.

Mr. HOLMAN. No, sir; I did not support the measure. I was not here. At any rate, extravagance in Indiana would not justify this extravagance in Pennsylvania.

A MEMBER [to Mr. THOMPSON]. Three hundred and sixty-three thousand dollars was the amount.

Mr. THOMPSON. Possibly the gentleman is correct. I only called attention to this matter for the purpose of showing that appropriations ought not to be made for these public buildings without due and careful consideration. Take the case of the public building at Cincinnati! I remember having once investigated that matter. A building was started which was to cost, as originally stated, $1,750,000. More than $5,000,000 has already been expended upon that building, and it has not been completed. This is the history of many of these public buildings scattered all over the country. Hence the House can not be too careful before committing itself to this extravagant, or at least apparently extravagant, expenditure.

Mr. DUNHAM. What was originally proposed as the cost of the building now under consideration?

Mr. THOMPSON. The original proposition brought before this House, as I understand, was to expend $300,000 to buy the site, $250,000 of which was given by Congress and $50,000 by the people of the city of Pittsburgh. In addition to that, $750,000 was to be expended in the erection of the building.

Mr. DUNHAM. What is proposed now as the total cost?

Mr. THOMPSON. The proposition now pending is to increase the expenditure for the building alone from $750,000 to $1,500,000.

Mr. DUNHAM. Making the expenditure nearly $2,000,000 altogether.

Mr. THOMPSON. Making an aggregate expenditure of nearly $2,000,000.

Mr. HOPKINS. Less than that county is paying for its court-house.

Mr. DUNHAM. Is it not the fact that a great many private buildings, erected for instance by large corporations, are started to be put up for a certain amount of money, which however is finally exceeded, because it is found impossible to do the work for the sum originally estimated?

Mr. THOMPSON. I can not speak as an expert upon that matter. Very possibly the fact is as the gentleman's question would intimate—that almost every one who attempts to put up a building finds it to cost ultimately more than he expected when he set out.

Mr. DUNHAM. I know that the building in Chicago for the board of trade was started upon an expected expenditure of $1,000,000, but it has already cost $1,700,000.

Mr. THOMPSON. Mr. Speaker, I think the rule laid down by gentlemen who ask the House to pass this measure is an unsafe rule. They claim that $100,000,000 of internal revenue has been collected in that city since our internal-revenue system was established. If you calculate the amount collected yearly, it will be found a very insignificant sum, no more than we collect in our State annually without any public buildings for the purpose whatever. In Lexington, Ky., there is no public building, yet internal revenue to the amount of nearly $5,000,000 is collected in that city alone. If we now agree to the pending motion and pass this bill, I fear it may be found that we have acted, as in many other cases, without due consideration and in the absence of any public necessity for the expenditure.

[Here the hammer fell.]

Mr. THOMPSON. Mr. Speaker, I have nothing more to say against the erection of a public building at Lexington. [Laughter.]

The SPEAKER *pro tempore*. The time for debate on this motion has expired. The question is upon the motion of the gentleman from Pennsylvania [Mr. BAYNE] to suspend the rules and pass the bill which has been read.

The question being taken, there were—ayes 133, noes 53.

Mr. HOLMAN, Mr. ELDREDGE, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 162, nays 78, not voting 83; as follows:

YEAS—162.

Adams, G. E.	Ermentrout,	Lewis,	Russell,
Anderson,	Evans,	Long,	Ryan,
Atkinson,	Everhart,	Lore,	Singleton,
Bagley,	Ferrell,	Lovering,	Slocum,
Barr,	Findlay,	Lowry,	Smalls,
Bayne,	Finerty,	Lyman,	Smith, A. Herr
Bingham,	Follett,	McCoid,	Smith, H. Y.
Bisbee,	Foran,	Maybury,	Snyder,
Blackburn,	Funston,	Millard,	Spooner,
Blount,	George,	Miller, S. H.	Spriggs,
Boutelle,	Glascock,	Milliken,	Springer,
Boyle,	Goff,	Money,	Steele,
Brainerd,	Guenther,	Morgan,	Stephenson,
Breckinridge,	Hanback,	Morrill,	Stewart, Charles
Breitung,	Harmer,	Muldrow,	Stockslager,
Brewer, F. B.	Hart,	Murphy,	Strait,
Broadhead,	Hatch, W. H.	Mutchler,	Struble,
Brown, W. W.	Haynes,	Nelson,	Talbott,
Browne, T. M.	Hemphill,	Nicholls,	Taylor, E. B.
Burnes,	Henderson, D. B.	O'Neill, Charles	Taylor, J. D.
Campbell, J. M.	Henderson, T. J.	O'Neill, J. J.	Thomas,
Cannon,	Henley,	Paige,	Van Eaton,
Carleton,	Hepburn,	Parker,	Wait,
Cassidy,	Hewitt, G. W.	Patton,	Wakefield,
Clardy,	Hiscock,	Payne,	Wallace,
Collins,	Holmes,	Payson,	Ward,
Connolly,	Hopkins,	Peters,	Washburn,
Converse,	Horr,	Pettibone,	Wemple,
Craig,	Hunt,	Poland,	White, J. D.
Culberson, D. B.	James,	Post,	White, Milo
Cullen,	Johnson,	Pryor,	Whiting,
Curtin,	Jones, J. H.	Pusey,	Willis,
Cutcheon,	Kean,	Ranney,	Wilson, James
Davis, G. R.	Keifer,	Ray, G. W.	Wilson, W. L.
Davis, R. T.	Kelley,	Reid, J. W.	Winans, John
Dibble,	Kellogg,	Reese,	Wise, G. D.
Dibrell,	Ketcham,	Rice,	Woodward,
Dockery,	King,	Riggs,	Worthington,
Dowd,	Lacey,	Robinson, W. E.	Young.
Dunham,	Lamb,	Rogers, W. F.	
Ellwood,	Lawrence,	Rowell,	

NAYS—78.

Aiken,	Deuster,	Matson,	Storm,
Ballentine,	Dorsheimer,	Miller, J. F.	Sumner, D. H.
Barbour,	Eaton,	Moulton,	Taylor, J. M.
Barksdale,	Eldredge,	Murray,	Thompson,
Beach,	English,	Neece,	Tillman,
Bennett,	Forney,	Nutting,	Townshend,
Bratton,	Geddes,	Oates,	Tully,
Buchanan,	Gibson,	O'Ferrall,	Turner, H. G.
Buckner,	Green,	Peel,	Turner, Oscar
Cabell,	Halsell,	Pierce,	Warner, Richard
Caldwell,	Hammond,	Randall,	Weller,
Candler,	Hardy,	Reagan,	Wilkins,
Clements,	Hoblitzell,	Robertson,	Williams,
Cobb,	Holman,	Rockwell,	Winans, E. B.
Cosgrove,	Jones, B. W.	Rogers, J. H.	Wolford,
Covington,	Jones, J. T.	Seney,	Wood,
Cox, S. S.	Kleiner,	Seymour,	Yaple,
Cox, W. R.	Lanham,	Shively,	York.
Crisp,	Le Fevre,	Skinner, T. G.	
Dargan,	McMillin,	Stevens,	

NOT VOTING—83.

Adams, J. J.	Budd,	Dingley,	Hardeman,
Alexander,	Burleigh,	Dunn,	Hatch, H. H.
Arnot,	Campbell, Felix,	Elliott,	Herbert,
Belford,	Campbell, J. E.	Ellis,	Hewitt, A. S.
Belmont,	Chalmers,	Fiedler,	Hill,
Blanchard,	Clay,	Fyan,	Hitt,
Bland,	Cook,	Garrison,	Holton,
Bowen,	Culbertson, W. W.	Graves,	Hooper,
Brewer, J. H.	Davidson,	Greenleaf,	Houk,
Brumm,	Davis, L. H.	Hancock,	Houseman,
Howey,	Mills,	Rankin,	Throckmorton,
Hurd,	Mitchell,	Ray, Ossian	Tucker,
Hutchins,	Morrison,	Reed, T. B.	Valentine,
Jeffords,	Morse,	Robinson, J. S.	Van Alstyne,
Jones, J. K.	Muller,	Rosecrans,	Vance,
Jordan,	Ochiltree,	Shaw,	Wadsworth,
Laird,	O'Hara,	Skinner, C. R.	Warner, A. J.
Libbey,	Perkins,	Stewart, J. W.	Weaver,
McAdoo,	Phelps,	Stone,	Wellborn,
McComas,	Potter,	Sumner, C. A.	Wise, J. S.
McCormick,	Price,	Swope,	

So the motion was agreed to, and the bill was passed (two-thirds voting in favor thereof).

During the roll-call,

Mr. NICHOLLS said: I am paired with the gentleman from Ohio [Mr. MCCORMICK], but being satisfied that he would vote in the affirmative, I have taken the responsibility and have voted in the affirmative.

The following pairs were announced from the Clerk's desk:

On all political questions, until further notice;

Mr. MORRISON with Mr. LIBBEY.

Mr. SHAW with Mr. LAIRD.

Mr. JONES, of Arkansas, with Mr. KELLOGG.

Mr. ARNOT with Mr. BELFORD.

Mr. FYAN with Mr. HOOPER.

Mr. DUNN with Mr. CHALMERS.

Mr. ELLIOTT with Mr. VALENTINE.

Mr. DAVIS, of Missouri, with Mr. SKINNER, of New York.

Mr. GARRISON with Mr. BARR.

For this day:

Mr. HURD with Mr. OCHILTREE.

Mr. HEWITT, of New York, with JOHN S. WISE.

Mr. MULLER with Mr. HOLTON.

Mr. CLAY with Mr. BOWEN.

Mr. CAMPBELL, of Ohio, with Mr. BRUMM.

Mr. NICHOLLS with Mr. MCCORMICK.

Mr. WARNER, of Ohio, with Mr. HOUK.

On this bill:

Mr. PERKINS with Mr. HOWEY.

Mr. BREWER, of New York, with Mr. MCCOMAS. Mr. BREWER would vote "ay" and Mr. MCCOMAS "no."

The vote was then announced as above recorded.

QUESTION OF PRIVILEGE.

Mr. MUTCHLER. I rise to a question of privilege, and ask extracts (which I have marked) from a newspaper published in this city be read.

The Clerk read as follows:

Representative MUTCHLER, chairman of the House Committee on Reform in the Civil Service, has been instructed by his committee to make an adverse report on the bill to prohibit the removal of any honorably discharged Union soldier, sailor, or marine, or widow or dependent relative of any deceased Union soldier, sailor, or marine, from any office in the civil service of the United States except for specified causes.

* * * * * * *

The bill referred to was introduced by Hon. J. D. TAYLOR, of Ohio, on December 4, and was then referred to Mr. MUTCHLER'S committee, where in turn it was placed in the hands of a subcommittee, consisting of the chairman, Mr. BARKSDALE and Mr. LYMAN, two Democrats and an Independent. At the meeting of the committee, at which this report was adopted, notices had not been sent to all the members. So far as can be learned the Republican members received no notification, and were consequently not present. It is not therefore a majority report, though necessarily no notice has yet been given of it.

* * * * * * *

Representative MILLARD, one of the Republican members of the committee, was seen last night and asked about the report.

"I should not like it to go out," he replied, "that it was a report of our committee, or at least a unanimous one. I, for one, was not notified of the meeting, though I have been of every other meeting, and have attended them all. I knew nothing of the report having been made until after adjournment."

Mr. MUTCHLER. If the paragraphs read were a reflection upon me alone——

Mr. BROWNE, of Indiana. I rise to a question of order. I understand the gentleman from Pennsylvania claims that there is a question of privilege arising out of the newspaper paragraphs which have been read.

The SPEAKER *pro tempore*. The Chair is not informed whether that constitutes his question of personal privilege or not. The gentleman rose claiming to rise to a question of personal privilege, and asked to have read by the Clerk what has been read in the hearing of the House. The gentleman will state his question of personal privilege.

Mr. MUTCHLER. If this were a reflection upon myself individually and included no other member of the committee, I should not trouble the House by asking its indulgence while I make a few remarks in explanation of the matter charged. If it were not for the fact the charge reflects upon a majority of the committee, charging them with official misconduct, and particularly the clerk, based upon a statement purporting to have been made by a member of the committee, I should not ask to be heard.

I wish to say, Mr. Speaker, that when the bill was referred to the committee the author of it asked it should receive consideration at the hands of the committee at the earliest possible moment. For the purpose of considering the bill a meeting of the committee was called on

last Thursday one week ago. At that meeting a quorum failed to attend. However, there were as many Republicans at the meeting as Democrats—I believe at least three or four of them were there. It was understood a subcommittee should take the bill and make a report on it. The bill was referred to a subcommittee, of which I myself was chairman, and after the subcommittee had agreed upon its report, notice I believe was given to every member of the committee there would be a meeting on Saturday last, the regular day for the meeting of the committee. The committee met on last Saturday, the hour fixed being 11 o'clock. A quorum appeared at half past 11, and that was only obtained by the clerk coming upon the floor of the House in search of members of the committee and requesting them to go to the committee-room in order to make up a quorum. Now it so happened that there was but one Republican, Colonel LYMAN, of Massachusetts, who was present at that committee.

Mr. DUNHAM. It is doubtful about his being a Republican.

Mr. MUTCHLER. The gentleman from Massachusetts will answer in that regard for himself.

The notices were sent through the post-office, or were delivered at the House post-office to go through the mails; at least I got mine in that way and suppose every other member of the committee got his notice.

Now, so far as the gentleman from New York [Mr. MILLARD] is concerned, upon whose statement this attack upon the committee seems to have been founded, it appears, as I learned this morning, that his notice accidentally got into the mail of the gentleman from Louisiana [Mr. KING], who I believe lives at the same hotel; and Mr. KING informs me that after the meeting of the committee had taken place, in going through his mail he discovered Mr. MILLARD's notice bound up with it.

Mr. KING. I wish to say that that is entirely correct.

Mr. MUTCHLER. So, Mr. Speaker, there was no motive in failing to give members notice of the meeting, nor was there any attempt made to keep Republicans away from that committee meeting.

Mr. STOCKSLAGER. Will the gentleman yield to me for a question?

Mr. MUTCHLER. Certainly.

Mr. STOCKSLAGER. I wish to ask if it was not the regular meeting day of the committee?

Mr. MUTCHLER. It was the regular meeting day fixed by a resolution adopted February 21, 1884, and every member of the committee, so far as I know and so far as the clerk knows—and I may say here he is a very efficient clerk, a gentleman of honor, who would not be guilty of such a practice as is charged in this newspaper—I say so far as he knows every member of the committee was supplied with a notice; and if any member of the committee failed to receive his notice it certainly was not owing to any negligence or improper action by the Democratic members, or any improper action on the part of the clerk of the committee.

Mr. MILLARD. Mr. Speaker, in justice to myself and the Republicans on the Committee on Civil Service Reform, I desire to state that in the earlier days of this session the Representative from Ohio [Mr. JOSEPH D. TAYLOR] introduced a bill, the substance of which was that no Union soldier should be removed from the service of the Government without cause before the expiration of his term. Mr. TAYLOR came to me and asked if the bill which he had introduced could not have a hearing before the committee? I saw the chairman of the committee [Mr. MUTCHLER], and he said he thought the committee could be got together, and that the bill might be considered by them. Subsequently he notified me that a meeting would be called, and I attended that meeting, as I had every other meeting of the committee during this Congress.

At that meeting he stated that he would appoint a subcommittee to consider and report the bill to the full committee. I will state that I subsequently understood a subcommittee had been appointed, consisting of himself, Mr. BARKSDALE, of Mississippi, and Mr. LYMAN, of Massachusetts, which subcommittee made the adverse report. I had thought the Union soldier entitled to have a Republican on that committee, and I think so still.

I have the greatest respect for my friend from Massachusetts, but I do not understand that he is a Republican or that he claims to be one.

But let that be as it may, it appears that there was a meeting held on Saturday last, at which was present no Republican of the committee, and of which I had no notice. As I came into the Capitol Saturday morning I met at the elevator Mr. COX, and somewhere in the lobby I saw Mr. LYMAN, who reproached me for not being present at the meeting. I told them that I had no notice of the meeting or I should have been present.

Mr. TOWNSHEND. Will the gentleman yield for a question?

Mr. MILLARD. I stated to the gentleman that I had no knowledge or intimation that a meeting was to be held on that day; that if I had received such information I should certainly have attended, because Mr. TAYLOR had represented to me that the bill was an important one and that it should receive the full and careful consideration of the committee. I did not therefore attend the meeting; and I say to the House, if I understand the gentleman from Pennsylvania, the chairman, he now concedes that the notice did not reach me.

Last evening, Mr. De Witt, of the Republican, came to my hotel and asked the question: "Was I present in the committee-room when this matter was considered and a report made adversely to the bill offered by Mr. TAYLOR?" I said: "No, sir; I was not present." The question was asked: "Why were you not there; I understand that you were friendly to the bill or to the spirit of the bill, which is in the interest of civil-service reform, preventing the removal of Union soldiers, holding Government positions, before their time expires?" I replied, "I had no notice whatever of the meeting." The question was then asked: "Are you willing that I should make that statement?" I responded: "Yes, sir; entirely willing." Again the question was asked: Would I have voted against that report? To which I replied: "Yes, I should have voted against the report. I believe that all soldiers in the Departments at Washington, occupying subordinate positions, should retain their places and not be removed so long as they continue efficiently to perform the duties to which they are assigned." [Applause on the Republican side.]

That, Mr. Speaker, is substantially what took place between us. I will say here, however, in justice to the chairman of the committee, that I do not think he intended to keep the notice from me. If I had received the notice I should have been present at the meeting.

Mr. STOCKSLAGER. Will the gentleman permit me to ask him a question, whether it is not the fact that that was the regular meeting day of the committee?

Mr. MILLARD. I do not understand that it is. It was not the usual day on which meetings were held, not the regular meeting day of the committee.

Mr. STOCKSLAGER. Well, the chairman of the committee says it was.

Mr. BINGHAM. Saturday is ordinarily the day on which the committee meets; but it is not the regular meeting day unless members are notified.

Mr. MILLARD. The first meeting called was that at which the subcommittee was appointed, and then the last meeting was the meeting held when this report was presented.

Mr. HORR. Does the gentleman from Indiana [Mr. STOCKSLAGER] claim that this meeting was not called specially by the gentleman from New York for this purpose?

Mr. STOCKSLAGER. I do not know anything about that. I asked the chairman of the committee a moment ago if that was the regular day of meeting, and he said it was.

Mr. MILLARD. But it was not.

Mr. STOCKSLAGER. If it was, it was the gentleman's duty to be there.

Mr. HORR. Has the committee been having regular meetings?

Mr. MUTCHLER. No, sir.

Mr. HORR. Was this meeting called at the request of the gentleman from New York?

Mr. MUTCHLER. The first meeting was called at the request of the gentleman from New York and the author of the bill.

Mr. HORR. When?

Mr. MUTCHLER. Last Thursday a week ago. The bill went into the hands of a subcommittee, and on last Thursday the entire committee was notified of a meeting on Saturday.

Mr. MILLARD. Sir, this was an important matter, and strictly in the interest of civil service reform—a bill that should have been considered by the full committee. It was not so considered, and the adverse report does not reflect the unanimous judgment of the committee. I do not claim that because a man happens to be a Union soldier he is entitled to an office or to be continued in the service of the Government if found to be unqualified for the position, but I do claim that the men who fought the battles of their common country and endured the hardships of camp and field ought not to be removed without cause before the expiration of the term for which they were appointed.

Mr. POST, of Pennsylvania. I make the point of order that no question of personal privilege is pending.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

AMENDMENT OF RULES.

Mr. RANDALL. I now call up the resolution reported by the Committee on Rules.

The Clerk read as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart thirty minutes for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least five members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or on any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said thirty minutes, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Mr. WELLER. I rise to make a parliamentary inquiry.

Mr. RANDALL. I have the floor.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] calling up the report has the floor and will state his motion. The Chair will thereafter hear the parliamentary inquiry of the gentleman from Iowa.

Mr. RANDALL. I demand the previous question on the report.

The SPEAKER *pro tempore*. The Chair will now hear the parliamentary inquiry.

Mr. WELLER. I desired to make the parliamentary inquiry at a time when it would be of some advantage to me. I desired to inquire if it would be proper to offer an amendment.

The SPEAKER *pro tempore*. It was not in the power of the gentleman to do that when the gentleman from Pennsylvania had the floor.

Mr. RANDALL. I am willing the House shall know what the gentleman from Iowa desires; and if the House wishes to adopt his view, then it can vote down the call for the previous question.

Mr. WELLER. Will the gentleman from Pennsylvania consent or can I have unanimous consent to present and have considered pending the amendment which I send to the desk?

The SPEAKER *pro tempore*. The gentleman from Iowa asks consent to have his amendment read for information.

Mr. STEELE. I object.

Mr. KEIFER. I desire to make a suggestion to the gentleman who is in charge of this report. At the time this report was made there was some understanding that there were to be two propositions voted upon, one to strike out "five" and insert "ten," and another to strike out "thirty minutes" and insert "one hour."

Mr. RANDALL. I was not present at the meeting of the Committee on Rules when this report was adopted; but if that be a fact, I, of course, will conform my conduct to it.

The SPEAKER *pro tempore*. The present occupant of the chair, having had charge of the report now in the hands of the gentleman from Pennsylvania, will state that in the absence of the gentleman from Pennsylvania the agreement stated by the gentleman from Ohio was reached.

Mr. RANDALL. Then I adhere to it in letter and in spirit.

Mr. KEIFER. Does the gentleman then allow these amendments to be included in the operation of the previous question—first to strike out "five" and insert "ten," and then to strike out "thirty minutes" and insert "one hour?"

Mr. RANDALL. Whatever was the agreement I will conform to.

Mr. KEIFER. I am suggesting that the gentleman should demand the previous question subject to those two amendments being admitted as pending.

Mr. RANDALL. I modify my demand for the previous question in accordance with the agreement.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania asks the previous question on the adoption of the report subject to the two amendments which have been stated by the gentleman from Ohio.

Mr. RANDALL. I yield to the gentleman from New York [Mr. COX] to make a statement.

Mr. COX, of New York. I do not believe this resolution will meet the approbation of the House, even though amended as suggested by the gentleman from Ohio, unless there be some proposition made or adopted as to designating the members who shall have the privilege of offering these bills. There are various ways in which that can be done. You can call the roll alphabetically or you can adopt what I think is a better method. I think the only fair mode of amending the rule so as to work off business in the remainder of this session is to allow the names of the members to be placed in a box, and in half an hour or an hour a page can draw the names out as we draw for seats; and then let the Chair designate the members, in the order in which their names have been drawn, to offer their bills. No harm can be done by that method; no blame can attach to any one. There can be no charge of favoritism attached to anybody.

Mr. CASSIDY. Might not a lucky man have his name drawn twice?

Mr. COX, of New York. I have guarded against that. When a name is once drawn it shall not be placed in the box again till the whole list is completed. I ask to have my amendment read.

Mr. KEIFER. This is simply a proposition to be read for information, not to be considered as pending.

Mr. WELLER. I desire the same favor to be granted to me to have my proposition read for information.

Mr. RANDALL. I have no objection to that.

The SPEAKER *pro tempore*. The proposition of the gentleman from New York [Mr. COX] will be read for information.

Mr. HERBERT. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HERBERT. I desire to inquire whether we are proceeding under the regular rules of the House applicable to the first Monday in the month or not?

The SPEAKER *pro tempore*. The Chair will state that proceeding is being had under the order of the House. The gentleman from Pennsylvania [Mr. RANDALL] was recognized, and yielded the floor upon unanimous consent being given him that, after the bill called up by the gentleman from Pennsylvania [Mr. BAYNE] should have been disposed of, the floor should be restored to him for the purpose of calling up this privileged report from the Committee on Rules, which has been done.

Mr. HERBERT. I desire to inquire further, whether it requires unanimous consent that this proceeding shall occupy this Monday?

The SPEAKER *pro tempore*. It does not.

Mr. HERBERT. Has the House made an order on the subject?

The SPEAKER *pro tempore*. The House has made the order, and it is now proceeding to execute it.

Mr. COX, of New York. Mr. Speaker, I call for the reading of the amendment that I have sent to the Clerk's desk.

The SPEAKER *pro tempore*. The Clerk will read, for the information of the House, the amendment proposed by the gentleman from New York [Mr. COX].

The Clerk read as follows:

And provided further, That the names of the members of this House shall be placed in a box and shall be drawn therefrom as provided in Rule XXXII for the drawing of seats; and the member to be designated to make the motion herein provided for shall, if present, be designated by the said drawing, and any name once drawn is not to be again returned to the box until the list of members therein is exhausted.

Mr. WELLER. Now, Mr. Speaker, I ask to have the amendment that I have presented read.

Mr. STEELE. I object.

The SPEAKER *pro tempore*. Objection is made to the reading of the amendment proposed by the gentleman from Iowa [Wr. WELLER.] The gentleman from Pennsylvania [Mr. RANDALL] asks the pervious question on the adoption of this report.

Mr. TOWNSHEND. Will the gentleman from Pennsylvania [Mr. RANDALL] yield to me for a moment to offer an amendment?

Mr. RANDALL. I desire to say, with reference to the proposition of the gentleman from New York [Mr. COX], that the Committee on Rules recognized the fact that these recognitions are always within the absolute and exclusive control of the Speaker of the House, and it was not deemed necessary to interrupt that privilege that he has, because the committee believed that he was in a relation to the House whereby he could more equitably execute such an order than could be done by a resort to chance.

Mr. COX, of New York. In reply to the gentleman from Pennsylvania, I beg to say that my proposition implies no reflection whatever upon the Speaker. [Calls of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded. This debate is proceeding simply by unanimous consent. The gentleman from Pennsylvania [Mr. RANDALL] demands the previous question on the adoption of the report.

Mr. TOWNSHEND. I understand the gentleman from Pennsylvania to withdraw that demand for a moment.

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Pennsylvania [Mr. RANDALL] whether he withdraws his demand for the previous question?

Mr. RANDALL. I should lose the floor in that way.

Mr. TOWNSHEND. Not at all.

Mr. RANDALL. Mr. Speaker, I am willing to yield for the gentleman's proposition to be read for the information of the House, so that if the House prefers to adopt it the demand for the previous question can be voted down.

Mr. TOWNSHEND. I offer an amendment which I ask to have read.

Mr. BROWNE, of Indiana. I shall object to the reading of the amendment of the gentleman from Illinois [Mr. TOWNSHEND] unless the proposition of the gentleman from Iowa [Mr. WELLER] is allowed to be read also.

Mr. TOWNSHEND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state his inquiry.

Mr. TOWNSHEND. When the gentleman from Pennsylvania [Mr. RANDALL] is on the floor demanding the previous question has he not the power to yield the floor to another member?

The SPEAKER *pro tempore*. While the demand for the previous question is pending no other proceeding can be had except by unanimous consent. [Cries of "Regular order!"]

Mr. TOWNSHEND. Mr. Speaker, I wish to make a parliamentary inquiry. I desire to know at what time I may make a motion to recommit this report with instructions.

The SPEAKER *pro tempore*. The gentleman may make that motion either before or after the previous question is ordered.

Mr. TOWNSHEND. Then I make it now.

The SPEAKER *pro tempore*. The motion is in order at this time.

Mr. COX, of New York. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX, of New York. I want to ask the Chair whether the previous question will not cut off my amendment.

The SPEAKER *pro tempore*. The Chair most certainly thinks that it will.

Mr. TOWNSHEND. Now, Mr. Speaker——

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. TOWNSHEND. I was not trying to debate, but simply to state my proposition.

The SPEAKER *pro tempore*. The Chair will state the gentleman's proposition. The gentleman from Illinois [Mr. TOWNSHEND], pending the demand for the previous question, moves to recommit this report to the Committee on Rules.

Mr. TOWNSHEND. My motion is now in the hands of the Clerk and I ask to have it read.

The SPEAKER *pro tempore*. If there be no objection the motion of the gentleman from Illinois [Mr. TOWNSHEND] will be read.

The Clerk read as follows:

I move to recommit the report to the Committee on Rules, with instructions that the said committee shall report it back with the following amendment:

"It shall be in order, immediately after reading the Journal, to move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering House bills with Senate amendments which amendments under the rules of the House require consideration in that committee."

Mr. WELLER. I desire to know if the motion which is proposed by the gentleman from Illinois [Mr. TOWNSHEND] is subject to amendment?

The SPEAKER *pro tempore*. It is not.

Mr. COX, of New York. I move to amend so as to instruct the committee to strike out the words contained in the proposition of the gentleman from Illinois [Mr. TOWNSHEND] and insert my amendment.

The SPEAKER *pro tempore*. Such is the confusion in the Hall that the Chair can not hear the motion of the gentleman from New York [Mr. COX].

Mr. COX, of New York. I move to amend the amendment of the gentleman from Illinois [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] offered no amendment.

Mr. COX, of New York. Then I move to amend the instructions by striking out his proposition and inserting mine.

Mr. WELLER. I move to amend the amendment of the gentleman from New York——

The SPEAKER *pro tempore*. The gentleman from Iowa has a right to move a substitute.

Mr. WELLER. Then I move as a substitute what I send to the desk, and I ask that it be read.

Mr. TOWNSHEND. I make the point of order that the motion to recommit with instructions is not amendable.

Mr. KEIFER. It is not, under Rule XVII.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. TOWNSHEND. I ask that the rule be read.

The SPEAKER *pro tempore*. At the request of the gentleman from Illinois a portion of Rule XVII will be read, after which the Clerk will read a ruling made on this subject by the permanent Speaker of the House.

The Clerk read as follows.

It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

The SPEAKER *pro tempore*. The Clerk will now read from the Journal of June 12, 1884, the ruling of the permanent Speaker of the House.

The Clerk read as follows:

Mr. CALKINS made the point of order that the said motion of Mr. WHITE to commit with instructions was not amendable.

The SPEAKER held the motion to be amendable for the reason that, being a special rule permitting a motion to commit with or without instructions pending the demand for or after the previous question was ordered, the said motion to commit was subject to amendment, as provided by the rules of the House; and amendments could only be precluded by ordering the previous question on the motion to commit.

Mr. TOWNSHEND. Then, Mr. Speaker, I demand the previous question on my motion.

The SPEAKER *pro tempore*. The Chair will state to the gentleman that he can apply the previous question to the motions pending, which are his own motion, the amendment proposed by the gentleman from New York [Mr. COX], and the substitute offered by the gentleman from Iowa [Mr. WELLER]. Upon these pending motions the gentleman from Illinois asks the previous question.

The previous question was ordered.

The SPEAKER *pro tempore*. The first question is upon the substitute of the gentleman from Iowa [Mr. WELLER].

Mr. WELLER. I ask that it be read for the information of the House. It has not yet been read.

The Clerk read as follows:

Amendment to come in after the word "designate," at the end of the fifth line, as appears in RECORD, page 1057:

"The order for recognition by the Speaker shall be the same as in a call for a yea-and-nay vote in the House; and no member shall be recognized for the second time, or bill or resolution allowed to be presented for the second time under this resolution, until the entire roll has been called in the order named, and each member thus permitted recognition; and no other recognition for unanimous consent to consider for passage any bill or resolution shall be entertained while this rule thus amended is in force."

Mr. SPRINGER. I rise to a question of order. This, I understand, is an amendment to the amendment offered by my colleague [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. To the motion of the gentleman from Illinois the gentleman from New York [Mr. COX] offered an amendment; and the gentleman from Iowa now offers the substitute which the Clerk has read.

Mr. SPRINGER. Well, it is not germane to the proposition of my colleague [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. The Chair thinks it is admissible under the rules. The question is on agreeing to the substitute offered by the gentleman from Iowa.

The substitute was not agreed to.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

An act (H. R. 7619) to release the reversionary right of the Government of the United States to certain lands in the city of Detroit and State of Michigan;

An act (H. R. 1565) to authorize the appointment of a commission by the President of the United States to run and mark the boundary lines between a portion of the Indian Territory and the State of Texas in connection with a similar commission to be appointed by the State of Texas; and

An act (H. R. 181) to declare forfeiture of certain lands granted to aid in the construction of a railroad in Oregon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, with amendments, in which the concurrence of the House was requested, the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

The message also announced that the Senate insisted on its amendments, disagreed to by the House, to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of Senate Mr. HARRIS, Mr. INGALLS, and Mr. RIDDLEBERGER.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

AMENDMENT OF RULES.

The House resumed the consideration of the report of the Committee on Rules.

The SPEAKER *pro tempore*. The question recurs on the amendment of the gentleman from New York [Mr. COX].

Mr. DINGLEY. I rise to a parliamentary inquiry.

Several MEMBERS. We object to debate.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. COX, of New York. I will amend my proposition by inserting "to report back within three days."

Several members objected.

Mr. DINGLEY. I wish to ask if the amendment proposed by the gentleman from New York is an amendment to the proposition of the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. It is a substitute for it.

Mr. DINGLEY. If it be an amendment to the amendment of the gentleman from Illinois, then I should like to have the amendment read as it will be if amended.

Mr. TOWNSHEND. No; his proposition is a substitute for mine.

Mr. BOUTELLE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. I desire to understand, as my colleague tried to ascertain, whether this proposition of the gentleman from New York is an amendment to or a substitute for the proposition offered by the gentleman from Illinois, and whether if the proposition of the gentleman from Illinois prevails the effect of it will be to bring the Mexican pension bill before the House.

The SPEAKER *pro tempore*. The Chair is not called upon to answer. That is not a parliamentary inquiry, in the judgment of the Chair.

Mr. REED, of Maine. That is the intention.

Mr. TOWNSHEND. That is the intention, unquestionably.

Mr. DINGLEY. I rise to another question: Whether the amendment of the gentleman from New York is germane to that of the gentleman from Illinois.

The SPEAKER *pro tempore*. The Chair has so ruled and it has been admitted before the House.

The question recurred on the amendment of Mr. COX, of New York.

The House divided; and there were—ayes 97, noes 104.

Mr. HENLEY, Mr. SUMNER of California, and Mr. GEORGE D. WISE demanded the yeas and nays.

The yeas and nays were ordered.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it. It is utterly impossible to hear what is going on in the House. Gentlemen will resume their seats, and the Chair will recognize nobody until order has been restored in the House.

Mr. WELLER. I ask the Chair to recognize me for a parliamentary inquiry when order has been restored.

The SPEAKER *pro tempore*. The gentleman from Kentucky has been recognized, but the Chair will hear nobody until the members resume their seats and order is restored.

Mr. THOMPSON. Mr. Speaker, in the confusion which has prevailed on the floor of the House it is next to impossible for us to hear what is going on.

The SPEAKER *pro tempore*. The gentleman will state his parliamentary inquiry.

Mr. THOMPSON. The parliamentary inquiry I desire to make is this: Whether or not the motion of the gentleman from New York [Mr. COX] is to strike out the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND] and is a substitute for it.

Mr. COX, of New York. That is it.

Mr. THOMPSON. Or is it to amend the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. That same parliamentary inquiry has been made and answered more than once, and the Chair will not undertake to answer further.

Mr. THOMPSON. But, Mr. Speaker, we can not hear what the Chair says, or anybody else for that matter, in the confusion which prevails on the floor.

The SPEAKER *pro tempore*. The Chair is satisfied that the House has not failed to hear. The Journal shows that the gentleman from New York offered his amendment in the nature of a substitute for that offered by the gentleman from Illinois. Of course, the Chair assumes every gentleman on the floor knows what the effect of the adoption of the amendment as a substitute now pending will be. It is offered as an amendment in the nature of a substitute for the amendment of the gentleman from Illinois. The previous question has been called, and the House has ordered the yeas and nays to be called, and the Clerk will proceed to call the roll.

Mr. THOMPSON. May I ask a further parliamentary inquiry: Whether if the amendment of the gentleman from New York is adopted by the House will any vote be had on the amendment of the gentleman from Illinois?

The SPEAKER *pro tempore*. There will, under the rule, be a vote on the motion of the gentleman from Illinois as amended by the substitute of the gentleman from New York.

Mr. THOMPSON. That is, if the amendment is adopted.

The SPEAKER *pro tempore*. Yes; if the amendment should prevail. The Clerk will now proceed to call the roll on the amendment in the nature of a substitute of the gentleman from New York [Mr. COX.]

The question was taken; and it was decided in the affirmative—yeas 129, nays 124, not voting 70; as follows:

YEAS—129.

Aiken,	Deuster,	Lore,	Snyder,
Alexander,	Dibble,	McAdoo,	Spooner,
Bagley,	Dibrell,	McComas,	Stevens,
Ballentine,	Dockery,	McMillin,	Stewart, Charles
Barbour,	Dorsheimer,	Maybury,	Storm,
Barksdale,	Dowd,	Miller, J. F.	Sumner, C. A.
Blackburn,	Eaton,	Mills,	Sumner, D. H.
Bland,	Eldredge,	Money,	Talbott,
Blount,	Findlay,	Morgan,	Taylor, J. M.
Bratton,	Forney,	Moulton,	Thompson,
Breitung,	Graves,	Muldrow,	Tillman,
Brewer, F. B.	Greenleaf,	Oates,	Tucker,
Broadhead,	Hammond,	O'Ferrall,	Turner, H. G.
Buchanan,	Hardeman,	O'Neill, Charles	Turner, Oscar
Buckner,	Hardy,	O'Neill, J. J.	Van Alstyne,
Budd,	Hatch, H. H.	Paige,	Wallace,
Cabell,	Hatch, W. H.	Pierce,	Warner, Richard
Caldwell,	Hemphill,	Peel,	Wellborn,
Candler,	Henley,	Potter,	Weller,
Cassidy,	Herbert,	Pryor,	Wemple,
Clardy,	Hewitt, G. W.	Reagan,	Whiting,
Clements,	Hitt,	Reid, J. W.	Wilkins,
Collins,	Hoblitzell,	Reese,	Williams,
Connolly,	Hopkins,	Robertson,	Willis,
Converse,	Houseman,	Robinson, W. E.	Wilson, W. L.
Cosgrove,	Hunt,	Rogers, J. H.	Winans, E. B.
Cox, S. S.	Johnson,	Rogers, W. F.	Wise, G. D.
Cox, W. R.	Jones, J. H.	Singleton,	Wood,
Crisp,	Jones, J. T.	Skinner, T. G.	York,
Culberson, D. B.	Jordan,	Slocum,	Young.
Culbertson, W. W.	Lanham,	Smalls,	
Cullen,	Lewis,	Smith, A. Herr	
Davidson,	Long,	Smith, H. Y.	

NAYS—124.

Adams, G. E.	Bisbee,	Campbell, J. M.	Dunham,
Anderson,	Boutelle,	Cannon,	English,
Atkinson,	Boyle,	Carleton,	Ermentrout,
Barr,	Brainerd,	Cobb,	Evans,
Bayne,	Brewer, J. H.	Craig,	Everhart,
Beach,	Brown, W. W.	Cutcheon,	Ferrell,
Belmont,	Browne, T. M.	Davis, G. R.	Finerty,
Bennett,	Burleigh,	Davis, R. T.	Follett,
Bingham,	Burnes,	Dingley,	Foran,
Geddes,	Lacey,	Post,	Struble,
Glascock,	Lamb,	Price,	Taylor, E. B.
Goff,	Lawrence,	Pusey,	Taylor, J. D.
Guenther,	Lowry,	Randall,	Thomas,
Halsell,	Matson,	Ranney,	Townshend,
Hanback,	Millard,	Ray, G. W.	Tully,
Harmer,	Miller, S. H.	Ray, Ossian	Vance,
Hart,	Milliken,	Reed, T. B.	Wadsworth,
Hepburn,	Morrill,	Rice,	Wait,
Hill,	Morse,	Riggs,	Wakefield,
Hiscock,	Murphy,	Rockwell,	Ward,
Holman,	Murray,	Rosecrans,	Washburn,
Holmes,	Neece,	Rowell,	Weaver,
Horr,	Nutting,	Russell,	White, J. D.
Howey,	Parker,	Ryan,	White, Milo
Jeffords,	Patton,	Seney,	Wilson, James
Jones, B. W.	Payne,	Shively,	Winans, John
Kean,	Perkins,	Spriggs,	Wise, J. S.
Keifer,	Peters,	Springer,	Wolford,
Kelley,	Pettibone,	Steele,	Woodward,
Ketcham,	Phelps,	Stockslager,	Worthington,
Kleiner,	Poland,	Strait,	Yaple.

NOT VOTING—70.

Adams, J. J.	Ellis,	Hutchins,	Ochiltree,
Arnot,	Ellwood,	James,	O'Hara,
Belford,	Fiedler,	Jones, J. K.	Payson,
Blanchard,	Funston,	Kellogg,	Rankin,
Bowen,	Fyan,	King,	Robinson, J. S.
Breckinridge,	Garrison,	Laird,	Seymour,
Brumm,	George,	Le Fevre,	Shaw,
Campbell, Felix	Gibson,	Libbey,	Skinner, C. R.
Campbell, J. E.	Green,	Lovering,	Stephenson,
Chalmers,	Hancock,	Lyman,	Stewart, J. W.
Clay,	Haynes,	McCoid,	Stone,
Cook,	Henderson, D. B.	McCormick,	Swope,
Covington,	Henderson, T. J.	Mitchell,	Throckmorton,
Curtin,	Hewitt, A. S.	Morrison,	Valentine,
Dargan,	Holton,	Muller,	Van Eaton,
Davis, L. H.	Hooper,	Mutchler,	Warner, A. J.
Dunn,	Houk,	Nelson,	
Elliott,	Hurd,	Nicholls,	

So the substitute was agreed to.

Mr. BEACH. I ask unanimous consent to dispense with the reading of the names.

Mr. RANDALL. I must object; because there have been a great number of changes and gentlemen had better see whether or not they are properly recorded.

The Clerk recapitulated the names of those voting.

The following additional pair was announced:

Mr. FUNSTON with Mr. JONES, of Wisconsin, for this day.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question now recurs upon the motion to recommit the report to the Committee on Rules as amended by the substitute of the gentleman from New York just adopted.

The question was taken, but before the announcement of the result of the vote Mr. COX, of New York, said: I beg pardon of the Chair, but I think the House does not exactly understand the motion on which it is called to vote.

Mr. MILLER, of Pennsylvania. Oh, yes, they do.

The SPEAKER *pro tempore*. The motion has been already stated as plainly as the Chair can state it.

The question is on the motion to recommit the report to the Committee on Rules as amended by the substitute offered by the gentleman from New York to the motion of the gentleman from Illinois.

The House again divided; and there were—ayes 61, noes 143.

Mr. RANDALL. I now ask for a vote on the demand for the previous question.

Mr. TOWNSHEND. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. If the motion of the gentleman from Pennsylvania for the previous question is voted down, will it be in order to offer an amendment?

The SPEAKER *pro tempore*. The Chair will state that but a motion to recommit, with or without instructions, is in order.

Mr. TOWNSHEND. The Chair did not understand my question. I ask if the demand for the previous question—— [Cries of "Vote!" "Vote!"]

The SPEAKER *pro tempore*. The gentleman from Illinois has a right to submit a parliamentary inquiry.

Mr. TOWNSHEND. I will not state it unless gentlemen cease crying "Vote! vote!"

The SPEAKER *pro tempore*. The House will be in order.

Mr. TOWNSHEND. I wish to know if the motion of the gentleman from Pennsylvania shall be voted down—if the previous question is not ordered—whether it will be in order to offer an amendment to this report.

The SPEAKER *pro tempore*. The Chair will state that in that event the report will certainly be open for amendment.

Mr. SPRINGER. There are two amendments already pending.

The SPEAKER *pro tempore*. The question is on ordering the previous question subject to the two amendments proposed by the gentleman from Ohio.

The question was taken.

The House divided; and there were—ayes 107.

Before the negative vote was announced,

Mr. TOWNSHEND said: I call for the yeas and nays

The yeas and nays were not ordered, 35 members only voting therefor—not being one-fifth of the last vote.

Mr. TOWNSHEND. I demand tellers on the yeas and nays.

Tellers were ordered.

Mr. TOWNSHEND and Mr. RANDALL were appointed tellers.

The House again divided; and the tellers reported—ayes 49, noes 129.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 68, not voting 63; as follows:

YEAS—192.

Adams, G. E.	Dibble,	Kelley,	Rogers, W. F.
Aiken,	Dibrell,	King,	Rosecrans,
Alexander,	Dockery,	Kleiner,	Russell,
Atkinson,	Dowd,	Lamb,	Seymour,
Bagley,	Dunham,	Lanham,	Skinner, T. G.
Ballentine,	Eaton,	Lore,	Smalls,
Barbour,	Eldredge,	Lowry,	Smith, A. Herr
Barksdale,	Ellis,	Lyman,	Smith, H. Y.
Beach,	Ellwood,	McAdoo,	Snyder,
Belmont,	English,	McCoid,	Spooner,
Bennett,	Ermentrout,	McMillin,	Spriggs,
Bingham,	Ferrell,	Matson,	Springer,
Blackburn,	Fiedler,	Maybury,	Steele,
Blanchard,	Findlay,	Millard,	Stevens,
Bland,	Follett,	Miller, J. F.	Stewart, Charles
Blount,	Foran,	Milliken,	Stewart, J. W.
Boyle,	Forney,	Mills,	Stockslager,
Bratton,	Geddes,	Money,	Stone,
Breckinridge,	Glascock,	Morgan,	Storm,
Brewer, F. B.	Graves,	Morrill,	Sumner, D. H.
Broadhead,	Green,	Morse,	Talbott,
Buchanan,	Greenleaf,	Muldrow,	Taylor, J. M.
Buckner,	Halsell,	Murray,	Thompson,
Burnes,	Hammond,	Mutchler,	Tillman,
Cabell,	Hanback,	Oates,	Tucker,
Caldwell,	Hardeman,	O'Ferrall,	Tully,
Candler,	Hardy,	O'Neill, J. J.	Turner, H. G.
Carleton,	Harmer,	Paige,	Turner, Oscar
Cassidy,	Hart,	Parker,	Van Alstyne,
Clardy,	Hatch, H. H.	Patton,	Van Eaton,
Clements,	Hatch, W. H.	Peel,	Wait,
Cobb,	Hemphill,	Perkins,	Wallace,
Collins,	Henderson, T. J.	Peters,	Ward,
Connolly,	Henley,	Phelps,	Warner, Richard
Converse,	Hepburn,	Pierce,	Washburn,
Cosgrove,	Herbert,	Poland,	Wellborn,
Covington,	Hewitt, G. W.	Potter,	Wemple,
Cox, S. S.	Hitt,	Price,	White, Milo
Cox, W. R.	Hoblitzell,	Pryor,	Whiting,
Crisp,	Hopkins,	Pusey,	Wilkins,
Culberson, D. B.	Houseman,	Randall,	Williams,
Culbertson, W. W.	Hunt,	Reagan,	Willis,
Curtin,	Jeffords,	Reid, J. W.	Wilson, W. L.
Dargan,	Jones, J. H.	Reese,	Winans, E. B.
Davidson,	Jordan,	Rice,	Wise, G. D.
Davis, G. R.	Kean,	Riggs,	Worthington,
Davis, R. T.	Keifer,	Robertson,	York,
Deuster,	Kellogg,	Rogers, J. H.	Young.

NAYS—68.

Anderson,	Finerty,	Neece,	Struble,
Bayne,	Goff,	O'Hara,	Sumner, C. A.
Bisbee,	Guenther,	O'Neill, Charles	Taylor, J. D.
Boutelle,	Haynes,	Payne,	Thomas,
Breitung,	Hill,	Payson,	Townshend,
Brewer, J. H.	Hiscock,	Pettibone,	Vance,
Brown, W. W.	Holman,	Ranney,	Wadsworth,
Browne, T. M.	Holmes,	Ray, G. W.	Wakefield,
Budd,	Howey,	Ray, Ossian	Weaver,
Campbell, J. M.	Jones, B. W.	Reed, T. B.	Weller,
Cannon,	Lacey,	Robinson, W. E.	White, J. D.
Craig,	Lawrence,	Rockwell,	Winans, John
Cullen,	Le Fevre,	Rowell,	Wise, J. S.
Cutcheon,	Lovering,	Ryan,	Wolford,
Dingley,	McComas,	Shively,	Wood,
Evans,	Miller, S. H.	Stephenson,	Woodward,
Everhart,	Moulton,	Strait,	Yaple.

NOT VOTING—63.

Adams, J. J.	Elliott,	Johnson,	Ochiltree,
Arnot,	Funston,	Jones, J. K.	Post,
Barr,	Fyan,	Jones, J. T.	Rankin,
Belford,	Garrison,	Ketcham,	Robinson, J. S.
Bowen,	George,	Laird,	Seney,
Brainerd,	Gibson,	Lewis,	Shaw,
Brumm,	Hancock,	Libbey,	Singleton,
Burleigh,	Henderson, D. B.	Long,	Skinner, C. R.
Campbell, Felix	Hewitt, A. S.	McCormick,	Slocum,
Campbell, J. E.	Holton,	Mitchell,	Swope,
Chalmers,	Hooper,	Morrison,	Throckmorton,
Clay,	Horr,	Muller,	Taylor, E. B.
Cook,	Houk,	Murphy,	Valentine,
Davis, L. H.	Hurd,	Nelson,	Warner, A. J.
Dorsheimer,	Hutchins,	Nicholls,	Wilson, James.
Dunn,	James,	Nutting,	

So the previous question was ordered.

Mr. MILLER, of Pennsylvania. I ask unanimous consent to dispense with the reading of the names.

Mr. WELLER and Mr. MOULTON objected.

The Clerk recapitulated the names of those voting.

The following additional pairs were announced:

Mr. RANKIN with Mr. BURLEIGH, on all questions, for this day.

Mr. CAMPBELL, of New York, with Mr. WILSON, of Iowa, for the remainder of this day.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs upon the amendment submitted by the gentleman from Ohio, which the Clerk will report.

Mr. KEIFER. The first vote is on the amendment changing the time for the consideration of such measures as may be called up from thirty minutes to one hour.

The SPEAKER *pro tempore*. The Clerk will report the amendment.

The Clerk read as follows:

In line 4 of the resolution, strike out the words "thirty minutes" and insert "one hour;" so that it will read:

"*Resolved*, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up," &c.

Mr. WELLER. Would it be proper to move an amendment to that?

The SPEAKER *pro tempore*. It will not be in order, the previous question having been ordered by the House.

Mr. RANDALL. If the gentleman upon the opposite side who offers this amendment wishes to be heard in support of it I shall desire to say a few words in opposition.

Mr. KEIFER. If the gentleman desires to debate it, for myself I have no objection; but I suppose no debate is in order as the previous question is now operating.

Mr. THOMPSON. I make the point of order that debate is not in order.

Mr. RANDALL. I only wanted to say that if gentlemen on the other side desired to advocate the proposition I wanted the same length of time in opposition to it.

The SPEAKER *pro tempore*. The Chair will state that debate is not in order.

Mr. KEIFER. There seems to be some misapprehension among gentlemen as to the effect of this amendment. This does not extend the time for debate on any proposition called up under this resolution, but simply extends the time in which such measures may be entertained from thirty minutes to one hour.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment which has just been read.

The question was taken; the House divided; and there were—ayes 136, noes 57.

Mr. HOLMAN. I ask the yeas and nays.

The yeas and nays were ordered, 40 members voting therefor—being more than one-fifth of the last vote.

The question was taken; and there were—yeas 175, nays 77, not voting 71; as follows:

YEAS—175.

Adams, G. E.	Dorsheimer,	Lore,	Rogers, W. F.
Adams, J. J.	Dunham,	Lovering,	Rosecrans,
Atkinson,	Ellwood,	Lowry,	Rowell,
Barr,	Ermentrout,	McAdoo,	Russell,
Bayne,	Evans,	McCoid,	Shively,
Beach,	Everhart,	McComas,	Smalls,
Belmont,	Ferrell,	Millard,	Smith, A. Herr
Bingham,	Findlay,	Miller, S. H.	Smith, H. Y.
Bisbee,	Finerty,	Milliken,	Snyder,
Boutelle,	Foran,	Money,	Spooner,
Brainerd,	George,	Morrill,	Springer,
Breitung,	Glascock,	Moulton,	Stephenson,
Brewer, F. B.	Goff,	Muldrow,	Stevens,
Brewer, J. H.	Greenleaf,	Murphy,	Stewart, J. W.
Broadhead,	Guenther,	Mutchler,	Stockslager,
Brown, W. W.	Hanback,	Neece,	Stone,
Browne, T. M.	Hart,	Nelson,	Strait,
Buckner,	Hatch, H. H.	Nutting,	Struble,
Budd,	Hatch, W. H.	Oates,	Sumner, D. H.
Burleigh,	Hemphill,	O'Ferrall,	Taylor, J. D.
Burnes,	Henderson, D. B.	O'Neill, Charles	Taylor, J. M.
Caldwell,	Henderson, T. J.	O'Neill, J. J.	Thomas,
Campbell, J. M.	Hepburn,	Paige,	Thompson,
Cannon,	Hiscock,	Parker,	Tillman,
Cassidy,	Hitt,	Payne,	Tucker,
Clardy,	Hoblitzell,	Payson,	Vance,
Collins,	Holmes,	Perkins,	Van Eaton,
Connolly,	Hopkins,	Peters,	Wadsworth,
Converse,	Horr,	Pettibone,	Wait,
Covington,	Howey,	Poland,	Wakefield,
Cox, S. S.	James,	Post,	Wallace,
Craig,	Johnson,	Potter,	Weaver,
Culberson, D. B.	Jones, B. W.	Price,	Wemple,
Culbertson, W. W.	Jones, J. H.	Pusey,	White, Milo
Cullen,	Jordan,	Ranney,	Whiting,
Cutcheon,	Kean,	Ray, G. W.	Wilson, W. L.
Davidson,	Keifer,	Ray, Ossian	Wise, G. D.
Davis, G. R.	Kelley,	Reed, T. B.	Wolford,
Davis, R. T.	Ketcham,	Reid, J. W.	Wood,
Deuster,	King,	Rice,	Woodward,
Dibble,	Kleiner,	Riggs,	Worthington
Dibrell,	Lanham,	Robinson, W. E.	York,
Dingley,	Lawrence,	Rockwell,	Young.
Dockery,	Long,	Rogers, J. H.	

NAYS—77.

Aiken,	Bland,	Carleton,	Dowd,
Alexander,	Blount,	Clements,	Eaton,
Anderson,	Boyle,	Cobb,	Eldredge,
Ballentine,	Bratton,	Cosgrove,	Ellis,
Barksdale,	Buchanan,	Cox, W. R.	English,
Bennett,	Cabell,	Crisp,	Fiedler,
Blackburn,	Candler,	Dargan,	Follett,

Forney,	Le Fevre,	Reagan,	Ward,
Geddes,	McMillin,	Reese,	Warner, Richard
Hammond,	Matson,	Robertson,	Wellborn,
Hardeman,	Maybury,	Seney,	Weller,
Hardy,	Miller, J. F.	Seymour,	White, J. D.
Harmer,	Mills,	Spriggs,	Williams,
Herbert,	Murray,	Steele,	Willis,
Hewitt, G. W.	O'Hara,	Stewart, Charles	Winans, E. B.
Hill,	Patton,	Storm,	Winans, John
Holman,	Peel,	Townshend,	Yaple.
Houseman,	Pierce,	Tully,	
Lacey,	Pryor,	Turner, H. G.	
Lamb,	Randall,	Turner, Oscar	

NOT VOTING—71.

Arnot,	Fyan,	Jones, J. T.	Shaw,
Bagley,	Garrison,	Kellogg,	Singleton,
Barbour,	Gibson,	Laird,	Skinner, C. R.
Belford,	Graves,	Lewis,	Skinner, T. G.
Blanchard,	Green,	Libbey,	Slocum,
Bowen,	Halsell,	Lyman,	Sumner, C. A.
Breckinridge,	Hancock,	McCormick,	Swope,
Brumm,	Haynes,	Mitchell,	Talbott,
Campbell, Felix	Henley,	Morgan,	Taylor, E. B.
Campbell, J. E.	Hewitt, A. S.	Morrison,	Throckmorton,
Chalmers,	Holton,	Morse,	Valentine,
Clay,	Hooper,	Muller,	Van Alstyne,
Cook,	Houk,	Nicholls,	Warner, A. J.
Curtin,	Hunt,	Ochiltree,	Washburn,
Davis, L. H.	Hurd,	Phelps,	Wilkins,
Dunn,	Hutchins,	Rankin,	Wilson, James
Elliott,	Jeffords,	Robinson, J. S.	Wise, J. S.
Funston,	Jones, J. K.	Ryan,	

So the amendment was agreed to.

Mr. KEIFER. I ask unanimous consent that the reading of the names be dispensed with.

Mr. WELLER. I object.

The names of members voting were read.

The following additional pairs were announced:

Mr. TALBOTT with Mr. PHELPS, for the remainder of the day.

Mr. SKINNER, of North Carolina, with Mr. FUNSTON, for the remainder of the day.

Mr. VAN ALSTYNE with Mr. MORGAN, on this vote. If present, Mr. VAN ALSTYNE would vote "no" and Mr. MORGAN would vote "ay."

Mr. HOLMAN with Mr. RYAN, on this vote.

The result of the vote was then announced as above stated.

Mr. KEIFER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER. I now ask for a vote on my amendment, to strike out the word "five" and insert the word "ten" where the resolution mentions the number of members who are to object.

The SPEAKER *pro tempore*. The question now is on the second amendment offered by the gentleman from Ohio [Mr. KEIFER], which will be reported.

The Clerk read as follows:

Strike out the word "five" and insert the word "ten;" making it read: "Unless objected to by at least ten members."

Mr. COLLINS. Mr. Speaker, I move that the House take a recess until to-morrow at 11 o'clock, and I do it for the purpose——

Mr. RANDALL. I object to debate.

Mr. COLLINS. On that motion I call the previous question.

Mr. THOMPSON. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The question is on the motion to adjourn.

The question being taken, there were—ayes 74, noes 109.

Mr. MOULTON. I call for the yeas and nays.

The yeas and nays were ordered, 53 members voting therefor.

Mr. HAMMOND. Before the Clerk proceeds to call the roll I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. If the House shall now adjourn, will not the resolution for the amendment of the rules be in order to-morrow morning as unfinished business?

The SPEAKER *pro tempore*. The Chair will state the previous question has been applied to the resolution by order of the House; and, in the judgment of the Chair, this report would come up as unfinished business to-morrow after the reading of the Journal and before the morning hour.

The question was taken; and there were—yeas 101, nays 157, not voting 65; as follows:

YEAS—101.

Aiken,	Candler,	Dowd,	Hemphill,
Alexander,	Cannon,	Eaton,	Henley,
Ballentine,	Clements,	Eldredge,	Herbert,
Barksdale,	Cobb,	Ellwood,	Hewitt, G. W.
Bayne,	Converse,	English,	Hoblitzell,
Bennett,	Cosgrove,	Ermentrout,	Holman,
Bland,	Covington,	Ferrell,	Howey,
Blount,	Cox, W. R.	Forney,	Jones, J. H.
Brainerd,	Crisp,	Geddes,	Lamb,
Browne, T. M.	Culberson, D. B.	Glascock,	Lanham,
Buchanan,	Cullen,	Green,	McMillin,
Buckner,	Curtin,	Halsell,	Matson,
Burnes,	Davidson,	Hammond,	Miller, J. F.
Cabell,	Dibrell,	Hardeman,	Mills,
Caldwell,	Dockery,	Hatch, W. H.	Money,
Moulton,	Randall,	Stewart, Charles	Wilkins,
Mutchler,	Reagan,	Sumner, C. A.	Williams,
Neece,	Reese,	Taylor, J. M.	Willis,
Nelson,	Riggs,	Thompson,	Winans, E. B.
Oates,	Robertson,	Tillman,	Winans, John
Patton,	Rogers, J. H.	Tucker,	Wise, G. D.
Payson,	Rowell,	Tully,	Wolford,
Peel,	Seney,	Turner, H. G.	Yaple.
Pierce,	Shively,	Warner, Richard	
Price,	Snyder,	Wellborn,	
Pryor,	Steele,	Weller,	

NAYS—157.

Adams, G. E.	Findlay,	Lovering,	Slocum,
Adams, J. J.	Finerty,	Lowry,	Smalls,
Anderson,	Follett,	Lyman,	Smith, A. Herr
Atkinson,	Foran,	McAdoo,	Smith, H. Y.
Bagley,	Gibson,	McCoid,	Spooner,
Beach,	Goff,	McComas,	Spriggs,
Belmont,	Graves,	Maybury,	Springer,
Bingham,	Guenther,	Millard,	Stephenson,
Bisbee,	Hanback,	Miller, S. H.	Stevens,
Blackburn,	Hardy,	Milliken,	Stockslager,
Boutelle,	Harmer,	Mitchell,	Stone,
Boyle,	Hart,	Morrill,	Storm,
Bratton,	Hatch, H. H.	Morse,	Strait,
Breitung,	Haynes,	Muldrow,	Struble,
Brewer, F. B.	Henderson, D. B.	Nutting,	Sumner, D. H.
Brewer, J. H.	Henderson, T. J.	O'Ferrall,	Taylor, J. D.
Broadhead,	Hepburn,	O'Hara,	Thomas,
Brown, W. W.	Hill,	O'Neill, Charles	Townshend,
Burleigh,	Hiscock,	O'Neill, J. J.	Turner, Oscar
Campbell, J. M.	Hitt,	Paige,	Van Alstyne,
Carleton,	Holmes,	Parker,	Vance,
Cassidy,	Hopkins,	Payne,	Van Eaton,
Clardy,	Horr,	Perkins,	Wait,
Collins,	Houseman,	Peters,	Wallace,
Connolly,	Hunt,	Pettibone,	Ward,
Craig,	James,	Post,	Washburn,
Culbertson, W. W.	Jeffords,	Potter,	Weaver,
Cutcheon,	Johnson,	Pusey,	Wemple,
Dargan,	Jones, B. W.	Ranney,	White, J. D.
Davis, G. R.	Jordan,	Ray, G. W.	White, Milo
Davis, R. T.	Kean,	Reed, T. B.	Whiting,
Deuster,	Keifer,	Reid, J. W.	Wilson, W. L.
Dibble,	Kelley,	Rice,	Wood,
Dingley,	Ketcham,	Robinson, W. E.	Woodward,
Dorsheimer,	King,	Rockwell,	Worthington,
Dunham,	Kleiner,	Rogers, W. F.	York,
Ellis,	Lacey,	Rosecrans,	Young.
Evans,	Lawrence,	Russell,	
Everhart,	Long,	Ryan,	
Fiedler,	Lore,	Seymour.	

NOT VOTING—65.

Arnot,	Elliott,	Le Fevre,	Singleton,
Barbour,	Funston,	Lewis,	Skinner, C. R.
Barr,	Fyan,	Libbey,	Skinner, T. G.
Belford,	Garrison,	McCormick,	Stewart, J. W.
Blanchard,	George,	Morgan,	Swope,
Bowen,	Greenleaf,	Morrison,	Talbott,
Breckinridge,	Hancock,	Muller,	Taylor, E. B.
Brumm,	Hewitt, A. S.	Murphy,	Throckmorton,
Budd,	Holton,	Murray,	Valentine,
Campbell, Felix	Hooper,	Nicholls,	Wadsworth,
Campbell, J. E.	Houk,	Ochiltree,	Wakefield,
Chalmers,	Hurd,	Phelps,	Warner, A. J.
Clay,	Hutchins,	Poland,	Wilson, James
Cook,	Jones, J. K.	Rankin,	Wise, J. S.
Cox, S. S.	Jones, J. T.	Ray, Ossian	
Davis, L. H.	Kellogg,	Robinson, J. S.	
Dunn,	Laird,	Shaw,	

So the motion was not agreed to.

Mr. COLLINS. Mr. Speaker, I ask unanimous consent that the reading of the names be dispensed with.

Mr. MOULTON and others objected.

The SPEAKER *pro tempore*. The Clerk will report the names of gentlemen who have voted.

Mr. MOULTON. I withdraw the objection.

Mr. WELLER. I object.

Mr. GIBSON. Mr. Speaker, unanimous consent was asked that the reading of the names be dispensed with.

The SPEAKER *pro tempore*. But objection was made.

Mr. GIBSON. The objection was withdrawn by the gentleman from Illinois [Mr. MOULTON].

The SPEAKER *pro tempore*. Objection has been made also by the gentleman from Iowa [Mr. WELLER]. The Clerk will report the names.

The Clerk read the names of members voting.

The result of the vote was announced as above recorded.

Mr. MOULTON. I move that when the House adjourns it adjourn to meet on Wednesday next.

The motion was not agreed to.

Mr. MOULTON. I move that the House do now adjourn.

The question was taken; and there were—ayes 74, noes 89.

Mr. MOULTON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 96, nays 132, not voting 96; as follows:

YEAS—96.

Alexander,	Bland,	Campbell, J. M.	Cobb,
Ballentine,	Blount,	Candler,	Converse,
Barbour,	Browne, T. M.	Cannon,	Cosgrove,
Barksdale,	Buchanan,	Carleton,	Crisp,
Bennett,	Cabell,	Clardy,	Culberson, D. B.
Blanchard,	Caldwell,	Clements,	Cullen,

Curtin,	Hoblitzell,	Perkins,	Sumner, D. H.
Davidson,	Holman,	Peters,	Taylor, J. M.
Dibrell,	Howey,	Price,	Thompson,
Dockery,	Lacey,	Pryor,	Tillman,
Dowd,	Lamb,	Pusey,	Townshend,
Eldredge,	Lanham,	Randall,	Tucker,
Ermentrout,	McMillin,	Reese,	Tully,
Ferrell,	Matson,	Riggs,	Turner, H. G.
Forney,	Miller, J. F.	Rogers, J. H.	Wakefield,
Geddes,	Mills,	Seney,	Ward,
Green,	Money,	Shively,	Warner, Richard
Halsell,	Moulton,	Singleton,	Wellborn,
Hammond,	Mutchler,	Smalls,	Weller,
Hardeman,	Neece,	Snyder,	Willis,
Hatch, W. H.	Nelson,	Springer,	Winans, E. B.
Hemphill,	Patton,	Steele,	Winans, John
Henley,	Peel,	Stewart, Charles	Wise, G. D.
Hewitt, G. W.	Pierce,	Stockslager,	Wolford.

NAYS—132.

Adams, G. E.	Everhart,	Kleiner,	Robinson, W. E.
Adams, J. J.	Fiedler,	Lawrence,	Rockwell,
Anderson,	Findlay,	Lewis,	Rogers, W. F.
Bagley,	Finerty,	Long,	Rosecrans,
Barr,	Follett,	Lore,	Russell,
Beach,	Foran,	Lovering,	Ryan,
Belmont,	Gibson,	Lowry,	Seymour,
Bingham,	Goff,	Lyman,	Smith, A. Herr
Bisbee,	Graves,	McAdoo,	Smith, H. Y.
Blackburn,	Greenleaf,	McCoid,	Spooner,
Boutelle,	Guenther,	McComas,	Spriggs,
Boyle,	Hanback,	Maybury,	Stephenson,
Bratton,	Hardy,	Millard,	Stevens,
Breckinridge,	Harmer,	Miller, S. H.	Storm,
Brewer, J. H.	Hart,	Milliken,	Strait,
Broadhead,	Hatch, H. H.	Mitchell,	Struble,
Brown, W. W.	Haynes,	Muldrow,	Taylor, J. D.
Burleigh,	Henderson, D. B.	Nutting,	Thomas,
Cassidy,	Henderson, T. J.	O'Ferrall,	Turner, Oscar
Collins,	Hill,	O'Hara,	Van Alstyne,
Cox, S. S.	Hiscock,	O'Neill, Charles	Vance,
Cox, W. R.	Hitt,	O'Neill, J. J.	Van Eaton,
Cutcheon,	Holmes,	Paige,	Washburn,
Dargan,	Horr,	Parker,	Weaver,
Davis, G. R.	Houseman,	Payne,	Wemple,
Davis, R. T.	James,	Post,	White, J. D.
Deuster,	Jeffords,	Potter,	White, Milo
Dibble,	Johnson,	Ranney,	Whiting,
Dingley,	Jordan,	Ray, Ossian	Wilson, W. L.
Dorsheimer,	Kean,	Reed, T. B.	Wood,
Dunham,	Keifer,	Reid, J. W.	Woodward,
Ellis,	Ketcham,	Rice,	Worthington,
Evans,	King,	Robertson,	York.

NOT VOTING—95.

Aiken,	Eaton,	Kelley,	Rowell,
Arnot,	Elliott,	Kellogg,	Shaw,
Atkinson,	Ellwood,	Laird,	Skinner, C. R.
Bayne,	English,	Le Fevre,	Skinner, T. G.
Belford,	Funston,	Libbey,	Slocum,
Bowen,	Fyan,	McCormick,	Stewart, J. W.
Brainerd,	Garrison,	Morgan,	Stone,
Breitung,	George,	Morrill,	Sumner, C. A.
Brewer, F. B.	Glascock,	Morrison,	Swope,
Brumm,	Hancock,	Morse,	Talbott,
Buckner,	Hepburn,	Muller,	Taylor, E. B.
Budd,	Herbert,	Murphy,	Throckmorton,
Burnes,	Hewitt, A. S.	Murray,	Valentine,
Campbell, Felix	Holton,	Nicholls,	Wadsworth,
Campbell, J. E.	Hooper,	Oates,	Wait,
Chalmers,	Hopkins,	Ochiltree,	Wallace,
Clay,	Houk,	Payson,	Warner, A. J.
Connolly,	Hunt,	Pettibone,	Wilkins,
Cook,	Hurd,	Phelps,	Williams,
Covington,	Hutchins,	Poland,	Wilson, James
Craig,	Jones, B. W.	Rankin,	Wise, J. S.
Culbertson, W. W.	Jones, J. H.	Ray, G. W.	Yaple,
Davis, L. H.	Jones, J. K.	Reagan,	Young.
Dunn,	Jones, J. T.	Robinson, J. S.	

Mr. BEACH. I ask unanimous consent that the reading of the names be dispensed with.

Mr. HAMMOND. I object.

The Clerk read the names of members voting.

The following additional pairs were announced:

Mr. YOUNG with Mr. BREITUNG, for the remainder of the day.

Mr. HERBERT with Mr. KELLEY, for the remainder of the day.

Mr. BROADHEAD with Mr. CANNON, for the remainder of the day

Mr. GIBSON with Mr. WAIT, for the remainder of the day.

Mr. GLASCOCK with Mr. JONES of Texas.

The result of the vote was then announced as above recorded.

Mr. MOULTON. I move that when the House adjourns it adjourn to meet on Wednesday next.

Mr. COLLINS. I make the point of order that that motion has been already voted down.

Mr. MOULTON. But other business has intervened.

The SPEAKER *pro tempore*. The Chair does not think that a motion to adjourn is "other business" within the meaning of the rule. The Chair therefore thinks the point of order well taken.

Mr. COLLINS. I move that the House do now take a recess until 11 o'clock to-morrow.

Mr. HAMMOND. I move that when the House adjourns to-day it adjourn to meet on Thursday next.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. COLLINS] moves that the House take a recess until 11 o'clock to-morrow. Pending that the gentleman from Georgia [Mr. HAMMOND] moves that when the House adjourns to-day it adjourn to meet on Thursday next. The latter motion takes precedence.

Mr. GIBSON. I offer an amendment, that when the House adjourns it adjourn to meet this evening at 8 o'clock.

The SPEAKER *pro tempore*. The Chair must inform the gentleman from West Virginia [Mr. GIBSON] that his motion is not in order under the rule.

Mr. HISCOCK. Mr. Speaker, is it in order to inquire whether there is any filibustering on that side of the House? [Laughter.]

The SPEAKER *pro tempore*. The Chair does not think that it is called upon to answer that question.

Mr. REED, of Maine. Perhaps some other gentleman on that side of the House might volunteer the information.

The question was taken on the motion of Mr. HAMMOND, that when the House adjourns it adjourn to meet on Thursday next.

The motion was not agreed to.

Mr. HATCH, of Missouri. I move that the House do now adjourn.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. HATCH] moves that the House do now adjourn. Pending that motion the Chair asks the consent of the House to submit the following messages from the President of the United States.

There was no objection.

APPEAL OF FITZ-JOHN PORTER.

The SPEAKER *pro tempore* laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of January 28, 1885, "that the President be respectfully requested to transmit to this House a copy of the recent appeal of Fitz-John Porter, together with the accompanying papers," I transmit herewith a copy of a communication from Fitz-John Porter, addressed to the President, from Morristown, N. J., under date of October 14, 1884, together with copies of the accompanying papers.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

REPORT OF NATIONAL BOARD OF HEALTH.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Select Committee on the Public Health, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the report of the National Board of Health for the year 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

SURVEYS OF RIVERS IN WASHINGTON TERRITORY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a preliminary examination of Puyallup River, Washington Territory; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a preliminary examination of Lewis River, Washington Territory; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a preliminary examination of Willahpah River, Washington Territory; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. JONES, of Alabama, by unanimous consent, obtained leave of absence for the rest of the day, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. MURRAY, by unanimous consent, obtained leave to withdraw papers in the case of Abram S. Galbraith.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Missouri [Mr. HATCH] that the House adjourn.

Mr. WASHBURN. I rise to a parliamentary inquiry. If the House should vote down the motion to adjourn will the next question be upon the motion for a recess? [Cries of "Regular order!"]

The SPEAKER *pro tempore*. That will be determined when the House shall have disposed of the motion made by the gentleman from Missouri.

The question being taken on the motion of Mr. HATCH, of Missouri, that the House adjourn, there were—ayes 82, noes 88.

Mr. HATCH, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, 53 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 69, nays 104, not voting 150; as follows:

YEAS—69.

Alexander,	Davidson,	Moulton,	Taylor, J. M.
Bennett,	Everhart,	Mutchler,	Thomas,
Blackburn,	Ferrell,	Neece,	Thompson,
Bland,	Forney,	Nelson,	Tillman,
Blount,	Geddes,	Patton,	Townshend,
Buchanan,	Goff,	Peel,	Tully,
Cabell,	Graves,	Pierce,	Wakefield,
Caldwell,	Green,	Price,	Wallace,
Campbell, J. M.	Halsell,	Pryor,	Warner, Richard
Candler,	Hammond,	Pusey,	Wellborn,
Carleton,	Hardeman,	Randall,	Weller,
Clements,	Hatch, H. H.	Rice,	Willis,
Cobb,	Hatch, W. H.	Rogers, W. F.	Wise, G. D.
Converse,	Hemphill,	Seney,	Wolford,
Cosgrove,	Hewitt, G. W.	Singleton,	Yaple.
Covington,	Holman,	Springer,	
Cox, W. R.	McMillin,	Stewart, Charles	
Crisp,	Miller, J. F.	Sumner, D. H.	

NAYS—104.

Adams, G. E.	Dunham,	Lacey,	Reid, J. W.
Adams, J. J.	Ellis,	Long,	Rosecrans,
Anderson,	Evans,	Lore,	Russell,
Bagley,	Fiedler,	Lovering,	Ryan,
Beach,	Findlay,	Lowry,	Seymour,
Belmont,	Finerty,	McAdoo,	Smith, A. Herr
Bingham,	Follett,	McCoid,	Smith, H. Y.
Bisbee,	Greenleaf,	McComas,	Spooner,
Boutelle,	Guenther,	Maybury,	Spriggs,
Boyle,	Hart,	Millard,	Stephenson,
Bratton,	Haynes,	Miller, S. H.	Stevens,
Breckinridge,	Henderson, D. B.	Milliken,	Strait,
Brown, W. W.	Henderson, T. J.	Mitchell,	Sumner, C. A.
Budd,	Hill,	Money,	Taylor, J. D.
Burleigh,	Hiscock,	Morse,	Turner, Oscar
Cassidy,	Hitt,	Muldrow,	Van Alstyne,
Clardy,	Holmes,	O'Hara,	Van Eaton,
Collins,	Horr,	O'Neill, Charles	Washburn,
Connolly,	Houseman,	O'Neill, J. J.	Weaver,
Cox, S. S.	James,	Paige,	Wemple,
Cutcheon,	Jeffords,	Payne,	White, J. D.
Davis, G. R.	Jones, B. W.	Peters,	White, Milo
Davis, R. T.	Jordan,	Post,	Whiting,
Deuster,	Kean,	Potter,	Wilson, W. L.
Dibble,	King,	Ranney,	Wood,
Dorsheimer,	Kleiner,	Reed, T. B.	Woodward.

NOT VOTING—150.

Aiken,	Eaton,	Laird,	Rogers, J. H.
Arnot,	Eldredge,	Lamb,	Rowell,
Atkinson,	Elliott,	Lanham,	Shaw,
Ballentine,	Ellwood,	Lawrence,	Shively,
Barbour,	English,	Le Fevre,	Skinner, C. R.
Barksdale,	Ermentrout,	Lewis,	Skinner, T. G.
Barr,	Foran,	Libbey,	Slocum,
Bayne,	Funston,	Lyman,	Smalls,
Belford,	Fyan,	McCormick,	Snyder,
Blanchard,	Garrison,	Matson,	Steele,
Bowen,	George,	Mills,	Stewart, J. W.
Brainerd,	Gibson,	Morgan,	Stockslager,
Breitung,	Glascock,	Morrill,	Stone,
Brewer, F. B.	Hanback,	Morrison,	Storm,
Brewer, J. H.	Hancock,	Muller,	Struble,
Broadhead,	Hardy,	Murphy,	Swope,
Browne, T. M.	Harmer,	Murray,	Talbott,
Brumm,	Henley,	Nicholls,	Taylor, E. B.
Buckner,	Hepburn,	Nutting,	Throckmorton,
Burnes,	Herbert,	Oates,	Tucker,
Campbell, Felix	Hewitt, A. S.	Ochiltree,	Turner, H. G.
Campbell, J. E.	Hoblitzell,	O'Ferrall,	Valentine,
Cannon,	Holton,	Parker,	Vance,
Chalmers,	Hooper,	Payson,	Wadsworth,
Clay,	Hopkins,	Perkins,	Wait,
Cook,	Houk,	Pettibone,	Ward,
Craig,	Howey,	Phelps,	Warner, A. J.
Culberson, D. B.	Hunt,	Poland,	Wilkins,
Culbertson, W. W.	Hurd,	Rankin,	Williams,
Cullen,	Hutchins,	Ray, G. W.	Wilson, James
Curtin,	Johnson,	Ray, Ossian	Winans, E. B.
Dargan,	Jones, J. H.	Reagan,	Winans, John
Davis, L. H.	Jones, J. K.	Reese,	Wise, J. S.
Dibrell,	Jones, J. T.	Riggs,	Worthington,
Dingley,	Keifer,	Robertson,	York,
Dockery,	Kelley,	Robinson, J. S.	Young.
Dowd,	Kellogg,	Robinson, W. E.	
Dunn,	Ketcham,	Rockwell,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced:

Mr. DINGLEY with Mr. TURNER, of Georgia, on this vote.

Mr. WARD with Mr. O'FERRALL, on this vote.

The following were announced as paired for the remainder of the day:

Mr. STEELE with Mr. HUNT.

Mr. WORTHINGTON with Mr. SHIVELY.

Mr. DIBRELL with Mr. LYMAN.

Mr. VANCE with Mr. SMALLS.

Mr. HANBACK with Mr. SNYDER.

Mr. BLANCHARD with Mr. LACEY.

Mr. RICE with Mr. STOCKSLAGER.

Mr. OATES with Mr. KETCHAM.

Mr. LEWIS with Mr. HENLEY.

Mr. SWOPE with Mr. BREWER, of New Jersey.

Mr. HOBLITZELL with Mr. STRUBLE.

Mr. PERKINS with Mr. RAY, of New Hampshire.

Mr. ROGERS, of New York, with Mr. WINANS, of Michigan.

Mr. GEORGE with Mr. LANHAM.

Mr. ERMENTROUT with Mr. HARMER.

Mr. ROCKWELL with Mr. DOCKERY.

Mr. ROBERTSON with Mr. CLARDY.

The result of the vote was announced as above stated.

Mr. HATCH, of Missouri. I move that when the House adjourns to-day it adjourn to meet on Wednesday next.

Mr. COLLINS. I make the point of order, Mr. Speaker, that has been voted down.

The SPEAKER *pro tempore*. The point of order is not well taken. A motion was made that when the House adjourns it adjourn to meet on Wednesday next. That was voted down and a motion to adjourn was rejected, but a motion was interposed that when the House adjourns it adjourn to meet on Thursday next, which was disposed of, when the motion to adjourn was again in order. That motion to adjourn until Thursday next constituting business within the meaning of the rule, the motion of the gentleman from Missouri is in order.

Mr. COLLINS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COLLINS. If a motion be made to adjourn and it be voted down, is it in order to make identically the same motion immediately thereafter?

Mr. HATCH, of Missouri. I rise to object. That is not a parliamentary inquiry.

Mr. COLLINS. If a motion be made that when the House adjourns it adjourn to a day certain, and that be voted down, can it be renewed as many times as the House pleases, no other motion to adjourn intervening?

The SPEAKER *pro tempore*. It may be renewed at the pleasure of any member of the House, provided business has been transacted by the House. The Chair held a moment ago it could not be renewed when nothing had transpired except a vote by yeas and nays on the motion to adjourn, because there is an unbroken chain of precedents declaring a motion to adjourn does not, in contemplation of the rule, constitute intervening business; but a motion to fix the day to which the House shall adjourn does constitute intervening business, and the gentleman from Missouri is therefore in order, and the point of order is overruled.

Mr. HISCOCK. I take the floor, Mr. Speaker, to ask whether——[Cries of "Regular order!"]

Mr. RANDALL. I take exception to the statement there has been an unbroken precedent in that direction.

The SPEAKER *pro tempore*. The Chair does not mean to say there have not been rulings in other directions, but the Chair can not remember any Speaker who has presided over any House of Representatives, since he has been a member, that has not ruled in accordance with the ruling of the Chair now. The motion of the gentleman from Missouri is in order.

The House divided; and there were—ayes 36, noes 22.

So the motion was disagreed to.

Mr. BLOUNT. I move that the House adjourn.

The House divided; and there were—ayes 71, noes 63.

Mr. COLLINS demanded the yeas and nays.

Mr. HATCH, of Missouri. I rise to a parliamentary inquiry. Is this filibustering?

The House divided; and there were ayes 43.

The SPEAKER *pro tempore*. In the opinion of the Chair there is a sufficient number to order the yeas and nays.

Mr. HATCH, of Missouri. Count the other side.

The other side was counted; and there were noes 58.

Mr. HISCOCK. I should like to inquire of the gentleman from Massachusetts whether he thinks it is possible to accomplish anything here to-night. If not, why then should we be compelled to stay here?

Mr. COLLINS. All things are possible in a sensible assembly.

Mr. HISCOCK. You know we can not accomplish anything if we stay here until midnight.

Mr. HATCH, of Missouri. I suggest to the gentleman from Massachusetts if he is a sensible man he will vote to adjourn.

The SPEAKER *pro tempore*. The yeasan d nays have been ordered.

The question was taken; and it was decided in the negative—yeas 65, nays 84, not voting 174; as follows:

YEAS—65.

Alexander,	Davidson,	Miller, J. F.	Taylor, J. M.
Bennett,	Dowd,	Moulton,	Thompson,
Blackburn,	Eldredge,	Neece,	Tillman,
Bland,	Everhart,	Patton,	Wakefield,
Blount,	Ferrell,	Peel,	Wallace,
Boutelle,	Forney,	Pierce,	Warner, Richard
Breckinridge,	Goff,	Price,	Wellborn,
Buchanan,	Green,	Pryor,	Weller,
Cabell,	Halsell,	Pusey,	Willis,
Caldwell,	Hammond,	Randall,	Wilson, W. L.
Candler,	Hardeman,	Ranney,	Winans, E. B.
Carleton,	Hatch, W. H.	Reese,	Wise, G. D.
Clements,	Hewitt, G. W.	Rogers, J. H.	Wolford,
Cobb,	Holman,	Singleton,	Yaple.
Converse,	Holmes,	Springer,	
Cosgrove,	McMillin,	Stephenson,	
Crisp,	Matson,	Stewart, Charles.	

NAYS—84.

Adams, G. E.	Evans,	Lovering,	Russell,
Adams, J. J.	Fiedler,	Lowry,	Ryan,
Bagley,	Findlay,	McAdoo,	Seymour,
Barksdale,	Finerty,	McCoid,	Smith, A. Herr
Beach,	Follett,	Maybury,	Smith, H. Y.
Bingham,	Geddes,	Millard,	Spooner,
Bisbee,	Greenleaf,	Milliken,	Spriggs,
Bratton,	Guenther,	Mitchell,	Stevens,
Brown, W. W.	Hardy,	Morse,	Strait,
Budd,	Henderson, D. B.	O'Ferrall,	Sumner, C. A.
Burleigh,	Hill,	O'Hara,	Taylor, J. D.
Cassidy,	Hiscock,	O'Neill, Charles	Thomas,
Collins,	Hitt,	O'Neill, J. J.	Washburn,
Cutcheon,	Houseman,	Parker,	Weaver,
Davis, G. R.	James,	Payne,	Wemple,
Davis, R. T.	Jeffords,	Peters,	White, J. D.
Deuster,	Jones, B. W.	Pettibone,	White, Milo
Dibble,	Jordan,	Post,	Whiting,
Dorsheimer,	Kean,	Potter,	Wilson, James
Dunham,	Kleiner,	Reid, J. W.	Wood,
Ellis,	Lore,	Rockwell,	Woodward.

NOT VOTING—174.

Aiken,	Dunn,	King,	Rogers, W. F.
Anderson,	Eaton,	Lacey,	Rosecrans,
Arnot,	Elliott,	Laird,	Rowell,
Atkinson,	Ellwood,	Lamb,	Seney,
Ballentine,	English,	Lanham,	Shaw,
Barbour,	Ermentrout,	Lawrence,	Shively,
Barr,	Foran,	Le Fevre,	Skinner, C. R.
Bayne,	Funston,	Lewis,	Skinner, T. G.
Belford,	Fyan,	Libbey,	Slocum,
Belmont,	Garrison,	Long,	Smalls,
Blanchard,	George,	Lyman,	Snyder,
Bowen,	Gibson,	McComas,	Steele,
Boyle,	Glascock,	McCormick,	Stewart, J. W.
Brainerd,	Graves,	Miller, S. H.	Stockslager,
Breitung,	Hanback,	Mills,	Stone.
Brewer, F. B.	Hancock,	Money,	Storm,
Brewer, J. H.	Harmer,	Morgan,	Struble,
Broadhead,	Hart,	Morrill,	Sumner, D. H.
Browne, T. M.	Hatch, H. H.	Morrison,	Swope,
Brumm,	Haynes,	Muldrow,	Talbott,
Buckner,	Hemphill,	Muller,	Taylor, E. B.
Burnes,	Henderson, T. J.	Murphy,	Throckmorton,
Campbell, Felix	Henley,	Murray,	Townshend,
Campbell, J. E.	Hepburn,	Mutchler,	Tucker,
Campbell, J. M.	Herbert,	Nelson,	Tully,
Cannon,	Hewitt, A. S.	Nicholls,	Turner, H. G.
Chalmers,	Hoblitzell,	Nutting,	Turner, Oscar
Clardy,	Holton,	Oates,	Valentine,
Clay,	Hooper,	Ochiltree,	Van Alstyne,
Connolly,	Hopkins,	Paige,	Vance,
Cook,	Horr,	Payson,	Van Eaton,
Covington,	Houk,	Perkins,	Wadsworth,
Cox, S. S.	Howey,	Phelps,	Wait,
Cox, W. R.	Hunt,	Poland,	Ward,
Craig,	Hurd,	Rankin,	Warner, A. J.
Culberson, D. B.	Hutchins,	Ray, G. W.	Wilkins,
Culbertson, W. W.	Johnson,	Ray, Ossian	Williams,
Cullen,	Jones, J. H.	Reagan,	Winans, John
Curtin,	Jones, J. K.	Reed, T. B.	Wise, J. S.
Dargan,	Jones, J. T.	Rice,	Worthington,
Davis, L. H.	Keifer,	Riggs,	York,
Dibrell,	Kelley,	Robertson,	Young.
Dingley,	Kellogg,	Robinson, J. S.	
Dockery,	Ketcham,	Robinson, W. E.	

So the House refused to adjourn.

Mr. ROBERTSON. I ask unanimous consent to dispense with the reading of the names.

Mr. COBB and Mr. WELLER objected.

The Clerk then recapitulated the names of those voting.

The following additional pairs were announced:

Mr. DINGLEY with Mr. TURNER, of Georgia, on this vote.

The following gentlemen were announced as being paired for the remainder of the day:

Mr. KING with Mr. LACEY.

Mr. SENEY with Mr. PAIGE.

Mr. TOWNSHEND with Mr. HENDERSON, of Illinois.

Mr. TURNER, of Kentucky, with Mr. MILLER, of Pennsylvania.

Mr. MCCOMAS with Mr. MULDROW.

Mr. REED, of Maine, with Mr. HEMPHILL.

Mr. BOYLE with Mr. ANDERSON.

Mr. TULLY with Mr. CONNOLLY.

Mr. DOCKERY with Mr. LONG, on this vote.

The result of the vote was then announced as above recorded.

Mr. HATCH, of Missouri. I demand the regular order.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Massachusetts, that this House do now take a recess until 11 o'clock to-morrow.

Mr. HATCH, of Missouri. I made the point of order that no quorum had voted. [Cries of "Regular order."]

The SPEAKER *pro tempore*. The Chair has not been able to hear the gentleman from Missouri.

Mr. HATCH, of Missouri. I made the point that no quorum had voted.

The Chair has announced the pending motion to be the motion of the gentleman from Massachusetts, that the House take a recess. I submitted a motion to the House that when the House adjourns to-day it be to meet on Wednesday next. Pending that the gentleman from Georgia made his motion that the House adjourn; which vote has just been taken, and on which no quorum has voted.

The SPEAKER *pro tempore*. The Chair did not hear the gentleman make the point of order that no quorum had voted.

Mr. HATCH, of Missouri. I insist, Mr. Speaker, that I did make it in the hearing of the House.

The SPEAKER *pro tempore*. The Chair accepts, of course, the statement of the gentleman from Missouri, but the point was waived by the subsequent motion of the gentleman from Georgia, to wit, that the House do now adjourn.

Mr. HATCH, of Missouri. My motion was that when the House adjourns to-day it be to meet on Wednesday next.

Mr. BLAND. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BLAND. I understand that there has been a motion for a call of the House, and pending that the motion was made to adjourn. Would not the motion recur on the question of a call of the House?

The SPEAKER *pro tempore*. The Chair has no information that a motion for a call of the House was made.

The Chair will state again that the point of no quorum was not heard by the Chair when made by the gentleman from Missouri. The Chair, however, regards the point as having been waived and yielded by the gentleman when the motion of the gentleman from Georgia was made that the House do now adjourn. The Chair recognizes the gentleman from Missouri to make the point of order.

Mr. RANDALL. Less than a quorum can adjourn.

The SPEAKER *pro tempore*. The Chair has not intimated or ruled that that question was not in order in the absence of a quorum. The Chair now recognizes the gentleman from Missouri to make the point of order. The Journal shows that the last vote was taken upon a motion to adjourn, which motion was made pending a motion that when the House adjourns to-day it be to meet on Wednesday next. The Chair will state that that motion would not now be in order.

Mr. HATCH, of Missouri. Then I make the motion now, that when the House adjourns to-day it be to meet on Thursday next.

The SPEAKER *pro tempore*. The Chair will recognize that motion as being in order.

Mr. GIBSON. I wish to ask a parliamentary question. If this means to promote the delay of business, or if it means to promote the business of the House?

The SPEAKER *pro tempore*. The Chair does not think the gentleman submits a parliamentary inquiry. The question recurs upon the motion of the gentleman from Massachusetts, that the House do now take a recess, and pending that motion the gentleman from Missouri moves that when the House adjourns to-day it be to meet on Thursday next at 12 o'clock.

The question was taken; and on a division there were—ayes 32, noes 67.

Mr. HATCH, of Missouri, and Mr. BEACH. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted, the Chair will appoint tellers.

Mr. HATCH, of Missouri, and Mr. COLLINS were appointed tellers.

Mr. BLAND. Pending the vote by tellers, I move that the House do now adjourn. [Cries of "Regular order!"]

Mr. ELLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ELLIS. Was not the last yea-and-nay vote on a motion to adjourn?

The SPEAKER *pro tempore*. The Chair will answer the gentleman that the last yea-and-nay vote was taken upon a motion to adjourn.

Mr. ELLIS. I make the point of order that no intervening business has been transacted by the House which will warrant the repetition of the motion.

The SPEAKER *pro tempore*. The Chair must state that in the mean time, since that motion was submitted to the House, what is recognized as intervening business under the rules of the House has taken place.

Mr. ELLIS. What business has taken place?

The SPEAKER *pro tempore*. A vote *vive voce* on a motion that when the House adjourns it be to meet on Thursday next and after that a division on the same motion.

Mr. ELLIS. But that has determined nothing. We are now endeavoring to ascertain whether we can do anything by the presence of a quorum.

The SPEAKER *pro tempore*. The Chair must overrule the question of order.

The question before the House is on the motion of the gentleman from Missouri that the House do now adjourn.

The question was taken; and upon a division there were—ayes 67, noes 61.

Mr. ELLIS and Mr. COLLINS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 63, nays 71, not voting 189; as follows:

YEAS—63.

Alexander,	Candler,	Dowd,	Hiscock,
Bennett,	Carleton,	Dunham,	Holman,
Blackburn,	Clements,	Everhart,	Jones, J. H.
Bland,	Cobb,	Ferrell,	Kean,
Blount,	Converse,	Goff,	Keifer,
Breckinridge,	Cosgrove,	Green,	Matson,
Buchanan,	Crisp,	Halsell,	Moulton,
Cabell,	Davidson,	Hardeman,	Neece,
Caldwell,	Dorsheimer,	Hatch, W. H.	Nelson,

Patton,	Reese,	Thomas,	White, Milo
Peel,	Riggs,	Tillman,	Willis,
Pierce,	Rogers, J. H.	Wakefield,	Wilson, W. L.
Price,	Singleton,	Wallace,	Winans, E. B.
Pryor,	Springer,	Warner, Richard	Wolford,
Pusey,	Stephenson,	Wellborn,	Yaple.
Randall	Taylor, J. M.	Weller,	

NAYS—71.

Adams, J. J.	Evans,	Lowry,	Rockwell,
Bagley,	Fiedler,	McAdoo,	Russell,
Barksdale,	Findlay,	McCoid,	Smith, A. Herr
Beach,	Finerty,	McMillin,	Smith, H. Y.
Bingham,	Follett,	Maybury,	Spooner,
Bisbee,	Greenleaf,	Millard,	Spriggs,
Bratton,	Guenther,	Milliken,	Stevens,
Brown, W. W.	Hardy,	Mitchell,	Strait,
Budd,	Henderson, D. B.	O'Ferrall,	Sumner, C. A.
Burleigh,	Hill,	O'Hara,	Taylor, J. D.
Clardy,	Holmes,	O'Neill, Charles	Van Alstyne,
Collins,	Houseman,	Parker,	Weaver,
Cutcheon,	James,	Payne,	Wemple,
Davis, G. R.	Jeffords,	Peters,	White, J. D.
Davis, R. T.	Jones, B. W.	Pettibone,	Whiting,
Deuster,	Jordan,	Post,	Wilson, James
Dibble,	Kleiner,	Potter,	Woodward.
Ellis,	Lore,	Reid, J. W.	

NOT VOTING—189.

Adams, G. E.	Eldredge,	Laird,	Ryan,
Aiken,	Elliott,	Lamb,	Seney,
Anderson,	Ellwood,	Lanham,	Seymour,
Arnot,	English,	Lawrence,	Shaw,
Atkinson,	Ermentrout,	Le Fevre,	Shively,
Ballentine,	Foran,	Lewis,	Skinner, C. R.
Barbour,	Forney,	Libbey,	Skinner, T. G.
Barr,	Funston,	Long,	Slocum,
Bayne,	Fyan,	Lovering,	Smalls,
Belford,	Garrison,	Lyman,	Snyder,
Belmont,	Geddes,	McComas,	Steele,
Blanchard,	George,	McCormick,	Stewart, Charles
Boutelle,	Gibson,	Miller, J. F.	Stewart, J. W.
Bowen,	Glascock,	Miller, S. H.	Stockslager,
Boyle,	Graves,	Mills,	Stone,
Brainerd,	Hammond,	Money,	Storm,
Breitung,	Hanback,	Morgan,	Struble,
Brewer, F. B.	Hancock,	Morrill,	Sumner, D. H.
Brewer, J. H.	Harmer,	Morrison,	Swope,
Broadhead,	Hart,	Morse,	Talbott,
Browne, T. M.	Hatch, H. H.	Muldrow,	Taylor, E. B.
Brumm,	Haynes,	Muller,	Thompson,
Buckner,	Hemphill,	Murphy,	Throckmorton,
Burnes,	Henderson, T. J.	Murray,	Townshend,
Campbell, Felix	Henley,	Mutchler,	Tucker,
Campbell, J. E.	Hepburn,	Nicholls,	Tully,
Campbell, J. M.	Herbert,	Nutting,	Turner, H. G.
Cannon,	Hewitt, A. S.	Oates,	Turner, Oscar
Cassidy,	Hewitt, G. W.	Ochiltree,	Valentine,
Chalmers,	Hitt,	O'Neill, J. J.	Vance,
Clay,	Hoblitzell,	Paige,	Van Eaton,
Connolly,	Holton,	Payson,	Wadsworth,
Cook,	Hooper,	Perkins,	Wait,
Covington,	Hopkins,	Phelps,	Ward,
Cox, S. S.	Horr,	Poland,	Warner, A. J.
Cox, W. R.	Houk,	Rankin,	Washburn,
Craig,	Howey,	Ranney,	Wilkins,
Culberson, D. B.	Hunt,	Ray, G. W.	Williams,
Culbertson, W. W.	Hurd,	Ray, Ossian	Winans, John
Cullen,	Hutchins,	Reagan,	Wise, G. D.
Curtin,	Johnson,	Reed, T. B.	Wise, J. S.
Dargan,	Jones, J. K.	Rice,	Wood,
Davis, L. H.	Jones, J. T.	Robertson,	Worthington,
Dibrell,	Kelley,	Robinson, J. S.	York,
Dingley,	Kellogg,	Robinson, W. E.	Young.
Dockery,	Ketcham,	Rogers, W. F.	
Dunn,	King,	Rosecrans,	
Eaton,	Lacey,	Rowell,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. JOHNSON with Mr. HOWEY, for the remainder of the day.

Mr. TURNER, of Georgia, with Mr. DINGLEY, for the remainder of the day.

Mr. MILLER, of Texas, with Mr. ADAMS, of Illinois, for the remainder of the day.

Mr. HEWITT, of Alabama, with Mr. STONE, for the remainder of the day.

Mr. STEWART, of Texas, with Mr. HITT, for the remainder of the day.

Mr. FORNEY with Mr. RYAN, for the remainder of the day.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Before announcing the result of the vote just taken the Chair will submit the following personal requests:

The Clerk read the request of Mr. WEAVER for leave of absence on account of sickness; and

The request of Mr. ANDERSON to be excused from attendance during the remainder of this day's session on account of important business.

Mr. PRICE. I object to the gentleman from Kansas [Mr. ANDERSON] being excused.

The SPEAKER *pro tempore*. The Chair will ask if there is any objection to the request of the gentleman from Nebraska [Mr. WEAVER].

There was no objection.

The SPEAKER *pro tempore*. Objection is made to the request of the gentleman from Kansas [Mr. ANDERSON].

ORDER OF BUSINESS.

The result of the vote on the motion to adjourn was then announced as above stated.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The pending motion is that of the gentleman from Missouri [Mr. HATCH], that when the House adjourns it be to meet on Thursday next.

Mr. WELLER. I move that the House adjourn immediately.

The SPEAKER *pro tempore*. That motion is not in order. The question is on the motion of the gentleman from Missouri.

Mr. GUENTHER. And upon that motion I call for the yeas and nays.

Mr. SPRINGER. I desire to submit a request for unanimous consent.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair will allow the gentleman from Illinois to state his request for unanimous consent, after which the Chair will recognize the gentleman from Kentucky [Mr. WHITE] to state his question of order.

Mr. SPRINGER. At 1 o'clock to-day, at the request of the gentleman from Pennsylvania [Mr. RANDALL], I gave way that the resolution reported by the Committee on Rules might be brought up. I now want to have the rules suspended and a very little bill passed for the benefit of my constituents.

Mr. WHITE, of Kentucky. I object.

Mr. SPRINGER. I knew some crank would object to this.

The SPEAKER *pro tempore*. The Chair recognizes the right of the gentleman from Kentucky to interpose an objection.

Mr. WHITE, of Kentucky. I ask that the words of the gentleman from Illinois [Mr. SPRINGER] be taken down.

Mr. SPRINGER. I take them back.

Mr. WHITE, of Kentucky. I insist that they shall be taken down.

The SPEAKER *pro tempore*. Any member of the House has the right to withdraw words used in debate.

Mr. WHITE, of Kentucky. He has not the right to uselanguage unbecoming a gentleman on this floor, and then skulk to his corner and withdraw them.

The SPEAKER *pro tempore*. The Chair has decided that the gentleman had a right to withdraw the language objected to.

Mr. WHITE, of Kentucky. I insist that the words shall be taken down, or that, as a dog, he shall withdraw them in the presence of the House.

Mr. RYAN. Those words should be taken down.

The SPEAKER *pro tempore*. The gentleman from Kentucky is not in order. The gentleman from Illinois has a right to withdraw the words, and has withdrawn them. The question is on the motion of the gentleman from Missouri that when the House adjourns to-day it be to meet on Thursday next; and on that question the yeas and nays have been demanded.

The question being taken on ordering the yeas and nays, there were ayes 23—not one-fifth of the last vote.

Mr. DAVIS, of Illinois. Count the other side.

The negative vote being counted, there were noes 73.

Mr. CLARDY. I demand tellers on ordering the yeas and nays.

Mr. DUNHAM. Pending the demand for tellers, I move that the House do now adjourn.

The question being taken, there were—ayes 71, noes 65.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered—49 members voting therefor.

The question was taken; and there were—yeas 66, nays 75, not voting 182; as follows:

YEAS—66.

Alexander,	Crisp,	Moulton,	Thomas,
Bennett,	Davidson,	Neece,	Tillman,
Blackburn,	Dowd,	Nelson,	Wakefield,
Bland,	Dunham,	Patton,	Wallace,
Blount,	English,	Peel,	Warner, Richard
Breckinridge,	Everhart,	Pierce,	Wellborn,
Buchanan,	Ferrell,	Price,	Weller,
Burnes,	Goff,	Pryor,	White, Milo
Cabell,	Green,	Pusey,	Willis,
Caldwell,	Halsell,	Randall,	Wilson, W. L.
Candler,	Hardeman,	Reese,	Winans, E. B.
Carleton,	Hatch, W. H.	Riggs,	Wise, G. D.
Clardy,	Holman,	Rogers, J. H.	Wolford,
Clements,	Jones, J. H.	Singleton,	Wood,
Cobb,	Keifer,	Springer,	Yaple.
Converse,	McMillin,	Stephenson,	
Cosgrove,	Matson,	Taylor, J. M.	

NAYS—75.

Adams, J. J.	Evans,	Lovering,	Rockwell,
Bagley,	Findlay,	Lowry,	Rosecrans,
Barksdale,	Finerty,	McAdoo,	Russell,
Barr,	Follett,	McCoid,	Seymour,
Beach,	Graves,	Maybury,	Smith, A. Herr
Bingham,	Greenleaf,	Millard,	Smith, H. Y.
Bisbee,	Guenther,	Milliken,	Spooner,
Bratton,	Hardy,	Mitchell,	Spriggs,
Brown, W. W.	Henderson, D. B.	Nutting,	Stevens,
Budd,	Hill,	O'Ferrall,	Strait,
Burleigh,	Holmes,	O'Hara,	Sumner, C. A.
Collins,	Houseman,	O'Neill, Charles	Taylor, J. D.
Cutcheon,	James,	Parker,	Van Alstyne,
Davis, G. R.	Jeffords,	Payne,	Wemple,
Davis, R. T.	Jones, B. W.	Peters,	White, J. D.
Deuster,	Jordan,	Pettibone,	Whiting,
Dibble,	Kean,	Post,	Wilson, James
Dorsheimer,	Kleiner,	Potter,	Woodward.
Ellis,	Lore.	Reid, J. W.	

NOT VOTING—182.

Adams, G. E.	Eldredge,	King,	Rowell,
Aiken,	Elliott,	Lacey,	Ryan,
Anderson,	Ellwood,	Laird,	Seney,
Arnot,	Ermentrout,	Lamb,	Shaw,
Atkinson,	Fiedler,	Lanham,	Shively,
Ballentine,	Foran,	Lawrence,	Skinner, C. R.
Barbour,	Forney,	Le Fevre,	Skinner, T. G.
Bayne,	Funston,	Lewis,	Slocum,
Belford,	Fyan,	Libbey,	Smalls,
Belmont,	Garrison,	Long,	Snyder,
Blanchard,	Geddes,	Lyman,	Steele,
Boutelle,	George,	McComas,	Stewart, Charles
Bowen,	Gibson,	McCormick,	Stewart, J. W.
Boyle,	Glascock,	Miller, J. F.	Stockslager,
Brainerd,	Hammond,	Miller, S. H.	Stone,
Breitung,	Hanback,	Mills,	Storm,
Brewer, F. B.	Hancock,	Money,	Struble,
Brewer, J. H.	Harmer,	Morgan,	Sumner, D. H.
Broadhead,	Hart,	Morrill,	Swope,
Browne, T. M.	Hatch, H. H.	Morrison,	Talbott,
Brumm,	Haynes,	Morse,	Taylor, E. B.
Buckner,	Hemphill,	Muldrow,	Thompson,
Campbell, Felix	Henderson, T. J.	Muller,	Throckmorton,
Campbell, J. E.	Henley,	Murphy,	Townshend,
Campbell, J. M.	Hepburn,	Murray,	Tucker,
Cannon,	Herbert,	Mutchler,	Tully,
Cassidy,	Hewitt, A. S.	Nicholls,	Turner, H. G.
Chalmers,	Hewitt, G. W.	Oates,	Turner, Oscar
Clay,	Hiscock,	Ochiltree,	Valentine,
Connolly,	Hitt,	O'Neill, J. J.	Vance,
Cook,	Hoblitzell,	Paige,	Van Eaton,
Covington,	Holton,	Payson,	Wadsworth,
Cox, S. S.	Hooper,	Perkins,	Wait,
Cox, W. R.	Hopkins,	Phelps,	Ward,
Craig,	Horr,	Poland,	Warner, A. J.
Culberson, D. B.	Houk,	Rankin,	Washburn,
Culbertson, W. W.	Howey,	Ranney,	Weaver,
Cullen,	Hunt,	Ray, G. W.	Wilkins,
Curtin,	Hurd,	Ray, Ossian	Williams,
Dargan,	Hutchins,	Reagan,	Winans, John
Davis, L. H.	Johnson,	Reed, T. B.	Wise, J. S.
Dibrell,	Jones, J. K.	Rice,	Worthington,
Dingley,	Jones, J. T.	Robertson,	York,
Dockery,	Kelley,	Robinson, J. S.	Young.
Dunn,	Kellogg,	Robinson, W. E.	
Eaton,	Ketcham,	Rogers, W. F.	

So the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Missouri [Mr. HATCH], that when the House adjourns to-day it adjourn to meet on Thursday next; upon which motion the yeas and nays have been ordered.

The question was taken; and there were—yeas 10, nays 106, not voting 207; as follows:

YEAS—10.

Bisbee,	Guenther,	McCoid,	Spooner.
Collins,	Holmes,	Peters,	
Goff,	James,	Smith, H. Y.	

NAYS—106.

Adams, J. J.	Davidson,	Lore,	Skinner, T. G.
Alexander,	Davis, G. R.	Lovering,	Snyder,
Bagley,	Davis, R. T.	McMillin,	Spriggs,
Barksdale,	Deuster,	Mitchell,	Springer,
Beach,	Dowd,	Moulton,	Stevens,
Bennett,	Dunham,	Neece,	Strait,
Bingham,	Ellis,	Nutting,	Sumner, C. A.
Blackburn,	English,	O'Ferrall,	Taylor, J. M.
Bland,	Evans,	O'Hara,	Thomas,
Blount,	Everhart,	O'Neill, Charles	Tillman,
Breckinridge,	Ferrell,	Parker,	Van Alstyne,
Brown, W. W.	Findlay,	Patton,	Wakefield,
Buchanan,	Follett,	Payne,	Wallace,
Budd,	Graves,	Peel,	Warner, Richard
Burleigh,	Green,	Pierce,	Wellborn,
Burnes,	Greenleaf,	Pettibone,	Weller,
Cabell,	Halsell,	Post,	Wemple,
Caldwell,	Hanback,	Potter,	Whiting,
Candler,	Hardy,	Pryor,	Willis,
Carleton,	Hatch, W. H.	Pusey,	Wilson, James
Clardy,	Hill,	Randall,	Wilson, W. L.
Clements,	Houseman,	Reid, J. W.	Winans, E. B.
Cobb,	Jones, B. W.	Riggs,	Wise, G. D.
Converse,	Jones, J. H.	Rogers, J. H.	Wolford,
Cosgrove,	Jordan,	Rosecrans,	Wood.
Crisp,	Keifer,	Seymour,	
Cutcheon,	Kleiner,	Singleton,	

NOT VOTING—207.

Adams, G. E.	Brumm,	Dibrell,	Hancock,
Aiken,	Buckner,	Dingley,	Hardeman,
Anderson,	Campbell, Felix	Dockery,	Harmer,
Arnot,	Campbell, J. E.	Dorsheimer,	Hart,
Atkinson,	Campbell, J. M.	Dunn,	Hatch, H. H.
Ballentine,	Cannon,	Eaton,	Haynes,
Barbour,	Cassidy,	Eldredge,	Hemphill,
Barr,	Chalmers,	Elliott,	Henderson, D. B.
Bayne,	Clay,	Ellwood,	Henderson, T. J.
Belford,	Connolly,	Ermentrout,	Henley,
Belmont,	Cook,	Fiedler,	Hepburn,
Blanchard,	Covington,	Finerty,	Herbert,
Boutelle,	Cox, S. S.	Foran,	Hewitt, A. S.
Bowen,	Cox, W. R.	Forney,	Hewitt, G. W.
Boyle,	Craig,	Funston,	Hiscock,
Brainerd,	Culberson, D. B.	Fyan,	Hitt,
Bratton,	Culbertson, W. W.	Garrison,	Hoblitzell,
Breitung,	Cullen,	Geddes,	Holman,
Brewer, F. B.	Curtin,	George,	Holton,
Brewer, J. H.	Dargan,	Gibson,	Hooper,
Broadhead,	Davis, L. H.	Glascock,	Hopkins,
Browne, T. M.	Dibble,	Hammond,	Horr,
Houk,	Millard,	Reagan,	Taylor, E. B.
Howey,	Miller, J. F.	Reed, T. B.	Taylor, J. D.
Hunt,	Miller, S. H.	Reese,	Thompson,
Hurd,	Milliken,	Rice,	Throckmorton,
Hutchins,	Mills,	Robertson,	Townshend,
Jeffords,	Money,	Robinson, J. S.	Tucker,
Johnson,	Morgan,	Robinson, W. E.	Tully,
Jones, J. K.	Morrill,	Rockwell,	Turner, H. G.
Jones, J. T.	Morrison,	Rogers, W. F.	Turner, Oscar
Kean,	Morse,	Rowell,	Valentine,
Kelley,	Muldrow,	Russell,	Vance,
Kellogg,	Muller,	Ryan,	Van Eaton,
Ketcham,	Murphy,	Seney,	Wadsworth,
King,	Murray,	Shaw,	Wait,
Lacey,	Mutchler,	Shively,	Ward,
Laird,	Nelson,	Skinner, C. R.	Warner, A. J.
Lamb,	Nicholls,	Slocum,	Washburn,
Lanham,	Oates,	Smalls,	Weaver,
Lawrence,	Ochiltree,	Smith, A. Herr	White, J. D.
Le Fevre,	O'Neill, J. J.	Steele,	White, Milo
Lewis,	Paige,	Stephenson,	Wilkins,
Libbey,	Payson,	Stewart, Charles	Williams,
Long,	Perkins,	Stewart, J. W.	Winans, John
Lowry,	Phelps,	Stockslager,	Wise, J. S.
Lyman,	Poland,	Stone,	Woodward,
McAdoo,	Price,	Storm,	Worthington,
McComas,	Rankin,	Struble,	Yaple,
McCormick,	Ranney,	Sumner, D. H.	York,
Matson,	Ray, G. W.	Swope,	Young.
Maybury,	Ray, Ossian	Talbott,	

The following additional pairs were announced for the remainder of this day:

Mr. ALEXANDER with Mr. MILLARD.

Mr. LOWRY, with Mr. HENDERSON, of Iowa.

Mr. MAYBURY, with Mr. WINANS, of Michigan.

Mr. WOODWARD with Mr. PRICE.

The result of the vote was announced as above stated.

Mr. COLLINS. I make the point of order that there is no quorum present, and I move a call of the House.

Mr. DUNHAM. Pending that, I move that the House do now adjourn.

Mr. KEIFER. Mr. Speaker, I make the point of order (under paragraph 2 of Rule XVII) that a motion for a call of the House is not in order unless the Speaker has counted the members present and ascertained the fact for himself.

The SPEAKER *pro tempore*. The Chair has announced the vote, which shows the number of members present. The question is on the motion of the gentleman from Illinois [Mr. DUNHAM] that the House do now adjourn.

The question was taken; and there were—ayes 58, noes 44.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 62, nays 65, not voting 196; as follows:

YEAS—62.

Bennett,	Dowd,	Neece,	Taylor, J. M.
Blackburn,	Dunham,	Patton,	Thomas,
Bland,	Eldredge,	Peel,	Tillman,
Bratton,	English,	Pierce,	Wakefield,
Buchanan,	Everhart,	Price,	Wallace,
Burnes,	Ferrell,	Pryor,	Warner, Richard
Cabell,	Goff,	Pusey,	Wellborn,
Caldwell,	Graves,	Randall,	Weller,
Carleton,	Green,	Reese,	White, Milo
Clardy,	Halsell,	Riggs,	Willis,
Clements,	Hardeman,	Singleton,	Wilson, W. L.
Cobb,	Hatch, W. H.	Skinner, T. G.	Wise, G. D.
Converse,	Holman,	Snyder,	Wolford,
Cosgrove,	Jones, J. H.	Springer,	Wood.
Crisp,	McMillin,	Stephenson,	
Davidson,	Moulton,	Storm,	

NAYS—65.

Adams, J. J.	Findlay,	McCoid,	Russell,
Bagley,	Follett,	Millard,	Seymour,
Barr,	Greenleaf,	Mitchell,	Smith, H. Y.
Beach,	Guenther,	Nutting,	Spooner,
Bingham,	Hanback,	O'Ferrall,	Stevens,
Bisbee,	Hardy,	O'Hara,	Strait,
Brown, W. W.	Hill,	O'Neill, Charles	Sumner, C. A.
Budd,	Holmes,	O'Neill, J. J.	Taylor, J. D.
Collins,	James,	Parker,	Van Alstyne,
Cutcheon,	Jones, B. W.	Payne,	Wemple,
Davis, G. R.	Jordan,	Peters,	White, J. D.
Davis, R. T.	Kean,	Pettibone,	Whiting,
Deuster,	Keifer,	Post,	Wilson, James
Dibble,	Kleiner,	Potter,	Woodward.
Dorsheimer,	Lore,	Reid, J. W.	
Ellis,	Lovering,	Rockwell,	
Evans,	Lowry,	Rosecrans,	

NOT VOTING—196.

Adams, G. E.	Blount,	Burleigh,	Cox, W. R.
Aiken,	Boutelle,	Campbell, Felix	Craig,
Alexander,	Bowen,	Campbell, J. E.	Culberson, D. B.
Anderson,	Boyle,	Campbell, J. M.	Culbertson, W. W.
Arnot,	Brainerd,	Candler,	Cullen,
Atkinson,	Breckinridge,	Cannon,	Curtin,
Ballentine,	Breitung,	Cassidy,	Dargan,
Barbour,	Brewer, F. B.	Chalmers,	Davis, L. H.
Barksdale,	Brewer, J. H.	Clay,	Dibrell,
Bayne,	Broadhead,	Connolly,	Dingley,
Belford,	Browne, T. M.	Cook,	Dockery,
Belmont,	Brumm,	Covington,	Dunn,
Blanchard,	Buckner,	Cox, S. S.	Eaton,

Elliott,	Houseman,	Morse,	Spriggs,
Ellwood,	Howey,	Muldrow,	Steele,
Ermentrout,	Hunt,	Muller,	Stewart, Charles
Fiedler,	Hurd,	Murphy,	Stewart, J. W.
Finerty,	Hutchins,	Murray,	Stockslager,
Foran,	Jeffords,	Mutchler,	Stone,
Forney,	Johnson,	Nelson,	Struble,
Funston,	Jones, J. K.	Nicholls,	Sumner, D. H.
Fyan,	Jones, J. T.	Oates,	Swope,
Garrison,	Kelley,	Ochiltree,	Talbott,
Geddes,	Kellogg,	Paige,	Taylor, E. B.
George,	Ketcham,	Payson,	Thompson,
Gibson,	King,	Perkins,	Throckmorton,
Glascock,	Lacey,	Phelps,	Townshend,
Hammond,	Laird,	Poland,	Tucker,
Hancock,	Lamb,	Rankin,	Tully,
Harmer,	Lanham,	Ranney,	Turner, H. G.
Hart,	Lawrence,	Ray, G. W.	Turner, Oscar
Hatch, H. H.	Le Fevre,	Ray, Ossian	Valentine,
Haynes,	Lewis,	Reagan,	Vance,
Hemphill,	Libbey,	Reed, T. B.	Van Eaton,
Henderson, D. B.	Long,	Rice,	Wadsworth,
Henderson, T. J.	Lyman,	Robertson,	Wait,
Henley,	McAdoo,	Robinson, J. S.	Ward,
Hepburn,	McComas,	Robinson, W. E.	Warner, A. J.
Herbert,	McCormick,	Rogers, J. H.	Washburn,
Hewitt, A. S.	Matson,	Rogers, W. F.	Weaver,
Hewitt, G. W.	Maybury,	Rowell,	Wilkins,
Hiscock,	Miller, J. F.	Ryan,	Williams,
Hitt,	Miller, S. H.	Seney,	Winans, E. B.
Hoblitzell,	Milliken,	Shaw,	Winans, John
Holton,	Mills,	Shively,	Wise, J. S.
Hooper,	Money,	Skinner, C. R.	Worthington,
Hopkins,	Morgan,	Slocum,	Yaple,
Horr,	Morrill,	Smalls,	York,
Houk,	Morrison,	Smith, A. Herr	Young.

So the motion was not agreed to.

Mr. KEAN. I ask unanimous consent that the reading of the names be dispensed with.

There was no objection.

The following additional pairs were announced:

Mr. ALEXANDER with Mr. JEFFORDS, for the remainder of the day.

Mr. CANDLER with Mr. BARKSDALE, upon all questions in relation to adjournment.

Mr. FELIX CAMPBELL with Mr. WEAVER, for the remainder of the day.

LEAVE OF ABSENCE.

Mr. FIEDLER, by unanimous consent, was granted leave of absence for the remainder of this day on account of sickness.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Massachusetts [Mr. COLLINS], who moves a call of the House.

Mr. KEIFER. We are operating under the previous question; and it will be necessary for the Speaker, before entertaining the motion for a call of the House, to make a count of the House himself, under paragraph 2 of Rule XVII.

The SPEAKER *pro tempore*. The Chair recognizes the rule to which the gentleman from Ohio [Mr. KEIFER] refers, but begs the House to note that there has been on a call of the yeas and nays a vote of 62 to 65, showing by the best evidence the House may have that a quorum is not present. The gentleman from Massachusetts [Mr. COLLINS] moves a call of the House; and in view of the report made by the Clerk on the call of the yeas and nays the Chair holds the motion of the gentleman from Massachusetts to be in order and submits it to the House.

The question being taken on the motion of Mr. COLLINS for a call of the House, there were—ayes 68, noes 52.

Mr. HATCH, of Missouri, Mr. BLOUNT, and others called for the yeas and nays.

The yeas and nays were ordered, 46 voting in favor thereof.

Mr. NEECE. I move that the House do now adjourn.

Mr. BENNETT. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BENNETT. I ask the Speaker to direct the enforcement of the rule which forbids smoking on the floor of the House. [Applause.]

The SPEAKER *pro tempore*. The point of order is well taken, and the Speaker requests the Sergeant-at-Arms to see that the rule of the House is enforced and obeyed.

Mr. MOULTON. I hope the Committee on Ventilation will give us a little more fresh air. [Laughter].

The SPEAKER *pro tempore* proceeded to take the question on the motion of Mr. NEECE, and announced 53 votes in the affirmative.

Mr. COLLINS (before the negative vote was announced). I raise the question of order whether the motion to adjourn is now in order. The last motion which was acted on by the House was a motion to adjourn, and no business has intervened since that time. [Cries of "Too late!"] No; it is not too late.

The SPEAKER *pro tempore*. The Chair must state to the gentleman from Massachusetts that the question recurred upon his motion for a call of the House——

Mr. COLLINS. But no action was taken upon that.

The SPEAKER *pro tempore*. A division was had, and the yeas and nays were ordered; which, in the judgment of the Chair, constitutes intervening business. The Chair overrules the point of order.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I think, if the Chair will remember, the gentleman from Massachusetts [Mr. COLLINS] rose and demanded a call of the House. Upon that the vote was taken, and the motion prevailed. Just at that juncture the gentleman from North Carolina [Mr. BENNETT] rose to a question of privilege. I now make the point of order that when the House had ordered a call of the House a motion to adjourn was not then in order, but it was only in order to execute the call of the House.

The SPEAKER *pro tempore*. As the shortest way to express its opinion, the Chair will ask the Clerk to read what it is hoped will be sufficient to inform the House upon the point of order on which the gentleman from Kentucky seems disposed to insist.

The Clerk read as follows:

A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal* 1, 23, page 651—but there must have been some intervening business.—*Ibid.*, 1, 31, 1092. [Another motion submitted, progress in debate, or reading a paper by the Clerk, an order to the yeas and nays, &c., has been considered such "intervening business" as will authorize the repetition of the motion to adjoin].

Mr. ELLIS. Is that a rule of the House or a ruling of some preceding Speaker?

The SPEAKER *pro tempore*. The Chair will state that it is the ruling of Speakers of the House.

Mr. ELLIS. It is not a rule of the House?

The SPEAKER *pro tempore*. It is not a rule of the House. The Chair overrules the point of order. On the motion of the gentleman from Illinois to adjourn the ayes are 53, the noes 57.

Mr. HATCH, of Missouri. I call for the yeas and nays.

The yeas and nays were ordered, 38 voting in favor thereof.

The question was taken; and it was decided in the negative—yeas 64, nays 66, not voting 193; as follows:

YEAS—64.

Bennett,	Cox, W. R.	McMillin,	Springer,
Blackburn,	Crisp,	Moulton,	Stephenson,
Bland,	Davidson,	Neece,	Storm,
Blount,	Dowd,	Patton,	Taylor, J. M.
Bratton,	Dunham,	Peel,	Thomas,
Breckinridge,	Eldredge,	Pierce,	Tillman,
Buchanan,	English,	Price,	Wakefield,
Burnes,	Goff,	Pryor,	Wallace,
Cabell,	Graves,	Pusey,	Warner, Richard
Caldwell,	Green,	Randall,	Wellborn,
Carleton,	Halsell,	Reese,	Weller,
Clardy,	Hardeman,	Riggs,	White, Milo
Clements,	Hatch, W. H.	Rogers, J. H.	Willis,
Cobb,	Henderson, T. J.	Singleton,	Wilson, W. L.
Converse,	Holman,	Skinner, T. G.	Wise, G. D.
Cosgrove,	Jones, J. H.	Snyder,	Wolford.

NAYS—66.

Adams, J. J.	Everhart,	Lowry,	Rockwell,
Barr,	Findlay,	McAdoo,	Rosecrans,
Beach,	Follett,	McCoid,	Russell,
Bingham,	Greenleaf,	Millard,	Seymour,
Bisbee,	Guenther,	Mitchell,	Smith, H. Y.
Brewer, F. B.	Hanback,	Morse,	Spooner,
Brown, W. W.	Hardy,	Nutting,	Stevens,
Budd,	Hill,	O'Ferrall,	Strait,
Collins,	Holmes,	O'Hara,	Taylor, J. D.
Cutcheon,	Houseman,	O'Neill, Charles	Van Alstyne,
Davis, G. R.	James,	O'Neill, J. J.	Wemple,
Davis, R. T.	Jones, B. W.	Parker,	White, J. D.
Deuster,	Jordan,	Payne,	Whiting,
Dibble,	Kean,	Peters,	Wilson, James
Dorsheimer,	Kleiner,	Pettibone,	Woodward.
Ellis,	Lore,	Post,	
Evans,	Lovering,	Potter,	

NOT VOTING—193.

Adams, G. E.	Connolly,	Harmer,	Laird,
Aiken,	Cook,	Hart,	Lamb,
Alexander,	Covington,	Hatch, H. H.	Lanham,
Anderson,	Cox, S. S.	Haynes,	Lawrence,
Arnot,	Craig,	Hemphill,	Le Fevre,
Atkinson,	Culberson, D. B.	Henderson, D. B.	Lewis,
Bagley,	Culbertson, W. W.	Henley,	Libbey,
Ballentine,	Cullen,	Hepburn,	Long,
Barbour,	Curtin,	Herbert,	Lyman,
Barksdale,	Dargan,	Hewitt, A. S.	McComas,
Bayne,	Davis, L. H.	Hewitt, G. W.	McCormick,
Belford,	Dibrell,	Hiscock,	Matson,
Belmont,	Dingley,	Hitt,	Maybury,
Blanchard,	Dockery,	Hoblitzell,	Miller, J. F.
Boutelle,	Dunn,	Holton,	Miller, S. H.
Bowen,	Eaton,	Hooper,	Milliken,
Boyle,	Elliott,	Hopkins,	Mills,
Brainerd,	Ellwood,	Horr,	Money,
Breitung,	Ermentrout,	Houk,	Morgan,
Brewer, J. H.	Ferrell,	Howey,	Morrill,
Broadhead,	Fiedler,	Hunt,	Morrison,
Browne, T. M.	Finerty,	Hurd,	Muldrow,
Brumm,	Foran,	Hutchins,	Muller,
Buckner,	Forney,	Jeffords,	Murphy,
Burleigh,	Funston,	Johnson,	Murray,
Campbell, Felix	Fyan,	Jones, J. K.	Mutchler,
Campbell, J. E.	Garrison,	Jones, J. T.	Nelson,
Campbell, J. M.	Geddes,	Keifer,	Nicholls,
Candler,	George,	Kelley,	Oates,
Cannon,	Gibson,	Kellogg,	Ochiltree,
Cassidy,	Glascock,	Ketcham,	Paige,
Chalmers,	Hammond,	King,	Payson,
Clay,	Hancock,	Lacey,	Perkins.

Phelps,	Seney,	Swope,	Warner, A. J.
Poland,	Shaw,	Talbott,	Washburn,
Rankin,	Shively,	Taylor, E. B.	Weaver,
Ranney,	Skinner, C. R.	Thompson,	Wilkins,
Ray, Ossian	Slocum,	Throckmorton,	Williams,
Ray, G. W.	Smalls,	Townshend,	Winans, E. B.
Reagan,	Smith, A. Herr	Tucker,	Winans, John
Reed, T. W.	Spriggs,	Tully,	Wise, J. S.
Reid, J. W.	Steele,	Turner, H. G.	Wood,
Rice,	Stewart, Charles	Turner, Oscar	Worthington,
Robertson,	Stewart, J. W.	Valentine,	Yaple,
Robinson, J. S.	Stockslager,	Vance,	York,
Robinson, W. E.	Stone,	Van Eaton,	Young.
Rogers, W. F.	Struble,	Wadsworth,	
Rowell,	Sumner, C. A.	Wait,	
Ryan,	Sumner, D. H.	Ward,	

So the House refused to adjourn.

During the roll-call,

Mr. LORE. I move to dispense with the reading of the names.

Mr. HATCH, of Missouri, objected.

The following additional pairs were announced from the Speaker's desk:

Mr. CONNOLLY with Mr. TULLY, for the balance of the day.

Mr. COBB with Mr. SUMNER, of California, on this vote.

The vote was then announced as above recorded.

Mr. WHITE, of Kentucky. I call for the regular order of business.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Massachusetts [Mr. COLLINS] for a call of the House, on which the yeas and nays have been ordered. The Chair begs leave to submit some personal requests of members before the roll is called.

By unanimous consent leave of absence was granted in the following cases:

To Mr. BEACH, on account of sickness in his family.

To Mr. NICHOLLS, for one day, on account of sickness in his family.

The question was taken; and it was decided in the affirmative—yeas 72, nays 57, not voting 194; as follows:

YEAS—72.

Adams, J. J.	Ferrell,	McAdoo,	Russell,
Atkinson,	Findlay,	Millard,	Seymour,
Bagley,	Follett,	Mitchell,	Smith, H. Y.
Barr,	Goff,	Morse,	Spooner,
Beach,	Greenleaf,	Nutting,	Stephenson,
Bisbee,	Guenther,	O'Ferrall,	Stevens,
Bratton,	Hanback,	O'Hara,	Strait,
Brewer, F. B.	Hardeman,	O'Neill, Charles	Taylor, J. D.
Brown, W. W.	Hardy,	O'Neill, J. J.	Thomas,
Buchanan,	Hill,	Parker,	Van Alstyne,
Budd,	James,	Payne,	Wallace,
Collins,	Jones, B. W.	Peters,	Warner, Richard
Davis, G. R.	Jordan,	Pettibone,	Wemple,
Davis, R. T.	Kean,	Post,	White, J. D.
Deuster,	Keifer,	Potter,	Whiting,
Dorsheimer,	Kleiner,	Reid, J. W.	Wilson, James
Ellis,	Lore,	Rockwell,	Wise, G. D.
Evans,	Lovering,	Rosecrans,	Woodward.

NAYS—57.

Bennett,	Davidson,	McCoid,	Snyder,
Blackburn,	Dibble,	McMillin,	Springer,
Bland,	Dowd,	Neece,	Storm,
Blount,	Dunham,	Patton,	Taylor, J. M.
Breckinridge,	Eldredge,	Peel,	Tillman,
Cabell,	English,	Price,	Wakefield,
Caldwell,	Everhart,	Pryor,	Wellborn,
Candler,	Graves,	Pusey,	Weller,
Carleton,	Green,	Randall,	White, Milo
Clardy,	Halsell,	Reese,	Willis,
Clements,	Hatch, W. H.	Riggs,	Wilson, W. L.
Converse,	Holmes,	Robertson,	Wolford.
Cox, W. R.	Houseman,	Rogers, J. H.	
Crisp,	Jones, J. H.	Singleton,	
Cutcheon,	Lowry,	Skinner, T. G.	

NOT VOTING—194.

Adams, G. E.	Clay,	Gibson,	Jones, J. K.
Aiken,	Cobb,	Glascock,	Jones, J. T.
Alexander,	Connolly,	Hammond,	Kelley,
Anderson,	Cook,	Hancock,	Kellogg,
Arnot,	Cosgrove,	Harmer,	Ketcham,
Ballentine,	Covington,	Hart,	King,
Barbour,	Cox, S. S.	Hatch, H. H.	Lacey,
Barksdale,	Craig,	Haynes,	Laird,
Bayne,	Culberson, D. B.	Hemphill,	Lamb,
Belford,	Culbertson, W. W.	Henderson, D. B.	Lanham,
Belmont,	Cullen,	Henderson, T. J.	Lawrence,
Bingham,	Curtin,	Henley,	Le Fevre,
Blanchard,	Dargan,	Hepburn,	Lewis,
Boutelle,	Davis, L. H.	Herbert,	Libbey,
Bowen,	Dibrell,	Hewitt, A. S.	Long,
Boyle,	Dingley,	Hewitt, G. W.	Lyman,
Brainerd,	Dockery,	Hiscock,	McComas,
Breitung,	Dunn,	Hitt,	McCormick,
Brewer, J. H.	Eaton,	Hoblitzell,	Matson,
Broadhead,	Elliott,	Holman,	Maybury,
Browne, T. M.	Ellwood,	Holton,	Miller, J. F.
Brumm,	Ermentrout,	Hooper,	Miller, S. H.
Buckner,	Fiedler,	Hopkins,	Milliken,
Burleigh,	Finerty,	Horr,	Mills,
Burnes,	Foran,	Houk,	Money,
Campbell, Felix	Forney,	Howey,	Morgan,
Campbell, J. E.	Funston,	Hunt,	Morrill,
Campbell, J. M.	Fyan,	Hurd,	Morrison,
Cannon,	Garrison,	Hutchins,	Moulton,
Cassidy,	Geddes,	Jeffords,	Muldrow,
Chalmers,	George,	Johnson,	Muller,
Murphy,	Reed, T. B.	Stockslager,	Wadsworth,
Murray,	Rice,	Stone,	Wait,
Mutchler,	Robinson, J. S.	Struble,	Ward,
Nelson,	Robinson, W. E.	Sumner, C. A.	Warner, A. J.
Nicholls,	Rogers, W. F.	Sumner, D. H.	Washburn,
Oates,	Rowell,	Swope,	Weaver,
Ochiltree,	Ryan,	Talbott,	Wilkins,
Paige,	Seney,	Taylor, E. B.	Williams,
Payson,	Shaw,	Thompson,	Winans, E. B.
Perkins,	Shively,	Throckmorton,	Winans, John
Phelps,	Skinner, C. R.	Townshend,	Wise, J. S.
Pierce,	Slocum,	Tucker,	Wood,
Poland,	Smalls,	Tully,	Worthington,
Rankin,	Smith, A. Herr	Turner, H. G.	Yaple,
Ranney,	Spriggs,	Turner, Oscar	York,
Ray, G. W.	Steele,	Valentine,	Young.
Ray, Ossian	Stewart, Charles	Vance,	
Reagan,	Stewart, J. W.	Van Eaton,	

So the House ordered there be a call of the House.

During the call of the roll Mr. BREWER, of New Jersey, moved to dispense with the reading of the names.

Mr. STORM objected, but afterward withdrew his objection, and it was ordered accordingly.

The vote was then announced as above recorded.

Mr. HARDEMAN. I move to reconsider the vote ordering a call of the House.

Mr. COLLINS. I move that motion be laid upon the table.

Mr. HARDEMAN. On that motion I demand the yeas and nays.

Mr. BLAND. I move that the House adjourn.

Mr. WHITE, of Kentucky. I rise to a question of order. I make the point that it is not in order to receive the motion to adjourn while the House is voting to complete the question to which we agreed.

The SPEAKER *pro tempore* (Mr. WILLIS in the chair). The Chair overrules the point of order under the precedents which have been established.

Mr. COLLINS. I rise to a point of order. How could I be taken off the floor when I made the motion to lay upon the table and still occupied the floor.

The SPEAKER *pro tempore*. The gentleman's motion to lay upon the table took him off the floor. The motion to lay upon the table is not debatable.

The question recurred on the motion to adjourn.

The House divided; and there were—ayes 53, noes 54.

Mr. BLAND demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 57, nays 74, not voting 192; as follows:

YEAS—57.

Bennett,	Crisp,	Neece,	Springer,
Blackburn,	Davidson,	Patton,	Storm,
Bland,	Dowd,	Pierce,	Taylor, J. M.
Blount,	Dunham,	Peel,	Tillman,
Bratton,	Eldredge,	Price,	Wakefield,
Breckinridge,	English,	Pryor,	Wallace,
Buchanan,	Glascock,	Pusey,	Warner, Richard
Burnes,	Goff,	Randall,	Weller,
Cabell,	Halsell,	Reese,	White, Milo
Caldwell,	Hardeman,	Riggs,	Willis,
Carleton,	Hatch, W. H.	Robertson,	Wise, G. D.
Clardy,	Henderson, T. J.	Rogers, J. H.	Wolford.
Clements,	Houseman,	Singleton,	
Converse,	Jones, J. H.	Skinner, T. G.	
Cosgrove,	McMillin,	Snyder,	

NAYS—74.

Adams, J. J.	Everhart,	McAdoo,	Russell,
Atkinson,	Findlay,	McCoid,	Seymour,
Bagley,	Follett,	Millard,	Smith, H. Y.
Barr,	Greenleaf,	Mitchell,	Spooner,
Bayne,	Guenther,	Morse,	Spriggs,
Bisbee,	Hanback,	Nutting,	Stephenson,
Brewer, F. B.	Hardy,	O'Ferrall,	Stevens,
Brown, W. W.	Hill,	O'Hara,	Strait,
Budd,	Holmes,	O'Neill, Charles	Taylor, J. D.
Collins,	James,	O'Neill, J. J.	Van Alstyne,
Cox, W. R.	Jeffords,	Parker,	Wellborn,
Cutcheon,	Jones, B. W.	Payne,	Wemple,
Davis, G. R.	Jordan,	Peters,	White, J. D.
Davis, R. T.	Kean,	Pettibone,	Whiting,
Deuster,	Keifer,	Post,	Wilson, James
Dibble,	Kleiner,	Potter,	Wise, J. S.
Dorsheimer,	Lore,	Reid, J. W.	Woodward.
Ellis,	Lovering,	Rockwell,	
Evans,	Lowry,	Rosecrans,	

NOT VOTING—192.

Adams, G. E.	Breitung,	Cook,	Ermentrout,
Aiken,	Brewer, J. H.	Covington,	Ferrell,
Alexander,	Broadhead,	Cox, S. S.	Fiedler,
Anderson,	Browne, T. M.	Craig,	Finerty,
Arnot,	Brumm,	Culberson, D. B.	Foran,
Ballentine,	Buckner,	Culbertson, W. W.	Forney,
Barbour,	Burleigh,	Cullen,	Funston,
Barksdale,	Campbell, Felix	Curtin,	Fyan,
Beach,	Campbell, J. E.	Dargan,	Garrison,
Belford,	Campbell, J. M.	Davis, L. H.	Geddes,
Belmont,	Candler,	Dibrell,	George,
Bingham,	Cannon,	Dingley,	Gibson,
Blanchard,	Cassidy,	Dockery,	Graves,
Boutelle,	Chalmers,	Dunn,	Green,
Bowen,	Clay,	Eaton,	Hammond,
Boyle,	Cobb,	Elliott,	Hancock,
Brainerd,	Connolly,	Ellwood,	Harmer,

Hart,	Laird,	Paige,	Sumner, D. H.
Hatch, H. H.	Lamb,	Payson,	Swope,
Haynes,	Lanham,	Perkins,	Talbott,
Hemphill,	Lawrence,	Phelps,	Taylor, E. B.
Henderson, D. B.	Le Fevre,	Poland,	Thomas,
Henley,	Lewis,	Rankin,	Thompson,
Hepburn,	Libbey,	Ranney,	Throckmorton,
Herbert,	Long,	Ray, G. W.	Townshend,
Hewitt, A. S.	Lyman,	Ray, Ossian	Tucker,
Hewitt, G. W.	McComas,	Reagan,	Tully,
Hiscock,	McCormick,	Reed, T. B.	Turner, H. G.
Hitt,	Matson,	Rice,	Turner, Oscar
Hoblitzell,	Maybury,	Robinson, J. S.	Valentine,
Holman,	Miller, J. F.	Robinson, W. E.	Vance,
Holton,	Miller, S. H.	Rogers, W. F.	Van Eaton,
Hooper,	Milliken,	Rowell,	Wadsworth,
Hopkins,	Mills,	Ryan,	Wait,
Horr,	Money,	Seney,	Ward,
Houk,	Morgan,	Shaw,	Warner, A. J.
Howey,	Morrill,	Shively,	Washburn,
Hunt,	Morrison,	Skinner, C. R.	Weaver,
Hurd,	Moulton,	Slocum,	Wilkins,
Hutchins,	Muldrow,	Smalls,	Williams,
Johnson,	Muller,	Smith, A. Herr	Wilson, W. L.
Jones, J. T.	Murphy,	Steele,	Winans, E. B.
Jones, J. K.	Murray,	Stewart, Charles	Winans, John
Kelley,	Mutchler,	Stewart, J. W.	Wood,
Kellogg,	Nelson,	Stockslager,	Worthington,
Ketcham,	Nicholls,	Stone,	Yaple,
King,	Oates,	Struble,	York,
Lacey,	Ochiltree,	Sumner, C. A.	Young.

So the House refused to adjourn.

On motion of Mr. NUTTING, by unanimous consent, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. GREEN with Mr. BEACH, for the remainder of this day.

The result of the vote was then announced as above recorded.

Mr. ELLIS. I demand the regular order.

The SPEAKER *pro tempore* (Mr. BLACKBURN in the chair). The question recurs upon the motion of the gentleman from Massachusetts, which is to lay upon the table the motion made by the gentleman from Georgia to reconsider the vote by which the House ordered a call of the House.

Mr. HARDEMAN and Mr. BLAND demanded the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. BLAND. Pending that, I move that the House do now adjourn.

Mr. COLLINS. I raise the point of order that that motion is not in order.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The motion is in order.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I call the attention of the Chair to the language of Rule XVIII, where it is laid down that—

> Where a motion has been made and carried or lost, it shall be in order for any member of the majority, on the same or succeeding day, to move for the reconsideration thereof, and such motion shall take precedence of all other questions except the consideration of a conference report, a motion to fix the day to which the House shall adjourn, to adjourn, or to take a recess, and shall not be withdrawn after the said succeeding day without the consent of the House, and therefore any member may call it up for consideration: *Provided*, That such motion, if made during the last six days of a session, shall be disposed of when made.

Now, I make this point: that the gentleman from Massachusetts moved to lay upon the table the motion to reconsider which was entered by some gentleman on the other side, I do not now remember by whom.

The SPEAKER *pro tempore*. By the gentleman from Georgia.

Mr. WHITE, of Kentucky. And thereupon the motion was made that the House adjourn. That motion has been made and lost; and I insist, Mr. Speaker, with all due deference to the expression of the Chair a moment ago, that under this rule the gentleman from Massachusetts has a right to demand a vote on the motion to lay upon the table the motion to reconsider.

The SPEAKER *pro tempore*. In answer to the gentleman from Kentucky on the point of order, the Chair will cause for the second or third time to-day to be read the only answer he proposes to submit, showing that the motion of the gentleman from Missouri is in order. The Clerk will read from the Digest of the House on this very subject, showing the uniform decisions made heretofore.

The Clerk read as follows:

> A motion to adjourn may be repeated, although no question has been put or decided since the former motion—*Journal* 1, 23, page 657—but there must have been some intervening business. [Another motion submitted, progress in debate, or reading a paper by the Clerk, an order for the yeas and nays, &c., has been considered such intervening business as will authorize the repetition of the motion to adjourn.] * * * Where less than a quorum is present a motion to take a recess is not in order; and no motion is in order except for a call or to adjourn.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. WHITE, of Kentucky. I must appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair entertains the appeal of the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I believe that I have some rights in regard to that appeal. I would like to be heard.

The SPEAKER *pro tempore*. The appeal is debatable in the pleasure of the Chair; and it is the pleasure of the Chair to hear the gentleman from Kentucky.

Mr. KEIFER. I rise to a question of order.

The SPEAKER *pro tempore*. There is already one question of order pending.

Mr. KEIFER. I desire simply to raise a question of order that the appeal is not debatable when there is a pending previous question. The previous question has been ordered and there is no debate in order.

The SPEAKER *pro tempore*. The gentleman from Ohio is correct.

Mr. WHITE, of Kentucky. On what is the previous question pending?

Mr. KEIFER. On the report from the Committee on Rules.

Mr. BLAND. I move to lay the appeal on the table; and on that I demand the yeas and nays.

Mr. WHITE, of Kentucky. I should like to have the indulgence of the House for a moment.

The SPEAKER *pro tempore*. The Chair would be glad to give the gentleman an opportunity of being heard, if it is the wish of the House. [Cries of "Regular order!"]

Mr. WHITE, of Kentucky. I will withdraw the appeal if I can not be heard upon it. If the rules of the House are so iron-clad that I can not be heard upon it, I withdraw the appeal.

The SPEAKER *pro tempore*. The appeal being withdrawn, the question is on the motion of the gentleman from Missouri that the House do now adjourn.

The question was taken; and on a division there were—ayes 56, noes 74.

Mr. GEORGE D. WISE. I demand the yeas and nays on that motion.

The yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 73, not voting 190; as follows:

YEAS—60.

Bennett,	Cox, W. R.	McMillin,	Snyder,
Blackburn,	Davidson,	Matson,	Springer,
Bland,	Dowd,	Money,	Storm,
Blount,	Eldredge,	Neece,	Swope,
Bratton,	Ellwood,	Patton,	Taylor, J. M.
Breckinridge,	English,	Peel,	Thomas,
Buchanan,	Goff,	Pierce,	Tillman,
Burnes,	Graves,	Price,	Wakefield,
Cabell,	Halsell,	Pryor,	Wallace,
Caldwell,	Hardeman,	Pusey,	Warner, Richard
Candler,	Hatch, W. H.	Randall,	Weller,
Carleton,	Henderson, T. J.	Reese,	Willis,
Clements,	Houseman,	Riggs,	Wilson, W. L.
Cobb,	Jones, J. H.	Rogers, J. H.	Wise, G. D.
Cosgrove,	Lowry,	Skinner, T. G.	Wolford.

NAYS—73.

Atkinson,	Evans,	Millard,	Spooner,
Bagley,	Everhart,	Mitchell,	Spriggs,
Barr,	Findlay,	Morse,	Stephenson,
Bayne,	Follett,	Nutting,	Stevens,
Bingham,	Greenleaf,	O'Ferrall,	Stewart, J. W.
Bisbee,	Guenther,	O'Hara,	Strait,
Boyle,	Hanback,	O'Neill, Charles	Sumner, C. A.
Brewer, F. B.	Hardy,	O'Neill, J. J.	Taylor, J. D.
Brown, W. W.	Hill,	Parker,	Van Alstyne,
Budd,	Holmes,	Payne,	Wemple,
Burleigh,	James,	Peters,	White, J. D.
Collins,	Jeffords,	Pettibone,	White, Milo
Cutcheon,	Jones, B. W.	Post,	Whiting,
Davis, G. R.	Jordan,	Reid, J. W.	Wilson, James
Davis, R. T.	Kean,	Rockwell,	Wise, J. S.
Deuster,	Keifer,	Rosecrans,	Woodward.
Dibble,	Kleiner,	Russell,	
Dorsheimer,	Lovering,	Seymour,	
Ellis,	McAdoo,	Smith, H. Y.	

NOT VOTING—190.

Adams, G. E.	Clardy,	Funston,	Horr,
Adams, J. J.	Clay,	Fyan,	Houk,
Aiken,	Connolly,	Garrison,	Howey,
Alexander,	Converse,	Geddes,	Hunt,
Anderson,	Cook,	George,	Hurd,
Arnot,	Covington,	Gibson,	Hutchins,
Ballentine,	Cox, S. S.	Glascock,	Johnson,
Barbour,	Craig,	Green,	Jones, J. K.
Barksdale,	Crisp,	Hammond,	Jones, J. T.
Beach,	Culberson, D. B.	Hancock,	Kelley,
Belford,	Culbertson, W. W.	Harmer,	Kellogg,
Belmont,	Cullen,	Hart,	Ketcham,
Blanchard,	Curtin,	Hatch, H. H.	King,
Boutelle,	Dargan,	Haynes,	Lacey,
Bowen,	Davis, L. H.	Hemphill,	Laird,
Brainerd,	Dibrell,	Henderson, D. B.	Lamb,
Breitung,	Dingley,	Henley,	Lanham,
Brewer, J. H.	Dockery,	Hepburn,	Lawrence,
Broadhead,	Dunham,	Herbert,	Le Fevre,
Browne, T. M.	Dunn,	Hewitt, A. S.	Lewis,
Brumm,	Eaton,	Hewitt, G. W.	Libbey,
Buckner,	Elliott,	Hiscock,	Long,
Campbell, Felix	Ermentrout,	Hitt,	Lore,
Campbell, J. E.	Ferrell,	Hoblitzell,	Lyman,
Campbell, J. M.	Fiedler,	Holman,	McCoid,
Cannon,	Finerty,	Holton,	McComas,
Cassidy,	Foran,	Hooper,	McCormick,
Chalmers,	Forney,	Hopkins,	Maybury,

Miller, J. F.	Phelps,	Skinner, C. R.	Vance,
Miller, S. H.	Poland,	Slocum,	Van Eaton,
Milliken,	Potter,	Smalls,	Wadsworth,
Mills,	Rankin,	Smith, A. Herr	Wait,
Morgan,	Ranney,	Steele,	Ward,
Morrill,	Ray, G. W.	Stewart, Charles	Warner, A. J.
Morrison,	Ray, Ossian	Stockslager,	Washburn,
Moulton,	Reagan,	Stone,	Weaver,
Muldrow,	Reed, T. B.	Struble,	Wellborn,
Muller,	Rice,	Sumner, D. H.	Wilkins,
Murphy,	Robertson,	Talbott,	Williams,
Murray,	Robinson, J. S.	Taylor, E. B.	Winans, E. B.
Mutchler,	Robinson, W. E.	Thompson,	Winans, John
Nelson,	Rogers, W. F.	Throckmorton,	Wood,
Nicholls,	Rowell,	Townshend,	Worthington,
Oates,	Ryan,	Tucker,	Yaple,
Ochiltree,	Seney,	Tully,	York,
Paige,	Shaw,	Turner, H. G.	Young.
Payson,	Shively,	Turner, Oscar	
Perkins,	Singleton,	Valentine,	

So the House refused to adjourn.

Mr. DAVIS, of Illinois. I ask unanimous consent that the reading of the names of members voting be dispensed with.

There was no objection.

The following additional pair was announced:

Mr. CRISP with Mr. BARKSDALE, for the balance of the day, on questions of adjournment.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. Before announcing the result of the vote just taken the Chair asks permission to submit to the House a personal request. Mr. SINGLETON asks to be excused from further attendance at this session, on account of feeble health.

There was no objection.

The result of the vote on the motion to adjourn was then announced as above stated.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Massachusetts [Mr. COLLINS] to lay upon the table the motion of the gentleman from Georgia [Mr. HARDEMAN], which was to reconsider the vote by which a call of the House was ordered. The yeas and nays have been ordered, and the Clerk will proceed to call the roll.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. It is that when the roll is called through, if the yeas and nays——

Mr. DAVIS, of Illinois. I call for the regular order.

Mr. WHITE, of Kentucky. Let the Clerk proceed with the call of the roll.

The question was taken; and there were—yeas 78, nays 53, not voting 192; as follows:

YEAS—78.

Adams, J. J.	Ellis,	Lore,	Spooner,
Atkinson,	Ellwood,	Lovering,	Spriggs,
Bagley,	Evans,	McAdoo,	Stephenson,
Barr,	Ferrell,	Millard,	Stevens,
Bayne,	Findlay,	Mitchell,	Stewart, J. W.
Bingham,	Follett,	Nutting,	Strait,
Bisbee,	Goff,	O'Ferrall,	Sumner, C. A.
Bratton,	Greenleaf,	O'Hara,	Taylor, J. D.
Brewer, F. B.	Hanback,	O'Neill, Charles	Thomas,
Brown, W. W.	Hardy,	O'Neill, J. J.	Van Alstyne,
Buchanan,	Hill,	Parker,	Weller,
Budd,	Holmes,	Payne,	Wemple,
Burleigh,	Houseman,	Peters,	White, J. D.
Collins,	James,	Pettibone,	White, Milo
Cox, W. R.	Jeffords,	Post,	Whiting,
Cutcheon,	Jones, B. W.	Potter,	Wilson, W. L.
Davis, G. R.	Jordan,	Reid, J. W.	Wise, J. S.
Davis, R. T.	Kean,	Rockwell,	Woodward.
Dibble,	Keifer,	Rosecrans,	
Dorsheimer,	Kleiner,	Smith, H. Y.	

NAYS—53.

Bennett,	Davidson,	Patton,	Springer,
Blackburn,	Dowd,	Pierce,	Storm,
Bland,	Eldredge,	Peel,	Swope,
Breckinridge,	English,	Price,	Taylor, J. M.
Burnes,	Everhart,	Pryor,	Tillman,
Cabell,	Halsell,	Pusey,	Wallace,
Caldwell,	Hardeman,	Randall,	Warner, Richard
Candler,	Hatch, W. H.	Ranney,	Willis,
Carleton,	Jones, J. H.	Reese,	Wilson, James
Clardy,	Lowry,	Riggs,	Wise, G. D.
Clements,	McMillin,	Robertson,	Wolford.
Cobb,	Matson,	Rogers, J. H.	
Converse,	Money,	Skinner, T. G.	
Cosgrove,	Neece,	Snyder,	

NOT VOTING—192.

Adams, G. E.	Blount,	Campbell, J. E.	Culberson, D. B.
Aiken,	Boutelle,	Campbell, J. M.	Culbertson, W. W.
Alexander,	Bowen,	Cannon,	Cullen,
Anderson,	Boyle,	Cassidy,	Curtin,
Arnot,	Brainerd,	Chalmers,	Dargan,
Ballentine,	Breitung,	Clay,	Davis, L. H.
Barbour,	Brewer, J. H.	Connolly,	Deuster,
Barksdale,	Broadhead,	Cook,	Dibrell,
Beach,	Browne, T. M.	Covington,	Dingley,
Belford,	Brumm,	Cox, S. S.	Dockery,
Belmont,	Buckner,	Craig,	Dunham,
Blanchard	Campbell, Felix	Crisp,	Dunn.

Eaton,	Hooper,	Morse,	Smith, A. Herr
Elliott,	Hopkins,	Moulton,	Steele,
Ermentrout,	Horr,	Muldrow,	Stewart, Charles
Fiedler,	Houk,	Muller,	Stockslager,
Finerty,	Howey,	Murphy,	Stone,
Foran,	Hunt,	Murray,	Struble,
Forney,	Hurd,	Mutchler,	Sumner, D. H.
Funston,	Hutchins,	Nelson,	Talbott,
Fyan,	Johnson,	Nicholls,	Taylor, E. B.
Garrison,	Jones, J. K.	Oates,	Thompson,
Geddes,	Jones, J. T.	Ochiltree,	Throckmorton,
George,	Kelley,	Paige,	Townshend,
Gibson,	Kellogg,	Payson,	Tucker,
Glascock,	Ketcham,	Perkins,	Tully,
Graves,	King,	Phelps,	Turner, H. G.
Green,	Lacey,	Poland,	Turner, Oscar
Guenther,	Laird,	Rankin,	Valentine,
Hammond,	Lamb,	Ray, G. W.	Vance,
Hancock,	Lanham,	Ray, Ossian	Van Eaton,
Harmer,	Lawrence,	Reagan,	Wadsworth,
Hart,	Le Fevre,	Reed, T. B.	Wait,
Hatch, H. H.	Lewis,	Rice,	Wakefield,
Haynes,	Libbey,	Robinson, J. S.	Ward,
Hemphill,	Long,	Robinson, W. E.	Warner, A. J.
Henderson, D. B.	Lyman,	Rogers, W. F.	Washburn,
Henderson, T. J.	McCoid,	Rowell,	Weaver,
Henley,	McComas,	Russell,	Wellborn,
Hepburn,	McCormick,	Ryan,	Wilkins,
Herbert,	Maybury,	Seney,	Williams,
Hewitt, A. S.	Miller, J. F.	Seymour,	Winans, E. B.
Hewitt, G. W.	Miller, S. H.	Shaw,	Winans, John
Hiscock,	Milliken,	Shively,	Wood,
Hitt,	Mills,	Singleton,	Worthington,
Hoblitzell,	Morgan,	Skinner, C. R.	Yaple,
Holman,	Morrill,	Slocum,	York,
Holton,	Morrison,	Smalls,	Young.

So the motion was agreed to.

On motion of Mr. MILLARD, by unanimous consent the reading of the names of members voting was dispensed with.

The following additional pair was announced:

Mr. BLOUNT with Mr. BOYLE, for the remainder of the day.

The SPEAKER *pro tempore*. Before announcing the result of the vote the Chair asks consent of the House to submit a personal request.

The Clerk read the request of Mr. HEWITT, of Alabama, for leave of absence for the remainder of the day.

Mr. WHITE, of Kentucky. I object. We are trying to get a quorum here now.

The SPEAKER *pro tempore*. Objection being made, the Chair will submit the request to a vote of the House.

The question being taken on agreeing to the request of Mr. HEWITT, of Alabama, it was decided in the negative.

The result of the vote on the motion to lay on the table the motion to reconsider was then announced as above stated.

The SPEAKER *pro tempore*. The call of the House is now ordered, and the Clerk will proceed to call the roll.

Mr. HARDEMAN. I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. HARDEMAN. I desire to be heard upon that question.

The SPEAKER *pro tempore*. The Chair does not desire to hear any argument upon it. The House has ordered by a yea-and-nay vote that its roll shall be called, and a motion to reconsider that vote has by a yea-and-nay vote been laid on the table. The motion to adjourn has been entertained and rejected.

Mr. HARDEMAN. There has been intervening business.

The SPEAKER *pro tempore*. The House by a yea-and-nay vote has ordered that the roll shall be called.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Adams, G. E.	Curtin,	Holton,	Moulton,
Aiken,	Dargan,	Hooper,	Muldrow,
Alexander,	Davidson,	Hopkins,	Muller,
Anderson,	Davis, L. H.	Horr,	Murphy,
Arnot,	Dibrell,	Houk,	Murray,
Ballentine,	Dingley,	Howey,	Mutchler,
Barbour,	Dunn,	Hurd,	Nelson,
Barksdale,	Eaton,	Hutchins,	Nicholls,
Beach,	Elliott,	Johnson,	Oates,
Belford,	Ermentrout,	Jones, J. K.	Ochiltree,
Belmont,	Fielder,	Jones, J. T.	Paige,
Blount,	Finerty,	Kelley,	Payson,
Boutelle,	Funston,	Kellogg,	Perkins,
Bowen,	Fyan,	Ketcham,	Phelps,
Brainerd,	Garrison,	King,	Poland,
Breitung,	Geddes,	Lacey,	Rankin,
Brewer, J. H.	George,	Laird,	Ray, G. W.
Broadhead,	Gibson,	Lamb,	Ray, Ossian
Browne, T. M.	Glascock,	Lanham,	Reagan,
Brumm,	Green,	Lawrence,	Reed, T. B.
Buckner,	Hammond,	Le Fevre,	Rice,
Campbell, Felix	Hancock,	Lewis,	Robinson, J. S.
Campbell, J. E.	Harmer,	Libbey,	Robinson, W. E.
Campbell, J. M.	Hart,	Long,	Rogers, W. F.
Cannon,	Hatch, H. H.	Lyman,	Rowell,
Chalmers,	Haynes,	McComas,	Ryan,
Clay,	Henderson, D. B.	McCormick,	Seney,
Cook,	Henderson, T. J.	Miller, J. F.	Shaw,
Covington,	Henley,	Miller, S. H.	Shively,
Cox, S. S.	Hepburn,	Millikin,	Singleton,
Craig,	Hewitt, A. S.	Mills,	Skinner, C. R.
Crisp,	Hiscock,	Morgan,	Slocum,
Culberson, D. B.	Hitt,	Morrill,	Smith, A. H.
Culbertson, W. W.	Hoblitzell,	Morrison,	Steele,
Cullen,	Holman,	Morse,	Stewart, Charles

Stockslager,	Townshend,	Wait,	Winans, E. B.
Stone,	Tucker,	Wakefield,	Winans, John
Struble,	Turner, H. G.	Ward,	Yaple,
Sumner, D. H.	Turner, Oscar	Warner, A. J.	York,
Talbott,	Valentine,	Washburn,	Young.
Taylor, E. B.	Vance,	Weaver,	
Thompson,	Van Eaton,	Wilkins,	
Throckmorton,	Wadsworth,	Williams,	

The SPEAKER *pro tempore*. The Chair asks the consent of the House to submit certain personal requests of members. [Cries of "Regular order!"] Is there objection to the submission of the requests? [Renewed cries of "Regular order!"]

Mr. COLLINS. I offer a resolution which I ask to have read.

Several MEMBERS. Regular order, Mr. Speaker!

The SPEAKER *pro tempore*. The resolution is not in order at this time. The Chair will announce the result of the vote. Upon this call 151 gentlemen have answered to their names.

Mr. WHITE, of Kentucky. Mr. Speaker, I move that the Sergeant-at-Arms be directed to send for absentees.

The SPEAKER *pro tempore*. The Chair will execute the rule.

Mr. HATCH, of Missouri. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will execute the rule if gentlemen will permit. The Doorkeeper is directed to close the doors.

Mr. HATCH, of Missouri. Mr. Speaker, I rise to make a privileged motion.

The SPEAKER *pro tempore*. It is not in order now. The Chair will recognize the gentleman at the proper time. The Clerk will now call the names of members who have not answered, and as the names are read excuses will be in order.

Mr. HATCH, of Missouri. I move to dispense with all further proceedings under the call.

The SPEAKER *pro tempore*. The Chair will entertain that motion at the proper time, but it is not now in order. The call is not concluded. The Doorkeeper will close the doors, and the Clerk will proceed to call the names of absentees. As the names are called excuses will be in order.

The Clerk proceeded to call the names of members who had not answered, as follows:

Mr. ADAMS, of Illinois: No excuse offered.
Mr. AIKEN: No excuse offered.
Mr. ALEXANDER: No excuse offered.
Mr. ANDERSON: No excuse offered.
Mr. ARNOT: No excuse offered.
Mr. BALLENTINE: No excuse offered.
Mr. BARBOUR: No excuse offered.
Mr. BARKSDALE: No excuse offered.
Mr. BEACH: Absent with leave.
Mr. BELFORD: No excuse offered.
Mr. BELMONT: No excuse offered.
Mr. BLANCHARD: No excuse offered.
Mr. BLOUNT: No excuse offered.
Mr. BOUTELLE: No excuse offered.
Mr. BOWEN: No excuse offered.
Mr. BRAINERD: No excuse offered.
Mr. BREITUNG: No excuse offered.
Mr. BREWER, of New Jersey: No excuse offered.
Mr. BROADHEAD: No excuse offered.
Mr. BROWNE, of Indiana: No excuse offered.
Mr. BRUMM: No excuse offered.
Mr. BUCKNER: No excuse offered.
Mr. CAMPBELL, of New York: No excuse offered.
Mr. CAMPBELL, of Pennsylvania: No excuse offered.
Mr. CAMPBELL, of Ohio.

Mr. WALLACE. Mr. Speaker, my colleague, Mr. CAMPBELL, has been called home to Ohio by sickness in his family, and I move that he be excused.

The SPEAKER *pro tempore*. If there be no objection the gentleman from Ohio [Mr. CAMPBELL] will be excused.

There was no objection.

Mr. CANNON: No excuse offered.
Mr. CLAY: Absent with leave.
Mr. COOK.

Mr. WELLER. My colleague, Mr. COOK, is absent by leave of the House, on account of important business in Iowa, and I ask that he be excused.

The SPEAKER *pro tempore*. The Chair is advised that the time for which the gentleman from Iowa [Mr. COOK] was granted leave of absence has expired; but his colleague [Mr. WELLER] asks that he be excused. Is there objection?

Several members objected.

The SPEAKER *pro tempore*. Objection is made, and the gentleman is not excused.

Mr. WELLER. Mr. Speaker, I move that my colleague, Mr. COOK, be excused.

The question was taken; and there were—ayes 37, noes 16.

Mr. WELLER. No quorum voting. [Laughter].

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Iowa that under the rules a quorum is not required. The ayes have it, and the motion to excuse the gentleman's colleague [Mr. COOK] is agreed to.

Mr. COVINGTON: No excuse offered.
Mr. COX, of New York: No excuse offered.
Mr. CRISP: No excuse offered.
Mr. CULBERSON, of Texas: No excuse offered.
Mr. CULBERTSON, of Kentucky: No excuse offered.
Mr. CULLEN: No excuse offered.
Mr. CURTIN.

Mr. FORAN. Mr. Speaker, I am paired with Mr. CURTIN, and he requested me this evening to state, in the event of a call of the House, that he was not feeling well, and to ask that he be excused.

The SPEAKER *pro tempore*. If there is no objection. the gentleman from Pennsylvania [Mr. CURTIN] will be excused.

There was no objection.

Mr. DARGAN: No excuse offered.
Mr. DAVIS, of Missouri: Absent on leave.
Mr. DIBRELL.

Mr. CALDWELL. Mr. Speaker, I ask that Mr. DIBRELL be excused. He is unwell and unable to be here.

The SPEAKER *pro tempore*. If there is no objection, the gentleman from Tennessee [Mr. DIBRELL] will be excused.

There was no objection.

Mr. DINGLEY: No excuse offered.
Mr. DUNN: Absent on leave.
Mr. EATON: No excuse offered.
Mr. ELLIOTT: No excuse offered.
Mr. ERMENTROUT: No excuse offered.
Mr. FIEDLER: Absent on leave.
Mr. FINERTY: No excuse offered.
Mr. FUNSTON: No excuse offered.
Mr. FYAN: Absent on leave.
Mr. GARRISON: Absent on leave.
Mr. GEDDES.

Mr. CONVERSE. I desire to state that the health of my colleague, Judge GEDDES, is very delicate, and I therefore move that he be excused.

The motion was agreed to.

Mr. GEORGE: No excuse offered.
Mr. GIBSON: No excuse offered.
Mr. GLASCOCK.

Mr. SPRINGER. I move that the gentleman from California [Mr. GLASCOCK] be excused on account of serious illness in his family.

The motion was agreed to.

Mr. GREEN: No excuse offered.
Mr. HAMMOND: No excuse offered.
Mr. HANCOCK.

Mr. WELLBORN. My colleague, Mr. HANCOCK, is suffering from a very sore foot, and it is a matter of difficulty for him to get out. On account of this indisposition I move that he be excused.

Mr. WHITE, of Kentucky. Mr. Speaker, would it be in order at this time to move that the Congress adjourn *sine die* to get out of the malaria of Washington?

The SPEAKER *pro tempore*. The Chair could hardly hold that motion to be in order. The question is on the motion of the gentleman from Texas [Mr. WELLBORN] that his colleague be excused for the reason assigned.

The motion was agreed to.

Mr. HARMER: No excuse offered.
Mr. HART: No excuse offered.
Mr. HATCH, of Michigan: No excuse offered.
Mr. HAYNES: No excuse offered.
Mr. HENDERSON, of Iowa: No excuse offered.
Mr. HENLEY: No excuse offered.
Mr. HEPBURN: No excuse offered.
Mr. HEWITT, of New York: No excuse offered.
Mr. HEWITT, of Alabama: Absent on leave.
Mr. HISCOCK: No excuse offered.
Mr. HITT: No excuse offered.
Mr. HOBLITZELL: No excuse offered.
Mr. HOLMAN.

Mr. COBB. I ask that my colleague [Mr. HOLMAN] be excused. [Cries of "No!" "No!"]

Several MEMBERS. On what ground?

Mr. DUNHAM. Let the gentleman state the reasons for making this request.

Mr. WHITE, of Kentucky. I am sure if the gentleman's colleague were here he would object. [Laughter.]

The question being taken on the motion of Mr. COBB, it was not agreed to.

Mr. HOLTON: No excuse offered.
Mr. HOOPER: No excuse offered.
Mr. HOPKINS: No excuse offered.
Mr. HORR: No excuse offered.
Mr. HOUK.

Mr. PETTIBONE. I move that my colleague, Mr. HOUK, be excused. His wife is very ill, and he was obliged to be up all last night with her.

The motion was agreed to; there being—ayes 40, noes 8.

Mr. HOWEY.

Mr. KEAN. My colleague, Mr. HOWEY, was called home to New Jersey to-day. I do not know on what account, but evidently on some important business. I move that he be excused.

The motion was not agreed to.

Mr. HURD: No excuse offered.

Mr. HUTCHINS: No excuse offered.

Mr. JOHNSON: No excuse offered.

Mr. JONES, of Arkansas: Absent on leave.

Mr. JONES, of Alabama: Absent on leave.

Mr. KELLEY.

Mr. RUSSELL. I move that Judge KELLEY be excused.

Mr. KEIFER. His health is not strong.

The motion of Mr. RUSSELL was agreed to.

Mr. KELLOGG: No excuse offered.

Mr. KETCHAM: No excuse offered.

Mr. KING: No excuse offered.

Mr. LACEY: No excuse offered.

Mr. LAIRD: Absent on leave.

Mr. LAMB: No excuse offered.

Mr. LANHAM: No excuse offered.

Mr. LAWRENCE: No excuse offered.

Mr. LE FEVRE: No excuse offered.

Mr. LEWIS: No excuse offered.

Mr. LIBBEY: No excuse offered.

Mr. LONG: No excuse offered.

Mr. LYMAN: No excuse offered.

Mr. MCCOMAS: No excuse offered.

Mr. MCCORMICK: Absent on leave.

Mr. MILLER, of Texas.

Mr. JONES, of Texas. I move that my colleague, Mr. MILLER, be excused.

The motion was agreed to.

Mr. MILLER, of Pennsylvania: No excuse offered.

Mr. MILLIKEN: No excuse offered.

Mr. MILLS: No excuse offered.

Mr. MORGAN: No excuse offered.

Mr. MORRILL: No excuse offered.

Mr. MORRISON: No excuse offered.

Mr. MORSE: No excuse offered.

Mr. MOULTON: No excuse offered.

Mr. MULDROW: No excuse offered.

Mr. MULLER: No excuse offered.

Mr. MURPHY: No excuse offered.

Mr. MURRAY: No excuse offered.

Mr. MUTCHLER: No excuse offered.

Mr. NELSON: No excuse offered.

Mr. NICHOLLS: Absent on leave.

Mr. OATES.

Mr. FORNEY. My colleague, Mr. OATES, is sick. I move that he be excused.

The motion was agreed to.

Mr. OCHILTREE: No excuse offered.

Mr. PAIGE: No excuse offered.

Mr. PAYSON.

Mr. BREWER, of New York. I move that Mr. PAYSON be excused. He has been confined to his house by sickness for two weeks. He was, to be sure, on the floor to-day, but was compelled to return home. I move that he be excused.

The motion was agreed to.

Mr. PERKINS: No excuse offered.

Mr. PHELPS: No excuse offered.

Mr. POLAND.

Mr. WALLACE. I move that Mr. POLAND be excused.

The motion was agreed to.

Mr. RANKIN.

The SPEAKER *pro tempore*. Mr. RANKIN is absent by leave of the House.

Mr. ELLIS. Was the name of Mr. PRYOR called?

The SPEAKER *pro tempore*. The gentleman from Alabama is marked as present, and the Chair will further say that he is present.

Mr. HATCH, of Missouri. I move, on account of the gentleman's age, that Mr. PRYOR be excused from further attendance during this day's session.

Mr. ELLIS. I hope that will be done.

The motion was agreed to.

Mr. PRYOR. I wish to say, Mr. Speaker, that I answered distinctly when my name was called.

The SPEAKER *pro tempore*. And it is so recorded. By order of the House the gentleman has been excused from further attendance at this day's session.

Mr. RAY, of New York: No excuse offered.

Mr. RAY, of New Hampshire: No excuse offered.

Mr. REAGAN.

Mr. O'NEILL, of Pennsylvania. I move that Mr. REAGAN be excused for his absence from the House.

The motion was agreed to.

Mr. RICE.

Mr. DAVIS, of Massachusetts. I desire to say that my colleague [Mr. RICE] is suffering from a bronchial affection, which renders it unsafe for him to trust himself in the night air, and I move that he be excused.

The motion was agreed to.

Mr. ROBINSON, of Ohio.

Mr. KEIFER. I have in my pocket a letter from the governor of Ohio, stating that JAMES S. ROBINSON had resigned at 11 o'clock on the 12th day of January, 1885, his seat in this House.

The SPEAKER *pro tempore*. The Chair will state that he has no official information of the gentleman's resignation. Does the gentleman move that he be excused?

Mr. KEIFER. I do not.

The SPEAKER *pro tempore*. Then no motion is made and the gentleman is not excused.

Mr. ROBINSON, of New York.

Mr. COLLINS. I move that Mr. ROBINSON be excused.

The motion was agreed to.

Mr. ROGERS, of New York: No excuse offered.

Mr. ROWELL.

Mr. THOMAS. I move that Mr. ROWELL be excused.

Several MEMBERS. For what reason?

Mr. THOMAS. He is quite unwell.

The motion was agreed to.

Mr. RYAN: No excuse offered.

Mr. SENEY: No excuse offered.

Mr. SHAW.

Mr. SPRINGER. I think my colleague has an indefinite leave of absence.

The SPEAKER *pro tempore*. The Chair is informed that no leave has been accorded to his colleague.

Mr. SPRINGER. Then I move that he be excused.

The SPEAKER *pro tempore*. He has not been present during the session.

The motion was agreed to.

Mr. SHIVELY: No excuse offered.

Mr SINGLETON.

The SPEAKER *pro tempore*. The gentleman is absent by leave of the House.

Mr. SKINNER, of New York: Absent on indefinite leave.

Mr. SLOCUM.

Mr. JAMES. General SLOCUM has been suffering for several weeks from rheumatism, and I move that he be excused.

The motion was agreed to.

Mr. A. HERR SMITH: No excuse offered.

Mr. STEELE: No excuse offered.

Mr. STEWART, of Texas: No excuse offered.

Mr. STOCKSLAGER: No excuse offered.

Mr. STONE.

Mr. JOHN S. WISE I ask that Mr. STONE be excused. His health is delicate.

The motion was agreed to.

Mr. STRUBLE: No excuse offered.

Mr. COBB. The temper of the House seems to be better now than it was awhile ago, and I ask if it be in order to move that my colleague, Mr. HOLMAN, be excused.

The SPEAKER *pro tempore*. The gentleman from Indiana asks unanimous consent to renew his motion.

Mr. ROBERTSON. I object. [Laughter.]

Mr. SUMNER, of Wisconsin: No excuse offered.

Mr. TALBOTT: No excuse offered.

Mr. EZRA B. TAYLOR.

Mr. NUTTING. I move that Mr. EZRA B. TAYLOR be excused on account of ill health.

The motion was agreed to.

Mr. THOMPSON: No excuse offered.

Mr. TOWNSHEND.

Mr. SPRINGER. I move that my colleague be excused. [Cries of "No!" "No!"] He came to my desk at 5 o'clock this evening and said he was called home on account of sickness in his family. I know there has been serious illness in his family for more than a week.

The motion was agreed to.

Mr. KEIFER. I am informed that my colleague, Mr. HART, left the Hall some time during the early evening quite unwell, and I move that he be excused.

The motion was agreed to.

Mr. COBB. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COBB. Does it take unanimous consent to move to excuse my colleague, Mr. HOLMAN?

The SPEAKER *pro tempore*. The motion having once been voted down, the Chair knows of no other way except by unanimous consent or a motion to reconsider.

Mr. TUCKER: No excuse offered.

Mr. TURNER, of Georgia.

Mr. TILLMAN. I move that Mr. TURNER, of Georgia, be excused. He left the Hall at 6 o'clock this evening on account of a severe cold almost threatening pneumonia, and it would be unsafe for him to turn out at this late hour in the evening.

The motion was agreed to.

Mr TURNER, of Kentucky.

Mr. SPRINGER. I move that the gentleman from Kentucky be excused from further attendance on this day's session.

The House divided; and there were—ayes 39, noes 28.

So the motion was agreed to.

Mr. VALENTINE.

The SPEAKER *pro tempore*. He is absent by leave of the House.

Mr. VANCE.

Mr. REID, of North Carolina. Mr. VANCE has been quite unwell for two or three days, and I move that he be excused.

The motion was agreed to.

Mr. VAN EATON: No excuse offered.

Mr. WADSWORTH: No excuse offered.

Mr. WAIT.

Mr. PAYNE. I move that he be excused.

The motion was agreed to.

Mr. WAKEFIELD: No excuse offered.

Mr. WARD.

Mr. COBB. I move that he be excused on account of a bad cold.

The motion was agreed to.

Mr. WARNER, of Ohio.

The SPEAKER *pro tempore*. He is absent by leave of the House.

Mr. WASHBURN: No excuse offered.

Mr. WEAVER.

The SPEAKER *pro tempore*. He is absent by leave of the House.

Mr. WILKINS: No excuse offered.

Mr. WILLIAMS.

Mr. HERBERT. I move that he be excused. His wife is sick at the hotel.

The motion was agreed to.

Mr. WINANS, of Michigan: No excuse offered.

Mr. WINANS, of Wisconsin: No excuse offered.

Mr. YAPLE.

Mr. WELLER. I move that he be excused.

The House divided; and there were—ayes 8, noes 63.

Mr. WELLER demanded tellers.

Tellers were not ordered.

So the motion was disagreed to.

Mr. YORK.

Mr. BREWER, of New York. I move that Mr. YORK be excused on account of ill health.

The motion was agreed to.

Mr. WOODWARD. I move that my colleague, Mr. JONES, of Wisconsin, be excused. He was called home by illness in his family.

The motion was agreed to.

Mr. DAVIS, of Illinois. I move that Mr. HENDERSON, of Iowa, be excused.

The motion was disagreed to.

Mr. SKINNER, of North Carolina. Mr. Speaker, my colleague, Mr. BENNETT, has been in attendance on the House all day. He says he is too ill to remain any longer, and I ask, therefore, that he be excused from further attendance on the House during this day's sitting.

Mr. WHITE, of Kentucky. If it be in order I will move to amend the motion of the gentleman from North Carolina by excusing every member of the House who has been filibustering on that side of the House. I offer that as an amendment—to excuse all members of the House from further attendance to-day who have been engaged in this filibustering proceeding.

The SPEAKER *pro tempore*. The gentleman from Kentucky of course knows that his motion is not in order.

Mr. WHITE, of Kentucky. I presume I can make it in order.

The SPEAKER *pro tempore*. What motion does the gentleman offer?

Mr. WHITE, of Kentucky. I move to amend the motion of the gentleman from North Carolina by adding that we excuse all of the members who are sick of the proceedings on that side of the House.

The SPEAKER *pro tempore*. The motion of the gentleman is not in order.

The question is on the motion of the gentleman from North Carolina to excuse his colleague, Mr. BENNETT.

The motion was agreed to.

Mr. WELLER. I move that Mr. SHIVELY be excused.

The motion was not agreed to.

The SPEAKER *pro tempore*. The Clerk will proceed with the call of the roll of absentees.

Mr. YOUNG'S name was called: No excuse offered.

Mr. COBB. I move that my colleague, Mr. STOCKSLAGER, be excused on account of important business. [Laughter.]

The motion was not agreed to.

Mr. COLLINS. I now renew the resolution I send to the Clerk's desk.

Mr. WEMPLE. I move that Mr. EATON, of Connecticut, be excused from further attendance on this day's session of the House.

The motion was agreed to.

Mr. HATCH, of Missouri. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Missouri as soon as the Clerk has reported the resolution submitted by the gentleman from Massachusetts.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House.

The question was taken; and on a division there were—ayes 72, noes 46.

Mr. SKINNER, of North Carolina. I call for the yeas and nays.

Several MEMBERS. Too late!

The SPEAKER *pro tempore*. The Chair thinks the gentleman made the demand too late.

Mr. SKINNER, of North Carolina. I made the demand immediately upon the announcement of the vote.

The SPEAKER *pro tempore*. Did the gentleman demand the yeas and nays immediately on the statement of the result of the vote?

Mr. SKINNER, of North Carolina. I did.

The SPEAKER *pro tempore*. The Chair accepts the statement of the gentleman from North Carolina.

The yeas and nays were ordered.

Mr. BUDD. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BUDD. Has a gentleman whose name is not recorded as being present the right to vote on a question as to whether or not the yeas and nays shall be ordered?

The SPEAKER *pro tempore*. The Chair will state that no gentleman is entitled to vote who is not present as shown by the record.

The yeas and nays have been ordered on the adoption of the resolution which has just been read; and the Clerk will call the roll.

The question was taken; and there were—yeas 69, nays 53, not voting 201; as follows:

YEAS—69.

Adams, J. J.	Dorsheimer,	McAdoo,	Stephenson,
Atkinson,	Ellis,	Millard,	Stevens,
Bagley,	Evans,	Mitchell,	Stewart, J. W.
Bayne,	Ferrell,	Nutting,	Strait,
Bingham,	Findlay,	O'Ferrall,	Sumner, C. A.
Bisbee,	Follett,	O'Hara,	Taylor, J. D.
Brewer, F. B.	Greenleaf,	O'Neill, Charles	Thomas,
Brown, W. W.	Guenther,	O'Neill, J. J.	Van Alstyne,
Budd,	Hardy,	Parker,	Wallace,
Burleigh,	Holmes,	Payne,	Wemple,
Cassidy,	Houseman,	Peters,	White, J. D.
Clardy,	James,	Post,	Whiting,
Collins,	Jeffords,	Reid, J. W.	Wilson, James
Connolly,	Jordan,	Rockwell,	Wise, J. S.
Cutcheon,	Kean,	Rogers, J. H.	Woodward.
Davis, G. R.	Kleiner,	Seymour,	
Davis, R. T.	Lore,	Smith, H. Y.	
Deuster,	Lovering,	Spooner,	

NAYS—53.

Blackburn,	Dockery,	Money,	Tillman,
Bland,	Dowd,	Neece,	Tully,
Bratton,	Dunham,	Patton,	Warner, Richard
Buchanan,	Eldredge,	Peel,	Wellborn,
Burnes,	Ellwood,	Pierce,	Weller,
Cabell,	Everhart,	Price,	White, Milo
Caldwell,	Goff,	Randall,	Willis,
Candler,	Halsell,	Ranney,	Wilson, W. L.
Carleton,	Hardeman,	Reese,	Wise, G. D.
Clements,	Hatch, W. H.	Skinner, T. G.	Wolford,
Cobb,	Jones, J. H.	Snyder,	Wood.
Cosgrove,	Lowry,	Springer,	
Cox, W. R.	McMillin,	Swope,	
Dibble,	Matson,	Taylor, J. M.	

NOT VOTING—201.

Adams, G. E.	Brewer, J. H.	Dargan,	Graves,
Aiken,	Broadhead,	Davidson,	Green,
Alexander,	Browne, T. M.	Davis, L. H.	Hammond,
Anderson,	Brumm,	Dibrell,	Hanback,
Arnot,	Buckner,	Dingley,	Hancock,
Balentine,	Campbell, Felix	Dunn,	Harmer,
Barbour,	Campbell, J. E.	Eaton,	Hart,
Barksdale,	Campbell, J. M.	Elliott,	Hatch, H. H.
Barr,	Cannon,	English,	Haynes,
Beach,	Chalmers,	Ermentrout,	Hemphill,
Belford,	Clay,	Fiedler,	Henderson, D. B.
Belmont,	Converse,	Finerty,	Henderson, T. J.
Bennett,	Cook,	Foran,	Henley,
Blanchard,	Covington,	Forney,	Hepburn,
Blount,	Cox, S. S.	Funston,	Herbert,
Boutelle,	Craig,	Fyan,	Hewitt, A. S.
Bowen,	Crisp,	Garrison,	Hewitt, G. W.
Boyle,	Culberson, D. B.	Geddes,	Hill,
Brainerd,	Culbertson, W. W.	George,	Hiscock,
Breckinridge,	Cullen,	Gibson,	Hitt,
Breitung,	Curtin,	Glascock,	Hoblitzell,

Holman,	McComas,	Rankin,	Sumner, D. H.
Holton,	McCormick,	Ray, G. W.	Talbott,
Hooper,	Maybury,	Ray, Ossian	Taylor, E. B.
Hopkins,	Miller, J. F.	Reagan,	Thompson,
Horr,	Miller, S. H.	Reed, T. B.	Throckmorton,
Houk,	Milliken,	Rice,	Townshend,
Howey,	Mills,	Riggs,	Tucker,
Hunt,	Morgan,	Robertson,	Turner, H. G.
Hurd,	Morrill,	Robinson, J. S.	Turner, Oscar
Hutchins,	Morrison,	Robinson, W. E.	Valentine,
Johnson,	Morse,	Rogers, W. F.	Vance,
Jones, B. W.	Moulton,	Rosecrans,	Van Eaton,
Jones, J. K.	Muldrow,	Rowell,	Wadsworth,
Jones, J. T.	Muller,	Russell,	Wait,
Keifer,	Murphy,	Ryan,	Wakefield,
Kelley,	Murray,	Seney,	Ward,
Kellogg,	Mutchler,	Shaw,	Warner, A. J.
Ketcham,	Nelson,	Shively,	Washburn,
King,	Nicholls,	Singleton,	Weaver,
Lacey,	Oates,	Skinner, C. R.	Wilkins,
Laird,	Ochiltree,	Slocum,	Williams,
Lamb,	Paige,	Smalls,	Winans, E. B.
Lanham,	Payson,	Smith, A. Herr	Winans, John
Lawrence,	Perkins,	Spriggs,	Worthington,
Le Fevre,	Pettibone,	Steele,	Yaple,
Lewis,	Phelps,	Stewart, Charles	York,
Libbey,	Poland,	Stockslager,	Young.
Long,	Potter,	Stone,	
Lyman,	Pryor,	Storm,	
McCoid,	Pusey,	Struble,	

So the resolution was agreed to.

Mr. HATCH, of Missouri. I now renew my motion to dispense with all further proceedings under the call.

Mr. WHITE, of Kentucky. Pending that motion, I move that the House do now adjourn. It is evidently useless to sit here and go on with these proceedings any longer. If gentlemen are determined to filibuster, of course we can do nothing in the way of business.

The SPEAKER *pro tempore*. Debate is not in order.

The question is on the motion of the gentleman from Kentucky, that the House do now adjourn.

The question was taken. Before the announcement of the vote,

Mr. DUNHAM said: Mr. Speaker, I ask unanimous consent that members who are now in the lobby, but were not present on the call of the House, be allowed to come in.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). That motion is not now in order while the House is dividing on a motion to adjourn.

The House divided; and there were—ayes 60, noes 52.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered, 41 members voting therefor.

The question was taken; and there were—yeas 66, nays 68, not voting 189; as follows:

YEAS—66.

Atkinson,	Dockery,	Money,	Taylor, J. M.
Blackburn,	Dowd,	Neece,	Thomas,
Bland,	Dunham,	Patton,	Tillman,
Bratton,	Eldredge,	Peel,	Tully,
Breckinridge,	Ellwood,	Pierce,	Wallace,
Buchanan,	English,	Pusey,	Warner, Richard
Burnes,	Goff,	Randall,	Wellborn,
Cabell,	Graves,	Ranney,	Weller,
Caldwell,	Halsell,	Reid, J. W.	White, J. D.
Candler,	Hardeman,	Reese,	White, Milo
Carleton,	Hatch, W. H.	Riggs,	Willis,
Clardy,	Houseman,	Robertson,	Wilson, W. L.
Clements,	Jones, J. H.	Rogers, J. H.	Wise, G. D.
Cobb,	Keifer,	Skinner, T. G.	Wolford,
Converse,	Lowry,	Snyder,	Wood.
Cosgrove,	McMillin,	Springer,	
Cox, W. R.	Matson,	Swope,	

NAYS—68.

Adams, J. J.	Ellis,	Lore,	Russell,
Bagley,	Evans,	Lovering,	Seymour,
Barr,	Everhart,	McAdoo,	Smith, H. Y.
Bingham,	Ferrell,	Millard,	Spooner,
Bisbee,	Findlay,	Mitchell,	Spriggs,
Brewer, F. B.	Follett,	Nutting,	Stephenson,
Brown, W. W.	Greenleaf,	O'Ferrall,	Stevens,
Budd,	Guenther,	O'Hara,	Stewart, J. W.
Burleigh,	Hanback,	O'Neill, Charles	Strait,
Cassidy,	Hardy,	O'Neill, J. J.	Sumner, C. A.
Collins,	Hill,	Parker,	Taylor, J. D.
Cutcheon,	Holmes,	Payne,	Van Alstyne,
Davis, G. R.	James,	Peters,	Wemple,
Davis, R. T.	Jeffords,	Pettibone,	Whiting,
Deuster,	Jordan,	Post,	Wilson, James
Dibble,	Kean,	Potter,	Wise, J. S.
Dorsheimer,	Kleiner,	Rockwell,	Woodward.

NOT VOTING—189.

Adams, G. E.	Bowen,	Cook,	Elliott,
Aiken,	Boyle,	Covington,	Ermentrout,
Alexander,	Brainerd,	Cox, S. S.	Fiedler,
Anderson,	Breitung,	Craig,	Finerty,
Arnot,	Brewer, J. H.	Crisp,	Foran,
Ballentine,	Broadhead,	Culberson, D. B.	Forney,
Barbour,	Browne, T. M.	Culbertson, W. W.	Funston,
Barksdale,	Brumm,	Cullen,	Fyan,
Bayne,	Buckner,	Curtin,	Garrison,
Beach,	Campbell, Felix	Dargan,	Geddes,
Belford,	Campbell, J. E.	Davidson,	George,
Belmont,	Campbell, J. M.	Davis, L. H.	Gibson,
Bennett,	Cannon,	Dibrell,	Glascock,
Blanchard,	Chalmers,	Dingley,	Green,
Blount,	Clay,	Dunn,	Hammond,
Boutelle,	Connolly,	Eaton,	Hancock,
Harmer,	King,	Ochiltree,	Storm,
Hart,	Lacey,	Paige,	Struble,
Hatch, H. H.	Laird,	Payson,	Sumner, D. H.
Haynes,	Lamb,	Perkins,	Talbott,
Hemphill,	Lanham,	Phelps,	Taylor, E. B.
Henderson, D. B.	Lawrence,	Poland,	Thompson,
Henderson, T. J.	Le Fevre,	Price,	Throckmorton,
Henley,	Lewis,	Pryor,	Townshend,
Hepburn,	Libbey,	Rankin,	Tucker,
Herbert,	Long,	Ray, G. W.	Turner, H. G.
Hewitt, A. S.	Lyman,	Ray, Ossian	Turner, Oscar
Hewitt, G. W.	McCoid,	Reagan,	Valentine,
Hiscock,	McComas,	Reed, T. B.	Vance,
Hitt,	McCormick,	Rice,	Van Eaton,
Hoblitzell,	Maybury,	Robinson, J. S.	Wadsworth
Holman,	Miller, J. F.	Robinson, W. E.	Wait,
Holton,	Miller, S. H.	Rogers, W. F.	Wakefield,
Hooper,	Milliken,	Rosecrans,	Ward,
Hopkins,	Mills,	Rowell,	Warner, A. J.
Horr,	Morgan,	Ryan,	Washburn,
Houk,	Morrill,	Seney,	Weaver,
Howey,	Morrison,	Shaw,	Wilkins,
Hunt,	Morse,	Shively,	Williams,
Hurd,	Moulton,	Singleton,	Winans, E. B.
Hutchins,	Muldrow,	Skinner, C. R.	Winans, John
Johnson,	Muller,	Slocum,	Worthington,
Jones, B. W.	Murphy,	Smalls,	Yaple,
Jones, J. K.	Murray,	Smith, A. Herr	York,
Jones, J. T.	Mutchler,	Steele,	Young.
Kelley,	Nelson,	Stewart, Charles	
Kellogg,	Nicholls,	Stockslager,	
Ketcham,	Oates,	Stone,	

So the House refused to adjourn.

During the roll-call,

Mr. DAVIS, of Illinois, said. I call the attention of the Chair to the rule which requires members to absent themselves from the Clerk's desk during the call of the roll.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The rule does not permit members to be about the Clerk's desk during the call of the yeas and nays.

Mr. ROBERTSON. I ask unanimous consent to dispense with the reading of the names of members voting.

There was no objection.

Mr. WHITE, of Kentucky. I change my vote from "no" to "ay," because I think there is no use of punishing the members any longer. We have excused so many members—— [Cries of "Regular order!"]

The SPEAKER *pro tempore* (rapping to order). The gentleman is not in order. The gentleman from Kentucky changes his vote from "no" to "ay."

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Missouri [Mr. HATCH] to dispense with all further proceedings under the call.

The question being taken, there were—ayes 49, noes 57.

So the motion was not agreed to.

Several members called for the regular order.

The SPEAKER *pro tempore*. The Sergeant-at-Arms is supposed to be in the process of executing the order of the House.

Mr. DUNHAM. I move that the House do now adjourn.

Mr. COLLINS. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COLLINS. I wish to inquire whether the motion to adjourn is in order pending the execution of the order of the House.

The SPEAKER *pro tempore*. The Chair answers that it is in order.

Mr. COLLINS. I am sorry to hear it.

The SPEAKER *pro tempore*. The proceeding has intervened of a motion to dispense with all further proceedings under the call. The motion of the gentleman from Illinois [Mr. DUNHAM] is in order.

The question being taken on the motion to adjourn, there were—ayes 57, noes 53.

Mr. COLLINS. I call for the yeas and nays.

The yeas and nays were ordered, 44 members voting therefor.

The question was taken; and there were—yeas 65, nays 66, not voting 192; as follows:

YEAS—65.

Blackburn,	Dowd,	Neece,	Taylor, J. M.
Bland,	Dunham,	Patton,	Tillman,
Bratton,	Eldredge,	Peel,	Tully,
Breckinridge,	Ellwood,	Pierce,	Wallace,
Buchanan,	English,	Price,	Warner, Richard
Burnes,	Goff,	Pusey,	Wellborn,
Cabell,	Graves,	Randall,	Weller,
Caldwell,	Halsell,	Ranney,	White, J. D.
Candler,	Hardeman,	Reid, J. W.	White, Milo
Carleton,	Hatch, W. H.	Reese,	Willis,
Clardy,	Houseman,	Riggs,	Wilson, W. L.
Clements,	Jones, J. H.	Robertson,	Wise, G. D.
Cobb,	Keifer,	Rogers, J. H.	Wolford,
Converse,	Lowry,	Skinner, T. G.	Wood.
Cosgrove,	McMillin,	Snyder,	
Cox, W. R.	Matson,	Springer,	
Dockery,	Money,	Swope,	

NAYS—66.

Adams, J. J.	Brown, W. W.	Davis, G. R.	Everhart,
Bagley,	Budd,	Davis, R. T.	Ferrell,
Barr,	Cassidy,	Deuster,	Findlay,
Bingham,	Collins,	Dorsheimer,	Follett,
Bisbee,	Connolly,	Ellis,	Greenleaf,
Brewer, F. B.	Cutcheon,	Evans,	Guenther,

Hanback,	McAdoo,	Pettibone,	Strait,
Hardy,	Millard,	Post,	Sumner, C. A.
Hill,	Mitchell,	Potter,	Thomas,
Holmes,	Nutting,	Rockwell,	Van Alstyne,
James,	O'Ferrall,	Russell,	Wemple,
Jeffords,	O'Hara,	Seymour,	Whiting,
Jordan,	O'Neill, Charles	Smith, H. Y.	Wilson, James
Kean,	O'Neill, J. J.	Spooner,	Wise, J. S.
Kleiner,	Parker,	Stephenson,	Woodward.
Lore,	Payne,	Stevens,	
Lovering,	Peters,	Stewart, J. W.	

NOT VOTING—192.

Adams, G. E.	Dunn,	Kellogg,	Robinson, W. E.
Aiken,	Eaton,	Ketcham,	Rogers, W. F.
Alexander,	Elliott,	King,	Rosecrans,
Anderson,	Ermentrout,	Lacey,	Rowell,
Arnot,	Fiedler,	Laird,	Ryan,
Atkinson,	Finerty,	Lamb,	Seney,
Ballentine,	Foran,	Lanham,	Shaw,
Barbour,	Forney,	Lawrence,	Shively,
Barksdale,	Funston,	Le Fevre,	Singleton,
Bayne,	Fyan,	Lewis,	Skinner, C. R.
Beach,	Garrison,	Libbey,	Slocum,
Belford,	Geddes,	Long,	Smalls,
Belmont,	George,	Lyman,	Smith, A. Herr
Bennett,	Gibson,	McCoid,	Spriggs,
Blanchard,	Glascock,	McComas,	Steele,
Blount,	Green,	McCormick,	Stewart, Charles
Boutelle,	Hammond,	Maybury,	Stockslager,
Bowen,	Hancock,	Miller, J. F.	Stone,
Boyle,	Harmer,	Miller, S. H.	Storm,
Brainerd,	Hart,	Milliken,	Struble,
Breitung,	Hatch, H. H.	Mills,	Sumner, D. H.
Brewer, J. H.	Haynes,	Morgan,	Talbott,
Broadhead,	Hemphill,	Morrill,	Taylor, E. B.
Browne, T. M.	Henderson, D. B.	Morrison,	Taylor, J. D.
Brumm,	Henderson, T. J.	Morse,	Thompson,
Buckner,	Henley,	Moulton,	Throckmorton,
Burleigh,	Hepburn,	Muldrow,	Townshend,
Campbell, Felix	Herbert,	Muller,	Tucker,
Campbell, J. E.	Hewitt, A. S.	Murphy,	Turner, H. G.
Campbell, J. M.	Hewitt, G. W.	Murray,	Turner, Oscar
Cannon,	Hiscock,	Mutchler,	Valentine,
Chalmers,	Hitt,	Nelson,	Vance,
Clay,	Hoblitzell,	Nicholls,	Van Eaton,
Cook,	Holman,	Oates,	Wakefield,
Covington,	Holton,	Ochiltree,	Ward,
Cox, S. S.	Hooper,	Paige,	Warner, A. J.
Craig,	Hopkins,	Payson,	Washburn,
Crisp,	Horr,	Perkins,	Weaver,
Culberson, D. B.	Houk,	Phelps,	Wilkins,
Culbertson, W. W.	Howey,	Poland,	Williams,
Cullen,	Hunt,	Pryor,	Winans, E. B.
Curtin,	Hurd,	Rankin,	Winans, John
Dargan,	Hutchins,	Ray, G. W.	Wadsworth,
Davidson,	Johnson,	Ray, Ossian	Wait,
Davis, L. H.	Jones, B. W.	Reagan,	Worthington,
Dibble,	Jones, J. K.	Reed, T. B.	Yaple,
Dibrell,	Jones, J. T.	Rice,	York,
Dingley,	Kelley,	Robinson, J. S.	Young.

So the motion was not agreed to.

Pending the announcement of the vote,

Mr. HUNT. Mr. Speaker, I am paired with the gentleman from Indiana on my right [Mr. STEELE], who is now present, having come in voluntarily, and I ask that he be excused, in order that he and I may vote on the second roll-call.

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. HUNT] is not in order at this time.

Mr. POST. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state his inquiry.

Mr. POST. I desire to be informed by the Chair whether members who have been reported absent, and who have come in since the doors were ordered closed, have a right to vote.

The SPEAKER *pro tempore*. In answer to the gentleman from Pennsylvania [Mr. POST] the Chair will state that those members have not the right to vote, and the Chair is not aware that any one has been permitted to enter the Hall since the doors were closed under the rule.

Mr. POST. I ask that the proper officer be called upon to report whether any members reported absent on the call of the House have been admitted since the doors were closed.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk that no member reported as absent when the doors were closed has voted.

Mr. MUTCHLER. Mr. Speaker, I have voted, but, under the decision of the Chair, I withdraw my vote.

The SPEAKER *pro tempore*. The vote of the gentleman from Pennsylvania [Mr. MUTCHLER] is withdrawn.

Mr. ROBERTSON. Mr. Speaker, after a member gets into the Hall has he not a right to vote?

The SPEAKER *pro tempore*. Under the rule governing proceedings on a call of the House any gentleman who is absent when the roll is called has not the right to vote, nor the right to enter the Hall except in the custody of the Sergeant-at-Arms.

The result of the vote on the motion of Mr. DUNHAM to adjourn was announced as above stated. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair will enforce the regular order under the rule.

The Sergeant-at-Arms appeared at the bar of the House, having in custody Mr. ADAMS of Illinois, Mr. HISCOCK, Mr. JOHNSON, Mr. TUCKER, Mr. STEELE, and Mr. MUTCHLER.

The SPEAKER *pro tempore*. Mr. ADAMS, of Illinois, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ADAMS, of Illinois. Mr. Speaker, I left the House about 7 o'clock this evening, thinking that it was about to adjourn, and having been previously paired with the gentleman from Texas [Mr. MILLER]. I was not well, so I went to my hotel and went to bed. Hearing a short time ago that a call of the House had been ordered, I came here voluntarily.

Mr. DAVIS, of Illinois. Mr. Speaker, I move that my colleague [Mr. ADAMS] be excused.

The question was taken; and there were—ayes 61, noes 27.

So the motion was agreed to.

The SPEAKER *pro tempore*. Mr. HISCOCK, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HISCOCK. Mr. Speaker, I went to my hotel, thinking that no business was to be transacted here for an hour or two [laughter], returned, and have been in the lobby for some time. I came back voluntarily, not under arrest, and am here ready to respond to all calls of the House.

Mr. MILLARD. Mr. Speaker, I move that my colleague [Mr. HISCOCK] be excused.

The question was taken; and there were—ayes 43, noes 29.

So the motion was agreed to.

The SPEAKER *pro tempore*. Mr. JOHNSON, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. JOHNSON. Mr. Speaker, I left the House about half past 5, as I was obliged to go out of town. I returned at 11.50, and, seeing a light in the Dome I came at once to the House and have been awaiting orders ever since.

Mr. PAYNE. Mr. Speaker, I move that my colleague, Mr. JOHNSON, be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. TUCKER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. TUCKER. Mr. Speaker, I had an engagement to go to the city of Baltimore this evening. [Laughter.] I went to Baltimore at 6 o'clock and returned at a quarter before 12. I saw a light in the Dome of the Capitol. I rushed to this Hall to represent my constituents, but was excluded from it, and for the first time I have the honor to appear in this position. I trust that it will be the pleasure of the House to excuse me and to admit me to the duties that I desire to perform. [Laughter.]

Mr. GEORGE D. WISE. Mr. Speaker, I move that my colleague [Mr. TUCKER] be excused.

Mr. WHITE, of Kentucky. The gentleman from Virginia [Mr. TUCKER] has stated that he left the city for Baltimore. The House was in session at the time. It does not appear that he was excused. He now comes back to the House, and while standing in the area in front of the Speaker violates clause 7 of Rule XIV, which is in this language:

> During the session of the House no member shall wear his hat, or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House.

A MEMBER. He is not smoking.

Mr. WHITE, of Kentucky. As is obvious to the view of every member present the gentleman has a cigar in his hand, in utter disregard of the rules of the House. He has confessed that he left the city without leave. I therefore think he ought to be fined to the full extent of the law.

Mr. TUCKER. So far as the cigar is concerned, it is not lighted; but I have no objection to handing it over to the gentleman from Kentucky. [Laughter.]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Virginia [Mr. GEORGE D. WISE] that his colleague [Mr. TUCKER] be excused.

The motion was agreed to, there being—ayes 59, noes 10.

The SPEAKER *pro tempore*. Mr. STEELE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. STEELE. Mr. Speaker, after having voted twice in favor of adjournment I paired with the gentleman from Louisiana [Mr. HUNT], and went to my boarding-house. Discovering about half past 11 o'clock that this House was in session I came here voluntarily, and as soon as the Sergeant-at-Arms would admit me I came into the Hall. I ask the House to excuse me.

Mr. LOWRY. I move that my colleague be excused.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. MUTCHLER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MUTCHLER. Not a very good one, Mr. Speaker. I was here until 7 o'clock voting on every roll-call. About that time I left the

House under the belief that it would soon adjourn. It was near 11 o'clock before I discovered that the House had not adjourned. I then came up here; and finding the doors barred against me I took a seat in the gallery, and witnessed the proceedings of the House with a great deal of dissatisfaction until I was admitted to the floor. I ask to be excused.

Mr. BAYNE. I move that my colleague be excused.

The motion was agreed to.

The Sergeant-at-Arms appeared at the bar of the House having in custody, in obedience to its order, Mr. RAY, of New Hampshire, and Mr. HOBLITZELL.

The SPEAKER *pro tempore*. Mr. RAY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RAY, of New Hampshire. I left here about 6 o'clock, under an engagement that I accepted last week to dine with a friend in the western part of the city. As I passed the Capitol I inquired whether the House had adjourned, and understood it was voting on a motion to adjourn, which would probably be carried. I paired with a gentleman who was voting in favor of adjournment, while I was opposed to it. [Laughter.] I went and dined with my friend, and have been compelled to walk to this Capitol a distance of about two miles. Perhaps if I had mistrusted what was going on here I might have gone in some other direction. But I saw the light, and it rather attracted me here. I have come now to perform my duties for the remainder of the day.

Mr. COSGROVE. As the gentleman was seeking "light," I move that he be excused.

The motion was agreed to; there being—ayes 41, noes 11.

The SPEAKER *pro tempore*. Mr. HOBLITZELL, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HOBLITZELL. Mr. Speaker, I left the Hall about 6 o'clock, after voting twice to adjourn. I have been very much indisposed for three weeks. I left here sick to get my dinner. After dining I went to my room, where I have been ever since until notified that I was wanted here. I am sick now; and I ask to be excused.

Mr. FINDLAY. I move that my colleague be excused.

The motion was agreed to.

Mr. BLAND. I move that further proceedings under the call be dispensed with.

The question being taken on the motion of Mr. BLAND, there were—ayes 70, noes 57.

Mr. COLLINS. I call for the yeas and nays.

Mr. MATSON. Pending that, I move that the House adjourn.

The question being taken on the motion of Mr. MATSON, there were—ayes 70, noes 58.

Mr. COLLINS, Mr. DORSHEIMER, and others called for the yeas and nays.

The yeas and nays were ordered, 41 voting in favor thereof.

The question was taken; and it was decided in the affirmative—yeas 73, nays 67, not voting 183; as follows:

YEAS—73.

Blackburn,	Dunham,	Mutchler,	Taylor, J. M.
Bland,	Eldredge,	Neece,	Thomas,
Bratton,	Ellwood,	Patton,	Tillman,
Breckinridge,	English,	Peel,	Tucker,
Brewer, F. B.	Ferrell,	Pierce,	Tully,
Buchanan,	Goff,	Price,	Wallace,
Burnes,	Graves,	Pusey,	Warner, Richard
Cabell,	Halsell,	Randall,	Wellborn,
Caldwell,	Hardeman,	Ranney,	Weller,
Candler,	Hatch, W. H.	Reid, J. W.	White, J. D.
Carleton,	Hiscock,	Reese,	White, Milo
Clardy,	Hoblitzell,	Riggs,	Willis,
Clements,	Houseman,	Robertson,	Wilson, W. L.
Cobb,	Jones, J. H.	Rogers, J. H.	Wise, G. D.
Converse,	Keifer,	Skinner, T. G.	Wolford,
Cosgrove,	Lowry,	Snyder,	Wood.
Cox, W. R.	McMillin,	Springer,	
Dockery,	Matson,	Steele,	
Dowd,	Money,	Swope,	

NAYS—67.

Adams, J. J.	Everhart,	Lovering,	Seymour,
Bagley,	Findlay,	McAdoo,	Smith, H. Y.
Barr,	Follett,	Millard,	Spooner,
Bingham,	Greenleaf,	Mitchell,	Spriggs,
Bisbee,	Guenther,	Nutting,	Stephenson,
Brown, W. W.	Hanback,	O'Ferrall,	Stevens,
Budd,	Hardy,	O'Hara,	Stewart, J. W.
Cassidy,	Hill,	O'Neill, Charles	Strait,
Collins,	Holmes,	O'Neill, J. J.	Sumner, C. A.
Connolly,	Hunt,	Parker,	Van Alstyne,
Cutcheon,	James,	Payne,	Wemple,
Davis, G. R.	Jeffords,	Peters,	Weaver,
Davis, R. T.	Johnson,	Pettibone,	Whiting,
Deuster,	Jordan,	Post,	Wilson, James
Dorsheimer,	Kean,	Potter,	Wise, J. S.
Ellis,	Kleiner,	Rockwell,	Woodward.
Evans,	Lore,	Russell,	

NOT VOTING—183.

Adams, G. E.	Atkinson,	Beach,	Blount,
Aiken,	Ballentine,	Belford,	Boutelle,
Alexander,	Barbour,	Belmont,	Bowen,
Anderson,	Barksdale,	Bennett,	Boyle,
Arnot,	Bayne,	Blanchard,	Brainerd,
Breitung,	Gibson,	Libbey,	Ryan,
Brewer, J. H.	Glascock,	Long,	Seney,
Broadhead,	Green,	Lyman,	Shaw,
Browne, T. M.	Hammond,	McCoid,	Shively,
Brumm,	Hancock,	McComas,	Singleton,
Buckner,	Harmer,	McCormick,	Skinner, C. R.
Burleigh,	Hart,	Maybury,	Slocum,
Campbell, Felix	Hatch, H. H.	Miller, J. F.	Smalls,
Campbell, J. E.	Haynes,	Miller, S. H.	Smith, A. Herr
Campbell, J. M.	Hemphill,	Milliken,	Stewart, Charles
Cannon,	Henderson, D. B.	Mills,	Stockslager,
Chalmers,	Henderson, T. J.	Morgan,	Stone,
Clay,	Henley,	Morrill,	Storm,
Cook,	Hepburn,	Morrison,	Struble,
Covington,	Herbert,	Morse,	Sumner, D. H.
Cox, S. S.	Hewitt, A. S.	Moulton,	Talbott,
Craig,	Hewitt, G. W.	Muldrow,	Taylor, E. B.
Crisp,	Hitt,	Muller,	Taylor, J. D.
Culberson, D. B.	Holman,	Murphy,	Thompson,
Culbertson, W. W.	Holton,	Murray,	Throckmorton,
Cullen,	Hooper,	Nelson,	Townshend,
Curtin,	Hopkins,	Nicholls,	Turner, H. G.
Dargan,	Horr,	Oates,	Turner, Oscar
Davidson,	Houk,	Ochiltree,	Valentine,
Davis, L. H.	Howey,	Paige,	Vance,
Dibble,	Hurd,	Payson,	Van Eaton,
Dibrell,	Hutchins,	Perkins,	Wadsworth,
Dingley,	Jones, B. W.	Phelps,	Wait,
Dunn,	Jones, J. K.	Poland,	Wakefield,
Eaton,	Jones, J. T.	Pryor,	Ward,
Elliott,	Keiley,	Rankin,	Warner, A. J.
Ermentrout,	Kellogg,	Ray, G. W.	Washburn,
Fiedler,	Ketcham,	Ray, Ossian	Wilkins,
Finerty,	King,	Reagan,	Williams,
Foran,	Lacey,	Reed, T. B.	Winans, E. B.
Forney,	Laird,	Rice,	Winans, John
Funston,	Lamb,	Robinson, J. S.	Worthington,
Fyan,	Lanham,	Robinson, W. E.	Yaple,
Garrison,	Lawrence,	Rogers, W. F.	York,
Geddes,	Le Fevre,	Rosecrans,	Young.
George,	Lewis,	Rowell,	

So the motion was agreed to.

During the roll-call,

Mr. BAYNE said: Mr. Speaker, I move, by unanimous consent, that the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The following additional pair was announced from the Clerk's desk:

Mr. RAY, of New Hampshire, with Mr. PERKINS. Mr. RAY would vote "no" and Mr. PERKINS "ay."

The vote was then announced as above recorded.

Thereupon (at 2 o'clock and 10 minutes a. m., Tuesday, February 3, 1885) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Newburgh, N. Y., in favor of a bankrupt law—to the Committee on the Judiciary.

By Mr. BREITUNG: Concurrent resolutions of the Legislature of Michigan, relative to the purchase by the United States of the Portage Lake and Lake Superior Ship Canals, and making the same free of tolls—to the Committee on Rivers and Harbors.

Also, two petitions of citizens of Marquette, Mich., requesting that the United States acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior, and make same free of tolls—to the same committee.

Also, petition of citizens of the village of Sault de Ste. Marie, Mich., requesting the immediate passage of Senate bill No. 1374, for the change of location of Fort Brady—to the Committee on Military Affairs.

By Mr. BINGHAM: Resolutions of the Academy of Natural Sciences of Philadelphia, asking to have placed on the free-list works pertaining to the sciences—to the Committee on Ways and Means.

Also, resolutions of the Commercial Exchange of Philadelphia, asking for the passage of the Senate bankrupt bill—to the Committee on the Judiciary.

Also, resolution of Post No. 1, Grand Army of the Republic of Pennsylvania, asking for the passage of the Senate bill reinstating General U. S. Grant to the Army—to the Committee on Military Affairs.

By Mr. CLEMENTS: Petition of Floyd S. Hudgins, of Chattooga County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. G. R. DAVIS: Petition of Chicago Live-stock Exchange, against false and slanderous charges preferred by men ignorant of the business, and against the Hopkins resolution—to the Committee on Commerce.

By Mr. DINGLEY: Remonstrance of John S. Emery & Co. and other ship-owners of Boston, against the repeal of the provision of the shipping law forbidding the payment of advance wages—to the same committee.

By Mr. ERMENTROUT: Petition of a Jersey Democrat, against the Eads proposition for the improvement of Galveston Harbor—to the Committee on Rivers and Harbors.

By Mr. EVERHART: Resolution of the New York Board of Trade and Transportation, urging the consideration of the bankrupt bill—to the Committee on the Judiciary.

Also, resolution of Philadelphia Academy of Natural Sciences, urging that scientific books and apparatus be placed on free-list—to the Committee on Ways and Means.

By Mr. FORNEY: Papers relating to the claim of John Edwards, of De Kalb County, Alabama—to the Committee on War Claims.

By Mr. GEORGE: Petition of citizens of Oregon, to ratify certain patents made by Richard Nicolls and Thomas Dargan, governors of the Colony of New York—to the Committee on the Public Lands.

By Mr. HOLMAN: Petition of Hon. Alvin P. Hovey, of Indiana, for the enactment of a law to promote purity and integrity in elections and appointments, accompanied by a bill for that purpose—to the Committee on the Judiciary.

By Mr. B. W. JONES: Resolutions of the New York Board of Trade and Transportation, relative to the bankruptcy bill—to the same committee.

By Mr. LOWRY: Petition of 61 citizens of Fort Wayne, Ind., in reference to the Mormon question—to the same committee.

By Mr. MORSE: Petition of Thomas H. Hill and 3 others, praying for an increase of widows' pensions—to the Committee on Pensions.

By Mr. PRYOR: A bill for the relief of Isaac Stinnett, jr., of Limestone County, Alabama—to the Committee on War Claims.

Also, papers relating to the claim of James Clendinnin, of Jackson County, Alabama—to the same committee.

By Mr. RANDALL: Petition of citizens of Philadelphia, against the ratification of the treaty with Spain or an extension of the treaty with Hawaii, and against the measures to carry into operation the treaty with Mexico—to the Committee on Ways and Means.

Also, two petitions of managers and officers of houses of refuge and reformatories for children, to publish information concerning such institutions—to the Committee on Appropriations.

By Mr. REAGAN: Petition of shippers of live-stock, of Chicago, Ill., praying for the passage of House bill No. 6405, which provides for the inspection of live-stock, hog products, and dressed meats intended for exportation—to the Committee on Commerce.

Also, petition of pork-packers and dealers in and shippers of hog products, praying for the passage of House bill No. 6405, which provides for the inspection of live-stock, hog products, and dressed meats intended for exportation—to the same committee.

By Mr. ROSECRANS: Petition of Judson Knight, praying for a pension for disability incurred in the military service and in the line of his duty—to the Committee on Invalid Pensions.

By Mr. RYAN: Petitions of citizens of Kansas, to open Oklahoma to settlement—to the Committee on the Public Lands.

By Mr. SINGLETON: Papers relating to the claim of Turner Babbitt, of Scott County, Mississippi, for quartermaster stores and property taken from him by the United States Army during the late war—to the Committee on War Claims.

By Mr. STEELE: Petition of R. P. Effinger and others, of Peru, Ind., and of Andrew J. Reynolds and others, of Decatur, Ind., asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. STEPHENSON: Petition of C. J. Higgins and 62 others, of Ashland, Wis., praying that the United States acquire title to the Portage Lake and Lake Superior Canals, and make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. STORM: Petition of Philadelphia Commercial Exchange, asking for the passage of a bankrupt bill—to the Committee on the Judiciary.

Also, petition of the Academy of Natural Sciences, asking that certain books and apparatus be placed on the free-list—to the Committee on Ways and Means.

By Mr. THOMAS: Petition of Thomas C. White, of Cartersville, Ill., for additional pay for soldiers of the late war—to the Select Committee on the Payment of Pensions, Bounty, and Back Pay.

By Mr. WARD: Petition of Mrs. Sallie Jackson, of Clinton County, Indiana, for relief—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of citizens of White Rock, of Clifton, of Belleville, and of Delphos, Kans.

By Mr. ALEXANDER: Of citizens of Chariton County, of Randolph County, and of Grundy County, Missouri.

By Mr. ATKINSON: Of citizens of Huntingdon County, of Sullivan County, and of Juniata County, Pennsylvania.

By Mr. BOUTELLE: Of citizens of Brewer, Me., and of Medford Centre, Me.

By Mr. BRAINERD: Of citizens of Warren County and of Erie County, Pennsylvania.

By Mr. T. M. BROWNE: Of citizens of Cambridge City, Ind.

By Mr. W. W. BROWN: Of citizens of Tioga County, Pennsylvania.

By Mr. CANNON: Of citizens of Champaign County, Illinois.

By Mr. DINGLEY: Of citizens of Oxford County, Maine.

By Mr. ELLWOOD: Of citizens of Harvard, of Aurora, of Saint Charles, and of Nunda, Ill.

By Mr. GOFF: Of citizens of Gilmer County, of Harrison County, of Tyler County, and of Wetzel County, West Virginia.

By Mr. HANBACK: Of citizens of Ellsworth County, of Norton County, of Phillips County, of Smith County, of Rooks County, of Osborne County, and of Russell County, Kansas.

By W. H. HATCH: Of citizens of Putnam County, of Canton County, of Marion County, of Clarke County, and of Schuyler County, Missouri.

By Mr. D. B. HENDERSON: Of citizens of Cedar Falls, of Independence, and of Waterloo, Iowa.

By Mr. T. J. HENDERSON: Of citizens of Bureau County, of Henry County, and of Lee County.

By Mr. HEPBURN: Of citizens of New York, and of Taylor County, Iowa.

By Mr. HILL: Of citizens of Defiance County and of Van Wert County, Ohio.

By Mr. HOLMES: Of citizens of Hardin County and of Boone County, Iowa.

By Mr. HOUSEMAN: Of citizens of Ottawa County, of Allegan County, of Grand Rapids, of Ionia County, Michigan.

By Mr. B. W. JONES: Of citizens of Fayette County, of Green County, and of Dane County, Wisconsin.

By Mr. KLEINER: Of ex-soldiers of Cannelton, Ind.

By Mr. LAWRENCE: Of citizens of Ohioville, of New Castle, and of Rochester, Pa.

By Mr. LACEY: Of citizens of Sunfield, Mich.

By Mr. LE FEVRE: Of citizens of Saint Mary's, of Wapakoneta, of Sidney, and of Moulton, Ohio.

By Mr. LOWERY: Of citizens of Steuben County, of Allen County, and of Whitley County, Indiana.

By Mr. MATSON: Of citizens of Hendricks County, of Monroe County, and of Morgan County, Indiana.

By Mr. S. H. MILLER: Of citizens of Sandy Lake, and of Crawford County, Pennsylvania.

By Mr. MORRILL: Of citizens of Jackson County, Kansas.

By Mr. MORSE: Of citizens of Natick and of Cambridge, Mass.

By Mr. NELSON: Of citizens of Polk County, of Douglas County, of Becker County, of Stearns County, and of Wadena County, Minnesota.

By Mr. NUTTING: Of citizens of Oswego County, New York.

By Mr. PETERS: Of citizens of Kinkfield, Edwards County, Kansas.

By Mr. PRICE: Of citizens of Barrow County, of Eau Claire, of Trempealeau County, Wisconsin.

By Mr. PUSEY: Of citizens of Cass County, of Crawford County, and of Harrison County, Iowa.

By Mr. T. B. REED: Of citizens of Brooklyn, of Penobscot, of Yarmouth, of Skowhegan, of West Sumner, of Greenfield, of Monticello, of Fayette County, of Mapleton, of South Etna, and of North Waterborough, Me.

By Mr. RUSSELL: Of citizens of North Dana and of Athol, Mass.

By Mr. H. Y. SMITH: Of citizens of Kasson, Madison County, of Dallas County, and of Dexter, Dallas County, Iowa.

By Mr. STEELE: Of citizens of Pennville, Ind.

By Mr. STRUBLE: Of citizens of Sioux County, of Dickinson County, and of Calhoun County, Iowa.

By Mr. WOOD: Citizens of Cass County, of Newton County, of Pulaski County, of Fulton County, of White County, and of Hammond, Lake County, Indiana.

By Mr. WOODWARD: Of citizens of Richland County, Wisconsin.

By Mr. YAPLE: Of citizens of White Pigeon, of Bloomingdale, of Sturgis, of Eau Claire, of Howardsville, and of Scott, Mich.

SENATE.

TUESDAY, *February* 3, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. MILLER, of New York, presented the credentials of William M. Evarts, chosen by the Legislature of New York a Senator from that State for the term commencing March 4, 1885; which were read.

Mr. HOAR. I ask permission to say, having had occasion to examine the subject as chairman of the Committee on Privileges and Elections, that in my judgment a certificate from the executive, the proper certificate officer of a State, saying simply that A B on a certain day was duly elected a Senator of the United States from that State for the term mentioned is a sufficient credential under the usages of the Senate and the laws of the United States.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Massachusetts that this paper contains no certificate from the governor whatever, as required by the act of Congress. The paper will be placed on file, if there be no objection.

Mr. HOAR. Then I move that it be referred to the Committee on Privileges and Elections.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the paper be referred to the Committee on Privileges and Elections. That order will be entered, if there be no objection.

THIRD INTERNATIONAL RED CROSS CONFERENCE.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, ordered to be printed and referred to the Committee on Foreign Relations:

To the Senate of the United States:

I transmit herewith to the Senate a communication from the Secretary of State, submitting, at the request of a delegate from the United States to the third international conference of the Red Cross, held in September, 1884, a copy of the preliminary report of that conference.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

NATIONAL BOARD OF HEALTH REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Epidemic Diseases, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, the report of the National Board of Health for the year 1884.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

The PRESIDENT *pro tempore* laid before the Senate a communication from the President of the National Academy of Sciences, transmitting, in compliance with the act of Congress of March 3, 1863, a report of the operations of the National Academy of Sciences during the past year; which was ordered to be printed, and, with the accompanying report, referred to the Committee on Printing.

HOUSE BILLS REFERRED.

The bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. 8037) to amend the tenth section of the act to remove certain burdens on the American marine, &c., was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa., was read twice by its title.

The PRESIDENT *pro tempore*. If there be no objection this bill will be referred to the Committee on Appropriations.

Mr. CAMERON, of Pennsylvania. I suggest that the bill should be referred to the Committee on Public Buildings and Grounds.

The PRESIDENT *pro tempore*. That reference will be made, if there be no objection. As the bill provides for the increase of an appropriation the Chair was of the opinion that it should be referred to the Committee on Appropriations.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

A bill (H. R. 653) for the relief of John B. Davis;
A bill (H. R. 2158) for the benefit of John C. Herndon;
A bill (H. R. 4382) for the relief of William H. Davis;
A bill (H. R. 4685) for the relief of Robert Tally, colored;
A bill (H. R. 4686) for the relief of Fendall Carpenter;
A bill (H. R. 4687) for the relief of A. Gates Lee;
A bill (H. R. 4688) for the relief of William Clift; and
A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 252) granting a pension to Peter M. Hagler;
A bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army;
A bill (H. R. 2540) granting a pension to Priscilla J. Small;
A bill (H. R. 3052) for the relief of John C. Clark;
A bill (H. R. 3185) granting a pension to David Peterson;
A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (H. R. 4216) granting a pension to David N. Bryan;
A bill (H. R. 4766) granting a pension to David Compropst;
A bill (H. R. 5929) for the relief of Abigail Honey;
A bill (H. R. 6653) granting a pension to Mary C. Axline;
A bill (H. R. 6948) granting a pension to George W. Eagles;
A bill (H. R. 7000) for the relief of Clark G. Maine;
A bill (H. R. 7256) granting a pension to John Vanderhoff;
A bill (H. R. 7386) granting a pension to Eliza M. Byers;
A bill (H. R. 7524) granting a pension to Lavisa Heth;
A bill (H. R. 7602) to grant a pension to Harriet M. Baily;
A bill (H. R. 7672) granting an increase of pension to Elbert Hewitt;
A bill (H. R. 7722) granting a pension to Almira K. Parker;
A bill (H. R. 7724) granting a pension to Lydia Wetherbee;
A bill (H. R. 7769) to grant a pension to Joseph R. Dodds;
A bill (H. R. 7803) granting a pension to L. W. Pitts;
A bill (H. R. 7805) granting a pension to Capt. Vincent Phelps;
A bill (H. R. 7822) granting a pension to Mark Spencer Van Loan;
A bill (H. R. 7836) for the relief of Mrs. Ida P. Belcher;
A bill (H. R. 7869) granting a pension to Emeline L. Fitch;
A bill (H. R. 8033) granting an increase of pension to George W. Clark;
A bill (H. R. 8038) granting a pension to Harriet A. B. Corts;
A bill (H. R. 8104) granting an increase of pension to George S. Hawley;
A bill (H. R. 8132) to restore to the pension-roll the name of Rachael A. Queen; and
A bill (H. R. 8133) granting a pension to Thomas McGill.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the memorial of E. W. Oyster, president, and J. F. Billingsley, secretary, on behalf of the labor unions of the District of Columbia, remonstrating against the passage of the bill (S. 2507) to amend the law concerning mechanics' liens in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented the memorial of A. W. Parker and H. R. Morgan, of Pleasant Valley, Wis., urging such legislation as shall prohibit railroads between States from charging more for a short than for a long distance; which was ordered to lie on the table.

Mr. PALMER presented the petition of Hon. John Owen, A. Y. Lindsay, E. C. Walker, and 48 other citizens of Detroit, Mich.; the petition of Moffat Tazline, Capt. Darius Cole, M. S. Smith & Co., Friend Palmer, and 50 other citizens of Detroit, Mich.; the petition of Merrick Esselslyne & Co., Capt. S. B. Greenwood, George W. Brady, Willard Parker, and 48 other citizens of Detroit, Mich.; and the petition of David Carter, E. L. Small, Alfred Russell, and 50 others, of Detroit, Mich., praying that the Government provide for the purchase of the two canals crossing Point Keweenaw, Lake Superior, Michigan, as recommended by the Secretary of War; which were referred to the Committee on Commerce.

Mr. MITCHELL. I present a concurrent resolution of the Legislature of Pennsylvania favoring the repeal of the act of Congress of July 22, 1876, by which the legal-tender quality of the trade-dollar was abrogated. I also present a concurrent resolution of the Legislature of Pennsylvania favoring the passage of the measure known as the foreign-contract-labor bill. I believe the trade-dollar bill has been reported since I was last present in the Senate, and the other bill also, I think, is before the Senate. I therefore move that the resolutions lie on the table.

The motion was agreed to.

Mr. MITCHELL presented the petition of 325 officials and business men of Allegheny, Pa., the petition of 125 citizens of Parker's Landing, Pa., and the petition of 624 workmen and owners of works at Pittsburgh, Pa., praying for an appropriation for the improvement of the Allegheny River; which were referred to the Committee on Commerce.

He also presented two memorials of the Philadelphia (Pa.) Board of Trade, a memorial of the Pittsburgh (Pa.) Board of Trade, and a memorial of 52 citizens of Lancaster County, Pennsylvania, remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

He also presented a petition of the Lumberman's Exchange of Williamsport, Pa., praying for an appropriation for the improvement of the West Branch of the Susquehanna River; which was referred to the Committee on Commerce.

Mr. PLUMB presented a resolution of the Legislature of the State of Kansas, remonstrating against the creation of the so-called cattle trail across the State of Kansas; which was referred to the Committee on Commerce.

Mr. BECK presented the petition of George H. McKinney, of Lincoln County, Kentucky, praying for an increase of facilities in the Patent-Office so as to expedite the issuance of patents; which was referred to the Committee on Patents.

Mr. HAWLEY presented the petition of the Scoville Manufacturing Company and 12 other corporations and citizens of Connecticut, in favor of free canals between Portage Lake, in Michigan, and Lake Superior; which was referred to the Committee on Commerce.

Mr. CONGER presented the petition of H. W. Bradley, Dwight N. Lowell, and 16 other citizens of Romeo, Mich., praying for the passage of a bill providing that the overflowed shoal-water lands in Lake Saint Clair, known as the Saint Clair Flats, be set aside and kept for a public resort; which was referred to the Committee on Public Lands.

Mr. RIDDLEBERGER. I present the petition of Nicholas White, of Washington, D. C., praying reimbursement for certain property taken by the United States forces during the late war. I move that the petition be referred to the Committee on Claims, where a bill is now pending for the relief of the claimant.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. 2447) to remove the charge of desertion existing against Daniel Morris, late of Company F, Fortieth Regiment of New York State Volunteers, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. 2365) for the relief of First Lieut. Augustus R. Egbert, Second Regiment United States Infantry, to report it adversely and to ask its indefinite postponement. I will state as the reason for the adverse report that a general bill is now before the Senate covering this and all similar cases.

The PRESIDENT *pro tempore*. The bill will be indefinitely postponed.

Mr. DAWES, from the Committee on Indian Affairs, to whom the subject was referred, reported a bill (S. 2609) to provide permanent reservations for the Indians in Northern Montana, and for other purposes; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 2544) to authorize the Secretary of the Interior to extend the time of payment of installments to be paid by actual settlers of Omaha and Otoe Indian lands, in the States of Nebraska and Kansas, reported it with an amendment.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the petition of C. W. Minnix, praying that his name be placed on the pension-roll, reported adversely thereon; and the prayer of the petition was denied.

He also, from the same committee, to whom was referred the bill (S. 2158) granting an increase of pension to Jesse S. Harrold, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were indefinitely postponed:

A bill (S. 2068) to increase the pension of William Baldwin;

A bill (S. 2010) granting a pension to John S. Williams; and

A bill (S. 2138) granting a pension to Nancy S. Daniels.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 2377) granting a pension to James Stockton, to submit an adverse report thereon.

Mr. COCKRELL. Let the bill be placed upon the Calendar until I can see the report.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. HARRISON. I am directed by the Committee on Military Affairs to report adversely and to ask the indefinite postponement of the bill (S. 2305) for the relief of Frederick Schwatka. The Senator from Oregon [Mr. DOLPH] introduced the bill; I do not know whether he desires to have it placed upon the Calendar.

Mr. DOLPH. Let the bill be placed upon the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. CULLOM. I am directed by the Committee on Pensions, to whom were referred the bill (S. 1899) granting an increase of pension to James M. Blades, and the bill (S. 2056) granting an increase of pension to James M. Blades, to report them adversely.

I desire to state that the claimant can get whatever relief he is justly entitled to from the Commissioner of Pensions. I move that the bills be postponed indefinitely.

The motion was agreed to.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1365) granting an increase of pension to Eugene O. Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and

A bill (S. 2514) granting a pension to David T. Hoover.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 5565) granting a pension to Theo. Ahrens; and

A bill (H. R. 2692) granting a pension to Sarah Kennedy.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 5543) granting a pension to David M. Nagle, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1805) granting an increase of pension to Miles Barber, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. INGALLS, from the Committee on the District of Columbia, reported an amendment intended to be proposed to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations.

Mr. BLAIR. By direction of the Committee on Pensions I report adversely on the petition of Hugh Bodell, late private Company B, One hundred and ninety-eighth Regiment Pennsylvania Volunteers, praying to be restored to the pension-roll. The committee report recommending that the Pension Office afford him the benefit of another examination in reference to his restoration, and ask to be discharged from the further consideration of the petition, and that the report be printed in order that the attention of the Pension Office may be called to it.

The report was agreed to.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2009) granting a pension to Isabella Turner, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom was referred the petition of Patrick Furlong, of Hinesburg, Vt., praying for a pension, submitted a report thereon, accompanied by a bill (S. 2610) granting a pension to Patrick Furlong; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (H. R. 6726) granting a pension to Margaret A. Maguire, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 6803) granting a pension to John T. Brake; and

A bill (H. R. 6692) granting a pension to David Whittington.

Mr. WILSON. I also report from the Committee on Pensions the bill (H. R. 2485) for the relief of Treadwell Seaman, jr., adversely, on the ground that the case is still pending in the Pension Office. I move that the bill be postponed indefinitely.

The motion was agreed to.

WOONSOCKET NATIONAL BANK.

Mr. ALDRICH. I am directed by the Committee on Finance, to whom was referred the bill (S. 2600) for the relief of the Woonsocket National Bank, of Woonsocket, R. I., to report it favorably and without amendment.

Mr. CHACE. I ask unanimous consent that the bill may be put on its passage.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read, if there be no objection.

The Chief Clerk read the bill, as follows:

Whereas D. W. Gooch, United States pension agent at Boston, Mass., on the 13th day of October, 1884, issued check numbered 301408, on the assistant treasurer of the United States at Boston, Mass., payable to the order of Burton Goddard, for the sum of $1,247.60, which said check, it is claimed, was indorsed by said Goddard to the Woonsocket National Bank, Woonsocket, R. I., and by said bank to the Maverick National Bank, of Boston, Mass., and stolen from the safe of the Adams Express Company, Woonsocket, R. I., to whom it had been delivered for transmission to Boston on the 21st day of October, 1884, and has never been received by said Maverick National Bank, nor paid by the assistant treasurer of the United States at Boston, Mass.: Therefore,

Be it enacted, &c., That D. W. Gooch, United States pension agent at Boston, Mass., be, and he is hereby, instructed to issue a duplicate of the above-described check, No. 301408, for $1,247.60, in favor of Burton Goddard, and the Secretary of the Treasury is hereby instructed to make said duplicate check payable to said Woonsocket National Bank: *Provided*, That said Woonsocket National Bank shall first execute a bond with good and sufficient sureties, to be approved by the Secretary of the Treasury, to hold the United States harmless against the double payment of said check.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

BILLS INTRODUCED.

Mr. MORGAN (by request) introduced a bill (S. 2611) to revive and amend the act of Congress of August 15, 1876, to encourage and promote telegraphic communication between America and Asia; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a joint resolution (S. R. 115) providing for the supply of public documents to certain nations in the Indian Territory; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 116) relating to the loan of tents to the association at Mobile, Ala., in control of the interstate drill; which was read twice by its title.

Mr. MORGAN. In connection with this joint resolution I ask leave to present as accompanying papers a memorial of the Legislature of Alabama and other papers relating to the subject, which I move be referred with the joint resolution to the Committee on Military Affairs.

The motion was agreed to.

Mr. PALMER (by request) introduced a joint resolution (S. R. 117) referring the title of Mary A. Washington to property referred to in 94 United States Reports, page 716, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

ERNEST H. WARDWELL.

Mr. HAMPTON. I ask, by direction of the Committee on Military Affairs, that the bill (S. 521) for the relief of Ernest H. Wardwell, be recommitted to that committee. It was reported some time ago and indefinitely postponed.

The PRESIDENT *pro tempore*. The Chair finds on reference to the

minutes that the bill was indefinitely postponed in April, 1884, at a previous session of the Senate, and the bill is on the files of the Senate but is not present at the Secretary's desk. The Senator from South Carolina asks unanimous consent that the vote of the Senate taken in April, 1884, indefinitely postponing the bill, be reconsidered, and that it be recommitted to the Committee on Military Affairs. Is there objection? The Chair hears none, and it is so ordered.

JOSHUA SHEPARD.

Mr. COCKRELL. I ask that the bill (H. R. 3691) for the relief of Joshua Shepard, which was reported adversely by the Senator from Iowa [Mr. WILSON], be recommitted to the Committee on Pensions, with the adverse report, on the ground that additional evidence has been filed with the committee, and I think that the evidence—so I am advised—will have weight in determining the decision of the committee to reverse the report that has been made.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the bill be taken from the Calendar and recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and the order will be entered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green.

The message also announced that the House had passed a joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina; in which it requested the concurrence of the Senate.

ADDITIONAL SENATE EMPLOYÉS.

Mr. JONES, of Nevada. I move that the Senate proceed to the consideration of the resolution on the Calendar authorizing the increase of the force in the office of the Sergeant-at-Arms.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution is before the Senate, and will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized and directed to employ three messengers at $1,440 each; two skilled laborers at $1,000 each; two laborers at $720 each; two firemen at $1,080 each; two janitors at $900 each. And the Secretary of the Senate is hereby authorized and directed to pay the above employés out of the miscellaneous items of the contingent fund of the Senate.

Mr. JONES, of Nevada. A resolution was passed at the last session directing the Sergeant-at-Arms of the Senate and the Architect of the Capitol to select convenient rooms for the committees which had no rooms in this building, and also instructing them to rent such building, when they should find one appropriate, with the consent of the Committee to Audit and Control the Contingent Expenses of the Senate. They found a building, and with the consent of that committee rented it. The officers provided for in the resolution are for the purpose of serving the five committees who now have rooms there, and to keep the building in order and to give such force as shall enable the committees conveniently to perform their duties.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of shipowners and others; in which it requested the concurrence of the Senate.

COMMITTEE SERVICE.

Mr. ALLISON. I move that the Chair fill the vacancies occurring upon committees by the absence of the late Senator Sheffield.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to offer at this time an order. Is there objection? The Chair hears none.

Mr. ALLISON. I merely ask that the Chair be authorized to fill the vacancies on certain committees.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent to move at this time that the Chair be authorized to fill the vacancies on committees occasioned by the retirement of Senator Sheffield, late a Senator from the State of Rhode Island. Is there objection? The Chair hears none. Is there objection to the motion proposed by the Senator from Iowa? The Chair hears none, and it is so ordered.

AMENDMENT TO A BILL.

Mr. JONAS submitted an amendment intended to be proposed by him to the bill (H. R. 100) relative to the Chinese indemnity fund; which was referred to the Committee on Foreign Relations, and ordered to be printed.

INTERSTATE COMMERCE.

Mr. CULLOM. I desire to make a motion now to proceed to the consideration of the unfinished business. As the Senate is aware, I gave notice yesterday that I should ask the friends of the interstate-commerce bill to remain here to-day until its completion. I move that the Senate proceed to the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the amendment offered by the Senator from Kentucky [Mr. BECK].

Mr. PLUMB. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Let the amendment and the amendment to the amendment be read once more.

The PRESIDENT *pro tempore*. The amendment of the Senator from Kentucky and the amendment offered to it by the Senator from Kansas will be again read.

The CHIEF CLERK. The amendment of Mr. PLUMB is to add to the proposed amendment the words: "Under similar conditions and circumstances;" so as to make the amendment read:

Any distance less than the whole length of the line than is charged for similar service over the whole length of the line, under similar conditions and circumstances.

The PRESIDENT *pro tempore*. The question is on agreeing to these last words proposed by the Senator from Kansas, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. JONAS (when his name was called). I am paired on the pending amendment with the Senator from Indiana [Mr. HARRISON].

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from California [Mr. FARLEY].

Mr. RIDDLEBERGER. I am paired with the Senator from Arkansas [Mr. WALKER] on the bill which came from the other House and on the bill which was reported from the Senate committee. I do not know how he would vote on any of these amendments, and I announce once for the day that if I were not paired I should vote for the Senate bill as it came from the Committee on Railroads without change or amendment. Being paired on the bills, I withhold my vote on the pending amendment.

Mr. MILLER, of New York. I am paired with the Senator from Maryland [Mr. GROOME].

The result was announced—yeas 26, nays 20; as follows:

YEAS—26.

Allison,	Frye,	Mitchell,	Pugh,
Bayard,	Hawley,	Morgan,	Sabin,
Blair,	Hoar,	Morrill,	Sawyer,
Cameron of Wis.,	Ingalls,	Palmer,	Sewell,
Chace,	Jones of Nevada,	Pike	Sherman.
Dawes,	Lapham,	Platt,	
Dolph,	Manderson,	Plumb,	

NAYS—20.

Aldrich,	Conger,	Jackson,	Slater,
Beck,	Cullom,	Kenna,	Vance,
Call,	Edmunds,	McPherson,	Van Wyck,
Cockrell,	Fair,	Maxey,	Vest,
Coke,	Hampton,	Saulsbury,	Wilson.

ABSENT—30.

Bowen,	George,	Jonas,	Pendleton,
Brown,	Gibson,	Jones of Florida,	Ransom,
Butler,	Gorman,	Lamar,	Riddleberger,
Camden,	Groome,	Logan,	Voorhees,
Cameron of Pa.,	Hale,	McMillan,	Walker,
Colquitt,	Harris,	Mahone,	Williams.
Farley,	Harrison,	Miller of Cal.,	
Garland,	Hill,	Miller of N. Y.,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question recurs on the amendment offered by the Senator from Kentucky [Mr. BECK] as amended, and upon that the yeas and nays have been ordered.

Mr. VANCE. Mr. President, before the final vote is taken upon this amendment of the Senator from Kentucky I desire to submit a few remarks to the Senate.

The struggles of a great abuse to prevent its abolition and reform is one of the most instructive views which a political student can take of our history. It shows better than anything else the strength which power and wealth can exert in resisting simple truth and justice.

Now, sir, I believe without exception everybody admits that great wrongs and abuses have crept into the management of transportation lines in this country; and a few Senators in this body with commonsense instincts believe that it is our duty to try to eradicate those abuses. Others say that it can not be done and therefore it is best not to try; while others again profess to try but with such weak measures that it almost becomes a caricature of legislation.

Mr. President, let us examine for a moment the reasons given by

those who obstruct reform in railroad management. In the first place, they say that we are too ignorant on the subject; that the United States Senate does not comprise the ability or the experience or the knowledge sufficient to legislate on this subject. This is said, I believe almost without exception, by all who speak in deprecation of these attempts at reform. The Senator from Alabama [Mr. PUGH], a day or two ago, avowing his own, alleged the universal ignorance of the Senate on this subject; and he invited us to look for light to one Albert Fink, and to listen to what he said as pointing out the true path of reform—the aforesaid Mr. Albert Fink being one of the chief individuals whose doings it is proposed to reform.

Now, sir, of the intricate details of transportation, and of the complicated rivalries, the conflicting interests of the various lines, I profess myself to have very little knowledge; much less have I any knowledge of the various tricks of the trade, and it is to be hoped at least that all other Senators are in like blissful ignorance. But of the common principles of justice and of right and wrong I do profess to have a reasonable amount of knowledge, and I ask any Senator what it is there that is abstruse and incomprehensible and unmanageable by the ordinary methods of legislation in what is known as the Reagan bill, the House bill, for which it is proposed to substitute the Senate bill.

If I remember aright the provisions of that bill, they provide in the first place that freights shall be reasonable. I can see nothing peculiarly abstruse in that. If it is, we must charge the obscurity upon the common law.

Second. That one man shall pay no more than another man for the same service. Is that beyond the comprehension of any Senator? Is that beyond the comprehension of any page who waits upon us on this floor?

It provides again that there shall be no rebate nor drawback, which is simply another form of stating that all men shall be charged alike for the like service.

It provides again that the arrangement called pooling between these railroad lines or transportation lines of all kinds shall not be permitted—that is to say, that the pooling arrangements, which are intended to smother competition and to keep up prices in despite of the well-known economic effects of competition, shall be forbidden. Is there anything very abstruse in that? Will any Senator say that this is a dangerous subject upon which he feels hesitation to enter?

Again, the House bill provides that greater charges shall not be made for hauling products over a railroad a part of the distance than are made for hauling them over the same railroad the whole distance. If there is anything incomprehensible or mysterious about that which the plain common sense of Senators can not comprehend, I confess that I have been unable to find it. It is as plain a proposition to me as ever was submitted to a legislator; and the abuses resulting from the practices which this portion of the bill seeks to prohibit are as flagrant and as well recognized as any abuses connected with the transportation system.

Again and lastly it requires the rates prescribed by the railroad companies to be printed and posted up in every depot, so that every shipper may know precisely what he has to pay. That may be incomprehensible to some Senators, but it seems to me plain that any man, however innocent, who ever saw a railroad ought to be able to understand it, and how it could affect with a dangerous action or reaction any of the interests of the railroads or the capital invested therein, is something I can not understand.

Again we are told by those who desire to devise means to obstruct these reforms, that it is dangerous to undertake it because of the great number of persons engaged in railroading, the great number of lines of railroads, the great number of miles of railroad tracks that they operate, and the vast amount of capital engaged therein. They say there are over 1,200 separate distinct lines of railroad, covering 125,000 miles of track, and therefore it is dangerous, and it is complicated, and we ought not to attempt to legislate in regard to it. Why, Mr. President, the same thing might be said of larceny; that there were so many people engaged in it and had been at all times, and they were so ramified through all portions of the community that it was dangerous to undertake to legislate to restrain. The same thing might be said of fraud, and of all crime.

Suppose, if you can so imagine, a community of a somewhat Arcadian simplicity where the crime of robbing hen-roosts had come to be something of a nuisance; and suppose the Legislature, listening to the clamors of the rural population engaged in that kind of industry, should undertake to legislate and enact more stringent laws to prevent and punish the offense; and about the time they were ready to proceed, suppose that a delegation from persons engaged in the hen-roost robbery business should appear before the Legislature and should say to them, "Sirs, without meaning to be offensive, we warn you that you are ignorant of this business; we notify you that the robbery of feathered animals that fly is a highly complicated and technical business, differing very much from the ordinary vulgar robbery of animals that walk upon the earth. We assure you that all theoretic and speculative knowledge on this subject is entirely misleading and unsafe. There is a popular error abroad on this subject, and has been from the days of old Moses down. We say that no legislator can have any knowledge of the business except by actual experience. You will do more harm than you will do good by your enactment," continues the address of the delegation to the Legislature, "you will do more harm than good by your laws if you are not very careful; we can not stand inflexible, iron rules; we must be left to the effect of competition and the laws of trade. If you are not careful and your laws become too rigid, you will absolutely force us to go to work, or you will drive us into the pork business, in which case the pig-raisers of the country will have to bear the loss of the short haul on chickens. If you will go into this business, if you will undertake to enact laws about a business of which you are profoundly ignorant, the least you can do is to hear us and our experts and business men and follow our advice. We offer to you, in lieu of your imperfect knowledge, the testimony of one Bill Sykes, who has been in the business for forty years, and, in fact, is an expert. He can tell an old hen from a pullet by starlight in the top of the loftiest apple tree in a farm-yard. Hear him. If you are determined to pursue this course, take Sykes's advice, appoint a committee of constables in every neighborhood to watch us when we go out upon our nightly forays, and see how many fowls we take and from whom we take them, but do not give them any power to arrest us; simply let them throw the light of publicity in upon our doings; perhaps we will quit of our own accord; but we think in fairness to both parties, as you profess to want to do justice to all classes of the community, we ought to have a hand in appointing that commission that is to watch us!"

That is about the sum and substance of the argument used in this case. You are ignorant, they say, of everything connected with railroads; you do not know anything about the complications and ramifications of this transportation business throughout all regions of the country, and all the interests of business people, and how there is action and reaction; and how a single law that you will pass here, simple as it may look, will redound to the ruin of all men who have invested capital in these great enterprises. That is about the argument.

Sir, I am willing to confess my ignorance of the details and tricks of the trade of railroad transportation, and acknowledge that it is perhaps as great as that of any Senator on this floor. But that a public institution, affected with a public interest and chartered by the laws of the land and given peculiar privileges for the purpose of doing certain things, should charge one man more than another for the same service, should be permitted to smother the laws of competition and keep up prices, is something that if I were to confess my ignorance of I would confess my unworthiness to a seat in this or any other legislative body in Christendom.

Now, sir, they tell us that pooling is absolutely necessary; and I call your attention, Mr. President, and that of the Senate to the argument of Mr. Albert Fink, which was read to us the other day and indorsed by the Senator from Alabama, on this subject. Pooling is absolutely necessary! What for? Why, in the first place, to keep up the charges upon the long haul, or from competitive points to competitive points. Well, what good does that do? That enables the railroad companies, they say, to keep down the charges on the short haul or on the local freight. It seems to me that I have heard that argument before on another subject. It seems to me that I have heard it said on this floor that a high protective tariff would enable the manufacturers to pay their workmen higher wages; and that is very true, but I call your attention to a distinction between the ability of men to do things and the disposition of men to do things. They are able to pay their workmen higher wages; but do they do it? That is the question. If the rates on the long haul were kept up I acknowledge that it would enable the railroad men to reduce the freight on the short haul; but would they do it? That is the question. Have they ever done so? I have never known the local freight charge upon people who were in the absolute power of the road, and who could not patronize another, to be reduced, let the long haul be higher or lower.

Well, they say again that it is necessary to permit pooling for the reason that the rates in that way can only protect themselves against what may be called competitive strife; and Mr. Fink draws a very nice distinction, which as a lawyer you can understand, between legitimate competition and competitive strife, as he calls it. When the railroads are all at peace with each other there is a legitimate competition between them as to who shall plunder the people most, but when the pools are broken up and competition exerts its natural force, then the competition is as between themselves, and that is what Mr. Fink calls "competitive strife," or "cut-throat" competition, as the Senator from Georgia [Mr. BROWN] termed it the other day.

Mr. President, that argument amounts to this, and nothing more, that if you do not permit the railroads to plunder the people they will plunder each other. That is what it means. If you will permit them to make pools and put up the rates on their long hauls from all competitive points to the injury of the people, they will refrain from injuring each other; but if you do not do that, if you compel them, they say, to meet the force of competition at all competitive points and let the charges for the long haul be reduced, then they will go to fighting among themselves.

This is a candid defense of the policy of pooling at all events, whether it be an acceptable one to the public or not. I should like to ask if there is any reason why competition should not be permitted and en-

couraged between transportation lines just the same as it is permitted and encouraged and becomes the obvious policy of the law in all other business? But it seems that there is to be a different rule adopted in relation to the transportation companies from that which operates in all other business. Senators will get up on this floor and they will argue very eloquently indeed, and yet do nothing; in fact I believe that the eloquence exhibited here is in inverse proportion to the disposition of the speakers to do anything to remove the evils which are the subject of their eloquence. The moment you undertake to do anything practical to remove the evils they all with one accord begin to make excuses. They will exclaim almost, if not quite, in the language of Scripture: "Touch not mine incorporated, do my profits no harm"—spelling it with two "f's."

In justification of the position that nothing should be done, Senators have undertaken, it seems to me, to change the issue entirely. I have listened to some of the most eloquent speeches that I have ever had the pleasure of hearing in praise of railroads *per se*. We have been told that they are most excellent things for any civilized community. I listened, notably, to the speech of the Senator from Georgia, in which he told us what benefits they had conferred on the communities that came within his knowledge; how the great and prosperous city of Atlanta, or the ground on which it now stands, had not many years ago been bought for the price of a horse, bridle, and saddle, and now it is covered with great business houses and immense wealth. We have been told, also, how it increases the price of land, and how it causes vast additions to the population and to the business of the country. I listened to these encomiums upon the institution of railroads until I became convinced and well satisfied in my mind that a railroad could actually beat an old dirt-road and wagon for the transportation of freight—let me speak cautiously—I mean for long distances and for heavy loads; and I became satisfied that steam as applicable to water conveyances was absolutely better than the old-fashioned raft, because the old raft had frequently to wait until the river rose, whereas the steamboat, as I have been told, could get up steam, and, if the vessel did not draw too much water, start off just the same as you could start a wagon on the road.

So I was convinced that the railroads were useful things, and I was convinced from the course of the argument that the attempt was made to make the public believe that those of us who wanted to reform the operations of railroads were opposed to those institutions; else if it were not for that purpose it was certainly wasted eloquence. The Senator from Georgia in particular used the term, "a long line of steel rails against which so much has been said." Now I should like to know who has said anything against steel rails. Who has said anything against long lines of steel rails? Who has said anything against the superior advantages of railroads over the old-fashioned methods of conveyance? I have not heard any such thing said on this floor, and I do not remember to have heard any such thing said even by the statesmen who preside over the destinies of the intersections of highways in the rural districts. But because they do all these things is that any reason for refusing to control those who manage them?

We are told again that freights are cheaper now than they ever have been. That is no doubt true. We are told that this fact is due to the railroads. That is undoubtedly true. But that the freights on railroads would be cheaper even than they now are but for the management of the managers of railroads in resisting the clamor of the people for a reform is most true of all. No thanks to railroad managers for cheap freights. We owe thanks to science that has given them superior means of transportation over the old methods. That is where we owe thanks; and whenever the Huntingtons and the Goulds and the Vanderbilts and the Finks *et id genus omne* come here or anywhere else and claim credit for cheap freights, they claim that which is due to science, and that which has been brought about in spite of their energies to maintain high freights. As well might the sieve claim praise for yielding up the water which was poured into it as for them to claim credit for the charges which they can not get and have tried in vain to get.

Because the manufacturer of cloth, equipped with all the inventions of modern science, can make cheaper cloth than the old hand-loom and cards, are we therefore particularly and specially to adore that manufacturer? Do we owe any of the advantages of civilization arising from cheap literature to the genius of the authors and the art of printing, or do we owe it all to the compositors who set up the type and the pressmen who strike off the work? Do we owe anything to Morse and to science for the telegraph, or do we owe it all to the men who set up the poles and arrange the wires? And because printing has been beneficial to civilization, shall there therefore be no laws against slander, libel, and defamation of character? And because telegraphs are useful, shall there be no laws to regulate them in their dealings with the community? Verily, sir, it would seem not. But, in my opinion, every institution of any kind whatsoever, whose operations affect the public should be made subservient to the laws and the regulations imposed upon them by the laws.

Nor is it true, sir, that we owe any great amount of credit to the railroad corporations of the country for their generous investment of capital for the public good. At least half of all the railroads, if not a majority, with which I have personal acquaintance, were either built by the public taxation of the States or they were built by syndicates who would commence operations with about half the means necessary to finish. They would go through the country and have public meetings called, speeches made, and the public expectation excited, and obtain all the private subscriptions that were possible, all the town and county subscriptions that could be obtained toward building the road; and when they were all received and expended in building the road, and perhaps they would about half finish it, then a mortgage by the syndicate would be placed upon the whole work for its completion, and in due time that mortgage would be foreclosed; the private stock, the town and county stock, and all the little fellows would be forced out, and the road passed into the hands of the syndicate for half price. That is the history of the roads built in my country; that is the history of the majority of them, perhaps everywhere, especially in the earlier periods of railroad construction. They are not now in the hands of the men whose money was originally put in to construct them; and yet men and the representatives of men who obtained control of these corporate works in this manner are the very loudest in protesting against any laws being passed which shall interfere with their right to do as they please with their property.

It is also worthy of note that much as these roads deprecate any interference of the law with their right to do as they please, they are willing, on the other hand, to obtain some more concessions from the law to strengthen them in their unjust discriminations. Witness the willingness and the anxiety of Mr. Fink and others to obtain laws making their pooling system legal.

The amount of capital invested in railroads in this country, upon the face of the statistics, we find to be about $7,500,000,000, in round numbers, and the gross receipts that they obtain for their operations from the people amount, in round numbers, to $823,000,000 per annum. Therefore it is seen at once that these corporations which it is proposed shall not be controlled by the public levy and collect from the American people about two and a half times more money annually than is levied and collected by the Government of the United States for its support; and these are the institutions which we propose to exempt from all control.

Why, sir, the territory of this country is parceled out for taxation by these railroads in great geographical boundaries, as the Romans parceled out the adjacent world for conquest and plunder, assigning consuls and armies for the purpose. These financial fields are assigned to certain groups of transportation lines which are governed by central associations. Mr. Fink is at the head of one, and the Senator from Georgia informed us the other day that he was at the head of another, and there are still others beyond the Mississippi. I am told that the region of country which each line is permitted to supply is carefully laid out, and any trespass by competing lines on that territory as well as any infringement of the established rates is promptly punished by the central association. So the great syndicates which regulate freights have, in fact, a greater power over the property and fortunes of our people than Congress is invested with, for the taxing power of Congress is limited and defined by the Constitution; but what is to limit or define the tax of the transportation lines either in methods or amount?

Most of our States provide in their constitutions that taxation shall be uniform; but Senators say that it will not begin to do to apply the principle of uniformity to the taxation imposed by corporations. Many of the States provide that taxation shall be ad valorem, but this the friends of monopoly reject on behalf of the railroads; yet the representatives of the people, their powers being limited by the Constitution, are still further restrained by the direct responsibility which they owe to the people, whereas there is no responsibility whatever upon those who regulate rates for transportation. They meet in secret conclave; they are afraid of nobody; they are afraid of no influence. They levy taxation—not according to the ad valorem character of the property on which it is levied, but according to the amount which the product will bear—that is to say, they take the last cent that they can take without stopping the shipment and transportation of the article; and as for the public, they are in a position to say, as it is said one of their greatest men has said, "The public be damned."

And yet Senators say these things must not be changed!

Mr. President, I was wrong. I confess there is a mystery about this transportation business after all. It is a great and incomprehensible mystery to me. That mystery consists in the meek endurance, the long-suffering patience of the American people. That is the most mysterious thing connected with the whole transaction.

It is too late to say that there is no power in the law to control these corporations or to redress the grievances under which we labor. The great lawyers of the country have settled that. They are public institutions; they are subject to public control by virtue of their public capacity. The States within their borders can regulate them, and under the power given in the Constitution to Congress they can be regulated by Congress when their lines extend beyond the State borders. If not, then they are uncontrollable; and as the great wealth of the country consists in the value of its productions, and as these derive all their value from the facility with which they can be got to a market, we might as well surrender at once the property and fortunes of our people to incorporated human avarice.

Candid Senators should look the issue squarely in the face, and

should say either that they will or that they will not undertake to regulate these great railroads. There should be no more dodging—if I may be excused the expression; there should be no more doubting as to the power; there should be no more pleas of ignorance of the subject, and that they are afraid of doing wrong, because they permit wrong to be done every hour by failing to act.

As for the Senate bill which it is proposed to substitute for the House bill, however well meant it may have been, I consider it entirely delusive; I consider it absolutely inefficient. Why, Mr. President, it is proposed that nine commissioners shall operate over thirty-eight States and eight Territories, shall control and regulate traffic as far as it is invested with the power to do so over 1,200 railroads and 125,000 miles of lines. That of itself will impress every candid-thinking man in the country with the idea that the purpose of the Cullom bill is to do nothing, that it is the direct progeny of the circumlocution office where the highest effort of British genius was "how not to do it." That is the way, it seems to me, that candid statesmen will be compelled to view it.

What remedy does it give that does not already exist? It is already the privilege of any citizen who feels himself aggrieved to bring a suit against a railroad company for the redress of his wrongs. As the law now stands he can bring it either in the State courts or in the Federal courts, according to the question of jurisdiction. This bill would compel him to bring two suits and to bring both in the Federal tribunal—that is to say, he must first go before this commission. Where will the commission sit? Is it to be a traveling commission, and are its writs, like those of the old English kings, to be returnable *ubicunque fuerimus?*

After he has brought all his witnesses and employed his counsel and made his case known to the commission, and the commission decides in his favor, then what? Then the commission can do him no good. He is permitted to bring his suit, and he is to have the service of the district attorney of the district for the purpose of bringing his suit, with all the penalties as to costs and all the misfortunes arising from failure that he has now. If these commissioners are invested with the extraordinary powers proposed—not in extent, but in character—to be given them by this bill, I hope that there will be appended as their instructions Dogberry's charge to the watch when he stationed them for the night. Says Dogberry, addressing the watch: "You are thought here to be the most senseless and fit man for the constable of the watch, therefore bear you the lantern. This is your charge: You shall comprehend all vagrom men; you are to bid any man stand in the prince's name. Watch: How if a' will not stand? Dogberry: Why, then, take no note of him, but let him go; and presently call the rest of the watch together, and thank God you are rid of a knave."

These commissioners are charged by the bill to comprehend all vagrom railroads, and bid them do justice in the name of the United States, and how if they will not do justice? Well then you are to take no note of them, but let them go and call the commissioners together, and thank God you are rid of a knave. That is the proposition with which grave Senators expect to satisfy the clamor of the country!

Mr. President, let me remind Senators of the story of the Sibylline books. You will remember that when the old Roman king was offered the whole nine at a certain high price he refused to purchase them. The Sibyl went away and burned three, and returned and offered him six for the same price. He still refused. The Sibyl went away and burned three more, and came back the third time and offered him the three for the same price, and by the advice of the augurs the price was paid. Now, sir, let me say to Senators that you will reject the demands of the people now, the honest demands for the redress of these grievances. I have no doubt the corporations have friends enough in this Congress to enable them to defeat a measure that will do any good; but the people will not abate one jot of their honest demands, and at every refusal their favor for the railroads will become less and less, and they will ultimately attain the full measure of all that they ask.

I shall close these few imperfect remarks by repeating what I said in debate some two weeks ago, that the interests of all concerned, railroad men and the public, will be subserved if the corporations will come in with a spirit of fairness and give us the advantage of their technical knowledge, and lead us in the safe and wise way to redress these grievances.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from Kentucky as amended.

Mr. BECK. I desire to say that I shall vote against the amendment I offered because the amendment made to it was evidently intended to destroy it, and I agree that it does. It was voted for generally by the men who intended to kill the House or Reagan bill, so called, and I am content to stand on the provisions of the Reagan bill as they came from the House, rather than vote for an amended amendment which I intended in good faith to be attached to the bill for the purpose of getting clear of many of the things which gentlemen on the other side have always claimed the Senate bill provided for better. In regard to regulating hauls along a line where one haul might be longer than another, it was said there might be terminal difficulties at different points along the line that made it important to charge a little more for a somewhat shorter haul than was charged for a longer one. I looked into the matter and sought in good faith to remove one flagrant evil, an acknowledged evil, and that was to say and to say no more than that the charge for hauling over the whole length of the line should be as great as should be made for a haul over any lesser or shorter part of it.

No man can deny that the proposition is fair and just, leaving all the questions in regard to intermediate hauls, whether they were a little longer or a little shorter, to be arranged hereafter. But when the Senate adds "under similar conditions and circumstances," it is evident that there can be no similar conditions and circumstances between a haul part of the way and a haul the whole length of the line. The conditions and circumstances must differ; the terminal points must be different. The conditions perhaps as to the cost of taking off or putting on freight must be different; and it must open up a series of lawsuits and controversies with the great power and wealth of the combined railroad corporations against the individual man who has the courage or audacity to sue them, by being able to say, "You know the conditions and circumstances were different because the termini were different, and many other conditions were different;" and no individual man will venture to enter into controversies with a system of roads controlling 125,000 miles and $6,000,000,000 of capital.

When my amendment to the first section of the House bill was voted down I saw very clearly what would be the tactics of the enemies of the bill. They did not intend to make it any better or less objectionable than it was when it came from the House. One of their principal grounds of attack was that the House bill limited the passenger charge to 3 cents a mile by providing that the railroads should not charge more than that for passenger travel. I thought that there might be conditions under which it might be proper to charge more than that. I did not desire to go into the question of limiting them as to their passenger charges per mile. Let that be settled by a commission after examination. But most of the enemies of the House bill, who were opposed to the 3-cents-a-mile clause, voted upon a call of the yeas and nays to retain that provision in the House bill. Why? Was it because they desired it to be retained? No; it had been their main point of attack. I was seeking to divest the House bill of that objection and of other provisions, such as distinctions between one short haul and another shorter haul, neither of which extended over the whole length of the line, which was another of their points of attack, so as to make the House bill as little objectionable to them as possible. And yet upon a call of the yeas and nays the RECORD will show that a large majority of the men who are opposed to the House bill, nearly all who desire to do nothing but to allow the railroads to continue the absolute control over the commerce of the country which they have now in the interstate roads, all who desire that Congress should adjourn and have the Senate get away as far from the House as possible and leave the conferees nothing to confer, certainly nothing to agree about, placed themselves on record to maintain in the House bill the very provisions they had contended made it unconstitutional, and therefore vicious legislation.

No higher evidence can be given to prove to the country that they do not intend to consider the House bill or to make it correspond with the views they profess to entertain. Now, when they have added an amendment to my amendment, by which I in good faith sought to make the bill more acceptable to the men who were opposing some of the provisions of the House bill by saying we will not go into the question of charges between different short hauls over portions of the road, but will simply deal with one great question, which is that the maximum charge for any service upon any road shall be the maximum charged over any part of it, leaving the other matters to be considered hereafter, they oppose it. I illustrated yesterday that it was an outrage to charge $800 per car to Virginia City, Nev., and only $300 for an eight hundred miles longer haul to San Francisco over the same line, on the same train, for the same class of goods; and when I called that to the attention of the Senate, and also alluded to the charge from Memphis to New Orleans of $1 a bale, and from Winona to New Orleans, a shorter haul by one hundred and twenty-five miles, at $3 a bale, the Senator from Kansas said there were only two or three cases of that sort, as if there had been more the Senator from Kentucky would have mentioned them. There are hundreds of such cases; there may be thousands of them. In the city where I live within a very few years we have paid more to get freight from Cincinnati to Lexington than it cost to bring the same freight from New York to Cincinnati. I have before me the argument of Judge Black, of Pennsylvania, wherein he showed that some years ago coal which was hauled from the mines of Pennsylvania through the city of York, Pa., for sixty miles farther along the same line on the same train to Baltimore was delivered to the purchasers in Baltimore at a dollar and a half a ton less than it was delivered to men in York, on the same line of road, sixty miles nearer the mine. Thus, men living in York, Pa., carrying on blast-furnaces for example, could not compete with men living in Baltimore carrying on the same business, because their coal costs them a dollar and a half a ton more in York than it does in Baltimore, though the coal that went to Baltimore was hauled sixty miles farther over the same road on the same train that left it at York.

Mr. PLUMB. Will the Senator from Kentucky permit me to ask him a question?

Mr. BECK. Yes, sir.

Mr. PLUMB. I ask him if the two cases which he has mentioned, one of the transportation to Baltimore and to York and the other the transportation from Cincinnati to Louisville and Lexington, are not cases of unjust discrimination?

Mr. BECK. Obviously.

Mr. PLUMB. Then are they not specifically provided for in the Senate bill?

Mr. BECK. The Senate bill provides for nothing except through the action of a commission of doubtful constitutionality. There would not be a railroad in the country that would not attack the legality of that commission, both for its semi-legislative powers and semi-judicial powers, and keep all questions made against them in the courts of the country for five years to test that question. If it is not unjust discrimination, why not let the man affected go to the courts of the country where he can have a hearing without let or hindrance or appeal to any commission or to any other body of men to control his action?

Mr. PLUMB. Will the Senator advise me as to the particular provision of the Constitution which is violated by the appointment of this commission?

Mr. BECK. Congress has the power to regulate commerce among the States, but we have no right to invest any body of men with the power of a court by our appointment for a term of years, for one, two, three, four, five, or nine, as this commission is. Judges must be appointed for life or good behavior. Have we, I ask the Senator from Kansas?

Mr. PLUMB. I do not think we are creating a court to do that.

Mr. BECK. Then what do we create the commission for?

Mr. PLUMB. We create a certain agency to act under such instructions as may be from time to time given to them by Congress in regard to this matter?

Mr. BECK. If you will read your own bill——

Mr. PLUMB. That is to say, we shall have done that if this bill shall pass. If we have not the right to do this through any agency of that kind, then of course the only right we have is to dictate specific rates for every kind and character of haul that is transported over a railroad line.

Mr. BECK. I beg pardon.

Mr. PLUMB. I want to say one other thing in the same connection. I do not understand that the bill in any wise prevents any one from exercising any right which he is now permitted to exercise. Every person can bring his suit for unjust discrimination under the common law, and I remember a few days ago that a judgment was rendered in the Standard Oil case, which the Senator is undoubtedly familiar with, because he is up in all that class of cases, in the city of Cleveland, where the court held that the discrimination which had been practiced was unjust, and awarded damages by reason of it; and that class of cases and all such cases are permitted to go on as before if the party does not himself choose to resort to the remedies and to the agency provided by the Senate bill.

Mr. BECK. The very object of the House bill is to declare that acts which up to this time have not been unlawful shall be declared unlawful. Could the managers of the roads heretofore be punished for giving back rebates to the Standard Oil Company to the amount of $10,000,000? What law prohibited that? None. We propose to pass a law saying that that shall be unlawful.

Mr. PLUMB. The court in Cleveland, Ohio, in the absence of Congressional legislation, decided it to be unlawful the other day.

Mr. BECK. Undoubtedly under State laws and State authority men can be reached for violation of State law. Why was it necessary for ten States in the Union to prohibit these acts in their constitutions? Why was it necessary for thirty States to enact laws against them if they can be reached without law, and why should interstate commerce remain without Congressional control while all the States of the Union are regulating their common carriers by law? I should like the Senator from Kansas to answer that. If it was necessary for ten States to put it in their constitutions, if it was necessary for the Legislatures of thirty States to put it into their law-books, surely in the far larger class of cases under Congressional control as interstate commerce it is equally necessary to declare what shall be illegal, what shall be extortion, what shall be unjust discrimination, and what shall be the fine and other penalties for the men who are guilty of such acts. Is it not important to say that he shall be sent to jail either for a year, or a day, and be fined not less than a thousand dollars if he is guilty? Would not that be a great restraint and important aid in prohibiting men from committing these offenses?

Mr. PLUMB. The Senator evidently has not read the Senate bill.

Mr. BECK. I have read the Senate bill, and I regard it as a very cunning expedient to pretend to do a good deal and to do nothing.

Mr. PLUMB. The House bill is not of that sort!

Mr. BECK. The House bill is not, because the House bill says that unjust discrimination shall be punished by fine and imprisonment, and the man aggrieved may go directly to the courts of the country and demand redress. Is there anything wrong or unusual about that? Is that not the manly and direct way of doing it?

Mr. PLUMB. That is just what the Senate bill says.

Mr. BECK. No; the Senate bill says that he shall go to a commission and lay his papers before them.

Mr. PLUMB. No; it gives him that additional right.

Mr. BECK. And if he does not get consent from them, he can not get much further. Their reports will, of course, be made up in the interest of the corporations, who will dictate who shall compose the commission, just as the men interested dictated the Tariff Commission.

Mr. PLUMB. I ask the Senator why would a commission be any more the creature of the corporations than a court appointed by the same authority and confirmed by the same Senate?

Mr. BECK. The court is appointed for life, or good behavior, and is independent of everybody, Republican or Democrat, and can not be disturbed, because they do not pander to power. The Tariff Commission, everybody knows, was made up and controlled by the parties in interest, and men interested were allowed to draw their own schedules, as the Senator from Iowa [Mr. ALLISON] said in his speech in regard to the cotton schedule, and as we all know was done in regard to the sugar and other schedules. Why did Charles Francis Adams, when he was disinterested, argue in favor of the Reagan bill and every principle of it, and then turn around when employed by the railroads and denounce the House bill and all similar laws? Why did Mr. Fink, with his $25,000 a year, go before our Labor Committee and talk about the folly of legislation unless you gave the power to him? We may as well understand that 1,200 great railroad corporations, with $6,000,000,000 capital, controlling 125,000 miles, are too big almost for Congress to handle, far less a body of three, four, five, seven, or nine men.

But I rose only to say that I would vote against my own amendment, emasculated as it is now by the amendment added to it.

Mr. CULLOM. Mr. President, I only desire to say a word, and I should not have done that had it not been for the Senator from Kentucky making the statement that the Senate bill is a cunningly devised bill, the purpose of which is to do nothing. I undertake to say, sir, that the House bill is a cunningly devised bill which will result in nothing so far as the public good is concerned, and I want to say that I drew the Senate bill myself, and I did it because I believed as I drew the bill that it was a bill which would operate in the interest of the people against the corporations of this country.

There is no cunning about it so far as protecting or shielding the corporations of the country is concerned; but it is a bill the result of my judgment, having had experience, more I may be allowed to say than the Senator from Kentucky, in dealing with commissions and railroads, and never having an interest to the extent of a 5-cent piece in any railroad on earth. But I believe from my experience that the Senate bill which is now before this body along with the House bill is the bill that will give the country relief from the impositions upon the people alleged by the Senator from Kentucky.

The Senator talks about the House bill as being the remedy for all the evils that exist; but, in my judgment, that House bill would fall to the ground without any sort of consequence to the country at all, because it would not be enforced in practice before the country, and, as the Senator from Massachusetts [Mr. DAWES] suggests, it is impracticable.

The Senator from Kentucky talks about the action of the States of this Union. It is true that about thirty States of the Union have legislation and some of them constitutional provisions upon this subject, but nearly all of them, about twenty-five of them I believe, have commissions for the purpose of executing whatever laws the States have passed on the subject. When the Senator talks about this being a novel proceeding, something unheard-of, the Senator talks about what is the rule in this country so far as legislation is concerned by the State governments.

I only rose now to say that I desire to call the attention of the Senate to what has been the history of legislation in the British Government as well as in this country on some of the points which have been referred to. I shall refer to some passages in the paper before me. I take out this paper not for the purpose of reading a speech, but simply for the purpose of reading extracts from a report of a select committee of Parliament upon the subjects that are now before the Senate.

The report of this select committee was ordered published by the house of commons in 1882. The committee consisted of twenty-seven members, and they were charged with the duty of looking into the workings of the railway commission established in 1873, and to report any amendments to the laws governing railways and canals. Referring to the railway commission, the committee say:

> The next question is the nature and constitution of the tribunal from which aggrieved parties are to seek redress. Your committee are, first of all, of the opinion that the tribunal should be made permanent as well as special. The railway commission has to a great extent been hindered in its work by the temporary character with which it has hitherto been invested. At the same time your committee are convinced that the establishment of a commission has been of great public advantage, not merely in causing justice to be speedily done in those cases which have been brought before it, but also in preventing differences from arising as between railway companies and the public. Its utility is not to be measured solely by the instances in which it has been called upon to hear and determine, but also by the deterrent and controlling influence of its existence.

Again, they say:

> Representatives of the railway companies—

And I desire to call the attention of the Senator from Kentucky to this subject—

> Representatives of the railway companies, backed up by legal gentlemen of

eminence, have urged upon your committee that it is not desirable to continue the special tribunal in its present form, but that the court should be reconstituted by the appointment of a single judge, to be selected from the bench or the bar, aided by assessors wherever other than legal knowledge is required.

The Senator from Kentucky comes in here and insists that nothing is necessary but to pass an iron-clad law and turn the people over to the courts of the country. This committee of Parliament, consisting of twenty-seven members, after the English Government had had ten years' experience of a commission, say that the lawyers representing the corporations go before them and insist on the repeal of the statute and relegating the people again to the courts as the sole judge having purely judicial control. We say that that does not give the people the relief which we are seeking that they should have in this country, because a simple judicial tribunal is not the kind of tribunal that the people in the mass of these cases can ever go to and get through in securing justice against great corporations. We say that we want a commission created that shall not be far off from the mass of the people that have to deal with these corporations—not that they shall have to go to them, but that the commission, the tribunal specially created, shall go to the shipper and go to the people. So under the bill of the Senate to-day, if it were a law, no shipper having a complaint would be compelled to go out of his county or his town scarcely in making up his case and turning it over to the commission if he desired to do so, and that is the very theory upon which the bill was drawn; it is the very theory given by these twenty-seven members of a committee of Parliament, who say that the lawyers for the railroads want the commission repealed and a judiciary established for the hearing of these cases just like any others that might come before it.

I tell my friends that we can not expect to give any relief to the people against these corporations unless we give them a special tribunal that they can go to or that can come to them in making their complaints, and afford them a tribunal that will look into the complaints, find the testimony, carry it forward, make a decision, and if the corporation does not submit to it then turn it over to the courts and help the district attorney in prosecuting it further. What does the House bill do in this case? The House bill says, it is true, as the Senator from Indiana [Mr. HARRISON] said yesterday, that they can go into the courts and sue, and if they recover a judgment they will be entitled to smart-money. So it is; that is the provision of the House bill; but I tell you, sir, that practically no shipper of ordinary means will ever get to the end of a prosecution in the courts. First, he would have to employ a lawyer, pay him a retaining-fee to follow his case, hunt up his testimony, go through two or three courts, and if he lived long enough and had money enough to pay the expenses he would then forsooth be entitled to a little smart-money.

I say, Mr. President, that the interest of the people is in the line of establishing a commission that will go to the complainant, ask him what his grievance is, ask him who his witnesses are, hunt up his witnesses, take their testimony, examine into the facts, make a report, notify the railroad company, and if the railroad company do not pay, then turn it over to the district attorney and aid him in the prosecution of the man's case in the ordinary courts of the country. But the Senator from Kentucky says that we do not allow the shipper to go anywhere else. I say, as the Senator from Indiana said yesterday, that a man has a right to pursue his own remedy as the law exists to-day if he does not desire to allow the commission to look into the case.

But what does the Parliamentary committee say in reference to the people? It says:

From the traders and the general public, on the other hand, no demand has come for such a change. On the contrary, the general tenor of their evidence exhibits satisfaction with the services rendered to the public by the existing railway commission.

* * * * * * * *

Your committee can not see any reason for reversing the legislation of 1873 and returning to the purely legal tribunal which, as the court of common pleas, was tried from 1854 to 1873 and then abandoned.

* * * * * * * *

Your committee further consider that the jurisdiction of the railway commissioners should be extended, and that they should have power to enforce in the interests of the public the provisions of general and special acts affecting railway companies (exclusive of questions touching the safety of passengers), to enjoin and enforce obedience and to give redress in any case of illegal charges, including power to order payment of damages for any injury already sustained.

These paragraphs, Mr. President, are some of the expressions of the committee of Parliament in 1882, after more than ten years of trial of a commission, showing the judgment of that committee as to the importance of the commission and favoring its retention with an enlargement of its powers. In England maximum rates are fixed by law. The question of equal mileage—and I desire to ask the attention of the Senate to this—is discussed in the committee's report, which involves the question of charges for long and short hauls. The House bill provides that it shall be unlawful for any person engaged in interstate commerce to charge more for the transportation of property for a shorter than for a longer distance. The Senate bill says nothing about long or short hauls, but leaves the commission charged with the duty of protecting the people from extortion and unjust discrimination. Now, sir, what does the committee of the British Parliament say after years of experience? They say:

The form which the proposal for a fixed standard of charges has usually taken is equal mileage—i. e., a charge for each class of goods and passengers in proportion to the distance for which they are carried. This point was urged before the royal commission, and is so effectually disposed of by their report that it seems scarcely necessary to dwell upon it further. They say it would prevent railway companies from lowering their fares and rates so as to compete with traffic by sea, by canal, or by a shorter or otherwise cheaper railway, and would thus deprive the public of the benefit of competition and the company of a legitimate source of profit.

It would prevent railway companies from making perfectly fair arrangements for carrying at a lower rate than usual goods brought in larger and constant quantities, or for carrying for long distances at a lower rate than for short distances.

It would compel a company to carry over a line which has been very expensive in construction, or which from gradients or otherwise is very expensive in working, at the same rate at which it carries over less expensive lines.

They further say that—

The proposers of equal mileage have admitted that there must be numerous exceptions where there is sea competition, where low rates for long distances will bring a profit, or where the article carried at low rates is a necessary, such as coal. It is scarcely necessary to observe that such exceptions as these, while inadequate to meet all the various cases, destroy the value of equal mileage as a principle or the possibility of applying it as a general rule.

Mr. President, I have quoted enough to show at least that the committee of Parliament, after long investigation, after years of legislative control of the railways of the kingdom, were unqualified in their declaration that it would be injurious to the business interests of the people to pass a law on the theory of equal mileage rates. On the question of legislation in relation to agreements between railway companies—in other words, in relation to pooling—the committee say:

As to the conference of companies for the purpose of mutual agreement, such as the English and Irish traffic conference, your committee would point out that such associations are inevitable and find place in almost every branch of trade.

Now, Mr. President, from what has been shown does it not seem wiser to leave out of any bill we may pass these provisions which are dangerous to the business interests if put into a statute and enforced, and instead to pass a bill making extortion and unjust discrimination a crime, provide a commission of able and honorable men to enforce the law, and while doing so furnish all the information possible for our guidance in the enactment of any further legislation to secure absolute protection to the people in dealing with transportation companies?

The principle of Government inspection with a commission to enforce equitable treatment is safest and, in the long run, more effective. The people in many of the States are well supplied with railroad facilities. You may traverse the continent enjoying almost the comforts of home. Freight is shipped with great expedition from one side of the continent to the other, a fact which I may say is in a great measure due to the consolidation of roads resulting in unity of management. There is no complaint, then, on account of lack of facilities or promptness or convenience. There are portions of the country where there is still a lack of railroad facilities, and we should be careful to avoid any legislation the effect of which would be to put a stop to the further investment of capital in the construction of railroads in sections of the country where greater facilities are needed. Let us then favor only such legislation as will secure the people against extortion and unjust discrimination, allowing only reasonable charges by transportation companies. The principle that transportation charges should be made in exact proportion to the exact distances over which goods are carried, known as the pro rata or mileage principle, is recognized as correct in the abstract, but it can not be made of universal application, because a tariff should be based on the cost of transportation, cost of road, quantity, and many other considerations that must be counted as factors in determining the expense of the transaction. A law to prevent the exercise of business judgment in any case, and that makes no allowance for the conditions that cause rates to vary, will, in my opinion, be a bad law, and we would be called upon very soon to repeal it. Grain and fuel and the necessaries of life should be carried at the lowest possible rates, and the profits made by higher rates on luxuries.

Mr. President, it has often been said in this Senate that the question of regulating commerce among the several States is a great and important one, and yet there has seemed to be a little disposition to avoid its consideration. The subject of the transportation of freights and the mode of securing its transportation at the cheapest rate possible is engaging the attention not only of the people of this nation, but of many of the great nations of the world. We have about as many miles of railroad as all the rest of the world. They represent a nominal capital of $7,000,000,000 and a real capital of between three and four billions. The value of our internal commerce is said to amount to $15,000,000,000 per year. The railroads carry the greater part of the internal commerce of the country, by far the larger portion, and hence the attention given by the people to the subject of Government regulation of interstate commerce. The vast amount of capital invested in these roads, furnishing facilities to the people for carrying them and their products to market, should not be depreciated in value nor the rights of the roads disregarded. And in the performance of our constitutional duty to regulate commerce between the States we should treat these corporations as we do other interests, with fairness. The people should be protected from imposition at the hands of these transportation companies. There should be no real antagonism between the carrier and the customer, and in my judgment the way to avoid such antagonism is to pass a bill providing against extortion and unjust discrimination, and providing for the punishment of its violation, and to place the whole matter in the hands of a commission for enforcement.

I have shown the position of Parliament and the English law on this subject. We are not safe in going further than the present law of England goes. The best we can do will in a measure fail in satisfying the whole people, and do the best we can in relation to the regulation of interstate commerce we shall still be unable to secure the transportation of freights as cheaply as we hope they may finally be carried. While we are working in the interest of fair dealing between the railroads and the people and finally to reduce the rates, we shall be compelled to do as other nations are doing—not only regulate commerce on railroads, but give our attention to the improvement of all our water ways as well. While England is now controlling and regulating her railways, she is at the same time entering upon a system of canals which it is said will cost $350,000,000, notwithstanding the fact that traffic by rail has been reduced to the minimum of cost. Germany also is about to spend in the same way about one hundred millions; France about eighty millions outside of the Panamá Canal, which has not unfrequently been referred to of late.

I will not take up time longer in reading further passages from the report of the committee of the British Parliament which go to show that after the long experience they have had there legislating to control the railroads of that country for about thirty years, finally in 1873 they adopted the commission plan and refused to legislate on the subject of long and short hauls, or upon the subject of pools, and they in their report say that it is not in the interest of the public that either of those things should be fixed by statute, but that they had better be left to a commission whose exclusive business it should be to deal with the transportation companies in the interest of the people, and see to it that the people have fair play as between them and the corporations of that country. And that is what I have been seeking and what the Committee on Railroads of the Senate have been seeking by the report of their bill.

The Committee on Railroads are just as anxious as the Senator from Kentucky or the Senator from Texas or the Senator from North Carolina to do whatever is best in the interest of the public in regulating these great transportation companies of the country, and I insist that the apparently persistent effort on the part of those distinguished Senators to create the impression on this floor that every man who is not in favor of the House bill belongs to the corporations and is simply trying to do nothing, is not justified or true as a matter of fact; and I honestly believe that if the Senate bill were to pass it would prove to be more in the interest of the people than the bill of the House of Representatives which is now under consideration would prove to be.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK] as amended, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. CAMDEN]. I should vote "nay" if he were present.

The roll-call was concluded.

Mr. COKE (after having voted in the negative). I desire to withdraw my vote. I remember now that I was paired with the Senator from Alabama [Mr. MORGAN]. If he were present, he would vote "yea" and I should vote "nay."

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. CULLOM. My colleague [Mr. LOGAN] is paired with the Senator from North Carolina [Mr. RANSOM].

Mr. PLUMB (after having voted in the negative). I voted under a mistake. I am paired with the Senator from Louisiana [Mr. GIBSON]. I withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN] whenever his colleague says so; I do not know how he would vote on this amendment. If at liberty, I should vote "nay."

The result was announced—yeas 6, nays 41; as follows:

YEAS—6.

Bayard,	Hawley,	Van Wyck,	Vest.
Conger,	Platt,		

NAYS—41.

Allison,	Fair,	McMillan,	Sabin,
Beck,	Frye,	McPherson,	Saulsbury,
Blair,	Hampton,	Mahone,	Sawyer,
Call,	Harris,	Manderson,	Sewell,
Cameron of Wis.,	Harrison,	Maxey,	Sherman,
Chace,	Hoar,	Miller of Cal.,	Slater,
Colquitt,	Ingalls,	Mitchell,	Williams,
Cullom,	Jackson,	Morrill,	Wilson.
Dawes,	Jonas,	Palmer,	
Dolph,	Kenna,	Pike,	
Edmunds,	Lamar,	Pugh,	

ABSENT—29.

Aldrich,	Farley,	Jones of Florida,	Ransom,
Bowen,	Garland,	Jones of Nevada,	Riddleberger,
Brown,	George,	Lapham,	Vance,
Butler,	Gibson,	Logan,	Voorhees,
Camden,	Gorman,	Miller of N. Y.,	Walker.
Cameron of Pa.,	Groome,	Morgan,	
Cockrell,	Hale,	Pendleton,	
Coke,	Hill,	Plumb,	

So the amendment as amended was rejected.

Mr. SHERMAN. Mr. President——

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Kentucky has another amendment he wishes to propose.

Mr. BECK. I propose to amend in section 5, line 26, by adding after the word "substituted" the following proviso:

Provided, That there may be a reduction of rates prior to the posting of such new schedule. But in such case the new schedule shall be posted as aforesaid within five days after such reduction shall be made, and said schedule shall also specify the date at which the reduction commenced.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. MAXEY. Mr. President, the essential distinction, as I understand it, between the Senate bill and the House bill is whether or not the grievances complained of by the people as to the action of the railroads shall be investigated by a commission without authority of law to hear and determine, or whether the grievances complained of shall be set forth and declared misdemeanors and submitted to the courts for adjudication, like any other misdemeanor or grievance.

It has been said that the Senate bill provides against pooling. The system of pooling is one of the gravest and most serious objections the people have to the present railroad management. I insist that the Senate bill does not provide against pooling, but that it admits the principle of pooling. It does it in a qualified way, but it admits the right of the railroads to pool, and the effect of pooling is a monopoly of all the railroads by a combination of some of them; and what they regard as an equitable distribution of the profits arising from transportation on any one of the roads in the combination is made for the common good of all. That is pooling. It is making a corner upon transportation; it is forestalling the market upon transportation. The House bill, in unqualified terms, makes that unlawful. The Senate bill makes it lawful.

Is not this so? Let us see. The Senate bill, in section 11, page 10 of the last print we have, declares one of the objects to be:

For the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States.

That is, the commission is to determine what arrangement and agreement will tend to impose unreasonable burdens upon the commerce among the States. That is a question which according to the Senate bill is not to be determined judicially, but to be passed upon by the commission, and when passed upon by the commission no remedy whatever can be applied by the commission to redress that grievance.

Mr. CULLOM. I believe the Senator was reading from the Senate bill at section 11.

Mr. MAXEY. I was, sir.

Mr. CULLOM. That section has no legislation in it any further than an instruction to the commission to examine into the question of pooling, as well as every other question named there, and to report to a future Congress.

Mr. MAXEY. That is precisely the objection which I have to the whole theory of the Senate bill. You create a commission, and you clothe that commission with power to go out into the country and hear complaints, and after they have heard the complaints they are powerless to afford a remedy for those complaints. That is the objection which I have to the whole theory of the bill. It is a promise to the ear to be broken to the hope. On the contrary, the House bill in terms declares:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

This distinction is as broad as the difference between sun in the noonday heavens and the darkest midnight. One tolerates and agrees to the propriety and the right of the pooling system, and then says that any arrangement which shall tend to interfere with commerce shall be reported. Who reports it? The commission. When it is reported what good does that do? Who determines it? Then you go through all the machinery of laying the matter thus reported before the district attorney, and after a while, if you can work up a case, it goes to the courts. In other words, a man who is really aggrieved has to go before the commission and have his case looked into by the commission, with all the expense accompanying that investigation, and after he has done that it is laid before the district attorney, and if there is enough in it to make a case for a bill in equity or an indictment, then you have to send that to United States commissioners to take up the proof, and again comes in this double expense.

The effect of it is in its very nature and necessarily to deter any man who is really aggrieved from ever making an effort to have a remedy for his grievances, whereas the House bill is both a square and manly measure. It declares pooling, which is a monopoly, which is a contract in restraint of trade, which is a forestalling of the market, to be unlawful. It merely repeats what has been known to be the common law for centuries, and makes that a part and parcel of the law of the land.

Mr. SHERMAN. Mr. President, I have had more difficulty in dealing with this question than any of the important questions presented at the present session of Congress. The people of Ohio are very largely interested in railroad transportation. We have 7,200 miles of railways, probably as large a number of miles in proportion to the extent of our

territory as any State in the Union. Our people are largely interested as owners and managers of railways, the capital and debts of such corporations amounting to over $500,000,000. Therefore it is that the people of Ohio take the deepest interest in the proposed legislation by Congress. I can safely say that, without division of party, the people of Ohio are in favor of strong, just, and liberal legislation upon the question of transportation and the management and control by Congress of interstate commerce.

There is no doubt expressed anywhere but that Congress alone has the power to deal with this question. The interstate commerce extends to the great body of the commerce of this country. The local commerce within the limits even of a State so large as Ohio is comparatively small. Nearly all the surplus productions of Ohio are shipped to States beyond our limits, and nearly all that is consumed not the products of Ohio has been the subject of interstate commerce. So that I may say that the body of the commerce of the State is interstate. It so happens, too, that nearly all the great leading lines of railway in the United States cross that State; certainly all the four great trunk-lines running from east to west, and some of those running from north to south. So our people are deeply interested in this question, and I have no doubt but that both my colleague and myself would agree that the people of Ohio are more intensely interested in the subjects embraced in the bill than in any other bill pending before Congress.

In respect to the power of Congress over the subject, as I have said, it is indisputable. We find it plainly written in the Constitution:

> The Congress shall have power * * * to regulate commerce with foreign nations, and among the several States.

It is a broad and exclusive power that has not yet been fully exercised as it was expected to be by the framers of the Constitution. It is only asserting a trite fact when I say that but for the necessity of regulating commerce with foreign nations and among the States the Constitution probably would not have been formed at the time it was. In the very first movements to form the National Government the importance of regulating commerce among the States was declared to be the leading motive for the formation of the National Government.

It must be remembered that at that time commerce among the States was but a very small item compared to what it is now. All the States were located along the line of the Atlantic Ocean. Our commerce with foreign nations then was immensely greater than our commerce among the States, but the enormous development of this country has changed the whole order of things. Now our foreign commerce, exports and imports together, embraces about $1,500,000,000, and our internal commerce is estimated at $15,000,000,000, or ten to one. It is pretty difficult indeed to estimate what is the extent of our interstate commerce. It is so vast that figures seem to fail to express the immense extent of it.

It is affirmed that the navigation along the Ohio River and the Mississippi River is greater than our whole external commerce. It is said that the navigation of the lakes far exceeds our commerce with all foreign countries. So the question we are dealing with is not only with greater amounts than any other problem before us, but affects every class of our people in the broad extent of our country.

Under these circumstances, I have felt it my duty, without heretofore taking any share in this debate, not being a member of the committee which framed the bill, to examine it with all the care and attention I could give to it, and I shall express my opinions in as few words as possible as to the choice to be made between the two bills.

We have two propositions before us, one called the Reagan bill, which has been debated and passed by the House of Representatives, and another called the Cullom or Senate bill, framed by one of our committees, and which has been debated here in antagonism to the Reagan bill. We are called upon to choose between them. I would vote for either if the other was away. It is, therefore, a mere choice between the two measures; and I propose now to give the reasons why I think on the whole the Senate bill is the most conservative in its character, the most wide-reaching in its effect, the most beneficial to the people of all the States interested, the most beneficial even to the people of Texas and to the regions where the Reagan bill seems to have the greatest strength.

If I can convince any Senator, as I have convinced myself, that this will be the effect of the Senate bill as against the Reagan bill, then I shall have at least justified the vote that I shall give in favor of the Senate bill, and I shall have justified my conduct to my constituents who are writing to me in great number to act upon this question promptly. That general public opinion has been in favor of the Reagan bill solely because it proposed legislation controlling railways, but, as a matter of course, the people have not yet studied or examined the details or provisions of the Senate bill, so they have not been able to give any opinion on one as against the other.

Mr. MAXEY. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. Certainly.

Mr. MAXEY. The Senator states, and I was very glad to hear him say so, that he would vote for either bill if the other was out of the way. Now, I ask him as a practical legislator with a great many years' experience, if there is not a far greater probability that if the Senate votes for the Reagan bill it will become a law rather than if the Senator should vote for the Senate bill it can become a law? As a question of practical legislation, would it not be better for the Senator to support the Reagan bill in order to procure a law on the subject?

Mr. SHERMAN. If I shall be able to show that the Senate bill is better than the Reagan bill the Senator ought to join with me in passing the Senate bill, and the House, I have no doubt, would agree to it. I know the feeling in the House, because I have conversed with members of the House of both political parties who voted for the Reagan bill, and they are not entirely satisfied with its provisions, but with the expectation and hope that the Senate would make such changes as would make it more wide-reaching, comprehensive, and effective than the Reagan bill, they gave it their support.

The reason why Congress has not heretofore acted upon this question is very palpable. Our whole commerce is changed, not only in its extent but in the mode of transportation. Within my period of manhood every railroad in the United States has been built. When, as a young man, I crossed the Alleghany Mountains and struck a railroad at Cumberland, Md., I thought it was the greatest wonder in the world. Up to that time I had never seen a railroad. Indeed all the railroads in the United States have been built since the period of manhood of the majority of Senators. Even that great motive power, the steamboat, has been invented, devised, and brought into being since the framers of the Constitution finished their handiwork.

So we are dealing now not with a power that is doubtful, not upon a question on which we should have any difference of opinion, but we are dealing with new agencies of commerce devised in our generation or in the preceding one, and we should bring to the subject the lights of modern experience as well as the ideas and objects that prevailed when the Constitution was formed. Steamboats and railroads are now the chief agencies of commerce. They have revolutionized commerce. No longer does any one depend upon the slow-moving sailing craft or upon the prairie "schooner" or on the old Conestoga wagon over the mountains of Pennsylvania. Our modes of communication are entirely different, and therefore we must look upon this question as practical men, and conform our measures to the wonderful development that has been made in our productions, the revolution in our means of transportation, and the almost fabulous sums invested in these new agencies of commerce.

Nearly every question which affects the problem we are now meeting has arisen within the last twenty years, because it must be remembered that until 1866 nearly every railroad in the United States was merely local in its character. There was no interstate commerce until in the last twenty or thirty years. For instance, the Erie road ended and terminated at Dunkirk, and the State of Pennsylvania refused to allow that road and other roads to cross the State of Pennsylvania at the little panhandle up on the Lake Shore. The roads of Ohio began and terminated in Ohio. The great New York Central, which now stretches out with its mighty arm across the continent, had its terminus at Buffalo, and that road itself was divided into seven distinct corporations, and it required years upon years to combine it into a single line from New York to Buffalo.

Take the great Pennsylvania Railroad, the tonnage of which is so enormous—more than 22,000,000 tons a year. That road itself was a local road. Within my recollection, yes, within twenty years, its terminus was in Pittsburgh, Pa. Going from Philadelphia to Pittsburgh it there terminated, and there it joined another road chartered by Pennsylvania to reach the Ohio State line, and there the line was taken up across the State of Ohio by another road, and across Indiana by another road, and into Chicago, Ill., by another road. All these roads have been consolidated within thirty years.

All the elements of this problem have changed, and now we have connecting lines of railroad, which Congress required to be made. The act of 1866 was one of the wisest laws passed by Congress. Up to that time there was no continuous and continuing lines of railroad going from State to State and doing the commerce of a continent. They were mere local roads or local lines, subject only to local regulations. Now they are transcontinental; they are more than national—they are international. These lines have been formed by their connecting links, one after another.

I ought to have said that when the Baltimore and Ohio road was started it was purely a local road, and when it approached the borders of the State of Pennsylvania that State refused to allow the Baltimore and Ohio road to cross its borders, and for years that was a matter of contention. The Baltimore and Ohio was compelled to deflect this line to Bellaire instead of the natural route to Pittsburgh. It was purely a local road; and could only go through, as it did, with the assent of the State of Virginia. When it came to the Ohio line, Ohio, by another railroad, took up the Baltimore and Ohio line and extended it.

Until within twenty or twenty-five years these were merely local roads without the slightest power to contract outside of the limits of the State, but gradually from a community of interests these connecting lines formed their links by pooling, you may say, or a species of pooling, by connecting their separate corporations, binding them in connecting-links by contract, until Congress in 1866 declared, as the first regulation of interstate railway commerce of an effective character in

this country, that where railroads connected they should be run as continuous lines. That is the law which was referred to by my honorable friend from Iowa [Mr. WILSON]. He says that he was part and parcel of the law and helped to make it. That was the first law passed by Congress to make interstate commerce possible in this country, and that has been done within twenty years.

We thus by our law connected these lines of railroad so that instead of being local corporations they are great national corporations. The Pennsylvania line extends in one unbroken management from New York to Chicago, with interlacing lines stretching every way like a great tree.

Mr. SAULSBURY. I should like to ask the Senator from Ohio, by his permission, whether the railroads enjoy that privilege under the authority conferred by Congress, or whether the privilege which they have of uniting and consolidating is not derived by State legislation from the State charters of the companies that are thus consolidated?

Mr. SHERMAN. I think the whole of that grew out of the fact that the corporations were authorized to contract and to be contracted with, and connecting lines by mutual agreements made arrangements with each other. I do not know how the State of Delaware could give any railroad in Delaware the right to go into Pennsylvania. The National Government can give that right as a regulation of interstate commerce, or by mutual agreement between adjoining States the power to connect may be given to corporations created by such States.

Mr. SAULSBURY. Does not the Senator see that a State Legislature may charter a company and give that company the power to consolidate with any other company chartered by another State on such terms and conditions as the two companies may agree upon? That is frequently done. But the Senator was referring to an act of Congress, and I wanted to ascertain whether there was any authority conferred by Congress under which any railroad companies were to-day operating conjointly.

Mr. SHERMAN. The States incorporating two separate companies may authorize them to contract with each other and to make these arrangements, but Congress made it the duty of the roads to do so. It was not a mere permission to contract and extend and connect their lines of communication, but Congress made it imperative, and two railroads that merely touch each other by contact are compelled by the terms of that law to make through rates the whole extent of their lines. There is no doubt whatever but what that is within the power of Congress, because the power of Congress to regulate commerce includes also the power to regulate corporations created by States as well as natural individuals.

Mr. SAULSBURY. If the Senator will not think me impertinent for asking the question—for it is information I want——

Mr. SHERMAN. Certainly; I yield to the Senator.

Mr. SAULSBURY. I have had some difficulty in arriving at a conclusion in my own mind as to what was the proper thing to do in reference to these bills. I wish to ask the Senator whether under the power to regulate commerce he thinks Congress has any authority whatever to deal with the question of freights and fares charged by railroads? I should like to hear his views on that subject.

Mr. SHERMAN. I have no doubt of it. I do not want to go into these collateral questions, because it will prolong my remarks. I did not intend to speak long, but wished merely to give the reasons why I prefer one bill rather than another.

I do not think Congress has the right to impair the obligation of contracts. I do not know by what authority Congress can change the contract made between the State and the individual, as is proposed in the Reagan bill, by providing that no railroad in the United States shall charge more than 3 cents a mile, although its construction may have cost a million dollars a mile, and although the State may have authorized the railroad to charge 5 cents a mile. Congress can not change the contract between the State and an individual or corporation.

I have been looking for gentlemen on the other side of the Chamber to correct this flaw in the Reagan bill. I should like to know, and to have them answer at their leisure, where is the authority in Congress to change a contract between a corporation and a State. Here is a question where the doctrine of States' rights may come in. It seems to me that wherever States' rights should be asserted to do justice to a corporation they are not asserted, but where they may be used to rob or plunder a corporation they are asserted and enforced.

That Congress ought to legislate upon this subject is manifest to everybody. The railroads engaged in interstate commerce have cost, or are represented by securities amounting to $7,000,000,000. The number of miles of railroad is over 120,000 miles. All the legislation that can affect these railroads must come from the National Government. Their local charters end with local boundaries. The States of Pennsylvania and New York, though powerful and great States, have no right to regulate contracts made beyond their boundary line. They have no right to regulate anything in the way of commerce extending beyond their boundary line, and unless the railroad corporations are subject to the jurisdiction of Congress they are a power within a power, stronger even than the State.

If it were not for the power of Congress over these corporations they would be a supreme power in this country. But Congress is armed with full power to do by them as they may think it right in accordance with the Constitution of the United States, and without respect to local laws. It is Congress, therefore, that must act upon this subject, and all of us on this side of the Chamber, as well as on the other, admit that the power of Congress is not only ample but it is exclusive, for if it should be claimed that what we attempt to do here can not be done, then a railroad corporation, armed with the charter of a State and with the authority of the National Government to connect at State lines across a continent, would be above and beyond all law. I do not believe that at all. I believe that the New York Central Railroad and the Pennsylvania Railroad, two of the greatest railroad corporations in this country, are just as amenable to the laws of the land, just as much within the local power of Congress, as I myself am subject to its jurisdiction.

Now, Mr. President, what is the duty of Congress in this respect? The first duty of all is to protect the people from imposition, from injustice, from wrong. Therefore I have no difficulty in dealing with the Reagan bill by admitting that with the exception of the attempt to change the contract between the State government and the corporation Congress has the power to do all that is asserted by the Reagan bill.

This is but the beginning of legislation in regard to railroads. Hereafter it will continue and increase. I have no doubt that the making of suitable regulations in regard to railroads in this country will be one of the great and immediate duties of Congress. I am therefore not disturbed about the power, but I say it is the duty of Congress to protect the people from injustice by the railroad corporations. I am willing to go as far as any one in doing justice, but I do not want to go so far as to destroy these great agencies of modern commerce. I do not want to destroy the goose that lays the golden egg. It is the commerce of these railroads that has united our country more than any other circumstance. It is the commerce carried on by these railroads that has enabled us to people and populate a vast region of country in the West. It is the engineering, progressive, pushing force of these railroads into the wilderness that has made our continent and our country a magnificent whole. Before that time California was separated from the Missouri and the Mississippi. The North and the South were widely separated from each other for want of communication. Railroads have done more to knit and bind this country into one magnificent whole than all other agencies combined. Therefore, while we protect our own people, we ought not to destroy the railroads.

I have no doubt that the power of Congress will be appealed to—it is appealed to now—not only to protect the people but to protect the railroads themselves and the owners of those railroads. Within the twenty years since the railroads have formed their connecting lines they have been eaten to death by parasites. Every railroad has had its little inner ring and all sorts of cunning schemes and devices have been made and entered into not only to cheat the people but to cheat their own stockholders. I doubt if there is a single railroad in our country that has not in it and about it, composed of its officers, some of these parasites which prevent proper dividends from being paid to the stockholders. What are they? The sleeping-car company is one. Railroad corporations make an arrangement with a sleeping-car company, an organization entirely outside of them, to run cars over their road. Such contracts become much more valuable property than the road itself which carries the cars over the rails.

Another mode is by express or freight companies. I believe that this is pretty well broken up now, but for years express and freight companies have been incorporated and lines have been started, the Red Line, the Blue Line, and all sorts of lines, over the railroads. In this way a property right was created by a contract between the board of directors of a railroad with some favored individuals in the railroad, and then privileges and rates were given to the express companies which bled and ate the life and substance and property of the railroad stockholders. Those have existed, and I have no doubt we shall be called upon to protect the stockholders from this imposition. So with telegraph lines. Besides that, many boards of directors by voting themselves high salaries and creating enormous expense, run the road not for the benefit of the owners, but for the benefit of a favored few.

Therefore it is possible in our country that railroad stock may sell for $20 or $30 a share in the market, when every man knows that this railroad stock will never pay a dividend as long as water runs or fire burns. But it is the power to control the corporation given by the votes of the stock that enables men to seize and hold a great corporation and pay enormous sums for the stock of the road merely to exercise the power granted by the corporate law for their own gain and profit.

There are these and others; but I am not going to waste much time about it. In some cases salaries are given which shock almost our sense of justice, salaries not only by one corporation but by a dozen corporations. Not only that, but in some cases, although the railroads are represented by directors who are sworn, or at least whose duty it is made to guard the property they represent, they pile mortgage upon mortgage on the property, create income bonds, preferred stock, and all sorts of liens; and in that way many of the best railroads in this country, that would earn a fair dividend on their actual cost, by subtle plans on the part of the stockholders, the interest of the innocent citizen, men, women, and children, who perhaps have invested their little sums for stock, is fairly eaten out, lost, and destroyed.

There is no doubt that Congress, which is now exercising its power in

this country to protect the people, will be soon called upon to protect the stockholders, and I shall be just as ready then to vote reasonable legislation to protect against these abuses as I would vote for the bill to protect against undue discriminations, fares, and tolls in favor of particular individuals. I speak of this merely to show that this power over the subject-matter is vital to us, and that we ought to so act upon this bill as to show that we are fit to be trusted with this great and important power.

I say that legislation by Congress upon this subject is demanded not only in the interest of the people, but in the interest of property honestly held and honestly earned. At this time the railroad system is in very great danger. No one can doubt that the enormous competition which has been created by rival lines has in many cases reduced the profits of the railroads and their earnings. The necessity of providing for dividends on watered stock and the like has been so great that there are but very few railroads of the United States, powerful as they are, which can pay dividends to their stockholders. Therefore any hostile legislation to further cripple their business ought to be very carefully guarded. If we do not look out we may really break down those corporations and compel them to divide the long-extended lines into broken links, and then the rates of transportation will rapidly advance. The decrease in the market value of railroad securities in the last two years is represented to be about 40 per cent. It has disappeared in the market value. Few of the roads are now earning dividends.

It has been sometimes said in this debate that the law of competition is a sufficient regulation for railroad corporations. In some respects the law of competition has worked well. Since these lines have been connected the cost of transportation in the United States has been reduced in a marvelous degree. I remember when I was a member of what is called the Windom Committee on Transportation we traveled all over the United States; we took the testimony of all the expert railroad men we could find and men engaged in commerce of various kinds. Upon one question we found a singular unanimity of opinion, and that was that the minimum cost of transportation was 1 cent per mile. The figures were produced, the actual details, the expenses shown, and this simple problem was absolutely demonstrated.

It was shown by the general superintendent of the New York Central, who gave us the details of the cost of transportation, and the same evidence was given by other corporations, that the minimum of transportation was 1 cent a ton per mile. That would be $10 a ton from Chicago to New York, the distance being about a thousand miles. That was their statement of what is the lowest cost. Now, this system of competition has gone on since then, and there has been a progress made in railroad building, a change so great that it is almost marvelous when I now think of it. That was only ten years ago, and yet since that time by the introduction of steel rails, by new and improved cars, by new machinery in the way of brakes, by a thousand ingenious devices of our own people, the same freight can be transported over the same railroad for less than one-half of what it could be only twelve years ago.

I have here a table cut from one of the commercial papers showing the enormous reduction that has been made by competition in long lines of transportation. I find that the freight from New York to Chicago on a bushel of wheat weighing sixty pounds was in 1868, 29 cents; in 1869, 25 cents; in 1870, 22 cents; in 1872, 28 cents, and so on. Then running down again, in 1874 it was 16 cents; in 1875, 14 cents, and so on until in 1884 the freight on a bushel of wheat from Chicago to New York was 9¾ cents. So that the freight by competition has been reduced to 9¾ cents. Here is the statement:

WHEAT PRICES AND FREIGHTS.

[From the Cincinnati Price Current.]

In the following compilation will be shown the annual wheat crops of the United States and exports (flour included), stated in millions of bushels, with the lowest and average price of No. 2 wheat in Chicago, and average rates of freight from Chicago to New York per bushel of wheat by lake and rail, with the lowest Chicago price and freight to New York added, annually for seventeen years, from 1868 to 1885, inclusive:

Year.	Crop.	Export.	Lowest price.	Average price.	Freight to New York.	Freight and price.
	Millions.	*Millions.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1868	224	30	104½	170¾	29	183½
1869	260	54	76½	111½	25	101½
1870	236	53	73½	97	22	95½
1871	231	40	99½	121¾	25	124½
1872	250	52	101	125¾	28	129
1873	281	92	89	117½	26⅞	115¾
1874	309	73	81½	108½	16⅜	98⅜
1875	292	76	83½	98⅞	14⅜	97⅞
1876	289	57	83	102⅞	11⅜	94⅜
1877	364	93	101⅛	128⅛	15¼	117⅞
1878	420	149	77	96½	11⅜	88⅜
1879	449	181	81⅜	99¾	13½	94⅞
1880	498	186	86½	105½	15½	102½
1881	380	122	95⅜	115½	10⅜	105¾
1882	504	149	91⅛	118	10⅞	102
1883	450	111	90	101¾	11⅛	101⅛
1884	513	.....	69½	82⅞	9¾	79½

In the above the exports are for twelve months beginning on July 1 of the year stated. The freight rates for 1884 are the average from January 1 to September 1.

What more do you want? If any man had told me when we were around on that pilgrimage seeking for cheap transportation that without a law of Congress, merely as the effect of competition, the price of the transportation of wheat would be reduced from 29 cents, as it was then, to 9 cents, I would have said that our committee ought to disband because the thing would work out its own cure. So it will to a great extent, but I shall take occasion to refer to the low rates. The rates are now so low from the great competing points owing to competition, say from Chicago, Saint Louis, or Cincinnati, that if our Texas granngers should try to reduce them more they would break up every railroad corporation in the country. The rates can not be further reduced. There is a point to which you can go, and beyond that you will draw the life-blood.

The attempt to carry wheat at a lower rate than 9¾ cents in a long haul would be absolute destruction to all the railroad corporations. They can not do it. It may be that we shall have some new invention; new devices, that will still enable them more and more to cheapen the rate. We know that the great competing railroad companies, each of them representing probably a hundred million dollars, are eagerly watching out for every chance of competition, and they will reduce the rate still more and more. That has been done by competition probably more than could have been done by legislation.

If I were seeking only by the passage of this bill cheap transportation, I would say, "hands off; let these men compete with each other." But that is not all that we are trying to accomplish by the bill. It is claimed that while from certain points transportation is low enough, probably; from other points shorter in distance and shorter in haul the rates are much higher, and that there is an unjust discrimination made between citizens, between towns, between States, and between individuals; that the railroad companies make contracts with favored individuals by which they give them the monopoly of transportation.

The common case pointed out by the Senator from Kentucky, I believe, was that the Standard Oil Company had a rate which actually drove out of existence all competitors in their line of business. That is wrong, intrinsically wrong, and I shall vote to break it down if there is power enough in Congress to do it. If these corporations are soulless, they ought to be heartless, they ought to make no discrimination, giving no favor, but making the same rule apply to all classes of transportation under the same conditions; and to the extent that this measure will tend to effect that object I think it is of vital importance.

The Reagan bill makes ample provision against discrimination. It says that no discrimination shall be made. It forbids it. It declares that if it is done it shall be illegal, and then provides a penalty at the end of a long lawsuit, and the measure of the penalty is three times the damage done. The damage may be $10, in which case the penalty would be $30, and then the plaintiff who has prosecuted his suit under the operation of that bill, or has sought his remedy, would probably be broken up in the contest, and the railroad would not care about drawing a check for $30, but would pay him in silver dollars, or in any way they thought would be easiest. The first objection I have to the Reagan bill, and I beg Senators to think of it, is that it is a penal bill, penal in its nature and in all its provisions. It has no remedial feature in it, except the remedy that can be recovered at the end of a long lawsuit. You can not make such a bill as that useful or operative, except to punish crime, and you can not make this a crime of a magnitude and character which would justify you in sending to the penitentiary the president or the directors of the company. If you choose to do it, if you attempt to carry the measure by penal law, you ought to furnish penalties and punishments that would send the president of the railroad to the penitentiary.

But that is not all. The Reagan bill provides that the remedy shall be in the State courts, in any court where an agent can be found. Whether the injury occurred in that State makes no difference. Wherever the man who complains of the action of the railroad chooses to sue he can sue. He can go before a justice of the peace, if the amount is within the jurisdiction of a justice, or go before a county court, if it is over a hundred dollars, and commence suit in any tribunal. What is the effect of the judgment? You may make the railroad pay the judgment, but what does that amount to? Nothing.

Besides there is no appeal from that decision. Suppose the railroad insist that they are not violating the law, must they try that great question, which turns upon the construction of an act of Congress, before a justice of the peace in Texas? Must they try that great question before some local tribunal in a State perhaps hostile to this legislation? Must they try that question in a State which probably does not own a single share of the railroad stock affected by the operations of that judgment?

According to the proposed law, although the question involved may be a construction of the Constitution of the United States, although it may be the construction of the very law that we are passing, yet that case can in no event be carried to the Supreme Court of the United States or to any United States court. Thus thirty-eight different tribunals all over this country, with their varying decisions, may be called upon to decide upon the terms of this measure without any power whatever to take the case to a court whose decision will be universally acknowledged. This, it seems to me, is the worst feature of the Reagan bill. It seems to be State rights gone mad. The very cause of

action is given by an act of Congress. The whole thing is granted by Congress, and is national in its nature. No State could give such authority over a corporation beyond its limits, and yet this question, growing out of national law, can not be brought to a national court, but must be decided finally in a local tribunal.

The language is plain and clear. No such measure as that can meet my sanction. If under the circumstances and under the clauses of the judiciary act the case involved in any of these local courts does involve a construction of an act of Congress or of the Constitution, or any national question, then the right to carry it before the national authorities must be given. Otherwise you have struck out the whole foundation of your judiciary system. We have a national judiciary to construe the laws of Congress and pass upon all questions arising under the national law; and yet the bill excludes the Supreme Court of the United States and all the national courts from any jurisdiction over any case that may arise under it, and confines it to the local tribunal. But that is not all.

Mr. COKE. Will the Senator from Ohio allow me to interrupt him?

Mr. SHERMAN. Certainly.

Mr. COKE. I refer the Senator to the House or Reagan bill, in which I think he will see it is provided that a citizen who has been injured by a railroad company may prosecute his remedy in either a State or Federal court, as may happen to have the jurisdiction of it in the locality.

Mr. SHERMAN. That is, it gives him the choice.

Mr. COKE. Yes, sir; it gives him the choice.

Mr. SHERMAN. But when he commences his suit in a State court, as he always would, the decision of that court is final, and no provision is made to transfer the case; indeed it is prohibited that it shall be transferred, to the United States court.

Mr. COKE. A transfer of the cause to the Federal court is prohibited; but I ask the Senator if there are not methods of reviewing the decisions of State courts, outside of this proposed act, already provided by writ of error?

Mr. SHERMAN. I believe that the Supreme Court would hold without question that that provision of the proposed law is unconstitutional; but I do not want to pass an unconstitutional law merely to allow the Supreme Court to reverse it.

Mr. COKE. The question I put to the Senator is, if every citizen has not a right already granted, in a mode already provided, to bring before the Supreme Court of the United States an infraction of a law of the United States?

Mr. SHERMAN. I doubt very much whether this provision does not fall within the decision in the case of Prigg *vs.* The Commonwealth of Pennsylvania, where it was decided by the Supreme Court of the United States that Congress had no power to impose upon any State an act in the nature of the enforcement of what would be regarded as a criminal act. The act in this case is in the nature of a *quitam* action. It is an action for a penalty. I have not the slightest idea but what the Supreme Court would hold it to be unconstitutional, at least to the extent that it denies to the citizen of the United States living not in Texas where the suit is brought, but living say in Pennsylvania, the right by writ of error to transfer the case to the Supreme Court of the United States. If they do it they do it because the law is unconstitutional which attempts to restrain it.

But that is not all. I do not believe we have the power to confer jurisdiction upon the State courts to enforce penalties. That is fair and square in the face of the decision of the Supreme Court. Here is a penal action where treble damages are to be allowed. What right has Congress to impose upon a State the enforcement of these laws or to confer jurisdiction upon it? Any State might refuse to do it clearly.

Mr. COKE. I will ask the Senator, with his permission, if the laws of Congress are not supreme all over the United States, and if they are supreme I ask him if the State courts can not enforce them?

Mr. SHERMAN. I do not think the laws of Congress are supreme over a State to compel a State to pass a law to suit our convenience. Why should the United States, with an ample judiciary power, with authority to create courts anywhere and everywhere of all kinds and descriptions, rely absolutely and exclusively upon State courts to pass upon the construction of our own laws? I do not think that this is a provision which should appear in the law. I believe it is plainly unconstitutional.

I should like Senators to answer me another question. What right has Congress to change a contract made between a State and a citizen? It is true that the provision of the Constitution——

Mr. COKE rose.

Mr. SHERMAN. I will hear the Senator.

Mr. COKE. I understood the Senator to put a question to me.

Mr. SHERMAN. The Senator will have time enough to answer.

Mr. COKE. I understand the Senator to refer to the provision in the House bill prescribing 3 cents per mile as the maximum rate.

Mr. SHERMAN. That is what I refer to.

Mr. COKE. I voted to strike out that provision, and all the gentlemen on this side of the Chamber in favor of the Reagan bill so voted, while the gentlemen on the other side of the Chamber voted to keep it in. I ask the Senator to propound his question to some of his friends over there.

Mr. SHERMAN. Perhaps, taking the usual course which I have seen pursued on both sides very often, we require you to perfect your own proposition in your own way. Perhaps that is the way, but at any rate that provision is clearly unconstitutional. Senators around me say, for I do not think I was present at the time, that other questions were involved in the same motion. But I certainly assure the Senator that if he will move to strike out that proposition I shall vote with him to improve the bill to that extent.

Mr. COKE. It will be done.

Mr. SHERMAN. There is another feature of the Reagan bill which struck me at first with a good deal of force, and it was only after a careful examination that I was able to satisfy myself that it ought not to be put in. I refer to the following provision, in section 4 of the Reagan bill:

> That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter, on any one railroad or pipe-line.

As an abstract proposition it would appear to be right and just that no railroad should be authorized to charge less for a greater distance for transportation of the same kind of property than for a shorter distance. That would seem to be right and fair, but when you come to examine this question in all its surroundings such a provision as that would in my judgment not only do great harm to the people of the United States, but I believe it would confer a great benefit upon the railroad companies to the injury of the people; and I hope my friend from Texas will listen to me upon that point. I have no doubt that if that provision should become a law, wheat would not be transported from Chicago to New York for 9¾ cents a bushel, by a great way. It would leap up at once to a rate in harmony with the local rate.

I know enough about corporations and railroads to know that the first effect of this provision would be to compel an advance of freights at all the competing points. Why? If the Pennsylvania Railroad, for instance, should attempt to carry wheat at the rate of 9¾ cents a bushel over the whole line of its road from Chicago to Philadelphia and from all the points along that line, the result would be bankruptcy to any railroad in the United States which would undertake to carry all its freight upon that kind of a rate. Before submitting to bankruptcy the railroad would take the other alternative; they would raise the rate at Chicago, and then "all Rome would howl." Then our Western grangers and our Texas friends would begin to feel that their cattle would have to pay a considerably larger sum. All our Western friends, whose country has been developed by railroad competition, would find then that they would have no advantage as they now have over the people of a State like Ohio, where we lie midway between the great Western ports and the Atlantic coast.

If I were speaking only for the people of my own State, and only in a narrow, selfish interest, I should vote for this proposition, because I know the effect of it. While it might not reduce our local freights in Ohio, it would advance the freights in the West, and would relieve us from the enormous competition which Iowa now makes with us in raising wheat, pork, corn, and all those things; but I do not think it would be right. Nor do I think it is wrong for the railroad companies to make this discrimination in favor of competing points. Why? It is known that the great body of the transportation of a railroad is its local transportation. Different railroads differ in regard to that; but the general rule is that the local transportation is 70 per cent. and the through transportation is 30 per cent., but in most cases it is 85 per cent. local and 15 per cent. through.

For the purpose of gaining a share of the through transportation from Chicago or Saint Louis or the great interior points, the railroads struggle for the through business, because whatever they can get from that source is so much added to their income without much increasing their expenses. They struggle for it and make competition and make the lowest rates of transportation; but if you relieve them from that necessity and make a mandatory iron rule by which they shall charge no more from Chicago than from Fort Wayne or other places it will raise their rate, and they will stand by that rate and say that "Congress, composed largely of our fellow-citizens from Western States, compel us to do it in order to live." That would be the effect of it; and I do not think that any railroad man who hears me or any man accustomed to their mode of business would think otherwise.

I have heard the remark made in the course of this debate that the railroads would not carry wheat for less than it would cost them. No, but it must be remembered that in speaking of the whole cost of a railroad you must take into account the interest on their bonds; you must take into account all of what are called in technical phrase fixed charges, charges which can not be avoided, not only the running expenses and interest upon their debt, but fair dividends to their stockholders, proper improvements and additions to their equipment. When they are contesting for the trade in Chicago they can dispose of the fixed charges for the competition and say, "If you can get a portion of the through freight from Chicago we can afford to carry it at a reasonable profit on the actual running cost." I hope Senators will understand the difference between them.

The running cost of a railroad is the cost of the wear and tear of railroad cars, the wear and tear of machinery, the pay of the engineer and the brakeman, and that is about all. If they can get from this through traffic, which gives to the West an enormous benefit over our traffic, simply a compensation for their running charges or a reasonable profit, they will compete until they get their share of it. That is all there is about it. But if, on the other hand, they shall not be permitted to do that, but shall charge as much under all circumstances from Chicago through to New York as from all the intermediate points, as a matter of course they will first make a rate which they think is just and fair for their local stations, and then they will put Chicago at the same rate, and if you complain they will point to your own law as a justification and an excuse for it. There can be no doubt about it.

There is another thing I heard my friend from North Carolina [Mr. VANCE] was very much troubled about—pooling. Pooling sometimes reduces rates; sometimes it may be made to increase rates. Where there is but a small transportation, as on the failure of a crop or the like, the freights have fallen off largely, and then pooling prevents competition, because there is not enough business for all the competing roads; but when there is a great crop as there was two or three years ago, or whenever there is a great crop, using all the equipments and machinery of all the competing roads, as a matter of course pooling is beneficial, because they are enabled then at less cost to divide the business among them. On some roads it may be best and most economical to run all the wheat, on another road it may be best to run all the cattle, and they divide the freight by arrangement between them, some carrying one article, some another, according to the grades, the equipments, the nature of the road, and a thousand circumstances which enter into it. In such cases the pooling arrangement is a beneficial one, and instead of adding to the cost it actually diminishes it. So if we attempt to impose upon these companies an absolute iron rule which would prevent pooling in all cases, it might defeat the object of this bill.

Mr. President, I do not propose to go any further in the discussion of the Reagan bill. I have no doubt that the general rules laid down by it are right. I respect the desire of the Senators who seek to pass it, but I say it will not accomplish the object they seek to gain, but, on the other hand, it will add to the burdens of all the Western people by compelling railroads to charge them local rates substantially. It will prevent railroads from making such arrangements with each other as will enable them to run cheaply and successfully all the vast products of this country. It will compel a discrimination in many cases, because where a railroad has an advantage by physical law, as the New York Central Railroad has an advantage by physical law, having a lower grade, if they are all compelled to charge the same rate at all times, it gives to the road having physical advantages a great advantage over another road that has had to overcome mountains and cross valleys.

Now, a few words in regard to the Senate bill. The Senate bill goes upon the idea of a board of arbitration. I think if I had been called upon to frame a bill I should have called it the board of arbitration instead of a commission. But a name is nothing in a matter of this kind. What is the theory of the Senate bill? We know now that the freight charges and the regulations of railroads are generally made by a little congress of five or six people chosen one from each of the great railroads. They meet at Chicago, or at the Fifth Avenue Hotel, or some other place where it is convenient and pleasant, and they sit down and make laws which affect every person in the United States. Sometimes they discriminate against persons, sometimes against places. They make unreasonable rates from particular localities, they make discriminating rates against certain articles, they lower rates in regard to other articles not founded upon any reason:

In other words, as I have heard one of them say, they put such rates as the market will afford without much respect to their equity. They are compelled to do it. They are legislating for a local corporate interest. Unquestionably in doing this they often do injustice by their discrimination, and the people complain all over the country. The people say, "We ought to have redress." Take a town in Ohio, where the people say, "Our charges are more than another neighboring town where there is more competition." That is wrong, and everybody says it is wrong, but what is their redress? A suit in the courts against a great railroad corporation. The suit under the Reagan bill would be the merest farce, to enforce a penalty of three times the amount involved.

On the other hand, the bill of the Senate provides for a board of arbitration, not a little local court whose opinions would not be respected by the corporation or anybody else, but a high tribunal composed of men equal in dignity to the Supreme Court of the United States. There any citizen may seek his redress; any town may make its plea. That tribunal, in the terms of the bill, is armed not with the power of issuing execution but armed with the moral power of the people of the United States. A complaint is made in the name of the people, under this proposed law, before this tribunal of nine distinguished judges, among the best in our country, who ought to be non-partisan in their character, because the bill I believe provides for that—men of the highest type, who are not interested in the subject-matter. The complaint is sent to that tribunal and they hear it in a summary manner, as they could rapidly do, and they would say at once, "This discrimination is unjust; it is wrong; we pronounce it to be, in the language of the law, extortion." Now, no railroad will submit to that. No railroad would violate in a plain case the injunction of this high tribunal, because if they did the decision of the tribunal would be certified to the proper officers of the Government, and, armed with this decision, with the facts and circumstances of the case and the opinion of the court, the parties complaining would apply to the courts of law.

The only reason, I suppose, why the commission is not armed with the power of judgment and execution is that under the Constitution they can not be. They are not a court, in the true sense of the word. They might be created a court if necessary, but I think the general judgment of the people would be against that. If they were constituted a court they would be judges for life, and these are to be men in active life, able to work, able to take testimony and to hear causes. In other words, they ought to be men of such activity that they can travel around through their respective circuits, receiving complaints and hearing complaints so far as they are authorized to hear them. The moral powers of such a commission would be greater than the judgment of fifty State courts, which can not be supervised.

With the exception of the provision about the long haul and the short haul I say that the Senate bill contains every safeguard, every restriction, every provision against injustice that is contained in the Reagan bill. Its language against discrimination is as strong as that in the Reagan bill. It does not prescribe as an absolute rule that the charges should not be in any case that may be conceived less on the short than on the long haul, but it does provide that the charges shall be reasonable, and it is authorized to pass and report upon the question as to how far rules may be prescribed in the future. I only utter the language and repeat the very admirable statement made by the Senator from Alabama [Mr. PUGH], when I say that it contains more wide-reaching provisions that will command the respect of the railroads and command enforcement and execution than the Reagan bill.

The more I study it I regard it with more favor. At first I feared it was not strong enough, but I believe now that it contains the foundation of a code which will be built up by the railroad commission into a body of laws as the commercial law of England was built up by the masterly ability of Chief-Justice Holt and Lord Mansfield. It has been said over and over again that the commercial laws of that time, without the aid of acts of Parliament, were built up by judicial decisions by those great men in a time when commerce was reviving over the country. All the laws relating to bills of exchange and promissory notes and a vast field of commercial law were the dictate of judicial decision. I believe that this commission, if composed of such men as it ought to be, will be able from time to time to frame such rules and regulations.

Mr. MCPHERSON. Will the Senator from Ohio yield for a question?

Mr. SHERMAN. Certainly.

Mr. MCPHERSON. The statement that he makes, found in the Senate bill, that the commission will have the power to determine as to the reasonableness of rate, gives them the power to fix rates, does it not?

Mr. SHERMAN. They are authorized by the general phraseology of the bill not only to say what rates are reasonable, but to prescribe rules and regulations. Indeed, their field is as broad as the power of Congress. Whatever can be done under the authority to regulate commerce can be recommended by the commission.

Mr. MCPHERSON. Then the Senator places it a good deal stronger than my language did. Their power is undisputed; it is not restricted in any particular at all; the discretion of the commission is the only thing in the world that is to govern the rate. The rate must be reasonable. It must depend entirely upon the judgment of the commission whether the rate is exorbitant or reasonable. Let me ask the Senator if he thinks there is any power lodged in Congress, under the Constitution of the country, to so regulate common carriers as to fix the rates upon which they shall do business?

Mr. SHERMAN. I say that their decision is not final, because if they should decide, a railroad company is not bound to obey their decision. Therefore a suit may be commenced in the proper tribunal, and the court would decide that question, so that after all it is their moral power and influence that will be most operative.

Mr. MCPHERSON. Very true; but if the Senator will bear with me a moment longer, the bill gives the commission power to fix the measure of damages resulting to the aggrieved party. He may appeal to the court from the judgment of the commission.

Mr. SHERMAN. There is no judgment rendered.

Mr. MCPHERSON. After all, the commission have the power to fix the rates and determine their reasonableness. Now let me present another question to the Senator.

Mr. SHERMAN. I trust the Senator will not interfere now. I shall be through in five minutes, if he will let me proceed.

Mr. MCPHERSON. I should like to ask the question, because it touches on this matter.

Mr. SHERMAN. I did not hear any question put to me. I waited for a question.

Mr. MCPHERSON. Very well; I shall wait.

Mr. SHERMAN. If the Senator will put the question and not premise it with an argument I shall answer it with pleasure.

The experience of the States shows that the form of a commission here proposed is the best. We have a railroad commissioner in Ohio who has but very little power, and yet his influence has been good. In many of the States they have commissions very much like the commission proposed in the Senate bill, and the experience in every one of them has been favorable in securing the rights of the people. What has been adopted by the States in regard to their local commerce might well be followed by the United States in regard to the broader field of interstate commerce.

Again, the bill is merely tentative, inquiring, experimenting, pushing forward. No man ought to deal with a great question like this with a broad-ax or prescribe rules that have many exceptions to them. It is far better to proceed by tentative, slow, and progressive acts, until finally we shall have a railroad code established in this country after a few years' experience.

Then, besides, it is cheap and easy. Every man can be his own lawyer in this business. He writes an intelligent statement of his grievance to intelligent men, and if they require evidence to fortify his statement they can require it to be given and it will be given cheaply and plainly. The facts may not be disputed.

Then it will apply uniform rules throughout the United States. These rules are made by national authority, while if the rules governing railroads as to what is a reasonable charge are to be decided by legal tribunals, we have thirty-eight different decisions, all differing, and no one having any force beyond the limits of the State line.

Mr. President, this proposed law is based upon general principles which apply to the whole country and not merely to localities, and it will be, therefore, respected and observed, while the laws of one State will not be respected or observed in another, and the decisions of the courts in one State will not be respected and observed in others. It is based upon general principles.

Then it allows a just leeway for exceptions. There is no rule stated in either of these bills that has not some exceptions. I could give them almost from my own knowledge of railroads. Then on the question of discrimination I could point out cases where discrimination would be justified, although this prohibits it in all cases. That is probably a strong case. The rules ought to be universal; but as to the long haul and short haul I can see exceptions; as to pooling I can see exceptions, and they are exceptions that may be defined properly by experience, and we shall have that experience in the various complaints that will be made to this commission. I say it is better for the protection of the railroads themselves.

Indeed, I think the time has fully come when the railroad corporations of the country ought to be placed under the ægis of the law. Unless this is done I believe railroad property will be like plank-road property, or turnpike property, or canal property, it will disappear from among the properties to be bought and sold unless it is protected from some of the abuses that occur in nearly all the great railroad systems of the country.

I think, therefore, in every way in which I can view this bill it will be beneficial to the people East and West, North and South. I believe it will be beneficial to the owners of the railroads, the stockholders, and the men who have put their money in them. It will tend to curb and control and limit the powers of the men who now govern them with absolute sway.

In every view of it, therefore, I think the Senate bill is better than the Reagan bill, and although much popular favor has been enlisted from time to time in favor of the Reagan bill because it is a bill that deals with the question—that is all—not because they understand its provisions or favor them, but because it grapples with and deals with the railroad corporations. I say the Senate bill does more. It not only grapples with them, but it lays the broad and deep foundation for an admirable system of railroad law, which in my judgment will govern all the railroads of the country.

Mr. KENNA. Mr. President, it has been many years since any question under discussion before the Senate has given rise to so great a divergence of thought and diversity of argument as that now under consideration. It seems to me, and I am not sure I am correct in that presumption, that the question has been made to present difficulties which do not properly belong to it. We have before us for consideration two bills, one involving a commission, the other bill aimed directly at the evils alleged to exist. Both bills in their respective theories are based on the assumed power of Congress to deal with the subject. While the exercise of that power is vigorously resisted, I concur in its assertion. I desire briefly to call attention to a general line of declarations by a number of decisions of the Supreme Court of the United States touching the subject and to state my own position in favor of the fullness of the power of Congress over it.

In the early case of Gibbons *vs.* Ogden, reported in 9 Wheaton, page 195, Chief-Justice Marshall said, in delivering the opinion of the court:

> But in regulating commerce with foreign nations the power of Congress does not stop at the jurisdictional lines of the several States. It would be a very useless power if it could not pass those lines. The commerce of the United States with foreign nations is that of the whole United States; every district has a right to participate in it. The deep streams which penetrate our country in every direction pass through the interior of almost every State in the Union, and furnish the means of exercising this right. If Congress has the power to regulate it, that power must be exercised whenever the subject exists. If it exists within the States, if a foreign voyage may commence or terminate at a port within a State, then the power of Congress may be exercised within a State.
>
> This principle is if possible still more clear when applied to commerce "among the several States." They either join each other, in which case they are separated by a mathematical line, or they are remote from each other, in which case other States lie between them. What is commerce "among" them, and how is it to be conducted? Can a trading expedition between two adjoining States commence and terminate outside of each? And if the trading intercourse be between two States remote from each other, must it not commence in one, terminate in the other, and probably pass through a third? Commerce among the States must of necessity be commerce with the States. In the regulation of trade with the Indian tribes the action of the law, especially when the Constitution was made, was chiefly within a State. The power of Congress, then, whatever it may be, must be exercised within the territorial jurisdiction of the several States.
>
> The sense of the nation on this subject is unequivocally manifested by the provisions made in the laws for transporting goods by land between Baltimore and Providence, between New York and Philadelphia, and between Philadelphia and Baltimore.
>
> We are now arrived at the inquiry, what is this power? It is the power to regulate—that is, to prescribe—the rule by which commerce is to be governed. This power, like others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. These are expressed in plain terms, and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

Mr. Justice Johnson, in an opinion delivered in the same case, page 225, supported by the decision of the court, said:

> The "power to regulate commerce," here meant to be granted was that power to regulate commerce which previously existed in the States. But what was that power? The States were, unquestionably, supreme; and each possessed that power over commerce which is acknowledged to reside in every sovereign State. The definition and limits of that power are to be sought among the features of international law; and, as it was not only admitted but insisted on by both parties, in argument, that, "unaffected by a state of war, by treaties, or by municipal regulations, all commerce among independent States was legitimate," there is no necessity to appeal to the oracles of the *jus commune* for the correctness of that doctrine.
>
> The law of nations, regarding man as a social animal, pronounces all commerce legitimate, in a state of peace, until prohibited by positive law. The power of a sovereign State over commerce, therefore, amounts to nothing more than a power to limit and restrain it at pleasure. And since the power to prescribe the limits to its freedom necessarily implies the power to determine what shall remain unrestrained, it follows that the power must be exclusive; it can reside but in one potentate; and hence the grant of this power carries with it the whole subject, leaving nothing for the State to act upon.

And, Mr. President, following the line of decisions of the Supreme Court, it seems to me to be settled by that tribunal that it makes no difference what agencies operate in the conduct of commercial intercourse. The power attaches according to the classification of the subject. If that be interstate in its character, Congress has the power. If it be confined wholly within a single State, power over it remains in the State. In the case of the State freight tax (15 Wallace, page 275), this proposition is laid down, I think, with sufficient clearness. I read from the opinion of the court:

> Beyond all question the transportation of freight, or of the subjects of commerce, for the purpose of exchange or sale, is a constituent of commerce itself. This has never been doubted, and probably the transportation of articles of trade from one State to another was the prominent idea in the minds of the framers of the Constitution when to Congress was committed the power to regulate commerce among the several States. A power to prevent embarrassing restrictions by any State was the thing desired. The power was given by the same words and in the same clause by which was conferred power to regulate commerce with foreign nations. It would be absurd to suppose that the transmission of the subjects of trade from the State to the buyer or from the place of production to the market was not contemplated, for without that there could be no consummated trade either with foreign nations or among the States.
>
> In his work on the Constitution Judge Story asserts that the sense in which the word "commerce" is used in that instrument includes not only traffic, but intercourse and navigation. And in the Passenger cases it was said: "Commerce consists in selling the superfluity, in purchasing articles of necessity, as well productions as manufactures, in buying from one nation and selling to another, or in transporting the merchandise from the seller to the buyer to gain the freight." Nor does it make any difference whether this interchange of commodities is by land or by water. In either case the bringing of the goods from the seller to the buyer is commerce. Among the States it must have been principally by land when the Constitution was adopted.
>
> * * * * * * * *
>
> However this may be, the rule has been asserted with great clearness that whenever the subjects over which a power to regulate commerce is asserted are in their nature national, or admit of one uniform system or plan of regulation, they may justly be said to be of such a nature as to require exclusive legislation by Congress.

And in the Missouri case, reported in 1 Otto, page 280, the same proposition is discussed:

> Commerce is a term of the largest import. It comprehends intercourse for the purposes of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of one country and the citizens or subjects of other countries and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted.

Mr. BAYARD. From what case does the Senator read?

Mr. KENNA. Welton *vs.* State of Missouri.

> So far as some of these instruments are concerned, and some subjects which are local in their operation, it has been held that the States may provide regulations until Congress acts with reference to them; but where the subject to which the power applies is national in its character, or of such a nature as to admit of uniformity of regulation, the power is exclusive of all State authority.
>
> It will not be denied that that portion of commerce with foreign countries and between the States which consists in the transportation and exchange of

commodities is of national importance, and admits and requires uniformity of regulation. The very object of investing this power in the General Government was to insure this uniformity against discriminating State legislation.

It does not matter, according to these decisions, that the agency which conducts commerce, that the agency which transports the commodities of any State to be exchanged for those of another, shall operate wholly within a State or within many States. The case of the Daniel Ball, reported in 10 Wallace, page 565, thoroughly establishes this position. The Daniel Ball was a steamer plying on Grand River, Michigan, wholly within the State, not running in connection with any line of transportation by land, or by water, or any continuous line, nor by arrangement with any line, but acting independently wholly within the State and upon water within the State exclusively.

In this case—

Said the court—

it is admitted that the steamer was engaged in shipping and transporting down Grand River goods destined and marked for other States than Michigan, and in receiving and transporting up the river goods brought within the State from without its limits; but inasmuch as her agency in the transportation was entirely within the limits of the State and she did not run in connection with or in continuation of any line of vessels or railway leading to other States, it is contended that she was engaged entirely in domestic commerce. But this conclusion does not follow.

So far as she was employed in transporting goods destined for other States, or goods brought from without the limits of Michigan and destined to places within that State, she was engaged in commerce between the States, and however limited that commerce may have been, she was, so far as it went, subject to the legislation of Congress. She was employed as an instrument of that commerce; for whenever a commodity has begun to move as an article of trade from one State to another, commerce in that commodity between the States has commenced. The fact that several different and independent agencies are employed in transporting the commodity, some acting entirely in one State and some acting through two or more States, does in no respect affect the character of the transaction. To the extent in which each agency acts in that transportation it is subject to the regulation of Congress.

Mr. President, it makes no difference, according to the same line of authorities, that the agency did not exist when the Constitution was adopted. The distinction between commerce and the agency which conducts it is pointedly marked through the whole line of decisions. In a case decided not very long ago, reported in 6 Otto, coming from Florida, a case, by the way, in which a Senator now on this floor was one of the counsel, Chief-Justice Waite, delivering the opinion of the court, makes the following presentation:

Congress has power "to regulate commerce with foreign nations and among the several States" (Constitution, Article I, section 8, paragraph 3); and "to establish post-offices and post roads" (*Id.*, paragraph 7). The Constitution of the United States and the laws made in pursuance thereof are the supreme law of the land. (Article VI, par. 2.) A law of Congress made in pursuance of the Constitution suspends or overrides all State statutes with which it is in conflict. Since the case of Gibbons *vs.* Ogden (9 Wheat., 1) it has never been doubted that commercial intercourse is an element of commerce which comes within the regulating power of Congress. Post-offices and post-roads are established to facilitate the transmission of intelligence. Both commerce and the postal service are placed within the power of Congress, because, being national in their operation, they should be under the protecting care of the National Government. The powers thus granted are not confined to the instrumentalities of commerce or the postal service known or in use when the Constitution was adopted, but they keep pace with the progress of the country and adapt themselves to the new developments of time and circumstances. They extend from the horse with its rider to the stage-coach, from the sailing vessel to the steamboat, from the coach and the steamboat to the railroad, and from the railroad to the telegraph, as these new agencies are successively brought into use to meet the demands of increasing population and wealth. They were intended for the government of the business to which they relate at all times and under all circumstances. As they were intrusted to the General Government for the good of the nation, it is not only the right but the duty of Congress to see to it that intercourse among the States and the transmission of intelligence are not obstructed or unnecessarily encumbered by State legislation.

We are all aware of the fact that the power conferred upon Congress by the commercial clause of the Constitution was conferred for the very purpose of preventing improper and embarrassing discriminations by the States. To admit for one moment that the power was conferred by the States upon Congress for the purpose of preventing and setting a perpetual bar against invidious action by the various States of the country upon a subject in which all were greatly concerned, and on the other hand to assert that a State may do by the charter of corporations what it confessedly can not do by direct legislative enactment, would be an abandonment of the whole prerogative of Congress conferred by the commercial clause of the Constitution. It would do more. It would construe the clause to divest the States of the power, and yet concede to the States the right to confer it on railroad corporations; thus, on the other hand, wresting it from Congress, and thereby, Mr. President, grave as the assertion may appear, surrendering absolute control of the interstate commerce of 50,000,000 of people to quasi-public and quasi-private, but in either event equally irresponsible, corporations.

This startling conclusion, I assert, is the deliberate object of those who boldly deny the power of Congress over interstate commerce. And this object would be equally accomplished if it be conceded for a moment that because an agency operates wholly within a State Congress can not reach it. What an anomaly! A railroad, for instance, runs wholly within a State; therefore, these corporations tell us, Congress can not act. But that same railroad carries freights passing from one State to another. This is interstate commerce; therefore the State can not act. Mr. President, that will not do. The power to regulate interstate commerce is as plenary in Congress as the control over purely local or State commerce is supreme in the State. I have preferred in presenting my views on this interesting question to employ the language of the courts, because it is apt and adds to argument the weight of authority.

Congress having the power, then, what is the demand for legislation on the subject? It has been said here that the demand is popular; that it is practically universal; that it comes from every quarter. I have satisfied myself by some observation on the subject that these demands have come from very important sources. A number of the Legislatures of the States have demanded this legislation, among them New York and Pennsylvania. The National Board of Trade has demanded it. Boards of trade and chambers of commerce throughout the country have urged it. The Grain-Receivers' Association—here let me remind the Senator from Ohio [Mr. SHERMAN], who illustrated his opposition to this bill by reference to its supposed injurious effect upon grain shipments from Chicago—the fact is that the Grain-Receivers' Association of Chicago has demanded legislation in this very line. The Millers' Association of Cincinnati, the Produce Exchange of New York, the national and local boards of trade throughout the country, and merchants and citizens everywhere have appealed to Congress for national intervention.

Why is it that legislation is demanded? Why is it that a country like this, which owes so much in the last half century of its development, of its greatness, of its prosperity, to railroad enterprise alone, should thus early in the history of that development and enterprise be demanding that the strong hand of power be placed on these agencies to restrain them? The demand is not unreasonable. It can not be. It comes from intelligent sources. It emanates from patriotic citizens, who would no sooner do injustice to railroad enterprise than that of the individual.

Take my own State as an illustration—with its coal and salt and its iron and oil, with its magnificent timbers of every variety covering the whole face of the earth, natural resources which have become familiar everywhere—dependent as we necessarily must be for an indefinite period upon railroad enterprise not only already undertaken by the great trunk lines that traverse our State, but which is to come in the future, wrapped up as we are and as we must be in present and prospective railroad development, why is it that West Virginia should be in sympathy with this proposed legislation? Mr. President, there is a reason for it somewhere. It is not the development of a native instinct of hostility to railroads or to capital or to corporate interests.

I do not refer to unreasonable clamor. I do not refer to that spirit of demagogism which would take the rostrum to array honorable and honest sentiment unjustly against capital or against men in all the forms of their activities and their successes. Not at all. I take no share in that. Legitimate enterprise must be respected and protected. Success in life is a goal at which we all are striving. They who reach it legitimately, under the providences of God, I bid enjoy it legitimately, and I will never raise the hand or the voice to injure or detract them.

It is not that; it is not passion; it is not impulse; it is a growing, deep-seated, well-founded, determined sentiment of a free people, who, for cause, insist that there should be somewhere found the power to restrain unrestrained and unlicensed corporate power. Why, sir, if there were no such demand, if there were no immediate cause for such demand, as we are in the habit of saying in the courts, on the very face of the papers, legislation in a conservative and reasonable spirit ought to be had upon this subject.

What are these corporations? We all know the reasons, the human instinct common perhaps to us all, that led men in England to find in the doctrine of uses a device whereby to escape laws enacted for their restraint. We know the craving of the human mind after perpetual enjoyment. We know what the doctrines of primogeniture and estates tail meant. We know they were abolished for reasons familiar to the whole country, in accordance with the spirit of our institutions, in every State in this Union. But we have lived to see the day in which another form of perpetuity has come to life—corporations which never die, corporations which live forever, and which do not fail—I do not discuss or reflect upon motive—to find advocates upon this floor, as upon the floor of every legislative body in this great country, ready to advocate any theory they put forward for the maintenance of their prerogatives, even in defiance of the interests of the public and of the powers of the state!

They never die. It is true that sometimes they "shuffle off this mortal coil," a receivership is established, a temporary proceeding resorted to, but it is only the process by which they put on immortality. One hundred and twenty-five thousand miles, some Senator stated today to be the length of the railroad tracks in this country. One hundred and twenty-five thousand miles was the statement of the mileage of railroads in this country some months ago. I saw last night the most recently tabulated statement, by companies and ownership, which I have met with anywhere, and it places the railroad mileage of the United States at something over 143,000 miles! It would reach nearly six times around this earth; and the capital invested in it, according to the statement of railroad authorities before your committees investigating these subjects recently, amounts to $6,250,000,000—money enough if in unsevered national-currency notes to enable some mystic giant power

to take this world of ours in one hand and to wrap it and bind it thirty times around in greenbacks with the other.

Last year, according to the statement of Mr. Fink, who is said to be better informed on the subject than any other living man, these railroads collected in tariffs from the people of the United States $700,000,000. I need not deal in exact figures. Turn to the gross receipts of your Treasury from all sources—direct taxes, internal revenue, imports, sales of public lands—take them all, and at least 30 per cent. more was collected from the American people by railroad corporations in one year, the last year, than the total amount from every quarter collected by the United States Government. And this has happened under a system which has grown up without an enactment of Congress to regulate or control it. How startling is the fact. You have had your tariff wars, your factional fights, and your battles of trade; your national conventions to pass upon questions of taxation; but over and above them all has stood the law to control every power. Freemen are always jealous of the power of taxation. The strongest sentiments of American citizenship surround and guard the power, which is confided to human hands, to take from the citizen a portion of his earnings for public purposes. No bill can be enacted by the other House, or by this, touching the tariff that does not attract the earnest attention of the people of this country; no discussion can be had touching the internal-revenue system or elements of taxation in any form without affecting and to some extent agitating a large number of people in every section of this great country.

And yet a transportation system has grown to proportions which dwarf every acknowledged measure of human enterprise; which involves over $6,000,000,000 of invested capital; which carries over twelve billions of annual commercial values, and which drew from the people last year $700,000,000 in freights and tariffs, and this without the let or the hindrance of a law to control this stupendous power or to give it direction for the public good.

The Senator from Ohio [Mr. SHERMAN] stated this morning that this was only the beginning of legislation on this subject. I would thank God, sir, to see it begin. The Senator says in the same connection that without legislation, without the exercise of the power and the performance of the duty imposed upon Congress by the Constitution of this country, the railroad corporations are supreme. Then, Mr. President, they are supreme, for no such legislation exists. Can the people intrust such power to mortal hands? It can not safely be.

> Ye'll find mankind are unco weak
> An' little to be trusted;
> If self the wavering balance shake,
> It's rarely right adjusted.

Let us check that supremacy. Let us bring this great power into subjection to law. Outside of an act passed a few years ago to require them to water and rest their cattle on the routes between the great West and the East, I believe Congress has never laid its finger on the transportation agencies of this great continent. It has been attempted over and over again, and it has as often failed. I had some familiarity with the history of attempted legislation on the subject as far back as the Forty-third Congress. An act passed the House of Representatives March 26, 1874, which established a commission. I have not been able to find any record of it in the Senate. I have not been able to find what I understand to have been a pending amendment when the bill was last heard from, but on inquiry I have found that the bill actually reached the Senate of the United States. If it ever got further than the portal I have no information on the subject. That was a commission bill. In the Forty-fourth Congress another bill was introduced—half a dozen of them. The bills pending in that Congress gave rise to what is recognized to-day as the Reagan bill. What is now known as the Reagan bill is not, however, the original bill, nor is it any one of the original bills. Again, in the Forty-fifth Congress a number of bills were introduced. Some of those bills provided for commissions; some presented the idea contained in the Reagan bill with other provisions added; some contained ideas that are not in either bill. What is now known as the Reagan bill was reported to Congress, passed the House, and came to this body as a substitute for the original bill which was prepared by some lawyer, I believe, in Buffalo, N. Y. That was the origin of the Reagan bill. It passed the House of Representatives of the Forty-fifth Congress, came to the Senate, was referred to the Committee on Commerce, and there it died.

In the present Congress, as we are all aware, the bill has again passed the House. This is the third time the House has responded to the popular demand for action on this important subject. The last bill is before us. It is substantially the Reagan bill except that those provisions which undertake to regulate the transportation of passengers and to fix specific rates of charges therefor are interpolations. They are no part or parcel either of the Reagan bill as it originally existed or of its scope or theory. It might not be proper under the rules of the Senate to state where they found their origin, but they were no part of the original Reagan bill and did not emanate from its author.

Now, Mr. President, I favor legislation on this great subject. I do not accept that plan of legislation which is embraced in the Senate bill. I have not quite been able to get into my head what our friends mean by such proposed legislation. The first idea I ever acquired of law I derived from Blackstone. I have studied a good many law-books in the course of time, but I must express my surprise in the face of all I have been able to gather from the books when it is boldly asserted in the Senate of the United States that no enactment arising to the dignity of positive law can be made to reach this subject; that the subject is so great, so complex, so beyond the ordinary ken and ingenuity of common manhood, and the Senate so correspondingly ignorant, that there must be an invention, there must be a new device that will enable us to reach the object, and we are to have for the regulation of interstate commerce what Senatorial fertility of resource has denominated a "flexible law." Shades of departed lawgivers! explain to us by some process of inspiration what we are to understand by a "flexible law."

"Now you see it, and now you don't see it." I presume under the proposed flexible commission we are to go to these commissioners on Monday morning bright and early and ask them what the law is to-day. On Wednesday morning we go again and ask them what the law is that day, and on Saturday we may repeat the experiment. Mr. President, I mean no disrespect and no discourtesy to any Senator on this floor, but I have been unable to work myself up to any other conception than that a flexible law is a flexible absurdity.

Possibly the difficulty is met on the suggestion of the Senator from Arkansas [Mr. GARLAND], by striking out of the Senate bill all there was in it that was law of any kind and leaving it to establish a mere roving commission something after the fashion of our own committees, which we sent out a summer or two ago, the product of whose labors we have been discussing here for a month or more and with a likelihood of reaching similar practical results. If the Reagan bill be not a proper bill let it be defeated; but in so far as the Senate undertakes to deal with this great subject let it make law, let it make rule, let it enact something that will govern somebody somewhere, that somebody on earth can understand and know that he is bound by and must obey. Give us no "flexible" commission with "flexible" powers to mock the just demands of the public. Those demands are reasonable. They should find here a reasonable response.

Now a word or two about the provisions of the Reagan bill, and I shall not detain the Senate longer. The first section of the Reagan bill makes provision—

> That it shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad or by pipe-line or lines from one State or Territory to or through one or more other States or Territories of the United States, or to or from any foreign country, directly or indirectly, to charge to or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is by him or them charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same.

Equality of pay for equality of service—nothing more, nothing less. I desire to call the attention of Senators to one important consideration in connection with this very provision. I know more about the history of the origin of the Reagan bill than the proprieties of this body under the rules which prohibit reference to occurrences in the other House perhaps will permit me to say. I am sufficiently familiar with the Reagan bill and its origin to know that it never was intended to regulate passenger rates, it never was designed to regulate freights, it was never a part of its purpose to control the charges and rates of transportation anywhere in this country for interstate commerce or commerce of any kind whatever.

It was intended—and mark the declaration—to take from the railroad corporations of this great country the power which has been appropriated by them to regulate interstate commerce for the people. That was the design, that was the purpose of the Reagan bill, and I defy any gentleman anywhere to give it with propriety any wider scope or range. It has been misrepresented. It has been advertised as a dangerous meddling with the details of railroad affairs. It does nothing of the kind. It was never intended to do it. It is, I repeat, a resumption by Congress of a power to regulate interstate commerce which the Constitution confers upon Congress, and which the railroads have usurped and absorbed.

Why, sir, I am told that the rule of equality of pay for equality of service, provided by this section, may prevent a railroad company from opening markets to the products of this country that otherwise they can not reach. Some man will want to carry his lumber from Michigan to New York, they tell us. The railroad company fixes a tariff—makes it, in the language of Mr. Fink—all it will bear to carry that lumber to New York for consumption within our own boundaries. Some other gentleman associates with some Englishman or some Frenchman or some German or somebody somewhere for the shipment of lumber abroad to come in competition with foreign productions. It is all well enough for Mr. Fink in his testimony to state that if you require equality of service for equality of pay from the railroads you deprive the railroad company of the opportunity to make reductions in behalf of the foreign shipper in order to enable him to carry American commerce to the remotest corners of the earth; but I beg politely to inform that intelligent gentleman that that is no part of the functions of a railroad corporation organized by the invocation of the sovereign power of eminent domain, a power which belongs to the whole people, to be exercised only for the public good, and in whose benefits, in whatever form, those people are entitled equally and on equal terms to share. The very illustration given is the regulation of commerce with foreign nations. The

railroad company gives one shipper, with his foreign associates, terms which it denies to another. It thereby says to one that he may, and to the other that he may not, engage in foreign commerce. This is a power which the Constitution was designed to deny to the States and to confer exclusively on Congress, and which Congress can not, with decent regard to its commonest obligations to the public, abrogate in favor of the roads.

Sitting here to-day and for weeks I have failed as yet to hear submitted to the Senate by any Senator who has assaulted that clause of this bill an illustration of the hardship it will do to the railroad interests of the country which was not at the same time an illustration of the regulation by the railroads of commerce between this and foreign countries or between the States of this Union.

Take the case the Senator from Ohio [Mr. SHERMAN] uses as an illustration. The people of the great West, citizens of Chicago, or grain-dealers there, want to ship their grain to New York. The railroads fix a rate. Under this first clause the same rate must be charged to all persons for similar service.

In a common carrier, conducting a business affecting the public, with every element of power embraced in his charter, his very existence drawn equally from the people, the head and front and source of all power, this would strike the average conscience as a fair and reasonable requirement. But without this section, in the absence of this requirement, the road may give a living rate to one shipper and deny it to another, thus opening to one and closing to the other the great markets of the East. Why, Mr. President, the Legislature of New York can not do it. The Legislature of Illinois can not do it. All the Legislatures in the country can not do it, and its arbitrary achievement by the railroad companies is simply and boldly an arbitrary usurpation of the powers of Congress over commerce among the several States.

The second proposition of this bill is simply:

SEC. 2. That it shall be an unlawful act for any person or persons engaged in the transportation of property as aforesaid directly or indirectly to allow any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered as aforesaid by him or them.

That means exactly what the first section means, nothing more and nothing less. You shall not collect in the first instance unequally, you shall collect equally for equality of service, and having collected it, and by collecting it complied with the terms of the first section of this act, you shall not evade the law by handing half of it back. There is no possibility of a difference in the principle of the two provisions. The third clause is:

SEC. 3. That it shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the first section of this act to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads.

That only means that this law provides against its own evasion:

And it shall be unlawful for any person or persons carrying property as aforesaid to enter into any contract, agreement, or combination for the pooling of freights, or to pool the freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion of them.

I may not understand what pooling freights means. I have read a great deal about it; I have read what everybody who has testified before any of the committees has said about it. The Senator from Kentucky [Mr. BECK] reminds me that the State of New York does not allow pooling, even between ten canal-boatmen. It seems to me to be a plain proposition that a pooling of freights as between competing railroad lines—and that process never happens as between any others—is nothing more, was intended to be nothing more, and can in the nature of the transaction be nothing more than a combination to destroy competition as between carriers which may bring down the price of their services to the public to the ordinary level of supply and demand.

Mr. President, bearing in mind what this law means, divesting it of the mystery which has been made to surround it, and believing that it is right and proper that the people whose great commerce is transported, over 80 per cent. of it, now by rail should have the benefit in the handling of that great mass of material, of such competition as railroads have created, as railroad men have created by their voluntary investment in railroad enterprises, I have favored and defended this proposition in the interest of American commerce.

The fourth section is as follows:

SEC. 4. That it shall be unlawful for any person or persons engaged in the transportation of property as provided in the first section of this act to charge or receive any greater compensation for a similar amount and kind of property, for carrying, receiving, storing, forwarding, or handling the same, for a shorter than for a longer distance, which includes the shorter, on any one railroad or pipe-line; and the road of a corporation shall include all the road or pipe-line in use by such corporation, whether owned or operated by it under a contract, agreement, or lease by such corporation.

Here, Mr. President, is the bone of contention. It has made more controversy, has excited more hostility among railroad men, and, in my humble judgment, developed to higher degree the genius of invention in the attempt to cripple and destroy it, than any forty bills which have been presented to Congress in as many years.

In discussing this section of the bill I desire to present two propositions. One is the propriety of the section as it stands. The other is the impropriety of denouncing it upon a forced or false construction. Its enemies, instead of enabling its friends to perfect it and reach its object if it does not already do it, have entertained the Senate for two weeks and more by pointing out its anomalies and in my mind the exceptional illustrations of its effects. Here is the open declaration that under all circumstances the railroads are to be the judges of the propriety of charging a man as much for hauling a car-load four miles as they charge for four thousand. It is true they have already that power and it is true that this bill does not attempt to deprive them of it.

Under this bill they are not denied the power to charge as much for a short as for a longer distance, but the service being similar they can not charge more. Thus, as the first section requires equality of treatment as between individuals, this section at least limits the power of discrimination as between sections. Now, Mr. President, I make of this section an observation equally applicable to every clause of this bill—it is born of the injustice and wrong visited upon helpless people whose position has made them dependent upon single lines of road. It is no secret in this body, nor in this country, nor indeed has it been denied before your committees that in numberless instances discriminations so harsh and so merciless have been visited upon local traffic that through freights, where competition has effected reductions, have been carried for less than cost.

Mr. President, what does this mean? I repeat, sir, what does this mean? It means that in the handling of interstate commerce and imposing tariffs for its carriage in numberless instances one section by its helpless condition has been made to bear the burden of its own transportation and likewise that of the more favored locality. And to return to the illustration offered by the Senator from Ohio [Mr. SHERMAN]: If freight be carried from Chicago to New York at a given price, and from a point on the same line half the distance from New York a larger compensation be charged, what is this but a tax on the intermediate shipment in the interest of the Chicago shipper? But the Chicago shipper does not get the benefit of it in the end, because his wheat has already reached him from various intermediate stations in all the sections of country which feed his granaries and it has already borne the exactions. Grain in its very nature comes from the country stations.

It can not escape somewhere the heavy hand of the local rate, and thus, while before it reaches the consumer it has been taxed all it will bear, it has itself in the process of transportation been successively the victim and the beneficiary of local and of through rates. But the most serious aspect of the whole question, to my mind, is the utter, helpless, hopeless dependence of this commodity of interstate exchange upon the railroads for the exercise of a function for which it has a right under the Constitution to look to Congress. Who will deny, who can deny that in the absence of this section of the bill railroad tariffs may be so adjusted as to drive from a market a producer a hundred miles away, and surrender it in monopoly to another who is a thousand?

Who will deny that by the discriminations which this section at least in a measure prohibits the products of one locality or of one State may be landed in the market on the seashore at one tariff, and those of another three or ten times the distance away be brought there for a third the amount. And show me the genius who can devise a more effective method of controlling, regulating, making, or unmaking the interstate commerce of this country. This, with the other sections of this bill, is intended to divest the railroads of their power over the interstate commerce of the country, and relegate them to the legitimate performance of their functions as carriers for reasonable compensation according to supply and demand. It is intended to deny to the railroads the right to say to one citizen or one section, "I will build you up;" to another, "I will tear you down;" to one operator, "You may mine coal and live;" and to another, "You may mine and starve;" to one lumberman, "You may saw your logs and ship the product and sell it and thrive;" and to another, "You may saw yours, and it shall lie and rot in your yards." It is intended, in a word, and it undertakes no more, to divest the corporations of the power to take bodily possession of the business of the country and adapt that business to their own pursuits. My colleague [Mr. CAMDEN] in presenting his views of this feature of the bill to the Senate has employed the following vigorous and practical language:

There can be no more reason for a railroad charging more for half the labor than for twice the amount of labor than there would be for any other interest governed by the rules affected by machinery and labor, or than there would be for charging more for making one plow than for making two plows, or for a cart to charge more for carrying a load half a mile than it would for a mile over the same road; or for a hod-carrier to charge more to carry brick to the first story of a house than he would to carry the same brick to the second story over the same ladder by which he reached the first story. The cost of transportation to a railroad is measured by the wear and tear of the road and equipment and the expenses per mile for fuel and labor in moving the train; and there is no theory that I have ever seen advanced that satisfies my mind that these physical conditions are varied to any great extent per mile in proportion to the distance.

I am, therefore, fully persuaded that this is a wise provision.

The next section of the bill, Mr. President, is that which requires a schedule of rates to be posted open to general inspection and accessible to the public. The schedule is not allowed to be changed except upon five days' notice, with a pending proposition to allow it to be reduced at any time without notice. This suggestion is made to meet the ob-

jection that water lines might make sudden reductions, and the railroad, obliged to give five days' notice of a change, might be in the mean time seriously affected by its more fortunate rival for the trade. No harm can come from the reduction without the five days' notice otherwise provided for, but in the interest of fairness the fact of the reduction should be duly posted. If the general theory of the bill be defensible, this schedule is eminently so. It is simply the sentinel standing constant guard over the provisions and requirements of the bill to point the finger of exposure to their violation.

On the subject of the carriage of passengers I do not know whether the motion has been voted on to strike out the provision or not. I intended to vote to strike it out, and I shall certainly do so now if I have the opportunity. It is no part of the original scheme and purpose of the bill to regulate the price of carrying a man, woman, or child, or one ounce or pound of freight. The only limitation in it is the limitation of the price of the shorter to the price of a longer distance, and that is not to regulate the amount, not to regulate the value, not to affect the price, but to affect the relationship as between similar services rendered for shorter distances as against longer ones. The provisions of the bill which I have not discussed relate to penalties and the various features looking to remedies.

Mr. MAXEY. Will the Senator allow me?

Mr. KENNA. Certainly.

Mr. MAXEY. I wish to place on record somewhere the fact that the friends of the Reagan bill, without exception, voted against the clause fixing the rate of fare for the transportation of persons, and the provision was left as it is in the bill by the votes of the opponents of the bill.

The PRESIDENT *pro tempore*. The Senator from Texas, the Chair thinks, can not allude to the votes of any other body.

Mr. MAXEY. I am not alluding to anything except what took place in Committee of the Whole.

The PRESIDENT *pro tempore*. The Senator is quite in order then.

Mr. MAXEY. I thought I was. The Senator from Kentucky gave notice that he would call for a vote on that proposition when we got back into the Senate, so that we shall still have an opportunity of proving our faith by our works, and all who have said recently they will vote to strike that out can put their votes on record when we come back to the Senate.

Mr. BECK. I am not a very good parliamentarian, but I am afraid if the substitute offered by the Railroad Committee of the Senate is voted on in place of the House bill, I shall never be able to get that amendment into the Senate. I do not know how that is, but I am afraid that will be the way it will work. Therefore I am going to endeavor to move to strike out that part of it about the 3 cents a mile before the substitute comes to a vote.

Mr. ALLISON. I wish to call the attention of the Senator from Kentucky to the fact that he embodied in his amendment many more things than that clause relating to the charge per mile.

Mr. BECK. I did in the first instance, and therefore I give notice now that I will again endeavor to test that three-cents-a-mile provision for fear I may not get a chance in the Senate.

Mr. ALLISON. There will be no trouble about testing it.

Mr. KENNA. I have no doubt, apart from the fact that that provision of the Reagan bill is a departure from the original design of the bill itself, any gentleman will see the great injustice of the operation of it.

Mr. BECK. Allow me one word. If the amendment that I offered had carried—and it was lost by one vote only—it would have left the Reagan bill just as it was presented by the Senator from West Virginia when he was in the House, or when he was supporting Judge REAGAN in the presentation of it. They are both very familiar with the whole subject.

Mr. KENNA. And this diversion brings me to make an observation that I think is due to the spirit of the occasion. It was never designed by Judge REAGAN, as I have said, that this bill should regulate rates, that it should take hold of the business of railroads and manage it. It was intended to be moderate, conservative, and reasonable. I know that great and good old man. I have known him for years. I know his great capacity, and I know his great honesty and his great sense of fairness and of justice.

I know that there is not a human being on this continent who would be more loath than he to do violence or injustice even to a great corporation. This bill was never designed, I repeat, to fix the rates of the railroads in the management of their business, but as a restoration to Congress of its own appropriate power conferred upon it by the Constitution of the country to regulate the interstate commerce of 50,000,000 of freemen—that and no more. If any Senator will point out a manner by which the object can be better accomplished by other words than those which are employed, I for one will cheerfully support it. I deny that it has been suggested.

What the Senator from Texas says about voting on the amendment of the Senator from Kentucky to strike out the 3-cent clause brings forcibly to mind the attitude of the Senator from Ohio [Mr. SHERMAN] upon this subject. A half hour was spent by him discussing the "anomalous" provision of that part of the bill which gives jurisdiction to the State courts covered by the two simple words "or State." With the power on this floor which we have seen exhibited—sufficient at any moment to do with the bill as it pleases—it was easy at any time to strike out these two simple words and free the subject from all the embarrassment that an hour was taken to exhibit. Not a motion was made, not an effort to perfect or improve the measure, but a disposition all along the line, both actively and passively, to let it die the death.

Sir, it may die; I have no doubt it will die; I regard it as practically dead now, but I have made these observations upon it in order that I may be regarded as in at the funeral, and if I mistake not the temper of the American people on this great subject I shall be likewise in at its resurrection.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kentucky [Mr. BECK].

Mr. BECK. The yeas and nays were called for, I think. If not, I call for them now.

The yeas and nays were ordered.

Mr. HARRISON. I ask that the amendment be read again.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 5, line 26, after the word "substituted," it is proposed to insert:

Provided, That there may be a reduction of rates prior to the posting of such new schedule, but in such case the new schedule shall be posted as aforesaid within five days after such reduction shall be made, and said schedule shall also specify the date at which the reduction commenced.

Mr. BECK. The only purpose of this amendment is to obviate what the railroads complain of as a very serious difficulty in the House bill, if it stands unamended—that is, that unless the amendment prevails they can not make a change of rates in less than five days. They say that they may be in competition with railroads which are not embraced in the provisions of this bill, that they may be in competition with water ways not embraced in any bill, and that their competitors may reduce their rates and thereby take their business, while by an iron rule they would be unable to meet them for five days.

I have offered this amendment so as to allow them, if that condition of things occurs, to reduce their rates without notice, so that they shall not be embarrassed by the action of any competitor—to reduce them to everybody equally of course, to reduce them in accordance with the other provisions of the bill.

It is well known that every shipper of goods has to ascertain, before he knows what he can pay the producer, what it will cost him to transport those goods to the place where he expects to find a market; and there ought to be some stability in that regard so that he will not, if he has purchased his goods and is ready to start them, find the schedule double or treble or quadruple what the rates were when he made the purchase, which would change his venture from a profit to a loss.

But if the railroad finds itself with a competitor cutting under it, it is allowed to reduce its rates, neither hurting the shipper nor the producer, but in fact it is a benefit to both; and if it is a benefit to the railroads I desire to give the railroads that benefit. That is all there is in the amendment.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. Not knowing how he would vote on this amendment, I withhold my vote.

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were present, I should vote "yea."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL]. If he were here, I should vote "yea."

The roll-call was concluded.

Mr. KENNA. I was paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] being absent, I transfer the pair to him and vote "yea."

Mr. GARLAND. Then I am at liberty to vote, and I vote "yea."

Mr. CAMERON, of Wisconsin (after having voted in the negative). The Senator from Mississippi [Mr. GEORGE] is absent from the city. I am paired with him for to-day. I was not aware when I voted that he was absent. I withdraw my vote.

Mr. PLUMB. I am paired with the Senator from Louisiana [Mr. GIBSON].

The result was announced—yeas 46, nays 7; as follows:

YEAS—46.

Allison,	Fair,	Jones of Nevada,	Platt,
Bayard,	Frye,	Kenna,	Pugh,
Beck,	Garland,	McMillan,	Sawyer,
Butler,	Groome,	McPherson,	Sherman,
Call,	Hampton,	Mahone,	Slater,
Cockrell,	Harris,	Manderson,	Vance,
Coke,	Harrison,	Maxey,	Van Wyck,
Colquitt,	Hoar,	Miller of Cal.,	Vest,
Conger,	Ingalls,	Miller of N. Y.,	Voorhees,
Cullom,	Jackson,	Morrill,	Williams.
Dolph,	Jonas,	Pendleton,	
Edmunds,	Jones of Florida,	Pike,	

NAYS—7.

Chace,	Lapham,	Morgan,	Wilson.
Hawley,	Mitchell,	Sewell.	

ABSENT—23.

Aldrich,	Cameron of Wis.,	Hale,	Ransom,
Blair,	Dawes,	Hill,	Riddleberger,
Bowen,	Farley,	Lamar,	Sabin,
Brown,	George,	Logan,	Saulsbury,
Camden,	Gibson,	Palmer,	Walker.
Cameron of Pa.,	Gorman,	Plumb,	

So the amendment was agreed to.

Mr. BECK. I believe it is in order to go back to section 1. If so, I desire to move an amendment, after the word "discrimination," in line 27, to strike out down to and including the word "person," in line 31, being these words:

Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

I desire to avoid that question if I can by moving to strike out those words.

The PRESIDING OFFICER (Mr. MORRILL in the chair). The question is on the amendment proposed by the Senator from Kentucky, which will be read by the Secretary.

The CHIEF CLERK. In line 27 of section 1, after the word "discrimination," it is proposed to strike out all down to and including the word "person," in line 31, as follows:

Nor shall any railroad company or its officers charge to or receive from any person who is to be conveyed from one State or Territory into another any sum exceeding 3 cents per mile for the distance to be traveled by such person.

Mr. BECK. I simply desire to strike that clause out. It was no part of the original proposition of the friends of the bill; and there may be places such as the Saint Louis bridge where that limit would be regarded as wrong. And as the Senator from Alabama [Mr. PUGH] and others seem to have some constitutional scruples in regard to our power over that question, I do not care to have the House bill encumbered by anything that any one has any doubt about.

The amendment was agreed to.

Mr. INGALLS. Mr. President, in section 1 of the bill, in lines 24, 25, 26, and 27, I move to strike out all after the word "color," in line 24, down to and including the word "discrimination," in line 27, and on the motion to strike out I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays are called for on the amendment of the Senator from Kansas, which will be read.

The CHIEF CLERK. The words to be stricken out are, in section 1, after the word "color," in line 24, to the word "discrimination," in line 27, as follows: "and that furnishing separate accommodations, with equal facilities and equal comforts, at the same charges, shall not be considered a discrimination."

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). I am paired on this question with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "yea."

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. PLUMB (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay" on this amendment.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK (after having voted in the affirmative). I intended to vote "nay," but I am recorded "yea" by mistake. I am paired with the Senator from Maine [Mr. HALE] and his colleague [Mr. FRYE] advised me that upon this question Mr. HALE would vote "yea;" and as I would vote "nay" I withdraw my vote, being paired.

Mr. SAWYER. I am paired with the Senator from Oregon [Mr. SLATER]. I do not know how he would vote, and therefore I withhold my vote. I should vote "yea" if he were here.

The result was announced—yeas 34, nays 17; as follows:

YEAS—34.

Aldrich,	Dolph,	Jones of Nevada,	Platt,
Allison,	Edmunds,	Lapham,	Sabin,
Blair,	Fair,	McMillan,	Sewell,
Bowen,	Frye,	Mahone,	Sherman,
Butler,	Harrison,	Manderson,	Van Wyck,
Chace,	Hawley,	Miller of N. Y.,	Voorhees,
Conger,	Hoar,	Mitchell,	Wilson.
Cullom,	Ingalls,	Morrill,	
Dawes,	Jackson,	Pike,	

NAYS—17.

Bayard,	Hampton,	McPherson,	Vance,
Call,	Harris,	Maxey,	Vest.
Cockrell,	Jonas,	Morgan,	
Coke,	Jones of Florida,	Pendleton,	
Groome,	Kenna,	Pugh,	

ABSENT—25.

Beck,	Garland,	Logan,	Sawyer,
Brown,	George,	Miller of Cal.,	Slater,
Camden,	Gibson,	Palmer,	Walker,
Cameron of Pa.,	Gorman,	Plumb,	Williams.
Cameron of Wis.,	Hale,	Ransom,	
Colquitt,	Hill,	Riddleberger,	
Farley,	Lamar,	Saulsbury,	

So the amendment was agreed to.

The PRESIDING OFFICER. The question now is on the substitution of the amendment proposed by the Senator from Illinois [Mr. CULLOM] for the House bill.

Mr. WILSON. I desire to offer an amendment to be added to the amendment of the Senator from Kentucky which was adopted to the House bill. It is to come in at the end of the amendment adopted on his motion. His amendment applies to line 26 of section 5, on page 5. I move to add:

And such reduction of rates shall be granted to all persons without discrimination prior to as well as after the posting of said schedule.

I wish to say in explanation of the proposed amendment that under the operation of the amendment adopted on the motion of the Senator from Kentucky discriminations between shippers would be directly authorized, and in this way: Suppose that A should purchase a stock of goods in New York to be shipped to Lexington, Mo. The rate is a dollar a hundred. To-morrow B purchases a like stock of goods to ship to the same point. Under the operation of the amendment of the Senator from Kentucky a rate of 50 cents per hundred may be given to B; and that discrimination in favor of B against A would be authorized by that amendment unless the one I propose shall be added to it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa [Mr. WILSON] to the bill.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Illinois [Mr. CULLOM] as a substitute for the House bill.

Mr. CULLOM. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin (when his name was called). On this question I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, and I were at liberty to vote, I should vote "yea."

Mr. PLUMB (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. GIBSON].

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay."

Mr. SAWYER (when his name was called). I am paired on this question with the Senator from Oregon [Mr. SLATER].

The roll-call was concluded.

Mr. BECK (after having voted in the negative). I am paired, as I am reminded, with the Senator from Maine [Mr. HALE], and I withdraw my vote.

Mr. RIDDLEBERGER. I have been paired on the two bills with the Senator from Arkansas [Mr. WALKER], as has been before announced. I agreed within the last hour to have that pair transferred to the Senator from Colorado [Mr. BOWEN]. Therefore I vote "yea."

Mr. CALL (after having voted in the negative). I had agreed to pair with the Senator from Georgia [Mr. BROWN]. I ask leave, therefore, to withdraw my vote. If he were here, I should vote "yea" and he would vote "nay."

The PRESIDENT *pro tempore*. If there be no objection, the vote of the Senator from Florida will be withdrawn.

Mr. KENNA. My colleague [Mr. CAMDEN] is paired with the Senator from Arkansas [Mr. GARLAND].

The result was announced—yeas 34, nays 18; as follows:

YEAS—34.

Aldrich,	Hampton,	McMillan,	Platt,
Allison,	Harrison,	McPherson,	Pugh,
Blair,	Hawley,	Mahone,	Riddleberger,
Chace,	Hoar,	Miller of Cal.,	Sabin,
Colquitt,	Ingalls,	Miller of N. Y.,	Sewell,
Cullom,	Jackson,	Mitchell,	Sherman,
Dawes,	Jonas,	Morgan,	Wilson.
Dolph,	Jones of Nevada,	Morrill,	
Frye,	Lapham,	Pike,	

NAYS—18.

Bayard,	Fair,	Lamar,	Van Wyck,
Butler,	Groome,	Manderson,	Vest,
Cockrell,	Harris,	Maxey,	Voorhees.
Coke,	Jones of Florida,	Pendleton,	
Edmunds,	Kenna,	Vance,	

ABSENT—24.

Beck,	Cameron of Wis.,	Gorman,	Ransom,
Bowen,	Conger,	Hale,	Saulsbury,
Brown,	Farley,	Hill,	Sawyer,
Call,	Garland,	Logan,	Slater,
Camden,	George,	Palmer,	Walker,
Cameron of Pa.,	Gibson,	Plumb,	Williams.

While the result of the vote was being announced, Mr. CONGER addressed the Chair.

The result having been announced,

Mr. CONGER. I wish to know if my name is recorded.

The PRESIDENT *pro tempore*. The name of the Senator from Michigan is not recorded.

Mr. CONGER. I vote "yea."

The PRESIDENT *pro tempore*. The Senator rose before the Chair announced the result. The Chair will have his vote recorded though the Chair has made the announcement. The yeas are 35 and the nays 18. The amendment is agreed to.

Mr. BOWEN. I was requested by my colleague [Mr. HILL] to announce his pair with the Senator from Delaware [Mr. SAULSBURY], but I was not in at the time the vote was taken.

Mr. SEWELL. I desire to offer an amendment, adding a new section.

The PRESIDENT *pro tempore*. The Senator from New Jersey proposes an amendment. Does it apply to the original House bill or to the substitute adopted?

Mr. SEWELL. To the substitute.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add, as a new section:

SEC. 15. That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

Mr. SEWELL. I suppose it is hardly necessary to make an explanation of the amendment. It is intended to cover transportation routes going through Canada for merchandise between points in the United States. It may be that the matter is covered before, but it will not hurt to have this provision put in. We certainly ought to place Canadian lines on the same footing with our own.

Mr. HOAR. I should like to ask the Senator if the language would not include transportation down the Saint Lawrence River.

Mr. SEWELL. It alludes to transportation that originates on the lakes, and is delivered to Portland, in Maine.

Mr. HOAR. And does not relate to exclusively water transportation?

Mr. SEWELL. No.

Mr. HOAR. Then let it be read again.

Mr. SEWELL. The bill as it now stands regulates water transportation when in connection with railway transportation.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk read the amendment of Mr. SEWELL.

Mr. INGALLS. I ask the Senator from New Jersey how that would affect a road like the Grand Trunk, which has both its termini in the territory of the United States, Chicago being its western terminus, and Portland, Me., its eastern?

Mr. SEWELL. I will say to the Senator from Kansas that I drew the amendment with special reference to such roads, so that they shall come under the provisions of our laws, and have our laws applied to them.

Mr. INGALLS. There ought to be some limitation as to the tide-water points. If the terminus of a road is at tide water in the United States, that is one thing; if it is in Canada or Nova Scotia it is another.

Mr. SEWELL. Why should we not apply the same rule to that conveyed from their tide water that we do to our own?

Mr. INGALLS. How we can make a law of Congress operative in Canada, is really past my comprehension.

Mr. SEWELL. If the point of shipment is in our territory why should we not apply our law to it? The Grand Trunk does business in this country by permission of an act of Congress. It could not do it possibly except for the special permission in relation to the transfer of goods through the territory of Canada.

Mr. INGALLS. Very true; but this bill not only affects transportation between terminal points, but it affects transportation between local points. How you propose to apply the provisions of this bill to a road like the Grand Trunk and compel it to contract under its provisions from Chicago to a point in Canada, or from Portland going west to a point in Canada, I can not comprehend.

Mr. SEWELL. There is no intention to apply it to any local point. It will apply to freight carried from points in the United States to their tide water. It does not apply to local points at all.

Mr. CONGER. If this provision relates to water transportation on the lakes of freight that goes by rail to Chicago or Milwaukee or Detroit, whether the terminus of the water transportation is Buffalo or Erie or Cleveland or through the Welland Canal to Oswego or Ogdensburg or to the mouth of the Saint Lawrence, we might as well give up all protection to lake transportation by water. No such provisions as would apply to railroads can by any possibility be applied to water transportation on our great lakes without destroying the whole water transportation.

Mr. SEWELL. The Senator will permit me to ask if he does not understand that the bill applies to water transportation?

Mr. CONGER. I understand it; but there are pending amendments which I offered to strike out, in sections 12 and 13, whatever refers to water transportation. No one should vote hastily on this. He should consider how the passage of this bill, as applied to water routes on the great lakes, will destroy all water transportation and water communication and vessel property. No boat going upon the great lakes, on the common highway of the world, can be subject to the provisions of this bill as to freights being a carrier in common with railroads of freights from the Northwestern States to Duluth, and from there down the lakes or to Chicago or any other place. It is impossible to apply these rules and hold the carriers by water subject to these provisions without destroying the entire water transportation of the lakes and making those great expanses of the North a perfect wilderness so far as fleets are concerned.

I think it would be well for those who represent the carrying interest of products all around the lakes to pause before they vote for a proposition of this kind. There is pending, I believe, a motion to amend in two of the places, and the only two where water routes are mentioned in the bill, sections 12 and 13, if I have the numbers right, by striking out the reference to lake and water transportation.

Mr. SEWELL. My amendment can be adopted and then the Senator from Michigan can test the sense of the Senate on his amendment.

Mr. CONGER. So far as I am concerned, coming from the region of the great lakes, and representing as far as I may the vast interests connected with water transportation, which is the only security that can exist and does exist against excessive railroad charges, I am opposed to extending the terms of this bill to water transportation. When at the Straits of Mackinaw the passage is dammed up, there is at once an increase of from 15 to 45 per cent. in the cost of transporting the productions of the West, and so it remains until the summer's sun removes the obstacle. Now it is proposed to put each man that runs his barge or his boat, if he carries products which have come from inland, under the force of this law; to make every carrier on the lakes subject to the same provisions; and I say, without fear of contradiction, that it will destroy the commerce upon the lakes, and make vessel property, which has now been reduced in value to the lowest point where it can be run and pay expenses, utterly worthless, and it will put the whole Northwest at the mercy of the railroad companies. I can not vote for it upon any possible supposition that it may hereafter be changed without voting in direct disregard of the interests of my people.

Mr. INGALLS. I move to amend the amendment by striking out after the word "Canada" the words "to tide water or."

Mr. CAMERON, of Wisconsin. How will it then read?

Mr. INGALLS. My amendment is to strike out the words "to tide water or" after "Canada."

The PRESIDENT *pro tempore*. The Senator from Kansas proposes to amend the amendment of the Senator from New Jersey as will now be stated.

The CHIEF CLERK. In line 4 of the amendment it is proposed to strike out the words "to tide water or;" so as to read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from points in the United States through the Dominion of Canada to tide water or other points within the United States.

Mr. SEWELL. The effect of that amendment would be to secure a transportation line to tide water in Canada, in competition with all the lines in the United States, without coming under the provisions of this act, although the freight originated in the territory of the United States. You would give a free-lance in transportation to Canadian lines, and bind ours up.

Mr. CONGER. The railroad companies who have connecting lines running through Canada or across Canada west from Buffalo, and the Falls, are not Canadian companies, neither east nor west of the lakes or in Canada. The Grand Trunk company from Chicago to Port Huron is an organization chartered within the United States. It has a running connection with the Grand Trunk company of Canada. The company running from Portland to Island Pond in connection with the Grand Trunk has its own separate organization and name in Maine, New Hampshire, and Vermont; not a Canadian company at all, in charter or in control, though that it may be leased by or have running connection with the Grand Trunk of Canada. So far as the bill will apply as a law to railroads in the United States, it will apply to these companies as much as to any others.

Now, if it is claimed that by any process whatever we can exercise jurisdiction on any of the Canadian roads proper inside the Canadian territorial jurisdiction, I have yet to hear it claimed. I think no one will be foolish enough to assert that.

Mr. SEWELL. The Senator from Michigan will allow me to say that if it was not for an act of Congress or for certain regulations under an act of Congress allowing goods to be transported from the United States through Canada without having the cars unlocked, without having every package opened and examined, the roads in Canada would not be carrying American freights.

Mr. CONGER. We allow goods to pass in bond across our territory from China. Goods pass clear through the United States to England in bond, not examined, no duties paid. From New York goods pass through Canada into Michigan, then they pass by rail through Indiana and Illinois into Minnesota, and through Minnesota to Emerson and Saint Vincent on their way to Manitoba; and in the same way through the United States, through Canada, through the Northwestern States,

and into Canada again. If the Senator thinks that by any customs regulations we are to prevent the passage of products of the Northwest by the shortest and best route for New York and New England, that we are to legislate against the producers of every Northwestern State, as well as of every Eastern State, I am not with him in that class of legislation; and I do not wonder that those who are in the interest of the Southern routes should do, as was attempted in the House some years ago, bring in adverse legislation to the cheapest and most convenient routes of the producers of Michigan, Northern Indiana, Northern Illinois, all of Wisconsin, all of Minnesota, the northern part of Iowa, and a portion of Kansas. It was attempted to do that by adverse legislation to the use of roads passing through Canada. It met with opposition from every board of trade from away down East to Saint Paul, and all around the lakes; and this is another attempt in the same direction.

Mr. President, I had, as I supposed, pending on the Senate bill an amendment which I have marked here, to strike out in section 12 in the third line the words "and water" where it says:

That the route of any transportation company engaged in interstate commerce shall include all the railroad and water routes in use by such company.

I understand that to be pending, and before the last vote was taken I was called out for a moment, and had only time to get in and secure my vote by extra exertion. I had also pending another amendment in line 12 of section 12, to strike out the words "and partly by vessel" after the words "or partly by rail;" also in section 13, line 5, to strike out "or any vessel or vessels, in whole or in part;" in line 7 of section 13 to strike out "or any vessel or vessels," and in line 11 to strike out "and partly by water."

The PRESIDENT *pro tempore*. The Chair will state that under the rules and practice of the Senate no amendment is pending except that which is offered in order; and of course the Senator understands that there can be only two amendments pending at a time. All amendments that are given notice of by Senators have to be offered when the opportunity arises for proposing them. The Chair therefore thinks that the amendment proposed by the Senator from Illinois [Mr. CULLOM] was proper to be voted upon because no further amendment to that amendment had been offered.

Mr. CONGER. But these amendments of mine were offered—I say it with all due submission—to the bill, and were pending at the time the motion was made to substitute.

The PRESIDENT *pro tempore*. The Chair thinks there was a notice of an intention to propose them. That was in accordance with the practice of the Senate. They could not be offered and pending because only one amendment and an amendment to that amendment can be pending at the same time.

Mr. FRYE. There is nothing to prevent the Senator from offering them in the proper time now after this amendment is disposed of.

The PRESIDENT *pro tempore*. That depends on the question whether it is a motion to strike out what the Senate in Committee of the Whole has agreed to. If it is a motion to strike out what has been agreed to, it would not be in order until the bill comes into the Senate.

Mr. FRYE. He can do it then.

Mr. CONGER. There will be an opportunity in the Senate, as I understand.

The PRESIDENT *pro tempore*. When the bill shall be reported to the Senate the bill will be again at large, and every amendment the Senator from Michigan desires can then be offered.

Mr. CONGER. Then I make this statement to show the Senator from New Jersey that the provisions which are already in the bill may or may not be advisable. Is there any amendment pending, Mr. President—I mean any amendment in the second degree; any amendment to the amendment of the Senator from New Jersey?

The PRESIDENT *pro tempore*. There is one amendment to the amendment of the Senator from New Jersey pending, that offered by the Senator from Kansas [Mr. INGALLS]. The question is on the amendment proposed by the Senator from Kansas to the amendment of the Senator from New Jersey.

Mr. PLUMB. I wish to suggest an amendment which, while not now strictly in order, I am in hopes my colleague will accept in lieu of his.

The PRESIDENT *pro tempore*. The Senator from Kansas [Mr. PLUMB] asks to have read an amendment which he desires his colleague [Mr. INGALLS] to accept. If there be no objection, the proposed amendment will be read.

The CHIEF CLERK. In line 3 of the amendment of Mr. SEWELL, after the word "freight," it is proposed to insert:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

Mr. PLUMB. I think the words of limitation which the Senator from New Jersey has in his amendment referring to tide water as the objective point would prevent the realization of the expectation which he has in view.

Mr. SEWELL. I will say that I have no objection to the amendment the Senator from Kansas [Mr. PLUMB] suggests. If the other Senator from Kansas [Mr. INGALLS] will accept it I shall agree to it.

Mr. PLUMB. Montreal is the place of shipment for wheat, pork, and other articles coming from the West, and that is above tide water, and the point in Canada opposite Port Huron at which the Grand Trunk Railway terminates is also away from tide water. My amendment would also cover shipments into Mexico, and all transactions of any kind originating in the United States should be railroad transportation within the limits of the United States, which we have a perfect right to regulate under our power to control and regulate foreign and interstate commerce. So whether the shipments are made from a point in the United States to a point in Canada, or from the United States to a point in Mexico, or from a point in the United States through the Dominion of Canada to Chicago or Port Huron, or any point in the United States beyond the Dominion of Canada, this provision would cover it.

Mr. INGALLS. Permit me to ask my colleague if this language would not also cover water transportation from this country to England by ocean?

Mr. PLUMB. It would if this bill is designed to cover water transportation.

Mr. INGALLS. But the language of the amendment offered by the Senator from New Jersey is:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies.

That, of course, is the most comprehensive language that could be employed. It does cover water transportation, and therefore the language that my colleague employs, it appears to me, would cover ocean transportation.

Mr. PLUMB. Very well; that can easily be obviated by providing that it shall not apply to transportation wholly by water.

Mr. INGALLS. I think the differences of opinion on this question show the necessity of a commission more than we have ever known before. I withdraw my amendment and will accept the suggestion offered by my colleague. I am convinced that the one I offered will not carry out the design that I desired to accomplish.

The PRESIDENT *pro tempore*. The Senator from Kansas on the left of the Chair [Mr. INGALLS] withdraws his amendment. The Senator from Kansas in front of the Chair [Mr. PLUMB] offers an amendment, which will be again read.

The CHIEF CLERK. After the word "freight," in line 3 of the amendment of Mr. SEWELL, it is proposed to strike out the following words:

From points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

And insert in lieu thereof:

From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

So that the proposed section will read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment to the amendment of the Senator from New Jersey.

Mr. PLUMB. If this is to be opposed on the ground that it covers ocean transportation, about which I express no opinion, believing myself that the scope of this bill relates entirely to railroad transportation, I will ask unanimous consent to add that it shall not apply to transportation wholly by water. That will obviate the objection.

The PRESIDENT *pro tempore*. The Senator from Kansas has the right to modify his amendment, the yeas and nays not having been ordered.

Mr. SEWELL. I shall object to the modification.

The PRESIDENT *pro tempore*. The Senator from Kansas has the right to modify it.

Mr. PLUMB. I modify it by adding:

Provided, That this shall not apply to transportation wholly by water.

Mr. CONGER. I suggest to the gentleman to strike out the words "or transportation."

Mr. PLUMB. That can be settled afterward.

The PRESIDENT *pro tempore*. The modification made by the Senator from Kansas will be read. The amendment as modified will be read.

The CHIEF CLERK. The amendment as proposed to be amended would read:

That the provisions of this bill shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment, as modified.

Mr. SEWELL. I hope that last clause will not be adopted.

Mr. CONGER. Mr. President, one proposition will meet all the objections that could be made to including ocean transportation or lake transportation, by striking out the words "or transportation" after

"railroad," thus confining the section to railroad companies. This proviso leaves it still uncertain, because it may be construed to be where the freight goes partly by water and partly by rail; and, therefore, it will take all the lake transportation if it has railroad transportation connected with it. The Saint Lawrence is on tide water; the docks of Montreal are on tide water; therefore, if freight is carried on the Saint Lawrence and across the ocean to England or anywhere in Europe, if that construction was held, that, because the transportation was partly by rail, say from Omaha to Chicago and thence by water down the lakes through the Welland Canal and the Saint Lawrence, it could go to Europe, and the bill would apply to ocean and lake transportation.

The object the Senator has in view can be attained by striking out the words "or transportation" before "companies" and after "railroad." That would meet the whole case and confine it to railroads. I ask him to make that modification instead of adding the proviso.

Mr. PLUMB. I do not see why we should not regulate transportation that is partly by water and partly by rail. I can see a great many reasons why we should not regulate transportation by water alone, because transportation by water is free to all to engage in. Every man can put his boat on the Mississippi River or Lake Erie or Lake Michigan; but when we come to deal with transportation partly by rail and partly by water we may find that, for the purpose of protecting the interests of those companies whose transportation is wholly by rail and of shippers whose freight can be transported only wholly by rail, we ought to put our hands for the purpose of regulation on this mixed transportation. If a through bill of lading is made from New York to Port Huron, in Michigan, would the Senator say that because the freight crosses the water between an opposite point in Canada and Port Huron it ought to be exempted, or would he say that if it went from New York to Buffalo by rail and from thence by water to Saginaw it ought to be exempted from the provisions of this bill? If he would, then I should differ with my friend respectfully. It seems to me that in a case of that kind it would be interstate commerce, and not only interstate commerce, but interstate commerce of a kind that might need, and that *prima facie* would need, regulation and the oversight of the Government as much as any other class of transportation that we are to provide for.

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. If the Senator from Michigan will suspend for a moment, the Chair begs to call the attention of the Senate to section 2 of the amendment proposed by the Senator from Illinois, which was intended, as the Chair understands, to be the Senate bill. In the print of this amendment an error has been made, differing from the Senate bill in line 5. After the word "and," in line 5 in the Senate bill, was the word "to," and after the word "and," where it secondly occurs in line 5, was also the word "to." If the amendment agreed to by the Senate, proposed by the Senator from Illinois, were precisely like the Senate bill as it stood and as it was supposed to be intended, after the word "and" in both instances in line 5 of section 2, the word "to" should be inserted, so as to read:

All transportation companies engaged in interstate commerce, and to take into consideration and to thoroughly investigate.

If there be no objection those errors in the reprint of the amendment from the Senate bill will be corrected and the corrections stand as a part of the amendment. Is there objection? The Chair hears none.

Mr. CULLOM. I desire to say that section 2 as it stands in the bill was substantially the amendment offered by the Senator from Alabama, and I have no doubt that the words the President of the Senate has indicated should be there.

The PRESIDENT *pro tempore*. An examination has been made, and it has been found that that error has been made in the reprint. If there be no objection those two words will be inserted and stand as part of the amendment agreed to. The Chair hears no objection.

Mr. CONGER. Section 13 defines what shall be deemed transportation companies as provided for in this act; and if it remains as it is it controls every vessel running in connection with a railroad; and by the proposition here every vessel and every line of vessels on the lakes that carries any freight starting from beyond the water in the West or in the East will come under this bill. This says:

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels.

With the construction that is given to this bill in this section and in the next and in former sections, any freight which shall be taken by a railroad or by any intermediate transportation company or vessel or line of vessels comes under the absolute control of this legislation. It affects the prices to be paid every vessel that takes wheat from Iowa or Minnesota, at Chicago, having come there by rail, to any point in the East. I say it would be destructive of all vessel interests to establish these rules and these laws over vessels and their competitors that run upon the great lakes.

Mr. BLAIR. Will the Senator before he takes his seat elucidate that point a little? I do not understand it. This bill provides for the regulation of interstate commerce, and perhaps by the terms of it all commerce, by prohibiting extortion and discrimination, and it establishes a commission to prevent by its action this extortion and discrimination. It is only in that way that it undertakes to interfere with or to regulate commerce, whether foreign or domestic. Now I do not comprehend how it is that if the bill aims only at those two crimes, extortion and discrimination, which are practically made crimes, because they are attended with all those public evils that do attend crime, it is open to the objections that the Senator from Michigan urges simply because it embraces water transportation as well as railroad or land transportation. I do not comprehend that the American public are to be subjected to extortion when perpetrated by owners of single vessels or lines of water communication any more than when those same evils are perpetrated by companies that operate only upon land; and that they may accomplish the same great injury we all know to be a demonstrated fact. We know it in the case of the Oregon Navigation Company, of which we have heard so much for many years as to its monopoly of the transportation upon the Columbia River, and in the case of lines that own the water communication along the Mississippi River and control commerce in connection with great railroad companies, transcontinental railroad companies. They are a practical continuation of those same lines of communication to the eastern continent. They are all owned by the same capital. They are continuous lines. The evil can be perpetrated upon water as well as upon land; and if we are to undertake to prevent discriminations and extortions by land companies, why on earth should we not extend the same regulation and exert the same sovereign power which we possess with reference to the other that we do with reference to the one? I do not understand the Senator's zealous denunciation of the provisions of this bill when they reach evils perpetrated by water transportation companies, when at the same time he is perfectly willing that those evils shall be regulated and prevented if perpetrated by railroads.

Mr. BECK. Will the Senator from Michigan allow me to say a word here?

Mr. CONGER. Yes, sir.

Mr. BECK. A good deal of importance has been given to the testimony of Mr. Albert Fink, who is a very able man. In the volumes furnished to the Senate entitled "Relations between Labor and Capital," volume 2, part 1, page 496, the Senator from New Hampshire, as chairman of the Committee on Education and Labor, was investigating in his examination of Mr. Fink the question as to whether water ways ought to be regulated because of the dangers of combination, and he put this question:

The water ways among themselves are unable to combine?

The Senator from New Hampshire [Mr. BLAIR] put that question; and to it Mr. Fink answered:

A. There is no inducement for water ways to combine. They are never competitors in the sense in which railroads are. For example, the Erie Canal is not a competitor with the Mississippi River; that is to say, not an immediate competitor. They are competitors in a certain sense—as for the export business; but they do not come into direct competition with each other. For example, the Hudson River runs through a certain section of country. There are only certain people that can be furnished with accommodations by the Hudson River. But with the railroads it is different; the railroads cross each other in every direction. The rivers do not. The net-work of railroads makes competition very active; one road competes with many others. There is no competition between the several water ways; there is only competition between the boats on each water way; but the railways compete with each other all over the country and in every direction. This makes railroad competition so much more widespread, leading to so many complications that it makes it difficult to prevent competition from becoming ruinous.

And in the course of that gentleman's examination he insisted that there was no necessity for any combination or any such organization as to water transportation as he was at the head of, because even on the Erie Canal, he testified, each individual boatman was working for himself and was competing with every other boatman; and, indeed, the laws of New York prohibit and the supreme court of New York had decided that any attempt on the part of the men on that canal to make a pool was illegal, and they were therefore always competing with each other. He went on further to say in the course of this testimony—I do not care to read it all—that the water ways were the great agents in bringing down freights and that the railroads had to accommodate themselves to the prices charged by the water ways. That was illustrated when we made the Eads jetties at the mouth of the Mississippi River and enabled boats to go to Europe and go all over the world by passing out of what had formerly been a shallow pass with only seven feet of water. We enabled men to put their barges on that great river and take them out; and in that way we did more to reduce the railroad rate and to prevent the possibility of high charges than could have been done in any other possible way. He acknowledged that all the railroads in all their systems had to work against the free water ways of the country.

I believe he added—if he did not it is true—that on a water way any man can put a boat or a barge anywhere and take his own products from his own landing to any other place and land them at any landing and ask nobody any odds, whereas on railways he can not put his own car with his own hogs, his own cattle, his own sheep, his own grain, his own products, or anything else, because the men who are managing that railway have the exclusive right to control all traffic on it. But the competition is so great between the water ways and the railways that the great interest of the public is to encourage water ways, make them as cheap as possible, for the very purpose of keeping down exorbitant charges by the railroads, which have a monopoly of their lines.

I think the Senator from Michigan is right in endeavoring to make the water ways as free as possible, and we should not subject them to the same surveillance that we do their competitors, whose interest is to keep everything high, while the United States in every river and harbor bill is endeavoring to give them as little power as possible by having a water competition.

Mr. SEWELL. Will the Senator from Michigan allow me?

Mr. CONGER. I do not yield the floor further.

Mr. BECK. I beg pardon.

The PRESIDENT *pro tempore*. Does the Senator from Michigan yield?

Mr. CONGER. I yielded to the Senator from Kentucky.

Mr. BECK. Allow me to express my obligation to the Senator from Michigan. I desired to say that much, because I said to him the other day that upon this question I thought he was clearly right.

Mr. SEWELL. Will the Senator from Michigan allow me to ask a question of the Senator from Kentucky?

Mr. CONGER. Yes; if the debate does not run on till morning.

Mr. SEWELL. I simply want to ask the Senator from Kentucky how he would do in this case: Suppose the railroad companies should become transportation companies by water, as they are to a large extent, would he not want to regulate them?

Mr. BECK. In a great question like this I would deal very cautiously, and I would deal with one thing at a time. If I found hereafter that they were controlling those water ways in any manner prejudicial to the interests of the great masses of the people of this country I would then interfere with them.

Mr. SEWELL. They are doing it now; sixty transportation companies are, partly by land and partly by water.

Mr. BECK. But at the same time the water way is free to every citizen, is it not? The railway is not free to every citizen. There is no public water way in the United States that the Senator from New Jersey or myself could not float our produce down if we felt that it was profitable to do so in competition with anybody else, and there is no railway of the United States where we can put our car with our produce in competition with the railroad managers although ruin might stare us in the face unless we got it to market.

Mr. ALLISON. Will the Senator from Michigan yield to me to ask him a question and also make a suggestion?

Mr. CONGER. Yes, sir.

Mr. ALLISON. As I understand this bill to regulate interstate commerce, the definition of which is found in section 13, the bill does not apply to water transportation unless it is connected directly with railway transportation.

Mr. LAPHAM. Unless it is part of it.

Mr. ALLISON. Unless it is part of it; as, for example, the Erie Railway, which has a line to Buffalo and to Dunkirk, puts at those points, or either of them, a line of steamships to run from there to Duluth, and makes contracts for freights to Portland, Oreg., by way of Duluth. A part of that line, of course, is by rail and a part by water, and yet it is a part of the railway system. Now, it does seem to me that if we undertake to regulate railways in the interior of our country, such as the Pittsburgh, Fort Wayne and Chicago, and other lines which run wholly through the interior, we should also have some jurisdiction to regulate those lines that run in a more northerly direction, and utilize the great lakes and the rivers, if you please, as a part of their system. It seems to me so. I may be mistaken. Of course I would not be willing, for one, to undertake in this bill to regulate those vessels that come into Chicago either from Montreal or from any point on the lower or the upper lakes. I do not think it is so intended; but where vessels are a part of a railway system I see no objection to including them within the provisions of the bill, and it seems to me that is all that this bill does. That is what I wished to suggest.

Mr. CONGER. I ask the Senator to look at section 13 while I am talking.

Mr. ALLISON. I have looked at it.

Mr. CONGER. "The term 'transportation company,'" which is in the clause about which I was commenting, is in this bill defined—

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean—

What?

any corporation——

Mr. ALLISON. Go right on.

Mr. CONGER.

any corporation, company, or individual, now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part——

Mr. ALLISON. Read right on, the proviso.

Mr. CONGER.

Provided said corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad——

Mr. ALLISON. That is, wholly by railroad.

Mr. CONGER.

or partly by railroad and partly by water, from one State into another State or Territory of the United States, or from any Territory into any State or any other Territory; and the provisions of this act shall apply to all persons, firms, and companies, and to all associations of persons or companies, whether incorporated or not, and to all associations of corporations engaged in thus transporting freights or property of any description, in the manner above set forth, from one State into any other State or Territory, or from any Territory into any State or any other Territory.

Mr. ALLISON. The Senator will see that that would not apply to a line of vessels transporting property between Chicago and Buffalo, for example, or between Chicago and Detroit, for example.

Mr. CONGER. It would if they ran in connection with any railroad.

Mr. ALLISON. It would if the line was partly by rail and partly by water; otherwise not.

Mr. CONGER. It has been argued all through the discussion that the object of this bill was to include these products as freights from the starting point, in whatever Territory or State, clear through to the destination and to make the lines continuous in effect. That is the object of the bill as to railroad lines. It is also provided that if goods go to Chicago and Milwaukee by rail, and then some captain with his propeller or his barge takes them to Buffalo on his own private undertaking, because the product came by rail and is going on by rail from Buffalo, that vessel shall be included under the bill.

Mr. CULLOM. Not as the bill is.

Mr. CONGER. Yes, as the bill is, and it shall be governed by this law. It seems to me that those of us who are interested in water transportation East or West, North or South should stop and look at this question and see what its effect will be. We are expending at the rate of from three to ten million dollars a year to improve our water ways. What for? To make them parts of railroad companies, to make them a part of the great railroad system of transportation by some possible connection of freight or productions that pass over them? No, sir. We are spending these millions and hundreds of millions of dollars—for it amounts to that up to the present time since the formation of the Government—to make a highway for every citizen of the United States to take his boat, his ark; his batteau, his vessel, his steamboat, whatever he has that can carry freight, to make a highway upon which he may float his craft and carry his own produce or such as he can procure. Are we building light-houses for the benefit of railways? Are we putting up beacon-lights on the Mississippi and light-houses on the lakes which tend to make those waters free to individual effort, to individual use, to bring them in subjection, because railroads should be subject to laws which may very well be applied to railroads, but which, in my judgment, would ruin the water communications if applied to them? They can not live under these laws. They must be permitted to change their freights and their rates of freight. Freights from Chicago to Buffalo change every hour. Charter-parties are different in the afternoon from what they were in the morning. If circumstances make it necessary for vessels, if they would be in business at all, to come down in their freights even below a living price they do it; but under this rule the steamboats must have schedules, the barges must have their schedules, that they cannot alter without five days' notice. Why, sir, you would tie up the vessels at the docks and keep them there till piecemeal they rot into the waters of the lakes and the rivers.

Mr. HARRISON. The Senator from Michigan must see that there is no such regulation of freights, no such provision.

Mr. CONGER. Who would have dreamed that such a proposition could be offered to be put in this bill as the Senator from New Jersey has offered? Who would have dreamed that a quarter of an hour ago, and who can tell what will be put in this bill? We must meet these things where we find them and attack them whenever a head appears above water. That is the way I fight for the interests of the people I represent and the interests of the people who dwell along the great water courses of our country which have been made navigable for the benefit of the people and the whole people by an immense expenditure of money, which is to be increased and increased until the water ways of the United States shall be the great competing routes to keep down better than all law, better than all prescription, better than all oratory, the exorbitant charges of railroads in the land. They control them now better than any legislation which we can have. All up and down the current of these waters, from the remote ports, they control the prices and the monopolies of railroads. The main reason for paying the $10,000,000 a year to improve these water courses is that we may have something that shall compete with the giant monopolies of the land and hold them within control.

Mr. BLAIR. Mr. President, I am still as much in the dark as at the beginning, after listening to the explanations of the Senator from Kentucky through his new and favorite witness Mr. Albert Fink, against whose theories he has been combating during the entire debate on the bill, and whom he now quotes as the principal supporter of his theories, and also after listening to the eloquence of our friend the Senator from Michigan.

The bill does not undertake to interfere with proper practices on the part of land and water transportation companies. No authority vested in the commission, no authority emanating by virtue of the enactment of this bill into law, if it should become a law, authorizes anybody to intermeddle with any transportation company that is discharging its duty to the public, that is simply taking an honest and fair requital for the services it renders. The bill only undertakes to prohibit and to prevent certain public evils, extortion and unjust discrimination.

When extortion and unjust discrimination are practiced by a water-

transportation company, even although its entire sphere of operations is confined to the water, if it has to do with interstate commerce, why it is that such practices on the part of a water-transportation company are to be permitted, and are yet to be prohibited when they are undertaken by land companies, I am still unable to perceive. The Senator says that private individuals may place their vehicles of communication and of transportation on the water routes of the country. There is that distinction, and that distinction only, between a water route and a land route. There is no right of eminent domain attaching to the water routes of the country. They are open, they are free like the air, and whoever has the capital, whoever can establish a route of water transportation, is, to be sure, not subject to regulation so far as that right of regulation comes from the sovereign by virtue of his power of eminent domain, which he has parted with for the benefit of the private individual, or the private corporation in the case of the railroad.

But, nevertheless, we all know it to be a fact that the productions of the earth, the valuable things that are achieved by way of production, are divided among the various individuals and agencies which contribute to that production, and that associated capital and associated wealth always work to an advantage as against the individual or as against capital invested in small masses. The result is that when corporations or individuals are able to command great capital they are able to transact a particular business in which they engage at vastly reduced rates as against the individual who has smaller facilities, smaller capital, and consequently a lesser degree of efficiency; the practical result of which is that capital is invested in large masses in water transportation precisely as it is in land transportation, and so capital is invested in large masses in the shipping business proper.

So in the agricultural or producing classes, those classes which produce directly from the earth. So with the manufacturers. Vast masses of capital are thus combined in these various pursuits, and, as it were, they play against each other, and they are able to extinguish anything like competition which arises on the part of individual or smaller amounts of capital.

Therefore it is that the water-transportation route from Saint Louis to New Orleans by steamship, owned as it is by a few individuals—it may be almost wholly by one individual—can easily expel as a matter of practical business arrangement any private individual, any single man, any agriculturist or any manufacturer who is engaged with his farm or with his mill, and it is utterly impossible for him to get upon the water as a matter of fact.

Everybody knows that the water-transportation companies of this country have practiced extortion and unjust discrimination just as much as the land-transportation companies of the country have done. We know that they have as much to do with the evils of internal or interstate commerce as have the land companies themselves. They are there with capacity to practice unjust discrimination and extortion, and they do practice those great evils. They inflict those evils upon the community; and are we to leave them without regulation, to create those evils, by virtue of the power which they have, and subject the community as a whole to the extortion and the unjust discriminations in the way of rates to which they do subject the community, when by so doing they are able to maintain themselves and to also maintain a ruinous competition against any honest individual or any honest company that may undertake to establish itself?

Since the bill only aims at these two real crimes, defining these evils as public crimes, and undertakes to prohibit them, I do not understand where the objection comes in from any source whatever to the provision of the bill which does unquestionably to my mind include water-transportation routes as well as land-transportation routes. If I could see any reason why a bill which undertakes to deal with interstate commerce and with foreign commerce both (for I think it covers both) should be made partial in its operation and leave the evils which exist with reference to water as well as land transportation unregulated in one case while it undertakes to prohibit those evils in the other case, I should be very glad to vote for the proposed amendment.

Nor can I understand the sensitiveness of the Senator from Michigan, who talks of the Northwest and of the improvements there made along the water lines of transportation in the way of repair, the removal of snags, the deepening of channels, and the removal of ledges, and all that sort of thing, which enters into the public expense and is for the general public good, and so far as it goes is a general contribution to the capital invested in interstate commerce. I do not understand, I say, from whence and for what reason there is this sensitiveness against the prohibition of the crimes which we are defining and establishing in the bill when committed by water-transportation companies.

With reference to the testimony of Mr. Fink, it stands for what it is worth. It stands by itself. It is the testimony probably of the best educated student, the man best informed with reference to the great subject of interstate commerce and foreign commerce as well. He is the best informed man, so far as I know, that there is in our own country; but nevertheless we know that Mr. Fink has his prejudices, he has his affiliations; and I would not consider the opinion of Mr. Fink one safe for the Legislature of the United States to follow without question.

If the Senator from Kentucky will examine the testimony from which he quotes he will find that there is testimony from other and eminent witnesses who take a different view upon some of these great points from Mr. Fink. At all events, I do not see why he should rise here and quote Mr. Fink as a reliable witness in one case when he discards and discountenances and denounces his testimony in everything else.

Mr. President, I had no idea of saying anything upon the bill. I simply asked a question. I have understood from the beginning that it is a measure ample and comprehensive in its scope, which covers the whole subject, and I look upon it as a futile attempt to do good to the public unless we do so legislate as to cure and regulate the entire evil if we undertake to do anything about it at all.

Mr. CALL. Mr. President, I wish to submit to the Senate a statement made in the arguments and statements before the Committee on Commerce of the House in 1882. Mr. Thurber, in his testimony on this subject, says:

> This speech of Mr. Daggett showed that the original investment of Stanford, Huntington, and another in the Central Pacific Railroad was $12,500; and in fourteen years the whole property had increased to $184,000,000. The result was that they got so much money that they went to work and bought up the Pacific Mail Steamship Company, and now they are paying that company $90,000 a month subsidy in order to keep the rates up, instead of the public getting the benefits of the competition to which it is properly entitled.

I do not know any reason why that line of water transportation should not be subjected to the provisions of this bill, if they are to be of any force or effect at all. I do not know why the people of the Pacific coast should not be protected if the bill is to be a protection to anybody.

The PRESIDING OFFICER (Mr. BUTLER in the chair). The question is on agreeing to the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from New Jersey [Mr. SEWELL].

Mr. CONGER. Let it be reported.

The PRESIDING OFFICER. The amendment to the amendment will be read.

The CHIEF CLERK. In line 3 of the proposed new section, after the word "freight," it is moved to strike out the words:

> From points in the United States through the Dominion of Canada to tide water, or to tide water or other points within the United States.

And insert:

> From any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

Mr. CONGER. I move to strike out the words "or transportation."

Mr. EDMUNDS. That is not in order. The pending question is an amendment in the second degree, and no further amendment is in order.

The PRESIDING OFFICER. Does the Senator from Vermont make the point of order?

Mr. EDMUNDS. No, I do not make any point of order. I only suggest to my friend from Michigan that it is not in order.

Mr. CONGER. I shall withhold the amendment for the present.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kansas to the amendment of the Senator from New Jersey.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment as amended.

Mr. CONGER. In line 2 of the proposed new section I move to strike out the words "or transportation," after "railroad;" so as to read:

> That the provisions of this bill shall be construed as applicable to all railroad companies engaged in the carrying of freight from any place in the United States, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan to the amendment of the Senator from New Jersey as amended.

Mr. SEWELL. I trust that the amendment to the amendment will not be adopted. It would destroy the character of the amendment as proposed by me. I wish to reach the joint railroad and transportation companies competing with the great trunk lines of this country and running through Canada. If the words proposed are stricken out, the road that I wish to reach might do all the business in competition with our lines by just putting in part water.

The amendment to the amendment was rejected.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The amendment offered by the Senator from New Jersey as amended is now before the Senate. Is the Senate ready for the question? [Having put the question.] The ayes appear to have it.

Mr. CONGER. I ask for a division.

Mr. HARRISON and others. Oh, no; that will result in a yea-and-nay vote.

Mr. CONGER. It may result in forcing the bill over, but in the absence of two-thirds of the Senators it is not consistent with my feelings to let such amendments as this get into the bill when I think with a full hearing they can be kept out.

Mr. SEWELL. The Senator has a remedy. He can move to strike out and insert after the bill is reported to the Senate; but let us now make some progress with the bill.

Mr. CONGER. Possession is nine points of the law,

The PRESIDING OFFICER. The Chair will put the question again, with the consent of the Senate. The question is on agreeing to the amendment of the Senator from New Jersey as amended. [Having put the question.] The ayes appear to have it. The ayes have it, and the amendment is agreed to.

Mr. SEWELL. I ask unanimous consent to correct the amendment in line 1 by sustituting the word "act" for the word "bill."

The PRESIDING OFFICER. If there be no objection that verbal correction will be made.

Mr. MAHONE. At the end of the twelfth section of the bill I move to insert.

And it shall not be lawful for any transportation company to engage in such transportation of passengers or freights with any other such company unless it admits and contracts with any and all other transportation companies desiring to engage with it and its connecting carriers in the business of interstate commerce upon the same terms of association as those agreed upon between it and such other company. And the rate of transportation over all lines engaged in such business shall be computed and charged upon the following basis, that is to say: For passengers of the same class the combined charge of all the carriers, to be divided as they may agree, shall nevertheless, for all distances, be pro rata per mile. For freights of the same class and of like units, taking the car-load as the maximum, the total charge from the station of shipment to the station of final delivery shall be composed of two items—the charges for fixed expenses and the charge for any transfer where a break of gauge or a transshipment from rail to vessel, or *vice versa*, or a necessary porterage may be imposed, such proper charges for each class of freight and like units below and including the car-load to be ascertained and agreed by the transportation companies concerned, subject to the approval of the said board of commissioners. The charge for transportation of freights of the same class and unit below and including the car-load shall be, as to the same carrier composing part of the route traversed, for all distances, pro rata per mile, to be divided between the carriers directly performing the service as they may agree.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Virginia.

Mr. MAXEY. The amendment offered by the Senator from Virginia is a very important one. It is now within a few minutes of 7 o'clock. We can not understand that amendment and vote intelligently upon it now, and I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Texas moves that the Senate adjourn.

Mr. HOAR. On that question I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired with the Senator from Minnesota [Mr. SABIN]. My colleague [Mr. CAMDEN] is paired with the Senator from Arkansas [Mr. GARLAND].

Mr. PLUMB (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded.

Mr. WILSON. The Senator from Vermont [Mr. MORRILL] is paired.

Mr. BUTLER. I am paired with the Senator from Rhode Island [Mr. ALDRICH]. If he were present, I should vote "yea."

Mr. RANSOM. I was requested to state that my colleague [Mr. VANCE] is paired with the Senator from New York [Mr. LAPHAM].

The result was announced—yeas 13, nays 24; as follows:

YEAS—13.

Beck,	Harris,	Mahone,	Vest.
Call,	Jackson,	Maxey,	
Coke,	Jones of Florida,	Morgan,	
Hampton,	Lamar,	Ransom,	

NAYS—24.

Allison,	Dawes,	Hoar,	Pugh,
Blair,	Dolph,	Jonas,	Riddleberger,
Bowen,	Edmunds,	Jones of Nevada,	Sawyer,
Chace,	Frye,	McMillan,	Sewell,
Conger,	Harrison,	Miller of Cal.,	Sherman,
Cullom,	Hawley,	Pike,	Wilson.

ABSENT—39.

Aldrich,	Farley,	Lapham,	Plumb,
Bayard,	Garland,	Logan,	Sabin,
Brown,	George,	McPherson,	Saulsbury,
Butler,	Gibson,	Manderson,	Slater,
Camden,	Gorman,	Miller of N. Y.,	Vance,
Cameron of Pa.,	Groome,	Mitchell,	Van Wyck,
Cameron of Wis.,	Hale,	Morrill,	Voorhees,
Cockrell,	Hill,	Palmer,	Walker,
Colquitt,	Ingalls,	Pendleton,	Williams.
Fair,	Kenna,	Platt,	

The PRESIDING OFFICER. No quorum has voted.

Mr. EDMUNDS. The rule requires that the roll shall be called.

Mr. CONGER. I think before the announcement that no quorum is present the decision of the Senate on the motion should be stated, as the rules do not require that a quorum shall be present to adjourn.

Mr. EDMUNDS. Less than a quorum may refuse to adjourn, but nothing can be done until the presence of a quorum is secured.

The PRESIDING OFFICER. The Chair should have stated that the noes have it on the motion to adjourn. The lack of a quorum being disclosed, the next thing in order is the call of the Senate. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when Mr. BAYARD's name was called). I ought to say that the Senator from Delaware [Mr. BAYARD] stated to me that he was obliged to be absent this evening, and asked me to pair with him on the bill and the amendments.

The roll-call was concluded, 43 Senators having answered to their names.

The PRESIDENT *pro tempore*. The roll-call shows that 43 Senators are present, being a quorum. The question recurs on agreeing to the amendment proposed by the Senator from Virginia [Mr. MAHONE].

The amendment was rejected.

Mr. JACKSON. I wish to call the attention of the Senator from Illinois to the fact that the fourteenth section will have to be amended. Inasmuch as he has provided for nine commissioners at $7,500 each, the amount appropriated in the fourteenth section will not be sufficient. That section will require an amendment.

Mr. CULLOM. If it is in order I desire to ask the Senate to amend that section by striking out "sixty" and inserting "ninety" before the word "thousand."

The PRESIDENT *pro tempore*. That motion is not now in order.

Mr. CULLOM. I so thought.

The PRESIDENT *pro tempore*. The section as it stands has been agreed to.

Mr. CULLOM. I will ask unanimous consent to move that amendment. I think there will be no objection to it, perhaps.

The PRESIDENT *pro tempore*. The Senator from Illinois asks unanimous consent that section 14 be amended, in line 1, by striking out "sixty" and inserting "ninety" before the word "thousand;" so as to read—

That the sum of $90,000 is hereby appropriated, &c.

Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. CALL. I have a number of amendments that were left with me by the Senator from Mississippi [Mr. GEORGE]. He is very anxious that they shall be presented for consideration before the bill is disposed of, and inasmuch as he has been compelled to go to New York and desires to be here himself to offer them, I will move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Florida moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. CALL. Then I offer an amendment to the bill on behalf of the Senator from Mississippi. At the end of section 4 I move to add:

And proof that any transportation company has made a greater charge for hauling any such freight for a shorter distance than it charges for hauling in a contemporaneous service a like quantity of similar freight for a greater distance, shall be *prima facie* evidence of unjust discrimination.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

Mr. HOAR. I desire to inquire what is the parliamentary condition of the bill? Is it not that the Senate have adopted a substitute for the pending bill?

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole has agreed to strike out all after the enacting clause of the bill and to insert what the Senate has agreed to.

Mr. HOAR. Then I rise to the question of order, that it is not in order to amend by inserting new matter between two sections which are part of one text, the substitute already agreed on.

The PRESIDENT *pro tempore*. The Chair thinks it is in order to move additions, but not to strike out.

Mr. HOAR. The Chair will pardon me, I had not concluded my statement. My proposition is that those additions can only come in at the end of the bill. The fact that a particular text is divided into sections does not make it any the less one text when it is adopted as a unit as a substitute; and when it is one text it can not be amended, after having been adopted as an amendment by a vote, at the same stage of the bill. It would be in order to add a new section at the end of the matter which has been adopted, but you can not put in between the lines in a section or between any two lines of the substitute anywhere an amendment, I respectfully submit.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. It has been, the Chair thinks, the constant practice of the Senate to admit affirmative amendments of additional words in any part of an amendment that has been agreed to. The question is on agreeing to the amendment proposed by the Senator from Florida.

Mr. HOAR. I shall not take an appeal from the decision of the Chair, of course, but I do not remember to have been present in my brief service in the Senate on any single occasion when the Senate has acted upon the practice to which the Chair refers. Having taken some little pains to master the parliamentary law, I had supposed that to be the settled parliamentary law. However, I defer to the decision of the Chair, which, of course, is founded upon a larger experience and upon profounder learning than my own.

The PRESIDENT *pro tempore*. The Chair can not remember any precise instance, but the Chair is confident that it has been the practice of the Senate ever since the present occupant of the chair has been in the Senate to admit without question or dispute any affirmative additional words to an amendment that had been agreed to in any part

of the amendment. The Chair may be in error, but that is the opinion of the Chair at this moment.

Mr. RANSOM. I should like to ask the Chair if the rule suggested by the Senator from Massachusetts that the substitute can not be amended would apply to the bill after it is reported to the Senate?

The PRESIDENT *pro tempore* It will then be entirely open to amendment.

Mr. RANSOM. I simply made the inquiry so as to suggest to my friend from Florida that he would have no difficulty whatever with his amendments when the bill is reported to the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that the present amendment of the Senator from Florida is in order.

Mr. HOAR. The Chair will pardon me, the suggestion I distinctly made was as to the right to amend at the same stage.

Mr. BUTLER. If the Senator from Illinois who has charge of the bill will permit me to make a suggestion to him, I ask him if it would not suit his convenience, if he can get unanimous consent, to agree upon some hour to-morrow at which we shall take a vote upon the bill? It seems to me almost impossible to get through with the bill to-night with the number of amendments of which notice has been given. I should like to have the Senator from Illinois express his opinion upon that subject.

Mr. CULLOM. If I were to yield to the suggestion of the Senator from South Carolina it would be a very great convenience to me. I am not staying here as a matter of convenience, but I have felt that it is my duty to insist upon the consideration of the bill until it is concluded, because I have felt very greatly embarrassed at its continuing before the Senate so long obstructing other public business of importance. I gave notice yesterday that I should ask the Senate to remain here to-day until the bill was finished. If the Senate would agree to vote at 3 o'clock to morrow on the bill so as to give a few minutes' time for offering amendments and five-minute talks in explanation of them, so far as I am personally concerned I would not object to the Senate adjourning with the understanding that the final vote shall be taken to-morrow at 3 o'clock.

Mr. BUTLER. Then I ask unanimous consent that the vote be taken at 3 o'clock to-morrow, in accordance with the suggestion of the Senator from Illinois.

Mr. CALL. I suggest to the Senator from Illinois and the Senator from South Carolina to fix the hour at 4 o'clock to-morrow. The Senator from Mississippi [Mr. GEORGE], who is compelled to be absent to-day, desires to be heard upon the bill. The amendments which I am offering are his, and I offer them under a promise to him that they should be offered to the bill. He desires to be here, and I ask that the hour be fixed at 4 o'clock to-morrow, so as to give him an opportunity to be heard on the bill.

Mr. CULLOM. I shall ask the Senate to take up the bill immediately after the morning business proper is concluded to-morrow, which will give a considerable time for discussion and amendment, and I think there will be time enough between that and 3 o'clock. I hope there will be no objection to that arrangement. I ask the Senator from Florida to allow the bill to go along to-night so far as to get it into the Senate, after which he will have an opportunity to offer his amendments, and they will not be repeated by being twice offered.

Mr. CALL. I shall not object to the arrangement proposed, but I think 4 o'clock will be the better hour, if the Senator will allow me to suggest it.

Mr. CULLOM. I think 3 o'clock would be better.

The PRESIDENT *pro tempore*. Does the Senator from Florida withdraw his amendment for the time being?

Mr. CALL. I will do so.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The Senator from South Carolina asks unanimous consent that it be understood that the bill be taken up immediately after the morning business to-morrow, and that the final vote upon the bill and all amendments offered and to be offered shall be taken, without further debate, after 3 o'clock. Is there objection? The Chair hears none. That is the understanding. The Chair understands that these agreements do not go on the Journal.

Mr. CULLOM. I ask that the bill be reported to the Senate to-night. The Senator from Florida can offer his amendments after the bill is reported.

The PRESIDENT *pro tempore*. If no further amendments be proposed the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BUTLER. I move that the Senate adjourn.

Mr. BOWEN. I ask the Senator to allow me to offer an amendment.

Mr. BUTLER. I withdraw the motion.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. BOWEN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

COMMITTEE SERVICE.

The PRESIDENT *pro tempore*. Pursuant to the authority of the Senate the Chair appoints, to fill the vacancies occasioned by the expiration of the term of Senator Sheffield, of Rhode Island:

On the Committee on Claims, Mr. CHACE.

On the Select Committee on Woman Suffrage, Mr. CHACE.

On the Committee on Mines and Mining, Mr. CHACE.

On the Committee on Revolutionary Claims, Mr. CHACE.

Mr. BUTLER. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 11 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 3, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

Mr. LORE. I ask that so much of the Journal as relates to the formal introduction of bills and joint resolutions be omitted in the reading.

There was no objection, and it was ordered accordingly.

Mr. WILSON, of Iowa. I move also that so much of the Journal as relates to the filibustering proceedings last night be omitted in the reading.

Mr. RANDALL. I object.

The Journal was then read and approved.

PRINTING SMITHSONIAN REPORTS.

On motion of Mr. SINGLETON, by unanimous consent the joint resolution (S. R. 114) in regard to the printing of the reports of the Smithsonian Institution was taken from the Speaker's table, read a first and second time, referred to the Committee on Printing, and ordered to be printed.

PRINTING OF EULOGIES ON LATE JOHN H. EVINS.

Mr. BRATTON, by unanimous consent, submitted the following resolution:

Resolved, That there be printed of the eulogies on the late John H. Evins, late a Representative of the Forty-eighth Congress from the State of South Carolina, 12,500 copies, of which 7,300 copies shall be for the use of the Senate, and 9,500 copies for the use of the House of Representatives; and that the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said John H. Evins to accompany such eulogies, and for the purpose of engraving and printing said portrait the sum of $500, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The SPEAKER *pro tempore*. The proper form would be to make it a joint resolution of the two Houses. Does the gentleman desire that it shall be put in the form of a joint resolution?

Mr. BRATTON. I do.

Joint resolution (H. Res. 327) providing for the printing of eulogies delivered in Congress upon John H. Evins, late a Representative of the Forty-eighth Congress from the State of South Carolina, was received, read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BRATTON moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPRINTING OF A REPORT.

Mr. BLANCHARD. I demand the regular order of business.

Mr. BLAND. I rise to submit a privileged report.

Mr. TOWNSHEND. I ask to have reprinted the report of the Committee on Appropriations accompanying the Post-Office appropriation bill.

There was no objection, and it was ordered accordingly.

Mr. COX, of New York. I rise to make a privileged report.

The SPEAKER *pro tempore*. The gentleman from Missouri addressed the Chair some time ago to make a privileged report.

SILVER DOLLAR.

Mr. BLAND, from the Committee on Coinage, Weights, and Measures, submitted the following report.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether the Clearing House Association at New York, or any national bank thereof, refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association, and whether any official or officials of the Government accede to or recognize such rule or practice.

Also, what amount of gold came into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the month of January, 1885.

Also, whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money, or the effect of which is to depreciate the same.

Also, what amount of silver coin was in the Treasury of the United States on the 1st day of January, 1879, and of each year thereafter, not held for the redemption of silver certificates, and what proportion the said coin bore on each of those dates to the net cash in the Treasury at those several dates.

Also, what amount of the customs and internal revenues and other receipts of

the Government, stated separately, have been received in silver coin or silver certificates, stated by months for each year, since the 1st day of January, 1879.

Also, what other governments of the world did, during the year 1883, permit the coinage of legal-tender silver coin.

Also, the amount of such coinage, and what part thereof was from recoinage and what part from bullion.

Also, the price paid per ounce by the Director of the Mint for silver bullion on the 1st days of January and July each year from 1878 to 1885, both years inclusive.

Mr. BLAND. I demand the previous question upon the adoption of the report.

Mr. HISCOCK. On what ground is that claimed to be a privileged report?

The SPEAKER *pro tempore*. The gentleman from New York questions the privileged character of the report. The Clerk will read clause 1 of Rule XXIV.

The Clerk read as follows:

ORDER OF BUSINESS.

1. Each Monday morning during a session of Congress, immediately after the Journal of the proceedings of the last day's sitting has been read and approved, the Speaker shall call all the States and Territories in alphabetical order for bills and joint resolutions for printing and reference, without debate; on which call joint and concurrent resolutions and memorials of State and Territorial Legislatures may be presented and appropriately referred, and on this call only resolutions of inquiry directed to the heads of the Executive Departments shall be in order for reference to appropriate committees, which resolutions shall be reported to the House within one week thereafter.

Mr. REED, of Maine. Does the Chair decide that that gives these reports a right to be considered?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Maine that it has been but a very few days since a decision was made by the permanent Speaker of this House upon this very question, which the Chair was endeavoring to follow, and which decision held that these reports were privileged under the rule.

Mr. REED, of Maine. I was aware of that. I only want to congratulate the Chair and the House on the fact that there is something else besides appropriation bills that are considered to be privileged in this House.

The SPEAKER *pro tempore*. The Chair will state further that it lies of course with the House to determine the question of consideration.

Mr. KEIFER. Is this a resolution reported by a committee, or is it offered by the gentleman from Missouri himself?

Mr. BLAND. This is a report from the Committee on Coinage, Weights, and Measures.

Mr. KEIFER. I think it is in order under the rule.

Mr. BLAND. I demand the previous question.

The previous question was ordered.

Mr. BLAND moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on the adoption of the report.

The report was agreed to.

Mr. BLAND moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BILLS OF LADING, ETC.

Mr. LONG. Mr. Speaker, I ask unanimous consent to discharge the House Calendar from the further consideration of the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others, and ask to put the same upon its passage.

The SPEAKER *pro tempore*. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, &c., That every vessel publicly offered at any port of the United States for the conveyance of goods and merchandise on the high seas, and all vessels bringing general cargo to any port of the United States, shall be liable to all the conditions and restrictions of this act.

SEC. 2. That it shall not be lawful for any such vessel, her owners, master, agent, or manager, to issue any bill of lading which does not clearly specify the exact voyage intended to be made, and any and every port at which it is contemplated she shall touch in the course of said voyage; and every departure from such voyage, save only when compelled thereto by dangers of the sea, unforeseen necessity, vis major, or to save life and property in distress at sea, and to tow and convey the same into the nearest or most convenient port of safety, shall be deemed a deviation. But nothing in this act contained shall prevent or interfere with the right of the vessel to reserve to herself the privilege of calling at or returning to any port or ports named in the bill of lading, and a failure to exercise such privilege shall not constitute a violation of this act or be deemed a deviation.

SEC. 3. That it shall not be lawful for any such vessel, her owners, master, agent, or manager, to insert in any bill of lading any clause, covenant, or agreement whereby the obligations of the owners of said vessel to properly equip, man, provision, and outfit said vessel, and in every way and manner within their, his, or her power to render said vessel seaworthy and capable of performing her intended voyage, shall in any wise be lessened, weakened, or avoided; and all provisions and clauses contained in any bill of lading issued by any such public carrier relieving from liability the vessel, her owners or master, for their or his neglect, or for any improper condition of the vessel, shall be null and void and of no effect in law.

SEC. 4. That it shall not be lawful for any such public carrier, by any clause or exception in any contract or bill of lading, to be relieved from liability for its, his, her, or their negligence, fault, or failure in proper stowage, custody, and care of all lawful merchandise confided to their charge, nor for failure by reason of negligence to deliver the same, nor to provide for or adopt any other or different transportation than that agreed on by the vessel or voyage specified by which the goods have been shipped, liability for dangers of the sea, vis major, or unforeseen necessity being in all cases under this act excepted, nor to limit the extent of their liability to less than an indemnity to the claimant; nor shall anything in this act contained be construed as enlarging the right of any carrier to limit his liability other than as now established by law.

SEC. 5. That all goods and merchandise delivered to and received by any such public carrier shall be deemed as shipped subject to the conditions of this act, and entitled to a bill of lading in accordance therewith; and upon the refusal of the master or agent to issue such bill of lading on demand within a reasonable period after shipment, unless such goods and merchandise have been received from a preceding carrier and a bill of lading in conformity hereto has been issued, clearance of such vessel upon which said goods were to be or were laden shall be refused by the custom-house authorities of the port until such bill of lading be granted; and such vessel shall be liable to an action in rem for all damages and losses suffered by the shipper of goods or merchandise by reason of such refusal or neglect. In case of any dispute as to whether the terms of any bill of lading disagree with this act, and clearance if refused or delayed in consequence thereof, the following clause may then be inserted in or indorsed on such bill of lading, namely: "It is hereby declared that this bill of lading, as well as all other copies thereof, are intended to conform in all particulars to the act of Congress of 1884 on the subject of the form of bills of lading, and anything herein contained to the contrary is hereby made null and void." And thereupon the collector may deem such insertion or indorsement as making the bill of lading conform hereto, and shall grant the clearance if the vessel is otherwise entitled thereto.

SEC. 6. That if any vessel, her master, agent, or manager, shall plead, in bar or defense of any suit at law any clause or exception of any bill of lading contrary to the provisions of this act, the limitation of liability provided by section 4283 of the Revised Statutes, relating to ship-owners, shall not be held to apply to such vessel, owners, or either or any of them.

SEC. 7. That this act shall take effect on the 1st day of September, 1884.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. THOMAS. I shall object if this is going to give rise to any extended debate.

Mr. LONG. If the gentleman will reserve his objection for a moment, I think a brief explanation will be all that is necessary to satisfy the House as to the propriety of passing this bill.

Mr. WILLIS. I am compelled to object.

Mr. LONG. Will the gentleman reserve his objection for a brief explanation?

Mr. THOMAS. I am willing to hear an explanation.

Mr. WILLIS. How long does the gentleman ask?

Mr. LONG. I think three minutes will be sufficient.

Mr. WILLIS. I have no objection to that.

Mr. LONG. Mr. Speaker, I desire to say that this is a bill introduced by the gentleman from New York [Mr. JAMES], representing the large ship-owning interests of New York city. It has been considered by the Committee on Commerce and unanimously reported by that committee to the House.

The report states that our ocean-carrying trade is to-day almost entirely in the hands of foreign steamship lines. The object of the bill is to relieve American shippers and importers from risks which at common law belong to the carrier, but which the carrier by means of provisions inserted in his bill of lading has gradually succeeded in transferring to the shipper. Within a few years new clauses have been introduced, so that the carrier has relieved himself even of some of the risks arising from his own negligence. It is claimed that some of these provisions relieve him from the liabilities for thieves of all kinds, whether on board or not, from "vermin," "rats," "heat," "stowage," fire, negligence on the part of his own employés; negligence, default, or error in judgment on the part of persons in the service of the ship-owner, defects in the hull or machinery, and even unseaworthiness on the part of the steamer. It is very important that there should be some general rule as to the forms of bills of lading.

If there be no objection to the present consideration of the bill I will move the previous question.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Massachusetts?

Mr. COX, of New York. The last section of this bill should be amended so as to take effect in 1885 instead of 1884. The bill reads September 1, 1884.

Mr. LONG. I will move to amend so that it will go into effect on the 1st day of July, 1885.

The amendment was agreed to.

Mr. WILLIS. Do I understand the gentleman from Massachusetts to demand the previous question?

Mr. LONG. I do.

Mr. WELLER. Regular order. [Cries of "Too late!"]

The SPEAKER *pro tempore*. The Chair thinks the gentleman is too late in making his demand for the regular order as against this demand of the gentleman from Massachusetts for the previous question upon the bill.

The previous question was ordered.

Mr. LONG moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I called the regular order, and the Chair recognized me as thus doing. I desire to inquire if, under the rules, the Speaker

of the House can ignore that call and pass to the consideration of this bill, which requires unanimous consent?

The SPEAKER *pro tempore*. The gentleman made no demand for the regular order until the request for unanimous consent, submitted by the gentleman from Massachusetts, had been agreed to by the House and an amendment had been suggested and agreed to. The Chair thinks that the gentleman makes his objection too late. The previous question has been ordered on the motion of the gentleman from Massachusetts.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LONG. I ask unanimous consent, inasmuch as this bill was reported last year, that wherever the words "eighty-four" appear in the bill they be changed to "eighty-five."

There was no objection.

Mr. LONG moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTORAL COUNT.

Mr. EATON. I desire to take a concurrent resolution from the Speaker's table relating to the Presidential count of next week. It is a House resolution with Senate amendments. I think there will be no discussion.

The SPEAKER *pro tempore*. The gentleman from Connecticut rises to a question of privilege, involving the count of the electoral vote. The Chair asks that the House be in order, so that the gentleman may be heard.

Mr. EATON. I move to take from the Speaker's table a concurrent resolution which passed this House some days ago and went to the Senate, where an amendment has been made thereto. I ask for the consideration of the Senate amendment.

The SPEAKER *pro tempore*. The Clerk will report the amendment of the Senate.

Mr. KEIFER. I desire to ask the gentleman from Connecticut, is there any objection to concurring in the Senate amendment?

Mr. EATON. Not at all. There will be no discussion.

The Clerk read the amendment of the Senate, as follows:

In line 9, on page 1, strike out "one person to be appointed teller" and insert "two persons to be appointed tellers."

Mr. EATON. I desire to say just one word. My friend from Kentucky [Mr. CLAY] is the author of the resolution which passed the House. The amendment was made in the Senate upon the ground that since the organization of the Government there had always been two tellers on the part of the Senate. I am compelled to say that the Senate has not examined the matter thoroughly. There have been, up to 1868, but two instances where there were two tellers on the part of the Senate. Always, with two exceptions, there has been but one teller on the part of the Senate with two on the part of the House. But it is a matter of no significance whatever. Therefore I move that the House concur in the amendment of the Senate.

The amendment of the Senate was concurred in.

Mr. EATON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NAVAL ADVISORY BOARD.

Mr. COX, of New York. I rise to make a privileged report. I am instructed by the Committee on Naval Affairs to report back with an amendment the resolution which I send to the desk, and which was referred to the committee more than a week ago.

The Clerk read as follows:

Resolved, That the Secretary of the Navy be requested to inform this House the amount that has been expended by the naval advisory board as the cost of the board; the number of employés and amounts paid each; the amount of salary drawn by the civilian members of said board and from what appropriation it was drawn, and the amount paid each member of board as traveling, mileage, or other expenses.

The amendment reported by the committee was read, as follows:

Also, what changes, if any, have been made from the original plan in hulls, boilers, machinery, &c., by the Secretary of the Navy and the advisory board of the ships Chicago, Boston, Atlanta, and Dolphin, and the cost of such changes in each case.

Mr. COX, of New York. I call the previous question on the adoption of the report.

Mr. REED, of Maine. Is the amendment in order?

The SPEAKER *pro tempore*. The Chair will examine it. [After a pause.] The Chair thinks the amendment is in order. It is a matter of inquiry.

The previous question was ordered.

Mr. COX, of New York, moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendment recommended by the committee was agreed to, and the resolution as amended was adopted.

Mr. COX, of New York, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WEST VIRGINIA TROOPS.

Mr. GOFF. I ask unanimous consent to take up for present consideration the bill (H. R. 3462) for the relief of West Virginia troops, acting under the authority of the governor of the State. The bill has been reported with amendments.

The bill was read.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. HEWITT, of Alabama. I object.

ORDER OF BUSINESS.

Mr. RANDALL. I call up the unfinished business of yesterday.

The SPEAKER *pro tempore*. By agreement of the House made on yesterday, by unanimous consent, a private bill that had been called up by the gentleman from Tennessee [Mr. BALLENTINE] was to be considered this morning immediately after the reading of the Journal.

R. J. P. WHITE AND OTHERS.

The Clerk read the title of the bill, as follows:

A bill (S. 646) for the relief of R. J. P. White, Peter Hanger, and L. T. Green.

The SPEAKER *pro tempore*. The question is on whether the bill shall be read a third time.

Mr. HOLMAN. I believe the consideration of this bill was postponed to enable the chairman of the Committee on War Claims, the gentleman from Ohio [Mr. GEDDES], to consider the matter.

Mr. BALLENTINE. If the gentleman from Indiana will allow me, I will say that the chairman of the War Claims Committee has informed me this morning that he considered this bill as right and that these claims are just.

Mr. GEDDES. The statement of the gentleman from Tennessee is correct.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. BALLENTINE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL AGENTS IN TREASURY DEPARTMENT.

Mr. HOLMAN. I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back with an amendment the resolution which I send to the desk.

The Clerk read the resolution, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the House of Representatives a list of the names of the persons who were borne on the rolls of the Department as special agents on the 1st day of November, 1884; also, a list of those on said rolls as such special agents on the 2d day of February, 1885; said list to include the names of those borne on what is known as the fraud-rolls of said Department. Also to specify the names of those removed or discharged between said dates, and the cause or causes of said removal or discharge; also the names of those discharged and reinstated between said dates, and the reasons for their reinstatement.

The Clerk read the report of the committee, as follows:

The Committee on Appropriations, to whom was referred the resolution calling upon the Secretary of the Treasury for certain information touching the appointment and dismissal of special agents, having considered the same, report it back to the House herewith, and recommend its adoption, with the following mendment: In line 7 of said resolution, after the words "eighteen hundred and eighty-four," insert the following: "the 30th day of June and 1st day of July, 1883 and 1884, and the necessity for their appointment."

The amendment was agreed to.

The resolution as amended was adopted.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JULIO R. SANTOS.

Mr. STEWART, of Texas. Mr. Speaker, I rise to report a resolution which I think is in the nature of a privileged report.

The SPEAKER *pro tempore*. Does the gentleman from Texas [Mr. STEWART] rise to make a privileged report?

Mr. STEWART, of Texas. Yes, sir. It is a resolution in answer to an inquiry addressed to the Committee on Foreign Affairs, and I think it comes under the head of a privileged report.

The SPEAKER *pro tempore*. That is a privileged report. The Clerk will read it.

The Clerk read as follows:

Resolved, That the President be requested to take all necessary and proper measures to assure Julio R. Santos, an American citizen now imprisoned in Ecuador, a speedy and impartial trial, and to protect him in his life and his property.

Mr. STEWART, of Texas. Mr. Speaker, I demand the previous question on the adoption of this resolution as a substitute for the resolution on the same subject referred to the Committee on Foreign Affairs.

The substitute was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the mo-

tion of the gentleman from Texas [Mr. STEWART] that the report as amended by the substitute be adopted.

The motion was agreed to.

Mr. STEWART moved to reconsider the vote by which the report was adopted; and also moved to lay that motion on the table.

The latter motion was agreed to.

Several MEMBERS. Regular order.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore*. The regular order is demanded. The Chair will first ask the consent of the House to submit certain executive communications.

There was no objection.

UNITED STATES CONSULATE, IQUIQUE.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Secretary of State relative to the burning of the effects of the United States consulate at Iquique, Peru, and asking an appropriation to reimburse the United States consul; which was referred to the Committee on Appropriations, and ordered to be printed.

POWOW RIVER, MASSACHUSETTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a report from the Chief of Engineers of a survey of Powow River, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

COEUR D'ALENE LAKE AND RIVER.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, inclosing a report from the Chief of Engineers of an examination of Coeur d'Alene lake and river, and of Saint Joseph's River, Idaho; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

STATISTICAL ABSTRACT OF THE UNITED STATES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting the seventh number of the Statistical Abstract of the United States; which was referred to the Committee on Printing, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. GLASCOCK, for this day, on account of sickness in his family.

To Mr. BRAINERD, for this day.

To Mr. HOWEY, until 7th instant, on account of important business.

CHANGE OF REFERENCE.

On motion of Mr. ROSECRANS, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. 8025) for the relief of Christian R. Purdum, Hervey E. Clark, John M. Lamb, and Julius C. Shainwald; and the same was referred to the Committee on the Public Lands.

On motion of Mr. ROSECRANS, by unanimous consent the Committee on Military Affairs was discharged from the further consideration of the bill (S. 1631) for the relief of John W. Blake; and the same was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

AMENDMENT OF RULES.

Mr. RANDALL. Mr. Speaker, I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The regular order is the unfinished business of yesterday's session, which is the report made by the gentleman from Pennsylvania [Mr. RANDALL] from the Committee on Rules.

The question is upon the amendment offered by the gentleman from Ohio [Mr. KEIFER] to strike out the word "five" and insert the word "ten" as the number of members required to object in order to prevent the consideration of a bill.

Mr. WELLER. Mr. Speaker, can that report now be read for the information of the House?

The SPEAKER *pro tempore*. It may be in the absence of objection. If no objection be made, the Clerk will read the report.

Several members objected.

Mr. KEIFER. Mr. Speaker, I ask that the Clerk read that part of the report to which my amendment applies.

The SPEAKER *pro tempore*. The Clerk will read the clause which is proposed to be amended by the gentleman from Ohio.

The Clerk read as follows:

Strike out "five," before the word members, and insert "ten;" so that it will read, "and the bills and resolutions so designated shall be considered, unless objected to by at least ten members."

The SPEAKER *pro tempore*. The question is upon agreeing to the amendment of the gentleman from Ohio which has just been read.

The question was taken; and there were—ayes 117, noes 55.

Mr. YAPLE. Mr. Speaker, I call for the yeas and nays.

The question was taken on ordering the yeas and nays, and 26 members voted in the affirmative and 139 in the negative—not one-fifth of the last vote.

So the yeas and nays were not ordered.

The SPEAKER *pro tempore*. The question is on the adoption of the amendment of the gentleman from Ohio [Mr. KEIFER].

The amendment was agreed to.

Mr. KEIFER moved to reconsider the vote by which the amendment was agreed to, and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question recurs upon agreeing to the report of the Committee on Rules as amended, upon which the previous question is operating.

The report as amended was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER. A great many members would like to have this rule, as now amended, printed in the RECORD of to-morrow morning.

The SPEAKER *pro tempore*. If there be no objection it will be printed in the RECORD of to-morrow as amended.

There was no objection.

The resolution, as amended, is as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least ten members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

Mr. WILLIS. I move to dispense with the morning hour.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. WILLIS. I move that the House now resolve itself into Committee of the Whole on the state of the Union, my object being to call up the river and harbor bill. Pending this motion I move that all general debate in Committee of the Whole on this bill be limited to one hour and a half; and on that motion I call the previous question.

Mr. REED, of Maine. I hope that will not be done. The members of the Committee on Rivers and Harbors have not got through addressing the Committee of the Whole on the subject——

Mr. WILLIS. I think the committee will be liberal in this matter.

Mr. WASHBURN. I hope the gentleman will allow a little more time than an hour and a half. So far as I am concerned, I think the friends of the river and harbor bill on this side of the House——

Mr. WILLIS. What time does my friend from Minnesota suggest?

Mr. WASHBURN. I would say three hours and a half.

Mr. WILLIS. If the gentleman will say two hours, we can agree upon that.

Mr. HENLEY. Give them leave to print.

Mr. WILLIS. I will modify my motion so as to allow three hours for general debate; and upon that I call the previous question.

Mr. WASHBURN. So far as I am concerned, I believe it is the general disposition on this side of the House, certainly of those who are the real friends of a respectable river and harbor bill, to agree to three hours.

Mr. REED, of Maine. Is it understood that the members of the Committee on Rivers and Harbors resign their right to occupy this time? Because otherwise other members of the House, who have not had opportunity to be represented before the Committee on Rivers and Harbors, will have no opportunity to be represented before the House.

Mr. WILLIS. So far as one member of the committee can control the matter, ample time will be allowed in Committee of the Whole for speeches of ten, fifteen, or twenty minutes each. I will endeavor to consult the wishes of all sides of the House.

Mr. RANDALL. I object to any agreement at variance with the rule.

The SPEAKER *pro tempore*. The first question is on ordering the previous question on the motion of the gentleman from Kentucky [Mr. WILLIS] to limit general debate in Committee of the Whole on the river and harbor bill to three hours.

Mr. REED, of Maine. Do I understand it is arranged that members of the committee shall not occupy all this time?

The SPEAKER *pro tempore*. The Chair has no information upon that subject.

Mr. RANDALL. That is a matter to be regulated by the chairman of the Committee of the Whole.

Mr. REED, of Maine. But the chairman of the Committee of the Whole holds that the members of the Committee on Rivers and Harbors have the right to be heard first, and it looks as if they were not only to be heard first, but also to be heard last.

The SPEAKER *pro tempore*. The Chair will state to the gentleman

from Maine that in the absence of any agreement (of which the Chair knows nothing) the disposition of time in the Committee of the Whole would be regulated by the chairman of the Committee of the Whole.

Mr. REED, of Maine. But in determining this question it is very important the House should know how that recognition is going to be extended.

The SPEAKER *pro tempore*. The present occupant of the chair has no control over the proceedings of the Committee of the Whole.

Mr. REED, of Maine. I am aware of that; but the House has such control, and I want to bring the question to the attention of the House. If the House does not wish to control it, no one can find any fault.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The question being taken; there were—ayes 139, noes 48.

Mr. REED, of Maine. I call for the yeas and nays on ordering the previous question.

The question being taken on ordering the yeas and nays, the ayes were 31—less than one-fifth of the last vote.

The SPEAKER *pro tempore*. In the opinion of the Chair the yeas and nays are not ordered.

Mr. REED, of Maine. I call for tellers on ordering the yeas and nays.

Tellers were ordered, 33 voting in favor thereof; and Mr. REED, of Maine, and Mr. WILLIS were appointed.

Mr. WILLIS. If the House will indulge me, in the interest of public business [cries of "Regular order!"] I ask whether three hours and a half——

Mr. REED, of Maine. Mr. Speaker, all I ask of the House is that we who are not members of the Committee on Rivers and Harbors shall have an opportunity to discuss this question. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Debate is not in order. The House is dividing.

The House again divided; and the tellers reported—ayes 44, noes 143.

So (one-fifth of those present having voted in the affirmative) the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 174, nays 72, not voting 77; as follows:

YEAS—174.

Aiken,	Dorsheimer,	Ketcham,	Ryan,
Alexander,	Dowd,	King,	Singleton,
Anderson,	Dunham,	Kleiner,	Skinner, T. G.
Bagley,	Eaton,	Lamb,	Slocum,
Ballentine,	Eldredge,	Lanham,	Smalls,
Barbour,	Ellis,	Lewis,	Smith, A. Herr
Barksdale,	Ellwood,	Libbey,	Smith, H. Y.
Beach,	English,	Lovering,	Snyder,
Bennett,	Ermentrout,	Lowry,	Stevens,
Bisbee,	Evans,	McComas,	Stewart, Charles
Blackburn,	Fiedler,	McMillin,	Stockslager,
Blanchard,	Findlay,	Matson,	Strait,
Bland,	Follett,	Maybury,	Sumner, C. A.
Blount,	Foran,	Miller, J. F.	Sumner, D. H.
Boyle,	Forney,	Mills,	Swope,
Bratton,	Geddes,	Money,	Talbott,
Breckinridge,	Goff,	Morrill,	Taylor, J. M.
Brewer, F. B.	Graves,	Moulton,	Thomas,
Buchanan,	Green,	Muldrow,	Tillman,
Budd,	Greenleaf,	Murphy,	Townshend,
Burleigh,	Halsell,	Mutchler,	Tully,
Cabell,	Hardeman,	Neece,	Turner, H. G.
Caldwell,	Harmer,	Nelson,	Turner, Oscar
Campbell, J. M.	Hatch, W. H.	Nicholls,	Van Alstyne,
Candler,	Hemphill,	Oates,	Wait,
Carleton,	Henderson, T. J.	Ochiltree,	Wallace,
Clardy,	Henley,	O'Ferrall,	Ward,
Clements,	Herbert,	O'Hara,	Warner, Richard
Cobb,	Hewitt, G. W.	Paige,	Washburn,
Cosgrove,	Hill,	Parker,	Wemple,
Covington,	Hoblitzell,	Patton,	White, Milo
Cox, W. R.	Holman,	Peel,	Wilkins,
Craig,	Holmes,	Perkins,	Williams,
Crisp,	Holton,	Pierce,	Willis,
Culberson, D. B.	Houseman,	Pryor,	Wilson, W. L.
Culbertson, W. W.	Howey,	Randall,	Winans, E. B.
Cutcheon,	Hunt,	Reagan,	Winans, John
Dargan,	Hurd,	Reid, J. W.	Wolford,
Davidson,	Jeffords,	Reese,	Wood,
Davis, G. R.	Johnson,	Rice,	Worthington,
Davis, R. T.	Jones, B. W.	Riggs,	York,
Deuster,	Jones, J. H.	Robertson,	Young.
Dibrell,	Jones, J. T.	Rogers, J. H.	
Dockery,	Jordan,	Rogers, W. F.	

NAYS—72.

Adams, G. E.	Hanback,	Milliken,	Russell,
Atkinson,	Hardy,	Morgan,	Shively,
Bayne,	Hart,	Murray,	Spooner,
Bingham,	Haynes,	O'Neill, Charles	Springer,
Boutelle,	Henderson, D. B.	O'Neill, J. J.	Stephenson,
Brewer, J. H.	Hepburn,	Payne,	Stewart, J. W.
Brown, W. W.	Hiscock,	Payson,	Storm,
Browne, T. M.	Horr,	Peters,	Struble,
Burnes,	Houk,	Pettibone,	Taylor, E. B.
Cassidy,	Kean,	Phelps,	Taylor, J. D.
Collins,	Keifer,	Potter,	Tucker,
Connolly,	Lacey,	Price,	Wadsworth,
Converse,	Long,	Ray, G. W.	Wakefield,
Everhart,	Lyman,	Ray, Ossian	Whiting,
Ferrell,	McAdoo,	Reed, T. B.	Wilson, James
Finerty,	McCormick,	Rockwell,	Wise, J. S.
Funston,	Millard,	Rosecrans,	Woodward,
Guenther,	Miller, S. H.	Rowell,	Yaple.

NOT VOTING—77.

Adams, J. J.	Davis, L. H.	Kelley,	Seymour,
Arnot,	Dibble,	Kellogg,	Shaw,
Barr,	Dingley,	Laird,	Skinner, C. R.
Belford,	Dunn,	Lawrence,	Spriggs,
Belmont,	Elliott,	Le Fevre,	Steele,
Bowen,	Fyan,	Lore,	Stone,
Brainerd,	Garrison,	McCoid,	Thompson,
Breitung,	George,	Mitchell,	Throckmorton,
Broadhead,	Gibson,	Morrison,	Valentine,
Brumm,	Glascock,	Morse,	Vance,
Buckner,	Hammond,	Muller,	Van Eaton,
Campbell, Felix	Hancock,	Nutting,	Warner, A. J.
Campbell, J. E.	Hatch, H. H.	Poland,	Weaver,
Cannon,	Hewitt, A. S.	Post,	Wellborn,
Chalmers,	Hitt,	Pusey,	Weller,
Clay,	Hooper,	Rankin,	White, J. D.
Cook,	Hopkins,	Ranney,	Wise, G. D.
Cox, S. S.	Hutchins,	Robinson, J. S.	
Cullen,	James,	Robinson, W. E.	
Curtin,	Jones, J. K.	Seney,	

So the previous question was ordered.

During the roll-call,

Mr. WASHBURN moved by unanimous consent that the reading of the names be dispensed with.

There was no objection, and it was ordered accordingly.

The following pairs were announced from the Clerk's desk on all political questions until further notice:

Mr. MORRISON with Mr. SKINNER, of New York.
Mr. SHAW with Mr. LAIRD.
Mr. JONES, of Arkansas, with Mr. KELLOGG.
Mr. ARNOT with Mr. BELFORD.
Mr. FYAN with Mr. HOOPER.
Mr. DUNN with Mr. CHALMERS.
Mr. ELLIOTT with Mr. VALENTINE.
Mr. DAVIS, of Missouri, with Mr. BRAINERD.
Mr. GARRISON with Mr. BARR.
Mr. CLAY with Mr. HOWEY.

On this vote—

Mr. SENEY with Mr. STONE.
Mr. VAN EATON with Mr. JAMES.
Mr. GEORGE D. WISE with Mr. STEELE.
Mr. WISE would have voted "ay" and Mr. STEELE "no."

For this day—

Mr. ADAMS, of New York, with Mr. WEAVER.
Mr. MULLER with Mr HOUK.
Mr. CAMPBELL, of New York, with Mr. KELLEY.

The vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The question recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] to close general debate on the river and harbor bill in the Committee of the Whole House on the state of the Union at the end of three hours.

Mr. REED, of Maine. I demand a division on that question.

The House divided; and there were—ayes 97, noes 41.

Mr. HEPBURN. No quorum voting.

The SPEAKER *pro tempore*. The Chair will appoint as tellers Mr. WILLIS and Mr. HEPBURN.

Mr. HEPBURN. I will waive the question of no quorum.

The SPEAKER *pro tempore*. The ayes were 97, noes 41; and the point of no quorum having been withdrawn, the motion is agreed to.

The question now recurs on the motion to go into committee for the purpose of considering the river and harbor appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. The present condition concerning the debate is that on the Democratic side Mr. WILLIS, Mr. REAGAN, Mr. BLANCHARD, and Mr. GIBSON have been heard, and on the Republican side Mr. PRICE, Mr. THOMAS, and Mr. BAYNE. All of these are of the committee except Mr. PRICE. He has twenty-five minutes reserved, Mr. WILLIS twenty-five, and Mr. GIBSON twenty-two. At present the gentleman from Arkansas [Mr. BRECKINRIDGE] is entitled to the floor, he having the floor when the committee rose last week.

Mr. WILLIS. I feel, under the statement I made to the House, I should surrender my time, and I do so.

The CHAIRMAN. The Chair has made this statement with the desire there should be some arrangement agreed upon between gentlemen. There are many persons on the list of those who are on the committee and those who are not on the committee. While there is no positive rule on the subject, the custom is so uniform to recognize members of the committee, the Chair has felt it his duty to do so, alternating from side to side and from those favoring the bill to those opposing the bill. The Chair hopes that some arrangement will be made during the time the gentleman from Arkansas is speaking which will be satisfactory.

By order of the House general debate has been limited to three hours.

Mr. YOUNG. Mr. Chairman, does it appear from any memorandum before the Chair how much time the members of the Committee on Rivers and Harbors propose to occupy?

The CHAIRMAN. The Chair will state that every member of the committee had his name on the list, so far as the Chair remembers, ex-

cept one who is ill: The gentleman from Arkansas is entitled to the floor and will proceed.

Mr. BRECKINRIDGE addressed the House. [See Appendix.]

Mr. BRECKINRIDGE. Mr. Chairman, I ask unanimous consent that I be allowed ten minutes more.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] asks unanimous consent that his time be extended for ten minutes. Is there objection?

Mr. REED, of Maine. Mr. Chairman, I am ready to agree to allow the gentleman the extra ten minutes that he desires if the whole time can be extended ten minutes; but I fear that the gentleman himself [Mr. BRECKINRIDGE] voted for the restriction of the time.

The CHAIRMAN. It will be impossible to extend the time beyond the limit fixed by the House. Is there objection to the extension of time asked for by the gentleman from Arkansas [Mr. BRECKINRIDGE]?

Mr. WASHBURN. I object.

The CHAIRMAN. Objection is made to the extension of the gentleman's time, and the gentleman from Wisconsin [Mr. PRICE] is entitled to the floor.

Mr. PRICE. Mr. Chairman, when addressing the House a few days ago on this bill I gave a table of figures which I conceded to be imperfect, but claimed to be as nearly correct as could be arrived at in the few minutes that were allowed for examination after the bill was obtainable and before the debate opened.

I have carefully revised these tables, and shall by leave of the House print them as a part of my remarks:

States and Territories.	Amount.	States and Territories.	Amount.
Maine	$67,000	California†	$162,500
New Hampshire	22,500	Oregon	225,500
Massachusetts†	246,000	Pennsylvania†	97,500
Vermont	20,000	Virginia†*	264,000
Rhode Island†	50,000	West Virginia	325,400
Connecticut	138,000	Montana†	6,250
Illinois†	221,000	Washington Territory†	16,500
New York†	316,500	Dakota†	11,250
New Jersey	172,500	District of Columbia†	150,000
Delaware	118,000	Arkansas*	127,500
Maryland	87,000	Missouri*	9,000
North Carolina*	112,000	Tennessee*	302,250
South Carolina*	179,500	Kentucky*	312,250
Georgia*	140,500	Indiana	57,500
Florida*	173,750		
Ohio†	207,500		6,791,600
Mississippi*	59,000	Reservoirs	35,000
Alabama†*	395,750	Hennepin Canal	300,000
Louisiana†*	279,500	Ohio	475,000
Texas*	1,012,500	Missouri	540,000
Michigan†	438,700	Mississippi, above Cairo	880,000
Wisconsin†	212,000	Mississippi, below Cairo	2,940,000
Minnesota	50,000		
Iowa†	5,000	Total	11,961,600

*Southern States. †States represented on committees.

To briefly restate some of these figures may serve to awaken an interest on the subject that will assist in settling intelligently and fairly the question before us.

The whole sum to be appropriated is $11,961,600, besides providing for some surveying, &c., at an unknown cost. Of this sum there is to be expended: For reservoirs, $35,000; for Hennepin Canal, $300,00; for improvement Ohio River, $475,000; for improvement Missouri River, $540,000; for improvement Mississippi River, $3,820,000, of which $2,940,000 is to be expended below Cairo, and $880,000 above Cairo. In thirteen Southern States, with a population of 15,254,115, there is to be expended the sum of $3,683,900; and in twenty-five Northern States and Territories, with a population of 32,826,584, there is to be expended $3,107,700.

These sums last named are outside of the appropriations for the improvement of the Mississippi, Missouri, and Ohio Rivers, and for the reservoirs at the head of the Mississippi, and for the Hennepin Canal. The average appropriation to these States South is $283,337, and the average to the Northern States mentioned in the bill is $124,308; difference, $159,029 on an average, or over half a million more for the thirteen than for the twenty-five; or, on a population of 15,254,115, more than for a population of 32,826,584.

One extraordinary item is the sum of $1,012,500 for the State of Texas, and a part of that is one item of $750,000 for improving Galveston Harbor, which, it is claimed by its friends, is to be the initial step toward the expenditure of $8,000,000 or more on said harbor. But in a very eloquent argument made on Saturday by the gentleman from Louisiana [Mr. BLANCHARD] in favor of this appropriation, he made the startling announcement that "Galveston shipped annually 800,000 bales of cotton;" and being asked how many tons that would make, he answered, "Count it yourself, at five hundred pounds per bale." I understand, but I may be mistaken, that in that condition cotton is worth about 10 cents per pound; and, if so, that whole matter of commerce is but $40,000,000.

While we are dealing in figures I desire to submit a few on other matters that may very properly be considered in this connection. The States having a representation by one of their own members on the Committee on Rivers and Harbors get, on an average, $233,140, while those not so represented, and named in the bill, get by its provisions $149,750 on an average, or $83,390 less than the others. These facts and figures tell their own story, but when interpreted by a few more figures, which I now propose to submit, I think gentlemen on both sides of this House, who mean to be fair, will admit that this manner of discussion is legitimate, as there is a clear discrimination against one part of the country and in favor of another. To-day we stand confronted with the fact that in this Chamber there are but 17,000 and a fraction of votes behind every member who represents one of the late insurrectionary States—I mean on an average—while in the other States of the Union there is a fraction of over 27,000 votes behind each member of this body on an average. I get my authority for this statement from the Congressional Directory of the Forty-eighth Congress; and the same inequality holds good in the electoral college.

Again, it cost this Government for the year 1884, to pay the expenses of the United States courts in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia, with an aggregate population of 12,990,246, the sum of $1,020,184.36; while for the same purpose for the States of Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin, with an aggregate population of 26,239,010, the cost was only $751,087.19. In other words, for the same purpose, and for half the population, it cost the Government $847,389.20 more in the South than it did in the North. I submit that it is perfectly proper to consider all of the foregoing facts in connection with this bill. Every member of this House, and every tax-payer in the country, has a right to inquire where the revenues are being expended, and how, and by whom.

I fully concur with the gentleman from Texas [Mr. REAGAN] and the gentleman from Ohio [Mr. EZRA B. TAYLOR] that sectional considerations should not control these appropriations; and it is because I so believe that I oppose this bill in its present form.

Let me illustrate: For two different improvements in the Chippewa River, in the State of Wisconsin, the Government engineers reported that the sum of $55,000 could be judiciously expended; and the committee insert in this bill the sum of $13,500 to cover both; and I was told by a member of the committee that it had adopted a rule to recommend 25 per cent. of the recommendations of the engineers.

Looking at this bill, I find that in the Northern States, particularly Michigan, Wisconsin, and some others, this rule has been inflexibly enforced or the amount recommended in such instances falls below the percentage named. In none of these instances has this percentage been exceeded. I have no objection to the rule, but let us see how it is applied and how it works.

Mr. WILLIS. Will my friend allow me to say in one second——

Mr. PRICE. I yield for one second.

Mr. WILLIS. As to political votes in the committee, I will state here in the presence of every member of the committee that there has never been any division in the committee politically since its creation. Further I will say that of the fifteen members of the committee (unless you count me as a Southern member) twelve are from the North and three from the South. As to the States of Michigan and Wisconsin, both of them have representatives on the committee.

Mr. PRICE. It is a matter of the most profound indifference to me whether the fraud has been perpetrated by Northern or by Southern men. It is sufficient for me to know that the bill is unequal in its provisions, sectional in its character, and as such should be rebuked by the House.

Mr. OCHILTREE. Will the gentleman yield for a question?

Mr. PRICE. I must decline to do so, though I would like very much to oblige the gentleman. The other day when I occupied the floor for a brief period I allowed my time to be frittered away by interruptions, but on a subsequent day when I sought from a gentleman, who after consuming an hour had his time extended, the privilege of making one single remark which would have saved the consistency of his record and relieved me from the necessity of making a correction of it to-day, he deliberately refused me that opportunity. I must decline, in my brief time, to be interrupted.

Last summer an extraordinary flood occurred in the Chippewa River which created an impassable bar in it, and I asked that an additional sum might be appropriated for its removal. I was told that I could not get it, because the committee would not entertain a proposition to appropriate for any work not recommended by the engineers.

Through the courtesy of a member of the committee, General HENDERSON, of Illinois, I succeeded in getting them to amend the bill so as to include the work on the bar with the work on the Yellow Banks and the jetties at the mouth of the river; but I was held inflexibly to the $13,500 to make these three improvements, when $55,000 was recommended by the engineers for two of them, and this, too, upon a river upon which a line of steamboats plies and that has a lumber commerce alone of $10,000,000 annually.

For the improvement of the Superior Harbor the engineers recommended an appropriation of $50,000, but the committee, adhering to their "rule," give that improvement in this bill $12,500, or 25 per cent.

The engineer in charge has also sent a supplemental report, in which

he recommends a further appropriation of $70,000 to improve the Saint Louis River at Superior, which is really a part of the Superior Harbor, and on this I get nothing by this bill. isIt due, however, to the committee to say that I do not know whether or not they were in possession of this supplemental report. I could not get to them to tell them of it, and the Wisconsin member of that committee was prostrated on a bed of sickness.

The committee did graciously permit by the bill an expenditure of a part of the $12,500 which was for the Superior Bay on the work in Saint Louis Bay. Thus we have $12,500 appropriated instead of $120,000 recommended by the engineers, or $17,500 less than 25 per cent. on such recommendation of the engineers.

I am not appealing to the House on sectional grounds, but I could show if I had time that the commerce of that section of the country towers away above and overshadows the entire commerce of the city of Galveston; and that while the rule laid down by the committee was rigidly enforced in the North it was not enforced as to the South.

Mr. REAGAN. Will the gentleman allow me just a moment?

Mr. PRICE. Nothing would give me greater pleasure; but I can not afford to yield unless my time can be extended.

The CHAIRMAN. Does the gentleman from Wisconsin yield?

Mr. PRICE. No, sir. As suggested by a friend near me, I must "say no, and go on."

At the head of Lake Superior, and on the Wisconsin side, there are now two railroads and three more are being built. There is one coal dock which will hold one hundred and twenty-five thousand tons. A cattle company owning large herds in Arizona and elsewhere are commencing to ship cattle from the great Northwest by way of Superior to the seaboard. They have stabling enough to shelter and are now wintering six hundred head at that place for shipment East in the spring, and they are so well satisfied at present with the experiment that many thousand will go East by way of Superior next year, and thus avoid the more unhealthy Southern routes heretofore used. There is no power to foresee the future commercial prosperity of the head of Lake Superior.

The following letter from Lieutenant-Colonel of Engineers O. M. Poe, in relation to the present and future of the Sault Saint Mary's Canal will give some idea of the commerce of these lakes, when it is remembered that most of the commerce of the canal has to pass the head of Lake Superior:

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., January 8, 1885.

SIR: In my annual report for the fiscal year ending June 30, 1884, I submitted a project for the enlargement of Saint Mary's Falls Canal, including the construction of a new lock in place of the two old ones, and urged the matter in terms as strong as seemed proper.

It was stated that the commerce through the canal during 1883 was 2,042,295 tons (registered); that the annual increase in tonnage for fifteen years had been quite uniform, averaging 107,313 tons per year; that only 11 per cent. of the vessels passing the canal during 1883 were of sufficiently light draught to admit of their passing through the old locks; and that if these figures were maintained for eight years the present lockage system, although in constant operation, would be insufficient to take care of the shipping.

We now have complete returns for the season of 1884, and the annual increase in tonnage has not only been maintained but largely exceeded; that is to say, the registered tonnage passing through the canal during the season of 1884 was 2,997,837 tons, an increase of 955,578 tons, or nine times the average annual increase for the preceding fifteen years. Or, to state it possibly with greater force, this increase in 1884 is equal to the entire commerce through the canal during the first five years it was open to navigation.

Should this rate of increase be maintained, the full capacity of the lockage system will be reached within four years instead of eight, as estimated in the annual report.

The following table affords the means of comparing, in detail, the business of the canal during the season of 1884 with that of 1883:

Comparative statement of the commerce through Saint Mary's Falls Canal, Michigan, for the seasons of 1883 *and* 1884.

Items.	1883.	1884.	Increase.	Percentage.	Decrease.	Percentage.
Vessels.....number...	4,315	5,689	1,374	32	.....	.....
Lockages .....number...	2,351	3,074	723	31	.....	.....
Tonnage ... registered...	2,042,259	2,997,837	955,578	47	.....	.....
Tonnage .....freight...	2,267,105	2,874,557	607,452	27	.....	.....
Passengers.....number...	39,130	54,214	15,084	39	.....	.....
Coal.....tons...	714,444	706,379	.....	.....	8,065	1
Building stone.....tons...	2,405	6,047	3,642	151	.....	.....
Copper .....tons...	31,024	36,062	5,038	16	.....	.....
Flour .....barrels...	687,031	1,248,143	561,112	86	.....	.....
Grain .....bushels...	6,677,025	12,502,894	5,825,869	87	.....	.....
Iron ore .....tons...	791,732	1,136,071	344,339	43	.....	.....
Lumber.....feet, B. M...	87,131,000	122,389,000	35,258,000	40	.....	.....
Pig and manufactured iron .....tons...	109,910	72,428	.....	.....	37,482	66
Salt.....barrels...	70,898	144,804	73,906	104	.....	.....
Silver ore.....tons...	814	9,731	8,917	1,095	.....	.....
Unclassified.....tons...	191,571	207,173	15,602	8	.....	.....

Canal opened April 23 and closed December 10, 1884, being open to navigation 232 days.

Canal was opened during season of 1883 224 days.

The increase in registered tonnage was 47 per cent.; in grain, 87 per cent.; in flour, 82 per cent., and in iron ore 43 per cent

These are the great staples (although a notable increase in the lumber traffic was developed), and indicate the direction from which future increase must be expected.

It will be principally from the cereal products of the Northwest, through the systems of railways terminating on Lake Superior.

It is stated in the commercial columns of the newspapers that there are now stored at Duluth alone nearly 5,000,000 bushels of grain, and that this will be increased to more than 7,000,000 by the time navigation opens.

And yet this bill treats that section as though it were unworthy of consideration. I am in favor of a just and liberal appropriation bill; one that will include within its provisions all rivers and harbors which are of national importance, and want it as nearly equal sectionally as the commercial interests of the whole country will warrant. Not that I suppose that our rivers will ever be the arteries through which will flow the bulk of our commerce, but if no ton should ever be carried on their broad bosoms to the seaboard, when so improved as to make their navigation practicable and certain, they serve as about the only check on the rapacity of those who control the other avenues, because they are the only highways with which others can not "consolidate."

In the preparation of this bill the committee applied the principle of giving 25 per cent. only of the recommendations or estimates of the engineers in the North generally I believe—in my own district I know—and then fell below that. Another rule they adopted for their government I believe (and you must recollect that if I am wrong it is because my scources of information as to their purposes were extremely limited, as I could not get to talk with the committee) was to make no appropriation for new work or work not recommended by the Engineer or War Department. These rules were inflexible in the section where I am most interested, but became flexible and elastic under the balmier breezes of a milder clime.

I do not call attention to these inequalities to embitter the feelings of any member on this floor or of any American citizen, but to prevent a repetition of them, and awaken such attention to their existence as will insure their being remedied.

It is said this is an "era of good feeling." It ought to be. I want it to be. But my friend must be just; he must recognize my right to be his equal. I claim no superiority, and I can not without an earnest protest recognize the justness of these matters to which I have referred; nor can I consent to vote for this bill as it now stands, as it is clearly discriminating against sections and interests. Strike from it some of its most odious provisions and I will heartily support it and join with gentlemen from every section and of every political party in this or any other measure the tendency of which will be to make this what the God of nature intended it to be, the freest and most prosperous nation on the globe.

But our Government can never reach its full measure of usefulness unless the law-making power shall vest in men broad enough and honest enough to legislate with a wise and impartial reference to all sections, all interests, and all classes; until they come to be guided by the sole consideration that they are not so much the agents of a party as the agents of the people; until they study less how to place the opposite party in a bad attitude before the country by trapping them into doing badly and plan more how they may themselves do better; until we disenthrall ourselves from the senseless and infernal system of rules with which we have shackled and manacled ourselves.

To-day, if some mischievous wag should secrete at some place in this Chamber a parrot who had been taught the one word "object" (and a parrot could be taught to say that), the proceedings of this House could be brought to a standstill "under the rules," and "under the rules" I venture the opinion that not one member out of every twenty-five can become familiar with the several subjects upon which he is called to cast his vote, and that not one in fifty does have a clear idea of what is going on around him from day to day.

Gentlemen speak lightly of an expenditure of a dozen million dollars when we have not got nor have we the present means of getting 25 per cent. of what we honestly owe to men who have done work for the Government or to whom we have become indebted. There is an army of them. They crowd the corridors of the Capitol; they intercept and importune members of the committees; they plead and have been pleading for long years for simply their rights. In some cases the representatives of the third generation are growing gray in a vain attempt to induce Congress—this Congress—to pay a debt due to their great-grandfathers; and we do not deny the debt, do not even apologize for not paying it, but with a yawn we turn away and jangle through a day's session over the question of how the "rules" should be interpreted, or what particular committee shall have jurisdiction of a bill, or what particular measures shall be considered first. And all this time we are without coast defenses, without a navy, without a merchant marine. All over our land there are men dying broken-hearted in poorhouses, or in homes made wretched by poverty, who wrecked their lives and their fortunes in defense of the integrity of this country. Yet we stand here from day to day quarreling over the question of how we will adjust the manacles we have forged for ourselves and are voluntarily wearing.

I call attention to these matters not for the purpose of uselessly complaining, not for the purpose of wounding, but with the faint hope that it may have a tendency to remedy the wrongs; to induce to such action as will demonstrate to the country that we are willing to sink the partisan in the patriot; to think less of North or South and more

of the whole country; to mete out equal and exact justice to all sections and all classes; to make an immediate and earnest effort to pay our just debts; to stimulate trade and commerce alike in all sections of our common country, and not waste millions on experiments or unjustly tax the industry and thrift of one section to encourage the idleness or unthrift of another.

I agree that locality alone should not govern in this appropriation, and I go further and say that in my judgment that should not be the controlling consideration; but I think neither of the members of this committee nor any other member will deny what I claim, that it is perfectly proper to consider this question, making it subordinate to the general commercial wants of the country; and I can not forget that the eighth Congressional district of Wisconsin, where the Mississippi with all its mighty volume of commerce laves the shores of four counties, the Saint Croix River the shores of five counties, and Lake Superior two more, while it is traversed by the Chippewa and the Black Rivers with an annual commerce of $12,000,000, gets under the provisions of this bill $33,000, when the recommendation of the engineers is $202,500, one-fourth of which is $50,625; so that instead of giving us one-fourth of the amount of the engineers' recommendation we receive $17,625—less even than 25 per cent.

No man can more highly appreciate the importance of improving our water ways than I do. It is not this principle I am combating; it is the gross inequalities apparent in the bill, and the extravagant expenditure of money that we can ill spare on schemes that are impracticable and visionary, that I am opposing.

The gentleman from Louisiana [Mr. BLANCHARD] stated that Galveston was the "second cotton port in the United States." I hold in my hand a book belonging to the national Library entitled Cotton Facts, edition of October, 1884, which gives the annual cotton exports from the several United States ports since 1873; and if the statements of this book are true the gentleman's statement is incorrect, as I find that the average annual exports for the years 1873–'74 to 1883–'84, inclusive, to be as follows:

	Bales.
New Orleans	1,430,000
New York	539,000
Savannah	397,000
Galveston	328,000
Charleston	317,000

So that Galveston is not the second cotton port, as stated by the gentleman, nor is it even the third, but it is the fourth.

The gentleman stated also that the annual receipts of cotton at that port aggregate about 800,000 bales. In this the gentleman is still more widely mistaken if this book is correct, as it states the annual export to be but 328,000 bales for the last eleven years, and but 371,000 bales last year, and in the last eleven years it never reached in any one year a greater amount that 521,000 bales.

This reference to the mistakes of the gentleman is intended to prove two things: First, that the magnitude of the commerce of Galveston has been overrated in a manner which, if not corrected, would have a tendency to deceive the House; and second, to show that the bill presented to us for our indorsement has been illy digested and imperfectly considered.

Compare for a moment Galveston in the South with Superior in the North. Superior, in 1883, was entered by ten vessels with a registered tonnage of 7,734 tons, discharging at that port 9,750 tons of coal alone. In 1884 ninety-seven vessels, with a registered tonnage of 58,000 tons, discharged at that port 83,480 tons of coal alone. The recommendation of the engineers for this port was $120,000, and this bill gives it $12,500. The recommendation of the sums that can be profitably expended during the next year for a ship-canal in Galveston Bar is $500,000, and this bill gives it $750,000.

The gentleman further states that Wisconsin has no cause of complaint, as in the aggregate appropriations she is next to New York and Michigan, and stands third on the list. A reference to the bill will prove that Wisconsin stands thirteenth in the list as to amount.

But I am charged with making this a "sectional question." I deny and resent the statement. A bill formulated in a committee with closed doors, discriminating against the States having no immediate representation on the committee, discriminating against a section by overriding every consideration growing out of the volume and needs of commerce and of the recommendations of the engineers, is presented to us, and we are asked on a three hours' debate to crystallize it into a law, scarred and marred all over as it is with sectionalism. And because I have pointed out a few of these unjust provisions I am charged with making the discussion sectional. If I found a neighbor making off with my property and I should attempt to intercept him would I be justly chargeable with inciting a quarrel? I yield to no man in a desire to see all sectional considerations ignored in this House or elsewhere, and it affords me a melancholy pleasure to indorse, in closing, one-fourth of the statement made by the gentleman from Louisiana [Mr. BLANCHARD], when he said he knew "No North, no South, no East, no West." He certainly knows no North.

Mr. STONE obtained the floor.

Mr. REAGAN. I ask the gentleman from Massachusetts [Mr. STONE] to yield me one minute.

Mr. STONE. I will do so.

Mr. REAGAN. I desire only to say one word in response to the sectional argument which has been made by the gentleman from Wisconsin [Mr. PRICE]. He opposes this bill because, as he claims, it is sectional. What is the fact? The records of the War Department show that there has been appropriated for the improvement of rivers and harbors of the State of Wisconsin $4,659,541. The records of the same Department show that the eight States of Tennessee, South Carolina, Mississippi, Louisiana, Kentucky, Florida, Arkansas, and Alabama have received in the aggregate $332,140 less than the amount received by the single State of Wisconsin. Yet that State, through her Representative, now talks about sectionalism. [Applause.] The figures are as follows:

Tennessee	$85,500
South Carolina	963,000
Mississippi	377,900
Louisiana	245,400
Kentucky	457,000
Florida	760,350
Arkansas	316,500
Alabama	1,091,751
Total for eight States	4,317,401
Wisconsin alone	4,659,541

Mr. STONE. Mr. Chairman, as under the order adopted by the House this debate is limited to a short time, I will not undertake to speak at large, as I had hoped to do, upon the general merits of this bill. I will merely occupy a few minutes in explaining that item in the bill in which I am especially interested, and which has been particularly alluded to by two or three members who have already taken part in the debate. I allude to the item which proposes an appropriation for the establishment of a first-class national harbor upon the Atlantic coast at a place in Massachusetts called Sandy Bay, at the extreme end of Cape Ann.

By the action of Congress at its last session the Secretary of War was authorized to commence the construction of such a harbor at this place, provided that a board of engineers to be appointed by him should upon examination find that this location—Sandy Bay, Massachusetts—was the best point on the coast between Boston and Portland for such a harbor.

The provision in the bill of last year passed without exciting any opposition. It was thoroughly considered in the committee before being reported to this House, and inasmuch as it proposed the commencement of a large work—the establishment of a harbor which will cost four or five million dollars—it was considered right and judicious on the part of the committee not to embark upon the enterprise until the board of engineers had made an examination and passed upon the question of location.

In pursuance of the authority thus vested in the Secretary of War a board of engineers was appointed, who examined the coast and made a report to the War Department. In their report this board of engineers find distinctly that the location at Sandy Bay is the best point on the coast between Boston and Portland for such a harbor.

The language of the bill last year which authorized this examination by the board of engineers was as follows:

> Constructing a national harbor of refuge of the first class at Sandy Bay, Cape Ann, Massachusetts, $100,000: *Provided*, That a board of three engineers, to be appointed by the Secretary of War, shall decide that this point is the best location on the coast between Boston and Portland for such a harbor that shall serve all the uses for which it may be needed.

In drafting that provision I had in my mind not only the establishment of a first-class harbor of refuge which would meet the demands of commerce and humanity, but I had also in my mind what I believe it the duty of this Government to consider, the value and importance of such a harbor possibly in the future as a military or naval station in case of foreign complications. The question having been thus submitted to the engineers, they found in their report, as I have stated, that Sandy Bay was the best location.

Mr. HORR. Will the gentleman state just where Sandy Bay is?

Mr. STONE. Sandy Bay is upon the extreme eastern end of Cape Ann, on the eastern shore of Massachusetts, which projects into the sea from ten to fifteen miles beyond the ordinary contour of the coast. It is in all respects, as the engineers have reported, a very desirable and strikingly suitable situation for the establishment of a harbor of this description. But while the engineers found, as I have stated, that that was the proper location, for some cause which is unexplained, having passed upon the question submitted to them, they then went beyond their authority, and considered the question whether or not it was for the interests of commerce that a harbor of the first class should be established at that point, and upon that question they have written a very long and full report. In that report they argue that while this is the best location for such a harbor, yet the needs of commerce would be met and satisfied by a harbor of the second class in that neighborhood, in connection with the work which they recommend shall be done in a harbor ten miles from there, the harbor of Gloucester.

Now, Mr. Chairman, it is because of that report in which the engineers have passed upon another question, to wit, whether or not the needs of commerce will be satisfied if a harbor of another class be estab-

lished near there, that there appears to be here and now in this House a difference of opinion on the part of some members of the committee in regard to the expediency of this item of appropriation. But gentlemen will observe—and I ask the attention of the House to this point—that the question of the expediency of this appropriation and the question of the convenience and the necessity of such a harbor was the very first question that was discussed by the board of engineers. Before the question came to this House at all as a subject of appropriation, General Thom, who was the chief of the engineers of that section of country, was requested to examine this point as a preliminary step, and upon such examination he reported to the Secretary of War (who transmitted the report to Congress) that there was great need for a harbor of refuge upon the coast in this vicinity, and that in his judgment this was the proper point for it, and also that it was a work of great importance and of public necessity.

So that, as to the question of public necessity, that was passed upon and distinctly reported upon to Congress by General Thom.

Now, these engineers, by what authority I do not know, have attempted not only to instruct this Congress upon the question submitted to them, to wit, the question of location, but they have attempted also to instruct this Congress in regard to a subject as to which their opinion was not asked, and in respect to which, so far as I know, by reason of their history and antecedents, they have no special qualifications to speak. They are a board of engineers representing the executive department of the Government, but why they found it convenient to enter upon another question which belongs especially to us, the legislative branch of the Government, to wit, the question whether or no the commercial needs of the country and the demands of humanity and of commerce require such a harbor, I do not understand; because that question is for us, and not for any board of engineers that this Government may happen to employ or control.

I will read a few words from this report, which is dated December 24, 1884. In the report the engineers begin by asking, What does Congress mean when it asks us to decide whether this is the best location? That is the question that these engineers gravely and honestly raise. What does Congress mean when it says that it will establish a national harbor of refuge at Sandy Bay (I read now the very words):

Provided, That a board of three engineers, to be appointed by the Secretary of War, shall decide that this point is the best location on the coast between Boston and Portland for such a harbor that shall serve all the uses for which it may be needed.

This board of engineers begin by asking what Congress meant when it submitted that question to them. Then, having said that, they proceed to dismiss in a few words one part of the question submitted, namely, whether or not this is the best place on the coast between the points named for such a harbor for all the purposes for which it may be needed. They perceive that in that phraseology the question of the value of this point as a military or naval station is involved, but they do not devote any thought to that question, but dismiss it by saying that they do not think it is worthy of consideration. So that this board of engineers dismiss without thought or consideration one element of the question submitted to them, and then, having in a few words decided upon the question of location, to the effect that there was no doubt about the suitableness of this point, they then proceed to discuss a question which was not submitted to them at all. This is the posture of this board of engineers, declining to deal with one relation of the question which was submitted to them, and introducing and discussing another question which was not before them.

Now what do they say? They say that, in their judgment, such a harbor is not needed, and that the wants of commerce can be met by establishing a second-class harbor at a place between Thatcher's Island and Milk Island, which is a point about two miles from what is called Sandy Bay, and by expending also a million and a half of money in the improvement of a harbor eight or ten miles distant called Gloucester Harbor. So that the engineers virtually say to Congress: "In our judgment, instead of building a first-class harbor at Sandy Bay, we recommend that you shall build a second-class harbor between Thatcher's Island and Milk Island, and also expend another million and a half on Gloucester Harbor, about ten miles off; and, in our judgment, such an expenditure will be less by one-half than what you propose to expend on this harbor at Sandy Bay, while we believe that the wants of commerce will be equally well met and satisfied."

Now I submit, Mr. Chairman, that there is no one in this House who has greater regard for the ability and intelligence of the Corps of Engineers, when dealing with subjects within their province and matters coming properly before them, than I have, but when they attempt to instruct Congress on a subject, especially a legislative one, and not in any sense an executive one, they exceed their authority.

Mr. STEELE. I understand you then to hold the position that you think a great deal of the engineers' report where they make recommendations to suit you, but when they make recommendations to the contrary of what you desire, then you do not think much of the engineers' report? [Laughter.]

Mr. STONE. No; I did not say that. I said this, that I thought a great deal of the Corps of Engineers when they were dealing with matters within the province of their duties, but that when they attempted to deal with matters outside, then it is gratuitous, unauthorized, and entitled to no respect whatever.

Mr. STEELE. I understand these engineers do not recommend a harbor they can not get into.

Mr. LONG. They do not claim they can not get into it.

Mr. STEELE. Well, that it is dangerous to get into it.

Mr. LONG. No.

Mr. STEELE. Gentlemen of the committee inform me they do claim that.

Mr. STONE. Now, Mr. Chairman, I wish to refer to this report in another relation. When this matter came before the last Congress, owing to a remark made by Major Raymond, who made a long and elaborate report, in which he spoke of some ledges in the neighborhood, the criticism was made that this harbor might not be found accessible in times of rough weather, and therefore would not be of value; but Major Raymond afterward wrote a letter to the committee, in which he said he wished to change his opinion, because that difficulty could be corrected by establishing a light-house on a certain point on a dry reef outside of the harbor.

Upon this point the report of the engineers is valuable, and to this I ask the attention of the gentleman from Indiana [Mr. STEELE]. When the board of engineers came to deal with the question of the best location for a first-class harbor, if they had considered the remark made by Major Raymond in his first report of any importance they would have said so, and would have reported against this location because of this difficulty; but, on the contrary, they were unanimously in favor of Sandy Bay as the place of all others for a first-class national harbor; and I commend this part of the report to Major STEELE as a conclusive answer to his suggestion that the harbor would be inaccessible.

Again, they say in their report, and to this I ask the attention of the members of the committee for a few minutes, that the wants of commerce will be met by a second-class harbor. Now I do not believe that any member of this House who has given the subject of commerce any attention, who has carefully considered what is taking place in Europe to-day, who has carefully considered what they are doing across the water, or has carefully considered what we are doing in our own country, would advise for a moment that this Government should spend a million and a half of dollars on the Atlantic coast to establish a second-class harbor.

Why, Mr. Chairman, what has the Government been doing all along the Atlantic coast for the last fifteen years? Nothing but making second-class into first-class harbors; and the needs of commerce to-day are such that a second-class harbor is comparatively of no value. We are expending millions of dollars all along the Atlantic coast, from the mouth of the Mississippi River to Eastport on the extreme east, in changing second-class harbors to first-class harbors; and why do we do it? In 1853, only thirty years ago, you might take up Lloyd's Register of American and Foreign Commerce, and you could not find registered in that whole register of more than 10,000 ships more than five American ships drawing over twenty feet of water.

Mr. HORR. What is the difference between a first-class harbor and a second-class harbor?

Mr. STONE. I will explain. That question is asked by these engineers.

Mr. HORR. Does it depend on the depth of water?

Mr. STONE. These engineers ask that question with a singular exhibition of innocence. These engineers, whose duty it is to know all about rivers and harbors, gravely ask what is a first-class harbor.

Now let us see what Mr. Nimmo says—Mr. Nimmo, the head of the Bureau of Statistics. I have not the report before me now. I thought I had it. But Mr. Nimmo made a report in which he states the accepted classification in this country as well as abroad, that a first-class harbor is a harbor that accommodates vessels of the largest size and drawing over twenty feet of water; that a second-class harbor is a harbor that accommodates vessels drawing between fifteen and twenty feet of water, and that a third-class harbor includes all harbors that accommodate vessels drawing fifteen feet of water or less. That is the classification adopted in other countries as well as here by those dealing with the subject. But these engineers undertake to advise this Congress to make a second-class harbor in Massachusetts and to expend more than a million of dollars on it. They do not know, apparently (and I say it respectfully), what are the commercial needs of the country in this respect. Why do you spend millions of dollars—and I ask my friend from New York [Mr. POTTER] the question—why do you spend millions of dollars in New York to deepen the channel of that harbor, to get twenty-five or thirty feet depth? It is because you know that commerce is demanding it, and that twenty feet is not sufficient for the present demands of the commerce of the world.

Now, Mr. Chairman, if this Government is to engage in this enterprise let it establish a harbor upon the coast equal to all the demands of commerce and humanity, and which will be an honor and a credit to the American people. They should put one there to meet all of the conditions of a first-class harbor, and there is no point on that entire coast between Boston and Portland—and on that the committee agree—that can be compared with Sandy Bay for the purpose of establishing a magnificent harbor. It has all the water you can need; it is

free from silt, from ice, from currents of every description, and it is in the immediate neighborhood of a number of granite quarries, out of which abundant material can be obtained at a nominal expense of 40 or 50 cents a ton, when the same material if sent to South Carolina or to Mississippi would cost at least four or five dollars a ton.

Mr. BOUTELLE. May I interrupt the gentleman a moment to ask whether copies of that report to which he referred are available?

Mr. STONE. I presume they are; I have no doubt they are. They were furnished to Congress.

Now, Mr. Chairman, I want to show in as few words as I can what this Government is doing. As I have said already, in 1853 out of 10,430 vessels there were only five drawing over twenty feet of water. In 1878 we had one hundred and fifty-seven on Lloyd's register drawing over twenty-three feet of water, and the harbors of New York and Portland, in fact all of the great harbors of the coast, are demanding improvements which will give a depth of thirty feet of water to meet the demands of the large vessels that carry the commerce of the world.

You are building steamboats of 8,000 tons capacity; you are crossing the ocean in six days; you are nearer practically to England to-day than you were thirty years ago by one-half, and you have got to protect your coast, and to legislate for the possible demands of the future. These things must be kept in mind in dealing with this subject of river and harbor improvements.

I submit, Mr. Chairman, that it is only the part of wisdom—of true wisdom on the part of this Congress, if you move at all in this direction—to build a harbor upon this coast which shall be a credit to the country and equal to the resources of this great nation, which is now on the pathway of empire and is not to be staid.

A word more, Mr. Chairman. I want to say a word upon another subject, and I may take up more time than I had intended to consume. I desire to say, and I say it earnestly, that I have been somewhat surprised from previous conversations that I have had with gentlemen at what has taken place here. I was surprised at the remarks of my friend from Illinois [Mr. THOMAS], after what had taken place between us. I do not quite understand his criticisms. But I want to call attention to some facts in connection with the necessities of commerce at this point. You are legislating for the commerce and for the wants of the navigation of this country.

Do you realize where the commerce of this country is? Do you realize the fact that out of about 24,082 vessels belonging to these United States 18,178 belong to the Atlantic coast? The members of this House are asking for liberal appropriations for the rivers and lakes of the interior; and I am with them most heartily, for I am in favor of liberal appropriations; but I call attention to the statistics of our commerce; which after all is the best indication of the condition and wants of the country. Of the entire commerce of the country, as measured by vessels, 18,178 are engaged in the trade on the Atlantic coast. Of that 18,178, 5,888 vessels, or nearly one-fourth of the whole commerce of the country, belong to New England. Consider that for a moment. Of the entire commerce of this country, 5,888 vessels out of 24,000 belong to New England and are engaged in commerce in these very waters where we ask the establishment of a first-class harbor. We propose to put into this bill more than $6,000,000 for the Mississippi River and its great tributaries; and yet upon the Mississippi River and the rivers tributary to it there are only 1,303 vessels out of the 24,000. So that we of the Eastern coast, for we mean to be generous, give to the Western rivers more than $6,000,000 in this bill, with only 1,303 vessels, and only ask in New England an appropriation of about one-half a million with our one-fourth of the total commerce of the country. And this, remember, is for the whole of New England.

In regard to this very point which I have stated, that the commerce of this country is on the Atlantic coast, if I may be permitted for a moment to refer to a remark which took place before the committee, a gentleman from Toledo told us that the bulk of the commerce of the country was on the lakes. He was very much surprised when I showed him these facts, and that of the total commerce of this country only 3,380 vessels were on the lakes against 18,000 on the Atlantic coast.

Mr. THOMAS. May I interrupt the gentleman to ask what is the distance from this proposed harbor at Sandy Bay to Boston?

Mr. STONE. It is about thirty-five miles.

Mr. THOMAS. And what is the distance from Sandy Bay to Portland?

Mr. STONE. It is between eighty and ninety miles; probably a hundred miles.

Mr. THOMAS. How far is it from Portsmouth, N. H.?

Mr. STONE. Thirty or thirty-five miles.

There is an immense commerce between Boston and Portland, and a very great proportion of the commerce that passes this point is not only the commerce directly between Boston and the East, but a very large proportion of vessels that come to Boston from New York and the Southern ports go East for return freights; and they pass Cape Ann in going East, when they are destined evidently for some Southern port. And according to the best computations that can be made, and those computations are confirmed by recent examinations, there are supposed to be about 70,000 vessels that pass this point, this extreme end of the cape, Sandy Bay, every year. And those vessels which are bound for New York passing south of Cape Cod as a rule make the Cape and light in passing to the South; so that vessels in distress come in sight of this very point, Cape Ann, when bound to Southern ports. Colonel Craighill, a very able engineer and a very accomplished man, who signed the report, told me that no point on the coast was so striking in its situation and so capable of being made into a superior harbor as this point at the end of Cape Ann—Sandy Bay. Its value for the purposes I have stated, I think, can not be denied by any one who takes the subject into consideration.

Now, let me advert to one point more. I have in my hand the report of the select committee of the British Parliament on the subject of harbor accommodations, which was made to the House of Commons on the 20th July, 1884. It is a very recent report. This whole subject of harbor accommodations has been thoroughly considered by the English Parliament within the last twenty-five years. In 1859 and 1860 and in 1861 there were special committees appointed by Parliament to investigate the subject of harbors, especially harbors of refuge, and they made full reports on that subject. And this committee which made the report of 1884 confirms the action of the other committees appointed in 1859 and 1860. And they are unanimously of the opinion that while it is not the duty of the government of England to do anything more than aid in the construction of harbors of commerce, it is clearly the duty of the imperial Parliament to build out of the imperial treasury harbors of refuge. And why? Because it is obvious that harbors of refuge are built not merely to meet the demands of commerce, but largely to meet the demands of humanity; and you can not expect that persons engaged in business, whose main motive is gain, will take such an interest in a harbor of refuge as they would in a harbor of commerce, which is also a great commercial port. And therefore it devolves especially upon the Government, whose duty it is to establish life-saving stations and to do all in its power to protect life and property from the perils of the sea, to provide liberally for harbors of refuge, which are not likely to be built except through the aid of the General Government.

How much time have I remaining?

The CHAIRMAN. The gentleman has twenty-five minutes of his time remaining.

Mr. STONE. I agreed to give part of my time to Mr. WASHBURN, of Minnesota, and now allow him fifteen minutes.

Mr. WASHBURN. The gentleman from Massachusetts concedes me fifteen minutes of his time and my friend from Illinois [Mr. THOMAS] yielded me five minutes the other day, so that I have twenty minutes.

Mr. Chairman, before proceeding to what I have to say in the main, I desire to call the attention of the House to the fallacy of the figures of the gentleman from Massachusetts [Mr. STONE] with reference to the necessary magnitude of a harbor on the coast as compared with a harbor on the lakes. The commerce on the coast is largely made in long trips, lasting perhaps two years, perhaps one year, perhaps three months; while in the immense commerce on the lakes there are fifteen or twenty trips made in a year by each vessel. Consequently the comparison which the gentleman makes is not a fair one. It is the question of tonnage and not the question of the number of trips made by vessels.

Mr. MILLIKEN. I would ask the gentleman from Minnesota [Mr. WASHBURN] if what he says about short trips is not true of the coasting vessels along the Atlantic as well as of the vessels on the lakes?

Mr. WASHBURN. It is to some extent, but not to the same extent.

Mr. MILLIKEN. How long a stretch of navigation is there on the lakes, taking the whole length of them?

Mr. WASHBURN. I can not yield further at present.

Mr. Chairman, I am and have been during my entire term in Congress in favor of liberal appropriations for the improvement of the rivers and harbors of the country.

From years of observation and careful study of this subject I am satisfied that no expenditures made by the Government have been productive of more satisfactory results in the development of the resources of the country than those made for the improvement of our rivers and harbors. And during the entire time I have been in Congress there have been no appropriations to which I have given a more hearty support and for which I have more cheerfully voted than such as have been made for this purpose. Appropriations of this character I believe to be both wise and proper, and I desire to see them continued until the great harbors of our coast are improved sufficiently to accommodate the commerce that comes to them and the lake harbors to receive the products of the great empire borne to them to be transported to the markets of the world, and until the great natural water ways of the country are so improved as to transport cheaply the commerce tributary to them.

For all these purposes I am in favor of liberal appropriations, and I have no sympathy with a false economy that would restrict them to beggarly proportions, and I have little patience with the clamor that has been raised and misrepresentations made from time to time for the purpose of bringing such appropriations into disrepute; and I have less patience with those who, representing localities that in years past received liberal appropriations to complete their own improvements, are now prepared to call a halt as to improvements of other localities equally important and meritorious.

Of all the river and harbor appropriations that have passed Congress none probably has ever been subjected to the unjust criticism and gross misrepresentations, and concerning which a more senseless clamor has been raised, than the bill passed in the first session of the Forty-seventh Congress, and I believe inspired to a large extent by such motives as those to which I have alluded. The appropriation, it is true, was a large one, but not larger than the rapidly increasing commerce of the country required. While large, it was fairly and justly distributed among the different sections of the country where improvements were needed.

The appropriations in that bill were mainly for great national works and only an insignificantly small amount for unimportant streams, but which, though small, at the same time afforded means of transportation to many localities and communities which could not be secured in any other way. Of an appropriation of something over $18,000,000 there was less than $400,000 appropriated for the improvements of this kind and which could be fairly criticised as not being national in character. And yet nothing was left undone to carry the impression to the country that this appropriation was largely to improve trout streams and macadamize "dry runs."

Mr. Chairman, no section of this country can afford to be jealous of another, for no section of this country can be improved without benefiting in one way or another every other. Not a stream in this broad land can be improved to increased capacity for transportation, not a harbor of any of the great lakes can be widened or deepened to receive commerce but that the great financial and commercial heart of the continent, and soon to be of the world—the city of New York—is quickened and strengthened in its pulsations.

Mr. Chairman, I reside in and have in part the honor to represent a section of country that has a very deep interest in the question of river and harbor improvements, and the other question inseparable from it, cheap transportation to the seaboard.

Minnesota, with one arm on the head of navigation of the Mississippi River at Saint Paul and the other stretching to Lake Superior at Duluth, has the advantage of two great systems of water transportation, and has an especial interest in having them both improved to the fullest extent. To the expenditures already made in this direction Minnesota owes, for its almost magical growth and marvelous development, more to the facilities that have been offered for cheap transportation by the natural water ways than to any and all other causes combined. What Minnesota and the Northwest require is not only the cheap transportation furnished by the natural water ways, but the cheap rail transportation that it necessarily brings with it, and which it will continue to bring, unless natural causes shall be neutralized by such unnatural legislation as is embodied in the interstate-commerce bill recently passed by this House, whereby railroad lines will be foreclosed from entering into competition either with water routes or themselves. But I trust the country is to be spared the affliction of having a bill necessarily so vicious in effects becoming a law, and I shall not pursue this line of comment further.

Now, Mr. Chairman, while I am heartily in favor of appropriations for the improvement of rivers and harbors, and while I believe there is not a constituency in the country more interested in such improvements than the one I have the honor to represent, and for the reasons indicated, I find provisions in the bill now before the committee that I can neither approve nor support. I do not think the bill either a fair or a just one. While in some sections of the country the appropriations are insignificantly small and entirely inadequate to carry forward important works, in other sections unusually large amounts are named and new schemes are entered upon of a magnitude and character sufficient to startle, if not alarm, the most enthusiastic river and harbor advocate in this House or the country.

Mr. Chairman, I do not desire to raise anything like a sectional question with reference to the appropriations made in this bill; yet it can not escape the notice of the House, as it certainly will not of the country, that a very large proportion of the appropriations in this bill are for works in the Southern States—$7,197,900 for the South; $4,764,900 in the Northern States. To such a distribution of appropriations I would make no objection, on the ground of locality or section, if I felt they were justified by the existing condition of things. No man in this House has been more liberal in his views and in his action with reference to the great works that have been carried on in the South during the past few years, the improvement of the Lower Mississippi especially, than myself, having always had my most hearty and unqualified support. But when we find, as we do in this bill, that great works are to be entered upon to accommodate a commerce that does not exist, and looking to the expenditure of an amount of money out of all proportion to appropriations that have ever been made in any section of the country, and when we find as a logical consequence appropriations for other sections where an existing and rapidly increasing commerce is pressing for further and greater facilities, are reduced to insignificant amounts and such commerce almost ignored, I for one must enter my most earnest and determined protest.

There has been introduced in the Senate by the distinguished Senator from Texas [Mr. COKE], and reported, as I understand, by the other distinguished Senator from the same State [Mr. MAXEY], a bill for the improvement of Galveston Harbor. This bill, as I understand it, provides for the Government entering into a contract with Capt. James B. Eads for the purpose of securing a certain depth of water and width of channel in and to Galveston Harbor. To make clear what this gigantic scheme means and is likely to cost the Government before completed I will insert as a part of my remarks sections 4 and 5 of the Senate bill, which relate to the amounts of money to be paid and the terms of payment provided for in that bill:

SEC. 4. That whenever said Eads and his associates shall have obtained a navigable channel between the 30-foot contour lines of the harbor and the Gulf, said lines being fixed and established as aforesaid, not less than one foot deeper than the channel as laid down on said chart, a measurement of said deeper channel shall, at the request of said Eads or his associates, be made by said Superintendent of the Geodetic and Coast Survey; and if such increased depth shall be found to exist, said Superintendent shall certify the fact to the Secretary of War, who shall thereupon draw his warrant upon the Secretary of the Treasury of the United States, in favor of said Eads or his associates, or his or their assigns or legal representatives, for the sum of $1,000,000; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sum for which said warrant is drawn; and in like manner, upon the request of said Eads or his associates, measurements of the channel shall be made and certified to by said Superintendent as each additional foot of depth shall be obtained until the total depth of thirty feet shall have been secured. All such certificates shall be transmitted to the Secretary of War, who shall, upon the receipt of each one thereof, draw his warrant upon the Secretary of the Treasury, in favor of said Eads or his associates, or their assigns or legal representatives, for such sum of money as may be then due and payable to said Eads and his associates under the terms of this act; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sums of money for which said warrants shall be respectively drawn. For each foot of depth obtained and certified to as aforesaid there shall be paid to said Eads and his associates, their assigns or legal representatives, $1,000,000, until a total increased depth of two feet shall have been obtained, and a total of $2,000,000 shall have been paid; after which there shall be paid in like manner and in like certification $500,000 for each foot of additional depth which shall be obtained, until a total increased depth of four feet shall have been secured and a total payment of $3,000,000 shall have been made; after which there shall be paid, in like manner and upon like certification, $400,000 for each foot of additional depth which shall be obtained, until the total increased depth of six feet shall have been secured and a total payment of $3,800,000 shall have been made; after which there shall be paid, in like manner and upon like certification, $350,000 for each foot of additional depth which shall be obtained, until the total increased depth of eleven feet shall have been secured and a total payment of $5,550,000 shall have been made; after which there shall be paid, in like manner and upon like certification, $400,000 for each foot of additional depth which shall be obtained, until the total increased depth of thirteen feet shall haxe been secured and a total payment of $6,350,000 shall have been made. When the total depth of said channel shall have been increased to twenty-eight feet, $450,000 shall be paid; and when the maximum channel of thirty feet shall have been secured, such sum of money shall be paid as shall, when added to the amounts heretofore paid, fully make up the sum of $7,250,000. Said maximum channel shall have a depth of twenty-six feet, not less that two hundred feet in width at the bottom, and having through it a central depth of thirty feet, without regard to width. When said maximum channel of thirty feet shall have been thus obtained, the remaining $500,000 of the total compensation for the work then unpaid shall be deemed to have been earned by said Eads and his associates, but the same shall remain in the possession of the Government of the United States for a period of ten years from the date when the said maximum channel shall have first been obtained, as security for the maintenance of said channel; but during the whole of said period, and until the said $500,000 is paid, said Eads and his associates, or assigns or legal representatives, shall receive from the United States interest upon the same at the rate of 4 per cent. per annum, payable in equal quarterly installments during each year; and when said Eads and his associates shall have maintained said maximum channel for the full period of ten years, as hereinafter provided for, the Secretary of War shall issue his warrant upon the Secretary of the Treasury, in favor of said Eads or his associates, or his heirs or their assigns or legal representatives, for said sum of $500,000; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, his or their assigns or legal representatives, the sum for which said warrant is drawn.

SEC. 5. That after said maximum channel of thirty feet shall have been secured, said Eads and his associates shall maintain the same during a period of ten years, dating from the time when said channel shall have been first obtained; and as compensation for such maintenance the United States shall pay to said Eads and his associates, or their assigns or legal representatives, in equal quarterly payments, the sum of $100,000 per year for each and every year of such maintenance: *Provided, however*, That if said Eads and his associates shall fail to maintain said maximum channel to the injury of commerce, the United States shall have the right to apply the $500,000 held in reserve as security, or so much thereof as may be necessary, to the maintenance of said channel. All payments to said Eads and his associates for maintenance of channel shall be made upon the certified statement of the Superintendent of the Geodetic and Coast Survey, which certificates shall be made whenever there shall have been a quarter's maintenance, and shall be transmitted to the Secretary of War, who shall at all times draw his warrants in accordance therewith upon the Secretary of the Treasury for any amount or amounts due; and the Secretary of the Treasury is hereby authorized and directed to pay to said Eads or his associates, or his or their assigns or legal representatives, the sums for which said warrants shall be respectively drawn.

Mr. BRECKINRIDGE. If the gentleman will permit me I will ask him: Is there a syllable of that bill in this river and harbor bill?

Mr. WASHBURN. No, sir.

Mr. BRECKINRIDGE. I thought you meant to state that it was in the bill.

Mr. WASHBURN. O, no; I have not made that statement.

By examination of the terms of this proposed contract it will be seen that the ultimate cost of this improvement to the Government will be $8,950,000, or only $50,000 less than $9,000,000. I will print the figures on which this statement is based:

For removing the obstructions or digging the channel thirty feet deep the bill proposes to give $7,750,000, to be paid as follows:

For first foot of increased depth	$1,000,000
For second foot	1,000,000
For third foot	500,000
For fourth foot	500,000
	3,000,000

Brought forward—first four feet	$3,000,000
For fifth foot	400,000
For sixth foot	400,000
	3,800,000
For seventh foot	350,000
For eighth foot	350,000
For ninth foot	350,000
For tenth foot	350,000
For eleventh foot	350,000
For twelfth foot	400,000
For thirteenth foot	400,000
	6,350,000
Next payment is made when twenty-eight feet total depth is obtained	450,000
	6,800,000
Next payment is made when thirty feet total depth is obtained	450,000
	7,250,000

and $500,000 more is earned when the thirty feet is obtained, but it is provided that this $500,000 be retained by the Government for ten years as security for the maintenance of said channel for the term of ten years by Eads and associates, but the Government is to pay Eads and associates 4 per cent. on this $500,000 for the term it holds same, which is ten years, and therefore the Government pays $20,000 per year interest on that money for this time.

For keeping the channel open to its maximum depth Eads gets $100,000 per year.

For ten years	$1,000,000
At the end of ten years the reserve fund of	500,000
Interest on same	200,000
	1,700,000
Money received on work before shown	7,250,000
	8,950,000

Now, it is true that the bill under consideration does not contemplate a contract with Captain Eads, but it does propose that the same work shall be done under his direction and superintendence, and hence there would appear to be no good reason to believe that the work can be done under the plan of the present bill for less than the amount proposed in the Senate bill, or about $9,000,000.

To enter upon such a work as this, requiring, as it will, expenditures of such magnitude, utterly disproportionate with what have ever been made in any section of the country for such a purpose, without plans, with no recommendation from the War Department, or any officer of the Government, merely upon a theory, would seem to me little short of midsummer madness.

I have said the cost of this work is to be disproportionate to what has been expended for similiar purposes in any part of the country; and to show this I desire to call to the attention of the committee the statement which I hold in my hand giving the amounts that have been expended on the six more important harbors on the Atlantic coast, as well as the amount that has already been expended at Galveston:

Boston Harbor, Massachusetts	1,977,026 10
New York Harbor (East River and Hell Gate)	3,305,000 00
Philadelphia, Pa., Delaware River below Bridesburg	945,000 00
Baltimore Harbor, Maryland	1,765,000 00
Charleston Harbor, South Carolina	1,444,700 00
Savannah Harbor, Georgia	1,016,096 64
Galveston Harbor, Texas	1,835,200 00
Total	11,288,022 74

It will be observed that the total amount expended on all of these six great harbors outside of Galveston is a little less than $10,000,000, while the amount to be expended at Galveston, under the Eads plan, added to what has already been expended there, reaches the enormous sum of $10,785,296, or more than the entire aggregate amount that has been expended on all of the six important harbors to which I have referred. I submit to the committee whether this is not rather "crowding the mourners."

Now, let us look for a moment at the commerce of Galveston, as compared with that of these ports; and to do this intelligently I have procured a statement, which I hold in my hand, showing the value of the exports and imports for 1884 at these points:

1884.

Ports.	Exports.			Imports.	Total imports and exports.
	Domestic.	Foreign.	Total.		
Boston	$62,528,000	$969,829	$63,497,829	$65,865,551	$129,363,380
New York	320,016,246	9,867,021	329,883,267	465,119,630	795,002,897
Philadelphia	36,467,799	24,769	36,492,568	33,657,216	70,149,784
Baltimore	43,064,217	15,077	43,079,294	11,423,665	54,502,959
Charleston	16,231,892	175	16,232,067	462,949	16,695,016
Savannah	19,947,349		19,947,349	652,360	20,599,709
Galveston	20,433,878	21,070	20,454,948	1,119,708	21,574,656
	518,689,381	10,897,941	529,587,322	578,301,079	1,107,888,401

This showing would not certainly seem to justify the expenditure of such a vast sum of money as contemplated by the bill.

And now for the purpose of exhibiting further the disproportion of the proposed expenditures at Galveston as compared with those made for the harbors of the great lakes, I will print with my remarks the statement which I have prepared showing the relative tonnage at Galveston and the one port of Duluth, at the head of Lake Superior, for the year 1884:

TREASURY DEPARTMENT, BUREAU OF STATISTICS,
Washington, D. C., January 28, 1885.

Tonnage entered and cleared in the foreign trade of Galveston during the fiscal year ended June 30, 1884.

Entered and cleared.	Number.	Tons.
ENTERED.		
American vessels	19	9,674
Foreign vessels	177	114,420
Total	196	124,094
CLEARED.		
American vessels	25	14,571
Foreign vessels	181	120,370
Total	206	134,941

Number and tonnage of vessels entered in the coastwise trade at the port of Galveston, Tex., during the calendar year 1883 was as follows:
Year 1883—number of vessels, 413; number of tons, 335,571.

J. N. WHITNEY,
Acting Chief of Bureau.

The following are some of the principal commodities received at Duluth in 1884:

Coal	tons...	337,000
Salt, lime, cement, &c	barrels...	152,076
Oil	kegs...	34,166
Nails, horseshoes, &c	do...	13,092
Arrivals and departures of vessels		887

The following are some of the principal commodities shipped from the port of Duluth in the year 1884:

Wheat	bushels...	11,067,497
Flour	barrels...	814,376
The same reduced to wheat	bushels...	4,071,880
Total shipment	do...	15,039,377
Bran feed	sacks...	98,902
Bars of silver bullion		33,894
Silver ore	sacks...	141,347
Lumber		5,030,321
Oats	bushels...	47,800
Wool	sacks...	6,315

These statements show that the tonnage of Duluth of two articles alone—wheat and coal—is larger than the entire tonnage of Galveston, and the number of vessels arriving at Duluth for the year 1884 is 887 as against 815 at Galveston for the same year, while for the improvement of this harbor at Duluth this bill appropriates the munificent sum of $31,500 as against $750,000 for Galveston, with several millions to follow. I submit to the committee whether this is not, to say the least, slightly disproportionate.

But I hold in my hand a letter of the Secretary of War, transmitting to the House of Representatives letters from General John Newton, Chief of Engineers, and of Col. O. M. Poe, engineer in charge at Detroit, Mich., in which statements are made of a most extraordinary character with reference to the tonnage passing through the Sault Saint Mary's Canal, and which show in a more striking contrast the disproportion of these appropriations than any comparison yet made. I have not time to read these communications and statement at this time, but will print them as a part of my remarks:

Letter from the Secretary of War, transmitting report of the Chief of Engineers concerning the inefficiency of the lockage of the Sault Saint Mary's Canal.

WAR DEPARTMENT,
Washington City, January 17, 1885.

SIR: In accordance with the suggestion of the Chief of Engineers I have the honor to transmit to the House of Representatives, for the information of the Committee on Rivers and Harbors, his report, dated the 14th instant, in which he refers to his last annual report, for the fiscal year ending June 30, 1884, pages 302 and 2011, calling attention to the rapid increase of commerce passing through the Sault Saint Mary's Canal, being such that should its rate be maintained for the next eight years, the period would then be reached when the present lockage system would be found insufficient; and submits the accompanying copy of a report, dated the 8th instant, from Lieut. Col. O. M. Poe, Corps of Engineers, in charge, containing official returns, lately received, of the tonnage passed through the canal during the season of 1884, showing the increase in tonnage to have been beyond all expectation, and so largely in excess of that of previous years, that should the rate be maintained (of which there seems to be no doubt), the insufficiency of the present lockage system will be felt at the expiration of one-half the time estimated, or say in four years, and indicating beyond question a more urgent necessity for an early commencement of this indispensable work.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The SPEAKER *of the House of Representatives.*

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., January 14, 1885.

SIR: In the last annual report of this office, for the fiscal year ending June 30, 1884, pages 302 and 2011, attention was called to the rapid increase of the commerce passing through the Sault Saint Mary's Canal being such, that should its rate be maintained for the next eight years, the period would be then reached when the present lockage system would be found insufficient.

To guard against this it was recommended to begin at once the construction of a new lock of large dimensions upon the site of the two old ones.

I have now the honor to submit herewith a copy of a report to this office of the 8th instant, from Lieut. Col. O. M. Poe, Corps of Engineers, in charge, containing official returns, lately received, of the tonnage passedthrough the canal during the season of 1884, showing the increase in tonnage to have been beyond all expectation, and so largely in excess of that of previous years, that should the rate be maintained (of which there seems to be no doubt), the insufficiency of the present lockage system will be felt at the expiration of one-half the length of time above estimated, or, say, in four years, and indicating beyond question a more urgent necessity for an early commencement of this indispensable work.

In view of the great importance of this subject, I beg leave to suggest the transmission of this report to the House of Representatives for the information of the Committee on Rivers and Harbors.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ROBERT T. LINCOLN,
Secretary of War.

SAINT MARY'S FALLS CANAL, MICHIGAN.

UNITED STATES ENGINEER OFFICE,
Detroit, Mich., January 8, 1885.

SIR: In my annual report for the fiscal year ending June 30, 1884,* I submitted a project for the enlargement of Saint Mary's Falls Canal, including the construction of a new lock in place of the two old ones, and urged the matter in terms as strong as seemed proper.

It was stated that the commerce through the canal during 1883 was 2,042,295 tons (registered); that the annual increase in tonnage for fifteen years had been quite uniform, averaging 107,313 tons per year; that only 11 per cent. of the vessels passing the canal during 1883 were of sufficiently light draught to admit of their passing through the old locks; and that if these figures were maintained for eight years the present lockage system, although in constant operation, would be insufficient to take care of the shipping.

We now have complete returns for the season of 1884, and the annual increase in tonnage has not only been maintained but largely exceeded; that is to say, the registered tonnage passing through the canal during the season of 1884 was 2,997,837 tons, an increase of 955,578 tons, or nine times the average annual increase for the preceding fifteen years. Or, to state it possibly with greater force, this increase in 1884 is equal to the entire commerce through the canal during the first five years it was open to navigation.

Should this rate of increase be maintained, the full capacity of the lockage system will be reached within four years instead of eight, as estimated in the annual report.

The following table affords the means of comparing, in detail, the business of the canal during the season of 1884 with that of 1883:

Comparative statement of the commerce through Saint Mary's Falls Canal, Michigan, for the seasons of 1883 *and* 1884.

Items.	1883.	1884.	Increase.	Percentage.	Decrease.	Percentage.
Vessels.....number...	4,315	5,689	1,374	32	.....	.....
Lockages.....do.....	2,351	3,074	723	31	.....	.....
Tonnage .....registered...	2,042,259	2,997,837	955,578	47	.....	.....
Do.....freight...	2,267,105	2,874,557	607,452	27	.....	.....
Passengers .....number...	39,130	54,214	15,084	39	.....	.....
Coal .....tons...	714,444	706,379	.....	.....	8,065	1
Building stone.....do....	2,405	6,047	3,642	151	.....	.....
Copper .....do.....	31,024	36,062	5,038	16	.....	.....
Flour.....barrels...	687,031	1,248,143	561,112	86	.....	.....
Grain.....bushels...	6,677,025	12,502,894	5,825,869	87	.....	.....
Iron ore .....tons...	791,732	1,136,071	344,339	43	.....	.....
Lumber.....feet, B. M...	87,131,000	122,389,000	35,258,000	40	.....	.....
Pig and manufactured iron.....tons...	109,910	72,428	.....	.....	37,482	06
Salt.....barrels ..	70,898	144,804	73,906	104	.....	.....
Silver ore.... .....tons...	,814	9,731	8,917	1,095	.....	.....
Unclassified frei'ts..do...	191,571	207,173	15,602	8	.....	.....

Canal opened April 23 and closed December 10, 1884, being open to navigation 232 days.

Canal was opened during season of 1883 224 days.

The increase in registered tonnage was 47 per cent.; in grain, 87 per cent.; in flour, 82 per cent.; and in iron ore, 43 per cent.

These are the great staples (although a notable increase in the lumber traffic was developed), and indicate the direction from which future increase must be expected.

It will be principally from the cereal products of the Northwest through the systems of railways terminating on Lake Superior.

It is stated in the commercial columns of the newspapers that there are now stored at Duluth alone nearly 5,000,000 bushels of grain, and that this will be increased to more than 7,000,000 by the time navigation opens.

If this be true (and I do not doubt it for a moment), the canal will be pushed toward its utmost during the season of 1885.

But the facts adverted to do more than indicate the necessity for beginning the enlargement of the canal at the earliest date possible. They protest in the strongest possible terms against all propositions to fit the old locks for dry-dock purposes, or to build a dry-dock anywhere in the immediate vicinity of the canal to be operated in connection therewith.

Another point which I particularly invite attention to is the fact that no portion of the work of enlargement recently completed will be lost. On the contrary, it is just that much done toward the project now so strongly recommended.

I have to request that this report be forwarded for consideration in connection with my annual report for the year ending June 30, 1884.

I am, sir, very respectfully, your obedient servant,

O. M. POE,
Lieut. Col. of Engineers, Bvt. Brig. Gen., U. S. A.

The CHIEF OF ENGINEERS, U. S. A.

But I desire to call the attention of the committee to the fact this statement shows that during the season of 1884 5,689 vessels passed through the Saint Mary's Falls Canal, with a registered tonnage of 2,942,837 and an actual freight tonnage of 2,847,557 tons, being 5,699 vessels, as against 815 at Galveston, and 2,942,837 registered tonnage as against 594,506 at Galveston.

Colonel Poe, in his letter, speaking of the rapidly increasing tonnage through this canal, and referring to his annual report, in which he submits a project for the enlargement of this canal, says: "Should this rate of increase be maintained the full capacity of the lockage system will be reached within four years, instead of eight, as estimated in the annual report." And yet, in the face of these facts, this bill makes no appropriation for the enlargement of this canal, this great thoroughfare through which pass the millions of tons of the products of the Northwest, and takes no step in that direction; at the same time it appropriates $750,000 for the improvement of the harbor that handles not more than one-sixth as much tonnage.

Mr. Chairman, it is against this unjust discrimination and disproportion of appropriation that the Northwest enters its most emphatic protest.

I will not comment especially on the disparity in the appropriations on the Lower and Upper Mississippi, although, of an appropriation of $3,855,000, $2,800,000 is appropriated for the lower river. While I recognize the importance of carrying forward the improvements on the lower river, I feel that the appropriations for the upper stretches of river are entirely insufficient and out of all proportion.

But outside the unfairness of this bill so far as its appropriations are concerned, there are some very extraordinary and important features introduced as to the jurisdiction of this character of public works that I do not believe will meet the approval or sanction of the committee. Returning to the improvement of Galveston Harbor, the first step to be taken is in the direction of substantially ignoring the Engineer Department of the Government. For one, I can see no good reason why this should be done, and especially at this time.

I see no reason why the carefully prepared plans of the Chief of Engineers, and which are being executed, should be set aside, and other new, theoretical, and expensive plans adopted in their place. There are, I believe, no reasonable grounds for supposing that when these plans have been fully carried out the practical results contemplated by the War Department will not be secured, and at much less cost of money than will be required under the plans proposed in this bill. I can not, of course, discuss this subject as an engineer, but I desire to call the attention of the committee to the letter of General John Newton, Chief of Engineers, addressed to the chairman of the Committee on Rivers and Harbors of the House of Representatives, in which the whole subject of improvements at Galveston is thoroughly gone over and most intelligently and ably discussed, which letter I will print in connection with what I have suggested on this point.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 17, 1885.

SIR: Pursuant with your request made to me, I have the honor to present my views upon the provisions of Senate bill 1652, Forty-eighth Congress, first session, introduced February 27, 1884, reported by Mr. COKE with amendments June 30, 1884, and adopted by the majority of the committee.

The original bill was referred to the office of the Chief of Engineers, and a communication dated March 27, 1884, conveying objections to certain of its provisions was made to the Secretary of War, and by him transmitted to the Senate.

It is proper here to state that near the close of the session I was before the Senate committee on two occasions. At these interviews I became acquainted with statements made by Mr. James B. Eads, a party in interest in the proposed contract for the improvement of the bar at Galveston. Mr. Eads was present at both interviews and a large portion of the time was granted to him. It was probably in view of this, Mr. Eads having before had full opportunity to present his side of the question to the committees of the Senate and House, as well as in regard to the very late knowledge I had acquired of statements made by him, that you requested me to present my views in writing. I have understood, however, that the majority report was made very shortly after my interviews, without reference to the future report asked of me.

Turning now to the report of the majority of the Senate Committee on Commerce, I find no mention made of certain objections which I then urged against the adoption of the proposed contract, but, on the contrary, their report is based upon the views of Mr. Eads, which seem to have been accepted without substantial diminution. There has, so far as I know, been granted no sufficient opportunity for discussing the merits and efficiency of the plan proposed by Mr. Eads, nor has an investigation adequate to the importance of the case been made of that disposition of the works at Galveston which would insure the greatest depth possible under the peculiar existing features of the locality.

I will now comment upon certain statements of this report. It says:

"The general plan of improvement which has been carried on during the past ten years was commenced by Major Howell, and was approved by a board of engineers composed of Generals Tower, Wright, and Newton. It has since been reported upon by boards of United States engineers in 1875, 1876, and 1880. The method of construction was called the gabionnade system. This was abandoned in 1879, after an expenditure by Major Howell of $627,000. After the failure of the gabionnade system, the present officer, Colonel Mansfield, was placed in charge, and the method of construction was changed to the mattress system, without, however, altering the general plan and location of the works."

There is a great deal of incorrect information contained in this short quotation.

In 1870 an appropriation of $76,000 was expended upon the inner bar in dikes and dredging plant, whereby the depth was increased from nine to twelve feet. There was afterward expended in dikes upon the inner bar, up to 1877, the sum of $282,000, making an additional increase of depth of eight and one-half feet there. Adding these together, we find that $358,000 was expended successfully upon the improvement of the inner bar. This reduces the unsuccessful experiment mentioned in the majority report from $527,000 to $169,000, according to its own figures.

The general plan and location of the works were, however, changed, notwithstanding the contrary is indicated in the majority report. It was recommended by the board of engineers that the north and south jetties should be constructed to a certain distance only, with a view to change afterward the direction of their prolongations to produce the required result; and it was also recommended by the board that the direction of the south jetty from its starting point should first be changed, bringing it nearer by this means to the other jetty. As to the height to which these jetties should be built, that was regarded by the board as tentative, and it was understood that the height should be finally regulated to meet the requirements of the case.

*Annual Report Chief of Engineers for 1884, Part III, page 2011.

Before leaving this part of the subject I will state that the gabionnade system of Major Howell was never indorsed by the board; but an experiment on a limited scale, by placing a short line of gabions near the bar and another short line near the shore, was recommended by the board to test its efficiency. That the experiment should have been conducted beyond the limits prescribed by the board can only be explained from the fact that Major Howell was ill during this period of time of the malady which not long afterward terminated in his death, and that he was probably unable to bestow that supervision over the work which might have satisfied him, with a much less expenditure of money, that the system would prove a failure.

It is proper likewise to say that the board never indorsed the system of parallel jetties * 12,000 feet apart devised by Major Howell as competent to afford even a draught of eighteen feet, which is plainly evidenced by the express words of their first report, as well as by the change in the directions of the jetties, which was recommended in a subsequent report.

I will state also that a depth of eighteen feet of water was understood to have been all that the inhabitants of Galveston asked for at the time, and that depth would have proved an immense relief to navigation. It is hard to perceive the justice of holding the Government engineers responsible for not granting a boon greater than that demanded at the time.

According to the majority report the total amount of money expended up to the present time is $1,578,000, of which $527,000 has already been accounted for, leaving a balance of $975,000, which Colonel Mansfield devoted to the construction of the south jetty upon the mattress system, a work not yet entirely finished and brought up to the proper level, but which is admitted to have been economically and solidly constructed. If now we divide the total amount by the number of years from 1870 to 1882, during which period appropriations were made by Congress, we will find that the average annual grant was about $121,000, and that the total amount appropriated would fall far short of the estimates made for the improvement of the outer and inner bars, for which these appropriations were intended.

But one jetty—the south—has as yet been constructed, and with what justice can it be urged in the majority report as a fault of the Government engineers "that no substantial benefit to the interest of Galveston Harbor has thus far resulted from the expenditure of this large amount of money," when it has always been considered necessary for the improvement of the bar that the other jetty, for which no adequate sum of money has yet been appropriated, should likewise be constructed.

There is no system yet adopted in the mode of making appropriations for the improvement of rivers and harbors in the United States. Heretofore the money granted for this object, although large in the aggregate, has been distributed among a multiplicity of localities, so that the most important harbors and rivers have suffered from paucity of money, and a large number of cases exists where the original plans calculated to afford adequate improvement have necessarily been changed and a compromise made in order to utilize and render efficient to some extent the inadequate sums granted. The Government engineers have been taught by sad experience that no large yearly outlay of money for the most important works would be tolerated by Congress, and hence that they must rest content with gradually approaching their object, and leave to the future wants of the locality, so soon as they become imperative, the efforts to extend their works and bring them to the required standard. I may ask, therefore, for the years from 1870 to 1874—yes, and as recently as 1882—what hearing would the Government engineers have had from Congress if they had asked an appropriation of nearly $8,000,000 for the improvement of Galveston Harbor, to be expended at the rate of a million or more each year.

I think a full consideration of these facts will show why it is that they have been compelled to approach by slow degrees the realization of the hopes of improvement at any locality.

The changes of direction already spoken of for the north and south jetties would have given, at the smallest estimate, over twenty feet of depth on the bar, and during the process of construction there would have been ample time to make such changes as would have insured twenty-five feet, or any other depth which the locality would admit of and maintain.

Such, so far as I believe, and I think my connection with those works entitles me to say, was the true idea of their beginning as well as of their future development. I think what has gone before ought to be a sufficient answer to these words from the majority report:

"It has been urged upon the committee that the works of the United States engineers have not yet been completed, and that until their completion the administration of this work should not be placed in other hands.

"The answer to this is:

"First. That the length of time already devoted to the work affords no ground for confidence in future success.

"Second. That the work thus far has been, and still is, of an experimental character, and no positive assurance of results can therefore be given."

As to the first of these, the cause has already been assigned—insufficiency of grants of money by Congress to complete the system.

As to the second, a great mistake is involved in the assertion. The south jetty as well as the works at the inner bar have not been of a mere experimental character. Those at the inner bar have largely increased the depth there; and the south jetty has been solidly and substantially constructed, and would be competent, with the north jetty, to produce decided results. But if the majority report means by the words "no positive assurance of results can therefore be given," that the United States engineers can not say precisely what depth would be obtained, within one or two feet, by the construction of jetties, the statement is entirely correct, and I will add further, that you will not find in the whole world an engineer who could calculate within a foot or two what the effect of the jetties at Galveston would be, while the very attempt to do so would probably prove that the person was incompetent.

Mr. Eads, in his statement (Appendix B of the majority report), has adopted a method of advocating his views which has been found very successful with inexperienced and ignorant people. He apparently imagines that if he can prove the United States engineers to be incompetent, his efforts to realize the large sum of about eight millions of dollars for the improvement of Galveston Harbor would be entirely successful. In attempting this he has, however, overreached himself by asserting too much. To agree with him, all the engineers connected with Galveston Harbor, or who had anything to do with it, including the highest in rank in the corps, have been utterly ignorant, and have proceeded upon radically erroneous and false principles. I do not think that the sensible, thinking people of this country, apart from the mercenaries who are enlisted by the prospect of sharing in the benefits of the $8,000,000 which Mr. Eads seeks, will ever be persuaded that the body of men composing the Corps of Engineers, whose qualities have been tested for so long a time, can be brought down to the low level where he would like to sink them.

Galveston is peculiarly placed. A large interior bay discharges its waters through an outlet between Fort Point and Bolivar Point, the distance between these points being 2,733 yards. The force of the outgoing water is sufficient to excavate and maintain a channel of 30 feet to a distance of 2,067 yards in front of the line joining these points, to maintain a depth of 25 feet to a distance of 3,534 yards from the same line, and a depth of 20 feet to a distance of 4,667 yards measured from the same base. This interior bay receives the river waters and in it the sediment held in suspension is deposited. The water which goes over the bar is free of sediment, and therefore the bar is composed entirely of sea sand and fragments of shells. It is in all respects what may be styled a drift-bar; that is, one due to the currents and waves of the Gulf. It is entirely different in its character from the bars at the mouths of the Mississippi, which are formed of material brought down by the river or held in suspension in the waters, and the course of reasoning which would apply to the mouths of the Mississippi for their improvement might not hold with regard to the bar at Galveston, and I state this the more because it has always been the view held by the officers of engineers; while Mr. Eads himself, if I should judge from his language, evidently thinks that there is no difference between them.

The ordinary rise and fall of the tides at Galveston is one and one-tenth of a foot, but occasions not infrequent occur during the year when there are rises of two or three feet, and perhaps a little more, which are due to winds of a moderate character from the south or southeast. The current from the ordinary rise and fall of the tide in passing over the bar is worthy of consideration, because although the discharge at those periods is comparatively little, it nevertheless exercises a conservative effect in moving sand which is disturbed by the waves and held in suspension. During rises of two and three and four feet the action of the currents is much more beneficial; but when a storm comes from the south or southeast the interior bay is filled to a considerable height with the waters blown in by their force.

In 1875 the rise of water at Fort Point due to a gale of wind was eight and a half feet, and it was said the rise in the upper parts of the bay was from twelve to fifteen feet, so that on an average the height of water was about ten or eleven feet. The wind veered to the northwest, blowing a gale from that direction, and the waters were violently forced out to sea and discharged in a short period of time, the duration of which is not accurately known. The effect, however, was very striking. The ordinary outlet between Fort Point and Bolivar Point did not seem to be sufficiently capacious for the passage of this large body of water. It is stated that the portion of Galveston Island from Fort Point to the city of Galveston was under water, and that it was washed down during the gale so as to be below the ordinary level of the water.

Of course a rise of this height is unusual; but it is not infrequent to have rises to five and six feet.

Furthermore, the northerly winds sometimes blow out the waters of the bay for several feet below their usual level, which additional water must sometimes be added to that due to the rise.

We see then from the added action of the south wind filling up the bay, and of northerly winds blowing out the water below the usual level, that with small rises, or even with no rise above the usual tide, the discharge and the velocity of the currents may be considerable.*

Mr. Eads lays down a number of points illustrating the principle of the quick discharge of water to which I take no exception in the abstract, for they are elementary laws that every engineer should know, but only to their application to this case, without taking into view other important considerations. If the question here were only to deliver the largest supply of water within a given time, Mr. Eads would be right; but if the question be, as it is, the improvement of the bar, then it may be expedient not to obtain the greatest scour, but to regulate the scour, so that it shall be useful and not hurtful.

In connection with this, let us take a glance at the features of the locality, and compare them with some other places which have been operated on by jetties. The bottom of the Gulf in front of the entrance to Galveston Bay shoals very gradually, the distances of the 18-foot curve beyond the outer bar, measured from Fort Point, being about four miles, and from Bolivar Point about three miles. The length of the bar between the interior and exterior 18-foot curves is about one and three-quarter miles. We understand then at a glance the length of the jetties required to effect an improvement, as well as the enormous body of sand which must be moved in order to obtain a depth of twenty-five feet or thirty feet.

Mr. Eads nor any one else could calculate the depths to which the waters flowing out of Galveston Bay would excavate the channel if during storm tides they should be entirely confined between high jetties, particularly if they are placed close together.† He makes no allowance in his writings, but rather ridicules the fear that the enormous body of sand moved during these storm tides would ever form an obstruction outside of the heads of the jetties, and yet how this enormous body is to be disposed of becomes very difficult for an engineer who has any experience in the improvement of bars to suggest. I am very free to say that I apprehend a great deal of trouble from such heroic treatment. His system, as he enunciates it, is a violent forcing process, the effects of which he can neither calculate nor foresee. Mr. Eads ridicules the notion of approaching to the required depth by a gradual process.‡ Nor does he seem to perceive that there is a limit to the improvement of every bar which it defies the calculation of man to fix, and that can only be attained by gradual working up to that point, and there to stop.

It requires no logic to prove the self-evident proposition, that when you arrive at this maximum point of improvement the jetties can do no more, and further improvement in depth must be made by the continual application of dredging.

The experiences of the South Pass can not be relied upon, or even used at all, to be applied to the present case. At this pass the crest of the bar was only about one hundred and fifty feet from the depth of thirty feet of the Gulf, and a large area of a depth from thirty feet to three hundred feet and more lay directly in front of the jetty-heads ready to receive the scour from the jetties as well as the limited amount of material brought down by the overflowing waters of the pass. There is no parallelism in the cases of the South Pass and Galveston Bar.

There is a case where heroic treatment has been applied, with the result of an immediate failure. The Dutch engineers are, if anything, expert in hydraulics, but their attempt upon the outlet of the Scheur Branch of the River Maas, to obtain a depth of twenty-three feet, terminated in getting but fifteen feet, and has besides pushed out the bar considerably. The original curve of sixteen feet, 1,100 yards from the shore, has been advanced to a distance of 3,000 yards. One of the jetties was run out to the 26-foot curve, which was only 2,200 yards originally from the shore. A different system rather more tentative, in order to make experience available, would have succeeded better. What renders the failure here more remarkable is the fact that there was not the ghostly littoral current so generally quoted by ambitious engineers to fill up the deficiencies of their project, but *bona fide* strong tidal currents sweeping the space at the jetty-heads. This was a clear case of scouring badly applied, and throwing out more material beyond the jetty-heads than the ordinary influence there in operation could remove or dispose of. The engineer of that work, to effect the desired improvement, will in all probability be compelled to resort to a prolongation of the jetties and to extensive dredging.

* It is singular that Mr. Eads, and after him the majority of the committee, should state this as the distance apart of the jetties of Major Howell's plan, the distance apart really being 10,400 feet.

* Mr. Eads speaks of placing jetties at 4,000 feet apart, less than one-half of the width of the outlet now existing between Fort Point and Bolivar Point, a width which we have already seen was not sufficient for the discharge at the greatest periods of rise, and it is known that alarm has been felt lest if the discharge be unwisely contracted in width the city of Galveston itself might suffer during one of these periods.

† It would be something probably far exceeding a depth between jetties of twenty-five or even thirty feet.

‡ By that I mean a gradual contraction of the water both as to the distance apart of the jetties and the height to which it is proposed to raise them.

The height, extent, and distance apart of these jetties were calculated by the ablest engineers of Holland, and the result has shown the little reliance to be placed upon *á priori* careful computations. Still less should reliance be placed upon dogmatic utterances, not the less dogmatic because they are often mere guesses.

The works at the Sulina mouth of the Danube were eminently tentative in their character, and were pushed on by the lights furnished from experience gained day by day on the spot. So in the same way the operations at the South Pass were tentative; the jetties at the mouth, placed originally at 1,000 feet apart, have had this interval diminished by spur dikes, and even by an interior line of jetty joining the ends of these dikes. It is too late, after such experiences, to pretend to regulate beforehand the exact length, height, or distance apart of jetties and thus wholly reject the tentative process.

I do not perceive the relevancy of Mr. Eads's remarks concerning leaving "outlets," which really have no relation to what has been done or what is intended to be done here. He has probably seen a progress sketch of the south jetty at Galveston up to the date of June 30, 1882, or some unfinished plan not authorized for construction, and has been swift to conclude and to publish to the world that outlets were to be left in the jetties near the shore.

There are a large number of documents printed with the report of the Chief of Engineers emanating from various sources, such as the local engineers,* their assistants, &c., which contain generally useful information, and for such reason are published; but these reports have no other value save the authority of their authors, who are alone responsible for the views expressed. Judgment should be given when the works have been substantially completed and results known, when responsibility will attach to the system and to individuals.

Frequent changes are from time to time made in the first authorized projects, according to experience gained, the amount of funds in the future which will probably be granted, and other circumstances, and these changes may not be made officially or published until the period arrives to construct the portion of the works affected. Great injustice may be done from not considering these things or from the neglect of asking explanations of what is not clearly understood, because the official papers published can not necessarily contain the whole subject nor even all the important points.

Mr. Eads, in Appendix B of the majority report, lays down the following principle: "It is simply impossible to permanently maintain between submerged jetties any increase of depth even if such jetties could produce it." Very well. Upon the coast of Texas there are two places where jetties under the water level during the process of construction (and they are not yet for want of funds brought to the surface) have for some years past increased the depth and maintained it; and, what is still more contradictory of his assertion, at each of the places there is a single jetty only, and that jetty is not placed on the side of the channel whence the drift comes, but on the other side—there being consequently nothing to prevent the whole coastwise drift of sand from coming into the channels. It is better sometimes to be experienced than to be dogmatic.

"The views of Mr. Eads in detail, as expressed by him before the committee, will be found in the appendix hereto, marked B," is a quotation from the majority report. I look in that appendix for the width between jetties proposed by Mr. Eads, and find a distance of 4,000 feet there mentioned, but in such a way that he may say the distance mentioned was simply used as an illustration—and that is the sole definite mention of a most important element of the jetty system to be applied here which I have been able to discover. Nevertheless the majority report fully indorses Mr. Eads's views in apparent ignorance of a vital feature of his plans—otherwise why does not that report furnish this important information? Does Mr. Eads's reputation give him such prestige over all the engineers of the country that Congress can afford to approve his plans without knowing what they are?

Does Mr. Eads shrink from putting his plans in black and white, either because he dreads criticism or has not sufficient knowledge of the locality to commit himself?† If there is not some reason, why this prolonged reticence?

He has been dogmatic in the extreme in stating his own views and in condemning those which others entertained or were supposed by him to entertain. One who does this in regard to others should have the courage of his own convictions sufficient to commit himself definitely to some project.

The distance between Fort Point and Bolivar Point appears to have been a variable element. At the date of the last survey it was 8,200 feet; at a former date about 10,560 feet. At the date of Major Howell's project the distance was a little more than 9,000 feet. The distance apart of the jetties at the starting point by Major Howell's plan was 10,400 feet, not 12,000 feet as alleged. A curious commentary upon the objection that the distance between his jetties was too great is the fact that the depth in the channel corresponding to a width of nearly two miles was thirty-nine feet. Consider in addition that the board had in contemplation to incline the jetties toward each other even to obtain a depth of eighteen feet, and the wonder is what foundation could exist for the clamor that the jetties were to be placed too far apart to do any good.

Mr. Eads proposes to cap the Galveston jetties above high water with a concrete wall, so far as can be inferred, like that constructed on the South Pass jetties, and presenting vertical surfaces to the action of the waves, which is a construction opposed to sound principles, as the waves of oscillation converted by the sloping sides of the jetties into waves of translation strike the surfaces of the wall at right angles. Was it in consequence of this defect that one-half mile of the capping of the eastern and most exposed jetty was broken up during a storm?

THE PROPOSED CONTRACT WITH MR. EADS.

The majority report promises a navigable depth of thirty feet after Mr. Eads's operation, and the contract in various places makes the same promise, with a proviso, however, further on in the body of the instrument, that the depth of thirty feet will be taken without regard to width. In other words, the 30-foot channel need not be over two feet in width, and consequently not a navigable channel at all. Why is it necessary to make a promise which is not to be fulfilled? The contract in fact requires only a navigable channel of thirty-six feet in depth and two hundred feet in width, with a continuous line of soundings of thirty feet in depth in the center line of the channel, but without regard to width.

By the provisions of the contract, however, after attaining the depth of twenty-five feet over the bar Mr. Eads becomes entitled to $6,350,000, a sum of money in my opinion vastly in excess of the cost of the amount of work necessary to produce that result, if jetties can effect it.

The amount of compensation due after attaining a depth of twenty-five feet over the bar is so large in comparison with that which the contractor would afterward receive from remaining to complete the contract, that a strong temptation would arise, particularly should difficulties appear ahead at that stage of operations, to abandon the work. It must be noted that the depth alluded to would probably be obtained, if at all, before it should become necessary to put on the concrete capping, so that by retiring early he might also get rid of that portion of the contract.

It is not necessary to go further; this method of analysis is simple and can be pursued by any one to demonstrate the fact that the proposed contract is so far in favor of the contractor that it might be greatly opposed to the interests of the United States.

The fact that the contractor must borrow money in the market at high rates of interest, as is alleged was done during the operations at South Pass, as this interest must form a part of the contractor's estimate of cost, would seem to be equivalent, on the part of the Government, to borrowing at a higher rate of interest than it is now paying.

Section 6 of the proposed contract states "that said Eads and his associates shall be untrammeled in the full and free exercise of his or their judgment, skill and experience in the location, design, and construction of said works, and all appurtenances thereto."

I submit that this constitutes a power over the navigable waters of the United States, unrestrained by any provision for supervision of the contractor's plans, which should never be conferred upon any individual.

I desire to say that in my objections to the general scope of the contract I have not intended any allusion even indirectly to Mr. Eads, but have endeavored to treat it as a pure business transaction, and in the same spirit I will go on to say that while the present system of making appropriations for the improvement of harbors and rivers may be changed to advantage in some points, I do not regard it as an improvement to select some one point for completion in preference to many others quite as deserving of equal consideration at the hands of Congress, nor to choose one contractor or engineer to the exclusion of many others equally capable, thereby putting away competition in cost and the proper and necessary criticism of plans.

Moreover, the intention to appropriate a large sum in favor of contracting with specified individuals will rally to their support many interested persons, and in the efforts made to mold opinions to their views it will be difficult often to obtain a candid exposition of fact or to arrive at a sound conclusion. There are other evils, patent to every one, which need not be enumerated.

I am, sir, very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen., U. S. A.

Hon. ALBERT S. WILLIS,
Chairman of the Committee on Commerce,
United States House of Representatives.

There seems to have been a determined purpose on the part of the committee reporting this bill to take from the office of the Chief of Engineers of the War Department the control and direction of many of the more important works.

The jurisdiction of the Mississippi River Commission is to be extended. A new board, to be called the United States harbor board, is to be created, both to restrict and limit the jurisdiction and duties of the Engineer Department, and which, if adopted, will in my judgment most seriously impair the efficiency of this branch of the service. Why should this be done? What is there in the record of this Department to justify such action? There are and have been for many years in the Engineer Department gentlemen of the highest grade of engineering ability and intelligence, gentlemen who have been highly educated in their profession, and that, too, at the hands of the Government. They understand most thoroughly the work they have in hand. Their integrity and honesty of purpose has never been questioned. No breath of scandal has ever attached to this office. The work performed has been thorough, substantial, and of the most permanent character, and has generally met the highest expectations of the public. Why, then, I again ask, should the jurisdiction and work of this office be limited or restricted?

It is proposed to turn over the stretch of the Mississippi River from Des Moines Rapids to the mouth of the Ohio River to the Mississippi River Commission. Who asks that this be done? All the improvements on the upper Mississippi have been made according to the plans and under the sole direction of the Engineer Office of the War Department. These improvements have proved successful and satisfactory to all interested; and I believe I voice the unanimous sentiment of the people of the valley of the upper Mississippi when I protest against the proposed change. I have to-day received a joint resolution of the Legislature of my own State protesting in the following emphatic terms against this proposition:

The improvement of the Mississippi River between Saint Anthony Falls and Cairo, and the consequent train of benefits, depends upon the carrying out of the plans which have been formulated by the engineers of the Army after many years of study and examination, without aid or advice from any one, and all the good results attained are due to their efforts, and limited only by the humble means placed by Congress at their command.

We have observed with great concern during the last few years that the work so well planned and successfully inaugurated by the engineers has been placed under the supervision of a newly created commission by interpolations in the appropriation bills.

This supervision we regard as not only unnecessary but hazardous to the best interests of our State, involved as they are in the completed improvement of the Upper Mississippi River. We believe that the parties who devised these plans will best execute them, and the credit should rest in their hands.

If it is the desire of Congress to maintain efficiency and integrity in the expenditure of money appropriated to carry on the work of river and harbor improvements, it should not restrict the jurisdiction and cripple the powers of the Engineer Department. If, on the contrary, it is the purpose to inaugurate an era of corruption and jobbery, a system of private contracts, then it should adopt this legislation as the first step in such direction.

Mr. Chairman, it is my earnest wish to be able to vote for this appropriation, and I trust that the objectionable features may be so elimi-

*The majority report cites the authority of Colonel Mansfield's map accompanying his report of 1880, for placing the Government jetties 12,000 feet apart; in 1881 and 1882 Colonel Mansfield's map does not indicate a north jetty at all, and in 1883 a radically difficult position is assigned for that jetty. Why not have taken the most natural, instead of the first and crude idea?

But in fact all of these positions are solely Colonel Mansfield's, without any sanction from the proper authority.

†It would seem to be prudent not to place the root or beginning of the jetties at a less distance apart than the opening between Bolivar and Fort Points, which is found to be a variable distance, sometimes about 10,000 feet, apparently measuring the widths necessary under varying circumstances to discharge the extraordinary rises of water in Galveston Bay—and then to incline the jetties toward each other until the bar be reached. The distance at the commencement of the jetties, if too great, could always be corrected by the use of spur dikes.

nated from it as to enable me to do so. As it now stands I certainly can not.

[During the delivery of the foregoing speech of Mr. WASHBURN the following proceedings occurred:

Mr. STONE. Mr. Chairman, how much time have I left?

The CHAIRMAN. The gentleman from Massachusetts has ten minutes of his time left.

Mr. WASHBURN. I ask unanimous consent that I may have five minutes more.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes additional time, to be taken out of the time to which the debate is limited. Is there objection?

Mr. HISCOCK. Mr. Chairman, could you not give the gentleman the time by unanimous consent without taking it out of the time?

The CHAIRMAN. That is not in the power of the Chair.

Mr. HISCOCK. I ask that the gentleman from Minnesota be allowed five minutes beyond the time fixed for closing the debate.

The CHAIRMAN. That is not in order. The House has limited the time at which the debate shall close. To whom does the gentleman from Massachusetts [Mr. STONE] surrender the remainder of his time?

Mr. STONE. I yield the remainder of my time to the gentleman from Iowa [Mr. HEPBURN].

Mr. HEPBURN. Mr. Chairman, supposing the figures that have been given by the gentleman from Minnesota [Mr. WASHBURN] with reference to the cost of this improvement at Galveston to be correct, do they not justify as a pertinent inquiry this: Would it not be cheaper and much more economical for the United States to move Galveston to a harbor rather than try to move the harbor to Galveston? [Laughter.]

I am heartily in favor, sir, of some of the purposes of this bill. I believe that the rivers and harbors of this country should be improved for the purposes of navigation, and for purposes of navigation alone. Many of the objects of this bill meet my hearty commendation. The Hennepin Canal is, in my judgment, a most meritorious improvement. It is demanded by a large section of this country. It has been demanded by three State Legislatures, representing more than ten millions of people, and there is no feature in this bill which should so heartily commend it to the attention of this committee.

But there are some of its features that in my humble judgment ought to meet with reprobation, and prominent among them is the provision for the pretended improvement of the navigation of the Mississippi River. I am in favor of reasonable and necessary appropriations for this river, but I want to ask the gentlemen if they have given thought to the enormous cost that is involved in this proposed improvement, to say nothing of the probabilities as to its success. I am prepared to assert, and in my belief to prove, that this improvement contemplates an outlay of more than $150,000,000—one hundred and fifty millions for a scheme of improvement which is shown by the commission themselves to be entirely experimental in its character. None of the distinguished engineers that have charge of this work has yet had the temerity to say in any official document that their plans will result in success. Year after year they come to us saying that the whole scheme is experimental in its character. Year after year they tell us that more time must elapse before they will be able to say with certainty that their work will be a success.

They have given us, however, some estimates as to the probable cost. In their report of 1881 they tell us that the cost of the improvement will be $33,000,000. But, sir, in that same report they tell us that the improvement of two of the reaches, only sixty-three miles in length, will be something in excess of two and a half millions of dollars. Yet, in the last report that we have, or at least in a minority report, Colonel Comstock gives the country the important information that these estimates are erroneous; that a sum in excess of the estimates has already been expended; that the improvements upon these two reaches of the river do not approach completion, and that, in his judgment, at least three times the estimate, or $8,000,000, will be needed for the perfection of the navigation of those two reaches.

This is Colonel Comstock's language in his last report:

> The original estimate of the commission for thirty-eight miles of the Plum Point reach was $1,432,000; and for twenty-five miles of the Lake Providence reach, $1,238,000.
>
> It is now certain that the cost of these works will be not less than three times the original estimate, and even yet it is not practicable to state with definiteness what the ultimate cost will be.

Two million six hundred and seventy thousand dollars was the estimate of the commission for the improvement of sixty-three miles of river. More than this sum has already been expended, and we are now informed by a member of the commission that three times the estimate will be necessary, or $8,010,000.

And he speaks only with reference to low-water navigation. He leaves out of the estimate entirely the cost of the levees upon the banks of the river. Before the committee appointed by this House of Representatives in the Forty-seventh Congress much valuable information was given. Witnesses were called before the committee and members of the commission were questioned and required to answer, under the solemnity of an oath, as to the probable success and the probable cost of this improvement; and one gentleman, an engineer of distinguished repute, the one I have already named, stated there that, in his judgment, $66,000,000 would probably be required in order to perfect the channel navigation alone, leaving out of account altogether the enormous cost of the levees upon the banks.

Mr. BLANCHARD. Will the gentleman name the man who made that estimate?

Mr. HEPBURN. Colonel Comstock.

Mr. BLANCHARD. And is not Colonel Comstock in a minority in the commission all the time?

Mr. HEPBURN. In reply to the gentleman I say that no other man has dared to give an estimate that he would stand by. There is no one that has dared to contradict Colonel Comstock throughout all the controversy from first to last

Mr. BLANCHARD. Will the gentleman yield for a contradiction now?

Mr. HEPBURN. I can not yield. I have only ten minutes altogether

Mr. BLANCHARD. Well, the statement is not according to the facts.

Mr. HEPBURN. The statement is not according to the facts, says the gentleman. I will confront him with the record and show who is correct in this matter. Here is the testimony of Colonel Comstock on this point:

> Question. You state that you are working for this idea of confining the river within a space of 3,000 feet wide from Cairo to Red River.
>
> Answer. Yes, sir.
>
> Q. Do you expect that you can accomplish that within a reasonable time and with a reasonable expenditure of money?
>
> A. We are working toward that limit, and our estimate is, if some definite sum is appropriated, that work can be carried sufficiently far to give ten feet of water from Cairo to Red River. It will not make a river with parallel banks everywhere. Much of that depends upon experience yet to be ascertained. Much of the river we want to make with parallel banks.
>
> Q. Therefore it is impossible to tell the time that will be required, or to state the cost?
>
> A. The time required depends on the rate of appropriation. The estimates vary from $30,000,000 to $60,000,000.
>
> Q. That depends largely upon the number of places that are to be worked upon this plan?
>
> A. My own judgment is that we must work the whole length of the river.
>
> Q. Do you believe it can be done for $66,000,000?
>
> A. Some such sum as that; we have no experience on which to base our work, or rather our estimates.
>
> Q. You would not, on your own reputation, say that would be the outside limit?
>
> A. No, sir; nor would I say it would be the outside limit either in the way of being too much or too little. It may be less or it may be more than that.

There you have it, Mr. Chairman. The best estimate this gentleman can give of the cost of improving low-water navigation—the 3,000 feet limit—is the enormous sum of $66,000,000.

Why, Mr. Chairman, the nearest approach the commission has ever come to an estimate was in 1881 in its report of that year. This is the language used:

> The estimates of cost submitted in the report of February 17, 1880, for initial works upon six reaches of the river between Cairo and Vicksburg, embracing an aggregate length of one hundred and eighty four miles of bad navigation, amounts to $4,113,000, and it was stated as the opinion of the commission—
>
> "That such additional works as will ultimately be required to complete and render permanent the improvement contemplated in this system at the localities specified will not exceed the amount stated as needed for initial works."
>
> This would amount to $8,226,000 for one hundred and eighty-four miles, or about $45,000 per mile.
>
> These estimates cover about one-fourth of the length of the river where navigation needs improvement, namely, from Cairo to Red River; and assuming that the remaining three-fourths will cost proportionately, the aggregate cost of the entire improvement would reach $33,000,000.

The Plum Point and Providence reaches were included in the specific estimate in the first of the above paragraphs, and the estimate for them was something over two and one-half millions, but Colonel Comstock has stated that here was an underestimate of about five and one-half millions; that eight millions will be required when only a little over two and one-half was anticipated. This mistake was made with reference to the two reaches best known. If such mistakes were possible in respect to them, what may we not anticipate with reference to the others? If the commission has made no worse blunder in respect to other parts of the river, we may confidently expect that the total cost for channel improvements alone will reach the enormous sum of $99,000,000.

When we remember the character of this work, when we remember that it includes the building of one artificial bank in mid-river, and the covering of at least one natural bank with expensive mattresses, made of wire and brush, from the bottom of the river to the summit of the bank, and covering the exposed bank from low water to the summit with stone one foot deep the whole distance from Cairo to the mouth of the river, a distance of 1,085 miles, we can have some idea of the enormous cost of the channel improvement.

This improvement is to be continuous the entire distance from Cairo down. Colonel Comstock, in his testimony already quoted, says: "My own judgment is, we must work the whole length of the river." The commission in the report of 1881 say:

> The commission are, however, prepared to recommend the application of the methods and details heretofore described to the lower river, from Commerce, Mo., downward, with such continuity as will not only improve the immediate localities where navigation is now bad, but will also establish and retain such control over the high-water discharge as will arrest that tendency toward dete-

rioration which has rendered the systematic improvement of the entire river necessary.

While this order of progress is proper for works designed to amend and regulate the existing channel, those undertaken for the purpose of retaining or increasing the volume of discharge within the bed, such as levees and dams for closing outlets, should begin below and be carried continuously up stream.

These quotations would seem to settle the question as to the extent of the work and its continuity, and in view of the opinions expressed I hope gentlemen will not continue the assertion that it is only in a few places that work is required. It might not be so intolerable if the cost ended with the enormous expenditures for channel improvement, but it does not.

Mr. Chairman, this is not the whole of the case. This same committee of the last House made a voluminous report. The present Speaker of the House was a member of that committee. They spent weeks, as I understand, investigating the subject. They went over the route. They examined scores and scores of witnesses, and that committee have told us as their solemn judgment, first, that the levee feature of the improvement is entirely unnecessary as a factor in the improvement of low-water navigation; and second, that the cost of this improvement is to reach an enormous amount, somewhere between $50,000,000 and $100,000,000.

The language of the committee is as follows:

The probable expense of a system of levees of sufficient strength to hold the flood waters of the river within a channel, as is proposed by the commission, of 5,000 feet, is variously estimated from $50,000,000 to $100,000,000, while many witnesses are not presumptuous enough to even venture upon an estimate of their ultimate expense.

Messrs. ELLIS and THOMAS, of the committee, filed a minority report, but in speaking of the cost use this language: "The expense will be great, exceeding in all probability the sum of $50,000,000 it is true."

Many gentlemen have stated that levees are of but little if any value in the improvement of low-water navigation. On this point your committee say:

Your committee are satisfied, from the evidence, that the people along the banks of the Mississippi are chiefly and naturally interested in the building of levees, not so much in the interest of navigation as to secure their lands from overflow and thereby enhance their value. If the building of levees was essential to the improvement of navigation, the fact that they afforded protection to the riparian owners would be no reason for discontinuing them. On the contrary, such a result would be extremely gratifying. Your committee, however, do not believe that they are essential to the improvement of the low-water navigation of the Mississippi, and that their construction for such a purpose can not be justified.

No one, I believe, claims that the low-water navigation will be improved by the use of levees. Many distinguished engineers say they will not be beneficial when the river is at flood, except to protect the adjacent lands. The commission regard the levees as an experiment. Senator HARRISON, when a member of the commission, joined with Colonel Comstock and the committee of this House in the opinion that they were of no benefit to low-water navigation. Yet this bill permits the commission to go on in a lavish outlay of the public money solely for the purpose, as I believe, of improving and enhancing in value the private property of citizens.

Mr. Chairman, I want to see the navigation of the Mississippi River improved, but it only needs it when it is low. When it is at flood the navigation is good enough, and it is only when it is at flood that anybody wants the levees. When the river is in a condition that navigation requires improvement, no one cares about the levees.

Another feature of the bill that appears to me as objectionable is that providing for the improvement of the Galveston Harbor; and here I desire to say that I would interpose no objection to the appropriation of a reasonable sum to accomplish this improvement. But in my opinion there should be a proper relation between the expenditure and the importance of the locality to be improved in respect to its population and its commerce. Let me call attention to the fact that there are but two lines of railway reaching the town of Galveston. If you wish to intersect the railway system of the State of Texas, you must leave that city and travel to the northward. No considerable portion of the commerce of the State has as yet reached that port. In an appendix to a report made by one of the Senators representing that State in the other end of the Capitol, on the 30th of June last, I find the following:

Statement showing the amount of exports of merchandise from and imports into the port of Galveston, Tex.

DOMESTIC EXPORTS BY ARTICLES, 1883.

Articles.	Quantities.	Values.
Cotton..... {bales.....	516,993	$29,023,673
Cotton..... {pounds..	268,276,602	
Oil-cake and oil-cake meal.....pounds..	56,921,742	516,857
Animals, living.....	.....	16,645
Wood, and manufactures of.....	.....	11,446
All other articles.....	.....	59,277
Total domestic exports.....	.....	29,627,898
Foreign exports.....	.....	1,149
Total domestic and foreign exports.....	.....	29,629,047

It will be borne in mind that this is a report made by a friend of this improvement, and I assume that it is as favorable as it could be made. Yet how utterly insignificant the whole statement appears in comparison with the exports and imports of New York, Boston, Philadelphia, and other cities. Eliminating the one export, cotton, and the remaining total is but little in excess of a half million of dollars.

The imports are, by the same report, shown to be as follows:

Articles.	Quantities.	Values.
Coffee.....pounds...	9,262,555	$732,233
Railroad bars, iron .....do.....	5,557,945	77,974
Railroad bars, steel.....do.....	11,206,810	167,161
All other manufactures of iron and steel	.....	231,260
Coal, bituminous .....tons...	33,486	76,002
Articles, the produce of the United States, brought back..	.....	40,755
Salt .....pounds...	16,725,636	31,660
Wine, spirits, and cordials	.....	15,830
Beer, ale, and porter.....gallons...	18,066	14,369
Earthen and stone ware	.....	14,102
Fruits of all kinds, including nuts.....	.....	12,439
All other articles	.....	97,927
Total	.....	1,511,712

Iron and steel and coffee amount to $1,208,628 in value, leaving a total of less than a third of a million of dollars as the value of all other articles. But it has been said that Texas must have this port in order that her cereals may reach their market. I regard this as a mistake; Texas has no surplus for shipment. In view of what has been said of the magnificent extent of this great State, I make this suggestion with commendable diffidence. It may astonish gentlemen after the addresses we have listened to in commendation of this scheme, but the statement rests upon proofs that these gentlemen can not controvert. I again appeal to the report of the Senator from Texas; I call up a witness of his own selection—one eminently worthy and well qualified—a no less distinguished gentleman than Hon. J. R. Dodge, of the Agricultural Bureau. He has prepared, and the Senator indorses by incorporating into his report in favor of this improvement, the following table:

Product of cereals in Texas in 1882 *and* 1883.

Cereals.	1882.	1883.
	Bushels.	*Bushels.*
Corn.....	63,416,300	63,146,300
Wheat.....	4,173,700	4,301,000
Rye.....	60,900	57,855
Oats.....	9,988,800	9,489,300
Barley.....	118,720	127,039

There is usually no surplus of any of the cereals in Texas. The supply of corn last year was about thirty-five bushels per capita, which was average supply of the United States per capita in the census years. The wheat supply was only about two and a half bushels, which is less than the consumption of the State.

The only cotton State which ever has an appreciable surplus of corn is Tennessee, and that is but a small and unreliable quantity.

J. R. DODGE, *Statistician.*

In the great staple of corn Texas does not produce sufficient for her own people, and does not produce one-half enough of wheat. The average consumption of wheat in the United States is nearly six bushels to each of the population. Texas produces less than half enough for her own people. In view of this statement by the eminent statistician, does not all of this talk about the necessity of this improvement in order that the grain of Texas may reach a foreign market sound like the veriest gasconade.

But it is said that the improvement is demanded in order that Texas cattle may be able to reach a market. Let me again call your attention to the statement of Professor Dodge. He says that the total shipments of living animals of all kinds in the year 1883 aggregated but $16,645 in value.

Yet the census of 1880 informs us that roaming the prairies of Texas are more than 6,000,000 of cattle. Six millions in the State and $16,000 worth shipped from the principal port of the State! There would seem to be something radically wrong in this if it were not known that the great State of Texas was as destitute of cattle suitable for the European market as she is of corn and wheat. The grass-fed cattle of Texas, the small-haned and big-horned cattle of the Southwest, will not bear ocean shipment. The cattle that are in demand for foreign shipment are the corn-fattened steers of the highest grade. No others will stand the shrinkage and the other elements of the cost of transportation. The market for Texas cattle lies to the northward.

Recognizing this fact, gentlemen from that State have been pressing upon the attention of members of the House the necessity of the establishment of a national cattle-trail six miles wide, with convenient feeding-grounds, not more than twelve miles square, and extending from the south line of the Indian Territory to the northern limit of the United States. Surely Texas is in her most modest mien. All that she wants at present is the use of a strip of the public domain twelve miles (or

thereabouts) in width and 1,000 miles or more in length for her cattle-trail, and $9,000,000 for a harbor at which to export those not driven. Would it not be better to pack the attenuated carcasses of her beeves in their immense and wondrous horns and float them out to vessels over the Galveston Bar?

The principal use Galveston would have for an improved harbor would be in the shipment of cotton. In 1883 she shipped coastwise and abroad 516,993 bales, or about 6,000 car-loads. This could certainly be carried to New Orleans for $35 per car, or a total sum of $210,000. This improvement will cost, I believe, at least $9,000,000. The interest of this sum, at 3 per cent., would be $270,000 per annum. The $9,000,000 of cost would certainly be worth 3 per cent. to the Treasury. Now, would it not be better for the Government to be at the charge of carrying all of this cotton from Galveston to New Orleans—making the owner a present of the entire freight-money—than to undertake this improvement? In my judgment it would be better, even if there were no subsequent cost for the repair and maintenance of the costly structure.

But, Mr. Chairman, gentlemen have insisted that the improvement is not to be *very* costly. And it has been suggested that the ultimate cost is to be much less than the sum named in the Senate bill providing for the work. I am afraid gentlemen are not quite sincere when they so declare. I am afraid their judgement has been disturbed by too eager desire. They have, I fear, tried to convince the House without themselves being convinced. What evidence have gentlemen of our committee, bearing upon this point of ultimate cost, that was not in the possession of the distinguished gentleman who made the report to the Senate that I have already referred to? That gentleman is distinguished for the care with which he makes investigation and the fidelity with which he makes report. His report is an elaborate argument in advocacy of the bill which proposed to pay Captain Eads the sum of $7,750,000 for securing the results that are contemplated by this bill. No gentleman has authority for saying that the plans to be pursued under this bill are other or different from those contemplated by the bill advocated in the Senator's report.

In this report we are informed that the improvement involves jetties extending 8.33 miles into the Gulf of Mexico. The writer institutes a comparison between the improvement at the mouth of the Mississippi and at Galveston. The report says:

By the terms of the bill Mr. Eads is required to secure a maximum channel of not less than thirty feet in depth for a total compensation of $7,750,000. In view of the work to be done and the results to be accomplished, the committee is satisfied that this is a reasonable compensation. The cost of the jetties at the mouth of the Mississippi River was fixed in 1874 by a commission of engineers at $5,342,110, and Mr. Eads afterward agreed to do the work for $5,250,000. The commission referred to was composed of Generals Wright, Alexander, and Comstock, of the United States Engineer Corps, Prof. Henry Mitchell, of the United States Coast Survey, and T. E. Sickles, W. Minor Roberts, and H. T. Whitcomb, distinguished civil engineers. It may be safely assumed that the estimate of this commission, made after an inspection of similar works in Europe and after a careful examination and study of the whole matter, was a fair one, and if this be true, it follows that the maximum compensation provided for in the present bill is reasonable, because—

First. The jetties at Galveston must be considerably more than double the length of those at the mouth of the Mississippi to reach out to the same depth of water;

Second. They must be of a heavier and more substantial character, because the water is deeper, and, as they extend so much farther out into the Gulf, they will be much more exposed to storm action;

Third. The work being so exposed, there will be greater danger of injury to the boats and apparatus used in its construction; and

Fourth. In addition to the jetties over the outer bar, works of an extensive and costly character will be required to deepen the inner bar.

* * * * * * *

The profiles of the Galveston Bar show that the average depth of water to mean high tide for the two jetties will be thirteen and three-quarter feet. Applying the form of the average cross-section of the Mississippi jetties to this depth with twenty feet width at the top shows that the required average cross-section at Galveston for jetties of equal strength will require 1,018 square feet of section or 138 per cent. more material than the Mississippi jetties. The profiles also show that the jetties at Galveston must have an aggregate length of not less than 8.33 miles.

It has been shown above that 8.33 miles of jetties at Galveston, if of no larger average cross-section than those at the mouth of the Mississippi, would cost $2,646,207. To this must be added 138 per cent. for the increased depth at Galveston, and this would amount to $3,651,765, making an aggregate of $6,297,772. The cost of the works to deepen the inner bar at Galveston are not included in the above amount. These will probably cost as much as the works at the head of the South Pass of the Mississippi River. In the works at the head of the South Pass there was 301,515 cubic yards of brush and stone, which at the price of $2.88½ per cubic yard would amount to $869,868. This sum may therefore be added to offset the cost of the works on the inner bar at Galveston, and this would make the aggregate cost of the works $7,167,840.

There can be no doubt of the fact that the works at Galveston, during their construction, will be exposed to danger of injury from the violence of storms. The works at the mouth of the Mississippi River were, owing to their location, not subject to this danger to the same extent. When once these works at Galveston are completed and solidified they will be strong enough, Mr. Eads guarantees, to resist the most severe storm without serious injury. The time when the risk of injury is greater is during the progress of construction. At such a time these works, built out for miles into the Gulf and with no protection against storms, must be injured to a greater or less degree. In estimating the cost of any great work a percentage to cover contingencies is usually added to the price, and should be allowed. In view of the risk of injury to the works during construction, and of their failure to produce the stipulated depths, the committee is of opinion that 25 per cent. should be added to the total estimated cost to cover contingencies. This would amount to $1,791,960, which, added to the cost of the work, makes the total sum of $8,959,800.

This argument emanating from this distinguished and authoritative source ought to satisfy gentlemen of the committee that the grand total of cost, arrived at after such solicitous care, and after exhausting every source of information, is correct, and that the whole cost of the Galveston improvement is but $40,200 less than $9,000,000. When we remember how liable the friends of any appropriation of this character are to underestimate cost rather than overstate it we may, I think, safely say that this work involves a depletion of the Treasury exceeding the sum last named. In comparison, Mr. Chairman, with appropriations heretofore made to improve the great harbors of the nation, this sum seems to be an immense one and greatly disproportioned to the needs of a city of 22,000 inhabitants with an established commerce, such as the friends of this bill have shown to belong to the port of Galveston.

I have in my possession, sir, a clipping made from a recent number of the New York Tribune. I have not examined it to see if the sums stated to have been appropriated to the cities named are correctly stated, but I assume them in the main to be. The writer says:

It is estimated that the improvement of Galveston Harbor, according to the scheme which the committee is urged to adopt, will cost nearly $8,000,000. That sum exceeds by about $5,000,000 the total expenditures on the harbor of New York from the first appropriation thirty-three years ago down to the present time; it is more than four times as great as the total sum expended on Boston Harbor, six times as great as the total amount expended for the improvement of Chicago Harbor, nearly eight times as great as the sum total appropriated for Baltimore Harbor, and it exceeds by more than $3,000,000 the amount paid to Captain Eads for jetty improvements at the mouth of the Mississippi.

Three millions for New York with its hundreds of millions of foreign commerce and its 2,000,000 of inhabitants. Eight or nine millions for Galveston, with its 22,000 inhabitants and less than $30,000,000 of foreign commerce. It can not be said that this great inequality is because the great mart has received all that is needed, and that no further demands are made. This is incorrect. Year after year demands have been made for greater harbor facilities, so that the produce of the West might be more cheaply handled. The Harlem River improvement and others have been knocking vainly year after year at the door of your committee. It has no money for increased facilities in New York Harbor, but millions for the disturbance of the pastoral calm and the unvexed waters of the quiet village on the shores of the Gulf of Mexico.

There is a question involved in this improvement that seems to me to be one of great importance to those gentlemen who are known as strict constructionists, gentlemen who are always fearful lest something will be done by the Congress without proper warrant in the Constitution. I believe that the larger number of this school of statesmen who adorn this committee are advocates of the Galveston improvement. Many of them think that the construction of a canal connecting the waters of the Mississippi River with the great chain of lakes and giving a water way from the prairies of Iowa to the Atlantic would be an unwarranted and unconstitutional exercise of power and a profligate misuse of the public treasury. I would ask such, "What is the improvement you contemplate over the Galveston Bar? Is it not the digging of a canal—a canal 8.33 miles long, 17 feet deep, and 200 feet wide?"

It is true that it is covered with water, but aside from this peculiarity and in addition it has every element and quality of a canal. It is a ditch filled with water, and that is a canal. If some of the fossils who oppose the Hennepin Canal had been called upon in their youth to pass upon the question they would have found all of the conditions to be similar; for in the glacial period, we are told by scientists, all of our grand Mississippi Valley was covered with water, and in that early day the construction of the Hennepin Canal would have been in all of its characteristics and phenomona like the proposed improvement under the surface of the Gulf.

This section of the bill involves the establishment of jetties extending from the shore line into the Gulf of Mexico a distance of 8.33 miles. The jurisdiction of the United States extends from the shore line, at low tide, the distance of three miles. The contemplated improvement extends five miles farther. It extends for five miles into the high seas, into the common jurisdiction of the commercial nations of the world. As a nation we have no exclusive jurisdiction or exclusive right. Yet we are usurping such jurisdiction and right. Suppose that on this improvement, eight miles from our shore, a crime is committed. By what law and who will punish it? Not by the statutes by the usual process of law, for the offense was committed more than a league from the coast line. Not by admiralty, because it was not committed on a vessel covered by our flag. It will not do to say that the water along this distance is not very deep, and therefore this distance does not enter into or become a part of the league by which our jurisdiction is extended from our shore. Is it not the presence of the water rather than its depth that is to be regarded?

Again, if we have the right to invade the high seas for a distance of five miles, why may we not, if we choose, carry the right farther—from Florida coast to Cuba? Where is the limit to which we may go? Does not this construction involve every principle of constitutional power that would be involved in the building of Captain Eads's ship-railroad or a canal across the Isthmus of Panama? And how can gentlemen who can not build a canal within our jurisdiction engage in such an improvement outside it?

I beg to call the attention of the gentlemen of the committee to a provision of this bill of very astonishing character:

Said works shall be constructed according to the plans, specifications, and estimates to be submitted by James B. Eads as hereinafter provided for.

Mr. Chairman, have you ever seen in law or resolution a provision

so anomalous as this? It puts the entire Treasury of this Government into the hands of this man Eads. There is absolutely no limitation placed on his expenditure, or the necessity that he may create for expenditure. He has made no estimates, specifications, or plans. He is yet to make them, and when they are made the Secretary of War and the Engineer Corps of the Army are to accept them without demurrer or dissent, and execute them. The will and the judgment of the sworn officers of the Government are in subjection to a person not an officer, not under oath, nor under bond. It will be remembered that it has been somewhat boastfully said by a gentleman very friendly to this bill that the city of Galveston was obligated to pay to Eads in case of his success a sum much larger than that proposed by the Government.

This is in itself a fact that in my judgment unfits him for the service of the United States. There ought not to be any divided duty or divided obligation connected with trusts of this character. The larger the expenditure the better will the interests of Galveston be served. The expenditure of $9,000,000, largely for labor and crude materials, in that city, will be a wonderful blessing to her people even if no ship should ever pass through the improvement; and the larger the expenditure the farther will the interests of these good people be concerned. I think they have been too liberal to Captain Eads to commend him to this committee.

But I find another most singular provision in this bill, in the following language: The appropriations for the Mississippi River "shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position."

Here you will notice, gentlemen, that Captain Eads is again made absolutely controlling. If he does not approve, the work of the commission shall not go forward. They may plan and devise, but he must approve. They have had the experience of years, but he may amend any or all of their suggestions. Does it not seem that our honorable committee have been seized with a blind infatuation for this distinguished engineer that would be rebuked in a school-girl of 15 years?

Mr. Chairman, I have no hostility to the city of Galveston, or any proper plan for the improvement of her commercial facilities. We have already expended more than a million and a half on that harbor. The engineer in charge says that one million more will complete his work, resulting in a depth of twenty-five feet in that harbor. I am willing that this sum shall be appropriated, but I am not willing to throw away the sums already expended and begin anew. Let me call your attention to the latest report of the officer in charge:

Officer in charge, Maj. S. M. Mansfield, Corps of Engineers, having under his immediate orders Lieut. W. L. Fisk, Corps of Engineers. (During the interval between August 1, 1883, and October 1, 1883, the works were temporarily in charge of Lieutenant Fisk.)

1. Entrance to Galveston Harbor, Texas.—The adopted plan (project of 1874, modified 1880) covers the work of deepening the bars by contracting the outflowing current upon a less extent of bar, to thereby effect its removal and prevent its reformation.

The amount expended to June 30, 1884 (including $100,000 of Galveston city funds), was $1,496,522.81. Of this amount, and under the project of 1880, $980,662.51 was applied to jetty construction, namely: Ninety feet on the north side and 22,551 feet on the south side of the entrance prolonged gulfward. The expenditure of the gross amount has resulted in obtaining and maintaining a good channel over the inner bar, and a very apparent improvement in depth over the outer bar.

The work of the past year was that of building up the south jetty, $100,000 of the city funds having been applied thereto.

The estimate of 1880, $1,825,813, contemplated the obtainment of a channel across the outer bar of at least twenty-five feet deep, conditioned upon continuous work under annual appropriations of $500,000. The conditions governing the estimate not having been observed for the past four years, the work has dragged in consequence.

About one-half the estimated work is completed, and with its accomplishment is gained not only valuable experience, but results of such importance as strengthen confidence in the plan established looking to the full improvement expected.

The estimated amount required for the entire and permanent completion of the work of improvement, in accordance with the project of 1880, is $1,000,813.

Let us go forward with this improvement in harmony with the plans on which so much money has been expended, the experience and advice of our engineers, and on a basis of cost that has proper relation to the demands of commerce, the importance of the city, and the expenditures by which our business has been fostered and developed in other States.

Again I declare myself in favor of liberal appropriations for the improvement or construction of all needed water ways. Still I am reminded that the speakers and writers of the Democratic party in the States where I reside were busy in their denunciation of the river and harbor bills of late years. "The infamous river and harbor bills," they called them. They said I "had betrayed the interests of my constituents in voting for these infamous and iniquitous measures." I had voted for one, I had voted against two. That fact seemed to make but little difference to my assailants. I was charged with voting for all.

And, Mr. Chairman, unjust as I regard the two provisions of this bill that I have discussed, I may give it my vote; I shall try to have it amended in the particulars named. If I can not do so, if it should contain the provision for the Hennepin Canal when put on its final passage, I shall give it my vote. The Legislature of the State of Iowa has instructed the representatives of the State to support that measure. I believe it to be eminently wise and just. The people with united voice demand it. It will add millions to our savings each year. It will give us a corrective upon all of the railways that extend from our eastern border to our great market, and will do more to solve the transportation question in the interest of the great Northwest than the expending of $100,000,000 in any other way.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and a message in writing was received from the President of the United States by Mr. PRUDEN, one of his secretaries.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session.

Mr. JONES, of Alabama. Mr. Chairman, when the pending bill was first under discussion it was said by the gentleman from Wisconsin [Mr. PRICE] that its benefits were divided unequally between the North and the South and that the South got the largest share. I had hoped, Mr. Chairman, that after reflection, after the gentleman from Wisconsin had slept upon the matter and had examined the figures relating to it more carefully, for he seems to be a figurative man, he would have withdrawn those remarks. But instead of doing so, Mr. Chairman, he comes here to-day reiterating and emphasizing those statements. He says to-day that this bill is marred and scarred from Genesis to Revelations with sectional inequalities.

Mr. REED, of Maine. There are no "revelations" in it. [Laughter.]

Mr. JONES, of Alabama. Now, sir, that statement is sufficiently refuted when we consider that this committee, consisting of fifteen members, embraces ten from the North and only five from the South. Where is there ground for any inference of any improper conduct, any "fraud," as the gentleman charges—for he used the word "fraud"—in a committee composed as this one is?

Mr. Chairman, the gentleman says—and he is sustained only by the gentleman from Minnesota [Mr. WASHBURN]—that there is inequality in this bill; that the great, the expensive, the extravagant improvements are in the Southern portion of the country; that one Southern improvement at Galveston is to cost $7,000,000. I will remind the gentleman that there are four Northern improvements provided for in this bill each of which is to cost $7,000,000; and I will name them: Sandy Bay, the Hennepin Canal, Toledo, and the mouth of the Columbia River.

Mr. GEORGE. In this bill the committee have left out the mouth of the Columbia River.

Mr. BRECKINRIDGE. That was put by the Senate into the bill of last year.

Mr. JONES, of Alabama. Then there are three great Northern improvements embraced in this bill, involving an expenditure of $7,000,000 each. Because one improvement in the South is to be provided for, why is all this clamor raised here? It does not appear in this bill at all that this Southern improvement is to cost $7,000,000. Where is anything in the bill to that effect?

The gentleman from Minnesota refers to the Senate bill; but that is not a part of this bill. It is provided in this bill that this Galveston improvement shall be under the direction of the Secretary of War, upon such plans and specifications as shall be furnished by James B. Eads. There is nothing about $7,000,000. Why, sir, this work, as prosecuted by the Secretary of War, may cost but $4,000,000. Where is any motive or any interest on the part of James B. Eads to make it cost $7,000,000? What would he get by reason of the enlarged cost?

Mr. WILLIS. The Chief of Engineers has said that upon these plans the work could be done for two and a half million dollars; and for this reason the committee have proposed to put the work under the direction of the War Department.

Mr. JONES, of Alabama. Certainly. And what motive has the engineer who furnishes the plans to make it cost any more? His pay is not increased. The money is to be expended by the Secretary of War.

But to return to what the gentleman from Wisconsin says in regard to this bill. He would maintain that money ought not to be appropriated to the South because forsooth, as stated by him, in certain named States in the South the judicial expenses of the Government amount to $1,000,000, while in certain named States in the North with larger population the amount of such expenses is only $700,000. Why, sir, it is admitted that these judicial expenses in the South are enormous, are greater than they ought to be. But how does this arise? If you will examine the reports or communications made by the present Attorney-General to Congress you will find that he characterizes these expenditures made down there by the present officials as corrupt and extravagant. But is the South to be visited with the consequences of this and not to share in a river and harbor bill because the judicial expenses in the South exceed those in the Northern States?

Mr. Chairman, there is no such sectionalism in this bill as is charged by the gentleman from Minnesota. I deny it. This committee, as I

have stated, has been governed solely by regard to the improvement of navigation and the interests of commerce. The evidence on which the committee acted in this matter is embraced in the records of the corps of Army engineers, and these officers are not from the South.

Mr. Chairman, since the Government was founded $105,000,000 has been appropriated for the improvement of rivers and harbors. Why, sir, this Government appropriated to one Northern railroad more than that amount; and it was a railroad in the region of country where the two gentlemen to whom I have referred reside. Two hundred million acres of land have been granted to railroads in this country—land equal in area to the Empire of Germany. How little of this went to the South?

Of the $105,000,000 heretofore appropriated for the improvement of rivers and harbors, how much or how little did the South receive? I have the figures here in Executive Document No. 6, and they show that the State of Wisconsin has received more than $4,000,000, and that eight Southern States have not received in the aggregate as much as the single State of Wisconsin.

Why, sir, New York of that amount received $10,000,000, his State received $4,000,000, and Michigan received $7,000,000 or $8,000,000. So throughout the whole entire list.

Do I complain of this? Do I impute it as an offense? Not at all, sir, because I remember with pleasure that Daniel Webster, in his reply to Hayne, said that he claimed for himself and for New England great praise for having uniformly supported the most liberal grants from the public Treasury for the West and the South. And I remember, too, with pleasure, when the great improvement of the Mississippi River was under discussion a few years ago in this House, a distinguished gentleman from Michigan, a State that has received, as I said, nearly $8,000,000, a distinguished member from Michigan, then a member of the Committee on Commerce, now before me [Mr. HORR], made the strongest appeal in behalf of that great improvement.

Daniel Webster said another thing, that there were no Alleghanies in his politics. I am afraid my friend from Wisconsin [Mr. PRICE] and my friend from Minnesota [Mr. WASHBURN] have not only Alleghanies in their politics, but they have the whole Rocky Mountain range in their politics. [Laughter.]

But enough, Mr. Chairman, on that point; enough on sectionalism. And now what of this improvement at Galveston which has been assailed more fiercely than any other measure provided for in this bill? Why should it not be made? Take a point from old Point Comfort round the Atlantic, around the Gulf coast, all the way to the Rio Grande, and you have only one first-class harbor, only one first-class harbor into which a first-class ocean-going steamer can enter. Reflect for a moment what an immense coast line that is? How did we get that first-class harbor? By the skill and genius of that Napoleon of engineers, James B. Eads. In no other way have we got a harbor in all that immense stretch of seacoast.

Take a point from that harbor, from Eads's jetty, and go round nine hundred miles to the Mexican line, and you have not a first-class harbor—you have not a second-class harbor.

Is this Government to put up with this state of things? Are the representatives of commerce to put up with this state of things? In the present condition of this country as a general rule the consumers are in one part of it and the producers in a different part of it. What they want is to get together, to get cheap transportation. How are they to do it? I am told a beefsteak costs in New England as much as a workingman's wages for a day amounts to, and the consequence is he does without a beefsteak. Now, New England not only gets her beef, but her food supplies, her lumber, her coal, her iron, and other raw material from points at a great distance from her. She gets them, too, over rail, and railroad rates are enormously high as compared with water rates. Now, sir, there is a water line from Boston all the way to Texas, where these products abound. Why, sir, Texas is stifled with abundance—smothered with her products as the Roman maid was crushed under the load of her jewels. They have all the things the Eastern people need, and yet the Eastern people can not get them because of a sand bar in front of Galveston.

Mr. Windom, in a letter of December, 1878, to the lake improvement convention at Saint Paul, says:

> The cost of water transportation diminishes in proportion as the size of vessels increases. The value of any water route is measured by the capacity and efficiency of its most defective part. If from lack of proper improvements a single harbor on any given line can afford facilities for only the smaller class of vessels, the value of the entire line is graded down to correspond with the inadequate harbor.

But gentlemen say that under the plan adopted by this committee this improvement at Galveston can not be made. These gentlemen said the same thing when it was proposed to improve the mouth of the Mississippi River. The whole corps of Army engineers said the same thing. But they say the conditions are different at the South Pass. They say there is a great river there with its current that they do not have at Galveston. Now, it is a notorious fact that it is not the ordinary current of the Mississippi River that makes a scour in the jetty, but the extraordinary current caused by flood, and we have that condition in Galveston Bay. Why, sir, at certain periods certain winds prevail from the land to the Gulf, and they make that same extraordinary current which we have at the mouth of the Mississippi River. While these gentlemen on this floor are so confident this improvement can not be made, they have unbounded confidence in the Corps of Engineers, which declared instead of getting too little water under his plan Eads would get too much water.

Gentlemen here say that Eads will get no water there. The Army engineers declare that you will get too much water by this plan of Eads's. How do you reconcile this discrepancy? If the Army engineers are good authority for you on one point, then they are good authority on the other, and they declare that Captain Eads by his plan will get too much water.

Mr. BAYNE. That they will get too much water at some points, but not enough at others; that is the objection.

Mr. JONES, of Alabama. I suppose that General Newton is good authority as to what the great engineers of the country believe on this question. He says, in a communication made to the Committee on Rivers and Harbors of this House, presented pursuant to the request of the committee, in speaking of this plan of Mr. Eads's:

> In connection with this let us take a glance at the features of the locality. * * * Mr. Eads nor any one else could calculate—

Mr. HORR. What page do you read from?

Mr. JONES, of Alabama. I read from page 6 of this report—

> could calculate the depth to which the waters flowing out of Galveston Bay would excavate the channel if during strong tide they should be entirely confined between high jetties, particularly if placed close together.

Gentlemen say that on account of the sluggish current in Galveston Bay you can not get any water flow or current sufficient to give that wash of the channel which was obtained at the mouth of the Mississippi River. General Newton says that you will get too much water. Again he says:

> His system—
>
> Referring to Captain Eads—
>
> as he announces it, is a violent forcing process, the effect of which he can neither calculate nor foresee.

General Newton goes on to say that if it was with Captain Eads a question of delivering the largest supply of water in a given time, he would be right in his estimates and plans; but that the question of improving the harbor in the manner suggested does not necessitate the obtaining of the greatest scour. And yet gentlemen tell us that they will get no scour; that there is no mode of getting a current or flow by which to scour out the channel. General Newton goes on to say:

> It may be expedient not to obtain the greatest scour, but to regulate the scour so it will be useful, not hurtful.

Mr. BAYNE. That is just it; that is the point.

Mr. JONES, of Alabama. But gentlemen asserted that on account of the sluggish current there would be no scour at all. Against that statement I place the report of General Newton and the opinion of the Engineer Corps of the Army.

Now, Mr. Chairman, a word as to the expense. The expense of the improvement which has proved so beneficial and valuable at the mouth of the Mississippi River fell short under the direction of Captain Eads of the estimates of the Army engineers.

Mr. HORR. Will the gentleman permit a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. HORR. Before you leave this point, I do not understand how you are going to put the pressure on the rear, as you have in the Mississippi River jetty system, whereby you are to get the results according to this theory.

Mr. JONES, of Alabama. I will explain. At certain periods of the year certain storms prevail, I believe, from northeast to southwest. These storms are violent in their character. Captain Eads proposes in his plan to take advantage of these storms that sweep this great volume of water out with rapidity and violence, and thus to utilize it to scour out the channel, as was done by the jetties at the mouth of the Mississippi River by utilizing the current of that river.

Mr. REAGAN. Will my friend from Alabama allow me a moment?

Mr. JONES, of Alabama. Yes, sir.

Mr. REAGAN. There is another reason why they can get good scouring power there. The Bay of Galveston is very large, some forty miles long, and perhaps on an average more than half as wide as it is long. The Trinity River, the longest river in the State, debouches in it, as also the Buffalo Bayou and the San Jacinto River; and this volume of water must go in and out of the channel to fill and empty the bay, and thus produce a scour of the channel.

Mr. HORR. But as I remember the harbor, Judge, from our examination, this difficult point is away out where they made those mattresses.

Mr. REAGAN. That is true. It extends beyond the point of the island.

Mr. HORR. And how will you get a scour out there?

Mr. REAGAN. By the water, as I have said already, going in and out of that channel to fill and empty the bay.

Mr. JONES, of Alabama. Now, by means of the jetty system that water during these storms will be confined in the channel and in its ingress and egress made to scour out the obstruction referred to by the

gentleman from Michigan. The jetties at the mouth of the Mississippi River extend some five miles in length. These jetties at Galveston will extend between ten and eleven miles, which will necessarily make the cost somewhat more than the amount that was expended for the Mississippi River improvement. At the mouth of that river the jetties were made of willow and other trees growing in the bayous, which could be utilized and gathered at little expense. Then when it became necessary to use stone it was transported down the river at a reasonable cost. At Galveston the jetties can not be made with mattresses; they must be built of stone, and on that account will be more expensive, for the reason that the stone must be transported from a distant point by railroad. So, as I have said, the expenditure will be necessarily greater; but whatever it is, Captain Eads is not benefited by it. The work is to be prosecuted by the Government, and he is simply to be employed on a salary.

It is also objected that the bill provides for an enormous expenditure of money. The bill carries only $12,000,000 in round numbers. The river and harbor bill of last session carried about $2,000,000 more than this, and yet it passed both Houses of Congress, received the approval of the President, and was acceptable to the people of the entire country. How, then, can this be said to be extravagant?

The fact is, Mr. Chairman, in view of the immense internal commerce of this country; in view of its population of 60,000,000, extending from ocean to ocean; its 18,000 miles of seacoast, and its more than three hundred rivers and harbors to be improved, I believe a much larger amount than $12,000,000 would not be considered by the country extravagant or enormous. More than fifty years ago, when our population was only 7,000,000 and our revenues amounted to only $14,000,000, John Quincy Adams was in favor of appropriating $5,000,000 for the purposes of internal improvements. These appropriations are wholly beneficial. They are more beneficial than any other made by the Government. The appropriations made for the support of the Army, for the Indians, for pensions, and other objects are consumed in the use and leave no trace behind. Appropriations for the improvement of our great water ways are permanent and continuing. They are like good business investments, paying good dividends to the Government and the people. Like the quality of mercy, they are "twice blessed;" they bless the Government in increased revenues, and they bless the people in cheaper transportation and greater commercial facilities. At this time there is sharp rivalry among nations in the markets of the world. What we need is cheaper water transportation to enable us to compete with other nations in these markets. We need to make our products of the greatest value to the producer and at the same time furnish them at the lowest possible cost to the consumer. Nothing excels water for purposes of cheap transportation. To illustrate this I refer to some remarkable facts stated in a recent issue of the Pittsburgh Dispatch, as follows:

The magnitude of the work which is done in the transportation of coal by our river steamers is strikingly shown by the announcement elsewhere that one of the Pittsburgh boats on the late rise took down the champion tow of coal, amounting to 700,000 bushels. The freight moved by this single steamer was nearly 28,000 tons, or enough to load almost 2,000 cars. In the remarkable fleets which move acres of coal down the river at a single rise, an amount of freight is carried which would employ the constant services of two or three large railways; and the work is done at a cost which would furnish the motive power necessary to carry it half the distance by land. Whatever the shortcomings of our much-maligned river route may be in other respects, there is no doubt that it furnishes a magnificent highway for the carriage of our coal to the South. Without the cheap and vast movements of freight by river, half our coal would be left under ground and the other half would cost down-river consumers double prices.

Many millions of dollars were spent by the General Government to make and improve the magnificent highways referred to. They ought to have been improved even at the great expenditures made—the Ohio, Kanawha, and Monongahela. But, sir, there are other portions of our common country where similar expenditures and similar improvements ought to be made, in order to bring about the splendid and beneficial results enjoyed by people living on the Ohio and Mississippi. The facts here stated furnish the strongest argument in favor of similar improvements in the State I have the honor in part to represent. In Alabama coal and iron are found in greater abundance than in Pennsylvania and West Virginia. They are found in juxtaposition and in close proximity to noble rivers that, with small improvement, will furnish cheap transportation. Reports have recently gone to the country that have been regarded as fabulous in regard to marvelous mineral regions of Alabama. Distinguished members of this House from Eastern States, editors of great Northern journals, and capitalists, have lately visited these regions, and they declare, like the Queen of Sheba, that "the half has not been told."

Already, even with inadequate transportation and the high rates on railroads, coal is shipped from Alabama to Aspinwall and is sold at lower prices than British coal, and iron is sent to Philadelphia and Pittsburgh. A coke furnace on the Coosa River, costing $100,000, turns out one hundred tons of iron a day, which is shipped to Pennsylvania at a freight charge of, say, $5 a ton, and as it is made about $6 a ton cheaper than in Pennsylvania, it is sold at a profit. Now, if the Coosa should be opened up to through navigation from Rome, in Georgia, to Mobile, a distance of seven hundred miles, and it is already navigable, except for a small stretch, there would be a saving of $2 a ton on the transportation, and this would be a saving of $200 a day or $72,000 a year on an investment of the $100,000. The gentleman from Maine [Mr. BOUTELLE] says "there is no bill coming before Congress that the people of this country scrutinize more jealously than the river and harbor bill. I deny it. Railroad centers, newspapers devoted to the interests of railroads, and certain localities whose rivers and harbors have already been completely improved by the General Government may look upon these bills with jealous scrutiny and hostility; but the people hail them as the most beneficial passed by Congress.

There are 125,000 miles of railroad in this country. They are not like free public highways, open to competition. They are above competition and make combinations to defy it. They make unjust discriminations against the public and are guilty of other abuses. How to control them is a great problem, a problem that is agitating our legislative bodies, and which Congress has been grappling with for ten years. While judicious legislation may accomplish much, the best and most effectual remedy will be found in the competition of the water way, and in improving our natural channels of water communication!

When ice obstructs navigation in northern rivers and lakes, up go railroad freights; when spring returns and the ice disappears, down go railroad freights. The following table, found in the report of Mr. Nimmo, Chief of Bureau of Statistics, for January, 1885, on the relations of railroads to commerce, shows the average freight charges per bushel on transportation of wheat from Chicago to New York during the year 1868 to September 1, 1884, inclusive.

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1868 to September 1, 1884, inclusive.

Calendar years.	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	Cents.	Cents.
1868	24.54	29.0	42.6
1869	23.12	25.0	35.1
1870	17.10	22.0	33.3
1871	20.24	25.0	31.0
1872	24.50	28.0	33.5
1873	19.19	26.9	33.2
1874	14.10	16.9	28.7
1875	11.43	14.6	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.7
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884, January 1 to September 1	6.60	9.75	13.0

*Including Buffalo transfer charges and tolls.

It was not until about the year 1868 that the managers of the trunk-lines regarded the transportation of grain from Chicago to the seaboard as a source of profitable traffic.

The reduction in the average rates of transportation by lake and canal from 24.54 cents per bushel in 1868 to 6.60 cents per bushel in 1884, in the rates by lake and rail from 29 cents per bushel in 1868 to 9.75 cents per bushel in 1884, and in the "all-rail" rates from 42.6 cents per bushel in 1868 to 13 cents during the year 1884, has been the direct result of the sharp competition which has prevailed between the competing railroads and with the water line formed by the lakes, the Erie Canal, and the Hudson River. This fall of rates has greatly stimulated the development of the agricultural resources of our highly productive Western and Northwestern States, and has tended enormously to increase the wealth of those States.

The gentleman from Texas [Mr. MILLS] showed by reports how a single improvement on a single river had resulted in a saving of 8 cents a bushel on grain exported from Saint Louis by way of New Orleans to Liverpool. When the jetties were completed in 1879 the grain exported from New Orleans to foreign countries amounted to 5,000,000 bushels, and this had been the amount for several years previously. In 1882, three years after, this was increased to 16,000,000 bushels, and Mr. Nimmo declares the increase was largely the result of the jetties. Now, sir, a saving of 8 cents a bushel on this amounts to over $1,000,000. How much was saved on cotton and other exports? I feel warranted in saying this improvement, which cost this Government about $5,000,000, paid for itself in one year in the saving it caused to the Government and the people.

Mr. WHITE, of Kentucky. Will the gentleman from Alabama yield for a question?

Mr. JONES, of Alabama. Yes, sir.

Mr. WHITE, of Kentucky. The gentleman has compared this Galveston Harbor to the mouth of the Mississippi, the outer portion of the jetties. I ask him if there is not there very deep water, almost an unfathomable depth?

Mr. JONES, of Alabama. Two hundred feet.

Mr. WHITE, of Kentucky. Whereas at Galveston, all along the seacoast, clear back to Burwick Bay, ninety miles out, it is shallow, from ten to twenty feet in depth. And will not the jetty have to be extended many miles to overcome this?

Mr. JONES, of Alabama. What the gentleman from Kentucky states is very true; but Captain Eads states frankly how he expects to overcome that difficulty. He expects by this heroic process, by this use of the current and the scour, to carry the sand to a distance where it will be dispersed by littoral currents.

Mr. HISCOCK. Will the gentleman permit me to ask him how deep do you go with your stone bed?

Mr. JONES, of Alabama. The gentleman from Texas [Mr. REAGAN] can answer that question.

Mr. REAGAN. About thirteen feet.

Mr. JONES, of Alabama. I yield the remainder of my time to the gentleman from Iowa [Mr. MURPHY].

Mr. MURPHY. With all respect to the kindness of the gentleman from Alabama who has permitted me to occupy the last ten minutes of his time, I am not unmindful of the fact that too much time has been occupied by members of the committee in talking upon this bill. I willingly therefore give my friend from Kansas [Mr. FUNSTON] an opportunity of being heard, he not being a member of the committee.

Mr. FUNSTON. Mr. Chairman, I have listened to the extended discussion of this bill and must admit I am puzzled when I attempt to understand how gentlemen living along the great thoroughfares of the country, made great thoroughfares by magnificent gifts of public lands, and enjoying all the advantages of great markets, made great markets by unstinted appropriations for the rivers and harbors on which they lie, can raise their voices against the appropriation for Galveston Harbor. I do not believe any of these gentlemen intend to be unfair. I would rather believe, and do believe, that some of them who have expressed themselves as being so near to being in favor of the improvement, need only to be located in that country to be entirely in favor of it. Their locality would then bring more vividly to their minds the importance of this work. They would then behold a vast country stretching to the east, the north, and to the west, greater in extent than the States of Illinois, Indiana, Ohio, and Pennsylvania, inhabited by millions of their fellow-countrymen; rich in minerals, rich in soil; the great center of animal industry of the United States, with thousands of ship-loads of wool, cotton, corn, wheat, and various other products of the country, much of which is rotting in storehouses and bins because it is too cheap in the markets to bear shipping over the long lines of railroads leading to the East.

They would behold this rich storehouse, this American Egypt, lying around and in easy access of a beautiful bay that needs only the generous action of the Government that has been bestowed on all others of importance throughout the land to make it one of the most useful harbors in all the world. Useful, I say, not only to the persons inhabiting that country, but equally useful to the millions of people inhabiting the Atlantic States in throwing down at their doors cheap wheat, cheap corn, cheap beef, cheap pork, cheap cotton, and many other things which enter into the daily demands of the poor as well as of the rich, and feed the thousands who spend their lives amid the hum of mechanical industry, as well as to furnish material to start the looms and factories which give employment to willing hands.

It is not local so far as the benefits are concerned, nor is it local when considered in connection with the grand system of harbor improvements which it becomes our interest as a thrifty people to make, and which I believe the good people of this nation desire that we should make. It is in the great line of thrift and prosperity and peace. It has none of the ugly murmurings of war in it. It is a work in which the peaceful Quaker and the gallant captain can alike take pride. The merchant will regard it as a harbinger of good times. The farmer will look upon it as repairing the nation's great gateway. He knows that the farm that is characterized by its fallen-down fences and brier-patches and choked-up roads is regarded as the home of a shiftless kind of fellow, and he knows also that a nation that is distinguished for its choked-up harbors while millions of its wealth lie rotting for want of a place to load it into ships must be regarded as a shiftless kind of people.

No one can regard the refusal of this appropriation as economy, and every thoughtful man must see in its refusal the worst of extravagance. We hear it said, however, by the opponents of this improvement that the harbors are not used when they are improved, and we are pointed to New Orleans as an example. It is true that the shipments from that place after the completion of the jetties was not so great as many desired; but it should be borne in mind that new routes of transportation are not adopted in a day even when the greatest advantages are offered. Shippers from force of habit alone are slow to make a change, and in the case of New Orleans, that route has been until recently regarded only as temporary, many believing, as did the United States Corps of Engineers, that the jetties would prove to be a failure.

Their success, however, is now assured, and shippers in reach of that point will soon begin to look in that direction as the cheapest and most practical way to reach the markets of the East and of the world. That improvement and other water-way improvements have already had the effect of cutting down the charges for transportation of freights by railway, and the accomplishment of that end alone at Galveston would pay the people and the Government in the course of time for all it would cost to make the improvement, though not a single ship-load should ever leave the harbor.

We need competition as well as capacity—not so much a new railroad for competition, for that would be but adding one more railroad to the pooling system against the people. We want water competition, a kind of competition railroads so far have been unable to control.

I understood the gentleman from Illinois [Mr. THOMAS] in his able remarks last Saturday to say he would be in favor of a reasonable amount to improve this harbor, though he fails to tell us what he regards as reasonable. He mentioned the Mississippi jetties, but I do not think he referred to them as unreasonable in cost; on the contrary, his discourse led me to believe he thought them reasonable, though I can not give his language on that point. They cost $5,340,000. The jetties at Galveston, according to Mr. Eads's statement, are to be more than twice as long and are to cost $7,750,000, or about 50 per cent. less, according to length, than the Mississippi jetties. Now, if the former is reasonable, certainly the latter must be also. This $7,750,000, however, is not to be voted to Captain Eads; it is nothing more than his estimate, and if voted at all is to be voted to the Secretary of War, Captain Eads drawing from it only his salary of $5,000 a year and an additional $3,000 for each additional foot, not one cent of which $3,000 is to be paid until twenty-five feet of navigable depth of water is obtained through the channel.

The gentleman from Illinois does not seem to think the work can be done cheaper, nor do we infer that he thinks it ought not to be done at all. He only appears to be repelled by the vast sum of money required. It is indeed great when compared with the average wealth of individuals, but it is no more to the Government than the cost of building an ordinary culvert across a bad place in the road would be to a person of average wealth, and I might add ought to be regarded in the same light that we do ordinary improvements of public highways.

Now, the gentleman from Pennsylvania [Mr. BAYNE] expressed himself as being in favor of an appropriation of five or six millions of dollars, but he did not like Captain Eads's plan; yet he dwelt vehemently upon the point that Captain Eads had no plans, and before voting the appropriation he demanded some. I am unable to reconcile that gentleman's two positions, unless he meant by the latter that he had no plans and specifications submitted as ordinarily is done in contracts.

But Captain Eads is not a contractor in this case. The work is under the Secretary of War, with Captain Eads as a hired engineer, receiving a stipulated sum per year and a certain amount conditionally for preparing the plans, specifications, and estimates, and making the necessary recommendations therefor, and exercising general supervision during the progress of the work.

The only extraordinary power granted to Captain Eads is that the work is to be constructed according to his plans and specifications. This is reasonable enough when considered in connection with the fact that the greater part of his pay is conditioned upon the success of the undertaking. "No cure, no pay" necessarily implies obedience to the doctor.

But this extraordinary power granted him does not make a contractor of him in any sense of the word. When engaged, if at all, he will be an employé of the Government; and no work in the way of plans and specifications or other service can reasonably be expected of him until he is employed. The gentleman from Illinois dwells with emphasis upon his statement that the whole thing is to be based on faith in Captain Eads. That is true to some extent, yet Captain Eads does not hesitate in placing his chance for getting the larger part of his pay on the same kind of faith. Faith, after all, must have much to do with the undertaking.

Plans and specifications, if submitted by Captain Eads, would have to be accepted on faith in him, as I understand that none of his plans are in accordance with the theories of the United States Corps of Engineers, and would most likely be met by those gentlemen with objections that would prove as groundless as did their statement that the extension of the jetties at the mouth of the Mississippi by reason of the advance of the bar would cost a million dollars a year, while the facts are that during the five years since that work was completed it has not been necessary to spend one nickel in that way, and it is not likely that it will become necessary to advance the jetties one foot in a century.

What have you to rely upon in any of these improvements, when the plans and specifications are submitted by the United States Corps of Engineers, but faith in them? It was by faith in them that already a million of dollars have been sunk in Galveston Bay, and, I may add, without the least prospect whatever of the work that has been done amounting to anything except to be in the way when proper plans to improve the harbor are fixed upon.

Faith in Captain Eads ought to govern us to a great extent in making this appropriation and employing him to prepare plans and specifications and to superintend the work.

The great works he has already accomplished inspire me with faith in him. The plain and common-sense manner he has of doing things inspires me with faith in him. He has no finely-spun theories submitted in stilted language to daze poor creatures, but he proceeds on the plain common-sense principle that running water confined in a narrow channel will wash out the bottom and thus make it deeper, and that if the channel extend sufficiently far into the sea the material washed out, as well as that carried down by the current, will be carried out to where the water is perhaps a thousand feet deep before it finds a lodgment,

and that it would be like filling up the sea itself to form a bar out there. I do not speak for Captain Eads; this is only my understanding of the jetty system.

The gentleman from Pennsylvania [Mr. BAYNE] objects to this system because it is upon the damming-up principle, and that it would cause a deposit of sediment above the jetties and raise the bed of the river. Quite the contrary, by actual measurement, has been proven to be the fact, the bed of the river above the jetties having been lowered one foot; and therefore his theory of damming up the Mississippi and turning it into the Atchafalaya is without foundation.

The gentleman has printed in the RECORD an amount of testimony to establish the fact of the superior education of the members of the United States Corps of Engineers. This was not at all necessary. No one doubts their superior education, and no one would, I dare say, cast an unjust reflection upon them. So far as education and the accepted theories of engineering go, they have perhaps no superiors in the world.

But these facts ought not to be allowed in the least to detract from the common-sense principles of Captain Eads. The work he accomplished at the mouth of the Mississippi is worth more in the eyes of the people than the diplomas from all the scientific schools in the world. The plain Western colonel (Bailey, I believe, was his name) who solved the question of getting the gunboats over the rapids at Alexandria on the Red River, and saved a fleet of naval vessels, used no sextant, no compass, no theodolite. He and his men just loaded themselves with brush and logs and rock, and waded into the river and threw them down, damming the river from both sides until the water was raised sufficiently high to let the gunboats pass through a place left in the middle of the river. Captain Eads, I understand, is an educated man, but I dare say he depends more on common-sense principles as manifested by this Western colonel than he does upon his collegiate diplomas. That is the kind of man we want at Galveston, Mr. Chairman. We want some one who, if it should be necessary, can shut up the books and take a common-sense view of the situation, and not disdain the long-established fact that water will run down hill and cut a channel in doing so.

The CHAIRMAN. The time allowed by order of the House for general debate.

Mr. WILLIS. I understand several gentlemen desire leave to print remarks on this bill in the RECORD. I ask that general leave be granted.

Mr. WHITE, of Kentucky. Provided it shall not apply to the tariff and all other questions.

Mr. WILLIS. Of course that is understood.

The CHAIRMAN. There can be no limit placed to the leave, if granted, except each gentleman's idea of propriety. Is there objection to the leave requested? The Chair hears none. General leave is given to print remarks in the RECORD on the subject of this bill. The Clerk will proceed to read the bill by paragraphs for amendment under the five-minute rule.

The Clerk read the first paragraph of the bill, as follows:

That the following sums of money be, and are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, and to be expended under the direction of the Secretary of War, for the construction, completion, repair, and preservation of the public works hereinafter named.

Mr. REED, of Maine. I move to strike out the last word. I make that motion, not because I expect there is to be more discussion to-night with regard to the bill, but for the purpose of calling the attention of the House to the actual situation of this discussion as it has turned out under the order of the House.

There is in this bill the continuation of a scheme for the expenditure of $150,000,000, and the only man who has had an opportunity to express himself upon that subject, after having carefully examined it, has been able under the action of the House to get but ten minutes of time. All of the time for the discussion of this bill, except what is going to take place under the five-minute rule, has by the judicious action of members of this Committee on Rivers and Harbors been absorbed and controlled by themselves in favor of the bill, and no opportunity thus far has been given for criticism of the same; nor under the action of the House can any opportunity be given except in a disjointed five-minute way. And yet this bill contains in it for one single item the continuation of one improvement which will amount to $150,000,000, and involves 1,080 miles of river.

Now, I want the House to understand precisely what the effect of this action has been in the matter of the discussion of the question which is before it. It seems to me that such a method is not going to give to us that full idea of this bill which we ought to have. With the exception of the ten minutes' discussion on the part of the gentlemen from Iowa and Wisconsin we have had nothing. But we have had one exception, to which also I wish to call the attention of the House, and that is, members of the committee have shown to us clearly, if they be right, that the members of the Engineer Corps who advised upon these subjects are pretty sure to be wrong when they come in contact with the opinions of the committee. I think the gentleman from Massachusetts [Mr. STONE] and the gentleman from Alabama [Mr. JONES] have proved very conclusively, if their argument is to end it, that the engineers do not understand anything about a harbor of refuge on the Atlantic coast or anything about digging up a harbor on the coast of Texas, and yet, with the exception of those two items and one or two others, this whole bill is made up on the recommendation of the engineers.

Mr. O'NEILL, of Missouri. Mr. Chairman, I do not know really but what we ought to thank the chairman of the Committee on Rivers and Harbors for having even given us leave to print.

Coming from the city of Saint Louis, the principal city of the Mississippi Valley, I naturally imagined that the views of a member from that section, and especially one who has unfalteringly supported the river and harbor bills of the past, might have been treated with some little courtesy. I requested of the chairman of that committee the privilege of coming before the committee and sparing the House this infliction. [Laughter.]

Mr. WILLIS. I apologize.

Mr. O'NEILL, of Missouri. You ought to apologize. [Continued laughter.] Which privilege was also refused every other member. The committee monopolized all the time allowed for debate, including a small portion of the time of the gentleman from Kentucky [Mr. WILLIS], who, after having generously promised to give me a portion of the time remaining to himself, took back his promise and gave it to the House this morning, so that my only recourse is left in this mode of a disjointed narrative by offering amendments to this bill in a formal way of moving to strike out the last word. [Laughter.]

But, Mr. Chairman, I propose at every stage of this proceeding to continue offering amendments until my views in regard to river improvement are impressed upon this House, as far as I can impress them. I have that right under the rules, and, fortunately, I have a disposition that will see that my rights in that respect are preserved. [Laughter.]

Mr. Chairman, the people of the Mississippi Valley, at every convention and through every newspaper, appeal to every member of Congress to do something for the improvement of the great Mississippi River, that grand artery of commerce that bears upon its bosom the commerce of millions of people, and in whose valley are to be located the hundreds of millions of the future. That river, sir, so far as concerns improvements of a permanent and valuable character, terminates at the point where it meets the Ohio, where the firm banks cease and you strike this alluvial bed that is subject to these little breaks and misunderstandings, and the improvement of which, I believe, its best friends admit is merely an experiment. Yet out of these millions proposed to be appropriated for the improvement of the Mississippi, the portion of that river from its junction with the Ohio to its source gets only the insignificant sum of $600,000. Now, my friends, that is not "a fair share of the pork." [Laughter.] That is not enough.

If the Mississippi River has got to carry through every year these hundreds of creeks and bayous, be a little more liberal. Give us a little more. I do not suppose that any member of this House believes for a moment that I would oppose a bill merely on account of its size. [Laughter.] I have endeavored to make a consistent record here, and have voted for every bill that would aid in developing our country and give employment to labor. [Applause.]

Now, Mr. Chairman, let me call the attention of the chairman of the Committee on Rivers and Harbors (who, I observe, is about to go into executive session with his colleague) [laughter] to a remarkable fact, which is, that I am clearly of the opinion that if that committee had allowed me to come before them they would have realized that they did not comprehend the whole of this question. [Laughter.] I am certain of it. Now, is the gentleman aware of how long it will take to complete the work of improving the channel of the Mississippi between the Illinois and the Ohio—and it is the obstructions in that part of the river that are to-day the main obstacle in the way of river improvement.

[Here the hammer fell.]

Mr. HENDERSON, of Iowa. Mr. Chairman, I move to strike out the last word; and now, for the sake of getting some light on this important subject of river improvement, I yield my time to my distinguished friend from Missouri [Mr. O'NEILL].

Mr. O'NEILL, of Missouri. I thank the gentleman. Now, Mr. Chairman, let us have a common-sense talk on this bill, even if it is only for five minutes. [Laughter.] Every sane man who favors the improvement of the Mississippi wants the river improved so that modern-built vessels, which carry fifty thousand or sixty thousand bushels of grain, and draw seven or eight feet of water, can go down to the sea through a free and unobstructed channel. The object of river improvement is simply this: that at the low stage of the river you can have your commerce go unimpeded to the sea. If you work down to a point where you find a shoal beyond which you can not go, no matter how deep may be the other parts of the channel, until that shoal is removed the rest of your work is, comparatively speaking, valueless; and, therefore, until the last shoal in the channel is removed your work of river improvement is merely local and of no benefit to the country at large.

Now, sir, between the mouth of the Illinois and the mouth of the Ohio, a distance of less than two hundred miles, are grouped the most serious obstructions in the channel of the river, the most serious obstructions to the commerce of the Mississippi Valley. The engineers who have carefully examined into this matter, state that it will take at least $10,000,000 to remove those obstructions and furnish a uniform depth of eight feet of water, which is required for the passage of barges carrying 50,000 bushels of grain. That being so, with your miserable, beggarly $400,000 a year for the improvement of that part of the river, how many years do you think it will be before you can have the ben-

efit of deep water there? Just figure it out. [Laughter.] We are supposed to be legislating for this generation and not for posterity—at least not in the matter of river improvements.

Mr. MCADOO. "Posterity never did anything for us."

Mr. O'NEILL, of Missouri. No; as my friend from New Jersey [Mr. MCADOO] suggests, posterity has never done anything for us; and the question with him is whether he is going to do anything for posterity. [Great laughter.]

Mr. MCADOO. I hope my friend——

Mr. O'NEILL, of Missouri. Mr. Chairman, I will yield if my friend rises to a personal explanation. [Renewed laughter.]

Now, Mr. Chairman, would it not be a little more sensible for the Committee on Rivers and Harbors to come in and say to this House: Gentlemen, between the source of the Mississippi River and a certain point, with certain appropriations, within a certain brief period of time, we can complete the work of improvement there? For instance, between the mouth of the Illinois and the mouth of the Ohio River we can, with proper appropriations, within four years complete the improvement of the channel of the river so as to give the people the benefit of cheap transportation. It seems to me that that would be a more sensible course, but the committee do not do that. They scatter these appropriations, like the grace of the Almighty, all over the country, in the hope that, by giving the $5,000 here and there for the improvement of the Suwanee and similar rivers, they can secure the votes of the gentlemen from those localities for this bill.

That is the principle of this bill; and you may recollect that at the commencement of the last session of Congress, when I was a little more "verdant" than I am now, I very innocently suggested the idea of having a separate and distinct Mississippi River bill, my object being that this great artery of commerce, with its navigable tributaries, should be properly considered, and not made the vehicle of dragging through this House a combination of creeks or insignificant streams. This is not legislation. It has been marvelous to me that men selected out of every walk of life, who have made their private enterprises a success, can apply so little common sense when dealing with the affairs of the people. [Applause.] Let us begin now. I do not object, as I have told my friend from Kentucky, to appropriations for these little streams; we can stand that; but I want him to understand for one that unless he and his committee and this House will agree to a proper recognition of the Father of Waters, and thereby this bill should lack sufficient merit to justify its passage, the blame will not rest upon me or those who hold similar views. [Applause.]

Mr. WILLIS. Mr. Chairman, I have no wish to detain the committee. In reply to the statement of my friend from Missouri [Mr. O'NEILL], it is only necessary for me to say in one word that upon the reach of the river referred to by him the committee has allowed the same percentage as upon the other reaches of the river.

Mr. O'NEILL, of Missouri. I rise to a question of order. I understood that during the remainder of the discussion the time was to be occupied not by members of the Committee on Rivers and Harbors, but by other members of the House.

The CHAIRMAN. The Chair does not recognize that as a point of order.

Mr. WILLIS. By the last appropriation bill—and I speak seriously to gentlemen who are engaged in serious business—the sum of $520,000 was appropriated for that portion of the river which has its advocate in my friend from Saint Louis. Of that appropriation the whole sum expended is $135,000; in other words, there was appropriated more than could be judiciously expended. The committee think, therefore, that they have been reasonably just to that part of the river; and they are fortified in this conclusion by the fact that it had three very intelligent members upon the committee.

I do not wish to detain the Committee of the Whole further. In view of the necessity of expediting this bill in the short time allowed, I have been urged by a number of gentlemen to ask for a session of the House to-night. I have declined to do so because of the fatigue of members after the prolonged session of last night. But I hope that to-morrow it will be the pleasure of the House to take a recess, with the understanding that if at the evening session any item of the bill be objected to by three or five members it be passed over. I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

A bill (S. 2600) for the relief of the Woonsocket National Bank of Woonsocket, R. I.

HENRY NEAL.

Mr. PEEL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be, and he is hereby, authorized to pay out of the contingent fund of the House to Henry Neal, for services as messenger in the Speaker's room, the difference between the pay of a laborer received by him and that of a messenger, from the 1st day of December, 1883, to the 7th day of July, 1884, and from the 1st day of December, 1884, to the 4th day of March, 1885—ten months and seven days—at the rate of $40 per month, $409.30.

GENERAL U. S. GRANT.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States; which was read, referred to the Committee on Military Affairs, ordered to be printed, and, on motion of Mr. WASHBURN, by unanimous consent, ordered to be printed, with the accompanying documents, in the RECORD:

To the House of Representatives:

I take especial pleasure in laying before Congress the generous offer made by Mrs. Grant to give to the Government, in perpetual trust, the swords and military (and civil) testimonials lately belonging to General Grant. A copy of the deed of trust, and of a letter addressed to me by Mr. William H. Vanderbilt, which I transmit herewith, will explain the nature and motives of this offer.

Appreciation of General Grant's achievements and recognition of his just fame have in part taken the shape of numerous mementoes and gifts, which, while dear to him, possess for the nation an exceptional interest. These relics, of great historical value, have passed into the hands of another whose considerate action has restored the collection to Mrs. Grant as a life-trust, on the condition that at the death of General Grant, or sooner at Mrs. Grant's option, it should become the property of the Government, as set forth in the accompanying papers. In the exercise of the option thus given her Mrs. Grant elects that the trust shall forthwith determine, and asks that the Government designate a suitable place of deposit and a responsible custodian for the collection.

The nature of this gift and the value of the relics which the generosity of a private citizen, joined to the high sense of public regard which animates Mrs. Grant, have thus placed at the disposal of the Government, demand full and signal recognition on behalf of the nation at the hands of its representatives. I therefore ask Congress to take suitable action to accept the trust and to provide for its secure custody, at the same time recording the appreciative gratitude of the people of the United States to the donors.

In this connection I may pertinently advert to the pending legislation of the Senate and House of Representatives looking to a national recognition of General Grant's eminent services by providing the means for his restoration to the Army on the retired-list. That Congress, by taking such action, will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill No. 2530, which, while not interfering with the constitutional prerogative of appointment, will enable the President in his discretion to nominate General Grant as General upon the retired-list.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 3, 1885.

---

640 FIFTH AVENUE, *January* 20, 1885.

DEAR SIR: I purchased the articles of historical interest belonging to General Grant and gave them to Mrs. Grant in trust, to hold during the lifetime of the General, and at his death, or sooner, at her option, they to become the property of the Government. They consist of his swords, memorials of his victories from the United States, States, and cities, and tributes to his fame and achievements from governments all over the world. In their proper place at Washington they will always be secure, and will afford pleasure and instruction to succeeding generations. This trust has been accepted by Mrs. Grant, and the disposition of the articles is in conformity to the wishes of the General. I transmit to you herewith the deed of trust. Mrs. Grant informs me that she prefers to close the trust at once, and send the memorials to Washington. May I ask, therefore, that you will designate some official representing the proper department to receive them, and direct him to notify Mrs. Grant of the arrangements necessary to perfect the transfer and deposit in such of the Government buildings as may be most suitable?

Yours, respectfully,

W. H. VANDERBILT.

His Excellency CHESTER A. ARTHUR,
President of the United States.

Whereas I, William H. Vanderbilt, of the city of New York, by virtue of a sale made under a judgment in a suit to foreclose a chattel mortgage in the supreme court of this State, in which I was plaintiff and Ulysses S. Grant defendant, which judgment was entered on the 6th day of December, 1884, and under an execution in another suit in said court between the same parties upon a judgment entered December 9, 1884, have become the owner of the property and the articles described in the schedule hereto annexed, formerly the property of Ulysses S. Grant:

Now, therefore, to carry out a purpose formed by me, and in consideration of $1 to me paid, I do hereby transfer and convey each and every one of the articles mentioned and itemized in the said schedule to Julia Dent Grant, to have and to hold the same to her, her executors and administrators, upon the trust and agreement nevertheless hereby accepted and made by her that upon the death of the said Ulysses S. Grant, or previously thereto at her or their option, the same shall become and be the property of the nation, and shall be taken to Washington and transferred and conveyed by her and them to the United States of America.

In witness whereof the said William H. Vanderbilt and Julia Dent Grant have executed these presents this 10th day of January, A. D. 1885.

Sealed and delivered in presence of—

W. H. VANDERBILT.
JULIA DENT GRANT.

Schedule of swords and medals, paintings, bronzes, portraits, commissions, and addresses and objects of value and of art presented by various governments in the world to General Ulysses S. Grant:

Mexican onyx cabinet: Presented to General Grant by the people of Pueblo, Mexico.

Aerolite, part of which passed over Mexico in 1871.

Bronze vases: Presented to General Grant by the Japanese citizens of Yokohama, Japan.

Marble bust and pedestal: Presented by workingmen of Philadelphia.

General Grant and family: Painted by Coggswell.

Large elephant tusks: Presented by the King of Siam.

Small elephant tusks: From the Maharajah of Johore.

Picture of General Scott (by Page): Presented by gentlemen of New York.

Crackleware bowls (very old): Presented by Prince Koon of China.

Cloisonné jars (old): presented by Li Hung Chang.
Chinese porcelain jars (old): Presented by Prince Koon of China.
Arabian bible.
Coptic bible: Presented by Lord Napier, who captured it with King Theodore of Abyssinia.
Sporting rifle.
Sword of Donelson: Presented to General Grant after the fall of Fort Donelson by officers of the Army, and used by him until the end of the war.
New York sword: Voted to General Grant by the citizens of New York at the fair held in New York.
Sword of Chattanooga: Presented to General Grant by the citizens of Jo Daviess County, Illinois (Galena), after the battle of Chattanooga.
Roman mug and pitcher.
Silver menu and card, farewell dinner of San Francisco, Cal.
Silver menu of Paris dinner.
Horn and silver snuff-box.
Silver match-box (used by General Grant).
Gold table, modeled after the table in Mr. McLean's house on which General R. E. Lee signed the articles of surrender. This was presented to General Grant by ex-confederate soldiers.
Gold cigar-case (enameled): Presented by the Celestial King of Siam.
Gold cigar-case (plain): Presented by the Second King of Siam.
Gold-handled knife: Presented by miners of Idaho Territory.
Nine pieces of jade stone: Presented by Prince Koon of China.
Silver trowel: Used by General Grant in laying the corner-stone of the American Museum of Natural History, New York.
Knife made at Sheffield for General Grant.
Gold pen (General Grant's).
Embroidered picture (cock and hen): Presented to General Grant by citizens of Japan.
Field-glasses used by General Grant during the war.
Iron-headed cane made from the rebel ram Merrimac.
Silver-headed cane made from wood used in the defense of Fort Sumter.
Gold-headed cane made out of wood from old Fort Du Quesne, Pennsylvania.
Gold-headed cane: Presented to General Grant as a tribute of regard for his humane treatment of the soldiers and kind consideration of those who ministered to the sick and wounded during the war.
Gold-headed cane used by General La Fayette, and presented to General Grant by the ladies of Baltimore, Md.
Carved-wood cane from the estate of Sir Walter Scott.
Uniform as General of the United States Army.
Fifteen buttons cut from the coats during the war by Mrs. Grant after the different battles.
Hat ornament used at Belmont.
Hat ornament used at Fort Donelson.
Shoulder-straps (brigadier-general's) worn by General Grant at Belmont, Fort Donelson, and Shiloh.
Shoulder-straps (lieutenant-general's) cut from the coat used by General Grant in the campaigns against Richmond and Petersburg and Lee's army.
Shoulder-strap (Lieutenant-General's) cut from General Grant's coat.
Pair of shoulder-straps (General's) cut from a coat General Grant used after the war.
Medal from the American Congress (gold) for opening the Mississippi.
Gold medal from Philadelphia.
Twenty-one medals (gold, silver, and bronze): Badges of armies and corps.
Ten medals (silver and bronze) sent to General Grant at different times.
Fourteen medals (bronze) in memory of events.
Silk paper (Louisville Commercial) printed for General Grant.
Silk paper (Daily Chronicle) printed for General Grant.
Silk paper (Burlington Hawkeye) printed for General Grant.
Collection of coin (Japanese): This is the only complete set, except one which is in the Japanese treasury. Seven of these pieces cost $5,000. This set was presented by the Government of Japan.
Warrant as cadet at West Point.
Commission as brevet second lieutenant (missing).
Commission as second lieutenant (missing).
Commission as brevet first lieutenant (missing).
Commission as first lieutenant United States Army.
Commission as brevet captain United States Army.
Commission as captain United States Army.
Commission as colonel volunteers.
Commission as brigadier-general.
Commission as major-general.
Commission as major-general United States Army.
Commission as Lieutenant-General United States Army.
Commission as General United States Army.
Commission as honorary member of M. L. A., San Francisco.
Commission as member of Sacramento Society of Pioneers.
Commission as honorary member Royal Historical Society.
Commission as Military Order of Loyal Legion.
Commission as member of the Aztec Club.
Certificate of election President of the United States.
Certificate of re-election President of the United States.
Certificate of honorary membership Territorial Pioneers of California.
Certificate of honorary membership Saint Andrew's Society.
Certificate of election LL. D. Harvard College.
Certificate of election honorary membership of the Sacramento Society of Pioneers of California.
Certificate of election honorary member Mercantile Library, San Francisco.
Freedom of the city of Dublin, Ireland.
Freedom of the city of Stratford-on-Avon.
Freedom of the city of London, England.
Freedom of the city of Glasgow, Scotland.
Freedom of the city of Edinburgh, Scotland.
Freedom of the city of Ayr.
Freedom of the burg of Inverness, Scotland.
Freedom of the city of Oakland, America.
Freedom of the city of San Francisco, America.
Freedom of the city of Londonderry, Ireland.
The freedom of many other cities.
Address to General Grant from the Chamber of Commerce.
Address to General Grant from Newcastle upon the Tyne, 1877.
Address to General Grant from the mayor, aldermen, and citizens of the city of Manchester, England, May 13, 1877.
Address to General Grant by the workingmen of Birmingham, England, October 16, 1877.
Address to General Grant from the Chamber of Commerce and Board of Trade, San Francisco, Cal., September, 1879.
Address to General Grant by the mayor, aldermen, and burgesses of the borough of Gateshead, England.
Address to General Grant by the mayor, magistrates, aldermen, and councillors of the borough of Leicester, England.
Address to General Grant by the Americans of Shanghai, China, May 19, 1879.
Address to General Grant by the Calumet Club of Chicago, Ill.
Address to General Grant from the Society of Friends in Great Britain.
Address to General Grant from chamber of commerce of Penang.
Address to General Grant by the mayor, aldermen, and burgesses of the borough of Southampton, England.
Address to General Grant by the provost, magistrates, and town council of the royal borough of Stirling.
Address to General Grant from mayor, aldermen, and burgesses of Tynemouth, England.
Address to General Grant by the mayor and town council of Sunderland.
Address to General Grant by the trade and friendly societies of Sunderland.
Address to General Grant by the public schools of Louisville, Ky.
Address to General Grant by the colored men of Louisville, Ky.
Address to General Grant from ex-confederate soldiers.
Address to General Grant from State of Louisiana.
Address to General Grant from the Chamber of Commerce and Board of Trade of San Francisco, Cal.
Address to General Grant by the British workmen of London, England.
Address to General Grant by the North Shields Ship-owners' Society, England.
Address to General Grant from chamber of commerce.
Address to General Grant from Sheffield, England.
Address to General Grant from mayor, aldermen, and burgesses of the borough of Royal Leamington Spa, England.
Address to General Grant by the mayor, aldermen, and burgesses of Sheffield, England.
Address to General Grant by wardens, &c., and commonalty of the town of Sheffield, England.
Address to General Grant from the provost, magistrates, and town council of the city and royal borough of Elgin, England.
Address to General Grant from the mayor, aldermen, and burgesses of the borough of Folkstone, England.
Address to General Grant by the mayor, aldermen, and burgesses of the borough of Jarron, England.
Address to General Grant by the mayor, aldermen, and burgesses of Gateshead, England.
Address to General Grant from the Carpenters' Company.
Address to General Grant from the citizens of Cincinnati, congratulating him on his second election as President of the United States.
Address to General Grant from the citizens of Nagasaki, Japan.
Resolutions of the Territorial Pioneers admitting General Grant to membership.
Resolutions of the Caledonian Club of San Francisco, enrolling General Grant as honorary member.
Resolutions of the citizens of Jo Daviess County, presenting a sword to General Grant (sword of Chattanooga).
Resolutions of the Washington Camp of Brooklyn, Long Island.
First resolution of thanks of the Congress of the United States.
First resolution inviting General Grant to visit the house of representatives of the Commonwealth of the State of Pennsylvania.
Second resolution of thanks from the Congress of the United States.
Letter from citizens of Jersey City, thanking General Grant for his Des Moines (Iowa) speech on the question of public schools.
Presentation of a silver medal by the Union League Club of Philadelphia, for gallantry and distinguished services.
Vote of thanks by Congress to General U. S. Grant, &c.
Other resolutions, addresses, votes of thanks, and freedom of cities.

CORRECTION OF CLERICAL ERROR.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following letter from the Secretary of the Navy; which was referred to the Committee on Naval Affairs, and ordered to be printed:

NAVY DEPARTMENT, *Washington, February* 2, 1885.

SIR: In my communication, dated January 30, in answer to the resolution of the House relative to the Tallapoosa, I desire to correct a clerical error.

For the words and figures "August 19," in the second paragraph, the words and figures "July 19" should be substituted.

Very respectfully, your obedient servant,

W. E. CHANDLER,
Secretary of the Navy.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

PROPERTY IN POSSESSION OF THE CLERK OF THE HOUSE.

The SPEAKER *pro tempore* also laid before the House a letter from the Clerk of the House, transmitting report of property in his possession belonging to the United States; which was referred to the Committee on Accounts, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. KELLOGG, by unanimous consent, was granted leave of absence for eight days from Thursday, February 5.

G. T. M. ENGLISH.

On motion of Mr. LORE, by unanimous consent the Committee of the Whole House on the Private Calendar was discharged from the further consideration of the bill (H. R. 7760) for the relief of G. T. M. English; and the same was referred to the Committee on Appropriations.

INCREASE OF POLICE FORCE AT INAUGURATION.

On motion of Mr. FOLLETT, by unanimous consent the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, returned from the Senate with amendments, was taken from the Speaker's table for present consideration.

Mr. FOLLETT moved to non-concur in the Senate amendments.

Mr. ADAMS, of Illinois. We should have some explanation what the amendments are.

Mr. FOLLETT. The bill as it went from the House appropriated $6,000. The Senate increased that to $8,000. The House made provision for this appropriation being made as other appropriations for the District of Columbia, one half out of the District funds and the other half out of the Treasury. The Senate amendment makes it all payable out of the Treasury of the United States.

Mr. MILLER, of Pennsylvania. And that is right.

Mr. ADAMS, of Illinois. I move that the Senate amendments be concurred in, and I desire to say that this inauguration business is not ordinary business. I think, therefore, we should concur in the Senate amendments.

Mr. FOLLETT. I desire to make this simple statement: Four years ago the appropriation was made as the House made it, one half payable out of the funds of the District and the other half out of the Treasury of the United States, as other appropriations are made for the District under the rule.

And I wish to say still further that the benefit resulting from the large attendance of people in the city of Washington on that occasion is more in the interest of the people here than it is in the interest of the Government.

The motion of Mr. ADAMS, of Illinois, was not agreed to.

The amendments of the Senate were non-concurred in.

Mr. FOLLETT moved that a committee of conference be asked on the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON.

AARON GELD.

Mr. WOLFORD, by unanimous consent, from the Committee on Pensions, reported back favorably the bill (H. R. 4869) for the relief of Aaron Geld; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

And then, on motion of Mr. MILLS (at 5 o'clock and 15 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BINGHAM: Resolutions of the Philadelphia Produce Exchange, favoring the enactment of a national bankrupt law—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE: Petition of citizens of Pine Bluff, Ark., urging the passage of the Potter funding bill—to the Committee on Ways and Means.

By Mr. DINGLEY: Petition of M. G. Shaw and others, of Bath, Me., for an appropriation to remove the ledge and rocks in the Kennebec River at Bath—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Petition of Ostheimer Brothers, for passage of bill providing for an international convention for the protection of industrial property—to the Committee on Foreign Affairs.

Also, petition of John F. Donehower, for passage of a bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. FERRELL: Petition of citizens of Salem city and members of the Presbyterian church, on the Mormon question—to the Committee on the Judiciary.

By Mr. FORNEY: Memorial from the General Assembly of the State of Alabama, asking for an increased appropriation to open the Coosa River—to the Committee on Rivers and Harbors.

By Mr. GEOkGE: Petition from North Yam Hill, Oreg., asking Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HARDY: Memorial of Sereno D. Bonfils, A. McKinstrey, and others, requesting that this Forty-eighth Congress authorize the Secretary of War to contract with Charles Stoughton and his associates for the improvement of Harlem River, New York, for a sum not exceeding $1,295,000, and requesting that the chairman of the Committee on Rivers and Harbor will appoint a subcommittee to hear arguments thereon, and report to the full committee—to the Committee on Rivers and Harbors.

By Mr. HARMER: Resolutions of George G. Meade Post, Grand Army of the Republic, in favor of the passage of Senate bill placing General U. S. Grant on the retired-list with rank and pay of General—to the Committee on Military Affairs.

By Mr. LIBBEY: Petition of citizens of Nansemond County, Virginia, asking for the improvement of Nansemond River—to the Committee on Rivers and Harbors.

By Mr. LORE: Petition of W. L. S. Murray and 44 others, citizens of Delaware, urging the suppression of Mormonism by law—to the Committee on the Judiciary.

Also, petition of J. Richards Boyle and 12 others, citizens of Delaware, for the suppression of Mormonism by Congressional legislation—to the same committee.

By Mr. MILLER: Petition of citizens of Mercer, Pa., in favor of legislation that will check the evil of Mormonism—to the same committee.

By Mr. CHARLES O'NEILL: Petition of many citizens of Philadelphia, praying Congress to enact a law which will give again to the aged seamen and marines, beneficiaries of the United States naval asylums, their pensions just as they are given to the soldiers of the national homes for soldiers, the said pensions being now forfeited under the law by these beneficiaries of the United States naval asylums—to the Committee on Pensions.

By Mr. PUSEY: Petition of E. C. Vennum and others, of Cass County, Iowa, asking for an increase of widows' pensions—to the same committee.

By Mr. J. H. ROGERS: Petitions of citizens of Hot Springs, Ark., and memorial of its city council, against the passage of the Rogers bill for the regulation of the Hot Springs reservation—to the Committee on the Public Lands.

By Mr. TOWNSHEND: Petition of citizens of the District of Columbia, praying for the passage of a joint resolution requiring the Baltimore and Potomac Railroad Company to keep open the draw of the long bridge for the passage of vessels at all hours of the day and night—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BAGLEY: Of citizens of Schoharie County, of Greene County, and of Ulster County, New York.

By Mr. BAYNE: Of ex-soldiers of Allegheny County, of Pittsburgh, and of Bakerstown, Allegheny County, Pennsylvania.

By Mr. BINGHAM: Of honorably discharged soldiers of Philadelphia, Pa.

By Mr. BOYLE: Of citizens of New Haven, Fayette County, and of Fayette City, Fayette County, Pennsylvania.

By Mr. EVERHART: Of citizens of Oxford, Chester County, Pennsylvania.

By Mr. GEDDES: Of George M. Endley and 57 others, citizens of Mansfield, and of G. W. Shurtleff and 123 others, citizens of Lorain County, Ohio.

By Mr. HEPBURN: Of 175 citizens of Leon, Decatur County; of William Butler and 50 others, citizens of Quincy, Adams County, and of J. B. Morrison and 50 others, citizens of Unionville, Appanoose County, Iowa.

By Mr. HOLMAN: Of Charles E. Burroughs and 65 others, citizens of Ripley County; of Alexander W. Lee and 91 others, citizens of Franklin County, and of Samuel Ward and 36 others, citizens of Ripley County, Indiana.

By Mr. KLEINER: Of ex-soldiers of Reno, Ind.

By Mr. LACEY: Of William Edwins and 27 others, of Sunfield, Mich.

By Mr. McCORMICK: Of 581 citizens of Lawrence County; of 50 citizens of Jackson County, and of 174 citizens of Portsmouth, Ohio.

By Mr. PAIGE: Of D. Garman and others, of Summit County; of T. L. Firestone and others, of Wayne County; of F. M. Waltmar and others, of Medina County, and of George M. Patterson and others, of Cuyahoga Falls, Summit County, Ohio.

By Mr. PUSEY: Of 60 citizens of Shelby County and of 190 citizens of Harrison County, Iowa.

By Mr. RYAN: Of 2,523 citizens of the State of Kansas.

By Mr. ROWELL: Of 115 citizens of Monticello; of 41 citizens of Middletown; of 146 citizens of Farmer City; of 47 citizens of Chenoa, and of 47 citizens of Gridley, Ill.

By Mr. SENEY: Of L. S. Lafferty and 128 others, citizens of Hancock County, Ohio.

By Mr. SHIVELY: Of David Brown and 77 others, citizens of Leesburg, Ind.

By Mr. H. Y. SMITH: Of 39 citizens of Lacona, and of 60 citizens of Indianola, Warren County, Iowa.

By Mr. STEPHENSON: Of Fred. Barrett, and 75 others, citizens of Medford, Taylor County; of W. J. Brown and 91 others, citizens of Marion, Waupaca County, and of G. J. Jackson and 62 others, citizens of Centralia, Wood County, Wisconsin.

By Mr. E. B. TAYLOR: Of C. P. Lyman and 86 others, citizens of Trumbull County, Ohio, and of B. Herrick and 76 others, citizens of Perry, Lake County, Ohio.

By Mr. THOMAS: Of 64 citizens of Massac County; of 167 citizens of Jackson County; of 64 citizens of Johnson County; of 90 citizens of Pulaski County, and of 62 citizens of New Burnside, Ill.

SENATE.

WEDNESDAY, *February* 4, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PRIVILEGE OF THE FLOOR.

The PRESIDENT *pro tempore*. The Chair begs to ask unanimous consent that he may invite upon the floor of the Senate the chief justice of the Dominion of Canada, who is present in the gallery. Is there objection? The Chair hears no objection.

TESTIMONIALS TO ULYSSES S. GRANT.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read, and,

with the accompanying papers, referred to the Committee on the Library, and ordered to be printed:

To the Senate:

I take especial pleasure in laying before Congress the generous offer made by Mrs. Grant, to give to the Government, in perpetual trust, the swords and military (and civil) testimonials lately belonging to General Grant. A copy of the deed of trust, and of a letter addressed to me by Mr. William H. Vanderbilt, which I transmit herewith, will explain the nature and motives of this offer.

Appreciation of General Grant's achievements and recognition of his just fame have in part taken the shape of numerous mementoes and gifts, which, while dear to him, possess for the nation an exceptional interest. These relics, of great historical value, have passed into the hands of another, whose considerate action has restored the collection to Mrs. Grant as a life-trust, on the condition that at the death of General Grant, or sooner at Mrs. Grant's option, it should become the property of the Government, as set forth in the accompanying papers. In the exercise of the option thus given her Mrs. Grant elects that the trust shall forthwith determine, and asks that the Government designate a suitable place of deposit and a responsible custodian for the collection.

The nature of this gift and the value of the relics which the generosity of a private citizen, joined to the high sense of public regard which animates Mrs. Grant, have thus placed at the disposal of the Government, demand full and signal recognition on behalf of the nation at the hands of its representatives. I therefore ask Congress to take suitable action to accept the trust and to provide for its secure custody, at the same time recording the appreciative gratitude of the people of the United States to the donors.

In this connection I may pertinently advert to the pending legislation of the Senate and House of Representatives looking to a national recognition of General Grant's eminent services by providing the means for his restoration to the Army on the retired-list. That Congress, by taking such action, will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill No. 2530, which, while not interfering with the constitutional prerogative of appointment, will enable the President in his discretion to nominate General Grant as General upon the retired-list.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 3, 1885.

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina, was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others, was read twice by its title, and referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. PLUMB. I present the petition of sundry citizens of Kansas, praying for the passage of the bill heretofore introduced to open what are known as the Oklahoma lands, in the Indian Territory, to settlement, which I ask may be referred to the Committee on Indian Affairs. I hope now that it seems to be settled that something should be done in reference to these lands, the committee will be able to devise some plan presently whereby they can be opened to settlement.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Indian Affairs.

Mr. GORMAN presented a petition of captains, vessel-owners, and others engaged in navigating the Potomac River, praying that the draw of the Long Bridge over that river be opened upon proper signals to vessels plying between Washington and Georgetown; which was referred to the Committee on Commerce.

Mr. CULLOM presented a petition of ex-Union soldiers of Ohio; a petition of ex-Union soldiers of Tennessee; a petition of ex-Union soldiers of Wayne County, West Virginia; a petition of ex-Union soldiers of Ohio; a petition of citizens of Illinois; a petition of ex-Union soldiers of California, and a petition of ex-Union soldiers of Illinois, praying that Congress enact a law granting one hundred and sixty acres of land to every honorably discharged ex-Union soldier; which were referred to the Committee on Pensions.

He also presented a petition of citizens of Illinois, a petition of citizens of Iowa, and a petition of ex-Union soldiers of Kansas, praying for general legislation favorable to the soldiers of the late war; which were referred to the Committee on Pensions.

He also presented the petition of William H. McLean, of Flora, Ill., late master of the United States war schooner James S. Chambers, praying for a pension; which was referred to the Committee on Pensions.

He also presented a memorial of the Board of Trade of Chicago, Ill., indorsing and approving the Potter refunding bill; which was referred to the Committee on Finance.

He also presented a memorial of cigar-makers of Rock Island, Ill., and a memorial of cigar-makers of Danville, Ill., remonstrating against the ratification of the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. MITCHELL presented a petition of citizens of Pennsylvania, praying that the United States shall acquire the title to the two canals connecting Portage Lake, in the State of Michigan, with Lake Superior on the east and west; which was referred to the Committee on Commerce.

Mr. BLAIR presented a petition of the Marcoma Edge Tool Company, of Lebanon, N. H., praying legislation amendatory of the law relating to drawbacks on articles made of foreign material from foreign markets, on account of the disastrous effect the present law has upon the export trade of the United States; which was referred to the Committee on Finance.

Mr. SHERMAN. I present a petition signed by quite a number of citizens of the United States, in which they state that—

In several of the States, among which are South Carolina, Alabama, Mississippi, Louisiana, Tennessee, and Ohio, and some other States, the charge has been made that many of the citizens have been for a series of years, and during the late election for President and Vice-President, kept away from the polls by threats and acts of violence and bloodshed, a system of ruffianism unrebuked by the governments of some of the aforesaid States.

The petition also sets forth other grievances relating to an interference with the free suffrage of citizens, and praying for certain remedies. I move that the petition be referred to the Committee on Privileges and Elections.

The motion was agreed to.

Mr. LAPHAM presented a concurrent resolution of the Legislature of New York; which was read, and referred to the Committee on Commerce, as follows:

STATE OF NEW YORK, IN SENATE,
Albany, January 29, 1885.

Resolved (*if the assembly concur*), That our Senators and Representatives in Congress be respectfully requested to urge the passage of the appropriation of $300,000, to aid in the construction of the Michigan and Mississippi (Hennepin) Canal, in the river and harbor bill now before Congress.

STATE OF NEW YORK, IN SENATE,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the senate.

C. A. CHICKERING, *Clerk.*

STATE OF NEW YORK, IN ASSEMBLY,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the assembly.

JOHN W. VROOMAN, *Clerk.*

Mr. HOAR presented the petition of Abby Hopper Gibbon, president, and Anna Rice Powell, secretary, of the New York committee for the prevention of State regulation of vice, praying that the power of the National Board of Health be more clearly defined, and that it may not legalize social vice; which was referred to the Committee on Epidemic Diseases.

REPORTS OF COMMITTEES.

Mr. PLUMB. I report back from the Committee on Appropriations, with amendments, the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes. The bill is accompanied by a written report, and I give notice that at an early day I shall call it up for action.

Mr. HOAR, from the Committee on Claims, to whom was referred the bill (H. R. 2429) for the relief of Moses M. Bane, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Susan W. Goode, of Marshall County, Mississippi, praying payment for stores and supplies taken and used by United States troops in 1862 and 1863, submitted an adverse report thereon, which was agreed to; and the prayer of the petition denied.

He also, from the same committee, to whom was referred the petition of Mary D. Hamilton, Frances A. Hamilton, Mrs. L. M. McKinney, and J. D. Hamilton, praying pay for property taken and used for the benefit of the United States Army in 1862, submitted an adverse report thereon, which was agreed to; and the prayer of the petition denied.

He also, from the same committee, to whom was referred the bill (H. R. 948) for the relief of John M. Dorsey and William F. Shepard, reported it without amendment, and submitted a report thereon.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

CREDENTIALS OF W. M. EVARTS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, to whom were referred the credentials of William M. Evarts, as Senator-elect from the State of New York, to submit a report, which I desire to have read.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The Committee on Privileges and Elections, to whom were referred the credentials of William M. Evarts as a Senator elected from the State of New York for six years from the 4th day of March, 1885, have considered the same and report:

The papers referred to the committee seem to be transcripts of the records of the proceedings of the two houses of the General Assembly of the State of New York, on the occasion of the election of a Senator for the aforesaid term, authenticated by their presiding and recording officers. Such transcript is not required by the law of the United States to be furnished to the Senate as evidence of the due election of a Senator.

On the other hand, the document is not signed by the executive of the State or countersigned by the secretary of state. This is expressly required by the Revised Statutes of the United States, title 2, chapter 1, sections 18 and 19.

We are of opinion that the credentials are defective, and recommend that they lie on the table.

Mr. HOAR. I suppose the credentials should lie upon the table, in accordance with the recommendation of the committee, and I have no doubt the defect in them will be supplied before the beginning of the constitutional term for which the gentleman is said to have been elected.

The PRESIDENT *pro tempore*. If there be no objection the credentials will be laid upon the table.

BILLS INTRODUCED.

Mr. ALDRICH introduced a bill (S. 2612) granting a pension to Ellen May Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 2613) for the relief of the Atlantic Works; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 2614) for the relief of Nathaniel McKay, George M. Clapp, George W. Lawrance, Snowden & Mason, and the executors of Donald McKay; which was read twice by its title, and referred to the Committee on Claims.

LAND TITLES IN NEW MEXICO.

Mr. HILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be directed to furnish to the Senate copies of the reports of F. D. Hobbs and A. R. Green, inspectors of the General Land Office, on the subject of the fraudulent acquisition of title to lands in New Mexico, and of all testimony accompanying the same, and also copies of all papers on file in the Interior Department relating to this subject.

RAILWAY MAIL SERVICE.

Mr. COCKRELL. I ask for the present consideration of the following resolution:

Resolved, That the Postmaster-General be directed to report to the Senate why in the document prepared in his Department, containing a documentary history of the railway mail service, transmitted to the Senate on January 21, 1885, in response to a resolution of the Senate of January 19, 1885, a paragraph on pages 10 and 11 of such document, beginning with the words, "Mr. Davis's claim of priority therefore seems to be valid so far as traveling post-offices in the United States are concerned," and ending with the words, "From this standpoint Mr. Davis is granted the claim of first experiment, and Mr. Armstrong the claim of general application," was stricken out by lines drawn across the same, and whether the paragraph so stricken out is not a true statement of facts.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. COCKRELL. On the 19th of January the Senate passed a resolution directing the Postmaster-General to communicate to the Senate a document prepared in his Department containing a documentary history of the railway mail service from its origin in 1834 to the present time. That document has been communicated to the Senate. I believe it was first referred to the Committee on Post-Offices and Post-Roads, and then referred to the Committee on Printing. In the document, on pages 10 and 11, are the words referred to in the resolution. The paragraph reads as follows:

Mr. Davis's claim of priority therefore seems to be valid so far as traveling post-offices in the United States are concerned, and the claim of Mr. Armstrong must be confined rather to the fact that he inaugurated a general system by which this method of distribution was gradually extended over all the leading lines in the country. From this standpoint Mr. Davis is granted the claim of first experiment and Mr. Armstrong the claim of general application.

In the report lines are drawn across the words I have indicated. I state that the words in the paragraph which have been stricken out of that report contain the facts in the case established beyond all reasonable doubt. I state further that there was in the Post-Office Department documentary evidence to establish those facts beyond all question.

I now have in my possession the documentary evidence, and I present it to the Senate, as it has not been furnished from the Post-Office Department, in connection with the resolution I have submitted. I ask that this documentary evidence be referred to the Committee on Printing, in order that it may be printed with the other evidence which has already been submitted by the Post-Office Department; and I ask the Committee on Printing to delay any action upon the documents before them until we can have a report from the Postmaster-General in regard to the erased paragraph.

Mr. MANDERSON. I ask that the resolution may be read again for information.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read the resolution.

The PRESIDENT *pro tempore*. Pending the consideration of the resolution, the Senator from Missouri asks unanimous consent that certain papers the nature of which he has described be received and referred to the Committee on Printing. That order will be entered, if there be no objection. The question is on agreeing to the resolution.

Mr. HOAR. I should like to inquire of the Senator from Missouri if the information he desires could not have been obtained by a private note addressed to the Postmaster-General without calling the attention of the Senate to it.

Mr. COCKRELL. I thought it a matter of propriety and right that the Postmaster-General, who probably never saw the report at all, might have an opportunity of explaining it to the Senate as a matter of justice to him. Therefore I introduced the resolution, for I have no idea that he saw the document.

Mr. HOAR. I should suppose that it would be more convenient, in the ordinary transaction of public business, that the question as to the particular reason for inserting certain lines in a report, which had attracted the attention of any Senator, should be ascertained by private inquiry. It could be done; but I make no objection to the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

COASTERS' HARBOR ISLAND.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Navy is hereby directed to report to the Senate what, if any, steps have been taken to establish an advanced course of instruction of naval officers at Coasters' Harbor Island, Rhode Island, and the reasons which have controlled the action of the Department.

ALLEGED POTOMAC LAND-PATENT.

Mr. ALDRICH. I offer the following resolution for reference to the Committee on the District of Columbia:

Resolved, That the Committee on the District of Columbia is hereby instructed to inquire and report to the Senate whether any proceedings of a legal nature have been taken to annul a certain United States land-patent claimed to have been granted to a portion of the Potomac River bottom opposite the city of Washington, and which the Government has been improving since 1882; whether the interests of the United States are likely to suffer by raising that portion above tide-level before said patent shall have been annulled; and what legislation, if any, is necessary for the protection of the interests of the United States in this matter; and for this purpose said committee is authorized to send for persons and papers, and to administer oaths and take such testimony as may be necessary.

Mr. RANSOM. I have no objection whatever to the resolution being referred to the Committee on the District of Columbia. There is, however, as the Senator from Rhode Island doubtless knows, a special committee with reference to the Potomac Flats.

Mr. ALDRICH. I have no objection to the resolution going to the special committee or the Committee on the Judiciary. It is quite immaterial to me to which committee it is referred.

Mr. RANSOM. I have no wish whatever in the matter.

Mr. ALDRICH. I have none. If it comes within the jurisdiction of the special committee I certainly should be quite willing that the resolution should go to that committee.

Mr. RANSOM. If I may be at liberty to do so, I will state that the Attorney-General informs me that he has directed suit to be brought to do away with this alleged patent.

Mr. ALDRICH. It is a matter of considerable importance, and should receive the attention of some committee at an early day. I have no objection to the resolution going to the special committee.

Mr. RANSOM. I think I should prefer that it should not be referred to that committee. I prefer that it should go either to the Committee on the District of Columbia or to the Committee on the Judiciary.

Mr. ALDRICH. I am inclined to think upon further consideration that it should go to the Committee on the Judiciary.

Mr. HARRIS. I had just risen to make that suggestion. I think it properly belongs to the Committee on the Judiciary and had better go to that committee.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Rhode Island to modify his motion.

Mr. ALDRICH. Yes, sir; I move that the resolution be referred to the Committee on the Judiciary.

The motion was agreed to.

POTTAWATOMIE INDIANS.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Whereas those members of the Pottawatomie Nation of Indians residing in the States of Indiana and Michigan claim that there is due them by virtue of treaties made with the said nation considerable sums of money:

Resolved, That the Secretary of the Interior be, and is hereby, directed to examine into said claims and ascertain what, if any, amounts are due said Indians; said claims being those set forth in the memorial contained in House Miscellaneous Document No. 8 of the Forty-fifth Congress, second session.

The Secretary is further directed to ascertain whether the band of Pottawatomies of Huron, located in Calhoun county, Michigan, and not mentioned in said memorial, should by virtue of treaties dated November 17, 1807, September 19, 1827, and September 26, 1833, be included in any settlement that may hereafter be made of the claims set forth in said memorial.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House relating to counting the electoral votes for President and Vice-President of the United States.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. J. F. FOLLETT of Ohio, Mr. WALDO HUTCHINS of New York, and Mr. JOSEPH G. CANNON of Illinois managers at the conference on its part.

INAUGURATION CEREMONIES.

Mr. HARRIS. I ask the Chair to lay before the Senate the communication from the House of Representatives in respect to House bill No. 8121.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
February 3, 1885.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON be the managers of the said conference on the part of the House.

Mr. HARRIS. I move that the Senate insist on its amendments and agree to the conference asked for by the House of Representatives.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. HARRIS, Mr. INGALLS, and Mr. PIKE were appointed.

WOMAN SUFFRAGE.

Mr. PALMER. I give notice that on Friday next, at the conclusion of the morning hour, I shall call up the joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States reported by me from the Select Committee on Woman Suffrage, for the purpose of offering a few remarks upon it.

THE BARK MARY TERESA.

Mr. GORMAN. During my absence from the Senate the bill (S. 523) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, was on the 21st of January reported adversely from the Committee on Claims, and indefinitely postponed. I ask the unanimous consent of the Senate to reconsider the vote by which the bill was indefinitely postponed, and that it may be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Maryland asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill named by him be reconsidered, and that the bill be placed on the Calendar. Is there objection? The Chair hears none. The vote is reconsidered, and the bill will be placed on the Calendar with the adverse report of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, returned to the Senate the bill (H. R. 691) for the relief of William W. Thomas, recalled from the Senate by request of the House.

INTERSTATE COMMERCE.

Mr. CULLOM. I move that the Senate proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. The Senator from Illinois moves that the Senate proceed to the consideration of the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate, and the question is on concurring in the amendment made as in Committee of the Whole. The Chair understands that the Senator from Florida [Mr. CALL] desires to offer some amendments.

Mr. CALL. I offer, by request of the Senator from Mississippi [Mr. GEORGE] who is absent, an amendment to come in at the end of section 4 of the amendment agreed upon as a substitute for the House bill.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to add the following to section 4 of the amendment made as in Committee of the Whole:

And proof that any transportation company has made a greater charge for hauling any such freight for a shorter distance than it charges for hauling in a contemporaneous service a like quantity of similar freight for a greater distance shall be *prima facie* evidence of unjust discrimination.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

Mr. CALL. The Senator from Mississippi [Mr. GEORGE] requested me to offer this amendment to the bill, and in doing so I shall submit very briefly some observations upon the general subject.

The two bills before the Senate, the Reagan bill and the Senate or Cullom bill, are alike in some important respects. They both affirm the existence of great public evils and the power and necessity of legislative control and correction of them. They differ only in the methods by which these acknowledged evils are proposed to be remedied—that is, in the measures through which the power of Congress is proposed to be exercised over the subject.

The regulation of the interstate commerce of the country and its relation to transportation covers the whole subject of the economic condition of the country and affects directly the relations of capital and labor, of banking and exchange, and of supply and demand. It does not stop here, but it also affects the social conditions and relations of the people, and is rapidly changing the character of our Government and of our institutions from a republic controlled by public opinion, and in which the people control the powers of the National Government and the States, to a government of privileged classes and of personal wealth, the direct creature of the legislative power—wealth which surpasses in its vast proportions the accumulations of any period of the history of the world, whether the boundless accumulations of the days of the Roman Empire or of mediæval times.

Eight hundred and twenty millions of annual tax levied on the labor and production of the country; one hundred and forty-odd thousand miles of railroad valued at between six and eight thousand million dollars—in the hands of a comparatively small portion of the people, and touching in its management and control the labor and production of every man, woman, and child in the country! Upon it is dependent the entire economic and social condition of the country; in all the departments of business and trade the powers of this vast associated capital, incorporated for the purpose of transportation, affect most deeply and immediately the subsistence of the people and the comforts of life of every individual in the country. It is not in any wise pertinent to the consideration of this subject to point out the beneficent effects of railroads and railroad improvement, to show the reduction of freights and cost of passenger travel. These are all true; but the question for proper consideration is whether the public evils alleged are true; and, if so, the remedy—whether railroad and water transportation can still further be improved so as to reduce cost and prevent the evils of an unrestrained and unregulated monopoly.

The power resulting from the control of such vast revenues—from the right to tax at discretion the entire production of the country and all of its passenger travel—is the greatest of the sovereign powers of state. Granted by law to individuals, who are given the right of succession or perpetuation, this power is sufficiently great to change the whole character of our institutions and to control and to appropriate the labor of every man, woman, and child in the country; leaving comparatively a small portion of it for the great body of the people. The power of these vast agencies of transportation is one of the most important questions of the age, and the manner in which the legislative power of the country shall be exercised in regard to it concerns most directly the statesmanship of the country and the performance of the duties which rest upon us in our public capacity here. As we shall exercise this power wisely and in the interests of the great body of the people and all the industries of the country, we shall receive the approval of the people, and as we shall fail to redress the evils of which they now complain we shall be condemned by them.

What is the difference in the measures proposed in these two bills? They both affirm the evils and declare the power of the Congress of the United States to control and regulate the subject. The Reagan bill proposes to prohibit and punish these evils, not only by opening the Federal courts of the United States to the aggrieved person, but also by making them a penal offense, and it requires the district attorney of the United States to prosecute the same (section 7). It brings, therefore, the whole power of the Government of the United States to sustain the individual in his suit against the corporation in obtaining a redress for any grievance committed in violation of the law.

The bill also authorizes and requires the district attorney of the United States to proceed in the name of the party aggrieved in the circuit court of the United States. The power of the United States is therefore effectively brought by the Reagan bill into effect to re-enforce, as some Senators have expressed it, the aggrieved individual in the assertion of his rights. It would seem that this provision would effectually satisfy the views of Senators who desire to aid the citizen in the assertion of his rights against corporate power and great accumulated wealth.

The Cullom bill provides for three commissioners, nine as amended, and requires transportation companies to charge reasonable rates, and declares unreasonable rates extortion and a misdemeanor. It also makes greater charges against one than another under substantially similar circumstances and conditions unjust discrimination and a misdemeanor. In case of complaint against any railroad company, it provides that if after an investigation reparation has been demanded and has not been made and the evil discontinued, a report having been furnished to the railroad company, then they shall require the district attorney to sue the railroad company. The difference between the two bills in this respect is that the Cullom bill requires a quasi-judicial suit before the commission and an opportunity to the railroad company to abide by it, and if the company shall abide by it and redress the evils, then it is relieved from any further liability on account of the act complained of. The other provisions of this bill relate only to acquiring information and reports by the commissioners.

We have, then, the two bills before us, and it is quite evident that the only material respect in which they differ is that the Reagan bill on the petition of a citizen requires the United States to sustain the suit of the citizen against the corporation. This is the material difference between these two bills. The Reagan bill brings the power of the United States directly to bear in aid of the citizen, and it declares as an absolute penal offense any violation of the law. Another feature of the Reagan bill as presented here prescribes a fixed rate of transportation for passengers at 3 cents a mile and prohibits a greater compensation for a shorter than a longer distance.

This is said to be an amendment to the original bill, and not contemplated in the limits of its purpose and remedial agencies, and it is said by some Senators to be entirely foreign to the spirit and aim of the bill as originally proposed. I do not propose to discuss this point, as whatever may be the merits of the proposition it is quite evident that there is no intention to make any part of the Reagan or House bill a law.

What are the true principles upon which legislation shall be founded in respect to the regulation of interstate commerce? We shall all agree that a railroad corporation should derive from its business a reasonable rate of profit, the same rate as is afforded by other business on the amount of its necessary and reasonable capital, and that it should not be allowed to derive from its business as a public carrier enormous and unreasonable and oppressive profits. We shall all agree that a common carrier should be required by law to carry its freight and passengers at reasonable rates. The legislation of Congress, therefore, should comprise protection to the interest of the people and of the corporations.

If there shall be any legislation on this subject in the interest of the people, we must contemplate the power of Congress to regulate interstate commerce as complete and entire, and to prescribe rates, if necessary, for continuous routes and to require continuous transit. If these things can not be done, then Congress has no power to legislate effectively upon the subject, or to correct any of the evils complained of.

The cost of transportation must be the basis and regulation of a reasonable rate. It is not to the interest of the people that the railroads should not exist. They can not exist without reasonable compensation. They must be allowed to charge such rates, and no more, as are wise and reasonable and as will allow such a reasonable compensation on their proper and necessary cost, after paying out operating expenses and its cost of repairs.

The whole argument on both sides demands that this result shall be in some way attained. The Cullom bill proposes to attain this result chiefly by the recommendations of a commission and by the judgment of a court in deciding what is a reasonable rate, but it affirms that the violation of this rule prescribing a reasonable rate shall constitute a penal offense, and to that extent it affirms quite as precisely and positively the power of Congress to prescribe a rate and the expediency of prescribing a rate as does the Reagan bill in its present amended form in prescribing the rate of 3 cents a mile, for the courts in deciding upon that reasonable rate must ascertain and fix what it is, and it is by virtue of the power conferred in this act of Congress declaring that any other than a reasonable rate shall be a penal offense that the courts will have such a power in relation to interstate commerce.

It will be observed that if Congress has the power to prescribe a reasonable rate it has also of necessity the power to prescribe what that rate shall be; and if it has power to make it penal to charge any other rate, as a matter of law it will become its duty to declare with certainty what specific act will constitute such crime or penal offense. Therefore in that respect, while not undertaking to justify it, as a matter of expediency I insist that in the prescription of a fixed amount, the departure from which shall be a crime, the Reagan bill, the House bill, is fairer than the Senate or the Cullom bill in that it declares with certainty what violation of the law, what act, shall constitute the penal offense.

I do not know of any reason why, if Congress has power to regulate commerce and forbid discriminating charges and combinations to prevent competition, it has not the power to prescribe rates, however inexpedient it may be to prescribe them.

To this complexion we must come at last if we deal with this subject, and deal with it we must, and our treatment of it must be in the interest and for the benefit of the great body of the people. No party and no government can resist the increasing demand of the business interests of the whole people of the United States and of all its industries that these great agencies of the modern industrial system shall be wisely regulated and controlled by law in the interest of the great body of the people, and that public man who resists this demand is not in my judgment a wise and true friend of the great transportation companies of the country. We have but to look at the action of thirty States, and of the boards of trade and commerce, and the resolutions of all the conventions of business men, to be advised of the great body and force and unanimity of public opinion on this subject.

What then is the principle on which the business of a railroad company can be regulated, whether by law or otherwise, in a fair, reasonable, and just manner both to the whole body of the people and to the interests of the railroad company itself, recognizing the fact that the interests of the two are really harmonious, and that to promote the just interest of the one is to promote the just interest of the other? Mr. Alexander, vice-president of the Louisville and Nashville Railroad Company, on page 52 of the House testimony, Miscellaneous Document 55, Forty-seventh Congress, first session, states it as follows:

> It will, of course, be admitted that the whole volume of business done over any railroad should support the road, pay an interest upon and gradually retire its debt, and yield a fair profit upon the investment. Anything less than this would be communism.

It is but just to say of Mr. Alexander that he is a gentleman of talent and information, and is opposed to the Reagan bill and to any exercise of power by Congress over this subject. This seems to me to present the elements of future legislative adjustment of this great question. No discrimination between persons and places, no pools, nor devices to prevent competition, no fictitious capital or watered stock, a reasonable and proper valuation of the cost of construction for the purpose of establishing rates of transportation, rates proportioned to the volume of business done on the road in its relation to the payment of interest and the gradual retirement of the debt and a fair compensation on capital actually and reasonably invested in the construction of the road.

And these results, ascertained in some public and authoritative way by the authority of Congress, would seem to indicate the proper direction of future legislation by Congress. The evils which these bills propose to remedy have been affirmed by thirty of the States, by the boards of trade of all the great cities, who demand imperatively legislation by Congress. Discriminations in freights and transportation between persons and places, the use of corporate power given by law in aid of their business as common carriers perverted to an interference with the trade and business of the country, to increasing or lowering the price of commodities at their will or pleasure and interfering with the legitimate value of public securities by watering stock or accumulating great amounts of money for speculation in other securities—these things the public opinion demands shall be prevented by whatever legislation is necessary. I do not see how you can prevent these discriminations while you allow a larger rate of compensation for a short distance than a long one; you can not prevent them while you allow the same rate of compensation for a short distance as for a long one, nor can you prevent them without adjusting the charges as between one place and another on some reasonable basis and proportion of cost.

I can not perceive that the reasonable adjustment of the cost of transportation between different places can be reached by any rule that the cost for a short distance shall be the same as that prescribed for a long distance. Neither can I perceive that the proposition, wise as it appears to be in some respects, contained in the Mahone amendment, will altogether reach this case, or that it may be remedied by a rule that the charge for a short distance shall not be greater than the charge for a long distance. What is wanted is the lowest possible rate consistent with a reasonable profit to the carrier, and that rate equal and impartial to all persons and all places; this result being reached, if it be true that over a railroad with its local charges thus adjusted through freight from other lines can be carried for a smaller proportionate cost than the intermediate freights, I can see no reason why this should not be allowed by law.

Under a system properly adjusted it could never be true that the proportionately smaller cost of through transportation would be a factor great enough to discriminate against the local or intermediate freights and transportation to any injurious extent, nor would it probably overbalance reduced rate of local freights resulting from the increased profits of a company from the addition of the profits of a through business to its local business. In both of these bills the conclusion is reached and the proposition affirmed that transportation must be regulated by law.

It has been repeatedly so affirmed by the States within and to the extent of their State power, and now it is affirmed by Congress in the exercise of its natural power in relation to interstate commerce.

But, Mr. President, the action of the Board of Trade of New York and of other cities has presented to us a proposition, and I think it is fair to give them an opportunity to try it. I read from the testimony of Mr. Josiah J. White, representing the Board of Trade and Transportation of New York, page 29 of the House report:

> I can say as a member of the New York Produce Exchange that there is great danger now that all the grain produced in this country will be monopolized by a few individuals. Even during the strictest régime of the last pool discrimination was shown in the way of rebates, so that if the market declined those who were in the railroad ring (and the railroads have their agents there quoting prices every day) were guaranteed against loss. I had a little thing happen to me the other day as a shipper. I had two car-loads shipped to me as samples to know if I would take forty cars more of the same kind of merchandise. The two car-loads arrived, and I wrote to my friend accepting the rest of them. Those two car-loads were billed through to New York at 15 cents the hundred pounds from Cincinnati. I went to Cincinnati myself, and I ordered the rest of them to be shipped. Then the railroad company wanted 30½ cents per hundred pounds, a rate which amounted to a prohibition of the merchandise, and my forty cars of stuff are in Cincinnati to-day, and can not be moved, because the rate of freight exacted on them amounted to 100 per cent. of the value of the goods when laid down in New York. That is a thing that occurs every day. Here is a violent fluctuation caused by irresponsible railroad management, favoring their friends in the pool and driving other parties to the wall.
>
> There was another little subject in connection with this matter which I discovered when I was in Cincinnati at that time. That was that all the friends of the railroad companies that were in the pool were notified a few days before of what was going to take place, and were advised to make freight contracts. There were thousands of contracts made on the basis of 15 cents per hundred pounds, and on those contracts freight is being carried now from the West to the East; whereas the rest of us who were not favorites have got to have our commerce stopped. One of the causes of the late panic among the produce men was the rise of rates. The merchandise could not be moved and laid down on the seaboard at a price on which they could get out whole. There were great losses and failures all over the country—commercial failures. The upset of one house brought down another house. It is for that reason, gentlemen, that I feel that there must be some controlling power over the railroads. I think that half the railroads of the country want it themselves. I have talked with the presidents of various railroads with whom I do business, and I have found an almost unanimous opinion among the railroad men (whom I call anti-monopolists) in favor of Government supervision. They want some regulation of this thing.

Mr. Thurber gives his testimony as follows:

> I can imagine a state of things where it would seem very hard to prohibit a railroad that was competing with a water-line communication, for instance, to a given point, from carrying freight for 1,000 miles at a cheaper rate than it would charge for carrying freight 750 miles to a point where the water competition did not exist. But if there could be a supervision of the railroads in the interest of the public, when its rates came to the point that it was carrying freight at a loss, the railroad company would be told, "Thus far shalt thou go, and no farther. You may carry freight as cheaply as you please, in order to keep up your business and to keep your rolling-stock employed, but you shall not carry freight at a rate which occasions a loss, and which loss you make up by charging higher

freight to the people on another section of your road." There, I think, is where the line can be drawn, and should be drawn, on that matter of greater and lesser distances.

Mr. President, I have offered this amendment of the Senator from Mississippi, not believing that it will answer all the purposes that are desired, not believing that we can avoid in this great question of interstate transportation some method of arriving at a reasonable rate, and of preventing excessive charges, but as a measure in response to the specific demand of the great commercial and agricultural interests of the country. If it shall be found to fail and not answer its purpose it could be easily altered in the coming session of Congress. I therefore offer the amendment that I have proposed.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from Florida.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from California [Mr. FARLEY].

Mr. CAMERON, of Wisconsin (when his name was called). I am paired with the Senator from Mississippi [Mr. GEORGE]. If he were present, I should vote "nay."

Mr. GARLAND (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "yea."

Mr. PLATT (when Mr. HAWLEY'S name was called). My colleague [Mr. HAWLEY] is paired with the Senator from Alabama [Mr. MORGAN]. I do not know how either would vote on this amendment.

Mr. PALMER (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS]. If he were here I imagine he would vote "yea," and I would vote "nay."

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL]. I should vote "yea" if he were present.

The roll-call was concluded.

Mr. MAXEY. The Senator from North Carolina [Mr. RANSOM] and the Senator from Illinois [Mr. LOGAN] are paired.

The PRESIDING OFFICER (Mr. FRYE). The present occupant of the chair is paired with the junior Senator from Louisiana [Mr. GIBSON], with liberty to vote to make a quorum, and will vote "nay."

The result was announced—yeas 8, nays 32; as follows:

YEAS—8.

Call,	Jones of Florida,	Platt,	Van Wyck,
Coke,	Maxey,	Slater,	Voorhees.

NAYS—32.

Aldrich,	Conger,	Harris,	Miller of N. Y.,
Allison,	Cullom,	Harrison,	Morrill,
Bayard,	Dolph,	Hoar,	Pike,
Blair,	Edmunds,	Ingalls,	Pugh,
Butler,	Frye,	Jackson,	Sawyer,
Chace,	Groome,	Jonas,	Sewell,
Cockrell,	Hale,	McPherson,	Sherman,
Colquitt,	Hampton,	Manderson,	Wilson.

ABSENT—36.

Beck,	Garland,	Lapham,	Plumb,
Bowen,	George,	Logan,	Ransom,
Brown,	Gibson,	McMillan,	Riddleberger,
Camden,	Gorman,	Mahone,	Sabin,
Cameron of Pa.,	Hawley,	Miller of Cal.,	Saulsbury,
Cameron of Wis.,	Hill,	Mitchell,	Vance,
Dawes,	Jones of Nevada,	Morgan,	Vest,
Fair,	Kenna,	Palmer,	Walker,
Farley,	Lamar,	Pendleton,	Williams.

So the amendment was rejected.

Mr. CALL. I offer the following amendment to come in after the word "excepted," at the end of line 21 of section 6:

And any person damaged by extortion or unjust discrimination may, in addition to the foregoing, have the remedies provided in the next section of this act; but in case such person elect to bring any action for damages as provided for in said next section, said action shall be a bar to any action brought under that section by the district attorney.

Mr. HARRISON. I shall vote against that amendment simply because it is past my understanding. I can not get the scope and drift of it at all. I do not know what the intention of the Senator is. I can not understand what is the remedy provided in the next section to which he refers.

Mr. CULLOM. There is no remedy in the next section at all.

Mr. CALL. The amendment was prepared by the Senator from Mississippi [Mr. GEORGE], and I supposed I had the proper place for it to come in. The next section as I read it is:

Any such transportation company that shall be convicted under the provisions of this act of either extortion or unjust discrimination shall forfeit and pay for each offense a fine of not exceeding $1,000.

The next section is section 7. It does not contain any proper reference apparently. I withdraw the amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws the amendment.

Mr. VAN WYCK. I propose an amendment to the Senate bill on page 7, section 7, line 10, to insert the word "traveling" before "expenses;" so as to read:

All necessary traveling expenses incurred by the commissioners or by their employés, &c.

Mr. CULLOM. So far as I am concerned I am willing to accept that.

Mr. VAN WYCK. I would say to Senators that we have had so much scandal in connection with the payment of expenses of commissions, and the Treasury Department has been so extravagantly liberal, that the allowance ought to be qualified and limited to their traveling expenses.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Nebraska [Mr. VAN WYCK].

The amendment was agreed to.

Mr. CONGER. Are amendments to the body of the bill in order now?

The PRESIDING OFFICER. The amendment made as in Committee of the Whole is open to amendment in the Senate.

Mr. CONGER. I have a series of amendments, all relating to the same subject-matter. In section 12, line 3, before the word "routes," I move to strike out "and water," so as to confine it to railroads. It now reads:

That the route of any transportation company engaged in interstate commerce shall include all the railroad and water routes in use by such company.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I understand that this amendment of the Senator from Michigan and others which he proposes to offer in succession are intended to eliminate from the bill all supervision or control over transportation routes partly composed of railroad lines and partly of water communication; so that the bill, if this amendment and those which are to follow it are adopted, will be left to apply exclusively to interstate commerce by railway.

I do not want to debate this question, but I do want to state that in my judgment that would destroy, in a very large measure, the efficiency of this supervision which it is sought to have over interstate commerce. A break in the crossing of a river in a railroad line upon some State line would take that route entirely out of the scope and purview of the bill.

If we undertake to regulate this subject of commerce we must regulate all those who partly by rail and partly by water are engaged in carrying the productions of the country. If we do not do so, whatever restraints and limitations there are, whatever of this sort of thing there may be in the bill, is made to apply to one class of carriers and not to another. That will destroy uniformity, will allow liberty to certain classes of carriers that is not allowed to others, and will, in my judgment, destroy the efficiency of the measure.

Mr. CONGER. Mr. President, I have conferred with vessel-men, and from my own knowledge of the subject I have said, and I venture to repeat now, that the provisions extending the jurisdiction of this commission and the rules laid down here over single vessels navigating the waters of the country will not only produce confusion but be absolutely destructive of the vessel interest of the country. I shall content myself with calling for the yeas and nays on each of these propositions, and shall have done my duty to that great interest by that effort. As we are coming to a final vote, I will not prolong remarks.

In section 11 we have a provision which controls all railroad freights on railroads, and provides that that shall include the right of shippers to select their route by water or by rail. That is all we need ask in this connection. But to extend the provisions of railroad restriction over the owner of a craft, of a steamboat, of a barge, of a vessel of any kind, and compel him to operate by rules made entirely for a railroad corporation, thus restricting the universal right of all the people of the United States to navigate the waters as they will, and to carry freight and passengers for whatever price they choose on the rivers and the lakes of the United States, seems to me utterly preposterous in principle and it would work great wrong in practice.

But, sir, I have said all I desire to say on this subject. I can not help it if a Senator from the interior of Indiana can not see how water communication on the little Wabash may be affected by this, because the streams in his State are of too little importance to have any navigation. The Senator is fortunate in having in his State one—and it is the only one—port on the great lakes, called Michigan City. It may not have occurred to him that it is in Indiana from the name of the town. It has some interest in the result of the motion which I have made, and its people are infinitely more interested in it than are the people down in the interior of the State along the Wabash.

Mr. HARRISON. Mr. President, the Senator from Michigan has a large State and large commercial interests to look after, and he always takes a wide view of any question. I have not proposed, nor does anybody propose to interfere with any steamboat running on its own account, taking freight upon its own bills of lading and delivering it at any place else to the consignee. The bill does not relate to such cases. It does relate, as I understand—I am not responsible for its phraseology—to those through routes of transportation which are made up partly of railway and partly of water transportation. It would reach those cases where a railroad company employing its own steamers takes freight to Sandusky or Cleveland or Buffalo or some other point, and then upon its own steamers or upon steamers with which it has contracts transports it to some other point in another State. If that can

be done, if the great commerce of Illinois can be brought to Chicago and can be there delivered to vessels on the lakes that are running in connection with the railroads, and can be transported to Buffalo and there taken upon a railroad and carried to New York without any supervision under this bill, then we had better not undertake legislation at all, because then those lines will be completely emancipated, while the others will be held in and restrained by the provisions of this law.

As to vessels trading on their own account, carrying freight from one water port to another, I do not suppose the bill would reach them at all; it only applies to lines that have combined to make a continuous transit, billing goods through and being composed partly of rail and partly of water transportation.

Mr. CONGER. Mr. President, section 13 makes every little craft on the lakes or on the rivers subject to every rule in this bill as to continuous freight, as to continuous passage, as to breaking bulk, as to stopping a part of the freight before it reaches its destination. There is no question about that, for what is the language?

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels—

"Any railroad" "or any vessel." This commission can take any single craft, by the terms of section 13, and call any person or individual owning it a transportation company under this act, and every provision applying to a great line of railroad can be made to apply to any steamboat, vessel, or craft of any kind. These restrictions on the use of vessels, which this bill applies to a great railroad route, would be entirely injurious and detrimental, in my judgment, and destructive to the use of water craft on our rivers and lakes—

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part.

It does not say if they are part of a line; it does not say if they are owned by the railroad company and governed and managed by it. If it did there would be some propriety in the remarks of the Senator from Indiana; but it sweeps in under the provisions of this proposed law the whole vessel interest, the whole commerce by vessels on all the waters of the United States—the coasting trade, the lake trade, the river trade, wherever it may be.

Mr. CULLOM. I will only say a word. I do not think that the construction placed upon section 13 by the Senator from Michigan is a correct one, and I call the attention of the Senate to the reading of the section for the purpose of ascertaining whether or not the Senator is right:

SEC. 13. That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part, provided such corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad, or partly by railroad and partly by water, from one State into another State or Territory of the United States, or from any Territory into any State or any other Territory.

It does not seem to me that the fair construction of that section would interfere in the slightest degree with the operation of any man owning a steamboat or any sort of vessel simply running it upon the water on his own account; but it only applies to that sort of transportation of freight that is partly by rail and partly by water. That was the purpose of the section, and I think that is the fair construction of its meaning. I do not think it would be in the interest of the proper regulation of commerce between the States to strike out the whole subject of regulating water transportation. I think it would weaken the force of the measure in its operation if it should become a law.

I have had no disposition myself and had none when the bill was drawn to interfere with steamboat navigation upon the Mississippi River or upon the lakes as a separate and distinct business; but where railroad corporations have lines of steamers, as in the case, as I understand, of the New York Central, which are a part of their line, made so by their ownership, it seems to me that if we want to reach the evil and regulate interstate commerce, the bill ought to go as far as the language of this section does go.

The Secretary proceeded to call the roll on the question of agreeing to Mr. CONGER'S amendment.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from California [Mr. FARLEY].

Mr. CAMERON, of Wisconsin (when his name was called). I had a pair with the Senator from Mississippi [Mr. GEORGE]. I have transferred that, however, to the Senator from California [Mr. MILLER]. The Senator from California and the Senator from Mississippi are paired, and I vote "nay."

Mr. HARRISON. I am paired with the Senator from Louisiana [Mr. JONAS] generally. I notice he is not in the Chamber; but the pair gives me liberty to vote upon these amendments, and I therefore vote "nay."

Mr. PALMER (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS].

Mr. PLATT (when his name was called). I desire to announce again that my colleague [Mr. HAWLEY] is paired with the Senator from Alabama [Mr. MORGAN], both of them being called away from the Senate on urgent business connected with their Senatorial duties.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. RIDDLEBERGER. My pair being transferred to the Senator from Colorado [Mr. BOWEN], I vote "nay."

The PRESIDING OFFICER (Mr. FRYE). The present occupant of the chair is paired with the junior Senator from Louisiana [Mr. GIBSON.]

The result was announced—yeas 5, nays 35; as follows:

YEAS—5.

Butler,	Conger,	Hampton,	Maxey.
Coke,			

NAYS—35.

Aldrich,	Dolph,	McPherson,	Sabin,
Allison,	Edmunds,	Manderson,	Sawyer,
Blair,	Hale,	Miller of N. Y.,	Sewell,
Call,	Harris,	Mitchell,	Sherman,
Cameron of Wis.,	Harrison,	Morrill,	Slater,
Chace,	Hoar,	Pendleton,	Vance,
Colquitt,	Ingalls,	Platt,	Vest,
Cullom,	Jackson,	Pugh,	Wilson.
Dawes,	McMillan,	Riddleberger,	

ABSENT—36.

Bayard,	Frye,	Jones of Florida,	Palmer,
Beck,	Garland,	Jones of Nevada,	Pike,
Bowen,	George,	Kenna,	Plumb,
Brown,	Gibson,	Lamar,	Ransom,
Camden,	Gorman,	Lapham,	Saulsbury,
Cameron of Pa.,	Groome,	Logan,	Van Wyck,
Cockrell,	Hawley,	Mahone,	Voorhees,
Fair,	Hill,	Miller of Cal.,	Walker,
Farley,	Jonas,	Morgan,	Williams,

So the amendment was rejected.

Mr. CONGER. I will not test the sense of the Senate on all the other points in regard to water routes. The amendment which I have offered tests the question just as well as all; and I desire to remark here that I take the vote on that as the view of the Senate in regard to all the places in sections 12 and 13 where this act is extended over a single vessel and the owner and master of a single vessel. But I now move to strike out in section 13, line 3, after the word "company," the words "or individual," and to insert the word "or" before "company;" so as to leave an individual owning a vessel to run it as his interest may dictate.

The PRESIDING OFFICER. The Senator from Michigan offers an amendment which will be read.

The CHIEF CLERK. In section 13, line 3, after the word "company," it is proposed to strike out the words "or individual," and before the word "company" to insert the word "or;" so as to read:

That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation or company now owning, operating, or using any railroad or railroads, or any vessel or vessels, &c.

Mr. CULLOM. In the belief that there is no individual who owns a railroad, I believe I shall not object to that amendment.

Mr. ALLISON. Suppose it should turn out that a railroad is in the hands of a receiver or assignee or trustee, what would be the effect?

Mr. CONGER. He does not own it.

Mr. CAMERON, of Wisconsin. The railroad would be in the hands of the court in that case, and the trustee would be merely the officer or representative of the court to operate it.

Mr. ALLISON. But suppose it is in the hands of a trustee without the intervention of a court. There are trustees of mortgage bonds who often take possession of railroads under the conditions of the mortgage without the intervention of a court, and run it for the benefit of the stockholders and bondholders. I can see no objection to allowing these words to remain.

Mr. CAMERON, of Wisconsin. I do not think there is any objection to allowing them to remain, but I thought perhaps we could come to some understanding with our friend from Michigan if we allowed him some amendment that really does not amount to anything. [Laughter.]

Mr. CONGER. I can not hear the Senator. His remarks were interesting, I have no doubt from the faces of Senators around him, but I could not hear what he said.

Mr. CAMERON, of Wisconsin. It may be very interesting, but I do not think it will bear repeating, and so I shall not repeat it.

Mr. CONGER. I see by the newspapers very often that remarks are made against the Senator from Michigan which I unfortunately do not hear. I should like to hear what the Senator from Wisconsin has said. It was a very pleasant remark, no doubt, from the faces of Senators.

Mr. CULLOM. I doubt whether the word "individual" ought to be stricken out of the bill. I fear that would be taken advantage of, so that Vanderbilt or Gould or some man might own a railroad and a line of steamships running on the lakes, and the whole object and purpose of the bill so far as that railroad and line of steamships was concerned would be avoided. I hope the Senator will not insist on the amendment.

Mr. CONGER. I am free to say that I am very sorry that the Sena-

tor from Illinois can not tell exactly what an amendment to this bill might do. I think a more crude and undigested section of a bill was never offered to the Senate, and I say that with the more reason because the Senate knows the Senator is not responsible for it. It came with this same crooked stick in it into his hands, and he is unable to let it go, even in respect to a single word, for fear there might somewhere spring up in the United States some Jay Gould or some man who could own a whole railroad, although every law under which a railroad company is organized provides that there shall be a president and directors and stockholders. He will not consent to an amendment because of some doubtful, undecided possibility that may arise in the future.

This law with its commissioners at $7,000 or $8,000 a year to take charge of a little boat, a batteau, a barge, with a captain, a mate, and cook, and control them, and the commissioners are to have full power to do it under this law; and when I ask to relieve it of that difficulty Senators gather around and cry out, "Jay Gould!" He is the man they are after; it is not the captain of the vessel. They will strike out of the bill neither vessel nor owner nor individual who owns a vessel. I think a Philadelphia lawyer can not explain what this section 13 means. He can not tell where it applies nor how. I challenge anybody here to tell what is excluded and what is included in the term "transportation company." It says it shall include all companies, corporations, individuals that use a vessel or vessels in water transportation. The Senator from the prairie country in Iowa may be able to navigate a ship through the dews on the prairies; he may be very learned in all matters connected with the appropriations of money; but I venture to say that if you give him half an hour he can not begin to make an intelligible statement of the meaning of this section 13.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Michigan.

Mr. CONGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN] on all these questions. I make the announcement for the day.

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. JACKSON. The Senator from West Virginia [Mr. KENNA] requested me to announce his pair with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 5, nays 33; as follows:

YEAS—5.

Conger,	McMillan,	Miller of Cal.,	Sawyer.
Frye,			

NAYS—33.

Aldrich,	Coke,	Ingalls,	Platt,
Allison,	Cullom,	Jackson,	Pugh,
Bayard,	Dawes,	Jonas,	Riddleberger,
Beck,	Dolph,	Maxey,	Sewell,
Blair,	Groome,	Miller of N. Y.,	Vance,
Call,	Hale,	Mitchell,	VanWyck,
Cameron of Wis.,	Hampton,	Morrill,	Vest,
Chace,	Harris,	Pendleton,	Wilson.
Cockrell,	Harrison,	Pike,	

ABSENT—36.

Bowen,	Garland,	Kenna,	Plumb,
Brown,	George,	Lamar,	Ransom,
Butler,	Gibson,	Lapham,	Sabin,
Camden,	Gorman,	Logan,	Saulsbury,
Cameron of Pa.,	Hawley,	McPherson,	Sherman,
Colquitt,	Hill,	Mahone,	Slater,
Edmunds,	Hoar,	Manderson,	Voorhees,
Fair,	Jones of Florida,	Morgan,	Walker,
Farley,	Jones of Nevada,	Palmer,	Williams.

So the amendment was rejected.

Mr. SAULSBURY. This bill professes to be a regulation of commerce by Congress and it supplies a remedy for persons damnified in the manner prescribed by the bill. It occurs to me that it might be construed as an act which would deprive any person injured by any railroad company of any remedy which he might have under any State law or under any other Federal law than that which is now being enacted. I do not know that it is necessary, but as a matter of precaution I have prepared an amendment, which I wish to offer, to come in at the end of section 7, reading as follows:

Provided, That nothing in this act shall be construed to deprive any person of any right of action which he may have against any transportation company under existing laws, State or Federal, this act being intended only to furnish cumulative remedies to persons having just cause of action against such company.

It occurred to me that, this being a regulation of commerce by act of Congress, every person who might be damnified by any railroad company in the country would be shut up to the remedy provided for in this bill, which is a remedy through the Federal courts. I have offered the amendment to exclude the idea that persons having just cause of complaint and right of action against a railroad should be deprived of such right under any State or other Federal law.

The PRESIDING OFFICER. The Senator from Delaware offers an amendment, which will be read.

The CHIEF CLERK. At the end of section 7 it is proposed to add:

Provided, That nothing in this act shall be construed to deprive any person of any right of action which he may have against any transportation company under existing laws, State or Federal, this act being intended only to furnish cumulative remedies to persons having just cause of action against such company.

Mr. WILSON. If I can have the attention of the Senator from Delaware a moment, I will say that that same thought had occurred to me, and I had prepared an amendment in the nature of an additional section, which I will read, as I think it covers the ground and a little more than the proposition of the Senator from Delaware. It is this:

SEC. 14. That nothing in this act contained shall be held to require any person aggrieved by the act or omission of a transportation company within the provisions of this act to pursue the remedy provided in sections 5 and 6 hereof for the ascertainment and recovery of damages on account thereof; but such person may, by civil action in any court of competent jurisdiction, maintain an action as though this act had not been passed; and in such cases the duties, obligations, liabilities, and responsibilities of such transportation company in all respects shall be the same as though said action had been commenced in pursuance of the remedy in said sections 5 and 6 provided.

That carries to the action which the individuals may commence independently of this the liabilities in connection therewith that are provided in the way of penalties and otherwise in the general provisions of the bill.

Mr. SAULSBURY. I think both amendments cover about the same ground, and I am perfectly willing to accept the amendment offered by the Senator from Iowa.

Mr. WILSON. I had intended offering this as an independent section.

Mr. SAULSBURY. I was not aware that anybody else had any amendment to offer on this matter, and it occurred to me that it was a very proper thing to do. I am perfectly willing to accept the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Delaware accepts the amendment of the Senator from Iowa in place of the one offered by him.

Mr. WILSON. I desire to have this go in as an additional section, as section 14. I prefer to wait until we reach that portion of the bill, as I presume there are other amendments to the earlier sections of it.

Mr. MORRILL. You had better offer it now.

Mr. WILSON. Very well; I will offer it now as an additional section.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment, which will be read.

The Chief Clerk read the proposed amendment, as follows:

SEC. 14. That nothing in this act contained shall be held to require any person aggrieved by the act or omission of a transportation company within the provisions of this act to pursue the remedy provided in sections 5 and 6 hereof for the ascertainment and recovery of damages on account thereof, but such person may, by civil action in any court of competent jurisdiction, maintain an action as though this act had not been passed; and in such cases the duties, obligations, liabilities, and responsibilities of such transportation company in all respects shall be the same as though said action had been commenced in pursuance of the remedy in said sections 5 and 6 provided.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

Mr. CALL. Is it in order to offer an amendment to that amendment?

The PRESIDING OFFICER. It is not in order now. It would be an amendment in the third degree.

The amendment of Mr. WILSON was agreed to.

Mr. CONGER. I offer an amendment which will modify the difficulty which I have with section 13 to some extent, and to which some of my friends say they have no objection. Section 13 defines the term "transportation company," as used in this act, to mean:

Any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part.

After the word "part," in line 5 of section 13, I move to amend by inserting "which are run by any railroad company, making part of its route."

Mr. SEWELL. I suggest to add the words "or for;" so as to read, "which are run by or for any railroad company."

Mr. CONGER. I have no objection to that. Let it read, "which are run by or for any railroad company, making part of its route." I think that the amendment I propose will be unobjectionable. It will remove the objection I have to the bill and make it more certain.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan.

The amendment was agreed to.

Mr. SEWELL. The amendment offered by me yesterday, as section 14 of the substitute, was adopted with a proviso added, on the motion of the Senator from Kansas [Mr. PLUMB], in order to control the lines going into Mexico. The amendment of the Senator from Kansas made it practically what I wish to arrive at; but both objects can be better accomplished by striking out a part of the proviso. The proviso is in the following language:

Provided, That this shall not apply to transportation wholly by water.

I move to strike out the words "wholly by water" and to insert "on the high seas," which is a technical phrase applied to the ocean. The amendment I suggest is satisfactory to the Senator from Kansas, also.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey.

Mr. CALL. I inquire of the Senator from New Jersey if his amendment would not apply to the arrangement between the Pacific railroads and the Pacific Mail Steamship Company. It seems to me that it would authorize that present monoply of freights which is so much complained of by the Board of Trade of New York.

Mr. SEWELL. The former proviso would apply just the same. I wish to confine the operation of the section to the high seas. I do not want to make it apply to inland water navigation.

Mr. CALL. It seems to me the section had better provide that it shall not apply to inland navigation. It evidently would include the very evil so much complained of by the Board of Trade of New York in regard to the arrangement of a common rate of freight between the Pacific Mail Steamship Company and the Pacific railroads.

Mr. SEWELL. If the Senator from Florida will hear the section read he will see that it applies now to the high seas and to inland transportation. I wish it to apply only to the high seas. The section reads:

That the provisions of this act shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

I wish to change it so that it shall not apply to transportation on the high seas.

Mr. CONGER. Will the Senator also include "on the great lakes" with "the high seas?"

Mr. SEWELL. As it is proposed it applies to roads competing with the trunk lines. It will fix the Canadian transportation, which will come under this act, part by water and part by rail.

Mr. CONGER. The Senator wishes to fix it, whether he understands it or not, in the interest of a series of railroads running south of the great lakes, and to make a cut, as the gentlemen of the House of Representatives did some years ago, out of that great northwest and northeast communication which goes across the level country of Canada West for the benefit of roads running south of the lakes.

Mr. SEWELL. I have no hesitation in saying that I am in favor of protecting capital invested in the United States as against that invested in Canada.

Mr. CONGER. From Chicago to Port Huron there is a line of railroads owned by an American company running in the United States, the whole length of it. At the other end of that route there is a railroad running from Island Pond to Portland, owned by an American company, built by an American company, but leased by a Canadian company. Why should the Senator try to strike down the industry of those roads in the interest of the little New Jersey roads? It is remarkable that the Senator should ask anything for a New Jersey road, because their generous conduct, proved by New Jersey companies that corporations have souls, contrary to all the established rules, never imposes upon the people of the United States traveling through New Jersey. That is so plain that it seems to me he need not defend those roads. The New Jersey roads will be taken care of for their universal magnanimity and courtesy and kindness to the traveling public.

The Senator might take the advantages that the New Jersey roads have for locality, and he might let the Northern roads, the great transporting routes from the Northwest and New England, have the route which nature has prepared for them, without doing what a Representative from Toledo did in the same interest, if not with the same object, when he prepared a bill which would prevent the productions of the Northwestern States from being taken to Canada at all. That is the manly way to deal with it. Put in a provision here that Michigan, Wisconsin, Illinois, and all the Northwestern States shall not pass any of their productions over the railroads that run through Canada, and strike at the matter at once in a manly way by providing that all New England shall not send to the West from Boston and Portland and all the towns there any of their produce if it is going through Canada.

Mr. SEWELL. Will the Senator from Michigan allow me to ask him a question?

Mr. CONGER. I should rather the Senator would answer me some of my points than to ask me a question.

Mr. SEWELL. I wish to ask the Senator if he thinks a great wrong would be done to the Canada railroads by bringing them under the provisions of this bill?

Mr. CONGER. The bill does not pretend to have anything to do with railroads; it is water that the Senator is talking about. However strange it may sound to the Senate to have anybody talk about water, that is what it means. It is not a railroad in Canada, it is a water communication on the great lakes in the United States that the Senator by his amendment strikes at; where the communication is wholly by water, as from Duluth to Buffalo, or from Duluth to Ogdensburg, the whole length of all the lakes. The Senator seeks to strike at the whole commerce of the Mississippi and all the great rivers of the country by inserting "high seas" in place of water communication.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. [Putting the question.] By the sound the noes have it.

Mr. SEWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a second for the demand for the yeas and nays? In the opinion of the Chair there is a second. The yeas and nays are ordered.

Mr. CONGER. Let the other side be counted, Mr. President.

The PRESIDING OFFICER. Does the Senator from Michigan demand the other side of the count?

Mr. CONGER. If that is my right, I ask that the other side be counted.

The PRESIDING OFFICER. The Senator from New Jersey asks for the yeas and nays. The Chair will put the question again. Is there a second to that request? Senators opposed to the request——

Mr. CONGER. I do not ask that the question shall be taken again. I simply asked whether I had a right, before those in favor of taking the question by yeas and nays had signified their desire to do so, to have the other side also counted.

The PRESIDING OFFICER. In the United States Senate the only way to determine that fact is to count the Senators present and then ascertain whether one-fifth have voted in favor of ordering the yeas and nays.

Mr. CONGER. If the Chair intimates that he did that, and one-fifth voted to second the call, that is all that is necessary.

The PRESIDING OFFICER. It was a simple announcement of the judgment of the Chair that one-fifth had voted to second the call.

Mr. CONGER. In that case, that is all that is required.

The PRESIDING OFFICER. The yeas and nays are ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN].

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. HAWLEY. I rose to vote "nay." I am paired with the Senator from Alabama [Mr. MORGAN]; but I supposed he had entered the Chamber.

Mr. RANSOM. No; he is not here.

Mr. HAWLEY. Then I shall not vote.

Mr. PLUMB. I am paired on this question with the Senator from Maryland [Mr. GORMAN].

Mr. BOWEN. I wish to announce my pair with the Senator from Arkansas [Mr. WALKER] on the entire question.

The result was announced—yeas 10, nays 21; as follows:

YEAS—10.

Aldrich,	Hale,	Morrill,	Sewell,
Allison,	Jackson,	Pike,	
Dolph,	Mitchell,	Platt,	

NAYS—21.

Bayard,	Conger,	Jonas,	Vance,
Beck,	Edmunds,	Jones of Nevada,	Vest,
Blair,	Groome,	Pugh,	Wilson.
Call,	Hampton,	Riddleberger,	
Cameron of Wis.,	Harrison,	Sawyer,	
Cockrell,	Hoar,	Slater,	

ABSENT—45.

Bowen,	Frye,	Lapham,	Plumb,
Brown,	Garland,	Logan,	Ransom,
Butler,	George,	McMillan,	Sabin,
Camden,	Gibson,	McPherson,	Saulsbury,
Cameron of Pa.,	Gorman,	Mahone,	Sherman,
Chace,	Harris,	Manderson,	Van Wyck,
Coke,	Hawley,	Maxey,	Voorhees,
Colquitt,	Hill,	Miller of Cal.,	Walker,
Cullom,	Ingalls,	Miller of N. Y.,	Williams.
Dawes,	Jones of Florida,	Morgan,	
Fair,	Kenna,	Palmer,	
Farley,	Lamar,	Pendleton,	

The PRESIDENT *pro tempore*. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll, and 44 Senators answered to their names.

The PRESIDENT *pro tempore*. Forty-four Senators are present. The Secretary will again call the roll on agreeing to the amendment proposed by the Senator from New Jersey [Mr. SEWELL].

Mr. SEWELL. As a number of Senators are of the opinion that section 13 covers the object I wish to arrive at, I ask unanimous consent to withdraw my amendment.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks leave to withdraw his amendment. Is there objection? The Chair hears none. The amendment is withdrawn.

Mr. CALL. I now offer an amendment, on behalf of the Senator from Mississippi [Mr. GEORGE], to come in as an additional section after section 6 of the bill. It is the amendment I offered awhile ago, but I could not then clearly indicate the place in the bill where it should be inserted.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to insert as a new section after section 6:

SEC. —. That in case any transportation company engaged as aforesaid shall do, suffer, or permit to be done any act, matter, or thing in this act prohibited or forbidden, or shall omit to do any act, matter, or thing in this act required to be done, or shall be guilty of any violation of the provisions of this act, such transportation company shall be liable to pay to the person or persons who may

be injured thereby the amount of the damages so sustained and costs as provided in the sixth section of this act, to be recovered by the person or persons so damaged by suit in United States court of competent jurisdiction where the transportation company causing such damage can be found, or may have an agent, office, or place of business; and if the court before which any such action is tried shall be of opinion that the violation of the law was willful, it shall make an allowance, by way of additional costs, to the party injured, sufficient to cover all his counsel and attorney fees. In any action to be brought as aforesaid in any court of the United States the court shall have all the power of a court of equity to compel discovery and the production of books, documents, and papers. In any such action so brought any director, officer, receiver, or trustee of any company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such company, receiver, trustee, or person aforesaid, or of any of them, alone or with any other person or persons, party or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail, but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who as aforesaid may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled the same as in the case of any other witness; and in case any deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any such action, the same, and the production of books and papers, may and shall be had, taken, and compelled by or before any United States commissioner, or in any manner provided or to be provided for as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers in or by chapter 17 of title 13 of the Revised Statutes of the United States. No action aforesaid shall be sustained unless brought within one year after the cause of action shall accrue, or within one year after the party complaining shall have come to a knowledge of his right of action. And as many causes of action as may accrue within the year may be joined in the same suit or complaint. And any circuit or district court of the United States having jurisdiction of the persons shall have the power, upon application of any person or persons, firms, railroads, or other corporations or associations, alleging undue and unjust discrimination against a person in violation of the provisions of this act, to issue writs of mandamus against such person, commanding such person to move and transport freight or to furnish facilities for transportation for the party applying for the writ, upon such terms and in such manner as shall seem just and proper to the court, in order to prevent any undue or unjust discrimination against the relator. The proceedings shall be as in other cases of mandamus; and in cases of urgent necessity or involving the transportation of perishable goods the writs of alternative mandamus may be made returnable forthwith: *Provided*, That no writ or peremptory mandamus shall issue under this act until the relator shall have given security, in such sum as shall be named by the court, to pay the defendant the proper and legal charges for the services required to be performed by the writ aforesaid: *And provided further*, That the remedy herein given by writ of mandamus shall be cumulative, and shall not exclude or interfere with the other remedies herein provided. No cause brought under this act in any State court of competent jurisdiction shall be removed to any United States court.

Mr. CALL. I merely wish to say that the amendment was prepared by the Senator from Mississippi [Mr. GEORGE], and that I offer it at his request. It is designed to furnish an affirmative remedy to a person aggrieved by a violation of the act now proposed to be passed.

Mr. CULLOM. I hope the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. SAULSBURY (when his name was called). I am paired with the Senator from Colorado [Mr. HILL].

The roll-call was concluded.

Mr. PLUMB. On this question I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 7, nays 38; as follows:

YEAS—7.

Call,	Maxey,	Vance,	Vest.
Coke,	Slater,	Van Wyck,	

NAYS—38.

Aldrich,	Edmunds,	Lapham,	Platt,
Allison,	Groome,	McMillan,	Pugh,
Blair,	Hampton,	McPherson,	Riddleberger,
Cameron of Wis.,	Harris,	Manderson,	Sabin,
Chace,	Harrison,	Miller of Cal.,	Sawyer,
Colquitt,	Hawley,	Miller of N. Y.,	Sewell,
Conger,	Ingalls,	Mitchell,	Sherman,
Cullom,	Jackson,	Morgan,	Wilson.
Dawes,	Jonas,	Morrill,	
Dolph,	Jones of Nevada,	Pike,	

ABSENT—31.

Bayard,	Fair,	Hill,	Pendleton,
Beck,	Farley,	Hoar,	Plumb,
Bowen,	Frye,	Jones of Florida,	Ransom,
Brown,	Garland,	Kenna,	Saulsbury,
Butler,	George,	Lamar,	Voorhees,
Camden,	Gibson,	Logan,	Walker,
Cameron of Pa.,	Gorman,	Mahone,	Williams.
Cockrell,	Hale,	Palmer,	

So the amendment was rejected.

Mr. CALL. At the request of the Senator from Mississippi [Mr. GEORGE] I move to add, after line 22 of section 5, the following words:

And such report shall in all proceedings under this act be *prima facie* evidence of the existence of the facts therein found to be true.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Florida.

The amendment was rejected.

Mr. CALL. Also, by request of the Senator from Mississippi [Mr. GEORGE], I move to add, at the end of section 10, the following:

The said commission is hereby authorized to invoke the aid of a United States court of competent jurisdiction to compel the making of said reports; and if any company shall fail or refuse to make any report required of it as aforesaid, the said company shall forfeit and pay for every such neglect or failure a penalty not less than $1,000, and it and its officers shall be subject to all the other penalties prescribed in this act for a violation of any of its provisions. The reports of each company shall be certified under its corporate seal to be correct in every respect, and shall also be verified by the oaths of its president, secretary, treasurer, and chief book-keeper; and if any report shall contain any statement willfully false, the affiants thereto shall be guilty of perjury, and, on conviction, shall be subject to the pains and penalties prescribed by law for such offense.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. SAULSBURY. Mr. President, that is an amendment to section 10, which requires the railroad companies to make annual reports at the request of the commissioners. If Senators will look at the provisions of that section, I think they will see what embarrassment it may be to require those reports. I will read it. Section 10 provides:

That the commission is hereby authorized to require annual reports from all transportation companies engaged in interstate commerce, to fix the time and prescribe the manner in which such reports shall be made, and to require from such companies specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued and the amounts paid therefor; the dividends paid; the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the company's property, franchises, and equipment, with a complete description of the same; the number of employés and the salaries paid each class; the amounts expended for improvements each year and how expended; the monthly earnings and receipts from each branch of business and from all sources; the monthly operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the company each year. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other companies, as the commission may require.

I do not believe that the objects sought to be attained by the appointment of the commission can be aided in any way by the adoption of the tenth section. I can see very readily how a report made in compliance with it, disclosing the whole business operations of a company, may operate to the injury of the company and may destroy their credit in the community. A new enterprise just struggling into existence may by such a report be not only crippled but utterly destroyed. I can understand very well how operators in stocks in Wall street may desire to have this information. They could deal perhaps with more safety, but I can not see that the objects sought by the bill can be aided in the least by such an exposé of the private transactions and business of a company.

I am perfectly willing to adopt any measure that will limit the power of the companies to oppress the people, but I do not want to see the companies themselves unnecessarily oppressed or injured. I have no doubt there are a great many just complaints against these corporations. Perhaps some of the complaints which are made are merely ideal, but I have no doubt that there are discriminations, that there are exorbitant prices charged by some of the corporations, and that persons having to use the railroads for the transportation of their freights and products are damnified and injured by the exactions of the companies. If we can devise any means to correct that or give any remedy whatever for the evils which are justly complained of, I am here ready to do it, but I do not think our legislation ought to partake of a nature which will necessarily oppress and injure the corporations themselves. While we should aim to do justice to shippers, we ought not to be unjust, in my opinion, to those institutions upon which we are dependent for the transportation of persons and property.

In fact I have but little faith that the bill will accomplish anything. What is it? It provides simply for the appointment of nine commissioners with high salaries, authorized to incur large expenses. They must and doubtless will incur expenses amounting to two or three hundred thousand dollars annually. What can they do and what is provided in the bill that they shall do? They are simply to hear complaints. They are to note down all the complaints which are made to them and to investigate the nature of the complaints. If in the judgment of the commission the complaints are valid, what are they to do? Are they to provide any remedy? Not a particle. All they are to do is to certify that fact to the district attorney. Then he goes into an investigation, and if he ascertains that any person has been injured by discriminations or by extortion he is compelled, under the bill, at the instance of the party injured, to institute suit; but with the provision adopted on the motion of the Senator from Iowa [Mr. WILSON], which reserves to the party all his remedies under State law or under the common law of the country, I should think that he would be a silly man who would seek the remedy pointed out in the bill when all the rights and remedies that he has are secured to him by the amendment offered by the Senator from Iowa to the fourteenth section. I am very sure there are few suits that will be instituted under the provisions of the bill, and without suits originated by the district attorney there is no remedy secured under it to any person who has been damnified by the injustice of a railroad company.

I care very little about the measure. If it can accomplish anything by its moral influence, as was suggested yesterday by the Senator from Ohio [Mr. SHERMAN], if it is going to be armed with such potent moral influence that the corporations of the country will stand in awe of it, it may be well enough; but I apprehend that that is a fiction of fancy, and that the corporations will not stand in such holy horror of the commission which is to be appointed that they will cease to do evil and learn to do well.

I say I care but little about the bill. I should have voted against the substitution of this bill for the Reagan bill, which did furnish some remedy, and yet I was not so perfectly in love with that bill. If there can be any measure devised that will operate to secure justice to the people interested in transportation by water or otherwise, I am perfectly willing to see it tried.

I deprecate this expense, but we are accustomed to large expenses in this country. We have had numerous commissions. We had a Mississippi Improvement Commission, and what has it amounted to? Verily in my opinion it has done no good. We have had various commissions; we have at the present time a Civil Service Commission, and so far as I understand I do not know what good it has done. I do not know what good it will do. For one, I do not hesitate to say that if I were President of the United States, charged with the responsibility of administering the executive affairs of this Government, I would do it according to the dictates of my own judgment. I should not be a butcher and turn out every man who was in office. If he was a faithful, honest servant I would keep him there for a proper time at least, but I would not feel bound to take my political enemies and keep them forever in office simply because the Civil Service Commission might have made some rule that might require me to do it. If I were President of the United States and charged with the duty of administering the executive department of this Government, I should discharge it according to the dictates of my own judgment and for the best interests of the people of the country.

We have had various commissions, and none of them has ever amounted to much. We had an Electoral Commission, the only effect of which was to deprive the people of this country of their choice for President of the United States. I have not much faith in commissions, nor have I much faith in the one here proposed. I do not think it will amount to much; but if the Senate of the United States see proper to adopt it, I have no objection. Its moral influence, I apprehend, will not amount to much, and the legal remedies which the bill provides I think will not be sought by any person damnified by the operations of railroad companies.

Mr. CULLOM. I only desire to say that I hope the tenth section will not be stricken out, and to remind the Senate that according to the understanding we are to vote upon the main question at 3 o'clock today.

Mr. PLUMB. I can not spare this opportunity to say a word or two to my friend from Delaware in regard to his feeling about the Civil Service Commission. He asks, with some apparent anguish, what good has it done? I say to him that that will be much more apparent after thirty days than it ever has been before to the ordinary Democratic apprehension.

Mr. CALL. I desire to know whether the understanding is to exclude amendments to the bill?

The PRESIDENT *pro tempore*. It does not exclude amendments; it only excludes debate.

Mr. MAXEY. Before the vote is taken upon the passage of the bill it was my purpose to state at some length my reasons for favoring the House bill and for opposing the Senate proposition. I do not regard the Senate proposition as of any practical value whatever. On the contrary, I believe that it will hereafter prevent the relief that is sought, and will not answer the great public demand for legislation on the subject of interstate commerce. This measure has the appearance of being legislation on that subject, but is without any real, tangible, valuable effect of legislation. For that reason, as the vote is to be taken, and I have not time to speak, I shall vote against the bill when the question comes up on its passage.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Florida.

The amendment was rejected.

Mr. CALL. At the end of section 14, on behalf of the Senator from Mississippi [Mr. GEORGE], I move to add:

That jurisdiction is hereby conferred on the circuit courts of the United States to aid in a summary manner the said commission in performing any duty imposed on them by this act.

The amendment was rejected.

Mr. CALL. At the request of the Senator from Mississippi, I move to add as an additional section to the bill the following:

SEC. —. That every person who, being president, vice-president, director, superintendent, or general agent of any transportation company, shall authorize, or concur in, or permit any violation of this act shall be liable to the same penalties and subject to the same damages as are herein imposed on the transportation company for such violation, and every such person may be joined as co-defendant with said company in any proceeding under this act, or may be proceeded against separately, as the complainant may elect.

The amendment was rejected.

Mr. CALL. Also, by request of the Senator from Mississippi, I move to add at the end of section 4 the following:

And proof that any transportation company, in all cases where it shall also appear that such transportation company has issued or has not then canceled stock commonly known as watered, then a greater charge for a shorter distance than a longer one shall be unjust discrimination in the sense of this act.

The amendment was rejected.

The PRESIDENT *pro tempore*. The question is on concurring in the amendment made as in Committee of the Whole as amended.

The amendment as amended was concurred in, as follows: Strike out all after the enacting clause of the bill and insert:

That for the purpose of providing for the regulation of commerce among the several States and Territories a commission is hereby created and established, to be known as the Interstate-Commerce Commission, which shall be composed of nine commissioners, who shall be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be selected from each judicial circuit of the United States. Three of the commissioners first appointed under this act shall continue in office for terms of two years, three for four years, and three for six years, the respective terms to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for incompetency or malfeasance in office. Vacancies occasioned by removal, resignation, or other cause shall be filled by the President. And not more than five shall belong to the same political party.

SEC. 2. That the commission hereby created shall have and exercise the powers and discharge the duties defined and granted in this act pertaining to the methods and regulating the operation of all transportation companies engaged in interstate commerce, and to take into consideration and to thoroughly investigate all the various questions relating to commerce between the States, and especially in the matter of the transportation thereof, so far as may be necessary to the establishment of a just system of regulations for the government of the same.

SEC. 3. That if any transportation company engaged in interstate commerce shall collect, demand, or receive, in the transaction of the business of interstate commerce, more than a reasonable rate of compensation for the transportation of freight of any description, or for the receiving, delivery, storage, or handling of property, or for the use or transportation of any railroad-car upon its railroad, or on any of the branches thereof, or upon any railroad it has the right, license, or permission to use, operate, or control, said transportation company shall be deemed guilty of extortion, which is hereby declared to be a misdemeanor.

SEC. 4. That if any transportation company engaged in interstate commerce shall, directly or indirectly, by any rebate, drawback, or other device, charge, demand, collect, or receive from any person a greater compensation for any service it may render in its transaction of interstate commerce than it charges, demands, collects, or receives from any other person for doing for him, in a like business and under substantially similar circumstances and conditions, contemporaneously a like service, or if any such transportation company shall neglect or refuse to furnish the same facilities for the carriage, receiving, delivery, storage, and handling of interstate-commerce freights to one person that is at the same time furnished to any other person for the carriage, receiving, delivery, storage, and handling of such freights of the same class, and under substantially similar circumstances, such transportation company shall be deemed guilty of unjust discrimination, which is hereby declared to be a misdemeanor.

SEC. 5. That whenever complaint is made to the commission, in such manner as it may prescribe, charging any transportation company engaged in interstate commerce with extortion or unjust discrimination in the transaction of such business, a statement of the charges thus made shall be forwarded to the transportation company, which shall be called upon to satisfy the complaint or to answer the same in writing within a reasonable given time.

If such transportation company shall, within the time specified, make reparation for the injury done and the complaint shall be withdrawn, the case shall be dismissed, and the transportation company shall be relieved of liability for any other penalty for the particular violation of this act thus complained of.

If such transportation company shall not satisfy the complaint within the time specified, or if it shall neglect or refuse to answer the same as required, or if either party to the proceeding shall demand a hearing, and there shall appear to be any reasonable ground for investigating said complaint, it shall be the duty of the commission to investigate the matters complained of, to determine all questions of fact at issue, to record its finding, and to furnish a report thereof to both parties.

And if it shall appear that the transportation company has been guilty of either extortion or unjust discrimination as charged, it shall be the duty of the commission to give notice to such company to discontinue the practice thereof forthwith, and to pay the complainant, within a reasonable given time, the damages, if any, to which the commission may find the complainant justly entitled in consequence thereof.

And if such damages shall be paid as required, and the commission shall be satisfied that the transportation company has ceased to practice the extortion or unjust discrimination complained of, an order to that effect shall be entered of record by the commission, and the transportation company shall be relieved of liability for any other penalty for the particular act complained of.

SEC. 6. That if any transportation company engaged in interstate commerce shall neglect or refuse to pay the damages assessed against it by the interstate commerce commission, and to desist from the further violation of this act, it shall be the duty of the commission to certify the facts to the district attorney of the United States for the judicial district in which the act complained of occurred; and it shall be the duty of the district attorney, at the request of the complainant, to forthwith commence such proceedings, in the name of the complainant, as may be necessary to recover any damages sustained by him, or to compel the transportation company to comply with the provisions of this act, or both; and the circuit court of the United States for said district shall have jurisdiction to try said cause, without regard to the citizenship of the parties. Costs shall be awarded as in other cases; but in case judgment is rendered against the defendant, the court may, in its discretion, allow to the district attorney a reasonable fee for prosecuting said cause, to be taxed as part of the costs; and in case of failure to recover, the complainant shall pay the costs of suit, attorney's fees excepted.

Any such transportation company that shall be convicted under the provisions of this act of either extortion or unjust discrimination shall forfeit and pay for each offense a fine of not exceeding $1,000.

Any such transportation company that shall neglect or refuse to make such annual reports as the commission may require, or that shall neglect or refuse to answer any question or to produce any book, paper, contract, or other document, or properly certified abstract thereof, called for by the commission in making any investigation under the authority of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $1,000 for each offense herein described.

Any such transportation company or any person or persons that shall violate any of the provisions of this act not in this section specified, or that shall in any manner attempt to obstruct the enforcement of its provisions, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding $1,000.

SEC. 7. That each commissioner shall receive an annual salary of $7,500, payable in the same manner as the salaries of judges of the courts of the United States. The commission shall appoint a secretary, who shall receive an annual salary of $3,500, payable in like manner. The commission shall have authority to employ and fix the compensation of such other employés as it may find necessary to the proper performance of its duties, subject to the approval of the Secretary of the Interior. All necessary traveling expenses incurred by the commissioners, or by their employés under their orders, in making any investigation in any other place than in the city of Washington, shall be allowed and paid on the approval by the Secretary of the Interior of itemized vouchers there-

for. The commission shall be furnished by the Secretary of the Interior with suitable offices and all necessary office supplies. Witnesses summoned before the commission shall be paid the same fees and mileage that are paid to witnesses in the courts of the United States. All of the expenses of the commission shall be paid on the presentation of vouchers approved by the president of the commission and by the Secretary of the Interior.

SEC. 8. That the commission may make such orders as it may deem necessary for the regulation of its business, and prescribe the forms to be used therein. A majority of the commission shall constitute a quorum for the transaction of business, except as hereinafter provided.

SEC. 9. That in making any investigation required by this act the commission shall have power to summon and require the attendance of witnesses, to administer oaths, and to require the production of all books, papers, contracts, and documents, or properly certified abstracts thereof, relating to the matter under investigation and necessary for the information of the commission in connection therewith. The commission is hereby authorized to conduct investigations in such portions of the United States as it may deem necessary, and for that purpose may delegate the powers conferred by this section to any member or members of the commission.

SEC. 10. That the commission is hereby authorized to require annual reports from all transportation companies engaged in interstate commerce, to fix the time and prescribe the manner in which such reports shall be made, and to require from such companies specific answers to all questions upon which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued and the amounts paid therefor; the dividends paid; the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the company's property, franchises, and equipment, with a complete description of the same; the number of employés and the salaries paid each class; the amounts expended for improvements each year, and how expended; the monthly earnings and receipts from each branch of business and from all sources; the monthly operating and other expenses; the balances of profit and loss, and a complete exhibit of the financial operations of the company each year. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts with other companies as the commission may require.

SEC. 11. That the commission shall, on or before the 1st day in December in each year, make a report to the Secretary of the Interior, which shall be by him transmitted to Congress, and copies of which shall be distributed as are the other reports issued from the Interior Department. This report shall contain such information and data collected by the commission as may be considered of value in the determination of questions connected with the regulation of interstate commerce, together with such recommendations as to additional legislation for the regulation of interstate commerce as the commission may deem necessary. And said commission shall precede its first report with an investigation of the subject of interstate commerce, which shall embrace the subjects of establishing a system of both maximum and minimum charges for transportation, and for the preservation of free competition within the limits so fixed; for the prohibition of discriminations of any kind whatever either in favor of or against cities, towns, or other localities, whether the same be competing or non-competing points, and for applying the same principle to transportation for individuals, firms, associations, or corporations in all matters relating to commerce among the States; for the preservation and enforcement of the right of shippers to select the lines and parts of lines over which their shipments shall pass, to the end that said commerce among the States may avail itself of the all-rail or part-rail and part-water routes of the country; for the prevention of such pooling arrangements and agreements to refrain from just competition as may tend to impose unreasonable burdens upon said commerce among the States, and for the protection of said commerce against unjust exactions based on a class of securities commonly denominated "watered stock;" and said commission, in conducting said investigation, shall be guided by such rules of action as will be fair, just, and equitable toward all of the interests involved, whether the same be private, public, or corporate, connected with the subject of commerce among the States.

SEC. 12. That the route of any transportation company engaged in the interstate commerce shall include all the railroad and water routes in use by such company, whether owned by said company or used by it under license, lease, or permission otherwise given. And it shall be unlawful for any transportation company as aforesaid to enter into any combination, contract, or agreement, expressed or implied, to prevent, by change of time-schedule, carriage in different cars, or by other means or devices, the carriage of interstate commerce freights from being continuous from the place of shipment to the place of destination, whether said freight is carried on one or several railroads, or partly by rail and partly by vessel. And no break of bulk, stoppage, or interruption made by said transportation company shall prevent the carriage of any interstate commerce freights from being and being treated as one continuous carriage from the place of shipment to the place of destination, unless such break, stoppage, or interruption was made in good faith for some necessary purpose, and without any intent to avoid or unnecessarily interrupt such continuous carriage or to evade any of the provisions of this act.

SEC. 13. That the term "transportation company engaged in interstate commerce," as used in this act, shall be deemed and taken to mean any corporation, company, or individual now owning, operating, or using any railroad or railroads, or any vessel or vessels, in whole or in part, which are run by or for any railroad company, making part of its route, or that may have the right, license, or permission to operate, use, or control any railroad or railroads, or any vessel or vessels, in whole or in part, provided said corporation, company, or individual is engaged in the business of transporting freights or property of any description by railroad, or partly by railroad and partly by water, from one State into another State or Territory of the United States, "or from any Territory into any State or any other Territory;" and the provisions of this act shall apply to all persons, firms, and companies, and to all associations of persons or companies, whether incorporated or not, and to all associations of corporations engaged in thus transporting freights or property of any description, in the manner above set forth, from one State into any other State or Territory, or from any Territory into any State or any other Territory.

SEC. 14. That the provisions of this act shall be construed as applicable to all railroad or transportation companies engaged in the carrying of freight from any place in the United States through any foreign territory to any other place in the United States, or from any place in the United States to any place outside the United States: *Provided*, That this shall not apply to transportation wholly by water.

SEC. 15. That the sum of $90,000 is hereby appropriated for the use and purposes of this act for the fiscal year ending June 30, A. D. 1885, and the intervening time anterior thereto; and it is expressly provided that no pending litigation between railroad companies shall in any way be affected by this act.

SEC. 16. That nothing in this act contained shall be held to require any person, aggrieved by the act or omission of a transportation company within the provisions of this act, to pursue the remedy provided in sections 5 and 6 hereof for the ascertainment and recovery of damages on account thereof; but such person may, by civil action in any court of competent jurisdiction, maintain an action as though this act had not been passed; and in such cases the duties, obligations, liabilities, and responsibilities of such transportation company in all respects shall be the same as though said action had been commenced in pursuance of the remedy in said sections 5 and 6 provided.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times, the question is, Shall it pass?

Mr. COKE. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania (when his name was called). I am paired with the Senator from California [Mr. FARLEY]. If he were present, I should vote "yea." I do not know how he would vote.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detained from the Senate by sickness in his family, but I am informed by his colleague [Mr. JONAS] that he would probably vote as I myself would, and therefore I shall vote. I vote "yea."

Mr. GARLAND (when his name was called). I am paired with the Senator from West Virginia [Mr. CAMDEN]. If he were here, I should vote "nay" and I believe he would vote "yea."

Mr. PALMER (when his name was called). I am paired with the Senator from Kentucky [Mr. WILLIAMS]. If he were here, I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Illinois [Mr. LOGAN]. If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BECK. I am paired with the Senator from Maine [Mr. HALE], who is absent. I should vote "nay" if he were here.

Mr. SABIN (after having voted in the affirmative). I have been paired with the Senator from West Virginia [Mr. KENNA], but I voted supposing that he was present this morning. As I see he has not voted, I ask leave to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. SABIN. I should vote "yea," if the Senator from West Virginia were present, and he would vote "nay."

The result was announced—yeas 43, nays 12; as follows:

YEAS—43.

Aldrich,	Frye,	Jones of Florida,	Platt,
Allison,	Groome,	Jones of Nevada,	Plumb,
Blair,	Hampton,	Lamar,	Pugh,
Call,	Harris,	Lapham,	Riddelberger,
Cameron of Wis.,	Harrison,	McMillan,	Sawyer,
Chace,	Hawley,	Manderson,	Sewell,
Conger,	Hill,	Miller of Cal.,	Sherman,
Cullom,	Hoar,	Miller of N. Y.,	Slater,
Dawes,	Ingalls,	Mitchell,	Vest,
Dolph,	Jackson,	Morrill,	Wilson.
Edmunds,	Jonas,	Pike,	

NAYS—12.

Bayard,	Coke,	Maxey,	Saulsbury,
Butler,	Colquitt,	Morgan,	Vance,
Cockrell,	McPherson,	Pendleton,	Van Wyck.

ABSENT—21.

Beck,	Farley,	Kenna,	Voorhees,
Bowen,	Garland,	Logan,	Walker,
Brown,	George,	Mahone,	Williams.
Camden,	Gibson,	Palmer,	
Cameron of Pa.,	Gorman,	Ransom,	
Fair,	Hale,	Sabin,	

So the bill was passed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations and ordered to be printed.

HOUSE BILL REFERRED.

The bill (H. R. 691) for the relief of William W. Thomas was read twice by its title, and referred to the Committee on Finance.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. It is the duty of the Chair now to lay before the Senate the next special order, being Order of Business 336. The title of the bill will be read.

The CHIEF CLERK. A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. MORRILL. I move that the Senate proceed to the consideration of House bill 4976, heretofore reported by the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the Senate now proceed to the consideration of Order of Business 1074, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BLAIR. I ask unanimous consent to make a statement before the question is taken.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to make a statement on the pending question. Is there objection? The Chair hears none. The Senator from New Hampshire will proceed.

Mr. BLAIR. It will be recollected by the Senate that at the close of the last session the Senate was engaged in the consideration of House bill 2550, Calendar No. 863, entitled "A bill to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia." It was postponed, after being partially considered, until the 9th of December last, and I anticipated that at that time it would be disposed of. It was interfered with by various special orders, and from that day until the present time, although it came over substantially in the form of unfinished business from the last session, I have been seeking an opportunity to have it laid before the Senate and disposed of. It is a bill in which there is a very great public interest. During the interim from the 9th of December to the present time several of the Legislatures of the States have passed resolutions calling the attention of the Senate to this bill and urging action upon it, and many memorials have been sent to the Senate and to the other House of Congress, although the bill has already been passed by the other House, asking that the question be disposed of. I hope, now that the last month has been occupied by the interstate-commerce bill, which really ought not to have come in the way of this at all, as I think, that the Senate will consent to take up this bill and dispose of it. The bill urged by the Senator from Vermont may be an important bill; undoubtedly it will be disposed of; the Committee on Finance can always have this floor; but I submit that justice to the friends of this measure requires that it should be now considered.

Mr. MORRILL. I think I am in favor of the Senator's bill——

The PRESIDENT *pro tempore*. The motion is not open to debate. Does the Senator from Vermont ask unanimous consent?

Mr. MORRILL. I do, for a moment.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that he may be heard on this question. Is there objection? The Chair hears none. The Senator from Vermont will proceed.

Mr. MORRILL. It was the understanding when the bill in regard to silver coinage was reported that it should be considered yesterday morning. On account of the prolongation of the debate on the interstate-commerce bill, which has progressed until this time, it was not so considered. I suggest to the Senator from New Hampshire that he call up his bill to-morrow morning in the morning hour, as I think it will not attract much debate. I must insist on my motion.

Mr. BLAIR. I think there are several bills that are already——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire asks unanimous consent?

Mr. BLAIR. I would not like the suggestion of the Senator from Vermont to go with the idea that I acquiesced in it.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire ask unanimous consent to be heard?

Mr. BLAIR. Yes; unless the consent already given covers that.

The PRESIDENT *pro tempore*. The Chair does not think it covers further remarks. The Senator from New Hampshire asks unanimous consent to be heard again on this question. Is there objection? The Chair hears none.

Mr. BLAIR. Thanking the Senate for its indulgence, I wish simply to say that the morning hour, as I understand, is already occupied by one or more bills, the friends of which understand that they have the right of way, and whatever may have been the understanding lately arrived at in regard to this bill which the Senator from Vermont moves to take up at this time, much earlier understandings were arrived at between the friends of this measure and of the interstate-commerce bill and one or two others, that it should be heard so far as their assistance could enable it to receive a hearing as soon as the interstate-commerce bill was disposed of.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Vermont [Mr. MORRILL].

Mr. CAMERON, of Wisconsin. I ask unanimous consent of the Senate that I may put a question to my friend from Vermont.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. CAMERON, of Wisconsin. I will include in that request that he have unanimous consent to answer my question. The question is whether he intends, if his motion be carried, to press the bill until it is finally disposed of by the Senate, or whether he desires to have it brought up now simply for the purpose of submitting some remarks in support of the bill?

Mr. MORRILL. Oh, Mr. President, I do not——

The PRESIDENT *pro tempore*. If there be no objection the Senator from Vermont will proceed. The Chair hears none.

Mr. MORRILL. I am ready to submit some remarks, but I assure the Senator that I shall not occupy a large amount of time—not more than twenty-five or thirty minutes. It has never been my habit to be advocating a bill that I do not intend to press.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont.

Mr. VAN WYCK. May I inquire what is the special order, Mr. President?

The PRESIDENT *pro tempore*. The special order is Order of Business 336, being the bill (H. R. 3993) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. VAN WYCK. May I be allowed to put a question? I should like to ask a question of the Senator from Vermont.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Nebraska making remarks?

Mr. MORRILL. I object to further debate on this motion.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. VAN WYCK. Does the Senator seriously object to a question being propounded to him at this stage of the matter?

Mr. MORRILL. I said, although it was not heard by the Chair, that I objected to further debate at this time.

Mr. VAN WYCK. Do you object to my asking a question?

Mr. MORRILL. Not at all.

The PRESIDENT *pro tempore*. Senators will please address the Chair. The Chair asked for objection and heard none. The Senator from Nebraska is entitled to the floor.

Mr. VAN WYCK. I desire merely to ask the Senator from Vermont whether the bill now proposed to be taken up is a House bill or a Senate bill.

Mr. MORRILL. A House bill.

Mr. VAN WYCK. But entirely changed and remodeled by the report of the Senate committee. Then I merely want to appeal, if I am in order, to the Senate to remember that there is now before us in order the Texas Pacific forfeiture bill, which has been lying here a long time, a matter of great importance, and I trust that it having been made special order by a vote of two-thirds of the body, it will not now be displaced by a majority vote.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Vermont [Mr. MORRILL] that the Senate now proceed to consider the trade-dollar bill, so called.

Mr. MORRILL. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the Senator from Louisiana [Mr. GIBSON].

The roll-call having been concluded, the result was announced—yeas 37, nays 21; as follows:

YEAS—37.

Aldrich,	Gorman,	McPherson,	Ransom,
Bayard,	Groome,	Mahone,	Riddleberger,
Beck,	Hampton,	Miller of N. Y.,	Sabin,
Bowen,	Hawley,	Mitchell,	Saulsbury,
Cameron of Pa.,	Hoar,	Morgan,	Sewell,
Chace,	Jackson,	Morrill,	Sherman,
Colquitt,	Jones of Florida,	Palmer,	Vance.
Conger,	Lamar,	Pendleton,	
Dawes,	Lapham,	Platt,	
Dolph,	McMillan,	Pugh,	

NAYS—21.

Blair,	Edmunds,	Jones of Nevada,	Slater,
Butler,	Garland,	Maxey,	Van Wyck,
Call,	Harris,	Miller of Cal.,	Vest.
Cameron of Wis.,	Harrison,	Pike,	
Cockrell,	Hill,	Plumb,	
Coke,	Ingalls,	Sawyer,	

ABSENT—18.

Allison,	Farley,	Jonas,	Walker,
Brown,	Frye,	Kenna,	Williams,
Camden,	George,	Logan,	Wilson.
Cullom,	Gibson,	Manderson,	
Fair,	Hale,	Voorhees,	

So the motion was agreed to.

COINAGE OF SILVER DOLLARS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The bill was reported from the Committee on Finance with an amendment to strike out all after the enacting clause and insert:

That until July 1, 1885, United States trade-dollars, if not defaced, mutilated, or stamped, shall be received at the office of the Treasurer or any assistant treasurer of the United States in exchange for a like amount, dollar for dollar, of standard silver dollars of the United States.

SEC. 2. That the trade-dollars received by the Treasurer or any assistant treasurer of the United States shall not be paid out or in any other manner issued, but, at the expense of the United States, shall be transmitted to the coinage mints and shall be regarded and treated as silver bullion, and, at their bullion value, shall be deducted from the amount of bullion required to be purchased and coined by the act of February 28, 1878, and shall be recoined into standard silver dollars according to the provisions of said act: *Provided*, That the amount to be so deducted as provided in this section shall not exceed $500,000 in any month.

SEC. 3. That all laws and parts of laws authorizing the coinage and issuance of United States trade-dollars are hereby repealed.

SEC. 4. That the President is hereby authorized to renew negotiations with the states of the "Latin Union," and with other foreign powers, for the purpose of making treaties with them in order to secure such co-operation as may enable the nations agreeing thereto to open their respective mints to the free coinage of silver, with full legal-tender power, at an agreed ratio to gold.

SEC. 5. That in case no such treaties as aforesaid shall have been made and ratified prior to August 1, 1886, then and thereafter so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as authorizes and directs the Secretary of the Treasury to purchase from time to time of silver bullion, at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined into such dollars monthly as fast as so purchased, shall be suspended.

Mr. INGALLS. I move to amend the amendment of the committee by striking out section 5.

Mr. MORRILL. I suppose the Senator from Kansas may move that amendment, though it is not exactly in order now, as I have the floor I believe.

Mr. INGALLS. I was recognized, I thought, by the presiding officer.

Mr. MORRILL. I do not object.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Kansas arose and was recognized by the Chair, and the amendment is certainly in order at this time, the Senator having the floor. The amendment proposed by the Senator from Kansas to the amendment will be read.

The CHIEF CLERK. The amendment is to strike out section 5 of the proposed amendment, as follows:

SEC. 5. That in case no such treaties as aforesaid shall have been made and ratified prior to August 1, 1886, then and thereafter so much of the act of February 28, 1878, entitled "An act to authorize the coinage of the standard silver dollar and to restore its legal-tender character," as authorizes and directs the Secretary of the Treasury to purchase from time to time of silver bullion, at the market price thereof, not less than two million dollars' worth per month nor more than four million dollars' worth per month, and cause the same to be coined into such dollars monthly as fast as so purchased, shall be suspended.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas to the amendment reported by the Committee on Finance.

Mr. MORRILL. Mr. President, let me say at once that the amendments proposed by the Committee on Finance to the bill under consideration are accepted by me on the idea that it is the duty of Congress to take some immediate action upon the subjects here presented. More heroic remedies, as I believe, would be more salutary; but if any legislation is to be accomplished at the present session some deference must be paid to the conflicting opinions here and elsewhere prevailing, and the Committee on Finance have reached the conclusion that the House bill, as it has been proposed to be amended, should receive the support of even those Senators who may not be completely satisfied with the original bill or with every part of the amendments.

Instead of indulging in elaborate argumentation, I shall group as compactly as I can the main facts which surround the subject in hand, trusting that these facts may have that influence which their cogency may seem to demand, and no more. For my own part I confess that I do not feel that the Government of the United States is under the slightest legal or moral obligation to redeem the silver coin known as the trade-dollar. It originated solely from a supposed demand for export, and was stamped under the act of February 12, 1873, as containing 420 grains of silver, and at that time was equal to 118.6 cents in United States notes or 102.5 cents in gold. It is true that by some inadvertence it happened to be included as a legal tender by the coinage act of 1873, the same as subsidiary silver coins, to the extent only of $5 for three years, or until July 22, 1876, when even its limited legal-tender character was repealed. Up to that time the whole amount issued was $15,418,450. About this time silver began to depreciate in value, and United States notes had so much appreciated that a paper dollar was worth more than a trade-dollar. Speculators, therefore, carried silver bullion to the mints and exchanged the same for trade-dollars, not for export, but for the purpose of profit, if not of fraud, so that the amount coined in the fiscal years of 1877 and 1878 was over $20,000,000, swelling the total amount to $35,959,360.

The Government, being paid for barely the cost of coinage, never had any interest or profit in the trade-dollars, never received them at the Treasury nor paid them out, but furnished them only to parties who ostensibly wanted them in this form to take silver bullion out of the country and as a special favor to silver miners. Somebody blundered. There are supposed to be from seven to ten millions of these trade-dollars now held by our own people, partly by those who have received them at full value and partly by those who have received them in barter trade, or who, as brokers, have purchased them at a discount. But however held, whether helplessly and hopelessly or otherwise, our mints were left open for the birth and three years' growth of this public nuisance, and perhaps some mode for its removal should be provided. I would have preferred to have paid a very moderate premium above their bullion value, as was recommended by the President, and thus to take them out of the way, rather than to redeem them, as is now proposed, with what must be to the owners practically equivalent to an exchange dollar for dollar in gold. Some of these holders of the trade-dollar are entitled to charity, but any discrimination is hardly possible. To reach one we are forced to reach many. They have held this anomalous coin for a long time and at some inconvenience. It is for Congress to decide whether any relief shall be given or not. I have, with some reluctance, consented to the measure in order to relieve the country from at least one of the embarrassing incidents which surround the silver question.

It is proper to say that the Director of the Mint is very confident that the trade-dollars which were exported have mainly gone into the melting-pot, and that none can or will be returned. If, however, more of these should be unearthed or be brought here from Oriental nations for redemption than what has been estimated, the cost of the measure will be correspondingly increased. It will be observed that, however large may be the amount presented to the Treasury, the purchase of silver bullion is not to be suddenly interrupted, and will be only temporarily diminished monthly to the amount of $500,000.

The next amendment to the House bill proposed by the Committee on Finance, it will be seen, contemplates a renewed effort to obtain by concert with the Latin Union nations, as well as with others, a larger use of silver on a fixed and common ratio with gold. It may not be improper for me to say that a most unfounded imputation has been indulged by some parties that the members of the former monetary commission were not sincere in the purpose to accomplish the object of their mission, but the only refutation which the false suggestion requires is to bring to our recollection the names of the individuals of which that important commission was composed, names as much distinguished for fidelity to their country as for their personal purity and ability.

It is again sometimes recklessly suggested that the official administrators of the Treasury Department have not given silver dollars a fair chance to circulate or to obtain a foothold among our people. And yet it is the fact that the Treasury Department has paid, and has ever been ready to pay, the cost of the transportation of silver to any and to all the remotest regions of our country whenever and wherever it was wanted. The difficulty is the same as that which pursues the "bad penny;" it will return. The people have not been ready to receive or to hold it. To show how unjust and groundless this suggestion is we have only to compare the present outstanding circulation of the silver dollar with that in our previous history. In eighty-five years, or up to 1878, the whole amount of silver dollars coined at our mints was only $8,045,838, and the amount in circulation must have been far less. Since 1878 we have coined the immense sum of $191,947,194, and have got into circulation, according to the Director of the Mint, $41,350,040, or about five times as much as was ever coined in all our previous history. If this does not show a pushing and industrious zeal on the part of the Treasury Department to get the silver dollar into circulation I know not what would.

It is evident that all of our people prefer a paper currency, if it is only the equal of our standard coins. It is far more convenient, as the whole commercial world have ascertained, and the whole world, therefore, has not suddenly changed its habits, notwithstanding the oversanguine expectations of the promoters of the silver bill of 1878, who were unquestionably honest in their zeal, and who will be ready to claim that it has accomplished a great and important service. Certainly no one has ever pretended that it could be successful without the co-operation of other nations, and it should not be charged to these friends of bimetallism that they intended an insidious measure to separate the United States from the great commercial nations of the world by fastening upon us the silver standard of monometallism.

It is true that there are some obstacles in the way of obtaining a concurrent agreement among foreign nations for a larger use of silver, but apparently not so great as heretofore, and, if the present bill should become a law, I have no question but what the coming administration would endeavor to carry it out in absolute good faith.

It is the opinion of our Director of the Mint, a thorough-going silver advocate, that our efforts to obtain the co-operation of foreign nations would be considerably aided if the coinage of the silver dollar were to be suspended in advance of any mission in that direction, instead of making the suspension contingent, to take effect, if to take effect at all, in August, 1886. I should concur in this opinion, for the reason that such a suspension on our part would bring the question to bear upon Europe at once, and much more sharply than upon America, and self-preservation would be likely to induce early co-operation in the direction of a permanent and common use of both silver and gold throughout the great commercial nations of the world.

I do not wish to be understood as conceding that the co-operation of even many nations would add to the value of silver anything more than would naturally arise from an increased demand. If the supply ever largely exceeds the demand, the intrinsic value for commercial purposes must go down. Neither law nor sentiment, under such circumstances, will permit silver to escape the universal law of trade. But I am willing to attempt some arrangement with other nations, and do believe that a wider demand might thereby be created for the use of silver.

I would by no means be an alarmist, and while even with our present laws in force we might not fall upon silver coin alone as the standard of the money of the United States in the present year, possibly not in the next, yet the fixed line we are now pursuing, it must be admitted by all, leads in the end, whether near or remote, to no other possible result. A calamitous harvest, a failure of the wheat or cotton crop, or the dreaded presence of some pestilence, might bring the disaster on us speedily, in spite of our considerable power of resistance. Whenever our foreign exchange shall call for large shipments of gold, our resources to maintain both the gold and silver standard will be put to a crucial test.

It is plain that the law of 1878, by which we have purchased silver bullion to the amount of not less than $2,000,000 nor more than $4,000,000 per month, has not sustained the price of silver, and so far as

that was the object it has been a disastrous failure. The price of silver, United States standard, per ounce, February 28, 1878, was 108.76 cents, and the price January 10, 1885, was 98.64 cents, showing that a decline had followed the silver statute of over 10 cents per ounce; and the intrinsic value of the silver dollar January 10, 1885, was only 84.77 cents. This policy has turned out to be of no benefit to our silver mines, while it is full of evil omens to all other interests of our country.

Upon the discovery of America, and the large increase of the product of silver, its relative value was immensely diminished. According to Humboldt the proportion of gold and silver, which before the discovery was as 10 to 1, gradually changed to 16 to 1. The recent much larger increase of silver is most likely to make history repeat itself. The vast recent increase of iron and of copper has reduced the price to the amount of one-third or one-half of their former value, and silver will hardly escape the fate of other metals.

But it is said, and not in the way of jest, that if we had only coined silver dollars to the maximum limit of the law of 1878, or four millions per month, the price of silver would have immediately advanced. That is, if we had bought the whole product of our silver mines, and some millions more, and hoarded it, the Lord knows where, then with little or no silver in the market the price would have been greatly augmented. A similar ingenious policy might find some favor with the owners of copper and iron mines, but none of them have hitherto ventured to suggest it.

It may be said that there are no breakers ahead, and that masterly inactivity is the true policy. Every business man in the country knows that the first moment any considerable difference in value shall appear in commercial transactions between gold and silver, or when gold shall command a premium, that moment a great contraction will follow; gold will disappear, and the business of the country will be conducted without it.

The net gold in the Treasury, deducting gold certificates, November 1, 1883, was $158,039,000, and on January 29, 1885, it had been reduced to $129,700,000. Thus, while gold in the Treasury appears to diminish, the receipts are also diminishing in large measure. Nothing but gold was formerly used in the lawful payment of duties on imports, but it is now far otherwise. In six months, from July to December of 1883, inclusive, the receipts for customs at the port of New York of gold and gold certificates were $54,114,000; but the receipts for the same months in 1884 in gold and gold certificates were only $22,268,000, while the entire receipts from customs at that port (where three-fourths of the revenue from customs is collected) for the same period were $64,094,000, showing that but a little more than one-third was actually paid in gold or its equivalent.

Should any such diminution of receipts in gold go on for any lengthy eriod, it is manifest that the Treasury would have not much left but silver and silver certificates. As yet the gold has not gone out of the country and is supposed to be held here, though not by the Treasury. Gold that would come into the country is easily intercepted by bills of exchange and used abroad, especially when the rate of interest is higher in London than it is in New York.

There has been only a slight contraction of the currency by national banks, because the receipts for the present fiscal year have fallen off, and it is estimated will be less than last year, and for the past three months, therefore, none of the 3 per cent. bonds appear to have been called for or paid.

It is sometimes rather triumphantly said that large sums of gold have been deposited in the Treasury in exchange for silver certificates, but this only proves that the depositors fully understood that the Government would never be in a condition to force the payment of such certificates in silver, and that all of them ultimately must find their way into the Treasury on the par of gold in the payment of duties.

The Latin nations have kept silver on a par with gold by a limitation of its coinage or by ceasing to coin it in excess. Any occasional surplus has to be gathered up and held, as is done by the Bank of France; but then the French Government does not keep its mint constantly at work glutting the market.

If we can make an arrangement with other nations, or if we were to cease for some time the coinage of the silver dollar, we might hope to maintain all of our gold and silver in practical circulation, and there would be no danger of any undue contraction of the currency.

In seven years, with unprecedented effort, about 41,000,000 of the silver dollars have been pushed into circulation. We have coined within the same time and piled up in the Treasury in addition thereto 150,000,000 more; and could we be equally successful hereafter as we have been for seven years, it will require twenty-five years to exhaust our present stock. If any one can offer any good reason why we ought to keep our mints at work much longer in coining the silver dollar I should be glad to hear it. If it is useless, as I believe it to be, without some foreign auxiliary co-operation, it would seem to be sound policy to obtain that co-operation or to suspend the perpetual annual appropriation for the purchase of silver bullion, the fixed amount of which is not less than twenty-four millions nor more than forty-eight millions. This very large annual expenditure of millions of dollars should show some good results or not go on forever.

Mr. Cernuschi in France, and Mr. Horton in America, the learned and foremost leaders of silver advocates, or of bimetallism, anxious as they are to bring silver into equal use with gold throughout the world, have earnestly urged that the United States should at once cease the coinage of the silver dollar as the most effective measure to promote the result they have at heart and with which they have been so long identified. But there is apparently some unreadiness to accept the disinterested counsel of these eminent leaders, and it is not proposed by the present bill to discontinue the silver coinage under any circumstances until August, 1886. By that time not less than 42,000,000 more of these dollars will have been added to the 192,000,000 coined since 1878; and if we should finally fail of any arrangement with other nations, which are quite as deeply interested as we are, it is inconceivable that any one here should not feel that the time will have come to say, "Hold, enough!"

The amount of silver certificates issued up to December 31, 1884, was $138,168,291, and of these $23,302,380 were held in the Treasury. This queer form of paper money is rapidly increasing, and appears to be usurping the place of United States notes as well as of national-bank notes. But it is by far the dearest and most expensive paper currency ever invented. For the present they can be used in the payment of customs duties, and thus far serve the purposes of the best standard of money; but beyond this use they can only command the value of the silver nominally represented, which is all the Government in the last resort promises to redeem them with. It would seem to be very undesirable that this kind of currency should be indefinitely expanded and forced into the hands of those who may not know that they hold a promise of the Government which may ultimately prove much less valuable than that of United States notes.

The depression which now pervades so many of our industrial interests appears even more conspicuously throughout the leading nations of the world. The giants of steam and water power everywhere seem to be taking a rest. Money was never cheaper; but confidence in any business enterprises for the time is lost. The vital spark in business industries is the solid and unchanging character of the money in circulation. The financial world is always timid when a skeleton in the closet is suspected. At present the coin and paper money in circulation is very abundant. I will give the following statement, which will show our present condition in this respect as contrasted with that of 1878:

Statement of paper and coin circulation of the United States on the 1st of January, 1878, and 1st of January, 1885.

Held by—	Gold coin.	Silver coin.	Total coin.	Legal-tenders.	National-bank notes.	Fractional currency.	Gold certificates.	Silver certificates.	Total paper.	Total circulation.
January 1, 1878.										
Treasury United States	$107,880,660	$3,474,807	$111,355,467	.....	.....	.....	.....	.....	.....	.....
National banks	5,506,556	4,300,274	9,806,830	.....	.....	.....	.....	.....	.....	.....
Other banks and private parties	104,493,903	57,224,919	161,718,822	.....	.....	.....	.....	.....	.....	.....
Total	217,881,119	65,000,000	282,881,119	$349,943,776	$321,672,505	$17,764,108	$33,424,900	.....	$722,805,289	$1,005,686,408
January 1, 1885.										
Treasury United States	171,553,205	175,697,220	347,250,425	.....	.....	.....	.....	.....	.....	.....
National banks	*76,153,432	7,984,240	84,137,672	.....	.....	.....	.....	.....	.....	.....
Other banks and private parties	315,293,363	80,318,540	395,611,903	.....	.....	.....	.....	.....	.....	.....
Total	563,000,000	264,000,000	827,000,000	346,681,016	285,496,055	6,971,343	119,631,150	$138,168,291	896,947,855	1,723,947,855
Increase	345,118,881	199,000,000	544,118,881	†3,262,760	†36,176,450	†10,792,765	- 86,206,250	138,168,291	174,142,566	718,261,447

*Includes $22,231,000 Gold Clearing-House certificates. †Decrease.

From this statement it will appear that there has been since 1878 the very extraordinary expansion of the money in circulation from $1,005,686,408 to $1,723,947,855, or a total increase of $718,261,447, being an actual incease of over $100,000,000 in each and every year. There is now, therefore, a superabundance of the circulating medium, and we are mainly called upon to preserve it from fluctuations and to guard against any possible contraction from any withdrawal of the large amount of gold held by our own country, which so largely serves to keep us in harmony with the commercial world and so well preserves the stability of the finances of our own people.

I do not wish to demonetize silver or to reduce the amount in circulation, but I would make it safe and practicable to increase the amount held in our financial institutions as well as in the hands of the people. The present bill and amendments are intended to provide against any untoward combination of events that shall leave us with only one of the precious metals to support our standard of money. We greatly need them both. It may be far off, it may never happen, but if we should be at any time driven to the single standard of silver it would be a great disaster, affecting the value of all property and of all investments. The blow, should it ever happen, would strike with the greatest severity upon the workingmen of the country, who would suddenly find their wages largely reduced by the cheaper mode of legal-tender payment. The employés in the United States are better paid than in any European country, and the London Times, in speaking on this subject, September 11, 1883, says:

> With regard to the remuneration of labor, assuming the produce of labor to be 100 in Great Britain, 56 parts go to the laborer, 21 to the capital, and 23 to government. In France 41 parts go to labor, 36 to capital, and 23 to government. In the United States 72 parts go to labor, 23 to capital, and 5 to Government.

This shows that for any depreciation of the currency which may at any time arise the laboring men of the country must bear the brunt of the loss. Capital will lose something, and the Government will also lose something by the loss occasioned through the cheaper currency with which customs duties must be paid—but labor will lose nearly three times as much as both capital and the Government. Of all the measures which may affect the welfare of laboring men, there are none more insidious or more disastrous than those which tender remuneration for labor in a depreciated currency, or a currency below that of the standard of value throughout the civilized world. We can not too carefully guard against such a far-reaching disaster.

I believe the measure before us will be some contribution, not so great, perhaps, as I could wish, toward the preservation of both gold and silver as the common standard of the money of the American people, and I leave the subject, only commending it to the deliberate judgment of the Senate.

Mr. MCPHERSON. Mr. President, I think the hour is altogether too late to-day to enter into any lengthened discussion of the bill, and it is certainly too late in the session to undertake to renew again the discussion of the propriety of continuing the silver coinage of the country, because no action can be taken by Congress at this session if the debate upon that question were protracted, as it was a few years ago, during some three or four weeks. Therefore, unless invited and strongly urged to do so by the opponents of the bill which has been reported by the Finance Committee of the Senate, I shall not touch upon that subject at all. I simply want to state the case as it appears before the Senate to-day. It will not take me ten minutes to do that, and then I shall sit down.

Mr. President, it has been argued in committee and elsewhere that there was no moral obligation and no legal obligation resting upon the Government to redeem the trade-dollar. I use the word "redeem" because it is a convenient term, although perhaps not a strictly proper one to employ. I think that a full answer to this statement is found in a report made by the Secretary of the Treasury, Mr. Folger, in 1883, in stronger and better terms than I can employ in regard to it, and I will read the report of the Secretary. He says:

> The act of 1873 made the silver coins of the United States, and hence the trade-dollars, a legal tender at their nominal value for any amount not over $5. Thus the reading of the laws taught the people that the trade-dollar was a coin of their sovereignty, and for the redemption of which, at an unabated value, their Government was bound. The real legislative purpose is to be blindly sought for in tradition or in the record of Congressional discussion and is indicated in the joint resolution of 1876, which took away from this coin the legal-tender quality of it, and held down the coinage of it to the call for it for exportation.
>
> It is plain that a busy people, finding this coin afloat in the channels of business styled a coin of the United States, would readily believe that it was an authentic issue of the Government, and to be redeemed by the Government the same as other money put out by it. From time to time, however, as it suits scheming men and the occasion fits, a hue and cry is raised against it, it is discredited in the marts, and unwary holders suffer loss or inconvenience. As it is a coin of the United States, having the image and superscription thereof, sanctioned as such by penalties upon the counterfeiting of it and once dignified as a legal tender in payment of debts and dues, it should be restored to its first state, or called in at its nominal value and melted. In the judgment of this Department it should be thus called in and melted.

In addition to the objection that I have somewhere heard stated, that there was neither a moral nor a legal obligation resting upon the Government, there is another claim made to the effect that the trade-dollars held in this country have been very largely bought up by speculators for the purpose of profiting upon them, under the belief that at some time the Government would undertake to redeem them. I have made a careful investigation as to the condition of affairs existing in my own State touching the trade-dollar, and I have in my hand a large number of reports made to me by banking institutions, very many of them savings-banks, also corporations and individuals, who have taken the trade-dollar in the way of business with the full expectation that the Government some time would redeem its own coin. The most of them were taken by these people prior to the passage of the resolution of 1876, which did not destroy the trade-dollar as a coin of the country, but simply robbed it of its legal-tender quality. I will not detain the Senate by reading any considerable number of these communications, but I will give you an illustration of how they run by reading a few.

One bank reports that it has in its bank vaults, together with customers who also have deposited trade-dollars in the vaults upon which they have borrowed money, pledging them at their bullion value to raise money to be used in their business, and are paying interest upon the money because they can not use the coin that the Government itself has issued for that purpose—I say one bank reports that there are 9,500 trade-dollars held by the bank and its customers, and every one of them received at its face value. Another bank reports $7,000 held in like manner; received at a discount, or as bullion, none. Another bank reports $33,572, a savings bank, held by itself and its customers. Another bank reports in like terms $13,600; none taken at a discount; none received as bullion, but all held by the bank and by its customers. Another reports $6,000; none at a discount, none received as bullion. Another reports $3,343 in like manner. Another reports $2,357; received at a discount, $70.

I might read all these reports, but I have given the Senate enough for illustration. About the same condition of things runs through all the reports, and these I hold in my hand are only a small portion of those I have received.

Mr. President, I shall address myself strictly for a very few moments to the legal condition of the trade-dollar in the hands of the people of the country to-day. As I understand it, Mr. President, the trade-dollar holds an anomalous position among the coins of the United States. By the act of February 12, 1873, it was made a coin of the United States. Section 15 of the act reads as follows:

> That the silver coins of the United States shall be a trade-dollar, a half-dollar or fifty-cent piece, a quarter-dollar or twenty-five-cent piece, a dime or ten-cent piece, and the weight of the trade-dollar shall be 420 grains troy * * * and said coins shall be a legal tender for any amount not exceeding $5 in any one payment.

There can be no question that the act which authorized the coinage of the trade-dollar first made it a coin of the United States, and secondly a legal tender at its nominal value for any amount not exceeding $5.

Acting under authority of this law, the Government coined 15,631,000 trade-dollars between July, 1873, and the 22d of July, 1876, when by joint resolution of Congress the legal-tender quality was taken away from the trade-dollar. The Government, however, continued the coinage, as was stated in the resolution of 1876, for export, and $20,328,360 more trade-dollars were coined before the existing coinage act was passed in 1878, which stopped the coinage of all silver dollars except the standard dollar.

This is a true statement of the law, and all the law, touching the trade-dollar. It will be seen that Congress made no provision for redeeming the coins which got into circulation while a legal tender, but intensified the very fraud which it denounced in the act of 1876 by continuing the coinage until 1878.

It is therefore proper to inquire what is the present moral and legal responsibility of the Government in respect to the trade-dollar.

Is not the act creating it (the trade-dollar), which says "the silver coins of the United States shall be a trade-dollar," &c., the unrepealed law of the land to-day? Is it not a coin and dollar to-day, notwithstanding the act of 1876 taking from it its legal-tender quality?

There has never been any legislation to strike the trade-dollar off the list of coins of the United States. The act of 1873 both made it a coin and a legal tender; the act of 1876 merely declared it should no longer be a legal tender. It is evident, therefore, that the law making it a coin of the United States has never been repealed. We have now two provisions of law—the one declaring the trade-dollar a legal tender; the other declaring it not a legal tender, which is the ruling provision. The first never has been expressly amended or expressly repealed. Is it not, therefore, technically an open question whether even the legal-tender quality of the trade-dollar has been destroyed?

Even if we should grant that the legal-tender quality of the trade-dollar was taken away by the joint resolution of July, 1876, another question arises. The act of February 28, 1878, which authorizes the coinage of the present standard silver dollar, reads as follows:

> *Be it enacted*, That there shall be coined silver dollars of the weight of 412½ grains troy standard silver, which coins, together with all silver dollars heretofore coined by the United States, of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract.

The trade-dollar was not expressly excepted from the provisions of this law, and the only ground for assuming that it was to be excepted is that the trade-dollar had a greater weight than the standard silver dollar. The assumption, therefore, that the law of 1878 excluded the

trade-dollar from the operation of the legal-tender clause rests upon no expression of intent contained in the law itself.

It was not generally understood or believed that it was to be the policy of the Government after the legislation of 1878 to refuse the dollar of 420 grains while it was coining with full legal-tender power a dollar of less weight and less intrinsic value. To coin money and regulate its value is a superior power inherent in the Government; but what moral right has the Government to so change its coinage laws as to demonetize in the hands of the people the coins theretofore issued as a legal tender without first making suitable provision for withdrawing said coins from circulation? In its treatment of the trade-dollar the Government seems inclined to ignore its obligations regarding that coin entirely. To say that this is disreputable is to use a mild term. No government having a decent regard for its credit would commit such a wrong upon its own people.

Casting aside all questions of law or morals touching the coinage of the trade-dollar after the act of July, 1876, it certainly will not be argued that as to those coined prior to that date and pursuant to the law of 1873, which made them a legal tender, the Government is not legally bound to either restore them to the same position they occupied as coins or redeem them in legal silver dollars.

Let me refer you to the report of the Director of the Mint for the year 1879, in which he gives the amount of trade-dollars coined each year from July, 1873, to July 22, 1876, when the joint resolution was passed taking away from those coins their legal-tender quality.

The Director of the Mint gives 15,631,000 trade-dollars as having been coined during that period, and it was the only silver dollar of the United States that was coined, and it circulated as money, and only about $12,000,000 of this 15,631,000 trade-dollars were ever exported. It is claimed, however, that inasmuch as the trade-dollar was made by the Government for the purpose of export to foreign countries, we are under no obligation to redeem it; but the Government made it a coin, the only coin in the nature of a silver dollar that it was issuing, gave to it a legal-tender power, issued $15,600,000, and then repudiated them and demonetized them in the hands of the people. Now as to these coins will it be said, as a reason why they should not be redeemed, that they were intended for export? Read the law. Examine the coin. There is no word in the law and no mark upon the coin which reveals to the holder any such intention on the part of Congress. For three years prior to the 22d of July, 1876, the trade-dollar was the only silver dollar that was coined by the United States. It went into circulation at home because it was needed, and it remained in circulation, as it would be to-day had not Congress destroyed it and left it a worthless token in the hands of the holders.

Suppose, for the sake of the argument, they were intended for export. As about eight millions are in this country to-day, it is very evident all that were coined were not exported, or, if exported, have returned to the country, and hold the same attitude and relation to the Government as do those that never left the country. This is true also as to the entire issue prior at least to July, 1876. As to those coined after the legal-tender quality was taken away, the equities involved are all on the side of the holders, the coin getting into circulation through the failure of the Government to so stamp the coin as to leave no chance for deception as to its status. We are brought to the conclusion, then, that both in law and equity the holder of the trade-dollar has the right to demand its redemption by the Government.

Now one word as to the bill under consideration, and to this I wish to call the attention of the Senate only for a moment.

It proposes to give the holders standard silver dollars in exchange for trade-dollars not defaced or mutilated. This is in accordance with existing law as to all defaced or mutilated coins of either gold or silver, and therefore works no injustice in this case. Moreover, a large proportion of the trade-dollars coined by the United States were exported and have been accepted and stamped by other nations as their own coin, and in this way became a part of the circulation of that country. A recent careful investigation reveals the fact that but few of our trade-dollars are found in the marts of trade in China and elsewhere; and as they were of greater intrinsic value than the coin there in circulation, it favors the presumption that they are being hoarded or have found their way to the melting-pot. In any event, it is not probable that any considerable number of them will find their way back to the United States in a condition requiring the Government to redeem them under this provision of the bill.

Therefore I assume that perhaps no more than eight or ten million trade-dollars are to-day in existence that will be returned to and demand exchange from the Government.

The next section provides for their recoinage into standard silver dollars, but in such limited quantities as will not perceptibly affect the operations of the Government in the purchase of bullion for the coinage of standard silver dollars or increase the number coined.

The last section relates to an entirely different subject, and one of vast importance at this time.

It provides for an international conference and legislation to enforce its decress, assuming "that, gold and silver being proper metals for coinage," their relative value can be best ascertained and rendered stable by conference and co-operation with other leading commercial nations. That such an agreement, considering the experience of the past in this direction, is possible no one will attempt to assert, but no Senator, whatever his views upon the subject of a double standard, can doubt the wisdom of this proceeding, so far as it relates to the conference itself. In case, however, no agreement is reached, the bill proposes to suspend the coinage of the silver dollar on and after August 1, 1886.

The effect of this provision can not fail to have some influence upon the final determination of the conference touching the double standard, to say nothing of the good effect such a suspension will have upon the financial condition of our own country, considering as we must the present low and lowering value of silver bullion. Before August, 1886, we shall have about two hundred and fifty millions of silver dollars in the Treasury vaults; and I submit to every Senator, whatever may be his views about the silver dollar, if it be not the part of wisdom to pause and take our reckoning anew before committing the Government irrevocably to a monetary policy which in the judgment of many of the best financial minds in the country leads to ultimate disaster and ruin. This is the simple issue presented here. If the conference fails, the bill simply asks that we wait and consider well our next step before taking it.

That is all there is in the legislation here proposed, Mr. President; first to pay the obligations of the Government with respect to its own coin, the trade-dollar; the next step, that the trade-dollar shall be sent to the mints and coined into the standard dollar, and shall not be again issued; that the amount thus received shall form part and only a small part under the provisions of this bill of the $2,000,000 of bullion which the Government under the act of 1878 is allowed or required to purchase and make into standard dollars monthly.

As to the other section of the bill, an international conference is provided for again, to get the states of the Latin Union, the commercial states of Europe, to act conjointly with us in an attempt to keep silver and gold at par with each other and to make the two metals run side by side in doing the business of the world. In the event, however, that the conference fails, it is proposed to discontinue the coinage of the standard silver dollar; and it is proposed in this bill to give notice, in advance of such conference, to every other nation that we have tried it; that the United States alone can not maintain the equality of these two metals, and that we do not propose to try to do it longer.

Mr. BOWEN. Mr. President——

Mr. PLUMB. I ask the Senator from Colorado if he desires to go on with his remarks at this late hour?

Mr. BOWEN. No; I prefer to say what I have to say to-morrow.

The PRESIDING OFFICER. The Senator from Colorado will be entitled to the floor when the consideration of the bill shall be resumed to-morrow.

Mr. PLUMB. I move that the Senate proceed to the consideration of executive business.

Mr. BECK. Before that is done I desire to say a word, if the Senate will allow me.

Mr. PLUMB. I withdraw the motion.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. BECK. It has been stated by the chairman of the committee, and by the member of the Committee on Finance from New Jersey, that this was the report of the Finance Committee. It is in one sense, and yet it was understood and agreed among us all that there was hardly a provision in it that has the concurrence of a majority of the committee. The fifth and sixth sections did barely have a majority, and other sections were also opposed. I desire the Senate to understand that this is not a unanimous report by any manner of means.

That is all I desire to say now.

INAUGURATION CEREMONIES.

Mr. HARRIS. I desire to submit at this moment a conference report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, and 7; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment; and the Senate agree to the same.

ISHAM G. HARRIS,
JOHN J. INGALLS,
AUSTIN F. PIKE,
Managers on the part of the Senate.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the report of the committee of conference.

The report was agreed to.

ORDER OF BUSINESS.

Mr. BLAIR. I desire to ask the Senator from Vermont or any one

in charge of the pending bill to allow it to be laid aside informally at this time, in order that the contract-labor bill, House bill 2550, of which I spoke some time ago, may be considered at this time. The bill is a short one. I do not think it will excite discussion. I think it can be very readily disposed of this evening. I ask that the pending order be informally laid aside that it may be now considered.

The PRESIDING OFFICER. What is the Order of Business?

Mr. BLAIR. Eight hundred and sixty-three.

Mr. MCPHERSON. I do not see the chairman of the Finance Committee in his seat. I would ask the Senator from New Hampshire not to displace the pending bill.

Mr. BLAIR. My request was that it be laid aside informally that the bill to which I referred might be considered.

Mr. MCPHERSON. This bill being the continuing business.

Mr. PLUMB. I do not believe the bill which the Senator from New Hampshire has charge of will be able to get through as readily as he thinks, although I am not aware of any opposition to it on my part. I am in favor of it with some amendments; but it is very late now, and we shall get into some wrangle about it if it is taken up. He might as well let it go over until to-morrow, I think, and therefore I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Kansas moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 4, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

Mr. BELFORD, representing the State of Colorado, appeared and took his seat.

REPORT OF COAST AND GEODETIC SURVEY.

The SPEAKER *pro tempore*. The Chair will lay before the House, under the statute, for reference to the Committee on Printing, a concurrent resolution of the Senate, which the Clerk will read.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 30, 1885.

Resolved by the Senate (*the House of Representatives concurring*), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

CORRECTION OF ERROR IN ENGROSSED BILL.

The SPEAKER *pro tempore*. The Chair will ask consent of the House to submit also at this time a House bill, which has been recalled from the Senate by the action of the House for the purpose of correcting a clerical error, the title of which will be read.

The Clerk read as follows:

A bill (H. R. 691) for the relief of William W. Thomas.

IN THE SENATE OF THE UNITED STATES, *January* 30, 1885.

Ordered, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 691) for the relief of William W. Thomas.

The SPEAKER *pro tempore*. The Clerk will report the corrections to be made in this bill.

The Clerk read as follows:

It is proposed to strike out in line 13 the words "June 30" and insert "March 3;" in line 14 strike out "64" and insert "65;" in lines 20 and 21 strike out "June 30" and insert "March 3;" in line 22 strike out "65" and insert "64;" in line 27 strike out "80" and insert "60;" so that it will read as follows:

"*Be it enacted, &c.*, That the Secretary of the Treasury be authorized and directed to pay to William W. Thomas, of Portland, in the State of Maine, the sum of $309 (being the amount of coupons of United States bonds lost by him, and now unpaid, namely, coupons due December 15, 1867, of five-hundred-dollar 7.30 notes, numbered 132909, 132911, 142262, and 142268, act of March 3, 1865, dated June 15, 1865; also coupons due January 15, 1868, of one-thousand-dollar 7.30 notes, numbered 24199, 24204, 39406, and 64136, act of March 3, 1864, dated July 15, 1864; and coupons due January 1, 1868, of bonds numbered 1437, 86826, and 86827, for $1,000 each, act of July 17, 1861), upon said Thomas giving a bond of indemnity in double the amount to be paid, with sureties satisfactory to the Secretary of the Treasury."

The SPEAKER *pro tempore*. If there be no objection these corrections will be made in the bill, and the same will be returned to the Senate as corrected.

There was no objection, and it was ordered accordingly.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Under the rule of the House adopted on yesterday, which the Clerk will now read, the order of business for to-day is changed.

The Clerk read as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the calendars of the House, or on the Speaker's table, or bills favorably reported from the calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least ten members. But no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally divided between the supporters and the opponents of the measure. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. The morning hour begins at seventeen minutes past 12 o'clock.

PUBLIC BUILDING, COUNCIL BLUFFS, IOWA.

Mr. PUSEY. Mr. Speaker, under the operation of the rule adopted on yesterday, I ask consideration of the bill (H. R. 441) for the completion of a public building at Council Bluffs, Iowa.

The bill was read at length.

Mr. PUSEY. I ask the reading of the letter of the Secretary of the Treasury in this connection showing the necessity for the construction of this building.

The SPEAKER *pro tempore*. The first question is, Shall the bill be considered?

Mr. HOLMAN. What constitutes an objection to the consideration of a bill under this rule?

The SPEAKER *pro tempore*. The Chair will state that under this rule a bill called up in its proper order shall be immediately considered unless there shall be objection made by ten or more members to its present consideration.

Mr. HOLMAN. Does not the objection come in after the bill has been considered?

The SPEAKER *pro tempore*. The Chair will state that the rule is imperative and clear in its language that the bill shall be considered unless the objection of ten members shall be interposed. The bill is read in the hearing of the House in order that members may determine whether or not they will object to its consideration under the rule.

Mr. HOLMAN. But is it not proper, prior to asking objections to the consideration of the bill, that the report should be laid before the House in order to inform the House as to the nature of the measure proposed to be considered?

The SPEAKER *pro tempore*. The Chair thinks that the report could only be read within the time allowed for debate under the rule. It forms no part of the bill itself, and is not necessarily read, and can not be read, except by unanimous consent, prior to asking objection of the House to the consideration of the measure. If the report shall be first read, it would be in the nature of debate, and it would then be too late to object to the consideration.

Mr. HOLMAN. I hope I will be indulged for a moment further. Under the system of rules formerly prevailing in the House when the House was in Committee of the Whole House on the Private Calendar a single objection was sufficient to postpone the consideration of a measure. It was held by the Speaker, as I now remember, that the reading of the report might be demanded before objection was called for.

Mr. DUNHAM. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNHAM. I ask if this hour is to be taken up in the consideration of the rule?

Mr. RANDALL. Oh, yes. This is a question as to its effect.

The SPEAKER *pro tempore*. The Chair will state that five minutes is allowed, under the rule, for debate for and against the measure which is proposed to be considered. The Chair knows of no rule under which the gentleman from Indiana is proceeding except by unanimous consent, which will be charged to the time allowed for debate upon the measure proposed.

Mr. HOLMAN. But certainly this time occupied on a question of order, to ascertain the meaning and application of the rule, would not be charged to the hour.

The SPEAKER *pro tempore*. The Chair did not understand the gentleman as rising to a question of order.

Mr. HOLMAN. I am insisting that, according to the practice heretofore prevailing in regard to objections of a similar character, the report should be read before the question of objection shall be submitted. That was the practice heretofore in the case already mentioned, where a single objection postponed the consideration of a measure, and it was held that the reading of the report preceded the call for objection.

The SPEAKER *pro tempore*. The Chair does not think the point of order is well taken. The Chair knows no rule of the House requiring the reports accompanying a measure to be read, nor of any practice of the House which allows it to be taken otherwise than as a part of the debate upon the proposition.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I desire to know whether under the present rule this bill, the consideration of it being objected to by the requisite ten members, on the next morning hour can be again called up?

The SPEAKER *pro tempore*. That is not a parliamentary inquiry, and the Chair does not feel called upon to respond to the gentleman's question. The question is whether there is objection to the consideration of the bill.

Mr. STORM. How is that to be arrived at?

The SPEAKER *pro tempore*. The Chair has stated in as distinct language as it can command that objection must be interposed by at least ten members before the proposition to consider the measure is defeated.

Mr. STORM. How is the objection to be signified?

The SPEAKER *pro tempore*. The Chair will ask members objecting to rise, and it will then be ascertained if the bill is objected to by the requisite number. As many as object to the present consideration of the bill will rise and remain standing until counted.

More than ten members rose.

The SPEAKER *pro tempore*. Evidently more than a sufficient number have risen to object, and the bill is withdrawn.

Mr. WELLER. I now rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. I wish to inquire if the Speaker has made a decision which will govern the House in signifying objection.

The SPEAKER *pro tempore*. The Chair will state such has been the decision made.

PAY OF GRADUATES OF NAVAL ACADEMY.

Mr. THOMAS. I call up for consideration the bill (H. R. 7752) to equalize the pay of graduates of the Naval Academy.

The bill was read.

Mr. WARNER, of Ohio. I wish to inquire of the Chair if ten minutes are allowed for debate before objections are called for.

The SPEAKER *pro tempore*. Five minutes are allowed on either side, and the Chair will state to the gentleman from Ohio, as the Chair has already stated, that after debate it is too late to object. Is there objection to the present consideration of this bill?

More than ten members objected.

PUBLIC BUILDING AT FORT WAYNE.

Mr. LOWRY. I call up for consideration the bill H. R. 6412, a bill to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana."

The bill was read.

The consideration of the bill was objected to by the requisite number of members.

DAM ACROSS MISSISSIPPI RIVER.

Mr. NELSON. I call up for present consideration the bill (H. R. 6764) to authorize the Mississippi Water Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River.

The bill was read.

Mr. NELSON. I ask leave to make a brief explanation.

The SPEAKER *pro tempore*. It is the duty of the Chair to call for objections.

Mr. WELLER. There is an amendment which the gentleman from Minnesota has that doubtless will obviate any objections that gentlemen may have to the bill.

The SPEAKER *pro tempore*. The bill has been reported by the Clerk as it is proposed to be amended.

The consideration of the bill was objected to by the requisite number of members.

COMPENSATION OF UNITED STATES ATTORNEYS, ETC.

Mr. HERBERT. I call up for consideration the bill which I send to the desk.

The Clerk read the title of the bill, as follows:

A bill to amend the law in relation to the compensation of United States district attorneys and United States marshals, and for other purposes.

The SPEAKER *pro tempore*. The Chair will state this bill is not covered by the rule. It is a new bill not on any of the calendars or reported by the Committee of the Whole House to the House; nor is it on the Speaker's table. It does not belong to the class of bills embraced in the rule.

Mr. HERBERT. This is a bill reported last session by the Committee on Expenditures in the Department of Justice. It is a bill which passed this House.

The SPEAKER *pro tempore*. Will the gentleman from Alabama [Mr. HERBERT] furnish the number of the bill that it may be found on the Calendar if it occupies a position there?

Mr. HERBERT. I ask the Chair to permit me to complete my statement. This is the bill that passed this House last session on the sundry civil appropriation bill. It went to the Senate on that bill, and was stricken off because it was new legislation. It has been reported, and as I understand it comes within the terms of the rule. It is a bill which has been reported by the committee.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Alabama that the bill which he has sent to the Clerk's desk bears no number or information of its status on any calendar or on the Speaker's table.

Mr. HERBERT. But I have furnished the information to the Chair as to the status of the bill.

The SPEAKER *pro tempore*. The Chair must be governed by the Calendar of the House, and is informed by the Clerk that this bill is not on any of the calendars or on the Speaker's table.

Mr. HERBERT. There is nothing on the calendars that contradicts my statement. I state to the Chair this is the identical bill that was reported by the Committee on Expenditures in the Department of Justice last session; it is word for word exactly as it passed this House.

Mr. SPRINGER. I can explain this matter. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is being observed.

Mr. SPRINGER. I desire to state——

Mr. HOLMAN. I suggest there should be no debate allowed, or else the objection should be permitted to come in at the end of the ten minutes' debate.

The SPEAKER *pro tempore*. The Chair has already stated that when debate has been had on a bill it is too late to object. There is no debate now proceeding.

Mr. SPRINGER. I wish to make this explanation. This bill has been reported as the gentleman from Alabama states, and I desire to show that the gentleman from Alabama and the Chair are both correct. This bill was introduced anew this session, was referred to the committee of which I am chairman, and I am authorized to report it back and to move to suspend the rules and pass it. I have not had an opportunity of doing so as yet. The Chair is correct in stating the bill is not on any calendar, and the gentleman from Alabama is also correct in his statement.

Mr. WELLER. I understand that all this is proceeding by unanimous consent.

The SPEAKER *pro tempore*. The Chair does not think this bill which is sent to the Clerk's desk comes within the rule. The bill as sent to the desk does not enable the Chair or the Clerk of the House to find that it is either on the Speaker's table or on any calendar or reported to the House by the Committee of the Whole.

Mr. HERBERT. The Speaker will permit me to remark that it is only necessary to look at the records of this House to find that what I have stated is absolutely correct.

The SPEAKER *pro tempore*. The Chair is not questioning the accuracy of the gentleman's statement at all. The Chair has called upon the Clerk for information as to whether this bill, either upon its face or in fact as the Clerk is now enabled to examine his Journal, comes within the limit of the rule, and the Chair is informed that there is no such information to be had, either from a hasty examination of the Journal or from the bill which the gentleman has sent to the Clerk's desk.

Mr. HERBERT. Then, Mr. Speaker, I withdraw the bill for the present in order to give time for a full and proper examination, giving notice that I will call it up hereafter at the first opportunity.

ORDER OF BUSINESS.

Mr. PERKINS. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PERKINS. I desire to ask the Chair if by unanimous consent the rule under which we are now acting can be amended?

The SPEAKER *pro tempore*. It can not.

Mr. PERKINS. Not by unanimous consent?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. PERKINS. I desire to make another inquiry. Can a motion be entertained by unanimous consent to permit the objections to be interposed (if objections are to be interposed) after the ten minutes' debate?

The SPEAKER *pro tempore*. The Chair would say not. This rule expressly prohibits the Chair from entertaining a request for unanimous consent.

RELIEF OF WEST VIRGINIA TROOPS.

Mr. GOFF. I call up for present consideration a bill which has been reported unanimously by the Select Committee on the Payment of Pensions, Bounty, and Back Pay, the bill (H. R. 3462) for the relief of West Virginia troops acting under authority of the governor of the State.

The bill was read with amendments.

Objection to the consideration of the bill was made by the requisite number of members.

DRAWBACK ON DUTIES.

Mr. HEWITT, of New York. I call up for present consideration the bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported.

The bill was read.

Objection to the consideration of the bill was made by more than the requisite number of members.

JOHN P. PETERSON.

Mr. HENDERSON, of Illinois. I call up for present consideration the bill (H. R. 6270) for the relief of John P. Peterson.

The bill was read.

Objection to the consideration of the bill was made by the requisite number of members.

D. O. ATKINSON.

Mr. CASSIDY. Mr. Speaker, I ask unanimous consent to take up and pass the bill which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The Chair can not at this time entertain a request for unanimous consent.

Mr. CASSIDY. Under the rule, I mean.

The SPEAKER *pro tempore*. The Chair can not entertain a request for unanimous consent. The gentleman from Nevada [Mr. CASSIDY] asks the present consideration of the bill which he calls up, and which is the bill (S. 1455) for the relief of D. O. Atkinson.

Mr. WARNER, of Ohio. I ask to have the report in that case read.

Mr. CASSIDY. This is fully authenticated by the Post-Office Department, and it only provides for the payment of $170, due on lost vouchers.

Objection to the consideration of the bill was made by the requisite number of members.

Mr. CASSIDY. I will pay it myself if the Government can not afford it. [Laughter.]

REPORT OF HEALTH OFFICER OF DISTRICT OF COLUMBIA.

Mr. ROGERS, of New York. Mr. Speaker, I call up, for the purpose of correcting a clerical error, the joint resolution (H. Res. 288) authorizing the printing of 2,500 extra copies of the annual report of the health officer of the District of Columbia.

The joint resolution was read with Senate amendment.

Objection to its consideration was made by the requisite number of members.

ADJUSTMENT OF LAND GRANTS.

Mr. ANDERSON. I call up the bill (H. R. 6416) to provide for the adjustment of land grants made by Congress to aid in the construction of railroads in the State of Kansas.

The Clerk proceeded to read the bill. Before the reading was concluded,

Mr. ANDERSON. Mr. Speaker, I ask leave to withdraw that bill for the present.

Mr. WELLER. I object.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Kansas has a right to withdraw his bill.

Mr. WELLER. Then I rise to a parliamentary inquiry. Why call for objections?

The SPEAKER *pro tempore*. The Chair has not called for objections.

JOHN L. LAKE, JR.

Mr. BARKSDALE. Mr. Speaker, I call up the bill (H. R. 2331) for the relief of John L. Lake, jr.

The bill was read.

Mr. BARKSDALE. I ask that the report of the Committee on Claims on this bill be read.

Objection to the consideration of the bill was made by the requisite number of members.

ORDER OF BUSINESS.

Mr. LAMB. I move that the House adjourn——

The SPEAKER *pro tempore*. The gentleman from Indiana moves that the House adjourn.

Mr. LAMB. Till Judge HOLMAN is ready for the House to transact business.

The question being taken on the motion of Mr. LAMB to adjourn, there were—ayes 105, noes 105.

Mr. RANDALL. I call for tellers.

Mr. CONNOLLY. I call for the yeas and nays.

The yeas and nays were not ordered, only 37 voting therefor.

Mr. O'NEILL, of Missouri. Now let us have tellers on agreeing to the motion.

The question being taken on ordering tellers, they were not ordered—only 28 voting in favor thereof.

The SPEAKER *pro tempore*. On the motion to adjourn the ayes are 105, the noes 105; and under the rules the motion is not agreed to.

Mr. NEECE. I desire to take from the Speaker's table, by unanimous consent, a bill for reference to the Committee on Invalid Pensions.

The SPEAKER *pro tempore*. The Chair does not think it in order during the hour covered by this special rule to ask unanimous consent even for the reference of a bill.

DISTRIBUTION OF LAWS AND RECORD.

Mr. HENDERSON, of Iowa. I call up for consideration the bill (S. 2449) to provide for the distribution of the statutes of the United States and the CONGRESSIONAL RECORD to designated incorporated bodies, institutions, and associations within the several States and Territories.

The bill was read.

The consideration of the bill was objected to by the requisite number of members.

ORDER OF BUSINESS.

Mr. HENDERSON, of Iowa. I move that the House adjourn.

The question being taken on the motion, there were—ayes 41, noes 63.

Mr. HENDERSON, of Iowa. I call for tellers.

Tellers were not ordered.

So the motion to adjourn was not agreed to.

Mr. WARNER, of Ohio. I move that the House take a recess for fifteen minutes.

Mr. WELLER. I move to amend the motion by striking out "fifteen" and inserting "ten."

Mr. WARNER, of Ohio. I accept the amendment and modify my motion accordingly.

Mr. SPRINGER. I rise to a point of order. I desire to raise the question whether this hour, under the new rule, is not to be devoted to requests for the consideration of bills, and whether the time consumed in these dilatory motions is to be taken out of the hour allowed for this purpose.

The SPEAKER *pro tempore*. It is not the understanding of the Chair that the House, by the adoption of this new rule, robbed itself of its inherent power to adjourn or to take a recess.

Mr. SPRINGER. Nor do I so understand, but under the rule is not this hour to be devoted to the purpose designated? Otherwise this hour may be consumed entirely by motions to adjourn or other dilatory motions. It seems to me this rule has set apart one hour for a particular purpose, and if time be occupied for other purposes the time so consumed is not to be considered as a part of the hour. I make this point now, as the practice under this new rule to-day may control its construction hereafter. I submit that this rule is to be construed as having some meaning, and in such a way as to give the House some relief in the transaction of its business.

The SPEAKER *pro tempore*. The Chair does not agree with the gentleman in construing this new rule. The Chair thinks that the time the gentleman from Illinois [Mr. SPRINGER] is now occupying in discussing a point of order of his own raising must, under the rule, come out of the hour which the House has set apart. [Laughter.]

Mr. SPRINGER. I beg leave to differ with the Chair. If it is an improper construction to allow this hour to be consumed by motions to adjourn, &c., then certainly a point of order which may stop such a proceeding is a proper consumption of time.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The question being taken on the motion of Mr. WARNER, of Ohio, as modified, that the House take a recess for ten minutes, there were—ayes 9, noes 27.

Mr. WASHBURN and Mr. WARNER, of Ohio, called for tellers.

The SPEAKER *pro tempore*. No quorum having voted, tellers are ordered under the rule, and the Chair appoints the gentleman from Ohio, Mr. WARNER, and the gentleman from Minnesota, Mr. WASHBURN.

Mr. WASHBURN. I withdraw the point that no quorum has voted.

Mr. WARNER, of Ohio. I also made the point, and I insist upon it.

The tellers took their places, and the House proceeded to vote.

During the count by tellers the following proceedings took place:

Mr. STEELE. I call for the regular order.

The SPEAKER *pro tempore*. This proceeding is the regular order. The House is dividing.

Mr. STEELE. I make the point of order that the hour has expired.

The SPEAKER *pro tempore*. The expiration of the hour does not affect the taking of the vote on the motion for a recess.

Mr. WARNER, of Ohio. I withdraw the point of order that no quorum voted.

Mr. REED, of Maine. I renew the point.

The SPEAKER *pro tempore*. Upon this motion no quorum has yet voted. The Chair asks gentlemen to vote on one side or the other.

Mr. WARNER, of Ohio. I withdraw my motion for a recess.

Mr. HAMMOND. I make the point that the hour under the new rule has expired.

Mr. SPRINGER. In other words, the hour for obstructing business has expired.

The SPEAKER *pro tempore*. The motion for a recess is withdrawn; and the hour appropriated for the consideration of business under the new rule has expired. [Cries of "Regular order!"] The regular order is the call of committees for reports.

MORNING HOUR.

Mr. WILLIS. I move the morning hour be dispensed with.

The House divided; and there were—ayes 94, noes 55.

So (two-thirds not having voted in the affirmative) the morning hour was not dispensed with.

Mr. WILLIS. With a view to proceeding to the public business I withdraw the motion. [Cries of "Regular order!"]

The SPEAKER. The regular order is the morning hour for the call of committees for reports.

AMENDMENT OF RULES.

Mr. HOLMAN. I move the reference of this proposed change of the rules to the Committee on Rules.

The Clerk read as follows:

Amend the rule adopted on the 3d of February, 1885, as follows:

Strike out the words "but no bill or resolution taken up for consideration under this order shall be debated for more than ten minutes, which time shall be equally

divided between the supporters and opponents of the measures," and insert "not exceeding ten minutes' discussion, which time shall be equally divided between the supporters and opponents of the measure, and amendments shall be in order during such ten minutes."

Mr. HAMMOND. Does that lie over?

The SPEAKER *pro tempore*. It is referred to the Committee on Rules.

Mr. HAMMOND. I make the point of order that a motion to amend the rules is not a matter of privilege except on Monday.

The SPEAKER *pro tempore*. The Chair will state that under the rule it is, and under the uniform practice of the House, so far as the Chair is informed, it has always been held to be a privileged motion.

Mr. HAMMOND. I do not remember what the change has been, but it was held in the Forty-first Congress, by Mr. Blaine, then Speaker, it was not in order.

The SPEAKER *pro tempore*. If the gentleman desires it, the Chair will have repeated decisions made on this subject read.

Mr. HAMMOND. If the Chair is quite certain I withdraw the point of order.

The SPEAKER *pro tempore*. The Chair is quite certain.

Mr. HOLMAN'S amendment was referred to the Committee on Rules.

Mr. OATES. I move the following amendment to the rules for reference to the Committee on Rules.

The Clerk read as follows:

Resolved, That during the remainder of the present session of Congress the House of Representatives shall begin its sessions each day at 11 o'clock a. m.

Mr. OATES'S motion was agreed to, and the amendment was referred to the Committee on Rules.

PHINNEY & JACKSON.

Mr. REED, of Maine, from the Committee on Ways and Means, reported back favorably the bill (H. R. 689) for the relief of Phinney & Jackson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

DUDLEY HALL & CO.

Mr. REED, of Maine, from the Committee on Ways and Means, also reported back favorably the bill (H. R. 690) for the relief of Dudley Hall & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PEOPLE'S NATIONAL BANK, LAWRENCEBURG, IND.

Mr. HEWITT, of New York, from the Committee on Ways and Means, reported back favorably the bill (H. R. 7706) to authorize the Secretary of the Treasury to issue a duplicate certificate of deposit to the People's National Bank of Lawrenceburg, Ind.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZA J. RAY.

Mr. HISCOCK, from the Committee on Ways and Means, reported back favorably the bill (H. R. 6201) for the relief of Eliza J. Ray; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

LANDING GOODS, ETC.

Mr. GLASCOCK, from the Committee on Ways and Means, reported back with an amendment the bill (H. R. 2834) to amend certain provisions of chapter 4, title 34, Revised Statutes, relating to the movement of vessels and the landing of goods and personal effects; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS TENSAS RIVER, ETC.

Mr. SEYMOUR, from the Committee on Commerce, reported, as a substitute for the bill H. R. 7450, a bill (H. R. 8174) authorizing the construction of bridges across Tensas River, Boeuf River, and Bayou Bartholomew, in the States of Louisiana and Arkansas; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed; the bill H. R. 7450 being laid on the table.

ASTORIA AND WINNEMUCCA RAILROAD COMPANY.

Mr. SEYMOUR, from the Committee on Commerce, also reported, as a substitute for the bill H. R. 7652, a bill (H. R. 8175) to grant the right to the Astoria and Winnemucca Railroad Company to construct bridges over navigable water courses; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed; the bill H. R. 7652 being laid on the table.

CONFIRMATION OF TITLES.

Mr. COBB, from the Committee on the Public Lands, reported back favorably the bill (H. R. 8126) to confirm titles to lands in certain cases; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WATER ROUTE FROM LAKE MICHIGAN TO DETROIT RIVER.

Mr. ATKINSON, from the Committee on Railways and Canals, reported back favorably the bill (H. R. 4991) to provide for the survey of a water route to connect the waters of Lake Michigan with the Detroit River; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

NICHOLAS WITHAM.

Mr. LOVERING, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7612) granting a pension to Nicholas Witham; which was referred to the House Calendar, and the accompanying report ordered to be printed.

DANIEL B. RANDALL.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7903) granting a pension to Daniel B. Randall; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the following bills; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 565) for the relief of Benjamin E. Rowdybush;
A bill (H. R. 7424) for the relief of William Seamans;
A bill (H. R. 6281) granting a pension to Michael Lane;
A bill (H. R. 7027) granting a pension to James Smithpeter;
A bill (H. R. 7930) granting a pension to Silas S. White;
A bill (H. R. 2073) to restore to the pension-roll the name of Charles R. White; and
A bill (H. R. 6785) to restore to the pension-roll the name of Charles R. White.

MARIE LOUISE CRAVEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven; which, on his motion, was ordered to be referred to the Committee of the Whole House on the Private Calendar, and, with the adverse report, printed.

AMANDA ALLEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7938) granting a pension to Amanda Allen; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHARLES W. GREEN.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 6177) for the relief of Charles W. Green; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY W. HUGGINS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back the bill (H. R. 7735) for the relief of Henry W. Huggins; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HENRY BIEDERBICK.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7933) granting a pension to Henry Biederbick; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendation bills of the following titles; which were severally ordered to be laid on the table, and the accompanying reports printed, namely:

A bill (H. R. 7402) for the relief of Henry Cary Weir;
A bill (H. R. 988) to increase the pension of Annie S. Mellach;
A bill (H. R. 7263) granting a pension to Newell F. Osterhout;
A bill (H. R. 4193) granting a pension to John H. O'Brien;
A bill (H. R. 7099) granting a pension to Elizabeth Smith;
A bill (H. R. 5548) granting a pension to Derrick F. Hamlink;
A bill (H. R. 6181) granting a pension to Rachel Ann Johnson;
A bill (H. R. 8089) granting a pension to Reuben Jenkins;
A bill (H. R. 3726) granting a pension to Philander Carran;
A bill (H. R. 2417) granting an increase of pension to Mrs. Marie Louise Craven;
A bill (H. R. 2461) for the relief of Elizabeth Aurand; and
A bill (H. R. 7333) for the relief of Harriet P. Blake.

HENRIETTA M. SANDS.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back with an adverse recommendation the bill (S. 1286) for the relief of Henrietta M. Sands; which was ordered to be laid upon the table, and the accompanying report printed.

JAMES H. REID.

Mr. STOCKSLAGER, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 2068) granting a pension

to James H. Reid; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

HARRY H. G. KISLINGBURY AND OTHERS.

Mr. ROBINSON, of New York, from the Committee on Pensions, reported back with amendments the bill (H. R. 7618) granting a pension to Harry H. G. Kislingsbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SARAH DENNY RIPLEY.

Mr. STEELE, from the Committee on Pensions, reported back the bill (S. 150) granting a pension to Sarah Denny Ripley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

REFUND OF MONEY UNDER DIRECT TAX OF AUGUST 5, 1861.

Mr. PRICE, from the Committee on Claims, reported back with amendment the bill (H. R. 6047) to credit and pay the several States and Territories all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. WARNER, of Ohio. I ask, Mr. Speaker, the privilege of submitting a minority report to accompany the bill just reported from the Committee on Claims.

Mr. REED, of Maine. Does not that require unanimous consent?

The SPEAKER *pro tempore*. The Chair will state that it does.

Mr. REED, of Maine. How, under the new rule, can the Chair entertain the request for unanimous consent?

The SPEAKER *pro tempore*. The Chair will admit that under the rule adopted on yesterday the Chair does not think it could entertain the request for unanimous consent for the consideration of a measure. But the Chair does not think that under that rule it is precluded from entertaining a request for unanimous consent of this character. The Clerk will read that provision of the rule.

Mr. REED, of Maine. I wanted the Chair to pass upon it, as there is so much difficulty in doing anything by unanimous consent.

The Clerk read as follows:

Provided, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. It will be seen that under the rule the Chair is not precluded from entertaining the request for unanimous consent in this instance. The Chair hears no objection to the request of the gentleman from Ohio, and he will have permission to submit the minority report hereafter.

MRS. JULIA HARTLEY.

Mr. WOLFORD, from the Committee on Pensions, reported back the bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ELIZABETH FLEMING AND OTHERS.

Mr. ELLWOOD, from the Committee on Claims, reported, as a substitute for the bill H. R. 1140, a bill (H. R. 8176) for the relief of Elizabeth Fleming, Frances E. Robinson, and Mary and Margaret Johnson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed, the bill H. R. 1140 being laid on the table.

EXPENSES IN DEFENSE OF THE UNITED STATES.

Mr. GEDDES, from the Committee on War Claims, reported back with amendments the bill (H. R. 7919) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the amendments and accompanying report, ordered to be printed.

PAYMENTS MADE BY MISSOURI.

Mr. GEDDES, from the Committee on War Claims, also reported back with a favorable recommendation the bill (H. R. 2366) to authorize and direct the Secretary of the Treasury to cause to be examined certain vouchers of the State of Missouri for payments made since April 2, 1882, to officers and enlisted men of her militia forces for services rendered to the United States in the suppression of the rebellion, and to report to Congress; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALLOWANCE OF CLAIMS.

Mr. GEDDES, from the Committee on War Claims, also reported a bill (H. R. 8177) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department; which was read a first and second time, recommitted to the committee, and ordered to be printed.

WATER SUPPLY OF WASHINGTON.

Mr. WILSON, of West Virginia, from the Committee on the District of Columbia, reported back with a favorable recommendation the bill (H. R. 8140) to amend an act entitled "An act to increase the water supply of the city of Washington, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING OF NAVAL AND MILITARY REPORTS.

Mr, ROGERS, of New York, from the Committee on Printing, reported back with a favorable recommendation the joint resolution (H. Res. 292) authorizing the printing of certain naval and military reports; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PRINTING OF REPORT ON SPOLIATION CLAIMS.

Mr. BRATTON, from the Committee on Printing, reported back with a favorable recommendation a concurrent resolution of the Senate to print 3,000 copies of the communication of the Secretary of State containing a list of claims against France by reason of spoliations committed prior to the 21st day of July, 1801, of which 1,000 copies shall be for the use of the Senate and 2,000 for the use of the House of Representatives; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SHIPPING COMMISSIONERS.

Mr. LORE, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with amendments the bill (H. R. 8072) relating to shipping commissioners; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

DOCUMENTING VESSELS, ETC.

Mr. DINGLEY, from the Select Committee on American Ship-building and Ship-owning Interests, reported back with amendments the bill (H. R. 8071) to amend sections 4153, 4177, and 4371 of the Revised Statutes as regards documenting vessels and designating their numbers and tonnage; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of committees for reports has been completed. The Chair will ask consent that such gentlemen as were not in their seats when their committees were called be permitted to report now.

There was no objection.

J. P. BUSH AND M. GRIGSBY.

Mr. HERBERT, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 7766) for the relief of John P. Bush and Martin Grigsby; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORVILLE HORWITZ.

Mr. HISCOCK, from the Committee on Ways and Means (for Mr. BLACKBURN), reported back with amendments the bill (H. R. 734) for the relief of Orville Horwitz, assignee in trust of C. D. De Ford & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the amendments and accompanying report, ordered to be printed.

POSTAGE ON SECOND-CLASS MATTER.

Mr. MONEY, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 8178) to reduce postage on mailable matter of the second class; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

HONORABLY DISCHARGED UNION SOLDIERS, ETC.

Mr. MUTCHLER, from the Select Committee on Reform in the Civil Service, reported back with an adverse recommendation the bill (H. R. 7548) to prohibit the removal of any honorably discharged Union soldier, sailor, or marine, or the widow or dependent relative of any deceased Union soldier, sailor, or marine, from any office in the civil service of the United States except for specified cause; which was laid upon the table, and the accompanying report ordered to be printed.

Mr. MILLARD. I desire to give notice of the presentation of a minority report.

The SPEAKER *pro tempore*. The gentleman from New York [Mr. MILLARD] asks permission to file a minority report. The Chair hears no objection. The report will be printed with the report of the majority.

DESCRIPTIVE CATALOGUE OF GOVERNMENT PUBLICATIONS.

Mr. ROGERS, of New York. I rise to make a privileged report. I am directed by the Committee on Printing to report back with a favorable recommendation the joint resolution (S. R. 104) providing for the

printing and distribution of the Descriptive Catalogue of Government Publications.

Mr. WILLIS. I call for the regular order.

The SPEAKER *pro tempore*. This is a privileged report under the rule.

The joint resolution was read, as follows:

Resolved, &c., That there be printed and half-bound in leather, with the exception of the reserve sets, which shall be full-bound in leather, 6,600 copies of the Descriptive Catalogue of Government Publications, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House of Representatives; 4 copies for the library of the Senate; 12 copies for the library of the House; 60 copies, 50 of which shall be for foreign exchanges, for the Library of Congress; 2 copies for the library of the Executive Mansion; 40 copies for the Department of State; a copy to be sent to each legation of the United States abroad; 25 copies for the Treasury Department, including its bureaus; 20 copies for the War Department, including 1 for the library of the Military Academy at West Point; 20 copies for the Navy Department, including 1 for the library of the Naval Academy at Annapolis and 1 copy for the Naval Observatory at Washington; 25 copies for the Department of the Interior, including its bureaus, the Railroad Commission, the Geological Survey, and the Census Office; 818 copies to be delivered to the Secretary of the Interior for distribution to such libraries, not depositories of public documents, as shall be named for this purpose by each Senator, Representative, and Delegate in Congress; 10 copies to the Post-Office Department and its bureaus; 10 copies for the Department of Justice, including a copy for the library of the Supreme Court and a copy for the library of the Court of Claims; 2 copies for the Department of Agriculture; 2 copies for the Smithsonian Institution; 2 copies for the Government Printing Office; 1,000 copies to be bound and distributed with the reserved documents, and 50 copies for the use of the Joint Committee on Public Printing, to be distributed among those who have aided in the compilation of the work.

SEC. 2. That the Public Printer shall print 500 additional copies of the above-named work, to be half-bound in leather, and sold at 10 per cent. advance on cost price, to any person applying for the same, a notice stating the price to be inserted at least once a week in the daily edition of the CONGRESSIONAL RECORD until the edition shall have been disposed of.

SEC. 3. That all provisions of law under which any additional copies of the above-named work might be printed are, so far as they apply to the above-named work, repealed.

Mr. REED, of Maine. I wish to ask the gentleman from New York how large a volume will this be?

Mr. ROGERS, of New York. I do not know how large a volume it will be. It is a work which has been ordered by previous Congresses, and has been compiled under the direction of previous Congresses.

Mr. REED, of Maine. Does it come down to the present time?

Mr. ROGERS, of New York. Yes, sir; there is a report here, if the gentleman desires to have it read.

The joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REPORT OF SMITHSONIAN INSTITUTION.

Mr. ROGERS, of New York, from the Committee on Printing, also reported back with a favorable recommendation the concurrent resolution providing for the printing of the annual report of the Smithsonian Institution.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *January* 26, 1885.

Resolved by the Senate (the House of Representatives concurring), That the annual report of the Smithsonian Institution and National Museum for the year 1884 be printed, and that there be printed 16,060 extra copies; of which 3,000 copies shall be for the use of the Senate, 6,060 for the House of Representatives, and 7,000 for the Smithsonian Institution.

The concurrent resolution was agreed to.

Mr. ROGERS, of New York, moved to reconsider the motion by which the concurrent resolution was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

EVENING SESSION.

Mr. WILLIS. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. I move that at 5 o'clock to-day the House take a recess until 8 o'clock this evening; my object being to go on with the river and harbor bill.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moves that the House take a recess from 5 o'clock until 8 o'clock this evening.

Mr. ADAMS, of Illinois. Will not the gentleman from Kentucky [Mr. WILLIS] modify his motion to include the method of passing over certain items.

Mr. WILLIS. I will state to the gentleman and to the House that I have no objection to an understanding that none of the matters that are in dispute shall come up at the evening session, and, if this motion prevails, I am willing to agree that no item in the bill larger than $50,000 shall be considered at the night session.

Mr. REED, of Maine. Mr. Speaker, that is going to prevent the discussion of the bill, by preventing the attendance of members.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky is that at 5 o'clock to-day the House take a recess until 8 o'clock this evening.

Mr. KEIFER. Mr. Speaker, I want to know whether it is understood that no other business is to be taken up at this night session.

Mr. WILLIS. That is my intention in making the motion.

Mr. KEIFER. That no other business shall come up?

Mr. WILLIS. Yes.

Mr. KEIFER. Well, Mr. Speaker, let it be so understood.

The SPEAKER *pro tempore*. As the gentleman from Ohio [Mr. KEIFER] knows, that can be done only by unanimous consent.

Mr. KEIFER. I understand that; but I suppose there will be no objection?

The SPEAKER *pro tempore*. Is there objection to an understanding that no other business than the river and harbor bill shall be taken up at the session this evening? The Chair hears no objection, and it is so understood.

Mr. SPRINGER. I desire to say that these arrangements by which we guarantee that nobody will be present in the House at an evening session merely amount to a provision that nothing shall be done. Now, if we take a recess, and have an evening session, let it be done in such a way as to have the members of the House present, and let us do some business. What is the use of some of us coming here when others will not, and when the House will probably find itself without a quorum? I am willing to come here to-night, but I want to come for the purpose of transacting business. Therefore I suggest to the gentleman from Kentucky [Mr. WILLIS] that he had better modify his motion.

Mr. WASHBURN. Will the gentleman from Kentucky [Mr. WILLIS] agree to modify his motion?

Mr. PETERS. Mr. Speaker, I would suggest that the night sessions begin to-morrow night.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that at 5 o'clock this afternoon the House take a recess until 8 o'clock this evening, at which night session, by unanimous consent, there shall be no business transacted or considered except the river and harbor bill.

Mr. REED, of Maine. I object to that.

The SPEAKER *pro tempore*. Objection is made. Then the motion of the gentleman from Kentucky [Mr. WILLIS] is that at 5 o'clock this afternoon the House take a recess until 8 o'clock this evening.

Mr. BAYNE. Mr. Speaker, I suggest to my friend from Kentucky [Mr. WILLIS] that, instead of taking a recess and holding a night session, we come here to-morrow at 11 o'clock.

Mr. WILLIS. We can not do that without changing a rule of the House.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky that at 5 o'clock this afternoon the House take a recess until 8 o'clock this evening.

The question was taken; and there were—ayes 114, noes 25.

Mr. PETERS. I make the point that there is no quorum voting.

The SPEAKER *pro tempore*. The point is made that no quorum has voted. The Chair will therefore appoint tellers, and will designate the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Kansas, Mr. PETERS, to act as tellers.

Before the count was completed the demand for tellers was withdrawn; and the motion of Mr. WILLIS was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. HISCOCK. Mr. Speaker, in this connection I understood from the statement of the gentleman from Kentucky [Mr. WILLIS] awhile ago that certain points in the river and harbor bill were to be passed over at this night session.

Mr. WILLIS. Yes, sir. No gentleman need have the slightest doubt on that point. Only items under $50,000 will be considered.

Mr. WARNER, of Ohio. I call for the regular order.

Mr. WASHBURN. Mr. Speaker, do I understand the gentleman from Kentucky [Mr. WILLIS]——

The SPEAKER *pro tempore*. The Chair will state that this is a matter with which the House has no earthly concern, and the gentleman from Ohio [Mr. WARNER] has demanded the regular order.

RIVER AND HARBOR BILL.

Mr. WILLIS. Mr. Speaker, I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming consideration of the river and harbor bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on river and harbors, and for other purposes.

The Clerk read as follows:

Improving harbor at Rockland, Me.: Continuing improvement, $20,000.

Mr. KING. I move to strike out the last word.

Mr. Chairman, in the limited time allowed for discussion, under the rule, I would like to call the attention of this House to the character of attacks that have been made upon this measure. The enemies of this bill have put in the forefront objections to the improvement of the Mississippi River. For years the demand has come up from the central portion of this continent, from the country lying west of the great Ap-

palachian region, north of the Gulf and south of the lakes, for the improvement of this great national highway. In the beginning of the Forty-sixth Congress the law was passed creating a commission to be intrusted with this improvement. The criticisms now directed against this work come, I discover, first from Wisconsin. The gentleman who spoke on Friday last on this subject [Mr. PRICE] began his argument by endeavoring to prove that a part of the plan being executed by that commission is not only fruitless but uselessly expensive; and he stated in substance that this particular feature of the commission's work is the only object of the commission. I refer to his remarks regarding levees.

Mr. Chairman, in the act creating that commission for the improvement of this river not one word is said about levees. The title of the act reads thus:

An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters.

That body of scientific men has adopted certain plans for this improvement. Had we then known the wisdom of the gentleman from Wisconsin, possibly we would have induced the President to put him upon that body. All that he says is negatived by the opinion of these scientific men in charge of this work.

The distinguished gentleman from Maine [Mr. REED] says, without the slightest qualification, that this work is to cost $150,000,000. I have been astonished to hear on this floor statements embracing inaccuracies of the very wildest character; but never before have I known one so boldly made against a measure so meritorious as this, and purely with the object of prejudicing this body against it; for, sir, there is not one figure to sustain such a statement.

[Here the hammer fell.]

Mr. JONES, of Wisconsin, obtained the floor and said: I yield my time to the gentleman from Louisiana [Mr. KING].

Mr. KING. The gentleman from West Virginia [Mr. GIBSON], whom I do not now see in his seat, stated on this floor a few days ago that Mr. Eads had said this work would cost $100,000,000. Mr. Eads corrected him the next day by telegram, to the effect that he had never said this work would cost exceeding $30,000,000. There is no warrant, no authority whatever for the statement made by the gentleman from Maine; and the highest estimates I have seen for this work have not exceeded $45,000,000.

Mr. Chairman, it is an easy matter to rise here now with criticisms and complaints directed against the river and harbor bill. This has been made a convenient horse for every man to mount who wishes to create some popular impression in his own district against appropriations for the improvement of rivers and harbors. These bills are called "steals" and "log-rolling schemes." But I would call the attention of this House to the fact—and there is no possibility of its being negatived—that the bill called the river and harbor bill comes in here after more careful scrutiny than any other measure introduced into this House. First, a survey must be made; recommendations must come from the Chief of Engineers as to the amount of money that can be properly expended upon this work. These recommendations must be indorsed in turn by the Secretary of War and by the President of the United States.

No bill, I say, that comes before this House is more carefully drawn; yet no measure has been more maligned before the country. What has been the spirit prompting these misrepresentations regarding this measure? I can not here more than suggest that it is the vast transporting lines of railway which compete with the cheap freight ways; for we know that as rivers go down freights go up, and as freights go up rivers go down.

An attack has been made here on the purpose of this committee in the effort to improve the harbor of Galveston. No one can look at the vast population and territory now dependent upon that outlet to the sea without sympathizing with those men in their efforts to afford relief—a relief demanded for the purpose of furnishing food supplies and supplies for the manufacture of the commonest articles of daily necessity. Already we read that in the city of New York beef is too high for the poor man to eat. If you can get cheap ways of transporting meat from Texas I will guarantee that the people of that great city will not want for cheap beef.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WHITE, of Kentucky. I move to amend the amendment by striking out the last word.

Mr. Chairman, I desire to call the attenion of this Committee of the Whole to the fact that this bill is a worse bill than the river and harbor bill of 1882, which was vetoed by the President, by which veto the Democratic party was greatly benefited. I desire to call attention to the further fact that the Democratic party has changed front on this important question of internal improvements. I wish further to call attention to the fact that if this bill passes, the Democratic party, if it can do so, stultifies itself before the country. In the Democratic platform adopted at Chicago on the 10th of July last the Democratic party asserted that—

The Federal Government should care for and improve the Mississippi River and the other great water ways of the Republic, so as to secure for the interior States easy and cheap transportation to tide water.

Does this bill provide for no streams except the "Mississippi River and other great water ways?"

It was that very idea upon which the President of the United States wrote his veto message of 1882. That river and harbor bill appropriated $18,000,000, far less than recommended in the Engineer's Report, on the recommendation of the members of Congress who were invited to go before that committee and were patiently heard by the committee. Even such a distinguished Democrat as Senator BAYARD came before that committee to urge appropriations for streams in the little State of Delaware. The President's veto message was on the idea that in that bill were appropriations for catfish streams and for little trout streams.

I call attention of this Committee of the Whole and the country to the fact that this bill by the side of that dollar for dollar appropriates infinitely more for little catfish streams and little trout streams than the bill of 1882 did.

I call the attention of this committee and the House to the further fact that but for that veto message of the President of the United States, which put the idea before the country that a river and harbor bill was a great steal, and that members of Congress were thieves and were endeavoring to get certain appropriations for certain localities in order to elect or re-elect corrupt American citizens to the Congress of the United States—but for that idea inculcated by that veto message, Mr. Chairman, the Democratic party would not now be in power. You met in Chicago, through your chosen representatives——

The CHAIRMAN. The gentleman's time has expired.

Mr. STEELE. I will take the floor and yield my time to the gentleman from Kentucky.

Mr. WHITE, of Kentucky. I thank the gentleman from Indiana for his courtesy.

As I was saying, the Democratic party of this nation met in Chicago, through its chosen representatives, and avowed in its platform last July, for the first time, that it was in favor of the Government appropriating money for "the improvement of the Mississippi and other great water ways of the Republic."

Is the Big Sunflower one of the great water ways? [Laughter.] Is the Great Pee Dee one of the great water ways? Is the Suwanee River one of the great water ways? You not only do that but you have put in your bill appropriations to survey streams that have not been heard of even up to this day. Where is the Pond River in the State of Kentucky? Where is the Little River in the State of Kentucky, and where is the Little River in the State of Louisiana? Apply this criticism to other States and you will find this bill is a bill to survey creeks and bayous and little streams which can not in any sense be considered as great water ways of the Republic. This bill launches out not only to improve the Mississippi River and other great water ways, but proposes to discover streams which have not yet been discovered. If that is your theory, if that is your platform, I then ask you in what respect you differ from the old Whig party?

There is in this bill, as I shall attempt to show as we go forward, an utter disregard of the recommendation of the Chief of Engineers. If we are not to rely upon the recommendation of the Chief of Engineers, if your committee sitting with closed doors and not hearing what members on this floor, elected by the people of the several districts to represent their constituents, have to say on this subject, then who shall tell us how to prepare a bill which will give relief to the commerce of the country, which is the object sought in the passage of any just river and harbor appropriation bill?

I am one of those, Mr. Chairman, who believe there is but one true ground upon which to prepare a bill making appropriations for the improvement of rivers and harbors, and that is to prepare it in accordance with the needs of commerce, and if such a bill has to carry $35,000,000, and it is made up upon a true principle, I shall support that bill. But to state in a national platform one thing and then to prepare a bill upon an entirely opposite basis, and then to ask Congress to support it when Congress does not know how it was prepared—does not know what it contains—has not had an opportunity to learn by full and fair discussion, but only as each member has learned for himself by looking at the report of the engineers and bringing to bear on the subject the knowledge which we individually have of our several districts—I say, under these circumstances, Mr. Chairman, it is impossible to expect us to swallow this bill without having more light on it than we now have.

It was very proper that the chairman of this Committee on Rivers and Harbors should want to have night sessions when nobody would be here to discuss this bill or have its enormities pointed out.

And I want to call the attention of the House to another fact, that the Democratic party has made rapid progress. I should like to incorporate in my remarks a protest presented to a former Congress, signed by the chairman of this committee and by the Speaker of this Congress and by many others who have been converted to this important doctrine of the Whig party that internal improvements are for the benefit of the whole country.

[Here the hammer fell.]

Mr. WHITE, of Kentucky, by unanimous consent, withdrew his formal amendment.

Mr. HORR. I renew it. It is unnecessary for me, Mr. Chairman, to state to the members of this House that I am in favor of a judicious

river and harbor bill. I am also in favor of one that is built in a spirit of fairness toward all the great and all the small water ways of the country. For a stream which is national that needs only $5,000 is just as much entitled to it as one that needs $5,000,000, and should be as carefully looked after by the Committee on Rivers and Harbors as the larger work.

But, Mr. Chairman, I rose more for the purpose of calling the attention of the committee to the fact that this debate had drifted a little into sectionalism. It is not a part and parcel of this bill; and I was astonished at my friend from Texas, Judge REAGAN, who has had so much experience on this bill, that he should have taken part in that discussion in the manner in which he did. He undertook to claim that the States of Michigan and Wisconsin had received enormous sums of money in proportion to the other States.

Mr. REAGAN. I alluded to Wisconsin, not to Michigan, and then only in response to the gentleman from Wisconsin himself.

Mr. HORR. Then another gentleman mentioned Michigan, and I may be permitted to say that she is entitled to be mentioned in this bill, because she has got a large amount of necessities. But here is what I was coming to: My friend from Texas enumerated eight States which he compared with the State of Wisconsin, and claimed that that State alone had got more money from the Treasury of the United States than all of these eight States put together, and my friend, Mr. BLANCHARD, said that Michigan exceeded Wisconsin in the amount drawn from the Treasury for such purposes.

Now, Mr. Chairman, if the gentleman from Texas will stop for a moment he will see that in that list five of these States are States which the Mississippi River passes through in large part, or along the coast of them, and he will find that his estimate is perhaps inaccurate in one respect. Will he tell me what amount of the Mississippi River appropriations he has charged against these respective States? I ask this because when you come to compare the amount with Michigan, and estimate that she is to receive $8,000,000, you charge up to her the improvements on the Sault Saint Mary's Canal, on the Saint Clair Flats, and on the Detroit River, which amount to more than $5,000,000 of the $8,000,000 you charged to Michigan, whereas that is a simple thoroughfare for the commerce of Lakes Michigan, Superior, and Huron. Lake Superior touches, of course, upon Michigan, but the commerce of that great channel is the entire commerce of the West. Now I ask the gentleman frankly, if he charges $8,000,000 to Michigan, whether it would not also be fair to charge to these other States their proportion of the Mississippi River improvements?

Mr. REAGAN. If the gentleman from Michigan will confine himself to answering me, I would then be able to make response to his inquiry; but since he is discussing Michigan, to which I did not refer, I can not answer him.

Mr. HORR. But you gave the amount appropriated in Louisiana in your list, and I ask why is the amount appropriated for the Mississippi River improvements not to be charged to Louisiana on the basis of consistency, when you charge Michigan with all of the improvements that I have named?

Mr. REAGAN. Because the Secretary of War did it, and I take it from his figures submitted on the 14th day of January, 1884, in his report made to this House in answer to a House resolution.

Mr. HORR. But, Mr. Chairman, the Mississippi River is just as much a local enterprise as the Sault Saint Mary's Canal, and it should be charged to those States just as much as the other improvements I have mentioned in Michigan are charged to her.

Now, sir, I do not do this for the purpose of claiming that you charge too little or too much, and only state it to illustrate the fact that this is a national bill and not a State or sectional measure. I do not care which part of the country a harbor is in; if it needs improvement you should not inquire what State it is in, but simply whether it is a national work and needs improvement. I do not sympathize with the sensitiveness of some of my friends over here who object to telling what part of the country a specific improvement is in. If a member on this floor happens to state that a certain great expenditure is in a certain part of the country, they seem at once inclined to raise the cry of sectionalism. Why is it anything against the harbor because it happens to be in Texas instead of Michigan? It may be tough on the harbor, it is true, but it does not justify anybody in raising that as an objection. [Laughter.]

[Here the hammer fell.]

Mr. HISCOCK obtained the floor and yielded his time to Mr. HORR.

Mr. HORR. Now, Mr. Chairman, the great bulk of this bill has been prepared, in my judgment, with great care. There are things in it that I do not like. I object at present to the launching out on an expenditure of $750,000 for Galveston Bay. Why? It is not because I would not vote for it if I was satisfied that the harbor was capable of improvement, and that was the place to construct the harbor. But I am not satisfied that it is the place and I will state my objections to it. I was on the committee which appropriated over $200,000 for the improvement of that harbor. No man was clearer in his judgments or more complete in his demonstrations with reference to the possibility of that improvement than my friend from Texas. He was satisfied with the plan on which that money was being expended. He thought it was the one that would improve the great harbor at Galveston. He had back of him a gentleman, Mr. Mansfield, I believe. Am I correct in that?

Mr. REAGAN. Yes, sir.

Mr. HORR. Mr. Mansfield appeared before our committee, and I have heard some strictures upon him throughout this discussion; but for myself I may say that no one appeared before that committee, among all who appeared before it, who in my judgment seemed to have a cooler brain or clearer head than this Army engineer. He stated that he was sure of succeeding; and we gave, at the special instance of my friend from Texas, a large amount of money for Galveston Harbor, which they tell us now, for all purposes of improvement, might just as well have been dumped into the sea. Now, I want to stop dumping money at Galveston until we know what we are about. They need an adequate harbor on that coast. I am in favor of the United States Government proceeding with that work when it has been determined that Galveston is the best place for it. When that is done I am for Galveston. But we do not know yet about it.

I am at a loss because good engineers differ about it. Is there not some other point on that coast where those quicksands are not so terrible as they are at that harbor? We have already sunk in that harbor a good deal more than a million dollars. How much more water have you got now than there was before you commenced that process?

Mr. OCHILTREE. Three inches.

Mr. HORR. About three inches, says my friend from Texas. That is an expensive process; a million dollars for each inch.

Mr. OCHILTREE. Three hundred thousand dollars for each inch.

Mr. HORR. I believe that that harbor is such a one that such an expensive work should never be commenced upon it until we have had careful investigation and know what we are about. Who has made this careful investigation to offset the theory of the Government engineers, which they have been working on for the last ten years? What body of men have made this examination? I am told there are harbors on the coast of Texas where these sand shoals can be avoided. I am told there are outlets where railroads center. If that is true, let us seek one of those places and improve it. If Galveston is the place, I am for Galveston.

[Here the hammer fell.]

The committee informally rose; and the Speaker *pro tempore* resumed the chair.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate insisted on its amendments to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, agreed to the conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HARRIS, Mr. INGALLS, and Mr. PIKE as the conferees on the part of the Senate.

The Committee of the Whole resumed its session.

RIVER AND HARBOR APPROPRIATION BILL.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HORR. I withdraw it.

Mr. REAGAN. I renew the amendment. I will notice the last point made by the gentleman from Michigan [Mr. HORR] first. He seeks to prejudice the present appropriation because of my urging an appropriation under a different plan, and because he said that I recommended that plan as the right plan. Well, sir, his statement is all right with this understanding in relation to it that I am not an engineer. I have never given opinions as an engineer because I am not an engineer. I took the reports of the Secretary of War and the local engineers and accepted them as good authority. Upon their making the recommendation the gentleman speaks of I approved and did what I could. It is right to say the gentleman from Michigan was fair generally in reference to appropriations of that kind.

But the gentleman from Michigan takes me to task for giving a sectional cast to this debate. Why, Mr. Chairman, I served upon that committee for eight years. I have had a considerable part in the formation of every bill for the improvement of rivers and harbors which was gotten up during those eight years. During that time I was never governed by sectionalism. I was as liberal and as earnest in the improvement of the water ways connected with the great lakes as I was in reference to the improvement of the water ways in any other part of the country. I believed the Sault Saint Mary's Canal to be a great and necessary national public work, and I supported large appropriations for it. I believed that the deepening of the shoal water at Detroit was a great and necessary national work, and I approved it. I was never governed by sectionalism, and I have no feeling now that prompts me to be governed by sectionalism.

It seems to me, with all deference to the gentleman, that it would have been more proper for him to have rebuked the gentlemen on his own side of the House who introduced this sectionalism and made a point out of it than to have attacked me for it.

I desire to say another word on that subject, for I mean that gentlemen shall understand when they assail the work at Galveston on the

ground of sectionalism that they shall have the benefit of the assault they make. I do not mean that this fight shall be all on one side, as gentlemen will learn before they get through. The gentleman who raised this cry of sectionalism, the gentleman from Wisconsin [Mr. PRICE], has had from first to last for the improvement of the Fox and Wisconsin Rivers, in his State, $2,280,750 93. There has been that expenditure on a work that will never be completed, and that the engineers have more than once said could not be completed according to the original plan on account of the quicksand shoals on the Wisconsin River. But by some sort of juggling between the State and Federal authorities these two millions and nearly three hundred thousand dollars have furnished a great deal of valuable water-power for private parties to use.

Mr. REED, of Maine. May I ask the gentleman a question?

Mr. REAGAN. Yes, sir.

Mr. REED, of Maine. When did we originate that scheme?

Mr. REAGAN. More than a dozen years ago.

Mr. REED, of Maine. There have been none like it lately?

Mr. REAGAN. That work has been appropriated for year after year for the last ten or twelve years.

Mr. REED, of Maine. There have been no new schemes of that kind lately.

The CHAIRMAN. The time of the gentleman from Texas [Mr. REAGAN] has expired.

Mr. MCADOO. Mr. Chairman, the Committee on Rivers and Harbors, to say the least, acted very injudiciously in not allowing a more full discussion on the bill. This is a very important measure, and every member of the House who has any views should have an opportunity to express them. I personally am in favor of the legitimate improvement of the water ways of the country, and more especially now when so many people are unemployed and business depression prevailing.

As to the provisions of the bill, I think that such rivers as the Mississippi and Tennessee and others, if possible and practicable, should be improved, but there are great projects in the bill which are open to very severe criticism. Among these I shall speak first of the appropriation for the improvement of the harbor at Galveston. I have no doubt that James B. Eads is a man of superior ability, but I am loath to admit, after all that has been said in his favor on the floor of this House, that the Almighty should have called in Mr. Eads when he planned this continent. [Laughter.] After hearing my eloquent friend from Louisiana [Mr. BLANCHARD] in his chaste and Chesterfieldian way pay such a beautiful tribute to Mr. Eads, I looked in the book of Genesis to see if Mr. Eads's name was not as plentifully sprinkled through that book as it is in this bill [laughter], and disappointed in my researches I respectfully suggest to the learned and reverend gentlemen who are now revising the sacred volume that it might be improved in that respect.

Mr. Chairman, what does this bill propose to do as far as Galveston is concerned? Why, sir, we are giving Mr. Eads the harbor and the United States Treasury—giving him the harbor to do what he likes with it, and giving him the Treasury to pay him for doing it. [Renewed laughter.]

It is a matter of speculation. It is a question on which engineers have differed and disputed and still dispute. Millions already expended have produced little or no results, and we have only Mr. Eads's word for it that seven or eight millions more will insure a success.

Another thing: We have an Engineer Corps in our Army. It is supposed to be the very cream of the service. Men are admitted into it by reason of their superior capacity and fitness. Now, sir, is not the Galveston provision in this bill tantamount to saying that the members of our Engineer Corps are unfit for their positions? If the members of the Engineer Corps are incapable of coping with this problem, then let the corps be abolished, and let us give the whole business of internal improvements over to Capt. James B. Eads. If they are incompetent and unreliable at Galveston, can they be trusted at New York or Charleston? Of what value are their opinions or decisions on any improvement? Nearly all the legislation in these bills is founded upon their opinions and recommendations, so that if we now pronounce them unreliable the rest of this bill is under grave suspicion.

Mr. Chairman, in the limited time allowed me I am obliged to deal very hurriedly with the provisions of this bill; but there is another item to which I object—the appropriation for the improvement of Big Sandy Bay in Massachusetts, for making a "harbor of refuge" there, a sort of a marine boarding-house, an oceanic Yellowstone Park, where the wanderers of the sea can run in and enjoy themselves and admire the princely liberality of our Government in providing this beautiful harbor for them. Why Sandy Bay when you have Boston and Portland? Are mariners afraid of the culture of the one and the lack of refreshments in the other? So far as this bay is concerned, there is no definite plan proposed, and there is no need for the work. If you are going to build a harbor of refuge on the New England coast, why not build one also on the New Jersey coast south of Sandy Hook? But I for one can not agree, when our rivers, our great national highways, need legitimate improvement and are asking for aid, that we are called upon to expend the national funds to build harbors of refuge on the New England coast.

Then as to the item of the improvement of the Mississippi River, it is very strange that after the many years that we have been expending money on improvements of that river there is scarcely an instance in which those improvements have withstood the floods that periodically sweep down the bed of the mighty stream.

If we are to improve the Mississippi, why not take a sufficient sum and make one direct test case as to the best plan of improving that river, instead of appropriating $100,000 one year, $200,000 another year, $1,000,000 another year, and so on, to be sprinkled all along the stream? Let us have a fair scientific test made of what can be done before we are called upon to make these appropriations. At the last session of Congress such a proposition was voted down by friends of this bill.

Mr. ELLIS. It has been made.

Mr. MCADOO. I doubt it.

Mr. ELLIS. It has been made, and has succeeded.

Mr. MCADOO. Let that test be made, Mr. Chairman, and then if you find that the Mississippi River can be improved on that plan, I for one am willing to vote sufficient money to improve the entire great stream. The whole country is interested in the improvement of this free, natural highway, which in its freedom for commerce and travel rivals the railroads and cheapens every product to the consumer. But so far in the works made upon and along its course the awful forces of nature have not been successfully curbed by scientific experiments. Let us do for it whatever is practicable and necessary, but avoid expenditures which are blind ventures and bring no beneficial results.

[Here the hammer fell.]

Mr. WARNER, of Ohio. Mr. Chairman, I move to strike out the last word, and I yield my time to the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Now, Mr. Chairman, under the shadow and protection of these great schemes we find a host of little fellows creeping in. We are making these appropriations under what authority? Under the clause of the Constitution which says that we shall have power to regulate commerce between the States. It would seem that a stream of sufficient importance to make its improvement a national matter ought to be known to members of this House generally, but I venture to assert that if my distinguished friend from Indiana, who sits on my left [Mr. HOLMAN], and who is one of the best informed men in the country, were before the Civil Service Commission for examination he could not tell a thing about the Yallabusha [laughter] or about the Scoma Loosha. I venture to say that he could not tell whether the Scoma Loosha is a continuation of the Yallabusha, or whether the Yallabusha is a continuation of the Scoma Loosha. [Renewed laughter.] Yet, Mr. Chairman, under the provision of the Constitution to which I have referred, we are called upon to make a considerable appropriation for the improvement of the Yallabusha. [Laughter.] Then, sir, looking through this bill to find the Yallabusha, I come to the Salkehatchie, Waccamaw, Wapoo Cut, Wateree, Coosa, Caloosahatchee, Choctawhatchee, Withlacoochee, Big Sunflower, Noxubee, Tallahatchie, Tchula Lake, Chifuncte, and the Boeuf—which latter, I suppose, runs soup—together with the Stielaquamish, the Hiawassee, and the universally known Hay Lake. Here, for example, is an appropriation for the improvement of the Wateree. Now, sir, the Wateree is not a river at all, it is a lumber yard.

On that subject I refer gentlemen to the report of the War Department, which states that there is no channel there—that it is a mere "net-work of logs." That being so, the proper way to improve and protect the Wateree would be to send down a couple of fire-engines to see that the river does not burn up. [Renewed laughter.] The report, however, adds that here we can profitably—to what or whom we must conjecture—spend a handsome sum of money.

Then here is Romerly Marsh. Now I venture to say that very few gentlemen know on what part of the map to find Romerly Marsh; yet we are called upon to make an appropriation for its improvement under our constitutional authority to regulate commerce between the States.

Although I have looked over the most modern atlas, I was unable to find Romerly Marsh, not even on the beautiful map which the friends of the Hennepin Canal have kindly presented to me. It is modestly mentioned in the Engineer's report, and appears to be a canal, to begin work on which the Florida and Georgia Steamboat Company kindly donated $5,000. So far as it is concerned the bill is a misnomer, for it is neither a river nor a harbor, but a canal to be cut through a marsh. I am in doubt whether it is a private and local enterprise or a matter of real interstate commerce.

Here is the Gasconade, this blustering stream which meanders through the sylvan shades of the State of Missouri. I find on turning to the report of the War Department this significant language:

The only work done on this stream—

Says the report of last year—

was in the office, because there was not sufficient appropriation.

Now, it is a problem such as confronted the philosopher when he saw a calf's tail sticking through a knot-hole, as to whether they brought this boastful and vaunting stream, the Gasconade, into the office and improved it there, or whether their profound minds in the precincts of the sanctum cogitated plans how to improve it without the office.

Yet this is just the class of little fellows that creep in under the shadowing protection of this gigantic scheme about Galveston Harbor, and this harbor of refuge on the New England coast, and this improvement of the Mississippi. These modest, retiring little fellows coming in, each walk off with a bag of United States coin to the tune of five, ten, or fifteen thousand dollars, or $100,000, or even much more.

Why, sir, here is the Big Sunflower. I spent some time examining Mitchell's Atlas to find out where this flowery and æsthetic stream hid itself.

[Here the hammer fell.]

Mr. BELFORD. Mr. Chairman, I move the amendment which I send to the desk.

The Clerk read as follows:

After "dollars," in line 10, insert:

"That the Secretary of War is hereby authorized and directed to appoint a commission, to consist of two officers of the Engineer Corps of the Army and one from civil life, to make surveys for the construction of reservoirs on the Poudre, Platte, and Saint Vrain for the storage of surplus water to be used in irrigating and reclaiming the public lands located in the State of Colorado, and to report the probable cost of the construction of such work; and the sum of $20,000 is hereby appropriated to defray the expenses of such commission."

Mr. WILLIS. I make the point of order on this amendment.

Mr. BELFORD. Well, I hope my friend from Kentucky will reserve his point of order until I can be heard upon this amendment.

Mr. WILLIS. I will reserve the point.

The CHAIRMAN. The gentleman from Kentucky asks leave to reserve points of order on this amendment until the gentleman from Colorado [Mr. BELFORD] has been heard. Is there objection? The Chair hears none.

Mr. BELFORD. Mr. Chairman, this is the only bill before the Committee of the Whole on the state of the Union in which my section of the country has no "pork" whatever. I have but one single objection to this bill of my friend from Kentucky, which I shall vote for; and that is, he has not made the slices of "pork" sufficiently large.

I want to tell you gentlemen who have undertaken the contract of wringing out and sweeping the carpet on which Republicans have walked for the last twenty-five years, what you ought to do with the appropriations of this Government. You have in the Treasury of the United States to-day—[laughter]—oh, yes; this is the old story, "unlock the Treasury;" but wait till I get through with it. You have in the Treasury of the United States to-day $145,000,000 of available cash. [Laughter.] Not one dollar of that sum is expended by this administration. [At this point Mr. BELFORD walked over to the Democratic side of the House.] I want to get over here and talk to my friends. [Laughter.]

In the last Congress Mr. Speaker CARLISLE, a man whom I profoundly honor on account of his justice, his integrity, and his impartiality, introduced in this House a bill to refund the national debt at 3 per cent. You can all readily recall the filibustering we had in this House at that time, and you can also readily recall the fact that on every vote in that filibustering epoch I stood up with you Democrats like a lone pine tree in the desert. [Laughter.] We broke that "deadlock." We passed that bill. Rutherford B. Hayes—who, in my judgment, never was elected President of the United States [laughter and applause on the Democratic side], although I voted to beat you Democrats, because you had not the courage to stand up for your rights [laughter]—Rutherford B. Hayes vetoed that bill.

Then Garfield came in. He was going to call an extra session of Congress to see whether he could not get a refunding bill which would suit the administration better than that bill introduced by Hon. JOHN G. CARLISLE. The banks had brought a pressure on the Treasury of the United States. They had sent in, I think it was, over $18,000,000 under a contract with John Sherman that when the pressure went by he would return the money to them.

The CHAIRMAN. The time of the gentleman is exhausted.

Mr. MILLS. I will take the floor and yield my time to the gentleman from Colorado.

Mr. BELFORD. Thanks. I have not been heard for two months. Just give me a chance. [Laughter.]

Now, Mr. Chairman, the Democrats came into power in this House, and we told Mr. Sherman he should not return the $18,000,000 to those thieving, villainous bankers in the city of New York, who were seeking to control the currency of the whole country. That is point No. 1. Now I wish to give you point No. 2. I wish to see whether you Democrats have the nerve and the heroism and the courage to do what is right in the next four years. I recollect walking down from this Capitol, when Garfield was inaugurated, with one of the most distinguished Senators from the South—I mean up the Avenue from the Treasury Department—and he said: "There is no use talking about it, you Republicans have this country for twenty-five years;" and in six weeks we were all together, pulling each others ears from the coast of the Atlantic, where the sun first stops to take up the dew-drops, to the coast of the Pacific Ocean, where he stoops to cool his hot axle. [Applause.]

That is what you are going to have now. What was the campaign you fought last year? What was the sum and substance of it all? The great Republican party that had conquered the most magnificent army on the face of the earth, our Southern friends, came out with a broad declaration, floating all over the nation, with one single objection that was suspended in the sky like a magnet, and that was that Grover Cleveland kissed a widow one day too late. [Great laughter.] Was not that the whole substance of the campaign? Then the Democrats, to equal it up, to cover it over on every side, came out with the magnificent issue that another candidate for the Presidency had kissed a maiden one day too soon. [Renewed laughter.] Was not that a beautiful issue to present to a great nation by two great parties of this country? The result of it was that the great mass of the people preferred the widow on the ground that she had more information and experience on that subject. [Renewed laughter.]

But what I want to call your attention to is this. I stated that you had $145,000,000 of surplus in the Treasury of this nation. You have callable, redeemable bonds at this hour to the amount of $197,000,000. Why do you not take this $145,000,000 out of the Treasury, buy $145,000,000 of these Windom bonds and discharge our debt to that amount?

Mr. SPRINGER. We have not got the key of the Treasury yet.

Mr. BELFORD. And you will not do it when you do have the key. You have got a bill pending here to-day where the estimates, I am informed, amount to $34,000,000 while your appropriations amount to $12,000,000. I wish to God Almighty the chairman of the Committee on Appropriations in this House could be afflicted with the disease called the malady of thought in the direction of liberal appropriations. [Laughter.]

Now, why am I in favor of this Galveston Harbor? We are building a railroad from the city of Denver to Galveston. We expect to avail ourselves of the products of Texas and ship her cattle through Colorado to the East.

The CHAIRMAN. The gentleman's time is exhausted.

Mr. BELFORD. I will have to get in the balance of what I want to say some other time.

Mr. WILLIS. I make the point of order against the gentleman's amendment that it is not within the jurisdiction of a bill appropriating money for rivers and harbors. Besides, it is the substance of a pending bill, and therefore not in order.

The CHAIRMAN. Does the gentleman from Colorado desire to be heard on the point of order?

Mr. BELFORD. I expect the Chair will rule my amendment out.

The CHAIRMAN. The gentleman from Colorado admits his amendment is obnoxious to the point of order, and the Chair rules it out.

Mr. BELFORD. I think any amendment on the subject of water is obnoxious under the general rules of this House. [Laughter.]

Mr. WHITE, of Kentucky. I move to strike out the last three words of the pending paragraph.

Mr. Chairman, I desire to call the attention of this committee to the further fact that works which have been begun have not been prosecuted with that zeal and economy which should characterize great national works, and I call the attention of the committee to this fact: that the Chief of Engineers does not know how much we are paying annually to civil engineers, how much we are paying annually to the regular Engineer Corps; and he has not the remotest conception of what the value of the plant is. But we know enough to understand that there are men in this employment at salaries varying from $350 down to $85 per month as engineers. I shall incorporate in my remarks what I have been able to find of information on this subject. This much I learn, that the officers in charge of the work, I mean the civilian engineers as well as the regular Engineer Corps, are paid annual salaries, amounting in the aggregate to half a million dollars a year.

More than this, I find that the annual pay of employés whose names appear in the last Blue Book, those who are above the grade of laborers, was $515,000 for the Mississippi River Commission alone. (See speech of Mr. HEPBURN, first session Forty-eighth Congress.) Now all these expenses go on whether we make a large or a small appropriation for rivers and harbors.

I desire to read now from a report of the Chief of Engineers, General Newton:

Hon. Mr. WHITE, *House of Representatives:*

SIR: In reply to your telephonic message, just received, asking the salaries paid to civil engineers employed by the United States on rivers and harbors, as well as the value of the plant employed on rivers throughout the United States, I have the honor to state that the salaries paid the assistant engineers vary from $250 to $85 a month.

He made a mistake there, for it is from $350 down to $85.

The total number of these assistants is one hundred and eighty-three. It is impossible to state the value of the plant employed on rivers throughout the United States, except by addressing the individual officers of the Corps of Engineers in charge of the works or improvements.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig., Brt. Maj. Gen.

Is not that a beautiful officer to have at the head of these great works?

Again he says in a telegram:

WAR DEPARTMENT, *January* 31, 1885.

Hon. JOHN D. WHITE:

It is impossible to answer your question without a careful examination of office records, which would require much work for many days. If no appropriations are made and no work is to be done, the plant could be sold and expenses reduced to zero in a very short time upon many small works.

JNO. NEWTON,
Chief Engineers.

Now, sir, the point I desire to make is that no matter whether that bill carries $11,000,000 or whether it carries $25,000,000, you have the annual expense of the machinery, of the plant, of the engineers, and the annual salaries of officers and employés above the grade of laborers, and if your bill is a small one so much the less goes for your public improvements.

I wish to call the attention of the committee to the fact, also, that this bill of $11,000,000, when the Engineer Department of the Government, under their sworn statements, tell us they can use judiciously, wisely, profitably, and economically $34,000,000, amounts simply to saying that you do not have faith in the capacity of the engineers to form a judgment, or that you have an abiding faith in your committee that acts with closed doors.

If we are convinced that the engineers are correct in their methods and estimates, then we ought to appropriate the full amount of money recommended by them.

In the protest against a river and harbor bill of a former Congress, to which I alluded a few moments ago, Mr. Speaker CARLISLE, Mr. WILLIS, and Mr. COX, and a number of Democrats signing the protest, the theory was laid down that, in the first place, the appropriation was unconstitutional, and in the second, that we did not have the money in the Treasury. If your Democratic platform of 1884 can be relied upon as the basis of your belief, then your constitutional objection is overcome. If you can rely upon the statement of the Secretary of the Treasury that there are now $146,000,000 in the Treasury, the second objection is overcome. The question then recurs, do the people want cheap transportation? If they do, how are they to get it? I answer, by improving the rivers, by improving the harbors, and by compelling the railroads to come in direct competition with nature's own water ways.

But if you are going to make any of these improvements, where will you stop? Will you stop with the Cumberland River on the idea that it is a great river, or with the Great Pee Dee River on the ground that it is a great river; or will you stop with the Big Tombigbee River on the idea that it is a great river? There is no limit if you carry out the theory embodied in the decision of the Supreme Court, that every river on which there is commerce is a navigable river. And, in my humble opinion, we shall make adequate appropriations from the abundance in our Treasury to improve all the navigable water ways of the Republic, and thus insure competition with railroads and secure cheap transportation for the people of the United States.

[Here the hammer fell.]

The Clerk read as follows:

Improving harbor at Bangor and Penobscot River, Maine: Continuing improvement, $15,000.

Mr. BOUTELLE. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 12 insert:
"Improving the mouth of the Narraguagus River at Millbridge, Me., $20,000."

Mr. BOUTELLE. Mr. Chairman, that proposition to put an item into the appropriation bill for that improvement was referred to the Committee on Rivers and Harbors; and as the members of the House were not given the permission or privilege this year of going before the committee, we were obliged to place propositions of that kind in the hands of some member and trust to the action of the committee upon them.

I have been informed that the reason why the committee failed to include that item in the bill is because it is not recommended in the Book of Estimates for this year, and that the committee in preparing the bill had adopted the rule or usage that they would not insert anything in their bill not embraced in the recommendations of the Book of Estimates.

I found upon inquiry of the engineers connected with these works that a survey had been made and a recommendation filed in the year 1880 by the board of engineers. The suggestion was then made that an item be inserted for a survey for this work. I was informed by the engineer in charge of that portion of the coast that he had examined the report made in 1880 by General Thom, of the engineers; that the report seemed to be adequate, and that if a new survey were ordered he should be obliged to state that it was unnecessary. Upon making that suggestion the item for the survey was stricken out of the bill; and therefore as the bill stands now no provision has been made.

The proposition for the improvement of this river is based upon the report of the engineers, to be found upon pages 535, 536, and 537 of the report for 1880. It is a report on improving the mouth of the Narraguagus River at Millbridge, Me. In that report the engineer making the survey states:

The improvement proposed to be made at this place consists in dredging a channel from deep water below Turner's Point to the deep water of Fickett's Point, called the "Deep Hole," the only available anchorage in the harbor. As this place is only accessible at or near high tide for vessels navigating these waters, it is now of little value for vessels seeking shelter during heavy weather and at time of low water. At present there is only five and a half feet of water at mean low water, or four feet at extreme low water, over the several bars crossing the channel. This improvement would also enable the steamers of the Portland, Bangor and Machias Steamboat Company, which touch at this port four times a week during the entire year, to land passengers and the heavy freights for this place at the lower steamboat wharf, whereas now they have to make the stop in the lower bay (except at high water) and transfer passengers and freights on board of a lighter, at great expense and loss of time.

Much of the lumber manufactured in the saw-mills at Cherryfield (about seven miles above the draw-bridge) is shipped from the port of Millbridge. Vessels of the larger class are also built here at three different ship-yards.

I will state also, Mr. Chairman, that this point is a landing point for the line of steamers between Mount Desert Ferry and Annapolis, Nova Scotia. Without going any further into the details of the matter I ask for the adoption of my amendment appropriating $20,000 for this improvement. The engineers recommended $50,000, but I have placed the amount at $20,000, bringing it as near as possible to what I believe has been the pro rata proportion adopted by the committee.

Mr. BRECKINRIDGE. I think it is hardly necessary to say more in connection with this matter than to state the fact that there is not a line before the committee with reference to this improvement. Whatever information we have in regard to it is in old reports of the engineers, and as there is no report bearing upon it before the committee it was not under consideration and has not received any consideration.

Mr. BOUTELLE. Will the gentleman permit me to suggest that I endeavored in every possible way to have information with regard to this matter placed before the committee? I conferred with no fewer than three members of the committee. I submitted to them this report and placed before them my correspondence with the engineer in charge of the coast of Maine, one of whose communications I hold in my hand, which declares that a further survey and report are unnecessary, because the survey heretofore made was entirely adequate to justify the appropriation.

Mr. BRECKINRIDGE. The point is that we had no current report, which is usual in such cases from the engineers; a fact which is not in conflict at all with the statement made by the gentleman from Maine. As to cases of that sort, the committee saw very clearly there was almost an indefinite number of them. There were more of a current character than we could deal justly by, and they did not consider it expedient to enter into that class of cases.

Mr. BOUTELLE. What class of cases does the gentleman refer to?

Mr. BRECKINRIDGE. The cases that have not got current reports and are not indorsed by the Chief of Engineers. Once you throw open that door, and there is no end to the appropriations that would be demanded at the hands of the committee. Therefore we discarded that class of propositions without beginning to express an opinion upon them, having more submitted to us than we can do justice by. This is not a condemnation of the project but a non-examination of it.

Mr. BOUTELLE. Permit me to say that it seems to me impossible under the rule adopted by the committee for any appropriation to be obtained for any improvement that may have been recommended in the past. There is no way to get a new survey and a new recommendation, because the engineers have already made the survey and it would be a waste of money to survey it again. I appeal to the House to act upon this on the merits of the survey made and reported on in the regular mode some years ago.

The question being taken on agreeing to Mr. BOUTELLE's amendment, there were—ayes 51, noes 57.

Mr. BOUTELLE. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers, and appoints the gentleman from Maine, Mr. BOUTELLE, and the gentleman from Arkansas, Mr. BRECKINRIDGE.

The committee again divided; and the tellers reported—ayes 81, noes 84.

So the amendment was not agreed to.

Mr. WHITE, of Kentucky. I move to strike out the last word of the paragraph.

Now, Mr. Chairman, I desire to call the attention of this committee to the further fact that while we have got one hundred and forty-six millions in the Treasury we have, under Democratic influences, the same President who vetoed the river and harbor bill of 1882 appointing a free-trade Democrat as Secretary of the Treasury who is also a free-whisky Democrat, and has gone so far as to lend millions of money to the whisky "ring;" and yet, sir, the Republican party went out of power because it appropriated eighteen millions and a half for the people's public works. I desire to read here a statement from a Democratic paper in accord with the President. It says:

As a matter of fact the President has all along sympathized with the distillers in their distress, and was glad when it was discovered that a remedy remained within the law. Friends of the measure who were urging it did not neglect, of course, to lay their case before the Executive, and were greatly encouraged at every step of the proceedings by the knowledge that his good wishes attended them. There was never a moment, indeed, when the President would have thrown a single obstacle in the way. This talk that the distillers have succeeded in securing from the Secretary of the Treasury what Congress had denied to them reveals only the pigheadedness of some people.

Mr. Chairman, I desire to call the attention of the country to the fact that while this Committee on Rivers and Harbors has been able to report an appropriation only one-third as large as that which has been recommended by the sworn engineers, the Chief Executive, through his Cabinet, has been able to lend to the most infernal whisky monopoly in this country millions of dollars, money which under the law has fallen due, and which under the action of this Congress in its first ses-

sion and under the action of the Forty-seventh Congress in both its sessions was required to be paid when due.

Again, sir, I want to call the attention of the country to the fact that this bill is going to be put through by a Democratic majority, composed, in part, of at least forty members who are not entitled to seats upon this floor. I remember when a most elegant gentleman from Georgia [Mr. BLOUNT] the other day called attention to the fact that the gentleman from Michigan [Mr. HORR] had not been returned to the next Congress. I wondered whether it had come to this, that a member occupying a seat on this floor by the small vote of 3,514 in a district containing 87,000 colored people and only 65,000 white people, a district which has a colored majority of 22,258, and in which there are at least 25,000 voters—I wondered, I say, whether we had reached the point where a gentleman occupying a seat under such conditions would comment here upon the fact that another gentleman had failed to be returned to the next Congress. If it be said that the gentleman from Georgia had no opponent, I desire to call attention to the fact that in the election of a Congressman at large the vote was only 3,348 for the Democratic candidate at large, and only 162 for the Republican candidate at large in this district containing at least 25,000 voters, and having a colored population of 23,258 in excess of its white population. You may apply this test to gentlemen on the other side of the House and you will find that there are at least forty of them sitting here who have no right to their seats.

[Here the hammer fell.]

The CHAIRMAN. The Clerk will report the next paragraph.

The Clerk read as follows:

For improving breakwater at mouth of Saco River, Maine: Continuing improvement and repairs, $10,000.

Mr. WHITE, of Kentucky. I move to strike out the last two words.

Now, Mr. Chairman, I have not time to itemize the vote in the counties, but I shall do so in my printed remarks.

Mr. REAGAN. Mr. Chairman, I make the point of order that the gentleman from Kentucky [Mr. WHITE] is not discussing any question that is before the House or that is germane to the bill under consideration. This is a water bill, and not a whisky bill or an election bill.

Mr. WHITE, of Kentucky. Whisky and water naturally go together, the more you take of one the more you want of the other. [Laughter].

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] will confine his remarks to the question before the Committee of the Whole.

Mr. REAGAN. Do I understand the Chair to overrule the point of order?

The CHAIRMAN. On the contrary, the Chair held the point of order to be well taken, and requested the gentleman from Kentucky to confine his remarks to the question before the committee.

Mr. WHITE, of Kentucky. I ask the attention of the gentleman from Texas [Mr. REAGAN] to the fact that I am coming rapidly to Galveston Harbor. [Laughter.] I hope the gentleman will possess his soul in patience, for I am aware of the fact, which he will not deny, that nearly $2,000,000 have been sunk in Galveston Harbor, and that the proposition of this bill which will meet with most universal condemnation is the one to create a harbor for a city where there is shoal water for fifty miles in front of it.

Mr. Chairman, the Democratic party has come into power upon such doctrines as this: "We believe that labor is best rewarded where it is freest and most intelligent;" and yet, sir, in the Georgia district to which I have alluded there are 152,000 people, over 25,000 of them voters, and less than 4,000 actually voting.

Mr. REAGAN. Mr. Chairman, I must insist upon the point of order. The gentleman from Kentucky [Mr. WHITE] is discussing an election in the State of Georgia, and not anything contained in this bill.

Mr. WHITE, of Kentucky. The gentleman from Texas [Mr. REAGAN] is better posted in the history of this matter than I am, but the country does not know as much about it as my friend from Texas does, for he was in a position for four years to know all about it.

These are some of the Democratic doctrines:

We believe that labor is the best rewarded where it is freest and most enlightened. We oppose sumptuary laws which vex the citizen and interfere with individual liberty——

Mr. REAGAN. Mr. Chairman, I must again call the attention of the Chair to the fact that the gentleman from Kentucky is not discussing the measure before the House.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] will suspend. The gentleman from Texas [Mr. REAGAN] will please cite the rule to which he invites the attention of the Chair, and which he thinks is violated by the gentleman from Kentucky.

Mr. REAGAN. Mr. Chairman, do I have to cite a rule to show that in a five-minute debate a gentleman is not entitled to discuss matters that are not relevant or germane to the bill we are considering? If so, I will take my seat.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to be heard on the point of order.

In reply to the gentleman from Texas, I want to say that, if I am not mistaken, when the House is in Committee of the Whole on the state of the Union anything which relates to the welfare of the Union is admissible in the discussion. If I can show to the intellect of the gentleman from Texas that whisky regulation by the Treasury Department was made because there was abundance of money in the Treasury, and because there were Democratic influences brought to bear upon it—if I can show that the Democratic majority in this House and in the other wing of the Capitol is not the old Jeffersonian, not the old Jacksonian Democracy, but the late seceding Democracy; and if I can show to the entire satisfaction of this House that we have more money in the Treasury for rivers and harbors than we have to lend to whisky men, I think the House will pardon me for the slight allusion which I have made to whisky in discussing a water bill.

The CHAIRMAN. Does the gentleman desire to be heard further on the point of order?

Mr. WHITE, of Kentucky. Not on the point of order. I desire to proceed with my remarks, if the gentleman from Texas will allow me.

The CHAIRMAN. The Clerk will read from the Digest, page 282.

The Clerk read as follows:

"A member shall confine himself to the question under debate and avoid personality."—RULE XIV, clause 1; but in Committee of the Whole on the state of the Union he is not bound to confine himself to the question under debate—*Cong. Globe*, 2, 30, *p.* 587; 1, 31, *p.* 1475; 1, 32, *p.* 1856—except where a special order is pending, when the debate must be confined strictly to the measure under consideration.

Mr. WHITE, of Kentucky. Now, in reference to this point of order I would like to say one word further. I am aware of the fact that on yesterday general leave was given to print in the RECORD; but this proviso was put in, that nothing should be printed under that leave which did not directly relate to the river and harbor bill. And it was just to suit the case of the gentleman from Texas that I rose to make these remarks, so that I would not have to print them in the RECORD under that general leave. I am glad to have the gentleman's attention, and I hope I shall be allowed to proceed.

Mr. WILLIS. I hope my colleague [Mr. WHITE, of Kentucky] will be permitted to go on, and that the gentleman from Texas will withdraw his point of order. I believe this Committee of the Whole desires to proceed as business men in the consideration of a business matter.

Mr. REAGAN. I think it is an imposition upon the House to indulge in general remarks of this character when we are operating under an order of the House to consider the river and harbor appropriation bill. We are not in Committee of the Whole for general debate; but we are considering the river and harbor bill under the five-minute rule. It has been ruled a hundred times in my hearing within the last few years that under these circumstances remarks must be confined to the question before the Committee of the Whole.

The CHAIRMAN. The Chair has no hesitation as to the proper ruling in this particular case. By order of the House, the Committee of the Whole is proceeding to consider the river and harbor appropriation bill. The Chair, therefore, regards it as a special order; so that the general rule in regard to debate in Committee of the Whole on the state of the Union does not apply, but members are required to confine their remarks to the question under consideration. Therefore the Chair holds that the remarks of the gentleman from Kentucky were out of order. The gentleman has two minutes left, in which he may proceed in order.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to call attention to the fact that from the foundation of this Government down to the present time we have appropriated for purposes of this kind not $105,000,000, as was stated by several gentlemen who are members of this close corporation called the Committee on Rivers and Harbors, but we have appropriated $142,000,000; and if this bill passes we shall have appropriated $154,445,339.

Mr. REED, of Maine. Not counting what the Senate will add.

Mr. WHITE, of Kentucky. Not counting what the Senate will add, as my friend from Maine suggests.

Now, General Gillmore, in his report on the Charleston Harbor, states:

It has been the subject of profound regret on my part that the importance of this great national work has not been recognized in Congress by liberal appropriations.

Mark the language, "liberal appropriations."

Frequent stoppages and increase in the ultimate cost of the work have been the result of this policy.

He asks for $600,000, and this committee proposes to appropriate the sum of $150,000. In reading such statements as this from the engineer's report, I naturally inquired as to the annual cost of the plant, the machinery, and all the equipage for carrying on this work, together with the salaries of the men who must be employed whether we make large or small appropriations. I desired to get at these facts in order to show to this committee and to the country that in view of all the outlay necessarily made a small bill is niggardly; a small bill is not up to the needs of the times; and as no Congressman can get a dollar of the money appropriated for rivers and harbors, the President's insinuating veto message to the contrary notwithstanding, we should appropriate liberally for public works so as to insure their economic and early completion.

[Here the hammer fell.]

The Clerk read as follows:

Improving harbor at Portsmouth, N. H.: Continuing improvement, $10,000.

Mr. HAYNES. I move to strike out "$10,000" and, in lieu thereof, to insert $20,000.

Now, Mr. Chairman, I have offered this amendment in good faith, and from a knowledge that the sum recommended by the committee in their report and in the bill before the House is totally inadequate to carry on the work now in progress at Portsmouth Harbor. I think I do not underestimate the peculiar difficulties under which this committee labor in their work; but this I must say, that taking this item by itself, independent of every other item in this report, I am unable to understand by what course of reasoning they have arrived at the conclusion they have. But taking it in comparison with other recommendations herein contained for harbors of much less importance and for harbors of less magnitude, I am still more in the dark. We have here one of the most important harbors on the Atlantic coast, a harbor in a great many respects unexcelled by any harbor of this country, a harbor where the heaviest vessel that floats, or ever will float, can enter at all stages of the tide and in all seasons of the year, a harbor that contains one of the great naval stations of this country, a harbor where, in the last year, by the report before me, over eight hundred vessels arrived.

Now, the Chief of Engineers recommends, and I think he simply reiterates the former recommendations, that all appropriations for this harbor shall be expended at one point until the work there is completed, namely, for the removal of what is known as the Gangway Rock, a dangerous obstacle in the channel of the harbor, right in the jaws of the commerce that enters that port. The character of this obstruction he states as follows:

Owing to the strong tidal currents in this harbor, Gangway Rock has proved to be a serious difficulty to navigation, and especially so to United States vessels which have visited this port and the navy-yard.

It is not alone, Mr. Chairman, a menace to private interests and private, commerce but to Government interests.

[Here the hammer fell.]

Mr. WILLIS. I desire to say in regard to Portsmouth Harbor that the committee were governed by the following fact: The Chief of Engineers reports, as the gentleman states, that Gangway Rock is the only point upon which work should now be done; that nothing else should be touched until this was out of the way. His report shows that Gangway Rock is half removed, and the estimate for that was $85,000—leaving $42,000. There are $24,000 on hand and $10,000 appropriated in this bill—making enough to remove that rock; and until it is removed no other work can be done. The committee has endeavored to be just to this harbor, as its importance requires. I ask for a vote.

The committee divided; and there were—ayes 50, noes 60.

Mr. HAYNES. No quorum has voted.

The CHAIRMAN. The point of order being made, the Chair will appoint as tellers Mr. WILLIS and Mr. HAYNES.

Mr. WILLIS. I hope my friend will not make that point.

The CHAIRMAN. Does the gentleman insist on it?

Mr. HAYNES. No; I will withdraw the point.

So the amendment was disagreed to.

The Clerk read as follows:

Improving harbor at Burlington, Vt.: Continuing improvement, $20,000.

Mr. JOHN S. WISE. I desire to offer the following amendment:

The Clerk read as follows:

Resolved, That this and all other improvements of rivers and harbors provided for in this bill shall be conducted by the Engineer Department, under the authority and direction of James B. Eads.

Mr. WILLIS. I make the point of order against that amendment.

The CHAIRMAN. The gentleman from Kentucky will state his point of order.

Mr. WILLIS. We are not on the question of legislation. We are considering rivers and harbors; and the amendment is not within the jurisdiction of the committee.

Mr. JOHN S. WISE. I ask leave to strike out everything that relates to any other portion of the bill except this particular clause.

Mr. WILLIS. I hope my friend will withdraw that, and let us go on as business men with this bill.

Mr. JOHN S. WISE. I think it would be easier to finish the matter by inserting that amendment; but I will move to strike out the last word.

The CHAIRMAN. The gentleman is recognized on that amendment.

Mr. JOHN S. WISE. Mr. Chairman, I shall probably be absent from the House at the time the clause is reached which contains the name of Mr. Eads as putting him in charge of the improvement at Galveston and elsewhere, and it was a desire to put myself on record on that point which led me to offer the amendment while I yet had the opportunity to be heard.

I occupy, it is true, a position, sir, upon the Committee on Levees and Improvements of the Mississippi River, but I am frank to confess I know no more about the subject now than I did when I attended the only meeting of that committee which has been held since I had the honor to be upon it, and I speak upon this subject as a sufferer to some extent by the very proposition which is now made.

I speak as one who knows that the question of Mr. Eads's ability, the question of the success of his plans, of his enterprises, the question as to whether he is a great success or a great failure as an engineer is a mooted question in the minds of the people of this country, scientific or otherwise, and not a concluded question by any means as this bill assumes it to be.

I have observed, sir, the unanimity with which the gentlemen from that section of the country who represent it here on this floor seem to espouse the idea of his ability; and I give them credit for their perfect good faith in what they have said and all they propose to do concerning it. But there are hundreds and thousands of men in the Mississippi Valley to-day, as I know from ownership and interest in Mississippi and Louisiana property, who believe honestly that the system and schemes proposed by Mr. Eads as prosecuted to-day are going to ultimately ruin the Mississippi Valley. There are men who believe that under the present system of engineering adopted or recommended by him he will force the river through the Bonnet Carré crevasse or the Atchafalaya River, as it is inclined now to go under the present system of improving the river as far as it has gone.

The tendency is already in that direction. There are men there in that valley, scientific or otherwise, who believe this is to be the result; and yet the proposition of the committee in reporting this bill to the House is to absolutely ignore the whole Engineer Department of this Government, headed by the Chief of Engineers, who wears the stars of a general upon his collar and who has been educated at the national academy where millions and millions of dollars have been spent to give the best engineering instruction that the world can give. The proposition embodied in this bill to-day is that we are to ignore and set aside that whole Department, and on the *ipse dixit* of a non-professional committee to put aside a regularly organized department of this Government and place one of the largest, greatest, and most important improvements proposed in this whole country in charge of a gentleman whose theories and schemes are at best but problematical.

Now, sir, I desire to place myself on record as being opposed to that *in toto*, and I maintain if this is to be carried out here we might as well at once abolish the department of engineering at West Point and let the Committee on Rivers and Harbors take full control.

[Here the hammer fell.]

Mr. LIBBEY obtained the floor and yielded his time to Mr. JOHN S. WISE.

Mr. JOHN S. WISE. I am very much obliged to my colleague.

Now, Mr. Chairman, I have pretty much said all that I desired to say in this connection. I say, only to complete the sentence which was on my lips when my time expired, that if this recommendation of the committee is to be taken, if their plan is to be adopted, let us follow it up to its legitimate conclusions by the announcement that the United States academy at West Point is a failure.

Let us follow it up by the announcement that we have an organization containing hundreds of men educated at a vast expense to the Government, paid millions of dollars in salaries, as has been shown by the statistics furnished by General Newton, who do not know what they are about. I ask you to follow it up by that announcement. But, Mr. Chairman, it is not necessary to follow it up, because the very act which has been presented here for our adoption is itself an announcement that the Committee on Rivers and Harbors of the House of Representatives of the United States knows more about engineering science than the engineers of the Army, and that they and Mr. Eads can run this Government, while there is nothing for the Engineer Department to do but to draw its pay and take a back seat.

I have never in my life seen a proposition which not only ignored but absolutely insulted the Department of Engineers as this does. I say that it is a proposition which assumes that a mooted and vexed question about the Mississippi River and its treatment is settled, and settled by the views of Mr. Eads, and that that system carries with it a right and title to take possession of the vast improvements of this Government and control them at will and establish plans based on any kind of theory, while the Engineering Department of the Government is to stand by and idly suck its thumbs. That is what it means.

Let me add in conclusion, Mr. Chairman, that I do not make this statement as an enemy or opponent of this bill. I make it as a friend of river and harbor improvements, and I make it as a man who will vote liberally for the enlargement of these appropriations from Maine to Florida, and as one who deprecates the introduction here of the idea by anybody that "you get more than I do," or that "your section gets more than mine." When it comes to Boston Harbor, which has had more money poured out into it than my whole State ever got, I mean to vote for Boston; and if there is anybody here who believes it to be necessary and wants to move to increase the amount, I will vote with him for it. But the greatest calamity that could have befallen this bill was the introduction of this personal direction clause in it.

I say it is not right, sir, to tie up the fortunes and theories of a private individual with the adoption of a great measure of national importance such as this. I say it is a misfortune that an adventurer and his fortunes should be linked with a measure of public policy; and when this bill is to be voted upon I shall vote for every appropriation it

contains, and more besides if it is believed that they are not sufficient, but that proposition I can never sustain.

I only desired, Mr. Chairman, in this hurried manner to record before this House and the country my view that the proposition to make the fortunes of one man by incorporating his name in a great national measure in defiance and to the exclusion of the Engineer Department of this Government in its boldness and audacity surpasses anything I have ever witnessed in this House.

The CHAIRMAN. The time for debate on this amendment has expired.

Mr. HEPBURN. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 16 insert the following:

"*Provided*, That no part of the sums in this act appropriated shall be paid to civil engineers; and the Secretary of War is hereby directed to detail from the Army of the United States such a number of captains and lieutenants as will perform the labors of the civil engineers now employed under the direction of the Secretary of War."

Mr. WILLIS. I make the point of order on that amendment, and pending that I appeal to my friend from Iowa to withhold it until we get to the section where it would have a better application.

Mr. HEPBURN. I have offered this amendment in perfect good faith. It applies as well to the bill if attached to the paragraph which has just been read as if attached to any other. With reference to the point of order, I would like to hear what it is.

Mr. REAGAN. The point of order is that the amendment changes existing law and does not retrench expenditures. The law is now that this work is to be done under the direction of the War Department. The gentleman from Iowa proposes to change that and adopt another rule which does not reduce expenditure.

The CHAIRMAN. The Chair could not on account of the confusion in the committee hear distinctly the point of order that has been raised.

Mr. REAGAN. I will restate it. The amendment changes existing law and does not reduce expenditures. The existing law requires these works to be done under the direction of the Secretary of War. This adopts a new and different rule, not existing in the law now, and it does not retrench expenditure.

Mr. HEPBURN. I have been utterly unable to hear what was the point of order.

The CHAIRMAN. The Chair will ask the gentleman from Kentucky [Mr. WILLIS] to state his point of order.

Mr. WILLIS. The gentleman from Texas [Mr. REAGAN] has made the point.

Mr. REAGAN. I ask the gentleman from Kentucky [Mr. WILLIS] to state it. The Chair can not hear me.

The CHAIRMAN. The Chair heard the gentleman from Texas [Mr. REAGAN], but thought the gentleman was repeating a point of order made by the gentleman from Kentucky [Mr. WILLIS].

Mr. REAGAN. I was not aware the point of order had been made by the gentleman from Kentucky; otherwise I would not have made it.

Mr. HEPBURN. I have been unable to hear what point of order has been raised on this amendment.

The CHAIRMAN. So far as the Chair is informed the point of order raised is that this is new legislation and does not on its face decrease expenditure.

Mr. HEPBURN. I suggest to the Chair that this is not a general appropriation bill, and that point of order can not be raised in connection with it. I desire to suggest, secondly, that while the amendment may not specifically upon its face curtail expenditures, yet it must be plain to gentlemen that it must have that effect.

Mr. WILLIS. I do not desire to occupy the time of the committee further than to state what is in my judgment the foundation of this rule which does not allow new legislation on appropriation bills.

Mr. HISCOCK. Does the gentleman from Kentucky claim that this is a general appropriation bill covered by the twenty-first rule?

Mr. WILLIS. I claim it is a general appropriation bill to the extent of excluding new legislation changing existing law and which is not in the line of economy.

Mr. SPRINGER. I make the further point of order that the amendment is not germane to this clause of the bill.

Mr. WILLIS. We give these appropriation bills the right of way, and, as they have the right of way, we hamper their jurisdiction; and this being one of the appropriation bills having the right of way, I take it it comes within the rule prohibiting new legislation unless in the line of economy; and moreover the amendment is not germane to this part of the bill.

Mr. HEPBURN. Allow me to call the attention of the Chair to the ruling found on page 381 of the Digest, where, under the caption of "River and harbor bill," I find this:

Not one of the general appropriation bills. See debate and decision of Chairman CARLISLE.

Mr. BOUTELLE. On this very point now raised.

The CHAIRMAN. The Chair has no difficulty on that proposition. This is not a general appropriation bill; but the Chair will hear the gentleman from Iowa [Mr. HEPBURN] as to the amendment being germane to the bill under consideration. The point as made by the gentleman from Kentucky is that the amendment is not germane to the clause; the point made by the gentleman from Illinois [Mr. SPRINGER] is that it is not germane to the bill.

Mr. SPRINGER. Not germane to this clause of the bill.

Mr. HEPBURN. This bill is for the purpose of carrying on certain works of improvement. Engineers are essential incidents to carrying on all these improvements. They must be provided for in some way, and it is proposed by this amendment to provide for them in part. It seems to me that it is clearly germane to the general purpose of the bill, and therefore germane to all of the clauses of the bill.

The CHAIRMAN. The Clerk will again read the amendment for information.

The amendment was again read.

Mr. REED, of Maine. Mr. Chairman, it is certainly competent for this House, while it is making an appropriation, to say how that appropriation shall be expended. If this is not a general appropriation bill and not subject to the particular rule, then certainly it must come under the general rule which enables Congress to direct the manner of the expenditure, and it has been repeatedly ruled. In such a case, if it does come under the particular rule, or under the reason of the rule, the employment of officers already under the pay of the Government is on its face a retrenchment. This amendment provides that none of the money shall be paid to civil engineers, but that Army officers who are already under the pay of the Government shall be detailed to do that work.

Mr. LONG. I understand the question to be whether this amendment is germane. The amendment is in the form of a proviso, and that proviso by its very terms applies to the whole bill and not to any part of it. The proviso is germane to the bill. The mere place in the bill where that proviso shall come in is of no consequence. It applies to each clause and to the whole bill.

Mr. STONE. Mr. Chairman, I submit that in the present posture of the case this amendment is not in order, because it has no relation to the precise subject now under consideration. I think that while this is not a general appropriation bill, it is in the nature of a general appropriation bill, and in Committee of the Whole is to be dealt with as an appropriation bill so far as it is found necessary or practicable to observe the rule which requires the committee, in dealing with a general subject-matter, to take it up by sections. The point I wish to make is this, that while the general subject now under consideration is the river and harbor bill, by the practice and usage of the House we deal with such a bill section by section, and therefore, when we are dealing with the particular clause now under consideration, the question to be considered is whether the amendment proposed is germane to that particular part of the bill. Now the question raised by the gentleman from Iowa [Mr. HEPBURN] is a question of administration, which relates to the general character of the bill, and, as has been said, it comes in appropriately in the latter part of the bill where matters of administration are considered and provided for; but to attempt to raise a question of administration and put it into the bill at this point is only to cause confusion in our method of transacting business.

Therefore, in my judgment, if we are to observe the rule or the usage of the House which requires us in dealing with bills of this nature—I do not claim that this is a general appropriation bill—to deal with them by sections. I think we shall find it extremely inconvenient if we undertake to insert in this part of the bill a matter which has no relation to the precise question now under consideration. I call attention to the seventh clause of Rule XVI, on page 196 of the Manual, which provides that when a motion or proposition is under consideration, no subject different from the one under consideration shall be admitted under color of an amendment, and I submit that under the true construction of that rule we are now dealing with a proposition which is not the entire bill, and that this amendment has no relation to the paragraph under consideration, and therefore is not germane.

Mr. HEPBURN. Mr. Chairman, the point of order raised by the gentleman from Massachusetts [Mr. STONE] seems to me to involve simply a matter of literary taste, as to where this amendment should come in. I submit that if it can not be attached to the paragraph now under consideration, there is no portion of the bill to which it can be attached, according to the gentleman's argument, because the paragraphs in the bill all apply to distinct matters, and this amendment proposes that this principle shall apply to all the paragraphs—that it shall be general in its operation.

The CHAIRMAN. The clause of Rule XVI, cited by the gentleman from Massachusetts [Mr. STONE], reads as follows:

And no notice or proposition on a subject different from that under consideration shall be admitted under color of amendment.

The Chair thinks that the subject under consideration is the improvement of rivers and harbors, and that this amendment is not upon a different subject, because it is not passing to a different subject for the committee to undertake to prescribe how the money appropriated in this bill for such improvements shall be expended. The point of order is therefore overruled.

Mr. HEPBURN. Mr. Chairman, I was about to say when interrupted by this point of order that there is a popular belief in this country that these works of improvement are carried on by the engineer

officers of the Army, and that to that extent at least—the matter of engineering—there was no additional expense imposed upon the Treasury. I desire to suggest to the committee that that is a serious mistake. A report recently made to this House by the Secretary of War develops the fact that two hundred and two civil engineers are now employed upon the various river and harbor improvements, and that a monthly expenditure in excess of $35,000 is incurred in their payment. Four hundred thousand dollars is paid annually by this Government to engineers outside of the Army of the United States. We have at this time nearly 1,500 educated engineers of the class named in this amendment. These gentlemen have all received the same education that is received by those who are graduated with such rank as entitles them to appointment in the engineers.

There is no difference in the character of the instruction received by West Point graduates, and it is therefore reasonable to suppose that those graduates of that institution who are not in the Engineer Corps have such capacity as is needed for carrying on these works. There are 1,500 gentlemen from whom these details might be made. It is complained on every occasion when we are discussing an Army appropriation bill that the Army of the United States is top-heavy; that it has entirely too many officers. It is a fact known to at least a hundred gentlemen now present that three officers are not needed in time of peace for the command of a single company. Very many of these officers are loitering away their time at frontier posts, where they are absolutely doing nothing; and by a proper detail they might be placed in such a situation that they would be earning their monthly pay and saving the Government $400,000 a year. I am entirely unwilling to believe that these gentlemen have not the capacity for this work, or that they are not equal to other gentlemen who are now taken from civil life and employed upon these public improvements. It often happens that a county engineer or a county surveyor is employed upon these works, and often it is a mere matter of favoritism as to who shall receive the large stipends that are paid.

I believe it would be a wise procedure to put these officers to work, thus saving this large amount of money and securing this better character of educated talent to carry on with increased efficiency these various needed improvements.

Mr. BRECKINRIDGE. Mr. Chairman, I want to call attention to one or two very important features in this amendment. It proposes to take two hundred officers out of the line of the Army, detaching them from their regiments and from their present duty, and put them upon the engineering works of the Government. The gentleman who submits this amendment presents no information from the Secretary of War that the public service can stand such a detail. This of itself is a very weighty matter to be considered. We are at present employing in round numbers one hundred military engineers upon our civil works and two hundred civil engineers upon the same works. Our works are in charge of the military engineers, who employ the civil engineers.

But the real foundation proposition of the gentleman's amendment is to keep civil works entirely in the charge of military engineers. Now, the growth and drift of enlightened thought in this country is in the other direction. Engineering science is so extensive, is so great in all the elements of greatness, that those countries which have achieved eminence in the specialties of that science have found that men must devote themselves to the special features of it. I have a letter, which is only one of many from learned men upon this subject, from the president of one of the most eminent universities in this country, who states that he has examined the working of this system in every European nation and with unusual facilities for getting at the facts; and that none of those countries permit their military engineers to have anything to do with their civil works, nor do they permit their civil engineers to run their military works. They do not go upon the "jack-of-all-trades-and-good-at-none" plan. They compel their military engineers to confine themselves to that engineering which has reference to the art of war, and their civil engineers to confine themselves to the civil engineering features of that vast and intricate science. This is only in accordance with the sound doctrine of a division of labor as laid down by Adam Smith, as due to the "utility" of Bacon, and as can not be successfully controverted by any man.

What would be thought of us, if in time of war we should put all our great military operations under the charge of civil engineers? What ought to be thought of us, if in any time of peace we put all our civil operations under the charge of military engineers as we do now? It is foolish to the last degree, as reason and results loudly testify. Each, in subordination, can supplement the other as occasion may require; but we should regard economy and the public weal, and stick to reason.

There are points of analogy between the two professions; but there are great differences between them, and in none of our great institutions where civil engineering is taught, one branch being enough to constitute the life-work of even a great man, do they ever pretend to trench upon the great science of military engineering. It seems to me that our military engineers are making a grave mistake. They ought to resent, as far as is practicable and proper, being employed out of the strict line of their profession. We have had twenty years of peace. Let us have twenty years more. Let us work our military engineers to death on civil works. Let us get into war with a foreign country. What kind of men have we then? How will they contend with the great military engineers of foreign countries? Our old men are dead. Our new ones are untrained in war. How much blood and treasure is needed to fit them for duty? We need them now and soon will employ them on our coast defenses, and we have not enough for needed work. We need to work them in this, and to send them abroad for study.

I have stated what is the drift of enlightened opinion in this matter. There is now before the Committee on Rivers and Harbors a bill, introduced by me, which I have not asked the committee to take action upon this session, but which I expect to perfect and to ask them to take action upon next session—a bill to create a river and harbor bureau, with the view of ultimately putting this whole business upon the basis that it occupies to-day in every enlightened country except ours.

[Here the hammer fell.]

Mr. BLANCHARD obtained the floor and said: I yield my time to the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. BRECKINRIDGE. I thank my friend for his kindness. We put these works in the hands of men not trained to this division of the science. What is the result? We find works at all the great harbors along the coast in such a wretched state of dilapidation and disorder that our committee by a unanimous vote incorporated in this bill a measure which I introduced for the appointment of a United States harbor board to take these harbors all under consideration.

Our committee unanimously adopted a provision under which this board is to embrace four civil engineers, only two Army engineers and one member to be detailed, for his technical knowledge, from the Coast and Geodetic Survey. I argued this nearly a whole day and a half before my committee. We went all over the books. We did more than I can cite here. At the very inception of the great marine works of America, some ten years ago, the gentlemen in charge of those works, instead of sitting like Paul at the feet of Gamaliel to learn of those who had made a special study of this business, got into an unfortunate wrangle—our military engineers upon the one hand, and the civil and hydraulic engineers and the balance of mankind and the laws of Almighty God upon the other hand. The result has never been shrouded in a particle of doubt.

There is not on earth, with all the magnificent sea-works that exist, some of them over a century old, a single one embracing any one of the essential features of these submerged fascine works in salt water, where there is no mud or silt-bearing stream. There is nothing to countenance such a system. I have seen it mentioned but once in the annals of high foreign authority, and then with ridicule. Having gone into this line of experiments, they have brought the work on the Mississippi River to-day to a point where, as I can show by turning to their reports and as I briefly outlined in my remarks the other day, and as I will show in my printed remarks, as promised, by clear citations of the text, they propose and practice a plan of work which is a complete and radical abandonment of the original plan for improving that great river, and their wretched experiments are attended only with failure. They forced an eminent civil engineer off the commission; and they have now a plan of operations sketched out to spend, as stated by the gentleman from Maine [Mr. REED], $150,000,000. The calculation is a very plain one; and there is not in any of their work a guarantee that it will last twelve months.

This incubus of untrained engineers——

Mr. REED, of Maine. I am glad to hear the gentleman say that. I hope his statement will receive the attention of the House.

Mr. BRECKINRIDGE. Your statement is correct.

A MEMBER. In what?

Mr. BRECKINRIDGE. I will show you in what. They have put the cart before the horse and brought it to a point where they propose to carry on a systematic course of revetment to prevent caving, instead of contracting, as a condition precedent, the shoal places in order to bring about uniformity of width, uniformity of depth, uniformity of velocity, thereby minimizing excessive depth and excessive velocity, the causes of the caving. And their calculations are, in round numbers, that the system will cost $150,000 a mile, and there are nearly a thousand miles of the Mississippi River in this condition, and it has two sides to it, and one side is always caving in where the other is forming a bar; you have, I say, a thousand miles at $150,000 a mile, making an aggregate of $150,000,000; and yet they can not point us to any experiment in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Therefore I have agreed with those who have urged that this incubus of mediocrity of untrained engineering talent in this line be taken off that river, or in some way subordinated, and it be put back to the original plan adopted by Congress which Captain Eads formulated, and which, clear in reason and sustained in practice, has never failed. That is in strict accordance with the safe, ascertained laws of hydraulics throughout the world, as indorsed by the most eminent hydraulic engineers, as both in harmony with science and common sense. In no place where it has been carried on has it been a failure, while in no locality where these experiments have been carried on have they been a success. They have brought that grand river and its improvements

to the verge of collapse. We have got to that point at which this school of untrained men in this specialty, who, in this and other important works, have abandoned the beaten track in this regard, have shown that in their wretched quarrels pique has been stronger than reason, and they have brought the public interest into this direful state of suffering.

Galveston Harbor is an instance of those harbors improved by that untrained engineering skill of a like character with this so-called improvement of the Mississippi River, involving the same conspicuous fundamental error, and therefore I say the whole drift of American thought, interest, and experience is in just the reverse direction to that indicated by the gentleman's amendment.

And, Mr. Chairman, I trust his amendment will not be adopted, but that we will go on and incorporate sound principles in this bill as far as we seek to incorporate them now, leaving more for the future.

The CHAIRMAN. The gentleman's time has expired.

Mr. ROGERS, of Arkansas. I will take the floor and yield my time to my colleague.

Mr. HEPBURN. Will the gentleman from Arkansas answer a question?

Mr. BRECKINRIDGE. Yes, sir.

Mr. HEPBURN. When did this change of policy and plan on the part of the Mississippi River Commission take place?

Mr. BRECKINRIDGE. It took place and is expressed in the first report they made after Eads was forced off the commission. I will take pleasure in showing my friend the exact text of that plain and emphatic determination of that Mississippi River Commission, as I have gone over the whole matter quite recently. It took place in the first report they made after Captain Eads was forced off the commission.

Mr. HISCOCK. When was Eads forced off the commission?

Mr. BRECKINRIDGE. He was forced off very soon after that second report.

Mr. HEPBURN. Prior to your argument on this bill last year?

Mr. BRECKINRIDGE. It was, and I did not understand it as well when I made my argument last year as I hope I do now, or I would not have indorsed this commission with the confidence I then felt in them.

I look upon that river as a national question. The people of this country have got to a point where commerce demands outlets, and all these bars and all these barriers which clog up the energy and enterprise of our country have got to be removed, and to remove them we may well expect to make expenditures commensurate with the difficulties involved as other nations have been forced to do under like circumstances. And I need only call attention to the fact that France the first year after the Franco-Prussian war appropriated $1,000,000,000 on works of this kind, $100,000,000 to be spent each year for ten years. While we can not go to that great length at once, yet we need not hope to overcome the great natural barriers at much less cost than other nations have to pay under similar circumstances. We have reached the time for a turn, and the battle is joined right here, now.

And, sir, the people of this country do not begrudge expenditures of this kind which bless twice. They bless those who give as well as those who receive. They make goods cheaper to the buyer and higher to the seller. All that the people of this country want is the inauguration of a plan in which they have confidence. But in order to give confidence you must put men at the head of these works of acknowledged success and ability; and then, and only then, will this country prove true to its great duty and destiny. And I trust, sir, in the prosecution of this work that no backward step will be taken, as is proposed here, so much at variance with what we believe to be the only available plan commensurate with the needs of the country, but that we will proceed in the plain, beaten track of modern progress. [Applause.]

Mr. REED, of Maine. Mr. Chairman, I am glad to listen to the remarks of the gentleman from Arkansas. I am glad to have him re-enforce the statement I made to this House, that an ultimate expenditure of $150,000,000 is proposed for the Mississippi River, and that we can not get out of that work inside of that amount——

Mr. BRECKINRIDGE. The gentleman misunderstands me; I did not say that.

Mr. REED, of Maine. Under this plan.

Mr. BRECKINRIDGE. I say under the experimental plan.

Mr. REED, of Maine. Under the experimental plan?

Mr. BRECKINRIDGE. But Captain Eads states that under a proper system of conducting the work the whole thing should be done for between $25,000,000 and $50,000,000, and nearer $25,000,000 than $50,000,000.

Mr. REED, of Maine. Yes; Captain Eads makes that statement, and——

Mr. BRECKINRIDGE. And we could not have better authority.

Mr. REED, of Maine. All of these other gentlemen have been making similar statements, and that is just what I complain of. Last year I took a stand against the Mississippi River appropriation, and I did it upon an indication that I saw here in the House. A proposition was made, a sensible business proposition, that we should content ourselves with the prosecution of the work on the two reaches of the river then under process of construction, to see if the plan contemplated in that work was to be a success. If it was a success, then we could go on; if it was not a success, we could suspend operations.

But that business proposition was rejected by an overwhelming crowd of votes. That satisfied me that there were a great many gentlemen who were more interested in the expenditure of money than they were in the navigation of the Mississippi River. Now the gentleman from Arkansas comes before the House and re-enforces by facts the suspicion which the conduct of these gentlemen at that time engendered in the minds of thinking men. It is well, therefore, for us to have fastened on our minds the tremendous fact that there is a proposed expenditure of $150,000,000 involved in this question.

Nor is it any information to me to be told that Captain Eads or Captain Anybodyelse says that he can do it for $25,000,000; for the distinguished men whom we have found out, whom even members of the committee have found out, announced that they could do it for $33,000,000; and the two reaches which have been operated upon originally had an appropriation of $2,670,000, and all of these famous gentlemen told us that that was amply sufficient for all the purposes, on which assurance we were beguiled into this tremendous expenditure. And now one of these commissioners says, and he is the only one who has the manliness to say anything about it, that it is ascertained to-day that these improvements will cost three times the amount they estimated it would cost, and may not last twelve months, as my friend from Massachusetts suggests. But, sir, the three times as much is by no means a certainty.

No man knows what it may cost eventually. No man who has been up and down that river will doubt the fact that a work of this character is like undertaking to chain a tiger with a bullrush.

I intend when we come to this paragraph referring to the Mississippi River in this bill to make some remarks about it. My object now is to impress upon the House the great fundamental fact admitted and asseverated by the gentleman from Arkansas, that $150,000,000 will not see the end of this unjustifiable expenditure.

Mr. HISCOCK. Mr. Chairman, I confess to a great deal of pleasure in hearing the acknowledgment made by the gentleman from Arkansas as to the probability of the ultimate cost of this work; and I ask him to bring in here the evidence that Captain Eads has not indorsed from the beginning the very plan now pursued by the Mississippi River Commission. I assert that he has indorsed it to the country and to Congress, and that he has never given to the country or to the House any other plan. He has gone out of the commission. They have made changes there. Why? Because 25 per cent. of the money we have appropriated for the improvement of the Mississippi River has been expended in repairing the work that has been done since 1881.

The experience of the last few years has demonstrated that all you are doing is being washed down the river and washed into the Gulf of Mexico. Captain Eads discovered it, and we can fairly draw the inference that, knowing the fact and recognizing the failure of his plan, he voluntarily retired from the commission.

Now, I insist that we can demonstrate here that he is recognized by the Government and the country as having given his indorsement of the present plan as it is now being prosecuted; and I ask the Committee on Rivers and Harbors if they have investigated the question of the amount of money that has been expended for repairs on works that have been done under this plan within the last two years?

Why have you not informed the House on that subject? I assert that of the $8,000,000 which have been appropriated and expended in this work nearly $2,000,000 have been expended in repairs on these mattresses and this revetment work; and yet that fact has been kept from the House, and kept from the country. This committee, with full power to investigate, with full power to ascertain all the facts upon this question, have brought in this bill and attempted to change the manner of doing this work, claiming we must call this Captain Eads to the helm and that he has some new plan, some new method that will give success to this great scheme of public plunder.

No, sir, I say to my friend do not leave this question since you have thrown down the gauntlet on that point, do not leave it till you have brought in the proof that Captain Eads has ever advised against this scheme and against the plan as prosecuted to-day.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BLACKBURN took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HERBERT. I shall endeavor, Mr. Chairman, to bring this debate back to the question really before the committee. When we get to the appropriation for the Mississippi River, gentleman can then discuss that question. I believe, Mr. Chairman, that we ought to adopt the principle underlying the amendment of the gentlemen from Iowa [Mr. HEPBURN] when we get ready for it; but we have not yet made the necessary preparation.

This Government, in expending so many millions of dollars as are appropriated annually in the river and harbor bill, ought to have the

benefit of the very best talent and of the services of the men who have received the very best education. The education at West Point in engineering has been increased very much during the last twenty years. But gentlemen will find that the education given there in that branch is not equal to that received in the schools of arts and mining in the New York and Columbia Colleges, or in the special school at Harvard, or in the École Polytechnic of France, or in certain schools in Germany.

We will not be prepared to adopt this policy of using only the talent and education, the skill and ability of our Army officers until we have improved our system of education at West Point. I believe we ought to add another year to the curriculum at that institution, and let it be devoted to the science of engineering. We have not much use now for our officers except as the nucleus of an army. We might as well extend the time and appropriate the money necessary for educating these young men another year, devoting that time especially to the science of engineering. When we shall have done that and turned out graduates who have had the additional time at West Point, then we will be prepared, and not till then, to adopt the principle of the amendment of the gentleman from Iowa.

As it is now, Mr. Chairman, we are simply doing what is done by every government in the world—availing ourselves of the very best talent to do the work. The Government ought not to be limited in its choice. In England the officers who conduct the ordnance survey are most of them civilians, eminent men, who have special qualifications from education and experience. I believe that that is the best policy to pursue. I believe it is the best policy to pursue here until we can, as I have said, provide for giving at West Point the very best education on this subject of engineering of which the human mind is capable.

Mr. WILLIS. Before moving that the committee rise I will ask my friend from Iowa [Mr. HEPBURN] to withdraw his amendment with a view to renewing it in the morning.

Mr. O'NEILL, of Missouri. I object.

The CHAIRMAN. The gentleman from Iowa can withdraw his amendment and renew it when he pleases.

Mr. HEPBURN. With the understanding that I can renew it in the morning, I now withdraw my amendment.

Mr. WILLIS. I move that the committee rise.

Mr. O'NEILL, of Missouri. I ask the gentleman from Kentucky to withhold his motion for a moment.

Mr. WILLIS. I will do so.

Mr. O'NEILL, of Missouri. In yesterday's discussion the gentleman from Kentucky [Mr. WILLIS] made this statement: "That of the appropriation made last year of $520,000 for that portion of the river of which I was the advocate, only $135,000 had been expended; and that, in other words, Congress had appropriated far more than it could judiciously expend." These are the exact words in the RECORD.

Now, as regards the appropriation of last year, I have here a communication from the Chief of Engineer, in which he states that all that money has been expended but $240,000, and that every dollar of that will be expended before the close of the present fiscal year, on the 30th June next. I desire to insert in the RECORD his statement and also a dispatch from the resident engineer at Saint Louis, Major Ernst.

Mr. WILLIS. That is exactly what I said. There has been appropriated a much larger sum than has been expended.

Mr. O'NEILL, of Missouri. But will be expended before June 30 next.

The following are the communications referred to by Mr. O'NEILL, of Missouri:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., February 4, 1885.

SIR: Your telegram of the 2d instant received to-day. I hasten to inform you that the balance of former appropriation for Mississippi River between mouth of Illinois and Cairo unexpended is $247,000, which will all be expended before close of the fiscal year.

For further information please see report of Major Ernst, herewith, pages 1411, 1417, &c. Estimate submitted by him for next fiscal year, $1,000,000.

This work is now under control of the Mississippi River Commission.

Very respectfully, your obedient servant,

JOHN G. PARKE,
Colonel of Engineers, Bvt. Maj. Gen. United States Army.

Hon. JOHN J. O'NEILL,
House of Representatives, Washington, D. C.

SAINT LOUIS, MO., *February 4, 1884.*

To Hon. JOHN J. O'NEILL,
House of Representatives, Washington, D. C.:

Amount now available, about $247,000, will all be expended by end of fiscal year; $1,000,000 can be advantageously expended next year. The works stood the heavy break-up of ice a month ago without damage.

ERNST, *Engineer.*

Mr. WILLIS. Mr. Chairman, I now renew my motion that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

EXECUTIVE COMMUNICATIONS.

The SPEAKER *pro tempore*. The Chair asks the consent of the House to submit certain executive communications.

There was no objection.

SURVEY NEAR GUTTENBURG, IOWA.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting a report of the Chief of Engineers of a survey of the Mississippi River near Guttenburg, Iowa; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Interior, transmitting a supplemental report of Indian depredation claims reported to the Interior Department since January 13, 1885; which was referred to the Committee on Indian Affairs, and ordered to be printed.

PAWCATUCK RIVER, RHODE ISLAND.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Pawcatuck River, Rhode Island; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. GLASCOCK, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry and brevet colonel United States Army;

A bill (S. 1242) to reimburse Elizabeth Comstock for customs dues paid by her on articles donated for the relief of colored emigrants;

A bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton; and

A bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SKINNER, of North Carolina, for one day.

Mr. BENNETT was excused from attendance on the evening session, on account of sickness.

Mr. HERBERT was excused from attendance on the evening session, on account of sickness in his family.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

Mr. WILLIS. Mr. Speaker, I call attention to the order of the House for a recess until 8 o'clock this evening.

The SPEAKER *pro tempore*. The Chair has that order in mind, but nevertheless the motion of the gentleman from Kentucky [Mr. WHITE] is in order.

Mr. WILLIS. But that motion will not affect the recess, because the motion to take a recess was agreed to and the motion to reconsider was laid on the table.

The SPEAKER *pro tempore*. The Chair understands that, but, in the judgment of the Chair, the motion of the gentleman from Kentucky [Mr. WHITE] is in order under the rule.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is called for, and, the hour of 5 o'clock having arrived, the regular order is the execution of the order of the House to take a recess until 8 o'clock this evening. The House therefore stands in recess until 8 o'clock this evening, when the gentleman from Tennessee [Mr. MCMILLIN] will preside.

EVENING SESSION.

The House reassembled at 8 p. m., Mr. MCMILLIN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER *pro tempore*. No objection being made, the motion is agreed to.

Mr. WHITE, of Kentucky. I call for tellers.

The SPEAKER *pro tempore*. The Chair thinks the gentleman is too late with his demand, but the Chair is not disposed to cut him off.

Mr. WHITE, of Kentucky. I made it as quickly as I could.

The SPEAKER *pro tempore*. The Chair is not disposed to take advantage of the gentleman's delay. Does the gentleman [Mr. WHITE, of Kentucky] now call for tellers?

Mr. WHITE, of Kentucky. I do.

The question was taken, and no one rose to second the demand for tellers.

The SPEAKER *pro tempore*. No one having risen, tellers are refused.

Mr. WHITE, of Kentucky. Mr. Speaker, I make the point of order that no quorum has voted.

The SPEAKER *pro tempore*. That fact has not been ascertained. Tellers are refused. The House has resolved to go into the Committee of the Whole on the state of the Union, and the gentleman from Georgia [Mr. HAMMOND] will take the chair.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair) and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. The Clerk will read the next paragraph of the bill.

The Clerk read as follows:

Improving harbor at Burlington, Vt.: Continuing improvement, $20,000.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to amend by making that appropriation $21,000. As I have not the estimates of the Chief of Engineers at hand, I desire to call attention to the anomalous position that we are in here to-night, in Committee of the Whole on the state of the Union, to consider a river and harbor bill carrying over $12,000,000, and yet not one-quarter of the members of this House present, not one-half of a quorum present, and by a gag we are forced into this committee. Let the country take notice of that fact. We are here, too, not to discuss this bill, but to discuss such parts of the bill as the Committee on Rivers and Harbors desire, for be it remembered that it was the chairman of the committee who made the motion that we should discuss no item of appropriation here to-night that exceeds $50,000. We are here to discuss the small items in this bill, the trout streams, the catfish streams, and the ponds.

Now, I desire to call attention to the fact that in the Forty-seventh Congress a bill was passed, which has been condemned by a portion of the people, which was uniformly condemned by the metropolitan press controlled by the railroad interests of the country, and which was further condemned by the veto message of the President, which inured to the benefit of the railroad magnates who do not want water transportation in competition with the railway lines. I desire to call attention to the fact that in that bill there was appropriated for the Big Hatchie, for the Great Pee Dee, for the Clinch in Tennessee, for the Big Sunflower in Mississippi, for the South Fork of the Cumberland in Kentucky, for the Tradewater in Kentucky, for the Big Tombigbee, together with the Niagara—for all these there were appropriated only $26,000.

But in your Democratic bill of last session you appropriated for the same items $49,500—nearly double what was carried by the bill of the Forty-seventh Congress. You may apply the same comparison to this bill, and you will find that it is with equal justice condemned.

In the bill of 1882 there were thirty-two rivers for which $5,000 each was appropriated; one for which $4,500 was appropriated; seven with an appropriation of $4,000 each; two, $3,500 each; seventeen, $3,000 each; one, $2,500; seven, $2,000 each; four, $1,500 each; four, $1,000. Your Democratic bill of last session appropriated for twenty-eight rivers $5,000 each; three, $4,000 each; two, $3,500 each; sixteen, $3,000 each; seven, $2,500 each; nine, $2,000 each; one, $1,500; and one, $1,000. In the Forty-seventh Congress the aggregate was $339,000 for these small streams; and at the first session of the Forty-eighth Congress it was $257,000. The difference in respect to these streams is not very large.

Now we are here to-night to discuss that part of this bill which it seems is intended to carry the Galveston appropriation, to carry the Mississippi River with ease, to carry the Hennepin Canal, and to carry the other enormous appropriations in this bill. I say we ought to have a full committee. We ought to discuss this thing with the light of day, with three hundred and twenty-five members present, not with an attendance of forty members as we have to-night. And, sir, when the proper time comes I shall call for a quorum; and if your side does not produce it here, you will not make any progress to-night.

Mr. WILLIS. It is very evident that there is not a quorum in the Hall to-night; but the House has been in session only a few minutes. It is well known to members that to-day, for the purpose of expediting the public business, this arrangement for an evening session was made, so that all who desired to oppose any item in this bill could have an opportunity to be present. The question now simply remains whether we shall call here a sufficient number of members to make a quorum, or whether those items which are not in dispute—items which have been carried in every river and harbor bill for the last ten years, items which certainly were in the last bill and the one prior to that—can be disposed of to-night, thus making way for those matters which are in dispute and which can only be determined upon a full vote of the Committee of the Whole.

The Committee on Rivers and Harbors in bringing in this bill stated frankly to the House and to the country that they had no hope of reporting a measure which would escape criticism. As chairman of that committee I felt it to be my duty in the brief opening statement which I made to call attention to four or five items—the Hennepin Canal, if you please, the Galveston Harbor, the Sandy Bay appropriation, and the improvement of the Mississippi River—which would excite debate. Those matters can be discussed and settled when there is a full House.

We are now met here as business men and Representatives of the people, not desiring to waste public time, but disposed I trust to proceed with this bill and get rid of that portion upon which we are all agreed. I appeal to my colleague as a Representative on this floor to let us go on with these matters upon which we can agree; and if we come to any matter really in dispute, it can be passed over. In the interest of public business and with a view to the discharge of our representative duty, I ask him and I ask other gentlemen to let us go on in this way, confident that those objects which all of us have in view will in the end be best secured.

Mr. WHITE, of Kentucky. Do I understand that this amendment is still open to debate?

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. WHITE, of Kentucky. I thought my colleague [Mr. WILLIS] was discussing the amendment.

The CHAIRMAN. He opposed it.

Mr. WHITE, of Kentucky. I rise to oppose my colleague. Mr. Chairman, I desire to call attention——

Mr. BROWNE, of Indiana. I rise to a point of order. Is it in order for the gentleman from Kentucky to discuss this question in the absence of a quorum?

The CHAIRMAN. It has not appeared to the Chair that there is no quorum present.

Mr. BROWNE, of Indiana. If that point is to be raised, I hope it will be raised and settled before the gentleman from Kentucky proceeds further with this discussion.

Mr. WHITE, of Kentucky. Very well; I am willing if the Committee of the Whole is ready to vote on the proposition.

The CHAIRMAN. The Chair understood the gentleman from Kentucky to make another motion to strike out.

Mr. WHITE, of Kentucky. I do not withdraw my motion to increase this appropriation $1,000.

The CHAIRMAN. Debate on that is exhausted.

Mr. WHITE, of Kentucky. Then I call for the question.

The CHAIRMAN. The question is on the amendment of Mr. WHITE, of Kentucky.

The committee divided; and there were—ayes 11, noes 64.

Mr. WHITE, of Kentucky. No quorum has voted. Let us have a call of the House if we are going to make appropriations.

The CHAIRMAN. The Chair appoints as tellers Mr. WHITE of Kentucky and Mr. BLANCHARD.

The committee again divided; and the tellers reported—ayes 11, noes 97.

Mr. WHITE, of Kentucky. No quorum.

The CHAIRMAN. Under the rule, the roll will be called.

The roll was called; and the following members failed to answer to their names:

Adams, G. E.	Dingley,	Keifer,	Robinson, J. S.
Adams, J. J.	Dockery,	Kelley,	Robinson, W. E.
Aiken,	Dorsheimer,	Kellogg,	Rockwell,
Anderson,	Dowd,	Lacey,	Ryan,
Arnot,	Dunn,	Laird,	Seney,
Atkinson,	Eaton,	Lamb,	Shaw,
Ballentine,	Eldredge,	Lawrence,	Singleton,
Barbour,	Elliott,	Le Fevre,	Skinner, C. R.
Barksdale,	Ellis,	Lovering,	Skinner, T. G.
Barr,	Ellwood,	Lowry,	Smith, A. Herr
Beach,	Ermentrout,	Lyman,	Smith, H. Y.
Belmont,	Evans,	McCoid,	Spriggs,
Bennett,	Everhart,	McComas,	Steele,
Bingham,	Fiedler,	Millard,	Stewart, J. W.
Bisbee,	Findlay,	Miller, J. F.	Struble,
Blackburn,	Finerty,	Miller, S. H.	Sumner, C. A.
Bland,	Forney,	Milliken,	Sumner, D. H.
Boutelle,	Funston,	Mills,	Talbott,
Bowen,	Garrison,	Mitchell,	Taylor, E. B.
Boyle,	Geddes,	Money,	Thomas,
Brainerd,	George,	Morgan,	Thompson,
Bratton,	Glascock,	Morrill,	Throckmorton,
Breitung,	Goff,	Morrison,	Townshend,
Brewer, J. H.	Graves,	Morse,	Tucker,
Brumm,	Green,	Moulton,	Turner, Oscar
Buckner,	Hanback,	Muldrow,	Valentine,
Burnes,	Hancock,	Muller,	Van Alstyne,
Cabell,	Hardeman,	Murray,	Vance,
Caldwell,	Harmer,	Mutchler,	Van Eaton,
Campbell, Felix	Hatch, H. H.	Nicholls,	Wadsworth,
Campbell, J. M.	Hatch, W. H.	Oates,	Wakefield,
Cassidy,	Henderson, D. B.	Paige,	Ward,
Chalmers,	Henley,	Patton,	Warner, Richard
Clardy,	Herbert,	Payson,	Washburn,
Clay,	Hitt,	Peel,	Wemple,
Cobb,	Hoblitzell,	Perkins,	White, Milo
Collins,	Holmes,	Peters,	Whiting,
Converse,	Holton,	Pettibone,	Wilkins,
Cook,	Hooper,	Phelps,	Williams,
Covington,	Hopkins,	Poland,	Winans, E. B.
Cox, W. R.	Houk,	Post,	Winans, John
Craig,	Howey,	Rankin,	Woodward,
Culbertson, W. W.	Hutchins,	Ranney,	Worthington,
Curtin,	Jones, B. W.	Ray, G. W.	York,
Cutcheon,	Jones, J. K.	Ray, Ossian	Young.
Dargan,	Jones, J. T.	Rice,	
Deuster,	Jordan,	Robertson,	

The committee rose; and the Speaker *pro tempore* (Mr. MCMILLIN) having resumed the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, finding itself without a quorum, had caused the roll to be called, when one hundred and thirty-six members had answered to their names, and he was directed to report the names of the absentees to the House, to be spread upon the Journal.

Mr. HEWITT, of Alabama. I wish to state that my colleague, Mr. HERBERT, is absent on account of sickness.

Mr. GEORGE D. WISE. My colleague, Mr. CABELL, is absent on account of sickness.

The SPEAKER *pro tempore*. This is not the time for excuses; that will be done further on.

Mr. WHITE, of Kentucky. I rise to a question of order, and it is this, that the roll-call having been proceeded with and the Chair having announced that excuses were in order and they having been begun, it is not now in order for gentlemen to interrupt that roll-call which the House is now executing.

The SPEAKER *pro tempore*. The gentleman from Kentucky is in error as to the statement he makes. Members were offering excuses for absentees when the Chair announced it was not in order for excuses to be made at that time.

Mr. WHITE, of Kentucky. I stand corrected, but I understood the names of absentees were about to be read under the rule.

The SPEAKER *pro tempore*. The Chair begs leave to state there is no rule of the House requiring excuses for absentees to be rendered at this time. In case of further proceedings for the purpose of compelling the attendance of absent members, it will be in order to receive excuses for absent members.

Mr. WILLIS. I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the river and harbor appropriation bill.

Mr. COSGROVE. Pending that I move the House do now adjourn.

The House divided; and there were—ayes 25, noes 85.

So the House refused to adjourn.

Mr. STORM. I rise to a parliamentary inquiry. The last vote on a call of the House disclosed a quorum was not present. Can any other business be transacted except to proceed with the call of the House or to adjourn?

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Pennsylvania that there has been no proceedings in the House determining the fact that no quorum is present. There was a call in the Committee of the Whole, but there has been no ascertainment of the fact of no quorum in the House.

Mr. STORM. That fact was reported to the House, and the House is in possession of that information.

Mr. HOLMAN. The roll-call showed there was no quorum present.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS], that the House resolve itself into the Committee of the Whole House on the state of the Union.

The House divided; and there were—ayes 93, noes 2.

Mr. BELFORD. The call of the roll shows a quorum is not present.

Mr. DUNHAM. I desire to ask a question for information. The gentleman from Georgia [Mr. HAMMOND], chairman of the Committee of the Whole House on the state of the Union, reported that the committee. finding itself without a quorum, had caused the roll to be called, and he then reported the names of the absentees to the House. Now, that list of absentees has never been read.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Illinois that the rule requires the names of the absentees to be reported to the House to be entered upon the Journal. That does not require the reading of the names of the absentees.

Mr. DUNHAM. Have the names been reported to the House?

The SPEAKER *pro tempore*. They have, and been entered upon the Journal as the rule requires.

Mr. DUNHAM. Is the report of one clerk to another reporting to the House.

The SPEAKER *pro tempore*. The Chair rules on the point of the gentleman from Illinois that the usual course has been pursued. It has been the uniform custom of the House to proceed as has been done this evening.

The Chair appoints Mr. WHITE of Kentucky and Mr. BLANCHARD as tellers, and they will take their places.

The House divided; and the tellers reported—ayes 124, noes 8.

Mr. WHITE, of Kentucky. I move that there be a call of the House. We ought to have a quorum when discussing a bill that carries $12,000,000 and over.

Mr. O'NEILL, of Missouri. I ask for a division on that motion.

The House divided; and there were—ayes 24, noes 62.

So the motion was disagreed to.

Mr. WILLIS. Mr. Speaker, there are here about the usual number of members who legislate, and in order to get more it would be necessary to exhaust the patience and time of those who are here, and that I am unwilling to do. I have, as the House will bear me witness, done everything I could to advance this bill as expeditiously as is consistent with its proper consideration; but I do not feel it would be right to ask the House to tax the members who are present by keeping them here until a call of the House can be enforced. I will only ask the members who are present and those who may be here to-morrow to give the committee all the aid they can in the consideration of this bill.

Mr. WHITE, of Kentucky. Mr. Speaker, there is nothing before the House, and I move that we now adjourn.

Mr. WILLIS. And in view of these facts and the obstruction that has been foisted upon the House, I move that it do now adjourn.

Mr. WHITE, of Kentucky, I have already made that motion.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that the House do now adjourn.

Several MEMBERS. Which gentleman from Kentucky?

The SPEAKER *pro tempore*. The gentleman from Kentucky on the right of the Chair [Mr. WILLIS] is recognized as making the motion, he having the floor, and not the gentleman on the left, who interposed the motion.

The motion was agreed to; and accordingly (at 9 o'clock and 6 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petition and papers of John A. Fairfax for relief as to certain losses during the late war—to the Committee on War Claims.

By Mr. BAYNE: Petition of Rev. E. E. Swift, D. D., and others, of Allegheny County, Pennsylvania, praying the early consideration by Congress of the Mormon question—to the Committee on the Judiciary.

By Mr. BEACH: Petition of citizens of Newburg, N. Y., on the Mormon question—to the same committee.

By Mr. BURLEIGH: Petition of citizens of Cambridge, N. Y., requesting early consideration of the Mormon question—to the same committee.

By Mr. CARLETON: Petitions of Robert N. Jenks and about 75 others, of Saint Clair; and of D. Lester and about 75 others, of Saint Clair, Mich., asking for the purchase by the United States of the Portage Lake Canal, and to make the same free of tolls—to the Committee on Rivers and Harbors.

By Mr. HAYNES: Petition of Avetas Blood and others, of Manchester, N. H., for legislation to put in force the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. A. S. HEWITT: Petition of the New York State Cider and Cider-Vinegar Association, asking for the repeal of the vaporizing law of 1879—to the same committee.

By Mr. J. T. JONES: Memorial of the Alabama Legislature, for improvement of Coosa River—to the Committee on Rivers and Harbors.

By Mr. LOVE: Petition of Mrs. L. C. Marks and 50 others, of Thomas McCorkle, jr., and 23 others, of J. H. Nixon and 30 others, and of George Gray and 31 others, citizens of Wilmington, Del., for the suppression of Mormonism by law—to the Committee on the Judiciary.

By Mr. PIERCE: Petition of William H. Kellough, executor of Eleazer Woods, deceased, of Gibson County, Tennessee, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. SHIVELY: Petition of John F. Kendall and 95 others, citizens of La Porte, Ind., for action by Congress looking to the suppression of Mormonism in the United States—to the Committee on the Judiciary.

By Mr. E. B. TAYLOR: Petition of 23 citizens of Greene, Trumbull County, Ohio, asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. WEMPLE: Petition of citizens of Schenectady, N. Y., urging action by Congress upon the bills for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. WINANS: Petition of the Racine Wagon and Carriage Manufacturing Company, for legislation favoring the reciprocity treaty with Mexico—to the Committee on Ways and Means.

By Mr. YAPLE: Petition of Mrs. C. Case and others, citizens of Niles, Mich., for an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill, with Senate amendments, were presented and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Sullivan County, Missouri.

By Mr. ANDERSON: Of 62 citizens of Clyde; of 13 citizens of Rice, Cloud County, and of 55 citizens of Sutphen's Mills, Dickinson County, Kansas.

By Mr. J. H. BREWER: Of citizens of West Point Pleasant, Ocean County, and of Aaron Wilkes Post, Grand Army of the Republic, of Trenton, N. J.

By Mr. CARLETON: Of S. H. Avery and 200 others, of Port Huron; of Peter B. Cade and others, of Romeo, and of Daniel George and 65 others, of Sanilac County, Michigan.

By Mr. W. W. CULBERTSON: Of 163 voters of Ashland, Ky.

By Mr. CUTCHEON: Of citizens of Chase, of Lake, and of Newaygo Counties, Mich.

By Mr. EATON: Of citizens of Hartford, Conn., and others.

By Mr. ELDREDGE: Of J. M. Branson and 159 others, of Tecumseh, Mich.

By Mr. ENGLISH: Of Adam L. Ogg and 126 ex-soldiers, of Hancock County, Indiana.

By Mr. FUNSTON: Of citizens of Urbanna, of Ochiltree, and of Hepler, Kans.

By Mr. FYAN: Of B. R. A. Jones and 370 others, of Carthage, of Charles Jacobs and others, of R. M. Peck and 38 citizens, of Webb City, of James Spain and 27 citizens of Carthage, Jasper County; of D. T. Bruck and 56 others, of Lawrence County; of John V. Atterbury and 56 others, of Elkland, Webster County; of J. E. Hunt and 50 others, of Ash Grove, Greene County; and of Thomas J. Newport and 123 others, of Neosho, Newton County, Missouri.

By Mr. HANBACK: Of 149 citizens of Scottville, and of 143 citizens of Bull's City, Kans.

By Mr. HAYNES: Of Alfred J. Crane and 41 others, of Deerfield; of Aaron Whitimore, jr., and 37 others, of Pittsfield; of J. C. Hill and 14 others, of Wakefield; of John Kenney and 10 others, ex-soldiers, of Greenville; of Isaiah Tucker and 49 others, ex-soldiers, of Rockingham County, and of Charles T. Gilman and 79 others, of Belmont, N. H.

By Mr. HISCOCK: Of citizens of Cortland County, and of Syracuse, N. Y.

By Mr. HITT: Of 15 citizens of Winslow, of 48 citizens of Polo, of 63 citizens of Mount Carroll, and of 120 citizens of Brookville, Ill.

By Mr. HOUSEMAN: Of David Stockdale and 38 others, of Wayland, of Englishville, and of Berlin, Mich.

By Mr. LACEY: Of J. S. Willson and 87 others, of Leslie, Mich.

By Mr. LAMB: Of citizens of Clay, of Vigo and of Fountain Counties, Indiana.

By Mr. McCOID: Of citizens of Salina, Jefferson County; of Wapello, Louisa County, of Louisa and Henry Counties, Iowa.

By Mr. McCOMAS: Of 120 soldiers and citizens of Garrett County, Maryland.

By Mr. MAYBURY: Of citizens of Wayne County, of Plymouth, and of Ecorse, Mich.

By Mr. MILLARD: Of citizens of Broome, of Tompkins, and of Schuyler Counties; of Dryden, of Trumbull Corners, and of Groton, Tompkins County, New York.

By Mr. MORRILL: Of 52 citizens of Severance, Doniphan County, Kansas.

By Mr. MOULTON: Of 100 citizens of Macoupin, of Moultrie, and of Shelby Counties; and of Colis, Moultrie County, Illinois.

By Mr. NUTTING: Of numerous citizens of South Valley, Otsego County, and of Oneida, Madison County, New York.

By Mr. PARKER: Of citizens of Russell and of Hewittville, N. Y.

By Mr. PAYNE: Of 66 citizens of Waterloo, of 38 citizens of Port Byron, of S. E. Bulloch and 120 others, citizens of Wolcott; of C. A. Pulver and 62 others, citizens of Sodus; of 59 citizens of Moravia, and of 40 citizens of Owasco, N. Y,

By Mr. POLAND: Of Charles P. Coy and 300 others, of Bethel, and of Arthur S. Byam and 200 others, of Chester, Vt.

By Mr. W. F. ROGERS: Of ex-soldiers of Buffalo, and of citizens of Angola, Erie County, New York.

By Mr. SPRINGER: Of citizens of Jacksonville, and of 200 citizens of Forest City, Ill.

By Mr. STEPHENSON: Of H. R. Allen and 35 others, of Merrill; of John Garty and 77 others, of Waupaca County, and of David Dicks and 55 others, of Langlade County, Wisconsin.

By Mr. J. W. STEWART: Of citizens of Lamoille, of Addison, of Chittenden, of Franklin, of Rutland, and of Bennington Counties, Vermont.

By Mr. STORM: Of citizens and soldiers of Carbon County, and of Nanticoke, Luzerne County, Pennsylvania.

By Mr. STRAIT: Of James Hartt and 37 others, of Winsted Lake, McLeod County; of S. Harnden and 64 others, of Farmington, Dakota County; of W. J. Ives and 15 others, of Hutchinson, McLeod County; of J. R. Butler and 76 others, of Glencoe, McLeod County; of George Botham and 45 others, of Murdock, Swift County, Minnesota, and of Fred. A. Hobbs and 42 others, of South Norridgewock, Somerset County, Maine.

By Mr. WAKEFIELD: Of 125 citizens of Kasota, of 94 citizens of Eagle Lake, and of 45 citizens of Balaton, Minn.

By Mr. WEAVER: Of George Little and 80 others, citizens of Odell; of P. Sherman and 328 others, citizens of Tecumseh; of William G. Stone and 83 others, citizens of Crab Orchard; of C. F. Came and 59 others, citizens of Louisville, and of John McCaig and 88 others, citizens of Elmwood, Nebr.

By Mr. WEMPLE: Of citizens of Edinburg, of Gloversville, of Ballston, of Duanesburg, of Schuylerville, and of Amsterdam, N. Y.

By Mr. W. L. WILSON: Of 64 citizens of Preston County, of 62 citizens of Morgan's Glade, Preston County, and of 42 citizens of Randolph County, West Virginia.

By Mr. JOHN WINANS: Of Edward Rogers and 64 others, members of L. E. Curtin Post, No. 34, of Whitewater, and of N. G. Parks and 23 others, of Woodworth, Wis.

By Mr. WOODWARD: Of 170 citizens of Vernon, and of 64 citizens of Sauk Counties, Wisconsin.

SENATE.

THURSDAY, *February* 5, 1885.

Prayer by Rev. J. G. BUTLER, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of Idaho Territory, praying that so much of the lands in that Territory as are not actually required for the use and occupancy of the Shoshone and Bannock Indians may be restored to the public domain and opened to settlement; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Legislative Assembly of Idaho Territory, praying that so much of the lands set apart in that Territory for the Nez Percé Indians as is not actually needed for their use may be opened to settlement; which was referred to the Committee on Indian Affairs.

Mr. WILSON presented the petition of Joseph Cunningham and other citizens of Iowa, praying that a pension be granted to John Q. Deakins, late a soldier in the Black Hawk war; which was referred to the Committee on Pensions.

Mr. HARRISON presented the petition of Samuel Barr and 45 other citizens of Tippecanoe County, Indiana, praying that an appropriation of $100,000 be made for the improvement of the Wabash River between La Fayette and Terre Haute, and Pittsburg, Ind.; which was referred to the Committee on Commerce.

Mr. SABIN presented a concurrent resolution of the Legislature of Minnesota; which was read, and referred to the Committee on Commerce, as follows:

Whereas the Senate of the United States passed certain resolutions of date of April 22, A. D. 1884, directing the honorable Secretary of War to have examined and to procure information as to cost, condition, and value of the Portage Lake and Lake Superior Ship Canal Company's canal and the Portage Lake and River Improvement Company's canal (canals that cut a channel across the base of Point Keweenaw, making an open passage from Keweenaw Bay to Lake Superior), said examination to be made with a view to determining a fair value of said canals; and

Whereas the honorable Secretary of War designated Col. O. M. Poe, of the United States Army, to make full examination of these improvements and report all the facts, in accordance with the terms of said Senate resolution; and

Whereas the honorable Secretary of War, after receiving a full and careful report made by Colonel Poe, did submit his report to the Senate of the United States on January 5, A. D. 1885, wherein the purchase of these two canals is recommended at a fair and reasonable price, and that they be made free water ways to the commerce of the Northwest and the great lakes; and

Whereas the tolls and tonnage dues collected by these companies are a serious burden to important industries and a large number of people who are mainly supplied by these canals, and also a serious tax to the vessel interest and the commerce passing through them to the Northwest; and

Whereas these canals, form important channels, that should be made free to the great commerce of the Northwest and that is tributary to Lake Superior; and

Whereas the general use of these canals shortens the distance through Lake Superior via these canals over two hundred miles in going east and west, and permits of a quiet and safe passage, avoiding the most turbulent and unsafe portions of Lake Superior; and

Whereas these canals may be made harbors of refuge where Lake Superior is the most dangerous in navigating, and where these canals may be made the most available shelter from the storms that occasion serious disaster in this lake and in the vicinity of these canals: And therefore,

Be it resolved by the house of representatives (the senate concurring therein), That our Senators and Representatives in Congress be urged to use their influence in procuring such legislation as will result in acquiring the title to these canals to the United States for the purpose of making them free water ways to the commerce of Lake Superior and the Northwest.

Resolved, That the clerk of the house be instructed to furnish duly certified copies of the foregoing resolutions to each Senator and Representative in Congress from the State of Minnesota.

Adopted by the house of representatives January 15, A. D. 1885, and concurred in by the senate January 23, A. D. 1885.

J. R. HOWARD,
Chief Clerk of the House of Representatives.

Mr. CONGER presented the petition of James Moffat and 21 other citizens of Michigan, praying for the passage of the bill providing for the purchase by the Government of the two canals across Keweenaw Point, Lake Superior, State of Michigan; which was referred to the Committee on Commerce.

REPORT OF COMMITTEES.

Mr. PIKE, from the Committee on Claims, to whom was referred the bill (H. R. 4382) for the relief of William H. Davis, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 5207) granting a pension to Adalbert Stickney, reported it without amendment, and submitted a report thereon.

Mr. JACKSON. On behalf of the minority of the committee I present their views upon that bill, which I move be printed and laid on the table.

The motion was agreed to.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom the subject was referred, reported a bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office; which was read twice by its title.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., to report it with amendments.

Mr. JACKSON. I ask the consent of the Senate to take the bill up for present consideration. It is identical with one previously passed by the Senate.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. SHERMAN. If the Senator is willing to let it stand over until after the morning business, I shall have no objection.

Mr. JACKSON. Very well.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

EULOGIES ON REPRESENTATIVE DUNCAN.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan, to report it favorably and without amendment. It provides for the usual number under such circumstances, and I ask for the present consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLICATION OF TREATIES.

Mr. MANDERSON. There was referred to the Committee on Printing a message of the President of the United States of January 23, 1885, transmitting, in compliance with a resolution of the Senate, copies of all treaties and conventions, except postal conventions, entered into by the United States and now in force. I am directed by the Committee on Printing to report back the message, with the accompanying documents, with a resolution providing that the usual number shall be printed.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, That the copies of treaties and conventions called for by a resolution of the Senate dated January 5, 1885, and transmitted by the President of the United States on the 23d of January, 1885, be printed.

Mr. MANDERSON. I ask for the immediate consideration of the resolution.

The PRESIDENT *pro tempore*. Is there objection to its present consideration?

Mr. COCKRELL. I should like to ask the Senator from Nebraska why not print some copies for distribution. It is an exceedingly valuable document, and it will be required and called for by a number of persons. Simply to print the usual number will give us, I believe, but two copies apiece unbound.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Until I get some information I shall object to it.

The PRESIDENT *pro tempore*. It is objected to.

Mr. COCKRELL. No; I should like to have some information on the subject before insisting on the objection.

The PRESIDENT *pro tempore*. If there be no objection, debate will proceed by unanimous consent on the question of present consideration.

Mr. COCKRELL. I think this is a document which should be printed, so that we can have some copies in addition to the ordinary and usual number that is printed simply for storing in the libraries and committee-rooms.

Mr. INGALLS. What is the usual number?

Mr. MANDERSON. Nineteen hundred. I ask consent to reply to the inquiry of the Senator from Missouri.

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Nebraska will proceed.

Mr. MANDERSON. To print the usual number will require simply the Senate resolution I have presented. It is proposed to stereotype the work, so that other copies can be ordered at any time. The cost is ascertained, and after the usual number, 1,900, is supplied, by a concurrent resolution any number that may be required may be ordered.

Mr. COCKRELL. This is simply a Senate resolution?

Mr. MANDERSON. It is simply a Senate resolution for printing the usual number of a Senate document.

Mr. COCKRELL. I withdraw objection to its consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MILLER, of California. I was just going to say that it is my intention to bring in a concurrent resolution for publishing a large number. Five thousand copies of the document will propably be necessary.

Mr. COCKRELL. This being a Senate resolution, it is all right.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none, and the question is on agreeing to it.

Mr. PLATT. Let it be read again.

The PRESIDENT *pro tempore*. It will be again reported.

The Chief Clerk read the resolution.

The resolution was agreed to.

WAR DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. I ask consent that the letter of the Secretary of War, communicating a list of clerks and employés, &c., in that Department during the year ended November 30, 1884, with the accompanying list, being Order of Business 1070, heretofore reported to the Senate by the Committee on Printing adversely to the printing of the same, be recommitted to the committee for further investigation and report.

The PRESIDENT *pro tempore*. The Senator from Nebraska asks unanimous consent that Order of Business 1070, being a letter from the Secretary of War, communicating list of clerks and employés, &c., during the year ended November 30, 1884, be taken from the Calendar and recommitted to the Committee on Printing. That order will be entered, if there be no objection.

INVESTIGATION OF NAVAL ESTABLISHMENT.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Naval Affairs to report a resolution and ask for its present consideration.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Naval Affairs, or any subcommittee thereof appointed by its chairman, is hereby instructed to inquire into the condition of the naval establishment of the United States, including all vessels embraced in said establishment, the navy-yards of the United States, and to investigate all questions touching the organization of the Navy, the line and staff corps of the same, and all ranks and grades in said establishment, together with the pay of the same, and the question of promotion affecting such ranks and grades, and all other questions pertaining thereto; and for that purpose may sit during the recess of the Senate, at such times and places as the committee may determine, and shall have power to send for persons and papers, examine witnesses, employ a stenographer, and shall report their proceedings and such recommendations as they may see fit to make at the next session.

That all actual and necessary expenses of said committee, or subcommittee thereof, be paid on the approval of the chairman of said committee out of the contingent fund of the Senate.

BILLS INTRODUCED.

Mr. SHERMAN introduced a bill (S. 2615) to authorize medals to commemorate the completion and dedication of the Washington Monument; which was read twice by its title, and referred to the Committee on Finance.

Mr. HILL introduced a bill (S. 2616) to authorize the readjustment of the compensation of postmasters at certain fourth-class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. SABIN introduced a joint resolution (S. R. 118) for the relief of actual settlers on the lands of the late Sioux Indian reservation in Dakota; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

AMENDMENT TO NAVAL APPROPRIATION BILL.

Mr. CAMERON, of Pennsylvania, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

UNION PACIFIC RAILROAD DEBT.

Mr. VAN WYCK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior is directed to inform the Senate what amounts were due the United States on December 31, 1882, from the Union Pacific Railroad; also, what amounts have become due from that date until December 31, 1884, according to the rule established in a decision lately made in the Court of Claims between the United States and said road; also, whether the annual settlement was made February 1, 1885, as provided in the Thurman act.

ADJUSTMENT OF POSTMASTERS' SALARIES.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate what number of clerks have been employed in adjusting postmasters' salaries during the present fiscal year under the act of March 3, 1883; the amount found due such postmasters in the adjustments now completed; the probable approximate amount that will be found due in adjustments that will be made within the present fiscal year with the present clerical force, and the probable approximate amount that will be found due during the next fiscal year with the increased clerical force asked for.

ARMY COURTS-MARTIAL.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on the Judiciary be directed to inquire and report to the Senate as to whether any legislation is required, and, if so, what, in regard to the appointment of courts-martial and the regulation of proceedings

and practice in trials before such courts in time of peace; and whether under existing law an officer may be tried before a court-martial appointed by the President in cases where the commander of the accused officer to be tried is not the accuser.

REPORT OF COMMISSIONER OF EDUCATION.

Mr. BLAIR submitted the following concurrent resolution; which was read:

Be it resolved by the United States Senate (the House of Representatives concurring), That of the report of the Commissioner of Education for 1883-'84 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

Mr. BLAIR. That is the ordinary number printed. I move that the resolution, with the accompanying paper, be referred to the Committee on Printing.

The motion was agreed to.

MOQUELEMOS GRANT.

Mr. MILLER, of California, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to furnish and transmit to the Senate copies of all correspondence, affidavits, petitions, arguments, reports, and decisions on file in the Department of the Interior, or rendered by any of the officers of that Department, with reference to or in connection with the Moquelemos grant in the State of California, and the surveys thereof, and the status of settlers thereon.

RULE AS TO AMENDMENTS TO APPROPRIATION BILLS.

Mr. INGALLS. I give notice that I shall to-morrow move to amend the third paragraph of Rule XVI by striking out that part thereof which forbids amendments proposing general legislation on general appropriation bills. This notice is given under the provisions of Rule XL. The amendment that I shall propose is as follows:

Strike out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any," and insert before "amendment," in line 2 of said clause, the word "no." In line 3 strike out the word "the," before "bill," and insert "any general appropriation;" and insert after the word "bill" the word "shall;" so that when amended the clause would read:

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received, &c.

The PRESIDENT *pro tempore*. Will the Senator send the notice to the desk? The rule requires that the notice shall be in writing.

Mr. COCKRELL. I shall also ask that it be printed.

Mr. INGALLS. It will be printed in the RECORD.

The PRESIDENT *pro tempore*. If there be no objection, the notice of the intended amendment will be printed.

Mr. HOAR. I think the Senator's proposed amendment to the rule had better be printed in the usual form also.

The PRESIDENT *pro tempore*. That order has been made.

PENSION BILLS.

Mr. MITCHELL. I desire to state that to-morrow morning, immediately after the disposal of the strictly morning business, I intend to ask the Senate to take up the private pension bills on the Calendar and pass them.

PRINTING OF INTERSTATE COMMERCE BILL.

Mr. CULLOM. I move that the bill (H. R. 5461) to regulate interstate commerce and to prohibit unjust discriminations by common carriers, which was passed by the Senate yesterday, be printed for the use of the Senate as passed.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of 16,060 extra copies of the Annual Report of the Smithsonian Institution and National Museum for the year 1884.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*.

A bill (S. 468) granting an increase of pension to Mrs. Mary K. S. Eaton;

A bill (S. 1111) granting an increase of pension to Sally Rodman, widow of General Isaac P. Rodman;

A bill (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored emigrants; and

A bill (S. 2278) correcting the military record of Wickliffe Cooper, deceased, late major Seventh Cavalry, brevet colonel, United States Army.

MISSISSIPPI RIVER BRIDGE AT MEMPHIS.

Mr. JACKSON. I now renew my request that the Senate proceed to the consideration of the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., which was reported this morning by the Senator from Missouri [Mr. VEST].

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with amendments.

The first amendment was, in section 3, line 21, to strike out "district" and insert "circuit;" so as to read: "circuit court of the United States."

The amendment was agreed to.

The next amendment was, in section 7, line 5, after the word "maintained," to strike out the words "at the time of erection of said bridge."

The amendment was agreed to.

The next amendment was, in section 7, line 16, to strike out "district" and insert "circuit;" so as to read "circuit court of the United States."

The amendment was agreed to.

The PRESIDING OFFICER (Mr. HOAR in the chair). The Chief Clerk calls attention to a mistake in the print in the last line but one of section 7. The words "of the" are repeated. They will be stricken out in the second place if there be no objection. In the first line of section 6 there is a typographical error, which will be corrected at the Clerk's desk.

Mr. SAULSBURY. I should like to have the last section of the bill read. If I understand it correctly it provides for the building of the bridge by the Government of the United States in a certain contingency.

The PRESIDING OFFICER. The last section, section 7, will be read as amended, at the request of the Senator from Delaware.

The Chief Clerk read as follows:

SEC. 7. That it shall be the duty of the Secretary of War, on satisfactory proof that a necessity exists therefor, to require the companies or persons owning said bridge to cause such aids to the passage of said bridge to be constructed, placed, and maintained, at their own cost and expense, in the form of booms, dikes, piers, or other suitable and proper structures for the guiding of rafts, steamboats, and other water craft safely through the passage-way, as shall be specified in his order in that behalf; and on failure of the company or persons aforesaid to make and establish such additional structures within a reasonable time, the said Secretary shall proceed to cause the same to be built or made at the expense of the United States, and shall refer the matter without delay to the Attorney-General of the United States, whose duty it shall be to institute, in the name of the United States, proceedings in any circuit court of the United States in which such bridge, or any part thereof, is located, for the recovery of the cost thereof; and all moneys accruing from such proceedings shall be covered into the Treasury of the United States.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

CHANGE OF REFERENCE.

Mr. MORRILL. I ask unanimous consent at this time to have changed the reference of the petition, presented by my colleague [Mr. EDMUNDS] a few days ago, from Amos A. Lawrence and 15 other citizens of Boston, Mass., praying that they may be made a corporation, for the purpose of promoting immigration to the Territory of Utah and developing its agricultural and mineral resources, with such privileges and immunities and subject to such restrictions as Congress may grant or impose. It was referred to the Committee on Territories, and it should have been referred to the Committee on Public Lands.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the reference of the petition be changed from the Committee on Territories to the Committee on Public Lands.

The request was agreed to.

DES MOINES RIVER LANDS.

Mr. PLUMB. I move that the Senate proceed to the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. It is the second bill on the Calendar under Rule VIII.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on agreeing to the motion of the Senator from Kansas.

Mr. GARLAND. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. GARLAND. I know it is not, but I wish to ask a question, with the consent of the Senate.

The PRESIDING OFFICER. If there be no objection, the Senator from Arkansas will proceed.

Mr. GARLAND. Does the Senator from Kansas expect to get the bill through in the morning hour?

Mr. PLUMB. I hope to have the Senate decide it some way. I hope the Senate will finally pass the bill, but we shall have to take the chances of debate on that, I suppose.

Mr. GARLAND. I should like to say that there is no possible chance

of getting the bill through to-day if all day be devoted to it. I make that statement now for what it is worth.

Mr. PLUMB. That condition of things will be no more aggravated to-day than it would be to-morrow or next day. Certainly I think it is proper, and I feel sure the Senator from Arkansas himself will agree that it is entirely proper, that the Senate should at an early day say "yes" or "no" upon the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

Mr. GARLAND. Let the report be read.

The PRESIDING OFFICER. The report will be read.

The Secretary began to read the report submitted by Mr. PLUMB April 8, 1884, from the Committee on Public Lands.

Mr. MORGAN. I desire to suggest that by some mistake a different bill has found its way into the report from that reported by the committee. It was a mistake in compiling the report, I suppose. The bill contained and recited in the report is not the bill reported by the committee.

The PRESIDING OFFICER. The bill reported by the committee has been read. It will be unnecessary, therefore, to read the bill in the report.

The Secretary resumed the reading of the report.

Mr. ALLISON. I ask unanimous consent that the documents, letters, statutes, &c., may be omitted in the reading of this report. I think it will facilitate time to omit them.

Mr. GARLAND. What is the request?

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the further reading——

Mr. ALLISON. No; there are a number of statutes quoted in the report and a number of letters from the Departments, &c., recited. I ask unanimous consent that they may be omitted by the Secretary in reading.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that in reading the report the statutes and letters be omitted.

Mr. LAPHAM. I desire to have them read. There can not be an understanding of the question involved unless everything is read.

Mr. ALLISON. Very well.

The Secretary resumed the reading of the report and continued till 2 o'clock without concluding.

COINAGE OF SILVER DOLLARS.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being House bill No. 4976.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar, the pending question being on the motion of Mr. INGALLS to strike out section 5 of the substitute reported from the Committee on Finance.

Mr. BOWEN. Mr. President, this is the first occasion since I have been a member of this body that any legislation touching the great question of silver coinage has been brought up for consideration here, and I regret that it is being pressed now, because it is too great a subject to be considered in the short time which the Senate—in view of other pressing business—can afford to devote to it, because it can not be fairly and justly considered as an abstract proposition, but must be looked into in connection with many other questions which cover the entire range of the general financial and monetary policy of the Government in a direct way, to say nothing of the incidental bypaths into which we must of necessity extend our researches before we shall be prepared to arrive at conclusions satisfactory to our own intelligence or that of the people of this country.

The issue is directly presented by the amendment of the Senator from Vermont [Mr. MORRILL] to the House bill which we are now considering. The amendment, if it shall become a law, stops the coinage of standard silver dollars, while the House bill simply retires the trade-dollars, without at all interfering with the coinage of silver as now being carried on by the Government. It is, I believe, generally conceded that the trade-dollars should be retired, and in this general opinion I most fully coincide; but while doing so I am utterly opposed to injecting into the consideration of this one piece of legislation the many questions necessarily involved in any and every discussion of the question of bimetallism.

And right here and now, Mr. President, I desire to disabuse the minds of all who suppose that we view this question solely from a standpoint of local self-interest. Nothing can be further from the truth; for while we plainly confess that the silver interest is one in which the mountain States and Territories are most vitally and directly interested, we at the same time believe that the whole nation, with all its varied resources, industries, and interests, is affected—although not so directly—as much as our people at home. No, sir; the views of those of us who represent upon this floor the people of those States are neither blinded nor circumscribed by the narrow abstractions with which we are accredited. If we were, why do we sit here and give our votes and lend our co-operation to those who advocate the protection of industries domiciled in the great Atlantic States?

Sir, in the State of Colorado we produce—without limit as to quantity—the material, and from it manufacture the finest Bessemer steel rails in the world; and yet we need no protection by law for that great industry. Still we are protectionists, believing that policy to be for the best interest of the whole country. We are protected in this regard naturally and absolutely by over a thousand miles of railway transportation. We are protectionists, not that our immediate constituents need any protection for the interests I have just alluded to, but because we believe generally in the protection of all American industries and all American labor, fully satisfied as we are that the extensive area within our borders has resources varied and boundless beyond human comprehension, which can make this nation of people self-sustaining in every regard, and that we should legislate not for the world at large, but for the people of this country.

Sir, we should not commit the fundamental error, either in reason or act, of basing our action here upon the theory that we have no natural advantages superior to any or all of the older countries across the sea; because the moment we do we commit an error so fatal, so elementary, that we shall stumble at the beginning and find ourselves floundering to the end. Let us, therefore, begin right, by realizing that it is unfair to this country for us to reason or act upon the hypothesis that our capabilities, resources, and natural advantages are equal only to those of the old countries. It is sufficiently humanitarian that we do in the future as in the past, and keep our portals open wide to the oppressed of all lands, limited only by our unquestioned right to exclude all contract criminal and pauper labor.

Bimetallism can not be discussed intelligently without touching extensively upon the many questions so directly connected with it. Our entire monetary and financial system and policy is necessarily involved in such a discussion, including our legal-tender acts, banking acts, loan acts, resumption acts, &c., to say nothing of the great questions of labor and the protection of home industries and productions. Therefore we deprecate all attempts to open up these general questions at a time when Congress can not, for want of time, give them the consideration which their importance deserves. I shall therefore offer but few suggestions at this time.

Mr. President, I have already suggested reasons for favoring a protective policy. I have also intimated why we need no protection for our own iron industry; to show that while considering our own immediate interests and realizing the natural protection afforded us by distance and the cost of transportation, we are not unmindful of the interests of other States, and not unwilling to give them our support when the general good is best subserved thereby. Standing upon the apex of the American continent, and looking from the door of my own mountain home, I can see nearly the whole of my own State, and in the distance can see into the great Territories of Utah, Arizona, and New Mexico, the whole covering an area greater than a dozen of the Atlantic States—its mountains, gold and silver ribbed, teeming with millions in value of the precious metals awaiting only the hardy pioneer to discover and the necessary capital to mine and reduce the ores. Shall that great and extensive country be excluded from the policy which favors home products and home labor? Have we no part or lot in the grand scheme of American aggrandizement? Shall we join in the protection of all American industries save our own?

This question is directed more particularly to members of my own party. We do not ask for a tariff by which silver shall be protected; but we have a right to expect that it will be protected by the coinage acts of Congress in view of the undisputed fact that silver coin was embraced in the money contemplated by the Constitution.

Sir, it is worse than idle to say that because certain European governments have demonetized silver that we must perforce do the same. The reasons which actuated them may have been sufficient for their purpose. It is a long story, and will be told in full when this whole question comes up for discussion; but not now. Even then it should only be interesting to us as a matter of history, and should not in the least govern our action here.

This is a great country, and can not afford to treat as equals in natural resources the old nations with their overcrowded populations, parts of which populations, beginning centuries before Christ, have been migrating from east to west in search of new homes in new lands, making more room in their retreat for those they left behind, and thus constituting themselves the safety-valves of countries too narrow to hold so many souls.

The problem of population is one of stupendous magnitude and bears directly upon us whenever we consider policies bearing upon the future as well as the present; but that problem must also be remitted to a future period, when with ample time we can enter into the consideration of the great reform legislation which sooner or later we will find it necessary to consider.

A few passing words can not, however, do any harm. In a country

of vast expanse and boundless resources we see, we feel nothing of the difficulties which environ nations with limited territory and a superabundant population. Up to this time there has been a path of egress into broader fields for those who, crowded together in unwieldy masses beyond the sea, sought a breathing place in this hospitable and liberty-loving land; but how shall we stand affected here when we begin to feel a like pressure? We occupy the *ultima Thule*. From here there is no escape, no relief by emigration; and human wisdom and forethought must solve the problem.

Mr. President, I beg pardon for this digression, if it be such. Time may vindicate the wisdom of the thought. I find it impossible to think of our financial and monetary policy without entering into a field so wide that my mental vision aspires not now to see its other side.

Errors, fundamental errors, must exist in our financial monetary system, and, in my humble opinion, no lopping off of dead or useless branches will be of any avail; no tinkering can ever perfect a superstructure, the foundation of which is weak and imperfect. The ax must be laid at the root of the tree in the one case and the foundation-stone must be well and truly set in the other before the situation can be fully relieved.

Since the establishment of the Bank of Venice—the first effort ever made to create money—down to the present time every conceivable monetary theory has been promulgated; but as yet each has been marked with the seal of manifest failure.

The cry for honest money is the just sequence of these failures. What is money? It is nothing more nor less than a medium of exchange. Give this medium of exchange the most substantial and desirable basis possible, and you give the most honest money possible. Congress can do no greater work than to give this country a monetary system as sound and perfect as human wisdom can invent. Guided by the experiences of the past, including absolute failures as well as partial successes, I indulge in the hope that such efforts will in the end be crowned with success. You ask me for a panacea, but I do not consider myself the Moses to lead you out of the financial wilderness. If, however, I can drop a single thought sufficiently suggestive to cause our financial fathers here to even question the wisdom of any of the lines of thought in which they have heretofore indulged, I shall feel more than compensated, more than gratified.

Honest money is the best money that can be made with the material and power within our control. Gold and silver have an intrinsic value. They are the metals out of which money has been made all over the world for centuries; and this intrinsic value has been everywhere recognized. When you add to this intrinsic value the money function, the general legal-tender quality, backed up by a powerful nation at peace at home, at peace abroad, the area of which is grand and magnificent and the products of which make its people absolutely self-sustaining and independent, even if they should be surrounded by an impassable wall over which they could not buy or sell anything whatever, you have a money as perfect as human ingenuity can devise. But you do not have enough of it. To meet this deficiency, what are we to do? Having coined all our gold and silver and made it a legal tender for all debts public and private—saving and excepting, however, from the provision last named all existing contracts and obligations heretofore made payable in any other manner—proceed to issue legal-tender notes with a like money function in quantity sufficient, when added to the gold and silver coin, to make a circulation per capita commensurate with the progress and business interests of the country, which amount—and it should be too large rather than too small—can be arrived at with reasonable certainty by drawing upon the experience of the world. With a constantly increasing population, and the constantly growing business of a new country like ours, the volume of currency should be correspondingly increased from year to year, say about 3 per cent. per annum, which is about the usual increase of population. If fifteen hundred millions is an adequate circulation for 40,000,000 of people, it is fair to presume that double that amount of circulation would be necessary for double that population, and so on.

For convenience and to save loss by abrasion, &c., the gold and silver coined and uncoined might, and I think should, be deposited in the Treasury of the United States, and gold and silver certificates in denominations of not less than $5 issued therefor, this gold and silver, either coined or uncoined, to be held there in trust for the purpose only of redeeming these gold and silver certificates, which certificates should have the full money function the same as the coin itself, as should everything which professes to be money. Having submitted this statement of my own views, I wish to point out one danger which above all things should be avoided, and that is, not to issue a single dollar professing to be payable in coin or bullion unless we have the coin or bullion in the Treasury with which to redeem it on sight; for to do so would be to make dishonest money, which we do not want. That is the rock upon which Mr. John Law's financial scheme in France split and went to pieces long years ago. His French money professed on its face to be payable in coin, and all went well so long as confidence lasted, but when that ceased to exist and the bills were presented for redemption he had nothing but real-estate mortgages to pay with. The money was a lie upon its face, and the system met its just and legitimate fate—absolute failure.

Speaking of confidence, it is a hidden rock upon which more business lives have been wrecked than on all the financial shoals in Christendom. It is said to be of slow growth, yet it is not a hardy shrub. Its universal fate is withering and death when brought in contact with the cool breath of doubt and suspicion; and no financial policy or transaction is anything beyond a delusion and a snare, which depends *solely* on confidence.

About the time of our late resumption of specie payments some years ago, it was the common remark that confidence was the one great thing needed; that when a man found he could get his money he would not take it; he only wanted to know if he could get it if he wanted to, &c. This is all well enough in times of prosperity and peace, because in such times all goes well naturally; but when adversity, disaster, and panic overtake us, confidence vanishes like a mist in the morning—is worse than a broken reed. A financial policy or monetary system designed to stand only the shocks incident to good times, reminds one of the Russian Grand Duke's apprehension and distress when the Crimean war was declared. He regretted it because it would ruin his beautiful regiment of the imperial guard.

Sound finance requires that a government's monetary system should rest upon a solid foundation, and not be subject to the whims or caprices of any man or nation. I have already shown how a part of the money we need, namely, gold and silver certificates, having full legal-tender quality for all debts, public and private, and secured by deposits in the United States Treasury of gold and silver bullion or coin, will be absolutely sound and secure. The legal-tender notes, having full money functions, needed in addition to these certificates to bring up the circulation per capita to the proper point will, if they do not profess to be redeemable in something which we have not on hand to redeem them with, be the next best money we can have.

Having determined the kind of money we are to have and the amount of circulation needed, the next important point is to get this money out and keep it out, so that debtors and creditors can alike rest assured that all payments will be made on the same basis of circulation upon which they were contracted. How to get this money out and how to keep it out, so that no stringency can occur in the money market, is another of the most important questions to be determined, for if it is not kept in circulation, it had just as well not exist. Business can not be done without money, nor can it be done to advantage without plenty of it. More spot money and less credit business would be a blessing to rich and poor alike. Panic is directly traceable to the fact that too many people get in debt and get in too deep; for it is self-evident that if no person in this country owed a single dollar there never could be money panics, such as we have had upon us with frightful regularity from time to time; so that the less people are in debt the less danger we are in from panics and their ever-present shadows of disaster, ruin, and bankruptcy.

To get this money out and to keep it out is not a difficult problem. Say that we determine that we will keep *not* less than fifty millions nor more than sixty millions of the money intended for circulation in the Treasury as a surplus, exclusive of bullion and coin kept there to redeem the gold and silver certificates. Then provide by law for the loan of money direct to the people, taking promissory notes therefor, secured by mortgage on broad acres of improved lands. These notes should bear interest at a rate not exceeding 3 per cent. per annum, payable annually, and should run for long periods of time, but to become due, principal and interest, immediately on default of the payment of any one year's interest or any one year's taxes. I will not attempt to go into details, but such a system has many advantages over the elasticity aimed at by the calling and payment of bonds. Hundreds of thousands of people scattered all over the country have improved lands, and the money thus put out would go to all parts of the nation instead of to the money centers.

On the other hand, but few people have bonds, and nearly all who have either live or do business in the great cities. When they draw their money for their bonds what do they do? Why, sir, they go to Wall street, loan it out on call loans, and when they get more people in debt they give the crank another turn, call in their loans, and thus add their mite toward increasing the business and financial distress which the calling in of their bonds was intended to relieve; and having by this process of squeezing and repression destroyed as far as possible the price of property, they take it for themselves, and at once begin to sing the same old tune of returning prosperity and restored confidence, and keep it up until prices once more reach their zenith, when they sell the property thus acquired and soon thereafter begin to discover in the distance a financial cloud no bigger than a man's hand, to which they assiduously direct attention, and declare that it is growing larger and most rapidly approaching.

They are now preparing for another call of bonds and for a repetition of the same financial processes I have just described. Such, sir, are some of the beauties of our present elastic currency; and I leave them to the fond gaze of those who admire them. I do not.

Mr. President, the kind of money I advocate can all be put upon an actual hard-money basis within twenty years by the coinage alone of all the gold and silver produced in this country in the way I will mention. Let the Government take and retain the exclusive power of issu-

ing money and controlling the amount of circulation. Let no person or corporation interfere with that part of its sovereignty. Remove the standing menace to business and prosperity, which will exist so long as banks of issue are permitted to exist with power to expand or contract the amount of the circulation.

This danger was recognized by the Senate of the United States when it passed at its last session the McPherson bill, which in effect said to the national banks: "Please, sirs, do not destroy the country by retiring your circulation." What a commentary upon a great government! Sir, this tinkering and trimming should stop. We should reform our financial and monetary policy and legislation from alpha to omega.

We should recognize the greatness and the unlimited natural resources of our own country, and we should legislate for it, and leave other countries to do the same for themselves. If we stood in the respects just mentioned on an equality only with each and every other nation we could afford a different policy, but we are untrue to ourselves if we waive our own advantages over so many of the others.

Let us plant ourselves on the solid monetary basis which I have endeavored to explain, and then let us, over and above all things, see to it that the balance of trade remains continually in our favor, even if we have to double our present rates of tariff and do all else necessary, remembering at the same time that no nation on earth will buy a single dollar's worth of our cotton, wheat, corn, meat, or other of our products because they love us, but will be governed in their purchases by their own desires and necessities. If necessary to maintain the balance of trade in our favor, shut out absolutely all foreign luxuries.

With this balance of trade certainly and permanently in our favor gold will flow in upon us from abroad, which, with all the gold and silver produced in our own land, will in time be more than sufficient to retire every legal-tender note we may have found it necessary to emit, and leave us with a currency consisting solely of gold and silver certificates, each dollar of which will represent a dollar of gold or silver lying in the Treasury of the United States as a sacred trust with which to redeem these certificates on demand.

Let the fiat go forth to all the world in language too plain to be misunderstood that this country legislates for its own people, and protects them in all their efforts, industries, and enterprises, excluding no branch, whatever it may be or wherever located within our borders. Let them also as distinctly know that silver is one of our important industries, and that this nation has planted itself firmly, unconditionally, and everlastingly upon the platform of bimetallism, and will neither get off nor be knocked off. Show them that this nation will be the leader in this regard in spite of them, and that all attempts on their part to further dictate to us will be stale and unprofitable.

The time has come in dealing with monetary problems when the law-making power of this Government must adopt a decisive and permanent rule of conduct. We must have an established coinage, and our metal values must be secured against commercial vicissitudes and trading fluctuations. We hear much about an "honest silver dollar," and we are reproached that the existing 412½-grain dollar is "dishonest." Who fixes the scale of metal values by which our standard dollar is rated "dishonest?" Is it the Congress of the United States? No. Who then?

Why, nobody but a coterie of bullion brokers in London, operating in Lombard street as buyers and sellers, bulls and bears; mere traffickers in a commodity, not vested with either sovereignty or responsibility, but simply bent on driving sharp bargains for themselves from day to day.

And yet the monstrous proposition is put forward here that our standard dollar ought to be made to contain whatever quantity of silver these London brokers might be willing to pay 100 cents for as bullion. That is all that any plain business man can make out of the proposition. Thus we arrive at the conclusion that our coinage laws, to be just and right, should be framed in Lombard street, London, by a coterie of bullion-brokers, instead of on Capitol Hill, Washington, by the representatives of the American people. Is not that the naked logic of the proposition?

If that is the real logic of the proposition, then the amendment of the distinguished Senator from Vermont should contain a proviso somewhat as follows: "Provided, that the Secretary of the Treasury be, and is hereby, directed to ascertain the market price of silver bullion in London every thirty days, and that he be authorized and directed to alter the amount of pure silver in the standard coin from time to time, so as to make its bullion value equal to its expressed value, according to the prevailing London quotations."

Such an amendment would of course be antagonized by me. But if the Senators on the other side of this question wish to be consistent, it would command their support. For one, I would like to test the sense of the Senate on such a proposition. It would, at least, have the one merit of being a candid presentation of the real theory which lies at the bottom of all this warfare against silver.

Sir, I most earnestly hope that the amendment of the Senator from Vermont will be defeated, and that the House bill may pass.

Mr. BAYARD. Mr. President, it is a trite saying, and one history has often recorded, that those things most material to the happiness and welfare of a people are at the moment least regarded, the least sensational, that they proclaim themselves with less of noise and violence than other matters infinitely inferior in their consequences.

Here to-day this Senate Chamber tells the same story. There are scarcely a score of Senators in their places, and yet the matter before the Senate is profoundly important to the welfare of every man, woman, and child in the United States. It touches the question, what shall be received as the equivalent for every day of labor, what shall be received for every exertion of human industry, what shall measure every contract, great and small, among more than fifty millions of people? For it is the money of the people, the money of the nation, that we are now considering; and yet there seem to be a very small minority who care to await the discussion.

The title of the bill relates to a disk of silver metal that by the authority of the Government came from under the machinery of the Mint transformed from bullion into coin. Of these coins, called "trade" dollars, some thirty-five millions were, from the day of their authorization in 1873 until they were prohibited in 1878, allowed to be coined at the mints of the United States for the benefit of the individuals who owned the bullion.

All of this silver always was, and now is, private property; it belonged to the private owners who had worked for it and brought it from the mines, and had sold it; and the laws of their country permitted them to take it to the Mint of the United States, and, by paying the actual expense of the change in its form, to put it in these disks of metal called "trade" dollars, and to have the certification, under the honor of the United States stamp, that each piece contained 420 grains of silver, nine-tenths fine.

When the silver miners who owned this property in 1873 wished to take it to the Mint, I remember well their application; I remember the condition of the country, for I was then a member of this body. The United States had suspended specie payments. The Government had embarked upon a system of paper currency, and there was no money afloat among the people of the country other than the paper promissory notes of the United States, and those of the national banks, issued by the Government through an intermediary system of banking associations and secured by a deposit of national bonds. The paper money of the United States was at a heavy discount. Its credit did not command a hundred cents on the dollar. The gold coin of the United States was worth more than its paper, perhaps eighteen dollars or more on the hundred.

By an act of Congress passed in 1873, and which is now represented by section 3520 of the Revised Statutes, it was provided that—

Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of 420 grains troy, designated in this title as trade-dollars, *and no deposit of silver for other coinage shall be received.* Silver bullion contained in gold deposits, and separated therefrom, may, however, be paid for in silver coin, *at such valuation as may be, from time to time,* established by the Director of the Mint.

Here was the authority for the owner of this species of property to take it to the Mint and have its fineness and weight ascertained and impressed upon it under the name of the trade-dollar, and the weight and fineness were by another section, in distinction from that of any coin of the United States, to be impressed upon it, "and no deposit of silver for other coinage" was to be allowed.

When that was done, there was a market value for this species of property. The owners of it, like all intelligent owners, were exercising their right of contract to obtain for it the highest market price. The relations between gold bullion and silver bullion of equal fineness were measured by the standard of gold valuation at the rate of 60 pence sterling per ounce for silver. To-day, or rather yesterday (I read from the New York Evening Post of February 4, 1885), the price for silver bullion is 49⅝ pence per ounce. Any man who has it can get so much for it and he can get no more if that quotation be correct, and I assume it to be. Thus, under the law which I have just read, if the silver contained in gold bullion deposits be separated therefrom in the process of assaying, it may be paid for, how? In "such valuation as from time to time may be established by the Director of the Mint."

I beg the attention therefore of Senators to this fact, that when the law gave the privilege to the holders of silver bullion to take their property to the Mint and have it transmuted into such shapes as their interest and their convenience might dictate—that is to say, they could have it transformed from bullion into bars, or, if they pleased, into disks of money called "trade-dollars" of 420 grains, upon which both the bar and the coin the weight and fineness stamped by the Mint should be certified—it was their private property, and never belonged to the Government, never was received or paid out by the Government, but for the sole use of the private owner, at his sole volition, was coined for convenient trading with the silver-using countries of the East.

Mr. HARRIS. Is not that done with gold now?

Mr. BAYARD. It is done with gold now.

Mr. HARRIS. Precisely the same thing.

Mr. BAYARD. It is done with gold now, but my friend must remember that something more is done with gold now and was then done with it.

When gold bullion was deposited in the Mint for coinage and the sil-

ver it contained separated, *that silver* was by law to be paid for "at such rates as from time to time was to be fixed by the Director of the Mint;" but the price of gold was never "from time to time to be fixed by the Director."

The act of 1873 prohibited the deposit of silver for any other coinage than "trade-dollars;" but the gold coinage could be into any denominated gold coin.

The "trade-dollars" minted under the act of February, 1873, were then worth in the paper legal-tender currency of the United States a premium of 11 to 17 per cent. The metal of which they were composed had then a market value of 60 pence sterling per ounce. Yesterday it was worth and sold for less than 50 pence per ounce. And now Congress is asked, for one reason or another, to pay out standard silver dollars of full legal-tender power, nominally 100 cents, for a disk of metal worth perhaps 85 cents, or to pay in its standard and measure of value, 60 pence per ounce for silver bullion whose market value is less than 50 pence, say 15 or 16 per cent. above the market or intrinsic value. That is, about $5,600,000 over and above the bullion value of the silver minted into "trade-dollars," upon the application of the owners and for their convenience in trade with Oriental silver-using nations.

Mr. President, if it were ten times 16 per cent. and I believed there was an honorable obligation upon the part of the American people to pay this increased price for silver bullion or coin, I would advise them to do it, for I would say there is no gain so costly as that which is the price of departure from good faith and honorable obligation. It is not therefore this 16 per cent. upon $35,000,000, although that is a very important sum; if it were that alone I do not think that I should have cared to detain the Senate; but it is the principle that lies underneath this proposed payment which brings us face to face with profound results, to which I ask the attention of the Senate for a short time.

There has been, I submit respectfully, a confusion of terms and meaning in speaking of the redemption of the trade-dollars. When before was any standard coin not diminished in its weight by fraud or natural attrition—when before was such a coin said to be "redeemed?" Why, sir, what is the meaning of coined money, and its object? To produce under the sovereign authority that which not only should be a standard and a measure of value, but in addition *value itself;* for if it was not it was false and not real money. Therefore it is a mistake in terms, and it will not do to be mistaken in terms on such a subject as this, to talk of "redeeming" the standard coins of the United States. They need no redemption, for the lawful holder has value itself in his possession. They do not constitute a promise, but by their possession property and value, as on their face is expressed, is fulfilled. When such coins shall be that which upon their face and by law they profess to be, so much silver or so much gold of a certain weight and fineness, there in my judgment the great and important function of the Government commenced, and there it ended, to provide for its people a standard of value and to let the standard and the measure be combined with value itself in the form of the coin authorized.

Mr. President, since 1878, the Government of the United States has assumed a new relation, a new function and duty in respect to its coinage. Before that time, except for the manufacture of its subsidiary coins which are debased below the standard coins, the Government of the United States never owned an ounce of either metal that came into its mints for coinage; all that came was private property. This token coinage the Government was bound to redeem when defaced and too illegible for use. Why? Because they were adulterated and debased, and were issued by the Government only for the convenience of the people, and were not a standard of value—that is, not the principal standard of value, but never for more than $5, to accommodate the minor transactions of the citizens, the daily retail transactions.

Now, if I may pause here for one moment to give my reasons why there is no especial claim on the United States to exchange these coins, before I come to what I think is the great principle which we are face to face with to-day, I will say this, that having shown that the trade-dollars were in the same category precisely as silver bars, both minted and stamped for the convenience of the owner, a number were so coined, and, as I personally remember, upon the application of the representatives of the silver-bearing States, members of this body, and who came personally before the committee to seek the privilege of having their silver bullion turned into this convenient shape for the purpose of dealing with the Chinese particularly. The first of these coins was issued in July, 1873, and I read from page 130 of the report of the Director of the Mint, Mr. Burchard, for the fiscal year ending June 30, 1879. The figures are all here given of the bullion value, the currency value, the commercial value, the gold value of the trade-dollar, the amount of these coins and their export. In 1873, and down to July, 1874, the bullion value of the trade-dollar ran from 2½ per cent. to six-tenths of 1 per cent. premium. The currency value ran from July, 1873, to May, 1876, at a premium of 18.6 per cent. down to a premium of 3 per cent. So it was in the legal-tender currency at a heavy premium, and its commercial value was also even greater than was its currency value, for that I find ranged from 119 per cent. to 103.6 per cent. during the same period.

But now comes the question of coinage. From the 12th of February, 1873, to the 22d of July, 1876, there were coined 15,631,000 trade-dollars, and there were exported during the same time 12,270,000, although that is necessarily but an imperfect estimate. For instance, in 1876, when trade-dollars were dropped from the list of coins, and were no longer authorized at the mints, except for the purpose of foreign demand expressly, there were coined in July, 1876, 213,000; but there were exported in the same month 269,108, showing that there were 56,108 more exported in that month than there were coined in the same month.

I shall presently show to the Senate that trade-dollars in July, 1876, were at a premium in currency of 2.6 per cent., and that for that reason they would not be put in circulation, and were not—that obvious proposition, known historically as the Gresham law and known long before the name of Gresham was ever heard, that a currency nominally overvalued and really of less value will always drive out the better and really more valuable money.

Our own experience is sufficiently instructive upon that point. Our first coinage act as a government was in 1793, and then we attempted to fix a ratio of fifteen times the weight of silver to one of gold in our coinage. In 1834 we changed this ratio a little over 2 and a little less than 3 per cent. by lowering the amount of gold in the standard gold unit. From 1793 until 1834 the result was that, standard silver coins being relatively cheaper, we were on a silver basis.

Then we stepped from the ratio of 15 to nearly 16. I may say parenthetically here that during that very time the ratio between silver and gold as established by the European states now composing what is known as the Latin Union was 15½ to 1. We increased the amount of silver in our ratio so that it became almost 16 to 1, and what was the consequence? That silver being thus comparatively undervalued here, gold became necessarily the principal standard and measure of value; and so from 1834 to 1878 the standard of value of the American people in their foreign and domestic commerce, and in their payments at the custom-house was United States standard gold coin. Why? Because there was the comparatively small discrepancy of 2 or 3 per cent. between the ratio of these metals as fixed by our laws of coinage and the ratio of other commercial nations; and left free and undisturbed by statute (for at that time coinage was equally free to both metals) the natural laws of commercial valuation controlled, and people of course dealt in the cheapest money they could find, for they gave in exchange for commodities naturally as little as possible, and to that end availed themselves of the standard of regulations of the relative value of the two metals by the United States, and as a consequence silver coin ceased to be used here, and went abroad or into the melting-pot, and gold alone went to the Mint.

Now, I wish to ask: When the mints were open for those forty years, very nearly, if we saw that the owners of silver did not care to turn their bullion into coin because its ratio was fixed too low, and it was cheaper for them to procure gold dollars than silver dollars, because gold was relatively undervalued to silver and this difference of 2 or, at the utmost, 3 per cent. would control, would not the same fact necessarily prevail from 1873 to 1876, and when you find the commercial value and the currency value very much farther apart would not the same results accrue? Obviously; and not being at specie payments the difference between the two metals and paper was far greater than between the two metals in their commercial value, of which I have spoken, and the valuation at which silver bullion could be turned into coin. This being so, in 1876, in the month of July, Congress dropped out from their list of coins the trade-dollar entirely. It never had a legal-tender power of more than $5 in one payment; but after that date it ceased to have any legal-tender value or power for $5 or any other sum, and it became just what it was—a piece of precious metal, weighing so many grains and of such fineness as was declared by the stamp of the Mint upon its face.

It is therefore absolutely in the face of reason, it is in the face of history, it is in denial of actual experience to allege that while the trade-dollar was, under the statutes of the United States, nominated as a coin of the United States, or while it had legal-tender power even to the extent of $5, to allege that it was in circulation as money. It is a fact, proved by the figures I have stated, that these coins never were in circulation during the years that they had been authorized under the laws of the United States, for be it remembered that after July, 1876, there was no such coin in our laws as the trade-dollar, and before that its intrinsic value prevented it from passing as an ordinary dollar. It was worth too much to go into circulation—for it was held at a premium of from 18 per cent. to 3 per cent., and was only used for export and foreign trade.

Then in 1874, for reasons which I shall not stop here to examine——

Mr. BECK. Is not the Senator mistaken in saying the trade-dollar was no longer a coin after 1876?

Mr. BAYARD. No; I am not mistaken, for the Senator will find that in 1876——

Mr. BECK. The legal-tender quality was taken from it.

Mr. BAYARD. Not that alone.

Mr. BECK. What else?

Mr. BAYARD. On the 22d of July, 1876, it was resolved:

That the trade-dollar shall not hereafter be a legal tender, and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage

thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Therefore it was a clear notification that they could not be coined except for export, and that placed them distinctly in the category of other merchandise.

Mr. BECK. They were coined by us.

Mr. BAYARD. But they were only to be coined for the use of the owners of the bullion and for export, and they were to be coined as "trade-dollars," and have their weight stamped upon them, which was never done by any standard coin of this Government.

In 1878, by a Treasury order, the coinage of trade-dollars was discontinued altogether, and from that day to this none have been permitted to be coined. Now comes the demand that the Congress of the United States shall redeem, as it is called, or, to speak more accurately, that they shall exchange a coin of the same fineness of silver weighing 412½ grains, authorized by the act of 1878, and styled a standard dollar, in equal numbers for the holders of these trade-dollars weighing 420 grains. Here is a paradox—citizens asking in the name of honor and justice to receive less for more of precisely the same commodity, and we are told that the honor of this country and its duty are to be satisfied by the performance of this strange transaction.

The very statement shows the condition of thought and false reasoning into which we have come by forsaking the landmarks of constitutional government and the footsteps of its founders, passing away from the real and the tested and embarking upon the unreal and the imaginary. Sir, if my countrymen can only learn at the cost of these six millions of money the simple truths that lie at the bottom of this question the lesson will be cheap. For the great question to be asked of every man, and to be answered by every man according to his reason and conscience, is simply this: Can the Congress of the United States create values? "Which of you by taking thought can add one cubit unto his stature?" Which of you and what majority of you by passing laws from now till doomsday can create a value? It seems to me there is an irreverence in the very proposition, not to say an absolute absurdity.

How can you pretend to create value? If it can be answered in the affirmative I will take my seat and listen with amazement not unmingled with awe when such a proposition shall be established that this power exists in man, whether in a collective assembly or whether he stands alone exercising his faculties under the limitations of his creation. If the Congress of the United States can increase the value of this coin 15 or 16 cents, if you admit the principle that we can by calling a thing by a special name change its nature and its value—I am speaking now of its actual value—giving it a value that we certify it possesses, and which, according to the phrase now, we are bound to redeem, why, then, Senators, we shall have repealed the great primeval law which first met the ear of man after Paradise had been lost, that by the sweat of his face should he gain his bread. If Congress can create values, then we may sit down here, let the loom and the plow and all other implements and agencies of human industry stand idle, and legislate ourselves into riches and property; for that is precisely the proposition contained in the declaration that the intrinsic value of the precious metals can be controlled by the act of a government.

That is about all I wanted to say. I wanted to clear my mind and my conscience on this subject. Here is the proposition, that we are bound in honor, as it is stated, to the holders of these 35,000,000 trade-dollars, each weighing 420 grains of silver, nine-tenths fine, to satisfy their just demands by giving them other coins weighing each 412½ grains of silver of the same fineness.

Let me ask, if there is an obligation in honor upon us to redeem the greater value by the smaller, *a fortiori* are we not bound to redeem again the lighter and less valuable dollar by one of still less value? Are we to pursue a system that has ended in such a *reductio ad absurdum?* That is illustrated in the most remarkable manner by the proposition before us that it is a duty, an honorable obligation of the Government, to redeem that which is greater with that which is confessedly less in weight and actual value, and to do that by the exercise of the compulsory power of legal tender. It is a Congressional fiat. Let value be and value shall be, say these apostles of the higher power of Congress.

Mr. President, it can not be. Not to go higher into a realm of discussion where I will not venture, however humbly, to tread, to touch that part of this question which relates to our moral and to our religious beliefs, come back to the plain matter of practical fact. The Congress of the United States, with 2,000,000 men under arms, issued the notes of the United States, and said they should be legal-tender, but all of those men, brave, able, and mighty in their strength, were unable to maintain those promises at one-half the value of their face. Oh, no; it can not be. If there be an obligation in honor upon us to redeem the silver coins of 420 grains, there is an obligation on us to issue no more of those weighing 412½ grains, certainly not to issue more of a less value which *a fortiori* we ought to redeem if this pledge and honorable obligation rests upon us.

But I shall leave it to the good sense and the conscience of my countrymen, when they shall come to see the simple truth, that in the choice of these two precious metals to serve as equivalents in human contracts and dealing, as mere instruments of exchange there are natural laws controlling their relative intrinsic value which they can not safely contravene.

I do not mean to say that between the two metals of silver and gold there may not be by arrangement of commercial nations from time to time such an equivalency established, such a mutuality of ratio as shall secure to the great volume of the world's money of both metals the presence and full use of both. I never have been able to contemplate the restriction of the volume of the metallic currency of this world to a single metal. I never have believed it would be wise, and I should stand in the face of such a proposition awed and reverent before the great truths of history as to the use, and the necessary and beneficial use, of both these metals for the purposes of commerce and exchange. But because I do seek for that, I should be equally false to my convictions, and lacking in that courage to express them that I earnestly long to possess, if when I see a course of legislation that inevitably is to drive one of these metals out of use and circulation to demonetize it, I did not beg my countrymen to pause before they either continued laws which would produce such results or enacted others which would have the same effect.

This is not a thing that partisan feeling should array itself about. Truth is truth. It must make itself apparent. Here is the report of the Secretary of the Treasury for the current year. I read from the thirty-second page of the report:

After giving the subject careful consideration—

Says Mr. McCulloch—

I have been forced to the conclusion that unless both the coinage of silver dollars and the issue of silver certificates are suspended there is danger that silver, and not gold, may become our metallic standard. This danger may not be imminent, but it is of so serious a character that there ought not to be delay in providing against it. Not only would the national credit be seriously impaired if the Government should be under the necessity of using silver dollars or certificates in payment of gold obligations, but business of all kinds would be greatly disturbed; not only so, but gold would at once cease to be a circulating medium, and severe contraction would be the result.

With great respect for that officer, I think he has stated scarcely one-half of the result; for if there must follow obviously from converting gold from currency into merchandise where it would be hoarded, if the volume of gold is, because of its superior value as compared to the other metal, to be subtracted from the volume of our currency, undoubtedly contraction, and a most severe contraction, is to follow, convulsing all business. But something else remains. What will measure prices when gold has gone? In what will be the estimates of the cost of living for those for whom I am sure our hearts are anxious to-day? Sir, the measure of prices will be in silver, and silver being of lesser value, those prices must be nominally increased to make up for the deficiency of real value. The scale will be higher, without regard to real values. And upon whom do such changes mainly fall? Who is it, Senators? Who are the first to feel the shock and the last to feel the benefit of such a change? It is the laboring class. It is the man without the capital to bide his time and wait or to foresee. It is to him whose eyes open upon labor in the morning and close upon it at night, who has no time, no thought, perhaps no capacity, to reason out these financial problems; but it is so. The wages of labor are the last to advance, and labor is the first upon which the suffering falls.

Therefore I not only class the question of the contraction which is to lower values, in one sense measuring values by a smaller volume, depreciating collateral securities, convulsing and disturbing contracts, but equally with that I measure as a maleficent result, the increase of prices for all the necessaries of life as measured in the cheaper and less valuable money. When is that to come? Who shall say when it shall come? Mr. McCulloch says, and of course it is with him but the opinion of an intelligent and experienced man, that it may not be imminent. I do not know what the information of my associates in this Chamber is upon the subject, and I pretend to little personal knowledge, for the duties of my life have not led me into that knowledge which entitles my opinion to weight upon the daily fluctuations in the values of stocks or bonds or other securities in the great markets of the world; but this I believe, that the controlling cause in prices is apprehension on the one hand or confidence on the other, a season of panic or oversanguine expectation.

Now, I believe that rightly or wrongly, wisely or otherwise, that apprehension does exist. I receive evidence of it in correspondence from gentlemen, some known and others not known to me, from the money centers. They all say there is great apprehension that the evils depicted by Mr. McCulloch of the contraction to follow our embarkation upon the monometallic basis of silver will convulse business, and the other evil that the prices for what is needed by the laboring classes necessarily will be increased by the measurement in the less valuable metal, for, whatever may be the power ascribed to the legal-tender authority given by our law, no man believes that outside the jurisdiction of the United States such laws amount to the snap of a finger.

A legal-tender law can only affect past contracts. It may enable the present debtor to discharge his present debt, but it will not go far toward enabling him to establish a fresh credit or to have a new debt created. That can and will be guarded against. Perhaps it may already be guarded against by special contracts, fixing the metal of the

money as well as its denomination in which debts are to be paid. The men who do that are the wise and the skilled, the rich, the provident. They may perhaps have protected themselves against this danger, but when I think of the others, the great mass of toilers, who are to be affected by it, I confess I feel a sinking of the heart.

Yes, Senators, I not only feel for those who may have but little property, but I think there may well be a suggestion here and now, that the safety of the rich rests mainly upon the content of the poor. If men will follow no law but that of gain, and have no limit but that which their rapacity may set, they will be taught that there are laws of humanity which can not with safety be disregarded. Therefore, in dealing with this great and delicate subject of the currency and the money of the people, no rash and ignorant experiments should be tried, but just and admitted laws shall be regarded and insisted upon, and the chimeras of debtors, of speculators, of irreverent aspirants to power that never can be given to a government, should not be suffered to come in and create a state of affairs that brings a tidal wave of human wretchedness, and with it insecurity to property in all its forms.

So, sir, I speak to-day in the interest of every earner of daily wages, man, woman, and child, in the United States. I speak for every provident and self-denying saver of wages whose little store against the rainy day has been laid by. To the savings-bank depositor, to the capitalist, whether small or great, these truths apply, and sooner or later, and soon rather than late, they must control. Therefore it is that I am anxious for the passage of the very feature that is proposed to be stricken from this bill, and that is the contemplated suspension of the silver coinage under the act of 1878. Indeed, sir, my own view would be in favor of a more prompt suspension. But to secure the fact of a certainty in the future of this suspension would be an advantage so practicable and so valuable that, knowing the infinite variety of human opinion and the necessity of the abatement of individual judgments, I shall vote for that because I can not move more promptly.

As I have said in a very unprepared way, and perhaps I should have made more careful preparation, I do not believe that there is either a legal or a moral or an honorable—if you can distinguish morality from honor—obligation upon the Government of the United States to do what is called redeem the trade-dollars, nor to exchange them for others; much less do I consider that if there was such an obligation it is satisfied by the action now proposed, because we are simply continuing and intensifying in our proposed remedy the very evil which the remedy is imagined to prevent. That is to say, we are issuing millions upon millions of coin of confessedly inferior value to that which we are told now we ought to redeem. Shall we not hereafter be called on, with equal justice, to redeem these standard dollars, whose intrinsic value is less than trade-dollars?

Senators, does it not after all come down to this hinge: Can the Government of the United States create value by statute? I do not think any man will say they can. They can impair the obligations of contracts. Unquestionably and according to the Supreme Court of the United States in their last decision they may impair or wholly destroy the value of every pecuniary obligation that is expressed in lawful money of the United States. I do not wish, at this time, to comment upon that startling decision; but there is one thing the United States Supreme Court, and the Congress of the United States, and all the armies that can be raised to enforce the edicts either of court or of Congress can not do, and that is to create a value, to maintain a value against the opinion and belief of the person to whom it is tendered. Every such attempt has had "a most lame and impotent conclusion." Thus, on June 17, 1864, under the lead of Thaddeus Stevens, of Pennsylvania, a law was enacted prohibiting under heavy penalties, both of fine and imprisonment, future contracts in gold, the object being to abate the premium on gold, and consequently to assist the value and receivability of paper currency. The passage of the law was followed by an immediate advance in the premium upon gold, which rose from 196½ per cent. to 250 per cent. in less than two weeks, and led to the hasty repeal of the act on July 2, 1864, after a futile existence of fifteen days.

Men may be cheated out of the entire result of their life's labor, and a piece of worthless paper may answer for one-half century of honest toil. That may be according to the decision of the court; but when we look to the future, and when we look to contracts, and when we look to the performance of obligations outside of this country, we shall find such propositions utterly impotent; not only impotent, but discredited and discreditable. They will be as the idle wind that passes men by and they respect not.

I voted to take up this bill, and I shall vote for its passage. I shall vote for its passage to secure what these petitioners demand. No man need yield up his dollar of 420 grains, nine-tenths fine, for a dollar weighing 412½ grains. There is nothing compulsory in that. As I have said before, I do not believe there is a legal obligation to take up the trade-dollar, and certainly, if there be to redeem, do not let us so trifle with reason and truth as to say it is redemption to pay that which has greater value with that which has less, unless this wonderful and magical power does reside in the Congress of the United States to create value by statute. It is legislative juggling with the truth, and sooner or later the people of the United States will find it out.

If Congress has not the power to create values the continuance of the pretense of its exercise can only lead and must lead to confusion and distress, and the practical fact remains that we are or ought to use every endeavor to maintain by some arrangement with the leading commercial nations the full use of the two precious metals co-ordinately to make up the great volume of money for the world's business. That is what I desire to see. I believe that for this, co-operation among commercial nations is necessary. I believe that all the currency necessary for the present hour is here now; and should future experience dictate to us the necessity and the wisdom of passing to the basis of a single metal as our principal standard of value, when that time comes we shall discuss it; but in the mean time I wish my steps and my votes to be guided by the unmistakable light of experience. I must remain true to my convictions until some light shall be given that shall cause those convictions to be changed.

Mr. President, the Congress of the United States can not by statute create values, and the attempt to continue to do so will only lead to further embarrassment, distress, and loss.

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 44 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 5, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

TEMPORARY POLICE FORCE FOR INAUGURATION.

Mr. FOLLETT. Mr. Speaker, I rise to submit a privileged report. I am directed by the committee of conference to submit the report which I send to the desk.

The SPEAKER *pro tempore*. The report will be read.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 4.

That the House recede from its disagreements to the amendments of the Senate numbered 1, 2, 5, 6, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: Restore the matter proposed to be stricken out by said amendment; and the Senate agree to the same.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

ISHAM G. HARRIS,
JOHN J. INGALLS,
AUSTIN F. PIKE,
Managers on the part of the Senate.

The committee of conference submit the following statement, under the rule:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes, submit the following written statement in explanation of the effect of the action recommended by the conference committee:

If the action recommended in the conference report is ratified by the two Houses the bill will appropriate $8,000, payable in equal amounts from the United States Treasury and the revenues of the District of Columbia, and will prescribe a fine not exceeding $25, in the police court, for violation of rules and regulations that may be prescribed by the commissioners to maintain public order during the period of the inauguration and from February 20 to March 6, 1885.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER *pro tempore*. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. FOLLETT moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGO CONFERENCE AT BERLIN.

Mr. BELMONT. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report back the resolution which I send to the desk and recommend its passage.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That the President be requested, if not incompatible with the public interests, to cause the originals or copies of all communications which have been received respecting the Congo conference, and especially copies of the text of the commissions or powers sent by the Government to each of the three American plenipotentiaries or agents, to be immediately transmitted to this House.

Mr. BELMONT. I ask the present consideration of the resolution.

Mr. KEIFER. I desire to inquire of the gentleman from New York why this resolution requests the President of the United States to send the original documents here? Why not request that copies be furnished?

Mr. BELMONT. The resolution specifies either originals or copies, and the text of the resolution recognizes the discretion which always rests with the Department of State in complying with such requests. This resolution I may say, Mr. Speaker, is unanimously recommended by the committee. It is merely to re-enforce a previous demand already made in reference to this subject.

Mr. KEIFER. I do not object to the resolution, except I think it is very unusual and perhaps without precedent to call upon the President for original papers. I would suggest to the gentleman that it be modified in that respect.

Mr. BELMONT. It always remains, of course, within the discretion of the Executive to refuse compliance with a resolution of the House, and the resolution clearly states, "if not incompatible with the public interests" that such a communication as is specified shall be made.

Mr. KEIFER. I think it is unusual, entirely so. Perhaps there is no case like it where the House has called upon the Executive of the United States for original papers.

I move to strike out the words "original or" in the resolution, and if the resolution can be again reported it will be seen that this applies it exclusively to copies.

Mr. POST, of Pennsylvania. I should like to ask if this is a report from the Committee on Foreign Affairs?

The SPEAKER *pro tempore*. The Chair will state that the gentleman from New York [Mr. BELMONT] presents this report by direction, as he states, of the Committee on Foreign Affairs.

Mr. BELMONT. It is unanimously reported by the committee.

Mr. KEIFER. I suggest to the gentleman from New York that it be modified by striking out that part of the resolution calling upon the President to furnish original papers.

Mr. BELMONT. I have no objection to such a modification.

Mr. KEIFER. I ask that the resolution be again read.

The resolution was again reported.

Mr. KEIFER. I now move to strike out the words "original or."

The amendment was agreed to.

Mr. ADAMS, of Illinois. I should like to ask the gentleman from New York what difference exists between this resolution of inquiry and the former resolution, which I infer the gentleman from New York on the Committee on Foreign Affairs deems insufficient.

Mr. BELMONT. That report was a preliminary report made by the Secretary of State, and it is understood that another report is soon to follow. The House has asked for the text of the credentials to all our representatives at the conference. The answer was not made to that extent. This resolution asks for copies of the powers granted to all our representatives engaged in the Berlin conference, and therefore was adopted by the Committee on Foreign Affairs to re-enforce the previous demand. I move the previous question on the resolution as amended.

The previous question was ordered; and under the operation thereof the resolution as amended was adopted.

Mr. BELMONT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF SPECIAL RULE.

Mr. RANDALL. I rise to make a privileged report. I submit from the Committee on Rules the report which I send to the desk, and upon which I ask the previous question.

The Clerk read as follows:

Amend the special rule adopted on the 3d instant as follows: That before asking for objections to the bill or resolution indicated it shall be in order for the debate provided for to be had, and thereafter there shall be no further debate. The Committee on Rules further recommend that the language of the rule inconsistent therewith be changed accordingly.

Mr. HOLMAN. I hope the rule will be read as it is proposed to be amended.

Mr. SPRINGER. We all understand it. I object.

Mr. RANDALL. There is a single change. The report changes the place of the objections by ten members from immediately after the reading of the bill or resolution until after the ten-minute debate; and if any one wants to have the report accompanying the bill read it can be read as part of the affirmative or negative of the debate.

Mr. HOLMAN. How does the amendment affect the right to amend?

Mr. RANDALL. There is no right to amend and there was not in the original rule.

Mr. HOLMAN. I think there ought to have been.

Mr. MCMILLIN. I suggest to the gentleman from Pennsylvania that one difficulty that will arise in applying the rule as proposed to be amended will be the fact that some of the reports will take longer time for their reading than is provided for debate; and in that event we will be cut off in the midst of the report by the rule.

Mr. RANDALL. I ask for the previous question.

Mr. REED, of Maine. I would like to say that I have had no part in this amendment or in the original proposition.

Mr. MCMILLIN. That speaks well both for the amendment and for the original proposition.

Mr. REED, of Maine. The gentleman from Tennessee——

The SPEAKER *pro tempore*. The previous question has been moved.

Mr. KEIFER. Will the gentleman from Pennsylvania [Mr. RANDALL] yield to me for a moment? I concurred in this report this morning, and wish to say——

Several members called for the regular order.

Mr. KEIFER. I understood that the gentleman from Pennsylvania [Mr. RANDALL] was willing to yield to me for a minute.

The SPEAKER *pro tempore*. The Chair would gladly indulge the gentleman from Ohio, but the previous question is demanded by the gentleman from Pennsylvania on his report.

The previous question was ordered.

The SPEAKER *pro tempore* (putting the question). The question is on the adoption of the report.

Mr. REED, of Maine. I claim the right of debate under the rule.

The SPEAKER *pro tempore*. The gentleman from Maine has his right of debate, but not during the time that the House is engaged in voting on the report.

Mr. REED, of Maine. I rose in my place in time to claim the right of debate.

The SPEAKER *pro tempore*. The Chair accepts the statement of the gentleman.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. The Chair had proceeded to put the question to a vote and the time for debate had passed.

The SPEAKER *pro tempore*. The Chair must state that it has no option; and it does not desire to question the statement of the gentleman from Maine, that he had risen and claimed in time his right to debate under the rule.

Mr. RANDALL. That is under the clause allowing fifteen minutes on each side.

The SPEAKER *pro tempore*. That is correct.

Mr. RANDALL. I do not want to lose my right to the floor.

Mr. REED, of Maine. I know the gentleman from Tennessee [Mr. MCMILLIN], in the remark he was kind enough to make a few moments ago, intended only an impertinence. That was his sole object. But I do not intend to reply to him in that vein, because there are serious questions involved in the method of conducting the business of this House, questions to which the gentleman from Tennessee would address himself provided he was capable of comprehending their importance. I desire, however, to spend no further time on him.

The method by which we shall conduct the business of this House lies at the very foundation of the public business. Unless we have a right and proper method of conducting the public business we are wasting the public time; and this rule which was presented on the 3d instant by the gentleman from Pennsylvania is only one of a series which I have witnessed in procession since the present system of rules of the House was adopted.

We go on for a period covering nearly the entire session of Congress under a system which obstructs and prevents transaction of the public business, and then when we find ourselves within four weeks of the close of the session—a four weeks which are also mortgaged by the appropriation bills—we then undertake to establish some such hybrid affair as the present rule for the purpose of stopping the clamor of members of this House. We try to crowd in the four weeks which are already predestined to be occupied by the appropriation bills the business of this House which should have been spread over the entire period of two years. We undertake to run Niagara through a quill. That is the effort that is made Congress after Congress since this infamous system of rules was adopted, and the result is always the same. A few men are selected. Those men are allowed to put through a few bills which are of no consequence, because not even ten men can be found to object to them.

Now, that is a substitute for government in this country by the majority, and against that system I uttered my protest and wished to be personally kept clear from the responsibility of it, and to that the gentleman from Tennessee [Mr. MCMILLIN] was kind enough to say that my action was an approval of these transactions to his mind. What that says for his mind I leave the House to consider.

Now, Mr. Speaker, I want to reiterate again that this system is entitled to the approval of no legislator. It is false in its principle; it is bad in its results; it only conduces to a congestion of the public business instead of a transaction of it, and for my part I want the responsibility of this whole system, with its outhouses and all, put upon the men who started it originally and who are now undertaking to patch it. And I rise for the purpose of again calling the attention of the House to this system in order that men may understand it, in order that when an opportunity comes again in the next Congress to vote it down men may consider the principle, or lack of principle, upon which it is founded, and not find themselves at the end of the second session of that Congress as hopeless and helpless as they are to-day.

Mr. Speaker, I reserve the balance of my fifteen minutes.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] has ten minutes remaining, and is recognized as controlling the time on his side.

Mr. MCMILLIN. Mr. Speaker, in response to the charge of the dis-

tinguished Representative from Maine [Mr. REED] concerning the pertinence or impertinence of my remark to him, I have this to say: that this House will bear me witness that among all of its three hundred and twenty-five members there is not one who has less cause to criticise impertinence on the part of others than the Representative from Maine [Mr. REED]. [Applause on the Democratic side.] Who ever raised a debate here that his remarks were not in it, in season and out of season? As to the magnificence of his intellect, why, probably it would be rashness for any man to compare himself with what that gentleman *thinks* he is. [Applause and laughter on the Democratic side.] Thad. Stevens was once asked on this floor who was the greatest man here. He responded, giving the name of a Representative whom I will not name.

The gentleman who had made the inquiry said, "Ah, is that so? I had not thought it." "Well," said Mr. Stevens, "if you do not believe it go and ask him; he himself will tell you so." [Laughter.] Tested by that rule, I know no man who would stand higher than the gentleman from Maine, and probably he would stand a few stories higher tested in that way than he would if tested by any other rule.

Now, Mr. Speaker, concerning the disposition of the gentleman from Maine as to these rules, or as to other matters here, some have thought that his peculiarity was attributable to a perverse nature. Others have concluded that art and long practice had much to do with it; but those who know him best give him credit for being the result of such a combination of art and nature as has not resulted in the production of any prototype of him and is not likely to result in any successor. [Laughter and applause on the Democratic side.] I am willing for the House to judge what my action has been in the past and what the merits of my standing are upon this floor, and I do not hesitate to say that the gentleman from Maine [Mr. REED] has on more occasions spoken here in a way that was critical of others than he has spoken anywhere else, and probably more frequently than he would speak anywhere else where the protection of the rules did not surround him. [Cries of "Oh!" "Oh!" on the Republican side.]

Mr. REED, of Maine. Mr. Speaker, I think that in that last sentence the gentleman from Tennessee struck his natural level. [Applause on the Republican side.] The other heights to which he ascended I perceive now were furnished to him by the gentlemen who surrounded him and with whom he was busily consulting during the few observations which I had the honor to make. It is a great pity for his own reputation that he did not adhere to his borrowed utterances instead of dropping to his natural situation as in the last sentence. [Laugther on the Republican side.]

Mr. MCMILLIN. If the gentleman from Maine [Mr. REED] can improve his utterances by borrowing, I would suggest the borrowing process. [Laughter on the Democratic side.]

Mr. POST, of Pennsylvania. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. POST, of Pennsylvania. I wish to inquire whether it is now in order for us to proceed to the transaction of public business?

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Pennsylvania [Mr. RANDALL].

Mr. RANDALL. Mr. Speaker, I have heard so often the views of the gentleman from Maine [Mr. REED] as to the present rules of the House, that I do not think it is necessary to waste the public time further in connection with that subject, except to say that the other members of the Committee on Rules will cheerfully give him a certificate that he has had nothing to do with the preparation of this amendment.

One word more. I am free to say to this House that these rules in almost their entire volume come to us from a period beyond our own generation; and these rules, as they exist, are in the main those which were adopted by the Committee on Rules without political bias and by a unanimous vote.

So far as my action in connection with the rules is concerned, I have always kept in view the object of preventing what I conceived to be unwarranted expenditures from the Treasury of the United States, and I shall long continue, I trust, to occupy that position.

Mr. REED, of Maine. How much time have I remaining?

The SPEAKER *pro tempore*. The Chair understands gentlemen on both sides as having reserved whatever time they did not occupy. The gentleman from Maine has eight minutes remaining.

Mr. REED, of Maine. I yield four minutes to the gentleman from Michigan [Mr. HORR].

Mr. HORR. Mr. Speaker, I desire to say one word in reference to this trouble about the rules, from the fact that having served in this House for several terms I find myself able to state only one thing conclusively, and that is that it is utterly impossible under our present rules for any one in this House to do anything that is really important or to pass any measure that will surely benefit the country. I do not know the remedy. I do know that at the opening of the last two sessions of Congress an effort has been made by the gentleman from Maine [Mr. REED] and others to annul these rules, so that the majority of this House might do some business. I do know that the gentleman from Pennsylvania [Mr. RANDALL] has fought that effort persistently, and has prevented it from being successful, until to-day we stand here with our hands tied, and we can do no legislation at all.

We met here last night for the purpose of considering one of the most important bills before the House. We were blocked instantly and successfully by the persistency of the gentleman from Kentucky, who angered me at the time exceedingly, as I thought his opposition was foolish and unreasonable. I said more to him privately than that; but to-day I wish to apologize to him, for after I reached home and thought over what he had done I found I had been blaming him for precisely the same thing that the leaders on this floor do repeatedly. It was only Monday last when the gentleman from Pennsylvania himself held us here all day and away into the night simply because he feared the passage of some legislation that did not exactly suit him. He himself blocked the whole proceedings of this House, and I am not the man who should put on airs about this matter. I fear I have done the same thing whenever a measure came up that did not suit me. [Laughter.] But I say that a rule which permits one or two men to block the entire business of this House is destructive of legislation, and prevents the majority of the people's Representatives from securing the transaction of any business here at all.

This new rule which we are about to adopt can not relieve us. We witnessed the proceedings here yesterday morning, when bill after bill without any consideration was objected to and laid aside.

A MEMBER. Not voted on at all.

Mr. HORR. Not voted upon—not allowed to come before the House. The difficulty is, our rules are so framed that a few men in a minority can prevent the passage of any bill that they see fit to oppose. It is too late now in this session for any remedy. We have more work before us than we can do. We shall do well if we succeed in passing the appropriation bills. The rule now under consideration, with the amendment proposed, will prove of little use. You can possibly get through under it four bills in a morning. Under the amendment the speaking will go on for ten minutes before objection is called for; and the rotatory motions which will take place here at intervals will allow possibly from one to three bills to be acted upon—with the best of luck not to exceed five—and many of them will be thrown out by the objections of ten members. I sat here and witnessed the operation of the Pound rule, when I saw this same thing tried; and I never saw a bill passed under that rule.

A MEMBER. Oh, yes.

Mr. HORR. Hardly one; there may have been one or two unimportant bills; certainly no bill that was of general interest.

The difficulty is, when you prevent the majority from doing the business of this House it makes little difference then whether you limit the power of obstruction to one, five, or ten men.

We can get no remedy during this session. I do not think you gentlemen on the other side want any remedy. I believe I am not doing my friend from Pennsylvania any injustice when I say to this House that I think we are doing fully as much business as he desires to see done—just as much as he intends to have done—just as much as a few gentlemen over there have determined to have done. And I am not sure you gentlemen are not right. Many of the bills passed in this House during this session do not recommend themselves to me as of such a nature that I care to have them repeated many times.

Mr. Speaker, we are beyond help in this Congress. All we can hope to do is to pass the appropriation bills, and we have a good deal to do if we do that.

Mr. WELLER. Will the gentleman permit me to ask him a question?

Mr. HORR. Yes, sir.

Mr. WELLER. Has not the whole difficulty been owing to the superior statesmanship of our leaders? [Laughter.]

Mr. HORR. As the gentleman himself is one of the main leaders on that side of the House I will say that is probably the real trouble. [Renewed laughter.]

Mr. WELLER. I am exceedingly glad to have such high encomium from the gentleman from Michigan.

Mr. RANDALL. How much time is remaining?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has seven minutes remaining.

Mr. RANDALL. How much time has the gentleman from Maine?

The SPEAKER *pro tempore*. The gentleman from Maine has three minutes.

Mr. REED, of Maine. I yielded but four minutes, and I have four minutes remaining.

The SPEAKER *pro tempore*. The Chair states the facts. The Chair did not hear the gentleman from Maine put any limitation on the gentleman from Michigan, and all the time of the gentleman from Maine has been used but three minutes.

Mr. REED, of Maine. But I yielded only four minutes to the gentleman from Michigan.

The SPEAKER *pro tempore*. The Chair will ask by unanimous consent, as it was the Chair's fault and not that of the gentleman from Maine, that the extra minute be granted to him.

There was no objection, and it was ordered accordingly.

Mr. KEIFER. I appeal to the gentleman from Pennsylvania to give me five minutes.

Mr. RANDALL. I can not, but I will give you three.

Mr. KEIFER. Mr. Speaker, I favored the amendment of the special rule when the subject was brought to my attention. I did it not with any great hope we were going under this special rule to redeem the present House from its difficult situation. With all the bills reported and on the Calendar and on the Speaker's table that are important we are likely to do but very little.

I wish to say I was opposed originally to the adoption of the present system of rules. I have in every Congress since their adoption favored some method by which the majority of the House of Representatives could transact the business that was properly brought before it through committees or otherwise. I agreed to co-operate with the gentleman from Maine in the Forty-seventh Congress in attempting to so amend the rules as would make them at all practical in legislation. I favored in this Congress the same amendment, but it has turned out that a majority of this House is opposed to amending these rules.

Notwithstanding the fact the House had it within its power to have adopted the amendments reported by the gentleman from Maine, I am willing we should resort to any scheme or device, or whatever you choose to call it, to give gentlemen here the right to legislate for the remainder. I do not expect we will accomplish much under it, but if we can adopt the amendment it will accomplish that little, at least, toward effecting the legislation which the Congress of the United States is charged with.

[Here the hammer fell.]

Mr. REED, of Maine. Mr. Speaker, I think it fair and proper I should take my four minutes now; and I desire to take them to make reply to the suggestion made by the gentleman from Pennsylvania [Mr. RANDALL]. That gentleman has stated to this House that the present system of rules has come down to us from former generations. I stand here in my place and say that he is mistaken in that statement.

Mr. RANDALL. I said in the main.

Mr. REED, of Maine. I say to him it is true that a majority of these rules are the same as they were before he took hold of them in the Forty-sixth Congress, but I say at the same time the whole system of transacting business has been changed and uprooted. We are not now living on the system of our ancestors, unless the gentlemen from Pennsylvania and Indiana are our ancestors. [Laughter.] I say we have been "cabined, cribbed, confined," by this present system of rules; so we find ourselves to-day in this position.

The Forty-sixth Congress did no business because we discussed the rules, the Forty-seventh Congress did no business because we had the rules except when we changed the rules, and the Forty-eighth Congress has done no business because the rules have put it in the power of a few men to stop all business of the House.

Now, I have said these things once or twice before [laughter], and I am glad to repeat them, for virtue in this world gets on not merely by sound statement but by reiteration of sound statement. It gets on by means of men having the idea driven into them that something is wrong. Everybody in this House knows from the condition of public business that something is wrong. Everybody knows it is a senseless proceeding for a body of three hundred and twenty-five men to sit here for two years and be chained as this body of men has been. I challenge again the gentleman from Pennsylvania to justify such action.

If he says on his part he does not want certain bills to be passed, allow me to say to him, without meaning any personal offense, it is not his measure which is to govern the affairs of the United States; that every Representative on this floor is his equal, is the equal of every other member, and that no one of them ought to exercise the veto power. And yet under this system of rules the veto power is in large measure given to every single member. It is not only the gentleman from Pennsylvania who exercises it, but the gentleman from Iowa, as my friend from Michigan has well said, has won distinction as a leader in this very line of thought and proceeding. [Laughter.] It is just because every single member is allowed a veto power, which the Constitution only allows to a majority, that I have protested and renew my protest.

[Here the hammer fell.]

Mr. RANDALL. Mr. Speaker, the gentleman from Maine has endeavored to controvert my statement in reference to the fact that these rules had come down from former generations of legislators. The whole framework, the very principles upon which the rules themselves rest and in large degree their policy, have come down to us as I stated; and when the gentleman seeks to arouse prejudice in this House against a single member because he stands here and objects under the rule, I say that that member, no matter who he is, would be controlled by the rules, and is himself utterly powerless if he stood alone and without that constitutional power which is given to one-fifth of this House to call the yeas and nays to be entered upon the journals. And I say further, sir, that this furore which is attempted to be raised against individual members who are arraigned because as alleged they seek to obstruct legislation is unjust and unfounded, because a member would be utterly powerless if he had not one-fifth of the House associated with him and acting in unison with him to accomplish his object. This for a moment can not be gainsaid.

I do not want to sweep aside with the little facetiousness the gentleman from Maine is so much at home with the rules as they stand to-day; for I say now that the deliberate purpose of the rules as adopted by the House, and which came from the Committee on Rules with its unanimous voice and with no political suspicion as to any of them, was to protect the people of this country against unjust inroads into the Treasury; and that is the reason why I feel firm and determined in standing against any encroachments which would allow the public Treasury to be unduly entered by measures for which there is no constitutional warrant. The rules in that respect are a protection. I admit, because we are all but human. I feel it every day. We are coaxed, we are pursued, we are talked to, we are got at in every conceivable honorable manner to induce us to vote money out of the Treasury of the United States; and it is well that I and others have this power embraced within the rules to protect ourselves from temptation and to save the Treasury of the United States from the unwarranted expenditure of public money. [Applause.]

The SPEAKER *pro tempore*. The time allowed for debate has expired. The question is upon agreeing to the report made by the gentleman from Pennsylvania.

Mr. HORR. Let it be again reported.

The SPEAKER *pro tempore*. Without objection the report will be again read.

There was no objection, and the report was again read.

The SPEAKER *pro tempore*. The question is on agreeing to the report.

Mr. BELFORD. Can we not have that again reported? It was impossible to hear it here.

Several members objected.

The SPEAKER *pro tempore*. Objection is made. The question is on the adoption of the report.

The question was taken; and upon a division there were—ayes 151, noes 16.

So the report was adopted.

Mr. RANDALL moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I now ask that the rule, as modified, may be printed in full in the RECORD of this day's proceedings.

There was no objection.

The rule, as amended, is as follows:

Resolved, That each morning during the remainder of this session, immediately after the approval of the Journal, there shall be set apart one hour for motions to take up and consider such bills or resolutions on any of the Calendars of the House, or on the Speaker's table, or bills favorably reported from the Calendars undisposed of, as the member making the motion may designate. And the bills or resolutions so designated shall be immediately considered, unless objected to by at least ten members. That before asking for the objections to the bill or resolution indicated, it shall be in order for the debate provided for to be had and thereafter there be no further debate. If the yeas and nays shall be ordered on any such bill or resolution, or any proposed amendment thereto, and the call of the roll shall be commenced before the expiration of the said one hour, the same shall be completed before the regular order of business is entered upon: *Provided*, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

ORDER OF BUSINESS.

Mr. ERMENTROUT. I rise to submit a privileged report from the Committee on Accounts.

The SPEAKER *pro tempore*. Before that the Chair will ask the consent of the House to lay before it certain executive communications.

There was no objection.

REPORT OF LIEUTENANT RAY—POINT BARROW EXPEDITION.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, relative to the publication of 2,000 additional copies of Lieutenant Ray's report of the international polar expedition to Point Barrow, Alaska; which was referred to the Committee on Printing, and ordered to be printed.

IMPROVEMENT OF POCOMOKE RIVER, MARYLAND.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of the Pocomoke River, in Maryland; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

PUBLIC BUILDING, CHARLESTON, W. VA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, submitting an estimate for an additional appropriation to complete the public building at Charleston, W. Va.

The SPEAKER *pro tempore*. Without objection this will be referred to the Committee on Appropriations.

Mr. TOWNSHEND. I should think that ought to go to the Committee on Public Buildings and Grounds.

Mr. RANDALL. What is the purport of the communication?

The SPEAKER *pro tempore*. It is a letter from the Secretary of the Treasury, asking an additional appropriation to complete a public building.

Mr. RANDALL. If it is in pursuance of existing law it would go

to the Committee on Appropriations, if otherwise, to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair thinks that under the rule this should go to the Committee on Appropriations, but will examine the paper more carefully. It is, however, perfectly competent for the House to make any reference of the communication it may deem fit. Does the gentleman from Illinois make any motion?

Mr. TOWNSHEND. I do not.

Mr. RANDALL. If the proposition relates to an appropriation within the limit of existing law it ought to go to the Committee on Appropriations; but if it relates to a proposition for the enlargement in the limit of the appropriation, it should go to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair will cause the Clerk to read the rule.

The Clerk read as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows:

* * * * * * *

20. to the public buildings and occupied or improved grounds of the United States, other than appropriations therefor: to the Committee on Public Buildings and Grounds.

The SPEAKER *pro tempore*. The Chair will now ask the Clerk to read the letter of the Secretary of the Treasury, which is short.

Mr. SNYDER. If in order, I desire to make a motion to refer this communication to the Committee on Appropriations.

Mr. STOCKSLAGER. Is there a public building at that point?

Mr. SNYDER. There is one in course of erection. This is to increase the appropriation.

Mr. STOCKSLAGER. I think this should go to the Committee on Public Buildings and Grounds, and move that reference.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman when the Clerk has read the letter of the Secretary.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, February 3, 1885.

SIR: I have the honor to state that there will be required for the completion of post-office and court-house at Charleston, W. Va., and for the payment of certain outstanding obligations on account thereof, the sum of $1,153.30; which amount I respectfully recommend be included in the sundry civil bill now under consideration by the Committee on Appropriations.

Respectfully,

CHAS. E. COON, *Acting Secretary.*

To the SPEAKER *of the House of Representatives.*

Mr. STOCKSLAGER. I withdraw the motion to refer the communication to the Committee on Public Buildings and Grounds.

The communication was referred to the Committee on Appropriations, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ERMENTROUT. I desire to make a privileged report. I am directed by the Committee on Accounts to submit the report which I send to the desk.

The Clerk proceeded to read the report, which related to the question of adjustment of salaries of the disbursing and stationery clerks of the House.

Mr. STOCKSLAGER (interrupting the reading). Is that in order?

The SPEAKER *pro tempore*. The Chair thinks this is not a privileged report. It will be returned to the gentleman from Pennsylvania.

DEPUTY MARSHALS AND SUPERVISORS OF ELECTIONS.

Mr. VAN ALSTYNE. I am instructed by the Committee on Expenditures in the Department of Justice to report back the House resolution submitted by the gentleman from Missouri [Mr. DOCKERY] on the 2d instant, and to recommend that it be adopted. The report is a privileged one. I move the previous question on the adoption of the resolution.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be directed to inform the House of Representatives what has been the total amount of expenses incurred under the law providing for the appointment of deputy marshals, chief supervisors, and supervisors of elections, and in what States the money has been expended; showing the separate amounts expended in each State, and also the accounts for such services which remain unadjusted.

The previous question was ordered.

Mr. VAN ALSTYNE moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The resolution was adopted.

Mr. VAN ALSTYNE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHINESE IMMIGRATION.

Mr. EATON. I desire to make a report.

The SPEAKER *pro tempore*. Is it a privileged report?

Mr. EATON. I am directed by the Committee on Foreign Affairs to report what ought to be a privileged question. I am not sufficiently familiar with the rules to know whether it is or not.

The SPEAKER *pro tempore*. The gentleman will send it to the Clerk's desk, and the Chair will pass on its character. [After examining the report.] The gentleman from Connecticut submits a privileged report.

The report was read, as follows:

The Committee on Foreign Affairs, to which was referred the resolution submitted by Mr. BUDD February 2, calling for information relative to the construction given by the Secretary of the Treasury to the act of July 5, 1884, relative to Chinese immigration, has considered the same, and believing the information sought to be of great importance, reports the resolution to the House with the recommendation that the second paragraph of the preamble be stricken out, and, as so amended, it be adopted.

The resolution was read, as follows:

Whereas it is alleged that the Secretary of the Treasury, under date of January 14, 1884, issued, as a circular to the collectors of customs, the following regulations and instructions, among others:

"5. Chinese subjects, not laborers, desiring to come to the United States from countries other than China, may do so on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by a Chinese diplomatic or consular officer, if there be one at the port of departure, countersigned by a United States consular officer, or, if there be no such Chinese officer stationed at such port, on a like certificate to be issued by a United States consular officer.

"6. Section 6 of the act of 1884 does not apply to Chinese persons other than laborers lawfully in the United States. Such persons are by treaty entitled 'to come and go of their own free will and accord,' and when they leave the United States are entitled to re-enter on any evidence satisfactory to the collector that they are not Chinese laborers.

"For the convenience of such persons and of the customs officers and others, such persons who may desire to depart from, and return to, the United States, may enter the United States on production of a certificate corresponding to that required by section 6 of the act of July 5, 1884, to be issued by the collector of customs of the port of departure, which certificate may be *prima facie* evidence of a right to enter the United States.

* * * * * * * *

"8. Chinese persons who may be compelled to touch at the ports of the United States in transit to foreign countries may be permitted to land under the regulations of January 23, 1883 (section 5544), so far as may be applicable, such persons to take passage by the next vessel leaving for their destination or the voyage of which may form part of the route necessary to carry them to their destination."

And whereas, if issued, such instructions and regulations are in violation of the act of July 5, 1884, relating to Chinese immigration, and are therefore a practical nullification of an act of Congress by one of the Executive Departments of this Government; and

Whereas Congress by the act of July 5, 1884, intended to, and did, by express terms prohibit all Chinese, whether laborers or merchants, former residents or new arrivals, from entering the United States of America without the certificate required by such act and issued by the officers and in the manner therein provided: Therefore,

Be it resolved, That the Secretary of the Treasury is hereby directed to report to this House, at the earliest possible date, what, if any, regulations and instructions relating to the rights of Chinese to enter the United States of America have been issued by the Treasury Department since July 5, 1884; under what law for the regulation or prohibition of the coming of Chinese to this country such regulations have been issued; and if any instruction has been issued that a United States consular officer might issue the certificate required by the act of July 5, 1884, to be issued by a foreign government, or if any other instructions or regulations such as above set forth have been issued, to specify under what section and clause of any law relating to the rights of the Chinese to enter the United States the same are authorized.

Mr. EATON. This resolution was unanimously adopted by the Committee on Foreign Affairs. It is simply to direct the Secretary of the Treasury to give information to this House as to the orders of that Department. I think there will be no objection to it. I move the previous question.

Mr. SKINNER, of New York. Is that a privileged report?

The SPEAKER *pro tempore*. The Chair thinks it is a privileged report. It is a resolution of inquiry, and the reporting of it back under the rule is privileged.

The previous question was ordered.

Mr. EATON moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on the amendment recommended by the Committee on Foreign Affairs.

Mr. HOLMAN. Let the amendment be reported.

The Clerk read as follows:

Amend by striking out the second paragraph of the preamble, as follows:

"And whereas, if issued, such instructions and regulations are in violation of the act of July 5, 1884, relating to Chinese immigration, and are therefore a practical nullification of an act of Congress by one of the Executive Departments of this Government; and

"Whereas Congress by the act of July 5, 1884, intended to, and did, by express terms prohibit all Chinese, whether laborers or merchants, former residents or new arrivals, from entering the United States of America without the certificate required by such act, and issued by the officers, and in the manner therein provided."

The SPEAKER *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to; and the resolution as amended was adopted.

Mr. EATON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF EDUCATION REPORT.

Mr. ROGERS, of New York. I rise to make a privileged report. I

am instructed by the Committee on Printing to report back with an amendment the joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

The joint resolution was read, as follows:

Resolved, &c., That of the report of the Commissioner of Education for 1883 and 1884 there be printed 6,000 copies for the use of the Senate, 12,000 copies for the use of the House of Representatives, and 20,000 copies for distribution by the Commissioner.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House was requested:

A bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; and

A bill (H. R. 5461) to regulate interstate commerce.

The message also informed the House that the Senate had passed the joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

QUESTION OF PRIVILEGE.

Mr. BRECKINRIDGE. Mr. Speaker, I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BRECKINRIDGE. The Committee on Rivers and Harbors wishes, through me, to call attention to some remarks made in yesterday's debate by the gentleman from Maine [Mr. REED] and by the gentleman from New York [Mr. HISCOCK].

I send a copy of the RECORD to the desk with certain passages marked which I ask the Clerk to read.

The Clerk read as follows:

Mr. REED, of Maine. All of these other gentlemen have been making similar statements, and that is just what I complain of. Last year I took a stand against the Mississippi River appropriation and I did it upon an indication that I saw here in the House. A proposition was made, a sensible business proposition, that we should content ourselves with the prosecution of the work on the two reaches of the river then under process of construction, to see if the plan contemplated in that work was to be a success. If it was a success, then we could go on; if it was not a success, we could suspend operations.

But that business proposition was rejected by an overwhelming crowd of votes. That satisfied me that there were a great many gentlemen who were more interested in the expenditure of money than they were in the navigation of the Mississippi River. Now the gentleman from Arkansas comes before the House and re-enforces by facts the suspicion which the conduct of these gentlemen at that time engendered in the minds of thinking men.

* * * * * * *

Mr. HISCOCK. * * * I ask the Committee on Rivers and Harbors if they have investigated the question of the amount of money that has been expended for repairs on works that have been done under this plan within the last two years?

Why have you not informed the House on that subject? I assert that of the $8,000,000 which have been appropriated and expended in this work nearly $2,000,000 have been expended in repairs on these mattresses and this revetment work; and yet that fact has been kept from the House, and kept from the country. This committee, with full power to investigate, with full power to ascertain all the facts upon this question, have brought in this bill and attempted to change the manner of doing this work, claiming we must call this Captain Eads to the helm, and that he has some new plan, some new method, that will give success to this great scheme of public plunder.

Mr. BRECKINRIDGE. Mr. Speaker, in the remarks read by the Clerk the deliberate charge is made that the Committee on Rivers and Harbors has practiced concealment of important information from the House, in order to put through a job, "a scheme of public plunder." The deliberate charge is made, with reference to legislation which meets the approval and has met the indorsement of the Committee on Rivers and Harbors, that gentlemen sustaining that legislation were far more interested in securing the expenditure of the public money than they were in carrying out the solemn pledges and purposes expressed in the bill. Now, sir, I intended last night—indeed, I desired immediately when these remarks were uttered—to get the floor, but I did not succeed in doing so. I intended to call the attention of the House to these gross and unwarranted reflections upon the proceedings of the House and of the committee to which I have the honor to belong. This morning, at a meeting of our committee convened for other purposes, I called the attention of its members to this matter, and for that reason I, instead of the chairman of our committee (who had not heard the remarks when they were made, and who had not read them in the RECORD), was requested by the committee to report to the House its proceedings in the premises and to express its sentiments.

At a full meeting, attended by every member of the committee, Republican and Democratic, that is in the city, except one, my friend General BAYNE, from Pennsylvania, it was unanimously and warmly agreed that these remarks should be denounced upon the floor of the House as——

Mr. REED, of Maine. Mr. Speaker, is this a question of privilege?

The SPEAKER *pro tempore*. The Chair is very little disposed to rule that it is not a question of privilege when a committee of the House by its own action seeks to bring a matter of this nature to the attention of the House.

Mr. HISCOCK. Mr. Speaker, we have been anxious upon this side of the House to have time for discussion. I hope that the gentleman from Arkansas [Mr. BRECKINRIDGE] may be allowed to continue his remarks and that we may then have an opportunity to be heard.

Mr. REED, of Maine. I simply desire, Mr. Speaker, to call attention to the point, because I do not want this proceeding to go on and then when it is finished be cut off from reply.

The SPEAKER *pro tempore*. The Chair thinks that the gentleman from New York [Mr. HISCOCK] will have no occasion to complain of any want of fair dealing on the part of the Chair.

Mr. BRECKINRIDGE. I should insist upon the gentlemen having ample time.

Mr. BROWNE, of Indiana. Well, Mr. Speaker, I make the point directly that this is not a question of privilege, and I ask the ruling of the Chair.

The SPEAKER *pro tempore*. The Chair will ask the Clerk to read the rule which applies.

The Clerk read as follows:

RULE IX.

QUESTION OF PRIVILEGE.

Questions of privilege shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings; second, the rights, reputation, and conduct of members individually in their representative capacity only; and shall have precedence of all other questions, &c.

The SPEAKER *pro tempore*. The Chair does not think the point of order well taken. The Chair thinks that this is a question of privilege under the rule just read. The point of order is therefore overruled. The gentleman from Arkansas [Mr. BRECKINRIDGE] will proceed.

Mr. BRECKINRIDGE. The members of the Committee on Rivers and Harbors wish this House to know that they unanimously denounce the imputation upon their action contained in the remarks that have been read as utterly base and groundless——

Mr. HUNT (*sotto voce*). Baseless and groundless.

Mr. BRECKINRIDGE (continuing). Baseless and groundless. I would let the word "base" stand if it were parliamentary, for a thing that is groundless is base when it impeaches the character of honorable men.

Mr. Speaker, as for the language of the gentleman from New York [Mr. HISCOCK], I do not wish to dwell upon it or characterize it with anything like passion, though it would require terms somewhat passionate to express the indignation that I feel at charges of this character so unwarrantably uttered. The committee has not a single essential fact but what I and others have stated or what are contained in the public records of the country, which are open to the gentleman, and from which he has drawn the statements of fact that he has presented. The Committee on Rivers and Harbors brought forward their conclusions, based upon these serious facts, and they have been called too radical; yet the gentleman complains of our not dealing with them. Those conclusions were predicated upon the very matters which he complains of as having been concealed from Congress. It is not customary to bring into the House all the details of any case or to read in full the thousands of pages of evidence; but, speaking as a member of the committee, I have myself brought out here what I conceive to be the most startling and striking statistics connected with this subject. Therefore the gentleman, being himself supplied not only with these statements, but with the public printed records giving all the information that the committee has, can find no justification for making the charge of concealment for "plunder" that he does make against the committee.

Sir, I believe it is a just and proper maxim that a good construction should be put upon the actions of men unless a bad construction is unavoidable. These gentlemen seem to reason about the actions of their associates from a low plane of suspicion. Even when those actions are indorsed by their own associates and by overwhelming majorities in this House, such as are cited by the gentleman from Maine as having been the vote upon these previous questions in connection with this matter, they are unwilling to adopt a good construction if it is possible to adopt a bad one. It is only fair to say (and they can take it to their own reflection) that the majority of their associates have perhaps as little confidence in them individually as they have in the great body of their associates in Congress.

Sir, we have no desire to have these insulting and unwarranted remarks taken from the RECORD. We are willing for them to stand as evidence of the kind of criticism these gentlemen indulge in about the action of Congress and the action of a committee of this House. We are willing to stand upon our record, allowing that and the criticisms upon it to go down together for examination and analysis on the part of any who take an interest in this matter.

I want to say for the committee that I have been associated with it day after day, our labors beginning generally before the meeting of this House and continuing in solid session until after its adjournment, this labor having run through a number of months in the last session of Congress, and in the present it has run through nearly every week from the beginning of the session down to this hour. I never met a body of

men whom I considered purer, more patriotic, or more worthy of confidence in all the motives and purposes directing their action than this body has shown itself to be. Therefore, sir, in its name, and as a member of this Congress, and as a gentleman, I resent the insults and slanders that these gentlemen seek to heap upon their associates.

Mr. REED, of Maine. Mr. Speaker, I am particularly pained to think that the Committee on Rivers and Harbors should not feel that they have already a sufficient affair on their hands, without undertaking to indict their fellow-members for words spoken in debate. I had myself felt it was enough that those gentlemen sat with closed doors upon this bill, that they absorbed all the opportunity for discussion upon it, without giving to themselves in addition a supervisory power over the utterances of gentlemen who have been obliged to condense into five minutes their views upon very important subjects.

I also desire to express my personal sorrow that a gentleman of the standing of the gentleman from Arkansas [Mr. BRECKINRIDGE], whom until to-day I have always felt to be in character and ability worthy of the distinguished name that he bears, should in himself exemplify in his attack upon me precisely the objectionable things which he thinks he finds in what I said, but which neither he nor any other member of this House can find there.

I hold it to be above all things low and groveling for a member of this House to stand up in his place and insinuate dishonest personal motives as having characterized the action of any other member of this House; and I am the last man to do it; for my experience in this House has satisfied me that if I were to undertake to name every member of whom I had any suspicion of impropriety, I should have exhausted the list long before I had covered the fingers of one hand. I am a believer in the honesty of purpose of the members of the House of Representatives. I take no part or stock in any of the flings made against them anywhere, either on the floor of this House or elsewhere.

Mr. HUNT. May I ask the gentleman a question?

Mr. REED, of Maine. No, sir; I am now discussing this matter for myself, and I beg leave to be allowed to conclude without interruption.

Mr. HUNT again rose.

Mr. REED, of Maine. I insist that I shall not be interrupted.

The SPEAKER *pro tempore*. It is the right of the gentleman from Maine to proceed without interruption.

Mr. BRECKINRIDGE rose.

Mr. REED, of Maine. I decline to be interrupted, except by the gentleman from Arkansas.

Mr. BRECKINRIDGE. I wish to say that the remarks which the gentleman has just uttered are of a most generous and considerate nature; but I think he will admit——

Mr. REED, of Maine. Now, the gentleman must permit me to finish.

Mr. BRECKINRIDGE. One moment, if the gentleman pleases.

Mr. REED, of Maine. Very well.

Mr. BRECKINRIDGE. I think the gentleman must admit that his remarks of yesterday, whether rightly expressing his intent or not, are not open to any other construction than that he did reflect upon the purposes and motives of gentlemen engaged in legislation in this House. I can not conceive it to be honorable for gentlemen to meditate a raid on the Treasury under the guise and expressed purpose of legitimate ends. The disclaimer the gentleman now makes is entirely satisfactory to the committee as well as myself.

Mr. REED, of Maine. I understand the gentleman's point, and I must be allowed now to go on.

Mr. BRECKINRIDGE. This shall not come out of the gentleman's time if I have any voice in the matter. I only wish to add that if the language just used by the gentleman expresses his sentiment in regard to the honorable purposes of the great majority of this House whom he undertook yesterday to criticise, then it is all that should be required between gentlemen, and I cheerfully withdraw all that applies to him.

Mr. REED, of Maine. Now I wish to go on further, in order that I may be distinctly understood by the House.

Mr. HUNT. That is why I wished to ask the gentleman a question.

Mr. REED, of Maine. I will allow the gentleman to ask his question after I have finished.

Mr. HUNT. Let me do it now.

Mr. REED, of Maine. The gentleman is destroying the continuity of my discourse.

Mr. HUNT. I do not mean to do that.

Mr. REED, of Maine. I desire to say further, I hold it is the right of every member of this House to criticise the motives of other members, provided that criticism is of public motives. If I see a man on the floor of this House apparently going for one object and I think he is going for another, and I think if this House understands that to be the effect it will change their views and opinions, I hold it to be right and proper for me in the course of debate to express my views on that subject.

Now, in the remarks which are complained of I have connected no man with any charge of dishonest conduct whatever. I have simply said, in substance, that raised in my mind the belief gentlemen were more interested in the expenditure of money in their section than they were in true measures for the navigation of the Mississippi River. And I stand before this House upon that statement as a statement proper to be made by an honorable man to gentlemen of this House. I believe no man here can gainsay it. I believe that the language which I used is susceptible of no other interpretation than a fair and honest criticism of the public action of public men taken for public motives; and that I had a right to do. And for the Committee of Rivers and Harbors to undertake to hold a session and sit in judgment upon gentlemen whom they have forced to crowd into five minutes a great discussion it seems to me to pass the bounds of all reasonable human endurance. [Laughter.]

Mr. HUNT. The gentleman from Maine will now allow me to ask him a question?

Mr. REED, of Maine. Assuredly I will.

Mr. HUNT. What do you mean when you say (and that is what I wanted to ask the gentleman so as to give him an opportunity to explain)—what do you mean when you say that Representatives are more influenced by a desire to secure the expenditure of money than for the improvement——

Mr. REED, of Maine. Of the navigation of the Mississippi River.

Mr. HUNT. Yes; for the improvement of the navigation of the Mississippi River. Now, in the connection in which you say it, what does that mean?

Mr. REED, of Maine. You can judge for yourself. [Laughter.]

Mr. HUNT. The gentleman says I can judge for myself. I say that it is improper, incorrect, and absolutely untrue as shown by the record—that it is an untrue statement made in an improper and uncharitable spirit.

Mr. REED, of Maine. Well, I will simply allow the gentleman——

Mr. HUNT. I wish you to explain it.

Mr. REED, of Maine. I simply allow the remark of the gentleman from Louisiana to pass in conjunction with his manner of saying it.

Mr. HUNT. It will pass, and so will you. [Laughter.]

Mr. HISCOCK. Mr. Speaker, some members of the House—I do not say how many—in previous sessions when this subject of the improvement of the Mississippi River has been up have asserted upon the floor that the great object of that work was to improve the alluvial land on the banks of the Mississippi River. They have asserted that this great river could not be chained by these engineers. They have asserted that this plan of improvement which was sent to Congress, and which Congress has repeatedly indorsed, would be a failure. Sir, I happened to be one of that number. I never had any confidence in the scheme—never had confidence in the project. But I will withdraw the word "scheme" lest it may be deemed objectionable.

A committee of this House, of which the Speaker of this House was one, and he and the other members of that committee, who were at least honorable gentlemen, brought in a report, after full investigation, substantially agreeing with the views of those members who had opposed these appropriations or this plan of expenditure. They were substantially laughed down when that report was presented. The appropriations went on, but finally time has vindicated them. We waited until yesterday for the distinguished gentleman from Arkansas, in his place on this floor, to advertise to the country, upon his responsibility as a member of the House, that all this work had been a failure and nothing had been accomplished by it.

And, Mr. Speaker, in this connection I will read the language used by the honorable gentleman from Arkansas [Mr. BRECKINRIDGE]:

> Therefore I have agreed with those who have urged that this incubus of mediocrity of untrained engineering talent in this line be taken off that river, or in some way subordinated, and it be put back to the original plan adopted by Congress which Captain Eads formulated.

This language of his follows the language I will now quote:

> And their calculations are, in round numbers, that the system will cost $150,000 a mile, and there are nearly a thousand miles of the Mississippi River in this condition, and it has two sides to it, and one side is always caving in where the other is forming a bar; you have, I say, a thousand miles at $150,000 a mile, making an aggregate of $150,000,000; and yet they can not point us to any experiment in this departure from the original plan and from reason showing that it will stand twelve months after a single rise.

Now, sir, I know, and every gentleman will know if he will take the pains to examine the record, that there has never been any change in the original plan. Up to the spring of 1884 or the fall of 1883, Capt. J. B. Eads, in his sworn testimony, has indorsed the work of the Mississippi River Commission. Up to that period of time it had his full approval.

Mr. SPRINGER. I rise to a point of order. I desire this discussion shall be confined to the question of privilege, while the gentleman from New York is now discussing the merits of the question.

Mr. HISCOCK. I am coming to the question of privilege.

The SPEAKER *pro tempore*. The gentleman from New York is perfectly familiar with the requirements of the rule in that regard, and the Chair hopes he will observe them.

Mr. HISCOCK. I am coming more directly to the point made by the gentleman from Arkansas [Mr. BRECKINRIDGE], but it seemed to be necessary I should state this history and these facts preceding what I am about to say in reply to the strictures of the gentleman from Arkansas.

We have now before us the recommendations of the Committee on

Rivers and Harbors. I understand it, interpreted by the language of the gentleman from Arkansas, proposes an entire change in the plan for the improvement of the Mississippi River (the bill does not clearly point it out), and they come in here with this recommendation, and they have not told us wherein the old plan, if there was an old plan which has been departed from—they have not told us wherein there was a failure, but they compel us to grope in the dark for the facts the gentleman from Arkansas has asserted, insidiously, I am almost justified in saying; they have formulated a new plan, and he admits he had and withheld this information as to the destruction of the works on the Mississippi River.

I do not stand here, sir, to make any charge of impropriety against the Committee on Rivers and Harbors of this House. I will throw over them the mantle of charity, and I believe that only charity can cover their omission in this respect. If that is unparliamentary, Mr. Speaker, I will withdraw it.

But when they come in here with a bill, and when a member of that committee charges that this commission which is now conducting the work is an incubus upon the public service, when I know and he must know if he has examined the record that all that has been done has been done with the concurrence of this model engineer who is paraded before Congress and the country to take charge of the public works—I say when the bill comes in and he brings these charges it seems to me it was the duty of the Committee on Rivers and Harbors not only to tell us wherein there had been a departure from the original plans, but to tell us also where and what are the amount of the works that had given way, and what amount of money had been required for the repair of these works.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. It is now nearly 2 o'clock; we have taken up a considerable part of an hour or more with this question of privilege. I make the point now that it is delaying measures of public legislation, and that the gentleman from New York is not confining himself to any question of privilege.

The SPEAKER *pro tempore*. The Chair hardly thinks the gentleman from New York is confining himself within the strict limits of the rule to a question of privilege.

Mr. HISCOCK. I have been arraigned by the gentleman from Arkansas by the direction of the Committee on Rivers and Harbors for having made a charge against his committee which was unwarrantable. I certainly did not intend to impugn the honor of any individual member of that committee.

Mr. SPRINGER. That is sufficient; let us go on now with the public business.

Mr. HISCOCK. I did not intend to impugn the honor of the committee acting in its capacity as a committee. I can only defend myself from the charge the gentleman has brought against me by going into the history of this Mississippi River improvement to some extent, and by calling the attention of the House to the fact that the foundation upon which they propose to change this plan, and the facts upon which they propose to put Captain Eads at the helm, have been kept out of the House and from the country, and that we have no information upon that point. He says everything is spread on the records. Are we, I ask you, Mr. Speaker, to grope through a report to find a letter here or an expression there that may possibly point our way in making an investigation of a vexed question of this kind? When a great radical change is made or sought to be made, and when the purpose and object of that change is withheld from the House, it is the right and duty of every member to criticise it.

Mr. WILLIS. Mr. Speaker, I must raise the question of order. I submit to the gentleman from New York himself that the whole question that has been sprung has been entirely covered by the remarks already made.

Mr. BOUTELLE. The gentleman himself ought to be the best judge of that.

The SPEAKER *pro tempore*. The Chair has already intimated that it was hardly of opinion that the gentleman from New York was speaking to the question of privilege. The Chair thinks that now, however, the gentleman is referring to the question that has been raised, and will proceed in order.

Mr. HISCOCK. Why is it that the gentleman from Arkansas has arraigned me and the distinguished gentleman from Maine on this subject, and the chairman of his committee now seeks to hush us down? Is that unparliamentary? May I be called to account for that expression? Then I withdraw it and apologize. [Laughter.] Mr. Speaker, they invited this discussion. It has been brought in here as a question of privilege, because I made the assertion on yesterday that Captain Eads, as the pet of this committee—is that objectionable?—the pet of this committee is sought to be placed over all the internal improvements of this great country.

Now, sir, I have but little more to say on this question. I had hoped that this subject might be fully ventilated. I had hoped that I might have time when the bill was under general debate to say some things that I have been compelled to say briefly to-day. I say to this committee who have brought in this proposition that opened the discussion of this question that I shall make no charge against it but what I may establish by the proofs and the record; and if from these proofs and facts I am justified in drawing the inference that it has suppressed a part of the facts bearing upon this question, or I will not say suppressed them, but that your committee has not fully advertised to the House all of the facts in its possession and all of the facts in the possession of the gentleman from Arkansas, I shall continue to assault the committee, I shall continue to make the same expressions that I have heretofore made, and I shall let the House and the country draw its own inferences whether it has dealt fairly with this subject or not. [Applause on the Republican side.]

Mr. SPRINGER. Now would it be in order to demand the regular order?

Mr. BAYNE. I want to say one word. I shall not occupy much time.

Mr. SPRINGER. I did not know that the gentleman from Pennsylvania [Mr. BAYNE] was involved in this question.

Mr. BLANCHARD. I call for the regular order.

The SPEAKER *pro tempore* (Mr. HAMMOND). This is the regular order. A question of privilege is under debate.

Mr. HISCOCK. I believe I have some time, and I desire to ask the gentleman from Pennsylvania [Mr. BAYNE] if he united in the direction to the gentleman from Arkansas [Mr. BRECKINRIDGE] that the gentleman from Maine and myself should be arraigned on this floor for the statement we made?

Mr. BRECKINRIDGE. The gentleman knows very well I stated the gentleman from Pennsylvania was absent.

Mr. HISCOCK. Oh! he was absent.

Mr. BRECKINRIDGE. I stated that, and the gentleman knows it.

Mr. HISCOCK. Well, I will supplement the gentleman's remark by saying this: I ought to have known it, because I know very well that the gentleman from Pennsylvania would never have lent himself to any such scheme or any such project.

Mr. BAYNE. I have but a word to say. I am a member of the Committee on Rivers and Harbors, and I beg to say the action of that committee so far as I know and believe has been in every sense honorable and upright. I do not believe any member of that committee through any personal motive or any motive outside of the public interest has done anything to influence the actions and deliberations of that committee. We have radically differed in the committee as to appropriations for certain streams, and we have differed here on the floor.

The gentleman from Maine [Mr. REED] ably criticised, as he always does, various propositions in this bill. The gentleman from New York [Mr. HISCOCK] ably criticised them; and other gentlemen on this floor have done so. And it was their right to do so. I am one of those who believe in giving the hardest knocks that lie within the power of the human intellect in debate on any matter that comes before Congress for consideration. I have no dread of the criticisms of any gentleman; and if the criticisms of any gentleman point out to me that the measure or proposition is wrong, I am willing to acquiesce in the suggestions he may make. I think that is the only way of arriving at the truth and securing the best possible legislation.

I submit, Mr. Speaker, that nothing that has been said here has been in the nature of a personal affront or imputation on the honor of any gentleman in the House. I did not so regard it. Although a member of the Committee on Rivers and Harbors, and although much criticism has been made on the action of that committee, I took nothing to myself as imputing to me personal dishonor or any motives other than those which should control my action as a member of the House. I for one believe in the frankest, fullest, freest criticism of all the propositions that may come before Congress; and I shall not feel offended by anything that any gentleman may say respecting any one of these propositions either in the river and harbor bill or any other bill.

There is one thing at least that can be said and should be said in favor of the Committee on Rivers and Harbors. It has been repeatedly said here that the doors of that committee were closed against members of the House. That is true. But why were they closed? Simply because it was absolutely necessary that they should be, if a river and harbor bill should be prepared for the consideration of this Congress. If the members of the House and if delegations from the various States had been admitted to that committee to make their statements no bill could have been matured by the committee in time to present it to the House. The committee sat from 11 o'clock in the forenoon until about 5 in the afternoon every day except Sundays since the recess of Congress, and a good deal of the time before that. They occupied that time most industriously in preparing this bill, preparing it with such care and deliberation and thought as they could give to it. You have the result of that deliberation and that thought. There are propositions in that bill to which I never can consent. Yet what we did we were compelled to do under the circumstances, if you were to obtain a river and harbor bill at all. The fault does not lie with the Committee on Rivers and Harbors for excluding delegations from different States and for excluding members of Congress from coming before them and making their statements, but it is attributable to the short time we had, and to no other cause. Therefore I say, although this criticism is perhaps unfair,

it is a criticism I do not object to having been made, because it simply indicates and enforces the argument that gentlemen on the floor of the House should be given as much opportunity as can be given to them to discuss this bill when they could not have a hearing before the committee.

ORDER OF BUSINESS.

Mr. SPRINGER. I demand the regular order.

The SPEAKER *pro tempore*. The Chair, if there be no objection, will lay before the House some requests affecting the personal convenience of members.

Mr. SPRINGER. If that will not take up time or require a roll-call I shall make no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CRAIG, for the day, on account of sickness; and

To Mr. JOHN S. WISE, for one week from to-morrow.

WITHDRAWAL OF PAPERS.

On motion of Mr. WAIT, by unanimous consent leave was granted to withdraw from the files of the House the papers in the case of Amos Clift, there being no adverse report thereon.

ORDER OF BUSINESS.

Mr. YOUNG. Before the hour is called, I ask to call up the bill (H. R. 2799) in order to move that the House concur in the Senate amendments.

The SPEAKER *pro tempore*. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

Mr. GIBSON. Mr. Speaker, I shall be compelled to object. A bridge across the Mississippi River is so important a matter that we ought not to pass that bill without seeing the amendments.

Mr. RANDALL. Mr. Speaker, I did not mean to make the objection, but now that some one else has made it, I desire to ask whether the operation of the new rule does not prevent the Chair from entertaining requests for unanimous consent.

The SPEAKER *pro tempore*. The Chair does not think that it does. The Chair will have the proviso in the rule read which states that for purposes of reference unanimous consent may be given.

Mr. GIBSON. Let us hear the amendment, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair will first have the proviso in the rule read.

The Clerk read as follows:

Provided, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than as herein provided; but he may entertain such requests to refer such bills or resolutions to committees, or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. That was the ground upon which the Chair held that the request might be entertained.

Mr. WHITE, of Kentucky. I call for the regular order.

Mr. SPRINGER. I withdraw my call for the regular order.

The SPEAKER *pro tempore*. The call is renewed by the gentleman from Kentucky [Mr. WHITE]. Under the rule, the hour will begin at a quarter past 2 o'clock.

Mr. HOLMAN. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. HOLMAN. The hour set apart for this purpose is very clearly designated in the rule, which provides that each morning during the remainder of this session immediately after the approval of the Journal an hour shall be devoted to a particular branch of business. The proviso does not modify that at all, except as follows:

That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than is herein provided, but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

Now, sir, I submit that the hour immediately after the approval of the Journal being set apart for the consideration of a certain class of measures which are pointed out, no other hour can be consumed in that business unless that hour, or a portion of it, shall have been consumed in conformity with the provisions contained in the proviso to the rule.

The SPEAKER *pro tempore*. The Chair has no difficulty in reaching the conclusion that the gentleman's point of order is not well taken. The Chair——

Mr. WARNER, of Ohio. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair is now endeavoring to answer the gentleman from Indiana upon the point of order which he has made.

Mr. WARNER, of Ohio. It is on the point of order that I wish to be heard a moment.

The SPEAKER *pro tempore*. On that point of order?

Mr. WARNER, of Ohio. On that point of order. I desire to be heard for a moment.

The SPEAKER *pro tempore*. The Chair will hear the gentleman with great pleasure.

Mr. WARNER, of Ohio. I simply wish to add a word to what has been said by the gentleman from Indiana. The hour set apart by the rule is a distinct portion of time, to wit, the hour following the approval of the Journal, and is not an hour floating around in the House and following any other business; and my point is that no other portion of time except that specific portion named in the special order can be appropriated to this business under the rule. It is not at all like the morning hour.

Mr. SPRINGER. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair does not think it necessary to hear further discussion upon the point of order. The Chair very frankly avows that its opinion is taken.

Mr. SPRINGER. I was going to second the opinion of the Chair.

The SPEAKER *pro tempore*. The Chair is not at all surprised to find the gentleman from Illinois concurring in its opinion. [Laughter.]

Mr. SPRINGER. We have the morning hour fixed at a certain time, and yet in practice we have sometimes had it at about 12 o'clock at night; and I think that if the morning hour can vary its place in that way this hour may do likewise.

The SPEAKER *pro tempore*. The Chair was going to suggest, in reply to the point of order made by the gentleman from Indiana [Mr. HOLMAN], that under the rule the morning hour comes at a stated time in the day, yet frequently it comes twenty-four hours after the time when it would be due by the clock. This new rule declares that immediately after the approval of the Journal an hour shall be set apart for the calling up of bills and resolutions subject to consideration under the rule. But a rule of the House, which is imperative, declares that questions of personal privilege, or privileged reports, or privileged questions shall take precedence of all other questions, and that their consideration, and the time consumed therein, shall not be taken account of by the Chair or by the House. The Chair has no arbitrary power to deny the right of the House to state and to be heard upon its privileged reports, its questions of privilege, and its privileged questions. The Chair therefore overrules the point of order made by the gentleman from Indiana [Mr. HOLMAN], and holds that nothing has occurred since the reading of the Journal but the acceptance and entertaining of a privileged report, or the consideration of a question of privilege, or a privileged question. The hour, therefore, begins at twenty-two minutes past 2 o'clock, and the Chair recognizes the gentleman from Texas [Mr. JONES].

PUBLIC BUILDING, TYLER, TEX.

Mr. JONES, of Texas. I move to call up the bill (H. R. 5674) for the erection of a public building in the city of Tyler, in the State of Texas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and internal-revenue and other Government offices, at the city of Tyler, in the State of Texas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $50,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Texas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. JONES, of Texas. Mr. Speaker——

The SPEAKER *pro tempore*. Under the rule as modified by the action of the House this morning the report may be read and debate had before objections are called for. The gentleman from Texas is recognized to discuss this bill for five minutes.

Mr. JONES, of Texas. Mr. Speaker, in March, 1851, thirty-four years ago, Tyler, in the State of Texas, was designated as one of the places at which the Federal courts should meet. Since that time the district and circuit courts have met there annually, except for two or three years during the "unpleasantness." Several thousand cases have been considered in those courts. Some of the largest cases, involving perhaps more property than has been involved in suits from any other court, have come up from those courts to the Supreme Court of the United States, leaving there great piles of records which are valuable as muniments of title to thousands of acres of land. Citizens of nearly every State in the Union are interested in the preservation of those records.

Tyler is a little city, but is growing in population rapidly. Not only is it the place of meeting of the Federal courts, but it is one of the places where, under the law, the courts of last resort in Texas meet. It has one of the best libraries in the Southwest. There are three railroads running to and from it, making it very accessible. There are two large machine-shops there, employing hundreds of hands.

Tyler is the geographical center of East Texas, and is the center of the wealth and enterprise of that portion of the State. In the courts held there the business of seventeen or eighteen counties is transacted. The post-office there will soon be made a second-class office. This postal business has to be provided for.

We ask for an appropriation of only $50,000 for a court-house and

post-office building. If any objection can be made to this bill it is in the fact that we ask for so little. But in reply to an objection of that sort I would state that building material of the very best quality—stone, brick, and timber—is convenient and cheap. We are only ambitious to secure the erection of a convenient and safe public building, not to build a large and imposing edifice.

Mr. WEAVER. Can the gentleman state precisely the amount of business at the post-office there?

Mr. JONES, of Texas. I can not; but it is very large. The office will shortly be made a second-class office. I think the pay of the postmaster is about $1,900.

Mr. WELLER. I would like to ask the gentleman a question. If this bill passes is he willing the appropriation should be made in standard silver dollars?

Mr. JONES, of Texas. Oh, yes; perfectly willing. That is the sort of money we like. It is legal tender with us.

The SPEAKER *pro tempore*. The time of the gentleman from Texas [Mr. JONES] has expired. Under the rule five minutes are now allowed for debate in opposition to the bill.

Mr. WARNER, of Ohio. I desire only to ask the gentleman from Texas a question or two. What is the value of the best business building—I mean for private business—in the town or city of Tyler?

Mr. JONES, of Texas. The value of the county court-house, I suppose, would be $60,000. There is a hotel there that has cost fifty or sixty thousand dollars. The best public buildings in the State are located there.

Mr. WARNER, of Ohio. What is the population?

Mr. JONES, of Texas. It is about 9,000 and is rapidly increasing. Three hundred public and private buildings have been erected there during the last year, I am informed. As I have already stated, there are two large machine-shops there; and the place has large railroad facilities.

Mr. WARNER, of Ohio. I think the report had better be read.

The SPEAKER *pro tempore*. The gentleman from Ohio, who has been recognized by the Chair as controlling the time in opposition to the bill, demands the reading of the report. It will be read in his time.

The report (by Mr. YOUNG) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1568) providing for the erection of a public building at Tyler, Tex., to be used by the United States Government as a court-house and for a post-office and other Government offices, submit the following report:

The committee find that the city of Tyler contains a population of 7,000 inhabitants and is rapidly increasing in population. It is near the geographical center of Eastern Texas and the center of the populous counties of Eastern Texas. It is very accessible, having three railroads passing through it, running in different directions through the State and the counties whose business is transacted in the United States courts at Tyler, making the district compact and every part of it easily reached by the officers of the courts with the least possible expenses to litigants, and assuring the greatest celerity in the dispatch of business.

In February, 1857, Tyler was designated by act of Congress as one of the places in Texas for the sittings of United States circuit and district courts, and said courts have been held there ever since.

A statement of the business in the United States courts held at Tyler shows a total number of causes filed from January 1, 1866, to date to be 4,536.

The business transactions in the post-office for the year 1883 were as follows:

Value of stamps and stamped envelopes sold	$5,558 74
Amount collected for box-rent	827 05
	6,385 79
Number of money-orders issued	5,003
Amount received for money-orders issued	$70,996 64
Number of money-orders paid	2,108
Amount money-orders paid	$45,689 91
Number of postal notes issued September 3 to December 31, 1883	438

There is no building at Tyler owned by the United States. The United States circuit and district courts are held regularly there, but in unsafe and unsuitable rooms, as they are liable to be burned, together with the records, and the rooms are not conveniently arranged, for the use of which the United States pays annually about $1,000.

The post-office is kept in an unsuitable building, which affords no protection from loss in case of fire. The annual rent paid for post-office is $100.

The courts of last resort of the State of Texas meet at Tyler, and have met there annually since 1851, which are supplied with an extensive and valuable library by the State.

Tyler is healthy, not subject to epidemics, with a pure atmosphere, and good, pure free-stone water.

The principal machine-shops of the Texas and Saint Louis Railroad are located there, and the machine-shops of the Kansas and Gulf Shore Line Railroad are also located there.

There is an abundance of the best building material, both of stone, brick, and lumber, convenient to Tyler.

The commercial and manufacturing interests of Tyler are flourishing and improving.

Your committee therefore consider favorably the proposition for the erection of a public building for the use of the United States courts and post-office at Tyler, Tex., but, in lieu of the bill referred to them, recommend for passage a substitute [H. R. 5674], which more clearly sets forth, in their opinion, the terms and conditions on which the appropriation should be made.

The SPEAKER *pro tempore*. The time for debate on this bill has expired. Is there objection to its consideration? The Chair hears none, and the bill is before the House.

Mr. WELLER. I move to amend by adding to the bill the following:

This appropriation shall be made and paid in standard silver dollars only.

The amendment was not agreed to, there being 1 vote in the affirmative—noes not counted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. JONES, of Texas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, TROY, N. Y.

Mr. BURLEIGH. I call up for consideration at this time the bill (H. R. 1013) for the erection of a public building at Troy, N. Y.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, internal-revenue offices, United States courts, and other Government offices, at the city of Troy, N. Y. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $250,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of New York shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. BURLEIGH. Mr. Speaker, I wish this bill to pass simply on its merits, for I consider it in every sense a meritorious measure. Troy is one of the largest and most important business points in Northern New York. The report of the committee will be found to cover the whole ground, and I do not desire to take the time of the House in any further presentation of the facts and arguments in the case, and sincerely hope it may receive favorable consideration. I ask the report of the committee be read.

The report (by Mr. WEMPLE) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1013) providing for the erection of a public building in the city of Troy, N. Y., make the following report:

The committee have had the same under careful and mature consideration.

The city of Troy is one of the oldest and most flourishing manufacturing cities in the State of New York. It is at the head of steamboat navigation on the Hudson River, and is one hundred and sixty miles from the city of New York. Its population receiving mail at the Troy post-office is 73,500; and an order has just been issued extending the free-delivery system of Troy to West Troy, which will make an additional population of 12,500: total, 86,000.

The rent paid for the post-office in Troy, with very poor accommodations, per annum, is $2,875; the rent paid for the collector's office in Troy is $550; the rent paid for the United States district attorney's office is $237—a total of $3,662.

The number of persons employed in the Troy post-office is thirty-five, not including those apportioned for the West Troy delivery. Lansingburg, Green Island, and Stow's Hill are all stations of the Troy post-office.

STATISTICS.

Receipts for the year 1883 from stamps, postal cards, stamped envelopes, and box-rents	$100,064 25
Expenses	41,533 22
Net income	58,531 03

MONEY-ORDER BUSINESS.

Receipts	190,986 25
Payments	233,134 11

MAIL MATTER.

Registered letters received for delivery and received and dispatched in transit		53,902
Letters delivered by carriers	2,259,355	
Postal cards delivered by carriers	505,611	
Drop letters delivered by carriers	408,489	
Drop postal cards delivered by carriers	243,317	
Newspapers delivered by carriers	1,177,794	
Registered letters delivered by carriers	6,627	
Letters, postal cards, and newspapers collected from street letter-boxes	2,457,978	
Total number of pieces handled by carriers		7,059,171
Delivered through lock-boxes and window delivery		638,768
Letters, postal cards, and second, third, and fourth class matter mailed at Troy		5,771,878
Letters and newspapers received in transit and dispatched		2,521,750
Total		16,047,469

The United States internal-revenue office, fifteenth district, is in Troy. This district consists of the territory embraced in the counties of Clinton, Essex, Warren, Washington, Rensselaer, Columbia, Dutchess, Putnam, and Westchester. The collections for the current year will exceed $1,000,000. The number of employés is eighteen.

The office of the United States district attorney is located at Troy.

The number of offices occupying Government buildings in the United States is seventy-one. Of this number there are but twenty-five whose gross receipts annually are as large as the gross receipts of the Troy office. Of this number also there are eight whose aggregate receipts annually are not equal to the annual receipts of the Troy office.

Of the whole number of Government post-office buildings New York has but six.

The leading industries of the city of Troy are as follows:

IRON INDUSTRY.

Number of persons employed	4,000
Amount of wages paid annually	$2,000,000
Amount of annual sales	$8,000,000
Tons of coal used annually	300,000

STOVE INDUSTRY.

Number of men employed	3,000
Amount of wages paid annually	$1,300,000
Amount of annual sales	$4,000,000

SHIRT AND COLLAR BUSINESS.

Number of persons employed	11,000
Amount of wages paid annually	$2,000,000
Amount of sales annually	$8,000,000

In addition to the foregoing industries, Troy has one of the largest and most

perfectly equipped mathematical-instrument manufactories in the United States; also large and extensive paper-manufacturing establishments, leather-belting and boiler-making establishments, ale and lager breweries, and a multitude of other manufacturing industries.

In view of the foregoing facts your committee respectfully recommend the passage of the bill, having amended the same by striking out the word "and," at the end of line 11, also the word "fifty," at the beginning of line 12; so that it shall read: "The site and building complete, the sum of $200,000," &c.

The SPEAKER *pro tempore*. The time allowed for debate in favor of the bill has expired.

Mr. KING. I ask by unanimous consent that the gentleman be allowed to go on.

The SPEAKER *pro tempore*. The Chair can not under the rule entertain a request for unanimous consent.

Mr. WARNER, of Ohio. Mr. Speaker, I wish to call the attention of the House to one thing in connection with these public buildings bills. This bill contains the same provision which nearly all the bills for public buildings which have passed the House for a number of years have contained. The provision to which I refer is as follows:

The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $200,000.

Now I call attention to the decisions of the Solicitor of the Treasury on this provision. Having exceeded that limit in a number of buildings, or having gone on under plans and specifications and expended all the money appropriated in the bill under this limitation, the Architect then submits the question to the Solicitor of the Treasury whether he could go on and expend other money, notwithstanding the limit contained in the act providing for the building. He inquires also whether he can make such plans and specifications as in his judgment the exigency of the service may require. The Solicitor replies as follows:

In the act of May 25, 1882, Congress said to the Secretary of the Treasury, proceed and purchase a site and erect a public building thereon, but you shall not expend more than $200,000 for that purpose. In the act of July 7, 1884, Congress again said in effect: It is true we limited you to $200,000, and we are now of opinion that sum is not sufficient for the purpose intended, and therefore we authorize you to expend $45,000 more. Can there be any doubt as to the intention of Congress? Then it follows that so far as the last acts are repugnant to or inconsistent with the first they substantially repeal the first. In other words, the first law is to be read as authorizing an expenditure of $245,000.

The other question submitted by the Architect is this:

If, however, in the case of any one or all of the buildings named, it should be my judgment that the public officers and the public business to be properly done would require a building whose cost would exceed the present aggregate appropriations, I desire to ask instructions as to whether I may not prepare the plans for buildings at these points in accordance with the manifest demands of public business and without any reference to any limit of cost as fixed by statute.

The Architect here asks in substance if he is bound to consider the limitation as anything more than so much at first appropriated.

He asks if he can not make plans and specifications, notwithstanding they will involve further appropriations, anticipating that Congress would go on and appropriate more. Now I call the attention of the House to this fact, that those bills passed under the supposition that the limitation on the cost of the building is definite and final and that the appropriation can not be exceeded, do not determine the final cost of buildings.

Mr. STOCKSLAGER rose.

Mr. WARNER, of Ohio. Let me proceed to show in how many cases this limit has been exceeded.

Mr. STOCKSLAGER. That is only by subsequent act of Congress.

Mr. WARNER, of Ohio. Oh, yes; by subsequent acts of Congress, but that is expected.

Mr. STOCKSLAGER. Over which the Committee on Appropriations have control.

Mr. WARNER, of Ohio. This Congress, notwithstanding this limitation, have passed bills for further appropriation of money for buildings on which the cost was limited. Out of the seventy-two bills now before the House there are a considerable number asking for larger appropriations, because these limitations have not been adhered to by the Architect.

Mr. STOCKSLAGER. I think you are right about that.

Mr. WARNER, of Ohio. All of the authorities responsible for these public buildings——

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time in opposition to the bill has expired.

Mr. HOLMAN. I understand there is an amendment pending to the bill reducing the appropriation from $250,000 to $200,000.

Mr. BURLEIGH. Yes, there is.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. WELLER. I object.

The SPEAKER *pro tempore*. Those objecting to the consideration of this bill will rise and stand until counted. Five members only have risen, not a sufficient number, and the bill is before the House for consideration. The Clerk will report the amendment of the committee.

The Clerk read as follows:

In lines 11 and 12, strike out "50;" so it will read "200,000" instead of "250,000."

The amendment was agreed to.

Mr. RANDALL. I should like to put in under the limitations the words "and the approaches."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BURLEIGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PURCHASE OF ADDITIONAL GROUNDS FOR PUBLIC BUILDINGS.

Mr. SPRINGER. I ask for the consideration of the bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to purchase the ground adjoining the United States court-house and post-office building in the city of Springfield, in the State of Illinois, bounded on the north by Monroe street, on the east by Seventh street, on the west by Sixth street, and on the south by the alley in the middle of the block: *Provided*, That said additional ground can be purchased, and a good and valid title secured to the United States, for not exceeding $26,000. And there is hereby appropriated for this purpose, out of any money in the Treasury not otherwise appropriated, the sum of $26,000, or so much thereof as may be necessary. The Secretary is authorized to cause the buildings now on said ground to be removed, and the lot inclosed and improved; and for this purpose he may use the proceeds derived from the sale of the buildings, and in addition the sum of $1,000, or so much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. SPRINGER. Mr. Speaker, this bill, I will say in brief, has received the unanimous recommendation of the Committee on Public Buildings and Grounds of this House and has unanimously passed the Senate. I hold in my hand a report of the committee, which may be read if any gentleman desires it to be read. I wish to say, however, before that, that this property must be purchased before the close of this session, or else the Government can never obtain possession of it at all. The owner of the property has recently died and it is now in the hands of the executor, who is required to close up the estate, which will necessitate the sale of this property to the highest bidder, and immediately upon its sale it will be completely filled up by private buildings, thereby surrounding the Government property at that point. I may say in this connection that there is necessity for increasing the building already there; but, owing to the necessity of appropriations of this character this year I have not insisted upon that. I deem it to be the greatest economy on the part of the Government to secure this land when it can be done so cheaply as the amount stated here—$26,000. If gentlemen wish to see a plat of the property I can show it to them, and it is the opinion of gentlemen well acquainted with the value of property in that vicinity that the price fixed upon this is exceedingly low, and that the Government should avail itself of the opportunity now of getting control.

Mr. CUTCHEON. May I ask the gentleman if this has unanimously passed the Senate?

Mr. SPRINGER. Yes, sir; and has been unanimously recommended by the Committee on Public Buildings and Grounds, not only of this but of the last House.

Mr. WARNER, of Ohio. Mr. Speaker, I opposed the adoption of this rule because from the little experience I have had with such rules I anticipated just the condition of affairs that has already become manifest. I am not one of those who believe that this country has suffered in its past history because the quantity of legislation has been insufficient. It may have suffered from unwise legislation, from hasty legislation, or from ill-considered legislation, but not because the quantity has not been as great as it should be. I am myself more concerned about the quality than I am about the quantity of legislation. The natural effect of this rule is to link interests together and to place one member under obligations to another. There is probably not a member here but has some measure he is anxious to get through.

I do not mean to insinuate, for I do not, that any member will be directly controlled in his action by what he may wish to bring before the House; but I say that the natural tendency of the rule is to place members under a feeling of obligation to one another. This feeling is necessarily engendered by this rule, for when one has refrained from objecting to bills it is rather expected that others will not object to his, and in that way bills are permitted to pass which ought not to pass. Legislation through mutual obligation or by mutual courtesy is not safe legislation. And I think we will not have proceeded very far under this new rule, Mr. Speaker, before we will find that this is exactly the result of this sort of legislation by turns to accommodate members. The whole seventy-two public buildings bills might go through in this way, perhaps. I ask if the country will be benefited by this kind of legislation?

Is this such legislation as should be allowed to crowd out public business, as appropriation bills or the river and harbor bill or other business which requires and should have full discussion and consideration? This is legislation without discussion, except for five or ten minutes, and that really amounts to nothing but to consume so much time. I

am, therefore, opposed not only to this rule but to the execution of it. I am opposed to proceeding a step under such a rule.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time for debate on this proposition has expired. Is there objection to the present consideration of the bill?

Mr. WELLER. I object.

The SPEAKER *pro tempore*. The Chair will call for objections under the rule.

Four members only objecting, the consideration of the bill was ordered.

Mr. SPRINGER. I move the previous question upon the bill.

Mr. WELLER. I move the following amendment.

The SPEAKER *pro tempore*. The gentleman from Illinois was recognized as in possession of the floor. If the previous question which he demands is voted down it will then be competent for gentlemen to offer amendments.

Mr. RANDALL and others. Let the amendment be read for information.

The SPEAKER *pro tempore*. The previous question has been demanded.

Mr. STORM. There will be some objection here if the House is going to shut off amendments.

The SPEAKER *pro tempore*. The question is on ordering the previous question.

The previous question was ordered.

Mr. SPRINGER moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill was accordingly taken from the Speaker's table and read by its title a first and second time.

The SPEAKER *pro tempore*. The question recurs upon the third reading of the Senate bill.

The question was taken; and there were—ayes 119, noes 8.

Mr. WELLER. No quorum.

The SPEAKER *pro tempore*. The point of order being made that no quorum has voted the Chair will order tellers.

Mr. WELLER and Mr. SPRINGER were appointed tellers.

The House again divided, but before the result of the vote was announced,

Mr. WELLER, one of the tellers, said: I withdraw the point that no quorum has voted.

The bill was ordered to be read a third time; and being read the third time, was passed.

Mr. SPRINGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF NEW YORK INDIAN LANDS.

Mr. PERKINS. I call up for consideration the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas, which was reported by the Committee on Indian Affairs, and is now on the House Calendar.

The bill was read, as follows:

Be it enacted, &c., That those persons, being heads of families or single persons over 21 years of age, who have made settlement and improvement upon, and are *bona fide* claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at not less than $3 per acre, payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum; and the moneys arising from such sales shall be paid into the Treasury of the United States in trust for, and to be paid to, said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale, in the usual manner, at not less than $3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold, together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts.

The amendments reported by the committee were read, as follows:

In lines 16 to 20 strike out "in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum," and insert "in cash at time of purchase."

In section 2, lines 6 to 10, strike out these words:

"Together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided."

Mr. PERKINS. I desire to say this bill has been unanimously reported by the Committee on Indian Affairs, they having given to it careful consideration. I also desire to say that the same bill was reported to the Forty-seventh Congress from that committee. There are only thirty-two tracts remaining of this land. It was a part of what were the New York Indian lands in our State, embracing 1,824,000 acres. All the balance has been sold to settlers at $1.25 per acre. This bill provides these thirty-two pieces of land, of three hundred and twenty acres each, shall be sold at $3 per acre in cash.

The Indians to whom the land was allotted are making no objections to the bill. They were here some years ago proposing through their attorney to accept $2.50; but the committee, in view of the circumstances, thought it right to make the amount $3 per acre and to provide the payment should be at once in cash. The Indians who will be benefited by this legislation are not only, as I have said, interposing no objection, but are wanting it.

The land has been occupied by settlers more than twenty years, during which time they have been cultivating and improving it but have not been in condition to get title to it. It is in consequence of that state of things that this legislation is necessary. All the balance of that great reservation of 1,824,000 acres was disposed of by the act of the President of the United States in 1860, by his executive order and proclamation, at $1.25 per acre. But this was allotted to these Indians who are now seeking to be put in a condition that they may get something from it. This bill proposes to give them $3 in cash, which would be $1.25 from the date of settlement with 6 per cent. interest to this time.

These settlers who are on this land think they should get it at $1.25. But our committee is of opinion that they should pay the $1.25 paid for the balance and 6 per cent. interest; it amounts substantially, though not quite, to the sum mentioned in the bill.

Mr. LONG. What is the land worth an acre now?

Mr. PERKINS. The land with improvements on it is worth probably $15 to $20 or $25 an acre.

Mr. HISCOCK. Have the settlers paid any rent?

Mr. PERKINS. No, sir.

Mr. BLANCHARD rose.

The SPEAKER *pro tempore*. Does the gentleman from Louisiana rise to oppose the bill?

Mr. BLANCHARD. I do. I dislike very much to oppose my friend from Kansas [Mr. PERKINS] when he calls up this bill for the consideration of the House. I happened, however, to have been a member of the Committee on Indian Affairs in the Forty-seventh Congress, and it was allotted to me while serving on that committee to make an investigation in this matter. I did so, and I reported to the committee that the price of $3 per acre, as proposed in the bill of that session and likewise in the bill which my friend from Kansas has just presented, was not the actual value of that land. And I furthermore reported that the Secretary of the Interior in a former year, Mr. Carl Schurz, had reported against this very proposition which is embodied in this bill. I hold his report in my hand. I furthermore reported to the committee and state to this House that under the direction of the Secretary of the Interior a commission was appointed to go out there and examine into the value of these lands; and I hold in my hand the report of that commission relative to the value of those lands.

I call the attention of the House to the fact that the price fixed in this bill is $3 an acre; whereas when this report was made several years ago—five, six, or seven years ago—the least value of any acre of that land was $3.75, the highest valuation being $10 an acre. Under this report which I hold in my hand the average price of the land would be four or five dollars an acre.

Mr. FUNSTON. Will the gentleman allow me a question?

Mr. BLANCHARD. I have but five minutes.

Mr. HAMMOND. I ask the gentleman to allow me a question. Were you one of the minority of the committee that made the dissenting report?

Mr. BLANCHARD. I was.

Mr. HAMMOND. Who joined you in making that report?

Mr. BLANCHARD. Mr. Charles E. Hooker, of Mississippi, and Mr. JAMES K. JONES, of Arkansass. This land belongs to these Indians.

Mr. PERKINS. Will the gentleman yield to me for a question?

Mr. BLANCHARD. I yield to the gentleman.

Mr. PERKINS. Did you ever know one of those Indians to interpose an objection to this legislation?

Mr. BLANCHARD. It was not my province to hunt up these Indians or their attorneys. I am stating the facts, and I say the price of $3.50 an acre for these lands which belong to these Indians is far below the actual value of those lands.

Mr. HAMMOND. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state his question of order.

Mr. HAMMOND. My point is that the hour allotted for the consideration of these bills has expired.

The SPEAKER *pro tempore*. The gentleman is mistaken.

Mr. BLANCHARD. I will venture the assertion, Mr. Speaker, that there is not an acre of these lands to-day that is not worth from $10 to $15.

Mr. PERKINS. Is not that the consequence of improvements put upon them by the settlers?

Mr. BLANCHARD. I mean without the improvements. Years ago, when these lands were not improved, or without regard to the improvements existing, the lowest figure at which they were valued per acre was $3.75 and the highest $10.

Now, sir, I say that we should deal fairly by these Indians. If these lands are worth more than $3 an acre, the settlers ought to be required to pay their value to the Indians, and with a view to providing for that object I will offer an amendment.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the bill is not now before the House and therefore an amendment is not in order. When the bill comes before the House the Chair will recognize the gentleman to offer his amendment. The time for debate has been exhausted. Is there objection to the consideration of this bill?

Mr. BENNETT. I object, and call for the reading of the report.

The bill was laid aside, the requisite number of members having objected to its consideration.

KATHERINE C. B. MERRILL.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The Chair is in the execution of the regular order, and the gentleman from Louisiana [Mr. KING] is recognized.

Mr. KING. Mr. Speaker, I ask the present consideration of the bill (S. 2168) for the relief of the executrix of Ayers P. Merrill.

The bill was read, as follows:

Be it enacted, &c., That the claim of Katherine C. B. Merrill, executrix of the last will and testament of Ayers P. Merrill, deceased, and late of the State of Mississippi, for quartermaster and commissary stores and supplies alleged to have been taken and used by the United States Army, during the rebellion, from the plantations of said Merrill, in the vicinity of Natchez, Miss., be referred to the Quartermaster-General, who shall investigate the justice and legality of said claim and report the amount and value of said stores and supplies taken and used by the Army of the United States, and also what amount has been paid on the same; and that he report all the facts and evidence for the consideration of Congress.

Mr. KING. I ask for the reading of the report.

Mr. WELLER. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. My point of order is that the hour for the consideration of these bills began at twenty minutes past 2, and has now expired.

The SPEAKER *pro tempore*. The hour began at twenty-two minutes past 2, and will end at twenty-two minutes past 3.

Mr. WELLER. Twenty minutes past 2, I distinctly understood.

The SPEAKER *pro tempore*. The Chair is not responsible for the gentleman's understanding.

Mr. REED, of Maine. Then the indicator in front of the Clerk's desk ought to be changed.

The SPEAKER *pro tempore*. The Chair is taking the report as to the time made to him by the Clerk.

Mr. HISCOCK. I desire to ask the gentleman from Louisiana [Mr. KING] in charge of this bill how many other relief bills have been passed for the same party to whom this bill applies.

Mr. KING. None.

The Clerk proceeded to read the report of the committee upon the pending bill.

Pending the reading of the report,

Mr. WELLER. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. My point is that the Chair announced at the commencement that this hour began at twenty minutes past 2.

The SPEAKER *pro tempore*. The Chair overrules the point of order. The Chair stated, as he was informed by the Clerk at the Speaker's desk, that the hour began at twenty-two minutes past 2. The hour has now expired.

Mr. ROBERTSON. I ask unanimous consent to take from the Speaker's table and refer to the Committee on Claims the bill (S. 10) for the relief of Harry I. Todd, late keeper of the Kentucky penitentiary.

There being no objection, it was ordered accordingly.

Mr. HEWITT, of Alabama. Mr. Speaker, I ask unanimous consent to submit a report.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is demanded by the gentleman from Kentucky [Mr. WHITE].

Mr. WILLIS. As there was a call of committees yesterday, I move to dispense with the morning hour.

The motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion to dispense with the morning hour was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. WILLIS. I now move that the House resolve itself into the Committee of the Whole on the state of the Union, to resume the consideration of the river and harbor appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of further considering the river and harbor appropriation bill. The pending question when the committee rose yesterday was on the motion of the gentleman from Kentucky [Mr. WHITE] to increase the appropriation for continuing the improvement of the harbor of Burlington, Vt., from twenty to twenty-one thousand dollars.

Mr. WHITE, of Kentucky. Mr. Chairman, I desire to further amend that paragraph by making the appropriation for the harbor of Burlington, Vt., $80,000. I invite attention to the report of the Chief of Engineers, which will be found in volume 2, part 3, page 2157, in which it is stated that the estimated cost of repairs of the 1,100 linear feet of breakwater recently injured by the storms is $35,000, and that the cost of repairs of the additional 1,000 linear feet of the superstructure, which should be repaired next season, will be about $20,000. Now, sir, the committee proposes to make for that harbor altogether an appropriation of only $20,000. I think that some explanation ought to be made to the House, to the committee, and to the country, as well as to the engineers having this work in charge, of the reasons why the committee propose to appropriate so small a sum. There can be but one reason for it, and it is that we are afraid to pass a bill commensurate with the needs of commerce, we are afraid to pass a bill in accordance with the recommendations of the Chief of Engineers.

The chairman of the committee tells us that the committee has rejected one hundred and forty of the rivers recommended in the Engineer report; but in this bill, which carries $12,000,000, they propose to appropriate something varying from $1,000 each for one hundred and forty-one rivers, so that they have rejected about one-half of those recommended.

I desire to repeat again in the hearing of this Committee of the Whole that it is a waste of money to make niggardly appropriations in the prosecution of these public works. The machinery is there; the plant is there; the annual expenses of employés above the grade of laborers go on; the salaries of the civil engineers as well as the regular engineers continue. All these expenses must go on whether the appropriation is $20,000 or $80,000. If you appropriate $20,000, a larger percentage of the appropriation will go for the pay of officers, the keeping up of machinery, and everything else in the way of equipage, than if you appropriate $80,000.

But, sir, the committee tell us that on the 1st of July, 1884, there was available for this work $383. Last year we made an appropriation of $50,000. The amount required for the completion of this project, which was begun away back in 1836, is $203,000. The amount that can be profitably expended during the fiscal year ending June 30, 1886, is $80,000. Yet the committee proposes to have this branch of the Engineer Corps undertake to do this work for $20,000. Does not every business man know that the expenses of the plant and the officers must come out of this sum of $20,000, and that a very small portion of it will be left for making repairs? And it is estimated that for repairs alone $55,000 will be required—$20,000 for the repair of one stretch and $35,000 for the repair of the other stretch.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, the best and indeed the only reply necessary to be made to the remarks of my colleague on this subject is that the harbor of Burlington is represented on this floor by the gentleman from Vermont [Mr. STEWART], who is now present, and entirely acquiesces in the action of the Committee on Rivers and Harbors. I ask a vote on the amendment.

The question being taken on the amendment of Mr. WHITE, of Kentucky, as modified, to make the appropriation $80,000, it was not agreed to.

The Clerk read as follows:

Improving harbor at Boston, Mass.: Continuing improvement, $50,000.

Mr. SPOONER. Mr. Chairman, I had hoped to have the opportunity to discuss this bill during the progress of the general debate; but I labored under the same misfortune as many other members in not being able to participate in any of the time, which was controlled entirely by the Committee on Rivers and Harbors. I shall accordingly be compelled to take such advantage as I can of the five-minute debate to interject, in as condensed form as I may, what remarks I have to make concerning this river and harbor appropriation bill.

As much as any member on the floor I regret the manner in which this bill was prepared and the course pursued by the committee in limiting general debate, and thus preventing a more general consideration of its provisions. I neither approve of the peculiar privacy in which the bill was framed by the Committee on Rivers and Harbors nor of the results, necessarily proceeding from such a course, so evident

upon the face of their work. It is this state of facts which necessitated the criticisms which have been made concerning many of the appropriations proposed by this bill, and compels me, at this otherwise perhaps unseasonable time, to present certain facts and suggestions for consideration which might have been more pertinent in the general debate, but which the course adopted by the committee, against the protests of many of us, then afforded me no opportunity to submit.

I favor, and I represent a constituency which strongly favors, reasonably liberal appropriations for the improvement of all such rivers and harbors as are legitimate objects of national bounty, and to provide all proper safeguards for navigation and for the protection of our great commercial interests; but I do protest against the provisions of a bill which discriminates, as this bill does, against the important interests of my own locality and State, and against the interests of large sections of this country and in favor of other sections.

The Committee on Rivers and Harbors, according to their report, have included in this bill appropriations amounting, in the aggregate, to $12,323,700, embracing some very doubtful and some unworthy objects of appropriation, as I believe a careful inspection of the items will show, being more than 35 per cent. of the total estimates submitted by the engineers; yet the flexible theory, or lack of theory, upon which this bill was constructed, while rejecting entirely one hundred and forty of the appropriations called for in the Book of Estimates—one of those rejected being for the completion of the important harbor of refuge at Block Island, in my own State—reduces many appropriations far below the amounts required for the proper prosecution of meritorious works now in progress, and far below 35 per cent. of the estimates and recommendations of the engineers, but appropriates great sums for numerous less deserving projects, and frequently 50 per cent., and sometimes 100 per cent. of the estimates; gives $750,000 for the harbor of Galveston without any estimate at all, and casts millions of dollars into the turbid waters of the Mississippi with but a possibility of any resulting improvement to that wayward stream.

The bill opens modestly, I admit, with the apparent purpose of appropriating 25 per cent. of the amounts recommended by the engineers; and that rule appears to have been very rigidly applied in the appropriations conceded to my locality.

The bill ignores large Government interests and the necessities of a great line of water travel and transportation at Newport, R. I., by a strict application of the 25 per cent. limitation. The work in progress in Providence River and Narragansett Bay, demanded in the interest of a large existing and increasing commerce and a work of national importance, receives but 25 per cent. of the appropriation recommended therefor, that is to say, but $25,000. The same rule is very generally and persistently applied, with but rare exceptions, I believe, to the entire Northern Atlantic coast.

But the liberality of the committee has wonderfully expanded and their conscience has become singularly elastic as they reach those States represented upon the Committee on Rivers and Harbors and those sections of the country most largely represented upon that committee.

Savannah, Charleston, and Mobile are given appropriations ranging from $85,000 to $150,000 each for works of far less national importance than those in progress in my own State, and for the benefit of a commerce far inferior to that of the city of Providence. One hundred and twenty thousand dollars are appropriated for the harbor of Mobile—50 per cent. of the amount recommended; $175,000 for the Great Kanawha River, $48,900 for the Monongahela, $40,000 for the Coosa, $112,500 for the Cumberland, and $350,000 for the Tennessee, the latter being more than 63 per cent. of the amount recommended; but each of these projects is located in a State represented on the Committee on Rivers and Harbors; and when we come to the State represented by the chairman of that committee we find an appropriation for the Kentucky River of $200,000, nearly one-half the amount recommended, and an appropriation of $125,000 for the Falls of the Ohio at Louisville!

Mr. WILLIS. I rise to oppose the amendment, and ask for a vote.

The question being taken on the amendment of Mr. SPOONER, it was not agreed to.

Mr. SPOONER. I move to strike out the word next to the last.

Mr. HISCOCK. I hope the gentleman does not intend to "insinuate" anything.

Mr. SPOONER. I withdraw any "insinuation." [Laughter].

I insinuate nothing and intend to impute no unworthy motive to any member. I simply intend to call attention to the monstrous inequalities presented by this bill—the necessary result of the privacy in which the bill was framed and the consequent lack of information in the committee concerning the comparative merits and necessity of the various projects under consideration.

Gentlemen who have preceded me in their criticisms of this bill have been accused of raising a sectional issue here; but that issue was raised by the committee itself, when it brought in a bill which invites and justifies these comparisons. The natural and necessary criticisms upon this bill are only such as the bill itself presents to the House. Now, I believe the fact to be, and I can only so reconcile the protestations and statements of the committee with the evidently unjust discriminations made, that the committee were utterly uninformed or misinformed concerning many matters and statistics most pertinent and essential to the consideration of river and harbor appropriations, and to their fair, reasonable, and equitable apportionment.

It is no sufficient or fit answer to these criticisms for the committee to tell us that no sectional issue was raised or mooted in their deliberations, and that they had no intention of extending liberal appropriations to one portion of the country at the expense of another portion. The fact still remains that such discrimination exists and is readily traced, as has been already indicated, and stares at us from almost every page of the bill.

The gentleman from Texas the other day saw fit to refer slightingly to the little State I have the honor to represent upon this floor, illustrating, I think, the need of that same information on his part concerning the comparative magnitude of Rhode Island interests, the want of which by the Committee on Rivers and Harbors has resulted in this very unequal, unjust, and imperfect bill. It is this ignorance and its necessary results of which I complain.

It might seem preposterous for me Mr. Chairman, to attempt comparison of the little State of Rhode Island, at which the gentleman almost sneered, with the great empire State of Texas. But if the committee will permit the opportunity, and I will try to seek it, I will make such comparison here and now.

Mr. REAGAN. I suppose the gentleman does not want to do me injustice. I made no sneer at Rhode Island, and the gentleman is entirely too sensitive, as there is no earthly ground for it.

Mr. SPOONER. It appeared so in the printed remarks of the gentleman, and my attention has been called to it by several members in private upon the floor.

Texas, Mr. Chairman, embraces a territory more than two hundred and forty-one times larger than that of the State of Rhode Island, and I shall not attempt to moot the question of whether Texas is not larger in area than my own little State. The population of Texas is more than five times that of Rhode Island. Yet all that broad expanse of territory, comprising an area of 262,290 square miles, with its buildings and improvements, constituting the real estate of that immense State, is of an assessed value but little exceeding that of the 1,085 square miles of Rhode Island.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The Committee of the Whole here rose informally, and Mr. FINDLAY took the chair as Speaker *pro tempore*.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. 8179) making appropriations for the legislative and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCMILLIN. I reserve all points of order.

RIVER AND HARBOR APPROPRIATION BILL.

The committee resumed its session, Mr. HAMMOND in the chair.

Mr. WILLIS. I hope we will have a vote now.

Mr. STEELE. I desire to yield my time to the gentleman from Rhode Island.

Mr. PAYNE. Give him five minutes more.

The CHAIRMAN. The Chair will remark it again that there has been no disposition to cut off debate in any form, but the rule requires five minutes debate on either side, and when another gentleman rises to take the floor the Chair treats it as an objection and varying from the rule. Therefore the Chair recognizes the gentleman from Alabama.

Mr. WILLIS. I hope, Mr. Chairman, we will get on with the bill.

Mr. JONES, of Alabama. The gentleman from Rhode Island stated that a rule had been adopted by the committee appropriating 25 per cent. of amount estimated by the engineers, and that in some localities this rule was enforced very rigidly, while in others an elastic arrangement had been adopted. To show how unfounded this imputation is I will refer to some appropriations as arranged in this bill and give the facts.

The town of New London, Conn., is not, I believe, very distant from where the gentleman resides. The amount appropriated for that town in this bill is $4,000. Now, if the gentleman will refer to the report of the engineers for the amount estimated for that place, he will find it is $6,200; $4,000 on that amounts to 66 per cent. That is rather elastic for a 25 per cent. rule.

He says, moreover, that when we come to other parts of the country, to Alabama, for instance, that 25 per cent. was not adhered to. I ask him to look at the amount appropriated for the Cahawba River, namely, $10,000, and then consult the Engineers' recommendation for that river of $100,000. Only 10 per cent. was appropriated by the committee for that river on the amount which the engineers report could be profitably expended. Is that elastic?

I call the gentleman's attention also to the Alabama River. The engineers recommended an appropriation there of $50,000. The committee have given $10,000—only 20 per cent. Is that elastic? Now look to the Detroit River, in Michigan, and you will find that the committee give the full amount of the appropriation asked for, 100 per cent., being $27,700. Look also at the Ohio River; there the committee have given over 50 per cent. of the recommendation of the engineers.

But the gentleman alluded to Mobile as getting $120,000 in this bill. Now, the rule adopted by the committee was not adhered to when a small amount as compared with the total cost of an improvement would complete the work. That was the case on the Detroit River, and hence the committee gave the full amount. In the case of the Tennessee River, referred to by the gentleman from Rhode Island, the $350,000 completes that important national improvement. Why, sir, $4,000,000, or thereabout, have been expended by the General Government and the State of Alabama on that improvement. And it should be remembered that this is not like the appropriations for many other rivers. Other rivers are navigable and can be utilized while the work progresses, but navigation on this river is wholly obstructed by the Muscle Shoals, and appropriations heretofore made are of no use to commerce, and will not be until the work is completed. By making an appropriation of $350,000 we complete this improvement, and they get the benefit of all the money that has been heretofore expended upon it, and open up the river to a navigable length of 1,000 miles from Virginia through Tennessee, Alabama, and Kentucky to the Ohio River. That consideration influenced the committee in appropriating the whole amount. In the case of Mobile, $240,000 will complete the project. which was estimated in 1878 to cost $800,000, and the committee was influenced in appropriating 50 per cent. of the $240,000, so that in the next annual appropriation an appropriation of another $120,000 will complete the project.

[Here the hammer fell.]

Mr. WILLIS. I call for a vote.

Mr. SPOONER. Unfortunately none of the illustrations referred to by the gentleman from Alabama [Mr. JONES] who has just occupied the floor help the interests in my own district and other localities, where the inflexible rule of 25 per cent. only of the amount recommended by the engineers has been applied by this bill, and where one meritorious object of appropriation, the harbor and breakwater at Block Island, a very necessary work of national importance which $15,000 would complete, has been omitted entirely from the bill.

But I will proceed, sir, with my comparison concerning the State of Texas. The assessed value of the real estate in Texas is $205,508,924——

Mr. REAGAN. What date does the gentleman refer to?

Mr. SPOONER. Eighteen hundred and eighty. All of these figures are taken from the census of that year.

That is an average value of only about $783 per square mile.

Mr. REAGAN. I suppose the gentleman knows that there has been a very great, a very material, change since the date of that report.

Mr. SPOONER. While the assessed value of real estate in the little State of Rhode Island is $188,234,459; an average value of over $173,478 per square mile.

Mr. MILLS. The taxable property in the State of Texas has increased over $100,000,000 in one year—the year before last.

Mr. SPOONER. Yes, sir; and we have been increasing up our way a little, too.

Mr. MILLS. Nothing to compare with that.

Mr. SPOONER. We have been marching in that direction all through the past; and the enterprise of our people is certainly equal, and that can be demonstrated, to that of the people of any other portion of the country, to say the least; and I see no reason to doubt that, if the statistics were available, a present comparison would present substantially the same results indicated by those of the census of 1880.

Texas being regarded as a great agricultural State, gentlemen may be inclined to smile at an attempt to compare her agricultural interests with those of Rhode Island; yet I would like to submit a few facts even in that direction.

[Here the hammer fell.]

During the delivery of Mr. SPOONER'S remarks the following proceedings occurred:

Mr. WILLIS. I ask for a vote on this amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Rhode Island [Mr. SPOONER].

The amendment was not agreed to.

Mr. SPOONER. I move to strike out the fifth last word.

Mr. WILLIS. I move that the committee rise for the purpose of limiting debate on this section.

Mr. HART. Is it understood that the gentleman from Kentucky [Mr. WILLIS] proposes to limit debate on the entire section.

Mr. WILLIS. I withdraw the motion.

Mr. SPOONER. I move to amend by striking out the fourth word before the last.

Mr. BELFORD. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BELFORD. It seems to me, Mr. Chairman——

Mr. SPOONER. I hope this will not be taken out of my time.

Mr. BELFORD. I do not want to occupy the gentleman's time. I want him to get in all he can. But it seems to me an extraordinary proceeding to allow a gentleman to move to strike out the last word of a section; then, when he has consumed five minutes, to move to strike out the next last word, and so on continuously. If that is permitted, the gentleman may stand there discussing this bill through the whole time of this session of Congress. I say that such a thing was never heard of in this House before, at least during the eight years I have been a member of it. The speech of the gentleman from Rhode Island is very profitable and absolutely improving to our minds; but I protest against the right of a member to rise in his place and move first to strike out the last word, then to move to strike out the second last word, and so on, and to speak to each motion. I say it is in the face of the rule which directs that a member shall not speak but once on a bill or motion until every other member of the House is heard. I want to know whether the Chair rules you can get up and move to strike out the last word, and when your five minutes have expired that you can then move to strike out the second last word, and when a second five minutes have expired that you can then move to strike out the last three words, and so on? I want to know that, because I wish to get in remarks on this bill myself.

The CHAIRMAN. The Chair will state on the point raised by the gentleman from Colorado that all this is a very extraordinary proceeding; but there is no rule known to the Chair that prevents gentlemen making successive motions of this kind unless the committee chooses to rise and limit the debate. The gentleman from Rhode Island will proceed.

Mr. WILLIS. I hope now, Mr. Chairman, that we will have a vote.

Mr. SPOONER. I withdraw the motion that I made, and move to strike out the fourth word.

Mr. WILLIS. Mr. Chairman, I hope the gentleman from Rhode Island will not insist upon a general discussion in this manner.

Mr. SPOONER. I hope the gentleman from Kentucky will not insist upon his objection when it is remembered that the committee have controlled all the time for general debate.

Mr. WILLIS. I submit in good faith to the gentleman whether he thinks the river and harbor appropriations are being advanced by this discussion?

Mr. SPOONER. I do, sir. The provisions of this bill demand consideration such as I believe I am assisting to secure.

Mr. WILLIS. The gentleman must know that he is not in order in this manner, and I appeal to him in view of the condition of the public business to let us go on with this bill.

Mr. SPOONER. The chairman of the committee thought it perfectly right and proper that the members of the committee should have all the time in general debate. He thought it proper that each member of the committee who favored the bill should occupy an hour in general debate; and no gentleman not a member of the committee was permitted to say a word without their consent. I think we have good reason to be dissatisfied with the manner in which the bill has been prepared and reasonable general debate upon it refused. I seek the opportunity, therefore, by the indulgence of the House, to occupy such time as I can secure in presenting these comparative statistics. They illustrate the suggestions I have made concerning the misapprehension which exists as to the relative importance of different localities and the magnitude of various interests; and I consider them entirely germane to the consideration of this bill.

AGRICULTURE.

It may, perhaps, seem preposterous to compare the agricultural interests of Rhode Island with those of Texas; for Rhode Island is not only small in area, but her agricultural interests, which are of minor importance, are overshadowed by the magnitude of her other industries. And yet what do the statistics show us? Persons engaged in agriculture in Texas, 359,317; in Rhode Island, 10,945; number of farms in Texas, 174,184—more than twenty-eight times as many as in Rhode Island, where there are 6,216.

The total number of acres of land in the farms of Texas is 36,292,219 acres; in Rhode Island farms 514,813 acres; Texas having in her farms more than seventy acres of land for each acre in Rhode Island farms. The farms in Texas average two hundred and eight acres to each farm; those in Rhode Island average eighty-two acres to each farm. The value of all the farms in Texas is $170,468,886. The value of all the farms in Rhode Island is $25,882,079. The average values of the farms in the respective States are—in Texas $979 per farm; in Rhode Island $4,162 per farm. Yet, notwithstanding the very much larger average area of Texas farms—the average number of acres in each Texas farm being more than two and a half times the average number of acres in each Rhode Island farm, and the improved land in each Texas farm averaging nearly double that in each Rhode Island farm—each Texas farm produces, on the average, less than two-thirds in value of what is produced by each Rhode Island farm.

Texas is the great cattle State, and the value of all the live-stock on all the farms in Texas is $60,307,987.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SPOONER. I withdraw my amendment.

Mr. WHITE, of Kentucky. I renew it and yield my time to the gentleman from Rhode Island.

The CHAIRMAN (Mr. SPRINGER). The time of the gentleman from Rhode Island has expired. The question is on the amendment of the gentleman from Kentucky [Mr. WHITE].

Mr. ADAMS, of Illinois. I rise to oppose the amendment of the gentleman from Kentucky, and yield my time to the gentleman from Rhode Island [Mr. SPOONER].

Mr. WILLIS. I object.

The CHAIRMAN (Mr. SPRINGER). The Chair directs the Clerk to read Clause 6 of Rule XIV.

The Clerk read as follows:

No member shall speak more than once to the same question without leave of the House unless he be the mover or introducer of the matter pending, in which case he shall be permitted to speak in reply, but not till every member choosing to speak shall have spoken.

Mr. JOHN S. WISE. I move to strike out the first word.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that the gentleman from Kentucky [Mr. WILLIS] is entitled to the floor.

Mr. WILLIS. I ask for a vote on the amendment.

The CHAIRMAN (Mr. SPRINGER). The pending motion is that submitted by the gentleman from Kentucky [Mr. WHITE], to strike out the last word.

Mr. SPOONER. If I may be permitted to say a word I would remark if the chairman of the Committee on Rivers and Harbors would be a little more liberal I think we would get along faster. I have no wish to delay the committee in getting along with the bill.

Mr. GIBSON. If the gentleman from Rhode Island does not wish to delay the committee in getting along with the bill, why does he delay it with this quarrel between two States as to which has most population or wealth or business? What has that to do with this bill?

Mr. SPOONER. I was trying to illustrate what I believe to be the fact, that the Committee on Rivers and Harbors was not properly informed or was misinformed as to the condition of different sections of the country.

Several members called for the regular order.

The question being taken on the amendment of Mr. WHITE, of Kentucky, it was not agreed to.

Mr. WILLIS. I ask the Clerk to proceed with the reading of the bill.

Mr. WHITE, of Kentucky. I move to strike out the last word, and yield my time to the gentleman from Rhode Island [Mr. SPOONER].

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion this can not be done except by unanimous consent. The Chair has had the rule read and it is to be executed in its spirit.

Mr. WHITE, of Kentucky. I will occupy the floor in my time.

Mr. BELFORD. That is a greater infliction than the other.

Mr. WHITE, of Kentucky. It is very evident, Mr. Chairman, the clause under consideration proposes a small part of what is recommended by the Engineer Department. The committee recommends $5,000. I call attention to the report of the engineers on page 522, in which it is stated that the amount that can be profitably expended in the fiscal year ending June 30, 1866, is $16,000. It is estimated that it will require $85,000 to complete this project. Now, sir, at the rate of $5,000 a year it must be clear to this committee and to the country as well that you will keep the Engineer Corps there, you will require the machinery to remain there seventeen years to complete that project, when by the appropriation recommended by the Chief of Engineers it can be completed in five years, and your corps of engineers then can be withdrawn and put on some other work and this expenditure stopped.

It is no economy to dribble out these expenditures in this manner. It is only worthy of the Democratic party, which for seventy years said that appropriations for internal improvements are unconstitutional, and then went to Chicago in 1884 and declared in their platform that they were in favor of appropriations for improving the Mississippi and the other great water ways. If this is not a great water way, strike it out and do not appropriate a dollar. But if it is a great water way, then appropriate enough to keep the work going on rapidly with a view to its early completion. It will cost $85,000 to complete this work, and at the rate of $5,000 a year, as recommended by the committee, it will take seventeen years to complete it; but if the engineers are correct in their estimates that $16,000 can be used wisely, economically, profitably in the next fiscal year, then, I say, it is niggardly in us to refuse to appropriate the money. I therefore hope that the amount will be increased to that which is recommended by the Corps of Engineers.

Mr. SPOONER. Mr. Chairman, I rise to oppose the amendment.

Mr. WILLIS. Mr. Chairman, unless the gentleman from Rhode Island [Mr. SPOONER] really intends to oppose the amendment I shall object to his taking the floor.

Mr. SPOONER. Mr. Chairman, I hope this interruption will not come out of my time.

Mr. WILLIS. I rise to oppose the amendment in good faith. If the gentleman from Rhode Island [Mr. SPOONER] rises with the same purpose he is entitled to the floor.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Rhode Island stated that he desired to oppose the amendment, and therefore he was recognized; otherwise he would not have been recognized. If he says now that he does not intend to oppose the amendment, the Chair will be compelled to recognize some other gentleman.

Mr. SPOONER. I rise to oppose the amendment.

Mr. WILLIS. If the gentleman says that he rises in good faith to oppose the amendment, I have nothing to say.

Mr. REED, of Maine. I do not think that any question ought to be raised here as to the good faith of a member, except by a full committee. [Laughter.]

The question was taken on the amendment proposed by Mr. WHITE, of Kentucky, and it was disagreed to.

The Clerk read the next paragraph of the bill, as follows:

Improving harbor at Nantucket, Mass.: Continuing improvement, $20,000.

Mr. SPOONER. As I was remarking, the value of all the live-stock on the farms in Texas is $60,307,987, being less than twenty-seven times the value of the live-stock on Rhode Island farms, although Texas is more than two hundred and forty-one times larger than Rhode Island, the value of the live-stock on all the farms in Rhode Island amounting to $2,254,142. Or, to state it in another manner, the average value of live-stock on each Rhode Island farm is just about two and a half times greater than the average value of live-stock on each Texas farm.

But let us refer to those interests which come a little nearer the subject-matter of this bill. The total exports of cattle, sheep, and swine, from all the customs districts of Texas, in 1880, amounted in value to $418,552. And yet the great lines of steamers which ply back and forth from the city of Providence carry loads of merchandise daily greater in value than that total annual export from Texas.

Mr. OCHILTREE. Will the gentleman from Rhode Island allow me to interrupt him?

Mr. SPOONER. Yes, sir.

Mr. OCHILTREE. Do you claim the exports from all the customs districts in Texas amount to only the sum you have named?

Mr. SPOONER. I speak now of the exports of cattle, sheep, and swine only, which represent the great industry of Texas.

FISHERIES.

In the fisheries in Texas 601 persons were employed; in Rhode Island, 2,310. The value of the annual product in Texas was $128,300; in Rhode Island, $880,915; that is to say, with her great line of seacoast as compared with that of the State of Rhode Island, the total value of the product of the fisheries in Texas was only about one-seventh the value of those in Rhode Island, and the value of the same per capita to the persons employed less than four-sevenths in Texas of what it was in Rhode Island.

MANUFACTURES.

I now come to those industries in my own State, to which I may refer with just pride. From an unwilling soil the prudent and industrious farmers of Rhode Island have wrung such favorable results as I have indicated as the fruits of intelligent, thrifty agriculture; from her inland waters and the stormy Atlantic her hardy, venturesome fishermen have gathered comfortable support, competence, or fortune; her commerce has sailed on every sea and to every clime; her sons have achieved success and attained prosperity in every direction where intelligence, enterprise, and indomitable perseverance could carry them, and despite unpropitious circumstances have erected within her narrow boundaries a State great in the magnitude of her varied interests and diversified industries. In manufactures Rhode Island stands pre-eminent. Although, by the census of 1880, Texas appears to have had 2,996 manufacturing establishments and Rhode Island only 2,205, the total capital invested therein in Texas was less than one-eighth of the capital so invested in Rhode Island, and the value of the total annual products thereof less than one-fifth in Texas of the value of the same in Rhode Island, while the wages paid in all such establishments in Texas amounted to less than one-sixth of such wages in Rhode Island.

COTTON MANUFACTURES.

Rhode Island is the second cotton-manufacturing State in the Union—second only to Massachusetts—with an invested capital therein, in 1880, of upward of $28,000,000, being more than three times the amount of the total capital of all the manufacturing establishments of Texas; paying annual wages therein of nearly five and a half millions of dollars; with an annual product of the value of nearly $23,000,000, and of greater value than the entire products of all the manufactures of Texas; employing more than one and three-quarter million spindles and consuming more than 81,000,000 pounds of cotton annually.

SHIPPING.

Rhode Island, in 1880, had a larger number of sail vessels than Texas, with a tonnage more than double that of Texas; she had twice the number of steamers that Texas had, with a total tonnage nearly five times greater; and her commerce and commercial interests far exceeded those not only of Texas, but of many of the States which receive very much larger consideration in this bill.

I am not seeking to make any invidious comparisons, and I regret the necessity which has compelled me to draw attention to these statistical facts, so suggestive in their proper application. They illustrate the merits of the respective claims for just and reasonable appropriations by this bill, based, as all such claims should be, upon the material business and commercial interests in whose behalf alone they can properly be demanded.

I do the committee the justice to believe that if they had known and

appreciated these facts, which, with their proper deductions, I am attempting to impress upon them, as thoroughly as they understood the requirements in their own States, they would not have brought in this incongruous bill, nor recommended such grossly disproportionate appropriations as it contains. I have no design to draw any comparison unfavorable to the State of Texas; my attention was specially directed to that State by reason of the reference of the gentleman [Mr. REAGAN] to Rhode Island, and on account of the enormous appropriation proposed by this bill for the harbor of Galveston, so disproportionate to the existing commerce of that port. I might have illustrated the same argument by reference to other equally suggestive statistics.

The last official report shows that of all the States in the Union but sixteen had a larger number of vessels, June 30, 1884, than Rhode Island; and that even among those sixteen there were three States each of which, although credited with a larger number of vessels than Rhode Island, was her inferior in total tonnage; and, which may seem more surprising, that of the fourteen States represented on the committee which reported this bill there are six neither of which had half as many vessels nor half the amount of total tonnage which Rhode Island possessed, and two of the six States last referred to appear to have had no vessels whatsoever.

The foreign commerce of Providence is not large; it is very small in comparison with her domestic commerce. Yet I find that in the last fiscal year the duties collected on imports at Galveston amounted to only four-fifths of the amount collected at Providence; at Savannah and Mobile, respectively, less than one-third as much as at Providence, and at Charleston but one-fifth as much. Indeed, in only two customs districts or ports south of Baltimore, namely, at New Orleans and Key West, was so large an amount of such duties collected as at Providence. I fear that many of you gentlemen from other States but little appreciate the magnitude of our varied interests, of which our commerce forms no insignificant part.

Not only my own State, but all Central New England, is largely dependent upon that great channel of commerce, through Narraganset Bay and Providence River to the harbor of Providence for the convenient and economical receipt of those vast supplies which their people and their manufacturing industries consume and for exporting their immense manufactured products. By reference to the latest available statistics I find that during the year 1883 the number of vessels arriving at and sailing from the port of Providence was 17,104, with a total tonnage of 4,522,768 tons, and transporting 1,539,554 tons of freight and 549,711 passengers, including in the freight brought during that year to said port 952,747 tons of coal, 1,314,565 bushels of grain, 4,676 barrels of flour, 38,860 bales of wool, and 221,897 bales of cotton—more than three times as much cotton as was shipped from Mobile by vessels during the year 1884.

Regular lines of steamers run between Providence and New York, Philadelphia, Norfolk, and Baltimore, transporting great quantities of freight, and a portion of them conveying many thousands of passengers annually through that great artery of commerce and of inland intercommunication extending from Providence to the ocean. The project for the improvement of that great water way is of national importance; and its progress and completion, to secure safe and sufficient facilities for the commerce which seeks that route, demand the earnest and considerate attention of Congress.

I trust that this and the other important river and harbor improvements in Rhode Island, as well as throughout the country, may receive just recognition; that, by proper amendments, the monstrous inequalities of this bill may be corrected, and that we may be able to finally complete and pass a river and harbor appropriation bill which will commend itself to our own good judgment and to the intelligent judgment of the country.

I will print in the RECORD a few statistics, presenting in a comprehensive form some of the facts and figures to which I have referred, and illustrative of the suggestions I have attempted to impress upon the committee and the House:

Facts from the census of 1880 *and other official sources.*

	In Texas.	In Rhode Island.
AREA, POPULATION, ETC.		
Area in square miles	262,290	1,085
Population	1,591,749	276,531
Assessed value of all real estate	$205,508,924 00	$188,224,459 00
Average value per square mile	$783 00	$173,478 00
AGRICULTURAL.		
Persons engaged in agriculture	359,317	10,945
Number of farms	174,184	6,216
Total acres in farms	36,292,219	514,813
Average number of acres in each farm	208	82
Total acres of improved land in farms	12,650,314	298,486
Average number of acres of improved land in each farm	72	48
Total value of farms*	$170,468,886 00	$25,882,079 00
Average value of each farm	$979 00	$4,162 00
Value of farm productions	$65,204,329 00	$3,670,135 00
Value of live-stock on farms†	$60,307,987 00	$2,254,142 00

Facts from the census of 1880 *and other official sources*—Continued.

	In Texas.	In Rhode Island.
FISHERIES.		
Persons employed	601	2,310
Value of annual product	$128,300 00	$880,915 00
MANUFACTURES.		
Number of establishments	2,996	2,205
Total capital	$9,245,561 00	$75,575,943 00
Annual wages paid	$3,343,087 00	$21,355,619 00
Value of annual product	$20,719,928 00	$104,163,621 00
COTTON MANUFACTURES.		
Capital invested		$28,047,331 00
Spindles employed		1,764,569
Cotton annually consumed.....pounds		81,137,172
Value of said cotton		$10,457,770 00
Annual wages of operatives		$5,320,303 00
Value of annual product		$22,875,111 00
SHIPPING.		
Number of steamers, 1880	35	70
Tonnage of same, 1880.....tons	4,351.91	21,486.52
Number of sail vessels, 1880	230	241
Tonnage of same, 1880.....tons	7,712.50	16,587.91
Total vessels, June 30, 1884	267	291
Total tonnage, June 30, 1884.....tons	10,802.00	41,499.35
INTERNAL REVENUE.		
Total amount collected from 1866 to 1884, inclusive	$11,152,276 56	$20,800,562 86
Total amount collected from 1863 to 1884, inclusive	$11,152,276 56	$27,925,262 73
Amount collected in year 1880	$233,106 55	$210,883 98
Same, being per capita upon basis of population of.....cents	14.6	76.2

*The total value of farms in Texas is nearly 83 per cent. of the assessed value of all real estate in Texas; the total value of farms in Rhode Island is less than 14 per cent. of the assessed value of her real estate.

†The live-stock on each Rhode Island farm is, on an average, about two and one-half times the value of the live-stock on each Texas farm.

Commercial.

	At Charleston.	At Savannah.	At Mobile.	At Galveston.	At Providence.
Total duties collected on imports, year ending June 30, 1884	$29,475 42	$56,409 85	$50,138 74	$151,855 41	$189,864 63
Vessels arrived and sailed, one year, number	1,034	1,080	541	.....	17,104
Tonnage of same, tons	602,235	1,066,601	279,301	.....	4,522,768

Cotton received at Mobile from all sources, both by rail and water, during year, 260,911 bales; total cotton shipped from Mobile by vessels during year, 73,920 bales; total cotton received at Providence by vessels during year, 221,897 bales.

In each case the year for which the latest statistics were available, being 1883 or 1884, or the year embracing a portion of both said years, is referred to.

Mr. CANNON. Mr. Chairman, I understand that the gentleman from Rhode Island has the floor. Am I correct in that?

The CHAIRMAN (Mr. SPRINGER). The gentleman from Rhode Island rose to speak to an amendment which he had proposed, and the Chair decided that he must confine his remarks to the subject-matter before the committee.

Mr. CANNON. Very well. Then, as I understand it, all the Chair can say to the gentleman from Rhode Island under the rule is that he shall proceed in order.

The CHAIRMAN (Mr. SPRINGER). Yes.

Mr. CANNON. As to whether the gentleman's remarks are apt and proper, the Chair of course can not rule on that question.

The CHAIRMAN (Mr. SPRINGER). The Chair has decided that the gentleman from Rhode Island [Mr. SPOONER] must confine himself to the subject under consideration.

Mr. CANNON. That is, that he must proceed in order; but I suppose the gentleman from Rhode Island is to judge whether his remarks are in order.

The CHAIRMAN (Mr. SPRINGER). The Chair must decide whether the gentleman is in order or not. The gentleman from Rhode Island [Mr. SPOONER] will proceed in order.

Mr. SPOONER. Mr. Chairman, what I have said by way of comparison between my own State and the State of Texas, and of the appropriations made for each, is what might be said of almost all appropriations proposed to be made by this bill for improvements in the New England States, as compared with those for other sections of the country represented largely upon this floor by the members of the Committee on Rivers and Harbors. Let me give, in illustration of this, some commercial statistics.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that the gentleman is not conforming to the rule—not discussing the question before the committee. That question is in reference to the improvement of the harbor of Nantucket, and the Chair is willing to hear the gentleman from Rhode Island on his amendment. But, as the point of order has been made, the Chair must insist that the gentleman shall proceed in order.

Mr. CANNON. Mr. Chairman, I rise to a question of order.

The CHAIRMAN (Mr. SPRINGER). The gentleman will state his point of order.

Mr. CANNON. If I understand the ruling of the Chair, no member can proceed in discussion of a motion here unless his line of discussion conforms to the judgment of the Chair.

The CHAIRMAN (Mr. SPRINGER). What is the point of order that the gentleman from Illinois [Mr. CANNON] makes?

Mr. CANNON. I am trying to find out whether I understand the ruling of the Chair. I understand the Chair to hold that he is to judge of whether a gentleman is proceeding in order and confining himself to the amendment before the House.

The CHAIRMAN (Mr. SPRINGER). Does the gentleman from Illinois rise to a parliamentary inquiry or to a question of order? If he rises to a parliamentary inquiry, he will please state it.

Mr. CANNON. I want to find out the scope of the ruling of the Chair.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that a point of order must be submitted in the first instance to the decision of the Chair; but it is in the power of the Committee of the Whole, upon an appeal, to reverse that decision. The Chair is of opinion that the gentleman occupying the floor must speak to the clause now before the committee, and unless he does so he is out of order.

Mr. SPOONER. Do I understand the Chair to rule that I am not permitted by way of illustration to draw a comparison as between certain ports, or certain sections of this country, or certain States, in order to point the significance of my remarks?

The CHAIRMAN (Mr. SPRINGER). The Chair will say to the gentleman from Rhode Island that if he will, in good faith, state to the committee that he intends this line of discussion for the purpose of illustrating his remarks in regard to this clause he will be in order, and the Chair will hear him to that extent.

Mr. SPOONER. Why should I alone be required to allege good faith?

Mr. REED, of Maine. I object to the ruling of the Chair that the gentleman from Rhode Island must make a declaration of his good faith.

The CHAIRMAN (Mr. SPRINGER). The gentleman from Maine has not the floor unless he rises to a question of order.

Mr. REED, of Maine. I do rise to a question of order.

The CHAIRMAN (Mr. SPRINGER). The gentleman will state it.

Mr. REED, of Maine. My point is that the chairman of the Committee of the Whole has not the right to require a gentleman on this floor to make a statement in regard to his good faith. That is presumed.

The CHAIRMAN (Mr. SPRINGER). If the gentleman does not desire to make the statement the Chair will not insist upon it. The Chair believes the Committee of the Whole will certainly bear him out in holding that the gentleman from Rhode Island is not proceeding in order. If the Committee of the Whole were compelled to be subject to proceedings of this kind, all possibility of ever terminating business in Committee of the Whole would be at an end. Therefore the Chair thinks the gentleman ought to confine himself to the subject under consideration; and in asking him to do so the Chair believes he is discharging his duty as chairman of the Committee of the Whole. If the gentleman from Rhode Island desires to proceed in order the Chair will hear him.

During the delivery of Mr. SPOONER'S remarks, the following proceedings occurred:

Mr. SPOONER. I move to strike out the last word.

Mr. BRECKINRIDGE. Mr. Chairman, I rise to a point of order.

The CHAIRMAN (Mr. SPRINGER). The gentleman will state it.

Mr. BRECKINRIDGE. The point is this: This paragraph provides for an improvement which is located in the State of Massachusetts, while the gentleman from Rhode Island is giving us a dissertation on the State of Rhode Island. He is not speaking to the proposition before the House, and therefore is not in order.

Mr. BAYNE. Mr. Chairman, I think the committee will get through sooner by permitting the gentleman from Rhode Island to proceed.

Mr. SPOONER. I shall endeavor to be heard before we get through with the bill, whether at this stage or at some other. [Laughter.]

The CHAIRMAN (Mr. SPRINGER). The Chair will ask the Clerk to read clause 5 of Rule XXIII.

The Clerk read as follows:

When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon; but the same privilege of debate shall be allowed in favor of and against any amendment that may be offered to an amendment; and neither an amendment nor an amendment to an amendment shall be withdrawn by the mover thereof unless by the unanimous consent of the committee.

Mr. BRECKINRIDGE. Now, Mr. Chairman, I submit that under that rule the gentleman from Rhode Island must either confine himself to the discussion of the amendment in relation to this Nantucket improvement or else yield the floor.

The CHAIRMAN (Mr. SPRINGER). The Chair is of opinion that the gentleman must be allowed five minutes to explain any amendment that he may offer, but that to be in order under the rule his remarks should be directed to the paragraph under consideration. The Chair is aware that discussions have been frequently allowed on motions to strike out the last word, but such discussions, to be in order, must be upon the subject-matter before the committee at the time. The gentleman from Rhode Island is proceeding to discuss matters which are not before the committee at this time, and the Chair therefore thinks the point of order well taken.

Mr. SPOONER. I shall not object to the ruling, Mr. Chairman, if it is applied with the same force to other members. So far it has not been.

The question being taken on the amendment of Mr. SPOONER, it was not agreed to.

The Clerk read as follows:

Improving harbor at Newburyport, Mass.: Continuing improvement, $50,000.

Mr. LONG. I move to amend by inserting after the clause just read the following:

Improving harbor at Hingham, Mass.: Continuing improvement, $6,000.

Mr. Chairman, I trust that this amendment, being a substantial one, will not be considered out of order. At the last session Congress ordered a survey of Hingham Harbor with reference to the continuation of the improvements there. The report of the engineers was made as promptly as possible, but did not reach this House until the day on which the bill now pending was reported. The improvements necessary in the channel are a continuation of the removal of shingle and gravel, a continuation of certain dredging, and a continuation of the removal of certain ledges, at an estimated cost of some $18,000, with the effect of relieving a transportation which involves the carriage of hundreds of thousands of passengers and large quantities of freight.

The engineer reports that the further improvement will be of great benefit and will require a comparatively small expenditure, and that in his opinion the harbor is worthy of improvement. I take it that if this report had come to the committee before this bill had been reported there would have been no hesitation whatever in reporting a certain portion of the amount recommended by the engineers. This is not a question which I propose to argue. It is not a case in which I propose to solicit anything from the committee. I simply submit this to the House as a perfectly proper case for the amendment of the bill, and I do not believe the committee will oppose the proposition. This amendment contemplates an appropriation of one-third of the sum recommended by the engineers.

Mr. WILLIS. This amendment is for a harbor upon which at the time the committee was not in session and there was no report. Therefore that committee have never considered this improvement. We have not condemned it, nor do I know they have approved it. It is like one hundred and thirty or one hundred and forty other improvements for which surveys have been asked and reports made, but except in the case of one or two they have not been brought before the Committee on Rivers and Harbors.

In my State of Kentucky I may say there were three or four reports, but the committee determined in view of the shortness of time they would not consider them, although, unlike this, they were before the committee. The committee expect at its next session to take up all these reports, when they will have time to consider the facts upon which they are based.

I ask the gentleman to consider that these reports have not been before the committee, and to wait until they can come up in their order, when the committee will have full time to act upon them.

Mr. LONG. I recognize the position in which the committee are placed as stated by the chairman. If this were a personal matter I would not hesitate to withdraw my request, but this is a matter affecting the interests of the constituency I represent. To them it is a question of having an improvement made now, as it ought to be, or waiting a year and a half. It is not their fault that the report of the engineer was not in sooner. It is not their fault that this provision was not in the bill when originally reported. I should not do my duty to them if I did not ask the House on the recommendation of the engineer who was charged to make the survey and report and who has reported favorably, to embody his report in legislation.

I appreciate the fact the committee has not had time to consider this matter, but yet this report has been before the House and committee since the 20th of January last. If the committee are unable to determine a little petty matter of this kind, certainly the House are able.

As I said before, I do not propose to argue the matter or tease the committee or House, but simply to present the matter to the consideration of the House.

Mr. WILLIS. Just one word. In the last river and harbor bill all

surveys were submitted to the Chief of Engineers to state as to whether they were worthy of improvement, and consequently whether they were of public necessity. Now, this report has not been before our committee at all. There are one hundred and forty others which are in the same position, and upon the hasty examination I have made at this moment I find the condition upon which appropriations were to be made are not fulfilled in this case. The engineer, Major Raymond, in his report—it is a part of Boston Harbor—says there is a channel which is used by quite a number of vessels. It has been much improved by the United States. The further improvement desired will probably be a great benefit and require but comparatively a small expenditure. I am of opinion the harbor is worthy of improvement. But he does not say that it is of public necessity. Those two conditions were required of all these surveys.

So this is a matter which has not only not been before the committee, but had it been before the committee it would not have come up to the measure prescribed by the House for all similar improvements, that they should not only be worthy of improvement, but they should be a public necessity. It only illustrates the necessity of having time to look into all these matters.

Mr. LONG I leave it to the House.

The committee divided; and there were—ayes 71, noes 61.

So the amendment was adopted.

The Clerk read as follows:

Improving national harbor of refuge at Sandy Bay, Massachusetts: Continuing improvement, $100,000.

Mr. OATES. I move to strike that out.

Mr. GIBSON. I hope the gentleman will withhold his motion until the report from the Committee on Rivers and Harbors can be made.

Mr. OATES. I will withhold my motion, then, for that purpose, but with the understanding I shall make it again if I need it.

Mr. STONE. I offer the following substitute for the paragraph which has been read, and I do it by instruction of the Committee on Rivers and Harbors.

The Clerk read as follows:

Improving national harbor of refuge of first class at Sandy Bay, Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation or any previous appropriation shall be expended until a new board of three engineers, one of whom shall be a resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor that shall serve all the uses for which it may be needed

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN (Mr. HAMMOND). The gentleman from Alabama is entitled to the floor.

Mr. WHITE, of Kentucky. But I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. WHITE, of Kentucky. I have watched the reading of this bill with a view to offering an amendment when Plymouth Harbor was reached, but I think it must have been overlooked, for I certainly did not hear the reading by the Clerk.

The CHAIRMAN. The Chair will state that the Clerk read the lines in which Plymouth occurs, and no point was made by any one, after which the next lines were read by the Clerk until he reached line 36, when the gentleman from Alabama moved to strike out lines 33, 34, and 35, and yielded to have read this proposition of the gentleman from Massachusetts, and the gentleman from Alabama is entitled to the floor.

Mr. OATES. Mr. Chairman, I think the amendment offered by the gentleman from Massachusetts is wholly unnecessary. I am in favor of liberal and reasonable appropriations to improve the water ways of this country, but I am not in favor of Congress embarking in the expenditure of money for any improvement which has been condemned by a board of engineers.

Under the previous action of Congress a board of engineers was appointed, who made a survey and estimates, and have reported upon the practicability and probable cost of the proposed improvement at this point. Their report is so full and conclusive that I prefer the board of engineers to speak to this question rather than myself, and I ask the Clerk to read what I have marked touching that matter.

The Clerk read as follows:

It may be well here to state what the board understands by the expression "national harbor of refuge of the first class." It may be defined to be an artificial harbor, prepared at the expense of the General Government, capable of affording refuge and shelter to a large number of vessels, great and small, at the same time, this refuge and shelter referring to danger from storms, actual or impending, as well as from hostile ships in time of war.

Such a harbor of refuge should be easy of entrance at all states of the wind and tide, by night as well as by day; should have sufficient depth and area at all stages of the tide; should be free from the hurtful action of strong winds and currents and of ice; should have a good holding-ground, and be readily defended from hostile ships.

Very great depth is not only not necessary, but is undesirable, as requiring vessels to have very long cables and to take more time in coming to anchor and departing, as well as more room for swinging at anchor. Room is needed in a harbor not only for vessels quietly at anchor, but for those entering in the confusion and tumult of a gale to find a place among others already within. The speed of such vessels can not be checked in a moment. Great artificial harbors of refuge, such as here described, are very few in the world, and, it may be added, very expensive to construct. The importance of such a harbor is greatly enhanced if it be at or near a great commercial center.

These being in our view the essential features of any harbor that may be properly designated "a national harbor of refuge of the first class," it may be said at once that considering the present defenseless condition of the natural harbors in which our coasts abound, and the exposure of our navy-yards and our great maritime centers of commerce to the assaults of an enemy's fleet, it is wholly useless to construct an artificial harbor anywhere if its defensibility against a foreign enemy is to be regarded as one of its requisites.

It is not to be supposed that a fleet would require a refuge from an enemy. A single ship might need such a place of retreat near Cape Ann, and this could be readily afforded by the existing harbor of Gloucester to the northwest of Boston, as it would on the south at Provincetown.

The Navy of the United States does not at this time require much space for its accommodation. If the number of ships be increased they will be steamers, and could readily be accommodated in the harbors of Boston, Portland, or Provincetown, should it be deemed best to withdraw them from the open sea.

Leaving, then, the question of defense out of consideration, we shall discuss the proposed harbor only with regard to its value as a place of refuge during storms.

Harbors of refuge are more important for sailing vessels than for steamers, as the latter are more navigable under the varying conditions of winds and currents. And this consideration is becoming of more importance every year, as the commerce of the world is more and more carried on by steam. As the steamers are more independent in movement as well as usually more quick, it would appear that a number of smaller harbors of refuge nearer together, the total cost being the same, would be more useful than one great one, as the former would be more convenient to the slower sailing vessels that happened to be caught by bad weather in their vicinity.

It must not be supposed that all wrecks would be prevented, if harbors of refuge, great and small, were numerous. Nor is it probable that such harbors would be used by all vessels, either steamers or sailers, as some, perhaps many, would prefer to go to sea rather than enter them. Insufficient crews and equipage and bad management will cause many wrecks to occur, notwithstanding the existence of natural harbors and the construction of artificial ones.

An idea of the necessity of a harbor of refuge in any special locality may be obtained by examining the record of wrecks that have occurred in its vicinity and the consequent loss of property.

Having made these general observations, let the ideas they involve be applied to the particular case under consideration, namely, the construction at Sandy Bay of "a national harbor of refuge of the first class."

The project of Major Raymond, as contained in his report of November 28, 1883, published in Senate Executive Document No. 74, Forty-eighth Congress, first session, has been examined by the board with attention and great interest. He proposes to inclose an area of 1,664 acres inside the high-water line, while on the 24-foot contour the area would be 1,377 acres.

It is estimated that 70,000 vessels pass Cape Ann annually. This would be about 6,000 each month or 200 each day. These are almost all bound to or from Boston; about half each way, or about one hundred each way each day. Vessels going from Boston would seldom need a harbor of refuge at Cape Ann, as precedence would require them to refrain from leaving a good and safe harbor to risk the dangers of Cape Ann in a storm. Heavy storms seldom continue more than three days. It would seem sufficient, therefore, to provide for one hundred vessels approaching Boston on each of the three successive days, or three hundred vessels. Allowing one and one-half acres of anchorage ground to each, we would need a harbor of but four hundred and fifty acres. One and one-half acres for each is an ample allowance.

Few of these vessels would have a draught exceeding fifteen feet. To provide, therefore, an area of five hundred acres with a depth at low water nowhere less than thirty feet would be enough. The plan of Major Raymond is estimated by him to cost $4,000,000 and to require ten years for its completion with regular annual appropriations of $400,000. It is thought by the board that the cost should be set at not less than $5,000,000, and to this should be added $500,000 for lighthouses, buoys, &c., and not less than $2,000,000 for defenses, if they are to be considered.

It is not probable, judging of the future from the past, that $400,000 are to be appropriated each year for this object. The increase in the time of construction would greatly add to the final cost of the work.

An examination of a list of wrecks between the ports of Boston and Portland during the past fifty-five years, which has been furnished to the board and is supposed to be authentic, gives the following information: The total number of wrecks in all these years has been less than 400. The vessels wrecked were almost all of small-sized schooners. The least number reported in one year, 1831, was 1, and the greatest number was 40, in 1840. The average has been 7 or 8 per annum, and of these some at least would not have been prevented by a harbor of refuge at Sandy Bay. It may not be inappropriate also to compare the average annual loss with the interest on the total cost of such a harbor of refuge as is contemplated.

In view of all the circumstances of the case, the board has reached the following conclusions:

It is not considered necessary or expedient at this time to construct "a national harbor of refuge of the first class" at any point "between Boston and Portland." Should Congress decide otherwise, the board is of the opinion that Sandy Bay "is the best place" for such a harbor between Boston and Portland. If Sandy Bay be occupied and the area of the harbor be made as great as proposed by Major Raymond the lines selected by him for the breakwater seem the best.

It is recommended that further study be given by Major Raymond to the consideration of the practicability and cost of construction of a harbor of smaller area at Sandy Bay, with a view mainly to a reduction of expense, and that in connection therewith he examine the question of constructing a smaller harbor at the southeast point of Cape Ann as well as the improvement of the harbor of Gloucester, which would be effected by a breakwater on the bar at its mouth.

Should it be decided by the authorities in Washington that a national harbor of refuge of the first class is to be made at Sandy Bay, it is considered that it would be inexpedient, with so small a sum as $100,000, to make any expenditure looking thereto except to commence the observations and studies which should precede the preparation of a detailed project for so great, difficult, and costly a work, and that actual construction should not be commenced until the engineer had in hand at least $500,000.

* * * * * * *

Second. If, as suggested by the board in their preliminary report, the idea of constructing "a national harbor of refuge of the first class" in this vicinity be abandoned on account of the useless expense which it would involve, and a smaller harbor of refuge for commercial uses only be substituted, the board are of the opinion that the interest of commerce will be best subserved by the formation of an artificial harbor at the southeast point of Cape Ann, by constructing breakwaters from Thatcher's Island to Milk Island, and from each of these islands toward the shore, with suitable entrances.

This would furnish anchorage in water from twelve to thirty-five feet deep for about one hundred and fifty vessels of the classes which would most commonly make use of it, according to the allowance of one and one-half acres for each, given in the preliminary report of the board.

The estimated cost of this harbor, according to the views of the board, is about $1,000,000, which is about one-fifth of the amount which they estimated as the cost of the proposed harbor at Sandy Bar.

The special advantages which a harbor here would offer are: First. That the site is already well known to navigators, and is well marked and lighted by the Cape Ann or Thatcher's Island lights—two conspicuous lights of the first order. Second. That it is close to the track of vessels passing along the New England

coast bound to and from Boston. Third. It would be safe and easy of ingress and egress in all weathers. Fourth. Even with one breakwater extending westwardly from Thatcher's Island, cutting off the most dangerous seas, which come from the northeast, valuable refuge would be gained.

During the reading of the foregoing the hammer fell.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LEWIS was recognized, and yielded his time to Mr. OATES.

Mr. OATES. I now ask the clerk to continue the reading down to and including page 5, and also on page 15.

Before the reading was concluded the hammer fell.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. OATES. I ask unanimous consent that the reading of what I have marked of this report be concluded, as it will take but a few minutes longer.

The CHAIRMAN. The rule does not allow the Chair to entertain such a motion. The Chair presumes that there will be no objection to the gentleman printing the report as a part of his remarks.

Mr. OATES. But this question will be voted upon in a few moments, and if the report is not read prior to that time it will not be necessary to insert it.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

Mr. BAYNE. I propose an amendment to the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

It shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof.

Mr. STONE. I accept that amendment.

Mr. REAGAN. I would suggest to the gentleman to add the words "and the necessity therefor."

Mr. BAYNE. I accept the suggestion of the gentleman from Texas, and will incorporate it in the amendment.

Mr. STONE. Let the amendment be read as modified.

The Clerk read as follows:

Improving a national harbor of refuge of the first class at Sandy Bay or Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation or of any previous appropriation shall be expended until a new board of three engineers, one of whom shall be the resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor that shall serve all of the uses for which it may be needed; and it shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof and the necessity therefor.

Mr. OATES. I would like to ask the gentleman from Pennsylvania a question.

The CHAIRMAN. Debate is exhausted.

Mr. POTTER. I move to strike out the last word.

Mr. BELFORD. I rise to a point of order. I insist that we have a right to know what is going on here. It is impossible in the confusion prevailing to hear a word.

Mr. BAYNE. I believe I am entitled to the floor for five minutes, since I have not occupied the time on my amendment.

The CHAIRMAN. The Chair will recognize the gentleman.

Mr. OATES. I desire to ask the gentleman from Pennsylvania if he has observed in the report of the engineers that there is a difference between a harbor of the first class and such as that recommended at Cape Ann?

Mr. BAYNE. Yes, sir; I have observed the difference, and the proposition I have made, which has been embodied in the amendment of the gentleman from Massachusetts, requires that board of engineers to make an examination along that coast and report the various points at which harbors may be constructed as well as the necessity therefor and the cost thereof.

Mr. OATES. But there is a distinction between a harbor of the first class and such as they say is necessary. They say an expenditure of $1,000,000 would be sufficient for the commercial purposes, whereas a harbor of the first class at Sandy Bay would cost eight or ten million dollars.

Mr. BAYNE. I am opposed to it on that account.

Mr. CUTCHEON. I wish to ask the gentleman from Pennsylvania [Mr. BAYNE] a question. In the last clause of his amendment do the words "the necessity therefor" relate to the harbor at Sandy Bay or to all?

Mr. BAYNE. To all.

Mr. POTTER. In my judgment this expenditure, in the present state of the rivers and harbors of the country and of the defenses of the country, can not be justified. It is proposed to make upon the shore of Massachusetts, with the harbor of Boston upon one side within thirty miles, with the harbor of Portsmouth on the other side within thirty or forty miles, and the harbor of Gloucester just around this very point and but five or six miles removed from it—it is proposed to enter upon an expenditure which the engineers tell us will end in an outlay of eight or ten millions of dollars. And for what? In order to make a harbor of refuge.

Sir, there is far more demand for harbors for the living commerce of the country. At the great port of New York there are but twenty-two feet of water upon the bar at low tide, over which two-thirds of the commerce in question of this country flows. To enter now upon this expenditure or to take any step that can possibly lead to such an expenditure ought not to be permitted. Why, sir, there is no spot upon the shore of this country that is so well provided with harbors as the shore of Massachusetts.

I certainly, sir, can not be charged with any partiality against Massachusetts. She is my native State; my kindred are there. I passed the first years of my professional life within fifteen miles of this proposed harbor, and I do not believe it would have been thought of but for the fact that a Representative from that district, loving his section and loving the granite of his section and the interest of his section, has dwelt upon this thing until he has come to think that in the interests of benevolence, of a large world-wide charity, it would be wise to transfer these granite bowlders from these granite quarries and make this great harbor of refuge on the coast of Massachusetts. I have been importuned recently to give my influence in favor of building this harbor in order that these granite quarries might be utilized. It will make undoubtedly this district one of great activity. It will do more. It will be a monument to whoever can carry such a bill as this through this House. But, sir, it will be a monument of something more mournful than that. Up to this time Massachusetts, I believe, has never asked an appropriation of the General Government for rivers and harbors which it did not deserve. I do not believe that the Representatives of Massachusetts outside of this district will say that they believe this appropriation ought to be made in the interests of commerce or in the present state of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULDROW obtained the floor and yielded his time to Mr. OATES.

Mr. OATES. Mr. Chairman, I ask for the reading of the latter portion of the report of the engineers, which I have marked.

The Clerk resumed and concluded the reading as above.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. OATES] has expired and the gentleman from Massachusetts [Mr. STONE] is recognized.

Mr. WILLIS. Mr. Chairman, I ask the gentleman from Massachusetts [Mr. STONE] to yield to me in order that I may move that the committee do now rise.

Mr. STONE. Can we not finish this matter this evening?

Several MEMBERS. Oh, no.

Mr. WILLIS. My object in moving that the committee do now rise is to ask the House to take a recess until 10 o'clock to-morrow. I have consulted as many members as I could consult conveniently and they seem to be generally willing that I should make that motion. With that view I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House take a recess until 10 o'clock to-morrow.

Mr. MILLIKEN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. MILLIKEN. If we take a recess now until 10 o'clock to-morrow, will that continue this legislative day after 12 o'clock to-morrow?

The SPEAKER *pro tempore*. It will, unless the House should adjourn at some time before 12 o'clock to-morrow.

Mr. MILLIKEN. So that we shall lose the hour which we would otherwise have under the rule.

The SPEAKER *pro tempore*. Unless the House should adjourn at some time between 10 and 12 to-morrow.

Mr. WILLIS. I will say to my friend from Maine [Mr. MILLIKEN] that if the House now take a recess until 10 o'clock, I will make a motion to adjourn before 12 o'clock to-morrow in order to save the morning hour.

MESSAGE FROM THE PRESIDENT.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Kentucky [Mr. WILLIS] for his motion, but before submitting the motion the Chair asks consent to submit a message from the President of the United States.

To the Senate and House of Representatives:

I herewith transmit a communication from the Secretary of State relative to the Japanese Government's offer to donate a valuable piece of land to the United States in fee-simple for legation purposes, and earnestly recommend that the Executive be immediately authorized to accept the gift in the name of the United States, and to tender to his Imperial Japanese Majesty's Government a suitable expression of this Government's thanks for the generosity which prompted the presentation of so desirable a site of ground.

I deem it unnecessary to enlarge upon the statement of the Secretary of State. I feel certain, however, that a persual of his communication will at once com-

mend itself to the favorable attention of Congress, and doubt not that the necessary authorization of Congress will be immediately given for the acceptance of the gift, as well as insure early action looking to the erection on the premises of a suitable public building for the use of the legation of the United States at Tokio. This step can not but be favorable to the United States in every honorable way, while the disinterested motives of a friendly foreign government deserves from us a proper and just recognition.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 5, 1885.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BOYLE, of Pennsylvania, until Monday, February 9.

WITHDRAWAL OF PAPERS.

On motion of Mr. ROSECRANS, leave was granted to George A. Jaegar to withdraw his papers, now with the Committee on Military Affairs, leaving copies on file.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, in response to inquiries of several members, I will say that if the motion for a recess prevails I will agree to make a motion to adjourn just before 12 o'clock to-morrow, so as to save the morning hour. I now move that the House take a recess until 10 o'clock to-morrow morning.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now take a recess until 10 o'clock to-morrow, pending which does the gentleman from Kentucky on the left [Mr. WHITE] renew his motion?

Mr. TURNER, of Kentucky. Mr. Speaker, I move to adjourn.

Mr. BLOUNT. Mr. Speaker, I wish to ascertain whether I correctly understood the gentleman from Kentucky [Mr. WILLIS] to say that if the House should now take a recess until 10 o'clock to-morrow he would move an adjournment before 12 o'clock to-morrow with a view of preserving the morning hour?

Mr. WILLIS. The gentleman from Georgia understood me correctly.

The question was taken on the motion of Mr. TURNER, of Kentucky, to adjourn.

The motion was not agreed to.

Mr. WHITE, of Kentucky. I move to amend the motion of my colleague [Mr. WILLIS] by striking out "10" and inserting "11."

Mr. RANDALL. I wish to inquire whether the object of the gentleman from Kentucky [Mr. WILLIS] is to continue this legislative day beyond 12 o'clock to-morrow.

The SPEAKER *pro tempore*. The gentleman from Kentucky has already stated that such is not his purpose.

The question being taken on the amendment of Mr. WHITE, of Kentucky, to the motion of Mr. WILLIS, it was not agreed to; there being—ayes 13, noes 149.

Mr. WHITE, of Kentucky. I move that the House now adjourn.

The motion was not agreed to.

The question then recurring on the motion of Mr. WILLIS for a recess, it was agreed to; and accordingly (at 5 o'clock and 10 minutes p. m.) the House took a recess till 10 o'clock a. m. to-morrow.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Friday, February 6), Mr. BLACKBURN in the chair as Speaker *pro tempore*.

Mr. WILSON, of Iowa. Mr. Speaker, there are so few members present, I move that the House take a recess for ten minutes.

The motion was agreed to; and a recess was accordingly taken.

The recess having expired, the House resumed its session.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole on the state of the Union, and pending this motion I move that debate in Committee of the Whole on the pending amendment be limited to twenty minutes.

Mr. GIBSON. Twenty minutes on the section and pending amendment?

Mr. WILLIS. I modify my motion so as to limit debate on the section and amendments to twenty minutes.

The question being taken on the motion to limit debate, it was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Clerk will read the pending amendment.

The Clerk read as follows:

Improving a national harbor of refuge of the first class at Sandy Bay or Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation nor of any previous appropriation shall be expended until a new board of three engineers, one of whom shall be the resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor, that shall serve all the uses for which it may be needed; and it shall be the duty of said board of engineers to examine into and report upon such other places on said coast as may be suitable for harbor purposes, and to estimate the cost thereof and the necessity for such a harbor.

Mr. WILLIS. Mr. Chairman, as this amendment will give rise to some debate, I ask in the interest of public business that it be passed over for an hour. The House will then be fuller.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that the pending amendment to lines 33, 34, and 35 be passed over for one hour.

Mr. HEPBURN. I object.

Mr. WILLIS. I hope my friend will not object.

The CHAIRMAN. Objection is made. The gentleman from Massachusetts [Mr. STONE] is entitled to the floor.

Mr. STONE. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS]?

The CHAIRMAN. The gentleman from Iowa [Mr. HEPBURN] objected.

Mr. WILLIS. I saw no one rise. The rule is that a member objecting must rise.

The CHAIRMAN. Does the gentleman from Iowa insist on his objection?

Mr. HEPBURN. Yes, sir; I object.

Mr. GIBSON. The gentleman will allow me to make a suggestion. The object of the proposition to pass this paragraph over is to avoid any bad feeling upon the part of other members——

The CHAIRMAN. The Chair suggests that any appeal to the gentleman from Iowa had better be made in private. [After a pause.] Does the gentleman from Iowa insist on his objection?

Mr. HEPBURN. I do not know how often it is necessary to make objection. I have done so twice.

The CHAIRMAN. The Chair will say that a request was made that the Chair allow an appeal to be made to the gentleman from Iowa. The Chair did not know the effect of that appeal without asking the question. The gentleman from Iowa objects; and the gentleman from Massachusetts [Mr. STONE] has the floor.

Mr. STONE. I suppose, Mr. Chairman, that I am disclosing no secret and betraying no confidence when I state that the amendment which I have proposed to the pending clause of the bill was offered by me after a conference with the committee, and with reason to believe that it would be satisfactory to the committee, which, as members are aware, has been somewhat divided upon some questions in this bill; and judging from the indications upon this floor it was believed, in order to carry this bill, which is supposed to be of great importance to the country, that it was desirable to have if possible some unanimity of opinion and some concert of action in the committee. It was therefore to give effect to that opinion and to procure unanimity and concert of action to secure the passage of the bill that an effort was made in the committee to obtain for all the items of the bill as much harmony of action and unity of sentiment as possible, and which it was believed would result in the final passage of the measure, with such amendments as it was believed or as might be indicated during the course of the discussion of the bill were necessary. I offered the amendment, therefore, with that view, and did not anticipate that the member of the committee from Pennsylvania, who it seems was not present at the meeting of the committee, although I thought all were present, would offer the amendment which he did subsequently or immediately after mine was read.

Now, Mr. Chairman, I rise to-day for the purpose of opposing the amendment which the gentleman submitted for this reason: that I desire the bill, or this portion of it, shall pass with the amendment submitted by me and unhampered in its operation by the subsequent amendment suggested by him. I am opposed to his amendment, because it proposes to submit to a board of engineers the question of the necessity of a particular improvement of a river or harbor in this country. Now the question of the necessity of any such improvement is a question addressed to the legislative faculty of the country, and not to the executive. It is entirely inconsistent with our theory of government, with our established division of the powers of government, by which legislative questions are to be submitted to the legislative department of the Government and executive questions to the executive department, to refer a question whether or not the commercial needs of the country demand a particular improvement to a board of engineers. I repeat, sir, that such a submission is inconsistent with the doctrine of legislation, although I know very well when I make that remark that by a provision in the legislation of this country when a survey is first ordered it is believed to be expedient to refer the question of the commercial improvement of the place to a board of engineers, who shall pass upon the superficial question whether or not it appears to be an improvement required by the commerce of the country.

But the question which now confronts us—this particular improvement—was referred in the usual way to General Thom, and General Thom in his preliminary report distinctly declared and reported to the Government that there was need of a harbor of refuge at this point, and that this particular improvement was, in his judgment, a question

of public necessity. Now my friend from New York [Mr. POTTER] suggested that this was the fruit of my own imagination or something to that effect, and that it was not a great need of commerce or a requirement of the country, nor was it demanded even by the Representatives of my portion of the country.

In response to the suggestion I wish to say to him that this enterprise did not originate with me. It came to this Congress before my time. It was reported here by General Thom before I had anything to do with Congress, and it was a pending enterprise before I had any connection with this business in any form.

[Here the hammer fell.]

Mr. HART was recognized, and yielded his time to Mr. STONE.

Mr. STONE. Now, Mr. Chairman, I submit as I have already intimated that this is not a question to be decided by any narrow, material, or limited view of the needs of the commerce of the country. It is a question of humanity itself; a question that appeals to the liberal and enlightened policy of the age. It is a question as to whether or not an improvement of this character on this coast is demanded by all the considerations of public policy; and that question is one to be considered and decided, as I have said, by the legislative faculty of the country, and not by any power which may reside in any executive department. I say, therefore, that it is an abdication on the part of Congress to attempt to avoid the responsibility of the question by referring it in effect to a board of engineers. It is a question to be determined absolutely by considerations of public policy.

Why, Mr. Chairman, we have more than 3,000 miles of Atlantic seacoast, and there is not a single harbor of refuge of any pretension on that entire coast except the one at the mouth of the Delaware Bay. To-day England is constructing upon her east coast three large harbors of refuge to be built and paid for out of the imperial treasury, and the same policy prevails with all of the maritime powers upon the continent; and we have got to recognize the necessities of our vast seacoast by the construction of such harbors to meet the demands of commerce and humanity. For there is another consideration to which I wish especially to call the attention of the committee to show why we should not refer this subject to a board of engineers.

In the consideration of the question as to the necessity of establishing a harbor of refuge what are the conditions which are to govern Congress in its actions? Let me call the attention of this committee to the fact that it is not simply a question of the commercial needs of the country, but a question of humanity itself is involved. It is a question to be addressed peculiarly and solely to the legislative faculty of the Government. I ask, then, that this House shall consider and decide upon this question for itself if they believe that the time has come when this great nation of ours, with its vast resources and possibilities, shall begin to consider the mode of providing in the most ample way not only for the needs of commerce, but to meet the demands of humanity, as well as for the adequate defense of our coast in the event of foreign complications. If the House is to consider and reflect upon such things, it ought now to pass upon and decide the question whether or not this enterprise of constructing a great harbor of refuge upon the coast of Massachusetts is to be decided here or left to the possbilities of the future.

Now, one word more. I am quite willing, Mr. Chairman, to submit any question of an engineering character to the Corps of Engineers. I agree that in respect to the topography of the country, in respect to the best location on the coast, it is a very proper question for engineers to decide; therefore I am content to do it that way. But when it comes to surrendering the power of this Congress—to a submission of the legislative authority upon a question which has been long adjudicated, entered upon and decided, I submit it is only an expedient to avoid responsibility, and throw upon other persons a question which should be decided by the House.

[Here the hammer fell.]

Mr. HORR. Is debate exhausted on this amendment?

The CHAIRMAN. Five minutes remain on the formal amendment.

Mr. HORR. I desire to say, Mr. Chairman, that I agree most heartily with the gentleman from Massachusetts [Mr. STONE] as to this harbor of refuge. There are no outlays in this river and harbor bill that do more for the protection of life and property than the building of proper harbors into which vessels can go during storms. The idea of building a second-class harbor for that purpose is simply preposterous; that is simply providing for one class of vessels on the ocean and saying to the other class you can go to the bottom and we will do nothing for you.

Now, the breakwater on the Delaware, as every one who has examined this question knows, forms one of the best harbors now, and almost the only one, on the Atlantic coast. It is not an uncommon thing to see seven hundred vessels within those walls at once getting protection from the storm. We have on the lakes but one practical harbor of refuge, that is at Sandy Beach, on the coast of Michigan. It cost over $700,000, and almost weekly during the winter season you can see from one hundred to three hundred vessels driven within those walls to protect them from utter destruction.

On the coast of New England there is perhaps more commerce than on any other part of the coast except down in the vicinity of the Delaware Breakwater. Nothing is more needed than a first-class harbor opposite the New England coast, and if we build one, Mr. Chairman, let us have a good one.

I want to enter my protest against the American people having second-class things anywhere in the world. We ought to do first-class and nothing but first-class, and build first-class work, something that is in conformity with the dignity and power this nation ought to sustain among the nations of the earth. I do hope, therefore, the members of the House will stand by this committee in its decision that this harbor of refuge shall be built in such manner as to protect all the vessels that run upon the high seas.

Mr. HART, by unanimous consent, withdrew his amendment.

Mr. WHITE, of Kentucky. Let the amendment be again read.

Mr. GIBSON. I wish to ask, Mr. Chairman, whether the vote would not first be upon the amendment of the gentleman from Pennsylvania [Mr. BAYNE] to the amendment of the gentleman from Massachusetts [Mr. STONE]?

The CHAIRMAN. The Chair did not put that question because the gentleman from Massachusetts, as the Chair understood him, made the amendment to the amendment a part of his own amendment.

Mr. STONE. No; that is a mistake.

Mr. GIBSON. I understood the gentleman so on yesterday, but this morning he states differently.

Mr. STONE. I will explain, if the Chairman will allow me a moment. When the gentleman from Pennsylvania [Mr. BAYNE] offered his amendment I accepted it, but after he offered it he modified it, referring the question of necessity also to the engineers. Some one asked whether that related to the whole work. He answered it did. Now, that was a material and vital change, referring the question of necessity to the engineers, and that is the precise point I stand here to contest and combat.

The CHAIRMAN. The Clerk will read from the RECORD.

The Clerk read as follows:

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Massachusetts.

Mr. BAYNE. I propose an amendment to the amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"It shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof."

Mr. STONE. I accept that amendment.

Mr. REAGAN. I would suggest to the gentleman to add the words "and the necessity therefor."

Mr. BAYNE. I accept the suggestion of the gentleman from Texas, and will incorporate it in the amendment.

Mr. STONE. Let the amendment be read as modified.

The Clerk read as follows:

"Improving a national harbor of refuge of the first class at Sandy Bay or Cape Ann, Massachusetts, $100,000: *Provided*, That no part of this appropriation or of any previous appropriation shall be expended until a new board of three engineers, one of whom shall be the resident engineer of the district, to be detailed immediately by the Secretary of War, shall decide that this point is the best location on the coast for such a harbor that shall serve all of the uses for which it may be needed; and it shall be the duty of said board of engineers to examine into and report upon such other places upon said coast as may be suitable for harbor purposes, and to estimate the cost thereof and the necessity therefor."

The CHAIRMAN. As the Chair remembers, that is all of it; and the gentleman from Massachusetts [Mr. STONE] having agreed to accept the amendment of the gentleman from Pennsylvania [Mr. BAYNE], and being silent after the gentleman from Pennsylvania modified it, the Chair treated the whole amendment as accepted.

Mr. STONE. If so, it was done under a misapprehension.

The CHAIRMAN. If the gentleman from Massachusetts did not so intend——

Mr. STONE. Not at all.

The CHAIRMAN. In that case the Chair will put the question on the amendment of the gentleman from Pennsylvania.

Mr. GIBSON. I ask unanimous consent that the question may be put on the amendment of the gentleman from Pennsylvania [Mr. BAYNE] without the words "and the necessity therefor."

Mr. REAGAN. I understand, then, the question will be on the adoption of the last clause suggested, and I desire to say a word on it.

Mr. WILLIS. Is not debate exhausted?

The CHAIRMAN. Debate on the amendment of the gentleman from Ohio [Mr. HART] was exhausted and he withdrew his formal amendment.

Mr. WILLIS. But the House limited debate on all amendments to the paragraph.

Mr. REAGAN. I think there have been only ten minutes of discussion.

The CHAIRMAN. There has not been debate for a longer time than fifteen minutes, although there was considerable interruption, occupying much time. The gentleman from Texas will proceed.

Mr. REAGAN. I think it would be a mistake to adopt this amendment in a form which requires a report in favor of a harbor of refuge at that point without a report upon the question of its necessity. There is a fine harbor of twenty-two feet water within five miles of it. There is Boston Harbor, a deep and valuable harbor, within thirty miles. There is another harbor some forty miles north of it; all of them good harbors. And if it is intended as a defensive measure, the money that goes into it had much better go to the fortification and strengthening of

the defenses all around the city of Boston, where the commerce is. Besides, I am informed that in bad weather sailing vessels, at least if the wind is from the ocean side, can not enter the harbor; in good weather they will not wish to enter the harbor.

I think we ought not to require the engineers to report a scheme like this when there is an abundance of harbors for all purposes of commerce and safety without letting the engineers pass on the question of the necessity for the harbor.

I add one more word. The gentleman from Massachusetts raised an objection to the improvement of another harbor to facilitate what is almost a continental commerce. One of his objections was that the cost of building it amounted to too much. Here is one proposed by him that will cost more, that for all purposes except to furnish a market for granite is useless.

Mr. OATES. I desire to ask the gentleman a question. Does not the report of the engineers show the very thing proposed by this has been done, and if such a harbor is to be built Sandy Bay is the best on the coast? This is what this amendment is striking for now. But the board of engineers report against it on account of the immense cost.

Mr. REAGAN. They have reported against the necessity for it, and I do not wish them tied up so that they can not do it again.

Mr. STONE. I wish to say, if the gentleman from Texas referred to me when he said the gentleman from Massachusetts——

Mr. REAGAN. I did refer to the gentleman.

Mr. STONE. When the gentleman says I am opposed to an appropriation smaller than would ultimately be expended on account of this breakwater, an appropriation in any part of the country, he misconceives my position altogether. I have never in any way objected to any appropriation of any magnitude for any enterprise in any part of the country. If the gentleman imagines I am opposed to the appropriation of $1,000,000 or five millions for the city of Galveston or any other point he misconceives my position.

Mr. REAGAN. I must have misunderstood the gentleman. I certainly understood him to criticise and oppose that proposition.

Mr. STONE. The gentleman misunderstood me entirely. I want to say one word more to meet the argument of the gentleman from Texas. I am willing to submit the topographical question to engineers, and if the harbor is found to be inaccessible in bad weather, or for any other reason will not fulfill the conditions of a first-class harbor, the report will be unfavorable. But as I have already said the only question that should go to the engineers is the topographical question as to whether this is the best location, having regard to all the conditions of a first-class harbor.

Mr. CUTCHEON rose.

The CHAIRMAN. By order of the House all debate on the pending paragraph and amendments thereto was limited to twenty minutes. The Chair has allowed some latitude because of certain interruptions, and the limit of debate has now been reached. The question is on the amendment proposed by the gentleman from Pennsylvania [Mr. BAYNE].

The question being taken, there were—ayes 47, noes 52.

So (further count not being called for) the amendment was not agreed to.

The CHAIRMAN. The question recurs on the amendment of the gentleman from Massachusetts [Mr. STONE].

Mr. BLOUNT. I ask that the amendment be reported again.

The CHAIRMAN. The Chair directs the amendment to be reported again.

The amendment was again read.

The committee divided; and there were—ayes 82, noes 20.

So (further count not being called for) the amendment was agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Alabama [Mr. OATES] to strike out the paragraph.

Mr. DAVIS, of Massachusetts. I ask that the question be again stated.

The CHAIRMAN. The Chair seems to be in some confusion from a want of recollection of what occurred yesterday with reference to this matter. The effort of the gentleman from Pennsylvania [Mr. BAYNE] and the gentleman from Massachusetts [Mr. STONE] was to perfect the section before the motion to strike out was made. It is suggested, however, that the motion of the gentleman from Massachusetts [Mr. STONE] was offered as a substitute for the section——

Mr. STONE. My motion was a substitute for the whole section.

Mr. OATES. Mr. Chairman, I think the RECORD will show that I yielded the floor for an amendment to be offered for the purpose of perfecting the section.

The CHAIRMAN. That is the recollection of the Chair. The Chair's recollection is that the gentleman from Massachusetts [Mr. STONE] asked consent of the gentleman from Alabama [Mr. OATES] to amend the section before the motion of the gentleman from Alabama was made.

Mr. THOMAS. Yes; but the gentleman from Massachusetts [Mr. STONE] expressly stated in so many words when he offered the amendment that he offered it as a substitute.

Mr. REAGAN. I suppose there must be some mistake about it, because there would be no appropriation if this were a substitute for the other provision.

The CHAIRMAN. The Clerk will read from the RECORD what took place.

The Clerk read from the record of yesterday's proceedings, as follows:

Mr. STONE. I offer the following substitute for the paragraph which has been read, and I do it by instruction of the Committee on Rivers and Harbors.

The Clerk read as follows:

Mr. BAYNE. I take it the motion to strike out can be entertained whether the vote is upon a substitute or not.

Mr. WILSON, of Iowa. Mr. Chairman, I would like to be heard upon that point.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BAYNE] will please repeat his statement.

Mr. BAYNE. I say that the motion to strike out will apply just as well if the proposition of the gentleman from Massachusetts [Mr. STONE] was offered as a substitute as if it was offered as an amendment; and on this principle, that the House, or the Committee of the Whole, House, has a right to perfect the proposition as nearly as it can, to get it in as good shape as it can. If it can get it in the best possible shape by adopting the substitute it adopts the substitute; but if, after having got the proposition into that shape, the committee is dissatisfied with the substitute, then it is within the power of the committee to strike it entirely out. That is the parliamentary law of the case. Under the rules the committee can strike out this substitute, even though it may stand in that position.

Mr. OATES. The substitute is an amendment.

Mr. WILSON, of Iowa. The gentleman from Pennsylvania [Mr. BAYNE] is just as much mistaken about that as if he had "burned his shirt." [Laughter.] According to Jefferson, who is one of our authorities, after you strike out and insert in Committee of the Whole, what you insert can not be stricken out by itself. You may insert A, B, and C, but after that you can not strike out A, B, and C, though you can move to strike out A, B, C, and D. The theory is based on the old English parliamentary practice, as far as the Committee of the Whole is concerned, that what we do in committee we can not undo. The House can undo it, but the committee can not. The motion to reconsider is denied in the Committee of the Whole on that same ground. The rules have never carried the motion to reconsider into Committee of the Whole; and that is based upon the broad parliamentary principle that it is vain to do a thing and then turn around and undo it.

Mr. GIBSON. Mr. Chairman, there is evidently a mistake all around as to the time at which this motion was made and the manner of the offering of the substitute. If the Clerk will look a little further back in the RECORD he will see that when this paragraph was reached and the gentleman from Alabama [Mr. OATES] rose to make a motion to strike out the paragraph, I rose in my place and requested him to withhold that motion, stating that the committee had agreed upon a substitute, which the gentleman from Massachusetts [Mr. STONE] would offer. Thereupon, on that request, the gentleman from Alabama [Mr. OATES] said, as near as I can recollect his language without having the RECORD before me: "Under those circumstances I will withhold my motion until the substitute is offered." That motion was withheld and the substitute was offered. After the substitute was offered and the gentleman from Pennsylvania [Mr. BAYNE] offered his amendment some difficulty arose about that, and we have now adopted the substitute of the committee offered by the gentleman from Massachusetts [Mr. STONE] in place of the original proposition. That is the state of the facts in relation to this matter.

Mr. CUTCHEON. Mr. Chairman, it seems to me that this is a matter of words rather than of things. The gentleman from Alabama [Mr. OATES] moved to strike out the paragraph. He yielded for the amendment of the gentleman from Massachusetts [Mr. STONE], announcing in the first instance that he desired to offer an amendment——

Mr. STONE. I beg the gentleman's pardon.

Mr. CUTCHEON. Subsequently the gentleman from Massachusetts [Mr. STONE] characterized the amendment as a substitute. Now, what is the substitute? The substitute says, "Improving national harbor of refuge of first class at Sandy Bay, Cape Ann, Massachusetts, $100,000." So far it is the original paragraph precisely in terms. Then it appends a proviso. What is that but an amendment? You may call it a substitute, but you incorporate in your substitute first the identical paragraph, and then append to it a proviso. That is—I was going to say "whipping the devil around the stump," but that is not an elegant metaphor. I will say, however, that it is simply evading the point by calling the proposition a "substitute" instead of an amendment, when it is to all intents and purposes an amendment.

Mr. WILSON, of Iowa. There is a complete striking out and a complete inserting.

Mr. CUTCHEON. No; you do not strike out anything. You leave the original paragraph intact and simply add a proviso. Calling the proposition a substitute does not make it a substitute.

Mr. STONE. In order to shorten this matter I have no objection to its being passed upon in the mode suggested by the gentleman last on the floor [Mr. CUTCHEON]; that is, I am perfectly willing that the motion to strike out shall be passed upon by the Committee of the Whole.

Mr. THOMAS. I make the point of order that the gentleman from

Massachusetts [Mr. STONE] can not consent to an unparliamentary proceeding, and that this is not an amendment, the assertion to the contrary notwithstanding. Under the rules a paragraph in the bill may be amended; and there may be amendments to an amendment with the view of perfecting the section. But when the section has been stricken out and a substitute adopted in lieu thereof, a motion to strike out is not in order, as the House has already expressed its opinion upon the point and adopted the substitute.

Mr. WILSON, of Iowa. That is correct.

Mr. THOMAS. Therefore I say, although the gentleman from Massachusetts may be willing to agree that a vote be taken upon the proposition to strike out, his assent avails nothing, for the House has already expressed itself with reference to this paragraph—has adopted a substitute, and that is the end of it.

Mr. ROWELL and Mr. OATES rose.

The CHAIRMAN. The Chair thinks that there has been enough debate on this question, but will hear gentlemen further if they so desire.

Mr. ROWELL. I want to make a single suggestion. When the vote was taken this morning the chairman put the question upon the "amendment" of the gentleman from Massachusetts, and the Committee of the Whole adopted it as an "amendment" and so understood it. If we voted upon an "amendment" and it turns out that it was offered as a substitute, then we have not voted upon the substitute.

Mr. WASHBURN rose.

The CHAIRMAN. The Chair is ready to rule on this question.

Mr. WASHBURN. Whatever this point of order may be worth, it seems to me we may just as well have a fair, square, honest vote on this proposition and have it at this time.

The CHAIRMAN. The Chair will suggest that the quickest way to reach a vote is to allow the Chair to dispose of the question of order.

The gentleman from Massachusetts offered a substitute which repeats *in hæc verba* the language of the bill and simply adds a proviso. It has been treated as an amendment to the paragraph and so debated. Not one single word of the paragraph was stricken out or changed by this proposition, but simply a proviso added. While it is true that a motion to strike out and insert would operate as claimed by gentlemen who have spoken, the Chair thinks that in its effect this was not such a motion, and therefore will resolve the doubt by pursuing his original idea—that the question in order is upon the motion proposed by the gentleman from Alabama to strike out the section.

The question being taken, there were—ayes 74, noes 42:

Mr. STONE. Tellers.

The CHAIRMAN. Tellers are demanded. As many as are in favor of ordering tellers will rise.

Mr. LONG (during the count by the chairman). Is not my colleague [Mr. STONE] entitled to tellers, there having been no quorum?

A MEMBER. That point was not made. [Cries of "Too late!"]

The CHAIRMAN. Twenty-one members have risen to order tellers—not a sufficient number. Tellers are refused. The motion of the gentleman from Alabama to strike out the section is adopted.

The Clerk read as follows:

Improving harbor at Wood's Holl, Mass.: To complete improvement, $8,600.

Mr. WHITE, of Kentucky. I move to amend by striking out the last word. I rise for the purpose of calling attention——

The CHAIRMAN. The gentleman from Kentucky will suspend. The Chair is informed that when the motion to limit debate was made this morning by the gentleman from Kentucky [Mr. WILLIS] it was put and adopted in the form of a motion to limit debate on the "section." If that action be now strictly construed, debate is not in order.

Mr. WILLIS. I recognize the fact that as the motion was stated and adopted it would prevent debate on every other paragraph of this section; but I feel it would be improper to take advantage of a slip of language on my part. My intention in making the motion was to limit debate not on the "section" but on the paragraph. Therefore, as the paragraph has now been passed, I make no point as to debate having been closed.

The CHAIRMAN. The Chair will state that it is very common to call these paragraphs "sections," though technically they are not such. Hence the inquiry made by the Chair. The gentleman from Kentucky [Mr. WHITE] is recognized.

Mr. WHITE, of Kentucky. I move to amend by striking out the last word. I rise for the purpose of calling attention to two lines which in the hurry of our proceedings were passed over without giving us a chance to offer any amendments. I refer to lines 27 and 28, providing for the improvement of Plymouth Harbor. I am aware the Chair has ruled that we have passed these lines——

Mr. GIBSON. I rise to a point of order. The gentleman has stated that his object in rising now is to discuss a paragraph that has been passed; and I submit that upon his own statement he is not in order.

The CHAIRMAN. The Chair thinks the point of order is well taken. The gentleman from Kentucky will proceed in order.

Mr. WHITE, of Kentucky. If I am not mistaken, the river and harbor bill is still under discussion. In order to understand the whole bill it is necessary to understand its parts. It is a well-known mathematical axiom that the whole is only the sum of all the parts. Now, I am going to talk about two parts of this bill in connection with my amendment to lines 36 and 37. My amendment is to lines 36 and 37, and I desire to call the attention of the committee to what was done yesterday. When the paragraph relating to Plymouth Harbor was read it was passed over in the hurry of debate without the offering of the proper amendment. Now, in the last Congress we appropriated but one-third of what the engineers said was necessary to complete that work. This year in this bill we appropriate less than one-third of what they say will be necessary to complete that work. In other words, we appropriated $10,000. This year we appropriate $5,000. The engineers tell us that $18,000 will complete that work. We need only appropriate $18,000 to complete that work, where there is some commerce, where there is a harbor, and where we can do something for the benefit of commerce.

What did we do yesterday? Instead of completing the harbor at Plymouth we put in this bill an appropriation of $6,000 for Hingham Harbor, where there is no harbor and where there is no commerce. How much confidence will the people of the United States have in Congress if when Congress says we are not to rely upon the engineers and then Congress turns round and refuses to appropriate money to complete an important harbor—the oldest harbor on the Atlantic coast—when only $18,000 are required to complete it, put in only an appropriation of $5,000 for that work——

The CHAIRMAN. The gentleman's time has expired.

Mr. WHITE, of Kentucky. I move to strike out the two last words; and I desire to call attention of the committee to this fact: We can not impose on the country, although we may put weight enough in this bill to carry it through.

Mr. WAIT. I make this point of order in this way: Can any member of the House consume the entire time that is supposed to be devoted here to the discussion of this bill, and can no other party have an opportunity to offer an amendment or to discuss the bill?

Mr. WHITE, of Kentucky. I will yield to the gentleman from Connecticut if he wants the floor to discuss the bill. I always yield to gentlemen of age.

The CHAIRMAN. Will the gentleman allow the Chair to rule on the point of order?

Mr. WHITE, of Kentucky. Yes.

The CHAIRMAN. The Chair can only rule as he did yesterday, that when gentlemen make propositions the Chair knows no way to stop debate except by rising and having debate limited in the House. The Chair can not do otherwise than recognize the gentleman.

Mr. WHITE, of Kentucky. I can not yield for that motion just now.

Mr. REAGAN. I wish to ask the Chair if he feels bound to recognize the same gentleman over and over again to the exclusion of the balance of the House?

The CHAIRMAN. The Chair will state in that regard that no other gentleman asked for recognition. The gentleman from Kentucky is entitled to the floor and will proceed.

Mr. WHITE, of Kentucky. This harbor of Wood's Holl, Mass., is under discussion. Now, in regard to the part of the bill passed over the committee have ignored, and every important harbor which the engineers have reported on from time to time which has a great deal of commerce, where $18,000 would complete the work, and this bill gives to that harbor by the action of yesterday $5,000 only. Why, sir, that will not do for the keep of the plant of the machinery and the man in charge, to say nothing of the prosecution of the work. It is simply a continuation of a tax without any beneficent result.

Now, I want to compare that with an appropriation made yesterday for a harbor, so called, on that same coast, within a few miles of Plymouth. I refer to Hingham Harbor, where there is no harbor, where there is no commerce, and only one steamboat can run at all. Yet for that little harbor, so called, this bill carries now $6,000, and yet for Plymouth, within a cannon-shot of Hingham, you only give one-third the amount and tell us it will complete it. I point this out as an enormity in this bill, and that is all I desire to say.

Mr. LONG. I rise to oppose the amendment, simply to say the gentleman from Kentucky, who is not, perhaps, thoroughly informed as to Hingham Harbor, has made some statements which I must correct.

A MEMBER. Nobody pays any attention to it.

Mr. LONG. Very well, then, I will not detain the House.

The Clerk read as follows:

Improving harbor at Newport, R. I.: Continuing improvement, $12,500.

Mr. SPOONER. I move, in line 41, to amend as follows:

Strike out "$12,500" and insert "$20,000."

Mr. Chairman, the harbor at Newport, as stated in the report of the engineers, and as should be well understood, is one of the most important harbors on the coast, providing a safe roadstead and anchorage.

The inner harbor is a harbor of refuge very much required on that part of our coast. It is a harbor of national importance. The important Government works of Fort Adams are there; the naval training school is located there. The work now progressing is to obtain a uniform depth of fifteen feet in the channel and inner harbor. Among the great commercial interests of that port which I think it is desir-

able the committee should provide for are the great steamers of the Old Colony Steamboat Company, running from New York to Newport and thence to Fall River, in the State of Massachusetts. It is a great line of intercommunication and inland travel. On these steamers during the last year there were carried about 250,000 tons of freight and passengers to the number of about 270,000.

The depth of the water in the channel, as indicated on the chart at mean low water, is now thirteen feet; but as there are times, particularly in stormy weather, when there will be instead of thirteen feet at mean low water but twelve feet in mid-channel, it is earnestly urged that the project now in progress for completing the depth to fifteen feet should be continued, as recommended by the engineers.

The supervisor of the Old Colony Steamboat Company, in his communication to the engineer in charge of the work, says;

That until a depth of fifteen feet is obtained it is impossible for our great steamers to enter the harbor at all stages of the tide.

Any of the steamers of this line—

He says—

with an ordinary load will ground in the present channel at extreme low water.

The amendment I offer, Mr. Chairman, contemplates a moderate portion only of the appropriations recommended by the engineers. The engineers recommended an appropriation for the present year of $50,000. The committee have cut this down, as I have already suggested in my remarks on yesterday, to but 25 per cent. of the estimate, or $12,500, and I simply ask at this time that the harbor of Newport, important as it is in its commercial relations, should have at least that moderate consideration of its necessities which is asked for by the amendment, and which seeks an appropriation of but 40 per cent. of the amount recommended by the engineers. I hope the amendment will be adopted. I ask it in the interest of existing commerce, and not of any problem of what may possibly be required hereafter.

Mr. THOMAS. Mr. Chairman, I hardly think it is necessary to reply to the remarks of the gentleman from Rhode Island in support of his amendment, because the committee have acted carefully in the consideration of this matter, and have given all that they deemed necessary. I can only say, therefore, that this harbor has been treated exactly as other harbors, except in cases where a small amount would complete the whole work; and in comparison to the amount of shipping to be benefited this harbor has received as much under this bill as has been allowed to any other harbor of equal importance.

Mr. WILLIS. And there are $20,000 of the last appropriation on hand yet unexpended.

Mr. THOMAS. As suggested by the chairman of the committee, and as the report shows, there are $20,000 of the last appropriation on hand unexpended, which, with the amount allowed in this bill, will be all that can be expended through this season. I hope the amendment will not be adopted.

Mr. SPOONER. If it be necessary, I shall move to strike out the last word, to say that the amount on hand is simply the appropriation which is to be used for the present fiscal year. It has no reference to the next year. I ask a vote upon the amendment.

The question was taken; and on a division there were—ayes 36, noes 65.

So the amendment was not agreed to.

Mr. SPOONER. I now offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting after line 41:

"Improving harbor and breakwater at Block Island, R. I.: Completing improvement, $15,000."

Mr. SPOONER. Mr. Chairman, the objection which was urged by gentlemen on the committee to the last amendment, asking the increase of appropriation, certainly does not apply to this. This is one of the very works to which the gentleman from Illinois alluded, where but a small amount of additional appropriation is required to complete the works now in progress. The recommendation of the engineer in charge is that $15,000 should be appropriated for the completion of the work, which is the completion of the breakwater at Block Island.

The harbor at Block Island, Mr. Chairman, is a natural harbor of refuge in certain states of wind and weather, and will be a perfect harbor of refuge after the completion of the breakwater now in progress. It is of the utmost importance to the commerce of the country which passes along that coast and in the neighborhood of Block Island, which is a very dangerous locality. It also affords refuge for the fishing fleets off the banks in that neighborhood, and is of great importance in the interests of the general commerce of the country.

I ask, Mr. Chairman, that this project may have the fair and reasonable consideration of the committee. Fifteen thousand dollars will complete the work now in progress. A member of the committee has said that they have made these appropriations generally or only in those cases where the amount would complete the work. It will do it here. It is a meritorious improvement.

Mr. THOMAS. I only desire to call the attention of the committee to this paragraph in the report of the Chief of Engineers to show why the committee rejected this project:

It is proposed, with the available remainder of the appropriations of August 2, 1882, and the amount appropriated by the act of Congress of July 5, 1884, to replace the Government wharf within the inner harbor by a substantial structure. To this wharf, which is in a decayed condition, all the freight carried to and from the island is brought, and at it are landed the United States mails and all the supplies for the four light-houses on the island and the steam siren (fog-signal).

It will be seen that the engineer in charge proposes and is engaged in building a wharf upon which to land freights for the inhabitants of the island. It is a private enterprise. It is for the improvement of private property, and not in the interest of general commerce. It is not even in the interest of shipping that may suffer from storms or would be seeking a harbor of refuge, but is simply to build wharves at which private freights for the inhabitants of the island may be landed. The committee thought it was not safe to engage or to go further in an enterprise which was to be directed to the improvement of private property alone. I hope the amendment will not be adopted.

Mr. SPOONER. Have I any time remaining?

The CHAIRMAN. The gentleman has one minute remaining.

Mr. SPOONER. I move to strike out the last word, as I want a little more than one minute, although I shall be very brief. The gentleman who has just addressed the committee has inadvertently only read a portion of the report referred to. If he will turn to a prior page he will see what was the original condition of that island. The report says:

Before the construction of the present harbor of refuge Block Island had no harbor which afforded protection for decked vessels. The only ones used were open boats, which, on the approach of storms, were hauled up on the beach by oxen. The largest of these boats were of about ten tons burden.

There are, as has been already indicated by what the gentleman from Illinois himself has read, four light-houses on the island. There is the Government post-office there. There is the fog-signal, which is to be cared for. All these are matters of Government interest; and this wharf which has been referred to had to be built in the first instance for the benefit of these Government works and those who are concerned in managing the affairs of the light-houses, and to enable the United States mails to be landed upon the island and taken from the island.

It is well known that Block Island has grown to be a place of great resort. There are regular lines of steamers running there daily during the summer season and one steamer which runs there during the entire year. If gentlemen of the committee do not apprehend the importance of this little harbor of refuge I believe it is because they have not given that careful consideration to this project which has been given to other projects far less meritorious which are included in the appropriation in this bill.

I hope, sir, that justice will be done to the little harbor of Block Island, and to the hardy fishermen and sailors who look there for a harbor of refuge.

A MEMBER. Is it a Government wharf?

Mr. SPOONER. It is a Government wharf.

Mr. THOMAS. In reply to the gentleman from Rhode Island I will say that the breakwater has been completed; the harbor of refuge is in a perfect state now, and the engineer expressly states that the present project is to build this wharf where the mails are landed. The hardy fishermen have complete protection in this harbor of refuge now. And shall we go on and complete wharves for the landing of freights of private individuals after we have protected the hardy fishermen of Block Island? I protest against it.

Mr. SPOONER rose.

Mr. THOMAS. I yield for a question.

Mr. SPOONER. I wish to ask the gentleman from Illinois to read a portion of the report, which will correct the misinformation which he has just given to the committee. The harbor of refuge and breakwater have not been completed, and the repairs on the Government wharves are but a trifling item of what is asked for in this appropriation.

Mr. THOMAS. I read this from the report:

It is proposed, with the available remainder of the appropriations of August 2, 1882, and the amount appropriated by the act of Congress of July 5, 1884, to replace the Government wharf within the Inner Harbor by a substantial structure. To this wharf, which is in a decayed condition, all the freight carried to and from the island is brought, and at it are landed the United States mails and all the supplies for the four light-houses on the island and the steam siren (fog-signal).

Mr. SPOONER. Read the next paragraph.

Mr. THOMAS. The next paragraph is as follows:

It is also proposed to fill the gap in the breakwater to exclude the heavy sea which now rolls through it in easterly storms into the anchorage, and of which complaint is made.

The estimated cost of the last project was $30,000. Of this amount there has been appropriated the sum of $15,000.

That is the whole of it.

Mr. SPOONER. As I understand the portion of the report now read the last-mentioned project refers entirely to the completion of the breakwater.

The CHAIRMAN. The question is on the amendment of the gentleman from Rhode Island [Mr. SPOONER].

The question being taken, there were—ayes 48, noes 72.

The CHAIRMAN (having announced the vote). The amendment is not agreed to.

Mr. SPOONER. No quorum.

The CHAIRMAN. The point of no quorum is made too late. The Chair had announced the vote.

Mr. SPOONER. I demand tellers.

The CHAIRMAN. The demand is too late.

Mr. SPOONER. Why too late?

Mr. REED, of Maine. I wish to suggest to the Chair that it is impossible to make the point of no quorum until the Chair has announced the vote.

Mr. SPOONER. How can I tell whether a quorum has voted until the result is announced?

The CHAIRMAN. The Chair was mistaken.

Mr. WILLIS. I hope the point of no quorum will be waived.

The CHAIRMAN. The Chair was mistaken. The gentleman from Rhode Island, Mr. SPOONER, and the gentleman from Kentucky, Mr. WILLIS, will act as tellers.

The committee again divided; and the tellers reported—ayes 59, noes 106.

So the amendment was not agreed to.

Mr. McCOMAS. Mr. Chairman, I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Provided, That the sums by this act appropriated shall be expended only for such of the rivers, harbors, ice-harbors, harbors of refuge, creeks, bayous, canals, and reservoirs named in this act as the Secretary of War, under the direction of the President, shall determine: *And provided further*, That in no case shall the expenditure for any one purpose exceed the sum now designated by this act for that purpose.

Mr. McCOMAS. Mr. Chairman, I propose this amendment in good faith, and it shall receive at least one vote, from the conviction that such a proviso would save from waste many thousands and perhaps a million or millions of dollars. I want the responsibility for this expenditure placed somewhere. While some worthy gentlemen are sensitive respecting this bill, no one seems responsible for all of it. This debate has disclosed the fact that the engineers are not responsible. The report of the Chief of Engineers warns us that the estimates of the engineers are not to be considered as carrying with them a recommendation of the need of the expenditure.

The House thus far has not contrived to make any amendment of this bill looking to the reduction or material modification of appropriations. The members of the Committee on Rivers and Harbors themselves in this debate, one after another, have shown this House that they are not united upon the policy of the main items of appropriation in this bill. Nor has there yet been a single member of that committee who, when pressed, has not admitted in effect that there are many lesser items in the bill which are of doubtful propriety or public need.

Now, Mr. Chairman, since we appropriated $13,000,000 for rivers and harbors last session, and propose to add $12,000,000 in the present session, if it be true, as I do not doubt it is true, that the committee were hurried for want of time, it seems to me that we are making too much haste to expend $25,000,000 by the appropriations of this Congress for rivers and harbors. Shall we in one Congress expend a sum which equals nearly one-fourth of all the money expended by all the Congresses for that purpose from the beginning of the Government until this Congress met? For that total is but $111,299,464.79.

This is an appropriation bill. Why was not time taken to ascertain the total amount appropriated and to print it at the foot of the bill? I wish the printed bill had disclosed to the members of this House the estimate of the Secretary of War, which recommended but $8,177,000 for rivers and harbors this year. It is not a sufficient answer to say that this practice has not heretofore obtained. It has been so often urged in this debate that a river and harbor bill is like a general appropriation bill in all else, shall it not resemble it in this respect! Such a showing would make plain that this bill proposes to expend three dollars where two would suffice for the public need.

Without my amendment this bill as an annual appropriation bill in effect directs the President to expend $12,000,000 in so brief a period that the expenditure can not be made economically and advantageously.

[Here the hammer fell.]

Mr. McCOMAS. I ask five minutes more.

Mr. WILLIS. Mr. Chairman, I am sure my friend from Maryland [Mr. McCOMAS] has offered this resolution in good faith, but when I assure him that that is the exact law at the present time I think he will not desire to press his proposition.

Mr. McCOMAS. Mr. Chairman, with all due deference to the able chairman of the Committee on Rivers and Harbors [Mr. WILLIS], let me say that this amendment is intended only to follow in the line of the river and harbor veto message of President Arthur, which had the approval of the country at large; and when the President himself said, under the advice of his Attorney-General, that if that money was appropriated he would feel himself directed and compelled to expend it all, it seems to me that there can be no better reason for adopting such a proviso as this.

There is a public sentiment steadily gathering favor in this country that the President should have the power to veto items of an appropriation bill. Can we not safely in this bill, which no one member warmly defends in its entirety, and which, though prepared in haste, embraces many new projects involving enormous expenditures, intrust the new President with a discretion which may prevent the extravagant waste of public moneys? If there be a provision of that sort inserted somewhere in this bill, if my amendment be adopted, I believe the result will be that in the next Congress we may find millions saved.

The engineer report, barely printed when this bill was taken up, shows us that probably millions of the funds heretofore appropriated remain unexpended. Shall we pile up these millions in addition by hurried legislation? Shall we not by my amendment fix the responsibility somewhere? Shall we not hold the President and Secretary of War responsible? Let the bill indicate to them the objects which Congress, with a too hurried examination, believes to be worthy of the nation's care. Their more deliberate selection may be trusted to determine which of these need the money. It may result that millions may be saved.

If the Secretary of War, under the direction of the incoming President, confines the expenditure of these moneys to the improvement of rivers and harbors navigable within the legal definition of the word navigable, as defined by the Supreme Court, the nation will not suffer, and the tax-payers of the nation will applaud Congress for adopting this proviso.

The Supreme Court (11 Wallace, 411) calls a river "a navigable water of the United States when it forms by itself, or by its connection with other waters, a continuous highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water;" and declares that "if a river is not of itself a highway for commerce with other States or foreign countries, or does not form such a highway by its connection with other waters, and is only navigable between different places within the State, then it is not a navigable water of the United States, but only a navigable water of the State."

If at the next session we should learn by the operation of this amendment that much of the money had been saved because the harbor or river or creek named in the bill was only a navigable water within a State, or, being within a State, was not navigable, or was not navigated, or could not be made navigable, the tax-payers of the country would realize the benefit of this provision. The Hennepin Canal may be thus delayed; but if it be the great good to the Northwest which its friends claim, the delay may enlist the Northern States to bear a share in proportion to their peculiar benefits thereform.

Why, Mr. Chairman, the State of New York, when it was not yet the Empire State, when it was scarcely more populous than Connecticut or Maryland, constructed the Erie Canal. I find in this bill the two Kanawhas, and am reminded that Washington, in the days of the Potomac Company, in a letter to Governor Johnson, of Maryland, as early as July 20, 1770, recommended the connection of these waters on either side of the Alleghanies, "upon a more enlarged plan, as a means of becoming the channel of conveyance of the extensive and valuable trade of a rising empire." But he did not dream of asking Congress alone to do it. Virginia and Maryland expended millions upon the Chesapeake and Ohio Canal as it extended toward the Ohio River.

Now, who in these days expects the State of West Virginia to go hand in hand with Congress in putting locks on the Great and Little Kanawha? Instead, its demand upon Congress grows in frequency, and we are rapidly nearing the time when the General Government will be expected to provide, where there is a color of national advantage, for every variety of State or local benefit. As a friend of a liberal national policy I protest against its abuse. Why is it that the apparition of the constitutional lawyer, from his ghost-walk on the other side of the House, does not stalk across the floor in this debate? Can it be that so many of the habitual constitutional lawyers of this House reside hard by the green pastures and still waters of the streams now favored and first made famous by this bill, that like the ghost in Hamlet they scent the morning air, and therefore do not materialize on days when we are discussing the river and harbor bill?

Galveston Harbor, too, may wait, having received one and a half millions already, until its predicted commerce has still more fully developed. There is probably much of truth in these glowing predictions. But we are asked to expend this money not for the commerce that is, but for the commerce that is to be.

Mr. Chairman, I have heard the committee complain justly and pathetically of their prolonged sessions, extending far into the evenings——

[Here the hammer fell.]

Mr. THOMAS. Mr. Chairman, I object to the adoption of the pending proposition, and I do so upon this ground: It is admitted that under the law all these works upon rivers and harbors are to be executed under the direction of the Secretary of War, who is but an agent of the President of the United States. But this proposition goes further. It proposes to take from the legislative branch of this Government the right to determine where improvements shall be made. It attempts to set up the judgment of the Executive over that of the representative bodies, the Senate and this House, making the President a virtual dictator to say when and where improvements shall be made. I believe this to be contrary to the spirit and genius of our institutions—contrary to the theory of our Government. I believe that the power to determine these questions is vested in this House and the Senate, not in the Executive of the United States.

If we should go upon the theory proposed by the gentleman from

Maryland [Mr. McCOMAS], why is there any necessity of our sitting here and discussing the propriety or impropriety of any measure? Why not relegate the whole subject to the President of the United States, and let him direct alone where the public money shall be expended and for what purpose?

I protest against any such idea. I believe that it is the duty of Congress to hold on to the trust which has been placed in its hands by the people of this country, and to guard with jealous care every prerogative that the Constitution gives it. We have no right to delegate this authority to the President of the United States, and I hope most earnestly that the jealousy with which the representatives of the people ought to guard their rights will prompt them to stand here and vote solidly against this proposition.

Mr. STORM obtained the floor and said: I yield my time to the gentleman from Maryland [Mr. McCOMAS] that he may conclude his remarks.

Mr. McCOMAS. I thank the gentleman for his courtesy. I was about to say—and I shall soon conclude—when I heard how late they sat on these short winter days, while they were regaled with accounts of the prospective trade of Galveston, as their eyes wearied with gazing at the magic circles drawn on the remarkable Galveston map which I hold in my hand, so liberally strewn about our desks to-day, I can fancy that therein they saw the countless flocks of sheep, traveling in these straight lines, flocking toward Galveston from half a continent, and the cattle on a thousand hills of the great West "winding slowly o'er the lea" toward Galveston Harbor. I suspect they turned from the map toward the hills across the Potomac River and the winter evening sky, nowhere brighter than when seen through their committee-room window; I fancy they—

> Saw the heavens filled with commerce, argosies of magic sails,
> Pilots of the purple twilight laden down with costly bales.

These visions in the sky, the enthusiasm of Captain Eads, and the imaginative computation of countless bales of cotton that might yet come pressing to that market shall not tempt me to wager $7,000,000 of public money upon the opinion of Captain Eads.

When specialists differ, "when doctors disagree," when the Army engineers and the civil engineers are at variance in opinion on this question, we are to have millions spent upon that harbor as an experiment.

Mr. WILLIS. The gentleman will permit me one word? I know he does not want to fight "a man of straw;" and I will say to him that by unanimous vote of the Committee on Rivers and Harbors Captain Eads is now entirely eliminated from the bill; and the appropriation for Galveston Harbor, which has called forth the denunciation of the gentleman, has been so amended in the committee that, with the exception of one member—and in this remark I do not exclude the gentleman from Pennsylvania [Mr. BAYNE]—the appropriation as now agreed upon has the approbation of the whole committee.

Mr. BLANCHARD. I hope the chairman of our committee will except me from the statement just made. I voted in the committee against the "elimination" of Captain Eads.

Mr. McCOMAS. Mr. Chairman, I am glad to learn by this disclosure that the "man of straw" has only just now been burned up and taken out of this debate.

Mr. WILLIS. And now I hope the gentleman will let him rest.

Mr. McCOMAS. But, Mr. Chairman, it matters not to me whether Captain Eads disappears from this bill or not. He is not "a man of straw;" he is of sterner stuff. I have great respect for him as a man of genius; but I am looking to the interests of the people of this country, who I believe would have these appropriations so reduced that we may save some money for the defense of the harbors we have, and for the protection of commerce already thriving.

The great commerce of Baltimore is already pressing for relief. The channel to that great harbor is only deepened one-half its width, and actual vessels with present commerce freighted deep must wait, or the vessels heavily laden must still go bumping into the sides of the submerged banks of the harbor channel, and you propose $75,000 this year to aid the present commerce of Baltimore, in order to expend this year $750,000 for the development of commerce which may come to Galveston. Why not apply some of this money to coast defenses, to protecting the harbors you already have, whereon stand great cities stored with the grain of half the farmers in America, wherein ride countless vessels, all defenseless against the navies of the world?

Why not build up your Navy, so that we may protect our native and naturalized citizens at least against the naval armament of powers like Portugal or Chili, or at least Ecuador.

Adopt my amendment, and you will, as I believe, provide for a great saving of the money sorely needed, where you can alike provide for the common defense and the general welfare.

Mr. WILLIS. On yesterday when I made the motion to take a recess it was with the understanding that I should make the motion to adjourn at this time; and in pursuance of that understanding, while I regret we have not made more progress with the river and harbor bill——

A MEMBER. I do not.

Mr. WILLIS. I know the gentleman does not; I never think for him.

Mr. REED, of Maine. What induces the gentleman to make observations to me; I made none to him?

Mr. WILLIS. I am glad to know you have not.

Mr. REED, of Maine. I have said nothing to provoke any such attack as that.

Mr. WILLIS. I understood the gentleman to interject right there.

Mr. REED, of Maine. I interjected nothing.

Mr. WILLIS. You are rejected then from my remark.

Mr. REED, of Maine. I submit on my part, not making any observation, the gentleman from Kentucky ought not to preface his motion to adjourn by so much advice to this side of the House. I submit if he wants to make a motion to adjourn, that is sufficient.

Mr. WILLIS. The gentleman from Kentucky has never been guilty once where the other gentleman has a dozen times, and the rebuke comes with a great deal of grace from him.

Mr. REED, of Maine. I think it does. [Laughter.]

Mr. WHITE, of Kentucky. I rise to a question of order.

Mr. WILLIS. I rise pursuant to my agreement for the purpose of moving that the House adjourn.

The CHAIRMAN. The committee will first have to rise.

Mr. WILLIS. Certainly. I will make the motion that the committee rise.

Mr. DUNN. I hope the committee will not rise.

The CHAIRMAN. The motion is not debatable.

The committee divided; and there were—ayes 123, noes 37.

Mr. BRECKINRIDGE. I call for tellers.

The CHAIRMAN. The motion is agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. BRECKINRIDGE. I called for tellers on the motion that the committee rise, and the chairman disregarded my call.

The SPEAKER *pro tempore*. The Chair has no knowledge of proceedings in the Committee of the Whole House on the state of the Union except as reported.

Mr. WILLIS. I move the House do now adjourn.

Mr. DUNN. I hope the House will not adjourn.

The SPEAKER *pro tempore*. The ayes seem to have it.

The motion was agreed to; and accordingly (at 11 o'clock and 59 minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BLANCHARD: Papers relating to the claim of T. B. Planché's widow, of Natchitoches Parish, Louisiana—to the Committee on War Claims.

Also, papers relating to the claim of Fanny M. Wells and Ida F. Wells, of Rapides Parish, Louisiana—to the same committee.

By Mr. DUNN: Petition of John P. Moore, of Helena, Ark., praying for reference of his claim to the Court of Claims under act of March 3, 1884—to the same committee.

By Mr. T. J. HENDERSON: Petition of Mrs. J. Benedict and 38 others, ladies of Arlington and Lamoillee, Ill., praying for early action on the Mormon question—to the Committee on the Judiciary.

By Mr. HERBERT: Joint resolution and memorial of the Legislature of Alabama, urging an appropriation for the improvement of the Coosa River—to the Committee on Rivers and Harbors.

By Mr. HOPKINS: Petitions of citizens of Pittsburgh, Pa., in favor of improvement of the Alleghany River—to the same committee.

Also, petition of 146 employés and owners of Pittsburgh Plate-Glass Company, in favor of improvement of the Alleghany River—to the same committee.

By Mr. KEAN: Petition of citizens of Elizabeth, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the Committee on the Judiciary.

Also, petition of citizens of Plainfield, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the same committee.

By Mr. LOWRY: Petition of 10 citizens of Albion, Noble County, Indiana, for the passage of the Mormon bill—to the same committee.

By Mr. McMILLIN: Petition of B. M. Cantrell, E. W. Taylor, J. W. Foutch, G. R. Smith & Son, J. W. McCarty, and 30 other citizens of De Kalb County, Tennessee, asking for the improvement of the Caney Fork River by locks and dams—to the Committee on Rivers and Harbors.

By Mr. MAYBURY: Petition of Alice E. Bartholomew, guardian of John Winchell, a survivor of the war of 1812, asking for arrears of pensions—to the Committee on Pensions.

By Mr. PATTON: Petition of citizens of Clarion County, Pennsylvania, asking for the passage of the Lovering bill (H. R. 6463)—to the Committee on Invalid Pensions.

By Mr. PERKINS: Petition of H. A. Hicks and 39 others, honorably discharged officers, soldiers, and sailors of the late war, asking for legislation granting a land-warrant of one hundred and sixty acres of land without the condition of settlement to every honorably discharged officer, soldier, and sailor, or their widows and orphans, of the late war—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. PETTIBONE: Petition of A. G. Cadle, of Tazewell, Tenn., asking pay for certain quartermaster stores taken and used by United States troops—to the Committee on War Claims.

By Mr. SHIVELY: Petition of B. F. Stephens and 60 others, citizens of Elkhart, Ind., praying for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. C. R. SKINNER: Petition of Silas Davis, of Chaumont, N. Y., with accompanying papers, asking Congress to pay him for a cargo of stone lost in Lake Ontario—to the Committee on Claims.

By Mr. VAN ALSTYNE: Petition of Rev. J. D. Countermine and many others, citizens of Albany, N. Y., praying Congress to take early action on the Mormon question—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of 59 citizens of Austin, Minn., for an increase of widows' pensions—to the Committee on Pensions.

By Mr. E. B. WINANS: Resolution of the board of control of State swamp lands of the State of Michigan, relative to accretions adjacent to Maison Island, in Saginaw Bay—to the Committee on the Public Lands.

Also, concurrent resolution of the Michigan Legislature, relative to the purchase of the Lake Superior and Portage Lake Canal by the General Government—to the Committee on Rivers and Harbors.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented, and severally referred to the Committee on Pensions:

By Mr. BOUTELLE: Of W. C. Clark and others, of Lincoln, Me.

By Mr. T. M. BROWNE: Of 55 ex-soldiers of Rush County, Indiana.

By Mr. J. E. CAMPBELL: Of citizens of Clermont and of Butler Counties, Ohio.

By Mr. CONVERSE: Of G. S. Innis and 13 others, citizens of Columbus; of A. M. Call and 26 others, citizens of Swan, Hocking County; of J. M. French and 64 others, citizens of New Lexington, Perry County; of Peter Hall and 102 others, citizens of Marcy, Fairfield County; of C. C. Kagy and 111 others, citizens of Bremen; of J. H. Brandt and 63 others, citizens of Carroll; of R. T. Field and 57 others, citizens of Columbus; and of M. Hetul and 58 others, citizens of Columbus, Ohio.

By Mr. W. W. CULBERTSON: Of 129 voters of Soldier, Ky.

By Mr. DINGLEY: Of citizens of Appleton and of Newcastle, Me.

By Mr. ENGLISH: Of E. Marsh and 128 others, citizens of Hancock County, Indiana.

By Mr. FERRELL: Of citizens of Cumberland and of Gloucester Counties, New Jersey.

By Mr. FUNSTON: Of citizens of Crouse, of Baldwin City, of Richmond, and of Burdgeville, Kans.

By Mr. GEORGE: Of citizens of the State of Oregon.

By Mr. HANBACK: Of Edward Rickett and 23 others, of Lincoln County, Kansas.

By Mr. H. H. HATCH: Of citizens of Adams, of Shelby, of Cheboygan, of Tuscola, of Emmet, and of Putnam Counties, Michigan.

By Mr. HENLEY: Of citizens of Butte, of Sonoma, and of Shasta Counties, California.

By Mr. B. W. JONES: Of 107 citizens of Boaz, Wis.

By Mr. KEAN: Of 63 citizens of Keyport, of 59 citizens of Matawan, and of 43 citizens of Asbury Park, N. J.

By Mr. KEIFER: Of S. D. Converse and 123 others, of Plain City, Ohio.

By Mr. KLEINER: Of ex-soldiers of Otwell, and of Gentryville, Ind.

By Mr. LACEY: Of James S. Perry and 13 others, of Nashville, Mich.

By Mr. LONG: Of W. W. Manson and 182 others, of Scituate; of W. H. Wade and 38 others, of Plainville; and of Charles L. Weeden and 126 others, of New Bedford, Mass.

By Mr. MITCHELL: Of soldiers of Menden, of Guilford, of Middletown, and of New Haven, Conn.

By Mr. MORRILL: Of John Nuzman and 57 others, of Soldier, and of B. F. Whitaker and 53 others, of Pardee, Atchison County, Kansas.

By Mr. NEECE: Of citizens of Warren, of Schuyler, and of Rock Island Counties, Illinois.

By Mr. PETERS: Of 218 ex-soldiers of Stafford County, Kansas.

By Mr. PETTIBONE: Of N. T. Beal and 170 others, and of John Altom and 63 others, of Hawkins County, Tennessee.

By Mr. PHELPS: Of citizens of Morris County, New Jersey.

By Mr. OSSIAN RAY: Of F. L. Moulton and 9 others, of West Camp, ton; of Levi B. Laney and 68 others, of East Weare and North Weare and of Sanborn M. Crockett and 72 others, of Plymouth, N. H.

By Mr. RIGGS: Of J. M. Bush and 105 others, of Pittsfield; of George M. Forsyth and 51 others, of Virginia, and of David H. Dunmire and 39 others, of Cooperstown, Ill.

By Mr. ROBERTSON: Of citizens of Chicago, Marion County, Kenucky.

By Mr. RUSSELL: Of Benjamin A. Bridges and 118 others, of Holliston; of S. M. Cross and 39 others, of Newburyport, and of C. B. Garfield and 68 others, of Templeton, Mass.

By Mr. SEYMOUR: Of Jacob Wolf and others, of South Norwalk; of A. Bates and others, of Lakeville; of George S. Partrie and others, of Norwalk; of Caleb Wood and others, of South Norwalk, and of J. W. French and others, of Georgetown, Conn.

By Mr. SHIVELY: Of William Anderson and 50 others, citizens of Stark County; of J. E. Vail and 111 others, citizens of La Porte County, and of J. S. Neely and 59 others, citizens of Marshall County, Indiana.

By Mr. H. Y. SMITH: Of W. W. Long and 47 others, citizens of Pleasantville, Marion County, Iowa.

By Mr. SPRIGGS: Of citizens of Annsville, of Vienna, and of Utica, Oneida County, New York.

By Mr. STOCKSLAGER: Of Thomas Young and 43 others, citizens of Evans's Landing; of W. W. Sloan and 122 others, citizens of Crawford County; of J. E. Enlow and 54 others, citizens of Scott County; of W. S. Taylor and 83 others, citizens of Butlerville; of 100 citizens of Clark County, of 65 citizens of Tampico, and of 53 citizens of Palmyra, Ind.

By Mr. STRUBLE: Of J. S. Toliver and 64 others, citizens of Greene County, and of W. H. H. Petty and 62 others, citizens of Woodbury County, Iowa.

By Mr. WAKEFIELD: Of B. F. Goodwin and 136 others, of Winnebago City, Minn.

By Mr. WARD: Of citizens of Middle Fork, of Summitville, and of Dayton, Ind.

By Mr. WEAVER: Of Omaha (Nebr.) Union Veteran Club, seven hundred and thirty-eight names.

By Mr. WILKINS: Of 101 citizens of Coshocton County, and 103 citizens of Canal Dover, Ohio.

By Mr. WOODWARD: Of citizens of Monroe, of Richland, and of Vernon Counties, Wisconsin.

SENATE.

FRIDAY, *February* 6, 1885.

Prayer by Rev. J. J. BULLOCK, D. D., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of JOHN J. INGALLS, chosen by the Legislature of Kansas a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a communication from the Supervising Architect of that Department recommending that the limit of cost of the proposed public building at Louisville, Ky., be extended to $1,500,000, and concurring in such recommendation; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, requesting the printing of 2,000 additional copies of Lieutenant Ray's report of the international polar expedition to Point Barrow, Alaska, for distribution by the Chief Signal Officer of the Army; which was referred to the Committee on Printing, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, stating, in response to a resolution of the 4th instant, that the erasures and interlineations in the documentary history of the railway mail service were simply the result of the final revision of the document, and not to be taken as a part of it; which was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Legislative Assembly of the Territory of Montana, urging the enactment of such national laws as shall thoroughly stamp out all contagious cattle diseases, and prohibit the influx of Texan or other infected cattle into that Territory; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of John Plemer, late private Twenty-second Ohio Volunteer Infantry, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of F. H. Plumb, A. S. Cosgrove, Charles Campbell, and M. F. Barry, of Wisconsin; and the petition of Thomas Walsh and Thomas Hughes, of Eirin Prairie, Wis., praying for such legislation as shall prohibit railroads between States from charging more for a short than for a long distance; which were ordered to lie on the table.

Mr. FRYE presented the memorial of F. O. Additon and others; the memorial of J. B. Mason and others; the memorial of W. H. Norton and others; the memorial of F. B. Andrews and others; the memorial of Thomas Lane and others; the memorial of Carrie E. Alden and

others; the memorial of Z. L. Packard and others; the memorial of W. G. Coombs and others; and the memorial of Benjamin Ames and others, all citizens of Maine, remonstrating against the free admission of honey under the proposed Spanish reciprocity treaty; which were referred to the Committee on Foreign Relations.

Mr. LAPHAM presented a petition of manufacturers and merchants of New York city, praying for the ratification of the proposed Spanish reciprocity treaty; which was referred to the Committee on Foreign Relations.

Mr. MILLER, of New York, presented a petition of citizens of Cape Vincent, N. Y., and the petition of Smith & Davis and other vessel owners, masters, and marine underwriters, of Buffalo, N. Y., praying that the United States may acquire possession of the Portage Lake canals in the State of Michigan; which were referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. HARRISON. I am directed by the Committee on Territories to report back the bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, and to state that a Senate bill of the same import has been referred to the Committee on Public Lands. The Committee on Territories therefore ask to be discharged from the further consideration of this bill, and that it be referred, together with the accompanying papers, to the Committee on Public Lands.

The report was agreed to.

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6946) for the relief of Margaret McCarty, to report it adversely. I wish to state that the adverse report is based upon the fact that since the action of the House a pension has been allowed by the Pension Office. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (S. 2161) granting a pension to Harvey Crane, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1655) granting a pension to Newton J. Burris;
A bill (H. R. 6882) granting a pension to John Otis;
A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;
A bill (H. R. 6997) granting a pension to Henry Davis; and
A bill (S. 2160) granting a pension to Robert Walker.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 476) for the relief of Seth Colvin;
A bill (S. 926) granting a pension to Levi H. Naron;
A bill (S. 1436) granting a pension to Francis M. Cox;
A bill (S. 1443) granting a pension to Peter Riley;
A bill (S. 1515) granting a pension to Beverly Post; and
A bill (H. R. 2100) granting a pension to Mary Allen.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 1084) granting a pension to Dorothea Bothner, reported it without amendment, and submitted a report thereon.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1653) granting a pension to John H. Crumb, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to report it with an amendment. I will state that I shall favor the original bill giving the widow the pension proposed to be given by the bill sent to the committee.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1633) granting a pension to James Bond, to report it favorably and without amendment.

Mr. JACKSON. I ask leave to submit in connection with that report the views of the minority.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be received and printed.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1416) granting a pension to Mrs. Charlotte Hackett, reported it without amendment, and submitted a report thereon.

Mr. CULLOM. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 7659) granting a pension to Mrs. Emily L. Alvord, to submit an adverse report thereon. I ask that the bill be placed on the Calendar. I call the attention of the Senator from Vermont [Mr. MORRILL] to the fact that I am making an adverse report on the bill.

Mr. MORRILL. I ask to have the bill placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Illinois in reporting the bill made the same request. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CONGER. I inquire whether there is a written report accompanying the bill?

Mr. CULLOM. There is.

Mr. BLAIR. I understood that there would be submitted the views of the minority on the bill, and that it is not a unanimous report adverse to the bill.

Mr. CULLOM. The report in the case sets out the facts. I expect for myself to oppose the majority report which I submit. I am in favor of the passage of the bill notwithstanding the action of the committee.

I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 2377) granting a pension to Mrs. Emily L. Alvord, to report it adversely.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2484) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy, reported it adversely, and moved its indefinite postponement; which was agreed to.

Mr. BLAIR. By direction of the Committee on Pensions, I also report the bill (H. R. 7830) granting a pension to the widow of the late Commander S. Dana Greene, United States Navy, adversely, recommending its indefinite postponement, in which case I desire to submit the views of the minority favoring the passage of the bill. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR. By direction of the Committee on Pensions, I also report adversely the bill (S. 957) granting a pension to Margaret D. Marchand, recommending its indefinite postponement. I submit also with the report the views of the minority favoring the passage of the bill. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BLAIR. By direction of the Committee on Pensions, I report adversely the bill (S. 2428) granting a pension to Margaret B. Harwood, recommending its indefinite postponement. I submit with the report also the views of the minority, and on behalf of the minority I ask that the bill be placed on the Calendar, and that the views of the minority be printed.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar and the views of the minority will be printed, if there be no objection.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 3527) granting a pension to George A. Marshall; and
A bill (H. R. 6956) granting a pension to Maria H. Sargent.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 357) granting a pension to William Lockhart;
A bill (H. R. 2140) for the relief of Hugh Dougherty; and
A bill (H. R. 5923) granting a pension to Ruth Stratton.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (S. 1804) granting a pension to Clarinda Hunt, reported it with an amendment, and submitted a report thereon.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 1803) granting an increase of pension to George A. Washburn, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5800) for the relief of Sarah B. Jackson;
A bill (H. R. 4248) granting a pension to William Harbeson;
A bill (H. R. 7295) granting a pension to Albert D. Simmons; and
A bill (H. R. 6934) granting a pension to Ann J. Williams.

Mr. CULLOM, from the Committee on Territories, to whom was referred the bill (H. R. 3058) to amend section 1889 of chapter 1, title 23, of the Revised Statutes of the United States, relative to general incorporation acts of Territories, reported it without amendment, and submitted a report thereon.

Mr. DOLPH. On the 12th of January last I reported, by direction of the Committee on Public Lands, the bill (H. R. 100) for the relief of certain pre-emption and homestead settlers in California, adversely. I have this morning received a communication from the Attorney-General, accompanied by copies of letters from the district attorney of the United States for the district of California of January 5 and January 24, which I think should be printed with the report. The report has not yet been received from the Public Printer owing to the fact that certain maps accompany it, and the Printer is waiting on the Bureau of Engraving and Printing to prepare the maps so that they may be

printed in connection with the report. I ask that the papers be printed as an addendum to the report.

The PRESIDENT *pro tempore*. The Senator from Oregon, from the Committee on Public Lands, reports certain papers the nature of which he has described, which he asks may be printed in connection with the report heretofore made on the bill the title of which he has named. If there be no objection the papers will be received as part of the report and printed in connection with it. The Chair hears no objection.

A MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.;

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas; and

Joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884.

BILLS INTRODUCED.

Mr. COKE introduced a bill (S. 2618) to authorize the readjustment of compensation of postmasters at certain fourth-class post-offices; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VAN WYCK introduced a bill (S. 2619) granting a pension to Martha Hughes; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2620) granting a pension to Thomas H. Boaz; which was read twice by its title, and referred to the Committee on Pensions.

HARBOR DEFENSES.

Mr. SEWELL. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of War be directed to inform the Senate whether any plans or preparations have been matured by the Engineer Corps of the Army or in the War Department for defending, by torpedoes or otherwise, in case of sudden war with any foreign power, the harbors on our seacoast and lakes; and if torpedo stations have been established, or are contemplated for such defense of harbors, then whether any armament has been provided or planned for the protection of such torpedo stations.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. MORGAN. I think the resolution had better go to the Committee on Military Affairs. The Government of the United States may have very good reasons why it does not wish to disclose the full state of preparation for the defense of the country.

The PRESIDENT *pro tempore*. The resolution is not open to debate. It is not yet before the Senate.

Mr. MORGAN. My motion is to refer the resolution.

The PRESIDENT *pro tempore*. The resolution is not yet before the Senate.

Mr. MORGAN. I beg pardon. I shall make the motion at the proper time.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CONGER. Mr. President——

The PRESIDENT *pro tempore*. If there be no objection, the Senator from Michigan will proceed.

Mr. CONGER. If there were any such plans in regard to particular harbors, any details of the designs of the Department with regard to those harbors, it would be publishing to the world what perhaps ought not to be known. As I see there is no discretion left to the Secretary of War whether the information is to be communicated if in accordance with the public interests, I think the resolution had better be referred.

Mr. SEWELL. Mr. President——

The PRESIDENT *pro tempore*. If there be no objection the Senator from New Jersey will proceed.

Mr. SEWELL. I have no doubt as to the propriety of this matter, but I have no objection to a reference of the resolution to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is there objection to the resolution being considered this day and referred to the Committee on Military Affairs? The Chair hears none, and it is so referred.

HOUR OF DAILY MEETING.

Mr. SHERMAN. I offer the following resolution and ask for its immediate consideration:

Resolved, That on and after Monday, February 9, the hour of meeting of the Senate shall be 11 o'clock a. m., unless otherwise ordered, and the morning hour shall expire at 1 o'clock.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. I think the resolution had better lie over.

The PRESIDENT *pro tempore*. The resolution will lie over on objection.

Mr. SHERMAN. I shall call it up to-morrow.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2168) for the relief of the executrix of Ayres P. Merrill.

The message also announced that the House had passed the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 7469) for the relief of Wehrle, Werk & Son; and

A bill (H. R. 3236) for the relief of Ernest H. Wardwell.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications; and it was thereupon signed by the President *pro tempore*.

RULE AS TO AMENDMENTS TO APPROPRIATION BILLS.

Mr. INGALLS. Pursuant to the notice I gave yesterday, I move to amend the third paragraph of Rule XVI by striking out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any," and inserting before "amendment," in line 2 of said clause, the word "no." In line 3 strike out the word "the" before "bill" and insert "any general appropriation;" and insert after the word "bill" the word "shall;" so that when amended the clause would read:

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received, &c.

The PRESIDENT *pro tempore*. Pursuant to the notice given yesterday, the Senator from Kansas now moves to amend Rule XVI. The proposed amendment will be read.

Mr. HARRIS. I desire to ask the Senator from Kansas if he has put his motion in the form of a resolution.

The PRESIDENT *pro tempore*. It is a motion made by the Senator from Kansas pursuant to notice. The motion will be read, after which the Chair will ask for objection to its present consideration.

The CHIEF CLERK. In the third paragraph of Rule XVI strike out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any"——

Mr. INGALLS. No; that is wrong.

The PRESIDENT *pro tempore*. The Chief Clerk is reading the official print.

Mr. INGALLS. He is reading the rule as proposed to be amended.

The PRESIDENT *pro tempore*. The Chief Clerk is reading precisely the notice given yesterday by the Senator from Kansas.

Mr. INGALLS. I understood that the Senator from Tennessee [Mr. HARRIS] called for the reading of the rule as it would be when amended. I was mistaken.

Mr. HARRIS. I simply inquired if the Senator from Kansas had put in writing the motion he makes, a copy of which I now have in my hand. I intended to suggest to the Senator that he allow his motion to be referred to the Committee on Rules, so that we may have a meeting as early as the Senator may choose and consider it there.

The PRESIDENT *pro tempore*. The Chief Clerk will now read the proposed amendment.

The CHIEF CLERK. Amend the third paragraph of Rule XVI as follows:

Strike out the words "no amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any," and insert before "amendment," in line 2 of said clause, the word "no." In line 3 strike out the word "the" before "bill," and insert "any general appropriation;" and insert after the word "bill" the word "shall;" so that when amended the clause would read:

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received, &c.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the motion?

Mr. HARRIS. I suggest to the Senator from Kansas——

The PRESIDENT *pro tempore*. The subject is not open to debate, as the motion is not yet before the Senate for consideration.

Mr. HARRIS. I have no objection to its consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the motion of the Senator from Kansas? The Chair hears none. It is before the Senate, and the question is on agreeing to it.

Mr. SHERMAN. I do not care now to do it, but I desire to make the motion which the Senator from Tennessee indicated, that the question be referred to the Committee on Rules. That, I think, is the proper course, because it is very difficult to discuss a question of this kind unless the appropriate committee have first considered and reported upon it. I have no doubt it would be promptly reported. I do

not desire to delay the question at all, but I think the motion had better be referred to the Committee on Rules, of which I believe the Senator from Kansas himself is a member.

Mr. HALE. Could it not be reported to-morrow morning probably?

Mr. SHERMAN. I think very likely. The Senator's colleague [Mr. FRYE] is the chairman of the committee.

Mr. FRYE. The Senate will remember that this matter has been discussed heretofore by the Committee on Rules, on a revision of the rules, and that the decision was unanimous against it.

Mr. SHERMAN. I know, but at the same time, during the present session, under the peculiar circumstances which surround us, it might be that a temporary rule could be agreed upon. I hope it may not become a permanent one. It is a question which might very well be considered by the Committee on Rules.

Mr. FRYE. If we once open this door we shall keep it open, I fear.

Mr. SHERMAN. I shall submit a motion to refer.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that the motion be committed to the Committee on Rules. The question is on agreeing to the motion to refer.

Mr. HALE. The Senate finds itself confronted this year with more instances on appropriation bills sent from the other House to this body of legislation than perhaps ever before. There are bills now pending before the Senate which have been reported from the Committee on Appropriations containing very marked features of legislation—bills which must be considered by the Senate at a very early day. The pension appropriation bill among others contains legislation curing defective and what the House evidently believes, and what I believe, to be improper legislation of last year. The Senate will be met squarely with the question upon that bill to-day or to-morrow whether because of blind adherence to the present rule of the Senate it will take action against legislation which in itself is proper, is remedial, and is needed. I should hope that in view of the present condition, the stress of weather under which the Senate is acting——

Mr. BECK. Will the Senator from Maine allow me to interrupt him?

Mr. HALE. Let me finish this sentence, and then I shall yield.

Mr. BECK. I was about to say——

The PRESIDENT *pro tempore*. The Senator from Maine declines to yield.

Mr. HALE. I yield to the Senator from Kentucky.

Mr. BECK. It was just in the line of the very sentence the Senator is uttering that I desired to say that even if we do adhere to our rule, that does not get clear of it, because the House will come into conference and demand it there. We do not get clear of it by adhering to the rule. That is the trouble. I beg the Senator's pardon for the interruption.

Mr. HALE. I was going to say that I hope, if the motion is sent to the Committee on Rules, it will have a meeting to-day or to-morrow morning and in view of the exigency will relax the stringency of the present rule of the Senate, because if we insist upon the rule and vote out all the House propositions, vote out legislation that in itself nine out of ten of the members of this body would vote for, we do not thereby, as the Senator from Kentucky says, get rid of it. The whole thing is thrown into conference, and it may well be found that the attitude of the other House is that upon proper legislation it will insist upon its amendments even if the bill be lost. Then the Senate will be found meeting the question squarely whether it will, because of this rule, utterly defy the House and declare that upon appropriation bills no sort of legislation shall be put, however wise and just. I for one upon such matters do not believe that the Senate can stand—I do not believe it will stand—when confronted with such a question as that.

Therefore, I hope if the motion goes to the Committee on Rules that it will have prompt consideration and that the rule will be relaxed.

Mr. BECK. I rise to apologize to the Senator from Maine for interrupting him in the midst of his remarks. I was thinking of the same thing and feared that he would leave out the most difficult part of the trouble, and I very improperly interrupted him before he finished his sentence.

Mr. HALE. Not at all.

Mr. BECK. But that is the trouble. We shall have before us the pension appropriation bill, which I understand will be called up to-day, or to-morrow at the furthest. Legislation has been placed on that bill by the House which we have *pro forma* stricken out in the Committee on Appropriations in obedience to the wishes of the Senate, but which the Committee on Appropriations knows it can not keep out, and which we do not believe it ought to keep out, unless the rules compel us to do so. Further, we do not believe the Senate will consent to have that legislation stricken out; and if the Senate does consent to strike it out the House will never yield. So something ought to be done, such as the Senator from Kansas suggests, to get us out of this dilemma, which is only the first perhaps of twenty or thirty more which we shall have before us in the next twenty days.

Mr. BAYARD. Mr. President, I do not concur with the proposition to allow the ingrafting of general legislation upon appropriation bills, and so far from desiring to see the Senate rule amended in order to permit the extension of that mode of legislation, I earnestly hope the Committee on Rules will feel themselves authorized to confer with members of the corresponding committee in the other House for the purpose of seeing whether a joint rule can not be adopted to exclude general legislation from appropriation bills.

I do not propose to repeat the reasons against ingrafting general legislation on appropriation bills, because they are very obvious. I only understand now that the House permits it, and the Senate does not, and that between the two there is an inequality of influence. The other House may submit to us appropriation bills stuffed full with general provisions and new provisions of law, whereas under our rules we can not do it. Rather than see the extension of what I think is an evil principle in legislation upon appropriation bills, I hope that the committee representing the Senate may be able to induce the House to so modify their rules that appropriation bills will not be capable of becoming the vehicles of general legislation under a joint rule of the two bodies.

Mr. FRYE. In reply to the Senator from Delaware I desire to say a word. I said that this subject had been considered by the Committee on Rules, and a proposition like this determined against when the rules were revised—determined against with instructions to send to the House a joint rule such as the Senator from Delaware suggests. That joint rule was passed through the Senate and sent to the House, and the chairman of the Committee on Rules believed himself to be instructed to do everything in his power to get the assent of the House or of the Committee on Rules of the House to that proposition. He did so. No assent has been obtained, and I desire to say to the Senator from Delaware that I do not believe it is within the range of possibility that any assent to such a rule can be obtained. The truth is that under the present rules of the House legislation is almost an impossibility unless it is had upon an appropriation bill; and so long as that condition exists they will not give up their rule, which allows them to legislate on a general appropriation bill, and I do not believe it is any use to undertake in any way to obtain a provision on the part of the House such as has been desired heretofore by the Senate, and has prevailed in the Senate. I think they will not give up the privilege which they now enjoy under their rules.

Mr. BAYARD. It is a very melancholy condition of things for the House of Representatives that they should have adopted such a set of rules that they become rather obstructive, instead of assistants to the transaction of business; and it scarcely seems to be the part of wisdom that we should cripple our own system of business which has proved itself to be convenient, and which in all reason is just and proper, simply because the House of Representatives tie their hands so that they can not legislate in a wise and rational manner.

Mr. INGALLS. Mr. President, being a member of the Committee on Rules, perhaps I ought not to object to a reference of this resolution for the purpose of enabling them to consult thereon; but I think I do not go beyond a correct statement of this matter when I say that every member of the Senate is competent and ready at this time to act upon this question, that Senators do not need any instruction from the Committee on Rules upon the subject.

I concur heartily with the Senator from Delaware as to the vice of general legislation upon general appropriation bills; but we are confronted to-day with a very grave dilemma. We are in a predicament. We have gone into a *cul de sac* so far as legislation is concerned, and there is nothing for us to do but to turn around and come out again.

Mr. President, so far as the attitude of this question is concerned there can be but one view. The Senator from Maine [Mr. HALE] has stated one proposition. The pension appropriation bill is on the table of the Senate, ready to be taken up at this present time. It appropriates $60,000,000. Appended to that is certain legislation, much of which is wise and just, some of which is of questionable propriety. Under the rules of the Senate we are forbidden either to amend that or to discuss it; and the Committee on Appropriations, the Senator from Maine informs me, has, in accordance with the rules of the Senate, so reported, and that legislation is absolutely stricken out by the action of that committee, and so stands upon the House bill to-day.

It is in the power of any single member of this body, by objecting to any legislation, to obtain the ruling of the presiding officer that it is not in order under the rules, and therefore must go out. We are deprived of the opportunity of amending the legislation that comes to us from the House of Representatives. Now, I say frankly that there is some of the legislation on the pension appropriation bill that I can not afford to resist. The Senate of the United States can not afford to resist it. It is matter that is material to the interest of this Government and to the welfare of pensioners and pension claimants.

Mr. HALE. Will the Senator allow me to interrupt him?

Mr. INGALLS. With pleasure.

Mr. HALE. And is also entirely germane to the subject-matter of the appropriation bill and the laws and rules under which the Pension Department runs, as affecting hundreds of thousands of pensioners. It has all that merit.

Mr. INGALLS. The Senator from Maine intensifies the argument that I was making on this subject. With this first clause of the rule stricken out, this legislation it would be competent for the Senate to consider.

I hope, therefore, that, inasmuch as it has become apparent that gen-

eral legislation, however vicious, however undesirable it may be, can not be excluded from general appropriation bills without either a joint rule or the mutual agreement of the two Houses, we shall accept the situation and put ourselves in a position where we shall be at liberty to amend legislation that comes here from the House, to propose legislation if we see fit, and not leave ourselves in this predicament of finally being compelled to accept legislation from the House of Representatives by the report of a committee of conference, without any opportunity either for discussion or for amendment.

As I said at the outset, I do not feel at liberty to oppose the reference of this subject to the Committee on Rules, but I hope the Senate will not refer it. It is a matter that has been discussed here, so that every Senator is fully advised upon the subject. Every one knows the evil we desire to cure, and we are just exactly as able to act intelligently upon the subject now as we shall be after the Committee on Rules have reported either in favor of or against it.

Mr. MAXEY. I should like to ask the Senator from Kansas, who is very much more familiar with the rules than I am, if this is not the result of the sixteenth rule, that where a measure in the nature of legislation comes from the House on an appropriation bill which we think in the right direction but defective, then we can not amend that defect here under our rules. Is not that the fact?

Mr. INGALLS. That is very true; we are deprived not only of the opportunity of presenting legislation ourselves to an appropriation bill, but we are forbidden to amend that which comes from the House of Representatives.

Mr. MAXEY. That was the point I was desiring to suggest.

Mr. INGALLS. And the practical result is, as the statutes of Congress will show for the past ten years, that notwithstanding the existence of this provision in the Senate rules, there is hardly one of your appropriation bills that does not contain general legislation that has been placed there by conference committees, to which the Senate has been ultimately compelled by the exigencies of the situation to agree.

Mr. HARRISON. Mr. President, I have thought that the reference of this matter to the Committee on Rules might result in introducing some plan of this sort. I think one great objection to the consideration of general legislation in connection with appropriation bills is that the Committee on Appropriations are often called upon to deal with entirely unfamiliar subjects. These bills come late in the session, and the investigation and labor required in looking into the items of appropriation pure and simple are sufficient to occupy the time of the Appropriations Committee. By legislative provisions in the bills they are frequently called upon to consider some general legislation affecting the Army, possibly without any representative of the Military Committee upon the Committee on Appropriations. There is no provision under the rule by which they can take the opinion of the Committee on Military Affairs as to that legislation. Now if we are to so modify our rules that general legislation coming from the House of Representatives may be considered and amended and that new general legislation germane to the bill as matters affecting the Army to the military bill and the Navy to the naval bill, we ought so to arrange our rules that those propositions should be submitted to the judgment of the appropriate committee to which the matter would go if it was introduced independently here in the Senate, so that the Appropriations Committee should have the judgment of the appropriate committee upon these matters of general legislation. It seems to me that if this measure goes to the Committee on Rules they may so amend the rules as that that result would be secured. It would undoubtedly aid the Committee on Appropriations. I have no contest with them; I do not desire in the smallest degree to depreciate them or their efforts; they are as able as any other Senators of the same number to deal with all these questions; but toward the close of a session it is an overworked committee, and unless propositions looking to general legislation can have the consideration of the appropriate committees that deal with the subjects about which legislation is to be had, we shall get careless legislation.

Therefore I think the rule ought to be so framed as that the Committee on Appropriations should be required to take the advice or submit to the judgment—not perhaps to be conclusive—but at least that they may have the benefit of the views of the particular committee having general charge of the subject and that the views of that committee might accompany their report of the appropriation bill to the Senate. If we are to open the door to this legislation—and it seems to me we must do so, for I have no hope at all that the House will ever be induced to adopt a joint rule by which they surrender the right to put general legislation on an appropriation bill—it should be in this way. It is absurd that the one body should be free in this direction and the other should be absolutely tied up by its rules. If we can not come to the common ground of excluding it altogether, then there is nothing to do but to accept the situation upon this subject. But when that is done I should hope the rule might be so framed that legislation would go to the committee that is familiar with the particular subject upon which legislation is asked.

Mr. SHERMAN. Mr. President, this is an old and controverted subject. I think if there is to be a remedy applied it must be a radical remedy. I am perfectly willing, in view of the present condition of the business of the Senate, to vote for a provision modifying the sixteenth rule so as to allow any legislative amendments germane or relevant in their character to be offered to appropriation bills during the present session; but I want it distinctly understood that if the House are to adopt a rule that will force us to consider general legislation on appropriation bills, then I am in favor at the next session of Congress of reversing the whole theory of our rules and referring every general appropriation bill to the appropriate committee having charge of the subject to which the bill relates. There is no other way.

I have had long experience on the subject. At one time as a member of the House of Representatives, when chairman of the Committee of Ways and Means, I entered into a contest with the Senate on the subject. The result then was that the Senate and House agreed upon a series of joint rules by which the business was conducted. Those joint rules now have ceased to exist and are of no force. But it is absolutely certain that if the House sends legislation on appropriation bills of the most important character affecting every branch of the public service, unless we want to resolve ourselves into a committee of one upon all subjects of legislation, and to have a single committee to deal with all these multiplied questions, we must send the appropriation bills to their appropriate committees. In that event the appropriation bill for the support of the Army should go to the Military Committee, for the Navy to the Naval Committee, for the Patent Office to the Patent Committee, for pensions to the Pension Committee, and so of all the different branches of the public service because these committees are informed upon these various branches.

At the present session I believe it is now absolutely necessary to relax the rigor of the sixteenth rule in order to deal with these questions. I know one thing: Rule or no rule, I will vote for some of the legislative provisions proposed by the House of Representatives, but they are legislative provisions to correct legislation upon appropriation bills by committees of conference, or by the action of one or the other House without full consideration.

My tendency is to adopt the general change demanded by the House of Representatives so that each bill may stand upon its own bottom. Meantime I think it is necessary to consider this subject in committee, because it is necessary for us to provide some modification of the rules for the present session. I believe that can be done better by five or six gentlemen sitting around a committee table than in the Senate Chamber; but if it should not be deemed necessary to refer it, I shall offer as a substitute for the proposition of the Senator from Kansas, which he will probably agree to, that for the present session the sixteenth rule be so modified that amendments proposing general legislation germane and relevant to the subject-matter contained in any general appropriation bill may be received, confining it to the present session.

Mr. INGALLS. That is entirely satisfactory to me.

Mr. HARRISON. May I ask the Senator from Ohio whether it would not be better that general legislation proposed here should have the sanction of some committee, rather than to open the entire subject?

Mr. SHERMAN. The rule already requires that no amendment of any kind to an appropriation bill enlarging the scope of it can be offered except by direction of a committee of the body. That is already in the rules.

Mr. FRYE. I wish to call the attention of the Senate to this rule. I understand the position of the Senate heretofore to have been that there shall be no general legislation on an appropriation bill. The House rule is that any amendment germane and relevant and decreasing the expenditures shall be received. The Senate has been opposed to even that proposition, limited in that way that it shall decrease expenditures; but yet the Senator from Kansas proposes to pass an amendment which shall make in order any amendment germane and relevant, whether it decreases or increases expenditures. In other words, the Senator from Kansas proposes that the Senate shall go beyond the House notwithstanding the complaint which has been made of the House.

No amendment not germane nor relevant to the subject-matter contained in any general appropriation bill shall be received.

Mr. INGALLS. Read the rest of the rule. Do not stop there.

Mr. FRYE. Mr. President——

Mr. HARRIS. I desire to ask the Senator from Maine if he will yield to me?

Mr. FRYE. I do.

Mr. HARRIS. I ask if he can conceive of any subject-matter of legislation that would not be germane and relevant to some one or other of the appropriation bills that we annually pass; and if that be true, had we not quite as well or even better abolish our rule altogether than make the modification that is proposed? I am opposed to the modification, and I am opposed to abolishing the rule.

Mr. PLATT. Mr. President, whether this proposition shall be referred to the Committee on Rules or not is a matter of indifference to me. I am opposed to the proposition, whether we are to act upon it now or, with my present light, whether it comes here by the report of the Committee on Rules; and I am opposed to the modification of this rule for the present session even. There is a familiar quotation that it is better to

Bear those ills we have
Than fly to others that we know not of.

And while it is true that we are in a predicament, we are proposing

in order to escape that predicament not exactly to fly to evils that we know not of, but to evils that we are perfectly acquainted with.

This rule has been adopted by the Senate and adhered to for a long period of years, because it was the deliberate conviction of the Senate that legislation upon appropriation bills was fraught with great danger, and the danger is just as great at this session and will be just as great at a succeeding session as it ever has been.

Mr. INGALLS. Will the Senator allow me to inquire right there if our adhesion to the rule has prevented general legislation on appropriation bills?

Mr. PLATT. To a certain extent it has, but not entirely. But for one I prefer as a Senator to stand in the attitude of rejecting all general legislation upon appropriation bills and placing the responsibility for such legislation where it belongs, rather than to open the doors to what it seems to me will be a very bad and very dangerous practice.

Mr. PLUMB. Mr. President, I want to suggest an amendment which I presume is not in order, but I submit it to enable me to present my views to the Senate on this question.

The PRESIDENT *pro tempore*. The Senator from Kansas asks that there be read an amendment intended to be proposed by him to the resolution. It will be read for information, if there be no objection.

The Secretary read the proposed amendment, as follows:

Nor shall any amendment which proposes general legislation be put on any appropriation bill unless proposed by the proper standing committee of the Senate, nor except on a vote of two-thirds of the Senators voting, said vote to be taken by yeas and nays.

Mr. PLUMB. I think it would be unwise to break down this rule entirely even for this session. It is just as competent for the Senate to meet this emergency now as it will be next year. It has grown to the proportions of a very great evil. But we are still confronted with one fact, and that is that the House will make its own rules and that they are just as competent and just as much authorized to pass upon the question of public policy involved as the Senate, and it ought to be understood as a matter due not only to the Senate but to the House also that indirectly we can accomplish nothing. The fair, the frank, the manly way to arrive at a conclusion on this subject which shall be mutually profitable and just is to propose to the House what we think ought to be the common rule of both Houses; but it is not fair for the Senate to insist that the Appropriations Committee, nor is it fair that the Appropriations Committee shall itself by indirection seek to coerce the House. We shall in that way neither gain in our own temper nor in that of the House, nor shall we gain in anything which concerns the public good or welfare. If we believe that here is a practice which has grown up which ought not to be, which is subversive of the good of legislation, we ought to say so to the House frankly and ask them to confer with us on that subject in order that a common conclusion may be arrived at which shall meet the case. As it is now we stand in the attitude when our virtue is at high-water mark of rejecting all legislation on appropriation bills and thereby seeking to do by indirection what we lack the courage apparently to do by direction, and then one extreme following the other, as it always does, we yield entirely and take everything that the other House sends, with or without amendment, according as the temper is at the time.

We are nearly at the close of a session. We are confronted by a very serious problem on the pension appropriation bill now on the Senate table. Numbers of Senators feel about this matter as my colleague has expressed himself—that is to say, that there are provisions on that bill which he himself is not willing to take the responsibility as a legislator here of rejecting *in toto;* and that results in the position in which the House may put itself; its members say "we are not willing to omit the opportunity which our rules afford us" of doing the very thing which my colleague says he is not willing to omit the opportunity to do himself, that opportunity being presented. That only illustrates the difficulties which attend the situation all the way through. There may be emergencies occurring at any time at the close of a session when the ability to put legislation upon an appropriation bill, the objection of one member to the contrary notwithstanding, may be of the most vital character. Instead, therefore, of tying our hands even at this late hour of the session, or opening the door too wide, we ought, I think, to do the conservative thing and reserve the right of the Senate under proper discrimination, and after discussion, and when the Senate is full—that is to say, when a quorum is present and voting—then only of doing what may be an emergent thing. Therefore I suggest if the proposed rule is to be voted upon now, that it should be amended so that only under two conditions will the Senate consent to even amend any legislation that may be sent here on appropriation bills by the House. One is that the amendment shall be reported by the proper standing committee of the Senate; and the second is that there shall be two-thirds of the Senators present forming a quorum voting for that upon the yeas and nays, thereby expressing in an affirmative manner their conviction of the necessity or the urgency of the proposed legislation.

That much at least I think is due to the dignity of men sitting to legislate for the country; that much is due to the position of the body as a conservative branch of the Government, and yet, while conservative, not willing to put itself in the attitude of being obstructive.

I speak of this question as a member of the Appropriations Committee, with the embarrassments which surround the case in that committee, and the feeling on the part of the committee that it is not our function originally to pass on these questions, and with the further feeling that the Senate itself ought not by indirect means to seek to ask the House to abandon its rule under which it is proceeding; and as there is now time for a conference with the House on the subject, and as something apparently ought to be done, though I am willing for one to strike out all legislation from these bills, yet as there is an apparent necessity for doing something in a certain direction in the way of legislation that can only be accomplished in this method, and as the House has tendered us some important propositions and will tender us more—because I have a bill on my table, the Post-Office appropriation bill, full of legislation, some of which is good undeniably, some of which is vicious undeniably; and therefore, as I said, we ought to be able to meet it, but while meeting it we ought not as a rule to throw down the bars entirely and open wide the door in such a way that there may be a carnival of unwise and ill-digested legislation put on appropriation bills in the expiring hours of the session when from the very necessity of the case, as we know by past experience, there will be sometimes not a quorum nor half a quorum in attendance on the deliberations of this body.

Mr. DAWES. Mr. President, the Senate misses on this occasion the orators who instructed and stimulated it to a valiant maintenance of its rules when the pension appropriation bill was brought in from the other branch. The difficulty and the defect in our rule was pointed out at that time, and the dilemma in which it placed the Senate was presented. Nevertheless we were told then that it was the duty of the Senate to maintain our rule to the letter, let the consequences be what they might; and we were told by Senators of great experience and ability and long service in this body that they would stand by this rule, let the consequence be an extra session of Congress if the Senate maintained what was framed in wisdom and was necessary for the maintenance of free, unbiased deliberation upon appropriation bills. We were told then that the only cowards in this body in respect to it were the Appropriations Committee, that they would come in and in the last moments would surrender to the other branch and take legislation on appropriation bills. It did not matter that Senators were reminded on that occasion of the urgency, when the last days of a session approached, the absolute necessity that the appropriation bills should be adopted, and that that necessity would, in spite of our then valor, carry through this body legislation just precisely as it was brought to us. I am amazed now that since the Appropriations Committee, stimulated in their duty as they were by that debate, have presented the question here, the self-same orators who taught us our duty so plainly and so clearly at that time as to make us surrender all doubt and misgiving on our own part, are now either silent or are the first to surrender our rule *in toto*.

It was supposed by those Senators, and they were right, that legislation in appropriation bills was an evil, an evil that ought to be remedied, not surrendered to. We are inviting it by this debate to-day. We are calling upon ourselves to consider in appropriation bills the legislation of the country, and you are imposing upon your Appropriations Committee, in the last days of the session, not only that which hitherto has been considered enough for them to do, to consider what are proper appropriations, but to take up also the duty of the Pensions Committee, the duty of the Committee on Indian Affairs, of the Committee on Military Affairs, of the Committee on Post-Offices and Post-Roads, and of the Committee on Naval Affairs, and more than all that, that most important of all committees, if I may make a comparison, the Judiciary Committee, all are by this debate surrendered to the Appropriations Committee, and they can not take up those matters till within three weeks of the end of the session.

There comes along in one bill private claims enough in a single appropriation bill to occupy the Committee on Claims half this session, and the committee having it in charge, the Appropriations Committee, who have supposed hitherto that it was quite enough for them to do to ascertain and recommend to the Senate what were proper appropriations, are called upon to examine into or take unexamined private claims enough in a single appropriation bill to occupy any committee, who would ascertain thoroughly the merits of those claims, the whole of the next three weeks.

Where is the determination of the Senate a few weeks ago to uphold the rule? Where are those who told us they would stand here in support of the rule till an extra session of Congress, if need be, were upon us? The rule, in my opinion, was a wise one as it was framed. If there is any defect in it at all it is in a misconstruction of the rule some time ago, which has since grown into a precedent which ought to be modified, much like the suggestion of the Senator from Kansas [Mr. INGALLS], though he will pardon me for saying that the quarter from which it comes is the one I least expected to see it from.

Mr. President, if you adopt the amendment suggested by the Senator from Ohio you impose at once upon the Appropriations Committee a duty they can not perform. To look to the appropriations proper, and nothing else, is more than they can properly do in the next eighteen days; but in those bills from the necessity of the exigencies in the other branch is all the legislation of the session in the other branch. I understand the difficulties of the case. I understand that one branch

has just the same power and the same right to determine its rules as the other, and that we have no more right to say what shall be the rules of the other branch than the other branch has a right to say what shall be our rules. The only way to meet the case is to find some possible common rule, and if it be a common rule like that which is suggested by the amendment of the Senator from Ohio to the proposition of the Senator from Kansas, then distribute the appropriation bills, discharge your Appropriations Committee from the consideration of the legislation in those bills, divide this work, or have it brought in here crude and unconsidered, and mature it here in the Senate Chamber in the last few days of the session.

Let us meet this question as it is, not undertake to meet the difficulty coming from the other branch by a counter difficulty here overwhelming them, running a race with them, competing with them to see which will get the most legislation in an appropriation bill. Legislation in an appropriation bill is an evil, an alarming evil, a dangerous evil, and it ought to be stopped in some way or other, not invited, not increased, not aggravated as we are proposing to do to-day.

Mr. HOAR. Mr. President, I think this amendment to the rules is one of the most dangerous propositions ever addressed to the Senate if its logic be acted upon in the future conduct of our relations with the other branch. I wish the Senate for a moment to consider to what this is to lead.

When the Constitution was adopted the power was given to the House of Representatives, as the great constitutional equivalent for the equality of the States in the Senate, to originate money bills. The House has insisted that the true interpretation of that constitutional provision authorizes the House exclusively to originate appropriation bills; and it was determined when that question arose, upon the declaration of Mr. Webster, that the House must from the necessity of the case be the final judge of the meaning and extent of that constitutional provision; so that practically I am correct in saying that the power was given to the House by the Constitution exclusively to originate appropriation bills.

I will not undertake to proceed.

The PRESIDENT *pro tempore*. Senators will please resume their seats. Business will be suspended until Senators take their seats and cease conversation [rapping with his gavel].

The Senator from Massachusetts will proceed.

Mr. HOAR. I do not care about proceeding.

Mr. ALLISON. Mr. President, I desire to say a word or two with reference to this general subject, which is not a new one, as the Senator from Ohio has said. I think any proposition looking to general legislation on appropriation bills is a dangerous one. In the nature of things the appropriation bills, whether at the long or the short session, are delayed until nearly the last moments of the session. At the session ending in July last the important appropriation bills did not reach the Committee on Appropriations of the Senate until in May and June. It is true they were full of legislation at that time. The committee, under the instructions of the Senate, eliminated from the bills all legislation. Afterwards, in the committees of conference, a portion of that legislation was yielded to in order to secure an agreement to the passage of the bills.

But what was dangerous then is more dangerous now, and is always especially so at a short session. If we are to open these bills to legislation, necessarily there will be legislation put upon them that is not well considered; and therefore, as a member of the Committee on Appropriations, I should be glad to see the Senate stand rigorously in favor of its present rule against all legislation on appropriation bills, and against consenting to legislation put on by the House of Representatives; but I know the Senator from Kansas will say in response that the end is legislation that the House insists upon, or a failure of the appropriation bills.

Mr. INGALLS. By the action of the committees of conference—and I say that without any invidious allusion at all—that is the practical operation, that without amendment or discussion the legislation proposed by the House of Representatives is agreed to finally by committees of conference.

Mr. ALLISON. More or less of that legislation is thus agreed to, and I admit that is vicious; but we are confronted always at the end with the fact that we must make some compromise on these bills or else the bills will fail.

Now, I hope this resolution of the Senator from Kansas to amend the rules will be referred to the Committee on Rules, and I hope he will consent to that, and that that committee, if they see proper to open this door at all, will open it in a way to permit the least possible legislation on appropriation bills. I would be glad myself to have it confined to amendments of legislation that we find on the bills when they come to us from the House. If that will not do, then all legislation proposed here on appropriation bills should be proposed by a standing committee of the Senate, because, in the nature of things, the Committee on Appropriations can not consider such legislation.

Take for illustration the legislation on the pension appropriation bill. It affects all the questions relating to pension attorneys and other matters of importance. The Committee on Appropriations, in the nature of things, can not examine these questions in the short time allowed them. Yet we were compelled on the pension appropriation bill at this session to examine in detail, so far as we could, all the legislation found upon the bill as it came from the House of Representatives. If the Senate will adhere to its rule that all legislation shall be struck from appropriation bills and insist upon that, then we can within a reasonable time, and possibly at this session, eliminate every matter of legislation from these bills; but if we yield to the House of Representatives and ourselves put on legislation, the effect will be that there will be a race, as the Senator from Massachusetts says, between the two Houses with reference to legislation, and then not only the legislation of the House will be found upon these bills, but counter legislation from the Senate, and committees of conference will in the end be compelled to decide great questions of legislation in conference that have not been considered in the House or that have not been considered in the Senate.

The question is not without difficulty. The Committee on Appropriations do not desire power to be given them with regard to legislation upon appropriation bills. I should be glad—and I think I express the sentiment of the committee when I say we prefer that there should be no legislation upon these bills at any time submitted to the Committee on Appropriations. We prefer that questions of legislation should go to the proper committees whose duty it is to consider the respective subjects.

Take the legislation that is proposed in the Post-Office appropriation bill for the next year that has not yet reached the Senate. It runs over the entire range of the Post-Office establishment; it involves the rates of postage; it involves the entire contract system; it involves grave questions of legislation that ought to be considered by the Post-Office Committee, by the Committee on the Judiciary, and by other committees of this body. Surely the Committee on Appropriations can not consider those questions, and I do not see how they can be referred, as the Senator from Ohio suggests, to their appropriate committees. Take the Post-Office appropriation bill for illustration, containing the legislation to which I have alluded. A part of it should go to the Committee on the Judiciary, a part of it to the Committee on Post-Offices and Post-Roads, and a part of it elsewhere perhaps. And so with every regular appropriation bill that comes before the Senate. Take the sundry civil bill as an illustration. A part of it should go to the Naval Committee, a part of it to the Committee on Military Affairs, a part of it to the Committee on Public Buildings and Grounds, a part of it to the Committee on Patents, and so on. The sundry civil bill would be referred to a dozen different committees of this body on that idea. So of the legislative, executive, and judicial appropriation bill. That is an impracticable thing. Therefore I shall be glad if the Senate will adhere as rigidly as it can adhere to the rule that there shall be no legislation upon appropriation bills, and let the Appropriations Committee be confined in its jurisdiction and authority to recommending the appropriations of public money as provided by law, and leave to every other committee of this body its proper jurisdiction to recommend the change of existing laws and such general legislation as it may think proper; and unless that is done legislation in this body will be hasty legislation.

The Senator from Ohio very truthfully says that we come in here with the reports of committees of conference and then hasty legislation is the consequence. That is true, and I will go with him in every instance where a conference committee or the Committee on Appropriations have made mistakes to correct those mistakes on the appropriation bills notwithstanding the rule; but my judgment is that we shall only increase the difficulty if we open this door to legislation in any way through the Senate of the United States. We shall only create an opportunity for more hasty legislation with reference to all the subjects that will come before the Senate on the appropriation bills, because there are a great many subjects of legislation that are germane to these bills and can properly be introduced here if the rule suggested by the Senator from Kansas is adopted as he now proposes it. I trust he will consent that this proposition of his and the other propositions suggested in connection with it may be referred to the Committee on Rules. If this door is to be opened at all let it be opened in the narrowest possible way. I will say to him that if he will consent to that I shall not call up the pension appropriation bill until the Committee on Rules shall have had an opportunity of acting upon this question.

Mr. HAWLEY. I agree very heartily with the Senator from Iowa. This is not a new question in these Halls; it is not a new question in the legislative bodies of the several States; it is not a new question in the British houses of Parliament. Six years ago we had a four months' extra session of Congress caused by differences between the two Houses arising substantially on this practice. To send us legislation upon appropriation bills is practically to nullify this body, practically to make it an absolute nullity in the business of the country. It is not a question of personal pride or preference on our part; it is our constitutional duty to stand by our rights in this matter. The appropriation bills are absolutely necessary to the existence of the Government. What discretion then is left us as legislators when the most important legislation is placed upon those bills? We are virtually told by the very presentation of it here from the other House that we must yield to their views in certain matters, whether they be our views or not; otherwise the Government is *pro hâc vice*, as the lawyers would say, sacrificed.

I hope the Senate will stand by the old rule, and what I consider to

be not merely a preference or a convenience in business, but a constitutional right.

Allow me a moment more. Three-quarters of the States forbid this practice. I think nearly every one of the original constitutions adopted within fifteen years, and the amended constitutions adopted within that time, forbid this practice. Essentially it was forbidden in some of the original constitutions adopted one hundred years ago. If I recollect aright, the constitution of the State of Maryland from the beginning forbade it. In 1708 it was declared in the British Parliament that the practice was subversive of the constitution, and that put an end to it there, for there the house of commons alone can originate supply bills, and after a fierce controversy they came to the conclusion that the practice was, as it is here, subversive of the constitution.

There is only one true final settlement of this whole series of questions, and that is to put into the Constitution of the United States three propositions, in substance as they are now in the constitutions of several States, namely: First, that each bill shall refer to but one subject, and that shall be clearly indicated in the title; next, that there shall be no general legislation upon appropriation bills; and thirdly, that the President may veto any item upon an appropriation bill, approving the remainder. These three amendments to the Constitution of the United States will settle a question that is dangerous to the present purposes and organization of the Government.

Mr. COCKRELL. Mr. President, this is a practical and not a theoretical question. Theoretically, legislation on appropriation bills is vicious. I think there can be no question of that. But Congress is composed of two Houses; each House is coequal with the other, each House makes its own rules and regulations. The House of Representatives has certain rules. Under them it can place legislation upon appropriation bills. The Senate has a rule, its own rule, a legal rule, which prohibits the Senate from either amending that legislation or ingrafting any new legislation upon an appropriation bill. Then we are left in the condition under our rule of being utterly helpless and powerless to do anything in regard to the proposed legislation of the House except to strike it out. The House non-concurs in the amendment of the Senate striking out the legislation. It is forced into a conference committee. Then the question is, what will the Senate do? There has never yet been a time since I have been here, so far as I know, when the Senate would have stood upon that proposition, and forced an extra session of Congress or the continuance indefinitely of the session then near its close. There is the practical question.

The very necessity for legislation upon the pension appropriation bill now pending lying upon the table of the Senate grows out of the fact that we at the last session struck out the House legislation, refused to amend or have anything to do with it, and then when the bill went into conference legislation slipped in which a great many Senators did not understand.

Mr. HALE. And which had not been considered by either House.

Mr. COCKRELL. And which had not, as the Senator from Maine says, been considered by the Senate or the House, and was a surprise to a large number of people. I do not know whether it is true or not, but some paper published in this city has stated that a distinguished attorney of this city got $2,500 for his services as attorney in procuring that amendment, and another distinguished attorney got a thousand dollars for his services as attorney in securing the passage of that legislation. Testimony to that effect is said to have been taken before a committee of the other branch of Congress, the attorney himself, who was interested in the legislation, having stated that he made these payments.

Mr. LAPHAM. He stated further that both of those sums were made contingent upon the success of the legislation.

Mr. COCKRELL. Both made contingent, as the Senator from New York says, upon securing the kind of legislation that was desired, and it having been secured the money was paid.

Now, Mr. President, it is a practical question, what shall we do? Shall we continue to tie our hands and remain supinely upon our backs, do nothing, strike out all legislation, and then leave a conference committee to modify it, and finally have such legislation enacted as neither the Senate nor the House knows anything about?

Mr. HAWLEY. May I ask the Senator a question?

Mr. COCKRELL. Certainly.

Mr. HAWLEY. If this legislation, obtained in the manner he has said, is so exceedingly vicious, if there be such a desire to repeal it, why would not a bill repealing it pass the Senate in half an hour, and why should not the House unanimously consent to the passage of such a bill?

Mr. COCKRELL. The bill, I understand, is already reported and has been for some time from the Committee on Pensions, and is now on the Senate Calendar.

Mr. HAWLEY. There is no doubt that the Senate would pass it, I suppose.

Mr. COCKRELL. No doubt about that. Why has it not been done?

Mr. HAWLEY. I am not on that committee. I do not know.

Mr. COCKRELL. I am not on that committee, nor am I of the majority of the Senate that controls and regulates the business of the Senate. The Senator is.

Mr. ALLISON. Will the Senator allow me?

Mr. COCKRELL. I yield with pleasure.

Mr. ALLISON. The Senator from Missouri will remember that a bill was introduced here some time ago on that very subject, and has been reported favorably by the Committee on Pensions, and is in the hands of the Senator from Tennessee [Mr. JACKSON] to report.

Mr. COCKRELL. I understand that it is already reported, and is upon the Calendar.

Mr. ALLISON. Very well.

Mr. COCKRELL. And subject to the disposition of the Senate. I am not saying that anybody is specially to blame, but the Senator rather intimated by his question that some of us ought to have had that legislation passed.

Mr. ALLISON. No.

Mr. COCKRELL. I was simply, gently, and kindly informing him of a fact that he was well aware of.

Mr. ALLISON. I know how "child-like and bland" the Senator from Missouri is, but I do not think where a non-partisan matter is in the hands of a committee of this body and its conduct is committed to a member of the body, that it is quite fair to charge that upon the party majority.

Mr. COCKRELL. There is no dereliction about it. There are hundreds of other as important bills on the Calendar of the Senate, reported by Democrats and Republicans, that have not yet been considered.

Mr. President, what shall we do? It is a practical question.

Mr. FRYE. I should like to inquire of the Senator whether or not it was also a joke that a majority of the Senate were of an opposite party to him, and that they, therefore, were responsible for the legislation when the Senate sent some two hundred bills over to the House, and under the rules of the House they went to the Speaker's table, and there was no going to the Speaker's table by the House for over five months' time and no reference of a single bill which was sent by the Senate——

The PRESIDENT *pro tempore*. The Senator from Maine is not in order in referring to what the House of Representatives has or has not done within its own Hall.

Mr. COCKRELL. Mr. President, the people elect their Representatives and their Representatives are responsible to the people, and I shall not arraign them here. Let them answer to their constituents, their masters.

Mr. DAWES. I want to remind the Senator what the Senator from Maine was cut off from reminding him of, that the very legislation he is alluding to has received the sanction of a body containing three hundred and twenty-five members, four to one, already.

Mr. COCKRELL. That is not the question that we are now discussing. It is, what shall we do in regard to legislation upon appropriation bills? It seems to me perfectly plain that there is but one plan that will secure success, and that is for the Senate to direct its Committee on Rules or appoint a select committee to confer with the House, and, if possible, agree upon a joint rule in regard to these matters. We had joint rules for a long time; they have been set aside; we have no joint rules now. There has been no determined effort either on the part of the House or on the part of the Senate to have joint rules adopted, so far as I know.

Mr. FRYE. Will the Senator pardon me?

Mr. COCKRELL. Certainly.

Mr. FRYE. This Senate sent a whole code of joint rules to the House of Representatives immediately on reporting the revision of the rules, and with the same report, and they have been in the House of Representatives now for a year and a half.

Mr. COCKRELL. Still I think that action ought to be taken in regard to that. If we are to take a stand that means anything we ought to make our position impregnable, and that is by having another conference on that question; and then if we can not agree upon joint rules with the House, we ought to do one of two things as sensible, practical business men: we ought either to adopt a rule which will permit us to amend the legislation of the House in matters germane to that legislation, or we ought to say that we will strike it out and never will agree to any appropriation bill with legislation upon it, and then let session after session be continued if necessary in our refusal. There are only two practical courses that I see. I for one in our present emergency am in favor of the Senate exercising the power to amend the legislation of the House in a manner germane to that legislation. I think it is the only practicable, sensible plan for us to pursue now.

Mr. JACKSON. I ask consent of the Senate at this time to call up Senate bill 2511.

Mr. INGALLS. I ask the Senator to yield one moment while I may have final disposition made of the subject before the Senate.

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; pending which the Senator from Tennessee [Mr. JACKSON] asks unanimous consent that the Senate now consider Order of Business 984, being the bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. INGALLS. I ask the Senator from Tennessee to yield to me for a motion to dispose of the subject pending when 2 o'clock arrived.

Mr. JACKSON. Certainly.

The PRESIDENT *pro tempore*. The Senator from Kansas is entitled to the floor.

Mr. INGALLS. I wish to make a single observation only.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Kansas proceeding on the motion offered by him? The Chair hears none.

Mr. INGALLS. I wish to make a single observation about a remark which fell from the Senator from Missouri [Mr. COCKRELL], which appeared to me to show the necessity of some action in the direction indicated by my resolution. He states that the pending legislation in the bill making appropriations for the payment of pensions is due to the fact that certain vicious and pernicious legislation was introduced into the pension appropriation bill passed last year. He states that the legislation was not considered in either House. It must, therefore, have been admitted to the appropriation bill by the action of the conferees of the two Houses, and the Senator says that for the purpose of procuring that legislation one eminent attorney was paid $2,500 and one other attorney less eminent was paid $1,000. What inference is to be drawn from that of course I am not able to say; but it shows the importance of having some discussion upon matters of this magnitude in one House of Congress or the other.

As there have been several propositions looking toward the amendment or modification of this rule, and, in the expectation that the Committee on Rules will be able to report before the pension appropriation bill is called up by the chairman of the Committee on Appropriations, I will suggest that this subject be referred to the Committee on Rules—that that resolution and all the amendments be referred to the Committee on Rules.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Kansas?

Mr. CALL. I think this matter had better go over until to-morrow. ["No!" "No!"]

The PRESIDENT *pro tempore*. Does the Senator from Florida object?

Mr. ALLISON. I hope the Senator from Florida will not object.

Mr. CALL. I will not object, but I desire to say something on the subject.

Mr. ALLISON. That can be done when the Committee on Rules reports.

The PRESIDENT *pro tempore*. Is there objection to this motion with all the suggested amendments being referred to the Committee on Rules? The Chair hears none, and the reference is ordered. The Chair now recognizes the Senator from Tennessee.

Mr. JACKSON. Mr. President——

Mr. COCKRELL. Will the Senator from Tennessee yield a minute until I can make a correction?

Mr. JACKSON. Certainly.

The PRESIDENT *pro tempore*. The Chair will recognize the Senator from Missouri to ask a question.

Mr. COCKRELL. I wanted to ask a question of the Senator from Kansas, why he made the statement that I had said so and so in regard to the payment of money? I know he did not intend to leave that impression, but he said that I stated that money had been used. I stated that it was reported and published in the papers of the city, purporting to have been testimony taken before a committee of the House, that a certain party had paid $2,500 to a distinguished attorney and a thousand dollars to another distinguished attorney—I did not make any distinction between their eminence, because they are both very distinguished gentlemen. In doing that I simply stated what I saw in the papers without any intention of reflecting at all upon the conference members of either the Senate or House.

Mr. INGALLS. Certainly, I did not understand the Senator to reflect on them.

Mr. COCKRELL. Because I do not think that there was any ill purpose whatever on the part of the conference committees of either the Senate or House. I think they did just exactly what they thought was best, and they were justifiable in doing it under the advice and recommendations which they had at the time.

FEES IN PENSION CASES.

Mr. JACKSON. I renew the motion to suspend the pending order and take up Senate bill No. 2511.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate now proceed to the consideration of Order of Business 984, being the bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. MORRILL. I take it——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL. I wish to ask a question of the Chair—whether that will supersede the regular unfinished business?

The PRESIDENT *pro tempore*. It will if it is agreed to.

Mr. MORRILL. Then I hope——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. MORRILL. I hope it will not be acceded to.

The PRESIDENT *pro tempore*. Debate is not in order. The question is on agreeing to the motion of the Senator from Tennessee. [Putting the question.] The ayes appear to have it.

Mr. MORRILL called for the yeas and nays, and they were ordered.

Mr. CAMERON, of Wisconsin. Can we not get out of this difficulty?

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CAMERON, of Wisconsin. I ask unanimous consent——

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to be heard on this question. Is there objection? The Chair hears none.

Mr. CAMERON, of Wisconsin. I was going to inquire if we could not get out of this difficulty by agreeing unanimously that the silver bill may be informally laid aside.

Mr. MORRILL. I have no objection to that.

The PRESIDENT *pro tempore*. The Chair would state that always under such circumstances a presiding officer would recognize the gentleman in charge of the unfinished business to move it again.

Mr. CAMERON, of Wisconsin. As soon as this is disposed of, undoubtedly the silver bill will come up.

Mr. MORRILL. Under those circumstances I withdraw the call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from Vermont asks that the vote ordering the yeas and nays be reconsidered and the call withdrawn. Is there objection? The Chair hears none.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I wish to object, if I can, to the withdrawal of the call for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from New Hampshire objects to the call for the yeas and nays being withdrawn. The question is on agreeing to the motion of the Senator from Vermont to reconsider the vote of the Senate ordering the yeas and nays.

The motion to reconsider was agreed to.

The PRESIDENT *pro tempore*. The Senator from Vermont now withdraws the call for the yeas and nays. The question is on agreeing to the motion of the Senator from Tennessee [Mr. JACKSON].

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2511) relating to claim agents and attorneys in pension cases.

WOMAN SUFFRAGE.

Mr. PALMER. In pursuance to the notice I gave on Wednesday, I ask of the Senate unanimous consent to take up Order of Business 436, being the joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States, for the purpose of submitting a few remarks and not for final action.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the Senate take up for consideration, with a view to his submitting remarks upon it only, Order of Business 436, being Senate joint resolution No. 19, proposing an amendment to the Constitution of the United States. Is there objection? The Chair hears none.

Mr. PALMER. I now give way to the Senator from Pennsylvania.

MAJ. WILLIAM LUDLOW.

Mr. CAMERON, of Pennsylvania. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position, to report it without amendment; and I ask for its immediate passage.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to report at this time a joint resolution, and he asks unanimous consent that the joint resolution be now considered.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. It will be placed on the Calendar.

Mr. CAMERON, of Pennsylvania. Can I say a word?

The PRESIDENT *pro tempore*. The Senator from Michigan is entitled to the floor.

Mr. PALMER. I call for the reading of the joint resolution.

The PRESIDENT *pro tempore*. The resolution will be read.

WOMAN SUFFRAGE.

The Chief Clerk read the joint resolution (S. R. 19) proposing an amendment to the Constitution of the United States, as follows:

Resolved, &c., That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by three-fourths of the said Legislatures, shall be valid as part of said Constitution, namely:

ARTICLE —.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

SEC. 2. The Congress shall have power, by appropriate legislation, to enforce the provisions of this article.

Mr. PALMER. Mr. President, this resolution involves the consideration of the broadest step in the progress of the struggle for human liberty that has ever been submitted to any ruler or to any legislative body. Its taking is pregnant with wide changes in the pathway of future civilization. Its obstruction will delay and cripple our advancement. The trinity of principles which Lord Chatham called the "Bible of the English constitution," namely, the Magna Charta, the Petition

of Rights, and the Bill of Rights, are towering landmarks in the history of our race, but they immediately concerned but few at the time of their erection.

The Declaration of Independence by the colonists, and its successful assertion, the establishment of the right of petition, the abolition of imprisonment for debt and the property qualification for suffrage in nearly all the States, and the recognition of the right of women to earn, hold, enjoy, and devise property are proud and notable gains.

The emancipation of 4,000,000 slaves and the subsequent extension of suffrage to the male adults among them were measures enlarging the possibilities of freedom, the full benefits of which have yet to be realized; but, sir, the political emancipation of 26,000,000 of our citizens, equal to us in most essential respects and superior to us in many, seems to me to translate our nation, almost at a bound, to the broad plateau of universal equality and co-operation to which all these blood-stained and prayer-worn steps have surely led.

RISE AND PROGRESS OF THE MOVEMENT.

The time which I may occupy in advocacy of this measure will not admit of even a cursory review of the history and progress of the movement whose ultimate is before us.

Like life insurance and the man who carried the first umbrella, its inception was greeted with derision. Born of an apparently hopeless revolt against unjust discrimination, unequal statutes, and cruel constructions of courts, it has pressed on and over ridicule, malice, indifference, and conservatism, until it stands in the gray dawn before the most powerful legislative body on earth and challenges final consideration.

In its progress it has benefited all and injured none. It has created a public sentiment before which Legislatures have bent and courts have bowed.

The laws which degraded our wives have been everywhere repealed or modified, and our children may now be born of free women.

Our sisters have been recognized as having brains as well as hearts, and as capable of transacting their own business affairs.

New avenues of self-support have been found and profitably entered upon, and the doors of our colleges have ceased to creak their dismay at the approach of women.

Twelve States have extended limited suffrage through their Legislatures, and three Territories admit all citizens of suitable age to the ballot-box, while from no single locality in which it has been tried comes any word but that of satisfaction concerning the experiment.

The spirit of inquiry attendant upon the agitation and discussion of this question has permeated every neighborhood in the land, and none can be so blind as to miss the universal development in self-respect, self-reliance, general intelligence, and increased capacity among our women. They have lost none of the womanly graces, but by fitting themselves for counselors and mental companions have benefited man, more perhaps than themselves.

OBJECTIONS CONSIDERED.

In considering the objections to this extension of the suffrage we are fortunate in finding them grouped in the adverse report of the minority of your committee, and also in confidently assuming from the acknowledged ability and evident earnestness of the distinguished Senators who prepared it that all is contained therein in the way of argument or protest which is left to the opponents of this reform after thirty-seven years of discussion.

I wish that every Senator would examine this report and note how many of its reasonings are self-refuting and how few even seem to warrant further antagonism.

They cite the physical superiority of man, but offer no amendment to increase the voting power of a Sullivan or to disfranchise the halt, the lame, the blind, or the sick.

They regard the manly head of the family as its only proper representative, but would not exclude the adult bachelor sons.

They urge disability to perform military service as fatal to full citizenship, but would hardly consent to resign their own rights because they have passed the age of conscription, or question those of Quakers, who will not fight, or of professional men and civic officials who, like mothers, are regarded as of more use to the state at home.

They are dismayed by a vision of women in attendance at caucuses at late hours of the night, but doubtless enjoy their presence at routs and entertainments until the early dawn. They deprecate the appearance of women at political meetings; but, in Michigan, women have attended such meetings for years upon the earnest solicitation of those in charge, and the influence of their presence has been for good. Eloquent women are employed by State committees of all parties to canvass in their interests and are highly valued and respected.

They object, for their own States, to the addition of their former bondswomen because of their ignorance; but that risk was taken at greater hazard upon the adoption of the fifteenth amendment; and I hardly think the gentlemen would care to acknowledge their inability to provide that control for women which they appear to have obtained over the men.

They object that many women do not desire the suffrage and that some would not exercise it. It is probably true, as often claimed, that many slaves did not desire emancipation in 1863, and there are men in most communities who do not vote, but we hear of no freedman to-day who asks re-enslavement and no proposition is offered to disfranchise all men because some neglect their duty.

The minority profess a willingness to have this measure considered as a local issue rather than a national one, but those who recall the failures to extend the ballot to black men, in the most liberal Northern States, by a popular vote, may be excused if they question their frankness in suggesting this transfer of responsibility.

The education of the people of a whole State on this particular question is a much more laborious and expensive work than an appeal to the several Legislatures. The subject would be much more likely to receive intelligent treatment at the hands of the picked men of a State, where calm discussion may be had, than at the polls where prejudice and tradition oftentimes exert a more potent influence than logic and justice.

To deny this method to the women of this country is to discriminate against them invidiously.

A whole race, distinct from us, was enfranchised in this way, after repeated attempts at securing popular approval from the voters had failed, and to refuse it to those to whom we are bound by the dearest ties betrays an indifference to their requests, or an inexplicable adhesion to prejudice, which is only sought to be defended by an asserted regard for women, which to me seems most illogical.

I share no fears of the degradation of women by the ballot. I believe rather that it will elevate men. I believe the tone of our politics will be higher; that our caucuses will be jealously guarded, and our conventions more orderly and decorous. I believe the polls will be freed from the vulgarity and coarseness which now too often surround them, and that the polling booths, instead of being in the least attractive parts of a ward or town, will be in the most attractive; instead of being in stables, will be in parlors. I believe the character of candidates will be more closely scrutinized and that better officers will be chosen to make and administer the laws. I believe that the casting of the ballot will be invested with a seriousness—I had almost said a sanctity—second only to a religious observance.

THE MISUSE OF THE BIBLE.

The objections enumerated above appear to be the only profferings against this measure excepting certain fragmentary quotations and deductions from the sacred Scriptures; and here, Mr. President, I desire to enter my most solemn protest.

The opinions of Paul and Peter as to what was the best policy for the struggling churches under their supervision, in deferring to the prejudices of the communities which they desired to attract and benfit, were not inspirations for the guidance of our civilization in matters of political co-operation; and every apparent inhibition of the levelment of the caste of sex may be neutralized by selections of other paragraphs and by the general spirit and trend of the Holy Book.

In the history of human advancement no single influence has been so powerful as that of the Bible. It has sufficed for all the ages passed and will suffice for the ages to come. To its students has come wisdom. Its precepts have trained to virtue. To the wretched it has afforded comfort, and to the sorrowing it has brought consolation. None have learned from it bad citizenship, and its guidance has ever led to gentleness, honor, and truth. Its histories, poems, and inspired directions, altogether, inculcate the broadest equality of the human race and the greatest tenderness of mutual rights, while its pyramidion, the Golden Rule, voiced by the Saviour, contains the essence of all the law and the prophets.

Sir, my reverence for this grandest of all compilations, human or divine, compels a protest against its being cast into the street as a barricade against every moral, political, and social reform; lest, when the march of progress shall have swept on and over to its consummation, it may appear to the superficial observer that it is the Bible which has been overthrown and not its erroneous interpretation.

TRADITION AND PREJUDICE SHOULD BE LAID ASIDE.

Sir, if, with our present experience of the needs and dangers of co-operative government and our present observation of woman's social and economic status, we could divest ourselves of our traditions and prejudices, and the question of suffrage should come up for incorporation into a new organic law, a distinction based upon sex would not be entertained for a moment.

It seems to me that we should divest ourselves to the utmost extent possible of these entanglements of tradition and judicially examine three questions relative to the proposed extension of suffrage: First. Is it right? Second. Is it desirable? Third. Is it expedient? If these be determined affirmatively our duty is plain.

IS IT RIGHT?

If the right of the governed and the taxed to a voice in determining by whom they shall be governed and to what extent and for what purposes they may be taxed is not a natural right, it is nevertheless a right to the declaration and establishment of which by the fathers we owe all that we possess of liberty. They declared taxation without representation to be tyranny, and grappled with the most powerful nation of their day in a seven years' struggle for the overthrow of such tyranny.

It appears incredible to me that any one can indorse the principles proclaimed by the patriots of 1776 and deny their application to women.

Samuel Adams said:

Representation and legislation, as well as taxation, are inseparable, according to the spirit of our Constitution and of all others that are free.

Again, he said:

No man can be justly taxed by, or bound in conscience to obey, any law to which he has not given his consent in person or by his representative.

And again:

No man can take another's property from him without his consent. This is the law of nature; and a violation of it is the same thing whether it is done by one man, who is called a king, or by five hundred of another denomination.

James Otis, in speaking of the rights of the colonists as descendants of Englishmen, said they "were not to be cheated out of them by any phantom of virtual representation or any other fiction of law or politics."

Again:

No such phrase as virtual representation is known in law or constitution. It is altogether a subtlety and illusion, wholly unfounded and absurd.

The Declaration of Independence asserts that, to secure the inalienable rights to life, liberty, and the pursuit of happiness, governments are instituted among men, "deriving their just powers from the consent of the governed."

Benjamin Franklin wrote.

That liberty or freedom consists in having an actual share in the appointment of those who frame the laws and who are the guardians of every man's life, property, and peace.

That they who have no voice nor vote in the electing of representatives do not enjoy liberty, but are absolutely enslaved to those who have votes and to their representatives.

James Madison said:

Under every view of the subject, it seems indispensable that the mass of the citizens should not be without a voice in making the laws which they are to obey, and in choosing the magistrates who are to administer them.

But it seems unnecessary to multiply these excerpts, familiar to every student of the history of those times.

These declarations were not confined to our shores.

Lord Somers said:

Among all the rights and privileges appertaining unto us, that of having a share in the legislation, and being governed by such laws as we ourselves shall cause, is the most fundamental and essential as well as the most advantageous and beneficial.

The judicious Hooker wrote:

Agreeable to the same just privileges of natural equity is that maxim of the English constitution that "Law to bind all must be assented to by all," and there can be no legal appearance of assent without some degree of representation.

In 1790, Condorcet, in his treatise on the admission of women to the rights of citizenship in France, says:

Now, the rights of men result solely from the fact that they are rational beings, susceptible of acquiring moral ideas and reasoning on those ideas. Women, having the same qualities, have the same equal rights. Either no one individual of the human kind has true rights or all have the same, and one who votes against the right of another, whatever be that other's religion, color, or sex, from that moment forfeits his own.

Mirabeau condenses the whole question in his definition that "a representative body should be a miniature of the whole community."

The right of women to personal representation through the ballot seems to me unassailable, wherever the right of man is conceded and exercised. I can conceive of no possible abstract justification for the exclusion of the one and the inclusion of the other.

IS IT DESIRABLE?

Is the recognition of this right desirable? The earliest mention of the Saxon peoples is found in the Germany of Tacitus, and, in his terse description of them, he states that "in all grave matters they consult their women." Can we afford to dispute the benefit of this counseling in the advancement of our race?

The measure of the civilization of any nation may be no more surely ascertained by its consumption of salt than by the social, economic, and political status of its women.

It is not enough for contentment that we assert the superiority of our women in intelligence, virtue, and self-sustaining qualities, but we are to consider the profit to them and to the State in their further advancement.

Our statistics are lamentably meager in information as to the status of our women outside their mere enumeration, but we learn that in a single State 42,000 are assessed and pay one-eleventh of the total burden of taxation, with no voice in its disbursement.

From the imperfect gleaning of the Tenth Census we learn that of the total enumerated bread-winners of the United States more than one-seventh are women. They are classified in round terms as follows: Agriculture, 600,000; professional and personal services, 1,400,000; trade and transportation, 60,000; manufactures and mechanical and mining industries, 600,000. That these 2,647,157 citizens of whom we have official information labor from necessity, and are everywhere underpaid, is within the knowledge and observation of every Senator upon this floor.

Only the Government makes any pretense of paying women in accordance with the labor performed—without submitting them to the competition of their starving sisters, whose natural dignity and self-respect have suffered from being driven by the fierce pressure of want into the few and crowded avenues for the exchange of their labor for bread.

Is it not the highest exhibit of the moral superiority of our women that so very few consent to exchange pinching penury for gilded vice?

Will the possession of the ballot multiply and widen these avenues to self-support and independence?

The most thoughtful women who have given the subject thorough examination believe it, and I can not but infer that many men, looking only to their own selfish interests, fear it.

History teaches that every class which has assumed political responsibility has been materially elevated and improved thereby, and I can not believe that the rule would have an exception in the women of to-day.

I do not say that to the idealized women so generally described by obstructionists—the dainty darlings whose prototypes are to be found in the heroines of Walter Scott and Fennimore Cooper—immediate awakening would come; but to the toilers, the wage-workers, and the women of affairs the consequent enlargement of possibilities would give new courage and stimulate to new endeavor, and the state would be the gainer thereby.

The often urged fear that the degraded and vicious would swarm to the polls, while the intelligent and virtuous would stand aloof, is fully met by the fact that the former class has never asked for the suffrage or shown interest in its seeking, while the hundreds of thousands of petitioners are from our best and noblest women, including those whose efforts for the amelioration of the wrongs and sufferings of others have won for them imperishable tablets in the temple of humanity.

Would fear be entertained that the state would suffer mortal harm if, by some strange revolution, its exclusive control should be turned over to an oligarchy composed of such women as have been and are identified with the agitation for the political emancipation of their sex?

Saloons, brothels, and gaming-houses might vanish before such na administration; wars—avoidable with safety and honor—might not be undertaken and taxes might be diverted to purposes of general sanitation and higher education, but neither in these respects nor in efforts to lift the bowed and strengthen the weak would the right to life, liberty, and the pursuit of happiness be placed in peril.

Women have exercised the highest civil powers in all ages of the world—from Zenobia to Victoria—and have exhibited statecraft and military capacity of high degree without detracting from their graces as women or their virtues as mothers.

A woman, Mrs. Ross, designed the American flag.

The records of all wars show the presence of women in the ranks. More than four hundred were discovered in the Union Army who had eluded the scrutiny of the mustering officers and served in disguise.

The services of Clara Barton, Dorothea Dix, Elizabeth Blackwell, and hundreds of other noble women were as valuable as any received.

That the most important campaign of that war was planned by Anna Ella Carroll is attested by the report of the Committee on Military Affairs of the House of Representatives March 3, 1881, as "fully established," and was vouched for in elaborate detail by Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, soon after its triumphant close permitted him to speak.

The rallying of a Michigan regiment by Ann Ethridge and leading them again into the hot fires of Chancellorsville was only a repetition of the chivalrous deeds of women recorded in every age.

The preponderance of women in our churches, our charitable organizations, our educational councils has been of such use as to suggest the benefit of their incorporation into our voting force to the least observant.

A woman who owns railroad or manufacturing or mining stock may vote unquestioned by the side of the brightest business men of our continent, but if she transfers her property into real estate she loses all voice in its control.

Their abilities, intellectual, physical, and political, are as various as ours, and they err who set up any single standard, however lovely, by which to determine the rights, needs, and possibilities of the sex.

To me the recognition of their capacity for full citizenship is right and desirable, and it only remains to consider whether it is safe, whether it is expedient.

IS IT EXPEDIENT?

To this let experience answer to the extent that the experiment has been tried.

During the first thirty years of the independence of New Jersey, universal suffrage was only limited by a property qualification; but we do not learn that divorces were common, that families were more divided on political than on religious differences, that children were neglected or that patriotism languished, although the first seven years of that experiment were years of decimating war, and the remaining twenty-three of poverty and recuperation—conditions most conducive to discontent and erratic legislation.

The reports from Wyoming, which I have examined, are uniform in satisfaction with the system, and I do not learn therefrom that women require greater physical strength, fighting qualities, or masculinity to deposit a ballot than a letter or visiting-card; while in their service as

jurors they have exhibited greater courage than their brothers in finding verdicts against desperadoes in accordance with the facts.

Governors, judges, officers, and citizens unite in praises of the influence of women upon the making and execution of wholesome laws.

In Washington Territory, last fall, out of a total vote of 40,000, 12,000 ballots were cast by women, and everywhere friends were rejoiced and opponents silenced as apprehended dangers vanished upon approach.

Some of the comments of converted newspaper editors which have reached us are worthy of preservation and future reference. The elections were quiet and peaceable for the first time; the brawls of brutal men gave place to the courtesies of social intercourse; saloons were closed, and nowhere were the ladies insulted or in any way annoyed. From the Isle of Man, where universal suffrage obtains, comes similar approval.

Women vote intelligently and safely, and it does not appear that their place is solely at home any more than that the farmer should never leave his farm, the mechanic his shop, the teacher his desk, the clergyman his study, or the professional man his office for the purpose of expressing his wishes and opinions at the tribunal of the ballot-box.

To-day—and to a greater extent in the near future—we are confronted with political conditions dangerous to the integrity of our nation.

In the unforeseen but consistent absorption from immigrants and former bondsmen of a vast army of untrained voters, without restrictions as to intelligence, character, or patriotism, many political economists see the material for anarchy and public demoralization.

It is claimed that the necessities of parties compel subserviency to the lawless and vicious classes in our cities, and that, without the addition of a counterbalancing element, the enactment and enforcement of wholesome statutes will soon be impossible.

Fortunately that needed element is not far to seek. It stands at the door of the Congress urging annexation. In its strivings for justice it has cried aloud in petitions from the best of our land, and more than one-third of the present voters of five States have indorsed its cause. Its advocates are no longer the ridiculed few but the respected many. A list of the leaders of progressive thought of this generation who espouse and urge this reform would be too long and comprehensive for recital.

Mr. President, I do not ask the submission of this amendment, nor shall I urge its adoption because it is desired by a portion of the American women, although in intelligence, property, and numbers that portion would seem to have every requisite for the enforcement of their demands; neither are we bound to give undue regard to the timidity and hesitation of that possibly larger portion who shrink from additional responsibilities; but I ask and shall urge it because the nation has need of the co-operation of women in its direction.

The war power of every government compels, upon occasion, all citizens of suitable age and physique to leave their homes, families, and avocations to be merged in armies, whether they be willing or unwilling, craven or bold, patriotic or indifferent, and no one gainsays the right, because the necessities of state require their services.

We have passed the harsh stages incident to our permanent institution. We have conquered our independence, conquered the respect of European powers, conquered our neighbors on the Western Continent, and at vast cost of life and waste have conquered our internal differences and emerged a nation unquestioned from without or within.

Our heroic and semi-barbarous ages have closed and slumber in history, never, I trust, to be reacted.

The great questions of the future conduct of our people are to be economic and social ones. No one questions the superiority of womanly instincts, and consequent thought, in the latter, and the repeated failures and absurdities exhibited by male legislators in the treatment of the former, should give pause to any assertion of superiority there.

The day has come when the counsel and service of women is required by the highest interests of the state, and who shall gainsay their conscription?

We place the ballot in the keeping of immigrants who have grown middle aged or old in the environment of governments dissimilar to the spirit and purpose of ours, and we do well; because the responsibility accompanying the trust tends to examination, comparison, and consequent political education; but we decline to avail ourselves of the aid of our daughters, wives, and mothers, who were born and are already educated under our system, reading the same newspapers, books and, periodicals as ourselves, proud of our common history, tenacious of our theories of human rights, and solicitous for our future progress.

Whatever may have been wisest as to the extension of suffrage to this tender and humane class, when wars of assertion or conquest were likely to be considered, to-day and to-morrow and thereafter no valid reason seems assignable for longer neglect to avail ourselves of their association.

The PRESIDENT *pro tempore*. If there be no objection, the joint resolution will be returned to the Calendar.

HOUSE BILLS REFERRED.

The bill (H. R. 7496) for the relief of Wehrle, Werk & Son was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 3236) for the relief of Ernest H. Wardwell was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Claims.

Mr. HAMPTON. I suggest that the bill be sent to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Chair directed the reference to the Committee on Claims as from its appearance the bill seems to provide for a claim. If the Senator from South Carolina moves to refer the bill to the Committee on Military Affairs, the Chair will entertain the motion.

Mr. HAMPTON. It is similar to the Senate bill which, on my motion, was recommitted to the Committee on Military Affairs the other day.

The PRESIDENT *pro tempore*. If there be no objection the reference will be changed, and the bill will be referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.; and

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas.

The joint resolution (H. Res. 320) authorizing the printing of the report of the Commissioner of Education for 1883 and 1884 was read twice by its title, and referred to the Committee on Printing.

GOVERNMENT BUILDING IN JAPAN.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and, with the accompanying documents, ordered to be printed:

To the Senate and House of Representatives of the United States:

I herewith transmit a communication from the Secretary of State relative to the Japanese Government's offer to donate a valuable piece of land to the United States in fee-simple for legation purposes, and earnestly recommend that the Executive may be immediately authorized to accept the gift in the name of the United States, and to tender to his Imperial Japanese Majesty's Government a suitable expression of this Government's thanks for the generosity which prompted the presentation of so desirable a site of ground.

I deem it unnecessary to enlarge upon the statement of the Secretary of State. I feel certain, however, that a persual of his communication will at once commend itself to the favorable attention of Congress, and doubt not that the necessary authorization of Congress will be immediately given for the acceptance of the gift, as well as insure early action looking to the erection on the premises of suitable public buildings for the use of the legation of the United States at Tokio. This step can not but be favorable to the United States in every honorable way, while the disinterested motives of a friendly foreign government deserve from us a proper and just recognition.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 5, 1885.

THICKNESS OF STEAM-BOILERS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels, which was, in line 15, after the word "sounds," to insert "or the great lakes, or any of them, and water flowing to and from the same, or any of them."

Mr. CONGER. I move that the Senate concur in the amendment of the House of Representatives.

The amendment was concurred in.

AMENDMENT TO THE INDIAN APPROPRIATION BILL.

Mr. VAN WYCK submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

FEES IN PENSION CASES.

The PRESIDENT *pro tempore*. The bill taken up on the motion of the Senator from Tennessee [Mr. JACKSON] is now before the Senate.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. JACKSON. I am instructed by the Committee on Pensions to propose certain amendments to the bill. At the end of section 2, after the word "pensions," I move to add the words:

Under such regulations as the Commissioner of Pensions may prescribe.

The amendment was agreed to.

Mr. JACKSON. In section 3, line 8, after the word "dollars," I move to insert:

Subject to revision by the Commissioner of Pensions as to the amount to be paid.

The amendment was agreed to.

Mr. JACKSON. In section 3, line 11, I move to strike out the word "twenty-eighth" and insert "twentieth;" so as to read: "June 20th, 1878," which is the date of the statute referred to.

The amendment was agreed to.

Mr. JACKSON. In section 5, line 6, after the word "thereof," I move to insert "under such contract;" so as to read:

Or arrears thereof, under such contract, greater than is herein provided.

The amendment was agreed to.

Mr. JACKSON. In section 6, line 4, I move to strike out the word "twenty-eighth" and insert "twentieth;" so as to read: "20th day of June, 1878."

The amendment was agreed to.

Mr. JACKSON. In section 6, line 16, after the word "duress," I move to strike out all down to and including the word "act," in line 18, in the following words:

For the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act.

And to insert:

In accordance with existing law.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. JACKSON. It is proper to explain that amendment, which is the most material one offered by the committee.

Since the passage of the act of July 4, 1884, certain new contracts have been made and entered into for the payment of $25 on the cases pending between 1878 and the date of the passage of that act. Some of those contracts, it is presumable, were entered into fairly and understandingly. If so, it is not in our power to abrogate or disregard them. The purpose of the amendment is to leave in force such contracts as have been entered into under the act of 1884, where those new contracts have not been procured by fraud or duress. We did not feel that we were at liberty to disturb contracts that were fairly entered into under existing law, and so we propose the amendment that those contracts made without fraud or duress, in accordance with the existing law, may stand.

Mr. ALLISON. As I understand this provision, without the amendment suggested by the Senator from Tennessee all contracts fairly made are preserved if they relate to claims filed after the 4th of July, 1884. Taking the whole provision together from the word "provided," in line 14, down to the word "act," in line 18, it preserves all contracts that were entered into since the act of 1884 relating to pension claims filed after July 4, 1884, does it not?

Mr. JACKSON. Yes, sir; I think it does; but the committee had some doubt and preferred to make that perfectly clear.

Mr. ALLISON. If that provision were to stand as found in the bill, and then if the repealing clause were to stand, all contracts made respecting pension claims filed after the 20th of June, 1878, and before the 4th of July, 1884, would be nullified by the bill.

Mr. JACKSON. That is not the purpose of the amendment, and it was not the intention of the committee. If it has that effect, of course we had better leave it as the bill originally stood, and the amendment ought to be voted down, for that was not the intention of the committee.

Mr. ALLISON. What I wish to call the attention of the Senator to is this: The Committee on Appropriations considered this clause and they agreed with the Committee on Pensions that we could not nullify contracts fairly made relating to pension claims filed after the 20th of June, 1878. Therefore the Committee on Appropriations suggested an amendment looking to an abrogation of so much of the law as requires the Pension Office to pursue the claim up to the point of payment, leaving the pensioner and the attorney to settle that question as best they may between themselves, not requiring the Pension Office to pursue the claim; so that if the amendment suggested by the Committee on Appropriations to the pension appropriation bill shall be adopted it seems to me the language now found in the bill should be retained.

Mr. JACKSON. The amendment proposed by the Committee on Appropriations will harmonize exactly with the amendment proposed by me on behalf of the Committee on Pensions. We simply mean that new contracts which have been made and entered into without fraud or duress shall not be disturbed by the bill, and our amendment I think accomplishes that purpose. It makes the proviso read:

Provided, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, in accordance with existing law.

Mr. PLATT. I should like to ask the Senator from Tennessee a question so that I may understand this matter. In the pension appropriation act of July 4, 1884, there was certain legislation about the fees of pension attorneys. Is it the intention of the committee reporting this bill that where contracts have been entered into since that date under that legislation, without fraud or duress, those contracts shall be validated and preserved?

Mr. JACKSON. Yes, sir; that is just the purpose of the amendment.

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on agreeing to the amendment offered by the Senator from Tennessee on behalf of the Committee on Pensions.

The amendment was agreed to.

Mr. JACKSON. I move to add at the end of section 6 the following additional proviso:

And provided further, That in all cases filed after June 20, 1878, and prior to July 4, 1884, where new contracts have been entered into under the act of July 4, 1884, no deduction for attorney's fees shall be made by any pension agent from the pension allowed; but the whole amount of such pension shall be paid directly to the claimant; and in all such cases the Commissioner of Pensions shall certify to the pension agent paying the pension the fact that a new contract has been filed in the Pension Bureau, and on account thereof no deduction shall be made.

The amendment was agreed to.

Mr. JACKSON. In section 7, line 3, I move to strike out the word "heretofore" and insert "or may be;" so as to read:

That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been or may be abandoned by his attorney from employing another attorney or agent.

The amendment was agreed to.

Mr. JACKSON. The next amendment that I wish to propose on behalf of the Committee on Pensions is in section 8, line 18, after the word "State" to insert the words "or Territory."

Mr. HARRISON. May I ask the Senator from Tennessee whether by section 8 it is intended to prohibit the payment of the fee of $25 by a soldier residing in the District of Columbia to an agent in the District?

Mr. JACKSON. No, sir.

Mr. HARRISON. It does so, I think.

Mr. JACKSON. That was not the intention.

Mr. HARRISON. That is the effect of the section, I think, as it stands.

Mr. JACKSON. I suggest to add "or the District of Columbia;" so as to read:

Provided, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State, or Territory, or the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from Tennessee modifies his amendment. The question is on agreeing to the amendment as modified.

The amendment was agreed to.

Mr. JACKSON. The next amendment which I propose on behalf of the Committee on Pensions is in section 8, line 19, after the word "attorneys" to strike out the words "in the District of Columbia" and insert "residing elsewhere;" so as to read:

And shall not extend to agents or attorneys residing elsewhere.

The amendment was agreed to.

Mr. JACKSON. In section 8, line 21, after the word "State," I move to insert the words "or Territory, or the District of Columbia."

The amendment was agreed to.

Mr. JACKSON. I believe that covers all the amendments suggested by the Committee on Pensions.

Mr. PLATT. If I may be permitted to go back to the sixth section, I wish to call the attention of the Senator from Tennessee to the apparent effect of that section as amended, according to my understanding of it. I understand that the Senator desires to have the section when amended validate the contracts which have been made since the passage of the act of July 4, 1884, with reference to claims filed since 1878, so that where contracts have been entered into for the payment of more than $10, if those contracts were entered into without fraud or duress, they shall not be interfered with by the bill. I fear that such is not the effect of the section. It provides:

That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10.

Further on in this section there is this proviso, as amended:

Provided, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, in accordance with existing law.

Then the repealing clause repeals the law of July 4, 1884, so that when the bill passes that law will not be in existence. It seems to me the effect of it is that as to all contracts which have been made under the act of July 4, 1884, they will not be validated. I do not know that I understand it, but upon a casual examination, having now looked at it for the first time, it seems to me that that is the effect.

Mr. JACKSON. I think it is hardly subject to that criticism inasmuch as this measure recognizes the validity of contracts entered into without fraud or duress under existing law. If you do repeal the existing law, still the contracts made under it are good.

Mr. HARRIS. If my colleague will allow me I suggest that instead of the words "existing law" he substitute the words "existing at the time of making such contract." That would make it perfectly plain.

Mr. JACKSON. Upon the suggestion of my colleague, I will propose to amend it so as to make it read:

In accordance with the laws existing at the time of making such contract.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent to amend the amendment already agreed to in section 6, lines 16 to 18, so as to read:

In accordance with the laws existing at the time of making such contract.

Is there objection to modifying the amendment already agreed to in the manner proposed by the Senator from Tennessee? The Chair hears no objection, and it is so ordered.

Mr. INGALLS. I should like the Senator from Tennessee to explain the object and reason of the proviso in section 8 which declares "that the provisions of this act authorizing contracts for a fee of $25 shall be

limited to attorneys or agents residing in the State or Territory or the District of Columbia, where the claimant resides, and shall not extend to agents or attorneys residing elsewhere," and also forbids attorneys resident in a State where the claimant resides "to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent" residing elsewhere. The provisions are certainly novel, and unless there is some reason other than that which has been presented to the Senate, I should say that they were of doubtful propriety. The Senator from Tennessee may of course have information that is denied to the rest of us at this time.

Mr. JACKSON. I have no special information in reference to it. The whole Senate is familiar with what has taken place under the inadvertent legislation of July 4, 1884.

Mr. INGALLS. I am not familiar with it. I should be very glad if the Senator would state what the practice has been under that legislation which requires the adoption of this proviso.

Mr. JACKSON. I only refer to that incidentally; but the general idea of the committee was that this business could be done better, more safely, and at less expense to the pensioner if conducted in the locality of his residence; and that when we are legislating upon the subject of fees, and to increase fees, we should, as far as possible, encourage the claims being investigated as near the locality of the applicant as possible.

Mr. INGALLS. There is much force in what the Senator from Tennessee states upon that point; but take an illustration: Suppose that in some remote locality upon the frontier an attorney has two or three pension cases which are submitted to him for preparation. Of course he takes that in connection with his other business. It is absolutely essential that he should have some information or some co-operation elsewhere, it may be here at the capital, from attorneys who are competent to act in these cases and who have special information. What is the reason why such an attorney, having two or three cases, should be forbidden from saying to anybody residing here that for the assistance he will render at the Pension Office he shall have a portion of the fee?

Mr. JACKSON. If the Senator will notice the eighth section of the bill he will see that that provision relates alone to this proposed contingent fee of $25. If we increased the claim agent's contingent fee to $25 we thought it advisable and good policy to let that class of cases go as near the locality of the claimant as possible.

Mr. INGALLS. Is not the fee of $25 dependent upon the decision of the Commissioner of Pensions?

Mr. JACKSON. No, sir; if the contract is made without fraud the attorney gets his $25 without reference to the sanction or approval of the Commissioner.

Mr. INGALLS. I thought the discretion of the Commissioner of Pensions was reserved in the bill.

Mr. JACKSON. I think not, sir.

Mr. INGALLS. I am very clear that the Senator's reading is different from mine.

Mr. ALLISON. The Senator from Tennessee introduced an amendment to that effect.

Mr. JACKSON. Yes, sir; I beg pardon.

Mr. INGALLS. That amendment was agreed to, and therefore it is now a part of the bill.

Mr. JACKSON. I was thinking of the bill as originally reported. We have made an amendment which makes it subject to the approval of the Commissioner.

Mr. INGALLS. So that this fee of $25 is conditioned, as the bill now stands, upon the decision of the Secretary of the Interior or the Commissioner of Pensions?

Mr. JACKSON. Yes, sir; upon the approval of the Commissioner.

Mr. INGALLS. Therefore there is no longer any doubt or danger about the pension applicant being imposed upon by agreeing to pay a fee larger than what equity would require. With that safeguard, what is the reason, in the case I have suggested, why an attorney having but two or three applicants who have applied to him for assistance should be denied the privilege of saying to some attorney here in this District who has access to the Department that for the purpose of filing the papers and ascertaining the status of the case he would divide with him the emolument he is to receive?

Mr. JACKSON. In the individual case stated by the Senator from Kansas there would be an apparent hardship, but the committee thought it would be the best and wisest policy of legislation upon the subject of increasing fees to transfer the business as far as possible to the locality of the applicant for a pension. We know, and we can not as Senators shut our eyes to the facts, that the existence of the pension claims agencies here leads to a great deal of pernicious legislation. Those agents press the Senate, they press the committees in various ways, and through their influence and by inadvertence and inattention pernicious legislation creeps in upon the subject of pensions. The Committee on Pensions thought it was wise policy to transfer this business, so far as could be done by legislation, to the locality of the pension applicant.

Mr. PLATT. The practice of sending pension claims to agents in Washington has been attended with a great many evils. On the other hand the practice of employing persons in the localities where the pensioner resides is attended with a great many evils. I do not know which practice is the better. The pension agents here in Washington send out circulars and secure the business, and having once secured it the applicants feel that it is not thoroughly and properly attended to. I do not undertake to say whether such is the case; but if the pension is not granted pretty quickly the applicant becomes thoroughly discouraged and disheartened and feels that his business is not attended to, and therefore begins to be discontented and finds fault with the pension attorneys here in Washington. But, on the other hand, if a fee of $25 is provided for a local attorney and not for an agent here in Washington, the effect of it I apprehend will be to put the business of soliciting pensions into the hands of local attorneys who have really no understanding of the rules and requirements of the Pension Office, and who, therefore, will not properly prosecute the claims. Either practice has a great many evils connected with it. I confess that I do not know which is the better practice.

But I rose for the purpose of saying that I believe the pension applicants in my own State would be much better served if the business were given to the officer who has been appointed by the State of Connecticut for the especial purpose of procuring pensions and attending to claims for back pay and bounty. We have, and have had for a long series of years, I think for as many as fifteen years, an officer appointed and paid by the State, who is called the assistant adjutant-general of the State, and whose sole duty is to represent pension applicants and soldiers in their claims against the Government. Yet, in practice and experience, very few applicants go to that officer. Although being the agent of the State, he has a standing in the Pension Office, is recognized as such, although no friction or controversy is likely to arise between such an agent and the office, for some reason or other the claims are given either to local attorneys, who are utterly incompetent in some instances to prosecute the claim, or to the pension agents in Washington, who, if competent, are supposed, at least by those who intrust business to their care, to neglect it.

I do not know whether this evil can be remedied. There is in the country to-day no such prosecution of pension claims as there ought to be. If the Committee on Pensions has thoroughly considered this matter, and believe that it is better really to transfer the business of prosecuting claims from the District of Columbia to the localities where the claimants reside, I shall go with the committee and vote with it, although I can see the evils which will attend that practice also.

Mr. BLAIR. Any legislation upon this subject is bad—bad continuously. In my belief, the legislation upon this subject had more to do with the evils that exist in this country in the prosecution of pension claims than any other one cause that can be named.

This business is like any other business, and the principles of human nature will assert themselves. It is a somewhat difficult business to perform, and incompetent men can not perform it. Competent men, in order that their services may be secured, are able to obtain fair compensation for what they do. To prosecute a pension claim, especially in these later years when such great difficulties attend the collection of testimony, its proper preparation, putting it in the right form, and a compliance with the various requirements of the law, is so difficult a matter that a certain degree of skilled service is necessary to its proper performance.

We have interfered, as we do not interfere between attorney and client, between the principal and the agent, in any other case whatever so far as I know, and we have interfered with the best motive in the world—that is, for the protection of the pensioner or the claimant upon the bounty of the Government. In order to prevent extortion we have undertaken by an iron rule to limit the compensation of the attorney; and in doing that we have fixed the rate of compensation so very low that the business has fallen almost universally into the hands of incompetent men or a class of shysters who for the small fee are willing to take charge of the claims, hoping by fraud and evasion of the law to obtain fair compensation for the services which they actually do render, and which services are as a rule entirely without value to the claimant. By the confusion which is created in the preparation of testimony, by the incompetency displayed in the discharge of the duty when it is assumed on the part of the agent, the difficulties surrounding the case originally are increased rather than diminished.

On the other hand, those men knowing the merits of the cause, living in the locality of the applicant, knowing the difficulties that surround the case, having the necessary qualifications belonging to the legal profession, or other men who have sufficient capacity to discharge the duties under the pension laws in the way of establishing the claims, have not been willing to undertake the work. They have failed to do it, and the legislation of the country has come to just this in its practical effect: We have said to applicants for pensions, to claimants upon the bounty of the Government, "You are entitled to certain rights, to certain pecuniary compensation for services and sacrifices which you have made for the country and the disability which you have contracted in its service;" but at the same time we have denied them that sort of justice which is necessary to the establishment of their claims. We have said to those who would have undertaken to assist them: "You shall have such compensation as is not sufficient to command your time

and your skill." The consequence is that honest, competent men throughout the country have not undertaken this business, and they will not touch it.

That really is the source of the difficulties that attend the administration of the pension laws far more than any other cause that may be found. Originating, as I say this legislation did, in the best of motives, it has been the one great evil that has attended and that to-day attends the administration of the pension laws. In my belief it is an evil which will never be reached and remedied until we take that course which appears to be the necessary and proper course with reference to the regulation of business like this in all other cases.

I would repeal all the laws there are with reference to compensation to the attorneys who may prosecute pension claims, but I would enact the most stringent criminal legislation against those who may practice extortion upon these claimants against the Government. The result of that would be, as I think, that the claimant would find assistance at home. If he has a good case there are plenty of men with skill and honesty who would undertake its prosecution and who would see him through; the community would do it; but when there is nothing to be paid at all adequate to the service that is to be rendered, or to the money that must be advanced and paid out, the proper legal assistance is not likely to be found. It has not been found hitherto, it is not likely to be found hereafter, and these difficulties will continue.

I believe that if we should repeal the existing legislation in regard to the compensation of claim agents and leave this matter open to the natural operation of the laws of human nature, and then enact very stringent measures both by way of fine and imprisonment wherever there is any extortion practiced on a claimant, we should reach the seat of the trouble. That I suppose is not likely to be done. I presume the legislation proposed in the bill is as good as anything else and as bad as anything else that we are likely to get; but it will not reach the great evil, and the rights of those who have pension claims are not likely to be vindicated for many years to come.

Mr. BECK. Mr. President, I am not sure that I understand this bill as well as I ought to do; and, therefore, perhaps I ought not to speak in regard to it; but we have had the matter under consideration in the Committee on Appropriations for some time and very flagrant irregularities at least have been made apparent. The House of Representatives has attempted, as far as it can, in the pension appropriation bill sent to us, to remedy these wrongs; and it seems now we are about to undo all the remedial legislation that has come to us in the bill from the House, which I hold in my hand, making appropriations for the payment of pensions for the year ending June 30, 1886. On the 20th of June, 1878, a law was passed, which reads thus:

Be it enacted by the Senate and House of Representatives, &c., That it shall be unlawful for any attorney, agent, or other person to demand or receive for his services in a pension case a greater sum than $10. No fee-contract shall hereafter be filed with the Commissioner of Pensions in any case. In pending cases, in which a fee-contract has heretofore been filed, if the pension shall be allowed the Commissioner of Pensions shall approve the same, as to the amount of the fee to be paid, at the amount specified in the contract.

That continued to be the law until 1884. Under that act, if I properly understand the late report of the Commissioner of Pensions, on page 22, he shows that the total number of original claims pending on the 30th of June, 1884, was 239,590, and the number of claims on rejected files, June 30, 1884, was 138,723, making a total of 378,313. All of these, at least nearly all of them, come under the provisions of the act of 1878, which allowed only a fee of $10. The pension agents came before Congress and endeavored to have their fees increased beyond that amount. Both Houses refused to do it. The bill went into a conference committee, and after the claims of these men had been rejected by both Houses, without a vote in either House, without the consent of either House, a clause was added in the act of July 4, 1884, which provided—

That section 4785 of the Revised Statutes is hereby re-enacted and amended so as to read as follows:

"SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding $25; nor shall such agent, attorney, or other person demand or receive such compensation, in whole or in part, until such pension or bounty-land claim shall be allowed: *Provided*, That in all claims allowed since June 20, 1878, where it shall appear to the satisfaction of the Commissioner of Pensions that the fee of $10, or any part thereof, has not been paid, he shall cause the same to be deducted from the pension, and the pension agent to pay the same to the recognized attorney."

I believe that was the clause inserted in conference. It was the clause.

Mr. JACKSON. Will the Senator from Kentucky allow me to explain that?

Mr. BECK. I desire to have it explained.

Mr. JACKSON. The House bill and the Senate bill on the subject of attorneys' fees, reported at the last session, excepted from its operation all the claims filed after the 20th of June, 1878, and prior to the passage of the proposed legislation.

Mr. BECK. I know that.

Mr. JACKSON. That clause in the conference committee was stricken out, so that these $25 contracts now relate back and cover all the claims that were filed under the act of June 20, 1878.

Mr. BECK. That is what I understand.

Mr. ALLISON. Will the Senator from Kentucky yield to me, because I wish to say one word on this question?

Mr. BECK. Yes; I want to get at the facts.

Mr. ALLISON. It is also true that the provision which came from the House was struck out under our rule, so that when the bill went back to the House there was no legislation on it except what the House proposed. That threw the whole legislation into the hands of the conference committee. I wish the Senator from Kentucky to allow me to state right here that the Secretary of the Interior and the Commissioner of Pensions, at least the present Commissioner of Pensions, both insisted that the legislation was wise and in accordance with the precedents. I mention that for the purpose of relieving the conference committee of any desire or apparent wish to put into a bill what was not recommended by the proper administrative officers of the pension system.

Mr. BECK. Still the Senator from Iowa will, I believe, agree with me that when a conference committee meets to decide between the disagreeing votes of the two Houses, neither the Secretary of the Interior nor the Commissioner of Pensions nor anybody else has any right to come before that committee and advise them in regard to anything.

Mr. ALLISON. I quite agree with the Senator from Kentucky. They have no right to do that.

Mr. BECK. Any officer who forces himself before a conference committee is derelict in his duty, or any conference committee which allows a man to come before them to bring about a decision upon anything, other than the disagreeing votes of the two Houses, is derelict in its duty. When they opened up all the cases between 1878 and 1884, and allowed a fee of $25 instead of $10 to be taken, they were taking just that much money out of the pockets of the pensioners and putting it into the hands of pension agents without the will of either House of Congress and against the known will of both. Consider the amount of money to be paid to the attorneys upon the claims reported by the Commissioner of Pensions pending on that day, which I have just read, 239,590 pending, and 138,723 which had been rejected but were still being pressed for restoration, and perhaps will be all or in great part restored, as the Commissioner told us the other day. It puts into the pockets of the pension agents on the 239,590 cases, of which there is no dispute, at the rate of $15 increase, the sum of $3,593,850; and when, on the rejected claims which are being pressed for restoration, $15 each is added, it makes the sum of $2,080,845 more. The grand total out of which the pensioners were robbed—for that is the word—robbed by this legislation, and which was paid or is to be paid into the hands of pension agents, in violation of their agreements under the law of 1878, amounts to the enormous sum of $5,674,695. The pension agents or attorneys agreed to do that work for $10 for each case; they had in many instances received the money, and when they managed to get the legislation of last summer through the conference committee, as I said against the will of both Houses, on the recommendation of the Secretary of the Interior, the Commissioner of Pensions, or anybody else, who had no business before that committee, they robbed the pensioners of this country of over five and a half million dollars. Many of them, according to the information laid before the Committee on Appropriations, had abandoned the cases that were then pending. They had got their $10 in advance, and they sold out to other men their good-will, and the papers of a pensioner were withheld until he had to sign a contract to make the fee $25. The first fellow got his $10, and then abandoned the case and sold out to somebody else, who got $15 more or the applicant for a pension could not even have his papers presented.

Now the House of Representatives comes and demands that that legislation shall be repealed as a fraud upon the pensioners of the country. That is demanded in a bill now pending before the Senate. The legislation of the House was stricken out *pro forma* by the Committee on Appropriations in order to comply with the rules of the Senate; but if not all, certainly a large majority of the members of the Committee on Appropriations, reserved the right not only to vote for but to maintain that legislation on this floor and elsewhere, and to insist that the House of Representatives was right in demanding the repeal and in refusing to recognize the action which had been thus surreptitiously obtained in 1884. The provision of the pension appropriation bill from the House is as follows:

That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884—

Being the time when that law was in force—

any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided.

Mr. JACKSON. Will the Senator from Kentucky yield to me for a moment?

Mr. BECK. Yes, sir.

Mr. JACKSON. The Committee on Pensions would have been pleased to have retained the bill as it came from the House if we thought we could have enforced that provision. Will the Senator sug-

gest that it is in the power of Congress to disturb those contracts which have been entered into under the act of 1884, even admitting that the act went through without notice?

Mr. BECK. I believe that fraud vitiates everything. I believe that a fraud was perpetrated upon the committees of conference of the two Houses.

Mr. JACKSON. We save the cases where the contract was under fraud or duress.

Mr. BECK. I want them to go to the courts. The same power that made the recommendation to give them the $25 in the Department of the Interior or the Pension Office will never see a fraud. Let them go to the courts of the country and get their fee, and not put it in the hands of the very men who aided them in perpetrating the fraud to decide whether it was a fraud or not. That is what I insist upon. The House assume upon the very face of the bill (and the facts will warrant them before any court in the country) that this clause inserted, that $15 should be added in each case, amounting to over $5,000,000, in violation of contracts, was a duress; and I will not trust any Commissioner of Pensions or any Secretary of the Interior to pass upon it, especially when the Senator from Iowa says the Secretary and the Commissioner advised this to be done after both Houses had rejected it, and when a committee of conference yielded to the pressure of men who had no right to speak to them about matters pending before them when they were only conferring properly about the differences between the two Houses.

Mr. JACKSON. The Senator will allow me to say that I should be perfectly willing to enact that legislation and disturb these contracts if we had the power to do it. The question with the committee and the question with me as a lawyer was, assuming that some of these contracts might be valid, having been entered into freely and understandingly, whether Congress had power to invalidate them.

Mr. SAULSBURY. We can in appropriating money provide that none of the money we appropriate shall be applied to such contracts.

Mr. ALLISON. I fear that I may have been myself misunderstood. I want to say that the Secretary of the Interior, I understand, recommended this legislation, and I know, as does the Senator from Kentucky, that the present Commissioner of Pensions stated before the Committee on Appropriations that he would allow this legislation to stand. I did not mean to say that the Commissioner of Pensions at the time this legislation was proposed recommended it, because I do not know whether he did or not.

Mr. HARRISON. The Senator from Kentucky will allow me to say that I understand from the chairman of the Committee on Pensions, who sits beside me [Mr. MITCHELL], that Colonel Dudley, then the Commissioner of Pensions, did not advise or favor this legislation.

Mr. ALLISON. I did not mean to say that he did so advise, and that was why I wished to correct myself if the Senator from Kentucky misunderstood me.

Mr. JACKSON. I wish, in reply to the suggestion made by the Senator from Delaware, to remark that one of the amendments we have adopted prevents the Commissioner of Pensions from using any portion of the pension fund to pay these pension attorneys the $25 fee.

Mr. BECK. And I hope it goes further and does not allow the Commissioner of Pensions to detail clerks, as he is now detailing them, to work up the cases wherein the men claim they have not even got the $10 for their former services in obtaining a pension. That is another cloak of wrong. In other words, the pension agents have managed in this legislation to obtain without the will of either House all they ask; and a more skillfully drawn proposition to rob the pensioners and violate their own contracts and coerce out of them $25 each in two hundred and odd thousand cases when they had agreed to do the work for $10 never was devised. I am prepared to annul it, and stand by the House in annulling it, and I believe every court in the country will stand by the House in annulling that legislation whenever the facts are fairly presented.

I know that these agents, many of them not lawyers, not pretending to be lawyers, get up these claims in the country and send them here to Washington, and go into combination with people here who have made fortunes out of the misfortunes of these poor men, and every Senator here, and I suppose every Representative, has to go to the Department day after day; I have presented hundreds of cases myself for the poorest people all over Kentucky, many of whom can neither read nor write. We have to do all the work of preparing their cases and getting them through, and then there stands a bummer at the other end to receive $25 out of the money which he neither helped to get nor had the capacity to tell how to aid the pensioner in obtaining.

That is the way nine-tenths of these men get their fees. There is not a Senator here who does not know it. I have presented five hundred cases since the 1st day of December, in my opinion, and have employed the time of my secretary and myself to work them through and get the proofs, or tell the parties how to get them, while these agents are increasing their compensation from $10 up to $25 by law, going into conference committees and getting men to recommend that they ought to have it when they did more harm than good in the effort to obtain a pension. They never go to the Pension Office; they never see the papers; but induce the applicants to write to their Representatives and Senators, as they do; every Senator knows it. Then they get this sort of legislation for their own benefit. I do not care whether the House is right or wrong in putting on appropriation bills legislation to meet this. The most radical remedy to reach such men and to stop their robbery of the poor people ought to be applied and take the chances of the courts sustaining it.

Mr. CALL. Mr. President, this bill provides in the eighth section—

That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia.

The Constitution provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States." Now, I suppose the right to contract with a pension agent in the States is a privilege of a citizen. I presume that a citizen of the District of Columbia is not excluded from the right to contract with a citizen of a State, equally with a citizen of any other State, although the District is not a State. I have never heard that it was within the power of Congress to provide that the people who live in the District of Columbia shall not have the privileges of the citizens of each State; and manifestly the Constitution is not intended to have any such construction; and yet this bill provides that because a man lives in the District of Columbia he shall not have the same right to contract with a pensioner that a man has who lives in a State. It is suggested by the Senator from Texas [Mr. COKE] he may be a citizen of some other State temporarily residing here in the District, but manifestly there is no propriety in a provision which discriminates between citizens of the United States, whether in the District of Columbia or in the States.

Then, again, I am at loss to know where Congress gets the power to punish criminally a man who makes a contract with another citizen of the United States for the payment of a fee. I do not find anything in the powers given to Congress which justifies that. The eighth section of the first article of the Constitution provides that "Congress shall have power to provide for the punishment of counterfeiting the securities and current coin of the United States;" shall have power "to define and punish piracies and felonies committed on the high seas and offenses against the law of nations." But the right of contract, the power of making a contract in good faith with another citizen, is not included within any of these terms and descriptions, and it never was so intended.

It certainly is competent for Congress to provide that so far as the money appropriated for pensions is concerned it shall be paid entirely to the pensioner, and that no fee at all shall be charged, or that any specific amount shall be charged; and yet that would not interfere with the right of contract between those citizens. When a man gets his money, it is no crime in him to give, and there is no power in Congress to say that it shall be a crime for another man to accept from him any part of that money.

But this bill does not limit itself to ascertaining and fixing the payment of the money in the hands of the pensioner, but it makes it a crime and punishes severely the man who contracts with another one. Section 5 provides—

That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and upon conviction thereof shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court.

In my judgment this bill is not within the power of Congress to pass, nor do I think it good policy. I agree with the Senator from Kentucky as to the wrong and bad policy of allowing pension agents to appropriate a large portion of the money voted to pensioners. I think it very proper that a limitation should be laid upon the fee so far as concerns the payment of it by the proper officers of the Government. But I do not concur in the provisions of this bill that make it a crime for a man to contract with another one for the payment of a reasonable fee for his services.

Mr. HARRISON. I do not wish to interpose a hasty consideration (and that is all I have been able to give to the eighth section) against the more mature consideration of the lawyers upon the committee. If I understood the Senator from Tennessee, when the object of the provisions of this section was inquired for by the Senator from Kansas, it was put on the ground of abuses which had grown up here in connection with the claim-agency business in the District of Columbia; and the bill seems originally to have been framed with the sole view of putting a limitation upon the power of agents in the District of Columbia to contract for a fee of more than $10; but as it has been amended it is in this shape: it applies to the States as well. If the object is to bring the attorney into the neighborhood of the claimant, so that he may reach his witnesses readily, and may render him efficient service, the amendments which have been adopted would very often defeat that very thing.

A pension claimant residing near the line of a State would be prohibited from making a contract, within three miles or within one mile of the place of his residence, with an attorney in a case that seemed to justify a fee of $25, but would under the bill be authorized to make it in his own State at a distance of two hundred miles from where he re-

sided. It seems to me that that distinction is of doubtful propriety. If it be best at all to allow a contract for a fee of $25 it seems to me that to limit it within State lines is not proper. It may be that a claimant in my own State would be much more accessible to Cincinnati and would be able to have a much more reliable and efficient agent there than he would at Indianapolis or Terre Haute; and yet under this bill he could not contract with an agent at Cincinnati to give him a fee of $25 for getting his claim through, but he could contract with a man living two hundred miles from him.

It does not seem to me that this division upon State lines can be justified. I think the reason which has been stated, namely, improper practices here in the District of Columbia, does not cover this whole provision; it comes short; and it seems to me that if a fee of $25 is to be allowed, some other guard or restriction that would be founded upon better reason ought to be provided than this distinction by territorial lines.

Mr. JACKSON. The whole subject is very difficult to deal with, and the committee in reference to that matter concluded that it was better to adopt that line of policy, if possible, in reference to the increase of fees that would transfer the business as near the pensioner's locality as possible. Of course there may be individual hardships arising under the operation of such a law, but the general principle is undoubtedly the best.

I will not take up the time of the Senate to answer the objection of the Senator from Florida [Mr. CALL] in regard to the constitutionality of this legislation, because it is in a line with all legislation since the pension laws were adopted. This bill as now proposed is practically the act of 1870, with a single exception in reference to the $25 fee.

In regard to what was stated by the Senator from Kentucky [Mr. BECK] the committee went just as far as they felt they had the power to go in annulling the act of 1884. We felt that we could not go any further than we had done, and that we had no right to do so. We could not abrogate or annul contracts entered into understandingly, voluntarily, and without fraud. That was the result of our examination.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MAJ. WILLIAM LUDLOW.

Mr. CAMERON, of Pennsylvania. I now ask unanimous consent to have the Senate take up House joint resolution No. 309.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Pennsylvania will suspend until the Chair lays before the Senate, or rather the Senate resumes the consideration of, the unfinished business, the Secretary informing the Chair that the unfinished business was informally laid aside.

Mr. CAMERON, of Pennsylvania. I ask that it be laid aside.

The PRESIDING OFFICER. The Senate resumes the consideration of the unfinished business, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. CAMERON, of Pennsylvania. I ask that that be laid aside informally to take up House joint resolution No. 309.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed to the consideration of the joint resolution (H. Res. 309), extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position. Is there objection to the request of the Senator from Pennsylvania? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It extends for the period of one year the permission granted to Maj. William Ludlow, Corps of Engineers, United States Army, to accept a civil position in the service of the city of Philadelphia, without a forfeiture of his military commission, until the 1st day of April, 1885. By the provisions of a joint resolution approved February 28, 1883, Ludlow is not to receive from the United States any pay or allowance whatever during the period indicated.

Mr. CAMERON, of Pennsylvania. I wish to say that Colonel Ludlow is now in the employ of the city of Philadelphia, and has charge of work now going on and which is uncompleted. The city desires to retain his services for another year, and therefore has asked that this resolution be passed by Congress. It has already passed the House, and I hope it will pass the Senate without objection.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. ALLISON. I ask now that the regular business be laid aside informally in order that I may call up House bill 7857, being the consular and diplomatic appropriation bill.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent that the unfinished business be informally laid aside in order that the Senate may proceed to the consideration of the bill indicated by him. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the first or formal reading of the bill may be dispensed with, and that the amendments may be considered as the reading progresses, and that the committee amendments may be acted on before other amendments are received and considered.

The PRESIDING OFFICER. If there be no objection the first reading of the bill will be dispensed with and the bill will be read for amendment. Under the rules the committee amendments are to be first considered.

The Chief Clerk proceeded to read the bill, which had been reported from the Committee on Appropriations with amendments.

The first amendment was to strike out the following clause, from lines 19 to 23:

For salaries of envoys extraordinary and ministers plenipotentiary to Belgium, Netherlands, Sweden and Norway, Argentine Republic, Venezuela, Hawaiian Islands, the United States of Colombia, and Turkey, at $7,500 each, $60,000.

The amendment was agreed to.

The next amendment was, after line 28, to insert:

For salaries of envoys extraordinary and ministers plenipotentiary to the United States of Colombia and Turkey, at $7,500 each, $15,000.

The amendment was agreed to.

The next amendment was, after line 32, to insert:

For salaries of ministers-resident in Belgium, Netherlands, Hawaiian Islands, and Sweden and Norway, at $7,500 each, $30,000.

The amendment was agreed to.

The next amendment was, after line 35, to insert:

For salaries of ministers-resident and consuls-general in Venezuela and Argentine Republic, at $7,500 each, $15,000.

The amendment was agreed to.

The next amendment was, after line 44, to insert:

For salary of minister-resident and consul-general to Roumania, Servia, and Greece, $6,500.

The amendment was agreed to.

The next amendment was, in line 50, after the word "agent," to strike out "and consul-general;" so as to read:

For salary of agent to the States of the Congo Association, $5,000.

The amendment was agreed to.

The next amendment was, in the same paragraph, after the word "dollars," in line 51, to insert:

Said agent to be charged with introducing and extending the commerce of the United States in the Congo Valley; and for such purpose the further sum of $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, in line 72, before the word "Austria," to insert "Turkey;" and after the word "all," in line 73, to strike out "nine thousand" and insert "ten thousand eight hundred;" so as to make the clause read:

For salaries of the secretaries of the legations of Spain, Turkey, Austria, Italy, Brazil, and Mexico, at $1,800 each; in all, $10,800.

The amendment was agreed to.

The next amendment was, in line 75, after the word "in," to strike out "Turkey;" and before the word "dollars," in line 77, to strike out "four thousand five hundred" and insert "three thousand;" so as to make the clause read:

For salaries of the secretaries of the legations in Chili and Peru, at $1,500 each, $3,000.

The amendment was agreed to.

The next amendment was, in line 92, before the word "hundred," to strike out "eight" and insert "two;" and in the same line, after the word "each," to strike out "three thousand six" and insert "two thousand four;" so as to make the clause read:

For salaries of second secretaries of the legations in Japan and China, who shall be American students of the language of the court and country to which they are appointed, respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at $1,200 each, $2,400.

The amendment was agreed to.

The next amendment was, in line 94, after the word "legations," to strike out "and consulates-general;" and in line 96, after the word "dollars," to insert "each;" so as to make the clause read:

For the salaries of interpreters to the legations in China, at $3,000, and in Japan and Turkey, at $2,500 each; in all, $8,000. But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer.

The amendment was agreed to.

The next amendment was, after line 106, to insert:

For salary of interpreter to the legation in Corea, $1,000.

The amendment was agreed to.

The next amendment was, after line 108, to insert:

For salary of the clerk to the legation in Spain, $1,200.

The amendment was agreed to.

The next amendment was, after line 122, to insert:

To enable the Secretary of State to comply with the requirements of the fourth section of "an act regulating fees and the practice in extradition cases," approved August 3, 1882, to be disbursed by the Secretary of State, $5,000.

The amendment was agreed to.

The next amendment was, after line 127, to insert:

To meet the necessary expenses attendant upon the execution of the neutrality act, to be expended under the direction of the President, pursuant to the requirement of section 291 of the Revised Statutes, $12,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 133, to insert:

For the payment of the actual and necessary expenses of two civilian experts as delegates of the United States to an international commission for the establishment of electrical units, $3,000.

The amendment was agreed to.

The next amendment was, after line 137, to insert:

For rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, $3,100.

The amendment was agreed to.

The reading of the bill was resumed and continued to line 151.

The PRESIDENT *pro tempore*. The Chair will suggest to the Senator from Iowa that after the word "partisan," in line 150, there apparently should be a comma.

Mr. ALLISON. There should be a comma. I move to insert it.

The PRESIDENT *pro tempore*. It will be inserted if there be no objection.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 153, before the word "year," to insert the word "calendar," and after "year" to strike out "ending June 30;" so as to make the clause read:

For contribution to the maintenance of the international bureau of weights and measures for the calendar year 1886, in conformity with the terms of the convention of May 24, 1875, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said bureau on its certificate of apportionment, $2,270.

The amendment was agreed to.

The next amendment was under "Schedule B," in line 167, before the word "consuls-general," to strike out "salary of" and insert "salaries of the;" in line 168, after the word "at," to strike out "two" and insert "three;" and in line 169, before the word "thousand," to strike out "four" and insert "six;" so as to make the clause read:

For salaries of the consuls-general at Constantinople and Rome, at $3,000 each, $6,000.

The amendment was agreed to.

The next amendment was, in line 170, before the word "consuls-general," to strike out "agents and;" so as to make the clause read:

For salaries of the consuls-general at London, Paris, Havana, and Rio de Janeiro, at $6,000 each, $24,000.

The amendment was agreed to.

The next amendment was, in line 181, after "Vienna," to strike out "Bucarest;" and in line 182, before the word "thousand," to strike out "eighteen" and insert "fifteen;" so as to make the clause read:

For salaries of the consuls-general at Saint Petersburg, Frankfort, Halifax, Vienna, and in Ecuador, at $3,000 each, $15,000.

The amendment was agreed to.

The next amendment was, in line 186, before the word "at," to strike out "consul-general" and insert "consul;" so as to read:

For salary of the consul at Liverpool (Great Britain), $6,000.

The PRESIDENT *pro tempore*. The Chair will call the attention of the chairman of the committee to line 184:

For salary of the consul-general at Mexico, at $2,500.

Should the second word "at" be there? Is there objection to the amendment last stated? The Chair hears none, and it is agreed to.

Mr. ALLISON. Strike out "at" before "two," in line 184.

The PRESIDENT *pro tempore*. If there be no objection that change will be made.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 190, after the word "clerks," to strike out "to be appointed under section 1704 of the Revised Statutes, thirteen thousand," and insert "fourteen thousand five hundred;" so as to make the clause read:

For salaries of thirteen consular clerks, $14,500.

Mr. ALLISON. Instead of $14,500, that should be $14,600. So I move to strike out "five" and insert "six."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 195, to reduce the total appropriation "for salaries of consuls, vice-consuls, and commercial agents" from $321,000 to $318,500.

The amendment was agreed to.

The next amendment was, in the appropriations for consulates of "Class II," in line 200, after "Foochow," to insert "Hankow;" so as to read:

CHINA.

Foochow; Hankow; Canton; Amoy; Tien-Tsin; Chin-Kiang.

The amendment was agreed to.

The next amendment was, in the appropriations for consulates of "Class VI," to strike out lines 297 and 298, as follows:

CHINA.

Hankow.

The amendment was agreed to.

The next amendment was to strike out lines 373 and 374, in the following words:

For salary of a clerk to the legation in Spain, $1,200.

The amendment was agreed to.

The next amendment was, in line 375, to increase the appropriation "for allowance for clerks at consulates" from $47,840 to $49,280.

The amendment was agreed to.

The next amendment was, in line 378, before the word "at," to strike out "consul-general" and insert "consul;" in line 380, before the word "consuls-general," to strike out "agents and;" in line 381, after "Havana," to insert "Shanghai;" in line 384, after "Vienna," to strike out "Shanghai" and insert "Montreal;" in line 388, after the word "year," to strike out "for the consul-general at Montreal;" and in line 395, after "Colon (Aspinwall)," to insert "Singapore;" so as to make the clause for consular clerks read:

For the consul at Liverpool, a sum not exceeding the rate of $2,000 for any one year; and for the consuls-general at London, Paris, Havana, Shanghai, and Rio de Janeiro, each a sum not exceeding the rate of $1,600 for any one year; for the consuls-general at Berlin, Frankfort, Vienna, Montreal, and Kanagawa, and for the consuls at Hamburg, Bremen, Manchester, Lyons, Hong-Kong, Havre, Crefeld, and Chemnitz, each a sum not exceeding the rate of $1,200 for any one year; and for the consuls at Bradford and Birmingham, each a sum not exceeding the rate of $960 for any one year; for the consuls-general at Calcutta, Port au Prince, Hayti, and Melbourne, and for the consuls at Leipsic, Sheffield, Sonneberg, Dresden, Marseilles, Nuremberg, Tunstall, Antwerp, Bordeaux, Colon (Aspinwall,) Singapore, and Glasgow, each a sum not exceeding the rate of $800 for any one year; for the consuls at Belfast, Barmen, Leith, Dundee, Victoria, and Matamoras, and for the consul-general at Halifax, each a sum not exceeding the rate of $640 for any one year; for the consul-general at Mexico, and for the consuls at Malaga, Naples, Genoa, Stuttgart, Florence, Mannheim, Prague, Zurich, Panama, and Demarara, each a sum not exceeding the rate of $480 for any one year.

The amendment was agreed to.

The next amendment was, in line 416, before the word "thousand," to strike out "ten" and insert "twelve;" and in line 417, after the word "*Provided*," to strike out:

That not more than $1,200 shall be expended for interpreting at any one consulate or consulate-general: *And provided further.*

So as to make the clause read:

For salaries of interpreters to be employed at consulates in China and Japan, $12,000: *Provided*, That no person otherwise receiving a salary in any capacity whatever from the United States shall be entitled to any part of the above sum.

The amendment was agreed to.

The next amendment was, in line 424, before "Smyrna," to insert "Constantinople;" and in line 425, after "Corea," to strike out "three" and insert "four;" so as to make the clause read:

For interpreters and guards at the consulates at Constantinople, Smyrna, Cairo, Jerusalem, and Beirut, in the Turkish dominions, and at Seoul, in Corea, $4,000.

The amendment was agreed to.

The next amendment was, in line 427, before the word "marshals," to strike out "seven" and insert "eight;" and in line 428, before the word "thousand," to strike out "seven" and insert "eight;" so as to make the clause read:

For salaries of eight marshals for the consular courts in Japan, China, and Turkey, $8,000.

The amendment was agreed to.

The next amendment was, in line 431, to increase the appropriation "for hiring of steam-launch for use of the legation at Constantinople," from $500 to $1,000.

The amendment was agreed to.

Mr. ALLISON. At that point I desire to offer, from the Committee on Appropriations, another amendment. I move, after line 431, to insert:

For boat for official use of the United States consul at Osaka and Hiogo, and for pay of boat's crew, $500.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 443, after the word "interpreter," to strike out "and the expense of a prison and prison-keeper at" and insert "to;" and in line 445, before the word "hundred," to strike out "one thousand two" and insert "five;" so as to make the clause read:

For the salary of an interpreter to the consulate-general in Bangkok, Siam, $500.

The amendment was agreed to.

The next amendment was, after line 445, to insert:

For the expense of a prison and prison-keeper at the consulate-general in Bangkok, Siam, $1,000.

The amendment was agreed to.

The next amendment, was in line 460, after the word "Turkey," to strike out "the sum of seven thousand five hundred" and insert "nine thousand;" so as to read:

For the purpose of paying for the keeping and feeding of prisoners in China, Japan, Siam, and Turkey, $9,000.

The amendment was agreed to.

The next amendment was, in the proviso to the same clause, in line 465, after the word "feeding," to strike out—

And such payment shall cover all expenses attending the keeping, feeding, and care of any such prisoner: *And provided further*, That no allowance shall be made for the keeping or feeding of any prisoner who is able to pay or does pay the above sum of 75 cents per day; and the consular officer shall certify to the fact of inability in every case.

So as to make the clause read:

For the purpose of paying for the keeping and feeding of prisoners in China, Japan, Siam, and Turkey, $9,000: *Provided*, That no more than 75 cents per day for the keeping and feeding of each prisoner, while actually confined, shall be allowed or paid for any such keeping and feeding.

The amendment was agreed to.

The next amendment was, in line 472, after the word "of," to strike out "prisoners" and insert "prisons;" so as to make the clause read:

For rent of prisons for American convicts in Turkey, and for wages of keepers of the same, $1,000.

The amendment was agreed to.

The next amendment was, in line 476, before the word "thousand," to strike out "forty" and insert "fifty;" so as to make the clause read:

For relief and protection of American seamen in foreign countries, $50,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 477, to insert:

For expenses of shipping and discharging seamen at Liverpool, London, Cardiff, Belfast, and Hamburg, $6,000.

The amendment was agreed to.

The next amendment was, after line 495, to insert:

Rent for consul-general at London: For rent, in lieu of the statutory allowance of 20 per cent. of salary, of consul-general at London, $2,400.

The amendment was agreed to.

The next amendment was, after line 499, to insert:

Rent for consul-general at Paris: For rent, in lieu of the statutory allowance of 20 per cent. of salary, of consul-general at Paris, $2,000.

The amendment was agreed to.

The next amendment was, after line 502, to insert:

To pay the expense of a preliminary search, to be made under the direction of the Department of State, of the records of the French prize courts from 1792 to 1801, inclusive, to ascertain whether any evidence or documents relating to the claims of American citizens for spoliations committed by the French prior to the 31st of July, 1801, still exist, and, if so, the nature and character thereof, the sum of $5,000, or so much thereof as may be necessary, the same to be immediately available.

Mr. HOAR. I ask the chairman of the committee whether that should not be a little more comprehensive than merely to authorize the search of the records of the French prize courts? It is quite possible that the claims which were forwarded to the French Government from ours may be in the archives of their department of foreign affairs. Would it not be better to say "records of the French prize courts or other French archives," because the Department of State would see of course that the money is properly applied?

Mr. ALLISON. I will state to the Senator that we used the language of the law which provides for this search. I think it is section 5 of the act passed this year.

Mr. HOAR. Has the Senator that act?

Mr. ALLISON. I have it not with me at this moment. It is the law passed at this session.

Mr. HOAR. I will suggest the amendment—it can certainly do no harm—to insert after "prize courts," in line 505, the words "or other French archives." The Department of State will see that proper search is made.

Mr. ALLISON. I do not know that there is any harm in the proposition; but that is a pretty wide authority, to search the archives of the French Government.

Mr. HOAR. But it is limited by the smallness of the appropriation, which is only $5,000.

Mr. ALLISON. I know; but I take it the French prize courts are open and their records are public documents, but the archives of the French Government may not be.

Mr. HOAR. The Department will not spend any more money than will answer the purpose under this appropriation.

Mr. ALLISON. Very well; I make no objection.

Mr. HOAR. I move to amend the amendment by inserting after "courts," in line 505, the words "or other French archives."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 512, to insert:

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, $50,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill has been concluded, and the amendments of the Committee on Appropriations have been disposed of.

Mr. HAWLEY. I wish to call the attention of the chairman of the Committee on Appropriations to the class in which the consulate at Jerusalem is placed. Jerusalem, on page 14, is under class 6, at a salary of $1,500. I was about to look at the estimates of the Department. My recollection is that the Department recommends or estimates that the salary be put at $2,000. I happen to have some information about that particular consulate. There are quite a number of American citizens residing there, some of whom are American by birth and several hundred of whom are adopted citizens, with more or less of controversy from time to time.

Many hundreds of American travelers visit Jerusalem, as everybody knows, and scarcely one ever comes near to the city without sending word, perhaps in advance, to the consulate, and certainly not without calling upon the consul, asking for more or less of advice, and frequently for the company of that officer; and very naturally being invited in a great many cases to luncheon, he is involved in very considerable expense in traveling about the vicinity anywhere from one to twenty-five miles. In short, the inevitable expenses of the duties of his position, as well as the hospitalities which he can not as a gentleman shun, make a very heavy deduction from his pay.

Once this bill came here putting the consulate in the $2,000 class, and the State Department thinks it is wise and has recommended it, not at my solicitation, but of its own accord, though I was there two years ago inquiring about it. They said it was true that this consulate ought to be raised. What is left for the consul is a very small sum in this case. I do not see how any consul stationed there, except the one who is there now, could get along at all. I know him to be a scholar in Arabic, learned in the geography of the Holy Land, devoting what time he can spare to studies of all these subjects at the instance of various learned societies, the Palestine Exploration Society and others. He speaks Arabic, has the confidence of the natives about him, is a very useful and especially fitted man, and I say his net compensation is scarcely that of a laborer about this building. The reports this consul has made I happen to know, in two or three cases, have been specially commended for their value.

The PRESIDENT *pro tempore*. Does the Senator from Connecticut make any motion?

Mr. HAWLEY. I do not know what is the usual course. I move to place the consulate at Jerusalem in class 5, at $2,000 per annum.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to insert in line 250, after the word "Beirut," the word "Jerusalem." That will bring it in class 5 in proper connection.

Mr. HAWLEY. I thank the Chair.

The amendment was agreed to.

Mr. HAWLEY. Does that strike it out in the other place?

The PRESIDENT *pro tempore*. No.

Mr. HAWLEY. I move to strike it out.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves to strike out, in line 330, the word "Jerusalem."

The motion was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business of yesterday.

Mr. ALLISON. I wish the Senate to dispose of the Military Academy Appropriation bill. It will take but a moment.

Mr. MORRILL. Laying aside the unfinished business informally.

The PRESIDENT *pro tempore*. The Senator from Iowa asks leave to make a report at this time from the Committee on Appropriations. If there be no objection the report will be received.

Mr. ALLISON. The Committee on Appropriations, to whom was referred the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes, direct me to report it back with the recommendation that the Senate recede from its amendments to the House bill.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate recede from its amendments heretofore agreed to to this bill. The amendments will be read.

Mr. ALLISON. I will state in brief that the amendments relate to the pay of the subordinate officers at the academy. The Senate made some amendments in reference to that, but on further examination the committee has become satisfied that the House provision is correct.

The PRESIDENT *pro tempore*. The amendments will be read.

The CHIEF CLERK. On page 2, line 12, after the word "professors," the Senate struck out "and officers on (increased rank);" and in the same line, after the word "service," the Senate struck out "$9,525" and inserted "$8,898.50;" so as to make the clause read:

For additional pay of professors for length of service, $8,898.50.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate recede from these amendments.

The motion was agreed to.

COINAGE OF SILVER DOLLARS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The PRESIDENT *pro tempore*. The pending question is on the amendment proposed by the Senator from Kansas [Mr. INGALLS], striking out the fifth section of the amendment reported from the Committee on Finance.

Mr. MORRILL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After sixteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 6 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 6, 1885.

The House met at 12 o'clock m. (Mr. BLACKBURN in the chair as Speaker *pro tempore*). Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

INSPECTOR of PUBLIC BUILDINGS.

The SPEAKER *pro tempore*. If there be no objection the Chair will lay before the House at this time some executive communications.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, asking an appropriation to pay the salary of inspector of public buildings; which was referred to the Committee on Appropriations, and ordered to be printed.

BUREAU OF LABOR STATISTICS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting estimate for salaries and expenses of the Bureau of Labor Statistics for the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL OFFICERS, ALASKA.

The SPEAKER *pro tempore* also laid before the House a letter from thh Secretary of the Treasury, inclosing a letter from the commissioner for Alaska, asking appropriation to pay the expenses of civil officers; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, LOUISVILLE.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a letter from the Supervising Architect of the Treasury, relative to an increase in the limit of the cost of the public building at Louisville, Ky.; which was referred to the Committee on Appropriations, and ordered to be printed.

QUESTION OF PRIVILEGE.

Mr. ROGERS, of Arkansas. I rise to a question of personal privilege. On the 1st of January last, while the gentleman from Kentucky was occupying the floor, by his permission I interrupted him to give something of the history of the prosecution against the late Mr. Payne, of Oklahoma notoriety. After my remarks were made a gentleman on the Committee on Appropriations called and asked me to show him the remarks to which I called his attention. On reflection I came to the conclusion that one statement of fact in my remarks, found on page 904 of the CONGRESSIONAL RECORD, was an error. I therefore addressed a letter to the district attorney of the United States for the western district of Arkansas, asking the precise status of the litigation then pending, as well as that which had been disposed of in court, and in order to correct this statement now and to lay before the people of the country at this time interested in legislation touching the Oklahoma territory I send the remarks I then made to the Clerk's desk to be read, and then will lay before the House the answer of the district attorney to my letter, which will furnish the country, and more particularly those States surrounding the Indian Territory, with the exact status of that Oklahoma territory at this time as determined by the courts.

Mr. BROWNE, of Indiana. I am compelled to make the point of order, Mr. Speaker.

The SPEAKER *pro tempore*. And the Chair is bound to sustain the point of order, because the gentleman from Arkansas does not state anything in the nature of a question of personal privilege.

Mr. ROGERS, of Arkansas. I desire simply to correct an error in my remarks made in the House at that time.

The SPEAKER *pro tempore*. If the gentleman desires to correct the RECORD, he will proceed, and the correction will be made accordingly, as that is a privileged question. But the gentleman proposes to correct an error of his own and not an error of the RECORD.

Mr. BROWNE, of Indiana. I have no objection to the gentleman making the correction he desires; my point of order is made entirely in the interest of the public business.

Mr. ROGERS, of Arkansas. I hope the gentleman will withdraw his objection, as the letter I send up to the Clerk's desk to be read will make the proper correction.

Mr. BROWNE, of Indiana. It is not a correction of the RECORD, but a correction of the gentleman's own statement.

Mr. ROGERS, of Arkansas. I did not hear the gentleman's last remark.

Mr. BROWNE, of Indiana. I say that it is not a correction of the RECORD, but a correction of some previous statement which the gentleman has had put upon the RECORD.

Now I make this objection in the very best of faith, because I desire to save the time of the House and to get on with the public business now before us. I have uniformly interposed these objections, and certainly with no ill-feeling toward any gentleman here upon the floor.

Mr. ROGERS, of Arkansas. Let me make two suggestions to the gentleman from Indiana: First, as a member of this House, if I have inadvertently made a statement which I have found afterward to be not correct, it occurs to me that I should, under the rules of the House, have a right to make the correction.

The SPEAKER *pro tempore*. The Chair must interpose and sustain the point of order of the gentleman from Indiana. The Chair does not think that the gentleman from Arkansas has stated a proposition which embodies a question of personal privilege. His proposition, as the Chair understands it, is simply to correct a statement of his own which appears in the RECORD, and the correctness of the RECORD in regard to the statement is not questioned. It is only a correction of what the gentleman has himself placed in the RECORD, and in the opinion of the Chair does not constitute a question of privilege.

Mr. ROGERS, of Arkansas. Then I will ask the gentleman from Indiana to withdraw the point of order and allow this letter to be printed in the RECORD for the information of the House.

Mr. BROWNE, of Indiana. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The letter referred to by Mr. ROGERS, of Arkansas, is as follows:

OFFICE OF UNITED STATES DISTRICT ATTORNEY,
Fort Smith, Ark., February 1, 1885.

DEAR JUDGE: Your favor of the 28th ultimo, relating to the Payne cases, is duly received. Payne was not convicted under a criminal statute, but at the time of his death there was a criminal suit pending against him for introducing spirituous liquor into the Indian country. There was also at that time a civil prosecution pending against him for the enforcement of a penal statute against intruders in the Indian country (R. S., secs. 2147 and 2148). Prior to this time two other civil suits for the enforcement of this penal statute had already gone to judgment, one at the term preceding Payne's death and the other some two or three years before. The first of these suits was hotly contested, prominent lawyers from Saint Louis being sent here to argue it.

The way the criminal proceeding came to be instituted was because at the time of Payne's last arrest he pointed out to the officers some whisky which he said he had introduced and that he defied the Government to proceed against him for that; that in such a proceeding the question would be directly raised as to whether the country he and his followers were settling was in the Indian country. When he was brought here, and I was informed of this matter, I concluded to accommodate him, and filed the information charging him with the introduction. He then made an application to the court for a continuance of the case on the ground of an absent witness by whom he alleged he could prove that he did not bring the whisky in, but that it was brought in by another. I had announced myself ready for trial, and was perfectly willing to try the issue in that way. The case was continued on his motion.

This suit, together with the third and last civil action, abated at his death.

At the time the last civil suit was brought against Payne, there were suits of the same character brought against each of some twelve or fourteen of his followers. These have all gone to judgment within the last few days.

Very respectfully,

WM. H. H. CLAYTON.

Hon. J. H. ROGERS, *Washington, D. C.*

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Under the rule the Chair will now entertain motions to take up bills and resolutions for consideration, the hour beginning at twenty-five minutes past 12 o'clock.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to know whether under the rule recently adopted the Chair will hold that the first business in order to-day is not the consideration of the Private Calendar; whether, in other words, the special rule of the House will supersede the order of business on Fridays?

KATHERINE B. C. MERRILL.

The SPEAKER *pro tempore*. The Chair thinks that the rule of the House is imperative, and that the first business in order is the unfinished business coming over from yesterday morning under this special rule, the bill called up by the gentleman from Louisiana, which the Clerk will report.

The Clerk read as follows:

Be it enacted, &c., That the claim of Katherine C. B. Merrill, executrix of the last will and testament of Ayers P. Merrill, deceased, and late of the State of Mississippi, for quartermaster and commissary stores and supplies alleged to have been taken and used by the United States Army, during the rebellion, from the plantations of said Merrill, in the vicinity of Natchez, Miss., be referred to the Quartermaster-General, who shall investigate the justice and legal-

ity of said claim, and report the amount and value of said stores and supplies taken and used by the Army of the United States, and also what amount has been paid on the same; and that he report all the facts and evidence for the consideration of Congress.

The SPEAKER *pro tempore*. The Clerk had begun the reading of the report accompanying this bill on yesterday when the hour expired. The reading of the report will now be concluded.

The report (by Mr. GEORGE) is as follows:

That in 1863 the United States forces at and near Natchez, Miss., took from plantations of Ayres P. Merrill, deceased, the testator of claimants, a large amount of commissary and quartermaster supplies. The proof has been made by the affidavit of a large number of colored witnesses, who were the slaves of said Merrill. Some of these plantations were situated in Mississippi and some in Louisiana, all being near the city of Natchez. The proof is not of a very satisfactory character as to the amount. It is also singular that no vouchers were given, as Ayres P. Merrill was a man of known loyalty, possessing the confidence of General Grant, General Gresham, General Smith, General Crocker, General Ransom, and Commodore Greer, as shown by letters of all these to him, written about the time the supplies were taken. It seems certain, however, that a considerable amount of supplies was received and used by the United States Army.

Ayres P. Merrill died several years ago. He was a very old and infirm man for several years prior to his death, paying little attention to business.

It is possible that some, if not all, these supplies have been paid for, but if so, the vouchers will be found in the proper Department.

Under all the circumstances the committee deem it proper to recommend the passage of a bill referring the claim to the Quartermaster-General, with instructions to inquire into and ascertain the full amount of supplies so taken and used by the United States Army, and to ascertain what amount, if any, has been paid on the same, and report the facts to Congress.

The SPEAKER *pro tempore*. Under the rule, five minutes remain for debate in opposition to the bill.

Mr. REED, of Maine. I understand from the last portion of the bill that this proposes only to have the facts stated to another Congress.

Mr. KING. That is all.

The SPEAKER *pro tempore*. Unless some gentlemen desire to debate the bill the Chair will put the question.

Mr. STEELE. I would like to have this bill again read.

The bill was again reported.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed.

Mr. KING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES MURPHY.

Mr. PRICE. Mr. Speaker, I ask consent to take up House bill 6531, for the relief of Charles Murphy, withdraw it from the files, and substitute in lieu thereof a new bill, changing the nature of the recommendation of the committee from an appropriation simply to the privilege of going into the Court of Claims to have the case considered. I apprehend that there is no necessity for an argument in support of that proposition. I desire to say in a word simply——

Mr. KEIFER. The bill has not been read yet.

Mr. PRICE. Suppose I state what it is first.

Several MEMBERS. Let the bill be read.

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read as follows:

Substitute for House bill 6531——

Mr. KEIFER (interrupting the reading). Is this a bill from one of the Calendars?

Mr. PRICE. The bill is on the Calendar and was reported by a committee, and I am seeking now by authority of the entire committee to have this modification made.

Mr. KEIFER. I understand then that it is a bill reported by a committee and on the Calendar?

Mr. PRICE. Yes, sir.

The SPEAKER *pro tempore*. The Chair will state that the bill H. R. 6531, to which the gentleman refers, is upon the Calendar, and under the rule can be called up; but the bill sent to the desk by the gentleman from Wisconsin is not upon the Calendar, and in the judgment of the Chair is not covered by the rule.

Mr. PRICE. If the gentleman from Ohio had permitted me to proceed, as I was in order proceeding, there would have been no objection interposed to the proposition I was about to make.

The SPEAKER *pro tempore*. Under the rule the bill must be reported by the Clerk before the debate can be had.

Mr. KEIFER. I only insisted upon the bill being read.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Wisconsin, however, that the bill sent to the desk is not, in the judgment of the Chair, covered by this rule.

Mr. RANDALL. The only way to get it before the House as a substitute bill is to call up the original bill and amend it by the substitute.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair will recognize gentlemen as soon as order is restored so that the Chair may hear them. The House will be in order. The gentleman from Kentucky rises to a question of order. The gentleman will state it.

Mr. WHITE, of Kentucky. The gentleman from Wisconsin [Mr. PRICE], as I understand, has been recognized under the rule. Under a misapprehension that he could present a substitute for a bill on the Calendar he has sent up a bill for the consideration of the House which has been ruled out very properly by the Speaker. I raise this question of order, whether if the gentlemen were to call up for consideration the bill on the Calendar it would then be proper for him to move to amend it as he suggests?

The SPEAKER *pro tempore*. The Chair answers that it would.

Mr. MCMILLIN. That is what the gentleman from Wisconsin indicates his desire to do.

The SPEAKER *pro tempore*. The gentlemen from Wisconsin has not lost his right in any way.

Mr. PRICE. I am infinitely obliged to gentlemen who take care of my interests. But they will permit me to state that I think I can do so myself. My desire was that the original bill should be read, and then that this should be offered as a substitute.

Mr. KEIFER. We must proceed under the rule.

The SPEAKER *pro tempore*. The Clerk will report the bill as it appears on the Calendar.

The Clerk read as follows:

A bill (H. R. 6531) for the relief of Charles Murphy.

Be it enacted, &c., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $42,834 to Charles Murphy, as balance due said Charles Murphy for work done and damages sustained by him growing out of or arising from his contract with the United States Government to excavate a dry-dock at Mare Island, in the State of California.

Mr. PRICE. I now desire to offer a substitute.

The SPEAKER *pro tempore*. The bill is not yet before the House for consideration. It will be in order to offer the substitute if the bill shall not be objected to by the number of members required under the rule. The gentleman is entitled to be heard for five minutes.

Mr. PRICE. I desire to state the substance of the bill. Last April the Committee on Claims, after months of close investigation, reported a bill back to this House with the recommendation that Charles Murphy be paid $42,000 for certain work done for the Government in 1873 at Mare Island, California. A minority of the committee disagreed, and said the amount should be $92,000. Now that bill is on the Calendar, and the committee have instructed me, in accordance with the wishes of Mr. Murphy and his friends, to report a substitute, not giving him a cent, but simply waiving the statute of limitations and under certain conditions sending the claim again to the Court of Claims to be adjudicated upon. That is the substance of the bill which I ask this House now to pass.

Mr. WASHBURN. You want it sent to the Court of Claims?

Mr. PRICE. Yes, sir. The new bill simply provides the case shall go to the Court of Claims to be adjudicated on its merits under certain conditions named in the bill. On the part of the entire committee I submit this bill and ask its passage as a substitute for the original bill. A gentleman near me suggests that it be read as a part of my remarks; and in that connection I desire to submit also the report in favor of the bill.

The SPEAKER *pro tempore*. The gentleman has but two minutes of his time remaining. The substitute which he proposes will be read as a part of his remarks.

The Clerk read as follows:

Be it enacted, &c., That the claim of Charles Murphy be remanded to the Court of Claims for a further hearing upon the testimony and papers formerly heard in said court, and upon such further testimony relative to his acceptance of the award under protest, including the claimant's evidence, as either party may file, pursuant to the rules of the court; and said court, in addition to the authority conferred upon it by existing laws, shall have equitable jurisdiction of all matters presented by the claimant in his new petition, to be filed within sixty days from the approval of this act; and said court is authorized and directed speedily to render judgment for such amount as right and justice may demand, without reference to any statutes of limitation, and with legal interest from the time his cause of action accrued; and furthermore, an appeal shall lie from such judgment to the Supreme Court of the United States, by either party, upon the entire record considered in the Court of Claims.

The SPEAKER *pro tempore*. Unless some gentleman desires to occupy the time allowed for opposition the Chair will now call for objections.

Mr. COSGROVE. I wish to ask the gentleman from Wisconsin a question. Has not this claim been already before the Court of Claims?

Mr. PRICE. The bill itself says so. It was once superficially tried before the Court of Claims. Additional evidence since obtained shows it was not tried on its merits; and we desire to send it back to the Court of Claims for a further hearing.

Mr. COSGROVE. What was the result when the case was formerly tried before the Court of Claims?

Mr. PRICE. It was adverse to the claimant.

Mr. RANDALL. Was there an appeal to the Supreme Court of the United States?

Mr. PRICE. There was an appeal to the Supreme Court of the United States on the record made, but no part of the testimony introduced went to the Supreme Court.

Mr. RANDALL. Did the Supreme Court affirm the judgment of the Court of Claims?

Mr. PRICE. The absence of the evidence was fatal, all the evidence not having been before the Court of Claims.

Mr. COSGROVE. Was the question of the statutes of limitation raised?

Mr. PRICE. No, sir.

Mr. COSGROVE. On what point of fact or of law was the decision based?

Mr. PRICE. It is all right. No one can be wrong in supporting this bill. The court had no evidence before them at all; absolutely none.

A MEMBER. Whose fault was that? Was it the fault of the Government?

Mr. PRICE. I do not say it was the Government's fault, but it would be the fault of the Government now if it did not give this claimant an opportunity to be heard.

Mr. COSGROVE. I understand from the gentleman from Wisconsin that this case has been before the Court of Claims, and he states the evidence in the possession of the claimant was not all adduced before the court when the case was tried. And upon that the Court of Claims decided against the claimant, and after that an appeal was taken from the judgment of the Court of Claims to the Supreme Court of the United States, and in the Supreme Court the judgment of the Court of Claims was affirmed.

Mr. PRICE. Will the gentleman permit me to answer him?

Mr. COSGROVE. Yes, I will permit the gentleman to answer.

Mr. PRICE. The gentleman from New York [Mr. VAN ALSTYNE] understands the case and he will answer the gentleman.

Mr. VAN ALSTYNE. Mr. Speaker, as I understand the history of this case, it is after this wise——

Mr. RANDALL. The time for advocacy of the bill has expired.

The SPEAKER *pro tempore*. The time now being consumed is that in opposition to the bill. Does the gentleman from Missouri [Mr. COSGROVE] yield to the gentleman from New York [Mr. VAN ALSTYNE]?

Mr. COSGROVE. I yield one minute.

Mr. VAN ALSTYNE. The case was this: There was a legitimate subsisting claim in behalf of Murphy against the Government by reason of the interference of the Government in the performance of the work which he had agreed to do. He applied for payment, and part payment was made. He protested against accepting the sum in satisfaction of his legitimate claim. He was forced to go to the Court of Claims to get redress. There the fact that he had received this money was put in proof by the Government, and when he offered to show that he had accepted it under protest, and had refused to take it in full satisfaction of his claim, that evidence was objected to by the Government and excluded by the Court of Claims.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from Missouri [Mr. COSGROVE] has two minutes left.

Mr. COSGROVE. I will give the gentleman from New York [Mr. VAN ALSTYNE] another half a minute of my time.

Mr. VAN ALSTYNE. The claimant excepted. The finding of the court was against Murphy. He took an appeal. The error-book did not show that he had ever offered any proof whatever that he had accepted under protest the amount which he had received in part payment, and in the absence of that proof the judgment of the Court of Claims was affirmed.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. O'NEILL, of Missouri (to Mr. VAN ALSTYNE). It is all right, is it not?

Mr. VAN ALSTYNE. It is all right.

Mr. COSGROVE. Now, Mr. Speaker, it seems to me that if this gentleman received this money under protest he should not have given a receipt for it, unless he gave one specifying that the money was accepted under protest. If I understand correctly the statement of the gentleman from New York, this gentleman receipted for this money without making any protest in writing, although he may have had a mental reservation on the subject which I do not understand to be a protest or equivalent to a protest.

Mr. VAN ALSTYNE. My recollection is that the protest was in writing, but not in the same paper in which he had receipted for the money, and he proved by two witnesses who were at the time in the service of the Government that he he had accepted the money under protest and that it was so understood.

Mr. COSGROVE. If that fact was before the court the evidence of it was there, as a matter of course.

Mr. VAN ALSTYNE. The voucher did not show it.

Mr. COSGROVE. The gentleman states that the voucher was given in evidence before the Court of Claims, and I understand him to claim now, as matter of fact, that that voucher did show that this man had received the money under protest. If that evidence was before the Court of Claims how could it have happened that it was not considered?

Mr. PRICE. I will state to the gentleman that it was not considered.

Mr. COSGROVE. Well, the voucher ought to show the fact, if it was a fact.

The SPEAKER *pro tempore*. The time for debate on both sides is exhausted. Is there objection to the consideration of this bill?

Mr. RANDALL. There is objection.

Mr. WELLER. I object to the consideration of the bill.

The requisite number of members objected to the consideration of the bill, and it was laid aside.

Mr. PRICE. Mr. Speaker, I ask unanimous consent that the report in relation to this case may be printed in the RECORD with the bill.

The SPEAKER *pro tempore*. The Chair hears no objection to granting the request of the gentleman from Iowa [Mr. PRICE], and it is so ordered.

The report (by Mr. PRICE) is as follows:

On January 7, 1884, Charles Murphy presented to the House his petition for relief. He asked to be paid for excavating the pit of the dry-dock at Mare Island, California, and for damages that he sustained while performing that work, owing to a failure by agents of the Government to carry out its contract with him in good faith, whereby he was forced into insolvency, and lost all his property at sheriff's sale, valued at $19,200.

Your committee had printed, in report No. 483, the testimony in his case, and on April 11, 1884, it submitted a unanimous report, No. 1242, recommending the payment to Charles Murphy of $42,834 for work done upon said excavation, and bill H. R. 6531 accompanied that report.

A minority (of four) of your committee found that Murphy is entitled to $49,732 damages, and recommended that much additional payment to him, or a total payment of $92,566.

But the Senate Committee on Claims reported adversely upon Murphy's petition (report No. 997). It took the ground that having had an adverse decision upon his case in the Court of Claims and in the Supreme Court of the United States, Murphy is not entitled to any relief. It therefore becomes inexpedient to consider further the bill (H. R. 6531) which provides for the appropriation of $42,834.

Since the adverse action of the Senate committee Charles Murphy had introduced into both Houses of Congress, on the same day (bills H. R. 8112 and S. 2583), a measure to allow him to go before the Court of Claims for a new trial.

On February 4, 1885, the Senate committee agreed to report adversely upon said measure. But your committee, notwithstanding, recommends that Charles Murphy be granted a new trial in the Court of Claims for the following reasons:

First. The Court of Claims rendered an adverse judgment to Murphy (14 Court of Claims Reports, page 508), conformably to an award made by a single arbitrator, appointed solely by the Secretary of the Navy, without the consent or agreement of Murphy.

Second. The Court of Claims held that Murphy accepted the award without objection, and solely upon that ground the Supreme Court affirmed the judgment of the Court of Claims. (14 Otto, page 464.)

Upon a motion for a new trial in the Court of Claims evidence of two witnesses was taken, which shows that Murphy strongly protested against accepting the award in satisfaction of his claim. The Court, in its decision refusing a new trial, recited in substance the evidence of the witnesses. (15 Court of Claims Reports, page 217.) But this decision and evidence were withheld from the Supreme Court, as appears from a statement made to your committee by Hon. WILLIAM S. ROSECRANS, a member of this House. Besides, this decision does not form a part of the transcript of the record which went before the Supreme Court. (Bound Transcripts, 1881, page 13776.)

For this reason alone your committee recommend that Murphy be accorded a new trial, inasmuch as Murphy was unfairly beaten in the Supreme Court.

Third. The Court of Claims has abandoned its doctrine as to receipts in full in cases of protest as pronounced in Murphy's case, and has held, in the case of the Cape Ann Granite Company, decided this present year, that when a party protests against giving a receipt in full, the receipt will go for only so much money paid on account.

Fourth. Congress has heretofore given just and ample relief in face of adverse decisions by the courts.

PRECEDENTS, MURPHY'S CASE, AMENDMENT A.

1. Samuel J. Hensly: Adverse decision in Court of Claims; paid $96,375 by act of June 9, 1860. (12 Statutes, 847.)

2. David C. Myer: Adverse report Court of Claims; paid $30,000 by act of June 16, 1860. (12 Statutes, 861.)

3. Heirs Stephen Johnston: Court commanded to try the case again; to allow value of his land, *with interest*, from February 2, 1841; act February 9, 1863. (12 Statutes, 915.)

4. Alex. Cross: Court of Claims commanded to hear case again, by act July 2, 1864, 13 Statutes, 591; it gave him judgment for $43,607.63. (1 C. C. Reports, 347.)

5. Samuel Norris: Case sent back to Court of Claims for *examination and allowance;* act June 22, 1866. (14 Statutes, 608.)

6. Rich'd W. Meade: Court was instructed to hear case over by act July 25, 1866. (14 Statutes, 611.)

7. Arthur Edwards *et al.:* Bill passed for further relief in court; vetoed by President Buchanan April 17, 1860. (Senate Journal, first session Thirty-sixth Congress, page 406.)

8. Battle and Evans: Court of Claims directed to hear case a second time; act of April 5, 1872. (17 Statutes, 651.)

9. Theodore Adams: Supreme Court decided against him (7 Wallace, 463); paid $112,740.76, by act January 20, 1873 (17 Statutes, 713), and Congress was so delicate about reversing the United States Supreme Court that it had no report made on the bill either by a Senate or House committee.

10. Lydia R. Shreve: Adverse judgment in Court of Claims; paid $50,000, act January 13, 1881. (21 Statutes, 602.)

11. Heirs of the brig General Armstrong: Adverse judgment in Court of Claims; paid by Secretary of State under act May 1, 1882, $70,739. (22 Statutes, 697.)

12. A. Grant: Adverse decision in Court of Claims; Congress ordered the court to try it over; act January 5, 1883 (22 Statutes, 750); judgment for $14,016.29.

For these reasons your committee earnestly recommend the passage of the accompanying bill in justice to the claimant, who has a most meritorious claim. And its former report, No. 1242, is appended hereunto, in order that the evidence in this case may be available to the House.

WEHRLE, WERK & SON.

Mr. HURD. I call up the bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to abate internal-revenue taxes to the amount of $461.87 illegally assessed against Wehrle, Werke & Son, in the year 1876, for spirits distilled in the year 1875.

Mr. HURD. I ask for the reading of the report.

The Clerk read the report (by Mr. HERBERT), as follows:

In 1875 Wehrle, Werk & Son were engaged in the business of fruit distillers at Middlebar's Island, Ottawa County, Ohio, and in the tenth internal-revenue district of said State. On the 22d of June, 1876, said firm was assessed an internal-revenue tax of $583.37 upon a deficiency in the production of distilled spirits for the month of June, 1875, which they allege was erroneous and unjust.

In the survey of the fruit distillery of said firm, made on January 2, 1875, the brandy-producing capacity thereof from sour wine in twenty-four hours was placed at 373.55 proof gallons, and the number of gallons of sour wine required to produce one gallon of proof brandy was stated to be 5.35. Said survey also stated the number of boilings capable of being made in twenty-four hours to be nine. This was the survey under which the distillery was run at the time the deficiency occurred, upon which the tax sought to be abated was placed.

This survey was erroneous. The Commissioner of Internal Revenue, in a letter of February 4, 1879, to Hon. Charles Foster, says:

"It would be more in harmony with the surveys in other districts if the number of boilings were reduced to seven, and the quantity of sour wine required for a gallon of spirits increased to seven gallons. If the survey had been so made the daily producing capacity for sour wine would be 219.97 gallons, instead of 373.53 gallons."

The Commissioner recommends relief for petitioners from $461.87 of said tax.

Your committee find that petitioners had never distilled brandy from wine before the survey was made, and had no means of knowing that the survey was erroneous until actual experiment. They ran the still for fifty-one hours only, and as soon as the error was discovered reported the product to the proper officers and paid the tax as assessed.

The committee find that there was no neglect on the part of the petitioners in this connection, and recommend the passage of the accompanying bill.

Mr. HURD. Mr. Speaker, I have nothing to add to the report except to say that these parties were ignorant of this business until the survey had been made by the Government officer. The mistake was made in making the capacity of the still one hundred and fifty gallons more a day than it could possibly produce. After trying the capacity of the still for fifty-one hours they discovered the error and made a claim for abatement. The Commissioner of Internal Revenue at the time recommended the abatement, and four Committees of Ways and Means have reported in favor of the bill.

Mr. HOLMAN. As I understand the gentleman from Ohio [Mr. HURD] this abatement has been recommended by the Secretary of the Treasury.

Mr. HURD. By the Commissioner of Internal Revenue.

Mr. WHITE, of Kentucky. I would like to ask the gentleman from Ohio [Mr. HURD], who is a member of the Committee on Ways and Means, how many cases similar to this are before that committee, and whether the passage of this bill will not be a precedent for many large claims on the ground that the distilleries were not accurately surveyed at some time remote in the past. I remember that the gentleman from Indiana [Mr. HOLMAN] urged the passage of a bill something like this.

Mr. HOLMAN. And it was passed.

Mr. WHITE, of Kentucky. Yes, it was passed—very improperly, I think.

Mr. HURD. The Committee on Ways and Means has had a number of cases before it, but this is about the only one recommended, because these parties discovered the error within a few hours after commencing to work the distillery, and they quit work. The case is exceptional in that regard.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none, and the bill is before the House. The question is on ordering the bill to be engrossed and read the third time.

Mr. PRICE. Mr. Speaker, have objections been asked for?

The SPEAKER *pro tempore*. The Chair asked for objections, and none were made.

Mr. PRICE. I have been listening very intently and patiently to hear the invitation for objections, because I wanted to enter my protest against this bill.

The SPEAKER *pro tempore*. The Chair asked for objections, and after waiting, announced that none were heard.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ERNEST H. WARDWELL.

Mr. MCCOMAS. I ask that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill (H. R. 3236) for the relief of Ernest H. Wardwell, and that the House now proceed to consider the bill.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, directed to pay to Ernest H. Wardwell, of Garrett County, Maryland, late a captain and assistant quartermaster of United States volunteers, out of any money in the Treasury not otherwise appropriated, the pay and allowances of a captain and assistant quartermaster in the United States Army from the 11th day of March to the 18th day of May, 1865; and also the three months' additional pay proper as first lieutenant and regimental quartermaster of the Second Regiment North Carolina Union Volunteers (white), the same as allowed to all volunteer officers under the act of Congress approved March 3, 1865.

Mr. MCCOMAS. The report in this case, which is by the distinguished gentleman from Massachusetts [Mr. LYMAN], is so clear and explicit, that if members of the House will only listen to it, I think there can not be ingenuity enough to find ground of objection to this bill.

Mr. HOLMAN. I ask that the report be read.

The report (by Mr. LYMAN) was read, as follows:

The Committee on Military Affairs, to whom was referred bill H. R. 3236, beg leave to submit the following report:

Ernest H. Wardwell, in May, 1861, enlisted in the Sixth Massachusetts Volunteers, and served for more than three months without pay. On September 7 of the same year he enlisted as a private in the Twenty-sixth Massachusetts Volunteers. November 8, 1862, he was commissioned second lieutenant Second Louisiana (Union) Volunteers. April 4, 1863, he resigned on account of sickness. February 5, 1864, he was commissioned first lieutenant and quartermaster Second North Carolina (Union) Volunteers. February 23, 1865, he was mustered out to accept a commission which had been promised him as captain and assistant quartermaster, in which grade he was confirmed by the Senate March 11, 1865. His commission, dated April 15, 1865, was forwarded to him May 11, and was accepted May 18. He was honorably mustered out of service July 28, 1865.

From this record it appears that Captain Wardwell had an honorable though not continuous service of over three years.

He claims that he should receive pay from March 11, 1865, to May 18, 1865, and also three months' extra pay under the act of March 3, 1865.

There was a certain delay between March 11, 1865, when Captain Wardwell was confirmed by the Senate, and May 11, when his commission was sent to him. For this period of delay he thinks he ought to receive the pay of his rank, because he resigned his lieutenantcy to accept the commission of captain which had been promised him, and was present and ready to receive his commission at the date of his confirmation. It appears, however, that in addition to the time usually required for the making out and signature of the commission, there was a further delay caused by the assassination of President Lincoln, April 14. By law and regulations an officer does not begin to draw pay until he has received and accepted his commission and taken the oath. Unfortunate circumstances caused a delay of some weeks to Captain Wardwell in the receipt of his commission, and it seems not unreasonable to allow him pay during this period of waiting, because he resigned his lieutenantcy on the positive information that he had been appointed a captain, and he was present and ready to assume his new duties.

The act of March 3, 1865, grants three months' extra pay to officers then in commission and who should continue in service to the close of the war. Captain Wardwell was mustered out February 23, 1865, and was not confirmed by the Senate as captain till March 11, and only accepted his commission on the 18th of May, so that he was not in service on the 3d of March, 1865, and could not legally draw the three months' extra pay.

But as Captain Wardwell, after being in the Army nearly three years, resigned for the sole purpose of receiving his new commission, and was present and ready to be mustered in under it, he may not improperly be considered as constructively in the service on the 3d of March, 1865, and therefore entitled to three months' extra pay.

The committee, therefore, report that the bill should pass.

Mr. BEACH. I wish to inquire of the gentleman from Maryland [Mr. MCCOMAS] whether the general act passed in the last Congress does not cover this case?

Mr. MCCOMAS. No, sir; it does not.

Mr. BEACH. One additional inquiry: How much money will this bill take out of the Treasury?

Mr. MCCOMAS. The extra pay of this officer for three months.

Mr. BEACH. What will that amount to?

Mr. MCCOMAS. A few hundred dollars; I have forgotten the exact amount. But under the bill this officer will simply receive the three months' pay which every other officer received. This officer was promoted, and while waiting to receive his commission, which was accidentally delayed, he was mustered out, and in this way deprived by a technical rule of the extra pay which all other officers received. He was promoted, and his promotion was confirmed by the Senate, but his commission went by mistake to Oakland, Cal., instead of Oakland, Md.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MCCOMAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALFRED G. HATFIELD.

Mr. WALLACE. I desire to call up from the Speaker's table for present consideration the bill (S. 295) for the relief of Alfred G. Hatfield.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay Alfred G. Hatfield, the legal representative of John Hatfield, deceased, late veterinary surgeon of the Thirteenth Pennsylvania Cavalry, the sum of $675, in full for services as veterinary surgeon for said regiment for nine months, at $75 per month.

Mr. RANDALL. Is there a report accompanying this bill?

Mr. WALLACE. I ask the Clerk to read the report of the Committee on War Claims upon a House bill similar to this bill of the Senate.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1368) for the relief of Alfred G. Hatfield, having considered the same and accompanying papers, submit the following report:

The committee find the facts to be as stated in House report No. 1682, Forty-seventh Congress, first session, which said report is hereto annexed and made a part of this report, and is as follows:

"The Committee on War Claims, to whom was referred the petition of Alfred G. Hatfield, with accompanying documents, respectfully report:

"The petitioner is a citizen of the United States and a resident of the District of Columbia. He claims relief as the son and only heir at law of John Hatfield, who died in the city of Washington in the year 1874.

"It appears from the papers referred with the bill that on or about the 1st day of June, 1862, John Hatfield was employed by James A. Gallagher, then colonel commanding the Thirteenth Pennsylvania Cavalry Volunteers, in the military service of the Government of the United States, to act as veterinary surgeon for said regiment. At the time of the employment of John Hatfield by Colonel Gallagher veterinary surgeons were not allowed by law; but from affidavits of officers of the regiment and others it appears that the necessity existed for the

employment of one. There were eight or nine hundred horses in the regiment, and many of them were affected with distemper and other diseases, and required the care and skill of a competent veterinary surgeon. John Hatfield, as such, had charge of all the horses of said regiment, under instructions from and the authority of Colonel Gallagher, from the date of his employment as aforesaid until the 3d day of March, 1863, a period of nine months, and he was paid nothing for his services rendered during that time, although the promise of pay was often repeated by Colonel Gallagher.

"From papers on file in the War Department it appears that John Hatfield, in December, 1863, presented his claim for recognition and pay as veterinary surgeon for nine months; that he had acted as such under the authority of Colonel Gallagher. There was then no law authorizing the employment of veterinary surgeons, and his claim was properly rejected; but on a review of the facts a warrant as veterinary surgeon was issued in his favor January 2, 1864, to date March 3, 1863, the date veterinary surgeons were authorized by law. From the 3d of March, 1863, until he was discharged he received $75 per month, that being the compensation for veterinary surgeons provided by the act of Congress approved on the said 3d day of March, 1862, known as the 'enrollment act.' But it being clear that he rendered valuable and efficient services during the nine months he acted under the authority of Colonel Gallagher, saving the Government from great loss, and that the necessity existed for his employment, your committee are of opinion that he should be paid a reasonable compensation therefor, and we are further of opinion that $75 per month is fair and reasonable.

"The committee therefor report the accompanying bill, appropriating the sum of $675, and recommend its passage."

The committee therefore adopt said House report as the report of this committee, and report the accompanying bill (H. R. 1968) for his relief, with recommendation that it pass.

Mr. MCMILLIN. I desire to ask the gentleman in charge of the bill when the application in this case was first made.

Mr. WALLACE. I do not know when it was first made. This bill has been passed by the Senate.

Mr. MCMILLIN. During this Congress?

Mr. WALLACE. Yes, sir; at the last session. In this House a bill precisely similar has been referred to the Committee on War Claims and reported unanimously.

Mr. MCMILLIN. I would like to know how it happened that the man who actually did this service lived nine or ten years after the war closed without making application to Congress for relief. But ten years after his death his legal representative comes and asks relief.

Mr. WALLACE. I ask that the gentleman from Ohio [Mr. GEDDES] make a statement about that matter.

Mr. MCMILLIN. The gentleman from Ohio says that he does not remember. Now that is a material inquiry.

Mr. WALLACE. The bill has been here for some time.

Mr. MCMILLIN. Is there any proof that this claim was presented in the lifetime of the deceased?

Mr. WALLACE. I am unable to inform the gentleman.

Mr. MCMILLIN. I do not see anything in the report to that effect, nor is there any indication that it ever was presented in the lifetime of the deceased. The colonel commanding the regiment of course could not have supposed he had any authority under the law to employ such veterinary surgeon, and, of course, this man could not have served there for nine months without seeing other men receiving pay when he received none and he must have known there was no authority of law for his employment.

Mr. WALLACE. In answer to the gentleman from Tennessee I will say this: The gentleman was employed by the colonel commanding the Thirteenth Pennsylvania Cavalry Volunteers in the military service of the Government of the United States to act as veterinary surgeon for such regiment after the regiment was organized and before the law was passed under which he could be paid. He was employed for nine months before an act of Congress was passed providing for his payment. That act authorized the payment to him of $75 per month for the previous nine months when he served faithfully and efficiently as a veterinary surgeon, and when he received no pay. This bill has been introduced in order to make provision for his payment.

Mr. MCMILLIN. But the point I make is, there was no law to pay him, no authority of law for his appointment, and there was no reason why the colonel commanding every cavalry regiment in the service could not have made a similar appointment and given rise to a similar claim.

Mr. WALLACE. According to the proof, this man rendered very efficient service as a veterinary surgeon. The claim was referred to the Committee on War Claims, and that committee reported in its favor.

Mr. MCMILLIN. The point I make is that it is against public policy to allow any such claims where appointments have been made without authority of law. The man who remains in service when he knows there is no authority of law for his employment has no right to bring in any claim here against the Government, and especially so long as the service is rendered.

Mr. WALLACE. The papers were presented to the War Department in 1863.

Mr. MCMILLIN. I see that in the report.

The SPEAKER *pro tempore*. The time allowed for debate has expired. Is there objection to the consideration of the bill?

Mr. MCMILLIN. I object.

The SPEAKER *pro tempore*. Those who object to the consideration of the bill will rise. [After a pause.] More than a sufficient number have arisen, and the bill therefore is not before the House.

REGULATION OF STEAM-BOILERS.

Mr. DAVIS, of Illinois. I call up for consideration the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam-vessels, with an amendment reported from the Committee on Commerce of this House.

The bill was read, as follows:

Be it enacted, &c., That section 4434 of the Revised Statutes of the United States be amended by adding thereto a proviso, so that the section will read as follows:

"SEC. 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues: *Provided*, That boilers to which the heat is applied to the outside of the shell thereof may, in the discretion of the Secretary of the Treasury, be authorized and used on steam vessels navigating the Atlantic or Pacific Oceans, or salt-water bays or sounds, or the great lakes, or any of them, or waters flowing to and from the same, or any of them; when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness."

The amendment was read, as follows:

In line 17, page 2, after the word "sounds," insert the words "or the great lakes, or any of them, and waters flowing to and from the same, or any of them."

Mr. DAVIS, of Illinois. Mr. Speaker, the law at the present time provides that no boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness. This bill amends the present law by providing that boilers to which the heat is applied to the outside of the shell thereof may, in the discretion of the Secretary of the Treasury, be authorized and used in steam vessels navigating the Atlantic or Pacific Oceans, or salt-water bays or sounds, or the great lakes, or any of them, or the waters flowing to and from the same, when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness.

It has passed the Senate; has come to the House; has been reported back from the Committee on Commerce unanimously to the House; has the approval of the board of supervising inspectors of steam-boilers; is recommended by the Secretary of the Treasury, and is required for the purpose of passing some of the boilers used on the larger vessels of the country.

I reserve the remainder of my five minutes until I can hear from the other side.

Mr. WELLER. Let the report be read.

The SPEAKER *pro tempore*. The report can be read, but it will come out of the time allowed for debate in opposition.

Mr. BAYNE. Why is this amendment required?

Mr. DAVIS, of Illinois. The amendment is required to pass the inspection of boilers for the waters of the great lakes which were left out of the Senate bill. Senator CONGER, of Michigan, called the attention of the committee of the House to the fact that the amendment ought to be included in any legislation to take place, as the waters of the lakes are clean in every respect.

Mr. WELLER. I ask for the reading of the report.

The report of the committee was read, as follows:

The Committee on Commerce, to whom was referred the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam vessels, which bill passed the Senate of the United States December 18, 1884, having considered the same, respectfully report:

That the Senate bill do pass with the following amendment:

In line 17, page 2, after the word "sounds," insert the words "or the great lakes, or any of them, and waters flowing to and from the same, or any of them;" so that the said bill shall read, when amended, as follows:

"An act to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam vessels.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 4434 of the Revised Statutes of the United States be amended by adding thereto a proviso, so that the section will read as follows:

"SECTION 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues: *Provided*, That boilers to which the heat is applied to the outside of the shell thereof may, in the discretion of the Secretary of the Treasury, be authorized and used on steam vessels navigating the Atlantic or Pacific Oceans, or salt-water bays or sounds, or the great lakes, or any of them, or the waters flowing to or from the same, or any of them, when constructed of iron or steel plates not exceeding fifty one-hundredths of an inch in thickness.'"

The SPEAKER *pro tempore*. Does the gentleman from Illinois desire to be heard for the remainder of the time?

Mr. DAVIS, of Illinois. I do not, sir.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read a first and second time, the amendment agreed to, and the bill as amended ordered to be read the third time; and being read the third time, was passed.

Mr. DAVIS, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS, MO.

Mr. O'NEILL, of Missouri. Mr. Speaker, I desire to call up House bill 6881, on the Private Calendar, for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., and put it upon its passage.

The SPEAKER *pro tempore*. The bill will be read.

The Clerk read as follows:

Be it enacted, &c., That there be paid to the trustees of the Christian Brothers' College, of Saint Louis, in the State of Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $35,000, in full compensation for the use and occupation of the buildings and lands of said college during the late war by the United States troops, and for injury to and destruction of property belonging to said trustees by said troops.

The committee recommend, in line 6, to strike out "thirty-five" and insert "twenty."

Mr. O'NEILL, of Missouri. I ask to have the report read.

The Clerk proceeded to read the report.

Mr. MORSE (interrupting the reading). I move to dispense with the further reading of the report.

Mr. O'NEILL, of Missouri. I ask unanimous consent that its further reading be dispensed with.

The SPEAKER *pro tempore*. Unless some gentleman desires to debate the bill the Chair will call for objections.

Mr. HEWITT, of Alabama, and Mr. BENNETT. Let the report be read.

The Clerk resumed the reading of the report.

Mr. BROWN, of Pennsylvania (after the reading had proceeded for some time). I think the House is satisfied so far as the report is concerned, and I ask that its further reading be dispensed with.

The SPEAKER *pro tempore*. The gentleman from Alabama and the gentleman from North Carolina demanded the reading of the report.

Mr. HEWITT, of Alabama. I withdraw the demand.

Mr. BENNETT. I ask that it be read.

The Clerk resumed and concluded the reading of the report (submitted by Mr. STORM). It is as follows:

Prior to the recent rebellion the College of the Christian Brothers of Saint Louis, Mo., was a large, well-appointed, and flourishing institution, being 200 feet long by 60 feet in width, with a wing attached 130 feet by 40 feet, and four stories high, and devoted to the education of youth in all the practical departments of knowledge. Its pupils, drawn from all sections of the United States, numbered about five hundred on an average. From this large patronage the college derived its revenue, and upon this it depended for the maintenance of its corps of instructors and the procurement of all its needed educational facilities. That soon after the commencement of hostilities McDowell's College, immediately adjoining the College of the Christian Brothers, was occupied by the Union forces as a military prison; that the occupancy of the former building for the purpose of a military prison made it necessary and convenient for Union forces to occupy a portion of the latter building, with all the grounds belonging thereto. This occupation, commencing in 1861, continued for four years.

The effect of such occupancy upon the school was, as might have been expected, fatal. The preservation of discipline among the students was impossible; the noise and distractions of the camp put an end to study and scholastic exercises, and the voice of collegiate authority was silenced amid the din of arms. The well-worn legal maxim can be easily changed to meet the result in this case: *Inter arma silent musæ*. Within one year the attendance diminished to one hundred pupils, and at the close of the war but a small fraction of this number remained.

The common use by the soldiers of the halls and rooms for so long a period of time was attended by great damage to the furniture, walls, flooring, and plastering. For the purpose of giving the sentinels and guards a better command of the military prison, the partitions and outer walls were cut through and greatly damaged. The repairs made necessary by the aforesaid occupation required a large expenditure of money.

For this occupancy, and for the injury done to the college, the memorialists think they ought to have $10,000 or $12,000 per annum for rent, and $12,000 for repairs, making in all from $52,000 to $60,000. Of the amount of repairs, as itemized in the testimony of Henry Noeth, the committee do not think more than $7,000 is properly chargeable to the occupancy by the Union forces, and that, judged by its effects upon the school, such occupancy cost the college all of $12,000 per annum, yet the committee have thought it best to reduce that claim.

The occupancy of the college in question is testified to by the officers then in command, and among them Col. Henry F. Harrington, now the president of the board of public schools of the city of Saint Louis.

The amount of damages, &c., is shown by various witnesses and from the books of the college, where the expense of repairs was kept. Institutions of religion, learning, and charity are respected by all civilized nations, and by the well-established law of nations are exempted from the usual operations of war. The Society of Christian Brothers has peculiar claims upon the Government and mankind at large. They are not a religious or priestly order; they do not, and under the laws of the society can not, own any property as individuals. In this respect they very much resemble the primitive Christians. They live and labor for all mankind—their charity is extended to all.

Had this building been a machine-shop or a factory, occupied as the college was, its owner would be entitled to a fair and just compensation. We can not do otherwise with this institution.

The committee allow the sum of $20,000 for the use and occupation of the college, and recommend the passage of the said House bill No. 6881, with the following amendment: Strike out the words "thirty-five," in line 6 of the bill, and insert "twenty."

The SPEAKER *pro tempore*. The Chair will announce that the hour has expired.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a joint resolution of the following title; when the Speaker signed the same:

Joint resolution (S. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications.

H. H. ALEXANDER.

Mr. MCADOO. I ask unanimous consent to submit a resolution for reference.

The resolution was read, as follows:

Resolved by the House of Representatives, That H. H. Alexander be paid the sum of $162 for services as stenographer to the subcommittee of the Committee on Accounts from January 21, 1884, to January 31, 1884, inclusive.

The resolution was referred to the Committee on Accounts.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. SPRINGER. I ask unanimous consent to submit a resolution for reference.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That all documents and books ordered to be published by the present Congress, and which are actually printed prior to the first Monday of December next, together with documents and books heretofore ordered to be printed which have not been actually printed, to which members of the present Congress are or would have been entitled if published prior to the 4th of March next, and which are actually printed prior to the first Monday of next December, shall be allotted, as heretofore, to members of the present Congress, and transmitted to their residences as fast as printed, unless otherwise ordered by the members themselves.

The resolution was referred to the Committee on Printing.

GIRARD AND MOBILE RAILROAD COMPANY.

Mr. PAYSON, by unanimous consent, from the Committee on the Public Lands, reported, as a substitute for H. R. 179, a bill (H. R. 8180) to declare forfeited a grant of land in aid of the Girard and Mobile Railroad, in Alabama; which was read a first and second time, and, with the accompanying report, referred to the House Calendar, and ordered to be printed; and the bill (H. R. 179) was ordered to be laid on the table.

MARTHA C. BREESE.

Mr. HEWITT, of Alabama, by unanimous consent, from the Committee on Pensions, reported back the bill (H. R. 4280) to increase the pension of Martha C. Breese; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. THOMAS, by unanimous consent, from the Committee on Naval Affairs, reported back with an adverse recommendation the joint resolution (H. Res. 311) tendering the thanks of Congress to Commander Winfield Scott Schley, Commander G. W. Coffin, and Lieut. William H. Emory, jr., of the United States Navy, and to the officers and men under their command, for the rescue of Lieut. A. W. Greely and his surviving comrades, of the Lady Franklin Bay expedition; which was ordered to be laid on the table, and the accompanying report printed.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I demand the regular order.

Mr. RANDALL. Mr. Speaker, I suppose now would be as good a time as any to inquire of the gentleman from Kentucky as to the bill under consideration in the Committee of the Whole. I am instructed by the unanimous voice of the Committee on Appropriations to make an inquiry as to when the gentleman in charge of the bill expects to reach a final vote on its passage?

Mr. WILLIS. I can only reply to the inquiry of the gentleman from Pennsylvania by stating, what he knows and what every other member of the House knows, that the Committee on Rivers and Harbors have prosecuted the consideration of the bill as fast as these abominable rules will permit us to do, and we propose to continue that effort and reach a determination of all the issues involved at the earliest possible moment. We are ready to go on now. We are ready to proceed to-morrow, and will go on to-night if the House will permit us to do so. We are as anxious to dispose of this bill as the gentleman can possibly be for us to get it out of the way; and it is with this view that I have submitted the motions which I have made to expedite its passage.

I will state a fact that is well known, that the committee in the Senate which has charge of the river and harbor appropriation bill, has no business before it and is awaiting the passage of this bill, while the Committee on Appropriations, which will have charge of all of the appropriation bills, has already a half a dozen bills before them and are busy with their consideration, while the committee to which I have referred have nothing to do. And for that purpose my aim and the aim of the Committee on Rivers and Harbors, with the help of the members on the floor, is to get it out of the way as quickly as possible that the committee of the Senate may consider and act upon it.

Mr. RANDALL. This bill, if its consideration is continued to-day and to-morrow, will have occupied the entire week. The Committee on Appropriations consider that this House will not be free from public criticism if the appropriation bills are not all sent to the Senate by the 22d to the 25th of this month. To accomplish that the committee are of opinion that they should have the right of way after Saturday night, and that on Monday a serious effort should be made on their part—and in this effort they are united as one man—to claim next week for the Post-Office appropriation bill and the legislative appro-

priation bill, and for the sundry civil bill, which is likely to be reported early enough to take up any of the days unoccupied toward the end of next week. And I have thought and the committee thought it was due to the gentlemen who advocate and have special charge of the pending bill that this intimation should be given.

Mr. HISCOCK. Will the gentleman from Pennsylvania allow a suggestion from this side of the House? The Commerce Committee of the Senate will have but one appropriation bill to consider. I mean this bill. I suppose in the Senate it goes to the Committee on Commerce. The Appropriations Committee of the Senate has to consider all the appropriation bills. Now it seems to me, if we are not to have an extra session of Congress, the general appropriation bills should now have the right of way, and should go over as soon as possible to be referred to the Appropriations Committee of the Senate.

Mr. WHITE, of Kentucky. I rise to a question of order. Rule XXVI provides as follows:

Friday in every week shall be set apart for the consideration of private business unless otherwise determined by a two-thirds vote of the members present and voting.

Now, we have on the Calendar twenty-four pages of private bills, aggregating about——

Mr. TOWNSHEND. Is this in order?

The SPEAKER *pro tempore*. The gentleman from Kentucky rose to make a point of order. He will state it.

Mr. WHITE, of Kentucky. The point of order is that the regular order to-day is the consideration of private bills.

The SPEAKER *pro tempore*. The Chair does not see that the gentleman presents any point of order.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports of private bills. The gentleman from Kentucky [Mr. WILLIS] moves to dispense with the consideration of private bills for to-day. The question is upon that motion.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

Mr. O'NEILL, of Pennsylvania. I desire to make an inquiry of the Chair. Will the order just made, dispensing with the consideration of private business, take away the night session for the consideration of pension bills?

The SPEAKER *pro tempore*. The Chair does not think that the order has that effect.

Mr. O'NEILL, of Pennsylvania. I supposed not.

The SPEAKER *pro tempore*. The Chair does not understand that the motion embraced dispensing with the regular Friday night session on pension bills. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union.

Mr. WILLIS. Pending that I move that the order for a recess at 5 o'clock shall be extended so that the recess shall commence at 6 o'clock.

The SPEAKER *pro tempore*. That motion requires unanimous consent.

Mr. WILLIS. I ask unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Kentucky asks unanimous consent that the order for a recess this evening at 5 o'clock shall be extended so that the recess shall commence at 6 o'clock.

Mr. WHITE, of Kentucky. I object.

The SPEAKER *pro tempore*. The question is on the motion that the House do now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. Before the pending question is stated, the Chair will submit the request of the gentleman from Maryland [Mr. MCCOMAS] that he be permitted to extend his remarks, as they will be printed in the RECORD. The Chair hears no objection, and the request is granted.

The pending question is on the amendment offered by the gentleman from Maryland [Mr. MCCOMAS].

The amendment was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Norwalk, Conn.: Continuing improvement, $3,000.

Mr. WAIT. I offer the amendment which I send to the desk.

The Clerk read as follows:

Improvement of the river and harbor at Niantic, in Connecticut, $5,000.

Mr. WAIT. This river and harbor have been twice examined by the surveyors and engineers of the United States, and twice they have reported in favor of an appropriation for the improvement of that river and harbor. The report of the Engineer did not reach the Committee on Rivers and Harbors in sufficient time to have an appropriation voted for by the committee and put in their bill. I therefore offer this amendment, after having conferred with the chairman of the committee.

The engineer who made the last examination, and that was within the past year, recommended an appropriation of $8,000 for the improvement of this river and harbor. They are virtually one thing. The harbor is an indentation into the coast and the river is an extension really of the harbor, but about a mile or a mile and a half inland from the south.

The object of this improvement is to permit the raw material and the coal required for the mills to be brought there, which they can not now bring there except at very high tides. It is impossible at any other time on account of the bar in the harbor; nor can they go up the river with it on account of the bar at the mouth of the river. There is a constant desire on the part of the owners to bring coal and to bring material to use in these mills by water, and to stop the expensive transportation by land from New London, which is five or six miles distant from the mills.

In addition to that the State of Connecticut has purchased thirty-eight acres of land there and established a State camp, and for a week or ten days each year there is a constant necessity for the running there of steamers of all kinds, not only for the transportation of troops from other parts of the State to this camp, but for bringing the materials necessary for the use of the camp.

A very large and bright and beautiful village is built up there. The Baptists have their annual gatherings there, and it is the same with the Spiritualists. Material has to be brought for the erection of houses and churches, but there exists this embarrassment resulting from the bar in the river. I offer this amendment, and I hardly think that the chairman of the Committee on Rivers and Harbors, after the conversation I have had with him and with other members of the committee, will object to it. I believe that public convenience and public necessity require this improvement to be made; that the demands of commerce require it; that the necessities of the State require it. The petition that has been sent to me, and which I have shown to the gentlemen, is headed by ex-Governor Waller and by every leading military man in the State; and it asks that this improvement be made as a matter of public convenience and public necessity. I do not wish to occupy more time upon the subject. I have stated the case, and every gentleman who is familiar with the facts knows that I have stated them correctly. I ask only for an appropriation of $5,000, and the engineer has recommended an appropriation for this work of $8,000.

Mr. WHITE, of Kentucky. Mr. Chairman, will the gentleman from Connecticut state the page of the report on which this item appears?

Mr. WAIT. It is not in the report. It was not received in time to go into the printed report.

Mr. WHITE, of Kentucky. Has there ever been an appropriation for this harbor heretofore?

Mr. WAIT. No. There have been two surveys, and each time a recommendation of an appropriation. The first time it was not brought to the attention of the committee so as to enable them to pass upon it, and on the second occasion the engineer did not send in the report in time to go into the printed volume. If it had come in time it would have appeared in the printed volume.

Mr. WHITE, of Kentucky. Mr. Chairman, I call for the reading of the report.

The CHAIRMAN (Mr. CRISP). The Chair is not aware that there is any such report here. If the gentleman from Kentucky wants to read anything in his own time he can do so; or if he desires to have the Clerk read it, he can send it up.

Mr. WAIT. Mr. Chairman, I have no objection to the reading of the report. I have it here.

Mr. WHITE, of Kentucky. Mr. Chairman, I understand that the gentleman from Connecticut [Mr. WAIT] has the report, and I desire to have it read in my time.

The Clerk read the report, as follows:

ENGINEER OFFICE, UNITED STATES ARMY,
New Haven, Conn., October 28, 1884.

GENERAL: I have the honor to submit the following report upon the preliminary examination of the river and harbor at Niantic, Conn., made under act of Congress approved July 5, 1884:

Niantic Harbor is an indentation of the Connecticut shore-line, about five miles west of New London, and eight miles east of the Connecticut River.

What is known as the river is but an extension of the harbor inland for three or four miles, the two being separated by the bridge of the shore-line division of the New York, New Haven and Hartford Railroad.

Upon inquiring of Hon. J. C. WAIT, M. C., in whose Congressional district Niantic Harbor is situated, as to the object of the survey ordered, I was referred by him for the necessary information to Mr. C. P. Sturtevant, of East Lyme, the town in which Niantic is situated, and to Mr. Beckwith, the postmaster at Niantic.

Through these gentlemen I learned that the commerce of the river and harbor is restricted wholly to the importation of coal and to the occasional exportation of railroad-ties and wood, and that formerly a quarry on the river, employing from twenty-five to one hundred men, was operated, but that the difficulty of navigating the harbor and river was so great that it prevented the establishment of other industries on their shores and compelled the hauling from New London of large amounts of freight required by the neighboring community which otherwise would be delivered more cheaply by water.

There are two coal-yards now in use here—one at the bridge, the other at the head of the river about three miles above the bridge. The amount of coal which they handle is between 2,500 and 3,000 tons annually. The number of vessels that enter this harbor is less than one a month. There is no custom-house officer stationed here. The chief difficulty experienced in the outer harbor is within

a quarter of a mile of the bridge. The channel here has a depth of only four or five feet at low water, while the mean rise of the tide is about two and a half feet; vessels carrying freight can enter only at high tide, and when this occurs, either before daylight in the morning or after it in the evening, the harbor is practically closed against them, and they are compelled to remain outside subject to the danger of being caught by bad weather in a shallow and exposed harbor.

There is better water up the river, but the channel there is very crooked in places, and navigation is troublesome, as vessels are in constant danger of getting aground.

These obstacles make it difficult and expensive to secure charters for the cargoes of coal that have to be brought here.

From the statements made to me it appears that the present channel below the bridge has altered very little, if any, since it assumed its present course after the building of the railroad bridge, and it is probable therefore that if it were improved the improvement would be of a permanent character.

To deepen this channel to nine feet at low water for a width of one hundred feet would require the removal of about 20,000 cubic yards of material, which at 20 cents per cubic yard would cost $4,000.

The improvement of the river above the bridge does not appear to be of so much importance at present, as but one mill would be affected by it and the cost of making an unobjectionable channel would be out of proportion to the benefit which it would confer. But its navigation might be very much improved by cutting off some projecting points and widening and deepening it in several places. The removal of 20,000 cubic yards of material would make this a serviceable channel, costing, at 20 cents per cubic yard, $4,000.

Total estimated cost of both improvements, 40,000 cubic yards of dredging, at 20 cents per cubic yard, $8,000.

The present demands of the commerce of the place I have already indicated, and these demands will increase with the growth of the town.

The State of Connecticut has recently established its permanent military camp on the west bank of the Niantic River, just north of the railroad bridge, and has expended a good deal of money in the erection of permanent buildings there; and I am informed that the village is growing rapidly.

In view of the fact herein presented, the little cost of making the contemplated improvement, and the desirability of giving to the community a means of supply which will act as a check upon extravagant railroad charges, it is my opinion that this harbor is worthy of improvement.

The survey, made under the direction of General Warren in 1872, is so much in detail that no further examination or survey is needed here.

Very respectfully, your obedient servant,

WALTER McFARLAND,
Lieutenant-Colonel of Engineers.

Brig. Gen. JOHN NEWTON,
Chief of Engineers.

During the reading of the report the following proceedings took place:

The CHAIRMAN (Mr. CRISP). The time of the gentleman from Kentucky has expired. The question is on agreeing to the amendment of the gentleman from Connecticut [Mr. WAIT].

Mr. WHITE, of Kentucky. I move to amend the amendment of the gentleman from Connecticut [Mr. WAIT] by striking out the last word, and I ask that the Clerk shall continue the reading of the report. It is very interesting. There is a great deal of commerce on this stream.

Mr. WILLIS. Mr. Chairman, I raise the question whether the gentleman from Kentucky [Mr. WHITE] is entitled to hold the floor in this way. The rule that we have becomes a complete farce if a gentleman can continue to occupy the time of the House by merely moving to strike out the last word, or some other word, of every amendment.

Mr. WHITE, of Kentucky. Mr. Chairman, I object to this coming out of my time.

The CHAIRMAN (Mr. CRISP). The Chair understands that under the rule the gentleman from Kentucky [Mr. WHITE] is in order in his motion to strike out the last word. The Clerk will proceed with the reading of the report.

The Clerk then continued and completed the reading of the report as above quoted.

Mr. WHITE, of Kentucky. Mr. Chairman, in the four minutes remaining I desire to call the attention of the committee to the fact that notwithstanding this is a very small harbor, it is of quite as much importance to the people living in its neighborhood as greater harbors are to the people of larger communities. I am not one of those that believe in appropriating money merely for the Mississippi and the other "great water ways" (according to the Democratic platform), but I am in favor of appropriating money for the improvement of every navigable river and every navigable harbor within the United States.

Now, sir, it is true that this is a very small harbor. It is comparatively insignificant; but the engineer reports that there is some commerce there, and the engineer reports furthermore that if this harbor is improved it will tend to cheapen transportation, which the railroads now monopolize. In that sentence is the gist of all our appropriations for rivers and harbors. It is to have commerce flow unrestricted, it is to have some way of checking the extravagant charges of railroad corporations that we make these appropriations. This is a small harbor, but it is not so small as Hingham; neither is Hingham so large as Plymouth. We have appropriated $6,000 for the small harbor of Hingham, which has some commerce, very little commerce, and we have appropriated a smaller amount for the larger harbor of Plymouth.

Now, sir, the recommendation for an appropriation for this little harbor has come too late for the committee to consider it—I mean the committee with closed doors; but it is in ample time for this committee. It goes alongside of Hingham Harbor, which, upon the representations of the gentleman from Massachusetts [Mr. LONG], has been appropriated for in this bill, not on the recommendation of the committee that sits with closed doors, but by a majority of this honorable Committee of the Whole House. I ask, therefore, that the amendment of the gentleman from Connecticut [Mr. WAIT] be adopted.

Mr. WAIT. Mr. Chairman, is my time entirely exhausted?

The CHAIRMAN. It is.

Mr. WILLIS. I hope we shall have a vote.

Mr. WAIT. The report of the engineer——

Mr. WILLIS. I object to further debate. Every word that has been uttered has been in favor of this proposition. The Committee on Rivers and Harbors were unanimous in rejecting this appropriation. This case was not like that of Hingham Harbor, which was not before the committee. This case was before the committee, and the proposed appropriation was unanimously rejected upon the ground that there was no public necessity for it, that no commercial interests demanded this expenditure. I trust we shall have a vote.

Mr. WAIT. I move to amend the amendment by striking out the last word, because I feel bound in duty to my constituents to respond to what has just fallen from the chairman of the Committee on Rivers and Harbors. If the committee examined the facts in this case before rejecting the proposition, they did not examine all the facts. The improvement which this amendment proposes would afford facilities for the carrying of raw material to a very large woolen mill up this river, as well as an oil factory. It would also enable our beautiful granite to be transported to market. We desire such an improvement made as will give steamers access to this river.

There was a time, as the report states, before the river became obstructed, when a large number of persons were employed in quarrying granite for transportation to various points, to be used for building purposes and to be wrought into monuments. It is true, as stated by the engineer, that if this river were made properly accessible it would be of great advantage to the manufacturing interests of that locality, which are now compelled to pay for railroad transportation five or six miles to New London or eight miles to the Connecticut River.

I withdraw the *pro forma* amendment to strike out the last word.

The question being taken on the amendment of Mr. WAIT, it was not agreed to—there being, ayes 43, noes 53.

The Clerk read as follows:

Improving harbor at Buffalo, N. Y.: Continuing improvement, $75,000.

Mr. ROGERS, of New York. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 55, strike out "75" and insert "100," so as to make the appropriation for continuing improvement of harbor at Buffalo, N. Y., $100,000.

Mr. ROGERS, of New York. Mr. Chairman, I have the honor to represent in this House the district in which this improvement is being carried on; and I know something of the needs of this work. Here is an improvement of which the estimated cost is over $1,200,000. The Committee on Rivers and Harbors propose to grant an appropriation of $75,000. This improvement has been going on for the last ten years, and on account of the small appropriations little more than half the work is now completed. At this rate it will take ten years more to finish the improvement. I think I am very modest in the amendment I now propose, and hope that the committee will accede to it.

Mr. HISCOCK. I wish that my colleague would have read the report of the engineer on this subject.

Mr. ROGERS, of New York. The Chief of Engineers recommends for this improvement an appropriation of $300,000.

Mr. HISCOCK. I wish my colleague would have the recommendation read.

Mr. ROGERS, of New York. It is found on page 321, and I ask the Clerk to read it.

The Clerk read as follows:

Buffalo Harbor, New York.—The original project for the improvement of this harbor was adopted in 1826, the date of the first appropriation, and as modified at various times provided for the construction of a north and south pier at the mouth of Buffalo Creek, a masonry sea-wall running south from the inner end of the south pier and a breakwater less than half a mile in front of the Buffalo light-house, its long arm extending nearly parallel with the shore.

The present project was adopted in 1874, and provides for the construction of a breakwater of crib-work, 7,600 feet long, running parallel to the shore and a shore arm of pile and crib-work, 4,100 feet long, running out toward the southern end of the main or detached breakwater, leaving an opening about 150 feet wide between them.

The total amount appropriated for this harbor up to the close of the fiscal year was $1,661,880.41, of which $1,487,352.41 have been expended, resulting in the construction of the north and south piers, the sea-wall, 4,891 linear feet of detached breakwater, and 870 linear feet of pile pier. The main breakwater is now being extended 800 feet, and will be finished early in the coming fiscal year.

The south pier, the pile pier, and the northern portion of the main breakwater are very much in need of repairs.

Mr. HISCOCK. I ask my colleague to state the commerce of Buffalo.

Mr. ROGERS, of New York. The tonnage of Buffalo last year was about 4,000,000 tons and the custom-house receipts about $850,000. Our shippers there are now very much embarrassed for want of harbor facilities. These facilities will be largely increased when this improvement is completed, not before. I trust the committee will see the propriety of acceding to this amendment.

Mr. BLANCHARD. The Committee on Rivers and Harbors found that on July 1, 1883, there was to the credit of the Buffalo Harbor improvement $121,395; from July 1, 1883, to July 1, 1884, there was expended only $37,382; so that on the 1st day of July, 1884, there was

available for this improvement more than $84,000. Now, by the last river and harbor bill, approved July 5, 1884, we appropriated for this improvement $100,000. Thus there is available for the fiscal year ending July 30, 1885—the present year—$184,000. Now, we propose in this bill an appropriation of $75,000, making more than $250,000 available for the improvement of Buffalo Harbor for the remainder of the present fiscal year and for the fiscal year ending June 30, 1886.

Now, as only $37,000 was spent on this work during the fiscal year ending June 30, 1884——

Mr. ROGERS, of New York. I will explain why more was not expended.

Mr. BLANCHARD. How is it that my friend expects the engineers to spend upon this work $250,000 from now till the end of the coming fiscal year? That is why the committee did not give any more than $75,000. We thought it was as much as they could expend in one year, judging by the expenditures of the past year.

Mr. STEVENS. Has the gentleman from Louisiana any advice as to how much money has been expended or will be expended on the 30th of June, 1885? He refers to a certain amount applicable on hand during the fiscal year ending June 30, 1885. Is he in possession of any information from the War Department that will enable us to tell how much has been expended during the past year?

Mr. BLANCHARD. We have no information other than that furnished to us in these printed reports, but we did see by these printed reports they did not expend but $37,000 in the year preceding the last year, and last year we gave $100,000, leaving $84,000 to the credit of that harbor, while in addition we have given in this bill $75,000, which increases the amount to $230,000.

Mr. STEVENS. For two years.

Mr. BLANCHARD. For the balance of this year and for the next fiscal year.

Mr. ROGERS, of New York. I can explain to the gentleman from Louisiana why only $37,000 was expended during that year. Contracts were invited by the engineers, but when opened they were found to be excessive—so much so they refused to entertain them at all; and consequently they had to make return to Washington, so that the contracts were thrown over to the succeeding year. My friend from Louisiana will understand, under existing contracts the bulk of the appropriation now made will be used during the present year. This is an important work, and Congress would do well to appropriate twice the amount to complete this work. [Cries of "Vote!"]

Mr. BLANCHARD. I desire to say the committee recognize the great importance of Buffalo Harbor, and since they have $244,000 on hand less the amount they have expended during the last six months, and inasmuch as Buffalo gets the same proportion as other harbors all over the country, I submit the amendment of my friend from New York should not be adopted.

Mr. HISCOCK. I move to strike out the last word, and will say a single word in reference to this matter. The harbor of Buffalo receives the commerce of the lakes. It is an important harbor—important not only to New York and to the farther East, but to the shippers of the West. What are the facts about it? Proposals were submitted to the War Department to do the work for which appropriation was made, but the bids received were excessive and were rejected. New advertisements were necessary, and the result was the work was delayed. The money on hand is covered by contracts substantially in existence. Therefore there are no such funds in the Treasury as the gentleman from Louisiana has indicated. What money is there is pledged to the execution of existing contracts.

It does seem to me, Mr. Chairman, the amount asked by my colleague is little enough, and I hope it will be granted.

The committee divided; and there were—ayes 66, noes 41.

So the amendment was agreed to.

Mr. WILLIS. I reserve the right to ask a vote on this amendment in the House.

The Clerk read as follows:

Improving Buttermilk Channel, New York: Continuing improvement, $10,000.

Mr. BELFORD. I move to strike out "$10,000" and insert "one million." [Great laughter.] I hope I will have the attention of my distinguished, genial, and lovable friend from the State of New York [Mr. COX], the gentleman whose countenance is invariably lighted by the sunbeams of the Arctic frozen ocean, the sunbeams of the Orient, the sunbeams of the West, and the sunbeams of the East; whose heart is as mellow as that of a child, and whose voice is as sweet as that of a lute. [Laughter.]

Several MEMBERS. Give us his name!

A MEMBER. There is no such man in this House. That man must be a woman. [Laughter.]

Mr. BELFORD. He comes in here with a proposition to improve the channel of buttermilk, and asks the House to appropriate the sum of $10,000 for that magnificent project! [Laughter.]

Buttermilk! We have constructed great railroads across the plains where we have expended millions of dollars in their achievement and accomplishment. [Cries of "Vote!" "Vote!"] Oh, hold on! [Laughter.] And now, when we are coming to open up in the very heart of this continent a channel to furnish us all with a glass of buttermilk, our distinguished friend from New York has limited it to $10,000. My proposition is to vote $1,000,000 for this amendment. [Cries of "Vote!" "Vote!"] Oh! well, you will vote when I get ready for you to vote. [Laughter.]

One million of dollars, I think, should be appropriated, which will give full value for the money invested in this country. That will provide every voter in the country one glass of buttermilk, at least. [Laughter.] Now, if we consume buttermilk on election day, you can readily appreciate the fact that we will have a decent and orderly election. We all commenced in early life with a fondness for milk. [Laughter.] [Cries of "Vote!" "Vote!"] Oh! you will vote when I get through with this floor. I say we began with a fondness for milk, but that was sweet milk. [Laughter.] Then when we got to college our sweet, gentle, and kindly mothers brought us a glass of buttermilk to cure our sores and overcome our pains; and here is the great representative council of this nation, in view of a subject of such pre-eminent and magnificent importance, proposing to vote the little trifling sum of $10,000 to construct a channel in this country through which we can pour buttermilk! [Renewed laughter.]

But I want to look at some other things in this bill a little while. I am opposed to a good many of them, but I propose to support the bill. [Cries of "Vote!" "Vote!"] Don't be in a hurry. [Laughter.] I propose to vote on the principle on which the young robin takes its food—shut my eyes, open my mouth, and swallow whatever is put into this bill—bugs, lizards, whatever it may be. [Laughter.] I will take it all in a lump. Now I alluded to this buttermilk question because I wanted my distinguished and eloquent friend from New York [Mr. COX] to make a speech. I have heard him make magnificent speeches on the river and harbor bill; but he has been silent up to this present time on the pending bill. I want him to make such a grand speech as he made on the census bill, as a eulogy on buttermilk. Commence, my friend, from your earliest recollections, if you can go back that far—sweet milk—and then make the buttermilk sweet by the genial smile of your face and the eloquence of your tongue. [Laughter.]

I withdraw the amendment.

Mr. COX, of New York. I move to strike out the last word for the purpose of saying a word in response to my genial friend from Colorado. I do not propose to discuss any kind of drink, nor do I propose to say anything about rivers and harbors except that I had no relation whatever to this matter of the appropriation of $10,000 for the improvement of Buttermilk Channel.

This channel is in the upper part of the bay of New York, between Governor's Island and the mainland, and provision is made for it in this bill in pursuance of proper estimates and recommendations by the board of engineers. It does not, however, touch the main matter that will be presented hereafter as to the improvement of the harbor of New York. It is only one of those indispensable things which necessarily go into the preparation of a bill of this character, and which demand attention as forming parts of the general scope of the improvement of the whole harbor of New York.

I will say simply, to give my gentle friend from Colorado a little bit of facetiæ, so that he can have an opportunity of pondering and sleeping on it to-night, that this was called "Buttermilk" Channel because in the early days, owing to the shoaling at times, the waters of the channel were churned up so as to resemble very much in appearance buttermilk; but latterly, owing to changes in the tide and improvements in the channel, the shoaling has ceased to a great extent, and we have now almost twelve feet of navigable water in this channel. Time has obscured the original meaning of the term as applied to this channel, which term has no meaning now except that my friend from Colorado has given it the glorious glow of his Western eloquence.

Mr. WHITE, of Kentucky. I desire to ask the gentleman from New York a question.

Mr. COX, of New York. Certainly.

Mr. WHITE, of Kentucky. I wish to ask the gentleman if he knows how much the officer in charge of the work at that point gets as an annual salary and how much the plant is worth with which the operations are carried on.

Mr. COX, of New York. I have no relation whatever to this appropriation, but no doubt the Committee on Rivers and Harbors will answer the question of the gentleman satisfactorily.

Mr. WHITE, of Kentucky. I move to strike out the last word——

Mr. WILLIS. I only desire to say in regard to Buttermilk Channel——

Mr. WHITE, of Kentucky. Who has the floor?

The CHAIRMAN. The Chair has recognized the gentleman from Kentucky who now addresses the Chair.

Mr. WHITE, of Kentucky. With a view of presenting this matter before the committee in proper shape I shall move now to strike out $10,000 and make the appropriation for this point $20,000, as recommended by the engineers.

I make the motion for this reason, that if the gentlemen of this committee—not the committee with closed doors, but this Committee of the Whole—will go through this bill carefully and study the estimates of the Chief of Engineers they will see that by the appropriation of a little

more money they can close up scores of these works. If the engineer reports can be relied upon this important work, which began with nine and a half feet, I believe, and now has twenty-six feet of water, a harbor that admits all sizes of vessels and is of importance to commerce, not only to New York but to this whole country, can be completed for $20,000, which the Chief of Engineers says will be sufficient for the work. Why, then, give $10,000? Why continue the expense through the next year and the next year, with an additional expense of the officers in charge, with the plant and equipage and machinery, everything necessary to continue the work, instead of completing it now by this small additional appropriation?

What I am saying in regard to the Buttermilk Channel will apply to nearly all the small appropriations in this bill.

Now I desire to call the attention of the committee to the fact [cries of "Vote!" "Vote!"]—I hope this will not be taken out of my time. I do not desire to speak to those members who are yelling "Vote!" "Vote!" I am talking, as I think, to the question under consideration in the light of the information given us by the Engineer Department and the facts that are pertinent to this case. And if gentlemen have no more respect for me than to halloo "Vote!" when I address the committee, they should have regard for their own oaths under the Constitution and for the rules of the House under which I speak.

I desire to call the attention of the committee to the fact that in the bill which was vetoed by the President there were only eleven small harbors at $5,000, only one at $4,500, only one at $4,000, only six at $3,000, only three at $2,000. But the bill passed by your party last year and signed by the President had fifteen at $5,000, one at $4,000, two at $3,000, four at $2,000, and one at $1,000, making a difference in favor of the bill of the Forty-seventh Congress and in favor of the Republicans that passed that bill.

I desire to call your attention to the fact that in that bill we attempted to complete some works; we attempted to appropriate enough money, not only for the officers in charge, not only for the maintenance of the plant, but to finish the work. And if you are afraid to complete anything, if you simply want to keep the works going, with the machinery and the officers that are there, until your party comes into power, your party which has been benefited by the civil-service law, I ask you how this applies to your civil-servise law? The chairman of the Committee on Rivers and Harbors was the very gentleman whose praises were sounded in connection with the civil-service bill. Yet he and his committee, sitting with closed doors, propose to keep these little works going on. I say it is more like statesmanship to appropriate $20,000 and close it than to appropriate $10,000 for the officers there to keep the machinery barely in motion and not complete the work.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. WHITE].

The amendment was not agreed to.

The Clerk read the following paragraph:

That if any person shall knowingly and willfully, by any process or in any manner, deposit or cause to be deposited, or authorize, instigate, or aid in depositing, any refuse, dirt, materials, ashes, cinders, or any substance other than that flowing from street sewers and carried therefrom in a liquid state, into tidal waters within the navigable waters of the harbor of New York, or its adjacent and tributary waters, whereby a deposit shall or may be created and the depth of water lessened, such person, on conviction thereof, shall be punished by imprisonment of not more than one year, or by fine not more than $2,500, or by both such fine and imprisonment; and that the sum of $5,000 be, and is hereby, appropriated to carry out the provisions of this section; and the Secretary of the Treasury is hereby authorized to pay that sum from any moneys in the Treasury not otherwise appropriated. The court having jurisdiction of all violations of this act shall be the United States court of the southern district of the State of New York.

Mr. WHITE, of Kentucky. I reserve all points of order on the paragraph.

Mr. PERKINS. I desire to call the attention of the committee to the language found in line 104, and also in line 84, where "this section" is spoken of. That was undoubtedly the language of the original bill, but when incorporated in this bill the phraseology should be changed and should read in each case "provisions of this act."

Mr. BLANCHARD. We have no objection to that.

The CHAIRMAN. The amendment suggested by the gentleman from Kansas [Mr. PERKINS], so far as it relates to line 84, can now only be made by unanimous consent of the committee, the paragraph in which that line occurs having been passed from and the next paragraph read. Without objection the word "section," in line 84, will be changed to "act."

There was no objection.

The CHAIRMAN. The question is now on the amendment to substitute the word "act" for the word "section" in line 104.

The amendment was agreed to.

Mr. COX, of New York. I desire to suggest another verbal amendment at line 108, to insert the word "district" before "court." As the language is now it is very indefinite.

The CHAIRMAN. The Chair will remark to the gentleman from New York that that amendment is in order. The other was not, because the committee had passed from the paragraph.

Mr. THOMAS. That is all right.

The Clerk read the amendment proposed by Mr. COX, of New York, as follows:

In line 108, after the word "States," insert the word "district;" so that it will read, "United States district court."

The amendment was agreed to.

The Clerk read the next paragraph, lines 110 and 111, as follows:

Improving harbor at Canarsie Bay, New York: Continuing improvement, $5,000.

Mr. WHITE, of Kentucky. I make the point of order on the paragraph ending with line 109 that it is new legislation.

The CHAIRMAN. The Chair holds that the point of order is made too late. The Clerk has read the next paragraph.

Mr. WHITE, of Kentucky. When the gentleman from Kansas [Mr. PERKINS] took the floor I rose and stated I reserved points of order.

Mr. COX, of New York. Two amendments to the paragraph have been voted on since and adopted by the committee.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] stated he would reserve points of order. Two amendments were then voted on, and the next paragraph was read without any objection being made.

Mr. WHITE, of Kentucky. I beg pardon of the Chair. I was doing my best to make the point of order.

The CHAIRMAN. The Chair thinks the point is too late.

Mr. WHITE, of Kentucky. I must appeal from the decision of the Chair. I appeal to the record to show whether when the gentleman from Kansas offered his correction I did not then give notice that I would raise the point of order.

The CHAIRMAN. The gentleman from Kentucky does not seem to understand the Chair. He did give notice, but he made no point of order until after amendments were voted on and the next paragraph was read.

Mr. WHITE, of Kentucky. That was not my fault. I desired recognition but could not get it.

The CHAIRMAN. The gentleman from Kentucky did not ask for recognition.

Mr. WHITE, of Kentucky. I do not know what is required to make a demand for recognition if it did not constitute such a demand that I rose in my place and stated that I reserved points of order on the paragraph.

The CHAIRMAN. The gentleman from Kentucky appeals from the decision of the Chair. The question is: Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative.

The Clerk read the following paragraph:

Improving harbor at Charlotte, N. Y.: Continuing improvement, $30,000.

Mr. STEVENS. I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

On page 6, at the end of the line 113, insert as follows:
"Improving Oak Orchard Harbor, New York: Continuing the improvement, $10,000."

Mr. STEVENS. Mr. Chairman, I regret exceedingly the necessity that has compelled me to occupy the time of the committee in offering this amendment; but, in common with the other members of this House who are not members of the Committee on Rivers and Harbors, I have had no opportunity to present the claims of this harbor before that committee. I only desire to say now that it has already had expended upon it $173,500, and that the engineers of the War Department report that the amount required to complete the improvements is $92,000. They recommended last year $40,000, and they again reported that amount as one which could be properly and economically expended there this year. The harbor is not only necessary for the wants of commerce, but it is quite an important harbor. The revenue collected there during the last year for United States customs was $1,951. The engineer reports that this harbor is important to the wants of the commerce on Lake Ontario as a harbor of refuge, and it appears that during the year preceding his last report fifty vessels in stress of weather sought it as a harbor of refuge.

It is an important harbor. It has had appropriations heretofore, but during the last Congress it had only $50,000. It is stated to be actually a harbor of necessity, and it is certainly one of great importance to the commerce of Lake Ontario. I have offered this amendment in good faith, believing that the people of that section with the interests of commerce require the appropriation, and I do trust that, notwithstanding the Committee on Rivers and Harbors have refused to make any appropriation for this purpose, the good sense of this Committee of the Whole House will see the propriety of adopting this amendment.

The question was taken on the amendment; and there were—ayes 86, noes 28.

Mr. WILLIS. Mr. Chairman, without waiting now to ask a vote by tellers I will reserve a vote upon this amendment in the House.

The CHAIRMAN. The Clerk will report the next paragraph.

The Clerk read as follows:

Improving harbor at Dunkirk, N. Y.: The sum heretofore appropriated is to be used one-half for the repair of the beacon and the remainder for dredging.

Mr. BREWER, of New York. I offer an amendment as a substitute which I ask to have read.

The Clerk read as follows:

For improving the harbor at Dunkirk, N. Y.: Five thousand dollars in addition to the $10,000 heretofore appropriated; $5,000 for repairing the beacon and the remainder for dredging out the channel.

Mr. BREWER, of New York. Mr. Chairman, I ask for this additional $5,000 for the harbor of Dunkirk for the reasons which I shall explain. I probably might have obtained the insertion of this appropriation in the bill if I could have had an opportunity to explain the matter to the Committee on Rivers and Harbors. Two years ago the ice carried out the large day beacon which indicated the entrance to the channel, and it has not been restored. The channel there is cut out of solid rock, and as a result of the disappearance of the beacon the *débris* from the harbor and from the city has been permitted to fill up, so that it will require somewhat more than the amount appropriated in the bill to clear it out. For that reason I ask the substitution of this amendment instead of the provision in the bill.

Mr. WILLIS. Mr. Chairman, I desire to say at this point that the Committee on Rivers and Harbors is placed under considerable embarrassment by the fact that if we take time to present and discuss the reasons upon which we have acted in individual cases, we thus place ourselves in the power of those gentlemen who are endeavoring to kill this bill by a waste of the public time; while, on the other hand, if we make no reply to the statements and arguments presented on the other side, of course they stand as good.

Now, with reference to this harbor, the committee did consider the question. It considered it last year at length, and also this year. It considered it three distinct times, and in considering it the committee had in possession all the facts which the gentleman from New York [Mr. BREWER] has presented. But there are certain other facts which the gentleman does not present here, but which are presented by the engineers. I have before me the report of the engineer, in which it is stated that—

Unfortunately for the improvement of this harbor, it can not be made to accommodate the larger vessels except at an enormous expense, since any depth more than twelve and five-tenths feet throughout the entire inclosed area of the harbor must be gained by excavating its solid rock bed. Indeed, I may add that persons who were most sanguine for the lake commerce of Dunkirk a few years ago are now compelled to very much modify, if not to abandon, their expectations.

He goes on to say that there were only twenty vessels that entered that harbor during the past year. So that the harbor is of no considerable commercial importance, while the only improvement that would benefit it, the engineer states, would cost the Government more than the commercial interests of the harbor demand.

I refer to this, Mr. Chairman, as only one of many instances where the Committee on Rivers and Harbors felt that they had ample reason for their action, and if they do not occupy the time of this Committee of the Whole in presenting those reasons in every instance, it is because of the fact, which I have already stated, that they are anxious to press this bill through to a conclusion—willing and anxious to hear all legitimate arguments, but very desirous of speedily reaching some conclusion upon the whole bill. I ask for a vote.

Mr. BREWER, of New York. Am I not entitled to some additional time?

The CHAIRMAN. The gentleman is entitled to three minutes.

Mr. BREWER, of New York. I do not object to what the gentleman has said about the improvement of the harbor; but he does not state the matter with entire accuracy. I do not ask for any money to do new work; the object sought by this appropriation is to replace a beacon which has been carried away by the storms, and which indicated the entrance of the harbor, and also to dredge out the channel, which is cut out of solid rock, and has filled up.

Mr. THOMAS. Was not the provision as it now appears in the bill put in at the gentleman's instance and request?

Mr. BREWER, of New York. I desired an appropriation of $5,000 more to complete the work.

Mr. THOMAS. It was either the gentleman himself or some Representative from his State who induced the committee to insert this provision as it stands, and upon the representation that the appropriation would be satisfactory.

Mr. BREWER, of New York. It was not I, because the amount proposed in the bill is not enough to carry out the work properly.

The question being taken on the amendment of Mr. BREWER, of New York, it was not agreed to; there being—ayes 40, noes 54.

The Clerk read as follows:

Improving harbor at Flushing Bay, New York: Continuing improvement, $10,000.

Mr. COX, of New York. Mr. Chairman, I move an amendment to come in after the paragraph just read.

Mr. YOUNG. I desired to get the attention of the Chair to offer an amendment to come in after the preceding paragraph.

The CHAIRMAN. The Chair did not understand that the gentleman from Tennessee [Mr. YOUNG] was seeking the floor. I had promised to recognize the gentleman from New York [Mr. COX].

Mr. COX, of New York. I will yield to the gentleman with pleasure.

Mr. YOUNG. I will offer my amendment afterward.

The CHAIRMAN. The Chair understands the gentleman from Tennessee does not desire to take the floor now. The amendment sent to the desk by the gentleman from New York [Mr. COX] will be read.

The Clerk read as follows:

Add to line 118 the following:

"That the United States harbor board herein provided for shall report a plan and estimate for obtaining a permanent channel, sufficient for the wants of commerce, over the Sandy Hook Bar entrance into New York Harbor."

Mr. COX, of New York. Mr. Chairman, it will be seen by turning to page 43 of this bill that the Committee on Rivers and Harbors has very wisely reported a provision for a board to investigate all rivers and harbors to be improved by Federal money.

As to New York Harbor, allow me to thank this committee for its favorable consent to my measure.

It involves little money. It does one thing which is quite valuable to that harbor. It welds the jurisdiction of New Jersey and New York, in regard to this harbor, into one.

It is a part of our pitiable situation as the great commercial city of the continent that we have a divided jurisdiction. The pilot commissioners of New Jersey and New York, while they have not divided with any acrimony, still have divided as to the proper mode of saving our channels and water ways from spoliation by reason of a selfish greed of the contracting mind. The New York State line runs below Governor's Island. New Jersey embraces the Raritan River and Prince's Bay and the waters south of Staten Island. The Federal Government comprehends all the waters of the Lower Bay and Sandy Hook.

The committee will perceive that there is a great likelihood of a collision, not only between New Jersey and New York, but between the Federal, State, and municipal jurisdictions. The meaning and intent of the sections that have just passed the House is that these varied jurisdictions, which simply hamper and impede, shall be united into one, which shall give a remedy for one of our troubles.

The New Jersey Legislature has demanded this unity of jurisdiction. The Chamber of Commerce of New York and other commercial bodies have done the same. The North Atlantic conference appealed to Congress to give the Federal Government control of this wonderful harbor evoked by nature out of many of her remarkable catastrophes or crises.

Inasmuch as there are pilot commissioners of New York and New Jersey, and inasmuch as there can be no harmony of action between them, the merchantmen and corporate bodies who have trade at stake come to Congress for relief.

I thank the committee for making the provisions of the bill, which I trust will pass the Senate and become a law; but may I be permitted to say in justification of our vote that the garbage, even in some of the 14-foot channels three miles inside of the prescribed dumping limit, has been so excessive as to call for remonstrance?

The secretary of the New York pilot board, Captain Nash, did not believe that the State of New York could stop the illegal dumping. New Jersey stood in the way. New Jersey had another jurisdiction. Others have said that the commercial world depended upon some action of this kind; the danger to the harbor was imminent; that some united and energetic movement was necessary.

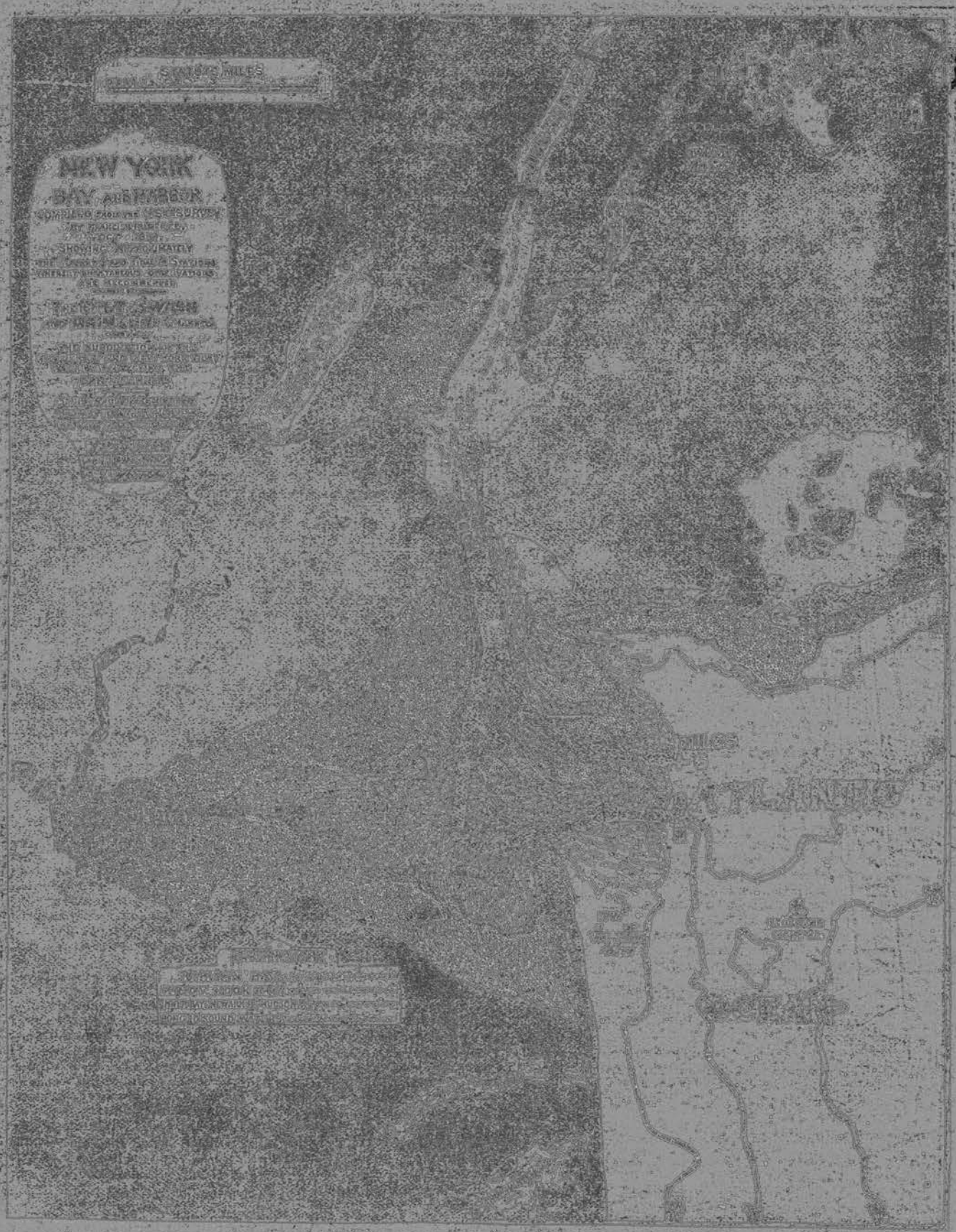
Is it said that some one should care for this garbage and use it for other and wiser purposes? I answer: True. Even Brooklyn and Jersey City utilize this peculiar material. Agriculture, horticulture, and chemistry have their modes of utilizing such garbage. But as long as the contractors and the city government of New York remain as they are there will be no care where the sweepings go, nor what the result is to health or city, provided only the contractors make their large percentage.

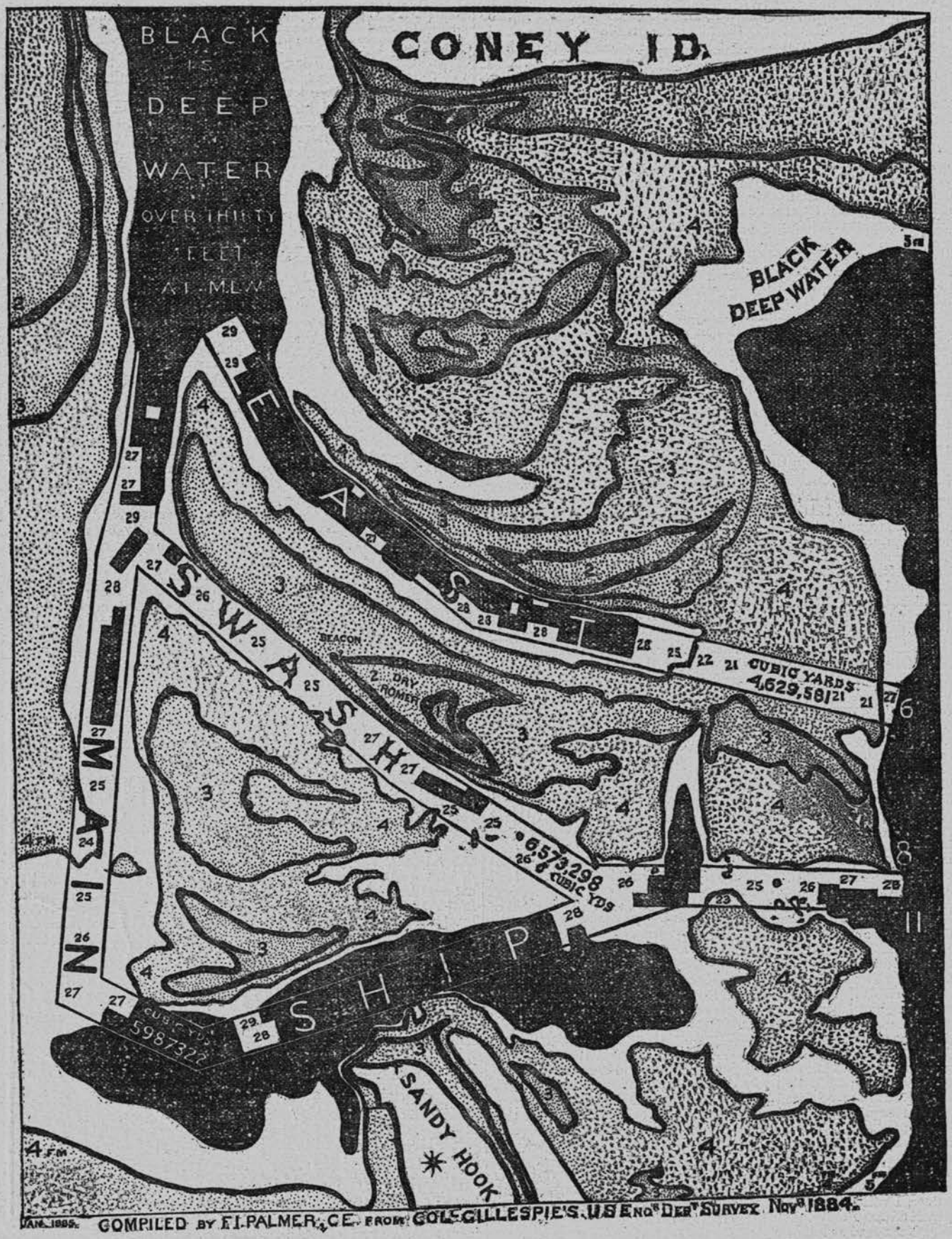
The result of this wild license about garbage to our great metropolitan city is that its upper and lower bay are shoaling their waters. There has been a deposit of 1,200,000 pounds of this garbage. If this accretion goes on, the harbor will be closed to the larger steamers. Adopt this amendment, and you give some police system of a Federal nature. Thus this great mischief may be remedied.

Is it said that the State government should do this duty—should stop this dumping? The answer is that all the penalties provided by State laws have failed. Nobody can find out where the dumping takes place or who does it. The dredging-scows return from their work suspiciously very soon. There is nobody to control or watch the harbor.

In further justification of the vote which has been given by the House, may I not say that the gradual filling up of the harbor by the deposit of garbage and with the diminution of the tide area is a matter which concerns the Federal Government? Local jurisdiction has failed to give it the proper care and protection?

The trouble with mere local legislation and law is that it only imposed a pecuniary fine. Such a fine was useless against people like the scow and the steamboat men. We could not convict them. It was impossible to get evidence The appropriation of money from the State was very meager. The State inspector was watched. The dumping was done in places where no one could follow or see it. Men of character, old shipmasters and others, have said that the captains of tugboats were the chief offenders. They could not be reached by a temporary revocation of their licenses. They could not be reached by increasing the


NEW YORK
BAY AND HARBOR


BLACK
DEEP
WATER
OVER THIRTY
FEET
AT M.L.W.
CONEY ID.
BLACK
DEEP WATER
SWASH CHANNEL
SHIP
CHANNEL
SANDY HOOK
BEACON
2 DAY NUMBER
CUBIC YARDS
4,629,581
6,573,298
CUBIC YDS
5987322
CUBIC YDS
COMPILED BY F.I. PALMER, C.E. FROM COL. GILLESPIE'S U.S. ENG'S DEP'T SURVEY NOV. 1884.

penalty for their offenses. There was a lack of legal power. There was a lack of money. The law of the State was evaded.

The truth is, sir, the harbor in the upper and lower bay is Federal, national, international, and continental. No local expedients could or can save it. It needs not only the abstract ægis, but the vigilant police, of the Federal Government. That it will now have, if this bill becomes a law.

It is the general judgment that the Federal Government should take charge of this harbor. It is dedicated to all mankind and not to New York only.

But a larger and better thing remains to be done for New York Harbor. The larger vessels now coming into that harbor frequently touch bottom, because our channel at Sandy Hook is not more than twenty-one or twenty-two feet at low water. It is still shoaling. It is said to be no more than it was a century ago; but recently it has been shoaling. It has shoaled since 1881 two or three feet. We desire for that harbor at least twenty-eight to thirty feet of water. We desire this in order that the largest steamer may come in at mean low tide.

Why, sir, Canada has spent $8,000,000 to deepen the Saint Lawrence River. Canada has spent $40,000,000 for making ship and other canals. These have diverted our trade from the great West away from New York and other ports upon the Atlantic. Is it not time that New York—is it not time that the country which is represented by New York in a commercial way—should heed the necessity of protecting this great harbor?

The only expenditure, Mr. Chairman, ever made in a Federal way for this harbor, outside of Hell Gate, has been only $15,000 for the removal of a wreck. I will not institute comparisons as to what other and less meritorious harbors have received.

New York has at least one-half of all the exports of this country. She has two-thirds of all the imports. She stands as the entrepôt of our inland and outland and coastwise trade. She has besides great railway lines.

The State of New York, sir, has freely given to the West, to the nation, the Erie Canal. She built it with her own resources. She built it for purposes of transportation. She made no ignoble, no unprosperous connection with the lakes and with the great and teeming West.

New York built her Erie Canal within her own borders. Since such questions are mooted here on bills of this kind, it becomes this Congress, representing the whole people, to consider whether New York should be ostracised. There is no part of the country which can afford to say to New York, "We have no need of you." Her splendid harbor should have the care, protection, and advice of the board to be established under this bill. The city itself, the select home of benevolence and charity, should be honored by those who come to her for all sorts of largesses. By aiding to aggrandize her natural greatness gentlemen honor and aid their own communities.

I believe, sir, that if this board be created, it will make a full examination in regard to our harbors, and we may have a good report as to this harbor. We may get rid of this shoaling which now interferes with our commerce. We may lessen the cost of transportation, because by increasing the depth of our channel we may enable the largest vessel to carry one-third more freight. We would thus diminish the expense of transportation.

In this way, sir, we help not merely shippers in New York and Buffalo, but the great West and South, and we will be more or less benefited by the action of such a board.

Mr. Chairman, my colleague [Mr. HEWITT, of New York] has had special charge of matters connected with Sandy Hook and New York Harbor. I am his lieutenant; but I wish to say before we pass from this matter that this Congress should hear him. He stands as the exponent of the whole country, because he so fitly represents New York city and State.

Mr. Chairman, I shall include in my remarks, with the consent of the House, the two diagrams referred to by my honorable colleague. [Pages 1344 and 1345.] They explain the character and extent of this work and the relation to the harbor of New York and its surroundings of the amendment which I propose, and will also illustrate what I have stated here in these hurried five minutes of desultory talk.

Mr. WILLIS. I see no objection to the amendment offered by the gentleman, and I hope the Committee of the Whole will accept.

The amendment was agreed to.

Mr. KING rose.

The CHAIRMAN. The Chair desires to state that the Clerk read the last section not knowing any gentleman desired to amend the section in advance, and in that way the gentleman from Tennessee [Mr. YOUNG] was not recognized by the Chair, because the Chair had promised to recognize the gentleman from New York [Mr. COX] on this Flushing matter. If the gentleman from Tennessee desires to move an amendment, by unanimous consent he will be recognized for that purpose.

Mr. YOUNG. I know there was no intention on the part of the Chair not to recognize me, and as the gentleman from Louisiana has the floor, I will wait.

Mr. KING. I move, after line 118, to insert.

The Clerk read as follows:

After line 118 insert:

"For the improvement of Sandy Hook Channel at the entrance of the harbors of New York, Brooklyn, Jersey City, and Hoboken, and to obtain a depth of thirty-two feet on same, $15,000,000, or so much thereof as may be necessary: *Provided*, That none of said sum shall be expended except for surveys of said channels until the proper method of improving same shall have been determined by a commission of seven engineers, familiar with the science of river and tidal currents, to be appointed by the President on or after April 1, 1885, who shall proceed forthwith with the execution of its duties."

Mr. KING. Now, I know there is no possibility under the rules of this body to get that amendment inserted in this bill.

Mr. WILLIS. Then let us go on with the bill.

Mr. KING. But I know equally well there is a necessity for the measure. From the boards of trade of the city of New York, and from what we can gather from the public prints of that city also; from reports made by the great lines of merchantmen passing between that city and Europe, constituting almost daily ferries across the ocean, so clearly stated by the gentleman from New York [Mr. COX] a moment ago, in that great port no ship can enter drawing over twenty-six feet of water. These first-class merchantmen that carry so vast a portion of our commerce are detained on that bar or in front of it, on an average, one-half day in the course of their voyage. That must amount to an expenditure of something between $500 and $1,000 on each occasion.

I do not wish to cast any reproach upon the gentlemen on this floor representing the great city of New York. I only want to call the attention of the country to the fact that notwithstanding what we may do now this necessity of our commerce stares us in the face; and I believe we shall have to meet this expenditure in the near future.

Immediately after the close of the Franco-Prussian war, Mr. Chairman, France, crippled and crushed as she was, appropriated $172,000,000 for her rivers and harbors. And right here I wish to call the attention of the country to the fact that though this river and harbor bill has been much maligned and charged with unnecessary expenditure of public money, there is no measure which can bring to the people greater relief on the part of the Government. There is no country so vast as this that expends so small an amount on rivers and harbors, nor is there one with such vast transportation lines on rivers and lakes for cheap freights. I shall cheerfully co-operate in the future with all who will endeavor to have a provision made to carry out the intent of this amendment. This work may require fifty millions in time, and I feel it would be judicious to spend even that amount to get the relief required.

The CHAIRMAN. The gentleman's time has expired.

Mr. HISCOCK. I simply take this occasion, Mr. Chairman, to acknowledge the receipt of some articles in the press of the city of New Orleans which I have read, and which I have been receiving for some days, alleging I was to make an assault or do something else in reference to the jetties at the mouth of the Mississippi River. Some reflections have been cast on me in consequence of that allegation. Now, I have never intended to make any such assault—never imagined such an undertaking, and have no sympathy with any such scheme.

Mr. KING. I rise to a question of personal privilege in regard to the remarks of the gentleman from New York.

The CHAIRMAN. The gentleman will state his question of privilege.

Mr. KING. The allusion of the gentleman from New York is directed against myself.

Mr. HISCOCK. I beg the gentleman's pardon.

Mr. KING. There is no means of covering it up.

Mr. HISCOCK. I say unqualifiedly they were not directed against the gentleman.

Mr. KING. And I say unqualifiedly I understood the gentleman to state in a private conversation with me it was his purpose to state on this floor that the jetties at the mouth of the Mississippi had been of no commercial value to that city. Whereupon, taking him to be in earnest, I immediately telegraphed to the various chambers of commerce in that city as to the benefit to the commerce of the Mississippi Valley by the jetty system at the mouth of the river, and I hold in my hand their answers, and I request that they be printed in the RECORD or read from the desk.

Mr. HEWITT, of New York. Mr. Chairman——

Mr. HISCOCK. I hope my colleague will yield to me a little while.

The CHAIRMAN. The Chair does not think that the gentleman has presented a matter of personal privilege.

Mr. HISCOCK. I ask to be recognized for a moment. I move to strike out the last word.

The CHAIRMAN. The Chair will hear the gentleman from New York if his colleague will yield the floor, but his colleague has been recognized.

Mr. HISCOCK. I hope my colleague will yield to me.

Mr. HEWITT, of New York. I want to occupy at least five minutes.

Mr. HISCOCK. I will take the floor and yield to you if you will allow me to proceed now.

Mr. HEWITT, of New York. Very well.

Mr. HISCOCK. All I desire to say in reference to it is this: That just so far as I can go and keep myself within the rule of parliamentary language, just to that extent I desire to go in contradicting the statement that I ever advertised that I had any such purpose.

Mr. KING. That you ever advertised it; but the gentleman will not say that in a private conversation he did not make that statement?

Mr. HISCOCK. I have nothing more to say, except that just so far as I can go within the rules of the House I desire to go, and do go, in saying that I have never——

Mr. KING. What?

Mr. HISCOCK. Well, that I have never said that I intended to do any such thing.

Mr. KING. And I state just within the rules of the House that that statement is false.

The CHAIRMAN. The committee will be in order. The gentleman from New York [Mr. HEWITT] is entitled to the floor.

Mr. LOWRY. If the gentleman from New York will yield to me one moment I desire to make a statement.

Mr. HEWITT, of New York. If it does not come out of my time I have no objection.

Mr. LOWRY. At the request of the chairman of the Committee on Rivers and Harbors I desire to repeat a communication which I have given to him from the chairman of the Committee on Invalid Pensions, to the effect that he does not expect to be here to-night himself and is willing that the Committee on Rivers and Harbors shall have the time devoted to the consideration of pension matters for the further consideration of this bill.

Several MEMBERS. That is a matter for the House.

Mr. HEWITT, of New York. Mr. Chairman, the amendment offered by my colleague [Mr. COX, of New York] requires the board created by this act to consider the improvements necessary in the harbor of New York in order that it may respond to the demands upon it as to the foreign and internal commerce of the country. The gentleman from Louisiana [Mr. KING] supplements that with the proposition to expend a very large amount of money in improving the harbor of that city.

By the bill of last year $200,000 was appropriated for deepening Gedney's Channel. The use of that money has developed a fact probably known for the first time, to the general public certainly, that there has been no shoaling of the deep channel into the port of New York since the memory of man. The fact is apparent that on a comparison of the present depth of water in the main channel with the depth prior to the Revolution, the channel, instead of being shoaled, is rather deeper now than it was a hundred years ago. But the deposits of refuse matter, which I trust hereafter will be regulated and controlled by the provisions of this bill, have shifted the bottom of the harbor of New York, until now the surveys which we have, and a copy of which I have here before me, turn out to be entirely incorrect, and there are to-day no correct surveys of the harbor of New York.

I asked the chairman of the Committee on Rivers and Harbors here why provision was not made in this bill for a survey of the harbor of New York in order that we might know how to spend the money before it was appropriated. He replied that he was informed by the Chief of Engineers that he had all the necessary information for that purpose. Thereupon I wrote to the Chief of Engineers upon that point, being fully satisfied that the chairman of the committee was mistaken, and that they had not the information, and in reply to my inquiry I beg leave to submit the following letter:

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C., January 31, 1885.

DEAR SIR: I am in receipt of your communication of the 29th instant in regard to a complete survey of New York Harbor, and inquiring whether the statement that the appropriation for the survey would have been reported by the River and Harbor Committee but for my statement that it was unnecessary, &c.

I beg to inclose for your information a copy of my communication to the Secretary of War, dated June 21, 1884, upon Senate bill 2176, from which it will appear that, referring to the improvement of the channel through Sandy Hook bar, the following language was used:

"Without such resurvey recommended by the board it is impossible to discuss intelligently the question of improvement, the various schemes for which object are presented from day to day.

"It is necessary, likewise, to establish the facts with regard to the statements made concerning the changes and deterioration of this harbor, which are not, however, entitled to the confidence which an accurate survey alone can give."

A survey was accordingly made of the bar, with the view to improvement, under the appropriation of July 5, 1884. The board of engineers recommended a resurvey of the harbor of New York, from the Battery to a line drawn from Navesink to Rockaway beach, as indispensable to study the changes which have taken place.

Very respectfully, your obedient servant,

JOHN NEWTON,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

Hon. ABRAM S. HEWITT,
House of Representatives, Washington, D. C.

Now, then, before the board contemplated by the resolution of my colleague can act there must be a resurvey of the harbor of New York. Fortunately, it is not an expensive operation. I am informed by the Coast Survey that the sum of $30,000 will probably enable them to get all of the facts necessary to determine how to carry on the work for the purpose of securing the depth of water that is necessary for the commerce of the port of New York, namely, thirty feet.

Preparatory to that survey, however, the commercial bodies of New York have had a preliminary survey made, showing the present condition of the channel, which survey I hold in my hand, and copies of which are at the service of gentlemen who desire to examine it. By it it is shown that the present channel from the point of departure known as the main channel, through Gedney's Channel, is eleven miles long and is exceedingly crooked; that the Swash Channel is eight miles in length, and that the East Channel will be six miles.

It turns out on this survey that to get the depth of thirty feet in the present channel or main channel would require an excavation of 6,000,000 cubic yards, whereas to get the same in the east channel would require an excavation of only 4,600,000, and the distance would be five miles. Happily for New York and happily for this country it turns out the thing wanted to be accomplished, and the best thing to accomplish, is the cheapest thing to do.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BLOUNT. I move to strike out the last word, and yield my time to the gentleman from New York [Mr. HEWITT]. I wish, however, to ask him what is the difficulty about the Coast Survey using the fund appropriated annually for them to make surveys instead of putting it in this bill.

Mr. HEWITT, of New York. I will answer the gentleman from Georgia with pleasure. I do not propose to put it in this bill. I do not propose any amendment of that sort. I supposed the appropriation for that purpose would be inserted in the sundry civil bill, in accordance with the estimate of the Department.

Mr. BLOUNT. I did not understand the gentleman to make that statement.

Mr. HEWITT, of New York. We have arrived in the history of the commerce of this country at a point of departure. We have got to a point where the commerce is so great that the ships required to carry it on cheaply are too big for the harbor of New York; and there is no harbor in the country, except the harbor of New York, which can ever be made available to do this business. Man did not make the harbor of New York. It is the work of that same Almighty Power which so ordered the arrangements of nature that water could be made to flow from the great lakes to New York, and which made the harbor of New York to cover various channels and bays, so that there are at least three independent currents striving with each other to keep that harbor open for the commerce of the world. But the size of the ships to-day exceeds the capacity of the channel, so that they leave the port of New York with incomplete loads.

I have in my hand a letter, or I had it in my hand a moment ago—I will state the contents of it—a letter from the agent of the Cunard Company, saying they are compelled by the shallowness of the channel to haul off their large ships, and if the channel could be made to carry thirty feet of water they could take from fifty to sixty thousand bushels of grain more in a cargo, and thus cheapen the cost of transportation one-third, and that concerns the great West, the grain-growers of the country. It is for them we want this harbor deepened. It is for them this improvement must be made.

But before one dollar can be wisely expended there should be a resurvey at this small cost, and when the sundry civil appropriation bill comes in containing that item I should hope the House will then enable the engineers charged with this work to arrive at the information necessary to make a wise expenditure of money which my friend from Louisiana would generously give to us.

Mr. WILLIS. I ask for a vote.

Mr. WHITE, of Kentucky. The State of New York, more than any other State of this Union, raised a howl in 1882 against the river and harbor bill which appropriated eighteen millions of money. The railroad kings that live in the city of New York made opposition to it, and the President, under the influence of those railroad kings, vetoed that river and harbor bill. That veto was founded on the idea that in the bill were appropriations for small streams, insignificant harbors, and creeks and rivers upon which there was no commerce.

Now, sir, the gentleman from New York [Mr. HEWITT] comes in here and tells us that the Cunard line have built their ships so large that in the winter months they can not enter the harbor of New York, and they ask this Congress for a resurvey of that harbor with a view to excavating it, not only digging out the rubbish that that city has been filling it up with, but excavating it deeper than nature left it, so as to admit not only the Cunard steamers, but the other larger steamers which are yet to be constructed.

Let it not be forgotten that in the past, before the West and the South asked for any appropriation for these small cat-fish streams and brooks, the State of New York had received millions of dollars, and to-day stands at the head of the list with $10,000,000 for its harbors to be improved for the ships of commerce as they are now, not counting your Cunard steamers which have to be hauled up in the winter. It is a new line of departure. I take this occasion to say again we should meet this issue squarely. There is but one manly way to do it; and that is to appropriate for all navigable rivers, great and small, amounts large or small according only as there is money in the Treasury. To-day we have $150,000,000 there. The railroad kings of this country sitting in New York not only influence the President into a veto, but they influence Congress; they influence the commerce of this country, and our rivers and harbors go unimproved. Why? Because the railroad kings have got commerce by the throat.

This is a new departure. The Cunard steamers can not enter New York Harbor in the winter; therefore Congress must make appropria-

tions to dig out these harbors and deepen them for their Cunard steamers as they are now and as they are proposing to make them larger.

The question was taken on the amendment offered by Mr. KING, and it was disagreed to.

The CHAIRMAN. The Clerk will read the next paragraph.

The Clerk read as follows:

Improving harbor at Great Sodus Bay, New York: Continuing improvement, $10,000.

Mr. YOUNG. Mr. Chairman, I have an amendment which I desire to offer at this point, and which I send to the Clerk's desk to be read.

The Clerk read as follows:

After line 120, insert:
"For improving the harbor at Memphis, Tenn., $75,000."

Mr. YOUNG. Mr. Chairman, I regret that I am driven by the pressure of circumstances to resort to a most unpleasant expedient. For sixty days I knocked at the door of the "star chamber" where the Committee on Rivers and Harbors were preparing this bill, but I received no response. When the bill was reported to the House and I discovered that important improvements, upon which hundreds of thousands of dollars had been heretofore expended by the Government, had been altogether left out, I was astonished. Every harbor between Cairo and New Orleans was left out altogether, and I confess that when I saw the bill I was amazed.

In view of the ability, character, and standing of the gentlemen who have charge of this bill, it was a matter of great surprise and astonishment to me, and I therefore sought, I believe, every solitary member of that committee to remonstrate against their extraordinary action, and I found but one single member that did not disavow all connection with it. The chairman of the committee was the only member I was able to find that was willing to assume the responsibility of leaving to absolute and certain destruction millions of dollars' worth of property for the want of a trifling appropriation.

Mr. WILLIS. Mr. Chairman, I desire to say that the statement which the gentleman makes is not true.

Mr. YOUNG. Very well, we will see about that. How do you know it not to be true?

Mr. WILLIS. Because the committee acted upon all those harbors, including the harbor of Memphis.

Mr. YOUNG. I did not say that they did not.

Mr. WILLIS. Well, you undertook to place upon me before this House the sole responsibility for the action of the committee upon those appropriations, and I state that that is not true.

Mr. YOUNG. Mr. Chairman, what I have stated is literally true. I applied to every member of this committee, and they all said they were in favor of this appropriation except the chairman.

Mr. BRECKINRIDGE. The gentleman from Tennessee [Mr. YOUNG] is certainly very much mistaken.

Mr. YOUNG. And you [Mr. BRECKINRIDGE] were one of them.

Mr. BRECKINRIDGE. I certainly was, and I urged the appropriation very warmly before the committee; but when my proposition was put to a vote it was voted down.

Mr. YOUNG. That does not affect what I have stated. I state here that every member of the committee that I spoke to, except the chairman, told me that he was in favor of it.

Mr. WILLIS and Mr. BRECKINRIDGE rose.

Mr. YOUNG. Wait until I get through. When I get through, if I have made any incorrect statement you gentlemen expose it if you can.

Mr. WILLIS. Well, so far as I am concerned, I expose it now.

Mr. YOUNG. No, you do not. I stated that I spoke to every member of that committee, and all the members of the committee disavowed any responsibility for this action, and stated that they were opposed to it. That is true of every member of the committee that I spoke to, and I spoke to a number of them, the gentleman from Arkansas [Mr. BRECKINRIDGE] among the number; and I now repeat, in reply to the discourteous and offensive language of the gentleman from Kentucky, that he was the only one that I talked with that assumed the responsibility. Does he deny that?

Mr. BRECKINRIDGE. That is a very different statement from the one the gentleman made before.

Mr. WILLIS. He said that I was the only one in the committee that was responsible for its action in this matter.

Mr. YOUNG. I did not say anything of the sort.

Now, Mr. Chairman, proceeding with what I was saying, I sought an opportunity by humbly supplicating nearly every member—I will not say every one, but a great number of the members of this committee—to be allowed five minutes, or four minutes, or two minutes, or one minute to say a few words with reference to these features of the bill to which I object. I was met with the answer—except from the chairman who did not give me an answer at all—I was met with the answer by every gentleman whom I applied to except one, "I have but an hour and I wish I had two hours." The gentleman from Alabama [Mr. JONES] was kind enough to offer to divide his time with me; but so much time had been occupied by the other members of the committee that he had none left. Therefore it is that I am driven now under this five-minute rule to speak in sections.

[Here the hammer fell.]

Mr. DUNN obtained the floor and said: I yield my time to the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. I do not wish to be disrespectful to any of these gentlemen. I do not intend to be offensive. I have the greatest respect for all the members of this committee. The chairman has received many courtesies at my hands, and I was glad to extend them, for personally I have great respect for him. But I say it is an outrage upon any member of this House, any Representative on this floor, when vital interests of his constituents are at stake to give him no opportunity to be heard upon the floor of this House.

No Representative in this body should be driven to the necessity of applying to the Senate in order to secure that which it is his right to have in this House. I am told by these gentlemen that I can get my amendment on in the Senate. I am not a member of the Senate—perhaps I ought to be, but I am not. [Laughter.] I am a member of this House, and I intend to insist upon the rights of my constituents here and not to appeal to the Senate except as a *dernier ressort*.

I have heard no explanation from any of these gentlemen as to the reason it was found necessary to make an appropriation for Cairo, which was never asked and for which I believe no estimate was made, and leave out all the harbors from Cairo to New Orleans. I have failed to hear any explanation from any member of the committee as to the reason why New Orleans was so generously provided for, after passing over a stretch of that river of more than six hundred miles, where millions of dollars' worth of property was liable to be destroyed if this appropriation was not promptly made and wisely applied.

At my own town, if my memory serves me correctly, $474,000 have already been expended in the prosecution of this class of work. The engineers, in their report and estimates of the present year, ask that this work shall be continued with an appropriation of $75,000. From my knowledge of the work, of the topography of the river and the land at that point, I am enabled to assert that if this work be abandoned now, as these gentlemen of the committee propose, the whole of it will be swept away at the next rise in the Mississippi River. The custom-house, a structure that cost the Government nearly $600,000, is liable to be swept away, unless the river front, which is rapidly caving into the bosom of the stream, shall be protected. The case is the same with Greenville and Natchez, and perhaps other towns on the Lower Mississippi.

I submit to the House whether it is wise statesmanship or sound economy to leave unprotected work that has cost $474,000, when the engineers estimate that only $75,000 is necessary to preserve it from destruction. I have not heard from any member of the committee in all their discussion any explanation of the necessity of pursuing this course, and I have heard the most objectionable feature in this bill denounced by but one member of the committee. I refer to the extraordinary proposition to turn over our whole work of internal improvements, to revolutionize it entirely, and give it over to the control and dictation of a single individual.

Mr. Chairman, I desire that the House shall understand this proposition and the necessity for this appropriation. In the brief time allowed under the five-minute rule I can not present it as much in detail and as strongly as I would desire. I shall seek opportunity during the further progress of the debate to pursue this investigation and submit additional remarks. I believe my time has now expired.

Mr. WILLIS. Mr. Chairman, if the language of the gentleman from Tennessee [Mr. YOUNG], uttered in the presence of this committee a few minutes ago, meant anything it meant that the chairman of the Committee on Rivers and Harbors, and he alone, was responsible for the failure to make an appropriation for Memphis Harbor; and he supplemented that statement with another, which he now withdraws, that he had applied to all the other members of this committee and that I was the only one whom he found opposed to this proposition.

Now what is the history of this Memphis appropriation? Last year the Committee on Rivers and Harbors gave him—gave every gentleman and every delegation—all the time that they asked. As the result of that the committee concluded not to make a special appropriation for the city of Memphis, or any other city on the Mississippi River. But the gentleman and his friends went to the other end of the Capitol and under a statement that there was a public building endangered by the rise of the Mississippi River they succeeded in getting what no other city, no other harbor of the Mississippi River secured, and that is an appropriation of $200,000.

In our committee we believed that appropriation was largely intended to protect private property in Memphis, and under the solemnity of our oath, representing the whole people, we saw no warrant of law to give hundreds of thousands of dollars for the protection of private property of a city. But when the question was presented there and was stated that the custom-house was involved, the committee of conference yielded to that suggestion and put it in the bill.

In the present bill the estimate comes forward for $75,000 additional. The committee took it under consideration. They found an estimate for half a dozen harbors of $2,000,000. Three of these harbors were in my own State, that at Paducah, that at Columbus, and that at Hickman. The committee having given to the improvement of the Mississippi the sum of $2,800,000, having given to the Mississippi River

nearly one-third of all the appropriations in this bill, and having a commission to whom they intrusted the expenditure of this money, took the position that that commission was either competent or it was incompetent. If it were incompetent, it ought to be disbanded and its life ended at once. If it were competent, it could take into consideration the harbors at Memphis or at Vicksburg or anywhere else. And in so far as the improvement of these harbors was necessary to the navigation of that river, they have the right under the law to appropriate all this sum of nearly $3,000,000.

If the gentleman desired this committee to go beyond that, then he desired that which we in our judgment believed we had no right to do. We gave this appropriation for the navigation of the Mississippi River, and I say to him, whether he be a friend of the Mississippi River or not, and that I doubt—but I say to him, assuming he is a friend of the present method of improving the Mississippi River, that if you want to handicap it, if you want to destroy it on this floor, then have your appropriations for harbors at Hickman, and Columbus, and Vicksburg, and Memphis, and all along the line made so each will have an appropriation of fifty or one hundred thousand dollars, and the people's representatives will end the whole business.

I say to him now that in that committee, if I am permitted to disclose a committee's secret, there was not one-fifth, or more than one-fifth, that did not agree with me. I could have been silent, as the gentleman suggests. I, as chairman, was the only one of the committee who did not as a matter of fact vote, but had I voted I should have unquestionably indorsed the judgment of three-fourths of our committee, and that was that this appropriation for Memphis should not be made specific, but should be left to the judgment or discretion of these engineers who have charge of the whole river. I reply again that his statement undertaking to fix upon me the entire responsibility is untrue, unjust, and ungenerous in the extreme.

The CHAIRMAN. The gentleman's time has expired.

Mr. YOUNG. I move to strike out the last word.

The CHAIRMAN. Discussion on the present amendment is exhausted. The Chair will recognize the gentleman from Tennessee directly, but he is compelled to keep his promise made to the gentleman from West Virginia [Mr. GIBSON].

Mr. YOUNG. But I wish to say a word right here, and I appeal to the gentleman from West Virginia to yield to me for that purpose.

The CHAIRMAN. Does the gentleman from West Virginia yield the floor?

Mr. GIBSON. I do when the gentleman makes a personal appeal to me.

Mr. YOUNG. Now, I do not think the gentleman from Kentucky intends to apply to me the offensive epithet he has used. I should like to know if that is his purpose; whether he intends to assert before the House I have deliberately asserted a falsehood.

Mr. WILLIS. I say if the gentleman undertakes to put upon me the responsibility of refusing this appropriation he does state that which is untrue.

Mr. YOUNG. I have explained already that I was told by other gentlemen they were in favor of the proposition, and you were the only one I think who was opposed to it. I made that statement.

Mr. GIBSON. But you do not state that on your own knowledge.

Mr. YOUNG. He knew very well I did not make that statement on my own knowledge; but I do not wish any question about this matter. I do not want any member of the House to stand on the floor and declare that I have deliberately stated a falsehood. I never would do it myself. It is not the place to do it. I am able to take care of myself here, and I do not care about any such thing going out in the way of imputation against me. Now I wish to ask the gentleman from Kentucky to state whether that is so.

Mr. WILLIS. The gentleman understands exactly what I intended.

Mr. YOUNG. I do not.

Mr. WILLIS. I will state again, and if the gentleman has not understood me I think the House will understand, that if the gentleman undertook to say that I was the only member of the Committee on Rivers and Harbors that opposed this proposition, and that upon me rested the entire responsibility for its rejection, while I am perfectly willing to assume the responsibility of it, he states what is not true.

Mr. YOUNG. Then I have to say in reply that upon his assumption he undertakes to brand me as uttering a falsehood upon this floor.

Mr. WILLIS. No; I did not intend to go to that point.

Mr. YOUNG. Then you had better state clearly what you mean.

Mr. WILLIS. That if you stated what I said, then I stand by what I said.

Mr. YOUNG. Then the gentleman assumes a hypothetical case.

Mr. WILLIS. I think I have been very clear in my statement.

Mr. YOUNG. The gentleman asserts a hypothetical case, that "if" I said a thing, and upon that hypothetical assumption he assumes to brand falsehood upon me.

Mr. WILLIS. If the gentleman has not made such a statement then my language does not apply.

Mr. YOUNG. You know that I never made it.

Mr. WILLIS. Then of course the language does not apply.

Mr. YOUNG. Now if the gentleman can listen courteously, and I shall demean myself courteously to him and the House, I desire to say a few words in reply to the argument of the gentleman directed to this feature of the bill.

I understand him to say that it was his belief, and it is a matter of no consequence what he chances to believe personally about it, that this appropriation of $200,000 which the Senate gave last year was obtained for the protection and improvement of private property.

As reputable gentlemen as the gentleman from Kentucky or any other gentleman upon this floor, representing the public sentiment of my city, representing the city government, representing its great steamboat and commercial interests, were here in the city of Washington, and stated to that gentleman in my presence the absolute necessity for the making of this appropriation in order to protect the banks of the Mississippi River at that point, where further caving would ultimately involve a loss of more than $2,000,000 unless checked.

In vindication of that people and of those gentlemen who appeared before the committee I have to say to the House now that I do not believe there is a single individual in Memphis, and I am certain I do not represent the wishes of any such, who entertains such an opinion, who desires that an appropriation shall be included in this bill for his personal benefit or for the protection of private property any further than such property may be necessarily protected in the efforts to protect the public property.

This is the most important harbor on the Mississippi River between Saint Louis and New Orleans. It is the commercial emporium of the Lower Mississippi Valley. More than 600,000 bales of cotton are shipped annually from that point. Seventeen hundred water craft land at its wharves. Nearly 40,000 seamen and steamboat-men man these crafts and earn their living by it.

Heretofore one and a half millions of dollars' worth of property has been destroyed in Memphis by reason of the current of the river being diverted from the Arkansas shore to the Tennessee shore before Congress made any appropriation whatever to arrest the evil. Some years ago upon estimates of the engineers an appropriation was made, which has been kept up continuously ever since, and a large amount of property, which before now would in all human probability have gone into the bosom of the river and been swept out to the Gulf, has been protected. The engineers estimate that $75,000 is necessary to complete the work.

[Here the hammer fell.]

Mr. GIBSON. Mr. Chairman, I took occasion upon the introduction of this bill into the House to declare that I was not only not responsible for any of these radical features, but that I intended to oppose them here in the committee. I thought then that they were calculated to shock the common sense of the country and arouse its indignation against the report. Unfortunately for this bill, and unfortunately for the great objects in view, it did succeed in arousing the sentiment of this House against it. But now I want to appeal to the members of this body, who have at heart the interests of the rivers and harbors or the development of our internal commerce, to know, after the committee has receded from every single one of these objectionable features, why a discussion should go on that is based simply upon these propositions?

Eads is entirely out of the bill. Sandy Bay has been eliminated from it. We are progressing as rapidly with the consideration of the bill as the Committee of the Whole will allow us under the rules of the House to proceed.

The statement has been repeatedly made here that the committee was not willing and did not hear members of the House in the preparation of this bill. I want to say here now, and put it upon the record of this House, that there is not a member of the House who has been denied the privilege of being heard by the present Committee on Rivers and Harbors. During this present term of Congress every member of this House who applied to be heard has been heard. At the former session of this Congress there was not one who wished to be heard and was not heard.

For five long months this committee sat almost day and night listening to the complaints of everybody and to the applications of everybody; and then when the short session came on, and it was determined that this committee could not in justice to itself undertake to go into new enterprises, we then said, having heard the members of this House once upon their projects, having heard all the delegations fully at the long session, we would not be discharging our duty to the House if we would undertake to delay the consideration of this bill. Many members talked to me privately as they did to other members of the committee. I explained the matter to them; and I challenge one single member of this House to get up and say that he at that time protested against it as a wrong or outrage against him. On the contrary, it was universally acknowledged and conceded that it was the only course we could pursue.

Now, one word further in relation to the amendment of the gentleman from Tennessee [Mr. YOUNG]. I protest here against the appropriation of a solitary dollar to any landing on the Mississippi River. Those landings are not harbors in any sense of the word. They are not harbors such as any Government can or ought to improve. They are mere private landings established for inland commerce, and they do not come within the purview of a river and harbor bill. If this House

were to undertake to establish landings and improve landings upon the inland streams, upon the Ohio River, the Mississippi River, and the Missouri River, there would not be money enough left in the Treasury of the United States, after the pockets of over 50,000,000 of people had been drained, to carry out such improvements. It would be a wrong and an outrage upon the people. It would destroy the whole object of the system of internal improvements; and as I said before about these other propositions, it would shock the common sense of the country and arouse its just indignation against us.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. I withdraw the amendment.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] desired to offer an amendment to the paragraph. He was proposing to offer it when the gentleman from Tennessee [Mr. YOUNG] rose. The Chair will now entertain that amendment.

The Clerk read Mr. PAYNE's proposed amendment, as follows:

In line 120, strike out "$10,000" and insert "$20,000;" so that it will read: "Improving harbor at Great Sodus Bay: Continuing improvement, $20,000."

Mr. PAYNE. Mr. Chairman, I offer this amendment in good faith, and I desire the attention of the committee for the first five minutes that I have trenched upon their time to hear a little something about this harbor at Great Sodus. There can be no doubt about its commercial importance. It is at the terminus of the Northern Railroad of Pennsylvania, their line running from Great Sodus through the States of New York and Pennsylvania by the way Williamsport and Harrisburg to Baltimore and Washington. It is a great coal-carrying road, and this railroad company intends to make the port at Great Sodus the principal point for the shipment of coal both for Canada and the great lakes in the West. By the way, I want to call the attention of the committee again to the fact that the poor little Dominion of Canada is spending millions of dollars to provide a canal around the Niagara Falls in order to draw away a portion of the commerce that naturally belongs to the United States, and take it down to Montreal and Quebec. I say the little Dominion of Canada has lately expended millions of dollars to increase the depth of the Welland Canal so that boats drawing fourteen feet of water can pass around it. That necessitates the improvement of the principal harbors on the shore of Lake Ontario. But the committee seem to have overlooked the fact that this board of engineers recommend that such harbors as Charlotte, Great Sodus, Little Sodus, and Ogdensburg should immediately have their capacities increased so that vessels coming through this canal can enter these harbors.

The committee in the first instance determined to appropriate for the improvement of the Great Sodus Harbor the munificent sum of $5,000. Well, I got the door open far enough to find out on what theory they did it; and I was told that the commerce of this harbor would not warrant any larger expenditure. And it seemed to be a new revelation to the committee when they turned to the collector's report and found there was actually collected during the last year at this port the sum of $19,400 in customs. They concluded that it was a harbor important enough to increase the sum from $5,000 to $10,000. They told me, as I presume they will tell this committee, that they were only allowing 25 per cent. of the engineer's estimate; and yet they have allowed $12,000,000 in this bill upon $32,000,000 of estimates of the engineers, and at the same time they tell this committee they have stricken out one hundred and forty harbors that the engineers have made recommendations for.

Now why not exercise a little common sense in regard to this bill? Why not pick out the important harbors that are nearing completion and appropriate the money necessary to complete them, and try to keep pace with the Dominion of Canada in our internal improvements?

Mr. WILLIS. Mr. Chairman, in behalf of the Committee on Rivers and Harbors, I can only repeat that we have allowed to this harbor the same proportion that was allowed to four-fifths of the harbors of the country. The estimate of the engineer is for $40,000. The committee has allowed one-fourth of that amount, which is $10,000. They have on hand the sum of $14,308, which, with the $10,000, would give them about $25,000. The committee in the last Congress, on a bill much larger than the present one, reported for this improvement the sum of $10,000, the same amount that is given in this bill. It may not be all that they could use, but it is all that could be given consistently with the demands of other points of equal if not of greater importance. I ask for a vote on the amendment.

Mr. ANDERSON. Mr. Chairman, I move to strike out the last word, and I yield my time to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, it is true that there is available for the fiscal year ending June 30, 1885, the sum of $14,308.85; but I ask the chairman of the committee and the members of this Committee of the Whole what that has to do with the amount that is to be appropriated for the fiscal year commencing on the 1st day of July, 1885? Why, sir, that $14,000 is already contracted for, and the work will be done and the money expended before the 30th of June, 1885; and why is it that this Committee on Rivers and Harbors will continually harp upon the amounts that are still available for the fiscal year ending on the 30th day of June next when we are making appropriations for the fiscal year ending June 30, 1886? It is an insult to the intelligence of this Congress for them to continually try to defeat these amendments that are offered in good faith upon any such flimsy pretext as that.

Mr. Chairman, the engineer further reports that about five hundred linear feet of the east and four hundred linear feet of the west pier superstructure is badly decayed, and will require to be rebuilt within the next two years at an estimated cost of $12,000. Also, that the east breakwater will require some repairs. And these repairs are required within two years of the time when this report was made. The time will be nearly up when the fiscal year for which we are now appropriating expires; and yet this committee do not propose to provide a dollar of this $12,000 that is necessary to protect the work already done.

I suppose they intend to wait until, by the action of the winds and waves, the work is swept away, unless some immediate occasion for doing something should arise, and then, instead of appropriating $12,000, we shall have to appropriate $25,000, $40,000, or perhaps $50,000 to repair the breaks. I suppose that is the idea of the committee.

[Here the hammer fell.]

Mr. PAYNE. I wish I could have two or three minutes more.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to strike out the last three words, and I yield my time to the gentleman from New York; but I wish that the gentleman would first answer a question. I understood him to say a while ago that he had got the door of the committee-room open far enough to get this amount increased from $5,000 to $10,000. He is the first member of this House who appears to have succeeded in getting before that exclusive committee, and I wish he would tell us how he did it. [Laughter]

Mr. PAYNE. Well, Mr. Chairman, perhaps a word of explanation is due to the members of the Committee on Rivers and Harbors. What I meant to say was that I went around and saw the members of the committee individually and told them my story. I had also permission to see for about five minutes, in the committee-room, the engineer's report; and from the recollection of that which I could carry away I wrote out and presented to a member of the committee a statement which I suppose went before the full committee, though I am not informed on that subject. But the report itself I could not get hold of to find out what the engineers had recommended until the bill was reported to the House.

Now one thing further: The engineers say that the extension of the east breakwater so as to close up the gap where sand is drifting and where a good deal of dredging is required to be done will cost about $2,000. This, added to the $12,000, makes $14,000 that is imperatively necessary to protect the work that has already been done. Still, the committee makes no provision for the great commerce coming to this port from the lakes and from the Welland Canal. Why, Mr. Chairman, it seems to me that there ought to be no doubt or hesitation about ingrafting on this bill this important amendment. It seems to me that we can all vote for it with a clear conscience, because we believe that this is a measure in the interest of rivers and harbors, in the interest of internal improvements, in the interest of providing water ways that shall furnish some protection against what gentlemen are pleased to call the "railroad kings" and the "great monopolies."

Mr. WILLIS. I ask for a vote.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. WHITE] withdraw his amendment to strike out the last three words?

Mr. WHITE, of Kentucky. I withdraw it.

The question being taken on the amendment of Mr. PAYNE, there were—ayes 78, noes 72.

Mr. WILLIS. I ask for tellers.

Tellers were ordered; and Mr. WILLIS and Mr. PAYNE were appointed.

The committee again divided; and the tellers reported ayes 78, noes 92.

So the amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Gowanus Bay, New York: Continuing improvement, $5,000.

Mr. STEVENS. I move to amend by adding after the paragraph just read the clause which I send to the desk.

The Clerk read as follows:

Improving Olcott Harbor, New York: Continuing improvement, $5,000.

Mr. WHITE, of Kentucky. I desire to know whether the offering of this amendment to come in after the lines just read will cut off debate on those lines? I have a substantial amendment which I desire to offer to those lines.

The CHAIRMAN. The bill is being considered not by lines, but by paragraphs. This is an amendment to the paragraph. When it is disposed of a further amendment to the paragraph will be in order.

Mr. ROBINSON, of New York. When my friend from New York [Mr. STEVENS] interposed I was seeking to offer an amendment to the appropriation for improving Gowanus Bay. I do not wish to lose my right.

The CHAIRMAN. The Chair suggests that the gentleman from New York [Mr. STEVENS] allow his colleague [Mr. ROBINSON] to offer his amendment now.

Mr. STEVENS. Certainly. My amendment is an independent one. I will offer it hereafter at the proper time. I only desire not to lose my right.

Mr. BRECKINRIDGE. I reserve a point of order against the amendment just read.

The CHAIRMAN. That is not pending. It has been withdrawn for the time being.

Mr. ROBINSON, of New York. I move to amend by making the appropriation for continuing the improvement of the harbor at Gowanus Bay $20,000.

We have been trying for a considerable period to get improvements at that place, and have been from time to time delayed or denied. All that part of the bay of New York, which needs large improvements, has been kept down to very small sums, hardly worth accepting, so small indeed that we would rather no appropriations had been made. I might mention Canarsie Bay and others for which the amounts appropriated have been very meager.

Gowanus Bay is a very important part of the harbor of New York, and there is an immense commerce upon Gowanus Creek, extending a considerable distance above Hamilton avenue bridge. We believe there ought to be an appropriation to dredge that canal above the bridge, because the immense amount of United States business above that point should be provided for by the Government, and the cost should not be put upon the city of Brooklyn. We are not now in a position, however, to urge any appropriation for the canal or creek. But for Gowanus Bay the committee here propose to give us $5,000. The original proposition was "to dredge a channel from the 18-foot contour outside the bay to the drawbridge at Hamilton avenue" at an estimated cost of $182,850. The report of the engineer states:

The amount expended at the close of the year ending June 30, 1883, was $40,124.31, and a channel dredged 1,826 feet long, 100 feet wide, and 18 feet deep at mean low water.

The amount expended during the year ending June 30, 1884, was $19,661.82.

These expenditures, amounting to about $60,000, leave $120,000 of the original estimate unappropriated. The Engineer-in-Chief states in this report that the amount which can be profitably expended during the fiscal year ending June 30, 1886, is $50,000. Yet this committee proposes to give us the small sum of $5,000 for this vast improvement. Why, sir, we ask nothing for the canal above the bridge, upon which the Engineer-in-Chief states there is a very large amount of tonnage. That canal, although we ask nothing for it, has more commerce than one-half the rivers and harbors mentioned in this bill.

I do not believe there are ten rivers on the whole bill of as much importance as Gowanus Creek above the bridge, for which we do not ask anything.

I ask to make an amendment—and I hope the chairman will allow me to make it—that is, $20,000 for the improvement of Gowanus Harbor. I hope he will allow some increase and not keep us down; allow us some decent sum, so we can go on and make some improvements, instead of giving driblets of appropriations in this way.

[Here the hammer fell.]

Mr. WHITE, of Kentucky. Mr. Chairman, it was my intention to offer an amendment in line 22, and to call attention to the fact the committee had evidently made a mistake in putting in $5,000 for Gowanus Bay when the engineers recommended $50,000. I will be charitable and suppose the committee intended the word "five" for "fifty," because the engineers' report from which the distinguished gentleman from New York [Mr. ROBINSON] has just read states that $50,000 can be properly expended for this important harbor. I had intended to contrast this harbor for which $5,000 is recommended in this bill with Hingham Harbor, for which $6,000, by the action of yesterday, was appropriated. I had intended to call the attention of this committee to the fact that with a small sum of money a depth of water varying from six to eight feet had been deepened to eighteen feet, and a channel of one hundred feet wide had been made at Gowanus Bay, whereas at Hingham they have to-day in that channel more than eight feet of water, while the work they propose to do there is to carry that channel to the immense length of nine miles, which seems to be entirely for the benefit of that one steamboat there to which I have already referred.

Now let me call the attention of this committee to the report of the engineer, where he says on page 4 of this special report:

The proposed improvement consists in restoring to the upper portion of the channel the width obtained by dredging in 1875, and giving it a depth of ten feet at mean low water, which is an increase of two feet on the depth formerly obtained. It is also proposed to remove the ledge lying about midway in the lower channel between Chandler's and Ragged Islands.

Further on the assistant engineer in charge of the work says:

The least width of the channel excavated in 1876 was one hundred feet; it therefore has diminished in width more than half. Above the wharf of the steamboat company no channel of eight feet depth exists now; the average depth in the original 50-foot wide channel does not exceed now three and a half feet.

And a little further on suggests:

During spring tides the water frequently falls 1.5 feet, and at times nearly three feet below mean low water, so that but five and one-half feet, and occasionlly not much over four feet depth of water can be counted on.

He says on page 6:

Total estimated cost of improvements, $18,750.

The above estimate appears high, but is not so considering the rather unfavorable circumstances under which the work has to be done, among which the great distance to which the excavated material will have to be carried, partly through crooked and narrow channels, out to sea about nine miles or more, is the most prominent.

We have appropriated only a third of that amount by the action of yesterday. We have given $6,000 on the motion of the gentleman from Massachusetts [Mr. LONG] for that harbor at Hingham where only $18,000 is recommended, and where there is but little commerce.

Now, sir, I am in favor of improving harbors where there is little commerce. Do not understand me to say we ought not to have done that; but I am astonished how unjust and how unfair the discrimination is in this bill. Where it is said by the Engineer Department $50,000 could be expended profitably this year the committee put in the bill only $5,000, scarcely enough to pay for the running expenses of the machinery.

[Here the hammer fell.]

The CHAIRMAN. The question recurs on the amendment of the gentleman from New York [Mr. ROBINSON].

The committee divided; and there were—ayes 11, noes 62.

Mr. ROBINSON, of New York. I do not wish to detain this committee, but I think we ought to have the vote on that by tellers, as I understand there is no quorum, but I ask for tellers not for the purpose of delaying the committee, but this is a meritorious case and deserves a vote.

The CHAIRMAN appointed Mr. ROBINSON, of New York, and Mr. WILLIS as tellers.

Mr. ROBINSON, of New York. After what has been said to me by the chairman of the Committee on Rivers and Harbors, I withdraw the point of no quorum.

So the amendment was rejected.

Mr. STEVENS. I move the following amendment.

The Clerk read as follows:

In line 122 insert:

"Improvement of Olcott Harbor, New York: Continuing improvement, $5,000."

Mr. STEVENS. Mr. Chairman, again, in the discharge of what I believe to be my duty as a Representative upon this floor, I have been compelled to ask the indulgence of the committee while I shall explain to it the objects and purposes of this amendment. The harbor for which this appropriation is asked has had already expended upon it by the General Government the sum of $118,000. The amount needed to complete it, according to the report of the engineers, is $30,000. That amount was asked for last year, but the Committee on Rivers and Harbors in their judgment decided to make no appropriation whatever, and consequently it had nothing to depend upon except the small unexpended balance coming over from previous years. The engineer in charge of this work says:

There will be no operations at this harbor during the present season, since the funds are practically exhausted.

The engineer also goes on to say that the appropriation of $30,000 asked for is to be applied to the extension and maintenance of the piers and the deepening of the channel between the piers.

It is true, sir, that the commerce at this harbor is not very large. I believe there was something over 100,000 packages of merchandise handled there last year. The only amount I ask in this amendment, as will be seen, is not the $30,000 recommended by the engineers, nor one-fourth of it, which I understand the Committee on Rivers and Harbors seem inclined to recommend in accordance with the report of the engineers, but I only ask one-sixth of the sum, in order that the recommendation of the engineer, to wit, that the improvements already made may be preserved, shall be carried out.

I do not ask this, sir, in any spirit of criticism upon the action of the Committee on Rivers and Harbors; nor do I desire to be called an obstructionist because, having been denied an opportunity of presenting the claims of this harbor in any other way than before the Committee of the Whole House, I think it is a right not only that I have, but that every member of the committee has, to present the claims of their respective constituents and the claims of harbors in their districts in Committee of the Whole. In that spirit alone have I offered this amendment, and I hope it will be accepted.

Mr. WILLIS. Mr. Chairman, in one word I desire to say that this harbor had a full hearing in the last Congress as well as in this. The gentleman himself appeared before the committee then.

Mr. STEVENS. Not this year.

Mr. WILLIS. Not this year; I refer to the last session of Congress. It was rejected in the last session, and was rejected also in this, simply for the reason that its commercial statistics were so small. There were only 19,000 packages of merchandise and some 91,000 pounds of provisions as the whole of the exports from that point. The whole revenue derived was $82.90, while the whole imports reached $118.

Now we were compelled to make some discrimination as to the nationality and importance of these harbors, and simply for the reason that it did not come up to the measure of what was required as a national improvement we felt compelled to reject the application to

make an appropriation for this point; and I may say it was excluded reluctantly from this bill.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from New York.

The amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Little Sodus Bay, New York: Continuing improvement, $10,000.

Mr. PAYNE. I move to strike out "ten," in line 128, and insert "fifteen;" so that it will read:

Continuing improvement, $15,000.

This harbor is in a situation very similar to the Big Sodus Harbor, of which I spoke a few moments ago. It is at the terminus of the Lehigh Valley Railroad, a road running across the States of New York and Pennsylvania to Philadelphia, and is the outlet on the lakes of the great Lehigh Valley coal mines. It has a larger commerce than Big Sodus. The collections from import duties were $23,589 for the last fiscal year. But otherwise the cases are almost exactly parallel. There is about the same sum left over, which it is necessary to use to pay for contracts already existing before the 30th day of June next. In every other respect I think it is exactly similar.

Now, I have suggested the sum of $15,000 in this amendment not because of the impression that seems to prevail in the minds of the committee that if we add five or ten thousand dollars to this bill in the way of an amendment the whole thing is so weak that that small sum might make it topple over and that consequently we must stand by the committee and support the bill and must not increase it by any small amount which may be absolutely necessary for fear that the bill could not carry it, but because I believe that unless this bill is amended in these particulars, and unless some objectionable features are stricken from the bill which are already there, so that the aggregate will be below the $12,000,000, it will not furnish a bill that has a chance to pass this Congress. We have already stricken out $100,000 for Sandy Bay. Now, I want to put in a little for these harbors about the country which are of national importance and which have a commerce and which are harbors that need improvement, and let every member not only of the Committee of the Whole but every member of the Committee on Rivers and Harbors vote his honest convictions, and not feel compelled to stand by a report of the committee when it must be seen that that report is made without receiving all the light upon the subject which is obtainable and when this body can see that the committee was wrong and that the amendment offered is right.

The question being taken on Mr. PAYNE's amendment, it was not agreed to; there being—ayes 56, noes 67.

Mr. STEVENS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 128 insert the following:
"Improving Wilson Harbor, New York: Continuing improvement, $5,000."

Mr. STEVENS. This is another of the same class of harbors for which I have offered the two previous amendments. I only desire to state in connection with this matter that the amount of money already expended here is $49,866. The amount required according to the estimate of the engineer to complete it is $50,000. The amount he recommends to be appropriated this year, or which he states can be economically expended during this year, is $30,000.

I have offered this amendment in order to preserve the work. All I ask for in the amendment is $5,000, simply to preserve in repair the work already done.

In answer to the chairman of the Committee on Rivers and Harbors, I will state that the revenue received at that port by the United States collector is $932. And in further answer to the objection the gentleman offered to making an appropriation for Olcott Harbor, I will say that I find by reference to the bill which the committee have presented that for the harbor of Fairport, Ohio, where the magnificent sum of $87.85 was collected during the last twelve months, the committee recommend an appropriation of $5,000. At Black Lake, Mich., there was a revenue in one year of $212.57, and the committee recommend an appropriation by their bill of $6,000.

And so I could go through the bill, taking up item after item. But I do not desire to do it, merely calling the attention of the committee to the fact that the objection offered by the honorable chairman of the committee in regard to Olcott Harbor does not prevail against this, and that it does obtain against quite a number of harbors for which he has reported in the bill presented quite liberal appropriations.

Mr. WILLIS. In one word, I desire to say this was fully considered at the last session. The gentleman had a hearing, and by a vote of the committee, on which his own State was represented, it was excluded. The reason given is here stated:

The question is of growing importance whether the United States is to serve improvements made by the Government originally but now lying inside the shore line and in use or subject to use by riparian owners for docks, &c., or whether such original Government work is to be preserved by the local authorities or parties most in interest.

The question is whether this harbor is to be improved for private use by public money; and the committee did not believe it ought to be.

Mr. STEVENS. I desire to say in answer to the gentleman from Kentucky [Mr. WILLIS] that that is the very principle that I would like to see decided by this House; and that is whether after the Government of the United States shall have during a long series of years been making these appropriations, and shall have made very comfortable harbors in most instances for the use not merely of the riparian owners but for the use of all the people, especially of those who may happen to have ships and vessels of various kinds doing business on the waters and rivers where these improvements have been made—whether Congress shall now discontinue those works. This is the very question which the people want to have understood and settled—whether by this Congress there is to be an abandonment of all the precedents of past Congresses, and whether this burden is to be thrown on the individuals who happen to be living contiguous to these improvements which have been made in years past. We want to know what the sentiment of this Congress is, and whether the rights of the people which have been protected in years past by Congress are in future to be ignored.

The question being taken on the amendment offered by Mr. STEVENS, it was not agreed to.

The Clerk read the following paragraph:

Improving harbor at Oswego, N. Y.: Continuing improvement, $50,000.

Mr. NUTTING. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 134 strike out "$50,000" and insert "$95,000;" so that the clause will read:
"Improving harbor at Oswego, N. Y.: Continuing improvement, $95,000."

Mr. NUTTING. I offer this amendment with the belief that it ought to be allowed. The harbor of Oswego holds from the seventh to the tenth place among the harbors of the United States as regards the collection of duties. It is the principal harbor of Lake Ontario, and nearly at the foot of lake navigation.

The report of the engineers for the last year asks Congress to appropriate $70,000 for repairs and continuation of work on this harbor. The Committee on Rivers and Harbors has thought fit to give us $50,000.

But, Mr. Chairman, allow me to say that since the report of the engineers was made a storm came upon the works of that harbor and two hundred and fifty feet of the pier were swept away; the entire pier of this harbor is, if I recollect correctly, about three-fourths of a mile in length, and shuts in the water of the lake to the extent of one hundred acres.

This is not all. By this break in the piers of the harbor of Oswego, which occurred in December last, not only the Government works themselves, which have cost the Government about $1,500,000, are in danger, but the immense property on the water front of the city, to the extent of a million dollars and probably more, is in danger of destruction. I formulated a resolution to be passed through the Senate that a survey be made of these damages, and a survey was made under instructions of the Senate.

This damage which I have described to the House is said by the Engineer, in answer to the Senate resolution, to amount to $45,000; and in speaking of the necessity of this appropriation in a letter to the mayor he says substantially that it is absolutely necessary for the preservation of the public works at the harbor of the city of Oswego.

Now, Mr. Chairman, if the members of this committee will look at this matter for a few minutes as business men, I am sure there will not be a single dissenting vote against the amendment that I have offered. The customs district of Oswego has within the last twenty years collected nearly or quite $20,000000, for the Treasury of the United States. We have received there for all our public works less than the interest upon the money which we have collected and put into the Treasury. Yet now, when the United States engineers, under their official oaths, have said that it is necessary for the preservation of all this work, when they have said that it is absolutely necessary in order that the harbor of Oswego may be kept open, that $45,000 shall be added to the original estimation, the Committee on Rivers and Harbors simply sit down and in substance say that this harbor shall not have the money.

Mr. Chairman, I warn this House and the country that if that appropriation be not made, damage to the amount of more than a million dollars will be done within the next six months within the harbor of Oswego by the storms.

Do gentlemen realize the importance of this harbor? The tonnage of Oswego last year was over 350,000; the amount of lumber shipped into that harbor from Canada over 187,000,000 feet in the year 1883. The amount of coal which is shipped from that harbor to other ports and other countries was about a quarter of a million tons in the same year. The grain of all kinds which came to that port in 1883 was nearly four and a half million bushels, and the amount of customs collected that year direct—saying nothing about bonded goods—was nearly $700,000. The value of imports was nearly six million and a half of dollars, and the value of exports about $2,000,000.

Mr. WILLIS. Mr. Chairman, I do not dispute, and I am sure that no member of the Committee on Rivers and Harbors will dispute, the commercial importance of the harbor of Oswego, and the committee have endeavored to be strictly just to its claims. The estimate of the engineer of the amount that could be profitably expended was $70,000. In the cases of fully four-fifths of the harbors of the country the com-

mittee has allowed one-fourth of the estimated amount, but in this case, instead of allowing one-fourth of the estimate, which would have been something over $16,000, the committee have allowed $50,000.

Mr. NUTTING. Does the gentleman mean that of the $50,000 $45,000 is to be appropriated for the mending of the piers?

Mr. WILLIS. I was about to come to the point. In the last Congress this House appropriated for the harbor of Oswego $40,000, and the Senate added $40,000, making $80,000; so that, if the appropriation in this bill be allowed, that harbor will have on hand $130,000. In the year preceding they were able to expend only $54,000. So that, even allowing for these improvements, they will not be able, gentlemen of the committee, to expend more than the amount of $140,000 in the next two fiscal years—$70,000 per year. I ask for a vote.

Mr. NUTTING. Mr. Chairman, I move to strike out the last word of the pending amendment in order that I may have an opportunity to answer briefly the statement of the chairman of the Committee on Rivers and Harbors.

I was as unfortunate as other members of the House in my efforts to get into the room of that committee so as to lay before them my views as to the necessity for this appropriation for the harbor of Oswego, but I did place in the hands of some of the members of the committee (who were generous enough to listen to what I had to say and to receive the papers I had to present) evidence to show that this money, which the chairman of the committee says is now on hand, has been already expended under contracts, and that before the end of this fiscal year it will be entirely expended, and there will not be a dollar on hand with which to carry on work from June, 1885, to June, 1886.

Now, Mr. Chairman, if there is any legislative body in the world that ought to be governed by business principles in its legislation it is the Congress of the United States. Where would you have got the money you are now appropriating if it had not been for such harbors as that of Oswego, which have been continually bringing into the Treasury of the United States the money upon which we are now drawing for the improvement of the harbors and the commerce of the country? And yet, when the time comes that we need some of this money to maintain and keep in existence the harbor of Oswego, and when we come here with the sworn report of the Government engineers that it is necessary to have $45,000 more in order to mend the piers in that harbor so that the property there and the harbor itself may not be exposed to damage and ruin, this committee refuses to make the appropriation.

Any business man owning these piers and this harbor, if he found this break in the piers, would at once expend every dollar necessary to repair them. Yet this Congress, when the whole matter is laid before it time after time, refuses to make the appropriations which it should make as legislators for the nation. I ask the members of this House to vote this amendment of $45,000 which the engineers say is necessary to carry on the work at this point, and especially to preserve the work already placed there by the Government.

Mr. THOMAS. Does not this bill provide more than the $45,000 required to repair the damage?

Mr. NUTTING. It provides $5,000 more; and I suppose the gentleman would have us credit that $5,000 upon the $70,000 additional, which the engineers have stated in their annual report to be necessary for the preservation and continuation of the works there.

The question being taken on the amendment of Mr. NUTTING, there were—ayes 73, noes 84.

Mr. NUTTING. I make the point that no quorum has voted and call for tellers.

Tellers were ordered; and Mr. NUTTING and Mr. BRECKINRIDGE were appointed.

The committee again divided; and the tellers reported—ayes 84, noes 80.

So the amendment of Mr. NUTTING was adopted.

Mr. BRECKINRIDGE. I reserve the right to have a vote in the House on this amendment.

The CHAIRMAN. That is not necessary.

The Clerk read as follows:

Improving harbor at Saugerties, N. Y.: Continuing improvement, $5,000.

Mr. WILLIS. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels.

The message further informed the House that the Senate had passed without amendment the joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Chairman, I have no desire to trespass upon the business of the Pension Committees; but I will ask unanimous consent that at the close of to-night's session the House take a recess until 10 o'clock to-morrow morning.

A MEMBER. Let us hear the request.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] asks unanimous consent that at the close of the session to-night the House take a recess until 10 o'clock to-morrow morning. Is there objection?

Mr. VALENTINE and others objected.

Mr. CONVERSE. I move that the House now take a recess until 10 o'clock to-morrow morning.

Mr. WHITE, of Kentucky. I ask that the order under which the House meets on Friday night be read.

The SPEAKER *pro tempore*. Pending that, the Chair will ask consent to present several executive communications.

GOVERNMENT RECEIPTS AND EXPENDITURES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting a detailed account of receipts and expenditures of the United States for the fiscal year ending June 30, 1880; which was laid on the table, and ordered to be printed.

SKIPTON CREEK, MARYLAND.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War, inclosing report of the Chief of Engineers of an examination of Skipton Creek, Maryland; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. HART, for the remainder of the day, on account of important business.

To Mr. STEVENS, for to-morrow, on account of important business.

To Mr. BAGLEY, until Monday next, on account of business.

To Mr. FIEDLER, until Tuesday next, on account of sickness.

To Mr. WEMPLE, until Monday next, on account of important business.

To Mr. BRUMM, until Tuesday next, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.; and

A bill (S. 2168) for the relief of the executrix of Ayres P. Merrill.

The SPEAKER *pro tempore*. The hour of 5 o'clock having arrived, the House, in pursuance of its standing order, takes a recess till 8 o'clock p. m.; the session of to-night, at which the gentleman from New York, Mr. BAGLEY, will preside, being for the consideration of pension business.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

BUSINESS BY UNANIMOUS CONSENT.

Mr. RAY, of New Hampshire. I was not present when the committees were called, the only time they were called since the last meeting of the Committee on Invalid Pensions, and therefore I ask unanimous consent that I may make two reports, which I was instructed by the Committee on Invalid Pensions to submit.

Mr. HEWITT, of Alabama. I do not object, but I would like to know whether this can be done under the order of this evening session.

Mr. RAY, of New Hampshire. It has been done before in two or three instances, I think.

Mr. HEWITT, of Alabama. Then if it has been done before I shall not object.

The SPEAKER *pro tempore*. Anything can be done by unanimous consent.

There was no objection.

BENJAMIN P. LOWELL.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 6310) granting a pension to Benjamin P. Lowell; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CYNTHIA MARTIN AND CATHERINE STOVER.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pen-

sions, also reported back with amendment the bill (H. R. 2804) for the relief of Cynthia Martin and Catherine Stover; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PRIVATE CALENDAR.

Mr. MORRILL. I move that the House resolve itself into the Committee of the Whole House on the Private Calendar for the consideration of pension cases.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole House on the Private Calendar, Mr. HATCH, of Missouri, in the chair.

ORDER OF BUSINESS.

Mr. BREWER, of New York. I ask by unanimous consent to take up from the Calendar the bill (H. R. 7938) granting a pension to Amanda Allen.

The CHAIRMAN. The Chair will suggest that some order of procedure be adopted.

Mr. HEWITT, of Alabama. I ask by unanimous consent that members may be allowed to call up such cases as they may see proper.

The CHAIRMAN. Alternating from one side to the other according to the practice of the last two sessions of the Committee of the Whole House.

There was no objection, and it was ordered accordingly.

AMANDA ALLEN.

Mr. BREWER, of New York. I call up the bill (H. R. 7938) granting a pension to Amanda Allen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Amanda Allen, mother of Charles F. Allen, late of Company B, One hundred and forty-fourth Regiment New York Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner is the mother of Charles F. Allen, who enlisted August, 1862, as a private in Company B, One hundred and fifty-fourth New York Volunteers, and who died October 5, 1864, at Savannah, Ga., while a prisoner of war. The mother's application for pension was filed October 9, 1879, and rejected on the ground that the soldier at the date of death left a widow surviving, who would have prior right to pension if allowed.

The claimant, in her affidavit, alleges that the soldier was never married nor left a widow or child or children. She also states in another affidavit that her son was married prior to his enlistment, but did not live amicably, and the wife remarried prior to soldier's death; that he lived with his wife scarcely a month, and that she was a woman of bad morals. It is shown also that the wife remarried or lived with another man prior to soldier's death. A witness says that in 1862, while in the service, at Chattanooga, he wrote a will for said Allen, by the terms of which he gave to his mother all his property of every kind, including all claims for back pay and demands of every nature. This affiant says he knew the wife of soldier and when he married her. After their marriage Mrs. Allen acquired a bad reputation, and it was so understood by many people. Allen told this affiant this also, and that he intended to not live with her again, and that he should get a divorce on his return home.

The husband of claimant was, for a long time prior to his death, seriously disabled, so that he could perform little, if any, manual labor.

The petitioner testifies that prior to his enlistment the soldier, her son, was her principal support, and that she was dependent upon him for her maintenance, and that he gave her from time to time while in the said service all he received as bounty or wages while in the service.

The mother is an old woman, and is very poor, and she is represented as being an honest, reputable woman, and has the respect of the community in which she lives.

As the widow of this man seems to have sought the society of another, in the capacity of a wife, and that, too, prior to the death of the soldier, and as the mother was dependent upon the soldier, and by his death lost her support, and is now in need of aid, the committee think it proper she should be pensioned, and recommend the passage of the bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JUDSON BOSTWICK.

Mr. STEVENS. I call up the bill (H. R. 7334) granting a pension to Judson Bostwick.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Judson Bostwick, of Arcade, N. Y., late of Company F, Fifth Regiment New York Cavalry Volunteers.

Mr. HEWITT, of Alabama. I hope the gentleman from New York will make a short explanation of this case.

Mr. STEVENS. I will say, Mr. Chairman, that Mr. Bostwick, the claimant, enlisted September 11, 1861, and was discharged July 2, 1862. On December 18, 1879, he filed a declaration for a pension, which was rejected February 16, 1883, on the ground that there was no record of alleged disability in the War Department. There is abundance of medical evidence of prior soundness and of disability at the time of discharge. He had contracted a severe cold by reason of exposure near Annapolis, Md., which resulted in disease of the kidneys and lungs, a disease that still continues. The examining surgeon finds him one-half disabled, which I suppose will be the measure of the pension that would be granted.

There was no objection, and the bill was laid aside to be reported to the House with the recommendation that it do pass.

THOMAS D. FITCH.

Mr. DAVIS, of Illinois. I call up the bill (H. R. 7696) granting a pension to Thomas D. Fitch.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas D. Fitch, late surgeon of the Forty-second Regiment Illinois Volunteer Infantry.

Mr. HEWITT, of Alabama. I hope the gentleman will make a short explanation.

Mr. DAVIS, of Illinois. I will state that Mr. Fitch was a surgeon, in 1862, of the Forty-second Illinois Volunteers, and was mustered on the 12th of January. He had previously been appointed as assistant surgeon in November; had served during November, December, and a portion of January with his regiment in Missouri. He had little knowledge of military matters, and supposed he was regularly appointed, but it turned out that he was not regularly appointed and did not receive a commission as assistant surgeon. He did receive a commission as surgeon, and was mustered, as I have already stated, on the 12th of January, 1862.

He is reported on the rolls of the Department as having been present during the month of November as assistant surgeon, borne on the rolls as a member of the staff, and participated in the duties of an officer—was so regarded and so obeyed. The disability under which he asks this pension was caused by an attack of typhoid fever at the time he was acting assistant surgeon. The technical ruling of the Department is probably correct, that he was not actually in the service at that time. He recovered from that attack and served for two years or more, doing good in the Army as surgeon. The Adjutant-General referred the matter to Congress so that the record might be corrected.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRY H. G. KISLINGBURY AND OTHERS.

Mr. MAYBURY. I call up House bill 7618, granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler S. Kislingbury, and Douglas E. L. Kislingbury, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, reported from the committee with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the names of Harry H. G. Kislingbury, Walter Frederick Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, all minor children of the late Lieutenant Frederick F. Kislingbury, Eleventh United States Infantry, and to pay to each of said children a pension at the rate of $25 per month, commencing June 1, 1884, and until said children severally attain the age of 21 years.

SEC. 2. That this act shall take immediate effect.

The amendment of the committee was read, as follows:

Strike out in line 9 "twenty-five" and insert "ten;" and strike out the words "commencing June 1, 1884."

Mr. MAYBURY. I need not state the facts of the death of Lieutenant Kislingbury, one of the heroes of the Greely expedition, as it is a matter of history. So far as his orphan children are concerned they are now residents of my State, and the guardian appointed for them by the probate court of the county reports to me that the estate consists only of a few personal effects of their late father and that they are in destitute circumstances. I ask for the reading of the report, which is short.

The report (by Mr. ROBINSON, of New York) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler S. Kislingbury, and Douglas E. L. Kislingbury, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry, having had the same under consideration, beg leave to report as follows:

Lieutenant Kislingbury, after long suffering, met his death while in service of the United States in the Lady Franklin Bay expedition, leaving four minor children, herein named, as wards of the nation. His services the most hazardous and death the most heroic are matters of history too familiar to need rehearsing.

The committee beg leave to report the following letter from Lieutenant Greely:

"DEAR SIR: I trust that the bill in your charge which provides a pension for Lieutenant Kislingbury's children during minority will be favorably reported. It seems to me that the matter is in a nutshell. Lieutenant Kislingbury met his death after extreme privation and terrible suffering, while in service and on duty with the Lady Franklin Bay expedition, the circumstances attending which are everywhere known. After twenty years' honorable and faithful service, during which he served in all grades, from a private in the volunteer army during the late war to lieutenant in the regular Army, he leaves four children dependent and without support. I know that his last thoughts were of those children, and that he hoped and trusted that the Government would not see them suffer. It seems to me that the Government can expect the most devoted and faithful duty to death from all its servants, but in return they at least hope that through their labor and at the price of their lives reward may come to those they leave dependent.

"Respectfully, yours,

"A. W. GREELY.

"Hon. W. E. ROBINSON, M. C."

Your committee recommend the passage of the bill with an amendment granting each of the children $10 a month instead of $25 a month, as provided by the bill.

Mr. WOLFORD. I move to amend by making it $15.

Mr. MAYBURY. The committee have considered the matter, and

I think it had better remain as reported by them. I believe the amount is small.

Mr. CUTCHEON. This continues the pension until 21 years of age. Is that the usual custom?

Mr. HEWITT, of Alabama. The general law is until they are sixteen.

Mr. WOLFORD. These are orphan children, with no means of support.

Mr. WOLFORD's amendment was disagreed to.

The amendments of the committee were agreed to; and the bill was laid aside to be reported to the House with the recommendation that it do pass.

DANIEL B. RANDALL.

Mr. MORRILL. Mr. Chairman, I call up from the Calendar the bill (H. R. 7903) granting a pension to Daniel B. Randall, and ask to put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel B. Randall, late a private in Company A, One hundred and second Illinois Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MORRIS GELD.

Mr. WOLFORD. Mr. Chairman, I ask the consideration of the bill (H. R. 4869) for the relief of Morris Geld.

The bill was read, as follows:

Be it enacted, &c., That Morris Geld, late of the general mounted service, United States Army, be, and he hereby is, placed on the pension-roll of the United States, subject to the limitations and provisions of the pension laws, with rate proportioned to his disability, and to take effect from date of discharge, September 30, 1882.

Mr. HEWITT, of Alabama. That bill seems to be rather peculiar in its form. I suppose it was not reported by the committee in that shape.

Mr. WOLFORD. Yes.

Mr. HEWITT, of Alabama. I ask that the report be read.

The report (by Mr. WOLFORD) is as follows:

Morris Geld entered Company B, Tenth Regiment New York Volunteer Cavalry, December 19, 1862, and was honorably discharged on July 17, 1865, having made a good soldier. He enlisted in the United States Army October 6, 1865, in the Second Cavalry, for three years, and was honorably discharged October 6, 1868. In his discharge his character is given as "excellent in every respect, sober, and attentive to duties."

Enlisted again the same day in the regiment for five years, and was honorably discharged September 25, 1870, in consequence of General Order No. 92. This discharge says, "Character excellent, and temperate in his habits."

October 13, 1870, he re-enlisted again in the Fourth United States Cavalry for five years, and was honorably discharged October 13, 1875. This discharge says, "Character excellent."

He enlisted as sergeant on October 22, 1875, and was honorably discharged October 21, 1880. This discharge says, "Character very good."

He enlisted again February 11, 1882, for five years, and was discharged September 13, 1882, on a surgeon's certificate of disability. Character still good.

His disability occurred while in the line of his duty in this way: A street-car ran over his hand and mashed the bones of it so badly that his left hand had to be taken off at the wrist-joint. He was on recruiting service at Philadelphia. Being sick one morning, his sergeant sent him out to take a short ride, believing it would do him good; he returned in a very short time, and when within twenty feet of his quarters (the recruiting office) he fell and was run over by the car, with the result as before stated. His sergeant, who was in command, swears he was within twenty feet of him when he fell, and that he was perfectly sober.

The Pension Office rejected his claim because he was out of his quarters with leave for a few minutes.

Your committee report the bill without amendment with the recommendation that it do pass.

Mr. WOLFORD. I am instructed by the Committee on Pensions to move an amendment that this pension shall take effect from and after the passage of the act. I offer that amendment by the instruction of the committee, and while I do this at their instance I think at the same time that this gallant soldier who served his country faithfully, intelligently, and soberly should be entitled to this pension to date back from the date of the injury. I am for the private soldier now a little, and I think that after twenty years of gallant service, intellectual, honorable service to his country, he ought to be entitled to the pension and would have been entitled to it but for some quibble in the Department. There is no question but that he was injured in the line of duty. He was obeying the instructions of his superior officer; and in my judgment there can be no doubt that the man who has been sent out by his superior officer for a specific purpose, and who is injured while absent or on his return to his command, if he is crippled for life, that it entitles him to a pension as much as if he had been shot down in battle.

I say now, sir, that I have offered this amendment by the instruction of the committee, and having done my duty in that respect I oppose the amendment, and hope every gentleman in this House will vote for this gallant private soldier to give him a pension from the time he was disabled in the line of his duty.

Mr. WALLACE. Will the gentleman permit me to ask him a question?

Mr. WOLFORD. Certainly.

Mr. WALLACE. Was this application rejected by the Pension Department?

Mr. WOLFORD. Yes, sir.

Mr. WALLACE. On what ground?

Mr. WOLFORD. There was a misunderstanding of the law, and it was rejected upon the ground that he was not in the line of duty while doing what his superior officer commanded.

Mr. WALLACE. Was there any appeal taken from the decision of the Commissioner of Pensions to the Secretary of the Interior?

Mr. WOLFORD. I do not know. He is here before Congress now and asks to be righted, and this Congress has the right to do it.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Kentucky.

The Clerk read as follows:

That this act shall take effect from and after its passage.

Mr. HEWITT, of Alabama. I think it would be better to amend the bill in the usual way; that is, that he shall be placed upon the pension-roll, subject to the provisions and limitations of the pension laws.

Mr. WOLFORD. That provision is already incorporated in the bill.

Mr. HEWITT, of Alabama. Let the bill be read as proposed to be amended.

The bill as proposed to be modified was again reported.

Mr. HEWITT, of Alabama. I move to amend by striking out all after the words "subject to the provisions and limitations of the pension laws."

Mr. WOLFORD. I hope that will not be adopted. He has been waiting for his pension a long time, and is disabled and penniless.

The CHAIRMAN. The Clerk will report the words proposed to be stricken out by the gentleman from Alabama.

The Clerk read as follows:

With rate proportioned to his disability, and to take effect from date of discharge, September 30, 1882.

Mr. HEWITT, of Alabama. If this is adopted, under the law he will be rated according to his disability.

Mr. CUTCHEON. If I heard the reading of this report it gives arrears back to 1862.

Mr. BOUTELLE. No; to 1882.

Mr. WOLFORD. If the amendment proposed by the gentleman from Alabama is adopted, it strikes out the rating proportioned to his disability.

Mr. HEWITT, of Alabama. It is not necessary to incorporate these words. He will be rated subject to the provisions of the pension laws.

Mr. WOLFORD. This man has been entirely helpless ever since his hand was mashed. He served his country faithfully and supported out of his army pay a poor helpless mother. He has been exceedingly temperate and a good soldier, and was left penniless with nothing to support his aged mother. I do insist that Congress in equity has the right to give him pay all that time that he had to depend upon public charity for the support of himself and mother.

Mr. BAGLEY. I wish to say simply that this question involves the payment of arrears. If this bill prevails as originally reported, we break down a rule which has been adopted by the Committee on Invalid Pensions and by the House without exception. I believe that no bill should be passed involving arrears, and I desire to enter my protest against the passage of such a bill now.

Mr. CUTCHEON. I desire to call the attention of the committee to the fact that in a case somewhat similar to this recently appealed to the Secretary of the Interior, as I understand, it has been held that the soldier while on leave of absence, while *en route* to his command to resume his duty, is held to be in the line of duty. I do not know whether that will affect the point made by the gentleman from Kentucky or not. It seems to me that if he was in the line of duty the rating would be fixed by the Pension Office, and also that there would be no necessity for passing a special act here.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Alabama.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CATHERINE SCHOOLS.

Mr. HOUK. I ask unanimous consent to call up the bill (S. 750) granting a pension to Catherine Schools.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Schools, widow of Thomas Schools, deceased, late a private in Company C, First Regiment of Delaware Infantry Volunteers.

Mr. HOUK. The report is very short. I ask that it be read.

The report (by Mr. HOUK) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 750) granting a pension to Catherine Schools, submit the following report:

This is a Senate bill, passed by that body, and comes here for the action of the House.

Claimant is the widow of Thomas Schools, who had successfully prosecuted his claim and was a pensioner at the time of his death. His disability was clearly shown. It was contracted in the service in the line of duty, and he was

discharged on surgeon's certificate thereof. His disease was consumption, and continued up to his death. The proof shows that he was in that condition from this disease that he was expected to die at any moment.

However, he died when alone, somewhere about his premises, and it seems the Pension Office inferred that the immediate cause of his death was unknown; but all the circumstances, the origin and progress of the disease, his lingering and frail condition, being, as the witnesses state, "at death's door" for some time previous—these facts clearly lead to the conclusion that he died fro m the disability incurred in the service. Such was the view of the Senate, and such this committee believe to be the fact, and therefore recommend that the bill do pass.

Mr. HOUK. I desire to say a word. The Pension Office rejected this claim, but how and why they could possibly arrive at such a conclusion from the testimony on file I can not understand. It was shown that this soldier contracted his disease in the service. The whole case was made out satisfactorily. To use the language of the witnesses in the case, he was "at death's door" for some time previous to his death. But because somebody did not stand by and see him die the Pension Office decided the cause of his death was unknown. The fact is he was a walking corpse until he was found dead.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HARRISON MITCHELL.

Mr. WOOD. I call up the bill (H. R. 1901) for the relief of Harrison Mitchell, of Company K, Forty-eighth Indiana Volunteers, reported by the Committee on Invalid Pensions with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place the name of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers, on the pension-roll at the rate of $8 per month.

The amendment recommended by the committee was read, as follows:

In line 6, strike out the words "at the rate of $8 per month" and insert "subject to the provisions and limitations of the pension laws."

Mr. HEWITT, of Alabama. I should like to have some explanation of this bill.

Mr. WOOD. The report explains the facts. Let it be read.

The Clerk read the report in part.

Mr. HEWITT, of Alabama (interrupting the reading). I do not care to hear the report read further.

The report (by Mr. MATSON), in full, is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1901) granting a pension to Harrison Mitchell, having duly considered the evidence in the case, report:

That claimant enlisted in the military service of the United States as a private in Company K, Forty-eighth Regiment Indiana Volunteers, August 10, 1862, and was honorably discharged May 29, 1865.

January 6, 1870, he filed a declaration for pension, alleging that "at Medarysville, Ind., February 13, 1864, while returning home on a furlough, in getting off the cars, at said place, in the night-time, he fractured his right leg at the knee," which was rejected June 24, 1878, on the ground that the soldier was not in the line of duty at the time of receiving the disability.

The evidence in the case discloses the fact that claimant was a recruit, assigned to the Forty-eighth Regiment Indiana Volunteers; that the regiment re-entered the service, and returned home on veteran furlough; that at the time of mustering said regiment as a veteran organization claimant had not served a sufficient length of time to enable him to re-enlist as a veteran; but that he came to Indianapolis with his regiment, where he was also given a furlough for thirty days by the officers of his company and regiment along with the balance of the regiment. He received his furlough at Indianapolis February 12, 1864, and started for his home, where he afrived on the morning of February 13, 1864, just before daylight, and in getting off the train fell among railroad cross-ties, breaking his right thigh above the knee.

The incurrence of the injury in manner and at the time claimed is shown by the witnesses present at the time, who aided the soldier in getting to his house after the accident.

The testimony of the commissioned officers of claimant's company show that the soldier did not seek the furlough, but that it was given him solely on the ground that the rest of the company was being granted a veteran furlough, and they could do nothing with the soldier but send him home also.

It is also shown that the soldier was not under the influence of intoxicants in any degree at the time of being disabled.

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

EBENEZER K. MARDEN.

Mr. HAYNES. I call up the bill (S. 1823) granting a pension to Ebenezer K. Marden.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ebenezer K. Marden, late a private in Company C, Sixth Regiment New Hampshire Volunteers.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 1823) granting a pension to Ebenezer K. Marden, have examined the same, and report favorably.

The soldier rendered service, contracted the disease, and has ever since been disabled. It is abundantly proved that he was sound and well before enlistment. We see no reason why the bill should not pass, nor, in fact, why it should not have been allowed in the Pension Office.

The cause of rejection in Pension Office June 14, 1882, was because the disability for which a pension was claimed, namely, "chronic inflammation of the bowels," existed prior to enlistment. November 13, 1882, claimant prayed to have his case reopened, which was done, and furnished the affidavits of seven or more reputable persons that he was well and sound prior to enlistment, and that he had no such disability at the time of his enlistment. January 25, 1883, the Pension Office again rejected the claim on the same ground as above stated, notifying the claimant that the "evidence filed by you November 13, 1882, is insufficient to controvert the record, and this office declines to reopen the claim."

Your committee think it is too late, after having accepted the soldier's services in the field, to reject his claim for a pension on the ground that some record or memorandum in the War Department indicates prior unsoundness, especially when, as in the present case, there is a large preponderance of evidence the other way.

We recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. JULIA HARTLEY.

Mr. WOLFORD. I call up the bill (H. R. 7952) granting a pension to Mrs. Julia Hartley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension law, the name of Mrs. Julia Hartley, widow of Capt. John Hartley, late of the Twenty-second United States Infantry.

The report (by Mr. WOLFORD) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 7952) granting a pension to Mrs. Julia Hartley, widow of Capt. John Hartley, beg leave to report:

That the military record of Capt. John Hartley is most honorable. He was in the Army twenty years in continuous service of his country. He enlisted in the Eighth Minnesota Volunteer Infantry in the war of the seceding States on the 14th of August, 1862, as a private; was in several engagements, and was at different times three times severely wounded—twice in his leg and once in his right eye; and for his gallant conduct was made sergeant-major and captain commissary, and brevetted major in the line, and was honorably discharged at the close of the war. He was commissioned captain on the 28th of July, 1866, in the United States Army, and placed in command of Company B, Twenty-second Infantry. He participated in all the Indian fights under General Stanley, and General Stanley writes a letter stating that Captain Hartley served under his command a long time, and in the field a gallant officer, brave and efficient at the station, a good duty officer, meritorious and faithful.

Colonel Otis writes a letter stating that Captain Hartley was a very intelligent, brave, efficient, and faithful officer; quick to understand and prompt to obey any orders; that he served under his command a long time, and very hard and dangerous service in the field, and very useful at the station. General Terry writes a letter that Captain Hartley served in his department, and he was one of the best officers in his command; intelligent, brave, and faithful; an upright gentleman, of superior qualities in every respect. General Hancock writes that he knew Captain Hartley well; that he served under his command; that he was an excellent officer, and gave entire satisfaction. Captain Hartley had a severe wound in his right eye, received in the line of his duty, which always produced pain in his head, and as his arduous duties increased the pain increased until it affected his brain, and caused him in a fit of insanity to resign.

The committee is satisfied that the cause of his unhappy death was the result of wounds received in the service of his country and in the line of his duty. He was kind and generous to his friends and devoted to his wife. His widow is very poor; her late husband left her penniless. Wherefore the committee report back the bill to the House with the opinion that it ought to pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CYNTHIA MARTIN AND CATHARINE STOVER.

Mr. RAY, of New Hampshire. I call up the bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of War be, and is hereby, directed and authorized to so correct the records of Joseph W. Stover and Robert H. Martin, late of Company H, Fifth Kentucky Cavalry, as to remove the charges of desertion or absence without leave from their commands at the time they were killed, being on or about the 5th day of March, 1862, standing against their names; that the Secretary of the Interior be, and is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the names of Cynthia Martin, widow of said Robert H. Martin, and Catharine Stover, widow of said Joseph W. Stover, to be paid pensions from the date of the deaths of their said husbands, to include the amounts provided by law to be paid the minor children of said soldiers; and that said widows and children be paid all bounty, back-pay, and allowances provided by law, any charge of desertion or absence without leave to the contrary notwithstanding.

The bill was reported with the following amendments:

Amend by striking out in line 15 all after the word "date;" all of line 16, and in line 17 the words "of said soldiers," and insert in lieu thereof the words "of the passage of this act." Also, strike out in line 17 the words "and children."

Mr. HEWITT, of Alabama. I would like to hear the bill read as proposed to be amended.

The bill was read as proposed to be amended.

Mr. HEWITT, of Alabama. Is that bill reported by the Committee on Invalid Pensions?

Mr. RAY, of New Hampshire. Yes, sir. I call for the reading of the report.

The report (by Mr. RAY, of New Hampshire) was read, as follows:

The evidence in this case establishes the fact that Joseph W. Stover and Robert H. Martin were soldiers in the late war, enlisted in the Army of the United States in Company H, of the Fifth Kentucky Cavalry, commanded by Col. D. R. Haggard; that they left Overton County, Tennessee, which was within the confederate lines, and went to Kentucky for the purpose of enlisting in the United States service; that Cynthia Martin is the widow of Robert H. Martin; that Catharine Stover is the widow of Joseph W. Stover; that in March, 1862, the company returned to Clinton County, Kentucky, which is adjacent to Overton County, Tennessee, and near their home; that while there these soldiers, together with other members of the company from the same neighborhood, returned to their home for the purpose of seeing their families, and the further purpose on the part of one to get a horse belonging to him which he feared would fall into the hands of the confederates. They remained but a short time and started back to their command, before reaching which they were overtaken by Champ Ferguson and his men and killed.

Various witnesses testified to these facts, and it is abundantly shown that they were on their way back to the Army and only a few miles from the place where

the company was stationed when so killed. It is shown by one witness that they stated they had authority from their commander to leave. There can be no question as to their returning. Their widows petition Congress for the removal of the charge of desertion and for the granting of a pension, &c., to which they were entitled but for the charge.

Your committee are satisfied that there was no desertion, nor any intention to desert; that they had in good faith gone to see their families, from whom they were not only separated by the ordinary restrictions upon the soldier's life, but they were likely to be deprived of the privilege of seeing them from the further fact that their families lived within the lines of the enemy. The widows are proved to be very destitute and deserving. Your committee are of opinion the prayers should be granted, and therefore recommend that the accompanying bill be passed with amendments as follows:

Strike out in line 15 all after the word "date;" all of line 16, and in line 17 the words "of said soldiers," and insert in lieu thereof the words "of the passage of this act;" also strike out in line 17 the words "and children."

Mr. RAY, of New Hampshire. This bill was introduced by the gentleman from Tennessee [Mr. MCMILLIN] in this Congress and referred to the Committee on Invalid Pensions. It was unanimously ordered to be reported by our committee at its last meeting. The gentleman from Tennessee informed me to-day that he would probably be unable to be present this evening and desired me to give a word of explanation, if any were deemed necessary.

The bill was introduced into the Forty-seventh Congress and referred to the Committee on Invalid Pensions and a favorable report was made, and I think the bill or bills passed the House. As I remember the case, our committee thought we would not grant any pension to the children because they must be old enough now to take care of themselves and that we would not grant any arrears. But the bill provides that the widows may have any back pay or bounty that was due the soldiers at the time when they were killed. We thought it proper enough to include that in the bill because the husbands of these two widows were killed under the circumstances mentioned in the report, and the only reason why the Pension Bureau denied pensions to them was on account of the record showing their desertion, when the truth is the men were killed by the Guerrilla Ferguson on their way back to their command. They had no intention of deserting. Their offense, if anything, was merely technical—not substantial.

The facts are, as set forth in the report, that these men went home to see their familes, were absent but a short time, and were returning and had got nearly back to their camp when they were killed. They understood, as I am informed by the gentleman from Tennessee [Mr. MCMILLIN], who has examined the matter very carefully—they understood, as I have no doubt, that they had a right to go home and to be absent from their command for a short time, but, being killed, could not return; hence the record of their desertion. It was only a technical desertion at best, not a voluntary desertion in any sense. Therefore, under the circumstances, the effect of the bill being merely to give these poor widows just what the soldiers had earned before they were killed and to put their names upon the pension-roll from and after the passage of the act, the Committee on Invalid Pensions thought would be no more than just.

Mr. HEWITT, of Alabama. Mr. Chairman, this bill is in some respects an extraordinary one, for it contains three propositions, over which, severally, three different committees of this House have jurisdiction. In the first place, the removal of the disability of desertion belongs to the Committee on Military Affairs, not to the Committee on Pensions. Second, the question of the pay that may have been due these soldiers for their service and back pay belongs either to the Committee on War Claims or to the Committee on the Payment of Pensions, Bounty, and Back Pay. Thirdly, so far as this bill seeks to put these widows upon the pension-roll, that part of it belongs to the Committee on Invalid Pensions. Therefore I say the bill is an extraordinary one, in the fact that it contains these three distinct propositions, over which three different committees of this House have, severally, jurisdiction.

Mr. RAY, of New Hampshire. Will the gentleman yield to me for a moment?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. RAY, of New Hampshire. I only wish to ask if the bill will be satisfactory if amended so as to simply place these two widows upon the pension-roll with nothing more?

Mr. HEWITT, of Alabama. Mr. Chairman, I was going on to say that if a bill had been introduced and reported here containing simply the first proposition in this bill, namely, to remove the disability of desertion, there would have been ample jurisdiction in the Department to give all the relief that is necessary; because the very moment the disability of desertion is removed from the records of these soldiers, then, if they were killed in the line of duty, their widows are entitled to pension from the Bureau of Pensions. Not only that, but the administrators of these soldiers would be entitled to whatever pay might have been due them, and could obtain it through the Department without any act of Congress, unless the claim is barred by some statute, and I do not think it is.

Now, I am very much opposed to allowing one committee of this House to usurp the powers of any other committee. It would have been much better that the one necessary proposition in this bill should have gone to the Committee on Military Affairs. If that committee had acted upon it and brought in a bill to remove the disability of desertion, then there would have been no necessity for any further legislation in the matter.

But, Mr. Chairman, the evidence, upon the very statement of the gentleman from New Hampshire [Mr. RAY], is not clear that these soldiers were not absent without leave. They had left their command without permission to return to their homes. That seems to be admitted, and if they did that it is not a case of mere technical desertion; it is straight-out desertion. It is a case of absence without leave, no matter what the excuse may have been, because every soldier that left the service and went back to his home to see his family had that excuse for his action, and it is a very strong one too—the desire of a poor soldier, away from his home and his children, to return, it may be but for a few days, to see the loved ones he has left behind. But if such a thing is encouraged it will tend to increase insubordination, and if such conduct is to be encouraged by voting pensions to such soldiers or their widows, I fear that it will result in great harm to the service.

Mr. BAGLEY. Mr. Chairman, I move to amend by striking out the clause in that bill in relation to bounty and back pay.

Mr. WOLFORD. Mr. Chairman, I rise to oppose that motion, and I want to be heard a few minutes in reply to my friend from Alabama [Mr. HEWITT]. I think that my friend (whose heart is always right) misunderstands this whole case. He made one remark in which he surely does not expect this House to agree with him—putting these men on the list of criminals and asserting that it will tend to the violation of good discipline to pension them. Pension whom? Pension the widows of these soldiers, those innocent, harmless women, who lost their husbands in the Army in defense of their country. But again, sir, the rule of law is altogether different from the way my distinguished friend from Alabama [Mr. HEWITT] states it in this case.

If these parties were on trial in a court, or even in a court-martial, they would have the benefit of every reasonable doubt. My friend wants to reverse that rule. He says the evidence is not clear in their favor. Sir, the evidence ought to be clear against them before you deprive poor, innocent ladies of what is reasonable and right. Before this House would do that the evidence ought to be clear that these men were in fact deserters. Are you going in this Congress—the highest body upon earth, with more rights and more equities and more great privileges of doing right to the citizen than any other legislative body in the world—are you going to reverse every principle of law and every principle of equity, and declare that you can not pass a law to pension a poor widow without destroying the discipline of your Army?

Does any man in this House believe that if you pass this law giving pensions to these poor ladies any soldier will ever remember that action as a reason or an excuse for deserting his duty? These men were going back to their camp, and that fact alone is evidence of the most convincing character that they were not deserters in a criminal sense. But it is said that they had gone away from their command. Admit that they had gone a few miles farther than they had permission to go, influenced by a longing desire to see the wives and children whom they loved; admit they did that, and there is nothing in it that does not indicate all the good impulses of human nature or all the higher feelings of the great soldiers that carried our flag triumphantly through the war; admit all that, and is it a reason for saying that these good feelings are an evidence of a depraved heart; that the man showing these feelings should bear forever the stain of desertion, should be forever put down as a criminal, and that his wife and children should starve by reason of this stain, because a great Government with plenty of money refuses to overlook these infirmities of human nature? In Heaven's name, will the gentleman from Alabama say that he has no charity for human infirmities? I had no wife during the war [laughter], but I do not know how it would have been possible for me, if I had been within a few miles of my children while that conflict was pending, not to have gone to see them. I do not know how the gentleman from Alabama feels; I do not know how close his wife and children are to him; but I can not believe that during the war, and while he was in the military service, he would not have gone to see them if he had been within a few miles of them.

Why, sir, a chancellor—and this is a higher tribunal than a court of chancery—a chancellor having taken jurisdiction of a case as to one branch of it goes through the whole of it. That is the rule, as my friend from Alabama very well knows. Now why should we not go through this whole case instead of splitting it up and making this Congress a little technical, driveling concern? When the rights of the widows of soldiers of this nation are under consideration why should this Congress say: "We have the case before us; we have heard all the facts; we know you ought to have the relief you ask; but we will divide your case."

My friend from Alabama would say these ladies ought not to have a pension because the stain of desertion has not been removed. Now who takes off the stain of desertion? Do you tell me that this Congress has not the power in the same bill which grants a pension to remove from the record of these soldiers the charge of desertion?

Why should we carve up this case? Why should there be several different tribunals—one to remove the charge of desertion, one to grant a pension, and one to consider the application for back pay? Why

should we thus split up this case when it is all before us? We have all the facts here. There is not a gentleman in this House, my friend from Alabama not excepted, who does not believe these poor women ought to have the pay which these United States can well afford to grant them. Everybody, I think, must concede that this stain of desertion ought to be wiped off, and that the pensions asked in these cases should be granted. Everybody, I think, believes this; and I do hope every member here will come right up and do an act of simple justice by voting for this bill.

The CHAIRMAN. The Clerk will read the amendment proposed by the gentleman from New York [Mr. BAGLEY].

The Clerk read as follows:

Strike out at the end of the bill these words:
"And that said widows and children be paid all bounty, back pay, and allowances provided by law, any charge of desertion or absence without leave to the contrary notwithstanding."

Mr. RAY, of New Hampshire. If I understand the scope of the amendment, its effect is that these widows shall receive a pension from and after the passage of the act.

Mr. BAGLEY. That is the intention. The idea is to strike out all provision for the payment of these arrearages.

The CHAIRMAN. Does the gentleman from New York propose to strike out that portion of the bill which removes the charge of desertion?

Mr. BAGLEY. No, sir.

The CHAIRMAN (having put the question on the amendment). In the opinion of the Chair the amendment is adopted.

Mr. WOLFORD. I call for a division.

The CHAIRMAN (having again put the question). On this question the ayes are 23, the noes 15. The ayes have it, and the amendment is adopted.

Mr. HEWITT, of Alabama. Just one remark, Mr. Chairman, in reply to my sympathetic friend from Kentucky [Mr. WOLFORD] in relation to the law of this matter. Now, it is very true that if you make a charge of desertion against a person the presumption of innocence arises, and the burden is upon the party making the charge to show the fact of desertion. But in this case the record which is kept by authority of law and by sworn officers shows that these two deceased soldiers were deserters. There is record evidence standing——

Mr. RAY, of New Hampshire. Will my friend from Alabama allow me to interrupt him a moment?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. RAY, of New Hampshire. My own impression is that these men were killed within a few miles of their own camp and command, and that the adjutant, or whoever kept the record, entered the charge of desertion against them in ignorance of the fact that they had already been killed. That is my judgment as to the facts of this case. Nobody can tell the precise date when they were killed; I do not know that any one has taken the trouble to cipher that out exactly; but my judgment is that the men would have been back in season, and that there would have been no charge of desertion in this case if they had not been overtaken by Champ Fergusson and both killed.

Mr. HEWITT, of Alabama. Admit the statement made by the gentleman from New Hampshire and it does not affect the argument I am making on the question against my friend from Kentucky.

Mr. WEAVER. Let me ask a question.

Mr. HEWITT, of Alabama. I yield with pleasure.

Mr. WEAVER. The amendment having prevailed to relieve the party of desertion, I ask as a legal proposition whether it is not true should this bill pass that the party could refuse to accept under the bill and receive arrears at the Pension Office?

Mr. HEWITT, of Alabama. If these widows have filed in the Pension Office an application prior to 1880 they would be entitled to their back pay, and they could waive this act and proceed under that.

Mr. WEAVER. And that would be the status of this case if this bill would pass?

Mr. HEWITT, of Alabama. Yes; provided we pass this bill now.

The argument I make here is against the legal position taken by the gentleman from Kentucky [Mr. WOLFORD]. I say where there is a record kept according to law and by officers sworn to perform their duty, the presumption of law is that record is correct. The records of courts can not be assailed at all. They are presumed to be absolutely correct, and can not be questioned collaterally anywhere. A record of this kind may be; the burden of proof is on the party who denies the correctness of that record. It is the duty of those who come here and allege that record was properly kept or that it is false to show that fact by clear evidence.

One other word. I will never consent that there shall be no difference made in this country between soldiers who served faithfully and those who did not. Every man in this country feels, as I do, an interest in keeping up a nice distinction between the faithful and unfaithful soldiers of this country. For one I shall never consent that no distinction should be made between those who stood by their colors during the war and those who deserted them and went home.

Mr. BRUMM rose.

Mr. BROWN, of Pennsylvania. I make the point that this discussion is out of order. The amendment has been adopted and there is nothing before the House to discuss.

The CHAIRMAN. The question before the House is whether the bill as amended shall be reported to the House with the recommendation that it do pass, and the Chair overrules the point of order.

Mr. BRUMM. I do not wish to discuss the merits of this bill, as I know nothing of them beyond what has transpired in relation to them during the course of this discussion, but I rise for the purpose of saying a word or two on the legal point involved.

I think the gentleman from Alabama [Mr. HEWITT] is mistaken in in his legal proposition in his answer given to the gentleman from Nebraska [Mr. WEAVER]. It is true, as a matter of law, that where there is a vested right no subsequent legislation can deprive the owner of that vested right. Subsequent legislation which may add an additional right to the vested right may waive the later legislation and take advantage of the former.

In this case there was a vested right to this pension, and no legislation of ours could deprive these widows of that vested right. The law giving pensions grants those pensions to persons who have served their term of enlistment, and it distinctly deprives those who have deserted from receiving any pensions. In this case, therefore, there is no vested right and there is no law they can go back to and take advantage of.

Mr. DAVIS, of Illinois. If a man renders good service and is wounded during that service, but subsequently deserts, I would like the gentleman to show me the law which bars him from a pension.

Mr. BRUMM. One of the first elements, the very gist and marrow of a pension, is an honorable discharge, and no deserter can procure that discharge. The record must show an honorable discharge. In this case these people or their heirs can show no honorable discharge, and hence there is no vested right. The clause in this bill which says that the pension shall date from the date of the passage of this act keeps them down to it, and they can not go back, because there is no right back of this bill. But suppose there was, and I will go a little further as a legal proposition—if there was a vested right prior to the passage of this bill this law says we will remove the charge of desertion, but you can only get your pension from the date of this act; and, therefore, there being no vested right whatever, there being no act in violation of any contract, the latter act, wherever inconsistent with the former, repeals that former act.

Mr. WOLFORD. Will the gentleman allow a question?

Mr. BRUMM. Yes, sir.

Mr. WOLFORD. Does the gentleman suppose that a pension is a vested right in anybody except where there is law?

Mr. BRUMM. It is not a natural right, of course.

Mr. WOLFORD. How is it a vested right? I always thought it was a bounty of the Government.

Mr. BRUMM. It is a vested right under the law.

Mr. WOLFORD. Yes; but this is making the law. We are the law-making power of this Government.

Mr. BRUMM. The law says that certain persons under certain conditions are entitled to pensions, and therefore that right is vested the moment the pension law passes. But the person who is entitled to that vested right must first prove that he comes within the conditions of the law which vests the right. Hence gentlemen need not have any fear when they come to vote upon the passage of this bill that this amendment will enable these people to get their pensions before the date of the passage of this bill. There is no question about that. [Cries of "Vote!" "Vote!"]

Mr. MCMILLIN. Mr. Chairman, I had occasion in the Forty-seventh Congress to investigate the facts connected with this case. It may not, therefore, be inappropriate that I should make a statement concerning it. Prefatory to that statement I will say that no man on this floor is more anxious to keep up the distinction between faithful and unfaithful service on the part of the soldier than I am. I would not vote for a pension for any man who did not serve faithfully.

I concur in what the gentleman from Alabama has said as to the propriety of keeping up that distinction; but it is a distinction that can not hurt in the present case. The facts were these: These parties had left their homes and gone north of their homes for the purpose of enlistment and going into the Federal service.

Mr. SINGLETON. By what authority or what order did they go?

Mr. MCMILLIN. They were citizens when they left, and went of their own volition to enlist in the service of the country. The command in which they enlisted, after it was organized, returned to the neighborhood, that is to say, to the adjacent county in Kentucky in which these parties lived. They went home during the stay of the command there to see their families, and were not away, if I remember correctly, seventy-two hours. As they returned to their command, stating at the time they were absent that they had been permitted to leave their command for the purpose of seeing their families, they were captured and killed, or killed in the process of capture. Those are the facts in the case.

There can be no foundation for a charge of desertion against them.

They were not deserters; they were not absent from their commands for one week, and the evidence all along the line shows that having been absent no longer, if my memory is not incorrect, than a period of seventy-two hours, they were returning to their command when they were killed. They had leave to go, I repeat, as they stated at the time.

Mr. KING. Will the gentleman from Tennessee permit me to ask him a question? Had they any authority for their absence from their post?

Mr. McMILLIN. Their statement at the time was that they had; and I will say to the gentleman from Louisiana further, that it is highly probable, when we consider the circumstances, that their statement was a correct one. As I have said, the command was in the neighborhood in which they lived before they enlisted, a fact that was not likely to occur again within three years; for we all know how persons who enlisted in Kentucky and in the border States generally were likely to be separated from their families for the whole war. They had gone away to enlist.

The command in which they had enlisted had returned to that neighborhood, and my colleague from Tennessee, who was on the border during the war, will bear testimony that when that occurred general leave was given to all parties to go and see their families. All soldiers who served during the war from the border States will bear witness to that.

Mr. HOUK. Will my colleague allow me a moment?

Mr. McMILLIN. Certainly.

Mr. HOUK. I presume that every man here on either side who served in the border States in the war knows that it was a custom, by orders from headquarters, to give leaves of absence freely in such cases; that the colonels, captains, and officers of all ranks went home, and that the custom was universal.

Mr. McMILLIN. It is a state of facts that is generally understood to have existed among all soldiers who lived in the border States and served in the Federal Army during the war.

Mr. KING. Is there any testimony to show that these were good soldiers when they were in the service?

Mr. McMILLIN. There is not a charge against their efficiency as soldiers from the hour of their enlistment until the time of their death. There is not a single suspicion that they did not serve faithfully during the whole time. I have read every affidavit in the case and every paper filed with it and studied them closely, for I desired to arrive at a just conclusion in the case; and I came to the conclusion on a thorough examination of the subject that they were fairly entitled to a pension. So thinking and believing, my impression now is that when the question was up before I so stated; but whatever my statement then was, the bill passed the House during the last Congress, but failed in the Senate for want of time.

The CHAIRMAN. The question is, Shall the bill as amended be laid aside to be reported to the House with the recommendation that it do pass?

Mr. HEWITT, of Alabama. I am not willing that this bill shall pass without first answering the arguments which were made by the gentleman from Pennsylvania [Mr. BRUMM] on the question of the law of this case.

An invalid pension, or the pension which these widows would be entitled to under the law provided their husbands had not deserted or had not been marked as deserters on the record, is a pension which they can demand as a right, and it is in no sense, as the gentleman from Kentucky said, a bounty.

When the soldiers of the late war, and in fact of all of our wars, volunteered and went out to serve the country, the law says to them, "If you are killed in the line of your duty your widow shall have a pension;" but that pension which goes to the widow is as much her right under the law as the monthly wages of the soldier who performs the service. An invalid pension is in no sense a bounty. But it is a contract which the Government made with the soldiers when they volunteered to serve their country that if they served their country faithfully and were wounded or contracted disease in the service and were honorably discharged they should have a pension; or if they should be killed in the service in the line of duty their widows should have a pension.

Mr. BRUMM. That is not a condition of enlistment.

Mr. HEWITT, of Alabama. It is a condition of enlistment in the case of every soldier.

Mr. BRUMM. I beg your pardon; I think it is not.

Mr. HEWITT, of Alabama. The gentleman from Pennsylvania must go and reread the statute. What did your law say to your soldiers when they volunteered? It said to every soldier when he volunteered, "If you shall be killed in the service, your widow shall have a pension." That act was passed before the soldier volunteered. It is a part of the contract which the soldier made with the Government and it is a right the widow can demand, not a bounty that the Government bestows.

Mr. WOLFORD. Will the gentleman from Alabama answer me a question?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. WOLFORD. There was a law saying that whoever enlisted should receive a bounty and that law was passed before the soldiers did enlist. Was that a bounty or not?

Mr. HEWITT, of Alabama. You may call it what you please, you may call it a bounty if you want to. But if there was such a law and the law promised a man $300 if he enlisted, was not the Government bound to pay it? It was not a bounty at all in the eyes of the law.

Mr. WOLFORD. Every pension is a bounty.

Mr. BRUMM rose.

The CHAIRMAN. The Chair will state that gentlemen must observe the rules. The gentleman from Alabama is on the floor, entitled to be heard, and gentlemen can not interrupt him without addressing the Chair or without his consent.

Mr. WOLFORD. I beg pardon of the Chair.

The CHAIRMAN. The present occupant of the chair is determined this rule shall be observed while he occupies it.

Mr. BRUMM. Will the gentleman from Alabama yield to me for a question?

The CHAIRMAN. Does the gentleman from Alabama yield?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. BRUMM. The gentleman states that the widow of a person killed in the service is entitled to a pension. To entitle his widow or his heirs to a pension is it not necessary that he should be killed in the line of duty?

Mr. HEWITT, of Alabama. Of course.

Mr. BRUMM. One more question. If the soldier was killed while playing a game of ball we shall say, if he was killed while in camp accidentally while doing something that was not within his military duties, would his heirs be entitled to a pension?

Mr. HEWITT, of Alabama. Not his heirs.

Mr. BRUMM. This party was on his way to his home from the regiment and not in the line of duty. Then, would the mere removal of the charge of desertion, he being killed not in the line of duty, entitle his heirs to a pension by virtue of the killing alone?

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Pennsylvania a question. I will play the Yankee with him and answer his question by asking another. Of course I do not use the word in an offensive sense.

Mr. BROWN, of Pennsylvania. We are all proud of that name, anyhow.

Mr. HEWITT, of Alabama. I ask the gentleman if he believes a soldier who has leave of absence for seventy-two hours and is on his way back to the service—does he not believe that soldier is in the line of duty?

Mr. BRUMM. If he is on his way back to the service under leave of absence, he is.

Mr. HEWITT, of Alabama. In the line of duty?

Mr. BRUMM. Yes, sir; but this is not that case.

Mr. HEWITT, of Alabama. That is all I want the gentleman to answer.

Now, Mr. Chairman, why is it that the widows in these two cases are not entitled to a pension? It is because the record stands there with their husbands marked on it as deserters, and on account of their being marked as deserters they are precluded from getting a pension at the Pension Bureau.

But now what does this bill propose to do? This bill proposes to take those records and to strike from the records those marks of desertion against these parties. Then the record will stand clear of any charge of desertion against these two soldiers whose widows are claiming a pension under this bill.

Now, if you remove from the record this stain upon the character of the husbands, if you blot it out entirely, what is to hinder the widows under the law from going on and prosecuting the claims which they have now in the Pension Bureau, and which were rejected only on the ground that the record showed that the husbands had deserted?

If you remove that stain, if you remove that record, the coast is clear.

Mr. CUTCHEON. They can get arrears then.

Mr. HEWITT, of Alabama. They can get arrears beyond all question. But, Mr. Chairman, all I want to do is to show this House that if you pass a bill removing this stain of desertion which now stands against the record of these parties—and I do not pretend to say you ought not to do it if what the gentleman from Tennessee [Mr. McMILLIN] has stated is correct—no further legislation is required. All I desire is that the House shall vote upon this matter knowing what they are doing.

Mr. CUTCHEON. May I ask the gentleman one question?

Mr. HEWITT, of Alabama. Not just now. I will yield to the gentleman in a few minutes.

Mr. Chairman, there has been a decision upon this subject. Congress—I believe the Forty-fourth Congress—passed a special act granting General Burnett, of New York, a pension of $50 a month. Afterward he became totally blind, his blindness resulting from his service, and he applied to the Pension Bureau, and that bureau granted him a pension of $72 a month, and for a time he drew both pensions.

Mr. BRUMM. The cases are not parallel at all.

Mr. HEWITT, of Alabama. But after the passage of the act which prohibited a man from drawing two pensions the Supreme Court held that he, General Burnett, had the right either to take his pension under the special act of $50 a month or under the general law at $72 a month; that he was at liberty, in his discretion, to take the one or the other, but that he could not take both.

So in this case, if you pass this bill these widows will be at liberty to take pensions either under this law or under the general act, but they can not take under both.

Mr. SINGLETON. Mr. Chairman, I have no disposition to protract this debate, but I shall be called upon presently to vote upon the passage of this bill, and there are several points connected with it about which I am not satisfied. In the first place, I understand that there is no evidence here, no competent evidence I mean, to show that these parties had leave of absence from the Army. All that gentlemen pretend to state on that point is that these men were permitted to leave; but I suppose that no soldier ever left his duty and went home to see his family who did not make the same excuse.

Now, sir, if these men had no privilege granted them of leaving the Army, then, being absent without such privilege, they were deserters. Who will deny that proposition?

Mr. McMILLIN. Will the gentleman yield for a question?

Mr. SINGLETON. Yes.

Mr. McMILLIN. These men either were or were not deserters. If they were deserters, upon what theory does the gentleman account for the fact that, according to the testimony of every witness in the case, they were returning to their command within less than a week after they had left it.

Mr. SINGLETON. Mr. Chairman, it does not make any difference whether the time was one day, or one week, or one year; a soldier absent from duty without the permission of his commanding officer is a deserter.

Mr. DAVIS, of Illinois. Will the gentleman yield to me for a moment?

Mr. SINGLETON. I yield to the gentleman.

Mr. DAVIS, of Illinois. I simply wish to call attention to the fact that there is a great differenee between "absent without leave" and "desertion." I do not believe there is a case in the whole army record where a man is put down as a deserter who was not absent more than a week unless he deserted to the enemy.

Mr. SINGLETON. Oh, the gentleman is altogether mistaken about that.

Mr. DAVIS, of Illinois. No, sir; I am not.

Mr. SINGLETON. The gentleman is mistaken. Now, Mr. Chairman, if the charge of desertion is made against these parties the presumption is that the officers who made that charge and that record knew more about the facts than we can possibly know. The presumption is that they did not act hastily; and when we now undertake to reverse their action upon partial affidavits—affidavits upon one side—and when the matter has not been properly investigated, I say that we do injustice to the officers who made up that record.

Mr. WOLFORD. Will the gentleman yield for a question?

Mr. SINGLETON. Yes.

Mr. WOLFORD. The charge of desertion was made against these men long after they were dead.

Mr. SINGLETON. What evidence have you of that?

Mr. WOLFORD. That is the statement that is made here.

Mr. SINGLETON. Ah, but I want the law and the testimony now.

Mr. WOLFORD. Well, I will give you the law and the testimony. This charge of desertion was made after they were dead. Now, does the gentleman from Mississippi——

The CHAIRMAN (Mr. HATCH). The Chair did not understand the gentleman from Mississippi [Mr. SINGLETON] to yield to the gentleman from Kentucky [Mr. WOLFORD] except for a question. Does the gentleman yield further?

Mr. SINGLETON. If the gentleman from Kentucky [Mr. WOLFORD] wishes to ask me a question, of course I will yield to him.

Mr. WOLFORD. It has been explained that all the men of these different commands had general authority when they were close to their homes to go home. That was not desertion. These men were killed as they came back, and in that way this charge of desertion in their case arose.

Mr. SINGLETON. Now I want to know from the gentleman whether there was not always a record kept by the officers when leave of absence was granted?

Mr. WOLFORD. Never that I know of. [Laughter.] Let me explain. I think I was very intimate with the manner in which things were done. There was always a record made when men were gone any length of time and failed to return. In that case the officer put down the charge of desertion against them; but never till that occurred. So far as I was concerned I always sent my men off when I thought they ought to go. I commanded a division, and was intimate with commanders of divisions in our Army; and I never knew of the charge of desertion having been made where a man went off and staid just a little while.

Mr. SINGLETON. The gentleman from Kentucky is taking for granted what has not been proved here, as I understand. If these men were not deserters, they or their friends had it within their power to have the erroneous record corrected. How should this have been done? Should we be asked to declare by a bill pensioning their widows that these men were not deserters? No, sir, the parties interested should have gone before the Military Committee, where both sides could have been heard, and if the men were not deserters that committee could have reported a bill to correct their record; and then, as remarked by the gentleman from Alabama, there would have been no necessity for applying to this House for a pension.

Why is this case here at all if these men were not deserters? If they were not deserters their widows are entitled to pensions under the law. If they were deserters, the only proper and legitimate way for removing the charge of desertion was not upon mere one-sided affidavits, but through the action of the Military Committee, who could have investigated the whole matter and determined whether these men were in fact deserters.

It is said that they were on their way to their commands. What proof have we of that?

Mr. McMILLIN. We have the testimony of every witness in the case who testifies on that point, and there are a number of them.

Mr. SINGLETON. Well, what do they say about it? I would like to know.

Mr. McMILLIN. They say absolutely that these men were on their return to their commands. That is directly and positively sworn by the witnesses.

Mr. SINGLETON. How far were they from their homes?

Mr. McMILLIN. I do not recollect whether the evidence states that fact.

Mr. SINGLETON. Now, as the men were found somewhere in the neighborhood of the army, and perhaps not far from their homes, it is very easy to assume that they intended to return. But no mortal man can tell what a person intended to do in a case of this sort.

Mr. McMILLIN. For the information of my friend from Mississippi [Mr. SINGLETON] I will say that I am acquainted with the geography of that part of the county where this command was stationed. The command was near Albany, Clinton County, Kentucky, and the homes of these men were only a few miles across the line in the State of Tennessee, not twenty miles distant.

Mr. SINGLETON. How far were they from the army when they were killed and by whom were they killed?

Mr. McMILLIN. As I have just stated, the command to which they belonged was stationed in Clinton County, Kentucky, and their homes were in Tennessee, just across the line, the two points being not twenty miles apart.

Mr. SINGLETON. How far were they from the army when they were killed and how were they killed?

Mr. McMILLIN. They were shot.

Mr. BROWN, of Pennsylvania. They were killed by the common enemy.

Mr. WOLFORD. By Champ Ferguson.

Mr. SINGLETON. Were they fighting by themselves against the army of the confederacy, or had they joined the Federal Army?

Mr. McMILLIN. They were not marauders; they belonged to a regular command of the Federal soldiery, and, as stated by the gentleman from Kentucky, and as the affidavits show, they were killed by Ferguson's men.

Mr. WOLFORD. And Ferguson was himself a marauder, a very dangerous one.

Mr. SINGLETON. Is that the evidence in the case?

Mr. WOLFORD. Yes; and he was hanged for it afterward.

Mr. McMILLIN. I know nothing of this case except as I gather the facts from the evidence. I do not know a single one of the parties. But I have read every affidavit in the case, and I am acquainted with the region of country in which these matters are said to have occurred.

Mr. SINGLETON. One moment and I am done.

Now, Mr. Chairman, I think it proper, as remarked by the gentleman from Alabama [Mr. HEWITT], we should keep up a nice distinction between those who served faithfully during the war on one side or the other and those who did not and neglected their duty—who deserted and were put down as deserters.

The gentleman from Kentucky [Mr. WOLFORD] made a most sympathetic speech here in favor of these ladies. I do not think there is any man living who regards women more highly than I do, and I would go as far as he who goes furthest to do them a service. But, sir, these ladies claim these pensions through their husbands—not because they are women, for there are a thousand women in the land doubtless as good—and if we pension them simply because they are women, I could bring scores to take pensions on that ground; but they claim through their husbands, and if their husbands were guilty of desertion I do not think it becomes us in a bill of this sort to pension them.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SYLVESTER GREENOUGH.

Mr. HOLMES. I call up the bill (H. R. 7434) granting a pension to Sylvester Greenough.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sylvester Greenough, a soldier of the Mexican war, Black Hawk war, and Florida war, and late a private in Company E, Thirty-seventh Regiment Iowa Volunteer Infantry (Gray-Beard Regiment), at the rate of $12 per month.

The report (by Mr. HOLMES) was read, as follows:

Sylvester Greenough, the claimant, enlisted as a private in Company E, Thirty-seventh Iowa Volunteer Infantry, on September 6, 1862, and was discharged on May 24, 1865. He is an old man of about 75 years of age, and alleges his disability to be "old age, and general debility caused by hardship in the service, and chronic diarrhea, which he contracted in the war of the rebellion, near Alton, Ill., in the line of duty." The record also shows prior service of the claimant in Company K, Fourth United States Infantry, in Florida war, and also in Company H, Fourth United States Infantry, in the Mexican war, making altogether over fourteen years' service for his country. He alleges that hardships in the service have broken him down, and that he is entirely disabled for the performance of any manual labor, which fact is fully sustained by the certificate of the examining surgeons.

The testimony of comrades and neighbors is to the effect that the claimant was stout and hearty for years before entering the service in the war of the rebellion, and fully corroborates the claimant's allegation of sickness from diarrhea in the service at the time and place alleged, and that he has been incapacitated for manual labor since his discharge by reason thereof.

Your committee think that the record of long and honorable service which the claimant has performed for his country, together with his age and broken-down condition, caused without doubt by the hardship he has sustained, and especially the disease which he is proven to have contracted in the service and from which he is still suffering, and the absolute necessity for speedy relief, if it is to be given at all, present a strong case for the favorable consideration of the Government which he has so faithfully served, and therefore recommend that the bill do pass.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ELIZABETH W. CREIGHTON.

Mr. WALLACE. I call up the bill (H. R. 5086) for the relief of Elizabeth W. Creighton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Elizabeth W. Creighton, widow of J. Blakely Creighton, late a rear-admiral, on the pension-roll, and to allow her a pension at the rate of $50 per month from and after the passage of this act.

The report (by Mr. BAGLEY) was read, as follows:

That the applicant, Mrs. Elizabeth W. Creighton, is the widow of J. Blakely Creighton, late a rear-admiral in the service of the United States; that she is now receiving a pension of $30 per month, in accordance with law, and she asks that her pension be increased to $50, the sum given by special act, in many cases, to widows of general officers.

As the committee have recommended an increase in other cases of this character, they feel justified in recommending the passage of the accompanying bill. Mrs. Creighton is in straitened circumstances, and has to depend in part upon the charity of friends for support.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY N. HUGGINS.

Mr. PARKER. I call up the bill (H. R. 7735) for the relief of Henry N. Huggins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Henry N. Huggins, dependent father of Andrew P. Huggins, deceased, late a private in Company K, Twenty-fourth Regiment New York Volunteer Infantry, on the pension-roll, subject to the conditions and limitations of the pension laws.

The report (by Mr. BAGLEY) was read, as follows:

The petitioner applied for a pension August 11, 1879, alleging that his son died from disease of the lungs, contracted in the service of the United States, and that before and at the time of death he was dependent upon him for support, and that he did at sundry times contribute money for that purpose. Of the son's receiving wounds and incurring disease in the Army there is no doubt, as it was proven to the satisfaction of the Pension Office, he being allowed and paid a pension of $8 per month from May 30, 1863, to the time of his death, July 13, 1877.

It is in evidence that the soldier received a canister-shot through the right thigh at Bull Run, Virginia, August 30, 1862, and that prior to that he had been sick with measles with many others in the regiment, and that, on account of the hospital being overrun with sick, he was obliged to remain in company quarters, and in consequence took cold and had "falling back of the measles," from which he never recovered, but that his lungs became affected; that he had a constant cough, which continued and increased until he died from hemorrhage of the lungs.

This is the substance of several affidavits, both medical and lay, which makes the fact of soldier's death plainly and positively attributable to disease incurred in the service.

Soldier was married, but his wife is dead, and there are no children. Mother is also dead, and the father has a clear title.

As to the question of dependence, the claimant shows that the soldier enlisted at 18 years of age; that after he was old enough to work he received his wages; that soldier sent from the Army $40, and afterward $100 or more; that after his return home gave him $100 more; that after his enlistment gave claimant $300 town bounty; that he purchased clothing for his mother to the amount of $35 or $40, and bought affiant a suit of clothes. Claimant says that during the last five years (statement dated August 25, 1881) his whole earnings, with a little his wife had, has been insufficient for his support.

Dr. Jacobs testifies that at the time of soldier's death claimant had chronic dysentery and hyperæmia of the brain, with irritable condition at base of skull. Occupation was that of clerk in a store, and could do about one-third the labor of an able-bodied man. Doctor says at date of affidavit that claimant is in same disabled condition.

Postmaster at Mannsville, N. Y., says claimant is a man of integrity, and that he considers him poor; that he is now more than 60 years old, and incapable of doing much labor. There is much evidence showing the dependence of the father; that he earns but little and is incapable of earning much.

The committee are of the opinion that the claimant is entitled to be placed upon the pension-roll, and recommend the passage of the bill. Claim was rejected by the Pension Office on the ground that claimant was not dependent upon the soldier or assisted by the soldier at the time his wife died. While this may be true it is a mere technical objection, and does not affect the merits of the case.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

FREDERICK HUTTEN.

Mr. ENGLISH. I call up the bill (H. R. 7170) for the relief of Frederick Hutten.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hutten, formerly of Company K, Thirteenth Regiment Indiana State Volunteers.

The report (by Mr. MATSON) was read, as follows:

That Frederick Hutten was drafted in the military service of the United States March 7, 1865, and assigned to Company K, Thirteenth Indiana Volunteers, and honorably discharged on surgeon's certificate of disability July 20, 1865. July 17, 1869, he filed a declaration for pension, alleging rupture of the right side, incurred June 1, 1865, while in line of duty, which was rejected on the ground that the disability existed at the time of entering the service of the United States. Dr. P. N. Payne testifies, January 4, 1880, that he was the family physician of claimant prior to his enlistment into the military service of the United States; that he was then a sound able-bodied man, free from any disease or disability; that he treated claimant during an attack of fever in 1864, from which he recovered, and continued to enjoy good health up to the the time of his enlistment.

The testimony of neighbors and intimate acquaintances of the soldier corroborate the evidence of Dr. Payne as to the good health of claimant at the time of the enlistment.

Adolphus O. Mitchell, of Richmond, Wayne County, Indiana, testifies November 11, 1882, that he was captain of claimant's company in the Army, and that about June 1, 1865, at Raleigh, in the State of North Carolina, the soldier received a rupture of the right side, caused from falling upon the ground while returning from drill at "double-time;" that he knows these facts from duplicate papers in his possession and from seeing him in that condition.

John W. Nicholson, of Dubois County, Indiana, a comrade of the soldier, corroborates the evidence of Captain Mitchell.

It is shown by the records of the Adjutant-General's Office that the soldier was examined at the time of his enlistment by T. B. Harvey, surgeon of the board of enrollment of the sixth district of the State of Indiana.

The continuance of the claimant's disability is shown by the evidence.

Your committee find from the evidence in this case that the claimant was disabled in the military service of the United States and in the line of duty, and that he is entitled to a pension, and therefore recommend the passage of the accompanying bill.

JEREMIAH M'CARTY.

Mr. SPOONER. I call up a bill (H. R. 6029) for the relief of Jeremiah McCarty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Jeremiah McCarty, of Newport, R. I., on the roll of pensioners, and to pay him a pension of $25 per month, commencing with the 1st day of September, 1875.

The report (by Mr. STRUBLE) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6029) for the relief of Jeremiah McCarty, respectfully report:

That said Jeremiah McCarty was a civil employé at the torpedo station on Goat Island, Newport Harbor, Rhode Island, and that while so employed he was seriously and permanently injured and disfigured in the manner and under the circumstances hereinafter set forth.

On August 31, 1875, said McCarty was directed by Lieut. George A. Converse, United States Navy, the first assistant inspector and executive officer at said torpedo station, to submerge a torpedo, for experimental purposes, about one hundred feet from the shore. While so engaged, under the direction of Lieutenant Converse, and while holding the torpedo in his hands—Lieutenant Converse remaining on the shore and having charge of the electric wires, by which the torpedo was to be fired—the torpedo was exploded by the extremely careless and premature connecting of the wires with the battery, shattering the boat in which McCarty was, destroying his right eye, disfiguring his face, body, and limbs, and permanently disabling him from the performance of ordinary labor.

As the immediate result of said injuries, said McCarty was confined to his room for some two months, endured great suffering, and was compelled to submit to the entire removal of his right eye by a surgical operation. He then reported to the torpedo station for duty and attempted to resume labor there as formerly, but suffered a relapse, which forced him to again forego all labor, and he has never since been able to perform any except light and irregular labor.

McCarty is a veteran soldier of the late war, and prior to said accident was a vigorous, able-bodied man, capable of earning a good support for himself and his family.

In addition to the permanent injuries above mentioned, said McCarty alleges impairment of the sight of his remaining eye, partial loss of hearing, shortness of breath, pains in the head and body, and general weakness and disability.

The facts, as found by your committee, are corroborated by the medical and other testimony submitted, by the official report of said accident made by Capt. R. K. Breese, United States Navy, then in charge of said torpedo station, to the Bureau of Ordnance of the Navy Department, and by the certificate of said Captain Breese.

Said certificate, affording a concise and officiel account of said accident and of the injuries incurred by said McCarty, is here given in full, namely:

UNITED STATES TORPEDO STATION,
Newport, R. I., November 13, 1875.

I certify that Jeremiah McCarty was employed on the civil roll of the station on the 31st August, and was directed by one of the officers of the station, Lieut. G. A. Converse, to place a torpedo containing about fifteen pounds of powder. Whilst so engaged the torpedo was exploded, through no fault of his, and a very serious injury was the result. At this time the apparent permanent injury is loss of right eye, face disfigured by powder, and legs badly marked by same. Complaint is made at times of inability to work as of old, at which I am not surprised; the great wonder to me being that the man lived after such an accident.

A full report of the accident was made to the bureau on September 8.

K. R. BREESE,
Captain, United States Navy, and Inspector of Ordnance, in charge of station.

In view of the facts and circumstances, your committee recommend that said bill be amended by striking out the word "five," in the sixth line, and all of lines 7 and 8, and by inserting at the end of line 6 the words "from and after the passage of this act;" and that, as so amended, the bill be passed.

The amendments of the committee were read, as follows:

Strike out "25" and insert "20;" and strike out "commencing with the 1st day of September, 1875," and insert "from and after the passage of this act."

The amendments were agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JACOB WIENER.

Mr. BAGLEY. I call up a bill (H. R. 7292) to grant a pension to Jacob Wiener.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized and directed to place on the pension-roll the name of Jacob Wiener, late a private in Company I, Forty-first Regiment of New York Volunteers.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7292) granting a pension to Jacob Wiener, having considered the same, report as follows:

The petitioner enlisted in the Army of the United States as a private in Company H, Forty-first New York Volunteers, on November 1, 1861, and was discharged November 7, 1864. Declaration for pension was filed November 8, 1878, alleging that at Hunter's Chapel, Va., January, 1862, he froze both feet so that they burst open and disabled him for the performance of duty, and was attacked with rheumatism in both feet and legs while on guard duty. The Pension Office allowed $4 per month for frost-bite, but rejected the claim for rheumatism on the ground that it did not originate in the service and line of duty.

In the consideration of the case it seems somewhat strange that the soldier should remain in the service for two years after the incurrence of the disability, but it is explained by the affidavits of Henry Sweitzer and Ernest Weber, who say that at the time of the injury the claimant was treated in regimental hospital for a severe cold and frosted feet, which resulted in chronic rheumatism; that in the spring of 1863 they saw him in Washington, D. C., where he was on detached duty, being unfit for active duty or service by reason of rheumatism, from which he was then suffering; that they saw him after his discharge and he was still suffering, and they swear this knowledge is from personal observation.

There is no record testimony or medical evidence of treatment, and claimant has not been able to supply the deficiency, but offers the affidavit of the captain of his company, Julius Stommel, who says that he knew of claimant's feet being frozen, and that he received medical treatment in the regimental hospital at Hunter's Chapel, Va., and that he suffered from broken-open feet several times subsequently. The fact of the claimant's feet being frozen is undoubted, as it is testified to by several witnesses, as also that the rheumatism has been continuous and increasing.

Claimant states that the frozen feet and chronic rheumatism are the direct results of his military service, in consequence of which he has been totally incapacitated from performing manual labor; that without the aid of an assistant he can neither dress, eat, nor perform the functions of nature, and that he is to tally and utterly helpless. This statement is corroborated by acquaintances, and particularly by the attending physician, Dr. R. G. Mauss, who testifies that claimant has steadily run down in health and ability to take care of himself; that his feet, hands, and body swell enormously, entirely incapacitating him from feeding and dressing himself for weeks at a time; that the paralysis of his extremities is steadily increasing, and that his case is a most deplorable one, as he is without means of alleviating his sufferings by reason of his extreme poverty. That as he requires assistance in dressing and feeding himself, and is entirely incapacitated for even the slightest manual labor, he certainly should have his pension increased. Thinks his condition is due entirely to his Army service.

Surgeon-General Barnes, in an affidavit filed January 11, 1882, says claimant has been suffering for the past sixteen years, and is unable to take care of himself. Three examining surgeons have rated disability for frozen feet at $4 per month, without reference to rheumatism. One surgeon rates "first disability, $4;" second, "total second grade, $24."

Special Examiner George W. Frost, after taking evidence in the case under date of February 15, 1883, concludes his report to the Commissioner by saying "that for ten years at least claimant has been wholly incapacitated for manual labor, and that for five years has required assistance, and recommends that the claim for increase be admitted."

General W. S. Rosecrans, in a letter to the Commissioner, says: "Do what you can for this old soldier; I know his condition is distressing."

Your committee are of the opinion the pension should be increased, and recommend the passage of the bill, amended as follows: Strike out of line 4 the following words "place on the pension-roll the name" and insert "increase the pension;" and add after the word "volunteer," in line 6, "to $40 per month." Amend title so as to read, "to increase the pension of Jacob Wiener."

The amendments of the committee were read, as follows:

Strike out "place on the pension-roll the name" and insert "increase the pension;" and at the end of the bill insert "to $40 per month."

Amend the title so as to read: "A bill to increase the pension to Jacob Wiener."

The amendments were agreed to; and the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

CAROLINE HIGGERSON.

Mr. CULLEN. I ask consent to call up the bill (H. R. 1856) granting a pension to Caroline Higgerson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline Higgerson, dependent mother of Robert S. Barber, late a private in Company H, Twenty-second Regiment Illinois Volunteers.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. MARTHA C. BREESE.

Mr. HEWITT, of Alabama. I ask consent to call up the bill (H. R. 4280) granting an increase of pension to Mrs. Martha C. Breese and put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the pension now granted to Mrs. Martha C. Breese, widow of Kidder Randolph Breese, late a captain in the United States Navy, be, and the same is hereby, increased to $50 per month.

Mr. CUTCHEON. Let the report in that case be read.

The report (by Mr. HEWITT, of Alabama) is as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese, submit the following report:

Mrs. Breese is the widow of Kidder Randolph Breese, late a captain United States Navy, of whom Admiral Porter has well said: "There was no officer during the war who performed more valuable service than he did." And referring to Mrs. Breese's application to Congress for an increase of her pension, Admiral Porter says: "I hope sincerely that she will not be disappointed in this matter, for if ever the widow of an officer deserved to be taken care of by the Government it is the widow of Captain Breese."

Captain Breese served all through the campaign of the Mississippi, through the siege of Vicksburg, and the opening up of the river to the sea, and always with the most distinguished bravery and self-sacrificing conduct. He was fleet captain of Admiral Porter's fleet at the storming of Fort Fisher, and the heroism with which he led the forlorn hope of naval officers and sailors that assaulted the works by land is a bright page in the history of the civil war, and is the common heritage of American citizens. "But," says Admiral Porter, referring to Captain Breese's part in the campaign of the Mississippi, "he no doubt laid the first seeds of disease on those rivers, for he was never well after he left there." Captain Breese died while on sick leave, September 13, 1881, leaving no estate and nothing for his family to live upon.

The widow of this hero is now dependent upon her small pension of $30 a month and the trifling amount of $2 allowed each of her four little children, she having absolutely no other source of income. Can Congress refuse to grant her an increase of $20, all she asks?

The committee believe not. Certainly her case appeals strongly to the Government, and the committee recommend the passage of the bill for her relief.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

BENJAMIN P. LOWELL.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I call up the bill (H. R. 6310) granting a pension to Benjamin P. Lowell; and as the report in this case is somewhat lengthy, after the bill is read I will ask consent to make a brief statement, which I think will be satisfactory.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and hereby is, authorized to place on the pension-roll, subject to the pension laws, the name of Benjamin P. Lowell, late of Company I, First Regiment Maine Cavalry Volunteers.

Mr. BROWN, of Pennsylvania. I will state briefly that the difficulty at the Pension Office in this case was that the soldier was unable to prove by persons who saw him at the time of receiving the injury what the extent of the injury was; nor was he able to show that he was cared for by the surgeon of the regiment.

The facts are, that he had been detailed for a certain service at that time, and was on a foraging expedition when the injury (hernia) was received, and he was taken in charge by the surgeon of another regiment and was not able to give the evidence of his comrades. That was the only reason the pension was not allowed at the office.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

HENRY BIEDERBICK.

Mr. VAN ALSTYNE. I ask unanimous consent to call up the bill (H. R. 7933) granting a pension to Henry Biederbick.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the limitations and provisions of the pension laws, the name of Henry Biederbick, late a hospital steward in the United States Army, and one of the survivors of the late Greely expedition to Lady Franklin Bay, at the rate of — dollars per month.

The committee recommend the following amendment:

Strike out in the eighth and ninth lines the words "at the rate of — dollars per month."

Mr. VAN ALSTYNE. Mr. Chairman, the report in connection with this case is of some considerable length, and I will not ask the attention of the committee to read it, but will make a brief statement of what it discloses as to the personal history of the applicant in this case, which I am satisfied will commend him most strongly to the favor of this committee, as well as to the admiration of all men.

His patriotism induced him to enlist as a common soldier in 1879. By reason of his characteristics he was assigned to duty with the Lady Franklin Bay expedition, which sailed in June, 1881. In this service he devoted himself most assiduously to the duties assigned to him, that of hospital steward, and to such an extent that Lieutenant Greely himsely says that he was so faithful and so overtaxed himself in the discharge of his duties that on frequent occasions he had to make specific orders to restrain him. The report shows that by reason of his exposure and arduous duties he has been deprived partially of his eyesight, his mental faculties have been impaired, and one of his arms is entirely useless, the hand being drawn back by rheumatism; also that he is suffering from heart disease, one of the definitions being asthenopia.

Not being a medical man, I have looked into the dictionary to find the meaning of the word, and find that it means feebleness of the functions of the heart and incapacity on the part of that organ to send the blood through the circulation of the system. I believe that if there is a case that ever was presented to the committee which demands a recognition this is the case, and if there is no objection I move that this bill

be laid aside to be reported to the House with the recommendation that it do pass.

The CHAIRMAN. The amendment of the committee will first be voted upon.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MARY E. FILLEBROWN.

Mr. O'NEILL, of Pennsylvania. I call up the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary E. Fillebrown, widow of the late Commodore Thomas Scott Fillebrown, from $30 to $50 per month, said increase to take effect from and after the passage of this act.

The report (by Mr. BAGLEY) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown, having carefully examined the same, submit the following report:

The applicant is the widow of the late Commodore Thomas Scott Fillebrown, United States Navy, who died at the New York navy-yard on the 27th of September, 1884.

Commodore Fillebrown, at the time of his death, had served the Government faithfully for a long period of years, having entered the Navy October 19, 1841. He served with distinction during the late civil war, and during the time that he was in the Navy he saw about twenty-four years of active sea-service.

During his entire naval career he was noted for his unflinching integrity in the discharge of his duties. He died leaving little or no property, and his wife is without means of support, and is unable to maintain herself, being in delicate health. It has been customary in similar cases to allow special pensions, and the long and efficient services of Commodore Fillebrown, and the necessity of this pension for the support of his widow, make it right and just that the custom should be followed in this case.

We report the following bill and recommend its passage.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SEBERT TONEY.

Mr. WELLER. I call up the bill (H. R. 7447) granting a pension to Sebert Toney.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Sebert Toney, late a private in Company B, Thirty-seventh Iowa Volunteers.

The report (by Mr. HOLMES) is as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7447) granting a pension to Sebert Toney, having considered the same, report as follows:

Sebert Toney, the claimant, enlisted as a private in Company B, Thirty-seventh Iowa Volunteers, and was discharged on May 24, 1865. He filed his application for a pension on November 20, 1880, alleging disability by reason of "chronic diarrhea and disease of the bladder contracted in the line of duty at Gallipolis, Ohio, in March, 1865." The claim was rejected by the Pension Office on the ground of "inability to furnish any medical evidence of condition in service, or any evidence of condition at discharge and thence up to 1869.

The evidence in this case shows positively, by the testimony of the captain of claimant's company, that claimant was suffering, as he alleges, at Gallipolis, Ohio, with diarrhea and disease of the bladder at said time, and that he went on sick furlough for about a month, and that he was still suffering from said disease, to his positive knowledge, at the time of his discharge. The claimant states in an affidavit that he was first taken with the disease at or near Memphis, Tenn., in July, 1864, and that the second attack, which was much more violent, occurred in March, 1865. The testimony of unimpeachable witnesses shows claimant to have been a perfectly sound man when he entered the Army, and the proof is positive and direct of the continuance of said diseases from the time of his discharge to the present, but to an increased extent. The claimant appears by the evidence to be totally incapacitated for the performance of manual labor by reason of incontinence of urine and diarrhea to such an extent as to make life miserable to him. The witnesses in this case are of the highest character, and the claimant bears the highest reputation for morality and integrity.

Your committee have no hesitation; upon the evidence in this case, in reporting the bill back with recommendation that it do pass.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

EMILY AGNEL.

Mr. REED, of Maine. I call up the bill (S. 475) granting arrears of pension to Emily Agnel.

The bill was read, as follows:

Whereas Emily Agnel, widow of Lieutenant-Colonel and Professor Hyacinthe Robert Agnel, of the United States Army, was placed on the pension-roll on the 16th day of December, 1880, and from which date payment of said pension was made: Therefore,

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to adjudicate the pension claim of Emily Agnel, widow of Hyacinthe Robert Agnel, as if her application had been filed in the office of the Commissioner of Pensions prior to the 1st day of July, 1880, and to pay, or cause to be paid, to the aforesaid Emily Agnel, a pension at the rate prescribed by law from the date of death of the said Hyacinthe Robert Agnel: *Provided*, That all sums previously paid on account of pension to the said Emily Agnel be deducted.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARY F. BLAKE.

Mr. WINANS, of Michigan. I call up the bill (H. R. 7538) granting an increase of pension to Mary F. Blake.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Mary F. Blake, widow of the late Commodore Homer Crane Blake, from $30 to $50 per month, said increase to take effect from and after the passage of this act.

The report (by Mr. BAGLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7538) granting an increase of pension to Mary F. Blake, having considered the same, report as follows:

The petitioner is the widow of Commodore Homer Crane Blake, and is now receiving a pension of $30 per month. She asks an increase to $50. It has been the rule of this committee to report favorably bills of this character when the applicant will testify that the increase is necessary for her support. In her affidavit she says:

"My present income is wholly inadequate and insufficient, and an increase of my pension as the widow of the late Commodore Blake is absolutely necessary and requisite for my support and maintenance."

The committee recommend the passage of the bill.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLES W. GREEN.

Mr. MATSON. I call up the bill (H. R. 6177) for the relief of Charles W. Green.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Charles W. Green, formerly of Company B, Cass County Home Guard, Missouri State Volunteers.

Mr. CUTCHEON. I call for the reading of the report.

The report was read in part. In full it is as follows:

The petitioner enlisted as a private in Company B, Cass County, Missouri, H. G. Cavalry, June 27, 1861, and was discharged January 11, 1862. Declaration for pension was filed November 12, 1878, in which it is alleged that while on a march from Paola, Kans., to West Point, Mo., about November 28, 1861, he took a severe cold while in camp, at night, which settled in his head and affecting his eyes. The claim was rejected on the ground of no record of alleged disability, and claimant has declared his inability to furnish the necessary evidence to connect it with the service.

Claimant, in an affidavit, says he is unable to get the affidavit of his regimental surgeon, for the reason that he can not find out where he lives or whether yet alive or not, and that the best evidence he can get of being treated in the service for his eyes is the affidavit of Lieutenant Rogers. Claimant further says that he was mustered out with his regiment February 28, 1862, and that he was then broken down in health and has not been able to do a steady day's work since, and that prior to enlistment he was a strong, healthy man, never requiring the services of a physician, and never employed one up to that time; that he had no trouble with his eyes until after entering the service.

The Adjutant-General's report states that the muster-rolls of Company B of the regiment show that claimant was discharged for disability.

Surgeon-General makes same report. Lieutenant Rogers, on whose affidavit claimant relies to show incurrence of disability in service, says, that while regiment was stationed at West Point, Bates County, Missouri, during December, 1861, and January, 1862, owing to the destruction of the railroads and freezing up of the river, it was impossible to get supplies, such as clothing, &c., and hence the regiment did service the greater part of the winter without heavy clothing; and a great many of the men had disease fastened on them from taking severe colds; among the number was claimant, who, being exposed to the severe cold weather while on duty, contracted sore eyes, and for a time during the winter was nearly or quite blind, and when the regiment had been mustered out he was still suffering from sore eyes. States that he saw claimant about five or six years after he was mustered out of service, and he was then nearly blind.

Charles and Elizabeth Baker, who have known claimant since 1869, testify that since that time he has not been able to do a day's work on account of poor health and defective sight, and that he is dependent upon the charity of friends for his living and clothing.

Doctors Frank Abbott, Lewis, and Wright, who are on the medical staff of the Buffalo Homeopathic Hospital, testify that claimant is in a weak, debilitated, physical condition, and that the sight of both eyes is seriously impaired; that claimant was treated at the hospital as a free patient.

Elizabeth Baker, in a second affidavit, says that when Green came to her house in 1869 he was so blind he had to be led around, and that he has ever since been broken down in health and helpless. This affidavit is dated May 31, 1881.

Three examining surgeons, in a certificate dated February 5, 1879, say that the disability is equal to loss of both eyes, total first grade, $31.25 per month.

The committee are of the opinion that the claimant incurred his disability in the service, that he is a great sufferer thereby, and that he is entitled to a pension. It is recommended that the bill pass.

Mr. CUTCHEON (interrupting the reading). I do not insist on the further reading of the report; but I would like the indulgence of the Chair for a moment while I make a remark or two. I take the occasion of the reading of this report, because it is another illustration of the many cases we have had before us where the case is in the nature of an appeal from the Pension Office to Congress.

I desire in this connection to say a few words perhaps of a personal nature. I was informed by a gentleman now on the floor, a member of the House, that some remarks I made a few evenings since in regard to examiners in the Pension Office have been given a much broader construction and application than I had any intention of their receiving. The gentleman I refer to informed me some official connected with the Pension Department had taken exception to the remarks I made. I desire to say I had no intention whatever of casting any reflection on the pension examiners as a class.

I believe as a class there are no more faithful, industrious, and laborious men in the public service. Neither did I intend my remark should be applied to any considerable part of them either at this time or at any other time. The rejected cases to which I applied it are not recently rejected cases, but are cases which were rejected under a former administration of the Pension Office, when, I think, a much stricter rule than is now applied governed the office; when a different system prevailed; when cases rejected by the pension examiner did not go to a court of review; when, therefore, the report of the examiner must be made on the cases not rejected, and therefore when a difficult case was reached it was for his interest to lay it aside.

Now, I do not know that that practice has ever prevailed to any considerable extent, but other gentlemen besides myself have remarked that at some time in the Pension Office a much less impartial system prevailed than prevails at present. For the gentleman now at the head of the Pension Office I have the greatest respect, and I believe the soldiers of this country have no better friend anywhere than the present Commissioner of Pensions. And, as I said before, I believe there is no more faithful, honest body of public servants than the pension examiners, taken as a whole.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. MATSON. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and had directed him to report the same back to the House with various recommendations.

DAVID M'KINNEY.

Mr. STRUBLE, from the Committee on Pensions, by unanimous consent reported with a favorable recommendation the bill (H. R. 7573) granting a pension to David McKinney; which was ordered to be printed and placed on the Private Calendar.

ORDER OF BUSINESS.

Mr. STRUBLE. Mr. Speaker, I dislike to make the request at this time, but I feel impelled to ask the House to go into Committee of the Whole on the Private Calender for the purpose of considering the bill just reported.

The SPEAKER *pro tempore*. Does the gentleman make the motion that the House now resolve itself into Committee of the Whole House on the Private Calendar?

Mr. STRUBLE. I do.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the Private Calendar (Mr. HATCH in the chair), and resumed the consideration of bills upon the Private Calendar.

Mr. PETERS. Mr. Chairman, I call up for present consideration the bill (H. R. 7573) which has just been reported from the Committee on Pensions.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior is hereby authorized to place on the pension-roll the name of David McKinney, late a private in Capt. Nathan Boone's company, serving under General Dodge in the Black Hawk war, and grant him a pension, subject to the pension laws, from the date of the passage of this act.

There being no objection, the bill was laid aside to be reported to the House with a recommendation that it do pass.

Mr. MATSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration a bill (H. R. 7573), and had directed him to report the same back to the House with the recommendation that it do pass.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7938) granting a pension to Amanda Allen;
A bill (H. R. 7334) granting a pension to Judson Bostwick;
A bill (H. R. 7696) granting a pension to Thomas D. Fitch;
A bill (H. R. 7903) granting a pension to Daniel B. Randall;
A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley;
A bill (H. R. 7434) granting a pension to Sylvester Greenough;
A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;
A bill (H. R. 7735) for the relief of Henry N. Huggins;
A bill (H. R. 7170) for the relief of Frederick Hutten;
A bill (H. R. 1856) granting a pension to Caroline Higgerson;
A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;
A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;
A bill (H. R. 7997) to increase the pension of Mary E. Fillebrown;
A bill (H. R. 7447) granting a pension to Sebert Toney;
A bill (H. R. 7538) granting an increase of pension to Mary F. Blake;
A bill (H. R. 6177) for the relief of Charles W. Green; and
A bill (H. R. 7573) granting a pension to David McKenney.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 7618) granting a pension to Henry H. G. Kislingbury and others;
A bill (H. R. 4869) for the relief of Morris Geld;
A bill (H. R. 1901) for the relief of Harrison Mitchell; and
A bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover.
A bill (H. R. 6029) for the relief of Jeremiah McCarty;
A bill (H. R. 7933) granting a pension to Henry Biederbick; and
A bill (H. R. 7292) to grant a pension to Jacob Wiener [title amended so as to read, "A bill to increase the pension of Jacob Wiener"].

Senate bills with the following titles were severally ordered to a third reading; and they were accordingly read the third time, and passed:

A bill (S. 475) granting arrears of pension to Emily Agnel;
A bill (S. 1823) granting a pension to Ebenezer K. Marden; and
A bill (S. 750) granting a pension to Catherine Schools.

Mr. MATSON moved to reconsider the several votes by which the bills reported from the Committee of the Whole House on the Private Calendar were passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

LEAVE TO PRINT.

Mr. ENGLISH, by unanimous consent, was granted leave to print additional remarks upon the bill (H. R. 3947) granting a pension to Joseph Raible.

And then, on motion of Mr. MATSON (at 10 o'clock and 30 minutes p. m.), the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAGLEY: Petition of citizens of Catskill, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. BEACH: Petition of citizens of Chester, Orange County, New York, on the Mormon question—to the same committee.

By Mr. FIEDLER: Petition of Robert J. Beach, Amzi Dodd, Israel Jacobus, and about 200 others, citizens of New Jersey, requesting proper legislation on the Mormon question—to the same committee.

By Mr. FOLLETT: Petition of citizens of Cincinnati, Ohio, praying for the passage of laws to suppress Mormonism—to the same committee.

By Mr. FORAN: Memorial and petition of the Brush Electric Light Company, the White Sewing Machine Company, and citizens of Cleveland, Ohio, in relation to the want of adequate clerical force and examiners in the Patent Office—to the Committee on Patents.

By Mr. GEORGE: Petition of the Portland (Oreg.) Board of Trade, favoring the Nicaraguan treaty—to the Committee on Foreign Affairs.

By Mr. B. W. JONES: Joint resolution of the Legislature of Wisconsin, requesting purchase of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. NELSON: Concurrent resolution of the Legislature of Minnesota, urging that the United States acquire title to the Portage Lake and Lake Superior Ship Canals, and make the same free of tolls—to the same committee.

By Mr. TALBOTT: Petition of John W. McCullough and 200 others, citizens of Cecil County, Maryland, asking Congress to enact laws to suppress Mormonism—to the Committee on the Judiciary.

By Mr. THOMPSON: Petition of L. W. Cooke; of A. M. Fuller, first lieutenant Second United States Cavalry; of A. S. Greenhow, late paymaster's clerk, United States Army; of W. J. Moberly; and of A. E. Frank, a citizen of Deadwood, Dak.—to the Committee on Military Affairs.

By Mr. WEMPLE: Petition of citizens of Galway, Saratoga County, and of Amsterdam, N. Y., urging action by Congress upon the bills for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JAMES WILSON: Petition of citizens of Marion, Linn County, Iowa, asking for an increase of widows' pensions—to the Committee on Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BOUTELLE: Of Melville M. Folsom and others, of Oldtown, Me.

By Mr. W. W. CULBERTSON: Of 163 voters of McGlone, Carter County, Kentucky.

By Mr. GEDDES: Of S. H. Mowers and 96 others, of Lucas, and of W. S. Chamberlin and 123 others of Adario, Richland County, Ohio.

By Mr. KLEINER: Of ex-soldiers of Velpen, Pike County, Indiana.

By Mr. LACEY: Of Stephen P. Russell and 85 others, of Banfield, Mich.

By Mr. LOWRY: Of 64 citizens of Hudson, Steuben County, Indiana.

By Mr. MURPHY: Of 56 citizens of Tipton, of 63 citizens of Davenport, and of 40 citizens of Stanwood, Iowa.

By Mr. PERKINS: Of Thomas Hawkins and 123 others, of Elk County, and of Charles Fye and 61 others, of Elk County, Kansas.

By Mr. POLAND: Of M. T. Fenno and 200 others, of Saint Johnsbury, and of S. H. Foster and 100 others, of Calais, Vt.

By Mr. T. B. REED: Of T. F. Hodgdon and others, of Milo; of W. H. Learey and others, of Bridgton; of Elisha B. Lovejoy and others,

of North Turner; of Charles E. Bramy and others, of Bingham, and of E. W. Tobey and others, of South Norridgewock, Me.

By Mr. RICE: Of George W. Clifford and others, of Worcester County; of George W. Danforth and others, of Spencer; and of E. L. Peck and others, of Westfield, Hampden County, Massachusetts.

By Mr. ROCKWELL: Of E. S. Elsbreeand 62 others, veterans, of Chicopee, Mass.

By Mr. RYAN: Of 361 citizens of Kansas.

By Mr. H. Y. SMITH: Of 55 citizens of Macksburg, Madison County, Iowa.

By Mr. STEVENS: Of 110 citizens of Youngstown, Niagara County, New York.

By Mr. STOCKSLAGER: Of E. W. Coward and 169 others, citizens of Charlestown; of James H. Bennett and 62 others, citizens of New Amsterdam; and of J. H. Hughes and 29 others, citizens of Charlestown, Ind.

By Mr. E. B. TAYLOR: Of R. A. Gamble and 41 others, citizens of Trumbull County; of 63 citizens of Greensburg; of 58 citizens of Windson, Ashtabula County; of 70 citizens of Warren, and of Garrettsville, Ohio.

By Mr. THOMAS: Of 53 citizens of Union County, of 63 citizens of Massac County, of 49 citizens of Johnson County, of 62 citizens of Pulaski County, and of 25 citizens of Union County, Illinois.

By Mr. MILO WHITE: Of citizens of Dover Center, Olmsted County; of Dresback, Winona County; of Canton, Fillmore County; of Spring Valley, Fillmore County; and of Plainview, Wabasha County, Minnesota.

By Mr. JAMES WILSON: Of citizens of Benton County, of Linn County, of Johnson County, and of 434 names from T. Z. Cook Post, Grand Army of the Republic, Cedar Rapids, Iowa.

By Mr. E. B. WINANS: Of Charles E. West and 40 others, citizens of Williamston, Ingham County; of E. F. Lamb and 33 others, citizens of Mount Morris, Genesee County; of 63 citizens of Holly, and of 116 citizens of Oakland County, Michigan.

By Mr. WORTHINGTON: Of William H. Little and others, citizens of Stark County, Illinois.

SENATE.

SATURDAY, *February* 7, 1885.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of William M. Evarts, chosen by the Legislature of New York a Senator from that State for the term commencing March 4, 1885; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a joint resolution of the Legislature of Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Joint resolution requesting our Senators and Representatives in Congress to aid in procuring the purchase of the Portage Lake and Lake Superior Ship-Canal and the Portage Lake and River Improvement Company Canal by the General Government.

Whereas the Senate of the United States has passed certain resolutions, dated April 22, A. D. 1884, directing the Secretary of War to procure information as to cost, condition, and value of the Portage Lake and Lake Superior Ship-Canal and the Portage Lake and River Improvement Company Canal, with a view to a purchase of the same by the Government;

Whereas the honorable Secretary of War selected Col. O. M. Poe, of the United States Army, to make an examination under said resolution, and advise as to the desirability of purchasing said canals;

Whereas the Secretary has reported under this resolution, on the date of January 5, A. D. 1885, recommending that the Government should make said purchase and make those two ship-canals free water ways to the commerce of the lakes;

Whereas the tolls collected by these two canal companies are burdensome to the people of a large district who are supplied through these canals, and equally burdensome to the vessel interest and the commerce of the Northwest using them;

Whereas these canals form important channels that should be made free to the great commerce of the North Pacific country, as well as the local country doing business with those growing Lake Superior industries, and lessens the danger of navigation to this great commerce passing through Lake Superior, making at the enterance of the main ship-canal a harbor of refuge that is needed just where the greatest danger to navigation exists on this great lake: Therefore,

Resolved by the senate (the assembly concurring), That our Senators and Representatives in Congress be urged to use their influence to procure such legislation by Congress as will effect the purchase of these canals and make them free water ways to the people of the region supplied by them and the whole commerce of Lake Superior and the Northwest.

Resolved, That the governor be requested to forward one copy to each of our Representatives and Senators in Congress, and one copy to the honorable the Secretary of War.

SAM. S. FIFIELD,
President of the Senate.
HIRAM O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst T. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal at the capitol, in the city of Madison, this 3d day of February, in the year of our Lord 1885.

[SEAL.]

ERNST G. TIMME,
Secretary of State.

Mr. CAMERON, of Wisconsin, also presented a memorial of the Legislature of Wisconsin; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Memorial to Congress relating to Sturgeon Bay and Lake Michigan Ship-Canal

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully represents:

That the shipping and commercial interests tributary to our great chain of lakes, and more especially the interests in Wisconsin, Michigan, and Illinois, as well as the Fox and Wisconsin Rivers and their tributaries, require the proper maintenance of the Sturgeon Bay and Lake Michigan Ship-Canal; that it seems to us most desirable that the United States Government have full control of all the waters of such large and necessary traffic and commercial importance, and that the interests of the commerce of the lakes and the welfare of the United States demand that said canal be kept free for all navigation; that the said canal, together with the harbor improvements now maintained and projected by the General Government, forms a very necessary harbor of refuge for the commerce of Lake Michigan:

Therefore, your memorialists would respectfully ask that the United States Government take said Sturgeon Bay and Lake Michigan Ship-Canal on the terms already agreed upon between the General Government and the owners of said canal, thereby causing it to be made a free water way.

We request his excellency the governor of the State to transmit a copy of the foregoing memorial to each of our Representatives in Congress, also one copy each to the governors of the States of Illinois and Michigan.

SAM. S. FIFIELD,
President of the Senate.
HIRAM O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 4th day of February, in the year of our Lord 1885.

[SEAL.]

ERNST G. TIMME,
Secretary of State.

Mr. CAMERON, of Pennsylvania. I present eighteen petitions, signed by 1,049 citizens of Allegheny City and other places in Pennsylvania bordering on the Allegheny River, praying for an appropriation for the improvement of that stream. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. CALL. I present a preamble and resolution of the Board of Trade of the city of Jacksonville, Fla., in the following language:

Whereas the Board of Trade of Jacksonville, Fla., knowing the benefits of the United States Signal Service reports and records to business men, and especially those interested in shipping matters and the culture of fruits and vegetables, and knowing the appropriations made by Congress for the Signal Service during some previous years have not been sufficient for the proper maintenance of that now indispensable service: Therefore,

Be it resolved, That we most earnestly call on the members of Congress from the State of Florida to use their votes and influence for adequate appropriations for the Signal Service, in order that it may be conducted in a manner for the greatest possible benefit to the agricultural, commercial, and public interests.

I move that the resolution be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. MILLER, of New York, presented a petition of business men of Oswego, N. Y., praying that the United States may acquire possession of the Portage Lake canals in the State of Michigan; which was referred to the Committee on Commerce.

Mr. SABIN presented a petition of the Duluth (Minn.) Board of Trade, praying that the Government purchase the Lake Superior Ship-Canal, and the Portage Lake Improvement Canal, in the State of Michigan; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. PLATT, from the Committee on Patents, to whom was referred the bill (S. 2585) for the relief of James Albert Bonsack, of the State of Virginia, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California. The Committee on Foreign Relations instruct me to report back the bill (H. R. 737) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexander H. Tyler, consul of the United States at Bahia, Brazil, and to ask to be discharged from its further consideration, and that it be referred to the Committee on Claims, it having been improperly referred to the Committee on Foreign Relations.

Mr. HOAR. That matter was considered by the Committee on Claims during the last Congress. It presents a very important and interesting public question. I do not think the Committee on Claims will have time to consider it during the present session, and it is utterly hopeless to expect it to be considered by the Senate, much less by the two Houses and the President. I, therefore, instead of having the bill referred to

the Committee on Claims at this time, suggest that it lie upon the table with the purpose of having it brought forward in the next Congress and referred.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to ask that the bill be referred to the Committee on Claims.

The PRESIDENT *pro tempore*. Is there objection to the Committee on Foreign Relations being discharged from the further consideration of the bill? The Chair hears none. The Senator from California moves that the bill be referred to the Committee on Claims.

Mr. MORGAN. Does the Senator from Massachusetts resist the motion?

Mr. HOAR. I made a motion that it lie on the table.

Mr. MORGAN. The claim was reported upon by my former colleague in the Senate, Mr. Pryor, favorably, as I remember.

Mr. HOAR. No; he made a minority report. It is not important enough to take the time of the honorable Senator from Alabama or of the Senate. It is a matter upon which the Committee on Claims were divided. It presents a very important question, a question which will lead to a long debate in the Senate. My suggestion was that as it is so late in the session the bill had better lie on the table, to be brought forward at the beginning of the next Congress and duly referred.

Mr. MORGAN. I hope the Senator will postpone that motion until the arrival of one of the Senators from Maryland, at all events. They take a great interest in the claim.

Mr. HOAR. I will withdraw the motion and let the bill go to the Committee on Claims. It will amount to the same thing, practically.

Mr. MILLER, of California. It is a House bill, and if it should receive the favorable action of the Committee on Claims at this session it may become a law.

The PRESIDENT *pro tempore*. The Chair will state that the reference of the bill to the Committee on Foreign Relations was made under the impression that at some former session the matter had been in that committee and there considered. The Chair was probably mistaken. The question now is on referring the bill to the Committee on Claims. That order will be entered, if there be no objection.

Mr. VEST, from the Committee on Commerce, to whom the subject was referred, reported a bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; which was read twice by its title.

He also, from the same committee, to whom was referred the bill (S. 1441) to authorize the construction of bridges across the Great Kanawha, and to prescribe the dimensions of the same, reported adversely thereon; and the bill was postponed indefinitely.

Mr. VOORHEES, from the Committee on the Library, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MORGAN, from the Committee on Foreign Relations, to whom was referred the bill (S. 2611) to revive and amend the act of Congress of August 15, 1876, to encourage and promote telegraphic communication between America and Asia, reported it with amendments.

Mr. PENDLETON. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 1004) relative to the Chinese indemnity fund, to report it without amendment. I am directed also to say to the Senate that, under the instructions of the committee, I shall take the first convenient opportunity that the Senate may have to ask for its consideration.

Mr. MILLER, of New York, from the Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 1457) to establish a Department of Agriculture, reported it with an amendment.

TESTIMONIALS TO ULYSSES S. GRANT.

Mr. SHERMAN. The Committee on the Library, to which was referred the message of the President of the United States transmitting the offer made by Mrs. Grant to give to the Government in perpetual trust the swords and military and civil testimonials lately belonging to General Grant, have had the same under consideration, and directed me to report a joint resolution accepting the gift. As it is a matter which I presume will receive the assent of every Senator, and ought to be acted upon promptly in order to do it graciously, I ask for the present consideration of the joint resolution.

The joint resolution (S. R. 119) accepting the gift of William H. Vanderbilt and Julia Dent Grant, wife of Ulysses S. Grant, to the United States of certain articles was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the joint resolution be now considered. Is there objection? The Chair hears none. The joint resolution is before the Senate as in Committee of the Whole, and will be read.

The Chief Clerk read the joint resolution, as follows:

Whereas William H. Vanderbilt and Julia Dent Grant have by deed of trust executed on the 10th day of January, 1885, presented to the United State certain swords, medals, paintings, bronzes, portraits, commissions and addresses, and objects of value and art presented by various governments in the world to General Ulysses S. Grant, as tokens of their high appreciation of his illustrious character as a soldier and a statesman: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States accept the said property and articles, more fully described in the schedule attached to said deed of trust, to be held by the United States and preserved and protected in the city of Washington for the use and inspection of the people of the United States. And the thanks of Congress are hereby tendered to the said William H. Vanderbilt and Julia Dent Grant for their generous and valuable gift.

Resolved, That the said property and articles are placed under the custody of the Librarian of Congress; and the Secretary of War is hereby directed to receive the same for safe-keeping and custody in the Department of War until they can be transported by the Librarian of Congress to a suitable building to be provided for the use of the Library of Congress.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PUBLICATION OF TREATIES.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,500 additional copies of the Treaties and Conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House; 4,000 copies for the use of the Department of State; and 1,000 copies for distribution, by the Department of the Interior, among public libraries not depositories under existing laws, each Senator, Representative, and Delegate in Congress to designate two libraries to whom copies of the work shall be thus sent. And the Public Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

CHANGE OF NAME OF A BANK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y., to report it favorably.

Mr. LAPHAM. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PETER RILEY AND JOHN S. WILLIAMS.

Mr. PLUMB. I should like at this time, as a matter of personal convenience, to ask unanimous consent to have two bills, which have been heretofore reported adversely and postponed indefinitely, placed upon the Calendar. The first is the bill (S. 1443) for the relief of Peter Riley, which was reported yesterday adversely from the Committee on Pensions, and the other is the bill (S. 2010) for the relief of John S. Williams, which was reported adversely on Tuesday.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill (S. 1443) for the relief of Peter Riley, be reconsidered, and that the bill, with the adverse report of the committee, be placed on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

He also asks unanimous consent that the vote of the Senate heretofore taken indefinitely postponing the bill (S. 2010) for the relief of John S. Williams be reconsidered, and that the bill with the adverse report be placed on the Calendar. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent at this time that the Senate proceed to the consideration of the bill (H. R. 5670) to authorize a retired-list for private and non-commissioned officers of the United States Army who have served for a period of thirty years or upward.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania that the bill named by him be now considered?

Mr. COCKRELL. There are quite a number of House bills upon the Calendar which could be very readily disposed of.

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that debate is not in order.

Mr. COCKRELL. Can the motion be amended?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks for unanimous consent, which is all he can do at this time.

Mr. COCKRELL. I suggest to the Senator from Pennsylvania to move to take up House bills on the Calendar not reported adversely, and let them be considered one after the other.

Mr. CAMERON, of Pennsylvania. Mr. President——

The PRESIDENT *pro tempore*. The Chair will state that debate is not in order. Is there objection to the request of the Senator from Pennsylvania?

Mr. HOAR. I rise to a parliamentary inquiry of the Chair. Is the morning business over?

The PRESIDENT *pro tempore*. The morning business is not over, and the Senator from Pennsylvania asks unanimous consent that the bill, the title of which he has stated, be now considered. Is there objection?

Mr. SHERMAN. I should like to have a resolution of three lines passed.

The PRESIDENT *pro tempore*. Debate is not in order. Is there objection to the request of the Senator from Pennsylvania?

Mr. HOAR. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HOAR. I shall object until the morning business is over.

HOUR OF DAILY MEETING.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate a resolution offered yesterday by the Senator from Ohio [Mr. SHERMAN], which will be read.

The resolution was read, as follows:

Resolved, That on and after Monday, February 9, the hour of meeting of the Senate shall be 11 o'clock a. m., unless otherwise ordered, and the morning hour shall expire at 1 o'clock.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. COCKRELL. I should like to ask the Senator from Ohio if he does not think it is a little too early for us to begin our sessions at 11 o'clock. It interferes materially with all the committee work of the Senate.

Mr. SHERMAN. There are but eighteen working days remaining of the session in which to dispose not only of the vast number of appropriation bills, but of other important bills. It is a question for the Senate to determine. I think it is time that we should begin to meet at 11 o'clock. I may state that it is about the usual time in the session for the Senate to meet at 11.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

COUNT OF THE ELECTORAL VOTE.

Mr. HOAR. I move that the President of the Senate be authorized to appoint two Senators to be tellers on the part of the Senate, in accordance with the concurrent resolution adopted by the two Houses, to make a list of the votes for President and Vice-President of the United States as they shall be declared when the two Houses assemble at 12 o'clock on the 11th of February, 1885.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the President of the Senate be authorized to appoint two tellers on the part of the Senate, provided for in the concurrent resolution of the two Houses on the subject of counting the votes for President and Vice-President of the United States. Is there objection to the present consideration of the motion? The Chair hear none. The question is on agreeing to it.

The motion was agreed to.

JAMES W. TEBBS.

Mr. VOORHEES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate the sum of $1,696 to James W. Tebbs, as the residue of his salary as messenger from May 5, 1879, to November 30, 1883.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 475) granting arrears of pension to Emily Agnel;

A bill (S. 750) granting a pension to Catherine Schools; and

A bill (S. 1823) granting a pension to Ebenezer K. Marden.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1856) granting a pension to Caroline Higgerson;

A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;

A bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 4869) for the relief of Morris Geld;

A bill (H R. 5086) for the relief of Elizabeth W. Creighton;

A bill (H. R. 6029) for the relief of Jeremiah McCarty;

A bill (H. R. 6177) for the relief of Charles W. Green;

A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;

A bill (H. R. 7170) for the relief of Frederick Hutten;

A bill (H. R. 7292) to increase the pension of Jacob Wiener;

A bill (H. R. 7334) granting a pension to Judson Bostwick;

A bill (H. R. 7434) granting a pension to Sylvester Greenough;

A bill (H. R. 7447) granting a pension to Sebert Toney;

A bill (H. R. 7538) granting an increase of pension to Mary F. Blake;

A bill (H. R. 7573) granting a pension to David McKinney;

A bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;

A bill (H. R. 7696) granting a pension to Thomas D. Fitch;

A bill (H. R. 7735) for the relief of Henry A. Huggins;

A bill (H. R. 7903) granting a pension to Daniel B. Randall;

A bill (H. R. 7933) granting a pension to Henry Biederbick;

A bill (H. R. 7938) granting a pension to Amanda Allen;

A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; and

A bill (H. R. 7997) to increase the pension of Mary E. Fillebrown.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.; and

A bill (S. 2168) for the relief of the executrix of Ayres P. Merrill.

ORDER OF BUSINESS.

Mr. CAMERON, of Pennsylvania. I now renew my request, and I hope there will be no objection to it, to take up the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania?

Mr. CAMERON, of Wisconsin. I ask unanimous consent to be allowed to make a suggestion in regard to the conduct of business.

The PRESIDENT *pro tempore*. The Senator from Wisconsin asks unanimous consent to be allowed to submit observations upon this request and the subject of pending business. Is there objection? The Chair hears none. The Senator from Wisconsin.

Mr. CAMERON, of Wisconsin. The suggestion I desire to make is that hereafter during the remainder of this session, when the Senate proceeds to the consideration of business during the morning hour under the eighth rule, it shall take up and consider House bills favorably reported and pension bills.

Mr. COCKRELL. Let that be done this morning.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to be heard upon this matter. Is there objection?

Mr. HARRIS. I desire to ask the Senator from Pennsylvania, if the Senate will allow me, if the bill he refers to is a House bill?

Mr. CAMERON, of Pennsylvania. It is a House bill, reported unanimously from the Committee on Military Affairs.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Pennsylvania being heard upon this question?

Mr. INGALLS. Is the order of morning business concluded?

The PRESIDENT *pro tempore*. It is not.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made. Is there objection to the request of the Senator from Pennsylvania that the bill be now considered?

Mr. CAMERON, of Wisconsin. I shall object.

The PRESIDENT *pro tempore*. Objection is made. "Concurrent or other resolutions" are still in order.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. Objection has just been made to that.

Mr. CAMERON, of Pennsylvania. Not to that, I believe.

The PRESIDENT *pro tempore*. That is what the Chair asked for. "Concurrent or other resolutions" are still in order. [A pause.]

Mr. CAMERON, of Pennsylvania. I am informed by Senators on the floor that the morning business is now over.

The PRESIDENT *pro tempore*. Not yet. Are there further "concurrent or other resolutions?" If there be none that order is closed.

ARMY RETIRED-LIST FOR PRIVATES.

Mr. CAMERON, of Pennsylvania. Now is it proper for me to make my request?

The PRESIDENT *pro tempore*. The Senator from Pennsylvania.

Mr. CAMERON, of Pennsylvania. I renew my motion.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of Order of Business 1080, being the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years and upward. The question is on agreeing to the motion. [Putting the question.] The noes appear to have it.

Mr. CAMERON, of Pennsylvania. I call for a division.

The question being put, there were on a division—ayes 27, noes 4; no quorum voting.

Mr. HAWLEY. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I think if the Senate will divide again there will be a quorum, if the Chair will ask unanimous consent for that purpose.

The PRESIDENT *pro tempore*. If there be no objection, the Chair will put the question again. The Chair hears no objection.

The question being again put, there were on a division—ayes 33, noes 2; no quorum voting.

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CAMERON, of Pennsylvania. Before the yeas and nays are taken I wish to say——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. CAMERON, of Pennsylvania. I ask unanimous consent to say three or four words.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to be heard. Is there objection?

Mr. COCKRELL. Will the Senator yield a moment?

Mr. CAMERON, of Pennsylvania. Yes, sir.

Mr. COCKRELL. Let the vote be taken *viva voce* again.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent to make a statement. Is there objection? The Chair hears none, and the Senator from Pennsylvania will proceed.

Mr. CAMERON, of Pennsylvania. I simply wish to state to the Senate that I shall be compelled to leave the city on Monday, and I am extremely anxious to have this bill taken up and disposed of before I go. If I were to return in a week I should not care about pressing the bill now, but I may be gone longer, and I therefore ask the indulgence of the Senate to consider this bill now, which I think will not occupy more than ten minutes of time.

Mr. HARRIS. I ask unanimous consent to be allowed to occupy half a minute.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Tennessee being allowed to make a statement? The Chair hears none.

Mr. HARRIS. Under the circumstances stated by the Senator from Pennsylvania, as far as I am concerned, I will cheerfully consent to the consideration of the bill to which he refers, but I desire to give notice here and now that unless the suggestion of the Senator from Wisconsin is agreed to by the Senate, I will from this time on object to the consideration of every House bill on the Calendar that is not regularly reached, and I will vote against the consideration of every bill on the Calendar until the Calendar of House bills favorably reported can be taken up in their order and disposed of.

The PRESIDENT *pro tempore*. On the question whether this bill shall be taken up for consideration the yeas and nays have been ordered. The Secretary will call the roll.

The yeas and nays were taken.

Mr. CULLOM. I am requested by the Senator from North Carolina [Mr. RANSOM] to state that he is ill and will not be in his seat to-day, and he and my colleague [Mr. LOGAN] are paired.

The result was announced—yeas 44, nays 3; as follows:

YEAS—44.

Allison,	Edmunds,	Hill,	Morrill,
Bayard,	Fair,	Hoar,	Pendleton,
Beck,	Frye,	Ingalls,	Pike,
Blair,	Garland,	Jackson,	Platt,
Bowen,	George,	Lapham,	Sabin,
Call,	Groome,	McMillan,	Sawyer,
Cameron of Pa.,	Hale,	Maxey,	Sherman,
Colquitt,	Hampton,	Miller of Cal.,	Van Wyck,
Conger,	Harris,	Miller of N. Y.,	Vest,
Cullom,	Harrison,	Mitchell,	Voorhees,
Dolph,	Hawley,	Morgan,	Wilson.

NAYS—3.

Cameron of Wis.,	Cockrell,	Slater.

ABSENT—29.

Aldrich,	Gibson,	McPherson,	Saulsbury,
Brown,	Gorman,	Mahone,	Sewell,
Butler,	Jonas,	Manderson,	Vance,
Camden,	Jones of Florida,	Palmer,	Walker,
Chace,	Jones of Nevada,	Plumb,	Williams.
Coke,	Kenna,	Pugh,	
Dawes,	Lamar,	Ransom,	
Farley,	Logan,	Riddleberger,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years and upward.

It provides when an enlisted man has served as such thirty years in the United States Army or Marine Corps, either as a private or as a non-commissioned officer, or both, he shall, by making application to the President, be placed on the retired-list created by it, with the rank held by him at the date of retirement; and he is thereafter to receive 75 per cent. of the pay and allowances of the rank upon which he was retired.

Mr. BAYARD. Is there any report accompanying that bill?

Mr. CAMERON, of Pennsylvania. There is a short House report.

The PRESIDENT *pro tempore*. There is a report from a committee of the House of Representatives as the Chair is told, which came over with the papers.

Mr. CAMERON, of Pennsylvania. It was adopted by the Senate committee.

Mr. CAMERON, of Wisconsin. Let it be read.

The Chief Clerk read the following report, submitted by Mr. LYMAN, from the Committee on Military Affairs of the House of Representatives, March 4, 1884:

The Committee on Military Affairs, to whom was referred the bill (H. R. 5670) for the retirement of non-commissioned officers and enlisted men, submit the following report:

Something is needed to give greater stability and a better standing to the enlisted man in our military service. If he could feel that he would have a proper provision for his old age he would be more likely to support the monotonous life of the service contentedly.

Were such a provision made, it would go far to make our military service an attractive one for respectable men, and in this way to get rid of the disreputable characters, who take the first opportunity to desert.

It is scarcely necessary to say that desertion is not only a great loss to the Government in men, money, and material, but it is the source of serious demoralization.

The annual desertions from our Army are between three and four thousand, and any measure that would lessen this number might well be considered an economical one; but beyond the question of economy stands that of justice. For it is no more than just that the soldier who has given all the best years of his life to the military service of the country should have some provision made for his old age beside the present Soldiers' Home, where he is separated from his family.

It is the opinion of the Lieutenant-General of the Army that thirty years would be the proper period of service to authorize the retirement of a private soldier or a non-commissioned officer. The passage of this bill would not entail much expense for the Government, because there are in the Army only fifty enlisted men who have served thirty years.

Your committee therefore advise the passage of the accompanying bill as a substitute for bill H. R. 1040.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. SAULSBURY. I should like to have the yeas and nays on the question of the passage of the bill. For one I do not hesitate to say that I am opposed to the creation of so many retired-lists in this country. The people of this country are all alike. I do not see why men engaged in the military service should be put upon retired-lists to be supported, after a certain period by the taxes drawn from the people any more than any other class of worthy citizens. I think we are doing wrong in creating these life pensions by retirement and otherwise that saddle upon the people of this country such a large number of persons who are to be supported by taxes paid by the people. I shall vote against the measure.

The PRESIDENT *pro tempore*. On the passage of the bill the Senator from Delaware demands the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. I should like to ask my honorable friend from Delaware what he would do with soldiers who had served in the United States Army thirty years.

Mr. SAULSBURY. I would pay them for the services which they rendered at the time, and I would treat them as I would treat any other man engaged in the public service, just as I would treat the Senator from Massachusetts, pay him for his services while in the public service and when he retired from the public service of his own will I would make him do as other men do, provide for himself.

Mr. HOAR. You will discharge the soldier, I suppose, if he was disabled at the end of thirty years?

Mr. MAXEY. Mr. President, a few years ago we had a bill of like character to the one now before the Senate up for consideration, and after very considerable debate the bill passed the Senate, receiving the approbation, I believe without a call of the yeas and nays, of the entire Senate.

The theory on which the Committee on Military Affairs of the Senate made that report is very clear. There is a great spirit of jealousy on the part of the men in the Army that officers drawing high pay are placed on the retired-list after they become worn out in the service, while the soldier who has served equally as honorably and faithfully in his more humble position is left in his old age without protection.

We thought that it was not right; we thought that the same reason applied in the one case as the other, and that bill passed the Senate. It contains some few words—I have not the bill before me, but I drew it myself—requiring that those retired should have served honorably and continuously. The word "honorably" is not in this bill, as I think it ought to be. It was found after investigation that there were quite a number of cases where a man had served his term of enlistment and after being out a few weeks re-enlisted. That class would be cut out under the old bill. For that reason the word "continuously" is left out of the present bill.

If the theory be correct that a military officer who has devoted his whole time to the service of the country should be provided for by the Government, I can see no reason why that should not apply to the private soldier and to the non-commissioned officer precisely as to the commissioned officer. I can see no reason for the difference.

It is a well-known fact—perhaps Senators have had their attention called to it—that desertions have got to be alarmingly common all through the Army. There is loud complaint of the frequency of desertions. Many plans have been presented by officers of the Army to endeavor to prevent these continual desertions in the Army. It is my opinion as a member of the Military Committee, and I think the entire committee agree in that idea, that if we show by act of Congress our determination to take care of these old men after they have honorably and faithfully served their country for that long period of time, it will be a great incentive to men to remain in the service and not desert; and therefore we thought it was not only a good thing in itself to do, because to-day a vast amount of expense is incurred by enlisting men, having them desert, and having to send details for the purpose of ar-

resting and trying them, but that all things considered, as these points were presented on the former bill which was satisfactory to the Senate, this bill should be accepted, being practically the same as the one formerly passed by the Senate.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detained from the Senate by sickness in his family; but under the pair I feel at liberty to vote on a question like this.

Mr. HARRISON (when his name was called). I am paired generally with the Senator from Louisiana [Mr. JONAS], but feeling at liberty to vote on a question of this kind, I vote "yea."

The roll-call having been concluded, the result was announced—yeas 37, nays 5; as follows:

YEAS—37.

Allison,	Fair,	Ingalls,	Morgan,
Beck,	Frye,	Jackson,	Morrill,
Blair,	Garland,	Lapham,	Pendleton,
Call,	Groome,	McMillan,	Platt,
Cameron of Pa.,	Hale,	Mahone,	Riddleberger,
Cameron of Wis.,	Hampton,	Manderson,	Sawyer,
Conger,	Harrison,	Maxey,	Sherman.
Cullom,	Hawley,	Miller of Cal.,	
Dolph,	Hill,	Miller of N. Y.,	
Edmunds,	Hoar,	Mitchell,	

NAYS—5.

Coke,	Harris,	Saulsbury,	Vest.
Colquitt,			

ABSENT—34.

Aldrich,	Farley,	Logan,	Slater,
Bayard,	George,	McPherson,	Vance,
Bowen,	Gibson,	Palmer,	Van Wyck,
Brown,	Gorman,	Pike,	Voorhees,
Butler,	Jonas,	Plumb,	Walker,
Camden,	Jones of Florida,	Pugh,	Williams,
Chace,	Jones of Nevada,	Ransom,	Wilson.
Cockrell,	Kenna,	Sabin,	
Dawes,	Lamar,	Sewell,	

So the bill was passed.

FEES IN PENSION CASES.

Mr. JACKSON. I move that the bill (S. 2511) relating to claim agents and attorneys in pension cases, passed yesterday with amendments, be printed as passed.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the bill named by him which passed the Senate yesterday be printed as passed.

The motion was agreed to.

PRIVATE PENSION BILLS.

Mr. MITCHELL. I ask unanimous consent of the Senate now to proceed to the consideration of private pension bills not reported adversely, as they stand upon the Calendar, and that the morning hour be extended until these bills shall be completed.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania asks unanimous consent that the Senate now proceed to the consideration of private pension bills on the Calendar reported favorably——

Mr. MITCHELL. Not reported adversely. There are some reported without recommendation.

The PRESIDENT *pro tempore*. Those not reported adversely, and that the consideration of those bills be continued until they are disposed of. Is there objection?

Mr. ALLISON. I suggest to the Senator from Pennsylvania that he continue them until 2 o'clock.

Mr. HARRISON. I hope the Senator from Iowa will let them go through. It will not take long, and there are some Senate bills in the list.

Mr. MITCHELL. We had better go through with them. Some are Senate bills which we want to send to the other House.

Mr ALLISON. Very well; I make no objection.

The PRESIDENT *pro tempore*. The Chair hears no objection to the request of the Senator from Pennsylvania.

Mr. MITCHELL. I accept the suggestion made by the Senator from Massachusetts [Mr. HOAR] that the rule of five minutes' debate be applied.

Mr. HOAR. I desire to have that a part of the understanding.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania modifies his request so as to be a proposition that the Senate now proceed to the consideration of private pension bills on the Calendar not adversely reported, and that the consideration of these bills be continued until they are disposed of, and that the five-minute limitation of debate as under Rule VIII, apply. Is there objection? The Chair hears none. The first pension case on the Calendar will be stated.

ERASTUS W. BABSON.

The first pension case on the Calendar was announced to be the bill (S. 772) granting a pension to Erastus W. Babson.

Mr. BLAIR. That may be passed over.

The PRESIDENT *pro tempore*. This bill has once passed the Senate and on motion the vote passing the bill was reconsidered, and the question now is, Shall the bill pass?

Mr. BLAIR. It may as well be passed over informally. It is a case in which certain further evidence is really necessary and the man himself is dead. The Senator interested in the bill had hoped that it might be available, but I suppose the result will be its indefinite postponement in the end. Let it be passed over for the present.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that this bill be passed over, retaining its place on the Calendar. Is there objection? The Chair hears none.

SIMPSON HARRIS.

The bill (H. R. 433) to increase the pension of Simpson Harris, was considered as in Committee of the Whole. It directs the Secretary of the Interior to increase the pension of Simpson Harris, a soldier of the war of 1812, and who now holds pension-certificate numbered 3706, to $50 per month.

Mr. COCKRELL. Is there a report in that case?

The PRESIDING OFFICER (Mr. INGALLS in the chair). The report will be read.

The Secretary read the following report, submitted by Mr. COLQUITT on June 10, 1884:

The Committee on Pensions, to whom was referred the bill (H. R. 433) to increase the pension of Simpson Harris, have considered the same, and report:

The facts are set forth in the following report made during the present session by the Committee on Invalid Pensions of the House of Representatives (House Report No. 301):

"That Simpson Harris served in the war of 1812 as a private in Capt. James Graham's company, North Carolina militia, from November 28, 1814, to February 22, 1815; that he was honorably discharged, and was placed on the pension-rolls as a pensioner at the rate of $8 per month under act of February 14, 1871.

"Your committee further report that the petitioner is probably the oldest pensioner on the pension-rolls, being now over 104 years old. It also appears from the affidavit of Dr. Samuel A. Hinton, the claimant's family physician, that for more than five years he has been sorely afflicted; that he has suffered from paralysis since 1866; that he has steadily grown worse, other diseases intervening, until, since 1880, he has been entirely helpless. He has not been able to perform manual labor since 1868, and is poor and needy, and a charge upon the charity of his family and friends. He requires the services of an attendant at all times. In view of these facts your committee are of opinion that said claimant should receive the same pension which he would be entitled to if rated by the Pension Department for his disability, and report the bill back with a recommendation that it pass."

Your committee report back this bill without recommendation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNE S. MELLACH.

The bill (S. 1154) to increase the pension of Anne S. Mellach was announced as next in order.

The PRESIDING OFFICER. The Chair is informed that this bill is incorrectly entered on the Calendar as being reported without amendment, the fact being that the report of the committee is adverse. The bill, therefore, will be passed over, and the next will be read.

Mr. COCKRELL. Let the Calendar be corrected hereafter.

Mr. BLAIR. Is the report adverse?

The PRESIDING OFFICER. So the Chair is informed.

R. W. DUNCAN.

The bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of R. W. Duncan (colored), known as Pack Duncan, who was employed as a guide for an expedition under the command of Col. W. F. Cloud, of the Second Kansas Cavalry, and who was wounded and permanently disabled on that expedition, at the same pension as would be allowed a private soldier for like disability.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ZELICA T. DUNLAP.

The bill (H. R. 4041) restoring the name of Zelica T. Dunlap was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll the name of Zelica T. Dunlap, late widow of the late Lieut. Col. James E. Dunlap, of the Twenty-ninth Illinois Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. AMOS.

The bill (H. R. 5500) for the relief of Benjamin F. Amos was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Benjamin F. Amos, late of the Seventh Kentucky Cavalry Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYDNEY L. SKAGGS.

The bill (S. 1268) for the relief of Sydney L. Skaggs was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sydney L. Skaggs, late scout of the Second Arkansas Infantry.

Mr. PLATT. I should like to hear the report read in that case.

The Secretary read the following report, submitted by Mr. JACKSON January 6, 1885:

The Committee on Pensions, to whom was referred the bill (S. 1268) for the relief of Sidney L. Skaggs, having examined the same, make the following report:

That said Skaggs, in 1864 and during the early part of 1865, acted as pilot and

guide for the different Federal commanders at the post of Clarksville, Johnson County, Arkansas. That in January, 1865, while out with a scouting expedition, under the command of Lieutenant Pitts, of Company A, Second Arkansas Infantry, the party were attacked by rebels or bushwhackers, and during the fight said Skaggs was wounded in each shoulder. The wound in the right shoulder necessitated amputation of the right arm near the shoulder-joint. This amputation was made by the regimental surgeon, and he was treated in the regular Army hospitals. He filed his application for pension, which was rejected by the Pension Office on the ground that he was not an enlisted man in the military service of the Government, and because the general law made no provision for volunteer scouts and pilots, although regularly employed. Skaggs was between 16 and 17 years of age while serving as scout and when wounded, as aforesaid, in an actual engagement with the enemy. Your committee have, in several instances, recommended relief in cases of this character, where the disability or injury was received by the scout in an actual engagement with the enemy. They think such cases constitute a proper exception and come within the spirit of the law. The committee accordingly report back the bill to the Senate with the recommendation that it be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES BEDELL, SR.

The bill (S. 2327) for the relief of James Bedell, sr., was considered as in Committee of the Whole. It provides that the claim of James Bedell, sr., for a pension, on account of the death of Samuel Umstead, a soldier of Company G, Sixty-seventh Regiment Indiana Infantry Volunteers, shall be heard and determined by the Commissioner of Pensions in all respects as if Umstead had been the son of Bedell, as for the purposes of this pension application he shall be taken to be.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. SMITH.

The bill (H. R. 5004) for the relief of William B. Smith was considered as in Committee of the Whole. It proposes to increase the pension of William B. Smith, late a private in Company K, Fourteenth Illinois Infantry, who is now drawing a pension at the rate of $50 per month, to $72 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. KATE A. DRUMMOND.

The bill (S. 2231) granting a pension to Mrs. Kate A. Drummond was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Kate A. Drummond, of Iowa City, Johnson County, Iowa, widow of Thomas Drummond, late captain of the Fifth United States Cavalry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BEN MORGAN.

The bill (H. R. 1256) increasing the pension of Ben Morgan was considered as in Committee of the Whole. It proposes to place the name of Ben Morgan, late colonel of the Seventy-fifth Regiment Ohio Volunteers, on the pension-roll at the rate of $45 per month, in lieu of his present pension of $30 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN JOHNSON.

The bill (H. R. 2920) for the relief of John Johnson was considered as in Committee of the Whole. It declares that the act of March 3, 1879, entitled "An act for the relief of certain pensioners" (who have lost a leg at the hip-joint), shall be so construed as to include John Johnson, who had his right arm and a part of the shoulder-blade shot away at the battle of Fredericksburg, Va., December 13, 1862.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES STACK.

The bill (H. R. 6665) for the relief of James Stack was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James Stack, late a private in Company F, One hundred and thirtieth Regiment of Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REBECCA WALCOTT.

The bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll was considered as in Committee of the Whole. It directs the restoration to the pension-roll of the name of Rebecca Walcott, mother of James A. Walcott, late a corporal of Company E, Second Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORIN R. M'DANIEL.

The bill (S. 1546) granting a pension to Orin R. McDaniel was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Orin R. McDaniel, late of Company H, Sixty-fourth Regiment Illinois Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES M'CALLEN.

The bill (S. 1571) granting a pension to James McCallen was considered as in Committee of the Whole. It proposes to place on the pension-roll, subject to the provisions and limitations of the pension laws in force at the date of the filing of his claim for pension, the name of James McCallen, late a private in Company B, Seventh Regiment California Infantry; the disability for which pension is granted by the bill being disease of the throat, as claimed by the soldier in his application for pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NATHAN J. SHARP.

The bill (H. R. 6816) for the relief of Nathan J. Sharp was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment to add "in lieu of the pension he is now receiving;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of Nathan J. Sharp, formerly a member of Company E, One hundred and twentieth Regiment New York State Volunteers, to $40 per month, in lieu of the pension he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

GEORGE ZIEFLE.

The bill (H. R. 5960) granting a pension to George Ziefle was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George Ziefle, of Livingston County, State of Missouri.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. BROWN.

The bill (H. R. 3703) for the relief of James W. Brown was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James W. Brown, late a private in Company L, First Regiment New Hampshire Volunteer Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NELSON GAMMONS.

The bill (H. R. 6461) granting a pension to Nelson Gammons was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Nelson Gammons, late a private in Company K, Thirty-third Regiment Massachusetts Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY B. LEACH.

The bill (S. 2204) granting arrears of pension to Nancy B. Leach was considered as in Committee of the Whole.

The preamble recites that Nancy B. Leach, mother of Bradford Leach, late of Company I, Twelfth New Hampshire Volunteers, was placed on the pension-roll on the 25th June, 1881, and from which date payment of the pension was made. The bill directs the Secretary of the Interior to pay Nancy B. Leach a pension at the rate prescribed by law from the date of the death of Bradford Leach, deducting all sums previously paid on account of pension to her.

Mr. JACKSON. I should like to have the report in that case read.

The Secretary read the following report, submitted by Mr. BLAIR January 16, 1885:

The Committee on Pensions, to whom was referred the bill (S. 2204) granting arrears of pension to Nancy B. Leach, mother of Bradford Leach, have examined the same and report recommending the passage of the same.

The committee desire to submit the exact point involved in this case. The original application was duly made and executed February 11, 1879. It was actually filed June 25, 1881, and the proof sustaining the claim. It was allowed, and certificate No. 205323 issued to the dependent mother, carrying pension at the rate of $8 per month. The claimant supposed that her application was on file until long after the 1st day of July, 1880, the period of limitation under the arrears-of-pension act. The claimant has no practical remedy unless relieved by special act.

Mr. Hill, the attorney employed, is a reputable citizen, who has held responsible positions of public trust, and an honest attorney at law in good standing in the profession.

The affidavits of Hon. James E. French and of Hon. David H. Hill are herewith submitted, which establish all the remaining facts necessary to be stated.

I, James E. French, of Moultonborough, in the county of Carroll, State of New Hampshire, make oath and say, am well acquainted with Nancy B. Leach, holder of pension certificate No. 205323. I well remember the time she made her application for a pension, because it was at my suggestion that she applied to Hon. David H. Hill, of Sandwich, to assist her, and it was in the winter of 1879; said Hill afterward informed me that said claim was filed, and said claimant was so informed several times prior to July 1, 1880.

I have no interest in said claim for a pension.

JAMES E. FRENCH.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.] W. A. HEARD,
Clerk of Supreme Court.

I, David H. Hill, of Sandwich, in the county of Carroll, and State of New Hampshire, depose and say that I acted as attorney for Nancy B. Leach in matter of pension for her as dependent mother. The declaration was drawn by me and taken to William A. Heard, clerk of supreme court, to be executed, as I now remember it.

I think we returned to my office, and I put the declaration in an envelope and put stamp on for postage. It was understood that it was to go by that mail.

I supposed for a long time that it went that day, and so informed Mrs. Leach. The papers were thus completed, and sealed and stamped at the time of their date. I had no doubt of it until a student in my office called my attention to an envelope thus sealed and stamped, which he said he had found among other papers which he thought he had packed away as papers no longer useful, and asked me if there was not something that had been overlooked. I at once sent them to George N. French, a clerk in Treasury Department, to file at the Pension Office. Within ten days he wrote to me that they were filed, and they were sent to said French just a few days before I was informed that they were filed. I can not be positive how they were first overlooked, but believe that my student, A. B. Fosker, of said Sandwich, took some letters to the mail for me, and Mrs. Leach and myself both supposed he had taken the Leach papers with them, and continued so to think until they were discovered by said Fosker, as above described.

My post-office address is Sandwich Center, Carroll County, and State of New Hampshire, and I have no present interest in the pension claim of Mrs. Leach.

DAVID H. HILL.

Sworn to and subscribed before me this 9th day of December, A. D. 1884, and I hereby certify that I have no interest in the prosecution of this claim.

[SEAL.] W. A. HEARD,
Clerk of Supreme Court.

The bill was reported to the Senate without amendment, and ordered to be engrossed for a third reading.

Mr. COCKRELL. Let the bill be read again.

The bill was read.

Mr. COCKRELL. I should like to ask the Senator from New Hampshire how far does that go back?

Mr. BLAIR. To the time of the war, I believe. The son died in the war. The pension certificate was allowed some time in 1881. The pension has been paid since the date of the filing of the application, about three years, or four years possibly.

Mr. SLATER. This is going much further than we have gone in pension cases before. It is alleged that, by some oversight by the attorney or parties who were connected with this case, the papers were not transmitted to the Pension Bureau in time to come within the act which would allow arrearages. If we open that door we shall be flooded with just such cases. They ought not to pass.

Mr. JACKSON. As the Senator from Oregon suggests, the facts in this case show that the agent or attorney of the claimant negligently failed to forward the application to the Pension Office so that it would reach here in time to get the benefit of the arrears act; and I doubt the propriety of now granting arrears when there was no fault of the Government. We passed a case some sessions since where the application was placed in the mail for transmission in time, but owing to some accident it never reached its destination. The committee thought that inasmuch as the failure resulted from the action of the Government agent, perhaps it was proper to give the claimant the benefit of the intended application; but in the present case the application was never perfected and never actually mailed, and that through the negligence of the attorney.

Mr. BLAIR. We have, I think, repeatedly gone much further than we should be going by the passage of this bill. We have not often done precisely the same thing, I do not know whether ever precisely the same thing. It may be that the facts in this case differ slightly from those of any other case; but repeatedly where there was no application whatever made, but an instrument executed failing in important statutory particulars and placed on file, we have allowed that to be taken and treated as an application, and we have gone so far as where the application was made and actually placed in the mail, but failed through the fault of the mail, or by accident, misfortune of some kind, to be received and filed in season, to hold the declaration to be good and to cover the arrears.

The principle we have acted upon is that where the applicant seems to have in good faith designed to make and file his application so as to secure the benefit of the act, we have relieved against any innocent fault or misfortune on his part.

In this instance the claimant is an old lady who lost her son upon whom she was dependent, and whose application has been proven to be meritorious, and her claim allowed. It seems that she did everything that she possibly could in season to have received the benefit of the law for the arrears. The application was made in due form, executed before a clerk of a court, her agent being a reputable attorney in active practice as I know and as honest a man as there is in our State or in our country, and who sealed it in its envelope, properly directed it, and placed it with his other mail for transmission. In some way the boy who carried the mail to the office failed to get this particular package. How it happened nobody knows; and everybody supposing, the attorney himself, the claimant herself, supposing that the application was on file, it was not until after the period within which it must actually be filed in order to derive the benefit of the arrears act, that the contrary was ascertained. Immediately the declaration was forwarded, and the case was prosecuted and pursued to a successful issue.

Mr. CONGER. May I ask the Senator whether the allowance of the pension was upon that application?

Mr. BLAIR. The final allowance of the pension was upon precisely that same instrument which had thus been delayed through the misfortune of the applicant.

There can be no stronger case in equity. I do not think any private citizen in the United States would be allowed to live in any local community who would take advantage of a blunder or a misfortune of this kind, and it hardly seems to me that the country would stand well in its own estimation if we should take advantage of a misfortune of this sort against this old lady, who is very poor, and as the report shows is utterly without remedy as against the attorney himself. He is a good man, an honest man, standing well in his profession, but he is not in a situation to make good these arrears if their loss was his fault.

Now, a word in regard to the suggestion that we may be overwhelmed with applications of this sort. Since the arrears act expired, I do not suppose we have passed, in the way of relieving all manner of inaccuracies or errors of this description or any description, twenty acts, and I do not remember more than one or two other applications of any sort that have been pending in the present session, and but very few in the last session of Congress.

The PRESIDING OFFICER. The Senator's five minutes have expired.

Mr. BLAIR. If we pass this I do not imagine we shall be overwhelmed.

Mr. ALLISON. Do I understand the Senator from New Hampshire to state that the Committee on Pensions have established the rule that in cases where by no fault of the applicant the application has failed to reach the Pension Office within the time prescribed advantage shall not be taken of that fact by the Government?

Mr. BLAIR. In instances that have been passed where the application was informally made and filed seasonably we have allowed that defective application to be treated as a correct one. In other instances where the application was not actually filed, where a good or bad application was not actually filed until after the limitation expired, but where in good faith the party made the effort and the application was transmitted in the mail but not received, we have relieved in such cases.

Mr. ALLISON. That is this case?

Mr. BLAIR. That is this case to this extent: The application was made out in due form; the attorney placed it in an envelope, sealed it, directed it properly, and put it with the rest of his mail, and directed his servant to carry it to the post-office, and that is the last he knows about it.

Mr. ALLISON. That is this case?

Mr. BLAIR. It is this case.

Mr. ALLISON. That is a very just case. I have one just like it. I hope this will pass and be made a precedent so that such cases may be allowed.

Mr. BLAIR. There will not be a great number.

Mr. PLATT. I am going to vote for this bill; but I put it on this ground, that it does not appear to have been the neglect either of the applicant or of the attorney that the application did not reach the Pension Office in time, but was a case of mistake or accident. I do not believe that we can open the door to arrears for all cases where by the neglect of the attorney the application has failed to be received in time. I presume that there are a thousand cases in the State of Connecticut where, if we should adopt the rule that the neglect of the attorney was to be overlooked, there would be petitions to grant arrears in instances where the applicant executed the declaration in time to have it filed in the Pension Office.

Mr. MCMILLAN. I shall support this bill because I think it is altogether just; and wherever the fault lies with the Department or in the course of transmitting a claim of this kind to the Department, I think the arrears should be given. I know of a case myself where the application was transmitted to the Department, but no further information can be obtained in regard to it, the information from the Department being that the claim is not on file. I think all such cases should be embraced.

The bill was read the third time, and passed.

ISABELLA HIGGINS.

The bill (S. 2549) granting a pension to Isabella Higgins was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isabella Higgins, late hospital matron of the Eighth Regiment of Iowa Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MILLIA STAPLES.

The bill (H. R. 1504) for the relief of Millia Staples was considered as in Committee of the Whole. It proposes to place on the rolls of the Pension Office the name of Millia Staples, of Morgan County, Tennessee, for and on account of services rendered the United States by Benjamin T. Staples, who was killed while in line of duty as first lieutenant and adjutant of the Eleventh Regiment Tennessee Cavalry Volunteers, on March 22, 1863.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

A. SCHUYLER SUTTON.

The bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, to strike out lines 3 to 6 in the following words:

That the act entitled "An act granting a pension to A. Schuyler Sutton," ap-

proved June 4, 1872, be, and the same is hereby, amended, so as to read as follows.

And in line 12, after the word "month," to strike out "from and after the 4th day of March, 1883," and insert:

In lieu of the pension he is now receiving, to take effect from and after the passage of this act.

So as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of A. Schuyler Sutton, late acting lieutenant-colonel of the Ninety-fifth Regiment of Ohio Volunteers, at the rate of $40 per month, in lieu of the pension he is now receiving, to take effect from and after the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. MITCHELL, the title was amended so as to read: "A bill granting a pension to A. Schuyler Sutton."

WATSON S. BENTLEY.

The bill (H. R. 760) granting an additional pension to Watson S. Bentley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Watson S. Bentley, of Marlborough, Mass., late a private in Company B, Thirty-seventh Regiment Massachusetts Infantry Volunteers, at the rate of $45 per month, in lieu of that now received by him.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET G. HALPINE.

The bill (H. R. 6480) granting a pension to Margaret G. Halpine was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret G. Halpine, widow of Charles G. Halpine, late a lieutenant-colonel and brevet brigadier-general of volunteers in the Union Army.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. MARSHALL.

The bill (H. R. 3663) granting a pension to John T. Marshall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John T. Marshall, late a seaman in the United States Navy.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MAJ. W. W. FRYBARGER.

The bill (H. R. 4379) for the relief of Maj. W. W. Frybarger was considered as in Committee of the Whole. It proposes to put Maj. W. W. Frybarger, of Connersville, Ind., on the pension-roll at the rate of $40 per month, to be in lieu of all other pensions granted Frybarger.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUIS D. PETTY.

The bill (H. R. 5776) granting a pension to Louis D. Petty was considered as in Committee of the Whole. It provides for placing the name of Louis D. Petty, late a private in Company E, Eighth Missouri Volunteer Cavalry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARISSA M'KEE.

The bill (H. R. 2399) granting a pension to Clarissa McKee was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Clarissa McKee, widow of William McKee, late a private in Company D, Second District of Columbia Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERIT M. OAKLEY.

The bill (H. R. 6927) granting a pension to Merit M. Oakley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Merit M. Oakley, who was a private in Company K, Sixth Regiment of Iowa Cavalry, at the rate of $8 a month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR L. DUTTON.

The bill (S. 1790) granting an increase of pension to Edgar L. Dutton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars" to strike out "eighteen" and insert "sixteen;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions of the pension laws, the name of Edgar L. Dutton, late a private in Company K, Twenty-second Regiment Indiana Volunteers, at the rate of $16 per month, in lieu of the $18 per month heretofore allowed him, as specified in pension certificate 116435.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ISAAC DEMARANVILLE.

The bill (H. R. 4059) granting a pension to Isaac Demaranville was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isaac Demaranville, late a private in Company E, Ninety-third Illinois Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYRUS REESER.

The bill (S. 2398) granting a pension to Cyrus Reeser was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Cyrus Reeser, late a private in Company F, Sixty-first Illinois Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH O'NEIL.

The bill (S. 1183) granting a pension to Hugh O'Neil was considered as in Committee of the Whole. It proposes to place the name of Hugh O'Neil on the pension-roll, he being the dependent father of John O'Neil, late a private in Company I, Mounted Riflemen of the Indian wars.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN A. VANCE.

The bill (H. R. 5812) granting a pension to Ellen A. Vance was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ellen A. Vance, invalid daughter of Col. Joseph W. Vance, deceased, late colonel of the Ninety-sixth Ohio Volunteer Infantry, at the rate of $18 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. KNAWBER.

The bill (H. R. 499) granting a pension to Mary A. Knawber was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HAYDEN REYNOLDS.

The bill (H. R. 3612) granting a pension to Hayden Reynolds was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hayden Reynolds, late a private in Company B, Sixth Regiment Iowa Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW FRANKLIN, ALIAS ANDREW M'KEE.

The bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "to," to strike out "March 7th" and insert "February 22d;" and in line 11, after the words "from the," to strike out "time of filing his application" and insert "passage of this act;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Andrew Franklin, alias Andrew McKee, late a private in Capt. M. Armstrong's company of Ohio militia, from August 22, 1812, to February 22, 1813, and from July 28, 1813, to August 18, 1813, in the war of 1812, to take effect from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALONZO CORNWELL.

The bill (H. R. 7046) granting a pension to Alonzo Cornwell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Alonzo Cornwell, late a private in Company F, Sixty-seventh Regiment Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM HERRING.

The bill (H. R. 4752) granting a pension to William Herring was considered as in Committee of the Whole. It proposes to place the name of William Herring, late a private in Company A, Thirteenth United States Colored Heavy Artillery, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. GILLEY.

The bill (S. 2587) granting a pension to William H. H. Gilley was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William H. H. Gilley, late a private in Company G, Forty-second Regiment Indiana Infantry Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ISABEL CAMPBELL.

The bill (H. R. 1171) granting a pension to Isabel Campbell was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Isabel Campbell, of Ashland County, Ohio, widow of James Campbell, late of Company K, Eighty-second Ohio Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEONORA A. BOYDEN.

The bill (S. 1709) granting a pension to Leonora A. Boyden was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Leonora A. Boyden, mother of Charles F. Putnam, late a master in the United States Navy, lost in the Arctic Ocean, and pay her a pension of $30 per month from and after the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SALLIE INGHAM.

The bill (H. R. 4238) granting a pension to Sallie Ingham was considered as in Committee of the Whole. It directs the Secretary of the Interior to place on the pension-roll the name of Sallie Ingham, formerly Sallie Frary, mother of Justin Frary, late a private in Company I, One hundred and first Regiment of Ohio Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN MALONEY.

The bill (H. R. 5926) granting a pension to John Maloney was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Maloney, late a private in Company K, Seventieth Indiana Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JAMES M'MANUS.

The bill (H. R. 2908) granting a pension to James McManus was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of James McManus, late a private in Company B, Twelfth Regiment Illinois Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WILLIAM EURELE.

The bill (H. R. 3565) granting a pension to William Eurele was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Eurele, late a private in Company A, Tenth Regiment Connecticut Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

WALTER H. CROW.

The bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll was considered as in Committee of the Whole. It proposes to restore the name of Walter H. Crow, late a sergeant of Company K, Thirty-third Indiana Volunteers, to the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

MRS. JANE YOUNG.

The bill (H. R. 2432) for the relief of Mrs. Jane Young was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Jane Young, mother of Henry Young, alias Frank Lowe, late a member of Company G, Sixteenth Regiment of Massachusetts Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

JOHN D. RICKARDS.

The bill (H. R. 2348) granting a pension to John D. Rickards was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John D. Rickards, late a private in Company A, Sixty-ninth Regiment Enrolled Missouri Militia.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

RUSSELL F. DIMMICK.

The bill (H. R. 6594) granting a pension to Russell F. Dimmick was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Russell F. Dimmick, late a private in Company E, First Regiment Wisconsin Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

SARAH J. BREMMER.

The bill (H. R. 5632) granting a pension to Sarah J. Bremmer was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah J. Bremmer, widow of William B. Bremmer, late captain of Company F, Fifth Regiment of Wisconsin Volunteers.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

GEORGE W. RUGG.

The bill (H. R. 5630) granting a pension to George W. Rugg was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George W. Rugg, late of Company M, Fifth New York Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

FRANK S. MARSH.

The bill (H. R. 2453) granting a pension to Frank S. Marsh was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Frank S. Marsh, late of Company K, Ninth Regiment Illinois Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

DANIEL W. ADAMS.

The bill (H. R. 7141) granting a pension to Daniel W. Adams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Daniel W. Adams, late of Company A, Ninety-third Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JESSE S. HARROLD.

The bill (S. 2158) granting an increase of pension to Jesse S. Harrold was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Jesse S. Harrold, late second lieutenant of Company H, Fourteenth Regiment Indiana Volunteers, at the rate of $33 per month, in lieu of what he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EUGENE O'SULLIVAN.

The bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry, was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Infantry, at the rate of $18 per month.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID T. HOOVER.

The bill (S. 2514) granting a pension to David T. Hoover was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of David T. Hoover, late a private in Company H, Fifty-sixth Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THEO AHRENS.

The bill (H. R. 5565) granting a pension to Theo Ahrens was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Theo Ahrens, late a private in Company O, One hundred and ninety-eighth Regiment Pennsylvania Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID M. NAGLE.

The bill (H. R. 5543) granting a pension to David M. Nagle was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 4, after "pension-roll," to insert "subject to the provisions and limitations of the pension laws;" and after "Nagle," in line 6, to strike out the words "and pay him a pension at the rate of $25 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David M. Nagle.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SARAH KENNEDY.

The bill (H. R. 2692) granting a pension to Sarah Kennedy was considered as in Committee of the Whole. It proposes to place on the pen-

sion-roll the name of Sarah Kennedy, widow of Seth T. Kennedy, late major of the Sixteenth Regiment Pennsylvania Cavalry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA TURNER.

The bill (S. 2009) granting a pension to Isabella Turner was considered as in Committee of the Whole. It proposes to place the name of Isabella Turner, widow of Oscar D. Turner, late a sergeant of Company I, Twenty-third Regiment of Maine Volunteers, on the pension-roll, and to pay her a pension from the death of her husband, March 14, 1882, subject to the general pension laws should she again marry, and as to the rate of pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK FURLONG.

The bill (S. 2610) granting a pension to Patrick Furlong was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Patrick Furlong, late a private in Company G, Fourteenth Regiment Vermont Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET A. MAGUIRE.

The bill (H. R. 6726) granting a pension to Margaret A. Maguire was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Margaret A. Maguire, of Philadelphia, widow of George R. Maguire, deceased, late a lieutenant in the Thirteenth Pennsylvania Cavalry, United States Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADALBERT STICKNEY.

The bill (H. R. 5207) granting a pension to Adalbert Stickney was announced as the next pension bill in order.

Mr. JACKSON. The views of the minority are presented in that case, which I should like to have read.

Mr. CULLOM. I suggest to the Senator that we pass over the bill until we get through with the other cases.

Mr. JACKSON. Very well; let it be passed over for the present.

The PRESIDING OFFICER. At the suggestion of the Senator from Illinois the bill will be passed over until the pension cases to which there is no objection shall have been acted upon.

NEWTON J. BURRIS.

The bill (S. 1655) granting a pension to Newton J. Burris was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Newton J. Burris, late a private in Company I, Sixty-eighth Regiment Indiana Volunteer Infantry.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN OTIS.

The bill (H. R. 6882) granting a pension to John Otis was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of John Otis, dependent father of Thomas Otis.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. JENNIE E. JOHNSON.

The bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Jennie E. Johnson, mother of Capt. Charles P. Johnson, deceased, late a captain on the retired-list of the Army of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY DAVIS.

The bill (H. R. 6997) granting a pension to Henry Davis was considered as in Committee of the Whole. It proposes to place the name of Henry Davis, late lieutenant-colonel of the Eighty-second Regiment Indiana Volunteer Infantry, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT WALKER.

The bill (S. 2160) granting a pension to Robert Walker was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Robert Walker, late a private in Company B, Seventy-first Regiment Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DORATHEA BOTHNER.

The bill (H. R. 1084) granting a pension to Dorathea Bothner was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Dorathea Bothner, widow of Gustavus Bothner, late second lieutenant of Company C, Thirty-eighth New York Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MRS. FRANCES L. THOMAS.

The bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, the widow of Maj. Gen. George H. Thomas, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, to strike out "$2,000 per annum" and insert "$100 per month;" so as to make the bill read:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 a month now received by Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to $100 per month, to take effect from and after the passage of this act.

Mr. CULLOM. I hope the amendment will not be agreed to, but that the bill will be passed by the Senate as originally introduced, allowing $2,000 per annum.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Committee on Pensions. [Putting the question.] The noes appear to have it.

Mr. COCKRELL. Let us have the yeas and nays on the question.

The yeas and nays were ordered.

Mr. PLATT. I wish the Senator who reported the bill, or some member of the Committee on Pensions, would state to the Senate whether the pension proposed of $2,000 a year is in accordance with any precedent which has been already established.

Mr. CULLOM. There is only one precedent. There is none so far as the military service proper is concerned, but the widow of Admiral Farragut was given by the Congress of the United States a pension of $2,000 a year. I believe, as other members of the committee, I think, believe, that this is a case which stands alone so far as the record of military services is concerned, and that we can afford, as a Government, to place the widow of General Thomas upon a level with the widow of Admiral Farragut.

Everybody, I think, admits that General Thomas was the peer of any other Union general in the service of the country during the late war and from the time he entered the service. I have felt, and feel now, that the Congress of the United States ought to give this expression of the recognition of the services of General Thomas to his widow. She has no children. I understand that she is poor. She is of course, as we may well suppose, becoming somewhat aged. I think the Congress of the United States ought to vote her a pension of $2,000 a year. As General Garfield said in referring to the case, when she made application for a pension, there was but one General Thomas in all the world.

I hope that the amendment will be voted down and that the original bill will be passed.

Mr. PLATT. No one has a higher admiration for the services of General Thomas than I have; but we ought in what we do to act with deliberation and with reference to its future effect. You will not be able to persuade the widows of many of the gallant generals of the Union Army that their husbands were not as distinguished for service, for courage, and for ability as General Thomas. If we give a $2,000 pension to the widow of General Thomas it will be very difficult to refuse it to the widows of very many of the generals of the Army in time to come. In other words, it will establish a precedent; but if the Senate desires to do that, of course I have no objection.

Mr. BLAIR. The Committee on Pensions was not unanimous in recommending the amendment to the bill. The bill, as referred to the committee, it will be observed, proposed to grant a pension to Mrs. Thomas at the rate of $2,000 per annum. There is one precedent, that of the widow of Admiral Farragut. Hitherto Mrs. Thomas has been drawing a pension at the rate of $30 per month. I am right in that statement, I think.

Mr. CULLOM. Yes; that is correct.

Mr. MILLER, of California. Since 1876.

Mr. BLAIR. Since the death of her husband in 1876 she has been drawing a pension at the rate of $30 per month, while the widows of very many other officers, who under the law drew a pension at the same rate, have applied for and obtained an increase by special act. This widow, now an aged woman, without children, solitary and alone in the world, and with certainly as great desert on the part of her husband as could be claimed in any other case whatever, even although our most eminent generals might have been already deceased, has been entirely silent. With a dignity that is commendable she has suffered this neglect on the part of her country, in which others have not so readily acquiesced. I do not mean by this to intimate that any have unduly pressed their claims upon a grateful country.

The Congress of the United States has very rarely denied such applications for special relief, and it seems to me as it has seemed to the Congress, that when the widows of any of our officers who rendered the highest and most distinguished service apply to us, being oftentimes in need and disabled themselves by approaching age, and wish a pension at the rate of $50 per month, only giving them an income for their support in a manner consistent with their positions in life of $600 per year, it would be almost disgraceful to deny the application, and certainly Congress has not done it where the application has been made.

As to the suggestion made by the Senator from Connecticut that if we grant to the widow of General Thomas a pension at the rate provided in the bill, we shall be overrun with applications of equal merit, I beg leave to differ. I think that the unanimous verdict of the Ameri-

can people, without distinction of party or of section, would be that no general officer of the United States rendered higher or more conspicuous or more essential service during the recent war than General Thomas. Certainly I think everybody will vote unanimously that he takes rank with Grant, Sherman, and Sheridan. I believe myself that had he been living when recently there was a vacancy and an opportunity to be appointed to the highest position in our Armies, he would have been selected by the universal acclaim of the American people, and the distinguished officer who now holds that position would have been among the very first to have said that George H. Thomas was the man to be appointed to it.

Under these circumstances I could not agree, and did not agree in the deliberations of the committee, to the amendment recommended by the majority of the committee. I trust that it will be rejected and that the bill may be passed as originally introduced in the Senate.

Mr. COCKRELL. In considering these various applications to increase very largely the pensions granted to a certain class, I noticed some time ago an article published in a newspaper contrasting the difference of treatment meted out to the widows of officers and the widows of soldiers who carried their muskets on their shoulders—who bore the heat and burden of the day and achieved those victories the honors and the laurels of which others largely wore. I ask that the article which I send to the desk may be read.

The PRESIDING OFFICER. If there be no objection the paper to which the Senator from Missouri calls attention will be read.

Mr. McMILLAN. What is the paper which the Senator asks to have read?

Mr. COCKRELL. It is an article contrasting the difference between the treatment of officers and privates. If the Senator does not want the Chief Clerk to read it, I can read it myself.

Mr. McMILLAN. No; I simply wish to know what it is.

Mr. COCKRELL. It is an article contrasting the treatment of the widows of officers and the widows of soldiers.

Mr. McMILLAN. Is it an extract from a newspaper?

Mr. COCKRELL. It is from a newspaper.

Mr. McMILLAN. In what newspaper was it published?

Mr. COCKRELL. I do not remember now in what paper. I think it is taken from a paper published here in the city of Washington.

Mr. BLAIR. Will the Senator from Missouri permit me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. BLAIR. I ask if it is not an article written in order to induce the American Congress to pass the Mexican pension bill?

Mr. COCKRELL. No, sir; it has no relation to that question. It was written before that time.

Mr. BLAIR. A bill which makes a large increase for the benefit of the same class which has aroused the sympathies of the Senator.

Mr. COCKRELL. It was written before the Mexican pension bill was passed by the Senate. I have had it in my drawer for nearly two years, waiting for an opportunity to have it read.

Mr. BLAIR. Undoubtedly the Senator may say that its suggestion aided in passing that bill.

Mr. COCKRELL. It was written long before the Mexican pension bill was passed.

The PRESIDING OFFICER. If there be no objection the paper will be read.

The Chief Clerk read as follows:

TWO SOLDIERS AND THEIR WIDOWS.

James B. Horseman went into the war for the Union as a colonel, at a salary of $3,500 a year, besides perquisites and allowances. He served as colonel bravely and faithfully for a year and about three months, and then was promoted to brigadier-general, at a salary of $5,500 per year besides perquisites and allowances. In this capacity and at these wages he served bravely and faithfully for another year and a quarter and then was deservedly promoted to major-general, at a salary of $7,500 a year, besides perquisites and allowances; and in this capacity, and at this rate of wages, he continued to serve until after the close of the war.

James B. Footman went into the Union Army, at the outbreak of the rebellion, as a private; and his wages for the first year were $144, plus $100 bounty, plus some clothing, plus some grub, when he could get it; total for first year perhaps $500. In the second year he was promoted to corporal, and his total pay for that year was less than for the first. In the third year he was promoted to sergeant, and still his total pay came to less than $500.

In 1864 he was promoted to first sergeant, and "veteraned;" and so for the last year of his service he received in all some $600, counting greenbacks at their face and rations at—well, at a long ways above what they actually averaged. We do not count any perquisites or allowances in his case, because he did not get any. He served bravely and faithfully during his whole time until the close of the war.

Neither General Horseman nor Sergeant Footman was ever wounded, though each passed through many battles; and neither lost health in the service in such manner as to entitle him to pension under the current interpretation of existing laws. After the war, General Horseman held some offices, was prominent in public affairs, had his name in the papers often, and was considered a leading man generally. Sergeant Footman meanwhile plodded along in the even tenor of his way, an unobtrusive and almost unknown private citizen, insomuch that half of his neighbors in the place to which he removed never knew that he had been in the Army, and those who did know did not care.

A few months ago both General Horseman and Sergeant Footman died, both being poor men and leaving large families. Sergeant Footman's death was announced in a three-line notice in the local papers; his funeral was attended by his neighbors; and that was the last the public ever heard or thought of Footman. But General Horseman's death was telegraphed all over the country, and the daily papers published long accounts of his gallant military services, and a contribution paper for the benefit of his family was started, and a bill was forthwith introduced in Congress to grant a pension of $50 a month to his widow, and Congressmen were urged by leading journals to "pass the bill without a dissenting voice."

And then we reflected that the command to "Render unto Cæsar the things which are Cæsar's" is not greater than that which follows it: "and unto God the things that are God's."

Let us fully honor the memory of the deceased general; but as to granting a pension of $50 per month to his widow because he was a general before granting $8 a month to Sergeant Footman's widow because he was "only an enlisted man"—or indeed as to granting one comrade's wife six times as much as the other, merely and solely because the one man had been a high officer and drawn large salaries while the other, equally brave and faithful, had received from the Government barely enough to keep him alive while he was in the service and nothing afterward, and died "unhonored and unsung"—we say, let us rather reverse the order of things, and first pension the poor sergeant's widow at as high a rate as justice and reason will allow, and then pension the general's widow at precisely the same rate, and no higher.

Mr. CULLOM. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois has spoken once upon the bill.

Mr. MITCHELL. The bill as referred to the committee did not meet with the approval of my judgment. I should be very highly gratified to vote a pension of $2,000 a year to Mrs. General Thomas and a large number of other widows of distinguished generals and soldiers who served in the late war; but in view of the situation as respects the relative claims of the representatives of soldiers I can not bring my mind to an agreement to that proposition. I thought that perhaps we might safely go as far as is proposed by the amendment, because in the case of the widow of General Shields a pension of $100 a month was granted. I think there has been no other pension so large as that granted to a soldier or to any representative of a soldier in the Army.

The case of Mrs. Admiral Farragut has been mentioned. She is receiving a pension of $2,000 a year, but it must not be forgotten that Admiral Farragut was at the head of the Navy of this country and it is a case of greater distinction than that of General Thomas. If we grant the pension even as proposed by the majority of the committee to the widow of General Thomas, we must in justice to a large number of others whose husbands also rendered distinguished services to the country increase their pensions very largely. If we are to do it at all, we ought to do it intelligently and purposely, and meet the question here and now.

I am not disposed myself to go so far as that, and especially because up to this time the other branch of Congress has declined to do the simple justice—I might say very much less than justice—to the widows and mothers and fathers of private soldiers who served in the late war that we proposed to do by the so-called Mexican pension bill passed by the Senate at the last session, but which has not thus far been favorably considered in the House of Representatives.

I make this allusion somewhat in response to the statement from a newspaper which has been read in the hearing of the Senate. I am willing to grant a pension of $100 a month to Mrs. Thomas, but I am not willing to go any further.

Mr. PLUMB. Mr. President, there is one distinction made by this bill which has not been mentioned in the debate so far as I have heard it, and that is, that a pension is granted to the widow of General Thomas irrespective of the cause of General Thomas's death. That is the case with most pensions of this kind, which are in effect benefactions as compared with any pensions which we grant under the general law. So far as I know, no pension has ever been granted to the widow of a private soldier unless the widow could prove that the soldier had died from a disease incurred in the line of duty; but we have taken up admirals of the Navy—not admirals like Farragut, but admirals who were admirals in name in comparison with Farragut—and general officers of the Army, and other persons of title and of newspaper and other distinction, and have given to their widows pensions irrespective of the cause of death; thus not only constituting a distinction between the two classes growing out of the amount of the pension and the necessities of the case, but a distinction still broader by reason of the fact that one relates strictly and directly to a disability incurred in the line of duty and the other is totally outside of that.

I have heretofore opposed pensions of this character uniformly; I have said much in the Senate about them, and have been so uniformly overruled that I had made up my mind hereafter to say nothing. If, however, there is a case which could have the assent of my vote, it is that of a pension to the widow of General Thomas. I am not willing to let the remarks of the Senator from Pennsylvania [Mr. MITCHELL] go without challenge, to the effect that the service of Admiral Farragut was one thing and that of General Thomas an entirely different thing; that Admiral Farragut was much more eminent than General Thomas, and consequently his widow constituted a class by herself as compared to the widow of General Thomas. I think there was no more meritorious soldier who wore the blue than General Thomas, no one who was more entitled to the gratitude of the nation than he, and no one who, in my opinion, was more ignored during his lifetime, when the opportunities presented themselves for his promotion, than General Thomas.

But we are dealing with this question either upon a rule or system or plan which we have adopted about the question of pensions, or we are dealing with it simply at haphazard. If we are dealing with it upon a rule, then we ought to apply substantially the same rule to these people that we apply to the great mass of the body of the Army. If we are dealing with it without reference to rule, then we ought to

take up not only one case but hundreds and thousands and tens of thousands of cases of the widows of private soldiers who served their country just as intelligently, just as faithfully, just as efficiently, and at just as much cost as that of any man who served it under shoulder-straps.

We not only have considered that the Senate should do but one of these cases, but it seems that we have permitted our regard for rank and for reputation to obscure the real merits that underlie all this pension business. I have in my mind two pension bills which went through the Senate one day, which pensioned the widows of two ex-Presidents—two ladies who I am told are not only beyond the reach of want, but are in affluence. Although they needed nothing we added to their already ample funds, to their great wealth, $5,000 a year for life; yet we reject here day after day the applications of people who, whatever the relation may be between their present disability and their services in the Army as shown by testimony, have that claim upon us which soldierly service always gives or ought to give, especially when it is followed by disease or incapacity on account of that service to labor in order that one may live. We actually give to those who need it not for the purpose of taking it away in the shape of taxes from those who do need it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MILLER, of California. Mr. President, it was my fortune to introduce this bill, and I did it as much as a tribute to the memory of one of the greatest of American generals as an act of justice to his lonely widow whom he left behind. The world takes note of rank. The question whether the Congress of the United States has dealt liberally and justly by the widows and representatives of private soldiers is not the question here. Nobody expects that the pension granted to the widow of a general who commanded great armies and fought great battles and won great victories will be the same as that granted to the widow of a private soldier. It may be true that the latter may be as much entitled to it as the former, but Congress has never proceeded upon that theory.

It is simply a question here whether the widow of this great general should be treated as the widows of other generals and as the widows of high officers of the Navy have been treated, or whether an exception is to be made against her. I placed the amount in the bill at $2,000, because there is a precedent in the case of Admiral Farragut, and regarding also the other precedents which have been established. Many representatives of deceased officers receive $50 a month, some $100; the widows of former Presidents of the United States receive $5,000 a year, and proceeding upon the theory that Congress would be willing to grant a pension in this case according to the services which were rendered by General Thomas, I could not put the sum at less than $2,000 per annum.

The name of General Thomas is illustrious. No general during our war rendered greater service. There was none more able than he. He was an ideal soldier, modest, brave, and unflinching in the line of duty. He came as near illustrating the perfection of his race as any man who ever lived. All who knew him regarded him as a model soldier and a model man. There is no question that he and his command saved from disaster the Union Army in two great battles. His splendid battle of Nashville, one of the last victories of the war, will be studied as a model by the students of military science as long as war lasts upon the earth.

I do not wish to prolong the discussion, but I hope the Senate will vote down the amendment put upon the bill by the Committee on Pensions.

The PRESIDING OFFICER. The roll-call will proceed on the question of agreeing to the amendment of the Committee on Pensions, which proposes to reduce the sum from $2,000 per annum to $100 per month.

Mr. CULLOM. I hope the amendment will be voted down.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON].

Mr. HARRISON (when his name was called). I am paired with the senior Senator from Louisiana [Mr. JONAS]. I shall withhold my vote for the present. I do not know how he would vote. I should vote "nay" if the Senator from Louisiana were present.

The roll-call having been concluded, the result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Bayard,	Fair,	Jackson,	Van Wyck,
Beck,	Garland,	Maxey,	Wilson.
Cockrell,	George,	Mitchell,	
Coke,	Hampton,	Platt,	
Colquitt,	Harris,	Slater,	

NAYS—27.

Aldrich,	Conger,	Lapham,	Plumb,
Allison,	Cullom,	McMillan,	Riddleberger,
Blair,	Dawes,	Manderson,	Sabin,
Bowen,	Edmunds,	Miller of Cal.,	Sawyer,
Call,	Hawley,	Miller of N. Y.,	Sherman,
Cameron of Pa.,	Hoar,	Morrill,	Voorhees.
Chace,	Ingalls,	Palmer,	

ABSENT—32.

Brown,	Gorman,	Kenna,	Pugh,
Butler,	Groome,	Lamar,	Ransom,
Camden,	Hale,	Logan,	Saulsbury,
Cameron of Wis.,	Harrison,	McPherson,	Sewell,
Dolph,	Hill,	Mahone,	Vance,
Farley,	Jonas,	Morgan,	Vest,
Frye,	Jones of Florida,	Pendleton,	Walker,
Gibson,	Jones of Nevada,	Pike,	Williams.

So the amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. D. WASHBURN of Minnesota, Mr. E. W. SEYMOUR of Connecticut, and Mr. S. R. PETERS of Kansas managers at the conference on its part.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa; and

A bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College of Saint Louis, Mo.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position; and it was thereupon signed by the President *pro tempore*.

COUNT OF THE ELECTORAL VOTE.

The PRESIDENT *pro tempore*. The Chair, pursuant to the authority of the Senate given this morning, appoints as tellers on the part of the Senate to count the electoral vote on Wednesday next the Senator from Massachusetts, Mr. HOAR, and the Senator from Ohio, Mr. PENDLETON.

JAMES BOND.

The bill (S. 1633) granting a pension to James Bond was announced as the next pension bill in order upon the Calendar.

Mr. COCKRELL. Let the report be read.

Mr. JACKSON. The reports in that case have not yet come in from the printing office. The bill was reported yesterday. I have sent to the document-room and have been informed that the majority and minority reports have not yet come in.

The PRESIDING OFFICER. Does the Senator desire the bill to go over?

Mr. JACKSON. Yes; it will have to go over, because it is a matter of contest.

The PRESIDING OFFICER. The next pension case on the Calendar will be announced.

MRS. CHARLOTTE HACKETT.

The bill (S. 1416) granting a pension to Mrs. Charlotte Hackett was considered as in Committee of the Whole. It proposes to place the name of Charlotte Hackett, mother of Samuel F. Hackett, late a private in Company E, Second Regiment Wisconsin Volunteers, on the pension-roll.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MRS. SARAH S. SAMPSON.

The bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Mrs. Sarah S. Sampson, an Army nurse, widow of Lieut. Col. Charles A. L. Sampson, late of the Maine Infantry Volunteers, at the rate of $25 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE A. MARSHALL.

The bill (H. R. 3527) granting a pension to George A. Marshall was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of George A. Marshall, who in the war with Mexico was a member of Company C, Fourth Regiment Kentucky Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA H. SARGENT.

The bill (H. R. 6956) granting a pension to Maria H. Sargent was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Maria H. Sargent, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM LOCKHART.

The bill (S. 357) granting a pension to William Lockhart was con-

sidered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Lockhart, late a soldier in the Black Hawk war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HUGH DOUGHERTY.

The bill (H. R. 2140) for the relief of Hugh Dougherty was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Hugh Dougherty, late first lieutenant of Company K, Thirteenth Regiment Kansas Infantry.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RUTH STRATTON.

The bill (H. R. 5923) granting a pension to Ruth Stratton was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ruth Stratton, of Henry County, Indiana, as the dependent mother of Albert Stratton, deceased, who was late a private in Company F of the Eighty-fourth Regiment of Indiana Volunteers.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLARINDA HUNT.

The bill (S. 1804) granting a pension to Clarinda Hunt was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, to strike out "1868" and insert "1865;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Clarinda Hunt, the foster-mother of Edwin W. Hunt, deceased, who enlisted in the United States Navy September 15, 1864, and was discharged September 1, 1865, for disability, from which he never recovered.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE A. WASHBURN.

The bill (S. 1803) granting an increase of pension to George A. Washburn was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 5, before the word "regiment," to strike out "seventeenth" and insert "sixteenth;" and in line 7, before the word "dollars," to strike out "fifty" and insert "forty-five;" so as to make the bill read:

That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of George A. Washburn, late major of the Sixteenth Regiment Connecticut Volunteers, and brevet brigadier-general, to $45 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SARAH B. JACKSON—RATES OF PENSION.

The bill (H. R. 5800) for the relief of Sarah B. Jackson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Sarah B. Jackson, widow of William B. Jackson, late of Company A, Ninety-first Regiment New York Volunteers.

Mr. VAN WYCK. I move to amend the bill by adding a new section, as follows:

SEC. 2. That all widows or minor children of soldiers and sailors who, as such, are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States and in line of duty, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws, shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. VAN WYCK. Mr. President, that is precisely the same language which the Senate incorporated in the Mexican pension bill, as it is called. The majority of the Senate no doubt felt then as now that if there was any general legislation to be had it should be to increase the meager compensation given to the widows of soldiers who had fallen upon the field of battle. I have felt it my duty to call the attention of the Senate to the matter by way of amendment to this bill. It is proposed to a House bill. If the Senate adopts it and places it upon the bill and the House refuses to concur, then we can readily consent that the Senate shall recede from its amendment so as not to imperil the bill for the relief of the person now seeking this pension. I am anxious, inasmuch as there is no possibility of legislation on this branch of the question unless it be done in this way, that the Senate should at least seek this opportunity to do this act of justice.

Mr. MITCHELL. I should like to ask the Senator from Nebraska whether his amendment covers the case of dependent parents?

Mr. VAN WYCK. No. There is also another provision which should be put in, and the Senator from Pennsylvania is desirous in regard to it. I should have incorporated that in the amendment except that I feared some Senator might think we were proposing to do too much. If the Senate will adopt my amendment then I would suggest to the Senator from Pennsylvania that we take the sense of the Senate upon an amendment giving to dependent parents an increase of pension.

Mr. BLAIR. Of course it is a very difficult thing for a friend of the soldiery of the country, disabled or suffering from their services, to oppose an amendment of this kind; but the Senator from Nebraska must on reflection see that attaching the amendment to the bill in the first place imperils somewhat the passage of this poor woman's application; and also that inevitably it is the defeat of the Mexican pension bill itself.

If this bill should be amended and returned to the House of Representatives and the amendment there concurred in, the man must be less astute than I think the Senator from Nebraska is, especially when he brings his faculties to bear upon a subject, who does not perceive that the other bill with its numerous and exceedingly important provisions for the relief of others who have suffered on account of service to their country will be entirely passed by. I had hoped that the fight might be fairly and clearly in the other branch of Congress upon the passage of that bill giving general and almost universal relief to all those who have deserved well of their country from the Mexican war to the present time. We know very well that there is no inclination to pass that bill in some quarters, and that there may be an inclination, if some slight excuse can be availed of, to defeat the bill and fall back upon a comparatively unimportant provision enacted into law.

Mr. VAN WYCK. Mr. President——

The PRESIDING OFFICER. The Senator from Nebraska has once spoken.

Mr. VAN WYCK. I failed in all the suggestions of the Senator from New Hampshire to see——

The PRESIDING OFFICER. The Senator has already spoken once on the bill.

Mr. ALLISON. Can I be recognized and yield to the Senator from Nebraska?

The PRESIDING OFFICER. No, sir.

Mr. VAN WYCK. Is another amendment in order?

The PRESIDING OFFICER. An amendment to the amendment will be in order, or the Senator may proceed by unanimous consent.

Mr. VAN WYCK. I propose to amend the amendment by making the amount $13 instead of $12 per month.

The PRESIDING OFFICER. The Chief Clerk will report the amendment to the amendment.

The CHIEF CLERK. In line 7 of the amendment it is proposed to strike out "12" and insert "13," so as to read "$13 per month."

Mr. VAN WYCK. I failed to see any force in the suggestion of the Senator from New Hampshire that we should place the Mexican pension bill in peril by agreeing to the amendment I propose. It is in peril to-day, and it is defeated substantially. The only question is whether we should attempt to do something which I think both branches of the American Congress desire and which the nation universally desires, to increase the pensions of those whose pensions are far below what they should be in the estimation of the nation. The Mexican pension bill stands defeated, and as far as the veteran of the Mexican war is concerned the bill is defeated by the action of the Senate. The Senate were so unwilling that that measure should stand upon its own merits that they placed amendments upon it which they believed to be just and right. The only practical question which we are to meet to-day in regard to pensions is whether we shall do this act of stern justice, or refuse to do it and do nothing in the direction which my friend, the Senator from New Hampshire, desires.

Neither the Mexican soldier nor the other classes who were considered in the amendments of that bill will receive any consideration at the hands of this Congress before the 4th day of March. We can now save something for the most needy of all these classes, and that is the widows who are receiving only $8 a month, and I suggest to my friend that it puts nothing in peril, not even this bill. If we place this amendment on the bill and the House refuse to concur, then I shall be willing that the Senate recede from our amendment. We shall have done all in our power; we shall have satisfied the nation that we are disposed to do justice to those who are receiving least from its bounty and generosity. We can come in here specially and give the widows of some admirals and generals $50 a month, and of others $2,000 a year. That imperils nothing; but when we resolve to take out of the difficulty in which they are placed that class which, of all others, is entitled to relief, we are told we should pause a moment to give the subject consideration; and when a remedy is within our reach, as it is now, to save them and do them justice, it will be no answer, and my friend from New Hampshire can not answer the widows in New Hampshire, and New England, and the United States, who are receiving this pittance, by saying that it is sought to do something else, and he fears this would put something else in peril. If he sees fit to embrace the opportunity I trust he will do it now and here.

Mr. BLAIR. I ask unanimous consent, as I have spoken once on this amendment, to be permitted to speak again.

The PRESIDING OFFICER. No; the Senator is in order in speaking five minutes on the amendment to the amendment.

Mr. BLAIR. The distinction between "twelve" and "thirteen" is, of course, entirely unimportant. The Senator assumed that the Mexican pension bill was dead when he made his motion. Sir, that was a violent assumption, and, as I believe, an untrue assumption, however honest he may have been in making it. The Mexican pension bill now is dead, and dead by virtue of the offering of this amendment, in which I shall now concur.

Mr. MORRILL. I shall vote against this amendment, because it is not germane to the bill. It is general legislation upon a private bill, and any one who is acquainted with the proceedings of the two Houses will see at once that it is a measure that will be lost if sent to the other House in this form, not acted upon, and this poor woman, if she is entitled to a pension, will lose it, at any rate for the present session.

Mr. SHERMAN. I wish to ask the Chair a parliamentary question. Suppose we attach this amendment to the bill and the House fails to take action upon it at all, could the Senate recede without having possession of the bill before it?

The PRESIDING OFFICER. The Chair would think, on casual reflection, that the Senate could not.

Mr. SHERMAN. There is the difficulty I have.

Mr. VAN WYCK. Let me suggest that it would be competent for the Senate then to recall the bill from the House and strike off its own amendment.

Mr. SHERMAN. I suppose that course could be pursued. I should vote for this amendment with great pleasure, if that could be done. I think the request ought to be granted, and if the Senator will see to it that this lady is not affected injuriously by this amendment I shall vote for it, but I shall hold him responsible for the recall of the bill in time to secure its passage.

Mr. VAN WYCK. I will say that I intended to put this amendment on the last bill on the Calendar, but the chairman of the committee suggested that was for the case of an exceedingly old lady, and then I had better take the first opportunity, and so I offered it on this bill. I will with pleasure accept the suggestion of the Senator from Ohio, and see to it that if the amended bill is not acted on the bill shall be recalled and the amendment receded from.

Mr. HOAR. It may be better to put it on some bill that the Senator knows will be acted on.

Mr. VAN WYCK. I think there will be no difficulty in accomplishing what we desire.

The PRESIDING OFFICER. Does the Senator from Nebraska insist on his amendment to the amendment?

Mr. VAN WYCK. I withdraw that.

The PRESIDING OFFICER. The amendment to the amendment is withdrawn. The question recurs on the amendment proposed by the Senator from Nebraska.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. HARRIS. I ask for a division on the question of concurring in the amendment.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. CALL. Let it be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. It is proposed to add to the bill:

SEC. —. That all widows or minor children of soldiers and sailors who as such are now receiving, under existing laws, general or special, the sum of $8 per month, by reason of the death of such soldiers and sailors in service or from a disability contracted in the military or naval service of the United States and in line of duty, shall, from and after this date, be entitled to and receive the rate of $12 per month in lieu of said rate of $8; and all such widows or minor children who shall hereafter be found to be entitled to the rate of $8 per month under existing laws shall be entitled to and receive the rate of $12 in lieu of said rate of $8.

Mr. SHERMAN. I think we had better have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired with the Senator from Louisiana [Mr. JONAS]. If he were here, I should vote "yea" on this amendment.

The roll-call was concluded.

Mr. FRYE. I am paired with the junior Senator from Louisiana [Mr. GIBSON].

The result was announced—yeas 37, nays 12; as follows:

YEAS—37.

Aldrich,	Dolph,	Lapham,	Sabin,
Allison,	Garland,	McMillan,	Sawyer,
Blair,	Hale,	Mahone,	Sherman,
Bowen,	Hampton,	Manderson,	Slater,
Call,	Hawley,	Miller of Cal.,	Van Wyck,
Cameron of Pa.,	Hill,	Miller of N. Y.,	Voorhees,
Cameron of Wis.,	Hoar,	Mitchell,	Wilson.
Conger,	Ingalls,	Palmer,	
Cullom,	Jackson,	Platt,	
Dawes,	Jones of Nevada,	Plumb,	

NAYS—12.

Bayard,	Cockrell,	Harris,	Riddleberger,
Beck,	Coke,	Maxey,	Saulsbury,
Chace,	Fair,	Morgan,	Vest.

ABSENT—27.

Brown,	George,	Kenna,	Pugh,
Butler,	Gibson,	Lamar,	Ransom,
Camden,	Gorman,	Logan,	Sewell,
Colquitt,	Groome,	McPherson,	Vance,
Edmunds,	Harrison,	Morrill,	Walker,
Farley,	Jonas,	Pendleton,	Williams.
Frye,	Jones of Florida,	Pike,	

So the amendment was concurred in.

Mr. MITCHELL. I offer an amendment which I send to the desk.

The CHIEF CLERK. It is proposed to add to the bill the following:

SEC. —. That in considering the claims of dependent parents the fact and cause of death and the fact that the soldier left no widow or minor children having been shown as required by law, it shall be necessary only to show by competent and sufficient evidence that such dependent parent is without other present means of comfortable support than his or her own manual labor, or the contributions of others not legally bound for his or her support; and such as may be found to be entitled to $8 a month under existing laws shall receive in lieu thereof $12 a month from the date of this act.

SEC. —. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

SEC. —. That no person shall be entitled to more than one pension at the same time under any or all laws of the United States, whether such pension shall have been already obtained or shall be hereafter obtained, unless the act under which such pension is claimed shall specially so declare.

Mr. MITCHELL. The amendment proposed applies the same rule to dependent parents which the amendment already adopted applies to widows. I think the reasons in the one case are as strong as in the other. It also adopts the rule in relation to presumption of soundness at the time of muster into service, and retains the last section of the so-called Mexican pension bill which was intended to prevent the payment of double pensions. There seems to be some doubt in the law as it now exists on that point. It simply covers those three things.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania. [Putting the question.] The noes appear to have it.

Mr. MITCHELL called for the yeas and nays; and they were ordered.

Mr. SLATER. I trust that amendment will not be attached to the bill. It will endanger the more important and more necessary amendment we have just adopted. It is this method by which we find ourselves losing measures on which the two Houses can not agree. This amendment, I am satisfied, will prevent all legislation on this subject. Let us at one time offer legislation for the widows and at another time for the others.

The yeas and nays were taken.

Mr. CAMERON, of Wisconsin. I wish to state that the Senator from North Carolina [Mr. VANCE] is paired for this afternoon with the Senator from New Hampshire [Mr. PIKE].

Mr. SHERMAN. I have been requested to announce the pair of the Senator from Indiana [Mr. HARRISON] and the Senator from Louisiana [Mr. JONAS].

The result was announced—yeas 31, nays 17; as follows:

YEAS—31.

Aldrich,	Dawes,	McMillan,	Platt,
Allison,	Dolph,	Mahone,	Plumb,
Blair,	Hale,	Manderson,	Sabin,
Bowen,	Hawley,	Miller of Cal.,	Sawyer,
Cameron of Pa.,	Hill,	Miller of N. Y.,	Sherman,
Cameron of Wis.,	Ingalls,	Mitchell,	Van Wyck,
Conger,	Jones of Nevada,	Morrill,	Wilson.
Cullom,	Lapham,	Palmer,	

NAY—17.

Bayard,	Colquitt,	Jackson,	Slater,
Beck,	Fair,	Maxey,	Vest.
Call,	Garland,	Morgan,	
Cockrell,	Hampton,	Riddleberger,	
Coke,	Harris,	Saulsbury,	

ABSENT—28.

Brown,	George,	Jones of Florida,	Pugh,
Butler,	Gibson,	Kenna,	Ransom,
Camden,	Gorman,	Lamar,	Sewell,
Chace,	Groome,	Logan,	Vance,
Edmunds,	Harrison,	McPherson,	Voorhees,
Farley,	Hoar,	Pendleton,	Walker,
Frye,	Jonas,	Pike,	Williams.

So the amendment was agreed to.

Mr. BLAIR. I move, as an additional amendment to this bill, the section I send to the desk.

The Chief Clerk read as follows:

SEC. —. That every person who served in the military or naval service for the period of three months during the war of the rebellion, and has an honorable discharge therefrom, and who is or who shall become disabled from any cause not the result of his own gross carelessness, disreputable conduct, or vicious habits, and shall also be dependent upon his own labor for support, shall, upon making due proof of the facts, under such regulations as may be prescribed by the proper authority, be placed upon the list of pensioners of the United States, and be entitled to receive a pension during the continuance of such disability at a rate proportionate to the degree thereof; and such pension shall commence at the date of filing an application therefor. The highest rate of pension granted under this section, which shall be for total incapacity to perform any manual labor, shall be $24, which is hereby made divisible upon that basis for any less degree of disability: *Provided*, That no person entitled to or receiving an invalid pension under existing laws, or such as may be hereafter enacted, granting pensions for disabilities contracted in the military or naval service of the United States, and in line of duty, greater than that provided for herein, shall receive the benefits of this act; but any applicant for such invalid pension having an application therefor pending, or who shall hereafter file his application

for such pension, may, by a declaration over his own signature, at any time, elect to prosecute his said claim under this act or under the general laws, and his pension, when allowed, if prosecuted under this act, shall commence from the date of such election.

Mr. BLAIR. This section is also taken from the Mexican pension bill. The three sections which were last adopted as an amendment to this bill and the section adopted on the motion of the Senator from Nebraska comprise classes embraced also in the Mexican pension bill, whose right to assistance from the Government arises from the service rendered during the war of the rebellion. This section which I now move as an amendment is the principal section of the Mexican pension bill, applying to the soldiers of the late war. It has passed the ordeal of discussion in the Senate; it has been adopted by the Senate, and if these other clauses which have been taken out of the Mexican bill are to be added to this bill, in all justice this section also should be adopted as an amendment to it.

Mr. RIDDLEBERGER. I wish to ask the Senator from New Hampshire whether to pass the amendments which have been proposed to this bill will not amount to about this, that it pensions all those who are provided for in the Mexican pension bill except those who served in the war with Mexico. That is the way it looks to me.

Mr. BLAIR. That is very likely so; but if this private bill which we are passing is to be made to carry as it already does three or four classes which are provided for in the Mexican pension bill, there is no justice whatever in leaving out the by far larger and certainly as meritorious class—that is to say, the soldiers themselves—provided for by that bill, who served in the late war.

Mr. MITCHELL. I presented the amendment which the Senate has adopted because I regard the questions it involved as practically undisputed. The amendment proposed by the Senator from New Hampshire is one which I understand has led to the difficulty experienced in the two Houses on the subject, and I am inclined to think that its adoption would defeat this bill. I have great hopes that the amendments already adopted may become a law and this bill be passed as it now stands. The amendment proposed by the Senator from New Hampshire if adopted will raise almost precisely the same question that is now in dispute in the other House. I shall myself vote against it.

Mr. BLAIR. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire has once spoken.

Mr. BLAIR. I was proposing to ask the Senator from Pennsylvania a question before he takes his seat. I ask the Senator from Pennsylvania if the class provided by this section is not made up exclusively of the soldiers of the late war of the rebellion, and if in his belief it is not as just and as necessary that they should be provided for as the other class to which he has alluded.

Mr. MITCHELL. Yes. Mr. President, the amendment covers precisely what the Senator from New Hampshire suggests; but it ingrafts upon the statutes of the country a new principle in pension legislation, one about which there has been great difference of opinion and much dispute; and on that account I think it would be likely to lead to the defeat of the bill.

Mr. BLAIR. One question more. Let me ask the chairman of the committee if his own amendment adding the class that has just been added by the Senate, dependent parents or those who are disabled from any cause whatever provided they were parents, does not introduce the same new principle which, in the section I move as an amendment, we undertake to apply to all soldiers?

Mr. MITCHELL. No; it does not at all. It simply increases the rate of pension allowed dependent parents and changes the time in reference to the proof of dependence, and on that I have learned that there is no difference of opinion even in the other House.

Mr. BLAIR. I do not understand this matter as the chairman states it.

Mr. VAN WYCK. Only a word, Mr. President. I concur with the statement made by the chairman of the committee, the Senator from Pennsylvania. The idea which impelled me, as him, was that these matters which were really undisputed might have an opportunity to receive the concurrence of both branches and therefore become law. The disabled soldier of the war to-day receives a pension. The new principle to which I accord my judgment, as well as the Senator from New Hampshire, is that every soldier who served a certain length of time during the war should be pensioned. I say to my friend as substantially the Senator from Pennsylvania has said, that the danger is that that will imperil here the establishment of that which we all desire for a class placed on the Mexican pension bill by the Senate, soldiers who can not receive relief under the present law. That class of soldiers, I say to my friend, I believe in New Hampshire and throughout the Union ask to have their claim deferred until the next session of Congress, when there will be time to consider it, rather than that the claim of the widows and dependent parents should be put in peril or altogether rejected.

Mr. BLAIR. Time will tell about those things.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BLAIR. I suggest that the title be amended to read:

A bill for the relief of Sarah B. Jackson, and for other purposes.

Mr. HAWLEY. Can that title not be amended so as to give some sort of indication of what is in the bill? It gives no indication whatever. It contains very important legislation just now.

Mr. SHERMAN. Add "and to increase certain classes of pensions."

The PRESIDING OFFICER. The Chair will receive any proposition to amend the title that may be submitted.

Mr. HAWLEY. I move to amend by adding to the title the words suggested by the Senator from Ohio:

And to increase pensions in certain cases.

The PRESIDING OFFICER. If there be no objection, the title will stand as about to be reported by the Chief Clerk.

The CHIEF CLERK. The title as proposed to be amended will read:

A bill for the relief of Sarah B. Jackson, and to increase pensions in certain cases.

Mr. MITCHELL. And add to that "and for other purposes." There is another purpose in it.

The PRESIDING OFFICER. Does the Senator from Pennsylvania propose an addition to the title?

Mr. MITCHELL. I would suggest a different amendment than that which has been suggested.

The PRESIDING OFFICER. The title will stand as last reported by the Chief Clerk, unless some proposition to amend is made. It will again be read.

The CHIEF CLERK. "A bill for the relief of Sarah B. Jackson, and to increase pensions in certain cases.

Mr. MITCHELL. I move to strike out the word "and" in the title, and add at the end the words "and for other purposes."

The PRESIDING OFFICER. The title will be reported in accordance with the suggestion of the Senator from Pennsylvania.

The CHIEF CLERK. "A bill for the relief of Sarah B. Jackson, to increase pensions in certain cases, and for other purposes."

The PRESIDING OFFICER. Is there objection? If not, the title will stand as last reported.

WILLIAM HARBESON.

The bill (H. R. 4248) granting a pension to William Harbeson was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of William Harbeson, of Reading, Pa., late a private in Company G, Sixth Pennsylvania Cavalry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ALBERT D. SIMMONS.

The bill (H. R. 7295) granting a pension to Albert D. Simmons was considered as in Committee of the Whole. It proposes to put the name of Albert D. Simmons, late a private in Company E, One hundred and ninetieth Regiment Pennsylvania Volunteers, on the pension-roll.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ANN J. WILLIAMS.

The bill (H. R. 6934) granting a pension to Ann J. Williams was considered as in Committee of the Whole. It proposes to place on the pension-roll the name of Ann J. Williams, mother of Ebenezer Williams, late a private in Company A, First Regiment of Nevada Volunteer Infantry.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PENSION BILLS.

Mr. PLUMB. If the pension bills have been disposed of, I move that the Senate proceed to the consideration of the bill (H. R. 8039) making appropriations to provide for the expenses of the Government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDING OFFICER. Will the Senator pardon the Chair one moment? The Chair would state that two pension bills were temporarily passed over on the calling of the Calendar, in which reports of the minority had been made, but which were not adversely reported. The Chair awaits the pleasure of the Senate to ascertain whether those bills shall now be considered or whether they shall go over.

Mr. JACKSON. I suggest that they go over.

Mr. MITCHELL. They were within the order, not being reported adversely, but objections were made by the minority.

Mr. COCKRELL. The reports have not come in yet, and the bills can not now be discussed intelligently. I suggest therefore that they go over.

Mr. MITCHELL. The Senator from Illinois [Mr. CULLOM], who is interested specially in these cases and who reported them, I believe, is willing they should go over for the present.

The PRESIDING OFFICER. The two bills will go over.

Mr. MITCHELL. Retaining their places on the Calendar?

The PRESIDING OFFICER. Retaining their places on the Calendar.

Mr. CULLOM. The reports are not in, I believe.

The PRESIDING OFFICER. That being the order, the pension cases are concluded.

CREDENTIALS.

Mr. JONES, of Florida, presented the credentials of WILKINSON CALL, chosen by the Legislature of Florida a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, submitted a report to accompany the bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406, of the city of Washington, for the enlargement of the Post-Office Department building, and to provide accommodations for the city post-office, reported by him from that committee on the 5th instant.

INTERNATIONAL LONGITUDE CONFERENCE.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported the following concurrent resolution, and submitted a report thereon:

Resolved by the Senate of the United States (the House of Representatives concurring), That the President be authorized and requested to communicate to the governments of all nations in diplomatic relations with the United States the resolutions adopted by the international conference held at Washington, in October, 1884, for the purpose of fixing a prime meridian and a universal day, and to invite their accession to the same.

Mr. SHERMAN. That ought to be a joint resolution.

Mr. MILLER, of California. No; a concurrent resolution.

Mr. SHERMAN. There ought to be a title to it certainly.

Mr. MILLER, of California. Very well; I can have a title prefixed. I ask that it be printed, and I give notice that I shall call it up on Monday.

The resolution was ordered to lie on the table and be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1856) granting a pension to Caroline Higgerson;

A bill (H. R. 1901) for the relief of Harrison Mitchell, late of Company K, Forty-eighth Indiana Volunteers;

A bill (H. R. 2804) for the relief of Cynthia Martin and Catharine Stover;

A bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese;

A bill (H. R. 4869) for the relief of Morris Geld;

A bill (H. R. 5086) for the relief of Elizabeth W. Creighton;

A bill (H. R. 6029) for the relief of Jeremiah McCarty;

A bill (H. R. 6177) for the relief of Charles W. Green;

A bill (H. R. 6310) granting a pension to Benjamin P. Lowell;

A bill (H. R. 7170) for the relief of Frederick Hutten;

A bill (H. R. 7292) to increase the pension of Jacob Wiener;

A bill (H. R. 7334) granting a pension to Judson Bostwick;

A bill (H. R. 7434) granting a pension to Sylvester Greenough;

A bill (H. R. 7447) granting a pension to Sebert Toney;

A bill (H. R. 7538) granting an increase of pension to Mary F. Blake;

A bill (H. R. 7573) granting a pension to David McKinney;

A bill (H. R. 7618) granting a pension to Harry H. G. Kislingbury, Walter F. Kislingbury, Wheeler Schofield Kislingbury, and Douglas E. L. Kislingbury, respectively, children of the late Frederick F. Kislingbury, a lieutenant in the Eleventh Regiment United States Infantry;

A bill (H. R. 7696) granting a pension to Thomas D. Fitch;

A bill (H. R. 7735) for the relief of Henry A. Huggins;

A bill (H. R. 7903) granting a pension to Daniel B. Randall;

A bill (H. R. 7933) granting a pension to Henry Biederbick;

A bill (H. R. 7938) granting a pension to Amanda Allen;

A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; and

A bill (H. R. 7997) to increase the pension of Mary E. Fillebrown.

PROTECTION OF CHILDREN.

Mr. RIDDLEBERGER. I beg leave to make a report from the second conference committee of the two Houses on the bill for the protection of children in the District of Columbia. The bill has been returned from the House to-day. There is a correction of a clerical error made by this report.

The report was received and read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the Senate No. 729, for the protection of children in the District of Columbia, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

1. In line 20, page 1, of the bill, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight," so that the clause will read "in their presence or sight;" and the House agree to the same.

2. In line 27, page 2, of the bill, that in lieu of the word "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
Managers on the part of the Senate.

WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.

The report was concurred in.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I now move that the Senate proceed to the consideration of the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

Mr. PLUMB. I move that the bill be read for amendment.

The PRESIDING OFFICER. That order will be taken if there be no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was in the item of appropriation "for salaries and contingent expenses," after the word "dollars," in line 24, to strike out the following words:

And the accounting officers of the Treasury are authorized and directed to adjust and settle equitably the accounts of the late commissioners, allowing such of the same as are manifestly just and proper.

And in lieu thereof to insert:

And the accounting officers of the Treasury are authorized and directed to credit the accounts of the ex-commissioners of the District of Columbia accruing since 1876 with all such disbursements and expenditures, made in good faith, heretofore disallowed in the settlement of the same, wherein it shall satisfactorily appear that the money was paid for goods sold and delivered, work and labor done, materials furnished, or services rendered to the District in accordance with contracts and agreements made in good faith on behalf of the District, and also to adjust and settle equitably said accounts, allowing such of the same as are manifestly just and proper.

Mr. PLUMB. In line 31 of the amendment reported by the committee, after the word "seventy," I move to strike out the word "six" and insert "eight;" so as to read "accruing since 1878" in place of "1876."

The PRESIDING OFFICER (Mr. GARLAND in the chair). The question is on the amendment of the Senator from Kansas to the amendment of the Committee on Appropriations.

Mr. PLUMB. The clause inserted by the House is relative to the adjustment of the accounts of the citizen commissioners whose terms have expired, Messrs. Morgan and Dent, and of the engineer commissioner, Major Twining, who some two years ago died. The Comptroller of the Treasury suspended items of account against them amounting to about $20,000, covering various expenditures for municipal purposes which they had made and which he decided were not within the purview of the acts making the appropriations.

They had allowed expenses of a certain character on the supposition that they had the ordinary municipal authority or discretion over the control of funds committed to them for expenditure. I will name a few of the principal items. One of them is $2,500 paid for interest on what is called the Linthicum loan—a loan of money due by the District. One thousand dollars was paid as the expenses of the National Firemen's Convention, held in the city of Washington. Certain sums were also paid as expenses to the chief of the fire department for examining into the fire-department systems of other cities. They used the contingent fund given to them to employ clerks to do certain necessary work about the District offices. The commissioners expended all of this money, but the Comptroller held that they had no authority to employ money in this way, inasmuch as all the clerks the law intended they should have had been specifically provided for; and so as to other items.

Among other items there was an item for subsistence furnished to the Reform School. In contracting for the supplies of the Washington Asylum the commissioners found that it was better to contract for a large quantity than for a small quantity, and they made a contract in behalf of the Washington Asylum for a large quantity of supplies which they proposed to transfer and did in fact transfer to the Reform School. The Comptroller held that they could not be paid for out of the appropriations for the Reform School, notwithstanding the supplies had gone there, because they had gone under a contract made for the Washington Asylum.

The Senator from Missouri [Mr. COCKRELL] and the Senator from Massachusetts [Mr. DAWES] and myself have for the last year during the time we have been associated together as members of the subcommittee of the Committee on Appropriations, having charge of this matter, examined thoroughly these accounts and the cause of their suspension, and arrived last year at the conclusion that the suspension ought to be removed, that the suspension was technical, that the District had had value received for all the expenditures, and that there was nothing in them to subject any of the commissioners to any charge of impropriety or lack of reasonable and proper vigilance. The clause as it came from the House, according to the view of the Comptroller, is not sufficient to accomplish the purpose had in view, and therefore the committee has reported a substitute for it.

Mr. MORGAN. Will the Senator explain why it is that he now proposes to change the date from 1876 to 1878?

Mr. PLUMB. Simply to cover the terms of the commissioners whom we have in view. The date 1876 was fixed by mistake. Eighteen hundred and seventy-eight covers the term of Messrs. Dent and Morgan, the civilian commissioners, and Mr. Twining, engineer commissioner.

Mr. MORGAN. Are there any previous commissioners whose case is the same?

Mr. PLUMB. Not that the committee is aware of. They have not been brought to our attention.

Mr. MORGAN. It seems to me to be a case of legislation on an appropriation bill.

The amendment to the amendment was agreed to.

Mr. PLUMB. I move to amend the amendment in line 38 by striking out the words "such of the same as are manifestly just and proper" and inserting "all payments made for expenses incurred in good faith for the benefit of the District." That is the suggestion of the Comptroller of the Treasury as to the form of language necessary to accomplish the object.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations "for engineer's office," in line 129, after the word "animals," to insert "care of same;" and after the word "items," in line 130, to insert "and services, in all not to exceed;" so as to read:

Contingent expenses, including rent of property-yards, books, stationery, binding and preservation of records in the engineer's and surveyor's offices, printing, transportation (vehicles, animals, care of same, saddlery, forage and repairs), and other necessary items and services, in all not to exceed $5,000.

The amendment was agreed to.

The next amendment was, in line 131, after the word "for," to strike out "contingent" and insert "necessary;" so as to read:

For necessary expenses of office of inspector of gas and meters, for maintaining and keeping in good order and repair the laboratory and apparatus, $800.

The amendment was agreed to.

The next amendment was, after the word "That," in line 135, to strike out "hereafter;" so as to read:

Provided, That overseers or inspectors temporarily required in connection with sewer, street, or road work, or the construction or repair of buildings, done under contracts authorized by appropriations, shall be paid out of the sums appropriated for the work, and for the time actually engaged thereon.

The amendment was agreed to.

The next amendment was, after the word "annual," in line 142, to strike out "reports" and insert "report;" so as to read:

And the commissioners of the District, in their annual report to Congress, shall report the number of such overseers and inspectors, and their work, and the sums paid to each, and out of what appropriation.

The amendment was agreed to.

The next amendment was, in line 146, after the words "shall be," to strike out "public records" and insert "a part of the public property of the District of Columbia;" so as to make the proviso read:

Provided further, That the records of the surveyor of the District of Columbia shall be a part of the public property of the District of Columbia.

The amendment was agreed to.

The next amendment was, in the appropriations for "improvements and repairs, and for care and repair of bridges," after the word "dollars," in line 172, to insert:

Provided, That all moneys legally retained from contractors shall be invested and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury, to the credit of the United States and of the District of Columbia in equal parts.

Mr. PLUMB. I move to amend that by inserting in line 173, after the word "moneys," the words "shall have been or may hereafter be."

The amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

Mr. SHERMAN. The amendment just now read, it seems to me, is a very unjust provision to contractors, and an unjust discrimination against small contractors. Has that been acted on?

Mr. PLUMB. It has been acted on.

Mr. SHERMAN. I call attention to it. It begins in line 172 and runs to line 178.

The PRESIDING OFFICER. Does the Senator wish it acted on again?

Mr. SHERMAN. I should like to have it reconsidered.

The PRESIDING OFFICER. If there be no objection the vote by which the amendment was adopted will be regarded as reconsidered. The Chair hears no objection, and the question is on the amendment.

Mr. SHERMAN. I wish to know the object of this proviso. It seems to me to be a very unjust provision to contractors.

Mr. PLUMB. If the Senator is willing I will state the purpose of the amendment.

Mr. SHERMAN. I will hear the Senator, subject to the point of order, but I do not want to raise it if I can avoid it.

Mr. PLUMB. In that portion of the organic law of the District of Columbia which provides for the letting of contracts for the laying of pavements, &c., it is provided:

And that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts; and 10 per cent. of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per cent. shall be invested in registered bonds of the United States or of the District of Columbia, and the interest thereon paid to said contractors.

This difficulty has arisen in a case in which four or five years ago a purchase of bonds was made out of the 10 per cent. retained from a paving contract and the contractors had meanwhile kept up the repairs. A question arose as to whether the contractors or the Government were entitled to the profit which had been realized by reason of the investment in bonds, the bonds in the mean time having appreciated in value. The Treasury Department held that the Government was entitled to the profit, but suggested a suit to determine the question. Thereupon a suit was brought. The statement I make now is that made to the committee by the commissioners of the District of Columbia. Suit was brought, and three of the judges of the supreme court of the District of Columbia said on the hearing that they had no doubt the Government was entitled to the profit and not the contractors, because in the event that the bonds had declined the contractors would have been fairly entitled to have received the money value of the 10 per cent. retained, and could not have been required to take the bonds which had a less value than the reserved 10 per cent. But before the decision was formally rendered the contractors dismissed the suit and brought the matter again before the Treasury Department, where, after going through all the forms and before all the officers before whom it could be brought, including the Secretary of the Treasury, a similar decision was reached. Thereupon the Treasurer, who was then the custodian of the bonds, paid to the contractors the 10 per cent. which had been retained and covered the balance into the Treasury to the credit of the United States. At the same time the Treasurer made the discovery, or claimed to have made the discovery, that the law did not require him to remain as the custodian of these bonds, and he therefore compelled the commissioners themselves to take the bonds, which they did, and rented a box in the safe-deposit company, where they are now kept.

The matter was brought to the attention of the committee with the request on the part of the commissioners that a provision should be inserted which would require the Treasurer himself to keep these bonds, as being a safer and more proper depositary than the board of commissioners of the District, and for the purpose of providing that hereafter one-half the profit, whatever it may be, of this retained fund should go to the District of Columbia and one-half to the United States. It was for the purpose of providing that the Treasurer himself should be the custodian of these bonds instead of having them in the custody of the commissioners, as it is now, that the amendment was inserted.

Mr. SHERMAN. The statement of the Senator is precisely what I am informed is the true status of this matter. It seems to me it is a clear violation of the rights of these contractors and a palpable infringement and change of existing contracts. The present law under which these contracts were made requires the investments to be made and interest to be paid to the contractors. That is a stipulation in the law. Ten per cent. on a contract, especially if it is a large contract, say one amounting to $50,000, would require a deposit of $5,000. That is the money of the contractor earned apparently in the execution of his contract. By the terms of that contract this money is to be invested in Government securities for his benefit. It is his money. The amendment proposes to take that money, the accretions of the bonds, the interest of the bonds, and divide it between the District of Columbia and the United States. It does not belong to the United States.

Mr. PLUMB. The court so decided.

Mr. SHERMAN. But there has been no final decision. The suit was withdrawn for the purpose of trying to make an arrangement. I do not know anything about it except what I have heard. I understand that a suit was commenced upon the terms of the contract for the recovery of the interest; but as there was a hope of settling it in the Treasury Department, the matter being still under consideration there, the suit was withdrawn. These contractors have now a right to sue for the money in the Court of Claims, or in any court of competent jurisdiction. I suppose they could sue for the money; it is their money under the express terms of the contract.

I think that rather than deal with this question at all we had better leave it to the courts. I look upon this as a palpable infringement of the contract. It might be applied as a rule for the future by saying that in all future contracts the money shall be deposited in the Treasury, and that no interest shall be allowed; but these contracts expressly provide that the money shall be invested for the benefit of the contractors, and that they shall have the interest. I ask the Senator to be kind enough to read that clause of the charter again.

Mr. PLUMB. The clause reads as follows:

And 10 per cent. of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per cent. shall be invested in registered bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors.

Mr. SHERMAN. That is perfectly plain. It is evident that these contractors are entitled to the interest. It may be, however, that on account of the high price of the bonds no interest could accrue, because the diminution of the premium may be more than the interest.

I think the best way is to leave this matter to stand upon the con-

tracts as they exist and to leave the parties their remedy and not to seek by legislation to change it. If the Senator from Kansas had changed the provision so as to apply only to future contracts, I should have no objection to it, because the bids may be made with a view to the loss of interest on 10 per cent. of the money due on the contract for the period of five years, as the whole of it must be deposited for five years. If that is understood by the contractor when he makes his contract he has no right to complain; but as to existing contracts it seems to me perfectly clear that you are proposing to take money which belongs to the contractors, money earned under a law by which they were to have the interest on it, and that the Government was simply to act as a trustee for their benefit.

Therefore, as the amendment is plainly objectionable on the ground that this is legislation attached to an appropriation bill, I shall make that point against it, leaving these parties to their remedy in the courts. I think there will be no injustice done if that course is pursued.

Mr. PLUMB. Let me say that the committee have proceeded not on the theory that they were establishing new rules, but they were simply conforming to the rule already established, first by the Secretary of the Treasury, and second by the board.

The Senator from Ohio says there has been no final judgment rendered; but that the contractor himself prevented it by withdrawing his suit.

Mr. SHERMAN. I do not know who the contractor was.

Mr. PLUMB. In that case also the transaction has been settled, because the contractor accepted from the Government his money and the Treasurer proceeded to deposit the premium. The contractor also had the interest, by the way, but the Treasurer proceeded and deposited the premium to the credit of the United States.

Two things the committee designed to do. They designed to restore this deposit to the Secretary of the Treasury. Now it is in the hands of the commissioners of the District. The committee did not think that was wise. In the next place they proposed that whatever profit is derived hereafter, it having been decided that it did not belong to the contractor, should go, half to the Government and half to the District, and not all to the Government of the United States. Of course if we adopt the amendment the contractors will have a perfect right to bring their suit anyhow, as I think, so far as that part of it goes.

Mr. SHERMAN. I do not want by law to undertake to change a contract.

Mr. PLUMB. I have no objection to the Senator making the point of order and letting the provision go entirely out of the bill.

Mr. SHERMAN. I do not know but what the United States might have the benefit of the advance in the bonds.

Mr. PLUMB. That is all they have.

Mr. SHERMAN. Certainly the interest is accruing on those bonds.

Mr. ALLISON. If the Senator from Ohio thinks this provision affects the interest I will suggest to him to add the words "including interest."

Mr. PLUMB. Yes, I will agree to put in the words "including interest" after the words "due to contractors."

Mr. SHERMAN. The Senator will see that it is worded so that all the interest or all the profit growing out of this investment inures to the District of Columbia and the United States.

Mr. PLUMB. Will the Senator agree to such an amendment, putting in after the word "contractors" the words "including interest?"

Mr. ALLISON. It would then read, "in excess of the amounts due to contractors, including interest."

Mr. SHERMAN. "Including interest accruing on said bonds." That will answer.

Mr. PLUMB. That was precisely the purpose the committee had in view.

Mr. SHERMAN. It now reads, "or shall be realized from such investments in excess of the amounts due to contractors." The interest is not due to the contractor.

Mr. ALLISON. The law says the 10 per cent. shall be deposited, and during the deposit the contractor shall have the interest.

Mr. SHERMAN. Let it read, "in excess of the amounts due to contractors for the said sum, and the interest thereon." Then I shall be perfectly willing to agree to it.

Mr. PLUMB. Insert after the word "contractors" the words "including interest on said bonds." I think the Senator's first suggestion is the best.

Mr. SHERMAN. "Including all interest on said bonds while so held." I have no objection to that.

The PRESIDING OFFICER. Does the Senator from Ohio suggest an amendment to the amendment of the committee?

Mr. SHERMAN. I do. The Senator from Kansas will state it.

Mr. PLUMB. After the word "contractors," in line 176, add the words:

Including the interest accruing on said bonds while so held.

Mr. SHERMAN. That is right. That will save them their legal rights. If they claim more than that, and claim the benefit of a rise in the value of the bonds, I do not think they will have any right to that.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 176, after the word "contractors" in the proposed amendment, insert:

Including all interest on said bonds while so held.

So as to read:

And any sum which has been or shall be realized from such investment in excess of the amounts due to contractors, including all interest on said bonds while so held, shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts.

The amendment to the amendment was agreed to.

Mr. SHERMAN. Even as amended there is some doubt whether this would not be a violation of the contract, because this is obligatory to invest in United States bonds, and one of the advantages of investment in United States bonds is the accretion of the premium. But I do not stand upon that, so long as the language of the contract is complied with and observed. I think that will probably meet my objection.

The PRESIDING OFFICER (Mr. INGALLS in the chair). The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, in line 182, after the word "dollars," to strike out—

For replanking and repainting Anacostia Bridge, $5,500; for two draw-keepers at Anacostia and Benning's Bridges, at $720 each—

And insert—

Draw-keeper at Anacostia Bridge, $720.

The amendment was agreed to.

The next amendment was, in line 189, to reduce the total amount of the appropriations "for ordinary care of Benning's, Anacostia, and Chain Bridges," &c., from $15,600 to $9,380.

The amendment was agreed to.

The next amendment was, in the appropriations "or Reform School," to increase the item for compensation of "superintendent of chair-shop" from $600 to $720.

The amendment was agreed to.

The next amendment was, in line 241, after the word "exceeding," to strike out "five" and insert "four;" and in the same line, after the word "number," to strike out "one thousand and eighty" and insert "nine hundred and sixty;" so as to read:

Watchmen, not exceeding four in number, $960.

The amendment was agreed to.

The next amendment was, in line 243, to increase the total amount of appropriations for salaries of officers and employés of Reform School, from $11,550 to $11,616.

The amendment was agreed to.

The next amendment was, in line 251, after the word "items," to strike out "including compensation for additional labor or services;" so as to make the clause read:

For support of inmates, including groceries, flour, meats, dry-goods, leather and shoes, gas, fuel, hardware, tableware, furniture, farm implements and seeds, harness and repairs to same, fertilizers, stationery and books, plumbing, painting and glazing, medicines and medical attendance, stock, fencing, and other necessary items, all in the discretion of the commissioners of the District, $25,000; and the proper accounting officers of the Treasury are hereby authorized to close the accounts of the Reform School for the fiscal years 1883 and 1884, if the same can be done without the payment of any money from the Treasury; and hereafter all the revenues derived from the labor of the inmates and from the products of the farm shall be paid into the Treasury of the United States, to the credit of the United States and the District of Columbia in equal parts.

The amendment was agreed to.

The next amendment was, in line 282, to reduce the appropriation "for the National Association for Destitute Colored Women and Children," from $7,000 to $5,000.

The amendment was agreed to.

The next amendment was, after line 286, to insert:

To aid the Association for Works of Mercy, District of Columbia, in the purchase of buildings and grounds, $10,000.

The amendment was agreed to.

The next amendment was, in line 292, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For the purchase or construction of a building for the National Homeopathic Hospital of the District of Columbia, $15,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in line 295, after the word "dollars," to insert "to be immediately available;" so as to make the clause read:

For the construction of an additional building for the National Association for Destitute Colored Women and Children, $18,000, to be immediately available.

The amendment was agreed to.

The next amendment was, in the appropriations "for Metropolitan police," in line 354, before the word "privates," to strike out "ninety" and insert "one hundred;" so as to read:

One hundred privates, class 1, at $900 each.

The amendment was agreed to.

The next amendment was, in line 380, to increase the total amount of the appropriations "for Metropolitan police" from $335,220 to $344,220.

The amendment was agreed to.

The next amendment was, in line 385, after the words "to be," to

strike out "kept under the control of the commissioners and be invested in United States or District bonds" and to insert:

Invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District.

So as to make the clause read:

Provided, That hereafter the commissioners shall deduct $1 each month from the pay of each policeman, which sum so deducted shall be added to and form a part of the present police fund, to be invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District.

The amendment was agreed to.

The next amendment was, in the appropriations "for the fire department," in line 409, after the word "one," to strike out "secretary" and insert "clerk;" so as to read:

One clerk, $900.

The amendment was agreed to.

The next amendment was, in line 414, to reduce the appropriation for compensation of "two tillermen" from $900 each to $800 each.

The amendment was agreed to.

The next amendment was, in line 419, to reduce the appropriation "for fuel" from $2,250 to $2,000.

The amendment was agreed to.

The next amendment was, in line 421, to reduce the appropriation for "forage" from $6,000 to $5,500.

The amendment was agreed to.

The next amendment was, in line 425, after the word "furniture," to insert "fixtures;" and in line 427, after the word "items," to strike out "six" and insert "seven;" so as to read:

Contingent expenses, including office-rent, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, $7,500.

The amendment was agreed to.

The next amendment was, in line 429, to increase the total amount of appropriations "for the fire department" from $108,100 to $108,150.

The amendment was agreed to.

The next amendment was, in line 431, after the word "each," to strike out "employé of fire department" and insert "fireman;" in line 432, after the word "fund," to strike out "under the control of the commissioners;" in line 434, after the word "bonds," to insert "in manner provided in this act for the police fund;" and after the word "any," in line 435, to strike out "employé of fire department", and insert "fireman;" so as to make the proviso read:

Provided, That hereafter the commissioners shall deduct $1 each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, and be invested in United States or District bonds in manner provided in this act for the police fund, and shall be used for the relief of any fireman who, by accident, while in actual performance of duty, or by service not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such accident, leaving a widow or children under 16 years of age, for their relief.

The amendment was agreed to.

The next amendment was, in line 442, after the word "one," to strike out "employé of fire department" and insert "fireman;" and in line 446, after the word "any," to strike out "employé of fire department" and insert "fireman;" so as to read:

Provided further, That such relief shall not exceed for any one fireman or his family the sum of $50 per month; and a sum not exceeding $75 may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District.

The amendment was agreed to.

The next amendment was, in the appropriations for "public schools," before the word "thousand," in line 482, to strike out "forty-nine" and insert "fifty-nine;" so as to make the clause read:

For salaries of superintendents, teachers, and janitors, secretary of the board, and clerks, including additional teachers, rents, repairs, fuel, furniture, books, stationery, new school buildings, furniture for new school buildings, and other necessary items, $559,930, namely.

The report was agreed to.

The next amendment was, before the word "thousand," in line 495, to strike out "eighty-five" and insert "ninety-five;" so as to make the clause read:

For teachers, to be employed at a rate of compensation not to exceed the rate provided by the present schedule of salaries, and at an average salary not to exceed $670, $395,000.

The amendment was agreed to.

The next amendment was, in line 502, before the word "at," to strike out "one new building" and insert "Dennison buildings;" so as to read:

For janitors, and care of the several school buildings: For care of the high-school building, $1,600; of the Jefferson building, $1,400; of the Franklin building, $1,100; of the Force, Seaton, Henry, Webster, Gales, Peabody, Wallach, Garnett, Sumner, Analostan, and Dennison buildings, at $900 each.

The amendment was agreed to.

The next amendment was, after the word "buildings," in line 532, to insert "and for all other buildings provided for in this act;" so as to make the clause read:

For buildings for schools: For the purchase of sites, when necessary, and the erection and completion of new buildings, and for furniture for new school buildings, $60,000: *Provided*, That the plans and specifications for each of said buildings, and for all other buildings provided for in this act, shall be prepared by the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capitol and the commissioners of the District, and said buildings shall be constructed by the commissioners in conformity therewith, and shall be contracted for and finished by the 1st day of July, 1886.

The amendment was agreed to.

The next amendment was, in the appropriations for "health department," after the word "dollars," at the end of line 562, to insert "repair of pest hospital, $600."

The amendment was agreed to.

The next amendment was, in line 563, to increase the total amount of the appropriations for the "health department" from $43,530 to $44,130.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

Mr. PLUMB. The committee amendments now having been adopted I move, on page 5, line 97, after the word "thousand," to insert "two hundred," so as to make the salary of the assistant inspector of buildings $1,200. I make that motion on the request of the commissioners.

The amendment was agreed to.

Mr. PLUMB. The total of the paragraph should be increased to correspond.

The PRESIDING OFFICER. Will the Senator state in what line?

Mr. PLUMB. In line 135, so as to make the total read $65,690 instead of $65,490.

The amendment was agreed to.

Mr. PLUMB. I move to insert after line 152:

For the purpose of defraying the expenses of the assessment of the real property of the District of Columbia, as provided by the act of March 3, 1883, $15,000.

The amendment was agreed to.

Mr. PLUMB. On page 14, line 314, I move to insert the words "purchase of and" before the word "repairs;" so as to read:

Purchase of and repairs to pumps.

The amendment was agreed to.

Mr. PLUMB. On the same page, line 311, after the word "forty," I move to insert "five," so that the appropriation for "current work on county roads and suburban streets" shall be $45,000 in place of $40,000, and the total should be changed in line 315.

Mr. MORGAN. I ask the Senator from Kansas to explain why it is that he wants $5,000 more for county roads and suburban streets?

Mr. PLUMB. All I know about it is that the commissioners state that they have some work to be done which comes properly within this appropriation which requires its increase from $40,000 to $45,000.

Mr. MORGAN. They ought to come in here with statements that the committee can exhibit.

Mr. PLUMB. If the Senator thinks it ought not to go in I have no objection to letting it go out.

Mr. MORGAN. Let it go out then.

Mr. PLUMB. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. PLUMB. On page 17, line 393, I move to strike out "accident while in actual performance," and insert "injuries received or disease contracted in line;" so as to read:

And said police fund shall be used for the relief of any policeman who by injury received or disease contracted in line of duty or by service not less than fifteen years, &c.

The amendment was agreed to.

Mr. PLUMB. In line 396, I move to strike out the word "accident" after the word "such," and insert "injury or disease;" so as to read:

And in case of his death from such injury or disease.

I will state that these amendments are made on the suggestion of the policemen whose fund this is, being derived from their salaries.

The amendment was agreed to.

Mr. MORGAN. There should be a comma after "widow," in line 396.

Mr. HOAR. Is it the intention of the paragraph to require the disability to be caused by the policeman serving more than fifteen years? Suppose he serves thirty or forty years and becomes disabled by old age?

Mr. PLUMB. I understood this covers the whole class of cases where a man is disabled by injury received or disease contracted in the line of duty, or where he——

Mr. HOAR. I inquire whether it really expresses that meaning.

Mr. PLUMB. That was the intention.

Mr. HOAR. It reads:

And said police fund shall be used for the relief of any policeman who, by accident while in actual performance of duty or by service not less than fifteen years, shall become so permanently disabled, &c.

Which would require that the service should have caused the disability.

Mr. PLUMB. That was the intention.

Mr. HOAR. But suppose a man had served thirty years and has become disabled by old age, would you give him then the benefit of

the fund? Would it not be well to say that "having served not less than thirty years shall become permanently disabled."

Mr. PLUMB. "Or not having served less than fifteen years."

Mr. HOAR. Yes. I suppose if a man has served fifteen years and has become permanently disabled, and has become a charge upon the service by reason of the disability, it is the intention to give him the benefit of this fund, although the service has not caused the disability. As it is now expressed, it would require the disability to be caused by the service.

Mr. PLUMB. I shall not object to the amendment if the Senator will propose it.

Mr. HOAR. Will not the Senator from Kansas propose his own language?

Mr. PLUMB. At the end of line 393 strike out "by service" and insert "having served." That expresses the idea of the Senator from Massachusetts.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. In line 393, after the word "or," it is proposed to strike out "by service" and insert "having served;" so as to read:

And said police fund shall be used for the relief of any policeman who, by injury received or disease contracted in line of duty, or having served not less than fifteen years, &c.

The amendment was agreed to.

Mr. PLUMB. I move to add at the close of line 612, on page 26—

And hereafter the supply of Potomac water may be extended to points in the District beyond the limits of Washington and Georgetown upon like terms and conditions as are provided by law for the supply of the same in those cities.

The amendment was agreed to.

Mr. PLUMB. I ask to have inserted in the RECORD the appendix which is referred to in the provision of the bill making appropriations for the streets.

The PRESIDING OFFICER. It will be so ordered if there be no objection.

The paper referred to is as follows:

APPENDIX Gg.

In relation to the estimates of the commissioners of the District of Columbia. (See page 192.)

IMPROVEMENT AND REPAIR.

SCHEDULE OF WORK PROPOSED TO BE EXECUTED DURING THE FISCAL YEAR 1886.

CLASS A.—*Replacement of wood.*

Street.	From—	To—	Square yards.	Cost per square yard.	Total cost.
Fifteenth street northwest	S street	U street	3,910	$2 25	$9,255 00
Eighteenth street northwest	K street	L street	1,429	2 25	3,400 00
Nineteenth street northwest	K street	M street	3,740	2 75	10,740 00
Twenty-second street northwest	K street	M street	2,806	2 25	6,700 00
Twenty-third street northwest	K street	M street	2,920	2 25	6,920 00
New Hampshire avenue northwest	P street	Q street	2,710	2 25	6,097 00
Total Class A			17,515		43,112 00

CLASS B.—*Replacement of rubble.*

Fifth street northwest*	D street	G street	4,151	$2 25	$11,819 00
Sixth street northwest*	Missouri avenue	Louisiana avenue	4,457	2 25	10,728 00
Tenth street northwest*	D street	E street	1,493	2 25	4,865 00
Fourteenth street northwest*	Pennsylvania avenue	F street	1,645	2 75	5,957 00
C street northwest*	Fourth-and-a-half street	Seventh street	4,150	2 25	14,865 00
H street northwest*	Fourth street	Seventh street	5,060	2 25	15,274 00
I street northwest*	Eighth street	Ninth street	830	2 25	2,448 00
I street northwest*	Tenth street	Eleventh street	860	2 25	12,315 00
Total Class B			22,646		68,271 00

CLASS C.—*Laying new pavements.*

Sixth street southeast	East Capitol street	South Carolina avenue	9,305	$2 25	$22,021 00
A street southeast	Third street	Sixth street	3,637	2 25	8,603 00
Fifth street northeast	East Capitol street	Maryland avenue	4,600	2 25	12,300 00
Sixth street northeast	East Capitol street	Massachusetts avenue	4,600	2 25	11,000 00
B street northeast	Fourth street	Sixth street	2,800	2 25	6,650 00
Third street southwest*	Virginia avenue	F street	1,853	2 25	6,000 00
Tenth street southwest	B street	Maryland avenue	3,000	2 25	7,100 00
C street southwest	Ninth street	Fourteenth street	7,928	2 25	20,463 00
Thirty-first street, Georgetown*	P street	U street	5,230	2 25	17,700 00
O street, Georgetown	Twenty-eighth street	Thirty-second street	5,813	2 25	13,745 00
Total Class C			48,766		125,582 00

CLASS D.—*Grading and regulating.*

Eighth street southeast	Pennsylvania avenue	East Capitol street			$8,000 00
E street southeast	Third street	Eleventh street			10,300 00
G street southeast	Third street	Eleventh street			12,000 00
South Carolina avenue southeast	Third street	Eleventh street			9,600 00
D street northeast	North Capitol street	Maryland avenue			9,100 00
Eighth street southwest	C street	Water street			9,100 00
Thirteenth street northwest	T street	Boundary street			6,000 00
New Jersey avenue northwest	M street	Boundary street			11,000 00
Vermont avenue northwest	R street	Boundary street			8,000 00
For filling up any streets below the established grade, provided the cost in no instance shall exceed 10 cents per cubic yard					5,000 00
Total Class D					88,100 00

NOTE.—The cost of grading, in addition to the cost of pavement proper, is included in the total cost on all the streets in Classes A, B, and C. On streets marked thus, *, the cost of curbing and sidewalks is also included. "Grading and regulating" includes grading, laying sidewalks with curbstones and gutters, and graveling or macadamizing the roadway. Asphalt pavements are estimated to cost $2.25 per square yard, and granite-block pavements $2.75 per square yard. The above estimates do not include the work within two feet of railroad-tracks, which will be paid for by the railroad companies.

RECAPITULATION.

	Sq. yds.	*Cost.*			*Amount.*
Class A	17,515	$43,112	Southeast section		$70,524
			Northeast section		39,050
Class B	22,646	68,271	Southwest section		42,663
			Northwest section	$136,383	
Class C	48,766	125,582	Georgetown section	31,445	
					167,828
Class D		88,100	Filling		5,000
Total		325,065	Total		325,065

The bill was reported to the Senate as amended.

Mr. SHERMAN. I call for the separate consideration of the amendment on page 8. I ask to have it read in order to modify the language somewhat and call the attention of the Senator from Kansas to it. I ask that that amendment be read.

The PRESIDING OFFICER. It will be read.

The CHIEF CLERK. In line 173, after the word "dollars," the following proviso was added:

Provided, That all moneys which have been or which may hereafter be legally retained from contractors shall be invested and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors, including all interest on said bonds, shall be deposited in the Treasury, to the credit of the United States and of the District of Columbia in equal parts.

Mr. SHERMAN. To make clear and certain the amendment which was put in at my suggestion, instead of the words inserted in line 176 I will ask that the clause be amended so as to use these words instead of those I offered. My only desire is to carry out the same idea and make it so clear that there will be no controversy. In line 176, after the word "contractors," I wish to insert:

Including the interest on such bonds that has accrued or shall accrue before the full payment to such contractors.

Mr. PLUMB. That is entirely satisfactory.

The amendment to the amendment was agreed to.

Mr. SHERMAN. That gives them the interest and the Government the profit, whatever it is.

The amendment as amended was concurred in.

The remaining amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARY ALLEN.

Mr. PLUMB. I ask unanimous consent that the vote by which the bill (H. R. 2100) granting a pension to Mary Allen was indefinitely postponed yesterday be reconsidered and the bill placed on the Calendar.

The PRESIDING OFFICER. If there be no objection that order will be made.

ORDER OF BUSINESS.

Mr. DOLPH. I move to take up for consideration House bill No. 7004, Order of Business 1001, being the bill to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. ALDRICH. I ask that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Under the existing order of the Senate it becomes the duty of the Chair to lay before the Senate the unfinished business, being House bill No. 4976, for the retirement and recoinage of the trade-dollar, pending which the Chair will present bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 6881) for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., was read twice by its title, and referred to the Committee on Claims.

SAINT CROIX RIVER BRIDGE.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CONGER. I move that the Senate insist on its amendments and grant the conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. CONGER, Mr. MCMILLAN, and Mr. VEST were appointed.

ORDER OF BUSINESS.

Mr. BECK. Mr. President——

The PRESIDING OFFICER. The Senator from Oregon [Mr. DOLPH] has been recognized.

Mr. BECK. The unfinished business having been laid before the Senate, I merely desire to say that being a member of the Committee on Finance, and not agreeing with the majority of the committee, I wish to say something in regard to the subject on Monday, when it comes up. I do not want to take the floor unless I am entitled to it; but if I am, I should like when the bill comes up again to be recognized.

The PRESIDING OFFICER. The Chair has previously recognized the Senator from Oregon, who was interrupted by laying messages before the Senate.

Mr. BECK. I beg pardon; I was not aware of that.

Mr. DOLPH. If it is the understanding that the present order of business is to be concluded at this time, of course I do not want to antagonize it; but I do not want other bills to be considered before that is disposed of, to the exclusion of the bill referred to by me; therefore I make the motion to take up for present consideration the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. DAWES. Does the Senator from Kentucky propose to go on to-night?

Mr. BECK. No, I do not. I propose when the silver bill is called up on Monday to have the floor.

Mr. DAWES. If the Senator from Kentucky does not wish to proceed to-night I should like to call up a bill which I think will cause no debate.

The PRESIDING OFFICER. A motion to proceed to the consideration of another bill is not, under the rules, open to debate.

Mr. DOLPH. I withdraw my motion.

Mr. DAWES. If the Senator from Kentucky does not desire to go on now, I ask that the unfinished business be informally laid aside that I may call up Order of Business 1112.

The PRESIDING OFFICER. The Chair will state that the Senator from Kentucky is recognized by the Chair as entitled to the floor when the unfinished business shall be resumed.

Mr. BECK. I am satisfied with the announcement of the Chair.

Mr. DAWES. Now I ask unanimous consent for the consideration of the bill I have named.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent that the Senate proceed to the consideration of Order of Business 1112, being the bill (S. 2609) to provide permanent reservations for the Indians in Northern Montana, and for other purposes. Is there objection to the present consideration of this bill?

Mr. HARRIS. I do not think we can consider that bill this evening.

Mr. DAWES. Does the Senator desire to object to it?

Mr. HARRIS. I think it is a bill perhaps too important to be considered at this hour of the evening.

Mr. DAWES. If the Senator thinks it will cause debate, I do not want to take time.

Mr. HOAR. I rose to move to proceed to the consideration of executive business, but I do not want to interfere with my colleague.

Mr. DAWES. If the Senator from Tennessee thinks this bill will cause debate, I shall not urge that it be taken up now.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. HAMPTON. May I ask the Senator from Massachusetts to withdraw that motion for a moment?

Mr. HOAR. Certainly.

TENEDORE TEN EYCK.

Mr. HAMPTON. I have a bill that has been at the head of the Calendar for several weeks, and I am sure that it will not take five minutes to consider and pass it, and I should be very glad to have action upon it to-night, if possible.

The PRESIDING OFFICER. The Senator from South Carolina asks unanimous consent that the Senate at the present time consider a bill. Will he name it?

Mr. HAMPTON. If it leads to any debate I shall consent to its postponement. It is the bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers. I think, with a word of explanation, that bill will lead to no objection.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill named by the Senator from South Carolina?

Mr. HOAR. Let the bill be read informally for information.

The PRESIDENT *pro tempore*. The bill will be read at length for information, subject to objection.

The Chief Clerk read the bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT. Is there a report in that case? If so, let it be read.

Mr. HAMPTON. If Senators will allow me, I think I can save time by an explanation of two or three minutes, which will cover all that is in the report, which is quite a long one. I hope that will be satisfactory. I propose to do it only to save time.

This gentleman went before the retiring board, having a very severe illness. He was examined, and the board, while admitting that his disease was of a very serious character, thought that it was not permanent. He was therefore not recommended for retirement, and was dropped subsequently from the rolls of the Army; but an examination by a very large number of physicians—all their affidavits are in the report—proved that up to six days before the examination, and from that day to this, he has been a confirmed invalid. The only obstacle in the way at all was that the retiring board had given an adverse verdict upon the case.

48TH 2ND

One of the members of that board, General Miles, is now in the city, and I communicated with him upon the subject and submitted to him the affidavits of all these eminent surgeons, and he writes this:

EBBITT HOUSE, *Washington, D. C., January* 22, 1885.

MADAM: In regard to your husband's retirement from the Army in 1871, I can only say that, to the best of my recollection, he appeared before the retiring board at Leavenworth, Kans., in the autumn of 1870, of which I was a member. The report of the medical officers who examined him was that his disability was not of a permanent nature. From what I can learn of his case since I have no doubt that his disease was not temporary but of a chronic order.

Respectfully,

NELSON A. MILES.

Mrs. T. TEN EYCK.

Assistant Surgeon-General Perrin was one of the medical officers who thought the disease was not permanent. I received a dispatch from him. Somebody had sent him a copy of the report of the Military Committee.

FORT SNELLING, MINN., *February* 3, 1885.

To Senator WADE HAMPTON,
United States Senate, Washington:

Have received the report of your committee. From the affidavits therein given it appears that the diseases from which Captain Ten Eyck suffered at the time he was before the retiring board have proven permanent in character. The short time he was before the board gave little opportunity of judging of the permanency or chronic nature of the diarrhea. It is not unlikely that the board may have erred in its findings.

G. PERRIN,
Assistant Surgeon-General United States Army.

I will say further, and I am sure that will satisfy the whole Senate, that my friend, the Senator from Missouri [Mr. COCKRELL], who is on the committee and was originally opposed to this bill, upon seeing these letters and telegrams from the Assistant Surgeon-General, has admitted the justness of this claim, and said he would go for the bill, and I am sure if he goes for it nobody in the Senate will make any objection.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. HOAR. I now renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *February* 7, 1885.

The House met at 12 o'clock m., Mr. BLACKBURN in the chair as Speaker *pro tempore*. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of yesterday was read and approved.

OFFICERS AND CREW OF STEAMER CORWIN.

Mr. SINGLETON, by unanimous consent, reported back favorably from the Committee on the Library the joint resolution (H. Res. 317) proposing the thanks of Congress to Capt. M. A. Healy and the officers and crew of the revenue-marine steamer Corwin; which was referred to the House Calendar, and the accompanying report ordered to be printed.

CLERK TO COMMITTEE ON ACCOUNTS.

Mr. DOCKERY. I ask unanimous consent to offer a resolution for reference.

The SPEAKER *pro tempore*. The resolution will be read subject to objection.

The Clerk read as follows:

Resolved, That from and after March 1, 1885, the clerkship to the Committee on Accounts be an annual clerkship, with compensation fixed at $2,000 per annum.

Mr. HEWITT, of Alabama. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Alabama [Mr. HEWITT] objects to the reference of this resolution.

INTERSTATE COMMERCE.

Mr. REAGAN. I ask unanimous consent to take from the Speaker's table, with a view of having a disagreement in the amendments of the Senate, House bill 5461, known as the "interstate-commerce bill."

Mr. WASHBURN. Mr. Speaker, we do not understand the request of the gentleman from Texas [Mr. REAGAN].

The SPEAKER *pro tempore*. The gentleman from Texas asks to take from the Speaker's table House bill 5461 in order that Senate amendments thereto may be disagreed to and a committee of conference appointed. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 5461) to establish a board of commissioners of interstate commerce, and to prohibit unjust discriminations by common carriers.

The SPEAKER *pro tempore*. The gentleman from Texas asks to take this bill from the Speaker's table with a view of reaching a conference with the Senate.

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, I object.

The SPEAKER *pro tempore*. Objection is made.

JACOB PINDLE.

Mr. OATES, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Accounts:

Resolved, That the Clerk of the House pay to Jacob Pindle out of the contingent fund of the House the sum of $50 per month for services rendered in the bath-room of the House of Representatives during the second session of the Forty-eighth Congress.

ANTE-BELLUM POST-OFFICE WARRANTS.

The SPEAKER *pro tempore*. The Chair, if there be no objection, will lay before the House several executive communications and personal requests.

There was no objection.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Sixth Auditor, asking an appropriation to pay ante-bellum post-office warrants; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT OF HOT SPRINGS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of the Interior of an appropriation for the protection and improvement of Hot Springs; which was referred to the Committee on Appropriations, and ordered to be printed.

INDIAN DEPREDATION CLAIMS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Interior, transmitting a supplemental report on certain Indian depredation claims; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DAMAGES FOR COLLISION WITH UNITED STATES STEAMER.

The SPEAKER *pro tempore* also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a communication from the Secretary of the Navy relative to a claim for damages resulting from collision of a Japanese junk with United States steamer Ashuelot; which was referred to the Committee on Appropriations, and ordered to be printed.

SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting supplemental estimates of appropriations for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF RED-CROSS CONFERENCE.

The SPEAKER *pro tempore* also laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives of the United States:

I transmit herewith a communication from the Secretary of State, submitting, at the request of a delegate of the United States to the third international conference of the Red Cross, held in September, 1884, a copy of the preliminary report of that conference.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February* 2, 1885.

WITHDRAWAL OF PAPERS.

Mr. VAN ALSTYNE, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, papers in the case of Daniel Leary.

JAMES H. BLOUNT.

On motion of Mr. WHITE, of Kentucky, by unanimous consent leave was granted for the withdrawal from the files of the House of the papers in the case of James H. Blount without leaving certified copies.

JOINT RESOLUTION SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position; when the Speaker signed the same.

CHRISTIAN BROTHERS' COLLEGE, SAINT LOUIS, MO.

The SPEAKER *pro tempore*. Under the rule, the Chair will now entertain a motion to take up bills and joint resolutions for consideration, the order beginning at twenty-two minutes past 12 o'clock. The first bill in order is the unfinished business coming over from yesterday, which is House bill 6881 on the Private Calendar, for the relief of the trustees of the Christian Brothers' College, of Saint Louis, Mo., reported with an amendment, and which the gentleman from Missouri [Mr. O'NEILL] asks be taken up for consideration.

Mr. O'NEILL, of Missouri. I will yield to my colleague [Mr. BROADHEAD], in whose district the college referred to was located. Their present college is in mine.

The SPEAKER *pro tempore*. Debate on both sides under the rule has been exhausted, and the question now is, Is there objection to the present consideration of the bill?

Mr. HOLMAN. Has the ten minutes of debate been exhausted?

The SPEAKER *pro tempore*. It was exhausted on yesterday in the

reading of the report. Is there objection to the consideration of the bill?

There was no objection.

The question then recurred on the pending amendment to strike out "35" and insert "20;" so that it will read:

That there be paid to the trustees of the Christian Brothers' College, of Saint Louis, in the State of Missouri, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, in full compensation for the use and occupation of the buildings and lands of said college during the late war by the United States troops and for injury to and destruction of property belonging to said trustees by said troops.

The amendment was agreed to.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. O'NEILL, of Missouri, moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that it had receded from its amendments to the bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

It further announced the passage of the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, with amendments; in which concurrence was requested.

It further announced the passage of the bill (S. 2511) relating to claims agents and attorneys in pension cases; in which concurrence was requested.

APPRAISEMENT AND SALE OF LOTS, PERU, IOWA.

Mr. PAYSON. Mr. Speaker, I call up for present consideration from the House Calendar a bill (H. R. 449) to provide for the appraisement and sale of lots in the town of Peru, Dubuque County, Iowa.

The bill was read, as follows:

Whereas under an act approved July 2, 1836, and an act amendatory thereto, approved March 3, 1837, entitled "An act for laying off the towns of Fort Madison and Burlington, in the county of Des Moines, and the towns of Bellevue, Dubuque, and Peru, in the county of Dubuque," &c., certain disposition was therein provided for the lands set off for such towns; and

Whereas the site for the said town of Peru, in the year 1840, and the lots thus reserved, have been settled upon by *bona fide* settlers, who have made valuable improvements thereon: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States appoint three commissioners, any two of whom shall be a quorum to do business, who, before entering upon the discharge of their duties, shall take an oath to faithfully perform the same. Said commissioners shall have power, and it is hereby made their duty, to view said lots and appraise their value, not taking into consideration the improvements thereon; after which appraisement the proper register and the proper receiver shall expose said lots to public sale to the highest bidder, after advertising the same in three public newspapers at least three months, reserving from such sale such lots as, according to the records of the General Land Office, have already been paid for or patented: *Provided*, That the actual settlers upon said lots who have made valuable improvements thereon shall first be entitled to purchase the same at their appraised value.

SEC. 2. That said commissioners shall each be entitled to $5 per day for each day actually employed as provided above, to be paid by the receiver of public moneys of the proper land district.

The SPEAKER *pro tempore*. Discussion is now in order for ten minutes; five minutes on each side.

Mr. PAYSON. Mr. Speaker, a bill identical with this has twice passed the Senate. It was unanimously reported from the Committee on the Public Lands in the Forty-seventh Congress, and this bill is reported unanimously by that committee in this Congress. The lands affected by it lie in the district of my friend from Iowa [Mr. HENDERSON], and he having personal knowledge of the facts connected with it, I yield to him the time for explanation.

Mr. HENDERSON, of Iowa. Mr. Speaker, this bill is local in its character. I desire to say, in the first place, that it passed in the Forty-sixth Congress, passed the Senate in the Forty-seventh Congress, but failed of passage in the House of Representatives for the sole reason it was not reached on the Calendar.

In 1836, on July 2, it was provided that certain lots should be laid out for the town of Peru, in Dubuque County; my own county. It ran along until 1841, when it was discovered instead of being able to build a town at Peru, the city of Dubuque, four miles off, had sprung up, owing to its peculiar location and the attraction of the lead mines. This defeated the building of a town at Peru, and it was wholly abandoned, and the section of land was settled upon by squatters, and has been occupied since 1840–'41. The squatters hold no title whatever, and it has paid no taxes to the county of Dubuque or the State of Iowa.

This legislation, which has been recommended by the Commissioner of the General Land Office, as detailed in the report, is for the sole purpose of appointing commissioners to appraise the value of the lots, not taking in consideration the improvements thereon, and that the *bona fide* settlers upon said lots—and they are occupied by gardeners who supply the market of the city of Dubuque—shall first be entitled to purchase the same at their appraised value.

That is the whole purpose of the bill. The county attorney of Dubuque County and other citizens of the county have asked Senator ALLISON of the Senate, and myself in the House, to exert ourselves to secure the passage of the bill. It is desired by everybody there that it shall pass. The land-owners themselves desire it, because they prefer to have their titles vested rather than go on making improvements with this uncertainty resting upon them. The county of Dubuque and the State of Iowa desire it, because then they can compel the owners of this land, or the families resident upon it, to pay taxes as well as the rest of the citizens of the State. That is the whole purpose of the bill.

I will yield now for any gentlemen who may desire to ask any questions, if there be any present who feel any trouble about the matter.

The bill, I repeat, is purely local in its character.

Mr. WELLER. I ask for the reading of the report.

The SPEAKER *pro tempore*. The gentleman from Iowa can demand the reading of the report in the time allowed for debate in opposition to the bill, but not in the time of the gentleman from Illinois, who has two minutes of his time remaining.

Mr. PAYSON. May I say to the gentleman from Iowa that this report simply recommends the passage of the bill and embodies in it a letter from the Commissioner of the General Land Office recommending its passage.

Mr. WELLER. Owing to the confusion prevailing in the Hall I can hear the report read much better than the statement of the gentleman himself.

The SPEAKER *pro tempore*. Does the gentleman from Iowa desire to occupy his time?

Mr. PAYSON. I will reserve the remainder of my time.

The SPEAKER *pro tempore*. The Chair then will recognize the gentleman from Iowa on the right of the Chair for five minutes in opposition.

Mr. WELLER. In that time I request the report to be read.

The report (by Mr. LEWIS) was read, as follows:

The acts of July 2, 1836, and March 3, 1837 (5 Statutes, pages 70 and 178), provided for the sale of the lots in five towns in the then Territory of Wisconsin, including the town of Peru, mentioned in said bill. The act of 1837 authorized certain commissioners to adjudicate all pre-emption claims to any of the lots in the towns in question, and thereafter the proper local officers were empowered to expose the residue of the lots to public sale under the regulations in the third section of the said act of 1837. The lands selected for the town of Peru were parts of sections 25, 26, 35, and 36, township 90 north, range 2 east. The town was laid off into 267 lots of various sizes, with intersecting streets and alleys.

The first lot was sold April 26, 1841; and from that time until October 7, 1853, eighty-one lots were disposed of to the several claimants under the third section of said act of 1837. The entries covering said lots were all patented December 1, 1846, except two, which were patented October 19, 1853, and the patents transmitted to the local office, then at Dubuque, and it is supposed they were all delivered to the patentees. The town of Peru is now wholly abandoned as a town, and the land is wholly occupied for farming purposes by settlers who have no title, the title remaining in the Government. It has been wholly abandoned as a town, and is unsuited for that purpose.

The Commissioner of the General Land Office, in response to an inquiry made in reference thereto by the Hon. W. B. ALLISON, on the 19th of December, 1881, wrote the following letter:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., December 19, 1881.

SIR: I am in receipt of your letter of the 12th instant, covering a letter addressed to you by W. J. Cantillon, esq., dated Dubuque, December 8, 1881, relative to the town site of Peru, in Dubuque County, Iowa, and stating that a petition had been forwarded asking for legislation looking toward the disposal of the land embraced in said town site. In your letter it is stated that "this land is wholly occupied for farming purposes by settlers who have no title, the title remaining in the Government. It has been wholly abandoned as a town, and is unsuited for that purpose. I think a bill ought to be prepared looking to a sale of this property. It probably should be appraised and the settlers permitted to take it at the appraised value; they failing to do so, to be sold to the highest bidder."

In reply I have the honor to advise you that the matter of the disposal of the land in question has frequently been the subject of correspondence with members of the Senate and House of Representatives, with a view to the passage of a law providing for the sale of said town sites. The acts of July 2, 1836, and March 3, 1837 (5 Stats., 70 and 178), provided for the sale of the lots in five towns in the then Territory of Wisconsin, including said town of Peru. The said act of 1837 authorized certain commissioners to adjudicate all pre-emption claims to any of the lots in the towns in question, and thereafter the proper legal officers were empowered to expose the residue of the lots to public sale, under the regulations in the third section of the said act of 1837.

The land selected for the town of Peru—the same being parts of sections 25, 26, 35, and 36, township 90 north, range 2 east—was laid out into two hundred and sixty-seven lots of various sizes, with intersecting streets and alleys. On April 26, 1841, the first lot was sold, and from that time until October 7, 1853, eighty-one lots were disposed of to the several claimants under the third section of said act of 1837, as will be seen by the inclosed schedule. The entries covering said lots, sixty-one in number, were all patented December 1, 1846, except two, which were patented on October 19, 1853. The patents were all transmitted to the local land office, then at Dubuque, and it is supposed that they were all delivered to the proper parties. I inclose a diagram of the town plat, showing the whole number of lots, with the word "sold," in red ink, marked upon the lots disposed of. I inclose also a diagram of a portion of the township plat, showing the location of the town site.

Under the state of facts as above presented this office can not, in view of the rights of the purchasers, whose names appear in the schedule, recommend that the whole town site be sold, but would urge that some law looking toward the disposal of all the lots remaining unsold should be passed by Congress. The lapse of time since the sale of a lot and the enhanced value of the land suggests the advisability of legislation which will provide for the appraisal of the remaining lots and their sale to the highest bidder at public auction. The rights

of the settlers, who, it is alleged, are now residing on the land, should be protected in such a way as Congress, in its wisdom, may direct.

Here follows a list of the inclosures to accompany this communication, viz:
Diagram of town site, marked A.
Diagram of township plat, part, marked B.
Schedule of purchasers of lots, marked C.
I also return Mr. Cantillou's letter.

Respectfully,

N. C. McFARLAND, *Commissioner.*

Hon. W. B. ALLISON,
United States Senate.

On these lands are squatted a number of people paying no taxes for State or county purposes, though they have enjoyed the use of these lands for years. At the same time these squatters are anxious to get title to the places that they are on. Considering these facts, and following the recommendation of the Commissioner, your committee beg leave to report back the bill and recommend that the same do pass.

The SPEAKER *pro tempore.* The gentleman from Illinois has two minutes of his time remaining.

Mr. PAYSON. I do not desire to occupy the time, as I think it is not necessary.

The SPEAKER *pro tempore.* Is there objection to the present consideration of the bill?

There being no objection, the bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PAYSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN V. B. BLEECKER.

Mr. TALBOTT. I ask leave to take from the Speaker's table Senate bill No. 1335, to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy, and put the same upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the accounting officers of the Treasury of the United States be, and they are hereby, directed, in settling the accounts of the late John V. B. Bleecker, a paymaster in the United States Navy, to credit him with the amount charged against him on their books, namely, $3,531.36.

Mr. WARNER, of Ohio. Is there a report accompanying this bill?

Mr. TALBOTT. There is a report. I will say that this bill passed the Senate unanimously, and the report was adopted unanimously by the Committee on Naval Affairs.

Mr. WARNER, of Ohio. I ask that the report be read.

The report is as follows:

The facts in this case are as follows:

Paymaster Bleecker was, at the request of Admiral D. D. Porter, commanding the Mississippi squadron, ordered to duty as purchasing paymaster of that squadron June 8, 1864, and entered upon that duty at Mound City about July 1, 1864.

When he received these orders he was just recovering from a severe attack of illness, incurred by long and arduous service as fleet paymaster in the Gulf squadron. Although far from well, he did not ask for sick-leave, but hastened to carry out his orders.

Paymaster Bleecker remained on duty at Mound City, Ill., until the last of October the same year. At that time he was so ill with typhoid fever that he was sent to his home in New York city, where he died on the 8th of November, 1864, three days after his arrival. His clerk was compelled to accompany him to New York, and, consequent to such a hurried departure, no time was had to place any one in charge of his office. His papers, accounts, vouchers, bills, personal effects, &c., were left behind, and, no one properly looking after them, were hurriedly and confusedly packed in boxes and shipped to the Fourth Auditor for adjustment and settlement. His widow states that she has never been able to obtain his personal effects. The Fourth Auditor states that his accounts as rendered show that Paymaster Bleecker, while on duty as purchasing paymaster, Mississippi squadron, received moneys from the United States amounting to $818,400, and disbursed upon three hundred and eighty-four vouchers the sum of $325,124.60, and there was returned to the Government $489,611.50, leaving apparently unaccounted for $3,663.86. This balance was reduced, however, by credits allowed him, $133, and by an error in his account of 50 cents against him, leaving the amount charged against him on the books of the Treasury Department $3,531.36.

In collecting his papers, many vouchers and receipted bills for stores purchased were undoubtedly lost or destroyed, which if they could have been found would have satisfactorily accounted for the apparent deficit now held in said Bleecker's accounts.

His entire record from his entry into the naval service in 1847 is an excellent one. His accounts have always been rendered promptly and satisfactorily, and as an evidence that the accounting officers do not think there was any criminal intent on the part of Paymaster Bleecker it need only be said that he has now been dead twenty years, and they have never taken any steps toward compelling his bondsmen to make up the apparent indebtedness to the Government of the United States. The committee call special attention to this fact, and believe it will be accepted as conclusive evidence that Bleecker never entertained an idea of defrauding the Government which he so faithfully served, and to which he gave his life.

His widow is poor and has a family; she prays Congress to annul this amount charged against her late husband; she does not wish to have his name handed down as a defaulter, and takes a becoming pride in wishing to wipe out this apparent dishonor of the father of her children.

Congress has passed several bills relieving paymasters of similar charges held against them on the books of the Government.

In the Forty-fifth Congress a law passed for the relief of Paymaster Cushing, who had charged against him $10,000; in the Thirty-ninth Congress there was enacted a law for the relief of Paymaster James Fulton; in the Forty-sixth Congress a bill for the relief of Pay-Director Cunningham, whose clerk (an officer for whom he was responsible) embezzled funds under the paymaster; and again in the Forty-seventh Congress an act was passed relieving Edward K. Winship, an acting assistant paymaster, of funds charged against him to the extent of $5,098.

Your committee, therefore, recommend the passage of this bill, believing it to be but a simple act of justice.

The record of service of the late Paymaster Bleecker is herewith given:

Abstract of the services of J. V. B. Bleecker, late paymaster United States Navy, commissioned a purser in the Navy January 16, 1847.

March 13, 1847.—To the steamer Union.
May 25, 1847.—Detached and settle accounts.
July 16, 1847.—To the Relief.
August 11, 1848.—Detached and settle accounts.
July 7, 1849.—To the Vandalia.
October 12, 1852.—Detached and settle accounts.
June 25, 1853.—To the Decatur.
September 21, 1853.—Transferred to the Dale.
January 17, 1856.—Detached from Dale and settle accounts.
April 1, 1856.—To receiving-ship at Boston.
April 30, 1858.—Detached, and to the Macedonian 15th May.
July 14, 1860.—Detached and settle accounts.
September 1, 1860.—To the navy-yard Portsmouth, N. H.
August 8, 1863.—Detached October 1 and wait orders.
October 3, 1863.—To the East Gulf squadron as fleet paymaster.
May 20, 1864.—Detached and wait orders.
June 8, 1864.—To Mississippi squadron as purchasing paymaster.
Died at New York November 8, 1864.
Total sea service—Nine years, ten months, twenty days.
Total shore duty—Five years, four months.

[During the reading of the report the hammer fell.

The SPEAKER *pro tempore.* The time allowed for debate in support of the bill has expired.

Mr. WARNER, of Ohio. I take the floor for the time allowed in opposition, and ask that the reading of the report be concluded.

The Clerk resumed and concluded the reading of the report as above.]

Mr. WARNER, of Ohio. I desire to ask the gentleman in charge of this bill if this is the same bill that passed the Senate?

Mr. TALBOTT. Yes, sir; and reported unanimously from the Senate committee, as well as from the House committee.

The SPEAKER *pro tempore.* Is there objection to the present consideration of the bill?

There being no objection, the bill was taken from the Speaker's table, read by its title a first and second time, ordered to a third reading, read the third time, and passed.

Mr. TALBOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DRAWBACK ON CERTAIN IMPORTED MATERIAL.

Mr. RUSSELL. I ask to call up the bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported.

The bill is as follows:

Be it enacted, &c., That section 3019 of the Revised Statutes be amended so that it will read:

"SEC. 3019. There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid, when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury; and all provisions of law inconsistent herewith are hereby repealed."

Mr. MILLS. I make the point of order that that bill was called up under this rule for consideration the other day and was rejected.

The SPEAKER *pro tempore.* What point does the gentleman make?

Mr. MILLS. That it is not competent to call up a bill under this rule which has been called up and refused to be considered.

The SPEAKER *pro tempore.* The Chair does not understand that the point of order is good in its application to the operation of this rule. This bill is on the Calendar, and the gentleman has the right to call it up.

Mr. MILLS. Can the gentleman offer the same bill repeatedly under this rule?

The SPEAKER *pro tempore.* The Chair does not know of anything in the rule to prevent any gentleman who is recognized from offering the same bill, if he shall see proper to do so.

Mr. MILLS. I think there ought to be, if there is not, some limit, so that he shall not ask day after day to consider the same bill.

Mr. WELLER. I raised the same question of order the other day, and I should like to have a decision of the Chair upon it.

The SPEAKER *pro tempore.* The Chair decided it then, and overrules the point of order now.

The gentleman from Massachusetts is recognized for five minutes in support of the bill.

Mr. RUSSELL. I propose to submit an amendment to the bill.

Mr. WELLER. I wish to inquire if the time for offering objections has arrived?

The SPEAKER *pro tempore.* It has not. The Chair will call for objection after the time for debate has expired.

The Chair will state to the gentleman from Massachusetts that the time has not arrived for offering amendments to the bill, as it is not yet before the House.

Mr. RUSSELL. I yield two minutes to the gentleman from Alabama [Mr. HERBERT].

Mr. HERBERT. This bill simply proposes that instead of 10 per cent. being retained upon all goods manufactured wholly of foreign material, the drawback shall be 100 per cent. This policy, Mr. Speaker, has long obtained. The law at present allows a drawback of 90 per cent. upon all goods manufactured of foreign material. This bill pro-

poses to allow 100 per cent. The 10 per cent. at present retained was originally provided for in order to pay the expenses of collecting the drawback.

In the case of sugar the amount of cost has been found to be not as much as 1 per cent., and consequently heretofore the law has been so changed as to allow 99 per cent. to be refunded on sugars. This bill proposes to allow 100 per cent. on everything.

In committee I preferred that the drawback should be 99 per cent., and that the Government should retain 1 per cent. to indemnify it against the cost of collection. But the 1 per cent. is a matter of little or no importance.

The principle of the bill is simply this: To allow foreign material imported here to be marked up by our own people for exportation without any duties being charged by the Government. I can not see how it will injuriously affect any interest in this country. It will simply result in giving employment to a larger number of workmen without affecting the general interests of the business of the country. The amount of foreign material that can be imported into this country and worked up into manufactures for exportation will never be very large so long as labor with us is higher than it is in foreign countries.

The SPEAKER *pro tempore*. The gentleman from Massachusetts [Mr. RUSSELL] has two minutes of his time remaining.

Mr. RUSSELL. I desire to say that this bill is in the interest of American manufactures and American labor. The present law provides that when an article manufactured wholly of imported material on which a duty has been paid and the manufactured article is exported, it is entitled to a drawback of 90 per cent. This bill provides that the whole amount of duty on the imported material shall be paid back, which enables us to more successfully compete with many articles of domestic manufacture in a foreign market; and I hope that this—being in the interest of American labor—bill will pass.

Mr. DINGLEY. Will the gentleman from Massachusetts for one moment permit an inquiry?

Mr. RUSSELL. Certainly.

Mr. DINGLEY. As I understand, the law since 1799 has provided for a drawback of 90 per cent. on all articles imported for manufacture when re-exported. And I understand the only amendment proposed is to make the drawback 100 per cent. instead of 90.

Mr. RUSSELL. That is the effect of it.

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Texas [Mr. MILLS] to control the time in opposition to the bill.

Mr. MILLS. A long time ago a law was made that 90 per cent. of the duty paid on all articles entering into manufactures that were re-exported should be refunded to the party paying the tax. That has been the policy of the Government for many years. It is proposed now by this bill to give to the manufacturer the whole of the money that he pays on the raw material entering into the manufactures that are re-exported. The doctrine has been stated by the gentleman from Alabama [Mr. HERBERT] this morning that that 10 per cent. was retained in order to pay the cost of collection. I have always understood all taxes were imposed by the Government of the United States for the purpose of raising revenue. But now we are told this tax was imposed simply to pay the expense of collection. Here is the position assumed by the manufacturers: They are in favor of free trade as far as it concerns all raw materials which they buy in order to manufacture goods to sell in the open markets of the world, and they are opposed to every reduction of taxation on the finished product that the people of the United States have to consume. That is just the proposition of this bill; to give to the manufacturers absolute and unconditional free trade in all the materials entering into the manufacture of their products, while you charge the people of the United States 100, 110, 120, 140, and 150 per cent., and refuse all the time to permit the reduction of one farthing on the necessaries of life to the poorest part of our population. I hope there are gentlemen enough in this House who have not bowed their knees to Baal to prevent the consummation of such a purpose.

Mr. WELLER. There are.

Mr. HERBERT. I wish to ask the gentleman from Texas [Mr. MILLS] has it not been the rule in all administrations from the beginning of the Government to allow this drawback—even in the Walker tariff?

Mr. MILLS. Ninety per cent. has been the rule all the time.

Mr. HERBERT. In all administrations. And I ask the gentleman further: Will he deny that the 10 per cent. retained was for the purpose of paying the cost of collection?

Mr. WASHBURN. I wish to ask the gentleman from Texas whether this changes the principle of paying drawbacks.

Mr. MILLS. It changes the principle as far as the paying back of the 10 per cent. is concerned.

Mr. WASHBURN. Then you should change it altogether.

Mr. WELLER. I should like to hear the report read.

Mr. MILLS. Oh, no; let us vote.

Mr. WELLER. I withdraw the demand for the reading of the report.

Objections being called for, more than the requisite number of members objected.

PUBLIC BUILDING AT NEW ALBANY.

Mr. STOCKSLAGER. I call up the bill (S. 1040) to provide for the construction of a public building at New Albany, Ind.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase, or otherwise procure, a suitable site for a public building, which site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than fifty feet, including streets and alleys, and cause to be erected thereon, at the city of New Albany, in the State of Indiana, a substantial and commodious public building, with fire-proof vaults, for the use of the United States district and circuit courts, the internal-revenue service, and the post-office; the plans and estimates for said building having first been prepared, examined, and approved as required by section 3734 of the Revised Statutes of the United States, upon calculations and specifications that will insure the completion of the building at a cost not to exceed the sum of $100,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no money to be appropriated for said building shall be used until a valid title to the site selected shall be vested in the United States, nor until the State of Indiana shall have ceded to the United States jurisdiction over the same for all purposes during the time the Government shall be or remain the owner thereof, except for the enforcement of the criminal laws of the State and the service of civil process therein.

Mr. STOCKSLAGER. In 1857, when the construction branch of the Treasury Department was under the control of Captain Bowman, an engineer officer of the Army, he recommended the construction of a public building at the city of New Albany. He also repeated that recommendation in 1858 and 1859. Since that time the city has more than doubled in population and commercial importance. Thirteen years ago Federal courts were established there. This bill, or a similar one, was favorably reported in the Forty-sixth and Forty-seventh Congresses. The present bill has passed the Senate unanimously. A similar bill has been reported to this House and considered in the Committee of the Whole House on the state of the Union, and after full discussion it passed that committee by a vote of 151 to 20. I hope there will be no objection to this bill and that it will pass.

Mr. WARNER, of Ohio. Is there a report?

Mr. STOCKSLAGER. Yes, sir.

Mr. WARNER, of Ohio. Let it be read.

Mr. STOCKSLAGER. I have it here. It is the report on the House bill, not on the Senate bill. If the gentleman from Ohio [Mr. WARNER] desires it read, I ask that it be read in his time.

Mr. WARNER, of Ohio. No. I want to offer an amendment to the bill.

Mr. HOLMAN. I wish to suggest to my colleague [Mr. STOCKSLAGER], as chairman of the Committee on Public Buildings and Grounds, that one of the most serious objections to bills of this class is that there is never any certainty that the amount appropriated will finally complete the building.

Mr. STOCKSLAGER. I suggest to my colleague that that is not the fault of Congress. This bill is now carefully guarded on that point.

Mr. HOLMAN. I hope we will make it the fault of Congress if it occurs hereafter. With a view of obviating that objection to this bill, I shall move to amend by striking out the remainder of the paragraph after the words "United States," in line 15, and inserting the amendment which I send to the desk and ask the Clerk to read.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Indiana [Mr. HOLMAN] that the bill is not before the House.

Mr. HOLMAN. I am making a suggestion to my colleague [Mr. STOCKSLAGER] as to this amendment, and I wish the Clerk to read the language now contained in the paragraph after the words "United States," as I have indicated, and the amendment which I propose.

The Clerk read a portion of the bill, as follows:

Upon calculations and specifications that will insure the completion of the building at a cost not to exceed the sum of $100,000, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. HOLMAN. The Clerk has read enough. Now I ask my colleague to accept an amendment which I will ask the Clerk to read.

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which plan and specifications shall not involve an expenditure, in the erection and completion of said building and the approaches thereto, exceeding the portion of said $100,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. HOLMAN. Mr. Speaker, the real trouble with these appropriations for public buildings, the thing which excites indignation all over the country, is, that when an appropriation is made for the erection of a building at a given cost it nearly always happens that a large portion of the sum appropriated is expended for the site, combinations are formed, and Congress is called upon for additional appropriations. It is to correct that evil in this case that I propose this amendment, and I hope my colleague [Mr. STOCKSLAGER] will accept it.

Mr. STOCKSLAGER. Mr. Speaker, I desire to say that so far as I am concerned I would have no objection at all to this amendment, but——

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. STOCKSLAGER. The remarks of my colleague [Mr. HOLMAN] were not to be taken out of my time.

The SPEAKER *pro tempore*. The time of the gentleman from Indiana [Mr. STOCKSLAGER] is exhausted.

Mr. STOCKSLAGER. Mr. Speaker, it was distinctly stated that the time occupied by my colleague [Mr. HOLMAN] was not to be taken out of my time.

The SPEAKER *pro tempore*. The gentleman's colleague [Mr. HOLMAN] controls the time on the other side, and probably the gentlemen can arrange as to the time.

Mr. HOLMAN. I think the time that I consumed should not be charged to my colleague [Mr. STOCKSLAGER].

Mr. STOCKSLAGER. Mr. Speaker, I merely want to suggest that that amendment is right in principle, but I do not——

Mr. WILLIS. If the gentleman in charge of this bill [Mr. STOCKSLAGER] will permit me, I will suggest that he is putting the bill "in a hole," because when an amendment is adopted here the bill must go back to the Senate.

Mr. STOCKSLAGER. That is the difficulty. The amendment is right in itself; but if it were adopted the bill would have to go back to the Senate, and at this late day in the session it probably could not be considered there. If it were a House bill, or if it were earlier in the session, I should accept the amendment without hesitation.

Mr. HOLMAN. I guess the Senate can act upon it.

Mr. STOCKSLAGER. The Forty-sixth and Forty-seventh Congresses adopted a form of bill for public buildings which, as completely as seemed practicable, limited the amount of the original appropriation, and this goes a step further in the same direction.

The amendment offered by my colleague [Mr. HOLMAN] is right in itself, but I trust he will not press it, because if this bill is amended and goes back to the Senate it can not be considered at this session.

Mr. WARNER, of Ohio. Mr. Speaker, I was about to offer an amendment to this bill——

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Ohio [Mr. WARNER] that the bill is not before the House.

Mr. WARNER, of Ohio. I was about to offer an amendment (to be read in my time) of the same purport as that which has been suggested by the gentleman from Indiana [Mr. HOLMAN], but as his covers the ground I withhold mine.

I wish, however, to offer a few reasons and present a few facts to show why such an amendment should be adopted upon every bill of this kind. I desire to cite from the report of the Supervising Architect of the Treasury Department some figures on this subject.

In the case of the post-office at Harrisburg, Pa., the cost was originally limited to $160,000. For that building there has already been appropriated $410,000. In the case of the building at Nashville, Tenn., the cost was originally limited to $150,000, and there have been appropriated for that building $424,000. For the court-house at Pittsburgh, Pa., the limit of cost was originally fixed at $300,000. Eight hundred thousand dollars have already been expended upon that building, and this House recently passed a bill appropriating—how much more? A million more, I believe. In the case of the court-house at Parkersburg, Va., the cost was originally limited to $150,000, and $243,000 have been appropriated.

The SPEAKER *pro tempore*. The time for debate on this bill has expired.

Mr. WARNER, of Ohio. There are a dozen other cases of this kind which I might state if time were allowed.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BENNETT. I object.

Mr. HOLMAN. I trust my colleague [Mr. STOCKSLAGER] will accept the amendment I have suggested.

Mr. STOCKSLAGER. It may be offered and voted upon.

Mr. WARNER, of Ohio. I have no objection to the bill if the amendment be accepted.

Mr. STOCKSLAGER. I have no objection to the amendment being offered and voted upon by the House, but do not like to accept it for the reasons I have stated.

Objections being called for, thirteen members objected.

The SPEAKER *pro tempore*. Objection being made by more than ten members, the bill is not before the House.

ALTAR, ETC., FOR CATHOLIC CHURCH, CARROLLTOWN, PA.

Mr. CAMPBELL, of Pennsylvania. I ask that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill which I send to the desk and that it be now considered and passed.

The Clerk read as follows:

A bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to admit free of import duty thirteen cases of church regalia imported by Dugelsledt & Co., August 25, 1884, in the steamer Werra, from Bremen to New York, marked "L. C. B.," and numbered from 620 to 632, inclusive, containing a Gothic altar, with statues for the same, imported by order and for the exclusive use of the Catholic church at Carrolltown, Pa.

The SPEAKER *pro tempore*. Ten minutes are now allowed for the discussion of this bill.

Mr. CAMPBELL, of Pennsylvania. I will not now occupy the time of the House by discussing the bill. The simple reading of it explains its purpose. I do not think there will be any objection to its consideration.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. WELLER. I call for the reading of the report.

The report (by Mr. HISCOCK) was read, as follows:

The Committee on Ways and Means, to whom was referred the bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa., have had the same under consideration, and respectfully report:

That the proposed remission of duty is upon articles exclusively for the use of a religious institution, and not for sale, and following a precedent established by the passage of many such claims, the committee recommend the enactment of this bill into law.

Mr. WELLER. I have no objection to the bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BROWNE, of Indiana. There is objection.

Mr. WARNER, of Ohio. Was there discussion on this bill?

The SPEAKER *pro tempore*. The opportunity was offered, but no gentleman took the floor to debate the bill.

Mr. WARNER, of Ohio. I wished simply to ask a question—why the articles named in the bill can not be admitted free of duty under the existing law without a special act? Upon articles imported for charitable or religious purposes there is no duty imposed by the law, as I understand.

Mr. CAMPBELL, of Pennsylvania. It was supposed that these articles would come in free of duty, but the ruling of the Treasury Department was otherwise; hence the necessity of the passage of this bill.

Objections being called for, only five members objected.

The SPEAKER *pro tempore*. The bill is now before the House for consideration. The first question is upon ordering it to be engrossed and read a third time.

The question being taken, there were—ayes 105, noes 7.

Mr. SKINNER, of North Carolina. No quorum.

The SPEAKER *pro tempore*. The point being made that no quorum has voted, the Chair appoints as tellers the gentleman from North Carolina, Mr. SKINNER, and the gentleman from Pennsylvania, Mr. CAMPBELL.

The House again divided; and the tellers reported—ayes 157, noes 14.

So the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. CAMPBELL, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOBILE AND OHIO RAILROAD COMPANY.

Mr. DORSHEIMER. I call up for present consideration the joint resolution (S. R. 4) to provide for settlement of accounts with the Mobile and Ohio Railroad Company.

The joint resolution was read, as follows:

Whereas by act of Congress approved February 27, 1875, entitled "An act to provide for settlement with certain railway companies," the Secretary of War and the Attorney-General were authorized to make such abatements in the accounts of the companies named in said act as they might find just; and

Whereas the Secretary of War and the Attorney-General having determined and agreed upon a basis for such abatements and settlements, it was found that the Mobile and Ohio Railroad Company had so far paid its accounts that the abatements determined upon would not only extinguish the balance claimed against said company, but would also require the return of a portion of the money already paid by it; and

Whereas the said act not making any appropriation or provision for the return of any money, no settlement was made with the Mobile and Ohio Railroad Company as contemplated by said act, and its accounts still remain unadjusted and unsettled: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War and the Attorney-General be, and they are hereby, authorized and directed jointly to adjust and finally settle the accounts of the United States with the Mobile and Ohio Railroad Company for property received from the United States in the years 1865 and 1866, as provided for in the act of Congress approved February 27, 1875, and upon the same basis of settlement and upon the same terms and conditions as was done with other companies included in said act.

SEC. 2. That when said accounts have been adjusted, if it shall be found that the adjustment upon the basis herein provided for requires the return of any money heretofore paid by the Mobile and Ohio Railroad Company on said accounts, the Secretary of War be, and he is hereby, authorized and directed to issue his warrant on the Treasury of the United States in favor of said company for the amount of money so to be returned; and the amount necessary for such purpose is hereby appropriated out of any moneys in the Treasury of the United States not otherwise appropriated.

Mr. WELLER (during the reading of the joint resolution). Mr. Speaker, I make the point that the hour for the consideration of bills under this order has expired.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

The Clerk concluded the reading of the joint resolution.

The SPEAKER *pro tempore*. The hour has now expired. The gentleman from New York [Mr. DORSHEIMER] will be recognized again when this order is reached.

Mr. DORSHEIMER. This will come up in the next hour under this order?

The SPEAKER *pro tempore*. It will come up in the hour of Monday next.

QUESTION OF PRIVILEGE.

Mr. GIBSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. GIBSON. During the discussion yesterday on the river and harbor bill, a colloquy occurred between the chairman of the Committee on Rivers and Harbors [Mr. WILLIS] and the gentleman from Tennessee [Mr. YOUNG]. It struck me at the time there was misapprehension on the part of both gentlemen as to what was said. Since that time I have carefully examined the RECORD, and I have had conversations with both gentlemen as well as other gentlemen on this floor, and I am satisfied a statement——

Mr. BROWNE, of Indiana. I rise, Mr. Speaker, to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. I make the point that the gentleman from West Virginia is not stating any question of personal privilege.

The SPEAKER *pro tempore*. As far as the gentleman has gone the Chair does not think he is stating any question of personal privilege.

Mr. GIBSON. I could not make myself understood without first making a preliminary statement.

Mr. KEIFER. For how long a time?

Mr. GIBSON. I will be brief.

The SPEAKER *pro tempore*. The Chair will ask the gentleman to state his question of personal privilege.

Mr. GIBSON. There was language used which was taken to be a reflection on a member of this House by another member.

Mr. KEIFER. Was it on you?

Mr. GIBSON. Yes; on me partially. I can not see why any gentleman should object——

Mr. CANNON. Mr. Speaker, I wish to know if it is in order for me to ask by unanimous consent that pending the consideration of the river and harbor appropriation bill every gentleman upon the floor who may desire to do so shall have the right to print in the RECORD whatever he may choose, as a matter of personal privilege, so as not otherwise to take up the time and attention of the House. If so, I will ask unanimous consent for that purpose. ["Good!"]

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Illinois?

Mr. SKINNER, of New York. Yes, I object.

The SPEAKER *pro tempore*. The gentleman from West Virginia will state his question of personal privilege.

Mr. GIBSON. I was about to state that in the language used yesterday it appeared the gentleman from Tennessee [Mr. YOUNG] reflected on members of the Committee on Rivers and Harbors as well as on the chairman of that committee.

Mr. STORM. Did he reflect on you?

Mr. GIBSON. Yes; for I am a member of that committee.

Mr. BROWNE, of Indiana. I still insist on my point of order.

The SPEAKER *pro tempore*. And the Chair feels compelled to sustain the point of order, as the gentleman from West Virginia, in the judgment of the Chair, has not stated any question of personal privilege. [Cries of "Regular order!"]

Mr. GIBSON. I will try then to restate it.

The SPEAKER *pro tempore*. The Chair must recognize the gentleman from West Virginia [Mr. WILSON] to a privileged report.

PROTECTION OF CHILDREN.

Mr. WILSON, of West Virginia. I submit the following privileged conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to bill of the Senate No. 729 "for the protection of children in the District of Columbia, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

I. In line 20, page 1 of the bill, that the Senate recede from its disagreement to the amendment of the House, and agree to the same with the addition of the words "or sight," so that the clause will read "in their presence or sight;" and the House agree to the same.

II. In line 27, page 2 of the bill, that in lieu of the word "twenty-one," as amended by the House to read "sixteen," both Houses agree to the substitution of the word "eighteen."

WM. L. WILSON,
J. THOS. SPRIGGS,
E. JEFFORDS,
Managers on the part of the House.
H. H. RIDDLEBERGER,
AUSTIN F. PIKE,
Managers on the part of the Senate.

The statement accompanying the report is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses to the amendments of the House to the bill of the Senate 729 "for the protection of children in the District of Columbia, and for other purposes," submit the following statement in explanation of the conference report:

I. In section 2 of the original bill authority was conferred on certain officers "to arrest without warrant all persons violating within their view any law relating to or affecting the protection of children," &c. The House substituted for the words "within their view" the words "in their presence," as less equivocal. The Senate agrees to this amendment with the addition of the words "or sight," so that the clause will read, line 20, page 1 of the bill, "in their presence or sight;" and the House consent to this addition.

II. In section 4 of the bill it was made criminal "to entice, decoy, place, or take any female child under the age of 21 years into any house of ill-fame," &c. The House substituted "16 years" for "21 years." Both Houses now agree on "18 years."

WM. L. WILSON,
E. JEFFORDS,
J. THOS. SPRIGGS,
Managers on the part of the House.

Mr. WILSON, of West Virginia. I ask the adoption of that report.

The report was adopted.

Mr. WILSON, of West Virginia, moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

QUESTION OF PERSONAL PRIVILEGE.

Mr. YOUNG. Mr. Speaker, I desire to correct some inaccuracies in the RECORD of this morning, and that may involve incidentally the necessity of correcting myself somewhat.

Mr. KEIFER. That can only be done by unanimous consent.

The SPEAKER *pro tempore*. The gentleman from Tennessee has a right to correct the RECORD.

Mr. KEIFER. That is, if he states the RECORD reports him inaccurately then that is a correction of the RECORD.

Mr. YOUNG. If the gentleman will let me alone I will state briefly what I desire.

Mr. KEIFER. It is a question of privilege to correct the RECORD.

The SPEAKER *pro tempore*. The gentleman said that was his object.

Mr. YOUNG. Who decides the question, the gentleman from Ohio, or the Chair?

Mr. KEIFER. If the gentleman is so facetious about it, the Chair has been trying to be very kind to him——

The SPEAKER *pro tempore*. The gentleman from Tennessee will state his correction.

Mr. KEIFER. He stated he rose to a correction of the RECORD. I understood him to say that he rose to a question of privilege to correct himself.

Mr. YOUNG. Is it not a question of personal privilege to correct the RECORD?

Mr. KEIFER. No, sir.

Mr. YOUNG. I do not understand what a question of privilege is, then.

The SPEAKER *pro tempore*. The gentleman will address the Chair.

Mr. YOUNG. Mr. Speaker, what I wish to say in brief is this: The RECORD this morning reports me as saying in my remarks yesterday that I had had a conversation with every member on the Committee on Rivers and Harbors and I found but one who assumed the responsibility of a measure to which I objected. I did not think I had made such a statement until I was informed by the gentleman from Michigan [Mr. HORR] and one or two other gentlemen that that was my language. When my attention was called to it I corrected it in a subsequent part of my remarks.

I did not intend to state that I had had a conversation with every member of the committee. I did intend to state what was a fact, and what I thought I had stated, that I had spoken to a number of members, and that every member to whom I had spoken, while not perhaps using the exact language employed by me, in substance disavowed any responsibility in connection with it; and every one of these gentlemen did say—that is, every one with whom I spoke—that he was of opinion that this particular appropriation should be made, but the committee decided differently. That statement I had made to the chairman of the committee three days before I uttered it upon the floor of this House. I certainly had no intention of attacking the motives of any member of the committee, nor to question their right to pursue their own convictions of public duty. I only intended in an emphatic but respectful manner to express my dissent from their views, and this I had a perfect right to do, but I had no intention of being offensive to any single one of them.

Mr. Speaker, this question affects a great interest that has been confided to my care in this House, and I felt it to be my duty to protect that interest with all the power I could command. I conceived it to be my duty to point out what I believed to be the errors and omissions which appeared in the bill. That it was my duty to do, and had I failed in it I should have been unfaithful to the trust confided to me by the people who sent me here to represent them and their interests. The misunderstanding what I said has grown out of the necessity I was under of attempting to crowd an hour's speech into five minutes' time, and in undertaking to accomplish such a thing as that it is quite natural that some mistakes should occur. I repeat now that I disclaim any intention of reflecting unjustly upon a member of the committee in the remarks that I made yesterday, nor would I have believed that I made some attributed to me, nor that they could have been construed as of-

fensive, had I not been informed by a number of gentlemen, perhaps less liable to be mistaken than I, that they were open to that criticism.

Mr. BAYNE. Mr. Speaker, I am glad that the gentleman from Tennessee has made this statement. I knew very well that my friend from Tennessee would not misrepresent anybody on this floor or anywhere else, and when he stated that he had a conversation with every member of the committee upon this subject, I knew that the statement was made in error and in the heat of debate and discussion, for he had not had any conversation with me upon the subject.

Mr. THOMAS. Nor did he have any with me.

Mr. YOUNG. Nor did I say that I had.

Mr. WILLIS. I hope the House will indulge me for a very few moments, for the reason that a number of gentlemen have called my attention to the fact that the language I made use of on yesterday, in response to the gentleman from Tennessee, might be susceptible of a harsh construction, which I did not intend to give to it. If it be necessary, therefore, I wish now to disclaim in any degree the slightest intention of using any discourteous or offensive language toward the gentleman from Tennessee.

And I may be permitted, Mr. Speaker, in a single moment, in connection with the subject of the improvement of that harbor (Memphis) to say, that had it not been for my efforts in the last Congress, on the conference committee, the appropriation of $200,000, to which reference was made in the debate on yesterday, would not have been granted. This, I believe, is admitted on all hands. [Cries of "Regular order!"]

Mr. YOUNG. I hope I will be permitted a single word further. I have now but a last word to say in connection with this subject. I expected this disclaimer from the gentleman from Kentucky. I could not believe that it was his intention to reflect injuriously upon me in what he said or I should perhaps have said more in reply, but I am glad I remembered that the grandest of all victories are won by charity and forbearance, and I felt assured, too, that time and reflection would surely bring regret to the gentleman from Kentucky [Mr. WILLIS] as they have to me.

BRIDGE ACROSS THE SAINT CROIX RIVER.

Mr. WASHBURN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a House bill that has been returned with certain amendments of the Senate for the purpose of moving non-concurrence in the Senate amendments with a view to getting a conference committee appointed.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

IN THE SENATE OF THE UNITED STATES, *January* 22, 1885.

Resolved, That this bill pass with amendments.

The SPEAKER *pro tempore*. Does the gentleman desire the amendments to be read?

Mr. WASHBURN. I do not. I move that the House non-concur in the amendments of the Senate in order to ask for a conference upon the disagreeing votes of the two Houses.

The motion was agreed to.

The SPEAKER *pro tempore* announced as the conferees on the part of the House Mr. WASHBURN, Mr. SEYMOUR, and Mr. PETERS.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. LACEY, on account of important business.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the morning hour for the call of committees be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

REPORT OF LIEUTENANT SCHWATKA.

Mr. ROGERS, of New York. I rise to make a privileged report from the Committee on Printing. I am instructed by the Committee on Printing to report back with the recommendation that it be adopted the Senate concurrent resolution which I send to the desk.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the official report of Lieut. Frederick Schwatka, United States Army, of his military reconnaissance, be printed, and that 3,500 additional copies be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the use of the War Department.

The report of the committee was read, as follows:

The Committee on Printing, to whom was referred Senate resolution authorizing the printing of the official report of Lieut. Frederick Schwatka, United States Army, have duly considered the same, and recommend that the House do concur therein.

The cost of printing the additional number of copies is estimated at $5,439.

The resolution was concurred in.

Mr. ROGERS, of New York, moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House, at the close of its session to-day, take a recess until 10 o'clock on Monday morning.

Mr. WHITE, of Kentucky. I call for a division on that motion.

Mr. TOWNSHEND. I wish to inquire if the gentleman from Kentucky means that the House on Monday shall adjourn at 12 o'clock.

The House divided; and there were—ayes 135.

Before the negative vote was counted,

Mr. TOWNSHEND said: I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. I want to know if the gentleman from Kentucky [Mr. WILLIS] has stated his intention was that the House should adjourn before 12 o'clock on Monday.

The SPEAKER *pro tempore*. The Chair did not hear any such statement by the gentleman from Kentucky.

The negative vote was counted; and there were—noes 20.

The SPEAKER *pro tempore*. On this question the ayes are 135 and the noes are 20.

Mr. WHITE, of Kentucky, and Mr. TOWNSHEND. No quorum.

The SPEAKER *pro tempore*. The point is made that a quorum has not voted. The Chair will appoint tellers.

Mr. TOWNSHEND. If the understanding is that the House shall adjourn before 12 o'clock on Monday, I shall not insist on the point as to a quorum.

Mr. WILLIS. I call for the regular order.

Mr. REED, of Maine. I ask the Chair to state the question.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS], that at the close of this day's session the House shall take a recess until 10 o'clock on Monday morning.

Mr. REED, of Maine. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. REED, of Maine. If the House determines that question in the affirmative, and then at the close of this session should adjourn, would it not adjourn until 12 o'clock on Monday?

The SPEAKER *pro tempore*. The Chair thinks it would.

Mr. REED, of Maine. Then I do not see what good can result from this motion, even if it be decided in the affirmative.

The SPEAKER *pro tempore*. The House can not be stripped of its power to adjourn when it pleases.

Mr. WHITE, of Kentucky. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. If the House should take a recess until Monday at 10 o'clock, would it not then be in the power of a majority to extend the day of Saturday through Monday?

The SPEAKER *pro tempore*. If the motion should prevail and a recess should be taken at the end of this day's proceedings until Monday at 10 o'clock, it would still be in the power of the House to adjourn at any time it pleased between 10 and 12 o'clock on Monday.

Mr. HOLMAN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HOLMAN. If the House should adopt this order and take a recess could the House on Monday proceed without adjournment to take up the Post-Office appropriation bill?

The SPEAKER *pro tempore*. The Chair would say it could not.

Mr. REED, of Maine. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. REED, of Maine. I inquire what is the effect of this motion if carried? It seems to me that the result, if it has any, is this, that when we adjourn we shall take a recess.

The SPEAKER *pro tempore*. The Chair does not so understand the motion. The Chair has endeavored to state the question to the House and will state it again. The gentleman from Kentucky [Mr. WILLIS] moves that at the close of this day's proceedings instead of adjourning the House shall take a recess until 10 o'clock on Monday.

Mr. REED, of Maine. I make a point of order on that motion.

Mr. WILLIS. I withdraw the motion, and now move that at 6 o'clock this day the House shall take a recess until 10 o'clock on Monday morning.

Mr. WHITE, of Kentucky. I renew my point of order.

The SPEAKER *pro tempore*. What is the gentleman's point of order?

Mr. WHITE, of Kentucky. I think the Chair misunderstood me. What I meant to ask the Chair is this: If we take a recess until 10 o'clock on Monday, and when we meet at 10 o'clock we should debate until two minutes past 12 o'clock and then adjourn, would not the adjournment be until Tuesday, so that there would be no Monday as a legislative day?

The SPEAKER *pro tempore*. The Chair hardly thinks the question of the gentleman from Kentucky needs an answer.

Mr. TOWNSHEND. I wish to ask the Chair whether this question is not debatable.

Mr. WILLIS. I believe I have got the floor.

The SPEAKER *pro tempore*. The question is not subject to debate. The gentleman from Kentucky [Mr. WILLIS] has made a motion, which the Chair has submitted to the House; and, after having sub-

mitted it, the Chair is now engaged in answering parliamentary inquiries.

Mr. TOWNSHEND. And this is not debatable?

The SPEAKER *pro tempore*. The motion is not debatable.

Mr. REED, of Maine. The motion for a recess, if the Chair please, must be debatable.

The SPEAKER *pro tempore*. The Chair differs from the gentleman from Maine.

Mr. REED, of Maine. Allow me to suggest to the Chair what the state of facts is. We are now dividing on the motion of the gentleman from Kentucky, that at the close of this day's proceedings the House shall take a recess. The gentleman has withdrawn that motion.

The SPEAKER *pro tempore*. The Chair is aware of that.

Mr. REED, of Maine. The gentleman has now submitted a new motion.

The SPEAKER *pro tempore*. The Chair agrees.

Mr. REED, of Maine. And the Chair decides that the motion of the gentleman from Kentucky is not debatable.

Mr. PARKER. I move to amend the motion of the gentleman from Kentucky, so that the House shall take a recess until 11 o'clock instead of 10 o'clock on Monday.

The SPEAKER *pro tempore*. The gentleman from Kentucky moves that the House at 6 o'clock this afternoon shall take a recess until 10 o'clock on Monday, to which the gentleman from New York [Mr. PARKER] moves as an amendment to fix 11 o'clock as the hour to which the recess shall be taken. The question is first on the amendment submitted by the gentleman from New York.

The amendment was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Kentucky.

The question being taken, the Speaker *pro tempore* stated in the judgment of the Chair the ayes had it.

Mr. TOWNSHEND. I call for a vote.

The House divided; and there were—ayes 132, noes 15.

Mr. WHITE, of Kentucky. No quorum.

Tellers were ordered; and Mr. BRECKINRIDGE and Mr. WHITE of Kentucky were appointed.

The House again divided; and the tellers reported—ayes 158, noes 6.

Mr. TOWNSHEND. No quorum.

The SPEAKER *pro tempore*. A quorum is found; the ayes have it, and the motion is agreed to.

Mr. TOWNSHEND. I call for the yeas and nays.

The SPEAKER *pro tempore*. The call is too late. It was not made until after the decision of the Chair was announced.

Mr. HOLMAN. Mr. Speaker, I submit that the call for the yeas and nays was made instantly.

The SPEAKER *pro tempore*. The Chair thinks differently; for the Chair waited very deliberately for the gentleman from Illinois [Mr. TOWNSHEND] to make the demand, and it was not made until after the decision of the Chair was announced.

Mr. WHITE, of Kentucky. Mr. Speaker, it is in order now to call for the yeas and nays, is it not?

The SPEAKER *pro tempore*. It is not.

Mr. WILLIS. Mr. Speaker, I move that the House now resolve itself into the Committee of the Whole House on the state of the Union.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moves that the House now resolve itself into the Committee of the Whole.

Mr. REED, of Maine. I rise to a point of order.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman as soon as the Chair has stated the motion of the gentleman from Kentucky [Mr. WILLIS].

Mr. REED, of Maine. But, Mr. Speaker, I rose to a point of order before that motion.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky [Mr. WILLIS] is that the House now resolve itself into the Committee of the Whole House on the state of the Union. Now, the Chair recognizes the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. But, Mr. Speaker, I do not rise to a point of order regarding this motion, but to a point preceding the motion.

The SPEAKER *pro tempore*. The gentleman will state his point of order.

Mr. REED, of Maine. My point of order is that the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays immediately upon the Chair's announcement of the vote, and that that was the only time when he could have called for the yeas and nays.

The SPEAKER *pro tempore*. The Chair does not see the point of order. The Chair states that when the report was handed up from the tellers the Chair announced the vote and waited for a call for the yeas and nays to be made. No call having been made, the Chair announced the result, after which the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays.

Mr. REED, of Maine. Mr. Speaker, this is a matter of some importance, and I desire to be heard a little further upon it. After the announcement of the vote by tellers it is in order, I believe, to call for the yeas and nays.

The SPEAKER *pro tempore*. The Chair admits it.

Mr. REED, of Maine. And it is not in order until after the announcement.

The SPEAKER *pro tempore*. The Chair admits it.

Mr. REED, of Maine. And immediately after the announcement by the Chair the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] did not call for the yeas and nays immediately. He——

Mr. REED, of Maine. He could not have made the call until after the announcement by the Chair.

The SPEAKER *pro tempore*. Whenever the gentleman from Maine [Mr. REED] desires it, the Chair will state what occurred.

Mr. REED, of Maine. Precisely.

The SPEAKER *pro tempore*. The Chair has stated, and now restates, that when the vote was handed up from the tellers the report showed 158 votes in the affirmative and 6 in the negative; whereupon the gentleman from Illinois [Mr. TOWNSHEND] made the point that no quorum had voted. The Chair replied that a quorum had been found and had voted; and then the Chair waited for a call to be made for the yeas and nays, if any gentleman desired them—waited what the Chair thought was a full and reasonable time. Then, no demand being made for the yeas and nays, the Chair announced that the ayes had it, and that the motion had prevailed; after which the gentleman from Illinois [Mr. TOWNSHEND] called for the yeas and nays; which the Chair thought, and then decided and still decides, was too late and not within the rule.

Mr. REED, of Maine. Mr. Speaker, I did not understand such to be the state of facts.

A MEMBER. Such were the facts.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is called for; and it is the motion of the gentleman from Kentucky [Mr. WILLIS] that this House do now resolve itself into Committee of the Whole House on the state of the Union.

Mr. WHITE, of Kentucky. Mr. Speaker, pending that motion I move to reconsider the vote by which the House resolved to take a recess at 6 o'clock this evening until 10 o'clock Monday morning.

Mr. WILLIS. I believe I have the floor, Mr. Speaker.

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky [Mr. WHITE] to reconsider is in order.

Mr. WILLIS. Then I move to lay it on the table.

Mr. WHITE, of Kentucky. Upon that motion I call for the yeas and nays.

The question was taken by a rising vote on ordering the yeas and nays, and the motion was not agreed to—only twelve members having risen.

Mr. WHITE, of Kentucky. I call for tellers.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] asks for tellers upon his demand for the yeas and nays. Gentlemen in favor of ordering tellers will rise and remain standing until counted. [After a pause.] Ten gentlemen have risen—not a sufficient number; so tellers are refused and the yeas and nays are refused.

The question was taken on the motion of Mr. WILLIS to lay on the table the motion of Mr. WHITE to reconsider the vote by which the House had ordered a recess to begin at 6 o'clock this evening.

The motion to lay on the table was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. PAYNE. I move to amend by inserting after the pending paragraph of the bill the amendment which I send to the desk.

The Clerk read as follows:

After line 140, insert:

"Improving harbor at Pultneyville, N. Y.: For dredging channel and constructing pile pier, $7,500."

Mr. PAYNE. Mr. Chairman, I do not offer this amendment for the purpose of delaying the Committee of the Whole in the consideration of the bill. I have no sympathy with any feeling of that kind which may exist upon this floor. I offer the amendment in the interest of an improvement which I think ought to be made. This harbor at Pultneyville, upon Lake Ontario, is a harbor where the Government in 1870 entered upon the task of improvement. Prior to that time and before the Government had spent a dollar upon the work private parties had expended more than $30,000 for the improvement of this harbor. This showed the feeling of these individuals as to the necessity of this improvement.

Since the Government entered upon this work it has spent $71,000 for the purpose of getting a 10-foot channel. The last appropriation

used was in the year 1882. A channel of ten feet was obtained. As a result the commerce of this harbor started up, and from nothing increased to such an extent that the revenues from customs during that year were something like $1,300, as appears by the official report. Since that time, and because the improvement so far as made did not completely remedy the difficulty, sand has drifted into the channel, which now is not more than four feet in depth.

The Committee on Rivers and Harbors refused an appropriation last year because the engineer had made no survey and no appropriation was recommended. This year a survey has been made, and the engineer says that if this pile pier be built and the channel be dredged he believes that ten feet of water can be obtained. He recommends an appropriation of $30,000. I have graded my amendment upon the precise percentage which the committee say they allow. The amendment proposes to expend only 25 per cent. of the $30,000 recommended. I submit that this amendment ought to prevail and that this work on which the Government has expended $71,000 and private individuals $30,000 ought ultimately to be completed and the harbor made navigable for vessels drawing ten feet of water.

Mr. WILLIS. This is not in the estimates at all. The whole number of steamers entering this harbor during the last year was 2; sailing vessels, 17; the total revenues, $453; and the total tonnage 690 tons. It is a harbor of no commercial importance whatever. I ask for a vote on the amendment.

Mr. PAYNE. In order to reply to the statement just made, I move to amend the amendment by striking out the last word. I wish to repeat that this work is recommended by the engineer. An appropriation of $30,000 is recommended. The reason the commerce at this harbor has been reduced so that the revenues are less than $500 annually is because sand has drifted into the harbor, and it needs redredging. An expenditure of only $30,000 for this pile pier is necessary to complete the work that the Government has entered upon.

Mr. WILLIS. The gentleman should understand that the Chief of Engineers has not recommended this work; it is the local engineer.

Mr. PAYNE. The Chief Engineer does recommend it; the recommendation appears at page 324 of the report of the Secretary of War. I withdraw the *pro forma* amendment.

The question being taken on the amendment of Mr. PAYNE, it was not agreed to; there being—ayes 38, noes 83.

The Clerk read as follows:

Improving harbor at Raritan Bay, New Jersey: Continuing improvement, $15,000.

Mr. KEAN. I move the following amendment:

Improving harbor at Raritan Bay: For completion of same, $45,000.

Mr. Chairman, I shall detain the Committee of the Whole only a moment for the purpose of calling attention to the vast commerce passing through this channel. The work is almost completed, and with its completion a depth of twenty-one feet of water will be maintained for the whole distance. The whole amount already expended for this improvement has been only $120,000. The sum named in my amendment is required to complete the work. The Chief of Engineers and the engineer in charge not only recommend but earnestly recommend the appropriation.

As stated in the engineer's report—

The annual tonnage of the channel for actual freight is estimated at 2,000,000 tons; it is carried in about 5,000 vessels and steamers, and has an estimated value of $10,000,000 annually.

This tonnage is increasing largely, and if the appropriation now asked be made the work will be completed. This is not an experiment. With this additional appropriation the work will be a success. I ask for a vote.

The CHAIRMAN. The noes seem to have it.

Mr KEAN. I demand a division.

The committee divided; and there were—ayes 32, noes 64.

Mr. KEAN. No quorum has voted.

The CHAIRMAN. The point being made that no quorum has voted, the Chair will appoint as tellers Mr. WILLIS and Mr. KEAN.

Mr. WILLIS. I hope the gentleman from New Jersey will not insist on his point of no quorum.

Mr. KEAN. I withdraw the point.

So the amendment was disagreed to.

The clerk read as follows:

The Secretary of War is hereby directed to report to the next Congress on the expediency and desirability of continuing the Government improvements of the harbor at Chester, Pa., and the probable expense of repairing the piers now in service there.

Mr. REED, of Maine. I should like to have some explanation in regard to that paragraph.

Mr. EVERHART. Do you want to defeat the paragraph?

Mr. REED, of Maine. No, sir.

Mr. EVERHART. All right, then.

Mr. REAGAN. What is the question before the committee?

The CHAIRMAN. Debate is not in order unless some amendment be pending.

Mr. WILLIS. I will say to the gentleman from Maine that there is no recommendation made by the engineer, but the gentleman from Pennsylvania [Mr. EVERHART] interested in that harbor asked a survey be made for the purpose of ascertaining whether it would be necessary to further improve it. On page 816 of the engineer's report it states:

No work has been performed during the past fiscal year. It is recommended no further appropriation be made for this improvement, and we have made none. The ice-harbor at Marcus Hook, which is very extensive and in a very effective condition, is but two or three miles below, and answers all purposes that a harbor at Chester could demand.

But the gentleman from Pennsylvania [Mr. EVERHART] asked further examination should be made to ascertain whether the facts in favor of continuing the Government improvements on the harbor at Chester, Pa., could not be strengthened.

Mr. REED, of Maine. It is not a place where improvements have been going on and stopped by this committee?

Mr. WILLIS. No, sir.

The Clerk read as follows:

Improving harbor at Baltimore, Md.: Continuing improvement, $75,000.

Mr. FINDLAY. I move, in line 173, to strike out $75,000 and insert $200,000.

Now, Mr. Chairman, in 1853 we had a depth in the ship-channel leading to Baltimore of seventeen feet at mean low water, and by the united effort of the United States, the State of Maryland, and the municipal authorities of the city of Baltimore we have increased that depth to twenty-seven feet. The depth is now sufficient for all practical purposes, but there are three channels leading into the harbor of Baltimore from the deep water of the Chesapeake Bay. There is the channel (I take them in the reverse order) from Fort McHenry to Fort Carroll. Then there is the channel called the Brewerton Channel. Then there is the cut-off which leads to Craighill Channel; and taking the average width of all these channels which are outside of the harbor of Baltimore proper, we have only about two hundred and seventeen feet in width. We want four hundred feet in width and we can not get along without it for obvious reasons. The big steamers which come into that port, some four hundred and forty feet in length, are being continually stranded upon the sides of these channels, and it takes from $2,000 to $3,000 in lighterage, towage, cooperage, and what not to get them off. The bay craft and the seacoast craft that come into that channel, and having the right of way against these steamers, crowd them onto the banks, and this is the result.

We have the testimony of the agents of the board of underwriters and of the pilots of that port. The Chief of Engineers says he can profitably expend in 1886 $200,000, and that $200,000 is only in continuance of the existing project and is absolutely necessary to make it effectual. We have been allowed $75,000 by the committee, but it is not enough, for it makes no difference how deep you make the channel, unless you give it the requisite width it is not sufficient.

I do not propose to go into the general line of argument why we should have this. I shall not allude to the fact that the city of Baltimore has a population of 400,000 souls, or to the other fact that two great trunk lines which lead into the West terminate at that point, and that we have provided the amplest terminal facilities for the accommodation of the Western country as well as of the foreign commerce that comes into that great port of Baltimore.

I will not allude to the further fact, sir, we have helped ourselves in this matter. There has been appropriated about $1,800,000 by the General Government for the improvement of the ship-channels leading into the harbor, and the State of Maryland and the city of Baltimore have come up and appropriated one-third of that amount for the same improvement.

I desire to say further that the city of Baltimore, of all the cities of the Atlantic seacoast, has never received a dollar for the improvement of her harbor proper; all this money has been expended for ship-channels leading into the harbor. The city has given $400,000 for that outer ship-channel. But for the improvement of the harbor itself—for the water ways that are in the harbor—we never received a single dollar from the Government of the United States.

[Here the hammer fell.]

Mr. TALBOTT was recognized, and yielded his time to Mr. FINDLAY.

Mr. FINDLAY. I am very much obliged to my colleague.

I desire to say here that on a comparison with what has been done or with results that have been reached in the other great cities on the Atlantic seacoast we also hold a most favorable situation. The average approximate width of the channel leading into Boston Harbor is 600 feet; the average width of the New York channel is 1,200 feet; that of Philadelphia 470 feet; while the average width, as I have shown, of the channel of Baltimore is only 217 feet. And although the depth of water in the Baltimore Harbor compares most favorably with the depths of channels leading into other harbors, yet in point of width we do not show so well. For instance, Boston Harbor I think has a depth at high water of 31¾ feet; New York has a depth of 27½ feet at high water; Philadelphia has 26 feet at high water; while Baltimore has 27 feet at mean low water, with 18 inches more as the result of the average rise of the tide, which is increased also by the spring tide.

As I have said, Mr. Chairman, it is not depth, therefore, that we

want, but width, for without width depth is good for nothing to meet the demands of the commerce of such a city as Baltimore.

I reserve the remainder of the time allotted to me, in order to hear what may be said in opposition to this amendment by the other side.

Mr. BRECKINRIDGE. Mr. Chairman, I will call the attention of the committee briefly to a few points which influenced the minds of the Committee on Rivers and Harbors in their consideration of the improvement connected with the Baltimore Harbor.

The depth of the channel is now 27 feet. It is correctly stated that there is no trouble about the depth of that channel. The whole question is one of width. This channel averages 250 feet in width in one part, the same in another, 225 feet in another, and for a distance of only a half a mile is it narrowed to 160 feet.

They have on hand enough for this year and for the next fiscal year, being in round numbers $400,000.

Mr. FINDLAY. Oh, no!

Mr. BRECKINRIDGE. Yes; it so appears in this Book of Estimates.

Mr. FINDLAY. They only have $320,000.

Mr. BRECKINRIDGE. Three hundred and twenty thousand dollars plus $75,000 is $395,000. Of course I spoke in round numbers when I said $400,000.

Mr. FINDLAY. But that is for 1886.

Mr. BRECKINRIDGE. I say for this year and the coming year.

Mr. FINDLAY. I beg pardon; I did not understand that to be your statement.

Mr. BRECKINRIDGE. Now it is estimated by the engineers that they can spend profitably $200,000 in this year. They have got, as I have said, about $400,000 in two years, and in this respect this harbor of Baltimore is in a far better condition than most of her sister cities, which have neither width nor depth, and as it only lacks after this is given $125,000 of what will secure the full completion of the harbor or the completion of the project originally embarked upon, they certainly can not be in a very great state of suffering such as would warrant this increase in the expenditure.

The committee thought, in considering the urgent needs of the commercial interests of this country as involved in this question, that by allowing to Baltimore the sum specified in this bill they had given more than the average allowance of appropriations for works of a similar character generally throughout the country.

Mr. FINDLAY. Mr. Chairman, I do not appreciate altogether the force of that argument. It seems to me that these questions are to be decided not by what has been given to one place or by what has been refused in another, but that each place must be permitted to stand upon its own individual merits.

Now, $1,250,000 was the sum of the original estimate for the completion of this channel improvement in Baltimore. Two hundred thousand dollars yet remain unexpended, or unappropriated, of that original estimate. It is absolutely necessary to complete this great project, so the engineer says, and not merely the Chief Engineer in his report, who says that that amount can be profitably expended in 1886, but the local engineer, Colonel Craighill, says there is a necessity for it. It is true, taking the unexpended balance coming over from 1883 and adding it to the sum appropriated by the last river and harbor bill, that we have $320,000 which is subject to expenditure during the fiscal year 1885. But this appropriation is not for 1885. This appropriation is for 1886; and the Chief of Engineers says that $200,000 can be profitably expended during that year.

I wish now to call the attention of this committee and the attention of the Committee on Rivers and Harbors to the fact that during the year 1883–'84—the fiscal year 1884—we expended $240,000 on that work. And I would like to know whether we would not be able to expend profitably the same amount for the year 1886, when the engineer says that $200,000 at least can be profitably expended. In the year terminating the 1st July, 1884, we expended $240,000. Now, if we have $320,000 to expend for the fiscal year 1885, and if we deduct the $240,000 from the $320,000, there are left $80,000 to go over as an unexpended balance; that, added to the $75,000 the committee propose to give us, would be $155,000 for the year 1886. But, sir, we expended $240,000 for the year 1884, and the inference is we could expend at least that amount for the year, 1886.

The question being taken on agreeing to Mr. FINDLAY'S amendment, there were—ayes 40, noes 39.

So (further count not being called for) the amendment was agreed to.

Mr. WILLIS. I of course reserve the right to have a vote on this in the House.

The Clerk read the following paragraph:

Improving approach to Norfolk Harbor and the United States navy-yard at Norfolk, Va.: Continuing improvement, by widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, commencing at Lambert's Point Light, $50,000.

Mr. GEORGE D. WISE. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out from the paragraph just read the following: "By widening the channel of Elizabeth River to the port-warden's line on the eastern side, between Lambert's Point Light and Fort Norfolk, commencing at Lambert's Point Light," and inserting at the end of the paragraph the following: "To be expended under the direction of the Engineer Department."

Mr. BRECKINRIDGE. That is simply to leave the expenditure of the appropriation at the discretion of the Engineer Department?

Mr. GEORGE D. WISE. Yes, sir.

Mr. BRECKINRIDGE. There is no objection to that amendment.

Mr. GIBSON. Does it add to the amount in the bill?

Mr. GEORGE D. WISE. Not at all.

The amendment was agreed to.

The Clerk read the following paragraph:

Improving harbor at Charleston, South Carolina: Continuing improvement, $150,000.

Mr. DIBBLE. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 187, strike out "$150,000" and insert "$300,000."

Mr. DIBBLE. Charleston is one of the most important cotton ports on the South Atlantic. It is the largest city on the South Atlantic and Gulf coasts south of Richmond, except the city of New Orleans, and work has been going on at that point which is not local but is national in its importance. By reason of its western connections, Charleston is in communication with Chicago, Cincinnati, Louisville, and Saint Louis for the Western trade to the Southeast Atlantic States. The chambers of commerce of the great city of New York and of our sister city of Baltimore, which has been so fortunately recognized by this House a few moments ago, the Chamber of Commerce of Louisville, Ky., and the Board of Trade and Transportation of Cincinnati, Ohio, have memorialized Congress from time to time to foster and further this improvement as a matter of interest to all those sections of the country.

Now, what is the condition of that work? According to the original project of General Gillmore, one of the best of the Army engineers, that work was to be completed in four years at an annual expenditure of $450,000; and General Gillmore said to the committee that with that amount to expend annually he could construct the works, could secure the works, and could complete the improvement. It has been seven years since that project was submitted. A little over a million of dollars out of the $1,800,000, a little more tha n hlf, has been expended. The engineers ask for $600,000 for the year commencing next July. They have now only the means to carry this work up to the end of the present fiscal year. They want $600,000 for the next year.

The committee have reduced us under an arbitrary scale to 25 per cent. of the estimate. I submit, Mr. Chairman, that the importance of this work is exceptional; that it stands as favorably as any project which has been submitted to this Congress, and it ought to be put under the most favorable terms. In this amendment I have only asked for 50 per cent. of the amount the engineers estimated. I ask that the appropriation be raised from $150,000 to $300,000.

There is this additional reason in regard to this improvement: There was estimated in the original project of this work $102,000 for dredging purposes. The time has come when that dredging is necessary; and of this addition of $150,000 fully $100,000 will be needed for that purpose.

The works have to go on. The results at that harbor, as appears by the letter of General Gillmore which was published the other day in the RECORD, show that the work is going to be a success. The people of Charleston have confidence in it. The shipmasters say it is going to give us deep water, and I ask this House that this be made one of those cases where the rule of 25 per cent. shall not be arbitrarily enforced.

Mr. BRECKINRIDGE and Mr. HORR rose.

Mr. BRECKINRIDGE. I yield to the gentleman from Michigan. Is he in opposition to the amendment?

Mr. HORR. I have but a word to say; but if I recollect this harbor aright it is the one about which we have had so much trouble on the Atlantic coast. Is not this the harbor where the Government, in 1862, sunk from fifteen to twenty ships loaded down? This is the same harbor, is it not?

Mr. DIBBLE. It is the same harbor.

Mr. HORR. Can the gentleman tell us where those ships are?

Mr. DIBBLE. The ships that were sunk at that time have gone down in the quicksands at a point near Pumpkin Hill Channel. But I will say to the gentleman from Michigan, in explanation, that the point where the jetties are located—which jetties have not sunk—has been found by borings made by the engineers to have a solid basis. The place where the ships were sunk is five miles distant from that point.

Mr. HORR. My memory is very clear that the harbor of Charleston is one of the most doubtful improvements in this entire bill, and I think the Committee on Rivers and Harbors have been very liberal with it under all the circumstances of the case; for, if I understand the difficulties there, it is extremely doubtful, with the present engineering and present plan, whether it is not a worse harbor to manage than even Galveston, and I do not want to cast a slur on Galveston by any means. I think that the appropriations for Charleston Harbor up to this time have failed to secure the additional water which we have been told would be obtained. Am I mistaken about that?

Mr. DIBBLE. The gentleman is mistaken about that, in this: the improvement is about three miles long, and the result so far of the im-

provement from the incomplete works has been to develop deep water about half that distance seaward. The other half has not been developed at all. The movement of deep water seaward is going on day by day, and the report of the last examination shows that it has gone three hundred feet seaward since the previous examination.

Mr. HORR. My memory is still the same. I think the committee have given to this harbor in this bill all that the circumstances and conditions of that harbor will warrant, and if I were to vote for anything with reference to the harbor of Charleston, from the knowledge I have of it, my vote would be not to spend another dollar there until we know a little better what we are getting in return for the money already expended.

That is my idea about it; and I am very clear that it is a conclusion founded upon the reports of engineers and upon ascertained results up to this time. I am sorry, but I say, conscientiously, that I think the money put into Charleston Harbor up to this time has not been profitably spent—that the improvement has not been a success. I appeal to the committee to state if I am not right, and if that is not the information that we have upon this subject. [Cries of "Vote!" "Vote!"]

Mr. THOMAS. Mr. Chairman, Charleston was one of the harbors considered seriously by the committee, with reference to cutting off appropriations entirely, until a complete examination of it could be made by the harbor board provided for in this bill, and a report, giving plans, specifications, and estimates for the final improvement of the harbor, could be submitted to Congress. But, as I said in my extended remarks the other day, the committee concluded that possibly the information they had received at the last session of Congress might not have been correct, and that possibly they were mistaken in their view of the condition of this harbor; and hence it was that a majority of the committee thought it better to allow to this harbor the percentage adopted by the committee in this bill generally, at the same time providing that it should be examined by this harbor board, and a complete report made on the plans and estimates for its improvement. I want to say, Mr. Chairman, that the work on Charleston Harbor has not been satisfactory to the committee, and from representations made to the committee at the last session of Congress we have had little hope that the work under the present system will ever prove satisfactory.

Mr. DIBBLE. Mr. Chairman, I move to strike out the last word. There is at Charleston Harbor an outer bar, and across that bar there are three principal channels, the Beach Channel, the Swash Channel, opposite the center of the harbor, and the Pumpkin Hill Channel, five miles below.

Mr. THOMAS. Will the gentleman yield for a question?

Mr. DIBBLE. Yes.

Mr. THOMAS. I wish to ask if it was not represented to the committee by the gentleman himself at the last session of Congress that the work done there had had the effect of reducing the depth of water in the Pumpkin Hill Channel, which is the best channel, about eighteen inches?

Mr. DIBBLE. About ten inches.

Mr. THOMAS. And is not that the best channel into the harbor—or was it not so represented by the gentleman and his associates at the last session?

Mr. DIBBLE. It is the main ship channel. It was in that channel five miles below that the vessels were sunk to which the gentleman from Michigan [Mr. HORR] referred a while ago. Now the engineers, in devising a plan for this improvement, took the channel opposite the mouth of the harbor, the Swash Channel, which, with these jetties, has through it a depth of water equal to the average depth of the Pumpkin Hill Channel, the largest channel which Charleston Harbor has had.

Of course the Pumpkin Hill Channel, as the engineers have already reported, will deteriorate in proportion as the central channel improves. Now the central channel has improved to the stage where it is equal in depth to the Pumpkin Hill Channel. But we want money to continue the improvements, because one-half of the space between the two jetties now carries thirty feet of water at low water at places where there was formerly only twelve feet, and the sand which has been carried seaward has not formed a bar outside, but has been dispersed; so that the removal of that sand to the depth of thirty feet has not injured the mouth beyond the jetties or built up a bar there. Within the last twelve months there have been taken, for the purpose of observing the effects of the work that has been done, 40,000 soundings, embracing an area of twenty-five square miles. That is the source from which we get these results. There has been a diver sent down to examine the stability of the jetties, and they have been reported by the engineer as in a satisfactory condition.

Now all I ask is an appropriation which will enable the Government to carry out this project. General Gillmore says:

> I wish to reaffirm my confidence in the ability of these works when completed to maintain a deep navigable channel across the bar. I believe a depth of thirty feet to be easily obtainable.

Now we do not expect to keep Pumpkin Hill Channel open. We expect to make the Swash Channel the channel. Pumpkin Hill is shoaling from day to day. If it continues to shoal and the work upon the other channel is left in this incomplete condition, then it in a measure ...eals the port of Charleston.

Mr. SMALLS. Mr. Chairman, I hope the amendment offered by my colleague will be adopted. The question has been asked, what became of the ships which were sunk in Charleston Harbor in 1862. My colleague said they went down in the quicksand. They did not go down in the quicksand. I happened to be off that bar about that time. I had something to do around that bar. The main body of those ships were knocked to pieces by the waves and were drifted ashore upon Morris Island, Folly Island, and the rest of the islands along that coast. The bottoms of the ships and the stone in them may have gone down, God knows where.

This channel is now being dug close on to Sullivan's Island beach; and I have been informed by men of experience—such men as General Q. A. Gillmore, who is as high in authority as any man in this country—that the channel over this bar can be improved to a depth of thirty feet. I believe if we give the necessary amount this can be done. I ask the House to give the amount asked for in order that a fair trial may be had.

The trouble is that from time to time there have been appropriations of amounts which were too small, so that just when the work had reached a point where it ought to be prosecuted without delay the appropriations would be exhausted, and the work would be stopped for five or six months till more money could be obtained. In consequence of this method of making insufficient appropriations the channel after work has been done has filled up again so that the work has had to be done over again. This work at Charleston bar has been from time to time commenced anew in this way.

Mr. CUTCHEON. I would like to know what amount of money would give this thirty feet of water that the gentleman speaks of and keep it there.

Mr. SMALLS. I refer the gentleman to the report of that distinguished officer General Gillmore. If he will read that report, he will find just what is needed. [Laughter.]

I hope gentlemen, on this side of the House at least, will give us a chance. If we do not show some improvement, next year cut us off and give us nothing.

A MEMBER. Then what will become of the money that we now appropriate?

Mr. SMALLS. We will take care of that as soon as you appropriate it. There is no trouble about spending the money. [Laughter.] The only trouble in this House is to get it—to prevent gentlemen on the other side from "objecting." Mr. Chairman, I hope the amendment will be adopted.

Mr. DIBBLE. Mr. Chairman, for the purpose merely of replying to a question which has been asked, I move to amend the amendment by striking out the last word. General Gillmore has stated that to make this improvement by jetties, partly submerged and partly high-water jetties, would in his judgment cost $1,800,000. The board of engineers state that the expense for the project as submitted would be $1,800,000. If the jetties were all made high-water jetties, of which the project is capable with the same foundation, the cost would probably be $3,000,000.

Mr. HORR. How much has already been expended there?

Mr. DIBBLE. About $1,000,000.

Mr. HORR. Since when? Since the improvement commenced?

Mr. DIBBLE. In the seven years that the work has been going on. I withdraw the formal amendment.

The question being taken on the amendment of Mr. DIBBLE, there were—ayes 62, noes 53.

Mr. THOMAS and others. No quorum.

Tellers were ordered; and Mr. DIBBLE and Mr. WILLIS were appointed.

The committee again divided; and the tellers reported—ayes 53, noes 73.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. DIBBLE] withdraw the point of "no quorum?"

Mr. DIBBLE. I did not make the point.

Mr. THOMAS. I made the point; I withdraw it.

Mr. HEPBURN. The gentleman from Pennsylvania [Mr. BAYNE] made the point.

Mr. THOMAS. I also made it.

Mr. ANDERSON. At any rate the point is not insisted upon.

The CHAIRMAN. The point of "no quorum" not being insisted upon, the amendment is rejected.

The Clerk read as follows:

> Improving harbor at Georgetown, S. C.: To complete improvement, $2,000.

Mr. BELFORD. I move to insert after the clause just read the amendment which I send to the desk.

The Clerk read as follows:

> That the Secretary of War is hereby authorized and directed to appoint a commission, to consist of three, two of whom shall be members of the Engineer Corps of the Army, and the third one a civilian, to make surveys for the construction of reservoirs on the Poudre, Platte, and Saint Vrain for the storage of surplus water to be used in irrigating and reclaiming the public lands located in the State of Colorado, and to report the probable cost of the construction of such work; and the sum of $20,000 is hereby appropriated to defray the expenses of such commission.

Mr. WILLIS. I make the point of order——

Mr. BELFORD. Oh, Mr. Chairman, I hope not.

Mr. WILLIS. I regret I am compelled to make it, but I do so in the interest of public business.

Mr. BELFORD. All right; but I propose to be heard on that point of order.

Mr. WILLIS. It has been acted on.

Mr. BELFORD. No, it has not been acted on at all; it was withdrawn by consent. I say that the Chair, when he comes to understand this question as I desire to present it, will correct his former ruling on this subject; and I am going to demonstrate it by the character of this bill; and that is the question on which I desire the Chair to hear me.

The CHAIRMAN. The Chair is ready to hear the gentleman from Colorado.

Mr. BELFORD. Very well. Now, Mr. Chairman, this is a proposition to construct reservoirs to preserve the water in the Western rivers in order to reclaim the public land. That is the subject-matter. Will the gentleman from Kentucky tell me if I offer an amendment to widen the channel of the Ohio River at Saint Louis that it would be out of order? Would he have the courage and the audacity—I hate to use that word because he is such an elegant gentleman—would he have the courage to stand up on the floor of this House and say that an amendment of that character was out of order? Suppose some gentleman stood up in his place and offered an amendment to this bill providing we should establish jetties in the Mississippi River in order to deepen the channel in the center of that stream, is there a gentleman here who would stand up and say that that proposition was out of order? If a gentleman comes here and says we should appropriate so much money to deepen the channel of a river, who will say that is not in order? Suppose some gentleman comes here with a proposition to diminish the caving in of the banks of a stream, who will not say that is not in order? Now, what is my proposition? It is simply to preserve the surplus water of these rivers in Colorado in order that we may reclaim over 700,000,000 acres of the public domain held by the Republic in trust for everybody.

I wish to call the gentleman's attention—Brother WILLIS, will you please give me your attention. [Great laughter.]

Mr. WILLIS. With pleasure, if the gentleman will help me to pass this bill.

Mr. BELFORD. I call the attention of the Chair to page 38 of this bill, commencing with line 902. Oh! it is in order for you fellows down South to have the water flow through your baskets, but it is not in order for us to get any pork in our pot out West. [Renewed laughter.]

I wish you to answer this question as chairman of the Committee on Rivers and Harbors. My proposition is to construct reservoirs to save the surplus water in Colorado. Now what has the gentleman done? He has been chairman of the Committee on Rivers and Harbors for two years. What did you report in the last bill and what do you report in this? "For continuing operations on the reservoirs at the headwaters of the Mississippi River, $35,000." Did you raise the point of order when you incorporated that into the body of your bill? What do you want these reservoirs for at the headwaters of the Mississippi River except that it may run down to the South?

Mr. BRECKINRIDGE rose.

Mr. BELFORD. The gentleman will pardon me, but I have no time to yield.

The CHAIRMAN. The gentleman from Colorado is speaking by consent of the Chair, and the Chair is ready to rule on the point of order.

Mr. BELFORD. I wish to present my point before the Chair rules.

The CHAIRMAN. The Chair would be glad to have the gentleman do so.

Mr. BELFORD. But I will hear my friend from Kentucky.

Mr. BRECKINRIDGE. The gentleman speaks of reservoirs. Have those he refers to any connection with navigation?

Mr. BELFORD. I do not know but we may get water enough there to navigate a vessel. [Laughter.]

Mr. BRECKINRIDGE. I have asked my friend a plain question.

Mr. WILLIS. It is irrigation *vs.* navigation.

Mr. BRECKINRIDGE. I ask the gentleman the plain question whether these reservoirs he refers to have anything to do with commerce?

Mr. BELFORD. They have an important connection with commerce. You have got, as I said a moment ago, 700,000,000 acres of unoccupied public land west of the one hundredth meridian. Oh! the gentleman may smile—he will not smile when he gets as old as I am. [Laughter.]

Now, what is commerce? It is nothing but the product of population. What is produced by human hands—what is produced by human brains—that is commerce.

The CHAIRMAN. The Chair hopes the gentleman will keep to the point of order.

Mr. BELFORD. I have been trying to keep to it as close as I could.

The CHAIRMAN. The Chair decides the point of order to be well taken; and rules the amendment out.

Mr. BELFORD. Then I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. BELFORD. Now, Mr. Chairman, I am coming to another branch of this question. Here is my own State that contributes millions of dollars to spread out the purse of the national revenue. I come here and ask you gentlemen to give us $500,000 to improve our streams, to reclaim our deserts, to make them blossom as the rose, and you will not give us a cent. We have not a single nickel in this bill. [Laughter.]

Now, let me tell you where the pork is circulated in this measure, and I must hurry through, as I want to keep inside of my five minutes. Maine, the little Pine-Tree State of Maine, that is represented by a gentleman of brains who is larger than the whole State [laughter]—and I make no personal allusion—gets $67,000.

New Hampshire—and I do not know whether they have got a harbor up there in that part of the country or not—gets $22,500. Massachusetts, $276,000—that belongs to the pork-and-beans section of the country. [Laughter.] Vermont gets $20,000. Rhode Island, about which my friend SPOONER made a magnificent speech yesterday, or the day before—you get $50,000 of the general swag.

Mr. SPOONER. And we are entitled to a great deal more.

Mr. BELFORD. Connecticut gets $138,000. North Carolina, with the largest seacoast border in this country—they cut that State down—and they get, I think, $112,000. South Carolina, $179,000; Georgia, $140,000; Louisiana, $279,000; Texas, larger than the whole Republic of France—yes, you could chuck the whole Republic of France into the State of Texas and it would not create a ripple on the surface [laughter]—Texas gets $1,112,500. And outside of this statement I challenge any gentleman to show notwithstanding the fact that Colorado pours into your Treasury every year millions of dollars and has done so from the time she came into this constellation of States, gleaming with the burning beauty of the beams of the sky—you never appropriated over $60,000 for her benefit. Hold on to that gavel for a moment. [Laughter.] We are fit objects for public robbery, but you are not willing to give us a cent to build up a million of homes for a million of poor families in the West, homes of men who will make your spindles turn, men who will construct your railroads, men who will transport the commerce of the country, and who by their money and labor and resources have enriched and are enriching this nation—you are not willing to give us a penny. Take your bill and pass it if you can. [Laughter, and cries of "Vote!" "Vote!"]

I withdraw the amendment.

The Clerk read as follows:

Improving the harbor at Brunswick, Ga.: Continuing improvement, $18,000.

Mr. NICHOLLS. Mr. Chairman, I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out, in line 192, the word "eighteen" and insert "twenty-five;" so that it will read:

"Continuing improvement, $25,000."

Mr. NICHOLLS. This harbor of Brunswick, Mr. Chairman, is a very important harbor, one of the most important on the coast, not only to the commerce of that State, but to the commerce of the West. The appropriations have been very small in the past. I read from the report of the Chief of Engineers:

The first appropriation of 1836 was for the removal of the Brunswick Bar, and was so expended.

In 1879, the date of the next appropriation, there was only nine feet of water at low tide over the bar at the entrance of the harbor. The improvement since commenced and still in progress had resulted in June, 1882, in establishing a channel from forty to fifty feet in width, with a minimum depth of about thirteen feet at low water, and has benefited commerce by increasing the depth over the bar.

The present plan contemplates a depth of fifteen feet at low tide over the bar.

It will be seen, Mr. Chairman, by an examination of this report, that the amount appropriated by the act of August 2, 1882, was $25,000. On July 1, 1882, the outstanding liabilities, inclusive of the amount expended, was $24,502; and on the 1st of July, 1883, the amount available was only $498.90.

Now, I only ask for an increase of $7,000, and I think it is important to increase the appropriation at that point.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from Georgia.

The question was taken; and on a division there were—ayes 26, noes 47.

So the amendment was not agreed to.

The Clerk read as follows:

Improving harbor at Savannah: Continuing improvement, $85,000.

Mr. NICHOLLS. I move to amend, in line 196, by striking out "$85,000" and inserting "$200,000."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Georgia.

The amendment was read by the Clerk.

Mr. NICHOLLS. Now, there can be no doubt in the minds of any one who is at all familiar with the international and national importance of the port of Savannah as to the propriety of this amendment. The appropriation of $85,000 amounts to nothing, since that amount will not accomplish any material results, and they had just as well not appropriate one dollar, because about as fast as the work is done on such meager appropriations it is destroyed for lack of money to prosecute it vigor-

ously. We really need there a large appropriation for purposes which I will specify. We should have, for instance, an increase of the appropriation to enable the construction of a large and powerful dredge-boat, at a cost of about $100,000, to be used on the bar at Savannah, in Charleston Harbor, in Brunswick, and on the Saint John's Bar. The construction of such a boat would enable the work to be carried on a great deal more rapidly than it is possible to do it now.

I desire to have read a letter from the chairman of the river and harbor committee of the council of the city of Savannah, showing the great necessity for an increase of the appropriation to that harbor.

The Clerk read as follows:

CITY OF SAVANNAH, MAYOR'S OFFICE,
Savannah, Ga., January 31, 1885.

DEAR SIR: As chairman of the harbor and river committee of the council of the city of Savannah, I beg most respectfully to call your attention to the proposed appropriation of only $85,000 for the improvements in the Savannah River, and to request that you will exert your influence for the increase of this amount, which is so inadequate for the successful prosecution of the work already begun.

In the present incomplete condition of these improvements the channel, of necessity, is shifting continually, which causes frequent grounding of vessels, thus greatly obstructing commerce and entailing expense by delay, and often of lighterage. This shifting, of course, can be remedied only by the completion of the improvements, and you will appreciate at once of what vital importance this completion is, not only to the city of Savannah, but also to the State at large; and to secure this most needed result an appropriation for the coming year of at least $200,000 is required. The commercial interests of the entire State would suffer if the rapid and vigorous prosecution of this most important work should have to stop from any cause, and especially when that cause is the failure of Congress to make a sufficiently large appropriation.

Bespeaking for this matter a continuance of that interest and influence which you always have shown and exerted in matters of such vital importance to the city of Savannah, and which are so intimately connected with the welfare of the State,

I am, dear sir, respectfully, yours,

ROBT. D. BOGART,
Chairman Committee on Harbor and River.

Hon. JOHN C. NICHOLLS,
House of Representatives, Washington, D. C.

Mr. NICHOLLS. I now ask that the report of the Chief of Engineers be read.

The Clerk read as follows:

SAVANNAH RIVER AND HARBOR, GEORGIA (page 134).

The appropriations between 1826 and 1855, inclusive, were chiefly applied to the removal of wrecks sunk in the channel-way of the river below Savannah during the Revolutionary war; to dredging shoals produced by them and at other points, and in constructing works designed to throw a large volume of water into "Front River." The result was an increase of depth at the worst places of from seven or eight feet at low water to ten feet, and an increase of the available high-water depth, from Tybee Roads to the city, from about fourteen to sixteen or seventeen feet.

The channel-way of the river below the city greatly deteriorated during the civil war, in consequence of numerous and extensive obstructions placed in it. The first three appropriations since 1872 were almost exclusively used in removing those portions of the obstructions most injurious to navigation, and to that extent commerce was benefited by the work.

The expenditures since 1874 have resulted in forming a practical ship-channel from Tybee Roads to the city of Savannah, by which about thirteen feet at low water and nineteen feet at high water can now be carried to the city.

Under the existing plan it is expected that at its completion vessels drawing twenty-two feet will be able to reach the city wharves.

July 1, 1882, amount available		$15,051 92
Amount appropriated by act passed August 2, 1882		200,000 00
		215,051 92
July 1, 1883, amount expended during fiscal year, exclusive of outstanding liabilities July 1, 1882	$116,591 21	
July 1, 1883, outstanding liabilities	37,445 09	
		154,036 30
July 1, 1883, amount available		61,015 62

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GEORGE D. WISE. I move to strike out the last word, and yield my time to the gentleman from Georgia [Mr. NICHOLLS].

Mr. WILLIS. I hope the gentleman will not occupy more time but will let us have a vote.

Mr. NICHOLLS. I have only a word to add. The chairman of the Committee on Rivers and Harbors seems to be very uneasy about the time to be occupied. More has been saved to the country by the member who now addresses this committee, in not occupying the public time upon this floor as much as other gentlemen have, than perhaps the whole amount I ask to be appropriated for this important work. It is very rarely that I am on the floor taking up the time of the country by addressing the House or the Committee of the Whole on any subject of this character. But I feel very much in earnest about this. It is a very important work, as I remarked at the outset, and the small appropriation made by this committee for that important harbor, it occurs to me, would be like throwing the money into the river instead of expending it for improvements. We ought to expend a sufficient sum on these harbors, the amount asked by the engineers, and complete the work and be done with it. Why go on from year to year and appropriate inadequate amounts and accomplish no good result? When a work of this important character is brought to the attention of the House, why not make a sufficient appropriation to accomplish some good?

The question being taken on the amendment offered by Mr. NICHOLLS, there were—ayes 23, noes 49.

Mr. NICHOLLS. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair appoints as tellers the gentleman from Georgia, Mr. NICHOLLS, and the gentleman from Kentucky, Mr. WILLIS.

Mr. NICHOLLS. I will not delay the bill, and do not insist on a vote by tellers.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Improving Tampa Bay, Florida: Continuing improvement, $10,000.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 200 strike out "$10,000" and insert "$37,000."

Mr. DAVIDSON. I favor the passage of a river and harbor bill at the present session and at every session of Congress. I believe, sir, that a liberal and judicious expenditure of money for the improvement of our rivers and harbors is right; that it helps the laborer, benefits commerce, and improves the general welfare of our country. Therefore, sir, in offering this amendment I was prompted by no desire to delay action upon this bill, but simply by a sense of duty.

The town of Tampa, on Tampa Bay, is about two hundred and fifty miles from Key West and three hundred and fifty miles from Havana. Within the last three years it has greatly improved in population and commerce. It is now the terminus of one railroad connecting it with the Saint John's River at Sanford, and it will soon be the terminus of another connecting it by rail with Jacksonville. It is situated immediately on the line of travel from the United States to Cuba and the Central American and South American States, and before this year ends no doubt the mails from our country will be carried through Tampa to Havana.

This work was commenced about four years since. Forty thousand dollars have been expended. A great good has resulted from that expenditure. The engineers report that $37,000 can be profitably expended during the next fiscal year, and that amount will complete the work.

A few days since I received a paper signed by many of the leading citizens of Tampa, addressed to the Senators and Representatives in Congress from Florida, urging them to appeal to Congress at its present session to make the necessary appropriation to complete the work at that place. If the committee will bear with me, I will read a few extracts from this paper. It came too late to be referred to the Committee on Rivers and Harbors before they had agreed upon their bill:

Tampa is now the terminus of the longest and most successful system of railroads reaching the Gulf of Mexico. Its line of road, of which it is the terminus, is to be speedily connected to other systems of railroad; and other individual lines of railroads are being built to this city. It has thus been chosen by skillful, competent, and far-seeing engineers and capitalists as a natural outlet to the Gulf of Mexico.

We earnestly ask you to recognize the importance of the position of the town of Tampa, with its bay and harbor, its railroad and terminal possessions, its direct and continuous connection with all great Northern, Eastern, and Western States and cities by railroad, and its safe and close position to the Island of Cuba, South America, and West Indies—being the most southern seaport town with railroad service open (with but little improvement to its channel)—to the vast trade, export and import, of Cuba and West Indies, also South America

We wish particularly to call to your attention the useless work accomplished by small appropriations, that ere the work is commenced the appropriation is expended, and even with what has been appropriated and expended our shipping to Cuba, South America, Key West, West Indies, and New Orleans, is seriously impeded by lack of water in our channel and obstructions needing removal.

[Here the hammer fell.]

Mr. WILLIS. I ask for a vote.

The question being taken on Mr. DAVIDSON'S amendment, there were—ayes 19, noes 43.

So (further count not being called for) the amendment was not agreed to.

Mr. DAVIDSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "dollars," in line 200, insert:
"Improving harbor at Pensacola, Fla., including outer and inner bars, $100,000."

Mr. DAVIDSON. I regret to occupy the time of the committee, but I am prompted by a sense of duty to offer this amendment. The importance of the harbor of Pensacola, and the necessity for an appropriation to improve it, have induced me to offer this amendment. I can tell this committee that if our country desires a deep-water outlet on the Gulf of Mexico for its agricultural products and the products of its manufacturers, a safe and convenient port, a spacious anchorage for vessels, Pensacola is that port. Sir, it is a port of importance; it is growing in importance, and it is already a place of far more importance than many members of this committee probably think it is. For the year ending June 30, 1883, the value of the exports from Pensacola was $2,598,549; for the year ending June 30, 1884, the value of the exports was $3,025,246. The number of vessels entering and leaving the port of Pensacola during the year ending June 30, 1883, was 1,111, of which 685 were foreign vessels; and for the year ending June 30, 1884, the number of vessels was 1,184, of which 777 were foreign vessels. The aggregate tonnage for the year ending June 30, 1884, was 698,851 tons.

Now, sir, I shall have to occupy a few moments in reading some extracts from the report made by Assistant Engineer Hayes to Captain

Hoxie, of the Corps of Engineers. I read from the report of the preliminary examination:

"The preliminary examination of the "outer bar," reported to Maj. A. N. Damrell, Corps of Engineers, United States Army, July 15, 1884, shows the distance across it, between the 25-foot curves, to be 3,000 feet; the minimum depth upon the crest of the bar to be 22.25 feet at mean low water, and the amount of excavation required to cut a channel across it 300 feet wide, affording a depth of 24 feet at mean low water, or the same depth as is contemplated for the channel across the "inner bar," is estimated to be 80,000 cubic yards. This work is more exposed than that on the "inner bar," and will cost about $100,000 for its execution.

[Here the hammer fell.]

Mr. DAVIDSON. Mr. Chairman, while I am aware that it probably will not accomplish any good at the present time, I will, with the permission of the House, print with my remarks extracts from the report of this preliminary examination. The following are the extracts:

The commercial statistics of the port of Pensacola for the fiscal year ending June 30, 1884, exhibits the present extent and importance of its foreign and domestic commerce. It will be observed that the tonnage of sailing vessels entering this port exceeds that of any port on the Atlantic and Gulf coasts between Philadelphia and the Rio Grande, including Baltimore and New Orleans. * * * The largest cargoes of lumber and timber ever shipped by steamers or sailing vessels from any Southern port have sailed from Pensacola since the 1st of July, 1884.

As the site of one of the largest and best appointed naval stations of the country, Pensacola Harbor possesses consequence as an important position for naval operations in the Gulf of Mexico. Its geographical position relatively to the commerce of the Gulf; its proximity to resources which form the material of war as well as of commerce, to the development of which so wonderful a momentum is now being imparted; the removal of a great barrier to the commerce of Europe and America with the Pacific by the construction of the Isthmus Canal; the rapid extension of the network of railways in the Gulf States, of which Pensacola is an important terminus, developing the capacity of production of agricultural values, mining and manufacturing resources of these States, will at no remote period give test to the capacities and advantages of every Gulf port which will give prominent significance to this harbor.

The question was taken on the amendment offered by Mr DAVIDSON, and it was not agreed to.

Mr. DAVIDSON. Mr. Chairman, as I have already said, I dislike exceedingly to occupy the time of the committee; but representing as I do a district which has more seacoast than any other in the Union, I feel it my duty to offer another amendment, which I send to the Clerk's desk to be read.

The Clerk read the amendment, as follows:

After line 200 insert:
"Improving the harbor of Cedar Keys, Fla.: Continuing improvement, $10,000."

Mr. DAVIDSON. Upon that amendment, Mr. Chairman, I have this to say: At the last session of Congress the Committee on Rivers and Harbors recommended an appropriation of $5,000 to commence the work on the harbor of Cedar Keys. In this bill there is no provision made for that harbor. The engineer, speaking of this harbor, says:

In my judgment, the harbor of Cedar Keys is worthy of improvement, and a work of public necessity, on account of the large and rapidly increasing commerce of the port, and the small expenditure, relatively, probably necessary to give the relief sought.

He further says that $25,000 will be sufficient to complete the work. I repeat that $5,000 was recommended for this harbor by the Committee on Rivers and Harbors in the last bill, and the recommendation was agreed to, and now by this amendment I ask only for $10,000 more to carry on the work.

The question was taken on the amendment offered by Mr. DAVIDSON, and it was not agreed to.

The Clerk read the next paragraph of the bill, as follows:

Improving harbor at Mobile, Ala.: Continuing improvement, $120,000.

Mr. DUNHAM. Mr. Chairman, I wish some gentleman of the committee would explain how it happens that Mobile is given an appropriation 50 per cent. larger relatively than is usually given by this bill to other harbors throughout the country.

Mr. JONES, of Alabama. It is because the necessity of that place required it in the judgment of the committee. [Laughter].

Mr. HORR. Can the gentleman tell us what the exigency was which caused the committee to recommend an appropriation for Mobile of 50 per cent. of the estimate when they have allowed only 25 per cent. to similar harbors all over the country?

Mr. JONES. The committee have allowed more than 25 per cent. of the estimates to different harbors throughout the country. A number of such have been mentioned. Detroit River, in the gentleman's own State, gets 100 per cent. of the estimate; the Ohio River gets $370,000 on an estimate of $600,000—over 50 per cent.; New London gets 66 per cent.

Mr. HORR. The Detroit River appropriation is to complete a rock channel at the Lime Kilns, which is almost completed. This little balance of $27,000 finishes it.

Mr. JONES, of Alabama. Yes, sir.

Mr. TURNER, of Kentucky. Mr. Chairman, what is the question before the committee?

The CHAIRMAN. There is no motion pending.

Mr. TURNER. I call for the regular order.

Mr. HORR. I move to strike out the last words of the paragraph. I would like to know why the gentleman [Mr. JONES, of Alabama] takes an extreme case like the Detroit River appropriation, where the engineers estimate that $27,000 will complete the work—a river that has upon it a commerce of $40,000,000.

Mr. JONES, of Alabama. The estimate of the board of engineers is $240,000 as the sum that will complete the Mobile improvement, which was estimated originally to cost $820,000. The committee was influenced to give one-half of the amount of the estimate in order that the next appropriation might complete the work, as the Detroit River work is to be completed.

Mr. HORR. Who influenced them?

Mr. JONES, of Alabama. Why, they were influenced by a consideration of everything connected with the case.

Mr. HORR. Oh, you did not mean they were influenced by any particular person. I know I could not get into the room of the committee to influence them, though I tried to. [Laughter.]

Mr. JONES, of Alabama. Now, sir, this harbor of Mobile is quite different, in regard to the nature of the work, from all the other harbors on the Atlantic and Gulf coasts. In every other one of them the material to be dealt with in making harbor improvements is sand, and the work done on them is very unsatisfactory; but at Mobile the material is blue mud, and the work there is reported by engineers to be permanent.

Mr. HORR. Then, wherever it is blue mud the committee allowed one-half the estimate. [Laughter.]

Mr. JONES, of Alabama. Where the improvement was likely to be permanent. A large experimental cut twenty-two feet deep, one hundred feet wide, and three hundred feet long was made at Mobile in 1882, and it has been found that there is no shoaling and the work is permanent; hence the engineer in charge feels warranted in reporting and does report that the dredging done and to be done there will be permanent. No work done at any other harbor from Old Point Comfort to the Rio Grande is so satisfactory.

Now I will read what the engineer in charge of this work says about it:

As the early completion of the channel as projected, and also its comparative permanency, is now believed by the commercial portion of this port to be a certainty, business and commerce have assumed a healthy condition, realty has increased in value, new industries are springing up, new companies forming, not only in Mobile, but with wonderful rapidity throughout the vast mineral and timber portions of Alabama and adjacent States—

A MEMBER. What is the commerce?

Mr. JONES, of Alabama (reading)—

The amount of shipping of 1883 and 1884 is about 40 per cent. greater in number than that of 1881 and 1882, while the tonnage is about 54 per cent. increase, showing a much larger class of vessels now seeking this port.

Mr. HORR. Now, as I understand, there are about two hundred or two hundred and fifty ships going into Mobile in the course of a year. On the river I spoke of in Michigan there are at least six hundred—I think it would be safe to say nine hundred; but I will say six hundred. Why do you cut down——

Mr. HERBERT. There has been an increase of tonnage at Mobile since this work began—a very great increase the present season.

Mr. HORR. Well, there ought to be an increase.

Mr. JONES, of Alabama. The increase is on account of this improvement there.

Mr. HORR. I do not find any fault with the improvement at Mobile; but the treatment of Mobile in comparison with some other localities does not seem to me to be fair, that is all.

Mr. THOMAS. Mr. Chairman, I take the floor simply for the purpose of answering the inquiry why 50 per cent. of the estimate has been given by the committee at this place rather than 25 per cent., as in other instances.

A MEMBER (to Mr. THOMAS). If you answer that you will do well.

Mr. THOMAS. I will give what I think should be accepted as a complete answer. The representative on the committee from that State urged upon the committee the importance of this improvement over every other in the State, saying he was willing, and it was acceptable to the residue of the delegation from the State, that the appropriations for other improvements in the State should be less in order that this one grand improvement should be carried forward to completion. That has governed the action of the committee, and although 50 per cent. of the estimate is allowed in this instance, the appropriations for the other projects in the State are cut down to less than 25 per cent. This is a straightforward statement of the reason why 50 per cent. has been given in this instance instead of 25.

Mr. DUNHAM. Mr. Chairman, I had no desire to disturb the committee on this question; but in examining this bill together with the engineer's estimates, I discovered that the bill gave to Mobile 50 per cent. of the estimate, which was larger in proportion than the amount allowed to any other harbor thus far reached in this bill. My desire in asking the question was simply that this fact might be explained and that we might understand the reason of this apparent discrimination. I must say, however, even after what the gentleman from Alabama [Mr. JONES] has stated, that, judging from the amount of commerce going into that harbor, I can not see any real necessity for giving Mobile more in proportion than any other harbor in the United States.

Mr. BLANCHARD obtained the floor.

Mr. HORR. Before the gentleman proceeds I wish to correct a state-

ment which I made a moment ago. I said that probably six hundred vessels went into the Saginaw River in the course of a year. I find the actual number is over 2,000, against two hundred or a little more at Mobile.

Mr. BLANCHARD. In further explanation of the action of the committee in regard to Mobile Harbor, I will state that the original project of the engineer was to obtain a channel in that bay two hundred feet wide and seventeen feet deep. The money heretofore expended has been used in deepening that harbor to the depth of seventeen feet, but the width of the channel is only one hundred feet.

Mr. BRECKINRIDGE. Seventy-five feet.

Mr. BLANCHARD. It was seventy-five feet, but has been increased twenty-five feet, making one hundred feet. Now, that is not a sufficient width to do any good with a depth of seventeen feet. The committee thought it would be right to give enough money to widen this channel in Mobile Bay to two hundred feet, so as to render it available for commerce, and to make a corresponding reduction upon works in other parts of the State.

Mr. BRECKINRIDGE. That channel is twenty-six miles long. Consequently it takes a good deal of money to make a cut.

Mr. HERBERT. Mobile has the largest watershed, I believe, anywhere east of the Mississippi. It is the natural port of the Gulf of Mexico. As soon as the work is completed it will be a more desirable harbor than New Orleans. Every dollar that is put in there is valuable. Every bucketful or basketful of earth taken out of that harbor makes it exactly that much deeper, because, as has been said by my colleague, the bottom of that bay is blue mud, or, rather, a hard sort of clay, and money invested there pays more in actual results than anywhere else. The natural flow of the current tends to wash the channel deeper instead of to fill it up, as in other places.

I was told by the Government engineer that an old British chart made a hundred years ago shows that on the bay the water was then one foot shallower than it is now. This confirms his opinion that the natural action of the current is to wash the channel deeper. But the clay is too hard; it washes too slowly. It must be taken out by the dredge, and then Mobile will become, what by its position on the Gulf and its proximity to coal and iron it is entitled to be, a great manufacturing and commercial city.

One word as to why this 50 per cent. is given here. In the last appropriation bill my recollection is that Mobile got $200,000. Considering the importance of that port relatively to others that was not too much. The engineers have since reported that to complete the work according to the present plan only $240,000 was necessary. That really ought to have been all appropriated at once. But suppose you go to work at this sum on the 25 per cent. rule, giving only 25 per cent. of what the engineers recommend each year. You will never get through with appropriating that needed $240,000—needed to make a channel one hundred feet wide and seventeen feet deep.

The CHAIRMAN. The gentleman's time has expired.

Mr. HERBERT. Fifty per cent. of that $240,000 is only $120,000.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

The House informally rose; and a message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of bills of the House of the following titles:

A bill (H. R. 5670) to authorize a retired-list for privates and noncommissioned officers of the United States Army who have served for a period of thirty years or upward;

A bill (H. R. 6934) granting a pension to Ann J. Williams;

A bill (H. R. 7295) granting a pension to Albert D. Simmons;

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 6665) for the relief of James Stack;

A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;

A bill (H. R. 2920) for the relief of John Johnson;

A bill (H. R. 1256) increasing the pension of Ben Morgan;

A bill (H. R. 5500) for the relief of Benjamin F. Amos;

A bill (H. R. 5004) for the relief of William B. Smith;

A bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;

A bill (H. R. 3703) granting a pension to James W. Brown;

A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;

A bill (H. R. 5960) granting a pension to George Ziefle;

A bill (H. R. 6461) granting a pension to Nelson Gammons;

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 6594) granting a pension to Russell F. Dimmick:

A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;

A bill (H. R. 5630) granting a pension to George W. Rugg;

A bill (H. R. 2452) granting a pension to Frank S. Marsh;

A bill (H. R. 7141) granting a pension to Daniel W. Adams;

A bill (H. R. 3565) granting a pension to William Eurele;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 5565) granting a pension to Theo Ahrens;

A bill (H. R. 2692) granting a pension to Sarah Kennedy;

A bill (H. R. 6726) granting a pension to Margaret A. Maguire;

A bill (H. R. 6882) granting a pension to John Otis;

A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;

A bill (H. R. 6997) granting a pension to Henry Davis;

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 5776) granting a pension to Louis D. Petty;

A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;

A bill (H. R. 3663) granting a pension to John T. Marshall;

A bill (H. R. 6480) granting a pension to Margaret G. Halpine;

A bill (H. R. 760) granting an additional pension to Watson S. Bentley;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 3612) granting a pension to Hayden Reynolds;

A bill (H. R. 5812) granting a pension to Ellen A. Vance;

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 6927) granting a pension to Merit M. Oakley;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 7046) granting a pension to Alonzo Cornwell;

A bill (H. R. 4752) granting a pension to William Henning;

A bill (H. R. 4238) granting a pension to Sallie Ingham;

A bill (H. R. 4059) granting a pension to Isaac Demaranville;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 5926) granting a pension to John Maloney;

A bill (H. R. 6956) granting a pension to Maria H. Sargent;

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;

A bill (H. R. 3527) granting a pension to George A. Marshall;

A bill (H. R. 2140) for the relief of Hugh Dougherty; and

A bill (H. R. 5923) granting a pension to Ruth Stratton.

It further announced the passage of bills of the following titles, with amendment; in which concurrence was requested:

A bill (H. R. 3370) to amend an act entitled "An act granting a pension to A. Schuyler Sutton," approved June 4, 1872;

A bill (H. R. 5546) granting a pension to David M. Nagle; and

A bill (H. R. 6816) for the relief of Nathan J. Sharp.

It further announced the passage of bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 357) granting a pension to Mrs. Charlotte Hackett;

A bill (S. 1546) granting a pension to Orin R. McDaniel;

A bill (S. 1571) granting a pension to James McCallen;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1709) granting a pension to Lenora A. Boyden;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton,

A bill (S. 1803) granting an increase of pension to George A. Washbourn;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 2009) granting a pension to Isabella Turner;

A bill (S. 2158) granting an increase of pension to Jessee I. Harrold;

A bill (S. 2160) granting a pension to Robert Walker;

A bill (S. 2204) granting arrears of pension to Nancy B. Leach;

A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 2327) for the relief of James Bedell, sr.;

A bill (S. 2398) granting a pension to Cyrus Reeser;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas;

A bill (S. 2549) granting a pension to Isabella Higgins;

A bill (S. 2587) granting a pension to William H. H. Gilley;

A bill (S. 2594) to change the name of the Manufacturers' National Bank, of New York, to the Manufacturers' National Bank, of Brooklyn, N. Y.;

A bill (S. 2610) granting a pension to Patrick Furlong; and

A joint resolution (S. R. 119) accepting the gift of William H. Vanderbilt and Julia Dent Grant, wife of Ulysses S. Grant, to the United States of certain articles.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The CHAIRMAN. Without objection, the Chair will regard the *pro forma* amendments of the gentleman from Michigan and the gentleman from Alabama as withdrawn.

The amendments were withdrawn.

The Clerk read as follows:

Improving harbor at New Orleans, La.: Continuing improvements, $150,000, to be expended under the jurisdiction of the Mississippi River Commission.

Mr. TURNER, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 205, after the word "dollars," insert "and for the improvement and preservation of the harbor at Hickman, Ky., $50,000."

Mr. TURNER, of Kentucky. Mr. Chairman, I do not desire to trespass upon the time or the patience of this committee. I have but five minutes of time, and I can not do justice to the subject in that brief

space. I rise, however, to call the attention of this committee to a few points in connection with this Mississippi River improvement.

In the last river and harbor appropriation bill there was embraced in the Mississippi River improvement, specifically named, the harbors at New Orleans, Natchez, Vicksburg, Memphis, Hickman, and at Columbus. In the present bill the Committee on Rivers and Harbors have stricken out every harbor on the river named in the last bill which passed except New Orleans. They have stricken out Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus. Why this has been done I can not imagine; certainly for no just reason.

Now, sir, I say that it is not fair and just to the other harbors and points of importance on this river, and which have heretofore been uniformly embraced in the river and harbor bill. It is not fair to these harbors and to the great commercial interest of the West and South.

The harbor of Hickman is the terminus of the Nashville and Chattanooga Railroad, a railroad extending to the East and connecting with the roads running throughout the whole Southeastern States and terminating at Hickman, Ky. All the commerce of a great region of country is brought to the river by that line of road at Hickman. This harbor is a very important point, and has been considered important by this very committee, as may be inferred from the fact that it was embraced in the last annual river and harbor appropriation bill, which passed this House at the last session. In addition I desire to say that the Mississippi River Commission have recommended in their last report an appropriation for the harbor at Hickman of more than double the amount proposed by my amendment.

Mr. GIBSON. Will the gentleman permit me to ask him a question?

Mr. TURNER, of Kentucky. No, sir; I do not yield now. The gentleman can occupy his own time. I have not the time to spare. I desire to state that after the river and harbor bill passed at the last session of Congress, the president of the Mississippi River Commission made no improvements whatever at Hickman or Columbus; and in response to a communication from the mayor and city council, as I am informed, stated that he had no money, or that the fund appropriated was not sufficient to make improvements there. Now, however, he specifies the amount that is necessary for that harbor, but the committee have left it out. They strike out every harbor on the river except New Orleans. I trust the amendment will be adopted, that the harbor may be preserved, for the bank of the river at Hickman is rapidly falling in and the harbor will be destroyed.

Mr. BLANCHARD. I will state to my friend from Kentucky that the Mississippi River Commission which is charged with the important duty of the improvement of the Mississippi River from the Des Moines Rapids to its mouth made separate estimates for all of these harbors, and said in their report that if appropriations were made for any of the harbors on the river that they should be made separately, granting so much for each.

Now, when the Committee on Rivers and Harbors came to consider the question of these harbors they came to the conclusion that New Orleans, being a great seaport, the second in importance in the United States in point of commerce and the amount of shipping and the value of its exports—that they would make an appropriation for that harbor, the estimate for it being $700,000. We appropriated of that amount only $150,000.

Mr. TURNER, of Kentucky. I desire to say to my friend from Louisiana that I do not want to be understood as antagonizing the appropriation at New Orleans by any means.

Mr. BLANCHARD. I agree the gentleman did not antagonize it, but he asks why is it that appropriation is made by this committee for New Orleans when it is denied to Hickman, Ky. I state in response to his inquiry that it was because the committee recognized New Orleans as a great seaport, while Hickman, Ky., can not claim that dignity as a harbor.

Mr. HUNT. Will the gentleman from Kentucky allow a question?

Mr. TURNER, of Kentucky. I believe my time has expired.

Mr. HUNT. I would like to have the gentleman state whether he ever voted for a river and harbor bill during his service in Congress.

Mr. TURNER, of Kentucky. I have to reply that the question of the gentleman has nothing whatever to do with the question before the committee now, and at the proper time I will answer it.

Mr. HUNT. You decline to answer it?

Mr. TURNER, of Kentucky. I will answer at a proper time, when I have time——

Mr. HUNT. It is stated to me that you never have, and yet you want the committee to do that which you have never been willing to do yourself.

Mr. TURNER, of Kentucky. The records of this House will show my votes in regard to the river and harbor appropriation bills since I have been a member of this House; and if the gentleman from Louisiana will take the trouble to examine for himself, he will know just what my views are and how I voted, for I have expressed my views on river and harbor bills repeatedly in this House and they are to be found in the record, and I stand by the views that I have expressed in regard to river and harbor bills. I have always favored the improvement of navigable rivers that would benefit commerce.

Mr. YOUNG addressed the Chair.

The CHAIRMAN. The gentleman from Louisiana is entitled to the floor if he chooses to occupy it in opposition to the amendment of the gentleman from Kentucky.

Mr. YOUNG. I seek recognition to ask a question of my friend from Louisiana, whether or not the appropriation recommended by the Committee on Rivers and Harbors for New Orleans is for the "landing" or for the "harbor?"

Mr. HUNT. I will answer the gentleman from Tennessee.

Mr. YOUNG. Very well, I would like to have an answer.

Mr. BLANCHARD. It is for the harbor of New Orleans.

Mr. YOUNG. I want to know the particular point where the appropriation is to be disbursed; whether at the river landing or at the mouth of the Mississippi River.

Mr. BLANCHARD. The mouth of the Mississippi River is one hundred and thirteen miles from New Orleans, and this appropriation has got nothing to do with the mouth of the river. The harbor of New Orleans itself is about two and a half miles long——

Mr. HUNT. The city has a front of eleven miles.

Mr. BLANCHARD. Then it extends eleven miles along the Mississippi River, and this appropriation is for the harbor of New Orleans.

Mr. YOUNG. Then, if I understand it, it is an appropriation for a river front like Hickman, Memphis, and Vicksburg. But I am not antagonizing it.

Mr. HUNT. Then you are for it.

Mr. YOUNG. I do not know why I should not be. I withdraw my amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Kentucky [Mr. TURNER].

The amendment was not agreed to.

Mr. TURNER, of Kentucky. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 205, after the word "dollars," insert:

"And for the improvement and preservation of the harbor at Columbus, Ky., $50,000."

Mr. TURNER, of Kentucky. In addition to what I have just said upon the amendment which has been voted down by this committee, in accordance I suppose with the rule which has controlled the committee, or at any rate those having appropriations in the bill to vote down all amendments, I simply desire to state this: That Columbus is the terminus of the Mobile and Ohio Railroad, a railroad running from the Gulf of Mexico and terminating at Columbus, Ky., connecting it with all the railroads through the Southern and Southeastern States. In addition to that it is the terminus of the Iron Mountain Railroad, running from Saint Louis on the opposite side of the river; the connection is made there. The amount of the commerce is immense that is transported to that point, the river is caving in, the harbor is being almost destroyed, and it is just as much entitled to an appropriation as New Orleans or any other harbor on the river.

In addition to that, let me say that the question was investigated at the last session of Congress, and after mature and deliberate consideration Columbus was included among the harbors to be put in the last river and harbor bill, and the provision for that harbor passed the House of Representatives and the Senate and became the law. No improvement was made, because the president of the Mississippi River Commission said he had not funds to make the appropriation. He has now given his estimate, and says it would take $80,000. I have only asked in the amendment for $50,000. I think it is a proper amendment and ought to be adopted.

Mr. BAYNE. I want to say a word. I have not detained the committee hitherto because I want to get the bill through the House.

There are seven or eight places reported here as harbors and called harbors on the Mississippi River. They have no more right to be called harbors than any point on any navigable river in the country. They are merely landings.

The criticism of the gentleman from Kentucky on the New Orleans appropriation is a just criticism. The $150,000 voted for the so-called harbor at New Orleans ought not to be in this bill. No appropriation should be made for New Orleans, Memphis, Vicksburg, Natchez, Greenville, Hickman, or Columbus or for Cairo. If you adopt the principle that all the landings along the navigable rivers and lakes of this country are to be called harbors and that a separate and distinct appropriation is to be made for each, you will require a harbor bill which will run into hundreds of millions of dollars. That is what this whole thing means. The whole thing ought to be stricken out. It was, as to all points except New Orleans, but the persistence of my friend from New Orleans that secured that appropriation.

Mr. BLANCHARD. May I ask my friend from Pennsylvania a question? Did he not vote for it in the committee?

Mr. BAYNE. I acceded to it when I understood there was no use of fighting it, and I have not opposed it here.

[Here the hammer fell.]

Mr. TURNER, of Kentucky. I desire to reply to the remark of the gentleman from Pennsylvania.

Mr. CUTCHEON. I want to ask the gentleman from Pennsylvania a question. [Cries of "Vote!" Vote!"]

Mr. TURNER, of Kentucky. I move to amend the amendment by striking out the last word.

Mr. Chairman, I have listened with a great deal of surprise to my friend from Pennsylvania [Mr. BAYNE]. Now, sir, what is a harbor? Here is the last river and harbor bill. What constitutes in this bill harbors on the Mississippi River? They are points for the landing of boats for the purpose of receiving freight which is brought to the river by the railroads which permeate the interior of the country.

My friend from Pennsylvania has been on the River and Harbor Committee for years in this House. Every river and harbor bill that has passed this House since I have had the honor of being a member on the floor has embraced specifically, by name, the harbors on the Mississippi River—New Orleans, Greenville, Vicksburg, Natchez, Memphis, and at the last session Congress put in Hickman and Columbus as important harbors, and the gentleman from Pennsylvania has voted for every one of them, and voted for the last bill. He is the last man that has the right to come upon this floor and proclaim at this late day that these important points are mere landings and not harbors. The gentleman's argument that you might embrace every landing on the Mississippi River and on other rivers amounts to nothing. Congress would not be guilty of such folly, but have properly embraced important termini of great railroads, and Hickman and Columbus are two of them—heretofore properly included.

It is a matter for the sound discretion of Congress, and it is presumed that they will exercise a sound discretion. There are but few points on the Mississippi River that are reached by important lines of railroad. Hickman and Columbus are two of them, Memphis is another, and all these are important harbors, which have been embraced in every river and harbor bill, and ought not at this late day to be left without provision for their improvement while everything is given to the city of New Orleans. [Cries of "Vote!"]

The CHAIRMAN. Does the gentleman from Kentucky [Mr. TURNER] withdraw his formal amendment?

Mr. TURNER, of Kentucky. I do.

The question was taken on the previous amendment offered by Mr. TURNER, of Kentucky, and it was not agreed to.

Mr. HEPBURN. I move to strike out the lines of the pending bill 202, 203, 204, 205, and 206.

Mr. Chairman, so far as my information goes, the aim of this so-called harbor improvement at New Orleans is nothing more than the building of a levee, the broadening of a levee, and the pavement of a levee, for the convenience and protection of the people of New Orleans. If there is anything more than that in this proposed "improvement," I shall be glad to have some of the gentlemen from Louisiana instruct me at a proper time. My information is that opposite the city of New Orleans throughout the whole breadth of the Mississippi River there is a navigable depth of over fifty feet of water.

A MEMBER. One hundred feet.

Another MEMBER. Two hundred feet.

Mr. HEPBURN. There is nothing needed at that place for the navigation of the river except a proper bank, a proper quay for the convenience of shippers—just exactly such an "improvement" as at the city of Burlington, at the city of Davenport, at the city of Dubuque, the people, for their own convenience and out of their own treasury, have from year to year been making. I know of no reason why the people of New Orleans should not be required to provide themselves with these ordinary facilities of commerce as the people of other cities along the river do. This is simply a provision for the paving of one of the public thoroughfares of the city of New Orleans, a thoroughfare upon which there is perhaps more burdensome travel and traffic than in any other part of that city. If I am in error about this I would be glad to have one of these gentlemen inform me of it.

Mr. KING. The gentleman is very greatly in error.

Mr. HEPBURN. Very well, sir; I will yield to you to explain wherein I am in error. [Cries of "Vote!" "Vote!"]

Mr. KING. The gentleman is entirely in error. This money, if appropriated, will not be applied to any highway whatever.

Mr. HEPBURN. Is not this quay of yours, this landing, a highway?

Mr. KING. No.

Mr. HEPBURN. Do you not carry your freights there and receive your freights there?

Mr. KING. No, sir. This appropriation is to be applied to keep the harbor where it is.

Mr. HEPBURN. What is the harbor?

Mr. KING. This is to prevent the river by erosion from destroying the harbor.

Mr. ROWELL. Mr. Chairman, in order that we may understand what this "harbor" is for, it may be well to read from the report of the engineers on the subject. I read:

The project for laying 10,000 feet of mattress revetment, 400 feet wide, in Carrollton Bend was approved September 18, 1882. Work was begun October 9, 1883, but has made little progress to date, owing to trouble in securing a supply of brush.

* * * * * * *

On the right bank from Westwego to Algiers there has been serious caving, involving much loss to property of considerable present and much greater prospective value. Fully 40,000 feet of bank will require protection.

Under the statement of the Mississippi River Commission, the improvement of New Orleans Harbor devised by that commission was to protect the banks, and they say that fully 43,000 feet of bank will need protection to prevent the destruction of private property of large present and prospective value. There is no use in trying to escape the fact that in addition to the millions appropriated for the Mississippi River $150,000 is here proposed to be added to that amount for the purpose of protecting private property along the banks of that river. That is clearly the case, unless the river commission are mistaken in their report.

Mr. HEPBURN. Mr. Chairman, in addition to what my friend [Mr. ROWELL] has said, I want to call attention to the fact that this improvement is on the bank of the river opposite to the city of New Orleans. It is for the protection of private property which lies on the other side of the stream—on the right bank of the river.

The question was taken on the motion of Mr. HEPBURN; and on a rising vote there were—ayes 68, noes 60.

Mr. WILLIS. Mr. Chairman, I call for tellers.

Mr. HEPBURN. Oh, I hope the gentleman will not delay the progress of the bill. [Laughter.]

Tellers were ordered; and the chairman appointed Mr. HEPBURN and Mr. BLANCHARD.

The committee again divided; and the tellers reported—ayes 64, noes 85.

Mr. HEPBURN. No quorum.

The CHAIRMAN. No quorum having voted, the tellers will keep their places. There is evidently a quorum present, and gentlemen will please vote.

The committee again divided; and the tellers reported—ayes 66, noes 97.

So the amendment was not adopted.

Mr. HEPBURN. I move to amend by striking out in line 204 the words "one hundred and."

The question being taken on the amendment of Mr. HEPBURN, there were—ayes 25, noes 68.

Mr. HEPBURN. No quorum has voted.

The CHAIRMAN. No quorum having voted, the Chair appoints as tellers the gentleman from Iowa, Mr. HEPBURN, and the gentleman from Louisiana, Mr. BLANCHARD.

The committee again divided; and the tellers reported—ayes 43, noes 121.

So the amendment was not agreed to.

Mr. VAN EATON. I offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

After line 206 insert:
"Improving harbor at Natchez, Miss.: Continuing improvement, $200,000."

Mr. VAN EATON. Mr. Chairman——

Mr. HOLMAN. One word, Mr. Chairman, before the gentleman proceeds. Is it understood that the preceding paragraph—the paragraph relating to New Orleans—is passed?

The CHAIRMAN. The gentleman from Mississippi [Mr. VAN EATON] moves to add something to the end of that paragraph.

Mr. HOLMAN. I desire to move to strike out a portion of the paragraph, if I can be recognized.

Mr. WILLIS. I submit, Mr. Chairman, that the paragraph the gentleman from Indiana [Mr. HOLMAN] refers to is passed. This is another paragraph.

Mr. HOLMAN. When the Chair made the announcement that the amendment of the gentleman from Iowa [Mr. HEPBURN] was not agreed to the gentleman from Mississippi [Mr. VAN EATON] rose——

The CHAIRMAN. And offered an additional paragraph.

Mr. WILLIS. I make the point that the paragraph in regard to the improvement at New Orleans has been passed.

The CHAIRMAN. When the Chair announced the result of the vote on the amendment of the gentleman from Iowa, the gentleman from Mississippi obtained recognition and sent his amendment to the desk. After it had been read the gentleman from Mississippi began his remarks, and then the gentleman from Indiana rose and asked the Chair a question.

Mr. HOLMAN. I rise to a point of order. The very moment the fact became apparent that a new paragraph was being offered I rose and addressed the Chair.

Several MEMBERS. Regular order.

The CHAIRMAN. The Chair can not be responsible as to when the gentleman from Indiana became aware of a fact. The fact is that the paragraph to which he refers has been passed. [Cries of "Regular order!"]

Mr. HISCOCK. Had the Clerk commenced the reading of the subsequent passage?

The CHAIRMAN. The Clerk had read the new paragraph sent up by the gentleman from Mississippi, and that gentleman had begun to argue the question. [Cries of "Regular order!"]

Mr. HOLMAN. I desire to be heard upon a question of order. When the Chair had announced the result of the last vote, and before the Clerk had proceeded to read, the gentleman from Mississippi immediately

upon the announcement of the Chair rose—— [Cries of "Regular order!"]

Mr. HOLMAN. I have a question of order pending.

The CHAIRMAN. The gentleman from Indiana is trying to state his point of order.

Mr. WILLIS. I understand it has been decided.

Mr. HOLMAN. I am trying to state my point of order. When I observed that the gentleman from Mississippi was not proposing an amendment to the pending paragraph, but an independent paragraph, I instantly rose, because I desired to offer an amendment to the pending paragraph—the paragraph in regard to New Orleans Harbor. No other paragraph has been read. I could not intervene between the rising of the gentleman from Mississippi and the announcement made by the chairman, for the reason that there was no interval. I had a right to take it for granted, as I did, that the gentleman from Mississippi rose to make an amendment to the then pending paragraph, the only paragraph that had been read and that was before the committee. How then could I have intervened so as to meet the objection raised by the gentleman from Kentucky? I concede if the Clerk had proceeded to read the next following paragraph of the bill it would then have been too late, but he had not done so. The pending paragraph is the one that relates to the levees at New Orleans.

Mr. WILLIS. And the next was an entirely new subject, and the gentleman from Mississippi had begun his speech when interrupted.

The CHAIRMAN. The next paragraph in the bill had not been read.

Mr. WILLIS. But the paragraph submitted by the gentleman from Mississippi had been read and the gentleman had begun his speech before the gentleman from Indiana was on his feet.

Mr. VAN EATON. That is true.

Mr. HOLMAN. But the pending paragraph of the bill, to which amendments are still in order, is in regard to the New Orleans improvement.

The CHAIRMAN. The Chair is disposed to think that the motion of the gentleman from Mississippi is in the nature of an amendment to the paragraph as to New Orleans because he adds to it. Therefore that paragraph has not yet been parted from, although that amendment may or may not be adopted; and the Chair, on the statement of the gentleman from Indiana that he was endeavoring to get recognition, and sought it as soon as he could, will change the former ruling and hold it to be in order.

Mr. HEPBURN. I rise to a parliamentary inquiry. I desire to know——

The CHAIRMAN. The Chair further suggests, as he did before to the gentleman from Indiana, if he was in order to amend the words passed over in the bill, that it would be proper for him to offer his amendment to be acted upon before that of the gentleman from Mississippi.

Mr. HOLMAN. I move to strike out the words——

Mr. VAN EATON. I think I am entitled to the floor and claim my rights.

The CHAIRMAN. The gentleman is entitled to the floor if he insists upon it. The Chair will recognize the gentleman from Indiana later.

Mr. HEPBURN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HEPBURN. I desire to know whether the paragraph composed of lines 203, 204, 205, and 206 is not still open to amendment.

The CHAIRMAN. The Chair has just so stated, and an amendment is now pending to the paragraph and the gentleman from Mississippi has the floor.

Mr. HEPBURN. I have an amendment I desire at the proper time to offer.

Mr. VAN EATON. Mr. Chairman, I have offered this amendment in perfect good faith, and I respectfully request the attention of this committee while I compress a two hours' speech in something less than five minutes.

The Committee on Rivers and Harbors have, in some sense, brought into this House one of the most remarkable bills perhaps that has ever been brought into the House, and now when it comes to matters concerning which I and my constituents are interested, they avow the most extraordinary doctrine I have ever heard enunciated since I have been a member of this body, to wit, that these "landings," as they call them, the cities upon the banks of the Mississippi River, where hundreds of thousands of bales of cotton are annually shipped, and where are received the great products of the North and West, are not harbors at all, but were landings. Why, Mr. Chairman, only a year ago this same committee classed them as harbors in their bill. Thus they used this language on page 15 of the bill of that year. It will be remembered that they made the proposition or rather an appropriation in the following terms:

Improving Mississippi River from the head of the passes to Cairo, including the improvement and preservation of the harbors of New Orleans, Natchez, Vicksburg, Greenfield, Memphis, Hickman, and Columbus.

And to-day they object to any appropriation because, in the classical language of the gentleman from West Virginia [Mr. GIBSON], they are mere landings on the Mississippi River, and not harbors at all.

I want to call the attention of this committee in good faith to this fact, that all the way from the Des Moines Rapids down to the mouth of the Mississippi this committee has only made appropriations for two harbors—one at Cairo and one at New Orleans—both of them, according to the language of the committee, if it is properly voiced by the gentleman from West Virginia, being merely "steamboat landings."

The fact is, sir, that in all of this magnificent country from Cairo down, including the cotton section of the country, not one dollar is appropriated, not one dollar is set apart for that country that comprises the great cotton-producing section of this country, and, I may say, of the world. To that whole region of country and its needs this committee has paid no attention. They have ignored it completely and entirely.

Now, with regard to Natchez, the particular amendment under consideration, it is a fact that within the last year or two the river has been threatening a cut-off above, which will likely leave the city a mile or two inland from the current and attack the town of Idalia, on the other side of the river, and destroy it.

The Mississippi River Commission has made an estimate for an appropriation here. Estimates have been made for proper harbors in all this magnificent country. And yet the gentleman tells us they are only landings. Why, sir, yesterday the gentleman from West Virginia [Mr. GIBSON] used this language:

I protest here against the appropriation of a solitary dollar to any landing on the Mississippi River. Those landings are not harbors in any sense of the word.

Then at the conclusion of his remarks he said that to make such appropriations "would destroy the whole object of the system of internal improvements, and it would shock the common sense of the country and arouse its just indignation against us."

Now, Mr. Chairman, for fear there might be some just indignation aroused against us, I thought I would look over the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. YOUNG obtained the floor and yielded his time to Mr. VAN EATON.

Mr. VAN EATON. I looked over the bill, and I wish to draw the attention of the committee to this remarkable fact: In West Virginia there was an appropriation last year of $1,500, and there is another this year of the same amount, to improve a mountain stream, the Buchanan River, which this report of the engineers says is only fifty-seven miles in length and can never be made navigable except for logs—logs! [Laughter]. Some man who owns some timber on that river wants to get out some sawlogs, and he can not do it unless this great Government will make an appropriation of $3,000 to get out his sawlogs.

But let me say a little more about Buchanan. It is good reading, this report. I would like to incorporate this portion of it in my remarks and publish it in the RECORD. It ought to be published. The report says of this and Tygart's Valley River—I suppose you all know Tygart's Valley River—[laughter]—the gentleman seems to have lately discovered the Buchanan and the Tygart's Valley Rivers up among the mountains. The report says:

Both rivers are exclusively rafting streams.

And it is for one of these that $1,500 is appropriated in this bill. The gentleman says his sense of propriety is shocked by an appropriation for the great cotton harbor on the great inland sea of America; but he wants to give $1,500 for the improvement of a little logging stream.

Mr. HUNT. Will the gentleman state what percentage of the estimate that is?

Mr. VAN EATON. I must decline to be interrupted. I am a young man and am easily scared. [Laughter.]

Mr. Chairman, this remarkable Buchanan River that this committee wants to improve has a fall it appears of seven hundred feet—

Which—

Says the report—

is an average of more than nine feet to the mile.

And in one place the fall is sheer twenty feet right straight down, and the trouble is when they do manage to get their logs there they wear out before they get through. That is the fact. [Laughter.]

Now the engineer says further:

It is evident from the above summary statement that all that can be done to these streams is to remove the isolated bowlders and masses of rock that cause log jams, and thus facilitate the downward passage of—

Of what? Of ships, of steamboats, of barges? No, sir—

And thus facilitate the downward passage of logs.

[Laughter.]

There it is. That is the engineer's report. It says further:

In the present case I have to report that no survey is needed, as the preliminary examination has developed all of the essential facts.

Indeed, all a man would have to do would be to go and survey that gorge by his eye. [Laughter.] It is only fifty-seven miles long.

[Here the hammer fell.]

Mr. GIBSON rose.

Mr. VAN EATON. I should like to say just one word more.

Mr. GIBSON. I move to strike out the last five words.

Mr. VAN EATON. I desire to say just another word.

Mr. GIBSON. I will yield to the gentleman if I shall then have my five minutes.

Mr. VAN EATON. I should like to hear the gentleman whose sense of propriety is shocked by appropriations for harbors on the Mississippi River characterize in what he considers fit terms this appropriation for Buchanan River to facilitate the passage of logs.

Mr. GIBSON. In speaking on this bill on yesterday I said that the expenditure of money for the purpose of improving landings on the Mississippi River was calculated to shock the common sense of this country. I repeat that language now, and repeat it with reason for it. Not one solitary dollar of this money proposed for the purpose of improving what they call these harbors is to be applied to giving one inch of water that any vessel may float upon it, not even that a log may float upon it; but every dollar of it is to be used for the improvement of levees and landings of parties engaged in trading in those towns.

Mr. REED, of Maine. Is that the case with the New Orleans appropriation?

Mr. GIBSON. It is the case with every dollar of it. Not one dollar is to be expended in digging out and deepening the channel. No ship is able to float better by reason of it. But it is to protect the property of those who are engaged in trading on the banks of the river. I protest against the use of the public money for that purpose; and I appeal to the common sense of this House and to the common sense of the country to sustain me in that protest.

But the gentleman from Mississippi [Mr. VAN EATON] undertakes to criticise me very facetiously. That gentleman's record in this House shows how much he is in favor of releasing the people from public plunderers and from the burdens imposed on them and of improving the facilities for commerce and the interchange of commodities between the States. It is not for him to criticise my actions or the actions of any other member of this House who has sought to save the public property and restore it to those who own it.

But now as to West Virginia, and as to the gentleman's talk about the Buchanan River, I have this to say——

Mr. VAN EATON. Perhaps the gentleman would like this engineer's report to read from. [Laughter.]

Mr. GIBSON. No, sir; I have seen that report, and I am as well acquainted with that as I am with the record in this House of the gentleman from Mississippi [Mr. VAN EATON]. Although he may be "young" and "a new member," he has made a record, and I have seen it.

Now, as to the Buchanan River, I know nothing about that river; I have no personal knowledge of it; it is not in my district, nor have I any interest in it. I only know that the Engineer Corps of the United States Army, in charge of the commercial improvements of the rivers and harbors of this country, came to this Congress with a report strongly recommending that that river be opened, so that, as the engineers say, between fifty and one hundred million feet of oak timber, which is needed for ship-building along the Ohio and the Missouri and the Mississippi, can be gotten out, in order that the commerce of the great West may float upon its timbers.

Mr. HORR. Does the gentleman admit that that is the only commerce of that river—the floating down of lumber?

Mr. GIBSON. I declare to this committee that the only commerce that river has or can have is the letting out of millions and millions and millions of feet of timber which is required for the building of vessels to float upon the Western waters.

Mr. VAN EATON. Then there will be lots of "log-rolling" there. [Laughter.]

Mr. GIBSON. Yes, sir; and you understand "log-rolling," I suppose.

Mr. VAN EATON. There is $275,400 worth of "log-rolling" in this bill for the gentleman's State.

Mr. GIBSON. Well, sir, that only shows how much inferior I am to the gentleman from Mississippi [Mr. VAN EATON]. If he had been there perhaps he would have had several millions.

Now, as to this stream, Buchanan River, I speak frankly, for I have no concealments to make. I based the recommendation for that improvement upon the report of the engineers. Colonel Merrill, who is on the Ohio River, and who is the engineer in charge, without any request from me, without any knowledge on my part, recommended that this appropriation be made.

Mr. HORR. Is there any appropriation made anywhere in this bill for improving a stream simply for the running of logs?

Mr. SPRINGER. Yes; there are several such cases out West.

Mr. HORR. There are none in Michigan.

Mr. SPRINGER. Yes.

Mr. HORR. Not a dollar for any such stream in Michigan.

Mr. SPRINGER. Black Lake, just above Grand Haven; there never was any commerce there but logs.

Mr. TOWNSHEND. Mr. Chairman, this is the first time that I have asked the indulgence of the House to say anything in regard to this bill. I had made up my mind to vote against the bill, and therefore had determined to content myself with my vote as an expression of my opinion in regard to it. But, Mr. Chairman, I rise now for the purpose of saying this: The other day, when a motion was made that the House take a recess until 10 o'clock the next morning, the assurance was given by the chairman of the committee having this bill in charge that before 12 o'clock next day should arrive he would move that the House should adjourn, so that the ordinary business of the House might be carried on after 12 o'clock. To-day, when the motion was made by the same gentleman that a recess be taken until 10 o'clock on Monday next, he declined to give any such assurance to the House; and I have learned that it is the purpose of the friends of this bill, or at least of gentlemen that are pressing it, that on Monday next, if the House meets here in pursuance of the order for a recess, the House shall not adjourn, but shall go on with the consideration of this bill next morning. Now, Mr. Chairman, I wish to remind gentlemen that we have three important appropriation bills ready for consideration——

Mr. WILLIS. Mr. Chairman, I rise to a question of order.

Mr. VAN EATON. Mr. Chairman, I would like to know on which side of my amendment the gentleman from Illinois [Mr. TOWNSHEND] is speaking. [Laughter.]

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] will state his point of order.

Mr. WILLIS. My point of order is that the gentleman from Illinois [Mr. TOWNSHEND] is proceeding entirely against the rules in the remarks that he is making.

The CHAIRMAN. The point of order is well taken. The gentleman from Illinois [Mr. TOWNSHEND] will proceed in order.

Mr. TOWNSHEND. I did not hear the ruling of the Chair.

The CHAIRMAN. The Chair ruled that the gentleman was proceeding out of order.

Mr. TOWNSHEND. Well, Mr. Chairman, I have perhaps stated sufficient facts as a basis for what further I have to say. I have reminded the House that there are three appropriation bills pending. It is already known that next Monday the bill making appropriations for the postal service——

Mr. WILLIS. Mr. Chairman, I again raise the point of order, and I ask that the gentleman take his seat until he can proceed in order.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] will proceed in order.

Mr. TOWNSHEND. Then, Mr. Chairman, if I have not been in order heretofore, I make the motion that this committee do now rise. I make that motion with the view of making a motion that when the House adjourns to-day it adjourn until Monday at 12 o'clock.

The motion being taken on the motion of Mr. TOWNSHEND that the committee rise, there were—ayes 52, noes 98.

Mr. TOWNSHEND. I call for tellers.

A MEMBER. No quorum has voted.

The CHAIRMAN. No quorum having voted——

Mr. SPRINGER. A quorum is not necessary on a motion that the committee rise, which is equivalent to the motion in the House to adjourn.

The CHAIRMAN. The question is on ordering tellers.

The question being taken, there were ayes 32—less than one-fifth of a quorum.

The tellers were not ordered; and the motion that the committee rise was not agreed to.

The CHAIRMAN. The question now recurs upon the amendment presented by the gentleman from Mississippi [Mr. VAN EATON].

Mr. VAN EATON. I withdraw the amendment for the present.

The CHAIRMAN. The amendment of the gentleman from Mississippi being withdrawn, the Chair recognizes the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I move to amend the pending paragraph by striking out "jurisdiction of the Mississippi River Commission" and inserting "direction of the Secretary of War," so as to provide that this appropriation be expended under the direction of the Secretary of War through the Government's Corps of Engineers.

Mr. Chairman, up to a comparatively recent date, some five years ago, all the public works of the country have been under the supervision of the War Department, controlled and conducted by the Engineer Corps of the Army; and there are many arguments in favor of the resumption and continuation of this policy, and of its application to the Mississippi River and the various improvements connected with it.

I have not, I believe, heard any one call in question the integrity or capacity of this body of trained public officers—the Engineer Corps of the Army. In point of integrity and capacity they certainly equal any body of engineers in civil life who can be employed by the Government in connection with its public works. The fact of their being trained to this employment, and having no personal motives in connection with the public work, having only the public interests in view, makes it in my judgment a matter of the highest possible moment, in order to secure public confidence in the administration of your public works, that the Engineer Corps of the Army, under its responsible chief, should be employed to direct and control them. Has anything in our history occurred to justify the belief that we can employ upon, works of this character any body of citizens more eminently qualified for these duties?

Mr. WILLIS. My friend will allow me to say that this is not a new departure. The improvement of the Mississippi has always been under such direction as is proposed in the bill.

Mr. HOLMAN. I am, of course, aware of the fact that the improvements on the Mississippi River in recent years have been taken out of the regular order—not placed in charge of a body of men who have for years enjoyed the public confidence, but in charge of gentlemen not connected as a body with any department of Government—gentlemen differing with an engineer officer who is prominently connected with them. Thus you have the spectacle of a regular engineer of your service advising against the plan of his colleagues on that commission.

This commission stands by itself. One of the members is a very respectable and intelligent lawyer of my State, who perhaps had no acquaintance with the Mississippi River until his recent appointment—a gentleman devoted to his profession, knowing nothing, I think, about engineering or hydraulics, knowing nothing about public works—a man of ability and integrity, I have no doubt, but wholly unacquainted with the business of managing great public works. Are you to displace competent and trained public officials who have been connected with the Government works for years, under a responsible head, and put in their places lawyers whose education has no relation to public works? I think, sir, that these works should be restored to the control of responsible officers of the Government, to a responsible department, so that our people may have confidence in the capacity and integrity with which these public works are conducted and confidence in the proper expenditure of their money.

[Here the hammer fell.]

Mr. BLANCHARD. I regret, Mr. Chairman, that my friend from Indiana [Mr. HOLMAN] is so badly informed on this subject. This work at the city of New Orleans is being done, and has been done for years, under the control of Major Stickney, of the United States Corps of Engineers. He is the executive officer of the Mississippi River Commission, the head of which is General Gillmore, of the Corps of Engineers. Other members of that commission are General Comstock and Major Suter, of the Corps of Engineers. Another member is Mr. Mitchell, of the Coast and Geodetic Survey. When the gentleman from Indiana speaks of the eminent lawyer from his own State who is a member of that commission he refers to Mr. Robert S. Taylor, who was appointed, in pursuance of the requirement of law that one or two civilian engineers be appointed and one person who was not an engineer.

So that this money which is to be expended at New Orleans is to be expended under the direction of the Secretary of War, in accordance with plans, specifications, and recommendations of the Mississippi River Commission, just as it has been done for years. Now, I say, is there any more responsible body of men to which the expenditure of that money could be confided? In other words, the Secretary of War first, General Gillmore, Major Comstock, and Major Suter, and then the executive officer in charge, being Major Stickney, of the Corps of Engineers. [Cries of "Vote!"]

Mr. HOLMAN. Will the gentleman allow me to make a suggestion?

Mr. BLANCHARD. Yes, sir.

The CHAIRMAN. Debate on the present amendment is exhausted.

Mr. REAGAN. I move to strike out the last word. If amended by striking out "under the discretion," in line 205, and insert "according to the plan," then it would be done according to the plans of the Mississippi Commission, as the work is now being done, the money being expended under the direction of the Secretary of War.

Mr. BLANCHARD. I have no objection to that.

Mr. HUNT. I have no objection either.

Mr. HOLMAN. That is not what I am aiming at.

Mr. REAGAN. Then I desire to say this: I think the gentleman from Indiana is laboring under some mistake. He agrees in improving that river. It has gone on for some years on the idea that the improvement was to be made under the plans of the commission composed of officers of the Army and of the Geodetic Survey and of civilians, but chiefly under the control of officers of the Army, while the plan is to be furnished by the commission. The expenditures are made under the direction of the Secretary of War. If the purpose is to take this from under the plan of the improvement of the Mississippi River as presented by the commission, then it seems to me it would be a mistake, unless it has become the purpose to abolish that commission and to abolish the plan and fall back to where we were before, and that means no effort shall be made to improve the Mississippi River.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, the gentleman from Texas [Mr. REAGAN] misapprehends me. But before referring to his observations I wish to say to the gentleman from Louisiana [Mr. BLANCHARD] that he, too, misapprehends me. What I am complaining of is the plan and method of the Mississippi River Commission. I had the honor, as one of the members of the last House of Representatives and as a member of the committee of the House, to visit that river and the improvements in progress and examine the works at Plum Point, at Lake Providence, at Vicksburg, and wherever else those works of the commission were then in progress. And what I object to is the continuance of works on the present plan of the commission. It is the plan and method of the commission of which I am complaining. It is the absence of responsibility of which I complain. Millions have been expended with no satisfactory results up to this time, and yet no one can be called to account. There is no responsible head to the body of citizens who were spending in their own way these millions annually.

What have been the results of this system up to this time? Gentlemen, I presume, are aware that a very large percentage of your expenditures on these works have been simply for repair of works only partially completed, repairs from the beginning. The reports now lying before you state the fact that, notwithstanding the work done to the extent of hundreds of thousands of dollars at, above, and below Plum Point, the present indication is that "Plum Point" will soon become "Plum Island." The river, indifferent to these large expenditures, is working its way eastward to a new channel.

Mr. DUNN. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly; a question.

Mr. DUNN. Does not the gentleman approve the plan of John Cowdin, who is neither an Army engineer, a civil engineer, a lawyer, nor a man of any responsibility in any official sense?

Mr. HOLMAN. That is the gentleman's question.

Mr. DUNN. Is it not true?

Mr. HOLMAN. That is a proper question and I will answer it.

Mr. DUNN. Is it not true?

Mr. HOLMAN. I believe the outlet system for the protection of the valley of the Mississippi is the better and safer one, and perhaps the only practicable one. You closed up in part, by the expenditure of the public money, Bonnet Carré crevasse according to the plan of the commission two years ago. What was the result? Will the gentleman from Arkansas answer that question, if he pleases? Well, what was the result? A region of country extending from the river to Lake Ponchartrain, which had been devastated for years by that crevasse, was not reclaimed, but the closing up of that crevasse in the east bank of the river by the expenditure in part of public money inured to the benefit of a railroad corporation, and then a new crevasse soon occurred below in the west bank, and the waters of the Mississippi rushed over an extended region of the most fertile portions of that great State of Louisiana. Yes, sir; another crevasse occurs which takes the place of the one closed up by the commission and carries desolation and ruin to a fertile region of vast extent. My belief is, and it is a belief entertained by many intelligent engineers, that a properly adjusted and regulated outlet system is the only safety to the great valley of the Mississippi.

Mr. DUNN. I do not know of an engineer in the world who approves it.

Mr. HOLMAN. But I do not at this time propose to discuss that question. It will come up later. For the present I only insist on placing public works under a responsible department.

Mr. BRECKINRIDGE. Will the gentleman yield to me?

Mr. HOLMAN. Excuse me.

Mr. BRECKINRIDGE. You ask that the work should be placed under the control of responsible Government officers.

The CHAIRMAN. The gentleman's time has expired.

Mr. WILLIS. Let us have a vote.

Mr. BLANCHARD. I move to strike out the last three words, and I will detain the committee but a moment. I do this for the purpose of saying simply that the statement of the gentleman from Indiana that Bonnet Carré crevasse was closed in the interest of a railroad company is not in accordance with the facts.

Mr. HOLMAN. Just a word now. Let me ask the gentleman from Louisiana if there is not now a railroad constructed on the dike that was constructed across the mouth of that outlet? Did not a railroad join with the Government in the furnishing and expenditure of the money for the construction and completion of the dike, and is not that dike to-day the track of a railroad, and was not the Government funds expended on the dike that closed up the crevasse? I ask the gentleman if that is not true?

Mr. BLANCHARD. I will ask the gentleman for his authority for that statement.

Mr. HOLMAN. Why, it is a fact well known. It is unquestionable. There is a gentleman on the other side of the Chamber within sound of my voice, if he will give me his attention, who knows this to be a fact.

Mr. BLANCHARD. I will say to the gentleman that we have no such information. We know nothing of any crevasse that was ever closed under the circumstances he mentions. On the contrary, I do know that this Bonnet Carré crevasse was closed in good faith by the commission, and was put in good repair long before the railroad to which he refers was built. I withdraw the amendment. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I move to strike out the last word.

I will inform my friend from Louisiana that his State and the railroad corporation in question and the commission each furnished a portion of the funds which built the dike across the mouth of the Bonnet Carré crevasse and closed it up; and that the said dike is now a part of the road-bed of that railroad.

Mr. HISCOCK. Let me ask the gentleman from Indiana a question.

Mr. HOLMAN. Certainly.

Mr. HISCOCK. Do we understand the gentleman to say that the levee is now used by a railroad company, and that upon this levee $150,000 is to be expended?

Mr. HOLMAN. Oh, no, sir; I am speaking of outlet system and the closing of the Bonnet Carré crevasse above New Orleans, a crevasse closed up in part by appropriations out of the public Treasury through this commission joined with the State of Louisiana and a railroad company, which company is now using this dike for a road-bed; and I think the gentleman from New York is aware of that fact and will bear out the statement.

Mr. BLANCHARD. Again I ask the gentleman for his authority.

Mr. HOLMAN. The gentleman from New York is aware of the fact.

Mr. HISCOCK (from his seat). Yes, sir.

Mr. HOLMAN. A portion of the railroad funds was applied to that subject, some money of the State of Louisiana was applied to it, and a part of the appropriations made by us for the improvement of the Mississippi went into that work, which I regret is now, or was recently, used as a road-bed by this railroad which engaged in its construction. And after the Bonnet Carré crevasse was closed, as I have said, a crevasse which had done but comparatively little damage, involving only a limited region, another occurred a short distance below that point, in the western bank of the river, flooding one of the most fertile portions of the State of Louisiana, of vast extent.

I say, sir, therefore that so far as I am advised—and such was certainly the opinion of other members of the committee sent by this House during the last Congress to investigate the subject—a well-regulated system of outlets for the floods of that great river is the only solution of the important question of reclaiming from the floods that vast and fertile region.

Mr. BRECKINRIDGE. Let me ask the gentleman from Indiana a question: Has my friend from Indiana at hand the opinion, or is he aware of the fact, that any engineer of ability has indorsed that plan?

Mr. HOLMAN. Yes, I think so; more than one; and yet at this moment I do not recall them.

Mr. BRECKINRIDGE. I should be glad to know who.

Mr. HOLMAN. I have not the name in my memory, but I think there are several could be named.

Mr. BRECKINRIDGE. The universal authority of the best engineers is against that plan as destructive to the navigation of the Mississippi River.

Mr. HOLMAN. I think not all, by any means. The gentleman is, I think, mistaken in saying that this is the universal opinion.

Mr. BRECKINRIDGE. I have never heard of but one engineer who indorsed a scintilla of any such doctrine.

Mr. HOLMAN. The experience of many years in dealing with the river, in the judgment of many intelligent rivermen, has demonstrated the soundness of the proposition. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Does the gentleman withdraw the *pro forma* amendment?

Mr. HOLMAN. I do.

Mr. LONG. I ask that the pending amendment be again reported.

The Clerk read as follows:

In lines 205 and 206 strike out the words "jurisdiction of the Mississippi River Commission" and insert "under the direction of the Secretary of War."

The question was taken; and on a division there were—ayes 71, noes 60.

Mr. BLANCHARD. I demand tellers. [Cries of "No!" "No!"]

The CHAIRMAN. Does the gentleman insist upon the demand?

Mr. BLANCHARD. At the request of the chairman of the committee I withdraw the demand for tellers.

So (no further count being demanded) the amendment was agreed to.

Mr. HEPBURN. I desire to amend by inserting at the end of the paragraph what I send to the desk.

The Clerk read as follows:

After the words "Secretary of War," in line 206, insert: "*Provided*, That no portion of said $150,000 shall be expended in the repair, erection, maintenance, or paving of levees, or in the grading or revetment of the banks of the Mississippi River owned by private parties or municipalities."

Mr. THOMAS. I hope that will be accepted.

Mr. HUNT. I ask for the reading of the amendment.

The amendment was again reported.

The CHAIRMAN. Does the gentleman from Louisiana desire to be heard in opposition to the amendment?

Mr. HUNT. I do, sir; I rise for that purpose.

Mr. Chairman, I consider it my duty to correct the misapprehensions which have been expressed here regarding this matter under debate. The $150,000 to be given is, strictly speaking, a harbor appropriation. A harbor is a place for the shelter of ships—a port—and the $150,000 proposed to be appropriated is to be expended for the necessary protection and security of the great harbor at New Orleans, the second harbor in importance in the United States.

Mr. Chairman, the engineer officer says in speaking of the $1,400,000 of property immediately involved:

But this does not represent the whole interest at stake. The river front here is being used for purposes of commerce and navigation, and these interests suffer very much from the caving in of wharves, railroad-inclines, and depots. The commercial interest is much greater than the value of property already located there, and its value can not be estimated.

This refers to the Goldsborough bank. Further on the same officer says:

In order to make the city of New Orleans secure from danger of breaks in the levee, and from being gradually washed away, it is necessary to protect the bank in this bend—

The Carrollton bend—

but the immediate importance of the work is small when compared with what it is at Goldsborough.

There are two places, then, to be protected—one at Goldsborough bank and the other at the Carrollton bend—and the protection of both places is required for the security of one of the greatest harbors in America, near the mouth of the Mississippi River, second in commercial importance only to the port of New York.

Mr. CUTCHEON. Will the gentleman allow me——

Mr. HUNT. Excuse me; my time is too short. In the report of the engineers it appears that the experiment for protection is now going on, and their estimate is for $683,000. This includes their plan of revetment. It includes a plan of improvement in accordance with the recommendations, specifications, and plans of the River Commission, of scientific, symmetrical, and of general application under correct superintendence. It requires, evidently, proper liberty and discretion, and is an indispensable public harbor improvement in the strictest sense of the terms.

The opinion that the diffusion of waters will increase and benefit navigation is not considered a respectable opinion in modern engineering science, and the attempt, Mr. Chairman, to prescribe limitations to the proper discretion of the scientific men connected with the civil service and particularly with the engineering corps, such as will prevent this improvement at New Orleans from being carried out in good faith, is the indulgence of a legislative liberty which, if successful, might result in the loss of interests of property and of commerce of the most general character and of the most important nature.

[Here the hammer fell.]

Mr. HEPBURN. These improvements are not on the east bank of the river, but they are at the town of Algiers; and the gentleman from Louisiana is entirely mistaken, in my judgment, when he indulges in the affirmation that they are in any way connected with the commerce of the Mississippi River——

Mr. HUNT. I read what the engineer said.

Mr. HEPBURN. Or with the safety of the vessels navigating the river. I venture the statement that these improvements are solely or mainly for the protection of the individual property of residents living opposite the city of New Orleans.

Mr. HUNT. You are mistaken. It is not so.

Mr. HEPBURN. I appeal from the interested declaration of the gentleman to that better statement that I find in the report of the Mississippi River Commission.

Mr. HUNT. What do you mean by "interested statement?"

Mr. HEPBURN. I mean what I say, that you are interested as a Representative in securing this appropriation.

Mr. HUNT. Interested—how?

Mr. HEPBURN. As a Representative.

Mr. HUNT. Do you mean as a man of honor and public spirit?

Mr. HEPBURN. I mean as a man of the very highest honor.

Mr. HUNT. Then I have no objections to your statement.

Mr. HEPBURN. Mr. Chairman, let me call your attention to the language of this report in regard to the importance of protecting Goldsborough bank. That is a part of the harbor that, with Carrollton bend, constitutes largely the harbor that is to be improved. The engineer says:

IMPORTANCE OF PROTECTING GOLDSBOROUGH BANK.

From my report of November 19, 1883, the value of land and improvements in the Goldsborough bend, which will be lost in a few years if the bank is not protected, was estimated to be $1,400,000. But this does not represent the whole interest at stake. The river front here is being used for purposes of commerce and navigation, and these interests suffer very much from the caving in of wharves, railroad inclines, and depots.

The commercial interest is much greater than the value of property already located there, and its value can not be estimated.

COMPARISON.

The caving of bank in Carrollton bend causes a very small loss of property compared to what it does in Goldsborough bend. The commercial interests in Carrollton bend are almost nothing, while in Goldsborough bend they are very great and are rapidly increasing, and they make the work of improvement more difficult. In order to make the city of New Orleans secure from dangers of breaks in levee and from being gradually washed away it is necessary to protect the bank in Carrollton bend; but the immediate importance of the work is small compared to what it is at Goldsborough.

Respectfully submitted.

W. G. PRICE,
United States Assistant Engineer.

It seems to me that that sustains the statement that this is not for the protection of the commerce of the country; that it is not for the purpose of establishing a harbor where ships may ride in safety; but that this money is to be expended where these individual interests are invested, where they are jeopardized, where there is a possibility of large pecuniary loss. And these gentlemen are seeking, undoubtedly in harmony with their ideas of propriety, the protection of these private interests of their constituents with the money of the public, and that is what I propose to prevent, if I can, by asking the adoption of this amendment.

I desire also to incorporate with my remarks the following passage from the report of the Mississippi River Commission:

NEW ORLEANS HARBOR.

At date of last report a mattress 400 feet in width was being laid in Carrollton bend. Owing to delays in receiving material the rising river forced a suspension of operations when 470 feet of this mat had been completed and sunk, and the work has not been resumed, owing to the more pressing necessity of protecting the bank in Goldsborough bend. Here the protection will consist of a series of sloping submerged spurs, so designed and located as to move the current of the river away from the bank to be protected. These spurs rest on a mattress 200 feet wide and 350 feet long laid on the bed of the river and normal to the bank, beginning at low-water mark. The spurs themselves are built up of timber cribs, filled with brush and loaded with stone. The width of the structure at the bottom is 60 feet, which diminishes by steps to 20 feet at the top, the size and arrangement of the cribs being such that the top of the finished structure will have a slope of 1 vertical to 3 horizontal feet from low-water mark to the bed of the river. The distance apart of the spurs will vary from 500 to 1,600 feet, according to the curvature of the banks. One spur is now well under way, and two more will probably be nearly completed with the funds now available.

The work is experimental, and its efficiency can only be determined after the subsidence of the next flood. The estimate for continuing this work and for completing the revetment in Carrollton bend is $683,600.

Mr. BLANCHARD. I move to strike out the last two words. I do so because I do not wish the statements of the gentleman from Iowa, [Mr. HEPBURN] made, as I now they are, in good faith, to go unchallenged. The gentleman speaks of this improvement at Goldsborough and at Carrollton. Although these villages are within the limits of the city of New Orleans I will say, for my friend [Mr. HUNT], that they are outside of his district.

Now, then, what we need at New Orleans is—I will be very frank with this committee—what we need there is not a deepening of the river, because the river is already sufficiently deep; but there enters in from the mouth of the Mississippi a vast amount of ocean shipping which finds its way to the wharves of New Orleans, extending four or five miles in length on both sides of the river, and is there moored for purposes of commerce. The city of New Orleans, as gentlemen know, is situated in a bend of the Mississippi—hence its name of the "Crescent City." It is well known to every one who knows anything about the Mississippi River that at times acres of land will fall into the stream as a result of caving. Within a short distance of the bank of the river in New Orleans is located the custom-house of the Government, which cost, if I recollect right, about $2,000,000. Now, in order to prevent this immense caving in of the banks on both sides of the river in a city of nearly 300,000 inhabitants, a city with the greatest amount of shipping of any in the United States except the city of New York, we ask that this $150,000 be appropriated to be used for the legitimate purpose of the preservation of the harbor of New Orleans. It is not to protect anybody's private property. It is just as legitimate, I submit in all candor, to expend money in preserving a harbor as in maintaining the depth of water in a harbor. Mr. Chairman, these works that are being constructed at Goldsborough and at Carrollton, just at the upper edge of the city of New Orleans, are for the purpose of preventing the caving of the bank there and for the purpose of deflecting the current which, on its way down along the city front, where the shipping is moored, will cause caving and the destruction of the harbor.

[Here the hammer fell.]

Mr. YOUNG. Mr. Chairman, I would like to have the amendment reported.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Add at the end of line 206 the following:

"*Provided*, That no portion of said $150,000 shall be expended in the repairing, erection, maintenance, or paving of levees, or in the grading or revetment of the banks of the Mississippi River owned by private parties or municipalities."

Mr. HISCOCK. I suggest to the gentleman from Iowa [Mr. HEPBURN] that he add to his amendment the words, "or for the protection of private property."

Mr. HUNT. Better not give the money at all.

Mr. YOUNG. I would ask the gentleman whether he means this money to apply for the reclamation of overflowed lands or merely for the protection of cities?

Mr. HEPBURN. I mean just what the amendment says. I do not want the money to be used for the construction, paving, or maintenance of levees.

The question was taken on the amendment of Mr. HEPBURN, and on a rising vote there were—ayes 61, nays 60.

Mr. BLANCHARD. I demand tellers.

Mr. WILLIS. I hope my friend from Louisiana will not do that.

Mr. KING. Yes; let us have tellers.

Tellers were ordered; and the chairman appointed Mr. HEPBURN and Mr. BLANCHARD.

Pending the announcement of the vote,

Mr. WHITE, of Kentucky. Mr. Chairman, would it be in order that the committee do now rise?

The CHAIRMAN. It would not be in order.

Mr. WHITE, of Kentucky (after a pause). Mr. Chairman, I ask for the reading of the rule which declares that when the House is left without a quorum there are but two things in order.

The CHAIRMAN. It has not yet been ascertained whether there is a quorum or not. As soon as the Chair ascertains that fact he will act accordingly.

The tellers reported—ayes 53, noes 67.

Mr. BUDD. No quorum.

The CHAIRMAN. Under the rules of the House, it being ascertained that there is no quorum voting, the Clerk will call the roll.

Mr. WHITE, of Kentucky. Pending that motion, I move that the committee do now rise.

Mr. WILLIS. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kentucky on the right [Mr. WILLIS] moves that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Mr. Chairman, I move that the House do now adjourn.

Mr. MILLS. I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER *pro tempore*. If there be no objection, the Chair will submit certain personal requests.

Mr. WHITE, of Kentucky. I object.

The SPEAKER *pro tempore*. Does the gentleman object to the submission of personal requests?

Mr. WHITE, of Kentucky. I object.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Texas [Mr. MILLS], that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. TOWNSHEND. My motion has precedence.

Mr. MILLS. It has not.

Mr. SPRINGER. I ask unanimous consent to present a report for the sake of having it printed and placed on the Calendar.

There was no objection.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce, navigation, and the regulation of steam vessels.

Mr. REED, of Maine. Mr. Speaker, is that privileged?

The SPEAKER *pro tempore*. It is a matter of the highest privilege known to the rules.

Mr. REED, of Maine. Against a motion to adjourn?

The SPEAKER *pro tempore*. Against a motion to adjourn.

ORDER OF BUSINESS.

Mr. WHITE, of Kentucky. I call for the regular order.

The SPEAKER *pro tempore*. The gentleman from Texas [Mr. MILLS] moves that when this House adjourns it adjourn to meet on Tuesday next.

Mr. TOWNSHEND. Does that motion take precedence of my motion that the House do now adjourn?

The SPEAKER *pro tempore*. The Chair certainly thinks it does. The House must determine the time to which it will adjourn before it adjourns, and the rule so declares. The question is on the motion of the gentleman from Texas [Mr. MILLS].

Mr. WILLIS. Mr. Speaker, pending that motion I ask unanimous consent (as it is evident that the remaining time will be consumed) that the House now take a recess until 10 o'clock on Monday next.

Mr. WHITE, of Kentucky. I object. I call for the regular order.

The SPEAKER *pro tempore*. Objection is made, and the question is on the motion of the gentleman from Texas [Mr. MILLS], that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. HEWITT, of Alabama. Mr. Speaker, has not the House determined to take a recess at 6 o'clock this evening?

The SPEAKER *pro tempore*. That is the order of the House. The motion is now made by the gentleman from Texas [Mr. MILLS] that when the House adjourns to-day it adjourn to meet on Tuesday next.

The question being taken on the motion of Mr. MILLS, there were—ayes 14, noes 66.

Mr. MILLS. I call for tellers.

Several MEMBERS. No quorum has voted.

The SPEAKER *pro tempore*. No quorum having voted, tellers are ordered; and the Chair appoints the gentleman from Kentucky, Mr. WHITE, and the gentleman from Texas, Mr. MILLS.

Mr. WHITE, of Kentucky. This is not my motion.

The SPEAKER *pro tempore*. The gentleman from Illinois, Mr. TOWNSHEND, will act as a teller with the gentleman from Texas.

The House again divided; and the tellers reported ayes 2.

The SPEAKER *pro tempore* (before the tellers had announced the negative vote). Pending the count by the tellers, the Chair asks unanimous consent to submit several reports from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

There being no objection,

Mr. PERKINS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 475) granting arrears of pension to Emily Agnel;

A bill (S. 1823) granting a pension to Ebenezer K. Marden; and

A bill (S. 750) granting a pension to Catharine Schools.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (S. 646) for the relief of H. G. P. White, Peter Hanger, and L. T. Green.

Mr. HOLMES, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour of 6 o'clock having arrived, the House now, in pursuance of its previous order, stands in recess until 10 o'clock a. m. on Monday next.

AFTER RECESS.

The recess having expired, the House at 10 o'clock a. m. (Monday, February 9) resumed its session, Mr. BLACKBURN in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House do now resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering general appropriation bills.

Mr. WILLIS. Mr. Speaker, as the House is very well aware, the recess which has just expired was taken for the purpose of resuming this morning the consideration of the river and harbor bill. If the gentleman from Illinois [Mr. TOWNSHEND] wants to waste public time, he has it in his power to do so. If his motion is voted down, I shall ask the House to continue the consideration of the river and harbor bill, with the honest purpose of finishing it. We have been delayed in the progress of this bill because of the want of a quorum. As the Speaker is well aware, a good part of this House has been engaged in making up a Cabinet for the next President—and various members of the Committee on Appropriations, its chairman and several other members, have been included in that—and another portion of them have been engaged in festivities, and by their absence we have been frequently left without a quorum, and hence delay has occurred in the progress of this bill. But as they are all here now, and as the Cabinet, I hope, is made up, and as I hope we are now ready for business, I trust this House will vote down the motion of the gentleman from Illinois, and let us go on in good faith with this river and harbor bill.

Mr. TOWNSHEND. Mr. Speaker, during the whole of the time that the river and harbor bill has been under consideration I have up to Saturday last voted every time with the friends of the bill to facilitate its passage. On Saturday I asked the chairman of the Committee on Rivers and Harbors to let the House understand that he would permit an adjournment to-day just before 12 o'clock, all the time till then being occupied with this bill. But the gentleman declined to give any such assurance.

Now, it was made known last week that the Committee on Appropriations would not interfere during that week with this bill; but notice was given that they would to-day seek the floor for the purpose of bringing up general appropriation bills. I feel, Mr. Speaker——

Mr. WILLIS. I hope the gentleman——

Mr. TOWNSHEND. I did not interrupt my friend.

Mr. WILLIS. I just ask one moment. It has been suggested to me that a remark I made just now in regard to the absence of members may be misconstrued, and I desire to withdraw it.

Mr. GIBSON. And not have it appear in the RECORD.

Mr. WILLIS. Have it considered as ignored.

Mr. TOWNSHEND. Now, I want to say to the gentleman from Kentucky I would be willing again to do all in my power to facilitate action on his bill as he knows I have heretofore done until Saturday last. But I feel, Mr. Speaker, that now the Committee on Rivers and Harbors should give way for the consideration of the general appropriation bills, which are now ready. The Post-Office appropriation bill and the legislative appropriation bill are ready. I would ask my friend to remember that when his bill goes over to the Senate the Committee on Commerce will perhaps have no other bill to consider, whereas the Committee on Appropriations of the Senate will have to consider all these appropriation bills, and certainly we should get them to the Senate as soon as possible. I feel that in order to avoid the danger of an extra session we ought to take up these appropriation bills which are ready and get them out of the way, and in the intervals which may occur between these bills the gentleman from Kentucky can proceed with the river and harbor bill.

Mr. HOLMAN. Allow me just one word. Two of the general appropriation bills—the Post-Office bill and the legislative bill—are ready for consideration; and I do not believe that either of them will occupy the House more than a few hours. I think the Post-Office bill can be got through to-day and the legislative bill to-morrow; and then there will be no other general appropriation bill ready for immediate consideration.

The sundry civil bill will be the next, and I think the interval between the Post-Office and the legislative appropriation bill can be well devoted to finishing up the river and harbor bill. Then we can take up the sundry civil bill, and then the peril of unfortunate delay will be avoided.

Mr. WILLIS. I desire to say this committee has in good faith, as I think the House will bear witness, been as expeditious as we could to dispose of this bill. We have already passed several points in the bill which have been objected to, and the committee has amendments to other points objected to which I think will be satisfactory to the House and the Committee of the Whole. The only questions that remain now are the reading of the bill and getting through with it. We are at the point of Galveston, and the committee has an amendment in regard to that which meets with the approbation of the committee, and I think will meet with the approbation of every member of the House. I believe so; at least I hope so. It will, I think, too, give rise to no debate.

When the Mississippi River is reached I say to the gentleman from Indiana, who is interested in that, the committee has an amendment eliminating Captain Eads from any control and limiting the expenditure to the plan in the first and second Mississippi River Commission reports, which gets rid of the costly revetment system to which several gentlemen here are opposed. The committee have in good faith endeavored to take out of the bill everything objectionable, and it now remains whether this costly plant of the Government scattered over the country shall be unused, at a loss of hundreds of thousands of dollars, or whether we shall make the necessary provision for the great rivers and harbors of the country, which we can do in this session. The gentleman can make this issue at any time during the day if we pass the hour of 12 o'clock, and I submit in good faith, and as a matter of good sense, if we pass 12 o'clock to-day, the District of Columbia Committee will have the day after 2 o'clock. The Journal will be read; the morning hour will take up another hour; the call of committees, which you can not get rid of, will take up another hour; then the wrangle between these committees, if we have a wrangle—the contest between them will take the day.

In the interest of the expedition of the public business let us go on and pass these two hours which the House by an overwhelming vote has set apart, as the gentleman knows, for the consideration of the river and harbor bill, and not waste two hours now in fruitless contention; because we all understand we can easily tide over these two hours without any one being benefited by it. Let us go on in good faith and consider the bill, and when we pass 12 o'clock let the gentleman from Illinois get up and move the committee rise for the purpose of considering the Post-Office bill, and we will have an end of the contest, and we will have the benefit of the whole day instead of allowing it to be wasted in the call of the States.

Mr. HOLMAN. Can not the gentleman consent before 12 o'clock is reached that the adjournment shall take place in the usual way?

Mr. WILLIS. Does not the gentleman know the motion I make is in the interest of saving time? If you do get the floor five minutes after 12 o'clock you can get up then, and if you can get the majority of the House you will have the benefit of the day. If we go on with the programme the gentleman suggests we will consume two hours; we will only waste them. If we remain in session, what I mean is that when we pass 12 o'clock the gentleman from the Appropriations Committee can make the motion, and if a majority of the House sustains him, then they can go on with the Post-Office appropriation bill and save three hours.

Mr. HOLMAN. My friend from Kentucky must see we can not pass 12 o'clock without adjournment, or we will lose the day.

Mr. TOWNSHEND. I desire to say to the gentleman from Kentucky, if he will give me his attention, I most earnestly desire he may use the two hours this morning in the consideration of his bill. If I could get an assurance then the House would adjourn, and let the ordinary business of the House be proceeded with, I would take my seat.

Mr. WILLIS. I will go further, to show my perfect good faith. This House knows, Mr. Speaker, that this is the District of Columbia Committee day, and that committee has no business to call up. The first business is the call of States for the formal introduction of bills and joint resolutions; and no one will introduce bills or joint resolutions at this late day, as there can be no expectation of getting them through at this period of the session. To show my perfect good faith I will go further; I will say in response to the suggestion of the gentleman from Illinois, and agree myself that the committee shall rise and test the question.

The SPEAKER *pro tempore*. Let the hour of 12 o'clock be passed even for one minute and there will be no session of Monday, and it will be the continuation of the legislative day of Saturday.

Mr. BLOUNT. I ask the gentleman from Illinois to yield to me. I do not belong to either of these committees that seek to bring before the House their respective measures. I have endeavored to facilitate the Committee on Commerce in every way I could in consideration of the river and harbor bill. There is no doubt about the fact we are uncertain as to whether or not all of these bills can be passed before the 4th of March. Whatever may be the opinion of several gentlemen composing these committees there is an unrest in my own mind as well as in that of other gentlemen as to whether they can be passed or not.

It is a grave situation and we ought to proceed carefully in reference to it. The river and harbor bill is the only bill that the Senate Committee on Commerce will have to consider when it shall have reached them. The bulk of the appropriation bills proper have not been passed by this House. When we shall have passed them they will, of course, go to the Senate and undergo the examination of the Senate committee, come back into the Senate, and each in its turn will have to go through the process of examination, consideration, and amendment in that body.

Mr. TOWNSHEND. May I interrupt my friend from Georgia to say I am advised that the Senate Appropriation Committee has no bill before it at all now? I understand they are all before the Senate, and that there is nothing, unless this bill shall be sent to them, for that committee to work upon.

Mr. RYAN. I beg to correct my friend from Illinois.

Mr. TOWNSHEND. I am informed that they have no bill before them.

Mr. RYAN. That is a mistake; there are bills pending now before that committee.

Mr. TOWNSHEND. What bills?

Mr. BLOUNT. It is not a matter of so much consequence whether they have bills now to consider or not; one thing is certain, they have bills before the Senate which they are bound to look after. If, however, that committee has bills before it, it is altogether likely that they will soon be disposed of, and the committee will have to wait on the House. These bills ought to go to the Senate committee at once.

Mr. Speaker, I have had some experience, I may be permitted to say, at the close of a session of Congress as to the difficulties encountered by the Committee on Appropriations, and especially those who are placed on conference committees at such a time as this; and I do think in all that experience there has been nothing so straining to the patience, time, and endurance of the individual members of this House as the overcrowding of work in conference committees at the close of the session.

The very Post-Office bill which we are now seeking to consider is an illustration. Having been a member of that committee I know that on one night the conferees were in session until after 1 o'clock in the morning; and on another night, being the closing night of the session, they were continually engaged until 4 o'clock in the morning endeavoring to agree to a conference report. This applies to all the appropriation bills; and this will be the situation of the Appropriations Committee of the Senate when we come to the closing hours of the session, while the Committee on Commerce of the Senate will have nothing but this bill all the while to take up and consider. It seems to me it is a very easy matter for us to take up the river and harbor bill in the intervals between the consideration of the other appropriation bills and send them over to the Senate, so that that committee can have time to consider and report them to the Senate and bring the two Houses to a vote on any questions of disagreement that may arise.

I do trust, sir, that these annual appropriation bills, which can not fail without involving an extra session, will command the first consideration of this House.

Mr. HAMMOND. Will my colleague from Georgia allow me a question?

Mr. BLOUNT. Certainly.

Mr. HAMMOND. The point as I understand it now is how to avoid the hour that is provided for under the new rule for the consideration of business to which no objection is made, and also the call of States; and the Committee on Rivers and Harbors say that at a quarter past 12 o'clock they will allow the committee to rise and a test be made between the two bills pending at that time. Would it not then be a positive saving of time to go on for two hours and pass over the Monday's session, by waiting until half past 12 o'clock, and then test the question in the House between the consideration of these two bills?

Mr. BLOUNT. But the two committees of the House are not themselves agreed as to what is the best thing to be done; and in the midst of this and that suggestion we are likely to succeed in accomplishing nothing, as in all probability the whole time will be wasted. No man can foresee the result.

Mr. HAMMOND. But the suggestion that has been made will certainly accomplish the saving of the two hours to which I have alluded, and in that light is it not better than anything else that has been suggested?

Mr. BURNES. Will my friend from Georgia permit me to interrupt him for a correction?

Mr. BLOUNT. Of course, for a correction I will yield to the gentleman.

Mr. BURNES. I understand the gentleman to say that the two committees were not agreed as to the policy that should be pursued. The Committee on Appropriations is unanimously agreed that at 12 o'clock to-day this House shall adjourn and the Appropriations Committee shall have the floor, and that every effort shall be made for that purpose. The Appropriations Committee has no dissenting voice in it. We are perfectly unanimous that the best interests of the country and the best interest of legislation demand that the appropriation bills shall be proceeded with after 12 o'clock to-day.

Mr. BLOUNT. I do not understand the gentleman to have made any correction of my remarks. On the contrary, it is manifest from his own statement that the disagreement I alluded to between the Committee on Rivers and Harbors and the Appropriations Committee does exist. The gentleman from Missouri announces that the Committee on Appropriations have agreed that they will endeavor to do a certain thing. That is but a committee composed of fifteen members. It will be necessary for the House to interpose to accomplish what they desire and to determine for itself which of the two bills shall have precedence in the order of consideration. I understand the gentleman from Illinois [Mr. TOWNSHEND] to propose to the gentleman from Kentucky [Mr. WILLIS] to take the two hours this morning for the consideration of the river and harbor bill, and after that to let the House go on with the consideration of the Post-Office appropriation bill, which the gentleman from Kentucky declines to do. On the contrary, he proposes to go on until 12 o'clock perhaps, or until nearly 12 o'clock, or I believe his proposition is to go beyond 12, and then have a struggle as to which committee shall have recognition.

Mr. BROWN, of Pennsylvania. Which means an all-day fight.

Mr. BLOUNT. Which means, perhaps, as my friend from Pennsylvania suggests, an all-day fight. And if the Committee on Rivers and Harbors can not agree to take the two hours which the gentleman from Illinois proposes to concede to them, I think the members of this House outside of those committees should decide which of them shall have its business considered.

Mr. HEWITT, of Alabama. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND], which is that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The question being taken on the motion of Mr. TOWNSHEND, there were ayes 36.

Before the negative vote was counted,.

Mr. HOLMAN called for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 19.

The SPEAKER *pro tempore*. The affirmative, in the judgment of the Chair, is not a sufficient number to order the yeas and nays.

Mr. HOLMAN. Count the other side.

Mr. SPRINGER. I hope business will not be delayed by the ordering of the yeas and nays.

The negative vote being counted, there were noes 67—the affirmative being more than one-fifth of the whole vote.

Mr. SPRINGER. I call for tellers on ordering the yeas and nays.

Tellers were ordered, 46 members voting therefor.

The SPEAKER *pro tempore* appointed as tellers Mr. SPRINGER and Mr. TOWNSHEND.

The House again divided; and the tellers reported—ayes 21, noes 76.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND], who moves that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The question was taken; and there were—yeas 53, nays 131, not voting 139; as follows:

YEAS—53.

Beach,	Ferrell,	Mutchler,	Turner, Oscar
Blount,	Follett,	O'Neill, Charles	Wadsworth,
Boyle,	Fyan,	Ranney,	Wait,
Brewer, J. H.	Hardy,	Reed, T. B.	Warner, A. J.
Brown, W. W.	Hiscock,	Rice,	Washburn,
Browne, T. M.	Holman,	Ryan,	White, J. D.
Burnes,	Horr,	Shively,	White, Milo
Campbell, J. E.	Hutchins,	Smith, H. Y	Whiting,
Cannon,	Kelley,	Steele,	Wilkins,
Cassidy,	Le Fevre,	Stewart, J. W.	Winans, E. B.
Cosgrove,	Long,	Stockslager,	Yaple.
Dockery,	Lore,	Storm,	
English,	Lyman,	Swope,	
Ermentrout,	Muldrow,	Townshend,	

NAYS—84.

Adams, G. E.	Blanchard,	Clardy,	Dibrell,
Anderson,	Breckinridge,	Converse,	Dingley,
Atkinson,	Brewer, F. B.	Cox, S. S.	Dorsheimer,
Bagley,	Broadhead,	Crisp,	Dowd,
Ballentine,	Buchanan,	Culberson, D. B.	Dunham,
Barksdale,	Budd,	Culbertson, W. W.	Dunn,
Bayne,	Burleigh,	Cullen,	Eldredge,
Belford,	Cabell,	Davidson,	Ellis,
Bennett,	Caldwell,	Davis, G. R.	Everhart,
Bisbee,	Candler,	Davis, L. H.	Forney,
Blackburn,	Carleton,	Davis, R. T.	Funston,

Gibson,	Johnson,	Pierce,	Sumner, C. A.
Greenleaf,	Jones, J. H.	Poland,	Taylor, E. B.
Guenther,	Jones, J. T.	Post,	Taylor, J. D.
Halsell,	Kean,	Price,	Taylor, J. M.
Hammond,	King,	Pryor,	Thomas,
Hancock,	Lanham,	Pusey,	Tillman,
Hardeman,	Lewis,	Reagan,	Tucker,
Hart,	McCoid,	Reese,	Turner, H. G.
Hatch, H. H.	McMillin,	Riggs,	Van Eaton,
Hatch, W. H.	Mills,	Robertson,	Wakefield,
Haynes,	Murphy,	Rogers, J. H.	Wallace,
Hemphill,	Neece,	Rogers, W. F.	Ward,
Henderson, D. B.	Nelson,	Rosecrans,	Warner, Richard
Henderson, T. J.	Nutting,	Rowell,	Weaver,
Hepburn,	Oates,	Seymour,	Wellborn,
Herbert,	Ochiltree,	Slocum,	Willis,
Hewitt, G. W.	O'Hara,	Smalls,	Wilson, James
Houk,	Payne,	Snyder,	Wilson, W. L.
Houseman,	Peel,	Springer,	Wise, G. D.
Hunt,	Perkins,	Stevens,	York,
Hurd,	Peters,	Stewart, Charles	Young.
Jeffords,	Pettibone,	Strait,	

NOT VOTING—139.

Adams, J. J.	Ellwood,	Lamb,	Ray, Ossian
Aiken,	Evans,	Lawrence,	Reid, J. W.
Alexander,	Fiedler,	Libbey,	Robinson, J. S.
Arnot,	Findlay,	Lovering,	Robinson, W. E.
Barbour,	Finerty,	Lowry,	Rockwell,
Barr,	Foran,	McAdoo,	Russell,
Belmont,	Garrison,	McComas,	Seney,
Bingham,	Geddes,	McCormick,	Shaw,
Bland,	George,	Matson,	Singleton,
Boutelle,	Glascock,	Maybury,	Skinner, C. R.
Bowen,	Goff,	Millard,	Skinner, T. G.
Brainerd,	Graves,	Miller, J. F.	Smith, A. Herr
Bratton,	Green,	Miller, S. H.	Spooner,
Breitung,	Hanback,	Milliken,	Spriggs,
Brumm,	Harmer,	Mitchell,	Stephenson,
Buckner,	Henley,	Money,	Stone,
Campbell, Felix	Hewitt, A. S.	Morgan,	Struble,
Campbell, J. M.	Hill,	Morrill,	Sumner, D. H.
Chalmers,	Hitt,	Morrison,	Talbott,
Clay,	Hoblitzell,	Morse,	Thompson,
Clements,	Holmes,	Moulton,	Throckmorton,
Cobb,	Holton,	Muller,	Tully,
Collins,	Hooper,	Murray,	Valentine,
Connolly,	Hopkins,	Nicholls,	Van Alstyne,
Cook,	Howey,	O'Ferrall,	Vance,
Covington,	James,	O'Neill, J. J.	Weller,
Cox, W. R.	Jones, B. W.	Paige,	Wemple,
Craig,	Jones, J. K.	Parker,	Williams,
Curtin,	Jordan,	Patton,	Winans, John
Cutcheon,	Keifer,	Payson,	Wise, J. S.
Dargan,	Kellogg,	Phelps,	Wolford,
Deuster,	Ketcham,	Potter,	Wood,
Dibble,	Kleiner,	Randall,	Woodward,
Eaton,	Lacey,	Rankin,	Worthington.
Elliott,	Laird,	Ray, G. W.	

So the motion was not agreed to.

Mr. MCMILLIN. I ask unanimous consent that the reading of the names be dispensed with.

Mr. WHITE, of Kentucky. I object.

The Clerk read the names of members voting.

The following pairs were announced:

Mr. MORRISON with Mr. HOWEY, on all political questions, until further notice.

Mr. SHAW with Mr. LAIRD, until further notice.

Mr. JONES, of Arkansas, with Mr. KELLOGG, until further notice.

Mr. GARRISON with Mr. BARR, until further notice.

Mr. LOVERING with Mr. GEORGE, on this vote.

Mr. MITCHELL with Mr. JAMES, on this vote.

Mr. MURRAY with Mr. PHELPS, on this vote.

Mr. COOK with Mr. PAYSON, on this vote.

Mr. VAN ALSTYNE with Mr. HOLMES, on this vote.

Mr. THOMPSON with Mr. ROCKWELL, on this vote.

Mr. SPRIGGS with Mr. SPOONER, on this vote.

Mr. SINGLETON with Mr. STRUBLE, on this vote.

Mr. SENEY with Mr. RAY, of New Hampshire, on this vote.

Mr. O'NEILL, of Missouri, with Mr. PARKER, on this vote.

Mr. PAIGE with Mr. MILLER, of Pennsylvania, on this vote.

Mr. MAYBURY with Mr. MILLARD, on this vote.

Mr. LOWRY with Mr. MCCORMICK, on this vote.

Mr. HILL with Mr. CUTCHEON, on this vote.

Mr. HEWITT, of New York, with Mr. HANBACK, on this vote.

Mr. GEDDES with Mr. GOFF, on this vote.

Mr. FORAN with Mr. ELLWOOD, on this vote.

Mr. CLEMENTS with Mr. CRAIG, for this day.

Mr. CAMPBELL, of New York, with Mr. CAMPBELL, of Pennsylvania, on this vote.

Mr. AIKEN with Mr. BINGHAM, on this vote.

Mr. MCADOO with Mr. HARMER, on this vote.

Mr. MULLER with Mr. LACEY, for the day.

Mr. THROCKMORTON with Mr. MCCOMAS, for the day.

Mr. ADAMS, of New York, with Mr. LIBBEY, for the day.

Mr. CLAY with Mr. STEPHENSON, on this vote.

Mr. HOPKINS with Mr. BRUMM, on this vote.

The result of the vote was then announced as above stated.

Mr. WILLIS. Mr. Speaker, the House having declared by a vote of three to one that its order shall be respected, I now move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I desire to ask if I have not misunderstood the Chair as deciding that if this debate should continue until one minute past 12, and the House should then adjourn, the effect would be to lose the session of Monday entirely.

The SPEAKER *pro tempore*. The Chair does not understand what decision the gentleman from Kentucky [Mr. WHITE] is attributing to the Chair.

Mr. WHITE, of Kentucky. I understood the Chair before the yea-and-nay vote was taken to say in answer to some gentleman upon the floor that if this debate should continue until one minute beyond 12 o'clock Monday's session would be lost.

The SPEAKER *pro tempore*. The Chair so decided.

Mr. WHITE, of Kentucky, Then, pending the motion of my colleague [Mr. WILLIS] that the House now resolve itself into Committee of the Whole on the state of the Union for the purpose of discussing the river and harbor bill, I move that the House adjourn, so that we shall not lose Monday's session.

Mr. WILLIS. Is that in order, Mr. Speaker?

The SPEAKER *pro tempore*. The motion of the gentleman from Kentucky [Mr. WHITE] is in order.

Mr. BLOUNT. Mr. Speaker, I desire to make a parliamentary inquiry. If this motion to adjourn is voted down, will it be competent for the committee after 12 o'clock to rise and determine whether it will consider the Post-Office appropriation bill or the river and harbor bill?

The SPEAKER *pro tempore*. Most certainly it will. The gentleman from Kentucky [Mr. WILLIS] moves that the House do now resolve itself into Committee of the Whole House on the state of the Union; pending which the gentleman from Kentucky [Mr. WHITE] moves that the House do now adjourn.

Mr. WHITE, of Kentucky. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. WHITE, of Kentucky. Mr. Speaker, I rise to ask if we can not have the chairman of the Committee on Rivers and Harbors to agree——

The SPEAKER *pro tempore*. The Chair has no authority to answer as to any agreement.

Mr. WILLIS. There is no agreement about it.

Mr. WHITE, of Kentucky. I withdraw my motion.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] withdraws his motion. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House now resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. When the committee rose on Saturday the pending question was upon the amendment offered by the gentleman from Iowa [Mr. HEPBURN] and the House was dividing by tellers. The gentleman from Iowa [Mr. HEPBURN] and the gentleman from Louisiana [Mr. BLANCHARD] will please resume their places as tellers, and the Clerk will report the pending amendment.

The Clerk read as follows:

After line 20 insert:

"*Provided*, That no portion of said $150,000 shall be expended in the repair, erection, maintenance, or paving of levees, or in the grading or revetment of the banks of the Mississippi River owned by private parties or municipalities."

The committee divided; and the tellers reported—ayes 60, noes 105.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will report the next paragraph of the bill.

The Clerk read as follows:

Improving Aransas Pass and Bay, Texas: Continuing improvement, $100,000.

Mr. WHITE, of Kentucky. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky.

The Clerk continued the reading, as follows:

Improving Brazos Santiago, Texas: Continuing improvement, $25,000.
Improving Passo Cavallo, Texas: Continuing improvement, $35,000.

Mr. WHITE, of Kentucky. Mr. Chairman, I move to strike out the last word of the first paragraph read by the Clerk.

The CHAIRMAN. The Clerk has read two other paragraphs since that.

Mr. WHITE, of Kentucky. Yes; but he did so when I was trying to get the floor.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] rose, and the Chair recognized him. He then entered into conversation with the gentleman on his right [Mr. JOSEPH D. TAYLOR], and the Clerk read on.

Mr. WHITE, of Kentucky. Which the Clerk had no right to do.

Mr. JOSEPH D. TAYLOR. I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After line 212, insert the following:

"*Provided*, That no part of the money appropriated in this act shall be paid out for the purposes herein named until such payments shall be approved by the Attorney-General of the United States as legal and constitutional."

Mr. JOSEPH D. TAYLOR addressed the committee. [See Appendix.]

Mr. POST, of Pennsylvania. I move to strike out the last two words.

Mr. Chairman, reluctantly I rise to beg the indulgence of this committee. Not often have I claimed your attention; nor would I now did not the dictates of humanity require that some voice be raised in behalf of the much-maligned Committee on Rivers and Harbors. For them there is no couch of down, but each insatiate suitor for the people's coin upon their devoted heads pours forth the vials of his wrath. For days these gentlemen have been tortured and tormented by their associates with a relish and unction worthy of the cruelty inflicted by Parrhasius, the painter of Athens, upon the aged Olynthian captive. With attentive ears we have listened to their plaints. Analyzed, they amount only to the conflicting claims of rival discoverers. The hitherto undiscovered beauties and great possibilities of certain regions of our country as they are unfolded to us in the brilliant rhapsodies of gentlemen upon this floor having pet schemes to foster at the public expense are indeed most marvelous. By their fervid eloquence in defense of the old flag and an appropriation, swamp lands and barren deserts become fertile plains and blossom as the rose.

Shallow creeks and rivers whose elongated names are greater in extent, I ween, than the streams themselves, are made to appear as vast deeps upon, whose placid bosoms the commerce of the world might ride in majesty and still have room for more.

Hamlets as yet unnamed upon the maps flash upon the public notice with meteoric brilliancy, pictured as the future great trade centers of the country by the lurid oratory of the Representative who seeks a modicum of the redundant revenues wherewith to render himself more solid with his confiding constituents. [Laughter and applause.]

Historical, geographical, and scientific societies are ever and anon bestowing medals upon individuals for discoveries considered to be of value to the human family. Banquets are given, laudatory resolutions are passed, in fact eloquence runs riot in honor of men who by research, experiment, or exposure to the elements have added to the store of human knowledge.

Sir, the title to this bill is a misnomer. Instead of being an ordinary appropriation bill it is in reality a bill of discovery, and the paltry sums recommended to be expended thereon are in the nature of an inducement from some of these streams to remain with us all the year round rather than ascend heavenward in summer-time responsive to the blandishments of the sun's torrid heat.

I ask, Mr. Chairman, shall the Congress of the United States prove ungrateful to those of its membership who have, as recorded in this bill, rivaled the achievements of the most noted and eminent of the discoverers whose names have been inscribed upon the roll of fame? Be it not so. But rather let us pause and pay homage to the men who have rescued from oblivion and elevated to dignity of great national water ways diminutive rivers, which appear positively for the first time in this country, and for a limited season only (unless properly cared for, regardless of expense) in this wonderful aggregation brought together by the skill and untiring energy of our River and Harbor Committee. I appeal, therefore, to the members of this House to deal more tenderly with these deserving statesmen. Cease, I pray you, to revile them, and inveigh no more against their lack of capacity.

Is there one among you who has done for his country, for the cause of education, for posterity, anything so commendable, so grand or patriotic, as to have discovered the absolute necessity to the perpetuity of our institutions of improving the Withlacoochee River or the widening of Wappoo Cut? If not, then hold your peace.

Why, sir, some of the less thoughtful of our members have stood upon this floor and with wild gesticulations and in stentorian tones have complained because the members of this committee have held their sessions with closed doors and refused to be interrupted in their deliberations by the murmurings of the common herd, who were actuated only by mercenary motives, and who, like my loquacious friend from Saint Louis, sighed only for a fat slice of the "pork," as he heartlessly denominates this bill.

Is it unnatural that a body of men bent upon such a tremendous mission should withdraw themselves temporarily from the world, from the rude jostling of hungry suitors, that the serenity of their minds might not be disturbed by the jargon of the rabble?

THEIR LABORS ENDED.

Now behold the glorious work which they have wrought—a pamphlet bearing richest evidence of most profound erudition. I beg you to note in particular how the minutest detail has not been overlooked. We are not left to conjecture where rolls the Salkehatchie, or where the limpid Tchifuncte winds its tortuous way, nor yet where the gurgling waters of the Noxubee are wont to gurgle, but with conscientious precision we are told exactly which of the sisterhood of States possesses each of these great natural channels of transportation.

Imagine, Mr. Chairman, the irreparable loss to mankind if, as the grave and reverened signiors of this august committee were about to concentrate the power and ingenuity of their combined intellects to ascertain the source and course of the Chillysquawky River, the clamorous demand of the gentleman from Saint Louis "for a square divide" was to have thundered upon the declicately organized tympanums of their ears, or the irate gentleman from Wisconsin was to have flaunted the "bloody shirt" beneath their classic proboscides.

I shudder, sir, as I think of what might have been the disastrous results of so rude an interruption of the lucubrations of this noble band of public benefactors.

Having defended the committee as best I could in a general way I now desire to advert for a moment to a specific item in this bill.

Many have been the expressions of surprise and harsh have been the criticisms because of the large appropriation recommended for the improvement of Galveston harbor. Such strictures have been passed because of ignorance as to the matchless splendor, the magnetic power, the God-given advantages over all others of the city of Galveston. I hold in my hand a map printed in the Galveston Daily News, which shows beyond doubt that what Duluth was but a few years ago Galveston now is—the hub of the universe.

I confess, sir, that up to the moment that my desk was decorated with this all-convincing map, a reference to which demonstrates conclusively that the Creator intended that this great country should exist merely to pay tribute to the city of Galveston, I had entertained grave doubts as to the advisability of expending so much money in improving its harbor. Until my eyes rested upon this unanswerable chart, with the utmost nonchalance I would have voted ruthlessly to have stricken out the appropriation asked for, and viewed, without a twinge of remorse, the lamentations of its bereaved sponsors.

But all is now changed. As I gaze upon this map, frescoed so artistically, my soul is stirred to its deepest depths, and I am well-nigh persuaded to tap the fountain of our nation's wealth *a la* the gentleman from Colorado [Mr. BELFORD], and permit the golden stream to gush forth unchecked to aid in furnishing a vent for the commerce which flows into Galveston with such ever-increasing force and volume.

Mark you, Mr. Chairman, how monarch-like, grand, gloomy, and peculiar, sits this metropolis of the sunny South; the waters of the Gulf coyly creeping in gentle wavelets to the shore, singing soft, sweet songs of adulation, and again, with boisterous billows piling mountain-high, rushing madly to be obsequiously prostrated at her feet, to bear the story of the myriad crafts that sail upon Old Ocean, and which seek in vain the honor of mooring at her wharves. Yet look again, and see that as the earth revolves around the sun, so the whole of creation revolves about this favored city and is but the halo which encircles the brow of the infinite.

This map grows upon me at every glance. See how, far away upon the golden shores of the Pacific, the people impatient long for an opportunity to shower in profusion into the lap of Galveston the wealth of precious metals and semi-tropical luxuries of that remote region!

Even the polygamous Mormons of Utah with feverish anxiety only desire the excuse of this appropriation when they, too, will render generous tribute to this modern Tyre.

Look whichever way you will, and there is visible a cord which binds the whole human family in closest sympathy with the welfare of Galveston. With such proof who can escape the conviction that upon the fate of this item hang the hopes, the fears, the happiness, and future prosperity of millions of souls who breathlessly await the action of this House. Who knows but in the fate of this item also hangs trembling in the balance the ultimate destiny of our nation.

If what is here delineated be true, in my mind's eye I see the dread results of a failure to respond favorably to this demand. Methinks even now I hear the wail of distress that will come up from Galveston, and which, according to the indications upon this map, will be echoed along the far western coast and re-echoed through the cavernous depths of the Yosemite.

Deny this boon, and the winds, as they sway the forests of the great Northwest, will moan piteously over the sad fate of this stupendous project; the overflowing granaries of the Southwest will burst with indignation, while the very heavens will frown with fiercest displeasure. At least I should judge so according to the map.

Mr. Chairman, imagine the anguish of soul I suffer with these convictions pressing upon my conscience, these lofty thoughts agitating my mind, and these emotions welling up in my bosom, to think that by my vote I can not assist in forwarding this humanitarian enterprise because of a craven fear of being held to an account therefor by those whom I represent upon this floor.

Recently in a formal manner they requested me to quit public life after the 4th of March and return to their loving embrace, having elected another whom they could better spare than me for this work. They don't understand this matter. They have not seen this map, and, in their benighted state, should I vote for this item, it might dampen the ardor of their love for me and throw a coldness over the meeting when I go home. [Laughter and applause.]

Mr. WILLIS. I ask for a vote on this proposition.

Mr. POST, of Pennsylvania. I withdraw the *pro forma* amendment.

Mr. BARKSDALE. I move the following amendment.

The Clerk read as follows:

Improving Vicksburg Harbor, under the direction of the Secretary of War, $250,000.

Mr. BARKSDALE. A great statesman, not a resident of the Mississippi Valley, but of the Atlantic coast, in advocating the claims of the Mississippi River to protection by the General Government, properly denominated it as an inland sea. Vicksburg Harbor is third in importance to all others on the Mississippi River between Cairo and its mouth. It has a commerce of $11,000,000. It is situated at the base of the Yazoo delta, embracing a region of two hundred and fifty miles in length and seventy-five miles in width, unexampled for its fertility either in this country or any other on the face of the globe. It lies on the line of two great transcontinental railways, one the most direct route from the Atlantic to the Pacific, and the other extending from Newport News to San Francisco by way of Louisville, Memphis, Vicksburg, and New Orleans. It is the entrepôt, or the trade center, of a large portion of the agricultural region of the Northwest. There millions of dollars' worth of products are received and distributed throughout the interior. Hence, Mr. Chairman, it is not a local improvement I am asking an appropriation for; it is to promote a commerce in which not less than two-thirds of the States are directly interested.

Now, sir, I have no reproaches for the Committee on Rivers and Harbors. They have performed their work faithfully. Within this short session it was literally impossible for them to hear the arguments of delegations from the several States in advocacy of the various objects proposed for improvement, but they have been addressed in writing by members and others who have felt it their duty to be heard by the committee. An address, signed by the Senators and a portion of the Representatives from Mississippi, presenting the claims of Vicksburg and other harbors of the Mississippi River within the limits of the State, has been presented to the committee, and, while its recommendations have not been accepted, there is reason to believe that it has been at least respectfully considered. From that portion of the address which relates to the harbor of Vicksburg I will submit the following extract:

The recommendation for Vicksburg Harbor is so insignificant in amount that we conclude that as to that necessary, even essential improvement, the commission is unwilling to undertake it without the direction of Congress. And this surmise receives support from the published declarations of at least one member of the commission. Certainly the commission do not mean to say that only $20,000 is needed to restore a safe and convenient harbor for the city of Vicksburg, as every one at all conversant with the subject knows that the sum recommended is wholly inadequate for that purpose. We infer that the commission means that they intend only to preserve the present status of that point by preventing a further recession of the river from caving on the opposite bank. This means to abandon that important city, and to turn over the immense interests there to destruction. Against this we most solemnly protest. The amount needed to restore that harbor, though very considerable, is yet much smaller than Congress has granted to harbors in other States. And there is nothing which can justify this discrimination against Vicksburg and the State of Mississippi. The interests involved are not too insignificant to demand the favorable action of Congress or of your honorable body. These interests are not merely local, but are of great importance to the State, and in fact to a large section of the Union.

Vicksburg is the most important point on the river (except Memphis and Natchez) between Saint Louis and New Orleans. It has a population of 15,000, which would have been largely greater but for the neglect of the national authorities in restoring this harbor. The real estate in Vicksburg is now worth more than $4,000,000, and this is to be destroyed if the harbor is not restored. There are situated there two large compresses on which cotton is pressed for shipment to New England and Europe. There are several large wholesale houses, as well as a great number of retail establishments. The largest cotton-seed-oil mill in the world is also there, and another of considerable size. There are also three large foundries, an ice factory, and a furniture and general woodenware factory. Many large lumber mills, with planing, turning, and grooving mills, and sash and blind factories attached. There are also situated there the large workshops of the Vicksburg and Meridian Railroad, which has its wstern terminus there. Vicksburg is also the commercial terminus of the Vicksburg, Shreveport and Pacific Railroad, which ends on the western bank of the river, opposite the city, and is connected therewith by a steam ferry. The largest national cemetery (except one) in the Union is situated there. It is the coaling station, as well as the depot for ice and other supplies, of all the steamers that ply on the Mississippi River, every one of which use the harbor in passing up and down the river. The Louisville, New Orleans and Texas Railroad, which connects New Orleans with Newport News, Va., passes through the city, and there connects with the other railroads above mentioned and with the Mississippi River.

We have no specific statistics as to the commerce, but we can give some idea of its magnitude now and its immense proportions in the near future, if Congress will only discharge its plain duty by restoring the harbor.

The city is situated at (just below) the mouth of Yazoo River, which with its tributaries, the Tallahatchie, Coldwater, Yazoo Pass, Yallabusha, Rolling Fork, Sunflower, Deer Creek, Steele's Bayou, Silver Creek, Bear Creek, all navigable streams, traverse a country than which there is no other on earth more fertile, or richer in natural resources. It is the entrance to the Yazoo delta and the doorway through which its productions, now already immense, and soon, with the levees restored, to arise to enormous proportions, go into the commerce of the world. Vicksburg is the home port of a large fleet of small steamers which navigate these streams, traversing and reaching every part of the great delta. It is the northern terminus of a line of steamers from New Orleans, the most magnificent that ply on the Western waters. It is also the home of a large number of steamers plying between Natchez and that point and the bends above and below, and is the southern terminus of a tri-weekly line of steamers running between that port and Saint Louis and all intervening points. By rail it has direct connection with New Orleans, with Memphis, and all cities north of it, and with Meridian and Jackson, both of which are railroad centers. And at these points it gets connection with the whole Union. By the Mississippi River it gets the cheap freights of water transportation, and by the small rivers above mentioned and its various railroad connections distributes these cheap rates throughout the State. By this connection with the great river the State has the regulating influence of that stream on freights.

We do not go too far when we assert that if the harbor be restored, Vicksburg is destined soon to be one of the most important cities in the Southwest, and if this be neglected, there will be a great retrogression and loss, and little chance of progress.

For these cogent reasons I appeal to the judgment of Congress from the report of the Mississippi River Commission, and from the bill reported by the Committee on Rivers and Harbors, in behalf of this important harbor. Shall it be preserved to the commerce of the country, or shall it be doomed, by niggardly parsimony, to destruction?

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. OATES took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the following bills, with amendments; in which the concurrence of the House of Representatives was requested:

A bill (H. R. 5800) for the relief of Sarah B. Jackson; and

A bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

Also, that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 1300) to authorize the President to restore Tenedore Ten Eyck to his former rank in the Army, and to place him upon the retired-list of Army officers.

The message further announced that the Senate insists on its amendments disagreed to by the House of Representatives to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., and agreed to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon, and had appointed Messrs. CONGER, MCMILLAN, and VEST as conferees on the part of the Senate.

Also, that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 729) for the protection of children in the District of Columbia, and for other purposes.

Also, that the President *pro tempore* of the Senate had appointed Messrs. HOAR and PENDLETON tellers on the part of the Senate for the purpose of counting the votes for President and Vice-President of the United States.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. KING. Mr. Chairman, I move to strike out the last word.

In seconding the amendment of the gentleman from Mississippi for this appropriation I desire to say that I believe if there is an amendment that could be made to this measure which would have intrinsic merit it is the amendment offered by the gentleman from Mississippi, and now pending before this committee.

The harbor of Vicksburg is a clear and very distinct illustration of the harbors on the Mississippi River. It illustrates the fact that these harbors can be destroyed by the current of that stream. The Government has been for ten or fifteen years past operating extensive works to maintain the harbor at Vicksburg. This bill has unfortunately left that harbor out and made no provision for it. Those works must suffer and that harbor must suffer still further from the neglect of Congress in making an appropriation for it. The works have already cost a large sum of money. If there is no provision now made for their continuance and maintenance they must in a large degree perish. To complete them will require comparatively a small sum in addition to what has been already expended, and if they are once finished they will be permanent in their character, and require but little expenditure in the way of repairs in future.

Mr. Chairman, the city of Vicksburg is not a mere way-point on that great river. It is the most important city between New Orleans and Memphis. It is a point at which several important railroads converge. It is a point where one of the most important lines across the continent passes the river—the Southern Pacific road, as it used to be named, now the Vicksburg, Shreveport and Pacific Railroad—one of the important transcontinental lines. On the opposite side of the river there are very important works being prosecuted by the Mississippi River Commission for the improvement of the river itself. I only desire to add here, therefore, that if it be possible for the Committee on Rivers and Harbors to reconsider their action on this point I trust they will do so, and allow the appropriation suggested by the gentleman from Mississippi, for the purpose indicated by him, to go into the bill.

Mr. WILLIS. I call for a vote.

Mr. JEFFORDS. Mr. Chairman——

The CHAIRMAN. Debate has been exhausted on the pending amendment.

Mr. JEFFORDS. I move to strike out the last word.

Mr. WILLIS. I appeal to the friends of this bill to let us get along as fast as we can. As business men I appeal to them.

Mr. JEFFORDS. Mr. Chairman, I am as earnestly a friend of this river and harbor bill as the chairman of this committee, and I ask to be heard for a few moments on this important measure. I have been endeavoring to be heard. Vicksburg is in my district and, as I think this question is presented, I should have the privilege of being heard briefly upon the subject.

Sir, I know that it is impossible for the committee to frame an ideal river and harbor bill. That can never be done until all the navigable waters of the United States are embraced in one bill and the amounts to be given for the improvement of the navigable waters of the United States equitably distributed between all localities. Then you will have an ideal river and harbor bill.

I do not question the motives of the committee, nor do I rise for the purpose of arraigning them for the bill which they have reported. I do, however, disagree with the allotments and the apportionments that have been made under this bill.

Some statements, sir, have been made here in the course of this debate which if left unchallenged would create a false impression, and would establish a rule that would be detrimental to the interests of rivers and inland harbors. It has been asserted here that these harbors on the Mississippi River are mere steamboat landings; that they are not harbors. Where is the authority for any such declaration as that? I grant you, sir, that from the organization of the Government in 1783 down to 1851, when the decision in the Genesee Chief case was pronounced, the fresh-water rivers and lakes were not regarded as within the admiralty jurisdiction of the United States; but since that decision every square inch of navigable water belonging to the United States is subject to the admiralty jurisdiction of the United States and to the jurisdiction of Congress in making appropriations for the improvement of the rivers and harbors of all our inland navigable waters.

Let me say to those gentlemen who represent the lakes and the Western rivers that if this doctrine is to be established, that the landings or harbors, as they have always been called, on the Mississippi are not harbors and are not subject to the jurisdiction of the United States simply because they are upon fresh water instead of the open sea, that will allow a precedent to be established which will strike down the improvement of the rivers and harbors on the lakes and the rivers. It would be a dangerous thing to allow this thing to be done.

So far as this improvement of the Vicksburg Harbor is concerned there is an estimate. The Mississippi River Commission have estimated $20,000 for the improvement of Vicksburg Harbor or Delta Point, which is a part of the harbor.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. DINGLEY. I take the floor and yield my time to the gentleman from Mississippi.

Mr. WILLIS. I object. I again appeal to the friends of this bill to let us go on.

Mr. JEFFORDS. I can get in after a while, and the gentleman might as well let me finish now.

Mr. WILLIS. If the gentleman is a friend of this bill——

Mr. JEFFORDS. I am a friend of it.

Mr. WILLIS. I know he is.

Mr. JEFFORDS. I am willing to do what I can to pass the bill.

Mr. WILLIS. It is because the gentleman is a friend of the bill that I appeal to him.

Mr. DINGLEY. I move to strike out the last word. I was recognized, as I understand, by the Chair. I yield my time to the gentleman from Mississippi [Mr. JEFFORDS].

The CHAIRMAN. The gentleman from Mississippi [Mr. JEFFORDS] is entitled to the floor and can not be taken off it. If the gentleman from Kentucky desires it the Chair will afterward recognize him for a motion that the committee rise for the purpose of limiting debate.

Mr. JEFFORDS. I will say to the chairman of the Committee on Rivers and Harbors that some of the friends of this bill insist it shall be amended. Instead of being an injury to the bill, it is a benefit to the bill to have its friends propose to amend and perfect it. The committee ought to listen to their friends. As I said, I have no disposition to criticise their action, for I know that they have done the best that they possibly could, or what they thought or believed was for the best.

I desire, Mr. Chairman, to know why New Orleans was put in this bill, while Natchez, Vicksburg, Greenville, Memphis, Hickman, and Columbus are all left out? The gentlemen say because New Orleans is a seaport or something of that kind. The Mississippi River is navigable from the sea almost to its headwaters, and if New Orleans is a harbor, then Natchez and Vicksburg and these other points are harbors also. Why this discrimination? Why has this historic and heroic city of Vicksburg been denied the pitiful sum of $20,000, which is included in the estimates made by the Mississippi River Commission? I again ask why this discrimination against this spot? If ever a time comes when American valor is to be commemorated by a monument erected to the heroism of American soldiers, and by this I mean the soldiers of both sides, the fittest place in all this land for such a monument will be the city of Vicksburg. The river having left it some two miles, this city appeals to Congress, appeals to the nation to save her harbor. The Committee on Rivers and Harbors see fit to ignore that appeal and to refuse this small appropriation of $20,000 even, that is for the purpose of maintaining and preserving that harbor and holding the work already constructed by the Government.

Mr. HENDERSON, of Iowa. May I ask the gentleman whether the Chief of Engineers has made a recommendation in favor of an appropriation?

Mr. JEFFORDS. The Mississippi River Commission does so. It is in the report of the Chief of Engineers, which embraces the report of the Mississippi River Commission, and they recommend this as much as they have recommended any other matter that is in the bill. They have recommended this appropriation of $20,000; and yet this city of such great historic renown is discriminated against in favor of the greater city of New Orleans. I trust the amendment of my colleague will be adopted.

[Here the hammer fell.]

Mr. JEFFORDS. I ask leave to extend my remarks as printed in the RECORD.

There was no objection.

Mr. JEFFORDS. Mr. Chairman, it is well known that the Committee on Rivers and Harbors, on account, as they said, of the shortness of the session, declined to hear oral arguments from any one; but they courteously agreed to receive and consider arguments and memorials in writing. Availing ourselves of this permission, our Senators and the Representatives more immediately representing the river districts submitted to the committee the following memorial, which, as it embodies more clearly than anything I can now say arguments in favor of appropriations for the benefit of these river harbors, I herewith submit as part of my remarks for the consideration of this committee and of the country:

WASHINGTON, *January* 10, 1885.

To the honorable the Committee on Rivers and Harbors of the House of Representatives:

GENTLEMEN: Returning you our thanks for the courtesy extended in the promise to receive any suggestions we might see proper to submit in writing in relation to appropriations for rivers and harbors on the Mississippi River, we now proceed to submit this insufficient statement on that subject.

We regret that the time of the committee will not allow of the delay necessary to enable us to get a copy of the last report of the Mississippi River Commission, now in the hands of the Printer. Not having seen that paper, we have no other information of the recommendations of the commission than short abstracts relating solely to the amounts estimated, such as have been published in the press. We learn in this way that the commission recommends $20,000 for the work on the Vicksburg Harbor, $186,000 for Greenville, and $700,000 for Natchez. With the estimates for Natchez and Greenville we make no complaint, but join with the commission in their recommendation, and ask, for the reasons hereinafter to be stated, that these amounts be severally allotted to these harbors.

The recommendation for Vicksburg Harbor is so insignificant in amount that we conclude that as to that necessary, even essential, improvement the commission is unwilling to undertake it without the direction of Congress. And this surmise receives support from the published declarations of at least one member of the commission. Certainly the commission do not mean to say that only $20,000 is needed to restore a safe and convenient harbor for the city of Vicksburg, as every one at all conversant with the subject knows that the sum recommended is wholly inadequate for that purpose. We infer that the commission means that they intend only to preserve the present status of that point by preventing a further recession of the river from caving on the opposite bank. This means to abandon that important city, and to turn over the immense interests there to destruction. Against this we most solemnly protest. The amount needed to restore that harbor, though very considerable, is yet much smaller than Congress has granted to harbors in other States. And there is nothing which can justify this discrimination against Vicksburg and the State of Mississippi. The interests involved are not too insignificant to demand the favorable action of Congress or of your honorable body. These interests are not merely local, but are of great importance to the State, and in fact to a large section of the Union.

Vicksburg is the most important point on the river (except Memphis and Natchez) between Saint Louis and New Orleans. It has a population of 15,000, which would have been largely greater but for the neglect of the national authorities in restoring this harbor. The real estate in Vicksburg is now worth more than $4,000,000, and this is to be destroyed if the harbor is not restored. There are situated there two large compresses, on which cotton is pressed for shipment to New England and Europe. There are several large wholesale houses, as well as a great number of retail establishments. The largest cotton-seed-oil mill in the world is also there, and another of considerable size. There are also three large foundries, an ice factory, and a furniture and general woodenware factory; also many large lumber mills, with planing, turning, and grooving mills, and sash and blind factories attached. There are also situated there the large workshops of the Vicksburg and Meridian Railroad, which has its western terminus there. Vicksburg is also the commercial terminus of the Vicksburg, Shreveport and Pacific Railroad, which ends on the western bank of the river opposite the city, and is connected therewith by a steam-ferry, The largest national cemetery (except one) in the Union is situated there. It is the coaling station, as well as the depot for ice and other supplies, of all the steamers that ply on the Mississippi River, every one of which uses the harbor in passing up and down the river. The Louisville, New Orleans and Texas Railroad, which connects New Orleans with Newport News, Va., passes through the city, and there connects with the other railroads above mentioned and with the Mississippi River.

We have no specific statistics as to the commerce, but we can give some idea of its magnitude now, and its immense proportions in the near future, if Congress will only discharge its plain duty by restoring the harbor.

The city is situated at (just below) the mouth of Yazoo River, which with its tributaries, the Tallahatchie, Coldwater, Yazoo Pass, Yallabusha, Rolling Fork, Sunflower, Deer Creek, Steele's Bayou, Silver Creek, Bear Creek, all navigable streams, traverse a country than which there is no other on earth more fertile or richer in natural resources. It is the entrance to the Yazoo delta and the doorway through which its productions—now already immense, and soon, with the levees restored, to arise to enormous proportions—go into the commerce of the world. Vicksburg is the home port of a large fleet of small steamers which navigate these streams, traversing and reaching every part of the great delta. It is the northern terminus of a line of steamers from New Orleans, the most magnificent that ply on the Western waters. It is also the home of a large number of steamers plying between Natchez and that point and the bends above and below, and is the southern terminus of a tri-weekly line of steamers running between that port and Saint Louis and all intervening points. By rail it has direct connections with New Orleans, with Memphis and all cities north of it, and with Meridian and Jackson, both of which are railroad centers. And at these points

it gets connection with the whole Union. By the Mississippi River it gets the cheap freights of water transportation, and by the small rivers above mentioned and its various railroad connections distributes these cheap rates throughout the State. By this connection with the great river the State has the regulating influence of that stream on freights.

We do not go too far when we assert that if the harbor be restored Vicksburg is destined soon to be one of the most important cities in the Southwest, and if this be neglected, there will be a great retrogression and loss and little chance of progress.

We desire here to call attention to the necessity of Greenville for a specific allotment of the amount estimated by the commission. Greenville is already a flourishing and important city. It is the county seat of the largest cotton-producing county in the world. It has a railroad connection by the Georgia Pacific for a considerable distance south, which road penetrates the richest country in the Southwest. It has, by the same road, a connection east with the Sunflower River, on which is situated a large district of the richest lands in the Yazoo delta. When this road is completed to Columbus, in Northeast Mississippi, it will have direct connection with Birmingham, Ala., and Atlanta, Ga., and all the roads coming to these important cities, besides cross connections with these great lines of roads running from the West to New Orleans, Mobile, and Texas. It also has connection by a branch with the New Orleans, Louisville and Texas Railroad.

A year ago Colonel Percy, a citizen of Mississippi, addressed this committee in behalf of the claims of Greenville, and introduced many interesting statistics pertaining to the city. He also advanced arguments and reasons in favor of preserving the harbor. We understand these remain among the archives of the committee, and we ask that the committee will examine them again and give them the weight their importance demands. The harbor is now caving, and the very existence of the city is threatened. And here we may be permitted to add that Greenville is the only important town in the Yazoo delta, except Yazoo City, which is at the base of the hills. This delta is, to the extent of three-fourths of the whole number, inhabited by the colored race. The whites are few. The necessity of maintaining a town of considerable size, in which the whites predominate, in this district, is too obvious to need comment. We mention only that the conservative influence of the town in the past has been found of the greatest importance in preserving good order and safe local government in this district.

In connection with what we submit in relation to the Vicksburg and Greenville harbors we desire to add something in relation to the Yazoo delta. It will be remembered that Vicksburg is at the southern end of the delta, and is the natural water outlet of its productions, while Greenville is about the center of the delta, north and south, though on its western boundary. That both of these cities are destined soon to be of immense importance is evident. This delta contains over 4,000,000 acres of the finest land in the world. It is in the center of the cotton belt; as you go north or south of it, the cold on the one hand and the heat on the other renders cotton cultivation less successful. In this delta is found every favoring condition for the cultivation and production of this great staple, besides being well adapted to the production of corn, oats, potatoes, and other food. The delta of the Nile is less than 6,000,000 acres, and on its bosom were supported immense populations and the greatest cities of the world. The Yazoo delta is five-sixths as large as the Nile delta. It is equally as fertile. It is dominated and occupied by the most progressive race on earth. From its rich soil can come and will come more cotton than is now produced in the whole Union. It will also be of longer staple and greater strength. It is now almost wholly undeveloped, not more than one-twelfth (if so much) of its area being in cultivation. The levees have been built at great expense, and it may be considered that from now henceforth the delta will be exempt from destructive floods. As soon as it shall be ascertained and recognized that security from overflows is attained, there will be a speedy settlement of the whole delta. This large population thus secured and their immense productions will depend upon two cities for commercial marts. It is impossible to be extravagant as to what will be the outcome.

In addition, we desire to press a most important consideration on the committee. This land has been so favored by nature for agriculture, giving such ease and freedom in rural work, and the consequent extreme facility for acquiring independence by farming, and the obstacles there existing to successful manufacturing, such as want of coal and water power, will prevent the establishment of manufactures to any large extent in this delta. The great population which it will contain will be consumers of the products of the other sections of the Union. They will continue to buy their horses, mules, meat, flour, lard, and other provisions and agricultural implements from the West; and their dry goods, clothing, and other necessaries and their luxuries must come from the East. The whole or nearly the whole of their immense cotton production will be spent in interstate commerce, which, being free, will benefit both sides. This is the certain result in the near future. In view of this, it would be the greatest of all follies to refuse to improve these harbors, which are the means by which and through which this great commerce shall be carried on. These two cities will grow to be of importance if Congress will only allow to them, as it allows to all other cities, that aid in the way of harbor improvements necessary for commerce. And, in relation to Vicksburg, we trust we will be pardoned for adding that from its natural advantages it has been and still is the surest hope of the State for a large commercial city. As yet the State is without one. Vicksburg is situated about midway between its northern and southern border. It has the water and railroad connections and the splendid country for support we have hereinbefore pointed out. In view of these facts, a failure to restore her harbor, the abandonment of her fortunes, as seems to be proposed by the Mississippi River Commission, would be a fatal blow to the State. We can not think the committee will be a party to its infliction.

The claim of Natchez is equally great. It is the oldest city in the State. It has long been the seat of wealth and refinement. It is now and always has been the center of a flourishing commerce. It has recently become a considerable manufacturing point. It has taken a lead in an industry so necessary to the development of the South. Already two large cotton mills are in operation. It has an extensive commerce with the back country in Mississippi and on the banks of the river both above and below. It has also a large commerce west by a railroad running in that direction. It has connection by a railroad built mainly by its own capital and that of the country through which it runs with Jackson, which is a railroad center. Arrangements have been completed to make this road of standard gauge, and to extend it to Columbus, Miss. This extension, now certain to be made in a very short time, will connect Natchez with the prairie section of the State, a very large district, only surpassed in richness by the Yazoo delta. We might say more on this subject, but as the Mississippi River Commission, as we learn from the press, has recommended $700,000 for this harbor, we deem it unnecessary. We insist earnestly that this sum be granted. If they should be longer delay the cost of the work will be augmented, and it may amount to a sum so great as to make it difficult to obtain the proper appropriation from Congress. Maps and papers were laid before your committee last session by Judge Van Eaton, Representative of that district, showing great and immediate danger of the river so changing its course as utterly to ruin the harbor, and to which we now ask your attention. This danger is as imminent now as ever, in fact more so, but this is shown by what we hear is the recommendation of the river commission asking as above $700,000 for Natchez Harbor. Since the war the citizens of Natchez have shown much commendable public spirit in the building of the railroad and cotton factories above referred to. Also cotton-seed-oil mills, iron factories, and various other manufacturing interests. All of which, as well as the city, are likely to be utterly ruined unless Congress acts very speedily.

We desire now to enter our most solemn protest against leaving the improvement of these three harbors to the sole discretion of the Mississippi River Commission. The harbors in other sections of the country are provided for specifically by Congress, fixing the amount which shall be given to each. There is no necessary connection between channel improvements and the improvements of these harbors, so as to require that a gross sum shall be given for both harbor and river improvement, leaving it to the Mississippi River Commission to make the allotment of the separate shares of each.

The commission makes its estimates yearly; Congress never grants but a small per centum of the amount. The commission finds itself without the necessary means to do the work needed. It is compelled to select the work which it deems the most important. It has so happened that in making this selection it has failed to give a dollar to Natchez or Greenville, and also practically nothing to Vicksburg. Thus the interest of these cities of the State of Mississippi have been sacrificed. The insufficient sum granted for channel improvements has been eked out by taking what is due to these harbors. In this manner Mississippi's interests have been sacrificed to the interest of other sections. Her quota of the funds for harbor improvements has been taken for other purposes. It is no answer to this just complaint to say that this is necessary to the harmony and symmetry of the system adopted for the improvement of the Mississippi River. If that were true, then the system is unjust, and should be abandoned or modified. We ask no modification of the system except that Congress shall give enough to do the work of harbor and also channel improvement, and that it shall express its will that the one shall not be sacrificed to the other.

We desire with the emphasis coming from a consciousness of past wrong done to our State and people to urge the committee to look into the matters of this communication, with the determination to right the wrong perpetrated; to do equal and impartial justice to all interests involved, and not to allow themselves to be hampered and restrained by seeking a harmony and symmetry in systems of expenditure not needed for the perfection of the work to be accomplished, and unattainable but by the sacrifice of great interests, and which heretofore has only had the effect to impede and to bind a just exercise of river and harbor improvement in Mississippi in a narrow and inflexible technicality. We ask that the sums respectively recommended by the commission for the harbors of Greenville and Natchez be specifically allotted to them in the bill which the committee shall frame, and in like manner that the sum of $500,000 be allotted for the improvement of the harbor at Vicksburg.

L. Q. C. LAMAR.
J. Z. GEORGE.
E. JEFFORDS.
H. S. VAN EATON.
T. C. CATCHINGS,
M. C. elect Third District.
H. D. MONEY.

We of the Mississippi Valley believe we have just cause to complain that whenever we have asked for appropriations we have been met as if we were mendicants seeking a charity of the Government, when we are really but demanding our just dues.

It perhaps is not generally known that the Government received a gross income of about $6,000,000 for the year ending June 30, 1884, derived from steamboats and other vessels engaged in the carrying trade of the Mississippi and its navigable tributaries. This vast sum is made up of steamboat fees, assessments on the tonnage of vessels, licenses to captains, pilots, and others connected with, or engaged in the trade and commerce of, the rivers of the great Mississippi Valley. The gross sum thus received, estimating the receipts at $6,000,000, for the past twenty years, would reach the enormous sum of $120,000,000. For the year ending June 30, 1884, after paying all fees, salaries, and expenses, the Government derived a net income of $1,513,713.99, and which for a period of twenty years, assuming this to be a fair average, would yield a net aggregate for that period of $30,274,279.80.

It does not seem to me as if we ought to be treated as beggars when we who contribute so much to the support of the Government ask that a portion of what we contribute may be returned to us for the purpose of increasing our facilities in conducting the commerce of this great country.

Is it presumptuous for us to ask some aid from the Government in such a cause and in behalf of such interests?

Mr. Chairman, it is my conviction that of all appropriations for the improvement of the navigation of the Mississippi River one-third should be devoted to channel and harbor improvements and two-thirds to the erection and maintenance of levees.

Channel improvements, in my opinion, should mainly consist in removing snags and obstructions. If levees are erected and maintained so as to confine the river at flood-tide within the banks of the levees, the river will in the course of time change its habits and correct most of its present eccentricities. This is the theory of the River Commission. It is evident to any fair-minded person that six of the seven river commissioners give the preference to the levees over any other method of improvement. They specially emphasize the advantages and benefits to be derived from the construction of levees. I call attention to the following extract taken from the report of the river commission, to be found on pages 13 to 20, inclusive, Executive Document No. 64, second session Forty-eighth Congress:

LEVEES AND OUTLETS.

The difficulties of navigation on the Mississippi River below the mouth of the Missouri at no time arises from want of volume.

During the flood stages the supply is of course ample; and it is equally true that if the volume of discharge of even the lowest stages were constant, it would develop, in time, a sufficient channel for navigation.

Where the increases of width and area of section have become so excessive as to have seriously impaired navigation, scour and fill are less the result of absolute velocity than of the relative velocities in adjacent sections. In such cases the narrow and deep parts have greater areas of section, and therefore lesser velocities in the lower stages; while the wider and bar-obstructed sections at that period have lesser areas and greater velocities. At higher stages this relation is reversed.

An increment to the bars accompanies the flood because in the sections where

they form there is greater area and less velocity than in the pool sections above. This subject is discussed by Mr. R. E. McMath (Report Mississippi River Commission, 1881, Appendix K, page 242).

This condition is not a necessary result of the flood in a regulated river, but rather of those irregularities of the water way the correction of which constitutes an essential part of the plan of improvement projected by the commission. With equal widths there should be no such interchanges of velocity at adjacent sections in high and low stages, and no differences of depth and area except at reversion points, where less resistance makes lesser sectional dimensions equally efficient. A certain result of such uniformity of the elements of area as has always been insisted on by the commission will be the correction of this local bar building by the flood.

To this bar growth at high stages there is a logical limit. When it has progressed far enough to maintain, by contraction, the velocity of approach from above, it necessarily ceases. This is true as long as the volume of discharge finds no other means of escape outside the bed of the stream. But when such opportunity is afforded, the bar growth is unchecked as long as a line of resistance is open through the outlet. In the case of a cut-off the entire river is deflected in the direction of the increased slope through the new bed, and within a year or two the abandoned channel is entirely closed.

Now, "when we consider that the slope of the river along its proper course averages scarcely one-third foot to the mile, while the banks slope away from the river four to ten feet to the mile, it is easy to see to what an extent, during floods, the river is tempted to change its course," and that in such proportion as this temptation prevails, an effect similar to that of a cut-off in building a bar across the depleted channel is produced.

As the direction of the surface slope affects the direction of the thread of motion of the stream to all depths, so in case of both cut-off and crevasse the stream is turned, involving a loss of power in the impact against the bank, continuity of motion is broken, velocity is reduced, and a source of bar-formation is introduced. In the case of the crevasse, by the loss of volume loss of velocity and ultimately of section is also incurred.

All plans proposed for the improvement of the river have for a common aim the establishment of uniform conditions at the same stages. As these conditions are interdependent, the securing of any one will tend to bring about the others. Thus uniform section will give uniform mean velocity, which in turn will induce greater uniformity of channel depth at any given stage. But, as an element of uniform section, the importance of uniform width by itself as a factor in producing uniform velocity is lessened so long as the escape of water from and return to the river over banks varying twenty feet in height, as referred to the flood slope, allow inequality of flood velocity and depth as great as results from the present unequal widths.

Variation of discharge, at the same flood stage, in alternating parts of the river, from 1,000,000 to 1,600,000 cubic feet per second, is as much an obstacle to stability of regimen as the existing difference of width; and improvement is only attainable by the control of both the area and discharge.

Uniformity of bank grade, therefore, as an element of uniformity of section and velocity and channel depths, assumes the same importance as uniformity of width, and should be extended and maintained over the entire length of the alluvial river.

The present grade of the banks with reference to its earlier and normal conditions is discussed in Appendix F, page 122, report Mississippi River Commission, 1881. The levees as heretofore built, or as now recommended, can not justly be considered as superimposed on, or added to, what would have been the bank height when carried unchecked to its natural limit; but as establishing, by artificial means, a grade which the river in the free exercise of its functions is ever seeking to attain, and to which, under normal conditions, it has approximated.

All observations bearing on this subject made by the commission sustain these views. In 1862 a break known as "Cubitt's Gap" occurred in the left bank of the river, about four miles above the head of the passes. It rapidly enlarged, until its section was about 34 per cent. that of the main river. The locality was surveyed in 1868, 1872, 1875, 1876, and 1877 by the United States Coast and Geodetic Survey. So we have a full physical history of the changes, which are thus stated by Mr. Marinden, assistant in charge of the surveys:

"A noticeable feature in front of the 'gap,' and one which in a great measure must be traced to it as its cause, is the formation of a flat on the west bank, as shown by the deep contours—the 24-foot curve more especially. Starting at a point on the west shore 3,000 feet above the 'gap,' where all the curves run parallel to the shore, and the 24-foot curve is two hundred and sixty feet from the 3-foot curve, which I have taken as the reference for convenience, being smoother than the shore-line, although running parallel to it, the 24-foot contour abruptly juts out towards the center of the river, till opposite the north point of the 'gap' it is eight hundred and twenty feet from the 3-foot curve; then following downstream and opposite the south point it is nine hundred and twenty feet; then after passing the opening of Cubitt's Gap it retreats toward the shore-line, so that about 2,000 feet below the south point it is seven hundred and sixty feet; 4,000 feet below it is seven hundred and twenty feet off, and 8,000 feet below the 'gap' it is only five hundred feet off, notwithstanding the gradual expansion of the Mississippi, which at the upper limit is 3,720 feet wide, and at the lower limit, 8,000 feet below the 'gap,' it is 4,815 feet in width, as measured between the 3-foot curve of each bank.

"From the south point for a distance of about 1,300 feet down-stream the two surveys compared are one of 1866, and the other 1876, which give a mean shoaling of 1.6 feet in the ten years, or 0.16 foot per year.

"From the above-mentioned limit, 1,306 feet below the south point of 'gap' to Cubitt's House, we have two surveys for comparison, one executed in 1866 by Assistant Gerdes, and the other by my party in 1877, giving an interval of eleven years; over this space there has been a mean shoaling of 3.9 feet, or 0.39 foot per year.

"From Cubitt's House to the head of the passes, including all the space now covered by the works for the improvement of the channel-way into South Pass, we have two surveys again; one of 1866 by Assistant Gerdes, and one done under my direction in 1875 by Subassistant Braid. These surveys show a decrease in depth of 3.6 feet in nine years, or 0.4 foot each year. Where, however, the present jettied channel into South Pass is located, there has been a decided deepening."

A subsequent survey, under the direction of the commission, indicates the continued progress of this deterioration of the channel, which already threatens serious consequences to the maritime commerce of New Orleans.

The great loss of section, extending many miles below Malone's, Riverton, Bolivar, and Mound Place, and consequent upon these crevasses in 1882; and also the enlargement of the low-water section below Bonnet Carré, caused by the closing of this crevasse in the same year, were fully described in the last annual report of the commission (1883, page 16, and Appendix D, part 4, page 171).

That such results are not only local but cumulative—throughout long reaches—is also indicated by observations. The gauge records of flood heights and the knowledge of facts connected with them are not extended or complete enough to possess full authority. But if Memphis and Natchez are respectively selected as locations characteristic of unleveed and leveed fronts, and the existing record at each point divided into two parts covering equal time periods and the means compared, it shows that the floods along the unleveed fronts have become greater during the latter half of the time covered by the record, while for the same relative time along leveed fronts they have been less. As there is no doubt of the increase, during this time, of one factor of sectional area—width—any tendency to greater flood heights along unleveed fronts means a more than proportionate decrease of the depth. The reverse of this is the apparent inference along the leveed front.

These two points, Memphis and Natchez, have been selected as fairly representative, having the longest records (57 and 82 years, respectively), and being least affected by conditions not under consideration. An examination of the adjacent gauge records does not conflict with the inference drawn from those cited.

Again, the greater oscillation between high and low water at the mouth of the tributaries than at intermediate points has long been observed. It is presented here in tabulated form for the gauge stations at the mouths, and one intermediately located. It is represented graphically for all gauge stations in Plate No. I.

Location.	Extreme.	Mean of last five years.
Cairo, mouth of Ohio	53.17	43.48
Fulton, intermediate	34.55	30.13
Helena, mouth of Saint Francis	47.20	38.57
Malone's, intermediate	34.05	33.91
Mouth White River	48.40	40.06
Lake Providence, intermediate	40.90	32.91
Vicksburg, mouth of Yazoo	51.10	39.85
Natchez, intermediate	50.30	38.04
Mouth Red River	48.50	39.39

These differences of relative level have generally been attributed to abnormal local flood elevations, caused by increase of volume at the mouths of the tributaries. The reverse of this is the truth. The difference is in the extreme fall and not in the extreme rise at these points. The bed of the river has adjusted itself to the annually recurring demands of the discharge by increasing its depth where they are greatest and diminishing it where the discharge is dissipated by successive outlets.

It will be noted that, while by far the greater part of this difference of oscillation is in the depression of low water, yet there is some trace of abnormal flood-height. As the average considered includes three of the greatest floods on record, this would partially disappear were the term of years extended.

As the low-water surface closely conforms to the controlling bars, it seems obvious that any such general elevation or convexity of bed as is found between the tributaries must make these bars more prominent and obstructive to navigation. Between the Yazoo and the Red Rivers where levees have been comparatively well maintained, giving uniformity of bank-height and discharge, this irregularity of low-water slope does not recur, and the navigation is three or four feet better.

Since such levees as have been built have never restrained the higher floods in safety, it can not be expected that the "closing of existing gaps" will suffice to restrain volumes greater than those which have heretofore overwhelmed them; or to fairly test the principles upon which the recommendation of levees by the commission is based. They must be higher, stronger, and more continuous than they have heretofore been built.

The grade of levees for the improvement of navigation should be at least the normal height of the bank of the river or the height to which the bank would be built by such floods as recur with sufficient frequency to exert an appreciable influence in bank building or enlargement of water way. This grade is approximately indicated by points on or near the margin of the river, well above general overflow, where deposit has been carried to a natural limit, unchecked by swift currents, and undisturbed by caving. This grade should be supplemented by such additional height as will protect it against frequent injury and destruction.

Preparations must also be made in the grade for such increase of flood elevation as will at first and during the period of readjustment ensue from the introduction of greater volume between levees when made more continuous. It is not possible to predict at present to what this will amount, and it is probable that an exact conclusion will only be reached by experience.

There are variables entering into the problem so subtle as to require additional investigation and study. This is now being given. Numerous observed facts indicate that gauge heights for great discharge can not be predicted by extending the curves constructed at low and medium stages with these elements as co-ordinates.

Many of the discharge curves of the observations of 1881-'82 and other years show great irregularities in this respect.

The high-water curve plotted on Plate I is of remarkable symmetry, while the brakes in the low-water curve, to which the profile of the bed conforms, are greater and more abrupt. The imprint of the flood's power is on the bottom and not on the surface. The slope has proved more inflexible than the bed. The capacity of the river has increased as the discharge.

This indicates that increment of volume will not be piled on top of the present flood heights, and that flood slopes can not be changed over long distances from 25 to 75 per cent. The material of the bed does not possess stability under the fractional resistance such increased slopes would indicate. Indeed, which the impossibility of maintaining a slope greater than the average is indicated in the promptness with which slope is readjusted at every cut-off, where within a few hours the process of distribution is evident for very long distances, both above and below.

It is believed, to the contrary, that if an increase of .50 to .75 of the discharge can be arbitrarily and repeatedly withdrawn from and reinjected into the bed with very slight slope disturbance, it can be retained throughout the entire course of the river, and that even the maximum present discharge, by careful and judicious engineering, can be yet further safely increased, without ultimately raising the flood plane.

The following tabulated extract from Plate No. I compares high and low water slopes between the tributaries and a single intermediate station:

Location.	Slopes per mile.	
	High water.	Low water.
Cairo to Fulton	.435	.360
Fulton to Helena	.426	.490
Helena to Malone's	.400	.302
Malone's to White River	.327	.490
White River to Lake Providence	.327	.278
Lake Providence to Vicksburg	.276	.398
Vicksburg to Natchez	.291	.277
Natchez to Red River	.194	.218

It is assumed that no argument is here needed to attest the practicability of a levee system. It is thoroughly established by a large experience that faithfully constructed levees, of sufficient proportions and age enough to have settled and become sod-covered, will resist any pressure. Of one hundred and forty-nine breaks in the Yazoo front in 1882, one hundred and forty-seven were caused by water running over the levees and eroding the rear slope. Caving of banks destroys far more than all other causes combined; but such loss will be reduced as caving is prevented, and permanence of bank will make the maintenance of levees of inconsiderable cost.

We therefore conclude that levees, such as have been herein described, are, in connection with an equalization of width and the prevention of caving, an important part of any general and systematic plan for the improvement of the navigation and the prevention of destructive floods; and we do recommend the construction of new and raising of existing levees along all parts of the river where the highlands are too remote to check the passage of large volumes of flood water outside the bed of the river; or, in other words, on the entire right and also on the left bank below Baton Rouge, and from the Yazoo River to Horn Lake, below Memphis.

As this recommendation extends to levees below Red River, where excellent facilities for navigation now exist, special reasons therefor seem necessary. It is not important here to repeat at length the principles on which are formed the regimen of a river so strictly alluvial as the Lower Mississippi. It has already been stated in the discussions of the commission that the dimensions of the river are of its own creation; that a larger volume collected in one bed is discharged with less friction, other things being equal, and therefore with less slope, and more beneficent results to navigation and riparian interests; while subdivision of volume, on the contrary, meets proportionately more resistance in each minor channel, and therefore requires more slope.

It follows from this law that every step in the improvement of the river, including its delta, which begins at the junction of the Mississippi and Atchafalaya, should be in the direction of the assembling of its many outlets into one channel, while subdivision in passes or dispersion through crevasses is a grave error.

Besides these general reasons, there are others, local in character but of great importance, which will appear on examination of the physical condition of this region why the work of improvement should include this part of the river.

As has just been said, the point where the Atchafalaya diverges from the Mississippi is the true head of the delta, of which the Mississippi, Atchafalaya, and La Fourche are the only remaining passes or natural outlets. The capacity of discharge of neither of these channels is normally equal to that of the river above, just as in the subdelta neither the South nor Southwest Passes or Pass à l'Outre has the capacity of the river above their joint head. But it is known that the Mississippi and Atchafalaya together can not now discharge the volume of a great flood without disastrous overflow in the region they traverse.

Thus, in 1882, the total flood discharge from the drainage basin above the head of the delta reached 2,200,000 cubic feet per second, divided approximately as follows: Down the Mississippi, 1,450,000; through the Tensas Basin as overflow, 500,000; and down the Red and Black Rivers, 250,000 cubic feet per second. Of this, 1,595,000 escaped down the Mississippi below Red River, and 281,000 down the Atchafalaya. The balance of 324,000 cubic feet per second entered neither stream, but escaped broadcast to the Gulf over the country.

The redistribution of a similar flood discharge, as effected by the completion of the levees above Red River, would be 1,950,000 from the Mississippi and 250,000 from the Red and Black.

Under the circumstances, one of two results is inevitable, and either would necessitate precautionary work.

In the first case the volume discharging down the Mississippi below Red River would be largely increased. This would require the temporary raising and strengthening of the levees on that part of the river. In the other case the water which now escapes in floods through crevasses in the Tensas front and returns in part to the Mississippi through Old River would reverse this movement if kept in the Mississippi, and would seek the lower levels of the Red and Atchafalaya through Old River with such force as not only to arrest the filling which now annually occurs in this channel, but also to deepen it and connect the deep water in the Mississippi with that in the Atchafalaya. This must be prevented at all hazards by work preceding the exclusion of flood water from the Tensas Basin.

These discharges of the Mississippi and Atchafalaya (respectively 1,595,000 and 281,000 cubic feet per second) are maintained for but a very short distance from the junction. Their capacity is rapidly reduced as they descend by repeated loss of volume over insufficient levees. Thus, while the Mississippi has a capacity at the gauge just below the mouth of Red River of about 1,500,000 cubic feet per second, at Carrollton, just above New Orleans, it does not exceed 1,000,000, as established by the following gaugings and computations:

	Cubic feet.
1851, Humphreys and Abbot	1,152,000
1858, Humphreys and Abbot	1,188,000
1880, Mississippi River Commission	987,000
1881, Mississippi River Commission	792,000
1882, Mississippi River Commission	921,000
1883, Mississippi River Commission	1,079,000

The surplus power of the flowing water is wasted over and through levees not sufficient in grade or strength to convert it into work. They offer less resistance than the bed of the stream. Thus, in 1884, the discharge at Red River gauge was upward of 1,400,000, and at Carrollton about 1,000,000 cubic feet per second, while between were the following crevasses:

	Cubic feet.
Morganza	211,000
Waterloo	46,000
Belair	14,000
Guidry's	3,000
Davis	140,000
Total	414,000

Similar breaks occur whenever the discharge past Red River gauge largely exceeds 1,000,000 cubic feet per second. It is literally true that these levees are awash in every flood of magnitude for hundreds of miles. For long distances the waves from storms and steamboats overrun them, and a continual outflow is only prevented in many places by boards set on edge and sand bags. It is, therefore, impossible safely to increase the slope even by a few inches in three hundred miles, and without this the velocity can not be increased nor the resistance diminished.

The mere introduction of additional volume into the upper end of a channel is not a practical compliance with the principles underlying the plan of the commission. The condition of affairs just described has been substantially unchanged for upward of fifty years—since the extension of levees up to Red River—and yet the volume discharged past that point, and recurring approximately with every flood, has not wrought out for itself below, in these many years, a sufficient water way. It has run vagrant over the fields, rather than work. The restraint and concentration of the present supply of energy logically precedes its increase. Without this, additional volume only means waste of power and disaster from overflow.

While the enlargement of any outlet, natural or artificial, should be promptly and finally arrested, the levees from Red River down should be sufficiently raised and strengthened to restrain and apply effectively such power as resides in the mass of water now necessarily discharging and to be discharged between them before greater servitude is imposed, otherwise the treatment of the river becomes merely local, of partial measures inconsistent with a general plan and general improvement. Such a plan must protect any and all parts of the river against the direct consequences of its application to other parts by providing for the safe conduct to the Gulf of a more rapid discharge of the volume flowing from above.

Therefore, it is the opinion of the commission that the building of levees for the improvement of navigation in the obstructed portion of the river can not proceed indefinitely without involving damages to the proprietary interests below; and if this portion of the improvement to navigation is to proceed, provision must be made for strengthening and raising the levees in the lower portion of the river where navigation is now good.

This recommendation is not based on conditions which will be continually increasing or even permanent. No reason is apparent why the law that a larger volume of water flows through a bed adjustable by its own forces to its own needs, with less resistance and slope, should not ultimately be fully operative here.

During the transition period unquestionably the increase of work will be indicated by increase of slope, which will disappear as the equilibrium is re-established.

The following general order is believed to be judicious in the completion of a levee system. As its object is generally to enlarge the water way, a common-sense analogy is found in the homely art of ditching. It should begin at the lower end. Each bottom, the Manchac, La Fourche, and Atchafalaya, constituting Lower Louisiana, the Tensas, Yazoo, White, and Saint Francis, should be inclosed in order from below upward.

In each bottom, as it is reached in the foregoing order, the most important levees, as restraining the greatest escape of water, should be first constructed.

Mr. Chairman, sooner or later the Government of the United States will be compelled, for the protection of its citizens and their property, to assume control of the Mississippi River with a view to securing the alluvial districts from inundations and the great loss of life and destruction of property which have been of such frequent occurrence in recent years.

The magnitude and importance of this subject have been so well and often stated, that it is useless to reiterate them at this time.

Nothing less than the adoption and inauguration of a national levee system under the direction of the Federal Government will satisfy the public demand. There will be ceaseless agitation on this subject until the Government does its duty by its citizens. It has been, and is now, and will continue to be for all time to come a national necessity. The farmers of the North and West and the manufacturers of the North and East find the most profitable markets for the products of their farms and factories in the lower valley of the Mississippi. One-half of the settled portion of the national domain and one-half of the population of the entire nation is embraced within what is termed the Mississippi Valley. Whatever benefits this half of our common country will inure to the welfare and prosperity of the other. All that vast area of territory lying between the Alleghenies on the east and the Rocky Mountains on the west is directly interested in this question. The States of Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, Kentucky, and Tennessee are all as deeply interested in the inauguration of a national levee system as are Arkansas, Mississippi, and Louisiana.

The Senators and Representatives of these States can compel appropriations to build our levees, if properly united. There is no longer any question or doubt as to the constitutional power on the part of the Government to make the necessary appropriations. There may be a few hoary Bourbons of antediluvian times who look owlish and drawl about constitutional doubts, but no man abreast of the progress of the age any longer doubts the power of Congress on this subject. We all understand this to be "a Government of the people, by the people, for the people." Let it be in practice what it professes to be in theory. The Congress of the United States should give the people what they need, and if it does not do this then the people will be to blame if they do not elect Senators and Representatives who will. With the Representatives of the lower valley let this question be paramount to all other issues. This has become with us a life-and-death question. Local county or State aid will no longer suffice.

Both before and since the civil war very large sums of money have been expended by the local authorities. The State and county systems have been thoroughly and honestly tried by means of local taxation. Local taxation has had the test of a hundred years. It has always failed and must always fail to accomplish the object desired, in view of the vast destruction of property caused by the floods within the past few years, and it is within the vivid recollection of all that whole counties and districts of country have repeatedly been submerged, by which hundreds and thousands of lives have been lost and millions upon millions of property destroyed; and to-day a large majority of the people of seventeen States and three Territories demand that the National Government shall grant them relief against the angry floods of the Mississippi River. There should be no further temporizing with this question. The Federal Government alone can furnish adequate aid and afford permanent and certain relief.

This is not a political question, nor is it sectional in the least degree. I sincerely trust that neither politics nor sectionalism will carry any weight in this discussion. The riparian States—the States bordering on the Mississippi River—have neither the power nor the pecuniary ability to deal satisfactorily with this great question. This is not a State river; it is a United States river, and the United States Government alone possesses the means and the power to afford full relief and protection. No other nation in existence, or which has ever existed,

has ever been so remiss in its duties toward its citizens where interests of such magnitude have been involved. No other great nation of either ancient or modern times has ever shown such apathy in relation to a subject of such paramount interest to so large a portion of its population.

Of the ancients the Egyptians were among the most advanced and enlightened. No higher evidence is afforded of the civilization and development of ancient Egypt than her improvement and control of the river Nile, in the interests of her people.

In Egypt proper we are told that it never rains. And yet Egypt is traversed by the Nile, and yet again the valley of the Lower Nile was subject to periodical floods and inundations until a general system of levees and reservoirs was established and maintained thousands of years ago. We are told constantly that the Mississippi, said to be very similar in many of its characteristics to the Nile, can not be controlled, and that all money spent in its improvement will be thrown away.

Shall it be said that what Egypt could do thousands of years ago, with its limited resources, we, with all our boasted intelligence, almost boundless resources, and more advanced civilization, can not accomplish? The floods of the Nile were circumscribed and held in check, and Egypt became in ancient times the granary of the Oriental world. The famine-stricken nations of the Orient were fed from the superabundant harvests gathered from the levee-protected valley of the Nile.

When we reflect what Holland, Germany, and Italy—mere garden patches in extent of territory to the vast area embraced within the Mississippi Valley—have done, a feeling of disgust tinctured with shame comes over us. The work will be a vast one. A large appropriation will be required to carry on and complete the undertaking, and doubtless some one will make money out of the work as it progresses. So mote it be. Those opposed will attempt to stigmatize it as a "job." Let them. The idle and surplus labor of the nation will be employed and the country itself developed; over 15,000,000 acres of the best corn, sugar, and cotton land on the globe will be reclaimed, and the wealth of the United States increased beyond the power of figures to compute, and the whole civilized world will be benefited. No Government engineer, nor the most distinguished engineer in civil life, has ever estimated the cost of a national levee system above $50,000,000. Suppose it should take $100,000,000? What of that to a country and a people as rich as ours? And what would even this sum be, large as it is, in comparison with the benefits to be derived? I have seen the statement that in 1861, after the breaking out of our civil war, a general railroad system was inaugurated in India which contemplated the construction of 5,000 miles of new railroads to stimulate the growth of cotton in that country, and the British Government agreed to pay the interest on the capital to be thus employed. The Mississippi River is the greatest inland highway on earth; teeming millions of inhabitants along its borders; great wealth is theirs; the soil is of unsurpassed fertility, and the climate genial and inviting, and nothing is needed to make it the most prosperous and flourishing portion of the habitable globe but a general levee system under the control of the National Government. If we do not get it, all this vast alluvial region will in the course of time, and that at no distant period, become an abandoned waste and howling wilderness.

The heart grows sick and the mind becomes morbid in contemplating the widespread ruin and desolation wrought by the floods of the Mississippi River in the recent past.

Let us then, ignoring all former differences, forgetting all feelings of sectionalism as a thing of the dead and buried past by laying aside all party distinction, unite with our brethren from every locality in favor of the most necessary improvement of any age or any country, which, when completed, so stupendous will be its proportions, will be justly classed as the eighth wonder of the world.

The *pro forma* amendment was withdrawn.

Mr. HEPBURN. I move to strike out the last word. Mr. Chairman, as bearing upon this question I desire to call the attention of the committee to the report of the Mississippi River Commission in relation to the harbor of Vicksburg, which will be found on page 249 of the document. The commission there report that the balance available for the improvement of Vicksburg Harbor on November 1, 1883, was, in round numbers, $55,000; that there was allotted to that improvement the additional sum of $25,000; that there was expended of that sum, in round numbers, $27,000, and that of this fund available for the improvement of the harbor of Vicksburg the commission transferred to Lake Providence reach a portion amounting to $22,000, evidently concluding that no sum in excess of the amount expended was necessary for the Vicksburg improvement. They probably were moved to that action by the condition of things which is shown by their report. The engineer in charge, in discussing the Vicksburg Harbor, says:

The work here consists of improvement of the harbor proper and the maintenance of Delta Point, in Louisiana, opposite Vicksburg. The former [Vicksburg] is entirely local in character, and would add nothing to the general improvement of the work.

[Cries of "Vote!" "Vote!"]

The question was taken on the amendment offered by Mr. BARKSDALE, and it was rejected.

Mr. NICHOLLS. I offer an amendment, to come in after line 212, which I send to the Clerk's desk to be read.

The Clerk read as follows:

For building and keeping a dredge-boat and operating said boat for one year in the improvement of the harbors of Savannah, Charleston, and the Saint John's Bar, $100,000.

Mr. NICHOLLS. Now, Mr. Chairman, I desire to have read, in connection with that improvement, a communication from the mayor of Savannah.

The Clerk was proceeding to read the communication.

Mr. NICHOLLS. Mr. Chairman, on the suggestion of a member of the committee I withdraw the amendment for the present.

The CHAIRMAN. The gentleman from Georgia withdraws his amendment. The Clerk will report the next paragraph of the bill.

The Clerk read as follows:

Improving harbor at Galveston, Tex.: The Secretary of War is hereby authorized and directed to construct such permanent and sufficient jetties and such auxiliary works as may be necessary to create and permanently maintain a channel between the thirty-foot contour-lines of said harbor and the Gulf of Mexico thirty feet deep at low water and not less than two hundred feet wide at the bottom; and all the works within the harbor that may be necessary as a means of procuring and maintaining said channel shall be constructed so as not to diminish the area of twenty-six feet of water in said harbor, and, so far as practicable by said works, said twenty-six feet area shall be increased. Said works shall be constructed according to the plans, specifications, and estimates to be submitted by James B. Eads, as hereinafter provided for, and shall be of a substantial and enduring character, not inferior to those at the mouth of the Mississippi River, and so made as to be protected against teredo and other marine insects.

Mr. WHITE, of Kentucky, and Mr. SPRINGER both rose.

Mr. WILLIS. Mr. Chairman, I rise to a question or order.

Mr. SPRINGER. I move to strike out the paragraph just read, and upon that I desire to address the committee.

Mr. WHITE, of Kentucky. I move that the committee do now rise.

Mr. SPRINGER. Mr. Chairman, I believe I have the floor.

The CHAIRMAN. The gentleman from Illinois [Mr. SPRINGER] is recognized and moves to strike out this paragraph.

Mr. WHITE, of Kentucky. Pending that motion, Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] can not obtain the floor while the gentleman from Illinois [Mr. SPRINGER] has it, arguing in favor of his proposition.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman will state his question of order.

Mr. WHITE, of Kentucky. I desire to ask the Chair if mine is not a privileged motion before the gentleman from Illinois [Mr. SPRINGER] offers his amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] did not make his motion before the gentleman from Illinois offered his amendment, and therefore the Chair need not answer the question.

Mr. WHITE, of Kentucky. The gentleman from Illinois [Mr. SPRINGER] has not yet offered his amendment.

The CHAIRMAN. The gentleman from Illinois rose to address the Chair, and stated that his motion was to strike out the paragraph just read by the Clerk, and he now has the floor and is proceeding to debate that proposition. The gentleman from Illinois [Mr. SPRINGER is recognized.

Mr. SPRINGER. Mr. Chairman, I had desired before the debate upon this bill concluded to submit some remarks upon the paragraph which has just been read. It is true that the committee has already devoted much time to the discussion of the question of the improvement of Galveston Harbor, but so far that discussion has been either under the rule for general debate or has been introduced out of order upon other sections of the bill. The committee having now reached that part of the bill making provision for the improvement of Galveston Harbor, I desire to submit some views in relation thereto. It seems to me, Mr. Chairman, that the Committee on Rivers and Harbors in recommending the appropriation provided for in this paragraph has departed widely from the usual manner of making appropriations for the improvement of rivers and harbors. The employment of a particular person, or the requirement of the employment of a particular person, to carry on a particular work is such a departure from correct principles and well-established usage as I hope this committee and this House will not make without very serious consideration.

Having moved to strike out this paragraph, I will state that I am not actuated by any desire to defeat the appropriation for Galveston Harbor. On the contrary, I regard that as a very important harbor, and one deserving the attention of Congress and worthy of a liberal appropriation. But I am utterly opposed to farming out appropriations that are made for the improvement of rivers and harbors to be controlled by any particular individual or individuals, however eminent they may be as engineers. The particular engineer mentioned in this provision is to be paid $5,000 a year for his services and $3,000 a year for each additional foot of navigable water that is obtained there. I have seen it stated in the newspapers that the city of Galveston has proposed to pay him, in addition to this, the sum of $10,000 salary and $5,000 a foot for each additional foot of navigable water; making in all a salary of $15,000 a year cash and $8,000 for each additional foot of navigable water obtained below the present line. If he should be en-

gaged ten years in making this improvement and it should cost the sum of money heretofore estimated by him, the Government and the city of Galveston will have paid this engineer at least $27,000 a year as salary and for the contingent amount to be allowed for increased depth of water.

How much additional might be made by the skillful manipulation of contracts it is, of course, impossible to estimate. I am utterly opposed to the employment of any individual in this way; I am utterly opposed to making an appropriation dependent on the employment of a particular individual. If this gentleman should die pending this work, your appropriation should lapse. If he should become *non compos mentis*, or, through sickness or disease, should become unable to carry on the work, everything would stop and this harbor improvement would be at an end.

[Here the hammer fell.]

Mr. WILLIS. Mr. Chairman, I rise to oppose the amendment of the gentleman from Illinois [Mr. SPRINGER]. The gentleman proceeds upon the erroneous assumption that the provision which he opposes is to be permitted to remain in the bill. Now I desire to say to him and to the Committee of the Whole that the Committee on Rivers and Harbors, at a meeting subsequent to the one at which they agreed to report this provision, determined, after consultation in regard to the Galveston improvement, to offer as a substitute for the provision now in the bill the amendment which I send to the Clerk's desk and ask to have read as a part of my remarks.

The Clerk read as follows:

For Galveston Harbor, $500,000; and the harbor board herein provided for are directed to proceed at once to examine, survey, and report to the Secretary of War for his approval plans, specifications, and estimates for said improvement, and when said plans, specifications, and estimates shall have been approved, said work shall be carried forward with all possible expedition.

Mr. WILLIS. Now, Mr. Chairman, it will be seen that Mr. Eads is entirely eliminated from the provision in regard to Galveston Harbor. He is not given the control of the work; he is not to be paid an annual salary; nor is he to be paid a fee for securing additional depth of water. In other words, he has nothing to do with Galveston Harbor.

We believe that the Committee of the Whole will be ready to accept this proposition; and the Committee on Rivers and Harbors have instructed me by a unanimous vote to offer this as a substitute for all of these four or five provisions touching Galveston.

Mr. CUTCHEON. What is the part of the bill for which this is proposed as a substitute—from what line to what line?

Mr. WILLIS. It begins at line 213 and ends at line 305—embracing the whole three pages with reference to Galveston Harbor.

Now as to the appropriation which the committee recommend, we propose $500,000 instead of three-quarters of a million dollars. The Committee of the Whole will bear in mind that when the last river and harbor bill was presented it contained an appropriation of $250,000 for Galveston, but upon the motion of the gentleman representing the Galveston district [Mr. OCHILTREE] that provision was stricken out, so that in the last river and harbor bill the harbor of Galveston received nothing. Under the present estimates, according to the rule we have adopted, this harbor would have been entitled to another appropriation of $250,000; but in view of the fact that in the last bill this harbor received nothing, the committee have supplemented the ordinary appropriation of this year with that which they put in the last bill, but which was struck out on motion of the Representative from Galveston; so that, taking the two bills together, $500,000 for Galveston Harbor is no more in proportion to the estimates than any others of the great harbors of the country have received at the hands of the River and Harbor Committee.

I not only trust, Mr. Chairman, that this matter will be satisfactory, but I may say (going in advance a little) that in regard to the Mississippi River the committee have authorized me to offer an amendment which I believe will commend itself to all sound-thinking men on this floor—a proposition that hereafter the improvement of the Mississippi River shall be confined to the plans as detailed in the first and second reports of the Mississippi River Commission.

[Here the hammer fell.]

Mr. WILLIS. Just one word more. If this is done, this costly revetment system is done away with, and the objections urged on this point will be obviated. I ask for a vote.

Mr. TOWNSHEND. I move that the committee now rise.

Mr. WILLIS. I hope that will not be done.

Mr. MOULTON. Oh, yes; it ought to be done.

Mr. WILLIS. I ask the friends of this bill to vote down the motion.

The question being taken, there were—ayes 119, noes 85.

Mr. WILLIS and Mr. GIBSON called for tellers.

Tellers were ordered—more than one-fifth of a quorum voting therefor.

Mr. WILLIS. I rise to a parliamentary inquiry.

Mr. RANDALL. If there is to be debate let us have it on both sides.

Mr. WILLIS. I wish to make a parliamentary inquiry. If the Committee of Whole should now rise——

The CHAIRMAN. The Chair will state that no debate is in order except by unanimous consent.

Mr. WILLIS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIS. If the Committee of the Whole should now rise and the House should adjourn would not the legislative day of Monday be gone?

The CHAIRMAN. That is a question to be determined in the House.

Mr. RANDALL. We want to go on with the Post-Office appropriation bill.

The CHAIRMAN. Tellers have been ordered on the motion that the committee rise. The Chair appoints the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Illinois, Mr. TOWNSHEND. The tellers will take their places.

The committee again divided; and the tellers reported—ayes 129, noes 98.

So the motion that the committee rise was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and had come to no resolution thereon.

Mr. HAMMOND. I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. RANDALL. It may be in order, intervening business having——

Mr. HAMMOND. That is my purpose.

Mr. WHITE, of Kentucky, rose.

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. It is not in order pending the motion of the gentleman from Georgia.

Mr. WHITE, of Kentucky. I rise to a question of privilege.

The SPEAKER *pro tempore*. Is it a question of personal privilege to which the gentleman rises?

Mr. WHITE, of Kentucky. I think so.

The SPEAKER *pro tempore*. Then state it.

Mr. HAMMOND. The gentleman from Georgia consents to nothing.

The SPEAKER *pro tempore*. The Chair understands that, but wishes to hear the gentleman from Kentucky.

Mr. WHITE, of Kentucky. In the remarks of the gentleman from Kentucky——

The SPEAKER *pro tempore*. That, in the judgment of the Chair, is not a question of privilege.

Mr. WHITE, of Kentucky. Will the Chair let me state——

The SPEAKER *pro tempore*. The Chair can not let the gentleman have unlimited scope.

Mr. WHITE, of Kentucky. I desire to repeat the language of my colleague.

Mr. TOWNSHEND. I make the point——

The SPEAKER *pro tempore*. Does the gentleman refer to the language of his colleague [Mr. WILLIS]?

Mr. WHITE, of Kentucky. I will state if the Chair will allow me.

Mr. TOWNSHEND. I make the point this is not in order pending the motion to adjourn over.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The question is on the motion of the gentleman from Georgia [Mr. HAMMOND] that when the House adjourns to-day it adjourn to meet on Tuesday next.

The motion was disagreed to.

Mr. TOWNSHEND. I move the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering the Post-Office appropriation bill.

Mr. WILLIS. If that motion is voted down I hope I——

Mr. RANDALL. Debate is not in order unless allowed on both sides.

The SPEAKER *pro tempore*. Debate is not in order except by unanimous consent.

Mr. POST, of Pennsylvania. I object.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. If that motion is voted down will it not be in order then to move to go into Committee of the Whole House on the state of the Union for the purpose of taking up the river and harbor bill? If so, I announce that is my object.

Mr. RANDALL. That same motion can be made after the other general appropriation bills are passed.

The SPEAKER *pro tempore*. It is the opinion of the Chair if this motion is rejected the gentleman can move to go into the Committee of the Whole House on the state of the Union and to state what his object in so doing is.

Mr. WHITE, of Kentucky. I rise to a question of personal privilege. I have the reporter's notes of what my colleague said this morning and I will read from them.

The SPEAKER *pro tempore*. Does the gentleman rise to a question of personal privilege.

Mr. WHITE, of Kentucky. I do so far as the remarks of my col-

league [Mr. WILLIS] are concerned in the speech which he made this morning, and so far as they apply to me I desire to make a denial. He used the following language. [Cries of "Regular order!"] This is what he said:

We have been delayed in the progress of the consideration of this bill because of the want of a quorum. As the Speaker is well aware, a good part of this House has been engaged in making up a Cabinet for the next President, and various members of the Committee on Appropriations, its chairman and several other members, have been included in that—and another portion of them have been engaged in festivities, and by their absence we have been frequently left without a quorum, and hence delay has occurred in the progress of this bill.

[During the reading of the above there were constant cries of "Regular order!"]

Mr. SPRINGER. I object to this.

Mr. TOWNSHEND. I rise to a point of order.

Mr. WHITE, of Kentucky. I deny that I have been engaged in any of these festivities. [Laughter and cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Kentucky is out of order and will resume his seat.

Mr. WHITE, of Kentucky. Mr. Speaker, I wish to say——

The SPEAKER *pro tempore*. The Sergeant-at-Arms will see that the order of the Chair is obeyed.

Mr. HILL, assistant sergeant-at-arms (without the mace), proceeded up the aisle and took hold of Mr. WHITE, of Kentucky, Mr. WHITE resisting. The assistant sergeant-at-arms returned to his desk and came again, carrying the mace, toward Mr. WHITE.

The SPEAKER *pro tempore*. The Chair will recognize no gentleman until all the members resume their seats and order is restored. [After a pause.] The question before the House is the motion the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriations bills.

Mr. WILLIS. I ask, Mr. Speaker, if there is——

Mr. RANDALL. If we are to have debate let us have it on both sides.

Mr. WILLIS. I ask the yeas and nays be taken at once in order to save time.

The SPEAKER *pro tempore*. Are the yeas and nays called.

Mr. WHITE, of Kentucky. I rise to a question of personal privilege. I desire to state, sir, that when I was occupying my place on this floor, the assistant sergeant-at-arms came to me, he a citizen, without any authority, without any semblance of authority—came to me for the purpose of arresting me on this floor. [Cries of "Regular order!"]

Mr. BOUTELLE. This is the regular order.

The SPEAKER *pro tempore*. He went to discharge his duty under the direction of the Chair. The Chair ruled that the gentleman was not in order, and having requested him to take his seat he persistently refused to do so. [Applause on the Democratic side of the House.]

Mr. WHITE, of Kentucky. I desire to debate the question I have raised.

Mr. TOWNSHEND. Regular order.

Mr. WHITE, of Kentucky. I have the right to be heard.

The SPEAKER *pro tempore*. The Chair thinks differently, and declines further to hear the gentleman on his question of privilege, holding it is not a question of personal privilege.

Mr. KELLEY. I desire to ask in reference to that question of personal privilege whether a person without any insignia of office can place violent hands on a member and push him from his seat. I deny that such a thing can be done.

Mr. HAMMOND. I rise to a question of order.

The SPEAKER *pro tempore*. The Chair has heard no appeal from his decision.

Mr. CUTCHEON. It seems to me, Mr. Speaker, that this is a question of the very highest personal privilege.

The SPEAKER *pro tempore*. And the Chair differs from the gentleman.

Mr. HAMMOND. I rise to a question of order.

Mr. CUTCHEON. And it seems to me that it is hardly competent——

The SPEAKER *pro tempore*. The gentleman from Georgia has risen to a question of order.

Mr. HAMMOND. I raise the question of order that, the Speaker having decided the question and no appeal being taken, all of these remarks are out of order.

The SPEAKER *pro tempore*. The point of order is sustained.

The question is on ordering the yeas and nays on the motion of the gentleman from Illinois.

The yeas and nays were ordered.

The question was taken; and there were—yeas 149, nays 117, not voting 57; as follows:

YEAS—149.

Aiken,	Bland,	Browne, T. M.	Carleton,
Alexander,	Blount,	Buchanan,	Cassidy,
Bagley,	Boutelle,	Buckner,	Clardy,
Bayne,	Boyle,	Burnes,	Cobb,
Beach,	Brewer, F. B.	Campbell, Felix	Collins,
Belmont,	Broadhead,	Campbell, J. E.	Connolly,
Bingham,	Brown, W. W.	Candler,	Converse,
Cosgrove,	Hiscock,	Poland,	Sumner, D. H.
Covington,	Hitt,	Post,	Swope,
Cox, S. S.	Holman,	Price,	Talbott,
Cox, W. R.	Hopkins,	Pusey,	Taylor, J. D.
Crisp,	Horr,	Randall,	Tillman,
Curtin,	Howey,	Ray, G. W.	Townshend,
Deuster,	Hutchins,	Reed, T. B.	Tully,
Dingley,	Jones, B. W.	Reid, J. W.	Turner, H. G.
Dockery,	Kean,	Reese,	Turner, Oscar
Dorsheimer,	Keifer,	Rice,	Valentine,
Dowd,	Kelley,	Riggs,	Van Alstyne,
Eaton,	Ketcham,	Rogers, W. F.	Vance,
Eldredge,	Lamb,	Rosecrans,	Van Eaton,
English,	Lawrence,	Rowell,	Wadsworth,
Ermentrout,	Le Fevre,	Russell,	Wait,
Everhart,	Long,	Ryan,	Wakefield,
Ferrell,	Lyman,	Seney,	Wallace,
Follett,	McCormick,	Seymour,	Warner, A. J.
Funston,	Matson,	Skinner, C. R.	Washburn,
Fyan,	Millard,	Skinner, T. G.	White, J. D.
Glascock,	Mitchell,	Slocum,	White, Milo
Graves,	Morgan,	Smith, A. Herr	Whiting,
Greenleaf,	Morse,	Smith, H. Y.	Wilkins,
Hammond,	Moulton,	Spooner,	Winans, E. B.
Hardeman,	Murray,	Spriggs,	Winans, John
Hardy,	Mutchler,	Springer,	Yaple,
Harmer,	O'Neill, Charles	Steele,	York,
Hatch, W. H.	Paige,	Stevens,	Young.
Haynes,	Patton,	Stewart, J. W.	
Henley,	Payson,	Stockslager,	
Hill,	Pettibone,	Storm,	

NAYS—117.

Adams, G. E.	Ellwood,	Jones, J. T.	Robertson,
Anderson,	Findlay,	King,	Rogers, J. H.
Ballentine,	Finerty,	Kleiner,	Shively,
Barbour,	Foran,	Lanham,	Singleton,
Barksdale,	Forney,	Lewis,	Smalls,
Bennett,	George,	Lore,	Snyder,
Bisbee,	Gibson,	Lowry,	Stephenson,
Blackburn,	Goff,	McCold,	Stewart, Charles
Blanchard,	Green,	McMillin,	Stone,
Bratton,	Guenther,	Milliken,	Strait,
Breckinridge,	Halsell,	Mills,	Struble,
Breitung,	Hanback,	Money,	Sumner, C. A.
Budd,	Hart,	Muldrow,	Taylor, E. B.
Burleigh,	Hatch, H. H.	Murphy,	Taylor, J. M.
Cabell,	Hemphill,	Neece,	Thomas,
Caldwell,	Henderson, D. B.	Nelson,	Thompson,
Culberson, D. B.	Henderson, T. J.	Nichols,	Ward,
Culbertson, W. W.	Hepburn,	Nutting,	Warner, Richard
Cullen,	Herbert,	Oates,	Weaver,
Cutcheon,	Hewitt, G. W.	Ochiltree,	Wellborn,
Dargan,	Hoblitzell,	O'Ferrall,	Williams,
Davidson,	Holmes,	O'Hara,	Willis,
Davis, G. R.	Houk,	Payne,	Wilson, James
Davis, L. H.	Houseman,	Peel,	Wilson, W. L.
Davis, R. T.	Hunt,	Perkins,	Wise, G. D.
Dibble,	Hurd,	Peters,	Woodward,
Dibrell,	James,	Phelps,	Worthington.
Dunham,	Jeffords,	Pierce,	
Dunn,	Johnson,	Pryor,	
Ellis,	Jones, J. H.	Reagan,	

NOT VOTING—57.

Adams, J. J.	Craig,	Libbey,	Ray, Ossian
Arnot,	Elliott,	Lovering,	Robinson, J. S.
Atkinson,	Evans,	McAdoo,	Robinson, W. E.
Barr,	Fiedler,	McComas,	Rockwell,
Belford,	Garrison,	Maybury,	Shaw,
Bowen,	Geddes,	Miller, J. F.	Throckmorton,
Brainerd,	Hancock,	Miller, S. H.	Tucker,
Brewer, J. H.	Hewitt, A. S.	Morrill,	Weller,
Brumm,	Holton,	Morrison,	Wemple,
Campbell, J. M.	Hooper,	Muller,	Wise, J. S.
Cannon,	Jones, J. K.	O'Neill, J. J.	Wolford,
Chalmers,	Jordan,	Parker,	Wood.
Clay,	Kellogg,	Potter,	
Clements,	Lacey,	Rankin,	
Cook,	Laird,	Ranney,	

So the motion was agreed to.

Mr. RANDALL. I move to dispense with the reading of the names.

Mr. WILLIS. I object.

Mr. RANDALL. I only wanted to save time for the House.

The Clerk proceeded to read the names of those voting.

Mr. WILLIS. I withdraw the motion.

Mr. WHITE, of Kentucky. Pending the announcement of the vote I rise to a question of personal privilege.

The SPEAKER *pro tempore* (Mr. SPRINGER in the chair). The gentleman can not, unless it pertains to the calling of the roll, until the announcement of the vote, which announcement can not be made until the roll-call is completed.

Mr. WHITE, of Kentucky. I thought it was completed.

The SPEAKER *pro tempore*. It is not completed.

[The Speaker *pro tempore* (Mr. BLACKBURN) here resumed the chair.]

Mr. WHITE, of Kentucky. Pending the announcement of the vote I desire to rise to a question of the highest personal privilege.

The SPEAKER *pro tempore*. The Chair will state that the vote having been ascertained by call of the yeas and nays, the first thing in order will be the announcement of that vote to the House, after which the gentleman will be recognized.

Mr. WHITE, of Kentucky. I desire to raise the question of order that then it will be too late.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman after the roll-call is completed.

Mr. WHITE, of Kentucky. But if the vote shall have been announced will the Chair not then have announced the fact that the House

has resolved to go into Committee of the Whole House on the state of the Union, and will it not then be too late to rise to a question of privilege?

The SPEAKER *pro tempore*. The Chair thinks not. The Chair thinks the vote should first be announced, and that will be done unless the gentleman from Kentucky rises to correct or change his vote.

The result of the vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote by which the House determined to go into Committee of the Whole House on the state of the Union; and moved to lay that motion on the table.

Mr. WHITE, of Kentucky. And pending that motion I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The Chair will recognize the motion of the gentleman from Pennsylvania as pending, and recognizes the gentleman from Kentucky as rising to a question of personal privilege, which he will now state.

QUESTION OF PRIVILEGE.

Mr. WHITE, of Kentucky. I have said, sir, that I rose to a question of the highest privilege.

Mr. Speaker, I desire to call the attention of this House to what occurred on this floor a few moments ago relative to myself. I was addressing the House—the Speaker—in regard to a question of privilege. I ask that the Clerk now read Rule IX, to show that I was addressing the Chair under a question of personal privilege.

The SPEAKER *pro tempore*. The Chair does not understand the gentleman to have taken an appeal from the decision of the Chair.

Mr. WHITE, of Kentucky. But I now rise to a question of privilege.

The SPEAKER *pro tempore*. The Chair is aware of the rule to which the gentleman refers, and, as the Chair has suggested, no appeal was taken.

Mr. WHITE, of Kentucky. But I am now seeking to present a question of personal privilege.

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman presents a question of personal privilege by the statement of what took place a few moments ago, when the gentleman declined to take an appeal.

Mr. WHITE, of Kentucky. But I am rising to a question of personal privilege as to what occurred with reference to myself at that time.

The SPEAKER *pro tempore*. The gentleman can state it.

Mr. WHITE, of Kentucky. If the Chair does not care to hear the rule read I will call the attention of the Chair to what occurred.

While I was stating, as I thought, a question of personal privilege, and before I had completed what I desired to say, the Chair ruled me out of order. Numbers of gentlemen were standing around me upon the floor and in front of the Speaker's desk. The Chair ordered the Sergeant-at-Arms to preserve order upon the floor, and now, in order that I may not be mistaken in stating what occurred, I shall ask the Clerk to read from the notes of the Official Reporter as to what transpired.

The SPEAKER *pro tempore*. The Clerk will read what the extended notes show.

The Clerk read as follows:

Mr. WHITE, of Kentucky, having concluded reading an extract from the speech of Mr. WILLIS, made this morning. [Cries of "Regular order!"]

Mr. SPRINGER. I object.

Mr. TOWNSHEND. I rise to a point of order.

Mr. WHITE, of Kentucky, continued reading. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The gentleman from Kentucky is out of order and will resume his seat.

Mr. WHITE, of Kentucky. Mr. Speaker, I wish to say——

The SPEAKER *pro tempore*. The Sergeant-at-Arms will see that the order of the Chair is obeyed.

Mr. HILL, assistant sergeant-at-arms, without the mace, proceeded up the aisle and took hold of Mr. WHITE, of Kentucky, Mr. WHITE resisting.

The assistant sergeant-at-arms returned to his desk and came again, carrying the mace, toward Mr. WHITE.

The SPEAKER *pro tempore*. The Chair will recognize no gentleman until all resume their seats and order is restored.

Mr. WHITE, of Kentucky. That is all that I wish to have read. I desire to call the attention of the House to this fact, that while I was addressing the Chair there were numbers of gentlemen on the floor, and when the Chair ordered the Sergeant-at-Arms to preserve order, a citizen, without any symbol of power, as is required by paragraph 2 of Rule IV—

The symbol of his office—

Referring to the Sergeant-at-Arms—

shall be the mace, which shall be borne by him while enforcing order on the floor.

I say, while I was addressing the Chair and while the Chair was attempting to preserve order, a citizen without any semblance of power came to me and demanded I should take my seat; and when I protested with the palm of my hand, without any violence, he laid violent hands on me and in an offensive manner demanded I should take my seat. He had passed numbers of gentlemen standing on this floor. Why should I be singled out?

If he was carrying out the order of the Speaker, if that was the intention of the Speaker, then like Cromwell this Speaker can put his foot down and say, "Go, begone." He can do as the speaker of the pseudo parliament at Constantinople did a few years ago when the Sultan was attempting to throw dust in the eyes of the civilized world to make them believe there was a parliament sitting for the Turkish people. If any member dared to do what the speaker did not wish, he had the sergeant-at-arms arrest that member and thrust him out of the house.

If a citizen without any symbol of power can come here and lay hands on me, then he can take hold of the venerable gentleman from Pennsylvania [Mr. KELLEY], who called attention to this matter in such eloquent language; he can take hold of any man on this floor. The country will take note of the fact.

I was reading what the chairman of a committee of this House had said of the distinguished chairman of the Committee on Appropriations; that he had been away forming a cabinet; that members of that committee had been away forming a cabinet; that there was no quorum here because we were going out for festivities; and I desire to say for my part I had declined to go to that oyster or clam bake although the invitation was presented to me.

Mr. GEORGE D. WISE. I call the gentleman to order. This has nothing to do with any question of privilege.

The SPEAKER *pro tempore*. The Chair does not see that the gentleman from Kentucky is confining himself to the question of privilege.

Mr. GEORGE D. WISE. He evidently wishes to make a political speech. I object to his proceeding.

The SPEAKER *pro tempore*. The Chair asks the gentleman to confine himself to his question of privilege.

Mr. WHITE, of Kentucky. I am not making a political speech.

Mr. GEORGE D. WISE. That is what you are doing.

Mr. WHITE, of Kentucky. The gentleman should address his remarks to the Chair.

Mr. GEORGE D. WISE. I address them to you. I address my remarks to the gentleman from Kentucky, and I call the gentleman to order.

The SPEAKER *pro tempore*. The Chair asks the gentleman from Kentucky to confine his remarks within the proper limit of what is a question of privilege.

Mr. WHITE, of Kentucky. The question I raise is that if any person comes to a member on this floor, acting for the Sergeant-at-Arms, by the sanction of the Sergeant-at-Arms—comes to a member and attempts to arrest him without bearing the mace, and lays violent hands upon the member, he is unworthy to be an officer of this august body.

Mr. MILLS. Will the gentleman allow me to ask him a question?

Mr. WHITE, of Kentucky. I will yield for a question.

Mr. MILLS. Suppose the Sergeant-at-Arms sees a member involved in a difficulty with another member, and there is a likelihood that one or the other will receive great bodily harm, should he wait to go down and get his mace before taking measures to restore order?

Mr. WHITE, of Kentucky. That has no relevancy to this case, where a citizen comes to a member on this floor without bearing any symbol of power and lays violent hands on him. I do not desire to discuss a hypothesis.

Mr. HAMMOND. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. This identical matter was passed upon by the Chair and no appeal was taken from his decision. My point of order is that this argument is out of order without any regard at all to what may be its merits.

The SPEAKER *pro tempore*. The Chair thinks the point of order is well taken.

Mr. WHITE, of Kentucky. Mr. Speaker, the facts are these—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Chair would very gladly indulge the gentleman from Kentucky, but thinks the point of order taken by the gentleman from Georgia [Mr. HAMMOND] is well taken; and the regular order is demanded.

Mr. BOUTELLE. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOUTELLE. Some gentlemen would like to know what the point of order is which the Chair has sustained?

The SPEAKER *pro tempore*. It is not the fault of the Chair if the gentleman from Maine did not hear what was the point of order sustained by the Chair.

Mr. BOUTELLE. But I submit it is the fault of the Chair if it does not give a respectful answer to a question which I have respectfully asked.

The SPEAKER *pro tempore*. The Chair does not think he is bound to answer the question, but out of politeness he will say the point of order was made by the gentleman from Georgia that the question that was being submitted by the gentleman from Kentucky had already been raised, and had already been decided by the Chair not to present a question of privilege, and no appeal was taken from that decision, although the Chair asked if the decision of the Chair was appealed from. The Chair thinks the point of order is well taken.

Mr. WHITE, of Kentucky. Will the Speaker indulge me? [Cries of "Regular order!" "Regular order!"] At the time to which the Chair has referred we were taking the yeas and nays, and I only postponed the appeal until the call had been completed. I now appeal from the decision of the Chair. [Cries of "Too late!" "Regular order!"]

The SPEAKER *pro tempore*. It is too late to take an appeal. The regular order is the question on the motion of the gentleman from Pennsylvania [Mr. RANDALL] to lay on the table the motion to reconsider the vote by which the House determined to go into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

Mr. WHITE, of Kentucky. Pending that I appeal from the decision of the Chair.

The SPEAKER *pro tempore*. Upon what point does the gentleman appeal?

Mr. WHITE, of Kentucky. Upon the point raised by the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, I think the appeal comes too late.

The SPEAKER *pro tempore*. The Chair hardly thinks there can be any difference of opinion upon that subject. The effort of the gentleman from Kentucky [Mr. WHITE] to appeal now from that decision of the Chair is clearly too late under the rule. The Chair therefore submits the motion of the gentleman from Pennsylvania [Mr. RANDALL] to lay on the table the motion to reconsider the vote by which the House determined to go into Committee of the Whole to consider appropriation bills.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering general appropriation bills. The Clerk will report the first bill on the Calendar.

The Clerk proceeded to read the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

Mr. TOWNSHEND. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was so ordered.

The CHAIRMAN. The bill is now before the committee for general debate, and the gentleman from Illinois [Mr. TOWNSHEND] is recognized.

Mr. WILLIS. Mr. Chairman, I desire to ask a question of the gentleman in charge of this bill; I desire to know when he proposes that general debate upon it shall close.

Mr. TOWNSHEND. Mr. Chairman, I am unable at present to say what will be the length of time desired for general debate. I can only say for myself that I am anxious to expedite the passage of this bill as much as is practicable. There are several new features in the bill. Some very important new legislation is proposed by the committee, and it will take some time to properly explain that new legislation so that the House shall vote upon it intelligently. I will say to the gentleman from Kentucky [Mr. WILLIS] that in my judgment it would be best to allow the debate to run on for some time, because I think we shall then be able more easily to ascertain how much time may be needed. I say to the gentleman further that I will join with him in restricting debate within the closest limits that may be found to be compatible with the interests of the public and the proper explanation of this bill. This is a bill which appropriates over $52,000,000, and it certainly ought to have a reasonable time allowed for its explanation.

Mr. WILLIS. Mr. Chairman——

Mr. TOWNSHEND. I do not yield the floor, Mr. Chairman, but I am willing that the gentleman shall ask me a question if he desires to.

Mr. WILLIS. I desire to say, Mr. Chairman, that the Committee on Rivers and Harbors, after one test vote (to which they were entitled, as being in charge of the river and harbor bill), made no opposition to the will of the House to take up this appropriation bill; but it was announced then, and it is understood now, that the time for the consideration of all these important bills is quite limited, and therefore, in no captious spirit, but in the interest of the promotion of the public business, and with a view to the consideration of other important public measures after this one shall have been disposed of, I move that after this bill shall have been debated for an hour and a half the committee shall rise.

Mr. TOWNSHEND. Mr. Chairman, I do not yield the floor for any motion.

The CHAIRMAN. The gentleman from Kentucky [Mr. WILLIS] can not make any motion at this time. He can give notice of a motion.

Mr. WILLIS. Very well; then, Mr. Chairman, I give notice that at the expiration of that time I will make that motion.

Mr. RANDALL. I think it would be better to allow the bill to remain in charge of the gentleman from Illinois; and in that connection I want to say, for one, that in my judgment the general debate on this bill should not extend over to-day.

Mr. TOWNSHEND. I do not think it will.

Mr. GIBSON (to Mr. RANDALL). I thought you said you wanted to pass the bill to-day.

Mr. HOLMAN. Two hours ought to be sufficient.

Mr. RANDALL. I thought that two hours would be sufficient, but the other side demand two hours.

Mr. TOWNSHEND. Mr. Chairman, I now desire to resume the floor.

Mr. HORR. I think this side of the House will be satisfied with two hours and a half for the discussion of this bill.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] is entitled to the floor and declines to yield, and he is entitled to one hour under the rule.

Mr. TOWNSHEND. Mr. Chairman, I hope this discussion does not come out of my time.

The CHAIRMAN. It must come out of the gentleman's time.

Mr. RANDALL. Well, the gentleman from Illinois [Mr. TOWNSHEND] has time enough, at any rate. The gentleman from Michigan [Mr. HORR] desires to make a statement, and I think that if the committee will listen to him the effect will probably be to shorten the debate.

The CHAIRMAN. The appeal must be made to the gentleman in charge of the bill.

Mr. TOWNSHEND. If it will not come out of my time, I am willing to yield to the gentleman [Mr. HORR] for a statement.

The CHAIRMAN. If there be no objection the gentleman from Michigan [Mr. HORR] will be heard out of order.

Mr. HORR. Mr. Chairman, upon consultation I am satisfied that two hours and a half will meet the wishes of gentlemen upon our side of the House. That is the best I can do, and it is a very short time for the discussion of this bill.

Mr. RANDALL. I think gentlemen had better consent to that proposition, rather than excite any factious opposition.

Mr. TOWNSHEND. Mr. Chairman, what is the proposition that is made?

The CHAIRMAN. The Chair can not entertain any proposition in regard to limiting the debate in committee. The Chair has been simply listening to suggestions made upon that subject by unanimous consent. All motions to limit debate must be made in the House.

Mr. TOWNSHEND. Mr. Chairman, I desire to know if it is the wish of the gentleman from Michigan [Mr. HORR] that two hours and a half shall be allowed to that side of the House for the discussion of this bill?

The CHAIRMAN. The gentleman from Michigan [Mr. HORR] has so stated.

Mr. TOWNSHEND. If that be allowed, proper courtesy, I suppose, would require that two hours and a half should be accorded to this side also.

Mr. HORR. Of course.

The CHAIRMAN. Gentlemen will understand that although they make informal agreements upon this subject here in committee, when it comes to an actual motion to limit debate that must be made in the House.

Mr. TOWNSHEND. Mr. Chairman, at the request of some gentlemen around me I would say I am willing to accept the proposition made by the gentleman from Michigan [Mr. HORR] and let general debate on this bill be limited to two hours and a half on each side. It is possible that the entire time awarded to this side of the House may not be consumed, but I would not like to bind myself by an agreement that gentlemen on this side will not wish the entire time. I will ask an understanding that the limit I have just named shall be the limit upon this debate.

Mr. ANDERSON. I shall object to that for the purpose of ascertaining whether there is no way by which debate can be closed at an earlier period. It seems to me that with all these appropriation bills hanging we had better vote than talk.

Mr. RANDALL. I have always found it better to accede to a reasonable request of either side as to general debate than refuse and then have more time taken by reason of the bad temper resulting.

Mr. ANDERSON. I rise to a parliamentary inquiry. Is it in order to move to limit general debate on this bill to two hours, or I will say three hours?

The CHAIRMAN. The chairman of the Committee of the Whole can entertain no motion to limit debate. The Committee of the Whole can not regulate that matter except by unanimous consent, and objection having been made——

Mr. RANDALL. I hope the gentleman from Kansas [Mr. ANDERSON] will not object.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. TOWNSHEND] that all general debate on this bill be limited to five hours?

Mr. REAGAN. There is objection. In view of the condition of business I am surprised that gentlemen should desire to occupy so much time in general debate on this bill.

Mr. RANDALL. Well, the gentleman from Texas [Mr. REAGAN] need not express any astonishment. We are compelled to meet the views of the House as a whole.

Mr. WILLIS. Why not submit the question to the House?

Mr. RANDALL. Because it is not in order to do so now.

Mr. REAGAN. It is not necessary to waste almost two days on general debate at this stage of the session.

Mr. RANDALL. Well, this Post-Office bill is an important measure.

Mr. REAGAN. All the new legislation in the bill will have to go out on points of order at any rate.

The CHAIRMAN. This debate is not in order. The gentleman from Illinois [Mr. TOWNSHEND] is entitled to the floor.

Mr. TOWNSHEND. Mr. Chairman, the bill now before this Committee of the Whole carries an appropriation of $52,253,200, a sum twice as large as that contained in any other appropriation bill except the one providing appropriations for the payment of pensions. It authorizes an aggregate expenditure exceeding all the appropriations for the support of this Government in 1854. It provides for the payment of salaries of more officers of this Government than any other of the great

money bills. It is a bill which affects the entire business and industrial interest of the whole country. Its influence is felt in every village, yea in every neigborhood, of the land. All localities, all interests, all the people are directly interested in it, and it reaches into American interests in every civilized foreign country. It does seem to me, therefore, that a bill of such magnitude is entitled at least to five hours for explanation and general discussion, which is asked for.

The river and harbor bill, in which the gentleman from Texas [Mr. REAGAN] feels such an interest, occupied the attention of this House last week in general debate for several days; and that bill does not provide expenditures exceeding $12,400,000. I repeat, it does seem to me a reasonable request when gentlemen representing both sides of this House on the Appropriations Committee ask that debate on so important a measure as this shall not be restricted to less time than five hours for explanation and general debate. But, Mr. Chairman, in addition to the large appropriation this bill carries it contains some very important new legislation. Considering the amount appropriated and the character of this new legislation, it is in my judgment the most important postal appropriation bill that has ever been brought before this House. And I will say to the gentleman from Texas that when he makes examination he will discover that some at least of the important new legislation in this bill is not subject to a point of order; so that he and others will be called up to vote upon their responsibility as Representatives whether some of these provisions shall be retained in the bill or not.

I wish to say further that the Committee on Appropriations has had no desire to introduce this class of legislation upon this bill unless it believed that public interest demanded such action. We would have much preferred to confine the bill strictly to the appropriations for the postal service; but in view of the fact that the Calendar is crowded with business, and there is no possibility, perhaps, of any independent bill on those subjects securing final action during this session, the committee, looking to the general interest and necessities of the public and the economy in the use of public money, have thought it wise that we should meet some of the existing emergencies by introducing in this bill provisions which have been here inserted.

Much patient labor has been bestowed by the subcommittee in the preparation of the bill, and the general committee has given careful consideration to every item it contains, either of appropriation or new legislation. Our postal service is necessarily growing. It annually demands increased expenditures. In this more than any other Department of the Government there is a necessity for increased appropriations. The development of the country, its growth in population and commerce, require that we should recognize the necessity for increased postal facilities. Indeed if no increase of the postal service was required, such a condition of things would indicate national decay instead of progress. The Committee on Appropriations in a liberal spirit have responded to this necessity and recommended expenditures fully large enough to meet every want of this branch of the public service; but at the same time we have sought to avoid an extravagant expenditure of the people's money.

I desire to call the attention of the House to the fact that this committee has been more liberal in its appropriations for the postal service on this bill, with few exceptions, than the Appropriations Committee of any Congress which has preceded it.

I have in my hands a table of the aggregate appropriations for the postal service since 1882, to which I wish to call attention:

Appropriations for the postal service for the fiscal years 1882, 1883, 1884, 1885, *and amount recommended for* 1886.

Appropriated 1882	$40,957,432
Appropriated 1883	44,643,900
Appropriated 1884	44,489,520
Appropriated 1885	49,040,400
Recommended 1886	52,253,200

Aggregate increase 1883 over 1882, $3,686,468; increase 1883 over 1882, 9 per cent.

Aggregate decrease 1884 under 1883, $154,380; decrease 1884 under 1883, ⅓ per cent.

Aggregate increase 1885 over 1884, $4,550,880; increase 1885 over 1884, 10¼ per cent.

Aggregate proposed increase 1886 over 1885, $3,212,800; proposed increase 1886 over 1885, 6½ per cent.

It will be seen from these figures that in 1884, the second session of the last Congress, instead of increasing the appropriation, as absolutely required by the increasing demands of the postal service, actually reduced the appropriations below those made for the year previous. I am merely mentioning this as a matter of fact, and not for the purpose of inspiring criticism on the action of the last Congress; but I do feel that I am warranted in urging this as evidence that this Congress has not dealt with the necessities of this service in an illiberal or niggardly spirit. It will be seen from this table that in 1883 the increase of appropriations was 9 per cent. In 1884 the appropriations were reduced one-third of 1 per cent. below the appropriations of the previous year. The appropriations at the last session of this Congress were increased 10¼ per cent. over the year before, and the appropriations of this year, as authorized by this bill, increase the appropriation 6½ per cent.

I will remark here, Mr. Chairman, before I go further, that the reduction of postage which occurred neary two years ago did not diminish the receipts of the Department. There was no loss of revenue by the act of Congress which reduced the postage to 2 cents per half ounce; there was actually an increase of revenue. The deficit which occurred the year following was due to the fact that the expenditures were greater, and I am willing to confess that large expenditures were necessary to meet the wants of the service.

The Department this year estimates that an aggregate appropriation of $56,099,169.50 should be made. The Committee on Appropriations have reduced the amount appropriated below the estimate, to $52,253,200, which is $3,845,969.50 less than the estimate, but which is $3,162,800 more than the amount appropriated for the current fiscal year.

This estimate of over $56,000,000 included an item of about $1,100,000 which would result from a change in the method of accounting between the Pacific railroads and the Government. Heretofore the Government has not made an appropriation to meet the charges by the Pacific railroads for carrying the mails, but has charged it up against the account the Government held against them for interest on bonded indebtedness due the Government by the bonded roads. This year the Postmaster-General recommended the appropriation of a sum directly from the Treasury to pay the accounts of the Pacific railroad companies, which would swell the appropriations to the extent of about $1,100,000. The committee deemed it to be the best policy to adhere to the plan heretofore followed, which necessarily reduces the estimates of the Department over $1,100,000. I ask attention to the report of the committee, which is as follows:

Mr. TOWNSHEND, from the Committee on Appropriations, submitted the following report, to accompany bill H. R. 8138:

In presenting the bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, the Committee on Appropriations submit the following in explanation thereof:

The estimates upon which the bill is based will be found on page 173 of the Book of Estimates, and amount to $56,099,169.50, of which sum the committee recommend $52,253,200, which is $3,845,969.50 less than the estimates and $3,162,800 more than the amount appropriated for the current fiscal year.

The estimated revenue for the fiscal year 1886 from the postal service is $51,272,820.24, or $980,379.76 less than the amount recommended to be appropriated. To meet this or such deficiency as may occur in the postal revenues a sum sufficient is appropriated from the Treasury.

The following table exhibits in detail opposite each title the estimates for 1886, amounts recommended for 1886, appropriations for 1885, and expenditures for 1884:

	Estimated, 1886.	Recommended, 1886.	Appropriations, 1885.	Expended, 1884.
OFFICE OF THE POSTMASTER-GENERAL.				
Mail depredations and post-office inspectors and fees to United States marshals and attorneys	$250,000 00	$200,000 00	$200,000 00	$187,686 79
Advertising	20,000 00	20,000 00	20,000 00	18,915 09
Miscellaneous items	1,500 00	1,500 00	1,500 00	1,151 39
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.				
Compensation to postmasters	13,000,000 00	12,300,000 00	11,000,000 00	11,283,830 87
Compensation to clerks in post-offices	5,300,000 00	5,100,000 00	4,900,000 00	4,735,058 42
Letter-carriers and expenses free-delivery service	4,535,000 00	4,100,000 00	4,050,000 00	3,504,206 52
Wrapping-paper	35,000 00	35,000 00	30,000 00	24,988 18
Twine	95,000 00	85,000 00	70,000 00	62,998 41
Marking, rating, and canceling stamps, and ink and pads	25,000 00	20,000 00	25,000 00	10,670 32
Letter-balances, test-weights, and scales	20,000 00	20,000 00	25,000 00	19,998 35
Rent, light, and fuel	500,000 00	490,000 00	480,000 00	430,294 58
Office furniture	40,000 00	20,000 00	40,000 00	9,690 96
Stationery	65,000 00	65,000 00	65,000 00	59,968 23
Miscellaneous items	80,000 00	80,000 00	80,000 00	57,318 99

Table showing estimates and amount recommended for 1886, *appropriation for* 1885, *and expenditures for* 1884.—Continued.

	Estimated, 1886.	Recommended, 1886.	Appropriations, 1885.	Expended, 1884.
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.				
Inland mail transportation—railroad	$15,684,205 00	$15,265,000 00	$12,750,000 00	$12,131,950 35
Inland mail transportation—steamboat	615,000 00	615,000 00	625,000 00	576,270 41
Inland mail transportation—star routes	5,900,000 00	5,700,000 00	5,600,000 00	5,074,164 16
Railway post-office car service	1,875,000 00	.....	1,625,000 00	1,575,000 00
Necessary and special facilities on trunk lines	266,764 50	.....	250,000 00	184,821 24
Railway postal clerks	4,682,300 00	4,482,300 00	4,300,000 00	3,971,357 20
Mail messengers	975,000 00	975,000 00	975,000 00	824,839 70
Mail locks and keys	20,000 00	20,000 00	25,000 00	18,226 00
Mail-bags and mail-bag catchers	275,000 00	275,000 00	250,000 00	217,052 09
Miscellaneous items	1,000 00	1,000 00	1,000 00	396 94
OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.				
Postage-stamps	$174,000 00	$174,000 00	$146,000 00	$135,974 47
Postage-stamp agency	8,100 00	8,100 00	8,100 00	6,757 49
Stamped envelopes and newspaper wrappers	749,000 00	749,000 00	644,000 00	619,231 21
Stamped-envelope agency	16,000 00	16,000 00	16,000 00	15,351 72
Postal cards	239,000 00	239,000 00	232,000 00	197,466 33
Postal-card agency	7,300 00	7,300 00	7,300 00	6,822 70
Register envelopes, locks, seals, post-office and dead-letter envelopes	140,000 00	140,000 00	140,000 00	102,830 88
Ship, steamboat, and way letters	2,000 00	2,000 00	1,500 00	1,614 88
Engraving, printing, and binding drafts and warrants	2,000 00	2,000 00	2,500 00	1,962 35
Miscellaneous items	1,000 00	1,000 00	1,000 00	201 05
OFFICE OF SUPERINTENDENT OF FOREIGN MAILS.				
Transportation of foreign mails	425,000 90	970,000 00	425,000 00	322,994 12
Balances due foreign countries	75,000 00	75,000 00	75,000 00	1,894 04
Expenses of delegates to postal union congress	.....	.....	4,500 00	.....
Total	56,099,169 50	52,253,200 00	49,090,400 00	46,402,956 43

Estimated amount of revenues for 1886 ..... $51,272,820 24

ITEMS INCREASED.	
Salaries of postmasters	$1,300,000
Clerks in post-offices	200,000
Letter-carriers	50,000
Wrapping-paper	5,000
Twine	15,000
Rent, light, and fuel	10,000
Railroad transportation	2,515,000
Star-route service	100,000
Postal clerks	182,300
Mail bags and catchers	25,000
Postage-stamps	28,000
Stamped envelopes	105,000
Postal cards	7,000
Ship, steamboat, and way letters	500
Foreign mails	545,000
Total	5,092,300

ITEMS DECREASED.	
Marking, rating, and canceling stamps	5,000
Letter balances, &c	5,000
Office furniture	20,000
Steamboat transportation	10,000
Postal-car service	1,625,000
Special facilities	250,000
Mail locks and keys	5,000
Delegates to postal-union convention	4,500
Total	1,929,500

New legislation is contained in the bill as follows. On page 3, lines 43 to 53:

"That hereafter the Postmaster-General may lease premises for use for post-offices of the first and second classes at a reasonable annual rental, to be paid quarterly; but no lease shall be made for a term exceeding five years; and whenever any building or part of a building under lease becomes unfit for use as a post-office no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building."

* * * * * * *

On pages 4 to 7, lines 67 to 153:

"That the Postmaster-General is authorized and directed to readjust the compensation to be paid for the transportation of the mails on railroad routes upon the condition and at the rates hereinafter mentioned, and which shall take effect July 1, 1885:

"'First. That the mails shall be carried upon any train at the request of the Postmaster-General; and railroad companies shall provide necessary depot-rooms, with heat and light for the same, shall receive the mails from and deliver the mails to the Post-Office Department at depots, shall put the mails into and out of the cars, shall transfer the mails between trains at depots, and shall transport the Superintendent and assistant superintendents of the railway mail service and post-office inspectors upon the exhibition of their credentials, and railway postal clerks over the lines upon which they may be assigned to duty.

"'Second. That the compensation for carrying closed mails in baggage cars and for railway post-office service, the minimum car width in every case being hereby fixed at eight feet and six inches (inside measurement), or its equivalent in floor-space, shall not exceed the following rates, namely: For closed mails, 5 mills per linear foot of space (inside measurement) per mile run; and for two hundred pounds of mail or less the equivalent of six linear inches shall be required, for five hundred pounds one foot, and for each additional five hundred pounds one foot. For railway post-office service, at a rate of speed of twenty or less miles per hour from terminus to terminus, five mills per linear foot of space (inside measurement) per mile run; and for each additional two miles per hour to and including thirty miles per hour one-tenth of a mill, and for each additional mile per hour one-tenth of a mill. And the adjustment of space by linear feet for railway post-office service shall be as follows: For a daily average of from twenty-five to five hundred pounds of mail, not to exceed thirteen feet; from five hundred to 1,000 pounds, not to exceed fifteen feet; from 1,000 to 2,000 pounds, not to exceed twenty-five feet; from 2,000 to 4,000 pounds, not to exceed forty feet; from 4,000 to 5,000 pounds, not to exceed forty-five feet; for 6,000 pounds, fifty feet; 8,000 pounds, sixty feet; the weight to be ascertained by a weighing of not less than twenty-eight consecutive days; and in all railway post-offices the load shall not exceed double the greatest weight for the respective lengths as herein provided; and for any gross weight, if carried on two or more trains daily, the space may be subdivided upon the basis of amounts of space for lower weights as the nature of the service may require; and no additional space shall be required or paid for unless found to be necessary: *Provided*, That the pay for the transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum; and at any post-office contiguous to a railroad route, and where trains do not make regular stops, the Postmaster-General may require that the mails shall be exchanged directly with the railway post-office at the nearest available point upon the track; and in the case of all special mail trains no more time shall be consumed at terminal points in transferring mails between different lines of railroads at such terminal points than is absolutely necessary for such purpose, and there shall be no delay in departure of any special mail train after receiving the mail from the connecting line than is absolutely necessary; and at post-offices located not more than one-fourth of a mile from railroad stations, railroad companies shall also provide for carrying the mails as often as may be necessary between such post-offices and railroad stations; but the Postmaster-General may provide mail-messenger or contract service at terminals: *Provided further*, That railroad companies whose railroads were constructed in whole or in part by land grants made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, and the railroad companies incorporated under the provisions of an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862, shall hereafter receive for the transportation of the mails over their respective railroads only 80 per cent. of the compensation authorized by this act; and the said act approved July 1, 1862, and all acts amendatory thereof, are hereby amended to conform to the foregoing provisions; but the right of the United States to further amend said act, or any act amendatory thereof, is expressly reserved. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.'"

* * * * * * *

On page 7, lines 156 to 162:

"The Postmaster-General is authorized to contract for inland and foreign steamboat mail service, when it can be combined in one route, where the foreign office or offices are not more than two hundred miles distant from the domestic office, on the same terms and conditions as inland steamboat service, and pay for the same out of the appropriation for inland steamboat service."

On page 8, lines 181 to 202:

"That upon all matter of the first class, as defined by chapter 180 of the laws of Congress, approved March 3, 1879, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,' and by that act declared subject to postage at the rate of 3 cents for each half-ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and upon all matter of the second class, as defined by said act and by that act declared subject to postage at the rate of 2 cents for each pound or fraction thereof, shall be charged, on and after the 1st day of July, 1885, except as provided in section 25 of said act, approved March 3, 1879, 1 cent for each pound or fraction thereof; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885."

* * * * * * *

On pages 10 and 11, lines 224 to 252, in lieu of the usual paragraph providing for the transportation of foreign mails, there is inserted the following:

"For transportation of mails on foreign steampships and for foreign administration for intermediary, territorial, and sea transit of foreign mails, $370,000.

"For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not

exceeding $600,000 of the net revenues of the Post-Office Department of the United States on mail matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General, only after legal advertisement with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips: *Provided further*, That the general laws regulating the transportation of inland mails shall be applicable to such contracts except as herein provided: *And provided further*, That vessels engaged in this service shall be of American registry, and shall in time of war be liable to charter or purchase by the United States at reasonable rates, and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885."

* * * * * * *

On pages 12 and 13, sections 3 to 6:

"SEC. 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

"SEC. 4. That such specially stamped letters shall be delivered from 7 o'clock ante meridian up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act.

"SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

"SEC. 6. That to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by section 3 of this act shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 80 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed $30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department."

Mr. Chairman, I am convinced if this bill be adopted in its present form it will carry every dollar that is needed for the public service—every dollar that will be required to conduct the postal service efficiently and up to the full requirement of wants of the people.

There may be a difference of opinion by gentlemen as to how much may be needed under specific items in this bill as to whether in some instances we have allowed enough or not, but my investigations have convinced me that every dollar properly needed for the postal service is provided in this bill. But aside, Mr. Chairman, from the fact that this bill carries the large amount I have indicated, much of the importance of this bill is due to the changes it provides in our postal laws.

The committee would have much preferred, as I have already stated, that such legislation should have been left to separate and independent measures, but the glut of important business before this House renders it necessary that these provisions should be placed in this bill, or they will undoubtedly fail of enactment during this Congress. The committee, regarding most of these provisions as being essential to an economical and proper administration of this service, have therefore authorized them to be incorporated into this bill.

The greatest change in the law which this bill seeks to accomplish is that of the method of compensation for the railway mail service. This is the most difficult problem which ever perplexed the officials in the Post-Office Department. It has puzzled the Department for over forty years. The present and former laws on this subject have been found crude, incongruous, and in many instances extravagant, glaringly unjust to the Government, while in some instances injustice has resulted to the railroad companies.

Congress for the first time recognized the railways as carriers of the mails in 1838, when it enacted a law authorizing the Postmaster-General to cause the mails to be transported by railroads, provided he should not be required to pay more than 25 per cent. over what was being paid to the stage coaches. This was the earliest recognition of the element of speed in fixing the compensation for carrying the mails, it being then determined that higher pay at the rate of 25 per cent. should be allowed for the more expeditious mode of transporting the mails than by the slow coach.

I shall not now detain the House with a discussion of former laws, as I shall present a document which will furnish a full and clear history of the nature and operations of the former as well as the present and proposed law. It is a report that was prepared by a commission appointed in pursuance of the act of March 3, 1883. This document deals with the whole subject ably and exhaustively. It furnishes evidence of patient, laborious, and thoughtful work, and should be read and studied by every member of Congress.

A study of the former and of the present law shows that the compensation for conveying the mails on the railways is dependent largely upon the discretion of the Postmaster-General. Under the exercise of that discretion gross injustice both to the Government and the roads has resulted. In some instances the compensation is much larger than it should have been, while in others it has been too low. No doubt much of this has been due to mistake, but often to pressure from individual railroad companies, and perhaps in some instances to favoritism. The act of March 3, 1873, now in force, brought about much improvement by prescribing even rates of pay for a like daily average weight of mail carried, but it is defective in essential particulars. It leaves unwise discretion to the Postmaster-General, which is subject to abuse and mistake, and is not thought to be much in advance of the previous law.

The law at present makes the following provision for compensation to railroads for carrying the mails:

Average weight of mail whole distance per day.	Pay per annum per mile of route's length.	Pay, less deduction of 14.50 per cent.
1 to 200 pounds daily	$50 00	$42 75
200 to 500 pounds daily	75 00	64 13
500 to 1,000 pounds daily	100 00	85 50
1,000 to 1,500 pounds daily	125 00	106 88
1,500 to 2,000 pounds daily	150 00	128 25
2,000 to 3,500 pounds daily	175 00	149 63
3,500 to 5,000 pounds daily	200 00	171 00

COMPENSATION FOR RAILWAY POSTAL CARS.

Railway post-office cars, 40 feet, per daily line	$25
Railway post-office cars, 45 feet, per daily line	30
Railway post-office cars, 50 feet, per daily line	40
Railway post-office cars, 55 to 60 feet, per daily line	50

From this it will be seen that under the present law the only element considered in fixing railway-mail pay is weight, with an additional allowance where a large daily average of mail requires it for rent of postal cars.

The commission to which I have referred in their report set forth the practical objections to the present law as follows:

First. The great volume of postal transportation is performed in cars or apartments and accompanied by clerks. Under the law there is no discrimination between service so rendered and closed mails carried in bulk in baggage cars. It is therefore to the interest of the railroad companies to provide the least possible space accommodation for the mails.

Second. The matter of frequency is covered by the indefinite expression "due frequency." Practically there is no discrimination, where the same weight of mail is carried, between cars or apartments, with clerks, run six, seven, twelve, or fourteen round trips per week, the less frequent securing the same rate as the most frequent.

Third. The matter of speed is disposed of in the expression "due frequency and speed." Under this law the speed with which the mails are carried, though a feature of great value to the public, has no effect on the rate of pay.

Fourth. The size of cars or apartments to be used is provided for by the following phrase:

"Sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route-agents to accompany and distribute the mails."

All of this is insufficient and too indefinite to be continued as the expression of the requirements of the Post-Office Department with regard to the 115,000 miles of postal service.

Fifth. Specific allowance for railway post-offices is an entirely unreasonable method of compensating for the service required. There is no reason known why fifteen, twenty-five, or thirty feet of interior car space used for mails and clerks should not be made the occasion of specific allowance if forty, fifty, and sixty feet cars, used in precisely the same manner, are so treated.

* * * * * * *

Seventh. The present method is further defective because of the great inequality existing in many cases between the weights carried and the apartments provided.

An analysis of the tables accompanying the report of the Postmaster-General, showing the daily weights on all the roads in the United States, with the size of the apartment corresponding, will reveal such incongruities as the following:

On one road a daily weight of two hundred pounds of mail is carried in an apartment seven feet long; on another road the same weight is carried in an apartment thirteen feet long. On one road four hundred pounds of mail daily are carried in an apartment eight feet long, while another road carries the same weight of mail in an apartment sixteen feet long. On one road seven hundred pounds of mail are carried in an apartment nine feet long, while on another road the same daily average weight of mail is carried in an apartment forty-two feet long. Either in the one case the space provided is too small, or in the other case it is too large. In any case a system which would equalize the amount of space as related to weight would manifestly be an improvement upon the present methods.

These objectionable features the committee hope to avoid in the scheme proposed and herewith submitted.

The magnitude to which the vast appropriations for the railway mail service has grown and its rapid increase should arrest the attention of every Representative here, the largest single item of expenditure being for the transportation of the mails on railroads.

The report to which I have referred shows that—

In the year 1842 there were but 3,000 miles of railroad service, at an annual

cost of about $400,000. In 1853 there were about 12,000 miles of railroad service, costing $1,600,000. The year 1883 shows a railway postal service 110,000 miles in length, at a cost of about $13,800,000, the increase in 1883 being equal to the entire postal service by railroad in 1853.

Each decade has doubled the railway service from its establishment, and if the present rate of increase should be maintained, and the present methods of pay continued, the year 1900 would show a service by rail of at least 200,000 miles, at an annual cost of not far from $25,000,000.

It exceeds the total annual revenues of the Federal Government under the administration of John Quincy Adams.

Now what is desired is to establish a basis of competition which will secure efficiency at such a rate of pay as will be just to the railroads and the Government.

The commission report that a rate of pay which will, in general, yield the railroad companies carrying the mail a return per car per mile run not differing materially in amount from the returns now received by these corporations for running their passenger trains can not be other than just and reasonable. I think such a rate too liberal, because the accommodations, expense, and liabilities of the mail cars are far less than the passenger, and approximate nearer that of express. The commission says a careful analysis of the returns of all the railroads in the United States shows that the average receipts from passenger trains running at the ordinary rate of twenty miles per hour between terminals is about 5 mills for each linear foot of car space per mile run, or 26 cents per mile of a car fifty feet in length. It also recommends that for railway post-office service only this rate be increased one-tenth of a mill for each two miles increase of speed per hour from twenty to thirty miles, and one-tenth of a mill more for each mile per hour in excess of thirty miles.

The only objections which have been found to exist in this scheme are that the rates agreed upon by the commission would result in giving too much to the largest roads and not enough to the smaller lines. To obviate this the committee has recommended that the rates be reduced to 4 mills per linear foot per mile, and that the rate for speed above thirty miles per hour be made uniform with that allowed for rates of speed between twenty and thirty miles per hour; or, in other words, one-tenth of 1 mill for each additional two miles of speed per hour above thirty as well as between twenty and thirty miles per hour, and in order to provide ample compensation to the smaller roads we have provided that the minimum compensation to any road shall not be less thon $40 per mile.

In looking over the table of rates of compensation per mile of railroads of the United States, I find that not more than some half dozen of them receive a compensation lower than $42.75 per mile per ton. We have made the minimum limit $40 per mile. We think that sum will sufficiently protect the smaller roads, and give them ample remuneration. The provision in this bill providing increased compensation for increased speed above twenty miles per hour supersedes the necessity for any specific allowance for special fast-mail facilities, as you will discover by examining the tables which the officials of the Post-Office Department have furnished to me, and which will be appended to my remarks, with directions for making proper computations under the terms of this bill.

This new scheme will secure efficiency in the service and present a uniform and systematic plan of compensation, which will be just and equitable to the railroads, and will at least result in an annual saving to the Government of over $1,500,000.

The late Second Assistant Postmaster-General Lyman, in a letter to the Committee on the Post-Office and Post-Roads, said:

Having participated in the preparation of the scheme embodied in the recommendations of the committee, I can speak with some degree of positiveness concerning it, and have to say that the rate of pay adopted as the initial basis of compensation, *i. e.*, 25 cents per mile run for cars fifty feet in length, is, in my opinion, not only a fair proposition, but is also the only just and practicable basis of payment for the peculiar service required by the Post-Office Department.

Under the plan proposed, compensation would be made according to the amount and character of the service rendered in each case; and the result would be to decrease the cost of transportation by railroad per annum $1,687,980.

The change which we make of rates recommended by the committee will result in a much larger saving. As I have said, the allowance for speed renders specific appropriations for special fast-mail facilities unnecessary, and therefore we have omitted such from this bill.

This undeniably presents a principle which will be just, uniform, efficient, and economical. The only question to be solved is to establish proper rates. The recommendations of the commission in its report are:

The committee would, in conclusion, respectfully recommend as follows:

(1.) That the compensation to the railroads for carrying the mails shall be determined upon the basis of the space used and the frequency and speed with which the mails are conveyed.

(2.) That the space factor shall be determined by the Postmaster-General, in view of the needs of the service, modified by the weight and frequency of the mails; that the speed factor shall be determined by the schedules of the various railroads, in connection with the official reports of the railway mail service.

(3.) That the pay for all mail transportation shall hereafter be at a fixed rate per linear foot of car per mile run. This rate to cover the entire cost of the service, furniture and fixtures in the car, transportation of postal clerks, &c.

(4.) That the Postmaster-General may at any time order an increase or a reduction in the amount of space to be paid for, if, after a weighing, it be found that there has been a sufficient increase or diminution in the amount of mails transported on any railroad to require the same.

(5.) The closed or pouch mails, now carried in express or baggage car, without postal clerks accompanying them, requiring no space for distribution *en route*, shall be paid for on the following basis, viz: the aggregate weight of the closed or pouch mails carried on any road on all trains for twenty-four hours shall be made the basis of pay, and this aggregate weight reduced to an equivalent in linear feet of car space in the following proportions:

Two hundred pounds of mail or less shall be rated as the equivalent of six linear inches to be paid for at the rate of 5 mills per linear foot per mile run.

Five hundred pounds of mail shall be rated as one linear foot, and for each additional five hundred pounds one linear foot of car space shall be allowed, with the proviso that the pay for transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum.

(7.) That the pay for railway post-offices, at a speed of twenty or less miles per hour between termini, be 5 mills per linear foot, inside measurement, of car space per mile run, and for each increase of speed amounting to two miles per hour up to and including thirty miles per hour one-tenth of a mill; *i. e.*, twenty-two miles per hour, 5.1 mills; twenty-four miles per hour, 5.2 mills; twenty-six miles per hour, 5.3 mills; twenty-eight miles per hour, 5.4 mills; thirty miles per hour, 5.5; and for each additional mile per hour, one-tenth of a mill.

And it is further recommended that in the adjustment of space by linear feet for railway post-offices a daily average of 500 pounds of mail or less shall be entitled to pay for space not to exceed thirteen feet. From 500 to 1,000 pounds, space not to exceed fifteen feet. From 1,000 to 2,000 pounds, space not to exceed twenty-five feet. From 2,000 to 4,000 pounds, space not to exceed forty feet. And we recommend that no change in the allotment of space shall be made until the average weight reaches 6,000 pounds. For 6,000 pounds, fifty feet; for 8,000 pounds, sixty feet—the weight to be ascertained by a weighing of not less than thirty consecutive days; and no additional space shall be paid for unless it is found to be necessary.

In all railway post-offices the load should not exceed double the greatest weight specified for the respective lengths, and for any gross weight carried on two or more trains daily the space may be subdivided upon the gradients of space for lower weights, as the nature of the service may require; with the further provision that the Postmaster-General may increase the compensation upon any railroad route not to exceed 50 per cent. per annum for special mail trains performing service upon schedules fixed by him. In all these estimates the minimum car width should be fixed at eight feet six inches, inside measurement.

In order that gentlemen may make proper investigation of the cost of the service under the proposed law and be enabled to readily make computations with the data furnished in the reports accompanying that of the Postmaster-General, I will now call their attention to a rule for computation and tables of comparison of the cost of the service under the present and proposed law at the rates of 4 mills per mile run and 5 mills per mile run and rates of speed as therein specified:

Cost of carrying the mail on railroads on basis of 4 mills per mile run at twenty miles or less per hour, with an allowance of one-tenth of a mill for every two miles per hour additional speed, compared with cost under present law.

Daily average weight of mail carried whole distance (both ways).	Present pay per mile per annum.			Linear feet of car space.	Cost per mile per annum, at various rates of speed, for six round trips per week.										
	For weight.	For postal cars when allowed per daily line.	Total.		20 miles or less per hour.	22 miles per hour.	24 miles per hour.	26 miles per hour.	28 miles per hour.	30 miles per hour.	32 miles per hour.	34 miles per hour.	36 miles per hour.	38 miles per hour.	40 miles per hour.
					4 mills.	4.1 mills.	4.2 mills.	4.3 mills.	4.4 mills.	4.5 mills.	4.6 mills.	4.7 mills.	4.8 mills.	4.9 mills.	5 mills.
200 pounds	$42 75		$42 75												
500 pounds	64 13		64 13	13	$32 55	$33 36	$34 17	$34 99	$35 80	$36 62	$37 43	$38 24	$39 06	$39 87	$40 69
1,000 pounds	85 50		85 50	15	37 56	38 49	39 43	40 37	41 31	42 25	43 19	44 13	45 07	46 01	46 95
2,000 pounds	128 25		128 25	25	62 60	64 16	65 73	67 29	68 86	70 42	71 99	73 55	75 12	76 68	78 25
3,500 pounds	149 63	$25 00	174 63	40	100 16	102 66	105 16	107 67	110 17	112 68	115 18	117 68	120 19	122 69	125 20
5,000 pounds	171 00	30 00	201 00	45	112 68	115 49	118 31	121 13	123 94	126 76	129 58	132 39	135 21	138 03	140 85
6,000 pounds	181 69	40 00	221 69	50	125 20	128 33	131 46	134 59	137 72	140 85	143 98	147 11	150 24	153 37	156 50
8,000 pounds	203 06	50 00	253 06	60	150 24	153 99	157 75	161 50	165 26	169 02	172 77	176 53	180 28	184 04	187 80

Cost of carrying mail on railroads at rates fixed by bill H. R. 8138.

Daily average weight of mail carried whole distance (both ways).	Present pay per mile of route per annum.			Linear feet of car space.	Cost per mile per annum, at various rates of speed, six rounds trips per week.										
	For weight.	For postal cars when allowed per daily line.	Total.		20 miles or less per hour.	22 miles per hour.	24 miles per hour.	26 miles per hour.	28 miles per hour.	30 miles per hour.	32 miles per hour.	34 miles per hour.	36 miles per hour.	38 miles per hour.	40 miles per hour.
					5 mills.	5.1 mills.	5.2 mills.	5.3 mills.	5.4 mills.	5.5 mills.	5.7 mills.	5.9 mills.	6.1 mills.	6.3 mills.	6.5 mills.
200 pounds	$42 75	.....	$42 75	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
500 pounds	64 13	.....	64 13	13	$40 69	$41 50	$42 31	$43 13	$43 94	$44 75	$46 38	$48 01	$49 64	$51 26	$52 89
1,000 pounds	85 50	.....	85 50	15	46 95	47 88	48 82	49 76	50 70	51 64	53 52	55 40	57 27	59 15	61 03
1,500 pounds	106 88	.....	106 88	25	78 25	79 81	81 38	82 94	84 51	86 07	89 20	92 33	95 46	98 59	101 72
2,000 pounds	128 25	.....	128 25	25	78 25	79 81	81 38	82 94	84 51	86 07	89 20	92 33	95 46	98 59	101 72
3,500 pounds	149 63	$25 00	174 63	40	125 20	127 70	130 20	132 71	135 21	137 72	142 72	147 73	152 74	157 75	162 76
5,000 pounds	171 00	30 00	201 00	45	140 85	143 66	146 48	149 30	152 11	154 93	160 56	166 20	171 83	177 47	183 10
6,000 pounds	181 69	40 00	221 69	50	156 50	159 63	162 76	165 89	169 02	172 15	178 41	184 67	190 93	197 19	203 45
8,000 pounds	203 06	50 00	253 06	60	187 80	191 55	195 31	199 06	202 82	206 58	214 09	221 60	229 11	236 62	244 14

To ascertain the cost per linear foot per mile per annum, the rate per linear foot per mile run being given, multiply the rate per linear foot per mile run by 2 (which product is the rate for one mile and back), multiply that product by 313 (the number of round trips in a year), and the product will be the cost per linear foot per mile per annum for six times a week service at twenty miles per hour speed.

To ascertain the cost per mile per annum of any given road, multiply the cost per linear foot per mile per annum by the number of linear feet of space furnished.

Now, Mr. Chairman, I shall not occupy further time in describing the new plan that has been suggested. It is not a new thought. It is a subject that was introduced in the Forty-fourth Congress—a proposition somewhat like this, though materially different in important details. It, however, would have resulted in larger expenditure and lacked the degree of order and system of the proposed plan. It was then discussed, but was rejected.

The necessity for a change in the present law induced Congress to pass the act of March 3, 1883, appointing a commission of experts to devise a plan which would cure the defects of the present law.

That commission consisted of D. A. Elmer, the late Second Assistant Postmaster-General; W. B. Thompson, the late Superintendent of the Railway Mail Service, and now Second Assistant Postmaster-General, and Mr. Isaac C. Slater, all of them gentlemen of large experience and well qualified for this service. That committee had at their command a large force of very capable and experienced clerks. They entered into a correspondence with others who had experience and most knowledge on the subject. They sought and obtained a vast amount of statistics and information from railroad officials, and after they had gathered information and statistics from every quarter where it was obtainable they labored upon the problem for some eight months and formulated this proposition which we have incorporated in this bill. Those gentlemen then declared and still declare that if this scheme is adopted in the shape they recommend it will result in an annual saving to the Government of over a million and a half of dollars.

The proposition comes to us recommended by that commission of experts, and recommended by every officer of the Post-Office Department, from the Postmaster-General down to the lowest who has anything to do with this branch of the postal service. It has been studied and recommended by the Committee on Post-Offices and Post-Roads of the Senate and House. In the last session, when preparing the postal bill of that session, I was called on to investigate this scheme with a view to recommending it to the Committee on Appropriations. But I did not have time to ascertain what would be its effects; and fearing it might result in an increase rather than a diminution of the cost of the postal service I declined to recommend it. Since then I have had better opportunity to study it, and I feel now convinced it will be well for the Government and the facility of the service that it should be adopted. It is true that we can not fully determine what may be its exact results. It is probable that by experience we may discover defects in it. But we can never find out the defects or value of any scheme for this purpose until we test it by experience. Therefore I have concluded it is the best policy that it should during the next year be put in operation, and as we hereafter may discover defects they can be remedied.

How much further time have I?

The CHAIRMAN. The gentleman has occupied thirty minutes.

Mr. TOWNSHEND. I wish now to speak of some other features of the bill.

Another feature, Mr. Chairman, that we have introduced into this bill changing the present law is an increase in the period for which the Postmaster-General is permitted to lease buildings for the use of post-offices of the first and second classes. Under the present law he is limited to a term of one year. It is believed by all who have considered the question that it will be in the interest of economy and greatly to the interest of the Government to allow the Postmaster-General to extend the terms of the lease. And therefore we have authorized him under the provisions of this bill to make contracts for leases extending to five years, believing he can thereby obtain better terms for the Government.

Another feature of the bill to which I wish to call attention is in pursuance of a recommendation of the Postmaster-General, and that is to increase the weight of letter mail to one ounce for 2 cents postage. Under the present law, as is well understood, the weight of a letter carried by a stamp of 2 cents is limited to one half-ounce. It is believed by those connected with the Post-Office Department who have studied the question that this will probably not result in any material loss of revenue. On the contrary, they believe that circulars and other matter now carried open will be put under seal, thereby swelling our receipts. The change will undoubtedly result in great convenience to the people.

Another new feature in this bill is a provision which reduces the cost of carrying newspapers in the mail. Under the present law it is required that newspapers sent from the offices of publication shall pay 2 cents per pound. Several years ago I looked into this question, and came to the conclusion that as we had reduced the cost of letter and other postage, it would be just and right that we should make reduction of the postage on newspapers and periodicals sent from the offices of publication. In the last Congress I introduced a proposition which put them on the same basis with the newspapers circulated in the county where issued; in other words, it proposed to allow them to go free through the mails outside as well as inside the county where published. It struck me that if it was right under the law then in existence that a newspaper should circulate free in the county where published, it certainly would not be unjust to allow it to circulate beyond the boundary line of the county. I further believed it was in the interest of public education and the dissemination of knowledge, and I therefore introduced a bill for the purpose of amending the law which confined the free circulation of newspapers to the county of publication.

The Committee on the Post-Office and Post-Roads have taken up the subject, and at the present session they reported a bill reducing the rate of postage on newspapers one-half the present rate, or to 1 cent a pound. The Committee on Appropriations have accepted their proposition and have ingrafted it upon this bill. This puts such newspapers upon the same basis with fourth-class matter or merchandise. It does seem to me that if playing-cards and dog-collars may be sent through the mails at that rate from New York to the mountaineers of Idaho, it is right to allow newspapers and periodicals to be transported at the same rate. I will say, before leaving that question, that I do not believe that any loss of revenue will result from the adoption of this provision, for the reason that now the great daily newspapers issued in the large cities are sent at short distances by express. If this provision shall become a law it will no doubt induce those establishments that send their papers by express to transmit them through the mails, so that the Government will gain largely by superseding the use of the express for the carriage of newspapers on short hauls.

Now, Mr. Chairman, there is another important provision in this bill to which I invite attention, the provision in relation to compensation for the foreign mail service. During the last session of this Congress a bill was passed repealing the compulsory law which required American steamers before they were permitted to obtain clearance to carry the mails. The rate of compensation allowed for that purpose by the present law is the amount collected for what is known as the "sea-going postage," 2 cents on each letter, &c. The compulsory law, passed in 1873, made it incumbent upon every American steamer before obtaining clearance to carry the mails for the compensation mentioned. It is true that the Postmaster-General is permitted to exercise his discretion in allowing to American steamers the inland postage in addition to the sea-going postage, but in no instance, if I am correctly informed, has that ever been allowed; so that, as a matter of fact, the compensation has been confined to the sea-going postage.

Complaint has been made by the companies that that compensation is insufficient; and it is feared that those companies may after April next, when the compulsory law expires, refuse to take the mails for such compensation. They insist that when the compulsory law was enacted in 1873 the rates of postage to the countries visited by American lines of steamers were much higher than at present, ranging in some instances as high as 30 to 40 cents per letter. The companies say that they were satisfied at that time with the rates of compensation thus received, because the ocean postage was sufficient to pay them for the service; but they insist that when the international postal union in 1878 reduced the rate of postage at 5 cents throughout and between nearly all the countries of the civilized world their compensation was greatly reduced, in some instances so much so as to make it a burden and loss to them rather than a benefit to carry the mails. I have occupied so much of my time on other features of this bill that I will be unable to enter into a full discussion of this question, but I see before me gentlemen who have studied it, who served upon the committee which prepared the bill of which this provision is substantially a copy and who procured the passage of the compulsory law at the last session, and who doubtless desire to be heard upon this question. I will leave this discussion to those more familiar with the subject than myself. The subcommittee which prepared this appropriation bill did not recommend this provision when they prepared it for the general committee; they concluded to leave this question for the determination of the House on the bill now on the Speaker's table, and known as the Hunt bill, of which this is a substantial copy, except that this bill reduces the limit of rate of compensation one-half. For that reason the subcommittee did not change the estimate of the Department for that service; but the general committee by amendment inserted this provision in this bill and recommend its adoption.

I will only say further on this subject in passing—as I have no time for details—that it is absolutely necessary that something shall be done to insure the carriage of our mails to the Southern and Pacific countries. If nothing is done in this respect before the adjournment of the present session a serious interruption of our commerce and communications with those countries may follow. The compulsory law which forced American steamers to carry the mails having been repealed, they could now refuse to take them, and as they furnish about the only steamers making regular trips to the ports of Mexico, Central and South America, West Indies, and trans-Pacific and Australasian countries, it can be seen that the interruption of our mail communication with those countries would be very serious. I merely desire to call the attention of the committee to this feature of the bill, leaving the discussion of it for other gentlemen more familiar with the question than I am.

Now as to another matter. A bill was introduced some time ago by the gentleman from New York [Mr. SKINNER] for the purpose of providing an additional 10-cent postage-stamp to be known as the "special mail-facility stamp." The object was to provide a force of messengers who, immediately upon the arrival at the office of destination of letters bearing such stamps, would deliver them to the parties to whom they should be addressed. In other words, the idea is, that at any time from 6 o'clock in the morning until 12 o'clock at night (if I remember the hours correctly), as soon as a letter bearing a stamp of this kind is received at the office of destination a messenger shall be at once dispatched to deliver it at the residence of the party to whom it is addressed. The bill provides that the amount necessary to be paid for messenger service shall not exceed the amount collected by means of the 10-cent special-facility stamp—which is, of course, in addition to the ordinary postage-stamp, and that the pay of the messengers shall not exceed $30 per month. But as the gentleman [Mr. SKINNER] is here himself, and will doubtless be heard upon the proposition, I shall not discuss it at this time, except to say that, having given it some examination, I can see no objection to it. I believe it will afford great convenience to the public, and, as it will cost the Government nothing, I see no reason why it should not be enacted in this bill.

Now, Mr. Chairman, as regards the amounts appropriated, I have said that it will be found that we have appropriated in this bill for each item estimated by the Department a sum large enough to promote the public convenience and to properly conduct this branch of the Government service. Some of the estimates in the office of the Second Assistant Postmaster-General have been reduced. There is no reduction whatever made in the estimates of the office of the Third Assistant Postmaster-General, and I desire to say that in reducing the estimates in the office of the Second Assistant Postmaster-General the committee intend no reflection on the officer who prepared those estimates, but there is simply a difference of opinion between that officer and the majority of the members of the Committee on Appropriations as to how much will be needed for that service. I believe the last retiring and the present Second Assistant Postmaster-General to be capable and upright officers, but I differ with them as to the amount required for portions of this service.

As I have said, in the office of the Third Assistant Postmaster-General we have made no reduction at all, but have accepted his estimates as to every item relating to that office. In the investigation I have made in regard to the estimates heretofore submitted by this officer I have found him exceedingly careful, very judicious, and economical in making his recommendations. Indeed, sir, since he has been in office the cost of the service under his charge has been greatly reduced; and as I wish to give credit where it is due, I will say I have no doubt this reduction has been largely due to the care and ability of this officer.

I find here a statement showing that the articles furnished to the Department in 1877 numbered 1,075,000,000 at a cost of $817,382; the articles furnished in 1884 were 2,205,000,000—more than double the number furnished in the former year; and the appropriation amounted to only $1,055,000. Thus it will be seen that the increase in the number of articles furnished was 1,130,000,000 and the increased cost $238,000, the increase in the number of articles furnished being more than 105 per cent. and the increase of cost only 29 per cent.

Mr. Chairman, I believe I am now through with the general discussion of the bill. How much time have I remaining?

The CHAIRMAN. Fifteen minutes.

Mr. TOWNSHEND. I wish to reserve us much of that as possible.

Mr. ANDERSON. I could not hear what the gentleman said as to legislation in the bill respecting the Pacific railroads. Do I understand that the bill makes a direct appropriation to those companies for carrying the mails?

Mr. TOWNSHEND. On the contrary, we have refused to make a direct appropriation. I continue the present method of compensation.

Mr. OATES. Will the gentleman explain why the provision authorizing the Postmaster-General to pay rents of post-offices should not be applied to third-class offices as well as those of the first and second classes?

Mr. TOWNSHEND. The committee did not consider that question. Any change in that respect would involve a change in the existing law, and a very large increase of expenditure. The subject was not brought before the committee, and therefore we did not take it into consideration, leaving the question to be considered by the House upon the bill reported by the Committee on the Post-Office and Post-Roads.

Mr. OATES. I understood the gentleman to state that the amount allowed by the committee to railroads for transportation of mails was $40 a mile. I see the figures in the bill are $35.

Mr. TOWNSHEND. That has been changed by the committee since the bill was printed.

Now, Mr. Chairman, unless it is understood that the general debate shall be limited to five hours, I move that the committee rise for the purpose of limiting debate; but I hope the committee will agree to the limit which has been named.

Mr. WILLIS. I object to five hours' debate.

Mr. TOWNSHEND. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair asks unanimous consent to submit at this time several executive communications.

There was no objection.

DETECTION OF REVENUE FRAUDS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a list of special customs agents employed to detect frauds in the customs revenue, showing changes made and reasons therefor; also referring to the duties of such agents and the authority for their appointment; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF UNITED STATES COURTS.

The SPEAKER *pro tempore* also laid before the House a letter from the Attorney-General, submitting a statement of amounts now available for expenses of the United States courts; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS IN KANSAS AND ILLINOIS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a communication from the Supervising Architect, asking an extension of the limit of cost of public buildings at Leavenworth, Kans., Peoria, Ill., and Quincy, Ill.; which was referred to the Committee on Appropriations, and ordered to be printed.

STATEMENTS FROM BUREAU OF STATISTICS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting, with an inclosure, a communication from the Chief of the Bureau of Statistics relative to printing certain statements discontinued under provision of act of July 7, 1884; which was referred to the Committee on Appropriations, and ordered to be printed.

BIDS FOR POSTAGE-STAMPS, ETC.

The SPEAKER *pro tempore* also laid before the House a letter from

the Postmaster-General, transmitting a communication from the Third Assistant Postmaster-General, with inclosures, recommending a provision in the Post-Office appropriation bill relative to the submitting of bids for stamps, stamped envelopes, and postal cards; which was referred to the Committee on Appropriations, and ordered to be printed.

HUNTINGTON HARBOR, LONG ISLAND, NEW YORK.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey of Huntington Harbor, Long Island, New York; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LOSSES OF PROPERTY BY ARMY OFFICERS, ETC.

On motion of Mr. ROSECRANS, by unanimous consent the bill (H. R. 5713) to provide for the settlement of claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States was taken from the Speaker's table, the amendment of the Senate non-concurred in, and a conference with the Senate requested.

The SPEAKER *pro tempore* announced the appointment of Mr. ROSECRANS, Mr. MURRAY, and Mr. CUTCHEON as conferees on the part of the House.

Mr. TOWNSHEND. I yield to the gentleman from Ohio [Mr. FOLLETT.]

APPROPRIATION BILL.

Mr. FOLLETT. I rise, Mr. Speaker, for the purpose of asking by unanimous consent the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, returned from the Senate with sundry amendments, be taken from the Speaker's table, and the bill and amendmenet ordered to be printed, and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

PENSION ATTORNEYS' FEES.

Mr. ROGERS, of Arkansas. I move by unanimous consent, Mr. Speaker, that the bill (S. 2511) relating to claim agents and attorneys in pension cases, returned from the Senate with amendments, be taken from the Speaker's table and referred to the Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

Mr. RANDALL. I suggest to the gentleman from Arkansas that he also include in his motion with leave to report it back at any time. It is a bill, I will say to the House, that cuts off the fee business.

Mr. ROGERS, of Arkansas. I ask, Mr. Speaker, that the committee shall have leave to report at any time.

There was no objection, and the motion as modified was agreed to.

LEAVE OF ABSENCE.

Mr. WELLER, by unanimous consent, was granted leave of absence indefinitely, on account of the dangerous illness of his mother.

DRAWBACKS ON IMPORTED MATERIAL.

Mr. GEORGE, by unanimous consent, had leave to print remarks in the RECORD as part of the debates on the bill (H. R. 7651) to amend section 3019 of the Revised Statutes, relating to drawback on duties on imported material when manufactured and exported.

ADIX ISRAEL HEBREW CONGREGATION.

Mr. COX, of New York, by unanimous consent, introduced a bill (H. R. 8181) for the relief of the Adix Israel Hebrew congregation; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

LIMITATION OF DEBATE.

Mr. TOWNSHEND. I move, Mr. Speaker, when the House resumes consideration of the Post-Office appropriation bill general debate thereupon shall be limited to five hours, including the time already consumed in discussion; and on that motion I demand the previous question.

Mr. WILLIS. I ask the gentleman to yield to me to let this House express its will on the amendment to limit the debate to one hour and a half additional to what has already been given.

Mr. RANDALL. The gentleman occupied a solid week on the river and harbor appropriation bill, and here is a bill involving $52,000,000.

Mr. WILLIS. It was not the will of our committee the House occupied the time, as we asked to reduce the time for general discussion. This committee asks to increase the time. We want to pass the river and harbor appropriation bill, and they seem to want to delay their bill.

Mr. TOWNSHEND. I object to this discussion, as I have demanded the previous question on the motion to close debate.

Mr. WILLIS. Then I give notice if the demand for the previous question is voted down I will submit the amendment which I have indicated.

The SPEAKER *pro tempore*. The Chair can only state the motions before the House.

The question recurred on the demand for the previous question.

The House divided; and there were—ayes 124, noes 41.

Mr. BLANCHARD demanded tellers.

Mr. WILLIS. The demand for tellers is withdrawn.

The SPEAKER *pro tempore*. Then the previous question is ordered.

Mr. TOWNSHEND moved to reconsider the vote by which the demand for the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND'S motion was then agreed to for the limitation of the debate on the Post-Office appropriation bill in the Committee of the Whole House on the state of the Union to five hours, including the time already expended.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the Post-Office appropriation bill.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

Mr. TOWNSHEND. Have I not twelve minutes of my time remaining?

The CHAIRMAN. The gentleman has still twelve minutes of his time left.

Mr. HORR. Mr. Chairman, this bill appropriates about fifty-two and a quarter million dollars on estimates made by the Department of $56,000,000 in round numbers. But in the $56,000,000 is included $1,100,000 of the Union Pacific and its branches, an item which is put in the estimates simply as a matter of book-keeping. So really the estimates of the Department are $55,000,000, and the bill attempts to meet the needs of that service with $52,250,000.

As the gentleman from Illinois [Mr. TOWNSHEND] has stated, this bill has incorporated into it a large amount of new legislation, some of it very important and very wise and some of it important and I think very unwise.

It attempts to change the present method of payment of the railroads of the United States for carrying the mails, and proposes to base their compensation upon a new and untried plan, and in doing it the gentleman from Illinois states to the House that in his opinion it will save at 5 mills per linear foot about $600,000, and at the proposed rate, for he intends to amend the bill by fixing it at 4 mills a linear foot instead of 5, it must save $1,500,000.

Mr. BLOUNT. Will the gentleman yield to me for a question?

Mr. HORR. Certainly.

Mr. BLOUNT. I wish to know if the effect of this plan, if there is any saving, will not be by decreasing the compensation of the small roads of the country.

Mr. HORR. I will come to that.

Mr. BLOUNT. And if it is not admitted that in the operations of the bill the great trunk lines will get increase of pay.

Mr. HORR. I will come to that if the gentleman from Georgia will wait a moment. Let me say, however, that I desire to have any one ask me any question as I proceed that may occur to him, because it is a mathematical problem that I am working at, and I hope to make it plain to this House, first, that this new plan instead of decreasing the compensation of the railroads will increase them on the 5-mills basis, and secondly that it is unjust in its distribution and in its application, and as the gentleman from Georgia just intimated by his question, it decreases the pay of the long poor roads and short poor roads that run only six trips per week and puts an excess of pay into the pockets of railroad companies which now get large amounts. I think I can prove this to the satisfaction of every member of this House. If it does that, no one will claim that we should change the plan. I wish to say frankly, however, that this bill came to the Committee on Appropriations with the unanimous indorsement and recommendation of the Committee on the Post-Office and Post-Roads of this House.

We ingrafted this provision into the bill with my assent also, because at that time I thought that it was going to be a great saving, taking as I did the estimates of men who had examined and prepared the bill. But, fearing that there might be some mistake about it, I tackled the plan as best I could, and now, after a large amount of careful study, I think I have been enabled to get at the bottom of this proposed change, and believe I am able to show to the House that this is the last thing in the world that should be incorporated into the bill providing for this service.

The first question arose as to how we can get at the fact whether this bill is a saving or not. If you will take the tables which the gentleman from Illinois has, and I do not know whether he intends to publish them or not——

Mr. TOWNSHEND. I do.

Mr. HORR. If you take those tables prepared by the parties who are in favor of this measure you will find that upon the face of those figures it looks as if there will be a big saving in the future. You will find mathematically it looks very much like a saving of money and a great improvement upon the present plan. But there are men here who remember—the gentleman from New York, Mr. COX, will recollect—that they brought in here a new system from the Census Bu-

reau for figuring out the apportionment in the last Congress which was perfect in its mathematical bearings, but when we came to examine it we found that the result was that it gave more members to States that ought not to have had them and took them away from States that ought to have had them. So the result is what we want to get at in this matter before we change the law affecting an appropriation of about $15,000,000. The real question is, what will be the outcome of this change? How much do the roads get now and how much will they get then?

So I directed my attention to this proposition: What effect will this bill have upon the different railroads of the country if adopted? And to do this I selected at random, I think, perhaps two hundred roads, and with the aid of my friend from Illinois [Mr. ROWELL] we worked out their present compensation and their compensation under this new plan. The result which we arrived at I desire now to give to the House to show what in our judgment will be the effect of this change. I do not propose to show the result in all the two hundred different cases, but in a few cases, selected I trust, so as to fairly illustrate the question here involved, and I hope to be able to show to the House where the difficulty in this bill lies, for it is a mathematical question, and is capable of a mathematical solution.

Take the Lake Shore road from Buffalo to Elyria, through Cleveland. That route runs from Buffalo to a town twenty-five miles west of Cleveland, called Elyria.

It is two hundred and eight miles long. It carries a large mail—89,031 pounds each day. Under the present rate the road from Buffalo to Cleveland gets $1,398.75 per mile. That is the amount it receives per year for each mile of its road measured between the terminal points, Cleveland and Buffalo.

Let me state right here—for some members of the House may not have given it any attention—we pay the roads now by weight per mile of track $200 for the first 5,000 pounds, and then $1 more per mile for every eighty pounds over the 5,000 pounds. Then, in addition to that, roads that furnish post-office cars get for a car forty feet long $25; for a car forty-five feet long, $30; for a car fifty feet long, $40; and for a car fifty-five long, $50; and for a car sixty feet long they get $55, if my memory serves me aright. Understand me; they get those sums for these post-office cars in addition to the amounts paid for weight just named.

Now, as I said, from Cleveland to Buffalo, one hundred and eighty-three miles, they get $1,398.75 a mile; from Cleveland to Elyria, twenty-five miles, they get $1,434.37 a mile. That is, that route now pays that railroad company $279,063.65 for the whole year. Now let us see how much they will receive under the new plan, allowing them 5 mills per linear foot for the car space now used. This bill, you will see, allows 5 mills per linear foot for each mile run, and all roads carrying less than 500 pounds of mail can not use more than thirteen linear feet in a car. It may carry that amount in a less space, in which case they would get less pay. But they can not go above it. For a daily average of 500 pounds to 1,000 pounds they get not to exceed fifteen feet; from 1,000 pounds to 2,000 pounds, not to exceed twenty-five feet; from 2,000 pounds to 4,000 pounds, not to exceed forty feet; from 4,000 pounds to 5,000, not to exceed forty-five feet; for 6,000 pounds, fifty feet; for 8,000 pounds, sixty feet.

Right here let me make this statement in addition. The above rates are for a speed of twenty miles an hour. For every two miles of speed per hour in addition this bill gives them an increase of one-tenth of a mill per linear foot. For twenty-eight miles per hour five mills and four-tenths of a mill would be the rate per linear foot. After it gets above thirty miles then one-tenth of a mill for every single mile is added. But the subcommittee, the gentleman from Illinois [Mr. TOWNSHEND] and the gentleman from Indiana [Mr. HOLMAN], propose to cut out the last increase, so that as they propose now to amend the bill it will only give one-tenth of a mill for every two miles from twenty up to forty miles an hour.

Now, then, let us get back to our illustration. Under this new plan, as the bill was reported by the committee and as it now stands, this Buffalo and Elyria route would get $301,529.35 for the entire year. That is a gain of $22,465.75 over the present pay. Under the new plan they will get $1,487.05 a mile from Buffalo to Cleveland and $1,683.11 per mile from Cleveland to Elyria. At 4 mills per linear foot, which is according to the proposed amendment, there will be a loss to this road of about $21,000 a year.

Take the road from Charleston to Savannah. This road is one hundred and fifteen miles long. It carries 7,194 pounds of mail per day. At present it gets $259.09 per mile. It gets a total during the year of $29,795.35. Under the new plan, at 5 mills, it would get a gain of $6,001.85. Under the rate of 4 mills instead of 5 per linear foot it would gain only $426; so that the 4-mill rate brings that road down to about the same that it is getting now.

Take the road from Atlanta to Chattanooga, a distance of one hundred and thirty-eight miles. That road carries a daily average of mail of 8,067 pounds. It has a speed of twenty-four miles per hour. Their present pay is $293.49 per mile. They get now a total of $30,549.56 per year. Under the new plan, at five mills and two-tenths of a mill for twenty-four miles speed, they would get $37,194.26; a gain of $6,644.70.

Mr. BLOUNT. I presume in that comparison the amount under the present law is not only for the weight but for postal-car service too?

Mr. HORR. It is the amount all together.

Mr. BLOUNT. All included.

Mr. HORR. It is the amount all together. In all these cases I give the total amount each road gets for weight and postal cars.

Mr. BLOUNT. I supposed you did.

Mr. HORR. If you should reduce it to four mills and two-tenths, that road would get $2,430 less than it gets now.

Again, take the road from Milwaukee to La Crosse. They have a daily average of 35,167 pounds of mail, and run a distance of one hundred and ninety-eight miles, at a speed of thirty-four miles per hour. Their present pay is $668.34 per mile. They get in a year $132,296.30. Under the new plan they would get $170,480.70, or a gain of $38,184.40. At the 4-mill rate they would still make a gain of $4,505.86.

Take the Michigan Central road from Detroit to Chicago. I give this large number of instances in order that you may see that the outcome is the same in substance, and so as to have cases enough to get at the principle. That road gets now $360.83 per mile for a distance of two hundred and eighty-five miles and runs thirty miles per hour. They get $102,836.55 a year. At 5.5 mills a linear foot they would get $120,013.50—a gain of $17,176.95 to that road. It would be a loss, if you reduce it to 4.5 mills, of $4,643.16. Understand me, this bill as now proposed by the committee would give this road that amount less than it receives under the present law.

Take the route from Elkhart to Chicago. That road carries on an average 63,780 pounds daily. The distance is one hundred and one miles; speed twenty-eight miles per hour. The pay now is $912.83 a mile. Under the new plan, at 5.4 mills, they would get $1,143.85 a mile, and the total would be $115,518.85 as against the present total of $92,185.83; a gain of $23,333.02 over the present plan. At 4.4 mills per foot this road would still gain $11,790.64.

The route from Columbus to Cincinnati would gain by the new plan $9,986.40 at the 5-mill rate, and at the 4-mill rate would lose $530.40.

Now take the road from New Orleans to Cairo; that is a long route—five hundred and fifty miles. It carries a daily average of 4,317 pounds and runs twenty-four miles per hour. At present that road gets a low rate, only $185.74 per mile. At the new rate, 5.2 mills, they will get just about what they get now; but if you reduce the rate to 4 mills instead of 5, then there will be a loss to that road of nearly $27,000 a year.

Mr. BLOUNT. Have you the figures for the Pennsylvania Central?

Mr. HORR. Yes, sir. I have just received them; but I have not had time to look them over.

Mr. ANDERSON. Will the gentleman [Mr. HORR] state whether he has got the figures for the Pacific railroads?

Mr. HORR. I am now coming to them. Take the road from San Francisco to Ogden, which is one of the Union Pacific system. The length of line is 834 miles; speed, 20 miles per hour; average weight of mail per day, 20,046 pounds. It now gets on 784 miles $381.74 a mile, and on 50 miles, a short route from San Francisco to some other city, it receives $406.74 a mile. The total amount is $319,621.16 per year. Now, mark; on this plan, at 5 mills, this road would get only $219 a mile on the 784 miles distance, and $438 per mile on the 50 miles. It would get only a total of $193.596 for the year as against $319,621.16 under the present law.

That is a total loss of $135,762.16. Then the bill comes in and undertakes, in spite of the charter of the Union Pacific Railroad Company, to cut that amount down, and say that it shall have only 80 per cent. of that sum, which will reduce the amount $38,719 more, making a total loss of $174,481.36, and if you should make the reduction to 4 mills, as is now proposed, then they would get only $123,901.44 where they now get $319,621.16, so that they would then get a large sum less than half the amount they get now. The route from Omaha to Ogden, a distance of 1,034 miles, carrying 29,665 pounds of mail daily, is in almost the same position. They get now for 374 miles $509.34 per mile, and for 660 miles $484.34 per mile; making, for the entire 1,034 miles, $477,091.56 per year. Under the new plan at 5 mills there would be a loss there of $53,638.54, and 20 per cent. more off would make the loss $138,329. At 4 mills they would get only $340,423.82 as against $477,091.56, a loss of $136,667.74, to which add the 20 per cent. reduction made by this bill on account of its being a land-grant road, and the loss would be $204,751.90 a year.

Mr. MONEY. Will the gentleman permit me to ask him a question?

Mr. HORR. Certainly.

Mr. MONEY. I have heard frequent mention in the gentleman's remarks of a reduction to 4 mills; is there any proposition of that sort here?

Mr. HORR. Mr. TOWNSHEND gave notice that the committee had agreed to recommend a reduction from 5 to 4 mills.

Mr. MONEY. It is not in the bill.

Mr. HORR. It is not in the bill yet; but it will be when the committee comes to amend it; that he will offer as an amendment proposed by the committee.

Mr. RYAN. What committee proposed that?

Mr. HORR. It was done by the subcommittee, but with the authority of the full committee. The full committee authorized the subcommittee to amend the bill as to this new plan as we might consider best.

Mr. RYAN. But there has been no ratification of that action?

Mr. HORR. No; there has been no ratification of it. My plan—there is no secret about it—was to strike this new plan all out. The other members of the subcommittee undertook to evade the increase of pay, the irregularities and discrepancies of the bill, by putting in "4" mills instead of "5," I suppose because they became convinced that the very roads which under the present plan get a good deal would get very much more under the new plan if the rate should remain at 5 mills.

Now, Mr. Chairman, I want to state this proposition, and I am sorry that the gentleman from Illinois [Mr. TOWNSHEND] is not now in his seat, but I observe that the gentleman from Indiana [Mr. HOLMAN] is. I affirm that under this new plan every road that runs only one trip a day, six or seven trips a week, no matter whether a long or a short route, I do not care where you find the road, nor what may be the amount of mail that it carries, it will be cut down by this bill. Most of the roads which run only one trip a day carry but a few pounds of mail. On the other hand, wherever you find a road that makes a large number of trips per week this bill increases its compensation, and gives every such road a good deal more than it gets now. If you will figure it out you will find that the result is invariably the same. The lowest that any of the roads (with the exception, perhaps, of half a dozen one-horse roads) get now is $42.75 per mile. The law gave at first $50 per mile to roads carrying from twenty-five to two hundred pounds per day. Afterward that was reduced 10 per cent. And then still later another reduction was made of 5 per cent. on what the railroads then received, which leaves a large number of routes paying only $42.75 per mile per year.

Some gentlemen are asking me for the New York Central and Pennsylvania Railroads. I am sorry I did not get these reports earlier, because I do not know that I can master them here in the limited time I have at command, but I see at a glance enough to justify me in making this statement—the roads running from New York city to Philadelphia, and the road from New York city to Buffalo, the New York Central.

I find that the new plan largely increases the compensation that those roads now get; but I can not give exact figures without more time to examine them; but you will find they are no exception to the rule laid down, and I will show you why in a moment—I will demonstrate that this plan increases the pay on account of the increased number of trips, while every railroad that only makes six or seven trips a week is slaughtered. Thus the bill strikes a blow at the Southern and Western roads, while it is a regular "bonanza" for the great Eastern lines. It is scriptural in the extreme, as it verifies the statement that "to him that hath shall be given and from him that hath not shall be taken away even that which he hath."

Mr. TILLMAN. Will the gentleman be kind enough to state whether the Treasury of the United States, as well as the weak roads, will have to respond to make up the "bonanza" for these larger roads?

Mr. HORR. In my judgment—I have to run counter to the experts who have figured on this matter, but I have made the best estimate I can—I think that this rate of 5 mills, instead of saving a million of dollars to the United States Treasury, will make the cost of railroad mail transportation a million and a half dollars greater than it now is; and every dollar which the Government thus loses will go into the treasury of the roads, which now receive large sums for carrying the mails.

Mr. TILLMAN. Besides robbing the poor roads.

Mr. HORR. Under this bill all the roads that now receive $60 per mile or less will be cut down to $35 per mile, or rather $40, as the other members of the subcommittee now propose to make it. It looked so terrible, when they came to think it over, that they have decided to change their figures in the bill; instead of striking out the plan altogether they propose to strike out $35 and insert $40. But the result will be that every road in the United States now getting not more than $60 a mile will be cut down to $40, except the roads running two trips a day, making twelve to fourteen trips a week; and these will be held up just about where they are now.

Now, what is the trouble with this new plan mathematically, practically? It is not a very abstruse proposition. If I had a blackboard I could make the matter plain in a few moments, but perhaps I can get along without that. This bill proposes to pay 5 mills, and when amended will pay 4 mills for every linear foot occupied in the car until you get up to the full car, and then the price is still the same, so much a linear foot for car run. This is the wording of the bill; it was intended to be the wording of the bill. Consequently the road gets this pay for every single mile run, and if it makes fourteen trips a week it gets twice as much pay as when it runs one trip a day, whereas under the present law the mail may go over the road twenty times in one day, and the company will not get anything extra, unless it carries more pounds of mail or takes more post-office cars, which are paid for at so much per year per mile of track.

Consequently, under this new plan all roads making a few trips will get small results, and a large number of trips give large results; and, therefore, roads that carry but little mail and go through sparsely populated portions of the country, where the passenger business does not warrant running more than a train a day or six trips a week, will be compelled to do the work for less than they do it now; and these very roads do it now, as I shall presently show, for a great deal less than it is worth.

At the same time this plan gives increased compensation to the rich roads, whose treasuries are already filled by their large outside work and this Government pay besides. These roads which use from one hundred and fifty to three hundred linear feet of space get the same price per foot as those using only twenty to thirty linear feet; in other words, it pays retail prices for wholesale work.

I do not claim that these roads get any more than they earn. This bill seems to be in the right direction. It takes into account space, weight, speed, and frequency, and these elements one would think ought to be taken into account; but the difficulty is that it overlooks this great fact—that where roads carry enormous quantities of mail and make an enormous number of trips, they can afford to receive less per linear foot per mile than roads that make but one trip each day and use but small space. Consequently this bill is in the interest of corporations that do not need help, while it sacrifices the poorer roads that can not afford to be cut down.

Mr. WARNER, of Ohio. I suppose when the gentleman speaks of "roads that do not need it," he means roads that can not afford to carry the mails at the compensation proposed.

Mr. HORR. Yes; roads which are now carrying the mails for less than the service is worth, but which are compelled to do the work because it accommodates their customers all along the line.

Mr. ANDERSON. I would like the gentleman to give his opinion about the aggregate under the 4-mill plan. He has said that the 5-mill plan would cost a million and a half dollars more than the present cost. What would be the aggregate under the 4-mill plan?

Mr. HORR. My impression is that the 4-mill plan would save the Government considerable money.

Mr. ANDERSON. A million or two?

Mr. HORR. Perhaps a million or one and a half millions. It would leave the roads which get large pay now with little change; but it would take all this saving out of the roads that the 5-mill plan reduces; in short, it will compel the roads that get small pay now to take still less, and will leave the great New York, Pennsylvania, and Eastern roads generally about where they now are. To be local in the statement, it will reduce the pay of the roads long and short in the sparsely populated West and South, and will increase or not affect the pay of the thickly settled Eastern and Middle States.

The question now arises as to whether this railroad service is too high. Are we paying an unreasonable amount for this work to-day? If we are, then it should be reduced; if we are not, then we should appropriate the necessary amount and stop there. I shall now attempt to show that this railroad service is not at the present time getting any such compensation as we have been led to believe. I ask members to give me their close attention, because I would like to disabuse the minds of the men here who think these roads are getting enormous prices for their work at this time. I have taken a good deal of trouble to ascertain and figure out just what several roads do get for carrying the mail as compared with their other work.

The mails are carried on passenger trains; fast trains. This is as it should be. People can not get their mails too soon. Let us examine a few routes and see what the compensation is. Take the route from Bowling Green, Ky., to Memphis, Tenn., two hundred and sixty-two miles; it carries 7,693 pounds of mail per day, receiving $199.22 per mile. This is the amount of pay the road would receive for carrying eleven passengers the same distance at 3 cents a mile. Understand me, eleven passengers running over that road the entire distance would pay just the same amount of money that this road now gets for carrying the mail. But they furnish space for the mail which would suffice for sixty passengers. They carry the weight of fifty-three passengers, and yet only get pay for eleven passengers.

Take the road from Portland to Wallula, in Oregon; they carry 6,596 pounds of mail. They get $187.25 per year per mile of track. That is, they get pay for carrying the mail, which is less than nine passengers would pay for the same distance. Understand me, nine passengers riding where the mail passenger now rides would bring more money than the railroad gets for carrying him all this 6,596 pounds of mail a mile. They furnish space for nineteen passengers. They carry the weight of forty-five passengers, and only get the pay for about nine. Is that extravagant pay?

Mr. WEAVER. How much would it be putting it on the basis of steers?

Mr. HORR. We could not do that; steers do not occupy the place of passengers—do not go thirty miles an hour. No man will claim that the mails should be carried at the rates paid for heavy freight on slow trains. Again, the road between Atlanta and Chattanooga gets $293.49 a mile. They get pay for less than fourteen passengers. That road furnishes space for the mail, which would carry one hundred and twenty

passengers, and carries the weight of sixty-one passengers, and only gets the pay for fourteen. The road from Springfield, Mo., to Memphis, Tenn.—two hundred and eighty-six miles long—that road runs seven trips a week, and it gets now $72.86 a mile. When I say seven trips, I mean over the road and back seven times a week. Four passengers over that road would bring more money than they now get for carrying the entire mail.

Mr. ROWELL. You mean four passengers per trip?

Mr. HORR. Certainly. At 3 cents a mile. I take it for granted it would be 3 cents a mile. There are no roads in the Southern States where they carry passengers for less than 3 cents a mile, are there?

Mr. AIKEN. None.

Mr. HORR. The roads do this mail work in the South for about the amount that would be paid for carrying three passengers, and they furnish the space for from ten to sixteen and carry the weight of from five to seven. Now take the large road from Buffalo to Cleveland. We will allow only 2 cents a mile there. Sixty-two passengers would pay for what they get for carrying the mails. They furnish a space that would accommodate over five hundred passengers, and they carry the weight of five hundred and thirty passengers and only get the pay for sixty-two passengers. You see the large roads figure that way because they carry an enormous amount of weight, this road averaging daily over 89,000 pounds, which figures up faster for them than for the small roads.

The road from Washington to Evansville carries only one hundred and twenty-six pounds of mail, for which it gets $42.75.

I wish you would look to this carefully, because this applies to the small roads all over the country. They get the pay now for just two passengers, that is, on nearly half the railroad routes where the mails run two passengers would bring the roads as much as they now get for carrying the mails. They carry a weight of from two to eight passengers over these small roads, and they furnish a space of from six to ten and sometimes as high as eighteen. But none of them get any more per mile than would be paid for carrying two passengers over the route. That is to say, these railroads furnish from six to thirteen linear feet of space; under this bill they can not go above thirteen. Some furnish as low as six. A linear foot is a space one foot long and the width of the car. These small roads furnish apartments of different dimensions. Six by twelve is a common room, but I reduce them all to the equivalent of linear feet, which is one foot by eight and one-half feet, or eight and one-half square feet—but it amounts to that when figured. Now, the roads to-day which get $42.75 only get the pay for carrying two passengers, and they carry one, the post-office messenger. So they furnish—now mark you—they furnish this space, run the car, heat it, light it, deliver the mails to the post-offices on the route and bring it from the post-offices back to the cars unless it is over a quarter of a mile distance, and for that whole work they can only get what they would get for carrying one passenger.

Mr. RYAN. Two passengers.

Mr. HORR. No; they carry one man, the post-office messenger. They get what one passenger would come to, and this bill steps in and takes out of that class of roads a million of dollars.

Mr. ANDERSON. Will the gentleman permit me to interrupt him?

Mr. HORR. Certainly.

Mr. ANDERSON. Have you made any comparison between freight and passengers?

Mr. HORR. I have not, nor would it be fair to do so. I have, however, compared it with rates received by railroad companies from express companies, and it is less than one-half what the express companies pay the railroad companies.

Mr. ANDERSON. Well, then, it ought to be divided by about four to get it down under the limits of grand larceny according to the rates in my part of the country. But the small roads get this rate for carrying this mail in the baggage-car.

Mr. HORR. Yes; the mails are carried in the baggage-car on the routes which carry but little, but the car is run on the passenger train and run at the same speed as passengers. I do not care how you figure it, if you will be accurate you can not help seeing that the small roads are inadequately paid.

Mr. BLOUNT. I would like to ask the gentleman a question in this connection.

Mr. HORR. Certainly.

Mr. BLOUNT. Is it not conceded that on the great trunk lines, the larger lines of road, there is an increase of pay by this provision?

Mr. HORR. Yes; it is so conceded by the commission who placed the rate at 5 mills per foot.

Mr. BLOUNT. Is there any dispute in the committee that on a few of the lines where the largest mail is carried there is a considerable increase?

Mr. HORR. There is no doubt about it whatever under the 5-mill rate, and under the 4-mill it is about even; some of them would get considerably more and some get less than now.

Mr. BLOUNT. But on the largest is it not true that there is an increase even under the 4-mill rate? I understand my friend to say that on the Pennsylvania Central, which is one of the largest in the country, there is an increase?

Mr. HORR. Yes, sir. And so there would be on the road from New York to Philadelphia, and also over the New York Central.

Mr. BLOUNT. Then if there is an increase on the larger lines there must be a decrease somewhere.

Mr. HORR. Undoubtedly. I have tried to state with mathematical exactness that this falls heavily on those roads that run but six or seven trips a week.

Mr. BLOUNT. I am agreeing with the gentleman, for it seems to me the conclusion is inevitable.

Mr. HORR. There is no doubt about it in the world. That is just what I am trying to demonstrate here; there is no other conclusion that can be reached.

Mr. TILLMAN. Will the gentleman yield to me for another question?

Mr. HORR. Certainly.

Mr. TILLMAN. At present the law provides for what is known as the fast-mail service of the East, West, and South. In our sparsely settled country in the South that fast mail saves at least one day in business. How will this bill affect that fast-mail service on our roads?

Mr. HORR. As the bill came to us from the Committee on Post-Offices and Post-Roads it provided for fast mails by permitting the Postmaster-General to add 50 per cent. to the regular rates for securing that service to which the gentleman alludes. That was a permission which could be extended over the entire United States in the discretion of the Department.

I opposed that provision, because I thought the latitude was too great, and suggested to our subcommittee that it would be better to strike out that clause and leave in the $250,000 which we appropriated for that purpose as being a much safer and more feasible plan. They agreed with me, and so we struck out the 50 per cent., but when we got to the $250,000 they struck that out also. [Laughter.] So that we have now nothing whatever in this bill for the fast-train service referred to by the gentleman from South Carolina.

Mr. TOWNSHEND. Does the gentleman from Michigan say that there is nothing to give an inducement for the fast-mail service to these railroads?

Mr. HORR. For what is called the daily fast-mail service, for which we gave $250,000 last year, there is not a shilling of provision made in this bill.

Mr. TOWNSHEND. But does not the gentleman admit that the provision which proposes an increase of one-tenth mill for each two miles additional speed over the ordinary rate of twenty miles per hour is an inducement to the roads to increase their speed?

Mr. HORR. The gentleman will bear me out in this, that that amounts to but a small part of what the roads get for carrying this fast mail. I will tell you what the exact amount is, and then I will show you why this bill does not cover this fast service which we were talking about at all.

Under the present law the road from New York to New Haven gets $17,647.06; the New York Central and Hudson River road gets $25,000 out of the $250,000. These are the only two roads in that section of the country that get anything. Then comes the Wilmington and Baltimore road, $20,000; Baltimore and Potomac road, $21,900; Quantico and Richmond, $17,419; Richmond to Petersburg, $14,197.50; Petersburg to Weldon, $11,680; Weldon to Wilmington, $29,565; Wilmington to Florence, $20,075; Florence to Charleston Junction, $17,337; Charleston Junction to Savannah, $19,062; Savannah to Jacksonville, Fla., $30,358; and the line put on last year from Baltimore to Hagerstown, $15,758.

Now, I wish my friend from Illinois to give me his attention, because he undertakes to make us think that this bill provides for this same fast service. True, this bill allows one-tenth of a mill for every two miles of speed run over the ordinary rate of twenty miles per hour, so that if a road runs forty miles an hour it would get 1 mill extra; that is, 5 mills instead of 4 per linear foot.

Mr. MONEY. Five mills for thirty miles, is it not?

Mr. HORR. No; it is five-tenths up to thirty, and 1 mill up to forty.

Mr. MONEY. Yes; one-half a cent up to thirty.

Mr. HORR. No; one half a mill up to thirty.

Now here is the difficulty: When you add that speed on these roads, all except these two Northern roads, and figure their pay, you will find at 4 mills they will still get less than they are getting now for carrying the ordinary mails. You will cut them down to this point; and still the gentleman says we are providing for this fast mail when these roads will not get as much for carrying it at forty miles an hour as they now get for carrying it at the ordinary rate of speed.

I hope the gentleman will explain then how this bill provides for special fast mails.

Mr. TOWNSHEND. I neglected a moment ago to call the gentleman's attention to another additional element which enables the roads under the new system to get larger compensation than under the old; and that is the element of frequency. The figures the gentleman from Michigan gave me the other day as to the Charleston and Savannah road, which is one of the longest in the southern line of special mail-facility roads, were that under the old law that road got $259.09 a mile, but

under the new law they would get $321.20; a gain of $62, without one single dollar of appropriation for special mail facilities.

Mr. HORR. Certainly; but you have cut that down one mill, and so cut out the very money you are talking about.

Mr. TOWNSHEND. I know that. But the additional appropriation is produced by two elements—speed and frequency—and that road, according to the gentleman's figures, gets $62.11 more than under the present law.

Mr. TILLMAN. I ask the gentleman from Illinois [Mr. TOWNSHEND] is not that estimate based on the assumption that the road makes two round trips a day?

Mr. TOWNSHEND. Yes, sir; that is what they do make under the present arrangement.

Mr. TILLMAN. That is in consequence of their being paid to run one fast mail train a day. If you stop what is known as the fast mail on the poor roads that do not make but seven round trips a week, I would like to know what inducement the railroad companies would have to make two trips.

Mr. HORR. I hope the gentleman will hurry.

Mr. TOWNSHEND. I will answer the gentleman from South Carolina, if I am permitted to do so. I have mentioned the inducement we give the roads—an additional compensation for every two miles of speed above the ordinary rate of twenty miles an hour. And then there is the frequency of carrying the postal cars over the line, which, as the gentleman from Michigan [Mr. HORR] figured it out, on the basis of 5 mills, will give the Charleston and Savannah road $62.11 per mile per annum over and above the present compensation.

Mr. HORR. Now, if the gentleman from Illinois will give his attention, I will show him where he fails mathematically. This road now gets $259.09 a mile. If you figure on the basis of 5 mills, then it will get $321.20. That is, they would have gained under that rule $6,001.85. They now get $19,000 for fast-mail service. But you have cut down the rate per foot to four mills and five-tenths of a mill for speed. So that at that rate, adding the speed, they will get only $262.80 per mile. And if the bill passes they get just about the same as they are getting now, and have not a shilling to carry the mails with on the fast trains, just as I stated in the start. It is a matter of arithmetic, and the gentleman from Illinois knows very well that when he struck out the 50 per cent. discretionary power given the Postmaster-General in the bill proposed by the commission he purposely failed to provide for this special fast-mail service.

Mr. TOWNSHEND. I want to say to the gentleman from Michigan his arithmetic is wrong. In the first place his figures are wrong. I made an investigation last night from the tables accompanying the report of the Superintendent of the railway mail service. He has estimated the amount of the present compensation per mile for that road considerably higher than what it is. The figures show it amounts to only $212.06 under the present law.

Mr. HORR. The gentleman is mistaken. I took my weights carried from the Postmaster-General's report, and my calculation is correct.

Mr. TOWNSHEND. I took mine also from the Postmaster-General's report; but you have made a mistake in your figures.

Mr. HORR. The book is right here, and I can show the gentleman that my calculation is correct.

Mr. TOWNSHEND. Allowing for postal-car service and present weight, it amounts to only $212.06. The gentleman from Michigan says on the basis of 5 mills a mile it amounts to $312.20 under the law; a difference of about $110 a mile.

Mr. HORR. Will not your bill, when amended, cut down the rate?

Mr. TOWNSHEND. Our bill will cut it down one-fifth, and with that cutting down they still get $100 a mile more.

Mr. HORR. I beg the gentleman's pardon. His results are not correct. I have been interrupted, Mr. Chairman, and I desired to be; but I trust the committee will allow me to complete my remarks. My time must be nearly exhausted.

My friend from Kansas [Mr. ANDERSON] seems very anxious to have me talk longer about the big roads which have frequent trips. By one of these rates they will gain a little. By the 5-mill plan they will gain a good deal. Of the Western roads through the gentleman's State, the Santa Fé road will lose largely by this bill. The Union Pacific lines will lose, as I have shown, several hundred thousand dollars if this bill becomes a law. It takes the money away—and that, I know, will please my friend from Kansas—from the Gould roads. But how would he like to have it put it into the pockets of the Vanderbilt system?

Mr. ANDERSON. I think the gentleman did not understand my question. He has given us some interesting statistics in regard to several roads, and stated he would give us the statistics in regard to the effect of these several propositions upon the leading trunk lines. Now I am very anxious or at least desirous to hear those statistics showing what effect this will have on the Vanderbilt system, the Gould system, the Chicago road—all those big fellows.

Mr. HORR. I have shown the facts already.

Mr. ANDERSON. What I want is the statistical statement as to those roads.

Mr. HORR. I am compelled to say to my friend from Kansas that the report of the New York Central has just reached me, and it is not in such shape that I can state exactly the results.

Mr. ANDERSON. All right.

Mr. HORR. But I do know philosophically, mathematically, that it will increase the compensation of that road enormously at the 5-mill rate and considerably at the 4-mill rate. It must do so on account of the great number of trips made over that line. I know that wherever a road makes only one trip a day, six trips a week, this plan will be ruinous to it.

Mr. ANDERSON. I want the figures. That is what I am after.

Mr. HORR. I have given enough figures to establish the principle. But, Mr. Chairman, there are some other features in this bill upon which I desire to make some comment. I am in favor of continuing the fast-mail service through that sparsely settled country in the South.

Mr. TILLMAN. If the gentleman will permit me a suggestion I will remind him that the poor roads through the sparsely settled portions of the country will be compelled to make two trips a day if they are to carry a fast mail, because their local business compels them to stop at every depot. With the pay heretofore given for fast-mail service they have been able to run a fast-mail train.

Mr. HORR. Certainly. I say that under this bill you will get no fast mail in that part of the country, and moreover it was not the intention that you should.

Mr. TILLMAN. That is my understanding of it.

Mr. HORR. There can not be any doubt about that.

Now, Mr. Chairman, in order that gentlemen may understand and appreciate the importance of this bill I wish to submit a few more figures. The whole number of railroad mail-routes in the United States is 1,634. The number of routes that receive less than $43, or $42.75, is 605. The number that receive less than $51 is 168. Therefore this bill reduces 773 routes down to $35 per mile, though the committee tell me that they are going to raise it to $40 per mile. Every road now receiving $80 per mile will get only $35 or $40 under this plan, except a few that make over seven trips a week. There are only 861 routes that get over $81. If this bill now stands at 4 mills per foot one-half of those will get about what they are getting now. Those are the large routes, which are now getting pretty good pay. The smaller routes will be reduced. So that nearly every dollar saved by this bill will come out of the poor railroads that are now getting for carrying the mail no more than they get for carrying one passenger, for they carry a railroad mail-clerk all the time anyway.

Mr. TOWNSHEND. Will the gentleman permit me to ask him a question? How much less would the majority of the small roads get under this bill than under the present law?

Mr. HORR. If you put in your amendment of 4 mills and of $40 the small roads will get $2.75 less. But there are over three hundred roads that get between that and $80, every one of which your bill will cut down to $40.

Mr. TOWNSHEND. But a majority of the roads get only $42.75.

Mr. HORR. Yes; a majority of the small roads get only $42.75.

Mr. TOWNSHEND. And some of them do not get as much as $35 under the present law.

Mr. HORR. Only a half-dozen or so, which does not amount to anything in the discussion of this bill. To the roads that now get $42.75 this bill proposes to give $40; but there is a large number of roads that get from $50 to $80 which this would cut down to $40; also roads that carry now four hundred, five hundred, six hundred, seven hundred, or eight hundred pounds of mail.

[Here the hammer fell.]

Mr. RYAN. Mr. Chairman, if I can be recognized now I will yield a portion of my time to the gentleman from Michigan [Mr. HORR] to enable him to finish his speech.

The CHAIRMAN. The gentleman from Kansas [Mr. RYAN] is recognized.

Mr. RYAN. I yield so much of my time to Mr. HORR as he may need to finish his remarks.

Mr. TOWNSHEND. Mr. Chairman, if the gentleman will permit me, I will say that the commission that was appointed by the Post-Office Department to prepare this bill made the minimum limit $35. We have raised that minimum limit to $40 a mile. It is true that we have lowered the rate per mile from 5 to 4 mills, but that does not affect these roads. This $40-limit protects all those roads, and we have raised the limit from $35 to $40. I wished to make that statement in justice to the committee.

Mr. HORR. If $42.75 is such a meager amount, such a mere pittance, for the service now, why do you propose to cut it down at all?

Mr. TOWNSHEND. In reply to that, Mr. Chairman, I will say that I do not think that $42.75 is a very meager pittance for the amount and character of the service. Furthermore, we leave open the opportunity for these small lines, as they grow and as the business of the country through which they pass grows, to get a higher compensation than $40 per mile.

Mr. HORR. Mr. Chairman, having, as I believe, shown clearly that the present plan of compensating the railroads for their service had better be adhered to, at any rate until we can devise a plan that will be better understood than this new plan seems to be, and having also

shown that the roads are now doing their work at a low price, I desire now to speak briefly of some of the other provisions in this bill.

In the first place, the committee here cut down the estimate for the railway clerks. They have cut down that appropriation until it is wholly inadequate for the service during the next year. There are now 56 of those clerks who get $1,400 a year; there are 519 that get $1,300; there are 518 that get $1,150; there are 1,408 that get $1,000; and there are 800 that get from $900 down to $810, and there are 740 that get from $800 down to $100, but 497 of those get $800 per year. Under the provision of the law the maximum salary of these clerks is fixed. I believe, Mr. Chairman, that the worst thing that this country can do, or rather the worst thing this House can do for the country, is to cut down the mail clerks and cut down their salaries, because they are really the key to the whole railroad-mail system.

I know that my friend from Indiana [Mr. HOLMAN] differs with me as to the amount that these clerks should receive. I am frank to confess that I prepare a bill of this kind with different feelings, different emotions, from my friend from Indiana. We view this work from different standpoints, we carry into it different habits of thought, different notions of public duty and public expediency. The question which always occurs to me when I am preparing the appropriation for so important a service as this is, first, what is the work that we call upon these men to do; second, what salary will procure for the Government the best and most perfect service? It is not only arduous work, it is dangerous work these railway clerks are asked to perform. If my memory serves me right, seven of these railway postal clerks have been killed by accident within the last year; about fifty of them, perhaps, have met with injuries more or less severe. Yet, when we come to form the appropriation bill for the payment of these clerks, my friend from Indiana insists that they get too much pay for their work,

Mr. TOWNSHEND. Did I understand the gentleman to state that we had cut down the amount of appropriation for postal railway clerks?

Mr. HORR. Yes; it is cut down below the estimate.

Mr. TOWNSHEND. Not below the appropriation for the present year?

Mr. HORR. Certainly not.

Mr. TOWNSHEND. We give an increase of nearly $200,000 upon the present year.

Mr. HORR. But that increase is so small as absolutely to prevent—and the gentleman from Indiana intended to do it; he will not disavow it—to prevent these clerks from getting the amount of pay that the law allows them. But, as I was saying, while I always ask the question, "What is this service worth?" my friend from Indiana always seems to be asking "Is it not possible to get some fellow to do this job for a few cents less? Can we not cut off 5 cents from each of these men and yet not touch the starvation point?" [Laughter.]

Now, the appropriation for railway clerks in this bill is so small that you can not pay the present service of the men now engaged at the salaries fixed by law.

Mr. BROWN, of Pennsylvania. That is practical repudiation, is it not?

Mr. HORR. There have been built this year 6,000 miles of new railroad upon which this service ought to go.

No more faithful men live than these hard-worked railway clerks, and of all the men in the public service they are the last who should be reduced in this way.

Mr. Chairman, the next reduction I will call the attention of the House to is the star-route service. In this item there is a reduction of—$200,000, is it not [turning to Mr. TOWNSHEND]?

Mr. TOWNSHEND. On the estimates; not on the appropriations of last year.

Mr. HORR. I am talking about the estimates—the amount the men who have this work in charge say is needed to meet the proper demands of that branch of the postal system.

Now, an increase of the railroad service does not, as a person might at first think, decrease the star-route service. It is assumed by some people that as we increase service by rail the service by horses diminishes. But this assumption is not true; it overlooks the fact that when you run a railroad through a country intersecting post-routes come into existence by the dozen from little towns springing up all over that section of the country. Thus the increase of the star service always keeps pace with the railroad service. And this bill is so drawn as to prevent the natural increase of the star-route service in these sparsely populated places. The people living in these towns need their mail—their letters and their newspapers—just as much as those who live in the large cities. These horseback mails should be provided for with the greatest care. They reach the pioneers of this country, the men who crowd our civilization out into the wilderness, perhaps only once a week, but that once a week is a good deal to those brave, hardy people. I would provide amply for this service. This bill lacks $200,000 of doing that.

Again, the Committee on Appropriations has cut down the estimate for carriers something more than $400,000. I did everything I could to prevent it. At the last session we had this same fight in this House.

Mr. TOWNSHEND. The gentleman will allow me to correct him. We have cut down the estimate only $50,000, and we have given for letter-carriers $50,000 increase on the appropriation of last year.

Mr. BINGHAM. The estimate is four and a half million of dollars.

Mr. HORR. The committee has cut down the estimates for the letter-carriers $435,000. Now, this work, as everybody understands, is done by men who labor as faithfully and work as hard as any men in the United States. The amount which the committee propose to appropriate is more than $200,000 less than is needed to keep the service right where it is to-day.

Mr. TOWNSHEND. I know the gentleman does not want to do injustice to his own committee, and I wish to show that he is mistaken. The amount asked for letter-carriers and free-delivery service was $4,100,000. We have given $4,050,000—a reduction of only $50,000 below the estimate of the Department.

Mr. HORR. The gentleman is mistaken. I can not see how you can claim any such thing.

Mr. TOWNSHEND. In this connection I wish to state that the expenditure last year for this service was only $3,504,000. We increase the appropriation for the next year half a million dollars above the expenditure of last year.

Mr. BINGHAM. If the gentleman from Illinois [Mr. TOWNSHEND] will read his own report he will see that the Department asks for $4,535,000 for the letter-carriers and expenses of free-delivery system, while this bill recommends an appropriation of only $4,100,000.

Mr. TOWNSHEND. I admit the gentleman's correction as to the estimate; but we give over $500,000 more than was expended during the year ending the 30th of last June. I was mistaken about the estimates.

Mr. HORR. I do not like to take so much time; but since the gentleman has brought up this letter-carrier business, and seems so strenuous about it, let me give him some exact information. There are now 2,236 carriers, at $1,000 a year; 1,084, at $850; 333, at $800; 684, at $600; making 4,337, who receive in the aggregate $3,834,200. Of the 684 receiving $600 each now, 337, under the act passed a few years ago, will receive an increase up to $800 per year, which will take $75,400; and 307 will be increased to $850 each, making $76,750. Three hundred and thirty-three go from $800 to $1,000 a year, which takes $66,600. Then add for increase in cost of service on account of vacations given them by law last year, and it takes $115,000 to provide for that. Then add for incidentals $130,000, and it takes to keep the force just as it now is $4,297,950; that is nearly $200,000 more than this bill carries, and less than is needed, if we do not put another carrier on or do any thing to increase this service.

But, Mr. Chairman, New York city has already applied for increase of a large number of carriers. Several hundred carriers scattered all over the country are actually needed in addition to those now employed in order to bring the service up to where it will be good and efficient, and yet this committee undertake to run this important service with $200,000 next year less than it will take to make legal payments if we do not add another carrier to the force.

Now, this bill has cut down the entire estimates over $3,000,000. If my friend from Illinois will look at it, he will see how absurd it is. This bill only appropriates about $700,000 in the entire bill more than it will take for the entire post-office service this current year. The post-office service increases every year about 8 per cent.; that would call for some $4,000,000 of increase for this year over last year. It is idle for anybody to talk about doing this extra 8 per cent. work for nothing. It must be paid for. Seven hundred thousand dollars can not supply an increase of $4,000,000. This country will rue the day when we get so we can make as small an appropriation for the post-office service in one year as we did the year before, because that will be a sure indication that decay has set in, that progress has stopped, that growth is at an end in this nation of ours.

The appropriations for the postmasters are cut down here below the estimate some $700,000. The gentleman will remember I labored hard to get this House to fix an amount for the postmasters and an amount for the railway service last year up to the estimates. You voted me down. The Senate put it in; we did not yield; they yielded. We struck it out, and the gentleman from Illinois well knows the deficiencies are already known for this year to be just about the amount cut out in that bill last year.

I wish to say one additional word and then I will be done. In preparing this appropriation bill I have sought only to give such amounts as will be needed for good service in this department of the Government. We are not going on this side of the House to expend this money. You gentlemen are going to have the control of it. If you think you can do this work for three or four million dollars less than the men who have been managing this business for twenty-five years tell you it will take to run it try it on, but do not say I came in and undertook to give you inadequate means with which to perform this work. I desire the appropriations to meet the wants of the people. The people pay for this service. The estimate of the Department this year is that we shall raise $51,000,000 by postage alone.

Yet on the eve of the change to lower postage they reduce the service to about $52,000,000. The gentleman from Illinois [Mr. TOWNSHEND] must know, and my friend from Indiana [Mr. HOLMAN] must know, that this bill simply means a deficiency of $2,500,000 next year. It means either that, or it means such a crippling of this service as the

people of this country do not wish, nor will they submit to it in any degree of quietness or good feeling. The people pay for this service directly. The men who use the mails pay for the work.

Then, I say, give them such sums as will make it a perfect service. It has come to be very common to criticise and ridicule any work done by the Government. People, and some members here, seem to take great pleasure in defaming any management of national affairs. Still, the postal service of the United States, in my judgment, is one of the best managed and most successful business institutions known to the world. When you take into account its vast machinery, its immense number of operatives, the nooks and corners of the continent it must search out and serve, the innumerable number of packages it must care for and send in the proper direction, the precision of its deliveries and the accuracy of its every-day transactions become truly wonderful. I assert that private enterprise never excelled in perfect work at so low a price the labor that is being daily performed by our 80,000 post-office officials and employés.

No doubt that now and then there have been grave irregularities. Corrupt rings have probably been formed from time to time and frauds perpetrated. What vast work in this world has ever yet been free from such incidents? Such crimes should always be exposed and the perpetrators speedily punished. But these exceptions do not invalidate the statement that our postal service is one of the most perfect systems that human intellect can devise and human energy and integrity execute. Such perfection can not be reached in a day. It is, it necessarily must be, the outgrowth of years of intelligent management, of patient, severe labor, and in all this complicated work the duties of the postal railway clerk are exceptional. Not every man can fill that position. Natural adaptability to the work, opportunity and experience alone can do this work well. Hence it is a class of work that should command good pay.

It matters not whether the employés of this Department be Democrats or Republicans, they should be compensated for the work performed. You gentlemen are about to assume the responsibilities of this service. My hope is that you will perform its duties well, for it is a service that affects every family fireside in the land. It is pre-eminently the service that touches all the people; and, for one, I am determined that the means shall be adequate for the work to be performed.

Mr. Chairman, I have detained the House much longer than I intended. Permit me to thank the members for their kind attention, and, in conclusion, to express the hope that after this bill shall have received careful consideration by this Committee of the Whole it will be amended and passed in such shape as will meet the demands of a great service, that now requires over $50,000,000 to meet its honest necessities.

Mr. RYAN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN (Mr. WORTHINGTON in the chair). The gentleman has forty minutes remaining.

Mr. RYAN. I reserve that time, and permit the gentleman from Indiana to take the floor if he desires to be heard now.

Mr. HOLMAN. I yield twenty minutes to the gentleman from South Carolina [Mr. AIKEN].

Mr. AIKEN. Mr. Chairman, familiar as I am with the working of the third-class post-offices of this country, and with the necessity they have for clerical hire, I had determined after reading this bill to propose to the House to increase the amount allowed for clerical service in such offices.

But, sir, having examined carefully the annual report of the Post-Office Department, I am clearly of the conviction that if the present amount which is appropriated were more equitably distributed we would have more clerks in the third-class offices, and the postmasters themselves would not be required to take their own salaries to pay for clerical help.

I have looked, sir, somewhat critically over the Postmaster-General's report for 1884, which is the last public document we have from that Department, and I find that the money appropriated for clerk-hire is distributed with a discretionary power that seems to me to have no rule or regulation connected with it.

I should probably first call the attention of the committee to the fact that these post-offices throughout the United States are classified. We have first-class, second-class, third-class, and fourth-class offices. There is no statutory requirement that either one of these classes shall have so much or so little clerical help, or that any specific amount shall be allowed each for clerk-hire; but the law does require that the postmasters in these respective classes of offices shall have a specified salary. In the third-class offices the salary must be one thousand dollars and less than two thousand; in the second-class the salary must be two thousand and less than three thousand; and in the first-class the salary must be three thousand and less than four thousand dollars, with one or two exceptions, which have been fixed by law. I learn from the Postmaster-General's report that this law has not been complied with.

Finding this to be the case, I was induced to examine the disbursements of the appropriations for clerk-hire in these three classes known as the Presidential offices. Selecting some of the first-class offices, where the amount of mail matter to be distributed can not vary very materially from different States as well as from the same State, and comparing them, I find as follows: At Sacramento, Cal., the clerk-hire amounts to $9,920, while at Bridgeport, Conn., the clerk-hire is only $7,671, or $2,300 less; and yet when I look at the gross receipts I find that the receipts at Bridgeport are $8,000 more than at Sacramento, and that it pays into the Treasury $7,500 more of net revenue to the Government than Sacramento.

I find that at Evansville, Ind., the amount paid for clerk-hire is $7,180, while at Peoria, Ill., it is $6,440 only; and yet Peoria has a gross income of $30,000 more than Evansville, and pays into the Treasury of the Government a net revenue of $27,000 more than Evansville.

Mr. HORR. Let me ask the gentleman from South Carolina whether he knows how these two points compare in the distribution of the mails?

Mr. AIKEN. That is a point which I tried to examine, but could not arrive at any conclusion from the report.

Mr. VALENTINE. Let me suggest to the gentleman from South Carolina that I do not think the receipts of the office are any test at all for the amount paid for clerk-hire. The only test, in fact, is as to the amount required for the distribution of the mails.

Mr. AIKEN. I understand that to be the case generally, but in these first-class offices there must be additional clerical help, for the postmaster of a first-class office could not possibly handle the mail received at the office without assistance, and the gross receipts in a degree indicate the amount of mail matter handled in the office, even though it be no distributing office. But all these first-class offices are alike distributing offices.

Mr. VALENTINE. I know that in some offices in my own State the postmasters have to pay for clerk-hire for distribution of the mails out of their own salaries.

Mr. AIKEN. Why?

Mr. VALENTINE. Because Congress does not furnish the money to pay it.

Mr. AIKEN. If the gentleman will allow me to state what I get from the annual report of the Post-Office Department, he will see there is some irregularity about it. There is some imposition upon the third-class postmasters and the third-class offices in my judgment. They do not get what is due them.

Mr. VALENTINE. I believe that too.

Mr. CANNON. As I understand it, none of the third-class post-offices get clerk-hire. They can only get an allowance for separating the mails, and that is limited, whereas from $2,000 up they get clerk-hire.

Mr. AIKEN. What, then, is meant by clerk-hire? As set forth in this report there are 1,620 third-class offices that get clerk-hire.

Mr. CANNON. That is for separating the mail. But they get nothing for clerk-hire proper.

Mr. AIKEN. Why, sir, there are some of these third-class post-offices that get more for clerk-hire than they pay revenue to the Government.

Mr. CANNON. For separating the mails.

Mr. AIKEN. I do not care what it is for. It is work under the Post-Office Department. But this report of the Postmaster-General calls it clerk-hire.

Mr. CANNON. If the gentleman will allow me I will state this: Take two offices. One pays $1,900; the other $2,000. The $2,000 office, suppose it takes one extra man, gets an allowance for clerk-hire for that extra man. The $1,900 office does not get a cent of allowance and can not get under the law. That is all I say.

Mr. AIKEN. You mean the office with $1,900 salary?

Mr. CANNON. Yes, sir.

Mr. AIKEN. Then no man that understands the English language can read that book and get an idea from it. But let me give this House some further little statistical discrepancies on this point; and it will all tend to show this distribution of money should not go in bulk. It should be divided among these various classes of offices.

I take the post-office of Syracuse, N. Y., which I take it is a distributing office. Syracuse has $122,000 of gross receipts. Then I take Troy, N. Y., which has $92,000 of gross receipts, a difference in gross receipts of $30,000. And yet they have identically the same amount for clerk-hire, $3,000. And Syracuse pays $33,000 more of net income to the Government than Troy does. I put it to any man of common sense whether Syracuse has not more necessity for clerical help than Troy. Yet the same amount is paid for clerk-hire, while the one pays $33,000 more of net income to the Government than the other.

Now take Portland, Oreg., and Harrisburg, Pa. Portland, Oreg., has $75,000 of gross receipts; Harrisburg, Pa., only $45,000. Yet at Harrisburg $600 more is paid for clerical help than at Portland, Oreg.

Mr. HORR. There are a great many roads which meet at Harrisburg, and it supplies a thickly settled country.

Mr. AIKEN. I know that a thickly settled country is supplied there. But go farther South to a sparsely settled country. If it is a thickly settled country in the vicinity of Harrisburg, and more is required there for clerical help, we will go to the State of Texas. At Austin, Tex., there are $38,000 of gross receipts; at Dallas, $44,000. Both are central points where railroads meet; and yet Austin, with $6,000 less of gross receipts and $4,000 less of net receipts, gets $800 more for clerical help.

Mr. VALENTINE. That is easily explained.

Mr. AIKEN. I have not time to yield to the gentleman. It is not explained in this book. I understand what a distributing office is. I have been in them and know all about them.

Take Norfolk, Va., and Wheeling, W. Va. Norfolk, Va., ought in my judgment to be considered more of a distributing office than Wheeling. Wheeling is on a line of railroad going north and south and east and west. We have similar roads centering at Norfolk. It supplies a large section of country. Norfolk has $28,000 of net revenue. Wheeling has $20,000; but Wheeling gets $10,000 for clerical help and Norfolk gets $7,000—a difference of $3,000.

These are all first-class post-offices. I will only instance one from the second-class. I will take Waverly, N. Y. Is it a distributing office? The gross receipts are only $7,338. It gets but $370 for clerk-hire. I suppose that is for a man to assist in distributing. Penn Yan has $7,351 of gross receipts; only a few dollars more than Waverly. It gets $1,216 for clerk-hire, nearly $1,000 more.

Mr. SKINNER, of New York. They have more to do there. That is right.

Mr. AIKEN. Now, I will say one thing further. In examining this report I was baffled when I attempted anything like a mathematical calculation. The Postmaster-General says that on the 30th day of June, 1884, there were eighty-four first-class post-offices in the United States. In another part of his report he enumerates them, and there are but seventy-eight, making a difference of six. He says there are four hundred and four second-class post-offices. I ran over the list, counted them, and there are but four hundred and one. He says there are 2,323 third-class offices, and he refers you to the list. I went over the list and found the number 2,161, being one hundred and sixty-two less than the number stated.

Now, Mr. Chairman, that led me to another idea.

A MEMBER. May there not have been changes since those figures were given?

Mr. AIKEN. No, sir; there can not have been any changes. These figures are all of the same date, and the Postmaster-General refers you to the section of his report where you will find these figures. He states that the gross receipts from these (as he says 2,323, but as I say 2,161) post-offices are over $33,000,000. I have added them up, aggregated them by States and individual offices, and I find that they do not aggregate $32,000,000.

Now I come to a point which I wish to impress upon the House, and it is the point which suggested these remarks. The clerical help in the first-class offices amounts to $3,465,859, which is 18 per cent. of the gross receipts of those offices and 26 per cent. of their net receipts. The clerical help of the second-class post-offices amounts to $820,592, which is only 14 per cent. of their gross revenue and 24 per cent. of the net revenue. But when we examine the third-class post-offices we find that their gross receipts are more than $500,000 in excess of the gross receipts of the second-class offices, and they pay $2,690,897 net revenue to the Government; yet their clerical help amounts to only 7 per cent. of their gross receipts, and less than 17 per cent. of their net receipts. Now I think I am warranted in saying that that is not an equitable distribution of this money which is given to the Postmaster-General for his discretionary disbursement.

I notice another fact, sir; that the clerk-hire recorded in this report averages $575 to each office, taking the entire list; but of that total number there are one hundred and seventy-three third-class post-offices that receive for clerical hire $100 or less than $100, while five hundred and eighty receive nothing at all; and I know of my own knowledge of more than half a dozen offices that are distributing offices where the postmaster has to work both day and night; and I know of one or two instances where money is paid directly from the salary of a third-class postmaster for help, because he finds it impossible otherwise to perform the duties required of him.

Mr. VALENTINE. That is the case all over the country.

Mr. AIKEN. Why should it be so? It is wrong. There ought to be a sufficient appropriation made to put an end to that state of things.

Mr. VALENTINE. That is what I propose to help you to do.

Mr. AIKEN. Now a few words about salaries, and then I shall submit the amendment which I propose to offer at the proper time to this bill. I begin with the Sacramento office, California. The net receipts of that office were $22,342, and the salary of the postmaster is $3,075; while Oakland, Cal., which gives a net return of $12,000 more, is only a second-class office and the salary of the postmaster is $2,925. There is no distribution in that case. That is regulated by law. The law provides that every post-office shall have a certain standing in its class, and that according to its standing in the class the postmaster shall receive a salary of $1,000 or over, $2,000 or over, or $3,000 or over. Here, then, is the case of an office where the postmaster gets a salary of over $3,000, yet which does not do much more than half as much business as is done by another which is put in the second class. Again, take Quincy, Ill. The net revenue of that office is only $20,000, while Rockford, Ill., yields $29,000; yet Quincy is ranked as a first-class office, while Rockford is only a second-class office. Again, Evansville, Ind., yields a revenue of $19,000 a year and ranks as a first-class office with a salary of $3,000; Lincoln, Nebr., yields a revenue of $5,500 more, but it is only a second-class office. Still, strange to say, that second-class postmaster gets a salary of $3,000. How is that? The law provides that the salary of the postmaster at a second-class office shall be $2,000 and over, yet here is a postmaster in an office of the second-class who gets a salary of $3,000. Little Rock, Ark., pays a net revenue of only $16,684, but it is a first-class office, and the postmaster gets a salary of $6,000; Los Angeles, Cal., pays almost twice as much revenue to the Government, yet it is put down as a second-class office, and the salary of the postmaster is only $2,800.

[Here the hammer fell.]

Mr. AIKEN. I ask the committee, as they have indulged the gentleman from Michigan [Mr. HORR], to give me ten or twelve minutes more.

Mr. HOLMAN. I will yield five minutes to the gentleman.

Mr. AIKEN. To continue the comparison of these offices, Harrisburg, Pa., is put down as a first-class office, with a salary of $3,150. It pays only $24,000 net revenue, while Wilmington, Del., pays $1,000 more net revenue, yet the salary of the postmaster at Wilmington is $150 less than that of the Harrisburg postmaster. But still the postmaster at Wilmington gets a salary of $3,000, although the office is recorded as belonging to the second-class. What right has that postmaster to draw a salary of $3,000 when the law provides expressly that no postmaster shall draw that salary unless his is a first-class office? Again, take the office of Kankakee, Ill.; it is put down as a second-class office, with a salary of $2,250, while Joliet, another little town in that State, is put down as a third-class office, with a salary of $1,800; but Joliet yields $1,500 more revenue to the Government than Kankakee. Again, take Natick and Amesbury, in Massachusetts. One is set down as a second-class office and the other as a third-class office, but both postmasters get the same salary, $2,000.

Mr. VALENTINE. May not those apparent discrepancies be explained by the returns of gross revenue?

Mr. AIKEN. No, sir. The gross revenues are invariably less where I have stated the net revenues as less, but the salary is sometimes greater. Geneva and Glens Falls, N. Y., are both recorded as third-class offices, yet the salary of the postmaster in each is considerably over $2,000. What right has the Postmaster-General or anybody else to appropriate a salary of $2,000 to a postmaster of the third class in violation of the law? Again, Gloversville, N. Y., with net and gross revenues less than either Geneva or Glens Falls, is registered as a second-class post-office.

There are three second-class offices in Colorado whose gross receipts do not reach $6,000 each, and whose net revenue to the Government is each less than the salary paid the postmaster. The clerk-hire in one of these is more than its net revenue.

In Nevada there are two second-class offices, in each of which the sum of the salary of the postmaster and the clerk-hire exceeds the net income to the Government, and a third office of the second-class where the salary of the postmaster and the clerk-hire are each more than the net revenue to the Government.

Carthage, N. Y., with a gross income of only $3,535.69 and a net revenue to the Government less than the salary of the postmaster, is a second-class post-office, while Geneva, N. Y., with a gross income of $16,901.84 and a net revenue of $12,325.84, is a third-class post-office, though the postmaster has a salary of $2,575.

Meadville, Pa., with a gross income of $16,487.30, is a third-class post-office, though the salary of the postmaster is $2,500; and Sharon, Pa., with a gross income of only $7,809.92, is a second-class post-office, and the salary of the postmaster over $2,000.

Mr. Chairman, after considering all these irreconcilable inaccuracies it does seem to me we ought not to allow the sum of $5,100,000 to be appropriated in bulk to be distributed for clerical hire. Therefore, at the proper time, I propose to submit an amendment to add to the clause of the bill which I have been discussing the following:

Three million five hundred thousand dollars of which shall be paid to clerks in first-class offices, $900,000 to clerks in second-class offices, and $700,000 to clerks in third-class post-offices.

I return the floor to the gentleman from Indiana [Mr. HOLMAN], to whom I am much obliged for his kindness.

Mr. HOLMAN. I reserve the residue of my time.

Mr. RYAN. Mr. Chairman, I take the floor not so much for the purpose of discussing the provisions of this bill as to call the attention of the House to the exact status of that business which this House must transact, if it would avoid an extra session of the Forty-ninth Congress. I have reference to the appropriation bills; and if I can have the attention of members and can make them thoroughly understand the status of their business, I believe we shall be in a better frame of mind to facilitate the passage of the appropriation bills remaining unacted upon; and if I should accomplish this result, I shall not have occupied the time in vain.

I doubt whether within the experience of the oldest member of the House the appropriation bills at a corresponding stage of any session of Congress have been in such a state of immaturity. Only one of the thirteen general appropriation bills has gone to the President. We have remaining but nineteen legislative days of this session, including the last day, the 4th of March. The fortification appropriation bill, the estimates for which are over $7,000,000, is still in the hands of a

subcommittee of the Committee on Appropriations of this House, so that in fact the Committee on Appropriations has not considered it at all. The naval appropriation bill, the estimates for which are over $30,000,000, is still in the hands of a subcommittee of the Committee on Appropriations of this House, not having been acted on at all by the committee itself.

The sundry civil bill, the estimates for which are over $32,000,000, remains still in the hands of a subcommittee of the Committee on Appropriations of this House, the committee itself not having considered it at all. The deficiency bill, the estimates for which are over $8,000,000, remains still in the hands of a subcommittee of the Committee on Appropriations of the House, not having been acted on at all by the committee.

So that here are four of the most important of the general appropriation bills which have not yet been considered by the Committee on Appropriations. The Post-Office bill now under consideration must, as every member can foresee, occupy considerable time if it is to be fairly considered. The legislative bill, already reported, is next to be considered by the House.

Now a word as to the condition of the other appropriation bills. The pension bill has passed both Houses, and is now on the Speaker's table, the Senate amendments having yet to be considered.

The Military Academy bill is the only one, a little bill of $310,000, that has gone to the President. The consular and diplomatic appropriation bill, I believe, is ready for conference. The Indian appropriation bill is still in the hands of the Senate committee, not having been reported to the Senate at all. The Army appropriation bill is in the same condition. I ought to say, in passing, the pension bill to-day is under consideration in the Senate; but the Army appropriation bill is still in the Senate committee. The District of Columbia bill was reported back here to-day, and has been referred to the Committee on Appropriations of the House, that the Senate amendments may receive consideration. The agricultural appropriation bill is still in the Senate committee.

This, Mr. Chairman, is the condition of the appropriation bills to-day, and it would seem that the peril of an extra session is imminent, and this House, in order to avoid that and all its disastrous consequences to the business of the country, will be compelled to press on so rapidly that it can not give that consideration to these bills carrying over $200,000,000 they ought to receive at the hands of the representatives of the people. At the last session of Congress we were obliged to pass one of the most important of the appropriation bills, the sundry civil, under a suspension of the rules—a most reprehensible practice.

Now I want to call the attention of the House to the time we occupied at the last session of Congress in considering the bills which we are yet to consider in this House.

Mr. BLOUNT rose.

Mr. RYAN. Let me conclude this, and then I will answer questions. We occupied two days in the consideration of the deficiency bill. I have explained the status of that bill. It has not yet been acted on by the Committee on Appropriations. We occupied with the fortifications bill three days. We occupied three days in the consideration of the legislative, executive, and judicial bill. We occupied five days in considering the naval bill. We occupied five days in considering the Post-Office bill. We occupied, of course, but one day in considering the sundry civil bill, which in fact, we did not consider at all, having passed it under a suspension of the rules. Thus we occupied nineteen days at the last session of Congress in considering those bills which we have not considered at all at this session, and we have but twenty days remaining of the session.

Mr. VALENTINE. Not working days.

Mr. RYAN. Twenty legislative days is all we have remaining of the session, including the 4th of March.

Mr. VALENTINE. But you have to take out the day for the electoral count and the 22d of February.

Mr. BROWN, of Pennsylvania. Really only eighteen days left.

Mr. RYAN. Now the Senate requires as much time in considering these bills as the House. In justice to themselves and to the country they must consider every item of these appropriation bills—consider them in the committee, consider them in the Senate—and after that has been done they come back again to the House to receive consideration at least on the amendments which are made to them.

Much new legislation is upon many of these bills, and agreements are likely to take a considerable time.

I have thought it my duty, Mr. Chairman, to call the attention of the House to these important facts, that we may no longer than is necessary delay action on those bills which we must pass if we would avoid an extra session of Congress, and which I believe every man on this floor desires to avoid.

Mr. Chairman, how much time have I left?

The CHAIRMAN. Thirty minutes.

Mr. HAMMOND. Will the gentleman allow me to ask him a question?

Mr. RYAN. With pleasure.

Mr. HAMMOND. Is it because the necessity was so great that we limited general debate on this bill to five hours?

Mr. RYAN. I wish to say to the gentleman from Georgia that the policy of pushing a bill through the House carrying $52,000,000 without debate is reprehensible in the highest degree, and any policy that compels the necessity of such a course on the part of the House is equally reprehensible.

I will reserve the balance of my time for the purpose of yielding it to the gentleman from Pennsylvania [Mr. BINGHAM] when he desires to take it.

Mr. DUNHAM. Let the gentleman state to the House the facts about the delay of these appropriation bills—state to the House where the trouble is—who is to blame.

Mr. RYAN. The House is as competent to judge of that as I am.

Mr. MONEY. Mr. Chairman, as a great deal of the new legislation in this bill has been prepared by the Committee on the Post-Office and Post-Roads, I desire the attention of the House for a few minutes until I can put forth, in as clear a manner and as briefly as I may be able, the reasons which actuated that committee in their report. It is impossible in the time allowed by my friend from Louisiana [Mr. ELLIS] to do more than touch upon the salient points of this bill. It will be impossible for me to go further than that provision in reference to the compensation of railroads for carrying the mails.

In the first place, it seems to me, from the speeches that I have listened to here to-day and heretofore on this floor, that the whole purpose of the great postal service of this country is entirely misunderstood. We have been told heretofore that the Post-Office Department of this country, by gentlemen who have debated the question, is conducted as a business.

We have been told that in some sections of the country this business was a great charge upon the people, because of the fact that the particular section of country in question did not pay in postage the expense of handling and transporting the mails.

We have been told that in other sections it was a lucrative business productive of revenue, and that it was a profitable business because that particular section paid more to the revenues of the country in the shape of postage than was expended for conducting the service.

In my view, sir, the Post-Office Department or the postal service of this country is one of the functions of this Government, and is not conducted as a business or a charity. In my judgment there should be no arrest of the development of the service because of the insufficiency of the revenue derived from postage. There is no country on the face of the earth that has a postal service at all that does not conduct it as a function of the government; and there is just as much right to assume that the other great functions of this Government are run as business enterprises, and that they should pay their expenses, as that the postal service should be required or expected to do so. For instance, it would be just as proper to say that Congress should pay all of its own expenses, that the judiciary should pay the expense connected therewith, and that the Army and Navy or any other branch of the Government should be required to pay its own expenses, as that the postal service should.

The only excuse for fixing postage at all is that it is a tax levied upon those who use the mails for the general purposes of Government, and not to conduct the Post-Office; that it is a tax of universal application and distribution, and that it is a tax of which no complaint has ever yet been made as to its levying. It is a tax levied for the general purposes of Government just as excise taxes and imposts are levied for the general purposes of Government, and the Post-Office Department is a function of the Government administered for the good of the whole people of this country, because it has been found necessary that the communication that built up the social and commercial relations of the several sections should be developed to the highest possible degree. And I say that there should be no limit to the revenues derived from this service. I mean that every single dollar expended in the service should be made to procure just as much as possible of the service demanded by it.

Now, in that view I undertake to address myself to this particular provision—the compensation allowed to railroads for mail transportation. The bill just submitted differs in some material respects from the law as it stands; and it is not a question, as stated by the gentleman from Michigan [Mr. HORR], of robbing the little roads or increasing in an inordinate degree the earnings of the larger roads, but it is simply a question of paying for the service which the Government gets. If the small railroad does not carry a large mail they should not get the pay for carrying a large mail.

Mr. HORR. It does not now.

Mr. MONEY. It does not now, because it does not carry the large mail, and therefore it should not get pay for that which it does not do. The railroads are not to be treated as objects depending upon the subsidy of the Government; and the Government should not be taxed to support a small road, nor should it withhold from the large roads that which they actually earn.

Now, the basis of pay, as formerly and now determined, is fixed by weight supplemented by space. It is complained of this bill or this amendment of the old law that frequency and speed are also items that enter into the calculation. That is exactly as it ought to be. If you have a star-route mail service running three times a week and you increase it to six times a week, it is a law that double compensation shall

be paid for the increase; and is there any reason, if speed is valuable in a single instance on a star route for the transportation of a small portion of the mails of the United States, that the same reason should not be applied to railroads which convey 90 per cent. of the entire mails of the Union? In other words, is there any reason why the railroads transporting 10,000 pounds of mail per day should have as much pay as the road transporting 10,000 pounds twice a day? Not only that, sir, but in expediting the schedule, which has been the subject of investigation and also the cause of corruption in the administration of the contract office, there is the same element to be considered.

Mr. Chairman, this bill is the result of an investigation into the whole railway system of the United States by a commission of competent experts appointed by the Postmaster-General. In their investigation they took the average earnings of the railroads of the United States. Then they took the average earnings of the six great railway States of the United States, and they had correspondence which they had invited from almost all the great lines of the country.

It was ascertained that about 26½ cents per mile per car run was the cost of the passenger trains of the United States. That was the average. In the great State of Ohio, according to a late report by her commissioner of railroads, the earnings were 29.4 cents per mile; which is perhaps a fair sample of the business of the United States.

It was desirable that a just and reasonable compensation should be paid to the railroads for their services. This was particularly incumbent upon the Government, because it had not permitted a bidding by these roads; but by force of public opinion it exercises a compulsion upon them, and they are compelled to carry at whatever rates we pay. Having then both sides of the bargain in our own hands, we are under double obligation to be just and reasonable to them. It certainly would not do to pay these roads the price earned per car per mile run for freight, as suggested by the gentleman from Kansas [Mr. ANDERSON] in a question to the gentleman from Michigan; because all the expenses are different; the speed is different, delivery is different, and everything is different. But it is reasonable and it is just to pay to the roads the same price paid for passenger cars, because the cars supplied by the companies are expensive; they are better lighted and better heated and they run upon the same trains on which the passengers are carried. It is just and reasonable therefore to make the pay for the railway post-offices the same as for passengers. And it has been calculated that 25 cents per mile per car run is a just compensation, because it is a certain business, and while not quite as large as the average earnings, as shown by the reports of these several railroads in their passenger business, there is enough in the regularity and certainty of the compensation to make up for that. Besides that there is the additional feature which permits extra pay for every two miles up to a speed of thirty miles per hour, and every one mile up to forty miles per hour. This more than makes up the difference.

So I again say, Mr. Chairman, that the bill as reported was a fair one. I was unaware till an hour ago that the subcommittee had changed their views as to the relative rate of pay, and had fixed it at 4 mills instead of 5 mills per linear foot. In my judgment that is not sufficient.

I do not say anything about the clause as to the Pacific railroads, the land-grant roads. In my opinion they should be paid precisely what other roads are paid; and if they are indebted to the Government for assistance given in their construction, that does not at all release us of the obligation to treat them justly and fairly. They should be made to pay their debts to the Government, and they should be paid a fair compensation for services rendered to the Government, to be credited to their account.

I find, then, in this bill all the elements that are required in the postal service. First, the space occupied, and that space fixed by the weight carried. The next element is the frequency with which the service is performed. The next is the speed with which the mails are carried. In every branch of the service we have been accustomed to have frequency, and to-day there is no excuse for any bill that leaves out this element of compensation. If it is a benefit to transport the mails from one point to another in twelve hours and we have thought it expedient and proper to offer other inducements in larger pay for quicker mails, why should it not be embodied in one general law, that will induce the railroad companies of the United States to increase their speed and the frequency of their mail trains?

Why, sir, we have leaving New York every day four great trains that carry nothing but mail—neither passengers nor express nor baggage. Of course these companies must have extra inducements, because their trains have to leave at hours fixed by the postmaster at New York. In the British system the postmaster-general has the right to fix the schedule of departure and of arrival, the time of delay at the several stations, and the time for arriving at and leaving stations; but the postmaster-general fixes a compensation commensurate with this extra service, something that is just and reasonable, to compensate these roads for the facilities they extend to the government. In any system of service rendered by citizens of the United States to the Government they should be paid exactly for what they do. If a solitary company to-day receives insufficient pay from the United States for this service rendered in carrying its mail, this bill proposes to give them exactly what they earn and no more.

It is unjust to the Government that the sympathies of the House should be appealed to to pay more to a small road because it is small or poor, when it does not earn the money by the service it renders to the Government. There is but one standard that this House, in justice to itself and in justice to the railroads of the country, can adopt, and that is a uniform reasonable rate of compensation for all roads for the service rendered. When we go beyond that, we undertake to subsidize the small roads to put a life into them which they have not in themselves. On the other hand, we do not propose—to use the language of the gentleman from Michigan [Mr. HORR]—to rob the big roads of money to which they are entitled by reason of their services.

Mr. TILLMAN. Will the gentleman from Mississippi [Mr. MONEY] permit me to ask him a question?

Mr. MONEY. Yes, sir.

Mr. TILLMAN. Why is it that the compensation on the small star routes is much greater in proportion to the weight of the mail carried than on the routes where there are heavier mails?

Mr. MONEY. I will answer that with pleasure. The star routes are open to the world, and every man in the country is at liberty to bid for that service, the Government taking the lowest bidder. The Government can not compel a man to carry the mails by his wagon, his horse, or his stage-coach, but the railroads are compelled to carry the mails—compelled not by law but by public opinion. A railroad that runs through a populous country, connecting great cities, bound together by domestic ties and by the thousand ties of business and politics, can not afford to decline to carry the mails, because if it does its competitors will take all the trade. So in dealing with the railroads the Government fixes the rate at which they shall be compensated; it does not invite competition between them, it simply fixes the rate that it will pay.

Mr. TILLMAN. I wish to ask the gentleman another question. Can not a road running between large cities and carrying with many passengers large amounts of freight and making several round trips a day, afford to carry the mails for much less than a poor railroad can, running through a sparsely settled country and making but one trip a day? I ask the gentleman from Mississippi [Mr. MONEY] if in his judgment the compensation ought to be on the same basis for a poor road having but little freight or travel and making but one trip a day, and a large road between two great cities? Ought not the poor road to have more pay in proportion than the other?

Mr. MONEY. The gentleman's question is an argument against his own position, because this bill fixes a uniform standard rate of compensation based upon weight, frequency, and speed. If a railroad does a large business, its space is valuable in proportion, and therefore the Government ought to pay for it.

Mr. TILLMAN. But is not the element of frequency entirely eleminated on the poor road?

Mr. MONEY. If a road runs through a sparsely settled country, and does not do much business, it follows that its space is not very valuable.

Mr. HORR. That is not the point.

Mr. MONEY. Let me finish my answer to the gentleman from South Carolina [Mr. TILLMAN]. He says that frequency ought not to be considered in regulating the pay on a small road. Now, it costs just as much to run a car at one time in the day as at another, and if two trains are run, the space upon one of them is presumed to be just as valuable as upon the other.

Mr. HORR. But this is a point to be considered. A little road takes a small number of linear feet, from four and a half up to thirteen. It can not take over thirteen until it gets over five hundred pounds of mail. Can not a road afford to sell one hundred and eighty or three hundred and sixty feet of space every day at a cheaper rate per foot than it can afford to sell nine, ten, or up to thirteen feet? Yet you give them all precisely the same rate per foot, no matter how much or how little space they sell.

Mr. MONEY. When a road gets into that position which my friend from Michigan and my friend from South Carolina describe, it is protected by the provision that it shall not receive less than $35 a mile. Such a road as gentlemen describe is not worth more than $35 a mile to the Government or to anybody else, and whenever the value of its space increases there will be more frequent trips. But the cost of a certain amount of space is just as great upon one train as upon another; and if the Government demands a certain space upon any train, it ought to be willing to pay for it. In every other department of the service we pay for frequency and speed, and we do so properly. If we can save twelve hours between Chicago and New York, how valuable that is to the merchants of these great cities! Why, sir, a merchant in New Orleans has informed me that the value to the merchants of the fast mail between that city and New York would pay the whole cost of it, and a merchant of Denver states that a fast mail between New York and Denver, passing through the great cities of Chicago and Saint Louis, would save a thousand dollars a year to him alone. This mail service is for the benefit of all the people of the Union.

Now, Mr. Chairman, I have a very compassionate feeling for the small roads, because the roads that run through my country are generally of that class. The greatest road that runs through my State carries only 4,000 pounds of mail per day. I allude to the southern

section of the Illinois Central. It carries only 4,000 pounds a day, and that only once a day. It runs two passenger trains, but only one of them is a mail train. It does not carry more than one mail a day, because under the present system the Government does not give more for carrying two mails a day than for carrying one, unless you make the appropriation which is left out of this bill for special facilities on great trunk lines.

Now recollect that 90 per cent. of all the mails of the Union are distributed upon these trains; and whenever you expedite a solitary mail on any railroad of the United States you expedite by exactly that much every star-route fed by these great trunk lines. The mail system of the whole Union has its ramifications in every section and every community, and the service to every citizen is quickened by any expedition of the schedule on any of these roads. In every sense of the word, looking at the interest of the Government of the United States and the interest of every citizen enjoying the benefits of postal communication, this bill is a fair and just one, and a measurable improvement over the old system of weighing the mails, which is partial and one-sided to the last degree. Why, sir, as the matter stands to-day, the discrepancy in pay, comparing the small roads with the great ones, is as eight to ninety-six in relation to the service performed; in other words, one road is paid twelve times as much as the other roads for the service it renders.

It is not the province of Congress to say that because a railroad does a great business it should not have reasonable pay for its service, and when, in a bill of general character like this, we undertake to say that, subject to the discretion of the Postmaster-General, we will discriminate, fixing one price for one road and another price for another road, we at once open the door for a flood of corruption which would sweep through the whole mail service of the country.

Mr. REAGAN. Has the committee ascertained what the first-class roads—those carrying the heaviest mails—would receive under this system?

Mr. MONEY. I have seen no figures based upon this system, and I do not know of any. I have none myself.

Mr. HORR. What was the question?

Mr. MONEY. The gentleman from Texas asked whether I knew what the main trunk lines would receive under this new system. This matter was explained by the gentleman from Michigan [Mr. HORR]. I do not recollect his figures. But it matters not, Mr. Chairman, what may be the amount that these roads will receive in the aggregate. I am trying to impress upon the mind of this House the fact that under this system each road will receive exactly what it earns, and will not receive one dollar unless it does earn it. This House could expect nothing more, and could offer nothing less. We can afford to be just to our own citizens, whether corporations or private individuals, especially when we compel these corporations by force of public opinion to do this service for the Government, whether they wish to do it or not, and at a price which we ourselves fix.

Mr. REAGAN. Does not the gentleman think the House is entitled to information from the committee as to what the cost would be per mile on these great roads for carrying the mails under the system proposed?

Mr. HORR. I told you the cost.

Mr. MONEY. I said that the gentleman from Michigan had the figures. In this connection I will say that, according to the figures of experts who have thoroughly examined the question, this system will save over $1,678,000 per annum. That is the estimated saving to the Government on the present basis of pay and the present basis of business.

Of course this great business is constantly enlarging. It is estimated that for the current year the increase will be about 9 per cent. So the extension of business goes on, marking the development of our country, its population, its wealth, &c. There is no better index of the progress of this country than the extension of and perfection of our great postal system, as shown by the reports of this Department year after year.

As I have said, the basis of pay contemplated by this bill is a fair one. If a railroad chooses to make thirty miles an hour or more, it will get a proportionate increase of pay for every mile of additional speed. This is proper and just. It costs more to run a fast train than a slow one. The consumption of rolling-stock, road-bed, and track is greater. Everything points to additional expense, which is attempted to be met by the provisions of this bill.

There are some features embraced in the bill of the Committee on the Post-Office and Post-Roads which the Committee on Appropriations have not thought it expedient to incorporate in this bill. I will engage in no sort of dispute about that. I am willing to take this measure as it is. This bill, following in this respect the bill reported by the Post-Office Committee, leaves as it is the relative status of the land-grant roads and the other roads. Not that I think there is any justice in this discrimination, as I have said awhile ago; but we had no disposition to disturb the law as it stands, knowing the House to be inclined, as it has been previously, to make that distinction.

Now, Mr. Chairman, I come to another provision of the bill, if the House will bear with me, to which I propose to address myself. That is in regard to the reduction of newspaper postage. The postage on newspapers is really a tax on the publishers of these papers. They pay this much to the Government for permission to do their business. It is a relic of that class of taxes which has almost entirely faded away. All the other taxes in relation to postage are levied on the people of the United States. They are paid by the beneficiaries of the postal system. These are paid by the publishers. It is evident inequality and injustice was rendered necessary in some degree by the collection of postage on newspapers, as that was uncertain under the old system and very unsatisfactory. Therefore, to make the whole system of prepayment of postage uniform it was necessary to provide newspapers should also prepay, withdrawing the burden from the millions of readers to the shoulders of the publishers themselves.

[Here the hammer fell.]

Mr. HUNT. Mr. Chairman, the gentleman from Illinois [Mr. TOWNSHEND] who opened this discussion stated to the committee that some legislation was absolutely necessary to transport the mails of the United States to foreign ports. The bill before the House, at line 228, provides:

> For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $600,000 of the net revenues of the Post-Office Department of the United States on mail-matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips: *Provided further*, That the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided: *And provided further*, That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885.

The remark of the gentleman from Illinois that some legislation is indispensably necessary becomes evidently true when we consider what was done at the last session of Congress. Congress then repealed sections 3976 and 4203 of the Revised Statutes of the United States requiring American vessels engaged in the foreign trade to carry the mails at a sum not exceeding the sea and inland postage. The repeal of these sections having taken place, it is apparent some additional legislation has become absolutely necessary.

Mr. BLOUNT. Will the gentleman allow me just there to ask him a question?

Mr. HUNT. Certainly.

Mr. BLOUNT. Is not the gentleman from Louisiana a member of the committee that had charge of the shipping bill?

Mr. HUNT. Yes, sir.

Mr. BLOUNT. Then I desire to know whether the object of repealing those sections of the Revised Statutes of the United States was not to prepare the way for this increase of compensation for carrying the mails?

Mr. HUNT. I will answer with pleasure.

Mr. BLOUNT. If that be true, I further inquire of the gentleman whether we can not re-enact in this bill the law as it stood prior to the repeal of those sections of the Revised Statutes?

Mr. HUNT. I will answer as I go on. Under the sections referred to American vessels engaged in foreign trade were compelled to carry the mails. These vessels might be detained for such limit of time as suited the Post-Office, and were obliged to deliver the mails to the foreign ports to which they were bound and to the Post-Office Department itself. For this service the Post-Office Department paid the inadequate sum of 2 cents a letter. Instances are stated to be numerous where American vessels have been detained by the Postmaster-General, to receive the mails and to deliver them, when the pay for carrying did not compensate the vessels for detention and cartage of letters at the port of destination.

The injustice so occasioned by the sections of the Revised Statutes referred to by the unanimous action of Congress was removed by the enactment of the shipping bill, providing for the repeal of these sections, to take effect from and after the 1st of April, 1885. The object of deferring the operation of the repeal of the sections was to enable Congress at its present session to legislate suitably in the premises, the Postmaster-General being without warrant of law (when his power of compulsion had been removed) to make contracts with American vessels engaged in the foreign trade for carriage of the United States mails except to the extent of the amount of sea and inland postage, which was fixed by the international postal treaties and made without regard to the extent of the service rendered and which was conceded on all sides to be inadequate.

Congress, then, Mr. Chairman, is brought to this condition, that there is now no power in the Postmaster-General to compel vessels to carry the mails as was formerly the case; and the only resource left him is to attempt to enter into contracts at rates which are likely to be declined as entirely inadequate, and which in the judgment of the Shipping Committee are contrary to sound public policy. In order that this may appear satisfactorily to the committee I have procured a state-

ment from the Post-Office Department showing the sums paid for the ocean conveyance of mails between the United States and Mexico and South America during the fiscal year ending June 30, 1884, by the lines of vessels therein employed. The table is as follows:

Statement showing the sums paid for the ocean conveyance of mails exchanged between the United States and Mexico and South America during the fiscal year ended June 30, 1884, and the lines of vessels employed in the conveyance of said mails.

MEXICO.

Lines.	Termini of services.	Amount paid.
New York, Havana, and Mexican Mail Steamship Company	New York to Mexico	$4,264 54
Do	New Orleans to Mexico	873 80
California and Mexican Steamship Company	San Francisco to Mexico	278 42
New York and Cuba Mail Line	New York to Mexico	43
Pacific Mail Steamship Company	New York to Mexico	47 31
Do	San Francisco to Mexico	914 74
Morgan Line	New Orleans to Mexico	852 85
Do	Galveston to Mexico	38 77
Steamer Estado de Sonora	San Francisco to Mexico	12 37
Steamer E. D. Sidbury	New Orleans to Mexico	8 14
Total		7,271 37

SOUTH AMERICA.

Atlas Steamship Company	New York to United States of Colombia	466 31
Pacific Mail Steamship Company	New York to United States of Colombia	1,960 35
Do	New York to Colon for Chili	1,429 01
Do	New York to Colon for Ecuador	380 42
Do	New York to Colon for Peru	1,498 83
Do	New York to British packet agent, Colon	5 04
Do	New York to British packet agent, Panama	45 58
Do	San Francisco to United States consul, Panama	68 78
Do	San Francisco to United States of Colombia	94 84
Do	San Francisco to Panama for Chili	143 98
Do	San Francisco to Panama for Ecuador	7 97
Do	San Francisco to Panama for Peru	74 76
Royal Mail Steam Packet Company	New York to United States of Colombia	32 12
Red "D" Line	New York to Venezuela	756 05
Steamer Craighill	New York to Venezuela	69
United States and Brazil Mail Steamship Company	New York to Brazil	3,567 65
Do	Baltimore to Brazil	143 71
Do	New York to Rio de Janeiro for Argentine Republic, &c	1,234 84
Booth Steamship Company	New York to Brazil	219 20
Red Cross Line	New York to Brazil	234 71
Red Cross Line	New York to Rio de Janeiro for Argentine Republic, &c	50 41
Steamer Mendoza	New York to Argentine Republic	87 52
Steamer Jennie	New York to Brazil	87 75
Do	New York to Rio de Janeiro for Argentine Republic, &c	65 10
United States and River Plata Line	New York to Argentine Republic, Uruguay, &c	195 70
Simpson, Spence & Young's steamers	New York to Brazil	277 37
Do	New York to Rio de Janeiro for Argentine Republic, &c	95 74
	Total	13,324 43

If we turn from this view of the case of carrying the mails to Mexico and South America to the amounts paid for the whole foreign mail service for the fiscal year ending June 30, 1884, the results are equally surprising and discreditable to the liberality of the Government and its sense of justice. The total sum so expended is $327,207.91. The table is as follows:

Amount paid for the whole foreign mail service during the fiscal year ended June 30, 1884.

Transatlantic	$270,949 44
Trans-Pacific	19,125 78
Miscellaneous	37,132 69
Total	327,207 91

Amount paid to American and amount paid to foreign lines during the fiscal year ended June 30, 1884.

Service.	American.	Foreign.	Total.
Transatlantic	$2,833 20	$268,116 24	$270,949 44
Trans-Pacific	16,883 97	2,241 81	19,125 78
Miscellaneous	30,259 33	6,873 36	37,132 69
Total	49,976 50	277,231 41	327,207 91

Amount paid to the Pacific Mail Steamship Company during the fiscal year ended June 30, 1884	$21,521 36
Amount paid to the American line (Philadelphia to Queenstown) during the fiscal year ended June 30, 1884	2,833 20

If from this statement we turn, Mr. Chairman, to the coastwise and steamboat mail service of the country we find a contrast, and a striking contrast, which I desire to present as one of the strongest arguments in favor of the bill now before the committee. By steamboat from San Francisco, Cal., to Eureka, Cal., we paid $6,500 a year, or at the rate of 58 cents a mile; from Portland, Oreg., to the Dalles, $7,487, or 21 cents per mile. From Seattle to Sehome, Wash., we paid $8,439.83, at 32 cents per mile. From Port Townsend, Wash., to Sitka, in Alaska, we paid at the rate of $1.23 cents a mile, or $16,000 annually. From San Francisco, Cal., to Portland, Oreg., we paid $22,000, or 69 cents per mile. From New Tacoma, Wash., to Port Townsend, in Washington Territory, we paid $29,700, or 97 cents per mile, while during the same period we paid 3 cents a mile to the Pacific Mail Steamship Company and 3 cents to the Philadelphia and Queenstown line. What difference is there in the nature of things between the mail service of the country on the routes which I have now enumerated and the mail service of the country upon the ocean of which I have just spoken? Is it not performed under circumstances strikingly similar, except in regard of greater risk, greater adventure, and the concern of greater capital on the ocean routes?

Upon what system of correct reasoning, or upon what considerations of a wise and expansive public policy, can the Legislature insist upon the continuance of liberal rates such as I have spoken of in connection with steamboat routes, and refuse at the same time like compensation to steamships engaged in the transportation of the mails of the United States on the ocean?

Now, if we turn from the steamboat lines to the star-route service we find that also enumerated in the official tables. From Cedarville, Cal., to Reno, Nev., 20 cents a mile is paid, or $11,328 a year; from Bieber, Cal., to Lake View, Oreg., 27 cents a mile, or $11,500 annual pay, and so on the table goes, showing pay all the way from 20 cents per mile up to 45 cents. The table is as follows:

No. of route.	From—	To—	Pay per mile.	Miles.	Trips.	Annual pay.
46162	Cedarville, Cal.	Reno, Nev.	20+	177	Six times a week	$11,328 00
46155	Bieber, Cal.	Lake View, Oreg.	27+	115½	Seven times a week	11,500 00
37116	Green River City, Idaho	Fort Washakie, Wyo.	25+	153½	Seven times a week	13,000 00
42121	Boise City, Idaho	Winnemucca, Nev.	27+	267	Seven times a week	26,700 00
46153	Redding, Cal.	Grant's Pass, Oreg.	45+	200½	Seven times a week	34,572 03
41111	Kelton, Utah	Pendleton, Oreg	29+	544½	Seven times a week	57,665 97

Again, Mr. Chairman, if we turn to the exhibit of the Post-Office Department regarding the inland service of to-day we find that there are only ten States in the Union the mail service of which is self-sustaining.

According to the statement there is a net excess of expenditure up to date of over $3,000,000.

The table is as follows, and is accompanied by the annexed communication of the Second Assistant Postmaster-General:

Statement of the excess of postal receipts and expenditures of the United States by States.

States and Territories.	1882.		1883.		1884.	
	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.
Maine	$84,084 54		$44,618 76			$48,328 31
New Hampshire	72,947 74		63,065 20		$18,058 40	
Vermont	19,595 69		12,330 06			33,909 75
Massachusetts	1,080,588 10		1,111,461 12		916,906 62	
Rhode Island	154,641 41		149,618 51		124,638 22	
Connecticut	201,910 39		238,548 23		135,463 91	
New York	2,601,409 90		2,813,729 82		2,312,695 24	
New Jersey	174,214 85		249,603 62		143,517 59	
Pennsylvania	1,017,439 55		987,170 58		560,677 81	
Delaware	19,159 65		22,301 47		8,162 90	
Maryland		$2,148 60		$29,731 20		125,862 44
Virginia		312,734 81		331,636 19		408,972 90
West Virginia		18,030 30		33,199 06		76,920 10
North Carolina		135,698 37		155,481 23		207,191 96
South Carolina		104,657 65		109,758 18		159,693 36
Georgia		208,945 47		198,968 98		320,202 31
Florida		111,174 01		103,357 50		133,294 45
Ohio		240,494 41		430,160 28		845,404 42
Michigan	340,673 83		333,902 61		39,461 62	
Indiana	3,366 49			130,374 61		294,052 53
Illinois	664,308 55		852,319 15		347,400 38	
Wisconsin	136,883 78		115,854 63			160,835 90
Iowa	146,373 35		101,468 12			371,407 62
Missouri		107,973 18		103,477 45		480,383 04
Kentucky		90,460 27		112,944 01		171,089 63
Tennessee		19,459 24		21,136 41		111,210 62
Alabama		183,430 24		177,202 65		238,494 53
Mississippi		94,183 06		101,477 78		186,082 87
Arkansas		189,412 95		165,972 83		208,602 28
Louisiana		75,379 04		79,487 59		120,660 75
Texas		459,019 34		302,437 67		431,334 03
California		508,351 28		277,016 91		417,188 81
Oregon		123,981 01		75,915 14		133,308 85
Minnesota	22,496 02		5,004 18			299,369 54
Kansas		250,167 21		283,084 56		362,276 42
Nebraska		501,801 79		545,451 59		596,411 89
Nevada		137,935 11		106,720 60		113,108 91
Colorado		179,234 87		145,600 10		277,615 85
Utah		230,210 53		154,640 19		180,996 73
New Mexico		68,417 37		51,803 57		111,366 59
Washington		95,466 36		93,933 43		110,892 66
Dakota		60,652 20	21,175 36			39,007 22
Arizona		223,320 51		118,019 35		149,819 77
Idaho		141,712 55		88,488 87		105,356 20
Wyoming		32,684 52		29,827 39		45,907 10
Montana		133,556 29		45,470 97		62,553 34
Alaska	160 33		230 73			1,600 33
District of Columbia		58,003 26		69,358 12		109,141 43
Indian Territory		84,300 78		35,143 44		42,086 96
Total	6,740,254 48	5,184,996 58	7,122,402 15	4,707,277 85	4,606,982 69	8,291,942,40
	5,184,996 58		4,707,277 85			4,606,982 69
Net excess	1,555,257 90		2,415,124 30			3,684,959 71

POST-OFFICE DEPARTMENT,
OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., January 5, 1885.

SIR: In compliance with the verbal request made by you, I herewith transmit a statement showing the postal receipts and expenditures in the respective States and Territories of the United States during the years 1882, 1883, and 1884. For a statement of the cost of service on six of the largest steamboat routes I would refer you to the statement furnished by this office, January 8, 1884, appearing in the CONGRESSIONAL RECORD of May 1, 1884 (page 3651), there having been no material change in the cost of steamboat service since that date.

Very respectfully,

W. B. THOMPSON,
Second Assistant Postmaster-General.

HON. CARLETON HUNT,
House of Representatives.

If, then, we consider the condition of the country, now that it can no longer insist upon the carriage of the mails, as it were, for nothing; if we compare the carriage of the foreign-going mail with the sums paid for the steamboat and star-route service; if we look at the sums paid for the carriage of the mail to South America and Mexico; if we regard the amounts paid to the coastwise service; if we bear in mind that the liberality of the Department is extended, for example, to a line from Morgan City to Galveston, or in that neighborhood, at the rate of $38,000 a year; if we recall at the same time the nature of the ocean service, the difficulties therein involved, the enterprise concerned, and the capital of our citizens invested, there can be no justification whatsoever for witholding larger compensation.

The present view is made perfect, and I am brought near to a close in connection with it when I ask the consideration of the committee to what is proposed to be done by the bill. I hold in my hand a statement showing the net revenue of the Post-Office Department on mail matter sent to and received from foreign countries during the fiscal year ending June 30, 1884. The total receipts are $2,157,622.63; the total expenditures are $1,431,893.77, and the net revenue, $725,728.86. This net revenue is reached necessarily after making all deductions, and especially a deduction upon the highest estimate of the cost of interior mail service.

The bill proposes of this net revenue to devote $600,000 in payment for the carriage of the mail. And it proposes to do so under all the restraints which are usual in other branches of the service.

The statement is as follows:

Statement showing, approximately, the net revenues of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year ended June 30, 1884, based upon the tabulated estimate of mail matter exchanged during that period given on page 639 of the Postmaster-General's report for 1884.

RECEIPTS.

Amount of postages prepaid on letters sent abroad	$1,511,947 80	
Amount of postages prepaid on postal cards sent abroad	19,902 16	
Amount of postages prepaid on printed matter sent abroad	468,298 46	
Amount collected on unpaid mail matter received	134,481 17	
Forty per cent. on $57,457.60 of registration fees on 574,576 registered articles sent abroad—this being estimated as net profit on registration	22,993 04	
Total receipts		2,157,622 63

Brought forward—Total receipts			$2,157,622 63
EXPENDITURES.			
Amount paid for sea conveyances, other than intermediary or transit, namely	$332,221 21		
Amount paid foreign administrations for intermediary, territorial, and sea transit of United States mails	$30,379 00		
Less amount received for similar service performed for said administrations by the United States	2,756 09		
		a27,622 91	
Net cost of maintaining the Shanghai and Panama postal agencies		b2,283 15	
United States share of support of international bureau and subscription for "l'union postale"		b676 95	
			$362,804 22
Estimated cost of interior (domestic) mail service on 61,732,049 letters sent and received—three letters to one ounce=20,577,349 ounces, 2 cents per half-ounce	823,093 96		
2,961,131 postal cards sent and received, at 1 cent each	29,611 31		
42,460,248 packets of fruits, &c., 816,699 packets of samples sent and received=43,276,857 ounces, at 1 cent for two ounces	216,384 28		
		1,069,089 55	
Total expenditures			1,431,893 77
Net revenue			725,728 86
Net revenue, without charge for estimated cost of interior service as above, viz: $1,069,089.55 ($2,157,622.63—$362,804.22)			1,794,818 41

(a) Transit accounts for the year only partially adjusted and settled. When settled the net amount of expense to the United States will probably read $90,000.
(b) These expenses were not included in the similar statement made for 1883.

It is hardly necessary, Mr. Chairman, to say anything further in support of the view that I have laid before the Committee of the Whole. But I will conclude by calling your attention to the recent statistics published by the State Department to show how our commerce is affected by the prevailing penurious policy of the United States toward the ocean-going mail service. From a table just compiled in the State Department, it appears that the exports from England, France, and the United States to Mexico, Central and South America, the Spanish West Indies, Hayti, and San Domingo, of cotton goods, iron and steel, machines and implements of hardware and cutlery, &c., are as follows: From England, $112,183,000; from France, $77,213,000; and from the United States only $64,000,000.

It appears further, as to the trade of Brazil, while we import from that country products to the value of $53,000,000 against $29,000,000 imported therefrom into England and $29,000,000 into France, we export thither goods to the value of only $8,000,000, while England sends to Brazil goods valued at $34,000,000 and France goods valued at $15,000,000.

Of our total imports from South America the value of the goods brought in American vessels is $25,000,000, against a value of $49,000,000 brought in foreign vessels. It is only in our imports from the Spanish West Indies, Mexico, and Central America that American prevails over foreign tonnage, to wit: American vessels $53,000,000, against $22,000,000 in foreign vessels. Thus it appears that foreign vessels bring to the United States from those countries double the imports brought by American vessels. The imports into the United States from South America in foreign vessels are $49,000,000, in American vessels $25,000,000. The exports from the United States to South America in American vessels are $19,000,000, and in foreign vessels $11,000,000. Our total imports from South America in foreign steam vessels were of the value of $32,000,000, against $900,000 in American vessels.

This result, it appears, is brought about by the foreign policy in relation to commerce by steam sea-going vessels.

The round trips of the great European lines of steam vessels are expedited according to the following order: From Europe laden with European manufactures to South America; from South America laden with South American products to the United States; from the United States laden with our products to Europe; thus completing the circle to the advantage of European trade alone, only very few steam vessels carrying American products to South America.

Finally, Mr. Chairman, I incorporate in my remarks a table showing the course of the foreign civilized countries in this regard:

Table of subventions accorded by various European states to international steam-navigation lines.

States.	Number of companies subventioned.	Average duration of concessions.	Amount of the subventions.			Average speed required.
			Per year.	Per league.	By other criteria.	
		Years.	*Francs.*	*Francs.*		*Miles.*
Austria	1	10	*5,000,000	2.85 to 10		8 to 12
Hungary	1	10	375,000		For 150 voyages	8 to 12
England	10	1	15,430,145		According to the importance of the postal service	9 to 12
France	2	15 to 24	32,414,457	25.90 to 45.70		9 to 12
Spain	7	8 to 10	5,000,000		According to the postal service	11 to 12½
Belgium	2	15	1,000,000		Guarantee of an average return	10 to 11
Holland	4	10 to 15	1,762,500	5 to 9.75		9 to 11
Germany	4	10	332,500		According to postal service	9 to 10
Italy	2	12	8,639,576	†12 to 32		8 to 10

*Other advantages. †According to the line.

The table proves that Austria, Hungary, England, France, Spain, Belgium, Holland, Germany, Italy, are all engaged in a course of liberal encouragement to their merchant marine. So that the fact is that while all the countries of the world that are civilized are engaged in encouraging ocean steam navigation we alone have neglected our opportunity. A review of the debates upon this question in foreign countries will indeed establish that the ocean-going steam vessel is considered the herald of civilization.

Mr. BLOUNT. Will the gentleman allow me a question?

Mr. HUNT. The gentleman will excuse me. I will yield presently. It is the herald of civilization; it is the bearer of correspondence between merchant and merchant; it is the vehicle by which contractual relations are introduced, and the means by which in the end those contractual relations are brought to rich results.

The policy pursued by Great Britain, with characteristic enterprise and by the use of her almost boundless wealth (in the way of the circle of voyages which I have described), has been followed by a success which has brought to all Americans who have reflected, and who would have the policy of America liberal and flourishing, the deepest regret for our own shortcomings in this respect. In this connection, Mr. Chairman, I will ask the Clerk to read to the House an extract from a message of Governor Cleveland, of New York, whose attention as an enlightened statesman had been brought to this very subject. He has formulated views which are similar to those that I have expressed upon the floor to-day, and his early accession to the first office in the Republic gives hope that the country is about to have in the Executive chair a Chief Magistrate who will insist upon principles that are enlightened and liberal.

The Clerk read as follows:

Fifty years ago a most distinguished foreigner, who visited this country and studied its condition and prospects, wrote:

"When I contemplate the ardor with which the Americans prosecute commerce, the advantages which aid them, and the success of their undertakings, I can not help believing that they will one day become the first maritime power of the globe. They are bound to rule the seas as the Romans were to conquer the world * * * The Americans themselves now transport to their own shores nine-tenths of the European produce which they consume, and they also bring three-fourths of the exports of the New World to the European consumers. The ships of the United States fill the docks of Havre and of Liverpool; while the number of English and French vessels which are to be seen in New York is comparatively small."

We turn to the actual result reached since these words were written with disappointment.

In 1840 American vessels carried 82$\frac{5}{10}$ per cent. of all our exports and imports; in 1850, 72$\frac{5}{10}$; in 1860, 66$\frac{5}{10}$; in 1870, 35$\frac{6}{10}$; in 1880, 17$\frac{6}{10}$; in 1882, 15$\frac{6}{10}$.

The citizen of New York, looking beyond his State and all her efforts in the interest of commerce and national growth, will naturally inquire concerning the causes of this decadence of American shipping.

While he sternly demands of his home government the exact limitation of taxation by the needs of the State, he will challenge the policy that accumulates millions of useless and unnecessary surplus in the national Treasury, which has been not less a tax because it was indirectly but surely added to the cost of the people's life.

Let us anticipate a time when care for the people's needs as they actually arise, and the application of remedies as wrongs appear, shall lead in the conduct of national affairs; and let us undertake the business of legislation with the full determination that these principles shall guide us in the performance of our duties as guardians of the interests of the State.

The CHAIRMAN (Mr. SPRINGER). The time of the gentleman from Louisiana has expired.

Mr. TOWNSHEND. I move that the committee rise for the purpose of making a motion that the House take a recess until to-morrow at 11 o'clock, and I state to the House that I am willing that just before 12 o'clock to-morrow the committee shall rise so that the House may get out of Saturday's session. My object in moving a recess is to save an hour for debate.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Seaker *pro tempore* signed the same:

A joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan;

A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes;

A bill (S. 729) for the protection of children in the District of Columbia, and for other purposes; and

A bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleeker, a paymaster in the Navy.

Mr. PETERS, from the Committee on Enrolled Bills, reported that the committee had examined and had found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 760) granting an additional pension to Watson S. Bentley;

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1256) increasing the pension of Ben Morgan;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;

A bill (H. R. 2140) for the relief of Hugh Dougherty;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;

A bill (H. R. 2453) granting a pension to Frank S. Marsh;

A bill (H. R. 2692) granting a pension to Sarah Kennedy;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 2920) for the relief of John Johnson;

A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;

A bill (H. R. 3527) granting a pension to George A. Marshall;

A bill (H. R. 3565) granting a pension to William Eurele;

A bill (H. R. 3612) granting a pension to Hayden Reynolds;

A bill (H. R. 3663) granting a pension to John T. Marshall;

A bill (H. R. 3703) granting a pension to James W. Brown;

A bill (H. R. 4041) granting a pension to Zelica T. Dunlap;

A bill (H. R. 4059) granting a pension to Isaac Demaranville;

A bill (H. R. 4238) granting a pension to Sallie Ingham;

A bill (H. R. 4248) granting a pension to William Harbeson;

A bill (H. R. 4379) for the relief of Maj. W. W. Freybarger;

A bill (H. R. 4752) granting a pension to William Herring;

A bill (H. R. 5004) for the relief of William B. Smith;

A bill (H. R. 5500) for the relief of Benjamin F. Amos;

A bill (H. R. 5565) granting a pension to Theodore Ahrens;

A bill (H. R. 5630) granting a pension to George W. Rugg;

A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;

A bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;

A bill (H. R. 5776) granting a pension to Louis D. Petty;

A bill (H. R. 5812) granting a pension to Ellen A. Vance;

A bill (H. R. 5923) granting a pension to Ruth Stratton;

A bill (H. R. 5926) granting a pension to John Maloney;

A bill (H. R. 5960) granting a pension to George Ziefle;

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;

A bill (H. R. 6282) to place R. W. Duncan on the pension-roll;

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;

A bill (H. R. 6461) granting a pension to Nelson Gammons;

A bill (H. R. 6480) granting a pension to Margaret G. Halpine;

A bill (H. R. 6594) granting a pension to Russell F. Dimmick;

A bill (H. R. 6665) for the relief of James Slack;

A bill (H. R. 6726) granting a pension to Margaret A. Maguire;

A bill (H. R. 6882) granting a pension to John Otis;

A bill (H. R. 6927) granting a pension to Merit M. Oakley;

A bill (H. R. 6934) granting a pension to Ann J. Williams;

A bill (H. R. 6956) granting a pension to Maria H. Sargent;

A bill (H. R. 6997) granting a pension to Henry Davis;

A bill (H. R. 7046) granting a pension to Alonzo Cornwell;

A bill (H. R. 7141) granting a pension to Daniel W. Adams;

A bill (H. R. 7295) granting a pension to Albert D. Simmons.

LEAVE TO PRINT TESTIMONY.

On motion of Mr. LYMAN, the Committee on Military Affairs was given leave to have printed for the use of the committee the testimony taken by it on the subject of armor-penetrating breech-loading cannon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House now take a recess until 11 o'clock to-morrow.

ELECTORAL COUNT.

Mr. HATCH, of Missouri. I move that when the House adjourns to-day it adjourn to meet on Tuesday next.

The SPEAKER *pro tempore*. The Chair would suggest to gentlemen that there is a matter which affects the convenience of members and the counting of the electoral vote on the day after to-morrow, in relation to which the gentleman from Maryland [Mr. FINDLAY] desires to offer a resolution and the Chair was about to recognize him for that purpose.

Mr. FINDLAY. Mr. Speaker, I offer a resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

Resolved, That on Wednesday, February 11, the whole of the east gallery and such portion of the south gallery as lies east of the reporters gallery shall be reserved for the use of the families of Senators, Members of the House of Representatives, and Delegates, and their visitors. The Doorkeeper shall strictly enforce this order. The Speaker shall issue to each Senator and member of the House of Representatives two cards of admission, and only persons holding these cards shall be admitted.

Mr. FINDLAY. This resolution is drawn in strict accordance with the resolution adopted without dissent on the occasion of the last electoral count. I hope there will be no objection.

There being no objection, the resolution was considered adopted.

Mr. FINDLAY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment bills of the House of the following titles:

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.;

A bill (H. R. 1339) increasing the appropriation for the erection of the public building at Pittsburgh, Pa.;

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas; and

Joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested, namely:

A bill (S. 2441) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882;

A bill (S. 2542) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882; and

A bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington for the enlargement of the Post-Office Department building and for the accommodation of the city post-office.

WIDOW OF MAJ. THOMAS T. THORNBURGH.

Mr. WOLFORD, by unanimous consent, referred back favorably from the Committee on Pensions the bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House now take a recess till 11 o'clock to-morrow morning. I will state I shall be willing that just before 12 o'clock to-morrow the Committee of the Whole may rise and the House adjourn.

Mr. NEECE. I move to amend the motion for a recess by striking out "11" and inserting "10."

Mr. DUNHAM (at 5 o'clock and 15 minutes p. m.) I move that the House adjourn.

The motion of Mr. DUNHAM was not agreed to.

Mr. O'NEILL, of Pennsylvania. Is it the intention, if this recess be taken till 10 o'clock to-morrow, that the two hours before 12 shall be devoted to a continuation of the general debate, no other business to be done? [Cries of "No!" "No!"]

The SPEAKER *pro tempore*. The Chair is not informed of the purpose of the gentleman from Illinois.

Mr. DUNHAM. I wish to ask the gentleman from Illinois whether he intends to run this legislative day through to-morrow?

Mr. TOWNSHEND. I do not. I intend to move just before 12 o'clock to-morrow that the committee rise and the House adjourn.

The question being taken on the amendment of Mr. NEECE, there were—ayes 70, noes 46.

Mr. WHITE, of Kentucky. I make the point that no quorum has voted. I am opposed to doing business without a quorum.

Tellers were ordered; and Mr. NEECE and Mr. WHITE, of Kentucky, were appointed.

The House again divided; and the tellers reported—ayes 86, noes 51.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER *pro tempore*. The gentleman from Kentucky insists on the point that no quorum has voted.

Mr. WHITE, of Kentucky. Pending that, I move the House do now adjourn. I am opposed to proceeding without a quorum. We met this morning at 10 o'clock, and not a dozen members were present.

Mr. HATCH, of Missouri. I move that when the House adjourns to-day it be to meet on Tuesday next at 12 o'clock.

The SPEAKER *pro tempore*. Under the rule the House when it adjourns would meet at 12 o'clock on Tuesday.

Mr. HATCH, of Missouri. Does not the record show that we are now proceeding in the legislative day of Saturday?

The SPEAKER *pro tempore*. The gentleman is correct; this is the legislative day of Saturday.

Mr. WHITE, of Kentucky. The House would meet on Tuesday at any rate, would it not?

The SPEAKER *pro tempore*. In the opinion of the Chair, the effect would be substantially the same, whether the motion of the gentleman from Missouri be agreed to or not.

The question being taken on the motion of Mr. HATCH, of Missouri, it was agreed to.

The question then recurring on the motion of Mr. WHITE, of Kentucky, that the House adjourn, there were—ayes 45, noes 53.

Mr. TOWNSHEND. I now renew my motion that the House take a recess until 11 o'clock to-morrow, Tuesday.

Mr. WHITE, of Kentucky. Does the gentleman from Illinois, speaking for his side, say that we shall adjourn to-morrow morning before 12 o'clock, so that the House may operate for an hour under the new rule?

Mr. TOWNSHEND. Speaking for myself, and also I think for my side of the House, I do so state.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois for a recess.

Mr. NEECE. What became of my motion?

The SPEAKER *pro tempore*. It failed for lack of a quorum.

Mr. TOWNSHEND. I call for the previous question on my motion.

Mr. HISCOCK. I submit to the gentlemen from Illinois whether the form of his motion should not be for a recess until Tuesday morning at 11 o'clock.

Mr. TOWNSHEND. That is the form in which I have stated it.

Mr. HISCOCK. I thought the gentlemen said "to-morrow morning."

The previous question was ordered, and under the operation thereof the motion of Mr. TOWNSHEND for a recess was agreed to; and accordingly (at 5 o'clock and 30 minutes p. m.) the House took a recess until to-morrow (Tuesday) morning at 11 o'clock.

AFTER RECESS.

The recess having expired, the House, at 11 o'clock a. m. (Tuesday, February 10), resumed its session, Mr. BLACKBURN in the chair as Speaker *pro tempore*.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I move that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. Under the order of the House all general debate will expire in one hour and five minutes, of which time the gentleman from Pennsylvania [Mr. BINGHAM] is entitled to thirty minutes, and the gentleman from Indiana [Mr. HOLMAN] is entitled to thirty-five minutes.

Mr. HOLMAN. I believe the gentleman from Pennsylvania was entitled to the floor last evening. If general debate is to be closed in one hour and five minutes, I hope there will be some understanding as to how the time is to be consumed on each side.

The CHAIRMAN. The Chair has stated that under the order of the House the time for general debate will be exhausted in one hour and five minutes.

Mr. HOLMAN. This side of the House is entitled to thirty-five and the other side to thirty minutes.

Mr. BINGHAM. This side of the House, in my judgment, is entitled to one hour. There has been consumed on this side but one hour and a half.

Mr. TOWNSHEND. If that is so, that side of the House is entitled to an hour.

The CHAIRMAN. There was no order made in regard to the division of the time between the two sides of the House.

Mr. BINGHAM. By no agreement, but by an understanding to which there was no objection.

The CHAIRMAN. The Chair has been unable to determine by the line of argument taken whether gentlemen were for or against the bill. Some were in favor of some particular parts and opposed to others; and some suggested propositions of future amendment. Therefore there can not be said to be sides, so far as has been developed in the general debate which has already taken place.

Mr. DINGLEY. The general debate was limited to five hours, and it was understood that two hours and a half would be used by this side of the House and two and a half by the other side of the House. Now, this side of the House has only had an hour and a half.

Mr. BINGHAM. And that time on the part of this side of the House has been used by the two members of the Committee on Appropriations, the gentleman from Kansas [Mr. RYAN] and the gentleman from Michigan [Mr. HORR].

Mr. KING. Mr. Chairman, I do not think there will be any objection to allowing the other side of the House the time desired.

The CHAIRMAN. But the general debate has been limited by order of the House.

Mr. KING. The extension asked for can be granted by unanimous consent.

Mr. BINGHAM. I think the Chair is in error as to the time that has been consumed.

Mr. KING. I ask unanimous consent to extend the time.

Mr. TOWNSHEND. I suggest that the gentleman from Pennsylvania [Mr. BINGHAM] proceed, and in the mean time we can arrange this matter.

The CHAIRMAN. The Chair has stated there was an hour and five minutes left of time for general debate on this bill. The Chair has not undertaken to allot the time between the two sides of the House, but has followed the usual course of taking the names handed to him.

Mr. BINGHAM. If the Chair will refer to the RECORD it will be found that the debate did not commence until 2 o'clock, and the House adjourned at five minutes after 5.

The CHAIRMAN. The general debate commenced at five minutes after 1 o'clock. The Chair is positive about that, as he noted it himself at the time.

Mr. HOLMAN. I reserved thirty-five minutes of my hour and am willing to yield a portion of that time to the other side, but I wish twenty-five minutes myself.

Mr. DINGLEY. How long did the gentleman from Kansas occupy?

The CHAIRMAN. Half an hour, and he yielded thirty minutes to the gentleman from Pennsylvania [Mr. BINGHAM], which would make, when occupied, two hours and twenty minutes for that side of the House.

Mr. DINGLEY. The gentleman from Michigan [Mr. HORR] took an hour in his own time, when Mr. RYAN then obtained the floor and yielded to him twenty minutes.

Mr. BINGHAM. That is the position exactly.

Mr. TOWNSHEND. Yes; that is the fact.

Mr. YORK. What time remains of the five hours for general debate?

The CHAIRMAN. One hour and five minutes.

Mr. BINGHAM. The Chair announced when Mr. RYAN left the floor he had thirty minutes of his time left, which he yielded to me, so the RECORD states.

The CHAIRMAN. The Chair stated that the gentleman from Kansas had thirty minutes left, which he yielded to the gentleman from Pennsylvania [Mr. BINGHAM]. Now, the order of the House must be obeyed so far as the time for closing general debate is concerned, and of that time only one hour and five minutes remain.

Mr. TOWNSHEND. How much on either side?

The CHAIRMAN. The Chair is unable to decide whether gentlemen who occupied the floor were for or against the bill, but has recognized them in the order in which their names were given to him.

Mr. KING. What is the wish of the gentleman from Pennsylvania?

Mr. BINGHAM. So far as I am personally concerned I have ample time; but my friend from Maine [Mr. DINGLEY] desires an opportunity to discuss one of the paragraphs of the bill, for which purpose he will require at least half an hour.

Mr. KING. I hope that time will be granted.

The CHAIRMAN. The gentleman from Pennsylvania will proceed for thirty minutes, after which time gentlemen can determine how the other thirty-five minutes will be divided.

Mr. BINGHAM addressed the House. [See Appendix.]

The CHAIRMAN. The Chair desires to correct a statement which he made before the remarks of the gentleman from Pennsylvania [Mr. BINGHAM] began as to the time remaining for general debate. The Chair

was then informed by the Clerk that but one hour and five minutes remained. The Chair has since examined the record of the time occupied yesterday by each gentleman, and finds that up to this time gentlemen on the minority side of the House have occupied two hours, and gentlemen on the other side two hours and thirteen minutes, leaving forty-seven minutes, of which the Chair will award thirty minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. TOWNSHEND. How much will be left for our side of the House?

The CHAIRMAN. Seventeen minutes.

Mr. TOWNSHEND. I had reserved twelve minutes from the hour allotted to me. I wish to say I will yield my time to my friend from Indiana [Mr. HOLMAN] if he desires it.

Mr. DINGLEY. Mr. Chairman, the gentleman from Louisiana yesterday called the attention of the Committee of the Whole to the importance of early action by Congress on the subject of the foreign mail service of the United States. I desire to emphasize the conclusions of that gentleman, and to add such considerations as my time will permit. The twenty-third section of the shipping act, approved June 26, 1884, repealed all laws and parts of laws that compel vessels of the United States to carry our mails to and from foreign countries for the small compensation allowed by law, the repeal to take effect on the 1st of April next. This repeal was just and proper, for there was obvious injustice in requiring the owners of American vessels in the foreign trade to carry our mails arbitrarily for a grossly inadequate compensation, while not only the owners of foreign vessels entering and clearing from our ports, but also the owners of American coastwise vessels and land conveyances, were left free to make such arrangements with the Government for transporting the United States mails as were mutually satisfactory.

So far as mail communication between the United States and the countries of Europe are concerned, the repeal of these compulsory provisions of our laws can cause no difficulty. The immense carrying trade between this country and Europe and the necessity imposed on the nations of Europe of maintaining frequent and rapid postal and commercial communication with the United States have built up a large number of lines of steamships. These lines, to be sure, are all foreign since the withdrawal of the Philadelphia American line a few months ago; yet all are willing to make contracts to carry our mails for the postal-union rate, for the reason that the immense amount of mail matter carried between this country and Europe makes this rate yield a considerable compensation, and for the further reason that as these lines of steamers are maintained by other business and by the mail subsidies of the nations of Europe, whatever additional pay can be obtained of our Government is so much gain.

But so far as direct mail connection with the countries of Central and South America, Mexico, the Sandwich Islands, the Australian colonies, China, Japan, and some of the West India islands, is concerned, the repeal of the compulsory provisions of our law, unless some provision shall be made for adequate compensation, is in danger of depriving our people of the facilities of postal communication now offered by the lines of American steamers which make regular trips between the United States and these countries. I do not by any means desire to intimate that the owners of these American steamship lines will take any improper advantage of the fact that after the 1st of April next they will have the same right to control their own property that every other citizen of this country possesses. But no reasonable man will expect them, for any considerable time after that date, to continue to carry the mails of the United States many thousand miles for so paltry a compensation that the amount received from our Government for this service by one of our largest steamship companies has barely paid for the expense to which the company has been subjected in delivering the mails at the post-offices at the termini of the routes.

Indeed, there has been so marked a discrimination against American vessels in the foreign trade in our postal legislation and administration that a simple statement of its nature is a convincing argument against its continuance. Under the compulsory law requiring the master of an American vessel in the foreign trade to receive, convey, and deliver all mails tendered him by the Post-Office Department, for which he shall be entitled to receive 2 cents per letter, our Government in a recent year paid five important American steamship lines, which traveled 1,181,309 miles, and maintained regular postal and commercial communication with Australia, China, Japan, Brazil, Cuba, and Mexico, $31,405 for carrying the mails of the United States, or the munificent compensation of 2¾ cents per mile!

In the same year, under the laws applicable to coastwise vessels and inland conveyances, that give contracts for carrying the mails to the lowest voluntary bidder for such transportation, the Government paid five small lines of coastwise steamers, which traveled only 247,960 miles and connected several minor domestic ports, the sum of $142,706, or 57½ cents per mile.

As an illustration of the discrimination against American vessels in the foreign trade, I ask the committee to observe that while the small coastwise steamers which carry the United States mail between Galveston and Brashear, received $50,000 per annum for this service, a distance of a few hundred miles, the Pacific Mail Steamship Company received only $14,849 for conveying the United States mails between San Francisco and Australia, China and Japan, a distance of 12,000 miles.

I am sure, Mr. Chairman, that no fair-minded man will care to have this unjust discrimination continued. I desire to bring this state of things to the attention of Congress, in order that there may be legislation before the adjournment authorizing the Postmaster-General to give such compensation for carrying our mails to the countries of this continent and the countries of the East which lie nearer to us than to Europe as will not only maintain the present postal and commercial communication afforded by American lines, but will also encourage the establishment of new lines directly connecting the United States with other countries of South America with which we have no steam communication except by way of England. The President, in his annual message, and the Postmaster-General, in his recent report, both call the attention of Congress to the necessity of legislation on that point.

Mr. Chairman, to my mind the provisions incorporated into the postal appropriation bill by the Appropriations Committee, if enacted into law, will tend to accomplish this result; and accomplish it, too, simply by the extension to foreign mail service by American steamers of the same system of contract to the lowest bidder which has worked so successfully on the land in the case of inland conveyances, and so acceptably on ocean routes where the mail is conveyed by coastwise steamers between our own ports.

The provision recommended by the Committee on Appropriations, and in substance unanimously indorsed by the Select Committee on Shipping Interests, although the latter recommend a larger appropriation, simply authorizes the Postmaster-General to invite proposals for carrying the mails in American steamers between the United States and foreign ports to which he may regard it desirable to extend postal and commercial communication, and, if he shall deem it proper, to enter into contract for not exceeding four years, with the lowest responsible bidder, for a sum not to exceed 50 cents per nautical mile traveled each way, the entire amount to be expended for this purpose not to exceed the profit which the Government makes on its foreign mail service, and not more than $600,000 for the next fiscal year. It will be observed that not a dollar of the revenue obtained by ordinary taxation is to be appropriated to maintain and extend postal and commercial communication with foreign countries. The rule which has always prevailed in our domestic postal service has been to make expenditure and revenue as nearly equal as possible. The plan of the committee extends the same principle to our foreign mail service, and proposes to use the excess of receipts from this source above expenditure, deducting even the cost of inland service, in improving and extending postal and commercial communication with foreign countries. Even if we should appropriate the gross revenue of the foreign mail service, estimated at $1,700,000, in maintaining and extending postal and commercial communication with foreign countries by means of American steamers, as recommended by the Shipping Committee, we should fall far short of what England does in the same direction, for in the last fiscal year she paid British steamship lines over a million and a half of dollars more than the gross amount received for foreign postage, and but a few years ago her expenditure for this object in excess of receipts exceeded three millions annually.

From the last annual report of the British postmaster-general received at our Post-Office Department I take the following statement of the amounts paid by Great Britain to steamship lines, almost entirely British, for foreign mail service, and the amounts paid each line by the Government in excess of the receipts for postage:

Steamship lines.	Payments.	Excess of payments over postal receipts.
Australia	(*)	
Brazil	$60,825	
Cape of Good Hope	(†)	
Alexandria and Cyprus	39,295	$38,500
East Indies and China	1,793,000	1,023,000
East coast of Africa	31,120	29,000
West coast of Africa	41,990	10,000
Dover and Ostend	80,585	
Malta and Messina	7,500	
United States	462,615	260,000
Bermuda and Jamaica	87,500	82,500
Panama and Valparaiso	13,285	
West Indies and Mexico	420,115	265,000
Total	3,039,830	1,707,000

*Paid by Australia. †Paid by colony.

Previous to 1875 the British Government paid annually from $4,000,000 to $5,000,000 to steamships for ocean mail service; an amount from two to three millions in excess of her revenue from foreign postage. Nearly all of this sum was paid British steamship lines. France pays her mail steamships over four and a half millions annually; Italy nearly two millions, Austria one million, Spain one million, and even little Holland over $300,000.

Compare with these figures the sums paid to steamships by the United States for foreign mail service in the last fiscal year, as follows:

Service.	American.	Foreign.	Total.
Transatlantic	$2,833 20	$268,116 34	$270,949 44
Trans-Pacific	16,833 97	2,241 81	19,125 78
South and Central America and West Indies, &c.	30,259 33	6,873 36	37,132 69
	49,976 50	277,231 41	327,207 91

The aggregate amount paid to steamships for foreign mail service in 1884 by the United States was $327,207, of which only $49,976 was paid to American steamers, while Great Britain paid for the same object an aggregate of $3,039,830, of which about $2,900,000 went to British steamships. Until within a year and a half the little colonies of Australia and New Zealand and New South Wales paid the Pacific Mail Steamship Company $400,000 annually to maintain postal and commercial communication with the United States, and since November, 1883, the amount paid has been $250,000, of which New Zealand has contributed $156,000 and New South Wales $94,000, while the United States paid for the same service only $11,000. Finding that the United States was disinclined to pay its proportion of the cost of maintaining this service New South Wales withdrew last December, and unless this country comes to the aid New Zealand will soon follow, and steamship communication with Australia will be discontinued.

Observe the great difference in compensation awarded for carrying the mails by Great Britain to her steamers and that paid by the United States to our steamers for similar service. Great Britain paid her Brazil line $60,825; the United States paid our Brazil line $5,249. Great Britain paid her lines to the West Indies and Mexico $420,115; the United States paid our Cuban and Mexican lines $9,800; Great Britain paid her China and East India lines $1,793,000; the United States paid our China, Japan, and Australian line $14,849.

The simple statement of these facts, when it is borne in mind that with two or three exceptions the figures of the past year illustrate the indifference of our Government for nearly thirty years to the extension of postal and commercial communication with foreign countries by means of American steamship lines, goes far to explain our humiliating position on the ocean and ought to arouse the attention of Congress to the importance of preliminary legislation looking to the adoption of that policy of encouraging the establishment of steamship lines by liberal mail pay which was so successfully inaugurated by Great Britain more than forty years ago, and which nearly every European commercial nation has within a recent period begun to imitate.

I am aware, Mr. Chairman, it is sometimes claimed that Great Britain has been indifferent to the national character of the vessels which carried her mails, and that her sole object has been to secure the transmission of postal matter with celerity, regularity, and at the lowest cost, regardless of the flag which floated over it and the nationality of the ports from which the steamers took their departure. No one can trace the history of the development of England's postal and commercial communications without reaching the conclusion that the two have marched abreast.

Wherever there seemed to be an opening for British trade she has hastened to encourage the establishment of steamship communication by tendering liberal pay for carrying her mails. She has not been content to send her mails by any foreign steamship line when it has been possible to secure equal dispatch by a British line. When the Collins line of American steamers seemed about to distance the British Cunard line, England did not say that it made no difference to her whether her mails were carried by British or American steamers, but she promptly came forward to the aid of the Cunard line by increasing her mail pay. She could have dispatched her mails to Brazil by the French line of steamers at a nominal cost, but instead of doing this she came forward to aid in the maintenance of a direct British line, not simply by liberal mail pay, but by a guarantee of 8 per cent. interest to encourage merchants to maintain a British line to Brazil. She continued this policy until the British steamship lines had possession of the routes of foreign trade and there was no necessity of more than ordinary compensation.

The policy of Great Britain has been to maintain direct postal and commercial communication by means of British steamships with all foreign countries which offered opportunities for trade. As strikingly stated by Capt. Bedford Pim, a well-known English statesman, in a recent address in Washington, the British hold that "trade will follow the flag." Trade follows the flag which opens and maintains direct postal and commercial communication. It is in part by means of British steamship lines connecting directly and regularly foreign countries with the ports of Great Britain, and affording prompt and regular means of correspondence and transportation of merchandise, that Great Britain has been able to seize and hold to such an extent the markets of the world.

One of the important problems which is commanding the attention of the American people at the present time is how to obtain possession of a large share of the trade of the non-manufacturing countries of this continent, which purchase of us only sixty-four millions, but of France seventy-seven millions, and of Great Britain one hundred and twelve millions. The present Congress has regarded a successful solution of this problem so important that it has authorized a commission to visit Mexico and the countries of Central and South America and report such measures as seem to these gentlemen best calculated to secure this end. The commission have not yet completed their labors, but they have already obtained sufficient light to make public some of their conclusions. They represent in the strongest terms possible that one of the first things to be done is to establish direct and regular steamship connection for postal and commercial purposes with such countries in South America as we wish to reach with the products of our industries.

At present we have no regular direct steamship connection with most of the countries of South America. Our mails and our goods must largely go by the roundabout way of England. In these days when purchasers demand conveniences for swift communication and quick delivery it is impossible for us to think of largely reaching the markets of South America unless we have steamship lines regularly running between our ports and the leading ports of that country by which mails and goods may be transported promptly and regularly.

The growth of our trade with Australia, Mexico, and other countries with which we have established regular steamship connection affords evidence of the commercial importance of regular American steamship lines. Our exports to Mexico have increased from $3,716,599 in 1866 to $14,370,992 in 1883; to Central America, from $121,534 to nearly two millions; and to Australia, from $3,419,973 in 1870 to $9,638,997 in 1883.

It is idle, however, to expect that the existing American steamship lines to Australia, China, Japan, and Brazil can be long sustained, or new lines to South American ports be established, unless the United States shall feel sufficiently interested to extend liberal mail pay for postal service. No nation of Europe has ever originally established steamship lines to connect with foreign countries without liberal mail pay from the government. It has been frequently asserted that this has not been the case with Great Britain. The official records, however, prove that England was the pioneer of this policy on the most liberal scale. To settle this point beyond question, however, I addressed a note of inquiry to Capt. Bedford Pim, recognized everywhere as an English authority on all matters relating to the British marine, and I received from him a prompt reply on this point, in which he says:

> It has been the policy of the British Government to establish or rather encourage the establishment of British steamship lines by the annual payment of a postal subsidy, and this with the most gratifying result as regards the expansion of British commerce. I know of no instance of a British postal line of steamers originally established without a subsidy for carrying the mails.

Now that Great Britain has obtained possession of most of the important lines of steamship communication with foreign countries she has no need of dispensing her largesses with so liberal a hand as formerly; but the mail compensation she still gives so many of her steamship lines shows that she continues to jealously guard this important agency in the development of her foreign trade.

Mr. Chairman, there remains one other consideration which it is important that Congress should not overlook. The plan to which I am calling attention provides that in case of war all American steamers, under contract to carry the mails of the United States, shall be subject to purchase or charter by this Government at reasonable rates. This is substantially the condition on which Great Britain has for years entered into contract with her mail steamships. In this way she has constantly had at hand a large fleet of swift steamships at comparatively slight expense to her treasury, which she could take possession of at a day's notice in case of war, and use as transports for troops and supplies, and even as light-armed swift cruisers to sweep an enemy's commerce from the sea.

By encouraging the establishment and maintenance of steamship lines employing large and swift vessels, through liberal compensation for carrying our mails to foreign countries, it is in our power, at a comparatively small expense, to build up a fleet of steamships and large private ship-yards, which will be of inestimable value in case of war.

The chief objections to the plan proposed by the committee, which have been suggested, are that it gives the Postmaster-General too much power; that it involves too great expense; that it will inure largely to the benefit of the few existing American lines which will have no competition, and that it will not measurably add new lines running to other countries.

These objections are entitled to careful consideration. If no new lines of American steamships shall be added to our present fleet, no expense would be incurred in that direction. If new lines to some of the more important ports of South America can be secured even at the maximum compensation provided, I think there would be little difference of opinion as to the wisdom of the appropriation.

The United States paid to foreign steamers in the last fiscal year about $268,000 for carrying her mails to Europe, and will pay nearly $300,000 in the next year. I am informed by gentlemen who have practical acquaintance with the subject that if this sum was annually placed at the disposal of the Postmaster-General, with authority to make

a contract for four years for carrying our European mails, American capitalists would without doubt enter into a contract with our Government to establish a semi-weekly line or lines of American mail steamships, equal to any in the world, between New York and Liverpool, on the assurance that they would receive the same sum annually for carrying our mails to Europe that is now paid in the aggregate to foreign steamers. And this sum, it is worthy of note, is almost exactly the maximum of 50 cents per nautical mile, estimating the mileage made by a semi-weekly line of steamships between New York and Liverpool. Would it not be far wiser to use the $268,000, or the $300,000, as the amount paid to foreign transatlantic steamers will unquestionably be the next fiscal year, in establishing an American line of swift first-class mail-steamers, that would bear the American flag and be available for Government uses in case of war, than to pay it to maintain foreign steamships, which would be turned against us in case of trouble between the United States and the nations under whose flag these steamers sail?

Such a change in our policy would add very little to our expenditure, so far as our transatlantic mails are concerned, on the basis of semi-weekly mails between Europe and the United States. Certainly, we could well afford to increase our expenditure for foreign mail service $550,000 annually, as contemplated by the provision recommended by the Committee on Appropriations, or even $1,700,000, as recommended by the shipping committee, if thereby we could secure and maintain prompt and frequent postal and commercial communication by American steamships with the countries of South America, the Australian colonies, and China and Japan—countries whose trade we are seeking to draw to ourselves in larger measure.

Perhaps, Mr. Chairman, the objection which has most weight is that under the plan proposed existing American steamship lines, running to the West India islands, Mexico, Central America, a few countries of South America, the Australian colonies, and China and Japan, might all be able to secure the maximum amount provided, without regard to the value of their service, and thus appropriate to themselves the most of the sum placed at the disposal of the Postmaster-General without adding anything to the facilities we now have. This objection assumes that the Postmaster-General would administer this measure, if it should be enacted into law, without due regard to the public interests. Why should there be fear of this in his administration of the laws relating to foreign mail service, with a limitation of the maximum expenditure by-law, when we have no hesitation in intrusting to him the expenditure of many millions in the domestic mail service by land and sea without any limit to the sum that he may pay for transportation of the mails? Why this extraordinary distrust the moment that any measures are proposed to promote postal and commercial facilities with foreign countries and encourage the American merchant marine?

It is to be observed that there is nothing in the measure proposed which requires the Postmaster-General to pay a single dollar to an American line of steamers. He may invite proposals for carrying the mails by American steamers to any country that he regards it proper to do so, and when he has received bids for this service he may reject any and all proposals which in his judgment it is not for the public interest to accept. If he can not obtain a proposal satisfactory to him he may send our mails by foreign competing steamers or by way of England. The absolute discretion vested in him in the foreign, as in the domestic mail service, limited, however, in the case of the foreign service to the maximum sum of 50 cents per mile and the aggregate of $600,000, would make the Postmaster-General master of the situation in the case of the adoption of the measure proposed.

Moreover, with the exception of the lines from the Sandwich Islands to Australia, San Francisco to Panama, and San Francisco to British Columbia, there is already competition by foreign steamship lines, which would be ready to carry our mails if American lines asked too much, or by American companies owning foreign steamers which would be ready to dispose of their foreign steamers and purchase American vessels in order to secure the contract for our mail service.

The following list of ocean mail-routes on which American vessels now carry the mails of the United States to foreign countries, with the number of miles traveled by steamships on each route and the amount paid each line by this Government for mail service in the last fiscal year, omitting the Philadelphia line now withdrawn, will be of interest in this connection:

List of ocean mail routes—Continued.

Lines of service.	Miles traveled.	Amount mail pay.
*Pacific Mail Steamship Company, San Francisco to Australia, &c	156,000	$11,184
Pacific Mail Steamship Company, San Francisco to China and Japan	165,620	3,665
Pacific Mail Steamship Company, New York to Aspinwall	144,072	6,841
*Pacific Mail Steamship Company, San Francisco to Panama	158,688	1,597
*San Francisco to British Columbia	83,000	387
New York, Havana and Mexican Mail Line, New York to Cuba, Porto Rico, and Mexico	200,000	8,101
New Orleans to Vera Cruz	16,000	873
New York and Brazil Line	162,060	5,249
New York and Cuba Mail Line, Cuba, Porto Rico, and Bahamas	101,500	$2,957
Morgan Line, New Orleans to Cuba and Mexico, Key West to Cuba, Galveston to Mexico	85,000	954
New Orleans to Honduras and Guatemala	61,200	512
New York to Hayti	35,496	483
New York to Venezuela	79,716	1,046
Baltimore to Bermuda	4,200	14
Boston, Halifax and Prince Edward	81,600	144
Boston to Yarmouth, Nova Scotia	75,600	141
San Francisco to Mexico	39,840	278
Oceanic Steamship Company, San Francisco to Hawaii	83,200	1,852
Steamship Mendoza, New York to Argentine Republic	26,000	87

The above lines, with a few irregular trips by other steamers carrying the mail, apparently make an aggregate mileage of about 1,750,000 miles. But the service from San Francisco to Hawaii, New York to the West India islands and Mexico, and several other points, is duplicated; several lines run to countries with which we are connected by raliroads; and on all the routes but the three indicated by a star, thus (*), there are competing lines. On one of these three, that from San Francisco to the Australian colonies, there is competition to Hawaii, which leaves routes covering only about 300,000 miles on which there is but one steamship line. Although the miles traveled by the steamers of the four lines of the Pacific Mail Steamship Company, which carried the United States mails in the last fiscal year, were 624,380, yet there are competing lines, either foreign or American, over all portions of their routes except 231,488 miles; and mail matter may be dispatched even to these points by longer indirect foreign routes.

It will be seen, therefore, that there is no more reason to suppose that any sum which may be appropriated on the plan proposed for foreign mail service will not be wisely and economically expended by the Postmaster-General than there is that the much larger appropriations for domestic mail service puts in the hands of that officer will be misappropriated.

Mr. Chairman, I have dwelt on the objections urged against any practicable plan of increasing our postal and commercial communication with foreign countries and of encouraging the establishment of American steamship lines because many gentlemen have given undue importance to them. I am sure that when gentlemen rise to the national importance of these ends they must feel that Congress will do itself and the country great injury if it allows objections which can have no force except on the supposition that the Postmaster-General of the administration soon to be inaugurated will be unfit for the position, to stand in the way of an earnest effort to secure postal and commercial communication with foreign countries by means of American steamships.

A nation of 56,000,000 of people, occupying so high a place among the powers of Christendom, and proudly boasting of a future of which no other country ever dreamed, ought not to be content until her mails are carried to other nations by steamships floating her own flag. Our commercial interests demand this, for in the multiplied presence of American vessels in the world's waters there would come to us a commercial as well as moral advantage. The steamship is the great agency of foreign trade; and the commercial history of the world shows that trade follows the flag which floats at the masthead of the ocean carrier. What the devices of advertising are to the merchant who solicits trade our merchant fleets upon the seas are to this country.

Patriotism unites in the appeal for the extension of American steamship lines. A nation is known and felt abroad more by the flag floating over her shipping in foreign ports and on the great ocean highways than by any other agencies. If we would have our Republic more highly honored and respected abroad, we can secure this result in no other way so successfully and cheaply as by multiplying American ocean tonnage and encouraging the establishment of American steamship lines to the leading ports of the world. The same policy of liberal mail pay which has built up British steamship lines on all the great routes of ocean commerce, and nothing else, will, if persistently followed, secure to the United States similar results.

The instinct of self-preservation admonishes us to multiply swift merchant steamships, which in time of war may be laid hold of by our Government as transports and commerce-destroyers, and ship-yards which in time of need may be resorted to for the prompt construction of war vessels and engines of war. The nation whose boundaries and chief commercial cities are touched by the sea is almost defenseless unless it can cope with its enemies on the ocean. In modern times the seat of power of every nation is on the rocking waves as well as on the solid land.

Mr. TOWNSHEND. The gentleman from Maine yields to me for the purpose of moving the committee rise.

Mr. DINGLEY. How much time have I left?

The CHAIRMAN. Thirteen minutes.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

Mr. TOWNSHEND moved that the House adjourn.

The motion was agreed to; and the House accordingly (at 11 o'clock and 55 minutes a. m., February 10, 1885) adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BALLENTINE: Petition of Mary C. Stames, asking a reference of her case to the Court of Claims—to the Committee on War Claims.

By Mr. BAYNE: Memorial of R. S. Waring and others, of Pittsburgh, Pa., in favor of Indian schools—to the Committee on Indian Affairs.

Also, memorial of the First, Second, Third, Fourth, Fifth, and Seventh United Presbyterian churches of Allegheny, Pa., praying that the educational facilities recommended by the Secretary of the Interior be incorporated into law by Congress—to the same committee.

Also, memorial of the faculty of Western University of Pennsylvania and the professors of various colleges, praying that the educational facilities recommended by the Secretary of the Interior may be incorporated into law by Congress—to the same committee.

Also, memorial of Samuel Barnes, D. D., pastor of Fourth Baptist church of Pittsburgh, representing 496 members, praying that the educational facilities recommended by the Secretary of the Interior may be incorporated into law by Congress—to the same committee.

By Mr. BEACH: Petition of citizens of Port Jervis, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. BRENTS: Petition of Custer Post, No. 6, Department of Washington Territory, for publication in Official Records of the War of the Rebellion of photographic illustrations—to the Committee on Military Affairs.

By Mr. T. M. BROWNE: Petition of 73 citizens of Rushville, Ind., praying the passage of a bill for the abolition of polygamy, &c.—to the Committee on the Judiciary.

By Mr. CANNON: Papers to accompany bill for the relief of Samuel and David Wilson—to the Committee on Ways and Means.

By Mr. CLEMENTS: Petition of Hester A. Weitinger, widow of John Weitinger, deceased; of John A. Masteller and Elizabeth A. Moody, administrators of Andrew Masteller, deceased; and of David Murdoch, of Bartow and Chattooga Counties, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. COLLINS: Petition of Walworth Manufacturing Company and others, in favor of legislation to carry into effect the treaty with Mexico—Committee on Ways and Means.

Also, petition of Rev. John Wright and others, citizens of Boston, Mass., in favor of additional legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. CRISP: Petition of John A. Cobb, S. B. Hawkins, C. W. Hancock, and other citizens of Sumter County, Georgia, asking further aid to the World's Industrial and Cotton Centennial Exposition at New Orleans—to the Committee on Appropriations.

By Mr. G. R. DAVIS: Petition of C. M. Keys & Co. and 25 others, leading shippers and dealers in live-stock, of Saint Louis, Mo., against the passage of the Hopkins resolution relating to the shipping of live-stock—to the Committee on Commerce.

Also, petition of T. C. Eastman and 18 others, leading shippers and dealers in live-stock, of New York city, against the passage of the Hopkins resolution—to the same committee.

By Mr. ELLIS: Memorial and petition of John A. Palmer, index clerk House of Representatives—to the Committee on Accounts.

By Mr. GEDDES: Papers relating to the claim of St. Andrew's Lodge, No. 18, of Free and Accepted Masons, Cynthiana, Ky.; also of James S. Frizzell, of Cynthiana; of Joseph B. McClintock, of Harrison County, Kentucky; of the estate of Thomas V. Stirman, deceased; and of Marcus L. Broadwell, of Harrison County, Kentucky—to the Committee on War Claims.

By Mr. GEORGE: Petition of citizens of Oregon, for the further improvement of Coquille River—to the Committee on Rivers and Harbors.

By Mr. GLASCOCK: Resolution of the Board of Trade of the city of Sacramento, Cal., asking for ratification of treaty with Nicaragua, and the construction of the Nicaragua Canal—to the Committee on Foreign Affairs.

By Mr. GREENLEAF: Petition of B. F. Wilber, F. S. Upton, John D. Burr, and others, citizens of Geneseo, N. Y., that the United States shall acquire the title to the two canals connecting the Portage Lake, Michigan, with Lake Superior—to the Committee on Rivers and Harbors.

Also, petition of Mrs. H. Otes, Mrs. M. Hayes, C. Roby, and others, citizens of the United States, asking that the Mormon question may receive the attention which its importance demands; also of S. D. Bentley, W. F. Cogswell, Edward Harris, citizens of the United States—to the Committee on the Judiciary.

By Mr. HOBLITZELL: Petition of Ferdinand Mullan, administrator of Charles N. Mullan, deceased, late an employé of the Forty-fourth Congress, for an allowance for necessary funeral expenses of said deceased—to the Committee on Accounts.

By Mr. HOPKINS: Memorial of Chamber of Commerce of Pittsburgh, Pa., upon the subject of railroad discrimination and pooling—to the Committee on Commerce.

By Mr. HOWEY: Petition of J. L. Roberts and others, of Bernardsville, Somerset County, New Jersey, praying for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JOHNSON: Petition of Rev. A. J. Fennel and others, of Glens Falls, N. Y., for legislation on the Mormon question—to the same committee.

By Mr. B. W. JONES: Memorial of newspaper publishers of the West and Northwest, asking reduction of newspaper postage—to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislature of the State of Wisconsin, asking the United States to take control of Sturgeon Bay and Lake Michigan Ship Canal—to the Committee on Rivers and Harbors.

Also, resolution of State Grange of Wisconsin, asking legislation to the end that manufacturers and agents shall alone be liable for infringement of patents—to the Committee on the Judiciary.

By Mr. KEAN: Petition of citizens of Jamesburg, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the Committee on the Judiciary.

Also, petition of citizens of Springfield, N. J., urging action by Congress upon bills for the suppression of Mormonism—to the same committee.

By Mr. LIBBEY: Petition of the Soldiers' and Citizens' National League, for pensioning all honorably discharged soldiers and sailors of the late war—to the Committee on Invalid Pensions.

By Mr. McCORMICK: Petition of Rev. H. Calhouse and 108 citizens of Lawrence County, Ohio, against Mormonism—to the Committee on the Judiciary.

By Mr. MAGINNIS: Petition of citizens of Montana, for a pension of $8 per month for all discharged soldiers—to the Committee on Invalid Pensions.

By Mr. MATSON: Petition of Professor W. T. Axtell and 45 others, of Monroe County, and of J. A. Woodburn and 20 others, citizens of Monroe County, Indiana, for legislation to remedy the evils of Mormonism—to the Committee on the Judiciary.

By Mr. MULDROW: Petition of Daniel Peel, of Tishomingo County, Mississippi, asking for reference of his claim to the Court of Claims to correct error in finding of late Southern Claims Commission—to the Committee on War Claims.

By Mr. PERKINS: Resolutions of citizens of Elk County, Kansas, favoring the opening of the Oklahoma country to settlement and condemning the employment of soldiers to evict the settlers therefrom—to the Committee on Indian Affairs.

By Mr. PETERS: Petition of citizens of Comanche County, Kansas, asking for passage of an act to make valid certain acts of notaries public taking final proofs on pre-emption claims—to the Committee on the Public Lands.

By Mr. PETTIBONE: Petition of James O. Broyles, of Washington County, Tennessee, praying for pay for two horses taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. POLAND: Petition of Rev. A. L. Cooper and others, of Springfield, Vt., praying for legislation upon the Mormon question—to the Committee on the Judiciary.

By Mr. RAYMOND: Petition from citizens of Brulé County, Dakota Territory, asking for the passage of the bill (S. 1755) for opening a part of the Sioux reservation to settlement—to the Committee on Indian Affairs.

By Mr. STEPHENSON: Joint resolution of the Legislature of the State of Wisconsin, relative to the purchase of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the State of Wisconsin, relative to the Sturgeon Bay and Lake Michigan Ship Canal—to the same committee.

Also, petition of E. C. Daniels and 26 others, of Sturgeon Bay, Door County, Wisconsin, praying for an increase of widows' pensions—to the Committee on Pensions.

By Mr. STONE: Petition of Andre Thissell, of Essex County, Massachusetts, for pension—to the Committee on Invalid Pensions.

By Mr. TUCKER: Petition of Judson S. Post, for relief—to the Committee on Naval Affairs.

By Mr. VAN ALSTYNE: Petition of Rev. H. E. Stanton and many others, citizens of Albany, N. Y., asking Congress to pass a law suppressing polygamy—to the Committee on the Judiciary.

By Mr. VANCE: Petition of James Taylor, for settlement of accounts as delegate of Eastern band of North Carolina Cherokees—to the Committee on Indian Affairs.

Also, petition of Joseph Hensen (Bull Frog), a Cherokee Indian, as to certain lands in North Carolina—to the same committee.

By Mr. A. J. WARNER: Petition of James N. Chamberline and others, against the repeal of section 4419, Revised Statutes—to the Committee on Commerce.

By Mr. WINANS: Petition of veteran soldiers of Michigan, for an increase in the pension allowed Jane Brent, widow of Captain Brent, late of the regular Army—to the Committee on Pensions.

By Mr. WOODWARD: Resolution of the State Grange of Wisconsin, urging amendment of patent laws—to the Committee on the Judiciary.

By Mr. YAPLE: Petition of A. E. Knapp and 62 others, citizens of Kalamazoo, Mich., for legislation to check the increase of the evil of Mormonism—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BALLENTINE: Of citizens of Wayne County, Tennessee.

By Mr. BREITUNG: Of citizens of Platte, of Traverse City, and of Omena, Mich.

By Mr. CULBERTSON: Of 121 voters of Catlettsburg, Ky., and of 472 citizens of Fearis, Ky.

By Mr. CURTIN: Of citizens of Elk County, of Clearfield County, of Mifflin County, of Centre County, and of Philipsburg, Pa.

By Mr. FUNSTON: Of citizens of Coffeyville, of Ransomville, of Empire City, of Louisburg, of Ottawa City, of Oswego, and of Paola, Kans.

By Mr. HART: Of M. W. Spargur and 114 others, soldiers of Highland County, Ohio.

By Mr. KEIFER: Of Theodore Smith and 115 others, of Madison County, Ohio, and of H. M. Cline and 62 others, of Bellefontaine, Ohio.

By Mr. KLEINER: Of ex-soldiers of Leopold, Ind.

By Mr. LACEY: Of Charles S. Daskam and 42 others, of Albion, Mich., and of A. D. Goodrich and 61 others, of Olivet, Mich.

By Mr. LOWRY: Of 62 citizens of Ligonier, Noble County, Indiana.

By Mr. LYMAN: Of citizens of Somerville, of Pepperell, of Shelburne Falls, and of Charlemont, Mass.

By Mr. PATTON: Of Mrs. M. Salsgiver and 20 others, citizens of West Lebanon, Indiana County, Pennsylvania.

By Mr. RAYMOND: Of citizens of Union, Day, Hughes, and Yankton Counties, and of Denver, Dak.

By Mr. OSSIAN RAY: Of Madeline E. Carr and 39 others, of Stewartstown, N. H.

By Mr. RYAN: Of 184 citizens of Kansas.

By Mr. H. Y. SMITH: Of 38 citizens of Perry, Dallas County, Iowa.

By Mr. STONE: Of citizens of Lawrence, Essex County, Massachusetts.

SENATE.

MONDAY, *February* 9, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of DANIEL W. VOORHEES, chosen by the Legislature of Indiana a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

Mr. MORGAN presented the credentials of JAMES L. PUGH, chosen by the Legislature of Alabama a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

COMMITTEE SERVICE.

Mr. PENDLETON. I am requested by the Senator from California [Mr. FARLEY] to ask that he be excused from service upon the Committee on Commerce and the Committee on Transportation Routes to the Seaboard.

The PRESIDENT *pro tempore*. The Senator from Ohio, on behalf of the Senator from California [Mr. FARLEY], asks that the Senator from California be excused from further service upon the Committee on Commerce and the Committee on Transportation Routes to the Seaboard. Is there objection? The Chair hears no objection, and the Senator from California is excused.

Mr. PENDLETON. I now move that the Chair have authority to fill the vacancies on those committees occasioned by the retirement of Mr. FARLEY.

The motion was agreed to by unanimous consent.

The PRESIDENT *pro tempore*. The Chair will appoint upon the Committee on Commerce the Senator from Oregon [Mr. SLATER], and upon the Committee on Transportation Routes to the Seaboard the Senator from South Carolina [Mr. BUTLER].

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting recommendations of the Supervising Architect to extend the limit of cost of the public buildings at Leavenworth, Kans., and Peoria and Quincy, Ill.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in compliance with the requirements of the joint resolution of February 13, 1884, a detailed report of the expenditure of the appropriation for the Greely relief expedition; which, with the accompanying papers, was referred to the Committee on Naval Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Sylvester F. Scord, president of the Worcester University, in Ohio, and other members of the faculty of that institution, praying for the passage of laws providing for the education of Indians; which was referred to the Committee on Indian Affairs.

Mr. PENDLETON presented petitions of the Block Publishing and Printing Company, of Cincinnati, Ohio; the Times-Star Company, of Cincinnati, Ohio; the United Brethren Publishing House, of Dayton, Ohio; the Cincinnati (Ohio) Furniture World; the Publishing House of the Evangelical Association, of Cleveland, Ohio; the Iron Trade Review, of Cleveland, Ohio; L. Hirsch & Co., of Columbus, Ohio; the Jeffersonian, of Cambridge, Ohio; and Will C. Turner, of Columbus, Ohio, praying for a reduction of the postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOAR. I present the petition of the trustees and pastor and congregation of the East Washington Colored Methodist Episcopal church, of the District of Columbia, praying compensation for damages done their church property by certain public works. When that order is reached I shall introduce, by request, a bill for the relief of these parties. I move that the petition be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. BUTLER presented a petition of citizens of Charleston, South Carolina, favoring the adoption of certain amendments to the patent laws; which was referred to the Committee on Patents.

He also presented a letter from William P. Craighill, Lieutenant-Colonel of Engineers, United States Army, suggesting that the unexpended balance appropriated for the monument at Yorktown, Va., be used for the erection of a small building and the employment of a watchman at that place; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa., reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. 1013) for the erection of a public building at Troy, N. Y., reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2542) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 2441) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, reported it without amendment.

Mr. MAHONE. I desire to call the attention of Senators to the report accompanying the bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office. The report is now being distributed, and I give notice that I shall call the bill up during the morning hour to-morrow.

Mr. PLUMB, from the Committee on Public Lands, to whom was referred the bill (H. R. 489) to extend the laws of the United States over certain unorganized territory south of the State of Kansas, reported it without amendment.

PUBLIC BUILDING AT PITTSBURGH.

Mr. MAHONE. I ask unanimous consent that the bills just reported by me from the Committee on Public Buildings and Grounds may be taken up and considered.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and the first bill will be read.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa. It proposes to increase the

amount heretofore fixed as the limit of cost for the erection of a public building by the United States Government at Pittsburgh, Pa., to $1,500,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT TROY.

The bill (H. R. 1013) for the erection of a public building at Troy, N. Y., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT QUINCY.

The bill (S. 2542) to amend an act entitled "An act for the erection of a public building at Quincy, Ill.," approved May 9, 1882, was considered as in Committee of the Whole. It proposes to extend the limitation of $175,000 to $200,000, for the purpose of adding a third story to the public building now in course of erection at Quincy.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT PEORIA.

The bill (S. 2441) to amend an act entitled "An act to provide for the erection of a public building in the city of Peoria, in the State of Illinois," approved May 9, 1882, was considered as in Committee of the Whole. It proposes to extend the limitation of $225,000 to $245,000, for the purpose of adding a third story to the building at Peoria, and of changing the first story according to plans and specifications to be previously made and approved by the Secretary of the Treasury.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CITY POST-OFFICE.

Mr. MORRILL. I ask unanimous consent to take up Senate bill 2617, providing for the Washington city post-office. The notice given by the chairman of the Committee on Public Buildings and Grounds [Mr. MAHONE] that he would call it up to-morrow, was made in consequence of the report not having been laid upon the desks of Senators at that time; but it is so important that the bill should pass the Senate and reach the other House, that I venture to ask that it be considered this morning. I think any Senator on reading the report will not hesitate to vote for the bill.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill (S. 2617) to authorize the acquisition of certain parcels of real estate embraced in square No. 406 of the city of Washington, for the enlargement of the Post-Office Department building and to provide accommodations for the city post-office, be now taken from the Calendar for present consideration. Is there objection?

Mr. HOAR. Will that require any debate?

Mr. MORRILL. No; the report fully explains it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MORRILL. In lines 8 and 9 of section 8 I move to fill the blank by inserting the words "ten thousand;" so as to read:

And for that purpose the sum of $10,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

Mr. MORRILL. I move an amendment, to correct the exhibit on page 6, opposite to "$55,000," by striking out the name "C. Moore" and inserting in lieu thereof "C. T. Wood;" and in the same line by striking out the second word "Moore" and inserting the word "Wood;" so that the line will read:

C. T. Wood, agent for Mrs. A. Wood.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed to the exhibit attached to and by reference made a part of the bill.

The amendment was agreed to.

Mr. INGALLS. I should like to ask the Senator from Virginia how much property in this square remains not covered by definite offers mentioned in Exhibit A.

Mr. MAHONE. One hundred thousand dollars—three lots.

Mr. INGALLS. Three lots valued at $100,000?

Mr. MAHONE. Yes, sir.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EULOGIES ON REPRESENTATIVE EVINS.

Mr. MANDERSON. On behalf of the Committee on Printing, I report back favorably the joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina. I am directed to ask for the immediate consideration of the joint resolution.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLICATION OF TREATIES.

Mr. MANDERSON. I am directed by the Committee on Printing to report back a concurrent resolution for printing treaties and conventions, and I ask for its present consideration.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,500 additional copies of the Treaties and Conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House; 4,000 copies for the use of the Department of State; and 1,000 copies for distribution by the Department of the Interior among public libraries not depositories under existing laws, each Senator, Representative, and Delegate in Congress to designate two libraries to whom copies of the work shall be thus sent. And the Public Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

PUBLIC BUILDING AT TYLER, TEX.

Mr. VEST. I am instructed by the Committee on Public Buildings and Grounds to report favorably the bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas, and I am also instructed to ask for its present consideration. This completes the reports from that committee of bills for public buildings.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2622) for the relief of the trustees, pastor, and congregation of the East Washington Colored Methodist Episcopal church of the District of Columbia; which was read twice by its title.

Mr. HOAR. The bill is introduced by request. I know nothing of the contents of the bill, except as shown in the petition relating to the subject which I presented this morning. I move that the bill be referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CALL introduced a bill (S. 2623) to remove the political disabilities of Alexander W. Stark, of Virginia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the Judiciary.

Mr. BUTLER introduced a bill (S. 2624) to appropriate money for the purchase of a steam-dredge to be used in Government work on the coast of South Carolina, Georgia, and Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 2625) to make appropriation for continuance of improvements in Charleston Harbor; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a joint resolution (S. R. 120) authorizing the Secretary of War to loan arms to the Richland Volunteer Company, of Columbia, S. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENT TO APPROPRIATION BILL.

Mr. MAXEY, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERNATIONAL LONGITUDE CONFERENCE.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" are now in order. The Chair lays before the Senate a concurrent resolution offered on a former day by the Senator from California [Mr. MILLER], authorizing the President to communicate to the governments of other nations the resolutions adopted by the international conference for fixing a prime meridian. However, the resolution was reported from the Committee on Foreign Relations, the Chair observes. It belongs on the Calendar.

Mr. SHERMAN. It had better be considered now.

Mr. MILLER, of California. If there is no objection I should like to have the resolution considered.

The PRESIDENT *pro tempore*. The resolution was reported on a former day, and it was laid on the desk of the Chair as a resolution offered to which objection had been made. Resolutions reported from committees go on the Calendar. The Senator from California asks unanimous consent that the resolution, the title of which the Chair has read, be now considered. Is there objection?

Mr. CONGER. Let the resolution be read subject to objection.

The PRESIDENT *pro tempore*. The resolution will be read for information.

The Chief Clerk read the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate of the United States (the House of Representatives concurring), That the President be authorized and requested to communicate to the governments of all nations in diplomatic relations with the United States the resolutions adopted by the international conference held at Washington, in October-

1884, for the purpose of fixing a prime meridian and a universal day, and to invite their accession to the same.

PROPOSED CHANGE OF REFERENCE.

Mr. MORRILL. I ask that the Committee on Finance be discharged from the further consideration of the bill (S. 2615) to authorize medals commemorating the completion and dedication of the Washington Monument, which was erroneously referred to that committee, and that it be referred to the Committee on the Library.

Mr. SHERMAN. I do not care to which committee the bill is referred, but the Committee on Finance have always dealt with questions relating to coinage at the Mint, &c. I think the reference to the Committee on Finance was proper.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the Committee on Finance be discharged from the further consideration of the bill, and that it be referred to the Committee on the Library. Is there objection?

Mr. COCKRELL. I can not see why a bill of that kind should go to the Committee on the Library.

The PRESIDENT *pro tempore*. Is there objection?

Mr. COCKRELL. I object to the proposed change of reference.

The PRESIDENT *pro tempore*. Objection is made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its clerk, announced that the House had passed a bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa., in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 475) granting arrears of pension to Emily Agnel;

A bill (S. 750) granting a pension to Catharine Schools;

A bill (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States, concerning commerce and navigation and the regulation of steam-vessels;

A bill (S. 1823) granting a pension to Ebenezer K. Marden;

A bill (S. 646) for the relief of R. G. White, Peter Hanger, and L. T. Green; and

A bill (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes.

AMERICAN SHIPPING TRADE.

Mr. CAMERON, of Pennsylvania. I ask that the resolution which I offered on the 4th of December relative to the American shipping trade be taken from the table and read, and I wish to submit some remarks on it.

By unanimous consent, the Senate proceeded to consider the resolution; which was read, as follows:

Whereas the shipping trade in American vessels is, and has for years been, depressed, and the export trade in American produce is languishing for want of a market that might be reached if the shipping trade was in the hands of citizens of the United States: Therefore,

Resolved, That the Committee on Finance be, and is hereby, directed to inquire whether it would be expedient to expend the surplus revenue of the United States, or any portion thereof, for the purpose of reviving the shipping and export trade by allowing a rebate from tariff duties on foreign goods imported in ships built and owned in the United States, and by also allowing a premium on American-grown products and articles of American manufacture exported in American vessels, and report by bill or otherwise.

Mr. CAMERON, of Pennsylvania. Mr. President, the most important question before the country to-day is the depressed condition of business, and my object in introducing this resolution is to direct attention to the means by which I firmly believe that business can be revived. I do not claim to have a plan perfected in all its details, and I do not think that any one man can devise such a plan. But I think that I see the direction through which relief can and must come, and by agitation and discussion and mutual consultation I hope that from the general ideas which I shall suggest a practicable working plan may be elaborated, by means of which the country may resume its march of prosperity.

My belief is that relief can be obtained only by applying and extending the principle of the protective tariff in such manner as to secure foreign markets for our agricultural and manufactured products, and the best method of doing this is on the principle adopted in a recent French law, of which I shall present a full translation, namely, to pay a bounty both for the building and the running of American vessels—so much a ton for their construction and so much a mile for every ton transported. If our ship-building and ship-carrying interests are protected and fostered in this manner they can underbid the ships of Great Britain and other countries in the carrying trade, and we can find markets in every quarter of the globe for the supplies we are capable of producing over and above the needs of the home market.

In brief, then, I propose that we use ten, twenty, or, if necessary, thirty millions of our surplus revenue every year to protect the carrying trade, and thereby find markets for two hundred to three hundred millions of our surplus products.

I believe this method to be much simpler and more feasible than the system of rebates which I had in view at the time I introduced this resolution. Since that time I have conversed with those who are familiar with the details of the question. I have also consulted some of the most prominent statisticians in the country, and have used very freely the facts and figures obtained from them.

With these preliminary remarks, I will endeavor to explain as briefly as possible why I think the present an opportune time to call the attention of the country to the necessity of a practical measure looking to the restoration of the American carrying trade, and why, under the existing condition of affairs, such an agitation is likely to be prolific of good results.

In these times of business depression, when troubles are falling thick and fast upon our manufacturers; when the grain of the country is being stored in granaries because it will not pay to transport it to a distant market; when there are various estimates that from 500,000 to 1,000,000 of our working population are out of work; when capital lies idle for the want of useful employment, and when the cry comes from labor organizations throughout the land that work must be found for the unemployed, it is about time we turned our attention to measures of relief. In the midst of this suffering for the want of employment there is on all sides a great plenty. The granaries of the country are, as I have said, overflowing with the product of our fields. The mills and factories of the country are closing down for lack of orders. For the time being production seems to have overtaken consumption. We can raise in one year more grain and cotton and meat than we can consume in two years, and it has been said that we can manufacture in six months more than we can sell in a year. Stored away in our warehouses are millions of dollars' worth of goods for which we can find no purchasers. The national Treasury of the country partakes of the same plethoric condition as the nation at large, and the question is asked on all sides, What shall we do with the surplus revenue?

We have the means at hand in the surplus revenue that annually accumulates in our Treasury—a surplus revenue, by the way, that in a few years we shall not be able to apply to the abolition of our debt, unless we go into the market and purchase our own bonds at a premium. Then, why not turn a portion of this surplus revenue into a practical channel, that of ship-building and ship-carrying? The honorable Senator from New York [Mr. MILLER] made an estimate last May that the total subsidies paid to vessels engaged in foreign commerce by all the nations of the earth was less than $25,000,000 annually. I am informed upon competent authority that less than one-fifth of this sum steadily applied would establish an American merchant marine that would in a short time create for us a great industry, aid in finding new markets for American products, and place us on an equal footing with the other nations of the world in our foreign carrying trade.

If, however, it requires more than this, if it requires an amount equivalent to our entire surplus revenue, I claim that the proposed object of expenditure would be just and right. Other nations would undoubtedly struggle against it, but in such a struggle the nation with the greatest resources would win. That nation is the United States, and the time has come for her to assert and win her commercial supremacy on the ocean in the same manner and by the same means that in the last forty years she has established her commercial supremacy in the home market, by building up her own resources instead of being content to pay tribute forever to the foreign producer.

Great Britain would not give up this great source of wealth—the carrying trade—without a commercial struggle any more than she gave up her American colonies without a war. She would increase her subsidies, and to that extent we must be prepared to increase ours.

But in such a contest the United States will prove the stronger power and will survive. The people of England are now ground down under a system of taxation which enriches the few and impoverishes the many. Hoyle, the great authority on the English poor law and its workings, has estimated that 7,000,000 people of that island are, to use his expression, "toeing the line of pauperism." An increase of a million or two dollars in her budget has to be met with an increase of the income tax, while with our present taxation we have a large surplus which can be used in the struggle. We have paid more of our national debt in ten years than England has paid in sixty years. England is dependent upon other nations for the food her population consumes, while so boundless are our resources that we can live and flourish independently of the rest of the world.

Our system of taxation, which bears lightest upon those least able to pay, now brings us annually a surplus far greater than can possibly be needed. To secure for the United States pre-eminence in the world's carrying trade would complete her commercial system and make her the first commercial nation in the world. This is an object worth attaining. We have the means at hand, but we must apply them with boldness and vigor in order to succeed. It was only by decided measures, like those I shall propose, that England wrested the commercial supremacy from Holland. It is of no use to nibble at the question, and it is of no use to advocate anything but old-fashioned, vig-

orous, protective methods. The condition of our foreign shipping shows the blighting effect of free trade and the wonderfully prosperous condition of our coastwise shipping shows the beneficent effect of protection.

The measure proposed is a measure for the benefit of the entire country. It is not intended for the ship-builder along the seacoast. It is not intended for the capitalist, who puts his money into ships after they are built. It is not intended for any class, but is merely the extension of the policy of protection to this one industry which we have left unprotected, and a rounding or completion of the American system. It grants no subsidies. It is free to all. The railroads of this country annually carry nearly 300,000,000 tons of merchandise. Nearly one-third of this amount is the product of the farm, a large proportion of which is dependent upon ocean transportation before it reaches the consumer.

It has been clearly demonstrated that the protection given to American manufacturers has ultimately reduced the cost of all kinds of goods to the consumer until he, in many instances, pays less than the present foreign price for an article of equal quality, and much less than the foreign price would have been had we been dependent upon foreign countries. We paid the English manufacturers for steel rails $100 per ton, delivered at English seaports, when we imported them. By the development of our own steel industry the cost of those rails has been reduced to $30 per ton. We have reduced the price of wool because, by protection, we have increased its production from 60,000,000 pounds annually, when the Morrill tariff was enacted, to 325,000,000 pounds at the present time. We have reduced the price of our cotton goods so rapidly to the consumer that the common grades are cheaper here than in England. The same is true of our manufacture of silk, earthenware, china, porcelain-ware, plate-glass, and, in short, every manufactured article consumed in the United States.

The agricultural interests have been benefited in two ways by this: the value of land and the value of product have been enhanced, as hundreds of centers of manufacturing energy have been started and built up in the midst of agricultural districts. The farmers have also been benefited by the decrease in the cost of what they buy.

The encouragement of the American carrying trade would stimulate the shipping interests in the same way as the States forty years ago stimulated the building of canals, and as the United States has stimulated the building of railroads and the manufacture of steel rails and textile goods. And it would as surely decrease the cost of freight from the seaboard to foreign ports as these other protective measures have ultimately decreased the cost of internal transportation and the cost of manufactured goods.

It would also benefit the American farmer just as all other measures creating home industries have benefited the farmer. It would enlarge our ship-building interest and increase the number of people employed in it. And by this I do not mean the ship-building interest on the Delaware and of New England alone, but all along our seaboard. The iron of Alabama and Tennessee could be profitably converted into ships at Mobile, Savannah, New Orleans, and Galveston. The iron from the Virginias could be used in the same way at Norfolk. All of these ports would have extensive ship-yards if the same protection was extended to this industry that we extend to all others. The $100,000,000 paid annually to foreign nations, or to Great Britain, for carrying our farm products, would be paid to Americans, and thus increase the earnings of capital, which is awaiting new avenues of usefulness.

The proposed plan, while making a new avenue for capital, is free to all. It has no proscribed lines. To extend our foreign trade and find foreign markets for our products is its ultimate aim. It would form the most comprehensive feature of our present protective tariff. It says to every individual having a dollar to invest, put it into ships and the Government will protect you against all rivals; to the cotton producer, build your ships in Mobile, Norfolk, Savannah, Galveston, New Orleans, and put your cotton into these American vessels and send it to Europe. It says to the farmer on the Pacific coast, build your ships at Portland, at San Francisco, or any other port, and instead of sending your 30,000,000 bushels of wheat annually to Europe in foreign vessels, send it in American vessels. It says to the farmers of the prairie States, who ship nearly 50,000,000 tons of grain annually on her railroads, we will furnish you a cheaper transportation to the world's consuming points.

And more than this. The money which you now pay out for ocean freight, and which goes into the pockets of the builders and owners of foreign vessels, will come back to you and benefit you in the American labor that it will employ and in the American industries that it will build up. There are now 500,000 persons directly employed by the railroad companies of the United States. There are 2,000,000 to 2,500,000 of our population thus dependent upon this industry. There is no reason why our foreign carrying trade should not be extended until a like number is employed in it, and a like number of our population dependent upon it. And no one can estimate the value in time of war or emergency of having a large maritime population from which to obtain sailors for manning our war vessels. This population we can only get by fostering the mercantile marine.

No further argument is needed to prove that all parts of the United States will be benefited by the expansion of foreign trade.

It is generally admitted that our commerce flows in an improper channel and calls loudly to us to give it a different direction, and in doing this I would only propose such a degree of encouragement as will enable us to enter into competition with foreigners in our own carrying trade. For years the shipping industry of this country has been knocking loudly at the door of Congress for some kind of equitable legislation that will put this important industry on a level with the other protected industries of the nation. As I shall presently show, various measures of relief have been proposed, but, owing to the great prosperity of other industries and the numerous avenues for profitable investment, those propositions have never crystallized.

I will first call attention to our position in the world as a maritime nation. The following table shows the shipping of all flags, the nominal tonnage, and carrying power of the several nations of the world:

Flag.	Nominal tonnage.			Carrying power.	
	Sailing.	Steam.	Total.	Tons.	Ratio.
United Kingdom	3,688,000	3,004,000	6,692,000	18,110,000	42.1
France	642,000	278,000	920,000	2,032,000	4.7
Germany	966,000	216,000	1,182,000	2,046,000	4.7
Russia	481,000	73,000	554,000	846,000	2.0
Austria	248,000	62,000	310,000	558,000	1.3
Italy	922,000	77,000	999,000	1,307,000	3.0
Spain	374,000	164,000	538,000	1,194,000	2.8
Portugal	71,000	11,000	82,000	126,000	0.3
Belgium	10,000	65,000	75,000	335,000	0.8
Holland	332,000	83,000	415,000	747,000	1.7
Denmark	175,000	51,000	226,000	430,000	1.0
Sweden	447,000	84,000	531,000	857,000	2.0
Norway	1,456,000	55,000	1,511,000	1,730,000	4.0
Greece	201,000	10,000	211,000	251,000	0.6
Europe	10,013,000	4,233,000	14,246,000	30,579,000	71.0
United States	2,856,000	1,211,000	4,067,000	8,910,000	20.6
Canada	1,233,000	78,000	1,311,000	1,623,000	3.8
Australia	201,000	77,000	278,000	586,000	1.3
India, Cape, &c	427,000	28,000	455,000	567,000	1.3
Japan	151,000	41,000	192,000	356,000	0.8
Brazil, Chili, &c	240,000	58,000	298,000	530,000	1.2
Total	15,121,000	5,726,000	20,847,000	43,151,000	100.0

From the above table it will be seen that the carrying power of Great Britain is 42 per cent. of the aggregate carrying power of the world, while the carrying power of the United States is less than half as great, or a little more than one-fifth of the world's carrying power, and that, too, including our coastwise tonnage. Of foreign shipping the United States has much less than 10 per cent. Great Britain, therefore, ranks in shipping as we do in railroads, having a carrying power nearly equal to the rest of the world. At the beginning of the present century the carrying power of the United Kingdom was 2,211,000 tons. To-day it exceeds 18,000,000 tons, having grown eightfold since 1810. Nearly 200,000 seamen are employed in this great merchant marine, the flags of which may be found in the ports of every country throughout the civilized world.

What are the earnings of these ships and what proportion of the benefits of this carrying trade do the several countries reap for themselves? Here it is. The British includes colonial, and the table comprises all trade:

Flag.	Tons carried.	Earnings.			
		Freight.	Passenger.	Total.	Ratio.
British	63,190,000	$307,000,000	$61,500,000	$368,500,000	55.2
French	6,100,000	29,500,000	6,000,000	35,500,000	5.4
German	6,200,000	30,000,000	6,000,000	36,000,000	5.4
Italian	3,900,000	18,500,000	4,000,000	22,500,000	3.3
Spanish	3,600,000	17,500,000	3,500,000	21,000,000	3.1
United States	37,000,000	52,500,000	77,500,000	130,000,000	19.6
Various	9,500,000	42,500,000	9,000,000	51,500,000	8.0
Total	129,490,000	497,500,000	167,500,000	665,000,000	100.0

Thus 55 per cent., or $368,500,000, of the earnings of shipping go into the coffers of Great Britain to enrich her ship-owners and manufacturers, while less than one-fifth of the total amount, or $130,000,000, is the share that comes to the United States; and this again includes the coasting trade. Of course these figures are approximate. They were originally compiled by Mulhall, the English statistician, and I only use them for comparative purposes.

In amount of ship-building England is even more in advance of us than in her carrying power and earnings of shipping; yet, as the following table shows, in 1850 the tonnage built in the United States was more than twice that of England, and even as late as 1860 the average

annual output in the United States was greater than in England. In 1882 it will be seen that the British exceeded ours fourfold:

Year.	Tons.		Tons per vessel.	
	American.	British.	American.	British.
1850	272,000	134,000	201	192
1860	213,000	212,000	198	208
1870	277,000	343,000	152	352
1882	281,000	1,194,000	250	770

The following figures for each semi-decennial year since 1840 will present at a glance the facts relating to the past and present condition of American shipping:

Years.	Foreign trade.	Coastwise trade.	Exports and imports.	Carried in American vessels.	Carried in foreign vessels.
	Tons.	*Tons.*	*Value.*	*Per ct.*	*Per ct.*
1840	762,838	1,176,694	$231,227,465	82.9	17.1
1845	904,476	1,223,218	231,901,170	81.7	18.3
1850	1,439,694	1,797,825	330,037,038	82.5	17.5
1855	2,348,358	2,543,255	536,625,366	85.6	14.4
1860	2,379,396	2,644,867	762,288,550	66.5	33.5
1865	1,518,350	3,381,522	604,412,996	27.7	62.3
1870	1,448,846	2,638,247	991,896,889	35.6	64.4
1875	1,515,598	3,219,698	1,219,434,544	25.8	74.2
1880	1,314,402	2,637,686	1,613,770,633	17.4	86.6
1881	1,297,035	2,646,011	1,675,024,318	16.0	84.0
1882	1,259,492	2,873,638	1,567,071,700	14.5	14.5

In other words, forty-five years ago four-fifths of our exports and imports were carried in our own ships, and now more than four-fifths are carried in foreign ships.

In the face of the growth that we have shown of railroads and manufactures this is a very unhealthy condition of affairs. The growth of American tonnage practically ceased in 1855. Before that period it had increased for many years at the rate of about 12 per cent. per annum; but between 1855 and 1860 (notwithstanding our exports and imports increased 8 per cent. per annum, or 40 per cent., during the five years) our tonnage employed in the foreign trade remained almost stationary; and the ship-building industry, so far as it was directed to the construction of vessels for the foreign trade, rapidly declined.

I shall show further along how during the four years of civil war American tonnage employed in foreign trade declined, a loss of nearly 1,000,000 tons, or nearly 40 per cent., in the four years, being the result of this turn in the tide against our shipping interests.

The situation to-day shows British shipping triumphant on every sea and ours successful on none, except in our coasting trade, where, in consequence of a wise protection, it is impossible to compete with us. When the policy of protection was judiciously applied to American ship-building and American ship-owning, as it was in the earlier days of the Republic, the result was satisfactory from the start. From 1789 to 1812 our tonnage increased from 208,000 to 1,100,000 tons, or 500 per cent.; while that of England increased only from 1,500,000 to 2,000,000, or 25 per cent. The growth of our tonnage continued. In 1850 we had a tonnage of 3,335,454, an increase of over 200 per cent. since 1815.

Our coasting trade, from which foreign ships were excluded, employed nearly 2,000,000 tons of shipping, an increase of nearly 400 per cent. in the same period. Our tonnage increased to over 5,000,000 in 1860. This growth, of course, was almost wholly in the wooden sailing ships. The war came and almost simultaneously the change from wood to iron and steel. The Navy Department took of our best shipping (principally steam) 565,978 tons; and the War Department took for transportation 787,611 tons. Having no navy to protect our shipping, it sought refuge under foreign flags, and 801,311 tons were lost to us in this way, making our total loss of tonnage during the war 2,154,900.

Between 1865 and 1875 I am informed that 457,000 tons were sold to foreigners, because the cheap capital, cheap labor, and favorable laws of taxation of other countries, and the refusal of our own Government to afford the shipping industry adequate protection, made it impossible for American ship-owners to run them in the foreign trade in competition with other countries. Thus we have a total decline of 2,611,900 tons, the loss representing nearly $116,000,000 of invested capital.

The capital thus displaced went into the protected industries of the country, which have during the last twenty years grown by leaps and bounds. Under the protective tariff we have grown from a purely agricultural country, largely dependent upon Europe for our manufactures, to a nation teeming with important industries. During twenty years of protection we have added 20,000,000 to our population. The number of our cities and towns with over 8,000 inhabitants has actually doubled, and their population has more than doubled. The important industries have developed in the same proportions. The annual product of our coal mines has increased nearly sevenfold. Our iron mines produced in 1880 nearly nine times the amount that they produced in 1860. The various metal industries of the country have increased by sixfold in the number of their employés and nearly fourfold in the value of their products. In industries relating to wood the increase has been threefold, and in the woolen industry the same.

In the cotton industry need I say that we have practically robbed England of 55,000,000 customers, increased the number employed in our mills to 200,000 persons, and in the last two decades doubled the value of the product? Imports of cotton goods have steadily declined until they are now only one-tenth of what they were twenty years ago. A more remarkable progress has been made in the silk industry, which, before the Morrill tariff, gave employment to 5,000 persons; in 1880 it employed over 30,000, a sixfold increase. The importation of silk goods has remained stationary since 1860 at about $30,000,000, the production from our own mills increasing from $6,000,000 in 1860 to over $40,000,000 in 1880, or nearly sevenfold. The manufacture of pottery, stoneware, and glass employed 12,000 persons in 1860, against 35,000 now. The chemical industry was in its infancy thirty years ago—6,000 persons were engaged in it; to-day there are five times that number, or 30,000.

Our 30,000 miles of railroads of those times will exceed 120,000 miles now—a mileage equal to the railroad mileage of the rest of the world.

This enormous increase in manufacturing, internal improvements, and home trade has been very largely due to protective measures, which must now be applied to our shipping interests in order that they may be developed and extended as our manufacturing interests have been. Those opposed to giving sufficient encouragement to ship-building ought to recollect the manufacturing interests, which, as I have shown, have been reared by the fostering care of the Government. They ought to remember the land grants that have been given to extend that grand system of internal improvements that is equal in mileage to the systems of the rest of the earth. They ought to remember that this Government has given in aid of the construction of railroads an area very little less in extent than that of the original thirteen States, namely, 335,000 square miles.

The same is true in regard to the artificial water ways of the country. In 1839 we find that nearly $103,000,000, or 60 per cent. of the then entire State indebtedness, had been expended for the improvement of a system of internal transportation, and it was exactly this principle which led the State of New York to build the Erie Canal at its own expense—a work which repaid its whole cost of construction in ten years, reduced the cost of freight from Lake Erie to the Hudson River from $100 to $7 a ton, and added $100,000,000 to the value of the farms of the State. It is needless to point out the effect of the application of this principle on these industries. It can be best read in the progress and wealth of the nation. It can be best read in the simple fact that we are to-day first in agricultural productions, first in manufacturing, first in railroads, first in annual increment of wealth, and first in aggregate wealth.

On the other hand, the neglect to apply this principle on the ocean has enabled our greatest competitor to wrest from us the lion's share of the carrying trade of the world and to effectually prevent the development of the industry of ship-building, so necessary to the prosperity and safety of the country, to say nothing of the extension of our foreign commerce.

In showing the policy of other governments toward the ship-building industry, I do not think it necessary to go back to the days of wooden sailing vessels. I shall have to deal with iron and steel ships. Since 1837, according to one of the most reliable authorities on ship-building in the United States, England has paid $222,500,000 in mail compensation and bounties to encourage her capitalists to invest in the fast mail ships. Here are the estimates in detail:

From general post-office, 1837 to 1849	$25,000,000
From mercantile marine fund	37,500,000
From general post-office, 1850 to 1859, over	60,000,000
From general post-office, 1860 to 1869	50,000,000
From general post-office, 1870 to 1879	50,000,000
Assistance from British treasury to her shipping service, 1837	222,500,000

It may be urged that a great deal of this money was paid for mail service to her colonies. This is undoubtedly true, but when we compare side by side the amounts paid for the carriage of foreign mail by the United States; and when we see our own Government actually trying to squeeze a profit out of our decaying shipping industry, as compared with the liberal policy adopted by Great Britian, we no longer wonder that England enjoys the largest share of the carrying trade, the surprise being that we are even permitted to have any. The entire cost of transporting our mails to foreign countries rarely exceeds a quarter of a million dollars, and not infrequently the Postmaster-General announces an actual profit of one million and a quarter to the Department on this service, while every year we incur cheerfully a deficit of double this amount in carrying the mails to some of the States and Territories.

Many attribute the decline that I have already shown in our ocean-carrying trade to what they term (it must be confessed not inaptly)

the iniquitous postal laws existing on the statute-books of the United States, which compel vessels of the United States to transport and deliver mails at 2 cents for every letter so delivered. The pay to United States vessels in the foreign trade for transporting the mails in 1880 was, I am informed, only 2½ cents per mile; while, at the same time, the steamers on our coasts, which contracted for domestic mails, receive 57½ cents per mile for mail service. While we make a profit on our foreign mail service, England pays out more than double what she receives from it.

I append a statement from the report of the Postmaster-General, showing our foreign mail service for 1883.

Statement showing approximately the net revenues of the Post-Office Department of the United States on mail matter sent to and received from foreign countries during the fiscal year ended June 30, 1883, *based upon the tabulated estimate of mail matter exchanged during the period, given on page* 697 *of the Postmaster-General's report for* 1883.

RECEIPTS.

Amount of postage prepaid on letters sent abroad	$1,450,078 90
Amount of postage prepaid on postal cards sent abroad	32,328 26
Amount of postage prepaid on printed matter sent abroad	451,357 92
Amount collected on unpaid mail matter received	145,148 46
Forty per cent. on $52,507.80 of registration fees on 525,078 registered articles sent abroad, this being estimated as net profit on registration	21,003 02
Total receipts	2,099,916 56

EXPENDITURES.

Amount paid for sea conveyance other than intermediary or transit, namely:		
1. To foreign vessels, including French packets	$284,076 41	
2. American vessels	32,445 72	
Amount paid foreign administrations for intermediary, territorial, and sea transit of United States mail	$86,745 91	
Less amount received for similar service performed for said administrations by the United States	30,252 96	
		56,492 95
Estimated cost of interior (domestic) mail service on 57,573,272 letters sent and received (three letters to one ounce = 19,191,091 ounces, 2 cents per half ounce)	767,643 64	
2,939,735 post cards sent and received, at 1 cent each	29,397 35	
48,329,548 packets, prints, &c.; 490,422 packets, samples, sent and received (50,851,391 ounces, at 1 cent for two ounces)	254,256 96	
		1,051,297 95
Total expenditures		1,424,313 03
Net revenue		675,603 53
Net revenue, without charge for estimated cost of interior service as above, namely		1,051,297 95
		1,726,901 48

Turning to France, we find that she has aided her ship-owners for years, and quite recently, finding it impossible to obtain a great merchant marine by purchasing it of England, she passed a law offering a bounty for every iron steamship built in France—an encouragement said to be equal to $7,000,000 per year, including the sums paid to those running French-built ships under the French flag.

The following is a translation of the French mercantile-marine bill as passed by the Chamber of Deputies:

ARTICLE 1. The right of free pilotage is granted to all sailing vessels not measuring over eighty tons, and to steamers whose measurement does not exceed one hundred tons, whenever they run regularly between port and port, and habitually frequent the entrance to rivers.

Nevertheless, at the request of the Chamber of Commerce, and after an inquiry in the usual form has been made, the public administrative regulations shall determine the modifications of rules which may be considered necessary in the interest of navigation.

ART. 2. For foreign-going vessels, the visit of inspection prescribed by article 225 of the commercial code for a fresh cargo loaded in France shall not be obligatory unless six months have elapsed since the last inspection, except the vessel may have sustained damage.

ART. 3. For the official documents or *procès-verbaux* showing the changes of owners of the ship, either totally or partially, a fixed charge shall be made for registration of 5 francs. Article 5, No. 2, of the law of the 28th February, 1872, is repealed so far as it is contrary to the present provision.

ART. 4. To compensate ship-builders for the charges fixed by the custom-house tariff, the following allowance shall be made to them for gross tonnage:

For iron or steel vessels, 60 francs.

For wooden vessels of two hundred tons or more, 20 francs.

For wooden vessels of less than two hundred tons, 10 francs.

For composite vessels, 40 francs.

For engines placed on board steamers, and for auxiliary apparatus, such as steam-pumps, donkey-engines, winches, ventilators worked by machinery, also boilers and connecting pipes, 12 francs per hundred kilograms.

Ships planked with timber, having beams and ribs of iron or steel, are to be considered as composite vessels.

ART. 5. Every change in a ship by which an increase in measurement is gained shall give right to a bounty based on the above tariff according to the increase of tonnage gained.

A similar bounty shall be granted for driving-engines and auxiliary apparatus placed on board after completion of the ship.

On change of boilers, the owners shall be allowed a compensation of 8 francs per 100 kilograms on new boilers without the tubes, if of French make.

ART. 6. The fees granted by articles 4 and 5 shall be paid on delivery of the ship's register by the receiver of customs, at the port nearest to the place of construction.

ART. 7. The regulation of admission in bond fixed by article 1 of the law of the 19th of May, 1866, and by article 2 of the law of the 17th of May, 1879, is abolished.

ART. 8. Ship-builders shall receive allowance for vessels on the stocks at the time when the present laws came into force, as stipulated in articles 4 and 5, after deducting the amount of customs dues fixed by the conventional tariff on foreign imports, which may have been entered in bond for ship-building purposes.

ART. 9. As compensation for charges imposed on the mercantile navy for recruiting, and the military navy, a navigation bounty shall be granted, during ten years from the date of publication of this law, to all French vessels, sailing or steam. This bounty is applicable only to foreign-going vessels. It is fixed at 1 franc 50 centimes per register ton, and per 1,000 miles run for vessels fresh off the stocks, and decreases annually by 0.075 franc for wooden vessels, 0.075 for composite vessels, 0.05 franc for iron vessels. The bounty is increased by 15 per cent. for steamers built in France according to plans approved by the marine department. The number of miles run is calculated according to the distance from the point of departure to the point of arrival, measured on a direct maritime line. In case of war, merchant ships can be requisitioned by the state. Vessels used for fishing, those belonging to subsidized lines and yachts, are excepted from receiving a bounty. Twenty per cent. from the bounty granted by the present law shall be deducted and paid into the "Caisse des Invalides" of the marine, so as to increase the retiring pensions of registered seamen.

ART. 10. Every master of a vessel receiving a bounty fixed by article 9 of the present law shall be obliged to carry, free of charge, mails put under his charge by the post-office authorities, or which he will deliver to their administration, as prescribed in the consular decrees of the 19th Germinal, year X. If a post-office agent is deputed to accompany the dispatches, he shall also be conveyed free of charge.

ART. 11. A regulation of public administration, containing a special statement of the distances between ports, shall fix the system on which this law shall be applied.

To give a practical illustration of this new French bounty law, one of our well-known ship-builders was requested to apply it to a 3,000-ton steamer. The result is as follows:

Weight of iron in hull, 1,800 tons, at $12	$21,600
Weight of machinery, 500 tons, at $24.43	12,215
	33,815

Then there is allowed 30 cents per ton for every 1,000 miles run after being put in service for first year, diminishing 1 cent per ton for each year thereafter. Presuming the above 3,000-ton steamer makes ten trips from Havre to New York per annum, or 60,000 miles, this gives for first year's service, as follows:

Three thousand tons, at 30 cents = $900×60	$54,000
And second year's service	52,000

This will expire entirely at the end of thirty years. Adding the bounty and allowance per mile, the law would grant the 3,000-ton ship the first year $89,015. The French Government for this year requires in return the carrying of its mails and the right to use the ships in case of war, taking them at a fair valuation. Though this law seems an expensive one, yet it will furnish France, at small expense, with the materials for a large and sudden increase of the navy.

Germany contracts with her numerous navigation companies for certain amounts of mail pay and fosters her commercial interests in other respects, and at this moment bills are pending before the German Parliament to largely increase the assistance which it already gives to its shipping interest.

Italy expends in subsidies and postage to steamships yearly the sum of about $3,000,000, besides payments of postages to other lines.

Russia pursues a system of compensation to her steamship lines, paying $1.40 per mile, although to one line she pays a round subsidy.

Austria likewise pays a remuneration per marine league per voyage.

Even Belgium, out of her limited revenues, pays $250,000 a year to encourage her shipping interest.

Spain, Holland, and Brazil, and indeed it would be safe to say every civilized country, have found it necessary to encourage their own ship-building, and to give advantages to their own shipping. Even China is pursuing a policy of wonderful energy, and, after ruining the owners of the native junks, by permitting foreign ships to do its coasting trade, has finally secured the coasting trade of its great empire.

I append here a summary of what other nations are doing for their shipping industry, for which I am indebted to the honorable Senator from New York [Mr. MILLER], and which shows that other nations are paying nearly $25,000,000 annually as subsidies to their ships. It also brings out the ridiculously insignificant sum paid by the United States to American vessels for mail services.

Recapitulation of nations that are to-day paying subsidies to shipping, and the amounts paid thereto.

France	$6,477,000
Great Britain	3,750,000
Italy	3,228,000
Brazil	1,704,000
The Australasian Colonies	1,500,000
Austria	1,030,000
Russia	1,650,000
Sweden and Norway	175,000
Mexico	806,000
Canada	200,000
Central America	100,000
Japan	500,000
Germany	69,000
Spain	1,000,000
Belgium	250,000
Holland	363,000
Hungary	75,000
Total	22,877,000
The United States to American ships (postage*)	43,000
Total with United States postage	22,920,000

*The United States to foreign ships $230,000.

Our direct loss in not having a sufficient merchant marine is at least the sum of $100,000,000 annually, which we pay to foreign vessels that ought to go to vessels built in American ship-yards. We are carrying only 20 per cent. of our foreign commerce in our own vessels, and have invested in ships engaged in the foreign carrying trade about one hundred million dollars. If we could regain and control four-fifths of this trade, we should have invested in ship property $300,000,000. Our foreign commerce is growing with great rapidity. From 1869 to 1879 our exports increased from 2,482,172 tons to 11,149,160 tons, or more than 400 per cent. It is estimated that we build only about 10 per cent. of the tonnage afloat, hence the country loses largely in the industry of building and repairing the shipping lost or broken up. In case of war we lose the advantage of a navy, to say nothing of valuable commercial business.

The indirect losses are educated ship-builders, seamen, and managers of ships—a very important class of people in Great Britain. We also lose a very important amount of marine insurance business.

After a thorough investigation of this subject an authority on navigation in the United States, Mr. Henry Hall, of the New York Tribune, said:

There appears to be no prominent government in the world which, while legislating directly in favor of native shipping, does not give it financial support, except the United States.

Having shown how all parts of the United States will be benefited by an expansion of foreign trade, and that our want of a merchant marine prevents us from taking that position which is rightfully ours, and having shown that the reason for the present unsatisfactory condition of our merchant marine is because the same principles that have been applied in building up our internal system of transportation, our manufactories, and our agricultural interests, have not of recent years been applied in the building up of the iron and steel ship-building industry; having also shown that other countries have seized the opportunities, and when the change from wood to iron and steel came, by subsidies, bounties, and other favorable legislation, have not only wrested from us a large part of the carrying trade which rightfully belongs to the United States, but so crippled our ship-building industry and obtained such advantages by cheap capital, cheap labor, and less taxation that we are rapidly being pushed out of the world's markets by other nations—having established this, it is next important to examine the various methods proposed to revive shipping.

Among the various remedies proposed are "free ships," the repeal of the navigation laws, the remission of local taxation, additional subsidies to mail lines, and other propositions, no one of which, in my opinion, goes deep enough to remedy and to be of real service. Nothing short of old-fashioned methods vigorously applied can deal with this question effectually. Free ships will merely destroy the ship-building industry and leave us as far behind as ever in competition in the world's commerce, I might more properly say our own foreign commerce.

The effect of the abolition of our navigation laws, even if they are inadequate and useless, as their enemies say they have become, would jeopardize our vast coasting trade, the fostering of which was one of the first measures of the first Congress. One of the very first acts of Congress, after the Government had been formed, was to exclude from the trade of our rivers and coast the vessels of all other nations.

From the beginning of the Republic we wisely discriminated in favor of American shipping. Not only was American shipping subject to less taxation than foreign shipping, but merchandise, such as tea, for example, which did not compete with our home industries, was admitted at a less rate of duty, if in an American ship direct from the place of production, than in an American ship from Europe or than in a foreign ship. This so stimulated American shipping that in 1827 $145,000,000 of the commerce of the United States was carried in American vessels and only $14,000,000 in foreign vessels. This condition of affairs, owing very largely to the wisdom and boldness which characterized our early legislation in regard to our marine, continued (though the rates of foreign tonnage increased somewhat) until 1850, when $240,000,000 of our foreign trade was carried in American vessels and $90,000,000 in foreign. We know how all this has been reversed.

It is not the building of vessels that troubles our people. We have abundance of ship-iron, and, though labor costs more, the greater ingenuity and mechanical genius of Americans have overcome these obstacles.

According to Mr. C. A. Griscom, who, as far as I can ascertain, has presented the clearest and most precise testimony in regard to the difference in the cost of ship-building here and in England, and which testimony has not been controverted even by the opponents of protection, the cost of first-class steamers is about 10 to 12 per cent. more in this country, and of the so-called "ocean tramps" from 30 to 40 per cent. more. The reason for this is apparent. To the extent that extensive joiner-work becomes a part of the structure, to that extent is the American cost relatively cheapened; and to the extent that you descend in the scale toward a simple freight carrier, which, as Mr. Griscom said, means merely an iron box with engines to drive it, is the difference against building in this country.

From the report made by Mr. DINGLEY, from the Joint Select Committee on American Ship-building, we learn that the committee, after examining a number of the most practical ship-builders in the United States, arrived at the conclusion that it now costs on an average from $10 to $15 per ton more to build an iron sailing vessel and from twenty-five to thirty-five dollars per ton more to build an iron steamship in the United States than it costs on the Clyde. They all agree that the chief cause of this excess of cost is the fact that the labor required to mine, smelt, and make the iron and fashion it into the form of a steamship costs considerably more in the United States than it does on the Clyde.

Prominent among the causes named for this enhanced cost was the fact of the small demand for iron vessels, as it gives little encouragement to investments of the large amounts of capital needed to establish and extend iron ship-yards and to overcome the obstacles always encountered in inaugurating new industries. The committee dwelt so strongly on this point that I am inclined to think that if the demand for American shipping was greater we could soon build them as cheaply, ton for ton, class for class, as they are built on the Clyde.

It is evident, therefore, that it is not a measure for free ships that we want, but a measure looking toward helping the American flag after the ships have been built in American ship-yards. There are many obstacles in the way of this—such as taxation, dear capital, dear labor, and other burdens. Not altogether in the original construction of the boat, for that, as I have shown, by ingenuity and adaptability has been in a measure overcome, but a steady addition of 50 per cent. on all the labor employed in running a ship, preoccupation of the northern Atlantic by other nations, non-American agitation, lack of that firm adherence to principles which characterized the actions of the founders of the Republic, when they enacted stringent navigation laws and discriminated in favor of goods carried in American bottoms as against vessels under other flags.

As I have said, one of the obstacles to our shipping interest is the amount of taxes levied upon ship property, the title of which must be registered at some port of entry. These taxes in some cases are as high as 2½ per cent., based on the value of the ships, while the English impose no direct tax upon their ships, but levy a tax of 1 per cent. on the net profits that the vessels earn.

The State of Massachusetts and the State of New York and, I think, possibly some other States have already realized the inconsistency of asking aid from the General Government for the shipping interest, while withholding what they can render themselves. They have, therefore, been among the first States to lead off and exempt from local taxation vessels engaged in the foreign trade for more than ten months in the year.

The same principles apply to navigating ships as apply to manufacturing. No man can run a factory on the American plan of high taxation, high capital, and high labor, successfully in England; and hence, unless our flag can carry our protective policy with it into all the ports of the world, we shall never be able to compete with foreign vessels.

Referring to the State laws, I find that they generally adopted the idea of discrimination. The State of Pennsylvania discriminated in favor of its own vessels and against those of other nations. So did the State of Maryland; the British vessels paying as much as 6*s.* 8*d.* ($1.60) per ton and 2 per cent. extra on goods imported over and above those paid by American vessels. The laws of Virginia and South Carolina discriminated in the same way.

Believing in the wisdom of the founders of this Republic and having proof of their foresight in the rapid development of American commerce until it was checked in 1860, having faith in the policy of Great Britain of subsidizing her steamships to the extent of $224,000,000 since 1837, recognizing the fact that the wisdom of that policy is demonstrated by her present control of the world's carrying trade, and with the example of nearly every other civilized country before us, I believe that we ought at once not only to correct existing legislation, such as that compelling American vessels to carry mails at an actual loss, but also at the same time lay the foundation for a comprehensive plan to restore American navigation.

We ought to provide for the payment of certain rates of compensation to all American-built ships, and I believe this to be better than by discriminating in the duties paid by imported merchandise, as originally proposed.

Vessels receiving aid should be officered by American citizens, built to carry a reasonable tonnage, and in all respects creditable to the nation, and should be encouraged in the foreign ocean carrying trade. The safest unit of service upon which payment to such vessels could be based would be the actual mileage run. The sum to be paid per unit of service should be such as to afford a protection equivalent to the average protection afforded American industries—say 40 per cent.

Mulhall estimates the monthly working expense for a vessel of 1,000 tons, crew twenty men, to be as follows:

British	$725
French	675
German	675
Austrian	625
Italian	475
American	1,000

If this estimate is approximately correct, the protection that should be afforded American ship-owners to compensate them for the differ-

ence in the cost of labor ought not to be less than 40 per cent. If such a plan as this can be adopted and put into force, our ship-building industry would increase in the same manner that our manufacturing and agricultural industries have, while our vessels would extend over the oceans and seas as our railroads have extended over our vast domain. Ten millions of our surplus revenue thus judiciously expended would in a few years bring about this beneficent result, and place us first in shipping and in foreign commerce. The method proposed is in direct keeping with what our ancestors did; it is in keeping with what we ourselves have done for every other of our great industries; it is in keeping with what other nations are doing, and the only practical way out of the difficulty.

In order to ascertain whether the French rate of 30 cents per ton would give us the needed protection, an expert investigation would be necessary. One of our ship-owners informs me that 40 cents per ton would give us the needed protection. Let us compare the American wages with the English.

Below are tables showing the average wages paid in England and America, which are taken from a speech delivered in the Senate (April 30 and May 1) by the honorable Senator from Maine [Mr. FRYE], and which were discussed at length in the Senate and generally admitted to be true.

The following table comprises the monthly wages paid by steamships at Philadelphia and Liverpool:

Occupation.	Philadelphia.	Liverpool.
First officer	$89 10	$58 39
Second officer	63 00	48 66
Third officer	49 50	34 06
Fourth officer	40 50	24 33
Surgeon	63 00	48 66
Purser	63 00	48 66
Carpenter	40 00	34 06
First boatswain	35 00	31 62
Second boatswain	30 00	24 33
Quartermaster	30 00	20 66
Seaman	25 00	19 46
Mess boy	13 50	7 29
First engineer	121 50	87 59
Second engineer	81 00	68 13
Third engineer	70 20	58 39
Fourth engineer	62 10	48 66
Oiler	40 50	23 11
Storekeeper	36 00	24 33
Donkeyman	36 00	23 11
Fireman	40 00	21 89
Coal-passer	30 00	19 46
Chief steward	63 00	48 66

Philadelphia wages 36 per cent. higher than wages at Liverpool.

The following list of prices are paid by sailing ships at present:

Occupation.	San Francisco.	Liverpool.
First mate	$50 00 60 00	$43 79 48 66
Second mate	40 00	29 19
Carpenter	35 00	29 19
Steward	35 00	34 06
Cook	30 00	24 33
Seaman	30 00	12 16
Ordinary seaman	15 00 20 00	9 73

Wages at San Francisco 33⅓ per cent. higher than at Liverpool.

It will be seen from these tables that the difference in seamen's wages alone is 36 per cent., and I am informed on reliable authority that it is, upon the whole, nearer 50 per cent.

The Forty-eighth Congress has passed two acts in relation to our merchant marine. The first was called an act to remove certain burdens on the American merchant marine and encourage the American foreign carrying trade, and the second was an act to constitute a bureau of navigation. These measures, while they may have been a move in the right direction, are entirely inadequate. The recent shipping law made some changes that were said to be needed in relation to the discharge of seamen, payment of wages, and return of destitute seamen; permitted the employment of foreign seamen; reduced the amount of tonnage duties for American vessels engaged in certain lines of trade; removed the expense of maintaining the Marine-Hospital Service from ship-owners, or, as a matter of fact, from the American seamen; allowed a drawback on all dutiable materials entering into the construction of vessels for foreign account, and, in short, made a complete circuit of the shipping problem without once touching the core of the question.

The House committee, in preparing and reporting the bill refefred to, frankly admitted that this problem will never be satisfactorily solved until a policy of protection has been inaugurated which will secure the carrying trade to American sailing and steam vessels after they are built, and this at no higher cost to the owners than English ship-owners can sail their vessels under British laws. This is the heart of the question.

The propositions of this same committee, which, however, were not incorporated in the act passed, to allow adequate compensation for the transportation of mails and to provide for the abolition of taxation of vessels by State authority, are both to be commended, perhaps, to those who believe in doing things by halves; but a complete revival of the foreign carrying trade is never to be had by half measures. None of the enacted or proposed measures go to the marrow of the question.

Hon. WILLIAM A. RUSSELL, of Massachusetts, made an interesting report upon the causes of the decadence of our merchant marine, and he came to the conclusion that of the ten elements urged as obstacles to our success, four, namely, tonnage duties, admeasurements, compulsory pilotage, and individual liability of ship-owners, impose no burdens upon the foreign carrying trade, which we are now seeking to restore, that are not borne by our competitors in this business. Four, namely, the privilege of taking ship-stores out of bond free of duty, extra pay to seamen discharged in foreign ports, excessive consular fees, and local taxation, are in a greater or less degree burdens which bear directly upon our vessels engaged in the ocean carrying trade, not borne by our rivals, and are questions that demand consideration, and which have subsequently, to some extent at least, been relieved.

The question of wages paid the seamen and the repeal or maintenance of the navigation laws are two other obstacles. The latter, which in its more common phrase means "free ships," is out of the question. The question of the wages paid to seamen can only be overcome by extending not only to the building of ships but to the running of them the same provisions and the same protection that we extend to manufacturers.

The following resolution was passed by the national convention of ship-owners by a vote of 63 to 14:

That results have clearly and forcibly proved that under the present condition of affairs our shipping can not prosper or even maintain itself in competition with the navigation of other maritime people: therefore we call upon the Government to aid the restoration of our commerce by granting a bounty of $—— per ton per year for sail tonnage, and $—— per ton per year for steam tonnage, for a period of —— years after the passage of this act; this to apply only to vessels engaged in the foreign trade, and not exceeding fifteen years of age.

The above is in the line that I propose. It was passed after a long debate, in which the details of reasons or causes were set forth at length. These reasons were founded on the cost of vessels themselves, the cost of service, the absence of just compensation for postal business, and the existence of obstructive practices and charges in pilotage, tonnage measurements, and tonnage dues. I have endeavored to touch on all these points, but not with the same degree of thoroughness and detail as those shipping experts did.

To sum them up, the points to be considered are:

1. The relative cost of construction of American and foreign vessels and the extent to which American ship-owning is affected thereby.
2. The relative cost of operating American and foreign ships.
3. The charges and taxes which American ships have to pay from which foreign ships are exempt.
4. The policy pursued by foreign powers, so far as it is hostile to American ship-owning.
5. The policy of Government aid to the shipping interest.

On all these points and many others it was shown at the ship-builders' convention, as I have endeavored to show to-day, that American ships are now at a disadvantage as compared with foreign ships of almost every country. I have to-day explained the general principle on which relief must be based. The advice of experts will have to be obtained before I can incorporate this principle in a bill, which I intend to do at the next session.

Mr. President, I have given this subject long and careful consideration, and have endeavored to discover the reasons why the shipping interest has not prospered. It is because it was not fostered. The enterprising, restless, ambitious, and adventurous youth of this country for a half century have been pushing westward, where obstacles were to be overcome and fortunes made, and there they have established great enterprises, produced wealth in fabulous amounts. Now, however, they are anxious for new fields to open for their enterprise. Start them on the ocean, and the same American force and energy will soon push to the front, and we shall again be mistress of the seas. What has taken other people centuries to accomplish can and will be done by our people in a single generation. The accomplishing power of Americans has never been appreciated. Whether it is the mixed blood, the clear, bracing atmosphere, the vast domain, the freedom from restraint, and the effort to rise in the social scale, or whether it is the combination of all these, I can not tell, but certain it is that our growth in all material interests is phenomenal.

I have shown you that the United States is to-day first in agriculture, first in manufacture, first in railroads, first in annual increments of wealth, and the measure I propose will, I believe, give us in addition the control of the carrying trade, and thus make us the first commercial nation in the world. In the well-known article published in the North American Review a few years since by Mr. Gladstone, he says:

It is she (the United States) alone who, at a coming time, can and probably will wrest from us that commercial primacy. We have no title—I have no inclination to murmur at the prospect. If she acquire it, she will make the acquisition by the right of the strongest; but in this instance the strongest means the

best. She will probably become what we are now, the head-servant in the great household of the world, the employer of all employed, because her service will be the most and ablest. We have no more title against her than Venice, or Genoa, or Holland has had against us.

Do we realize this? Do we comprehend that the world's carrying trade is within our grasp if we only take the proper steps to seize it? And above all things it must be remembered that the measure I propose is not a measure to benefit any particular class. It is a national measure. It holds out the same inducements to every one in this broad land. It says to the farmer, we mean to give you facilities to reach every market in the world. We propose to protect our producers until their products meet the consumer, in whatever part of the world he may be found. If a Chinaman in Hong-Kong wants cotton goods, we propose to enable our cotton planters and manufacturers to deliver it to him cheaper than any one else can. If hardware is needed on the Congo, we propose that our hardware merchants shall supply it cheaper than any one else. If food is needed in England, we propose that our farmers shall deliver it cheaper than it can be bought from any of the English colonies.

Who will derive the most advantages from it? The American producer, be he farmer or be he manufacturer. He can have his goods transported at a very low rate, because the ship-owner can afford to do it. Therefore it may be truthfully said that this aid given by the Treasury of the United States, and assessed on the general interests of the country, would be one of the best means of developing our agricultural interests by cheapening transportation from the place of production to the place of consumption in whatever portion of the globe it may be.

And now, sir, one word in conclusion. We have had propositions before us for the last ten years for the revival of our shipping. Few of them have been carried, and none of them, it must be frankly confessed, have excited the interest that they deserved. And I think the reason has been that people did not really care much about the carrying trade, because there were so many other channels open to commercial enterprise. The building of railroads, the opening up of the great West, the development of manufactures—all these have afforded favorable opportunities for the investment of capital; and in them the entire capital and labor of the country has found full employment. Now, however, with our extraordinary growth we have reached a point where these pursuits do not offer inducements to capital, and consequently both capital and labor are idle.

The commercial conquest of our own country by our own people is complete. We have more railroads and factories and agricultural products than we need for our own use. Shall we then lie idle and wait till we grow up to the capacity of our industries? I say, no; but rather let us push our way boldly into foreign markets. To do this we must have our own shipping, and we can only get it by protection—by the same means that have given us such an unexampled development at home. At last, therefore, the time is ripe for the revival of the shipping interest, because that is the instrument by which all industries and all commercial interests can be revived. I therefore ask the earnest attention of the Senate to the measure, or more properly the principle, which I advocate, the protection of the ship-building and ship-carrying interests; not only and not chiefly for the sake of those interests themselves, but because in the present condition of affairs by reviving these interests we shall set in motion the wheels of trade in every one of its branches. By adopting these principles I confidently believe that in less than a generation we shall be mistress of the seas and command the markets of the world as completely as to-day we control the markets of our own broad land.

The PRESIDING OFFICER (Mr. WILSON in the chair). The question is on the resolution.

Mr. VAN WYCK. I ask unanimous consent for the consideration of a House bill.

Mr. SHERMAN. Let this resolution be referred.

The PRESIDING OFFICER. The question is on the resolution of the Senator from Pennsylvania.

The resolution was agreed to.

UNLAWFUL OCCUPANCY OF PUBLIC LANDS.

Mr. VAN WYCK. I ask unanimous consent for the consideration of the bill (H. R. 5479) to prevent unlawful occupancy of the public lands, known as the fencing bill. It is reported from the Committee on Public Lands with some amendments. The report of the committee of the Senate is unanimous, and therefore the bill will probably not provoke any discussion.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the Senate proceed to the consideration of the bill named by him. Is there objection?

Mr. COCKRELL. One word. I desire simply to say that I have examined the Calendar and there are only forty-nine House bills upon the Calendar which have been reported favorably by Senate committees.

The PRESIDING OFFICER. Does the Senator from Missouri object to the request of the Senator from Nebraska?

Mr. COCKRELL. I intend to object at the proper time to all others except this bill now. I simply desire to give notice that I shall move in connection with the Senator from Wisconsin [Mr. CAMERON] either to-day, or, if the time is too far gone now, to-morrow, to take up the House bills and consider them in their consecutive order. We can dispose of all of them inside of an hour and a half, I am satisfied.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nebraska? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

The bill was reported from the Committee on Public Lands with amendments.

The first amendment was, in section 1, line 6, after the word "to," to strike out "all" and insert "any;" and in line 19, after the word "prohibited," to strike out:

And it shall be lawful for any person to tear down, cut, or demolish any such inclosure as is above prohibited, when the inclosure includes more than one hundred and sixty acres of land.

So as to make the section read:

That all inclosures of any public lands in any State or Territory of the United States heretofore or to be hereafter made, erected, or constructed, by any person, party, association, or corporation, to any of which land included within the inclosure the person, party, association, or corporation making or controlling the inclosure had no claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim made in good faith at the proper land office, under the general laws of the United States at the time any such inclosure was or shall be made, are hereby declared to be unlawful, and the maintenance, erection, construction, or control of any such inclosure is hereby forbidden and prohibited; and the assertion of a right to the exclusive use and occupancy of any part of the public lands of the United States in any State or any of the Territories of the United States, without claim, color of title, or asserted right as above specified as to inclosure, is likewise declared unlawful, and hereby prohibited.

The amendment was agreed to.

The next amendment was, in section 2, line 10, after the word "proper," to insert "United States district or circuit;" in line 14, after the word "any," to insert "United States district or circuit;" in line 15, after the word "court," to strike out "of record;" and in line 28, after the word "way," to strike out "with a posse comitatus, if necessary;" so as to make the section read:

SEC. 2. That it shall be the duty of the district attorney of the United States for the proper district, on affidavit filed with him by any citizen of the United States that section 1 of this act is being violated, showing a description of the land inclosed with reasonable certainty, not necessarily by metes and bounds nor by Governmental subdivisions of surveyed lands, but only so that the inclosure may be identified, and the persons guilty of the violation, as nearly as may be, and by description if the name can not on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court, in the name of the United States and against the parties named or described who shall be in charge of or controlling the inclosure complained of as defendants; and jurisdiction is also hereby conferred on any United States district or circuit court having jurisdiction over the locality where the land inclosed, or any part thereof, shall be situated, to hear and determine proceedings in equity, by writ of injunction, to restrain violations of the provisions of this act; and it shall be sufficient to give the court jurisdiction if service of original process be had in any civil proceeding on any agent or employé having charge or control of the inclosure; and any suit brought under the provisions of this section shall have precedence for hearing and trial over other cases on the civil docket of the court, and shall be tried and determined at the earliest practicable day. In any case, if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

The amendment was agreed to.

The next amendment was, in section 3, line 10, after the word "lands," to strike out "not exceeding one hundred and sixty acres" and insert "under the land laws of the United States;" so as to make the section read:

SEC. 3. That no person, by force, threats, intimidation, or by any fencing or inclosing, or any other unlawful means, shall prevent or obstruct or shall combine and confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands: *Provided*, This section shall not apply to persons who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto in good faith.

The amendment was agreed to.

The next amendment was, in section 4, line 2, after the word "agent," to strike out "attorney or employé," and in line 6, after the word "offense," to strike out:

And the continuance of an unlawful inclosure after conviction or pending prosecution shall be deemed another offense.

So as to make the section read:

SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding $1,000 and be imprisoned not exceeding one year for each offense.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 5. That the President is hereby authorized to take such measures as shall be necessary to remove and destroy any unlawful inclosure of any of said lands, and for such purpose to employ civil or military force, as may be necessary for that purpose.

Mr. VAN WYCK. The words "for such purpose" occur in line 3, and the words "for that purpose" in line 4. Let the words "for such purpose," in line 3, be stricken out.

The PRESIDING OFFICER. The amendment to the amendment is, in line 3, to strike out the words "for such purpose." If there be no

objection the amendment will be so modified. The question is on the amendment of the committee as modified.

The amendment as modified was agreed to.

Mr. GARLAND. Is there a report with this bill?

The PRESIDING OFFICER. There is.

Mr. GARLAND. Let the report be read. Some Senators may not understand it.

The Secretary read the following report, submitted by Mr. VAN WYCK January 12, 1885:

The Committee on Public Lands, to whom was referred bill H. R. 3479, beg leave to submit the following report:

That they have suggested certain amendments, which will appear in the body of the bill.

The necessity of additional legislation to protect the public domain because of illegal fencing is becoming every day more apparent. Without the least authority, and in open and bold defiance of the rights of the Government, large, and oftentimes foreign, corporations deliberately inclose by fences areas of hundreds of thousands of acres, closing the avenues of travel and preventing the occupancy by those seeking homes. While those fencing allege the lands within such inclosures are open to settlement, yet no humble settler, with scarcely the means for the necessaries of life, would presume to enter any such inclosure to seek a home.

The Government has sufficient authority to drive those seeking homes from the Indian Territory, and to burn the ranches of those invading the Yellowstone Park, while those appropriating vast areas are hoping the only remedy to be used against them will be the law's delay in the courts.

Therefore your committee have added a new section to the Army bill, authorizing the President of the United States to summarily remove all obstructions, and, if necessary, to use the military power of the United States.

The bill was reported to the Senate as amended.

Mr. COCKRELL. I should like to ask the Senator in charge of the bill if it compels the taking down of these unlawful inclosures.

Mr. VAN WYCK. Certainly; that is the intention.

Mr. COCKRELL. I see that by section 2 proceedings may be commenced upon the affidavit of any citizen of the United States. The judgment of the court is that the man shall take down his fence. Who is to pay the costs and all that?

Mr. VAN WYCK. The party against whom the judgment is rendered will pay the costs. If the Senator will examine the whole bill he will see that was the only remedy by the House bill as it came to us. We added to the bill, to make it more stringent and summary, the provision of the law of 1870, which in my judgment is still in force, but has not been recognized as in force by the Interior Department. That provision authorized the President of the United States to use the military force to remove unlawful obstructions. The committee intended to meet the very point which I think the Senator has suggested.

Mr. PLUMB. I think if the Senator from Missouri will read section 4 he will not object to the bill as not being stringent enough.

Mr. COCKRELL. I have read section 4, but how are you going to enforce it? The section provides:

That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding $1,000, and be imprisoned not exceeding one year for each offense.

How is that to be enforced?

Mr. PLUMB. It is to be enforced by an action in the courts of the United States just as all other offenses against United States laws are punished.

Mr. MORGAN. I call the attention of the Senator from Missouri to the concluding clause of the second section:

In any case, if the inclosure shall be found to be unlawful, the court shall make the proper order, judgment, or decree for the destruction of the inclosure in a summary way, unless the inclosure shall be removed by the defendant within five days after the order of the court.

That seems to be a very full remedy for the destruction of inclosures by order of the court, and I think that is the proper way to get at it.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. CONGER. It seems to me that the provisions of the first section of the bill would prevent the settlement of any person, a squatter if you will say so, on any of the unsurveyed public lands of the United States and make him liable to punishment and penalties. It makes no discrimination for an actual settler. Of course he could have no title and could acquire none, for there would be no land office where he could acquire any title.

I think the bill is dangerous in that respect, and instead of punishing those who occupy and inclose large tracts of country it leaves citizens of the United States liable to prosecution for going and attempting to make a settlement on lands that have not been surveyed, and where there is no land office. Perhaps I may be mistaken about it. It punishes those who may make or control an inclosure who have—

No claim or color of title made or acquired in good faith, or an asserted right thereto by or under claim made in good faith at the proper land office, under the general laws of the United States at the time any such inclosure was or shall be made.

There are settlements made in remote parts of the country, where there is no land office, where there has been no survey, with the intention of securing a future homestead there—what we call a squatter's right. I think this provision, without some amendment of it, would make such settlers liable to penalty and prosecution.

Mr. PLUMB. I think the Senator is mistaken in that. He will find that two classes of claims are provided for in the section which he objects to. Possibly it might be made a little more certain. The first class excepted from the operation of the section is persons who have made claim or color of title acquired in good faith. Under the public land laws entry upon the public lands in accordance with the provision of the law which authorizes persons to go there for the purpose of effecting a settlement under the land laws is the assertion of a claim or color of title, I think, fairly within the meaning of this section. Then there is another class of claims provided for, and that is where the right has been asserted in good faith at the proper land office. It seems to me that the class of claims to which the Senator refers is covered by that provision. Of course it would be made perhaps a little broader if the words "the proper land office" were stricken out, but I do not think that is necessary, because of the first clause which refers to the persons who have a claim or color of title acquired in good faith.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived the Chair lays before the Senate the unfinished business.

Mr. PLUMB. This bill has proceeded so nearly to a conclusion that I think it would be a saving of time for the Senate to close the consideration of it this morning.

Mr. CONGER. Let the bill go over and be examined a little. There may be no objection to it hereafter. Let it go over to another morning.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business and will then entertain the request of the Senator from Kansas to proceed by unanimous consent.

Mr. VAN WYCK. I will assent cheerfully to the suggestion of the Senator from Michigan if it can be understood that the bill shall be taken up again in the morning hour to-morrow.

Mr. CONGER. There will be no objection, I presume, to taking it up at some time when it can be examined.

The PRESIDING OFFICER. Does the Senator from Michigan object?

Mr. CONGER. I should rather have it go over.

The PRESIDING OFFICER. The Senator from Michigan objects.

COINAGE OF SILVER DOLLARS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar, the pending question being on the motion of Mr. INGALLS to strike out section 5 of the substitute reported from the Committee on Finance.

Mr. BECK. Mr. President, I shall endeavor as briefly as I can to show why the first three sections of the bill reported by the Finance Committee, being an amendment to the House bill retiring the trade-dollar, should pass; that done, I shall endeavor to show why we should not at this time interfere with the coinage of the standard silver dollar, or commit ourselves to any future change of policy in regard to it.

When the bill was reported from the Finance Committee and argued so elaborately by the chairman [Mr. MORRILL] and so ably by the Senator from Delaware [Mr. BAYARD], I took occasion to announce that the report was not a unanimous one. Several of the committee, of whom I was one, were entirely satisfied to retire the trade-dollar, but we thought that there was neither a necessary nor natural connection or relation between the subjects, indeed that it was irrelevant and improper to attach to such a bill a measure to stop the coinage of the standard silver dollar either now or hereafter. The House had sent us a very simple proposition; the Senate Finance Committee amended it, and, I think, properly; but to tack onto it the whole question of silver coinage, which involves very serious consequences, seemed to me to be just as much out of place as it would have been to have tacked on an amendment proposing to build new cruisers, or to attach the river and harbor bill or any other measure entirely foreign to the subject that the House had asked us to deal with. The rider is bigger than the horse; the tail wags the dog in this case.

The only effect of insisting upon retiring the standard silver dollar on a proposition to retire the trade-dollar and substitute standard legal-tender dollars for it is in fact to do nothing; it simply means the defeat of the bill, which a majority of the committee, and I think a majority of the Senate, would like to see passed. Therefore, as I said, I shall endeavor to show why we ought to retire the trade-dollar, and why we ought not to deal with the other subject at all, because it must be obvious that when we do it is important enough to be brought before us as a separate matter to be discussed fully, elaborately, and carefully by both Houses, and not be made a rider to a bill to which it has no necessary or proper relation in the closing hours of a session and in the expiring days of an administration.

The Committee on Finance of the Senate have never found any difficulty before this body in obtaining a hearing when they make a report upon any important question, and I do not see why we ought now, on a bill like this, to say that we will do what the House proposes provided they will agree to stop the coinage of the silver dollar. We might as well propose to pass the bill sent to us provided they would agree to build up the Navy, or provided they would establish a manufactory for great guns, or make the Commissioner of Agriculture a Cabinet minister, or provided they would agree to do anything that was

not in any way connected with the subject-matter under consideration. In my judgment that is not the way to deal with a great question of this sort.

I am one of those who have believed ever since the legal-tender quality was taken from the trade-dollar that it ought to be retired, and I have not failed since I have been a member of the Senate to introduce bill after bill during three Congresses for the purpose of substituting legal-tender standard dollars for it. I thought that good faith to the country, good faith to the laborers who were for years compelled to take those trade-dollars for their daily wages, and yet were unable to pay them out for the rent of their homes, or for the clothes their families needed, or for groceries or anything else, required Congress to retire them and substitute for them a coin having the qualities which all money allowed to circulate ought to have.

During the first Congress in which I had the honor to be a member of this body, before I was a member of the Finance Committee, on the 2d of December, 1878, the first day of the third session of the Forty-fifth Congress, I introduced a bill to provide for retiring the trade-dollar and for its recoinage into standard silver dollars. It was referred to the Committee on Finance after being twice read, and never was heard of any more. At the next Congress, the Forty-sixth, I was, by the kindness of Senators, made a member of the Finance Committee, and thought I would be able to do something in that regard. At the first special session, without waiting for the regular session, on the 21st day of March, 1879, I introduced Senate bill No. 70, it being a bill to provide for retiring the trade-dollar and for its recoinage into standard silver dollars. That, too, was referred to the Finance Committee, and died there as the former bill had done. Not content with that, still hoping to get rid of the dishonored coin, when the Forty-seventh Congress met on the 5th of December, I believe the very first day of the Congress, I again introduced Senate bill No. 84, to provide for the retirement of the trade-dollar, and it again went to the Finance Committee, and never was heard of any more. When this Congress met the evils which I was seeking to remove had comparatively passed away. Trade-dollars were not being paid to laborers any more; they were not being required to take them for wages. They had been dishonored everywhere. Our own post-office officials and fiscal agents had driven them out of circulation. I did not introduce a bill to retire them when this Congress opened; they had passed into the hands of associations of bankers and brokers. The men who had obtained them doubtless took them from the laboring classes at a heavy discount in most instances, I know they did in many, yet I knew that through their press, with their organizations and their united power, they would make themselves felt even by Congress in a way that I had not been able to make myself felt when advocating the cause of the people who had taken this degraded money for their wages, and that they would enlist champions more potent than I had proved to be.

I guessed right. It was not long before the press, especially of Philadelphia, sustained by the press of the almost united North, the bankers, the brokers, the moneyed organizations everywhere, demanded that the trade-dollar should be retired. The House acted upon their demand promptly. The Senate committee held it back for a long time. The Finance Committee of the body was pressed to report on this subject in some way at the last session of this Congress; they did not, but they report now, and when they do they attach a condition in the form of a rider to it, which, if not intended to defeat the bill, overthrows or looks to the overthrow of the whole silver coinage of the country.

I do not desire to be understood as saying that the trade-dollar ought not to be retired now. I think it ought, and for the same reasons that I sought to retire it during the three previous Congresses. I do not care whether the present holders of them took them at par or at a discount, whether they obtained them by gift or by purchase or in any other way. They are outstanding, after being dishonored by Congress. They are the coin of the United States. They were issued by our authority. Their legal-tender quality, which was all that enabled men to use them to supply their wants, was taken away from them by law. My position has always been that the moment that was done it became the duty of the United States to retire its repudiated coin and to substitute a coin which the people could use. Whether they are held by brokers or bankers, or whether they are held by Shylocks who preyed upon the necessities of the laborers in order to get them below their value, it makes no difference to me; they ought not to exist, and Congress ought not to allow them to remain outstanding.

The only excuse that I have heard offered by any gentleman who differs with me is that they are not a coin of the United States; that they were coined for the private benefit of the men who owned silver bullion, and that we are therefore under no obligation to retire them or substitute legal-tender dollars for them. Indeed, the Senator from Vermont went so far as to say that they were given a legal-tender value even to the extent of $5 by accident, by inadvertence, in 1873. Let me quote his exact language. He said:

> It is true that by some inadvertence it happened to be included as a legal tender by the coinage act of 1873, the same as subsidiary silver coins, to the extent only of $5 for three years, or until July 22, 1876, when even its limited legal-tender character was repealed. Up to that time the whole amount issued was $15,118,450.

He said further along in his speech "somebody blundered" in making them legal-tender, and argues that because it was done by inadvertence Congress ought not to take any notice of them. I deny his statement of facts. There was no inadvertence about it. Section 3511 of the Revised Statutes provides that—

> The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of 25.8 grains, shall be the unit of value; a quarter-eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece.
>
> * * * * * * *
>
> SEC. 3513. The silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five-cent piece, a dime, or ten-cent piece.

Giving the weights respectively of these. Then follows a further provision which, I think, is a complete answer to all gentlemen who are contending that they are not as much coin of the United States as gold coin because they were coined for the private use of individual men. They were coined by law, just as the gold coin of the United States was coined. Section 3519 of the Revised Statutes says:

> Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit.
>
> SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of 420 grains troy, designated in this title as trade-dollars, and no deposit of silver for other coinage shall be received.

Congress by the act of July, 1873, had stricken down the old silver dollar, but as to the trade-dollar it was provided that silver bars and bullion were to be received at our mints and coined for the benefit of the person who deposited the silver bullion, just as the gold was to be coined for the benefit of the man who deposited the gold bullion. No distinction was made between them. When I called the attention of the Senator from Delaware [Mr. BAYARD] to that subject I said to him that there was no distinction, and I believe with the exception of giving to the holder of gold the right to sell or the Government the right to purchase whatever silver was found mixed with the gold, for we were buying silver for subsidiary coin, he failed to show any distinction. I called attention also to the fact that it was made a felony and is a felony to-day to counterfeit any of these coins of gold or silver, the trade-dollar included.

Section 61 of the act of February, 1873—the section of the Revised Statutes from which I have read being part of it—provides "that if any person or persons shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or willingly aid or assist in falsely making, forging, or counterfeiting, any coin or bars in resemblance or similitude of the gold or silver coins or bars, which have been, or hereafter may be, coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be made, current in the United States, or are in actual use and circulation as money within the United States, or shall pass, utter" the same, he shall be guilty of a felony, and all the penalties prescribed by the statute shall be imposed upon him precisely the same for silver coin, for the trade-dollar, as for the gold eagle; there is no difference between them. The Senator from Delaware very pertinently answered his own argument in his speech in regard to the difference between the two coins when he said:

> Mr. President, since 1878, I think in February, the Government of the United States has assumed a new relation, a new function and duty in respect to its coinage. Before that time, except for the manufacture of its subsidiary coins which are debased below the standard coins, the Government of the United States never owned an ounce of either metal that came into its mints for coinage; all that came was private property.

Yet all had full legal-tender quality and were coins of the United States for all purposes.

That is true; true as well of the gold coin as of the trade-dollar; true as well of one coin as of another, so that there is no weight in the argument that the trade-dollar was coined for the private benefit of the persons who brought the bullion to the mint any more than could be based upon the fact that the gold coin was coined for the benefit of the men who brought the gold bullion there for coinage. When we demonetized or deprived the trade-dollar of its legal-tender quality by joint resolution in 1876 there was no attempt to deprive it of its existing relation as a coin of the United States further than to take away its legal-tender quality. The Senator from Delaware thought there was, but when he came to read the law he found, I think to his own satisfaction, that there was not. This is the language. I will read it so that there may be no mistake about the facts in regard to it. July 22, 1876, the legal-tender quality was taken away from the coinage of the trade-dollar, and this was added:

> And the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

That was not altering its quality; that did not make it less a coin of the United States, but it gave authority to our agent, the Secretary of the Treasury, to limit the amount to be issued to what he might deem was necessary for the foreign export trade. But all that he saw fit to allow to be issued, all that he saw fit to allow to go into circulation in the hands of the people, was as much a coin of the United States, and

was paid out to men for their days' wages just as freely as before that act was passed, and very likely a good deal more so. If any one was to be blamed for allowing the dishonored and useless trade-dollar to be issued at all after 1876 it was the Secretary of the Treasury. He was the agent of the authorities of the United States. Congress trusted him and invested him with power. The people of the United States, to whom that money was paid in small sums and wages could not tell what the Secretary of the Treasury was doing or what his object was in allowing that coin to be issued in the way it appeared. It found its way into the hands of their employers. They may have bought the silver bullion at 10 or 15 per cent. discount from which to coin it to pay their hands with, or they may have paid par for it. So it was these trade-dollars were paid to them on Saturday night for their wages. They believed it to be good money, they hoarded it, they held on to it, they thought it better than depreciated paper, they believed that the Secretary of the Treasury, under the authority given to him, was doing his duty and was giving them a good, honest coin, and that the United States would protect them in taking it, if they thought or knew anything about it at all.

I remember upon one occasion in a town in my own State, for we had great trouble there with it for years, an honest German had collected $65 in silver coin, trade-dollars every one of them. He had taken them for his chickens, his butter, his eggs, and the things he was selling at the market-house and had laid them away until he had sixty-five. He and his wife came into the town to get a draft to send to some dependent relative in Germany, when it was found they were trade-dollars; the bank refused to take them at par, the United States officials and everybody was refusing them; the German gardener had to suffer 10 per cent. discount on his $65 to get the little draft he desired to send abroad. That ought not to be; it ought never to have been possible. It was a common case. I only use it to illustrate the general condition. When we issued a coin and punished men for counterfeiting it and authorized our Secretary of the Treasury to let as many be issued as he saw fit—and he did see fit to let thirty-five millions be issued—every one of them that has not been adopted by foreign nations and branded with the brand of a foreign country that is now here unchanged, no matter who holds them, ought to be retired and a good dollar that will pay the rent of the laborer's house, that will pay his bill at the grocery, that will buy himself a pair of shoes or clothes for his family, and that he can require everybody to take as he has to take it, should be given to him in its place. That is the only fair and honest solution of the question. A Government like this can not afford to higgle about technicalities.

It will not do to say, as has been argued here, that values can not be changed or created by law; that there is no difference between the value of money as a coin and its value as a merchantable article. The very fact that the holders of trade-dollars are willing and anxious to take a coin of 412½ grains and give up for it a dishonored coin containing 420 grains shows that they know that there is a difference in value because of the uses to which the one can be put and to which the other can not. All the financiers of the country have insisted upon that being the effect of the legal-tender quality. Mr. Hamilton in his earliest report, in 1792, when he started the United States Mint—I do not care to take time to read much—showed that we were at the mercy of foreign nations, and that the values of the coin we used depended upon action abroad on the values the foreign countries saw fit to give them. The reason why the States gave up the right to coin money was because of these differences and changes in value in different coinage. I will read one extract however. It covers the whole case. In his report of 1791 Mr. Hamilton used this language:

> Every fabric, it is remarked, is worth intrinsically the price of the raw material and the expense of fabrication—a truth not less applicable to a piece of coin than to a yard of cloth.
>
> This position, well founded in itself, is here misapplied. It supposes that the coins now in circulation are to be considered as bullion, or, in other words, as a raw material; but the fact is that the adoption of them as money has caused them to become the fabric; it has invested them with the character and office of coins, and has given them a sanction and efficiency equivalent to that of the stamp of the sovereign. The prices of all our commodities at home and abroad, and of all foreign commodities in our markets, have found their level in conformity to this principle.

Mr. Hunter, in 1853, when the same question was up, repeated the same idea when he said, speaking of gold and silver:

> These metals derive their value from two distinct sources—one from their use as a currency, the other from their application to manufacturing purposes. The demand for them as currency in any given year is to be measured by the number and amount of exchanges to be made in specie during that year—their value for mechanical uses is their bullion value—that is to say, it is measured by their proportion to the residue of the property of the world, for the demand for them in the arts will be very nearly in proportion to the wealth of society.

These principles regulate the value of our coins; it is the use to which we by law allow the 412½-grain dollar to be applied when we do not allow the 420-grain dollar to be used for any public purpose that gives the former greater value. Its value is governed by the uses to which it can be put. It is a fabric. What would be the use of even the celebrated Wood's self-binder, which has revolutionized the grain-raising of the country, if we were to pursue the policy of China in order to prevent labor from being driven out of employment, and say it should not be used? The raw material is there, but you can not use it, and there is no practical value in it to anybody, no matter how great its capacity. If the 420-grain dollar will not pay a debt, will not pay house-rent, will not buy shoes, will not procure clothing, will not buy the necessaries of life, it is of no value to a laboring man who holds it; it is not a fabric, and he can not use raw material; as to him it is not a representative of value. The standard legal-tender dollar, with less raw material in it, has been adopted by the Government, issued, put into the hands of the people in all the States; it regulates transactions among individuals, States, municipalities, and corporations over the whole country. It has its fixed value and its uses, and the greater the uses the greater the value. That is the accepted doctrine as I understand it; that is the fact, whatever may be the theory.

The object of passing the House bill is to give people something they can use, and not force them to hold something which we have destroyed for all the purposes money is needed for, which by law we have said shall no longer perform any of the functions of coin, and which our Secretary of the Treasury under the discretion given him allowed the mints to coin. Everybody knows that when Congress determined to resume specie payments on the 1st of January, 1879, the moment the Secretary of the Treasury, even in violation of law, said, "Although the law prohibits me from receiving the legal-tender notes of the country, the greenbacks as they are called, at the custom-houses, I will receive them for customs dues," they were taken, and there was never a dollar of gold called for to redeem them, because greenbacks, having even by executive order received that additional use, were at once as good as gold. Over $200,000,000 had to be paid every year in customs dues. The greenbacks had been long dishonored in the interest of the bondholders, and were, of course, at a discount because their use was limited. The moment that additional use was given to the legal-tender notes the difference between them and gold disappeared at once.

Mr. Hunter's report, from which I read a moment ago, shows that the bills of exchange issued by the Amsterdam merchants in the last century were worth more than gold because they would pay bills in Italy, in Austria, in France, in Holland, in England, and almost everywhere else, whereas the gold had to be transported at great cost, risk, and expense to those different countries. Therefore Amsterdam bills of exchange were always at a premium because of the additional use which could be made of them and the safety and convenience attending their use.

I repeat that it will not do to insist that the trade-dollar was not money, and therefore that we ought not to take it back and furnish a substitute for it after we have declared that it should no longer have the uses it had when we adopted it as a coin. There are but six or seven millions, according to the best estimates we can obtain, now in the hands of the people of this country. The other twenty-eight millions went abroad. The Director of the Mint advises us that he believes much of it has been melted up, but whether it has been or not it has been adopted in great part by China and other countries, and their brands, marks, and stamps have been put upon it, and it thus became theirs. I insist—I differ in that from other members of the committee—that we ought not to be called upon to take back a coin that China has stamped as her own, whether the change has been made by the government or the merchants of that country.

The committee had great difficulty in finding a trade-dollar with the Chinese stamp, but the Senator from Ohio [Mr. SHERMAN] obtained one somewhere; it was stamped all over with hieroglyphics so that nobody in this country would have a doubt but that it had been changed from what it was when it was issued from the Mint of the United States, and there would be no danger of our people being deceived in regard to that fact.

Returning to the old silver dollar and the treatment it received at the hands of Congress in 1873, and the persecution it has been subjected to ever since, attracted by what the Senator from Vermont said the other day, that it was by some inadvertence that the trade-dollar happened to be allowed to have any legal-tender quality in the coinage act of 1873, I hope that distinguished gentleman will tell us about that inadvertence, and I am glad the Senator from Ohio [Mr. SHERMAN], as he advised me a few moments ago, is going to argue this question when I sit down, which will be very soon. I want him to tell us what "inadvertence" it was that allowed to the trade-dollar the legal-tender quality given to it by the act of 1873.

If there was any "inadvertence" in that law it was in striking down and destroying the old standard legal-tender dollar of 412½ grains, which up to that day had been of equal legal-tender quality with gold from and before the adoption of the Constitution. We had been a silver-using country in all time.

The Senator from Vermont, while I think of it—for I have no particular order in speaking on these questions—seemed to think that it was a strong argument against silver coinage in any form that up to the time when the standard dollar was demonetized in 1873 only $8,445,838 of standard silver dollars had ever been coined in the United States; but he forgot to tell that we had half-dollars, quarter-dollars, 20-cent pieces, 10-cent pieces, and 5-cent pieces, and of them we had coined

before 1853, if I mistake not, over one hundred million dollars' worth; they were of full legal value. We had coined of full dollars, it is true, only about eight millions and odd, but of half-dollars one hundred million dollars' worth, of quarter-dollars some $40,000,000, and of other small coins large amounts; making in all $184,280,941.40 in 1877. Upward of $100,000,000 of half-dollars had been coined before 1873; nearly $2,000,000 of standard dollars had been coined within fourteen months before the act of February, 1873, was passed. Up to the time that gold was discovered in California in 1849, we had more silver in the country than gold; I believe almost double as much, if the amount of Spanish milled dollars in circulation is taken into account.

It is difficult to tell how much silver we had, because we adopted the Spanish milled dollar; indeed it had been adopted by the several States long before the Constitution of the United States was adopted; and in 1793, in the first coinage act, while we allowed foreign coins of gold and silver to circulate under the regulation of Congress and to be accepted as a legal tender at the value so regulated, this provision was made by section 2 of the act of February 9, 1793:

That at the expiration of three years next ensuing the time when the coinage of gold and silver agreeably to the act entitled "An act establishing a mint, and regulating the coins of the United States," shall commence at the Mint of the United States, which time shall be announced by the proclamation of the President of the United States, all foreign gold coins and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid.

That act made another provision, that when foreign coins were received by the United States they should be recoined into the coin of the United States at the Mint, all except the Spanish milled dollar. That coin was retained and kept as part of our coinage; it was paid out at the Treasury and paid back into the Treasury and passed between man and man under the laws of the United States without change. Consequently our own coinage of silver dollars is apparently small, because we had adopted the Spanish milled dollar and did not require it to be recoined as we did other foreign coins, but kept it as part of our own coinage at full legal-tender value. The great mass of silver came from the Spanish countries at that time. The Senator from Delaware said in his speech, as he reminds me now, that at that time we were in fact a silver-using country, but we suffered no inconvenience from it. We had gone through the war of 1812; we had acquired Louisiana; we carried on the Mexican war, and by it acquired all the great States and Territories on the Pacific, while we relied on silver much more than we did on gold.

I do not care to refer to the various changes in our laws relative to foreign coins; they were regulated by Congress and were most of the time a legal tender at the rates fixed, but at all times the Spanish milled dollar was the favorite standard coin.

A great wrong was perpetrated by the act of 1873 in demonetizing silver, and the way it was done made the offense a grievous one. The Constitution of the United States declared that the States should make nothing but gold and silver coin a legal tender; that Congress shall alone have power to coin money. When it had coined money, when it had induced people to buy Spanish milled dollars and had placed them in the hands of the people, when the States, the municipalities, the corporations, private individuals, and the United States itself in its own obligations had contracted enormous debts upon the basis of the standard silver dollar, and when we had in regard to our own bonds said that they should be paid in gold or silver coin of the standard value of July, 1870, to strike down that coinage from the country, and say that silver should no longer be coined, should no longer be a legal tender for anything, was an unparalleled outrage, especially in a country like ours, growing as rapidly as we are, owing as we did six or seven or eight thousand million dollars in debts of the United States, of the States, of municipalities, of corporations, and of private individuals; yet the Senator from Vermont complains in the face of that action that somehow or other, by some "inadvertence," Congress happened to allow the trade-dollar to have a legal-tender quality of $5. I said I desired to know what that "inadvertence" consisted of. I aver here that there were not ten men in the lower House of Congress who knew at the time that the standard silver dollar was demonetized, that it was so stricken down. I have never seen or heard of one. The "inadvertence," when explained, may enlighten many of us. I was then a member of that body and would be glad to hear all about that transaction.

I have a very remarkable speech in my hand. I refer to a speech made by Hon. WILLIAM D. KELLEY, stating how little he and others knew about it. I call the attention of the Senator from Vermont to it. Perhaps he can tell where the "inadvertence" comes in. I would like to be informed, and I think the country would. Mr. KELLEY said:

In 1872, when I made the remarks which were cited by those gentlemen, and which have been frequently quoted in both Houses, and always with an air as much as to say that to convict this man of the crime of having been instructed by the logic of events would forever settle this momentous question, we were not using coin, and no gentleman in either House appears to have appreciated the scope and magnitude of the silver question or to have given it special study. Hence the bill—and I wish gentlemen to know what that bill was; it was a bill to reorganize the mints, not to revise the coin money of the country, but to reorganize the mints, and it was passed without allusion in debate to the question of the retention or abandonment of the standard silver dollar. The then Speaker of the House, now a distinguished member of the Senate, and Hon. Mr. VOORHEES, of Indiana, who is also a member of that body, were then members of this House, and during the last Congress this colloquy occurred between them. It was, I think, denied by Mr. VOORHEES that members of the House knew that the bill proposed to demonetize the silver dollar, and to sustain his view he said to the ex-Speaker: "Did you know it, sir?" "No," said Senator Blaine, "did you?" "No," replied Senator VOORHEES.

I was chairman of the committee that reported the original bill, and I aver on my honor that I did not know the fact that it proposed to drop the standard dollar, and did not learn that it had done it for eighteen months after the passage of the substitute offered by Mr. Hooper, when I disputed the fact. The distinguished gentleman from Ohio [Mr. Garfield] who now leads this side of the House was then as now an attentive and already a distinguished member of the House; yet when in joint debate before the people of Ohio in October, 1877, the question arose as to who was responsible for its demonetization, he frankly said he did not know that such a provision was in the bill when it passed the House. I state this the more freely in his absence because I informed him that I intended to do so; and he replied, "It is the case; I did make that statement, and it is true."

Nor did the President who signed the bill know that it abolished legal-tender standard silver dollars, for in his letter to Mr. Cowdrey of October 6, 1873, cited by the gentleman from Ohio [Mr. WARNER], he said:

"Silver will gradually take the place of this currency, and, further, will become the standard of values, which will be hoarded in a small way. I estimate that this will consume from $200,000,000 to $300,000,000 in time of this species of our circulating medium. * * * I confess to a desire to see a limited hoarding of money. It insures a firm foundation in time of need. But I want to see the hoarding of something that has a standard value the world over. Silver has this."

More remarkable perhaps than that, when a debate arose in the House of Representatives fourteen months after that bill had passed in which the Senator from Vermont says by inadvertence the legal-tender quality to the extent of $5 was allowed to the trade-dollar—I suppose he means that they did not do the work as well as they thought they had done; they thought they had struck down silver in every form, but by inadvertence the trade-dollar happened to be allowed a five-dollar legal-tender quality; the law passed in February 1873, yet on the 14th day of April, 1874, fourteen months after, as the Senator from Vermont contends, all silver was supposed to be demonetized and stricken from the coinage and its legal-tender quality taken away except the inadvertence he speaks of—a debate sprang up in the House of Representatives growing out of what was known as the greenback controversy, whether we should retain the volume of greenbacks at $356,000,000 as they then were, or make the amount $400,000,000, which was finally compromised, I believe, at $378,000,000, and whether we should have free banking. Mr. E. Rockwood Hoar, a very distinguished gentleman who had been Attorney-General, and a very able one, by unanimous consent offered the following amendment to the bill:

That from and after the 4th day of July, in the year 1876, nothing but gold and silver coin of the United States shall be a legal tender for the payment of any debts thereafter contracted.

Do you think he had any suspicion that there was no silver coin of the United States then a legal tender for anything? Did he know any of the secrets of the act of February, 1873? No. The yeas and nays were called on Judge Hoar's proposition, and among those who voted for this amendment were Hon. HENRY L. DAWES, Hon. WILLIAM P. FRYE, James A. Garfield, EUGENE HALE, JOSEPH R. HAWLEY, GEORGE F. HOAR, and quite a number of other distinguished gentlemen. They evidently did not understand when the yeas and nays were called fourteen months after the passage of the act of 1873 that there was simply a five-dollar legal-tender quality to the trade-dollar, and that that was there by inadvertence. The inadvertence was all on the other side. These gentlemen did not know that silver coin had been stricken down. When that bill came to the Senate it was managed by the distinguished Senator from Ohio [Mr. SHERMAN], and the RECORD shows every form of expression used by him indicated that he did not know it. Among other things he said:

And in order to show this, wherever our silver coin shall float—and we are providing that it shall float all over the world—we propose to stamp upon it, instead of our eagle, which foreigners may not understand, and which they may not distinguish from a buzzard, or some other bird, the intrinsic fineness and weight of the coin. In this practical utilitarian age the officers of the Mint seemed to think it would be better to do that than to put the eagle on our silver coins. I must confess I do not think it is very important; but I think the Senator ought to be willing to defer in these matters to the practical knowledge of the officers who have charge of this branch of the Government service.

In all the debate the only controversy in the Senate was whether there should be a coinage charge. Mr. Casserly, a Senator from California, protested against it, and Mr. SHERMAN and others contended that we ought to have the right to charge enough to pay the expense of the coinage; but no suggestion was made anywhere by anybody that Congress proposed to strike silver from the coinage altogether, or that the five-dollar legal-tender quality that was ultimately given to the trade-dollar was by any inadvertence.

As I said, I do not propose to argue elaborately the policy of the provision of the fifth section of the committee's measure. I desire to content myself with showing now that we ought to retire the trade-dollar. The people took it believing it was good money and could be used as such. It had the sanction of the Government as one of its coins; men were punished for counterfeiting it; the amount of issue was under the control of the Secretary of the Treasury. No private man could tell what was the reason why he was allowing it to be issued; before 1876 $15,600,000 had been issued, $12,000,000 and more had been exported, three and a half millions was at home, and after the other $20,000,000

were coined the report of the Director of the Mint shows the following facts as to the coinage and export of trade-dollars:

For the month of—	Coined.	Exported.
November, 1877	400,000	487,177
December, 1877	589,060	531,301
January, 1878	1,391,300	381,237
February, 1878	1,525,200	101,761
March, 1878	1,308,200	131,250
April, 1878	35,000	290,835
May, 1878	200	85,306
Total	5,248,960	2,008,867

The coinage was $5,248,000, yet we only exported $2,008,000, leaving $3,400,000 to be scattered over the country and paid as I said to men who were working for wages to earn their daily bread, and this was going on under the direction of the Secretary of the Treasury.

Mr. MORRILL. Will it interrupt the Senator if I ask him to allow me to say a single word?

Mr. BECK. Certainly not.

Mr. MORRILL. As it is obvious to every one that the trade-dollar was solely intended for other parties, to be exported, the only thing I intended to convey by the word "inadvertence," which furnishes the Senator from Kentucky with so much music, was that it was wrong to allow a coin that was intended for export only to have any legal-tender quality whatever.

Mr. BECK. Then the Senator from Vermont intended that there should be no silver coinage that should have any legal-tender quality at all. Did he intend or avow that we should have gold, and gold alone, and exclude from our people one-half the coinage that then existed. In other words, did he intend to give the money that every creditor received from his debtor double the value that it had before, so that it would take twice the number of bushels of wheat, twice the number of acres of land, twice the number of cattle, horses, or anything a man had to pay the debts that his creditor held over him, thus doubling the burdens of the debtor class of the whole people, doubling the value of the money that the creditor was to have, and do all this by an act that was not known to the men that did it, and yet complain that there was some "inadvertence," that somebody blundered? It seems to be a source of regret that they did not do it absolutely and are sorry because they allowed the trade-dollar to have a five-dollar legal-tender quality. I ask the Senator from Vermont after the legal-tender quality was taken away from it what use was it to the men who held it? Why was it not retired at once? Did not fair dealing, did not common justice require that money issued by authority of the Government, coin of the United States coined upon precisely the same terms as gold, and given to men who brought the metal there just as gold coin was given to the men who brought gold, put it into their hands having a legal-tender quality that a man could not refuse to the extent of $5—and workers for wages seldom got more than that from one pay-day to another—require that the Government should honor it? To refuse to take it from them unless at a discount is an outrage that ought to be corrected, and that promptly.

In 1878 we restored the legal-tender quality of the 412½-grain dollar. We annulled the act of 1873. We were told then that gold would be driven out of the country in less than a year. There is nearly double as much gold in the country now as there was then. Silver has not driven gold out. That bill was vetoed by the President, it was passed over his veto in this body on a call of the yeas and nays by a vote of 46 to 16. Why turn against it now, it has performed its functions well from that day to this? I do not know what the discount on silver was then. I see by the reports it was almost as great, if not quite as great, as it is now, and it has never had fair play from any of the officials of the Government; it has been an illused step-child all the time.

Why should the coinage be stopped at this time? Whatever it may become necessary to do hereafter, why should we now strike it down? The bank circulation has decreased, as the Comptroller of the Currency says, last year twenty-five and a half millions, I think twenty-nine millions by this time. He has assured us that it will decrease every year $40,000,000 hereafter. There are only one hundred and ninety-three or one hundred and ninety-four millions of bonds outstanding now which can be paid before 1892, and they are payable now, on which say $135,000,000 of bank circulation is based. When these bonds are withrawn the banks are under no obligation to buy others or to continue to keep out their circulation. They can withdraw if they please, and if they do as they may why should we now be in hot haste to strike down the silver currency and the silver certificates that have done so well?

Let me refer for a moment to another fact before I take my seat. We passed a law when we rechartered the national banks on the 12th of July, 1882, in which we made this provision:

SEC. 12. That the Secretary of the Treasury is authorized and directed to receive deposits of gold coin with the Treasurer or assistant treasurers of the United States, in sums not less than $20, and to issue certificates therefor in denominations of not less than $20 each, corresponding with the denominations of United States notes. The coin deposited for or representing the certificates of deposits shall be retained in the Treasury for the payment of the same on demand. Said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued; and such certificates, as also silver certificates, when held by any national banking association, shall be counted as part of its lawful reserve; and no national banking association shall be a member of any clearing-house in which such certificates shall not be receivable in the settlement of clearing-house balances.

Yet to-day, in order to force us to strike down silver, these banks, in violation of that law, are combining with others, although they are prohibited by the very act granting them their charters from doing so, and are refusing to receive silver certificates, for the purpose, of course, of making them less valuable, the law of Congress to the contrary notwithstanding.

Mr. President, I do not care to argue this matter elaborately, indeed I do not care to do so at all, but when we do discuss it I think it will be shown to the satisfaction of the people of this country that the present condition is the result of an unlawful combination, organized in great part by men who are our fiscal agents, our creatures, living under our law, having only such authority as we see fit to give them, and yet they are publicly and openly defying our authority because they think it is their individual inferest to do so. They are endeavoring to drive silver and the silver certificates which we have provided for out of existence in order to bring gold to a premium, and thus embarrass the Government of this country. I do not know what is to be done by the new administration, but the difficulty that we have had all along in the past has been that our own agents have been allowed to violate the law. The banks have been allowed to violate it. They have certified checks when they had no money, time and again. No, body will venture to deny that. They are not authorized to charge a greater rate of interest than is allowed by the State in which they exist, and yet they have done it all the time.

The Comptroller of the Currency reports many cases, and says they have been warned and warned. All through his reports are warnings not to repeat those offenses, but nobody is punished. The law provides that gold and silver coin only shall be taken at the custom-house in payment of customs dues; and yet the greenback is taken by Treasury order, and the very men who ordered it to be taken illegally refused on a call of the yeas and nays in this Chamber to allow it to be legalized. They would rather operate against law and in violation of law and above law than act in accordance with it. The law provides that all the coin received at the custom-house—I have repeated that so often that I am almost ashamed to repeat it again—shall be set apart and applied first to pay the interest, and then to purchase 1 per cent. of the entire national debt as a sinking fund, and the balance only shall be paid into the Treasury.

The reports of our officials show, and the Senator from Vermont in his speech the other day showed, that they were receiving silver and silver certificates in large amounts at our custom-houses and refusing to pay them out as the law directs. The Senator from Vermont [Mr. MORRILL] said: "In six months, from July to December, 1883, inclusive, the receipts of customs at the port of New York in gold and gold certificates was $54,000,000, and the receipts for six months in 1884 in gold and gold certificates were $22,000,000, while the entire receipts at that port were three-fourths of the entire customs, $64,000,000, showing little more than one-third actually paid in gold or its equivalent."

Silver is by law the equivalent of gold, and is by law required to be paid out on the same terms; yet it is agreed by all that not one dollar received at the custom-house in silver coin or silver certificates has ever been paid for any such purpose as the law requires the customs receipts to be paid.

I do not know, as I said, what is going to happen hereafter, but I desire our coinage to remain as it is now until we see what does happen; whether men will be required to obey the law; whether they will be allowed to form syndicates or combinations or clearing-house arrangements in violation of their own charters; whether the next Secretary of the Treasury will dare to withhold silver and silver certificates received at the custom-house that he is required to use in payment of interest to the bondholders and in the purchase of bonds for the sinking fund.

I know what I think ought to be done. Whenever any bank forms an association of an illegal character and seeks to discredit the money, the gold or the silver or the certificates of this country, I would pay every dollar I could legally pay to them in silver and in silver certificates, and I would make them take the silver coin in payment of interest on their bonds, and I would redeem the bonds they held in silver and silver certificates, even if I had to take the gold that I received and pay it to banks and corporations that obeyed the law. I would discriminate as far as I could by aiding men and banks who obeyed the law, and I would do whatever the law allowed me to do to make those men who are defying our authority obey it and make it their interest to obey it by giving them the coin the Secretary is required to give them and which they are compelled to receive. I would make it their interest to make it good and thus put an end to the combinations they admit to-day they are illegally a part of.

Mr. MORGAN. Will the Senator from Kentucky allow me to ask whether he thinks there is any further legislation necessary in order to

protect the Government against these crimes which he says the banks have been committing?

Mr. BECK. With officers to enforce the law, with officials here to compel them to obey it, we have law enough; but there is no effort to punish them, and never has been anything but pretenses.

Mr. MORGAN. If I understand the statement made by the Senator from Kentucky, a member of the Committee on Finance, it is that the banks have deliberately violated the laws, the criminal laws, of the United States; that the Secretary of the Treasury reports those violations to Congress and to the Committee on Finance, and that instead of there having been any proceedings taken to punish the men who thus openly and flagrantly violate the law, a mere admonition is served upon them that hereafter they must do better than that or else they will be dealt with. Is that the situation?

Mr. BECK. That is the way I understand it substantially.

Mr. MORGAN. Last spring I received quite a rebuff in the Senate for having invited the Committee on Finance to look into this question and make a report upon it. The resolution that I had the honor to introduce was referred to that committee, and they sat down upon it. They have got it still in the committee, without having paid the slightest attention to it I believe; and now it turns out from the statement of a member of the Committee on Finance that all of those able Senators have been cognizant of the fact that these crimes have been committed; that the President of the United States has been cognizant of the fact that these crimes have been committed, and that they have not got the power to call these criminals to the bar of justice and punish them for the violation of the law.

I will further add, if the Senator from Kentucky will permit me, that there is no use of multiplying statutes merely to be dishonored by the Senate of the United States in its constant, persistent ignoring of crimes committed against law which they refuse to take any steps to insist shall be punished.

Mr. BECK. Mr. President, I said when I rose that I only meant to sustain the action of the committee in reporting the first three sections of this amended bill, and did not care to argue the other branch of the question. I am willing to wait. I am not alarmed by bank clearing-house combinations. Every dollar of every debt we owe can be paid in silver coin, and it is said our vaults are full of them. Every State, corporate, and private debt can be paid in silver. It will not be long before there will be a change of administration. I hope it will be an improvement on what we have had in the years gone by. Only one word more. Section 4 of the amended bill provides:

That the President is hereby authorized to renew negotiations with the States of the "Latin union," and with other foreign powers, for the purpose of making treaties with them in order to secure such co-operation as may enable the nations agreeing thereto to open their respective mints to the free coinage of silver, with full legal-tender power, at an agreed ratio to gold.

I do not think that there is any objection to that; I do not know that the House will object to it. I am willing so far as I am concerned to give the sanction of Congress to any honest effort that any Executive may make in dealing with other nations to endeavor to utilize our silver and in keeping up our coinage of it. We are producing in the United States 40 per cent. of all the silver that is produced in the world. The gold product of the world has fallen from $152,000,000 a year a few years ago down to $94,000,000. The Director of the Mint shows that four countries, the United States, England, France, and Germany, are using fifty-two millions per annum of the ninety-four millions produced in the world in ornamentation, jewelry, and other things for which gold can be used; he shows that gold is diminishing in quantity and thereby increasing in value; that our silver is not increasing in quantity, but has somewhat diminished, but holding its own better in proportion than gold has done, while trade and business is rapidly developing everywhere, and silver will buy more of anything but gold than it ever would. We know that France is maintaining a far larger proportion of silver to gold than we are maintaining to-day—five hundred millions of silver against six hundred millions of gold, and her silver is worth 12½ grains less to the dollar than ours.

Mexico, Central America, South America, China, Japan, the Indies, all the countries with whom we shall ever have any sale in the future for our manufactures, are silver-using countries; and if the President can make any arrangement whereby England will no longer dominate the coinage of the world, and the trade of the world, and the bills of exchange of the world, as she is doing now through her 60 per cent. of its carrying trade and commerce—she, of course, wants gold and gold alone—I hope we will if we can, aid the President in making an earnest effort to get the other countries to agree with us in maintaining a silver standard equal with gold. I am very anxious to see that done; but I am not willing, in advance, to vote for the section which provides that if we fail to do what we desire we will quit coining silver on a given day within sixteen months of this time. I regard that as equivalent to saying in advance to England or Germany, "If you great creditor countries can prevent other countries from uniting with the United States for twelve or fifteen months, then we have a contract already by an act of Congress that the United States will make no further effort to maintain silver coinage; then they will be at your mercy and at the mercy of the creditor class at home, your allies." I will not say that as the last section of the committee bill proposes to do.

England with her diplomacy and power will prevent all agreements if we pass that section. Germany, though I think she is not as anxious to maintain gold alone as she was after she obtained a thousand millions in gold from France, has an object in view. England draws coin from every quarter. Her reports show over ten thousand ports in the world to which her ships trade; she has her agents gathering in business and cargoes everywhere. She is now drawing from us $100,000,000 for doing our ocean-carrying. All bills of exchange have to be drawn on London. Her bankers get the profit. She is to-day storing the goods of the world in her great warehouses and selling the silver that she obtains from us to her serfs in India, while her own people at home are drawing in the gold of the world. I am not willing to say in advance to her that if she can defeat any efforts made by us to restore our silver coinage we will surrender to her. That is what is proposed by the fifth section of the bill. But I must close. I said to the Senator from Ohio [Mr. SHERMAN] I would not consume over three-quarters of an hour. I have exceeded my time and I will now yield the floor.

Mr. SHERMAN obtained the floor.

Mr. MORGAN. Will the Senator from Ohio yield to me?

Mr. SHERMAN. I understand the Senator from Iowa [Mr. ALLISON] desires to call up an appropriation bill. I will yield to that.

Mr. ALLISON. I ask the Senator from Ohio to yield to me in order that I may at this time present to the Senate the pension appropriation bill.

Mr. SHERMAN. I have no objection, having the floor on this question, when the bill comes up again. I suppose the bill ought to be laid aside informally.

Mr. ALLISON. I desire that the bill be laid aside informally.

The PRESIDING OFFICER. That course will be taken if there be no objection.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 6th instant, approved and signed the act (S. 1242) to reimburse Elizabeth Comstock customs dues paid by her on articles donated for the relief of colored emigrants; and, on the 9th instant, the joint resolution (S. R. 104) providing for the printing and distribution of the Descriptive Catalogue of Government Publications.

HOUSE BILL REFERRED.

The bill (H. R. 7551) admitting free of duty an altar and church regalia for the Catholic church at Carrolltown, Pa., was read twice by its title, and referred to the Committee on Finance.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I ask that House bill 7785, being the pension appropriation bill, may be taken up at this time.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask that the bill may be read for amendment, and that the first or formal reading of the bill may be dispensed with.

The PRESIDING OFFICER. If there be no objection the formal reading of the bill will be dispensed with, and the reading for amendment will proceed. The Chair hears no objection.

The Secretary proceeded to read the bill.

The first amendment reported by the Committee on Appropriations was, in section 1, line 30, after the word "pensions," to insert "who shall have served at least three months after date of muster;" so as to make the proviso read:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

The amendment was agreed to.

The next amendment was, in section 1, line 34, before the word "agents," to strike out "twelve" and insert "eighteen;" and in line 35, after the word "each," to strike out "forty-eight" and insert "seventy-two;" so as to read:

For the salaries of eighteen agents for the payment of pensions, at $1,000 each, $72,000.

The amendment was agreed to.

The next amendment was, in section 1, after the word "dollars," in line 36, to strike out the following clause:

And from and after July 1, 1885, there shall be no more than twelve agents for the payment of pensions, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of sections 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, in section 1, line 44, after the word "lights," to strike out "and;" in line 46, after the word "pensioners," to insert "stationery, and other necessary expenses, to be approved by the Secretary of the Interior;" and before "thousand," in line 48, to strike out "fifty-three" and insert "fifty-six;" so as to read:

For fees for preparing vouchers, rent, fuel lights, postage on letters to the

Executive Departments and to pensioners, stationery, and other necessary expenses, to be approved by the Secretary of the Interior, $256,000.

The amendment was agreed to.

The next amendment was, in section 1, line 48, after the word "after," to strike out "March 4" and insert "June 30;" and after the word "available," at the end of line 55, to strike out:

And hereafter the mode and manner provided by law and regulations for the payment of white persons entitled to pensions shall apply to and govern the payment of all pensioners.

So as to make the proviso read:

Provided, That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be $4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

The amendment was agreed to.

The next amendment was to strike out lines 59 and 60, as follows:

For contingent expenses of pension agencies, $3,000.

The amendment was agreed to.

The next amendment was to strike out, from section 2 to section 10, inclusive, as follows:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other person shall receive any fee for his services in a pension claim except through the agent for paying pensions.

SEC. 4. That the fee in all pension, arrears of pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

SEC. 6. That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall wilfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

SEC. 7. That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, for the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the sixth section of this act.

SEC. 8. That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been heretofore abandoned by his attorney from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the sixth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, that the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the sixth section of this act.

SEC. 9. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty land-claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims, so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the fourth section of this act; and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the sixth section of this act: *Provided*, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia; and it shall be unlawful for any agent or attorney residing in a State of which the claimant is resident to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent residing in the District of Columbia.

SEC. 10. That all the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases, are hereby repealed: *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

The amendment was agreed to.

Mr. INGALLS. All the portion that embraces general legislation is, in accordance with the recommendation of the committee, stricken out?

The PRESIDING OFFICER (Mr. PLATT in the chair). From and including section 2 to the end of the bill.

Mr. MITCHELL. I desire to call the attention of the Senator from Iowa to the provision in relation to the presumption of soundness in the proviso at the end of the clause on page 2:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

On Saturday the Senate adopted an amendment to the bill for the relief of Mrs. Sarah B. Jackson on that subject which reads as follows:

That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

There is a conflict between these two provisions.

Mr. ALLISON. I suggest to the Senator that when the bill comes into the Senate he can ask for a separate vote on that amendment.

Mr. MITCHELL. Very well.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. How shall the question be taken on the amendments?

Mr. ALLISON. At the suggestion of the Senator from Pennsylvania, I ask for a separate vote on the amendment found on page 2, section 1, lines 30 and 31.

The PRESIDING OFFICER. A separate vote will be reserved upon that amendment, and the question will be put on concurring in the other amendments.

The question being put, it was declared that the affirmative appeared to prevail.

Mr. INGALLS. Is the question now on striking out the general legislation?

The PRESIDING OFFICER. It includes all the amendments except the one on the second page at lines 30 and 31.

Mr. INGALLS. I will ask for a division of the Senate upon the question of agreeing to the amendments made as in Committee of the Whole—that is, on the proposition to strike out the general legislation in this bill.

The PRESIDING OFFICER. The Senator from Iowa asked for a separate vote as to agreeing to the amendment on page 2, in lines 30 and 31, and the question was put on agreeing to all the other amendments in gross.

Mr. ALLISON. Of course, if the Senator from Kansas desires a separate vote, I shall not object to it. I think the Senate ought to understand exactly what is proposed in striking out the legislation found on page 4 and the following pages.

The PRESIDING OFFICER. Does the Senator from Kansas ask for a separate vote upon any other amendment than the one reserved by the Senator from Iowa?

Mr. INGALLS. The Senator from Iowa reserved, I understand, the amendment on page 2, lines 30 and 31.

Mr. ALLISON. Yes.

Mr. INGALLS. What I desire to obtain is a vote of the Senate upon the amendment striking out the general legislation from this bill. Will the Senator from Iowa allow me to ask him, are those words upon page 3, lines 36 to 43, recommended to be stricken out because they are general legislation?

Mr. ALLISON. They are recommended to be stricken out for a double reason; first that they are general legislation, and secondly because we do not think it is a wise thing to reduce the number of agents from eighteen to twelve.

Mr. BLAIR. I should like to inquire of the chairman of the Committee on Appropriations where the new legislation commences. It does not seem to be that which is erased simply, but it certainly includes some other provisions, because in the thirtieth line in the proviso there is language in Italics which the committee have reported to insert which is an amendment of other new legislation.

Mr. ALLISON. A separate vote has been asked on that, and I suppose it will be voted out.

Mr. BLAIR. The committee has reported the rejection of some of the new legislation, and has not reported the rejection of others, as would appear from the form of the bill.

The PRESIDING OFFICER. As there seems to have been some misunderstanding, the Chair will inquire again whether any Senator desires a separate vote upon any amendment other than the one which was asked for by the Senator from Iowa.

Mr. INGALLS. Yes, sir; I have just stated that I desire to obtain the sense of the Senate on the question of striking out the general legislation, beginning on page 4, as recommended by the committee.

Mr. BLAIR. I should like to inquire whether the motion of the

Senator from Kansas is designed to include all the new general legislation.

The PRESIDING OFFICER. The Chair was about to suggest to the Senator from Kansas that he should specify the amendment upon which he desired a separate vote. The Chair understands that he only asks for a separate vote on the striking out of the sections commencing on page 4. The Chair will put the question——

Mr. CAMERON, of Wisconsin. What is the question?

The PRESIDING OFFICER. The Chair understands the question to be this, whether the Senate will concur in the amendment made as in Committee of the Whole, striking out all of the bill commencing on page 4, section 2, to the end.

Mr. BLAIR. Now, Mr. President, I wish to understand where we are. This comes here under the broad general statement of a principle of action adopted by the Appropriations Committee, as I understand—I may be wrong, and I should like to be set right if I am wrong—that they will, under the rules of the Senate and the supposed instruction of the Senate, reject all general legislation sent to the Senate from the House upon an appropriation bill, and therefore they have reported in favor of striking out certain portions of this bill; and those portions which they recommend to be stricken out, in the application of this principle, are designated by a line drawn through them by way of erasure. It seems to me, and I suppose it to be so from other portions of the bill, that they have reported favorably and have amended themselves other general legislation coming to us from the House upon this same bill. I very likely am wrong; I shall be glad to be set right if I am wrong. I will call a point to the Senator's attention. Take the second page, line 29, where the proviso commences:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

Is not that general and new legislation?

Mr. ALLISON. It is.

Mr. BLAIR. There is no such law at the present time. That is not erased.

Mr. INGALLS. The Senator will pardon me a moment. The committee have also reported an amendment to that provision of general legislation coming from the House in the bill.

Mr. BLAIR. Certainly; so that the committee seem to have adopted the instruction of the Senate where it pleased them and to have rejected it where in their judgment it was unwise to follow the admonition of the Senate. Undoubtedly it is all right, but it ought not to be understood by the Senate that the committee comes here rejecting certain legislation, because it is general legislation, thereby standing by the instruction of the Senate and the principle prohibited in our rules, when as part of the same bill, in the same bill, they report favorably other general legislation and amend the same which may commend itself to their judgment.

Mr. JACKSON. I understand that the new legislation that is proposed to be stricken out by the committee is substantially the same as the bill that the Senate passed the other day.

Mr. ALLISON. Yes, sir.

Mr. BLAIR. It may be all right to strike that out, and undoubtedly it ought to be stricken out. I only call attention to the fact that there is other legislation on this same bill coming from the House which the Appropriations Committee reports favorably along with amendments to the same.

The PRESIDING OFFICER. That amendment has not yet been acted upon.

Mr. INGALLS. Is that the amendment I indicated?

The PRESIDING OFFICER. It is on page 2, line 30. It has not yet been acted on.

Mr. INGALLS. Is it now subject to the point of order?

The PRESIDING OFFICER. The Chair thinks that it is.

Mr. INGALLS. Then I make the point of order.

The PRESIDING OFFICER. The Chair thinks it will be subject to the point of order when it comes before the Senate. It is not now before the Senate.

Mr. INGALLS. I understood it was all now before the Senate.

The PRESIDING OFFICER. The Chair thinks it is not. The Chair thinks the question now before the Senate is on concurring in the amendment of the Committee of the Whole striking out from section 2 to section 10, both inclusive.

Mr. INGALLS. The bill has been reported to the Senate?

The PRESIDING OFFICER. It has been.

Mr. INGALLS. Then I raise the point of order on the amendment reported by the committee in lines 30 and 31 that it is general legislation on an appropriation bill.

The PRESIDING OFFICER. The Chair will consider that point of order after having disposed of the question now before the Senate. The question before the Senate——

Mr. INGALLS. I will relieve the Chair from any embarrassment by reserving a separate vote on each of the amendments.

The PRESIDING OFFICER. Perhaps it would be more in order, then, that the Senate should take them as they occur in the bill.

Mr. INGALLS. In their order.

The PRESIDING OFFICER. If there be no objection, that order will be pursued. The question is on concurring in the amendment made as in Committee of the Whole in lines 30 and 31, on page 2, which will be read.

The SECRETARY. After the word "pensions," in line 30 of section 1, the Committee of the Whole inserted, "who shall have served at least three months after date of muster."

The PRESIDING OFFICER. The Chair understands that the Senator from Kansas raises the point of order.

Mr. INGALLS. Yes, sir.

The PRESIDING OFFICER. That this is an amendment in the nature of general legislation? The Chair sustains the point of order.

Mr. INGALLS. Although the Chair is right, for the purpose of settling this question by vote of the Senate I appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from Kansas appeals from the decision of the Chair sustaining the point of order.

Mr. MITCHELL. Will the President state the question? I do not understand it.

The PRESIDING OFFICER. The question before the Senate was upon concurring in the amendment made as in Committee of the Whole on page 2, lines 30 and 31; and the Senator from Kansas made the point of order that the amendment proposed was an amendment in the nature of general legislation. The Chair sustained that point of order, from which decision the Senator from Kansas has taken an appeal.

Mr. ALLISON. I desire to understand from the Chair the ground he takes in reference to this legislation. This is legislation attached to a legislative provision which was inserted in the House. Am I to understand the Chair to decide that although a legislative provision appears in the bill as it comes from the House, it is not competent for the Senate to amend that legislation? In other words, shall I understand the decision of the Chair to mean that we must take whatever House legislation comes in these bills as a whole, without amendment, not having the power or the privilege in this body of amending a legislative provision found on the bill as it comes here? That is, as I understand, the ruling of the Chair.

The PRESIDING OFFICER. If it were an original question it is possible the Chair might have decided differently, but the Chair understands that the ruling now made is in accordance with former rulings made by the regular presiding officer of the body; and in holding that this amendment was not in order the Chair supposed he was following what has been laid down as the rule of the Senate. If the Chair is in error in that respect he would be very glad to be corrected; but the Chair so understands the ruling of the Senate, and proposes to follow it without expressing any individual opinion on the point.

Mr. INGALLS. Mr. President, I do not think this precise point has been ruled upon by the present President *pro tempore* of the Senate. The Senator from Massachusetts [Mr. HOAR] asks that the precise point involved in this appeal may be stated to the Senate. I will state it.

House bill 7785, being the bill making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, is under consideration. This bill, in section 1, contains general legislation sent here by the House of Representatives. The Senate Committee on Appropriations have reported an amendment to the general legislation contained in the bill as it comes from the House of Representatives. It has hitherto been held that legislation on appropriation bills coming from the House of Representatives was not open to amendment in the Senate.

I have raised the point of order upon the amendment in lines 30 and 31 of the first section of the bill, that it was not admissible under the rules of the Senate, being general legislation on an appropriation bill. The Chair held, in accordance with previous rulings, that the point of order was well taken and that the amendment should be stricken from the bill. From that decision I have appealed for the purpose of obtaining the opinion of the Senate whether or not the spirit of our rule that forbids us to put general legislation upon appropriation bills prevents us from amending general legislation that comes from the House of Representatives on such bills. I believe that the rule in its spirit does not prevent us from amending such legislation. I think the decision of the Chair has hitherto been improvidently made; I think the decision was wrong; and I want the Senate by its vote to declare a precedent that will enable us hereafter to offer amendments to general legislation coming on appropriation bills from the House of Representatives if we are forbidden by our own rules from offering amendments in the nature of general legislation ourselves.

Mr. DAWES. I hope that the decision of the Chair will not be sustained, although I agree with the occupant of the chair that the precedents require that ruling by him. I always believed that it was erroneous, and it has led to much trouble. The amendment is not a proposition to amend existing legislation, but to amend proposed legislation. It is proposed legislation which is in order. It is in order because it came here from the other branch.

The proposed legislation is in order. You can not strike that out except by a vote. The idea that to offer an amendment to proposed independent legislation is to propose itself independent legislation I never could understand. The consequence of it has been such that we ought,

in the shortest possible way, without reflecting upon any occupant of the chair, to put a construction upon that rule which has some sense in it, I hope I may be permitted to say. The idea that we can not amend proposed legislation because we can not introduce independent legislation, is like saying that we can not propose an amendment to an appropriation bill because we can not introduce an appropriation bill here. I do not think it is right and sound; and the effect of it has been such as to bring its impropriety so prominently before the Senate that I am very glad the Senator from Kansas has taken this appeal from the decision of the Chair, and I hope we shall not omit this opportunity to make the rule what I supposed it was.

Mr. HALE. Will the Senator allow me to interrupt him for a moment?

Mr. DAWES. Certainly.

Mr. HALE. Will the Senator state, if it has not been already stated in the debate, how long a time back the ruling that the Senate can not in any way deal with and amend propositions from the House embodying general legislation has been the parliamentary law of this body?

Mr. DAWES. Other Senators could tell more definitely than myself. When the President *pro tempore* preceding the present President *pro tempore* was occupying the chair, I should think some four years ago, I heard it announced for the first time as a ruling. It took me, and I supposed, from the remarks that were made in the discussion, it took the whole Senate by surprise as a new ruling. Up to the time of the ruling by the President *pro tempore* who immediately preceded the present President *pro tempore* of the Senate I had never heard of such a construction upon the rule; but still my memory is not conclusive.

Mr. HALE. Was it not the actual fact that up to that time it was the common practice for the Senate to deal with House provisions embodying legislation upon appropriation bills by amending them, by modifying them, by changing them according to the will of the Senate, without any point of order being raised?

Mr. DAWES. That is my memory in reference to the decision here, though I would not speak with any great confidence.

Mr. HALE. That was before my service in the body, but my recollection is that that was the course of procedure in the Senate up to within a comparatively brief space of time.

Mr. DAWES. Before my service in the Senate, if my memory serves me right, there was a rule in the Senate which allowed independent legislation on appropriation bills, while there was one in the House which absolutely forbade it. I know the habit of members of the House was, whenever they failed to get an amendment into an appropriation bill on that ground, to come to this body and get it inserted here. I remember one very distinct case, a very important civil-service law, that we had until this last one, was a provision which had been tried two or three times upon an appropriation bill in the other branch; and at my suggestion the author of it came over here and it was sent down to the House in an appropriation bill from this body.

As I understand, this change in our rules has gone further, and the Senate till a recent period permitted some sort of independent legislation and the House excluded it. The House has gone the other way, and the Senate has receded to the extent that it has voluntarily, by a construction which seems to me to be wrong, tied its own hands and said to the House, "We will take or reject, but will not amend, anything you send over."

Mr. CAMERON, of Wisconsin. Will the Senator from Massachusetts permit me, before he sits down, to ask a question? The proposed amendment in lines 30 and 31 is undoubtedly germane, but suppose an amendment were proposed not germane to the matter, for instance, putting in a whole pension bill, would the Senator still be of opinion that it should be received?

Mr. DAWES. Putting new matter in?

Mr. CAMERON, of Wisconsin. Under our rule it is not essential that an amendment shall be germane. We can propose an amendment entirely changing the original bill.

Mr. DAWES. I do not think that an independent amendment, an amendment having no pertinency to and not germane to the measure, would be in order. It seems to me it is not independent legislation to propose to amend in any way that is germane to the subject-matter before the Senate. It was a good while before I could learn that it was no objection to an amendment in this body that it was not germane to the subject-matter. That was so strange a parliamentary rule that it was a good while before I could learn to govern myself accordingly.

Mr. PLATT. If the Senator from Massachusetts will permit me, there is nothing in the rule I think which requires that an amendment proposed shall be germane to the particular matter of legislation which appears in the bill to which the amendment is moved. If an amendment is not germane or relevant to the subject-matter contained in the bill it can not be received. But to illustrate: Suppose that we may amend legislation which comes from the House, taking this very legislation which comes from the House, if an amendment is in order, why may we not take section 2 to section 10 and substitute them for this legislation which has come from the House to which really they have no particular relevancy?

Mr. DAWES. I would so administer the parliamentary law of this body, until I was required to administer it some other way, that matter not germane should not be in order; that matter having no reference to the independent legislation that has come here in order should not under the guise of amendments to it be ruled in order.

The PRESIDENT *pro tempore*. The Chair begs leave to state, although the matter has been decided and is now pending on appeal, if the Senate will pardon him, that this precise question as it now appears on raising the point of order upon an amendment to legislation which comes in a House bill has been presented to the Senate several times within the recollection of the present occupant of the chair.

The present occupant of the chair recollects that in the time of Mr. Colfax, Vice-President of the United States, in the time of Mr. Wheeler, Vice-President of the United States, and in the time of Senator Davis, President *pro tempore*, not always by the Senator who now occupies the chair decisions have been made (sometimes by the Senator who now occupies the chair) upon distinct amendments proposed to legislation that appeared in a House appropriation bill coming from the House; and the recollection of the Chair is that all these presiding officers held that such an amendment was not in order, upon the ground that the rules of the Senate made no distinction as to the part of the bill at which the proposed amendment by a Senator or by a committee might come in. That ruling was always acquiesced in or sustained. The Chair does not remember any case of an appeal.

So the Chair thinks it clear that the history for a good many years, going back to the time of Mr. Colfax, of the action of the Senate has been such as would sustain the ruling of the Senator from Connecticut who occupied the chair when this question arose. The provision of the rule is that—

> No amendment which proposes general legislation shall be received to any general appropriation bill, nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received.

The effect of holding that this particular amendment reported from the Committee on Appropriations is in order would be that it would be in order to propose any other amendment to this legislation that is germane to the bill—that is, germane to the subject of providing the means of carrying on the payment of pensions. It seems clear to the Chair, this amendment being held to be in order, that if some Senator should rise and propose an addition to this legislation and as a continuation of it some other provision that should seem to be useful to the Senator on the subject of administering the pension laws, it would be germane to the bill, as much so as the amendment that is now pending, which is certainly germane to the bill. It relates to the subject that the bill has under consideration. No point of order could be made upon this amendment on the ground that it is not germane. The result would be that any legislation which touched the Pension Office and the payment of pensions would be germane to the bill. If an amendment to the House legislation is in order on the ground that it does not fall within the condemnation of the other part of the rule, then any legislation that is proposed in this bill to the House legislation, although not germane to that particular point, but still germane to the subject of a pension appropriation bill, would be in order, and the result would be that the whole subject of legislating about pensions would be open.

Mr. HALE. Will the Chair excuse me for asking a question here? What would be the construction the Chair would place upon the next clause in the rule? It reads—

> Nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

Is the force of the word "thereto" to be made applicable to the "item or clause of such bill," or to the bill in general? It seems to me that if it is applicable to the "item or clause," you thereby get a limitation which prevents general sweeping legislation coming in relating to the whole subject of the bill. I make the inquiry because I desire to be enlightened.

The PRESIDENT *pro tempore*. The Chair understands the point precisely, and can state in reply that that subject has undergone a constant practice in the Senate for a great many years, the construction of that clause in the rule having always been that it relates to items of appropriation and clauses of appropriation, and not to the question of general legislation which has been exhausted and provided for in the previous provision; so that if there were an item to pay so much for pension clerks you could not add to that item a provision for paying special agents, or whatever it might be, that did not relate to the question of pension clerks. It relates to appropriation items as distinguished from legislation. That the Chair thinks has always been the practice of the Senate.

Mr. INGALLS. Speaking historically, I think the Chair has probably fallen into an error in the statement that the interpretation of the rule to which he alludes had been given to it by Mr. Colfax among others. Since this subject was previously under discussion I have examined the history of this rule, and I find that the first inhibition in the rules of the Senate against general legislation upon an appropriation bill appeared in 1876 in the revision that was made under the leadership of the then Senator from Michigan, at one time President *pro tempore* of the Senate, Hon. T. W. Ferry. Inasmuch as Mr. Colfax disappeared from public life in 1873, the memory of the Chair I think would hardly be borne out by the statistics. But that of course is immaterial. I merely allude to that fact because it was stated somewhere within my

hearing not long since that there had been a prohibition forbidding general legislation on appropriation bills as far back as 1837.

That is absolutely incorrect. There has been no such rule even in the House of Representatives until within ten years last past, and even there it is not in words a prohibition of general legislation, but a statement that no amendment shall be received to change existing law, which is of course tantamount to the same thing. But so far as the history of parliamentary procedure in the Senate is concerned, the prohibition first appeared in our rules in 1876–'77. Whether the interpretation has been such as the President *pro tempore* states since then, of course I am not fully advised, but with regard to every other interpretation of our rules I think I am correct in saying that it has been upon whichever side of the rule a majority of the Senate seemed inclined to favor. There can be found upon all these disputed points decisions on one side and decisions on the other.

Now, about the ruling that is at present before us, I think that the Senator from Connecticut then occupying the chair was entirely correct in ruling as he did, that the amendment proposed by the committee to the bill as it came from the House was not in order under our rules as they had been previously interpreted, but I think the interpretation was improvidently made; it is one which I think is not within the spirit of the rule; and I desire to present as broadly and as distinctly as is possible, by an appeal from that ruling, the question whether we shall be permitted to propose amendments to general legislation upon appropriation bills propounded by the House, because if we are not to do it then we have one simple alternative, either to reject all such legislation under our rule, which does not apply to legislation coming from the House of Representatives, or to accept such legislation exactly as the House proposes it to us.

I should like to make a further parliamentary inquiry, because this question is one of very great interest; it is one of great moment. If a committee of conference submit a report amending general legislation upon an appropriation bill, is that open to a point of order under the rules of the Senate; or has a committee of conference a right to violate those rules and bring in general legislation here to which we are compelled to submit without amendment? I ask that as a parliamentary question of the Chair in order that we may have a full view of all the exigencies that confront us.

The PRESIDENT *pro tempore*. Of course the Senator from Kansas, with his familiarity with parliamentary law, will perfectly understand that the question would be premature, and the Chair could not, fully performing his strict duty, be called upon to make any reply.

Mr. INGALLS. I understood that, sir.

The PRESIDENT *pro tempore*. But the present occupant of the chair will state to the Senator from Kansas that it is clear to the present occupant of the chair that no conferees on the part of the Senate (we have nothing to do with those of the House) can have any right to recommend anything that would violate the rules of the Senate, whatever it might be, on appropriation bills or anything else; and that a point of order made upon a report of Senate conferees on any bill that what they had reported contravened the rules would necessarily be sustained if it turned out that it did contravene the rules.

Mr. INGALLS. That is, if the Senate conferees should submit a report here in which it appeared that an amendment had been made to general legislation upon an appropriation bill coming from the House, that would be open to a point of order under the Senate rules?

The PRESIDENT *pro tempore*. The Chair thinks so.

Mr. HALE. Now, Mr. President, let us understand this. Under that intimation from the Chair, if the House of Representatives under its rules, which are the law of that body, incorporates upon an appropriation bill features of general legislation which the rules of the Senate would forbid this body to put on, but which the House can put on, and the bill is sent here and the Senate strikes out that legislation, and the bill is returned to the House with the House legislation stricken out, and conferees are appointed by the two bodies, if then the Senate conferees report that they have at last in conference assented to the House proposition and report the bill back to this body with the legislation put on by the House left upon the bill, is it the intimation of the Chair that a point of order would then be good and would be sustained on the report of the conference committee?

The PRESIDENT *pro tempore*. That has not been the intimation of the Chair. That is a different question, leaving the bill precisely with what the House had in it. But if the Senate conferees should report any provision in a bill which if moved by a committee of this body or by any Senator in it would be out of order, it would be still out of order if reported by the conferees.

Mr. HALE. But if the Senate conferees report that they have assented to the legislation which the House put on, which the Senate could not, under its rules, put on, would that be subject to a point of order on the conference report?

The PRESIDENT *pro tempore*. That is quite a different question.

Mr. HALE. I do not understand the Chair.

The PRESIDENT *pro tempore*. That would be merely a recommendation by the Senate conferees, because the Senate conferees have nothing else to substitute. It would be merely a recommendation that the Senate recede from its disagreement to the proposition of the House.

Mr. HALE. Then we may not understand that there is any intimation that a point of order would lie in the case I have stated?

The PRESIDENT *pro tempore*. There is no such intimation from the Chair.

Mr. DAWES. I should like to inquire if there is any precedent for the idea that when independent legislation is submitted to a committee of conference of the two bodies, it can not be modified?

The PRESIDENT *pro tempore*. The Chair can not state. The Chair can only say that it is the duty of the Chair to enforce the law of the Senate as laid down to him in the rules; and when the rules provide that no amendment shall be received to an appropriation bill which is legislative in its character, and the Senate and the Chair hold that an amendment is legislative in its character, the Chair is of opinion (speaking in advance of such a question being raised and of course having the right to change his opinion upon consideration; it is merely an intimation) that the conferees of the Senate, the agents of the Senate, in conferring with the House, have no more power to agree to violate the rules of the Senate than any committee of the Senate or any Senator would have. That is all the Chair now says.

Mr. DAWES. Could the Chair indicate what would be the use of submitting such a proposition to a committee of conference if it could not be modified?

The PRESIDENT *pro tempore*. The Chair thinks it can.

Mr. DAWES. The Chair thinks it can be modified?

The PRESIDENT *pro tempore*. The Chair thinks he can intimate what would be the use of it. In persuading the House of Representatives——

Mr. DAWES. If the Chair will allow me, I do not see what else the committee of conference could confer about except whether they would take the legislation as the House dictates it. I do not think anybody would want to go on such a committee of conference.

The PRESIDENT *pro tempore*. The Chair is not of opinion that the House dictates any legislation to the Senate or the Senate to the House. The Chair is of opinion, speaking in advance of all such questions, that there might be a use in conference in attempting to persuade the House of Representatives that any legislation upon an appropriation bill was vicious and that the Senate could not consent to it.

Mr. DAWES. If the Chair will bear with me (because I am sometimes on committees of conference, and I am at sea just now), am I to understand that the Senate conferees could go to this extent, that they might persuade the House conferees to modify their proposition, but that they could not suggest any modification of their own? Is that the understanding of the Chair?

The PRESIDENT *pro tempore*. It is the understanding of the Chair, beginning with the fundamental principle which the Chair believes in, that the agents of the Senate have no greater power in conference than any committee of the Senate would have in a proceeding within its walls, and that therefore when the agents of the Senate conferring with the House propose that the Senate shall violate its own rules by introducing matter which the rules forbid, the fact that they are called upon to reach an agreement gives them no different status from that which a standing or select committee would have.

Mr. DAWES. If the rules of the Senate require that when a committee of conference is appointed on the part of the Senate over some independent legislation that gets into conference, the Senate conferees are limited to the effort to persuade the House conferees to modify it, and they can not themselves suggest any modification, the Chair will permit me to remark that it is highly instructive, to say the least.

The PRESIDENT *pro tempore*. The Chair thinks that the simple question is this, if the Chair may be allowed to say it here, instead of on the floor. If the Senate of the United States is unwilling that legislation shall go on appropriation bills, it is only necessary to say so to the House of Representatives. Neither House ever undertakes to dictate to the other, and whatever one House proposes to the other must be agreed to by the other House before it can become operative. If therefore the Senate of the United States speaking through its conferees says to the House of Representatives, "We can not consent to this bill, this clause, or phrase, or section, or series of sections in it," if the House of Representatives can not persuade the Senate that they ought to leave those sections in, the House of Representatives will of course recede, as the Senate would if the proposition were an independent amendment of its own put on by it to which the House objected. The House of Representatives has an absolute right to make its own rules. It may provide that no legislation shall be had in that body except on appropriation bills, if it desires to do so, and we have no right at all to complain of it, the Chair thinks. The House of Representatives is the sole and independent judge of its own methods of procedure. If the Senate chooses to think that it is unwise to introduce any legislation on an appropriation bill it has the right to say so, and to say to the House of Representatives that it can not consent to introducing any legislation upon an appropriation bill good or bad, because "any" implies that it may be good or it may be bad. The Chair thinks, therefore, that the question is a perfectly simple one between the two Houses, and should occasion no collision whatever.

Mr. CALL. Mr. President, it seems to me very clear that the Senator from Kansas [Mr. INGALLS] is right in his proposition, and that

the rule never had and never could have any reference to an amendment of general legislation coming from the House on an appropriation bill. The Constitution vests the legislative power in the Senate and in the House, and it recognizes the power to propose amendments and to confer in regard to a disagreement upon any amendments as a part of the legislative power. A construction of the rule to the effect that the Senate shall not propose any amendment to a legislative provision in an appropriation bill coming from the House, and that this body shall be thus limited in its functions, is unquestionably a violation of the constitutional duty imposed upon the Senate. Therefore to assume that the rule of the Senate forbids the proposing of amendments affecting general legislation upon a House bill is unquestionably to say that the Senate shall not perform its constitutional duty of proposing amendments to legislation coming from the House.

I think that a construction of the rule which violates the Constitution and limits the constitutional functions of the Senate can never be sustained. Nothing can be clearer than this. To say that the House has a right to put such legislation on an appropriation bill and the Senate a right to refuse to amend it, because it is on an appropriation bill, is to affirm the truth of two contradictory things. It is to say the House has a right to legislate on an appropriation bill and the Senate is obliged to consider and amend such legislation as the House sends, but the Senate may refuse to consider and amend legislation on an appropriation bill.

Mr. SHERMAN. I ask for the reading of the amendment now pending to the House bill.

The PRESIDENT *pro tempore*. The amendment will be read for information.

The SECRETARY. In section 1, line 30, after the word "pension," the Senate, as in Committee of the Whole, inserted:

Who shall have served at least three months after date of muster.

So as to make the proviso read:

Provided, That all applicants for pensions who shall have served at least three months after date of muster shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. SHERMAN. This amendment fairly presents the trouble which has arisen between the two Houses in regard to legislative amendments to a general appropriation bill. The paragraph from line 17 to line 33 contains new and very important changes in the existing law. We have no right to call in question the power of the House to put this legislative provision on the bill. Even though it were a violation of the rules of the House, the House could by unanimous consent waive its rules and place this or any other legislative provision on a general appropriation bill. If the Senate has so tied itself up, if it has so disabled itself that it can not modify this proposed legislation, then indeed we have surrendered the most important power that we possess. The object of the Senate as an organic body was to correct and amend propositions made by the House as well as to propose new items, new propositions of a legislative character; but if we have no power to amend this general legislation, but must take it all or none, then we are practically disabled from legislating here and performing our functions as a separate and independent branch of the legislative power.

I have foreseen that the time would come when either the Senate must modify its rules or we must have all sorts of very faulty legislation proposed by the House in the hurry of their proceedings, often amid great confusion, and thus ingraft upon our appropriation bills legislative provisions that are entirely faulty, nugatory, or vicious. Nearly all the amendments of a legislative character proposed to appropriation bills by the House might, unamended, be faulty and injurious.

If the Senate by unanimous consent, as was done on Saturday, should waive its objection to legislative provisions, that is a different thing. We may waive our rules by unanimous consent. The bill that was passed Saturday contains probably fifteen or twenty different legislative provisions, and every one of them was agreed to by the Senate without objection.

We have a perfect right to waive our rules and by unanimous consent to agree to these legislative provisions. We have done that, but if a legislative provision comes to us from the other House that we desire to amend we certainly ought under our rules to have the power to amend such a provision. Therefore, when this subject was discussed the other day, I proposed that either by a ruling or by an amendment to our rules a modification be made, which I believe would meet all the difficulty we encounter. It is that, in the opinion of the Senate, amendments may be made in the Senate pertinent and relevant to legislative provisions in a general appropriation bill as it comes from the House.

If we would adopt that rule, or something similar to it, so that we should confine the amendments proposed in the Senate of a legislative character to propositions to amend the legislative provisions contained in the House bills, no great harm could result. Indeed, nearly all the legislative provisions that are hurriedly put on in the House or Senate are provisions which command the attention and the support of one or both Houses.

It seems to me there is no objection to this proposition, except that it ought to be qualified in one particular. We ought to have the power to qualify it. Take the next page of the bill, page 3. When I called for the reading of the pending amendment I supposed the amendment on page 3 to be the legislative provision involved in this debate. There it is proposed to limit the salary and emoluments of agents for the payment of pensions to $4,000, and no more, in every case. I am prepared to show that to limit the compensation of a pension agent to $4,000, cutting off all fees and throwing upon him all the expense of clerical force, &c., in some cases expenses of office rent, would be practically to disable the pension agent from transacting his business.

Mr. DAWES. The expenses to which the Senator refers do not come out of the pay of the agents.

Mr. SHERMAN. Is it $4,000 clear of all expenses?

Mr. DAWES. Clear of all expenses.

Mr. SHERMAN. That I did not know, because the provision does not so state.

Mr. DAWES. The bill provides subsequently that the agent shall pay his clerks, his rent, &c., out of another fund.

Mr. HALE. It comes out of the voucher fees. They pay the expenses of the office.

Mr. ALLISON. Still the Senator from Ohio is right in one sense. It is in a sense legislation, because it changes the compensation to be given to pension agents.

Mr. SHERMAN. It not only changes the amount of compensation, but it changes the rule of compensation.

Mr. DAWES. The Senator's argument is just as good as if the provision was as he first supposed.

Mr. SHERMAN. If we could vote on this proposition so as to reserve to the Senate the right to propose pertinent and relative amendments to legislative provisions in a general appropriation bill, I think that would be the best solution of the question for the present. But if, on the other hand, we sustain the ruling that has been made and properly stated by the Chair, that no legislative provision whatever of any kind modifying or altering the proposed legislation by the House is in order, then it seems to me we have disabled ourselves from performing our most important duty. I should feel disinclined to vote for any such rule. It is true that if we vote upon the question broadly by reversing the rule, as has been proposed, we practically substitute another rule, that all legislative provisions pertinent to pensions may be put on this bill as an amendment to propositions made by the House, and that is practically to nullify and repeal our rule. That is the danger I wish to avoid. I do not wish to open the door so wide that the Senate or the Senate committees may propose legislative provisions that go beyond the scope of the legislative provisions proposed by the House; but if we confine our power to offer legislative provisions merely to amendments to the provisions proposed by the House, I think there can be no great harm done. I should like to vote for that, but I do not know how that vote could be brought about except by a change of our rules.

I ask the Chair if it would be in order pending this appeal to propose a resolution in the nature of the opinion of the Senate expressed on the appeal, so that in case the decision of the Chair is not sustained we can by this order confine the amendments to pertinent and relevant amendments made to legislative provisions found in the House appropriation bills as they come to us?

The PRESIDENT *pro tempore*. The Chair does not think it would be in order without unanimous consent.

Mr. SHERMAN. It can not be offered except by a proposed rule, if that is the case. Nor do I agree with the Chair, though perhaps I am wrong in that, in regard to committees of conference. Our rules do not apply to committees of conference. It seems to me that the plain reading of the rules says that they do not apply at all to conference committees. When a committee of conference is appointed it is a free conference. The only restriction upon the powers of a committee of conference is that it must introduce no new matter that has not already been voted upon in one House or the other. That is the rule, and there is no other restriction made upon a free conference. No instructions are given.

Therefore it seems to me, with due deference to the opinion of the Chair, that when a committee of conference is appointed by the Senate upon legislative provisions contained in an appropriation bill, that committee of conference is not restrained by the rules which apply to our standing and select committees. A conference committee is entirely distinct from one of the standing or select committees of the body. The one is an organ of the Senate itself; but when our conferees go into conference they cease to be organs of the Senate merely. They are not restrained in any way except that they can not propose any new item, either in amounts or language, or anything of that kind. They must take up and act on the disagreeing votes of the two Houses, and they may modify propositions upon which the two Houses disagree in any way they choose.

It would be unwise indeed to tie up the hands of a conference committee by any such construction as is suggested by the Chair. In that case a single Senator could prevent the passage of any appropriation bill at this session, or could have prevented the passage of any appropriation bill in the last twenty years. There is not a single bill reported back to us from a committee of conference that has not in some

reepect done what the rules forbid a standing or select committee of the Senate to do, or perhaps forbid the Senate to adopt. A committee of conference is a free one, not restrained by these rules. The only restraint upon them is that they must try to bring about an agreement between the two Houses upon a particular substantive proposition which has been disagreed to between the two Houses. They may modify or change it as to amount, as to terms, and all that, and they may report so here. It is true we can reject the report of the conference committee and appoint a new one that will more strictly carry out the wishes of the Senate; but it seems to me that any rule or any construction of our rules which tends to tie up or limit the powers of a conference committee beyond the limit fixed as to all conferences would be unwise. It would place it in the power of a single Senator to defeat any conference report whatever. I take it the Senator from Iowa [Mr. ALLISON] will know whether there has been a single general appropriation bill passed in this body since he has held the position of chairman of the Committee on Appropriations that would not be subject to objection on a point of order made by any Senator. I doubt if there is any such case.

Mr. ALLISON. I think almost without exception these bills contain legislation, but usually legislation limiting the appropriation itself or relating strictly to the appropriation. But, of course, in most of these bills in one way and another legislation does creep in, as the Senator from Ohio says.

Mr. SHERMAN. I will say further that there has scarcely been an appropriation bill reported on which the Senate has not itself adopted legislative provisions, as it did on Saturday adopt several important legislative provisions.

Mr. INGALLS. In what bill?

Mr. SHERMAN. In the District of Columbia appropriation bill. There was one very important proposition of legislation contained in that bill, but it was adopted by unanimous consent. It was perfectly right; nobody raised the point of order, and it was agreed to; but suppose that after this has been done by general consent either House should object to it because the bill does contain provisions that have been agreed to by the Senate which are legislative in their character. A Senator might change his mind. After agreeing to the very proposition in the Senate he might change his mind, and when the committee of conference reported back an agreement upon the subject he might raise the point of order that the bill as it stands contains legislative provisions. It seems to me that that would not be logical. There should be no restraint whatever upon a committee of conference. It is a free and open conference where the representatives of the two Houses meet and discuss propositions and try to reconcile differences.

Now I will ask the unanimous consent of the Senate—I hardly expect it to be granted, but I hope it will be—that during the present session we may be at liberty to offer amendments to such legislative propositions as come to us from the House in respect to appropriations. I believe that would relieve us from the difficulty. Let it apply to the present session of Congress. If it does not work well we can ignore it at future sessions. It does not change our rules.

Mr. HALE. Let us see what the language is.

Mr. SHERMAN. I will send it to the desk.

Mr. BAYARD. Let it be read.

The PRESIDENT *pro tempore*. The Senator from Ohio submits a resolution for information. It will be read.

The Chief Clerk read as follows:

That in the opinion of the Senate amendments may be made in the Senate pertinent and relevant to legislative provisions in a general appropriation bill as it comes from the House.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Ohio to ask unanimous consent that the resolution be now considered?

Mr. SHERMAN. I will accept the suggestion made by the Senator from Massachusetts, and modify it in one particular by saying that "a true construction of the rule authorizes," and so that it may be confined to amendments relating to and pertinent to particular items of legislation.

Mr. ALLISON. Does the Senator mean to apply that to this session only, or is it to be construed to be the rule for all time?

Mr. SHERMAN. I think I will leave it stand as in my original proposition. It will apply to the present session only.

The PRESIDENT *pro tempore*. The Chair may be allowed to say not perhaps in response to but in connection with what the Senator from Ohio has said about the powers of conferees in respect of being free and not being obstructed, that the Chair has very vividly within his recollection that point being raised on what is called the "salary-grab" bill, and the Senate decided that it was not competent to instruct Senate conferees on that particular bill certainly. But an investigation which was submitted to the Senate afterward, and which has ever since been acquiesced in and acted upon, showed that in both Houses it had frequently been the practice for each House to instruct its conferees and agents as to what they should present and insist upon in their conference with the representatives of the other House.

Mr. SHERMAN. All I desire to say in respect to that point is that I have no doubt either body might instruct its conferees not only to insist but to adhere, but that would not be an ordinary parliamentary practice. It is very rarely indulged in. I do not know any such case.

Mr. DAWES. There are two kinds of conferences. One is a free conference, to which we commit bills, and the other is a special conference, to which instructions may be given by either branch; but a free conference is the one to which we usually commit bills.

Mr. SHERMAN. I have no doubt about the power of the Senate to adhere or to give instructions, but that is very rarely done, and when it has been proposed in certain cases it has generally been voted down. We may do it, but in an ordinary free conference, as it is called by parliamentary law, the whole matter of the disagreeing votes of the two Houses is sent to the conferees, and the only instruction they have is that they shall not put in new matter that has not been proposed in either House; and that is the old parliamentary law. In all other respects they are open and free, the result to be reported, as a matter of course, to their respective Houses.

Mr. FRYE. Mr. President, I have never been able yet to yield my assent to the ruling of the Chair made at a former session of Congress, and, I understand, made again to-day by the Senator from Connecticut [Mr. PLATT], who was temporarily in the chair when the question was raised. I do not believe that it is possible under rules for a body to be placed in the anomalous position that a ruling of that kind would place this body in.

It is beyond any question whatever that the House of Representatives under its rules has a clear, well-defined right to send this legislation to the Senate. It has just as much right in a general appropriation bill which does not increase expenditures to send to the Senate legislation as it has a right to introduce a bill and send it to the Senate, to introduce a resolution and send it to the Senate. General legislation on an appropriation bill is just as clearly rightfully here now and under consideration now in the Senate as if it was contained in a separate bill sent from the House.

Mr. HALE. Or as the rest of the bill.

Mr. FRYE. Or as the rest of the bill. There can not be any question about that. Now, is it possible that there can be a rule which properly construed prevents us from taking any action whatever upon legislation truly, correctly, properly before this body? I am not prepared to believe it, Mr. President. I do not believe that there is anything in the Senate rule which says so. I know that in well-settled parliamentary law no rule can be found which shall put a body in the position we find ourselves in if the ruling is correct. If it is not to be found in well-settled parliamentary law, then you must look to a rule of the Senate which directly, affirmatively, positively says that no such legislation shall be received. I respectfully contend that in Rule XVI there is no such prohibition.

No amendment which proposes general legislation shall be received to any general appropriation bill.

The proposition here is not a proposition of general legislation offered by the Senate of the United States to a general appropriation bill. It is simply a proposition to amend general legislation on the House appropriation bill which is properly and rightfully here in the Senate for consideration. I contend respectfully that it is a strained construction of clause 3, Rule XVI, which leads to a ruling by the Chair that does affect a proposition such as that made here on the floor of the Senate to amend the general legislation in this bill. [A pause.]

Mr. HARRIS. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Tennessee.

Mr. FRYE. I have not yielded the floor.

Mr. HARRIS. I beg the Senator's pardon.

Mr. FRYE. I was undertaking to discuss as well as I could to the presiding officer of this body a question touching a ruling which had been made.

The PRESIDENT *pro tempore*. The Chair begs pardon of the Senator from Maine. The Chair supposed the Senator was addressing himself to the general question.

Mr. FRYE. I was contending that the ruling which had been made here before by a former presiding officer and the ruling which had been made to-day was not a correct ruling under Rule XVI of the Senate. In clause 3 of Rule XVI of the Senate, which is the clause which would be cited to sustain the ruling, in the first sentence of that clause it is provided that—

No amendment which proposes general legislation shall be received to any general appropriation bill.

I was respectfully contending that the proposition now before the Senate to amend general legislation in an appropriation bill was not general legislation proposed to be received in the United States Senate to a general appropriation bill, but was simply an amendment offered to general legislation contained in an appropriation bill coming from the House, which came rightfully from the House, which is here under the rules of the House and must be considered by the Senate as coming rightfully under the rules of the House. I believe under a fair construction of the rule any provision which is on a general appropriation bill coming from the House under their rule may be open to amendment in the United States Senate.

I do not believe in the proposition made by the Senator from Ohio touching this method of legislation. I do not believe that the Senate

of the United States should open Rule XVI one jot or one tittle. I believe it is the most dangerous legislation that can possibly come before a legislative body, and I believe the experience of the two Houses of Congress ought to have taught us that by this time.

The first time it was ever resorted to, I think, was in 1855, when the House of Representatives deliberately ingrafted upon a civil and diplomatic appropriation bill a reduction of the tariff and sent it to the United States Senate. The United States Senate contested that for weeks and weeks, and a distinguished Senator from Delaware, Senator Bayard, took strong ground against such legislation and declared that it was dangerous to the very form of existence of a republican government, and Senator Clayton took ground similar to it. The Senate resisted the attempt, and the House yielded.

The next instance was a provision put in the House upon an Army appropriation bill in 1856. The Senate resisted it on the same ground. Congress adjourned and no Army appropriation bill was passed, and there was an extra session.

The next case was in 1865, on the sundry civil appropriation bill, where the House put a provision that no man should be tried by military authority wherever there was a United States court; and again the Senate resisted and resisted to the bitter end. The bill failed, and the appropriations could not be made till Congress again assembled.

I do not find that the proposition on the part of the House to put legislation on appropriation bills ever prevailed until the measure in the Forty-second Congress increasing salaries. That did prevail; it became a law; but it humiliated the Congress of the United States more profoundly than any legislation that it had ever enacted before; it humiliated individual members of Congress as nothing else ever humiliated them before, and it compelled Congress at the very earliest opportunity in the next session to repeal every single word of that legislation.

All these propositions were put upon appropriation bills before there was any rule of the House which authorized any general legislation on an appropriation bill; they were put onto appropriation bills by the action of the House itself, by its majority, and not by virtue of a rule, for there was no rule for it; on the contrary the rules of the House of Representatives were as strict in relation to general legislation on their bills as the rules of the Senate to-day. Up to that time, and including even that last proposition of the House——

Mr. INGALLS. To what date?

Mr. FRYE. Eighteen hundred and seventy-three it was; what was known as the "salary grab." The present rule of the House was not adopted until some time later than that, and the only proposition which has attracted general attention since the House adopted the present rule was that to repeal certain provisions by which troops were at the polls on election days and by which supervisors and United States deputy marshals were employed in certain duties about the polls. That is fresh in the memory of every Senator, and I do not believe there is a Senator who wants that history repeated. It was in the Forty-fifth Congress. It was an angry, exciting, exasperating debate. Congress closed and two great appropriation bills were not passed—the Army bill and the legislative, executive, and judicial bill. We were called in extra session within less than a month's time. We remained in extra session for over four months, one of the most exciting sessions that this country has ever seen in time of peace. Veto after veto came; crimination and recrimination; attack and defense. And that is the only general legislation of any manner of importance, at least of importance enough to attract the attention of the country, under the new rule. Surely there was nothing in that which ought to lead the United States Senate to encourage the House in keeping on its books the existing rule allowing legislation on appropriation bills.

Again, if Senators will notice the House rule is curiously drawn. It is drawn so that you can destroy everything, build nothing. As a distinguished member of the House once said, it was drawn so that you could level down but you never could level up. Here we are to-day within fifteen or twenty days of the close of the session and not any great appropriation bill yet before the Senate. On the remainder of the appropriation bills, some of them not yet reported from the Committee on Appropriations of the House, there may be general legislation under the House rule which shall destroy the Army of the United States; which shall destroy its Navy; which shall cripple and destroy all of your foreign consulships and diplomatic agencies; which shall cripple your post-office and mail facilities; which shall destroy the judiciary almost entirely; and not any legislation that can build up any one of them if it costs a dollar; any legislation if it is germane to the bill itself and reduces expenditure; none which increase expenditures.

Now, Mr. President, I do not believe under the experience of the past and under that rule with its peculiar nature that the Senate of the United States ought to encourage the House in keeping that rule on the book. It was adopted in 1876, I think. It was offered by the member from Indiana [Mr. HOLMAN]; it was reported from the Committee on the Rules by Mr. COX; it was indorsed by the chairman of the Appropriations Committee, Mr. RANDALL, for special purposes then existing. The committee, at the revision made subsequently to that, undertook to repeal it, but that committee having agreed beforehand that no amendment to any rule should be reported unless with unanimity, and unanimity not being obtained, that rule, as a matter of course, came back to the House as it stood, and it is kept on its book to-day as one of the rules of the House. I do not believe that a majority of the members of the House are in favor of that rule, and I do believe that the time is coming and not far distant when the joint rule sent to the House of Representatives by the Senate at the very last session will be accepted by the House. I do believe that if the Senate stands firm in this matter, ultimately the House will rescind that portion of that rule under which all these troubles have arisen.

Mr. President, it may be said that a ruling of the Chair, such as I say I believe to be correct, would do all the harm and mischief that positive and affirmative action on the part of the Senate as recommended by the Senator from Ohio would do. Whether it would or not, I can not help it. I have examined this question with care. I did examine it when the late Senator from Illinois, then President of the Senate, for the first time made that ruling, and I do not believe that the Senate can be placed in so anomalous a position by anything which is legitimately, fairly, and under the rules properly before the Senate.

Mr. EDMUNDS (Mr. HARRIS in the chair). Mr. President, I think that we are proceeding on a slight misapprehension in respect to the powers of the two Houses. Referring to what my friend from Maine [Mr. FRYE] has said, I wish to state with all the emphasis of which I am capable that it is no matter of ours constitutionally, whatever we may think of it personally as citizens, what kind of rules the House of Representatives adopts for its own proceedings. It is absolutely independent and we have no right in this Chamber to question the wisdom even or propriety of its methods of doing business. If the House of Representatives had a rule which authorized every species of legislation upon an appropriation bill, it would be a matter of which we should have no right to complain as a body here, whatever we might think of it as private citizens in respect to the wisdom of that sort of thing. The same might be true in the Senate, and we might have a rule here which would authorize on appropriation bills coming from the House every species of legislative amendment, germane or not, so as to make such a bill an omnibus and put on everything that a majority of the Senate chose to put on, and the House of Representatives would not have the slightest reason to complain of our right to propose that to them, but they would have a right to say, as we have a right to say on their legislation, that they could not consent to that method of procedure; and when they said that they could not consent to it, we should be put in the attitude of saying "we will not carry on the Government unless the House of Representatives will consent to change the laws in the particulars that we have named," a position that, of course, everybody will understand is totally indefensible, absurd, wicked. There is no phrase that you can state it too strongly in. Both Houses are independent.

I do not see, therefore, the force of the criticisms upon whatever the House rules may be. They have a right to have their own rules according to their own notions of the best way of doing their business. When they send a bill to us, be it an appropriation bill or any other bill, if there is any section or clause in the bill that comes here which the Senate of the United States is unwilling to agree to, either because on discussion it believes it to be unwise, or because on principle it believes it has no place on that bill and it ought not to be considered in connection with the other subjects in the bill, and so have a general rule about it, the House of Representatives has no right to complain; and that, on the other hand, would put them, if they insisted upon it, in the attitude of saying "we will not appropriate money to carry on the Army or the Navy or the Post-Office, or to pay pensions, unless the Senate of the United States will consent to change the laws in respect of the general regulation of this business; unless the Senate will consent to do that we will not have any appropriation at all." They can not stand upon any such position. They never have and they never will, because they are just as patriotic as we are, and they, recognizing as we do the absolute independence of the two Houses, know perfectly well that neither House can insist upon the other's consenting to affirmative propositions that both are not willing to agree to, whether it is under a rule, or whether it is under a discussion of a particular question.

That is all clear enough as it seems to me. Now, if we had a joint rule, such as my friend from Maine refers to, prohibiting all legislation on appropriation bills, what would be the effect of that? Suppose in the Senate an amendment comes from the Committee on Appropriations contrary to that joint rule? The Chair, the point being made, rules it out of order because the custom is that the Chair on reports from committees, and very often on motions by Senators to amend bills, does not make the point of order himself. He waits. No point of order is made, although the amendment violates the joint rule. On the point of order being suggested, unanimous consent is asked to let that go on and send it to the House of Representatives to see if unanimous consent can not be got there to do the same thing. What good does your joint rule do? It comes back to the point of a proposition by the Senate to the House to suspend that joint rule for the time being and let that legislation go on, and then you get into the same question. To be sure, one member might object and then the Speaker would say "I can not suspend it."

What is the state of the bill then? What are you to do with it? It is a bill that one House has sent to the other House, and then you have to say "We refuse to receive the bill at all because it violates our joint understanding."

Mr. HOAR. May I ask the Senator from Vermont a question?

Mr. EDMUNDS. Yes.

Mr. HOAR. Will not the effect of the joint rule be this, that it will at least confine this abuse, if it be an abuse, to the passage of those measures which are so clearly demanded by public necessity that they command unanimous consent?

Mr. EDMUNDS. That would be the effect, but it still does not fail to illustrate the proposition that as between the two Houses neither can act without the assent of the other, and you have only in the case of a joint rule accumulated difficulties of getting that assent. That is all there is to it.

I repeat, the Senate has no right to complain of whatever rule the House of Representatives has, be it much or little. If we think really and seriously (which I begin to doubt) that legislation on appropriation bills is unwise, let us say so by adhering to our rule. The legislation proposed may be good in a particular instance, as in this, if you please, very good indeed; but if it is good in this instance, and you have a rule that tolerates it, the next instance may be one where it is very bad, and yet where you can get a majority, it may be not understanding the question in the heat of excitement, or whatever it may be, in the fear of the failure of a bill, to sanction it. Therefore, if you open the door at all, you open the door to every amendment that may be proposed in the methods which are indicated, and then you load up your appropriation bills just as you did before.

Now, what can we do? All that we have to do is to say by a rule, or without a rule by the vote of the Senate at this moment, that we do not think legislation on an appropriation bill is a good thing, and we have, therefore, rejected all the parts of the House bill relating to pensions that are legislation, and we must stand upon it; not as undertaking to dictate to the House of Representatives; we do nothing of the kind. We say we are unable to assent to sundry affirmative propositions, sections 4, 5, 6, and 7 of this bill. We are perfectly willing to appropriate this money to pay pensions under existing laws, and we are willing to consider changes in existing laws on bills appropriate for that purpose and not on bills paying money from the Treasury to carry out existing laws, and we can not accede to your proposition to change existing laws in this bill.

When we do that, what does the House of Representatives say as a patriotic body, as it is? "The Senate of the United States has a notion; we do not think that it is a wise notion; but we have no business to quarrel with it. They are unwilling to legislate in this manner. The question, therefore, is whether we will pay pensions under the laws as they stand, that either House has had the right to propose a change in during all its session but has not; or will have no payment at all until the Senate can be got to agree on this very bill or another like it to change these laws." Neither House will stand on any such thing as that. You can not find a member of the other House or of this body who will stand up and maintain it. Our way, therefore, is perfectly clear. If we sincerely believe that legislation on appropriation bills is bad, all we have to do is to strike out under our existing rules whatever legislation there is in a House bill and say to the House of Representatives in a conference, or without a conference, as we do when we send the bill back with the amendment, "We are unwilling to put these provisions on this bill; we are willing to consider them on any appropriate bill at any time." There is no collision; there is no contest, there is nothing about it except the simple independence of the two Houses.

If you take the other line, and hold to this rule, which I am bound to say the Senator from Connecticut occupying the chair has interpreted as it has been interpreted ever since the rule existed, and, as I am told by our friend who sits here as the Reporter, who remembers more about the practice of legislation than any gentleman whom I know, as was the practice under special rules and orders about appropriation bills before from session to session, which carries me back to the time of Mr. Colfax that I referred to—if you do that, and hold to what has been held all this time, then you are simply driven to the alternative of saying, "We will take the House legislation, as bad and imperfect as it is, and let it go," or else say, "We will strike it all out."

I remember perfectly well in the time of Mr. Wheeler, I myself, standing at this very desk, thinking that possibly within this rule an amendment to House legislation might be in order, proposed an amendment that was clearly necessary and that nobody denied, and the Vice-President, occupying the chair, ruled within this very rule as it now stands that it was not competent to offer that amendment to a legislative provision in an appropriation bill because it was an amendment to the bill, and if one amendment were offered to it, any other amendment that related to that general subject by way of addition of just as many sections as the Senate chose to put on would still be in order, and that the moment you departed from the rigor of the rule you would open the whole question of putting on germane legislation, which is a very indefinite term, and which the rules provide shall be determined by the Senate according to its wishes and notions, and not as a matter of strict order by the Chair.

So then the real question is, I think, whether the Senate actually believes and desires that it will not have legislation on appropriation bills. If it wishes legislation on appropriation bills, it is only necessary to overrule the decision of the Chair, which has conformed to all previous decisions—every one—and open the door to additions and changes to legislation within the scope of the bill under the other provisions of the rule, or else to say, "We will have none of it; we will appropriate the money to carry out the laws as they stand, and we will change the laws as they stand on independent bills."

Mr. HOAR. Mr. President, it seems to me this question is one which affects very seriously the constitutional power and dignity of the Senate in legislation. We send over to the House of Representatives bills by the hundred. There were some time ago when I counted them about three hundred Senate bills on the House Calendar or the Speaker's table untouched, sent there in the ordinary way under the constitutional power of the Senate to propose general legislation; and they remain, so far as we have any official information, untouched and not to be touched.

The House sends up to us such few measures of general legislation as persons in that body who have the power of obstructing general business choose to select and approve, at the close of the session, upon appropriation bills, and if we submit to that proceeding because of the necessity or convenience of a particular period of the session, you have extended the constitutional claim of the House to originate money or appropriation bills, as it is construed, to originating all legislation whatever. Here is the bankruptcy bill; here is the library bill; here are a dozen bills which I enumerated the other day in the hearing of the Senate; important matters, including the bill in regard to the Presidential count; measures which have commanded almost the unanimous assent of this body without distinction of party, every one of them, and they remain absolutely untouched, and a few measures of general legislation are sent up here at the end of the session and you are asked to take them or to let the Government stop because otherwise the appropriation bills will fail. You are asked to mature them, not by the ordinary process of debate and consultation and consideration, but you are asked to take them in their final shape at the hands of an Appropriations Committee at midnight, two or three days before the session ends; and you are bound so to take them or submit yourselves to the inconvenience and the country to the disturbance of a special session of Congress.

Now, if we, by modifying our rule, or by making a special rule for the time being, which can be extended for every time being under the same circumstances as proposed by my honorable friend from Ohio, say that if we can not get any legislation in the ordinary way, we will take it when proposed by the House of Representatives upon an appropriation bill, you may just as well amend the Constitution of the United States and declare that henceforth all legislation whatever is to be proposed by the House of Representatives, and that we are a body exercising only a veto power like that of the Executive.

Mr. HARRISON. I wish to call the attention of the Senator from Massachusetts to the fact that one of the important provisions of general legislation in this very bill was passed by the Senate at the last session in our general pension bill, and the House has selected one of those provisions, all ready passed by us, and put that on here.

Mr. HOAR. I do not believe any Senator will question that it is a most vicious form of legislation to send in provisions of general legislation from one House to the other or from the two Houses to the President of the United States with the declaration, "This legislation is the condition upon which an adequate provision is to be made for the support of the Government during the year, according to existing laws." There was an attitude of that kind, as the Senator from Maine has said, taken a few years ago, and it was supported for a little while by some very able, some very clear-headed, some very honest, and some very patriotic members of this body; but on reflection it did not meet their approbation, I think; they abandoned the position after a little while. A very distinguished Senator from Delaware, whose name is represented in this body, was quoted as having uttered thirty years ago in the Senate his judgment that the establishment of that practice was one of the most dangerous things to the Constitution of the United States which could possibly happen.

The fathers of the Republic, and statesmen of both parties of all sections of a later generation, have agreed, as it has been agreed in England—because the practice of putting general legislation upon their bills of supply has been discontinued now for more than a century and a half—the agreement has been there and here that this is one of the most dangerous forms of legislation. In my judgment it would be better for us to submit to the inconveniences of an extra session, however grave and serious those may be, rather than make an inroad upon the position which has been taken and assumed by the Senate after great deliberation in this matter.

Mr. President, I do not believe that the patience of the American people will very long tolerate that either of its legislative bodies shall live and be fettered under a system of rules which deprives the consti-

tutional majority of that body of the right to consider, deliberate, debate, and decide on the grave legislative questions which affect the welfare of the American people, and carry out after that deliberation the will of the constitutional majority of that body. I do not believe they will submit to the practical overthrow of the constitutional provision that laws shall be made, laws shall be changed, laws shall be repealed, grievances shall be redressed whenever a majority of each of the two bodies elected under the Constitution shall think best.

Why, take the bankruptcy bill; it was almost the unanimous desire of this body to pass that bill after full and thorough discussion and deliberation upon its details; and I believe there is no legislative body in this country under the Constitution of whom it is not the desire by a two-thirds majority at least to pass that bill, and still we receive no notice of its passage, and I am not at liberty to say whether it happens that some dozen or twenty gentlemen are able by methods not in accordance with the spirit of the Constitution to prevent the passage of that much-desired measure. That is a mere illustration.

There are some gentlemen in this body who are opposed to that legislation; but I could name a dozen bills which each one, probably, of the gentlemen who oppose that legislation favor, and which also are favored by large majorities of the American people and of both Houses of Congress, that fail to get through for the same reason.

If we submit to this keeping of general legislation on appropriation bills, or if we make that submission easier by reversing the ruling of the Senator from Connecticut and saying that instead of rejecting it *in toto* we will take it and amend it and pass it, we make that condition of things to which I have alluded much more likely to be permanent. I think we should plant ourselves at the gate and we should say that we will do nothing here which makes it easier to prevent the carrying out the will of a constitutional majority of the people and of the representatives of the people in legislation, and we will do nothing to establish or to continue the practice which presents general legislation to the Senate or to the Executive and says: "Agree to it or the supplies necessary for carrying on the Government shall fail."

Mr. BAYARD. Mr. President, the great importance of the question involved in this discussion must be my apology for troubling the Senate at all upon it.

If there be one admitted corner-stone in the structure of this Government of laws designed to promote liberty, it was the independence of the two Houses of Congress. There is no feature of our Government so frequently referred to and so emphatically expressed as the one I have stated in the constitution of the Government. They are to be absolutely independent of each other, and the consent of both acting independently of each other is to be obtained before any measure can become a law, no matter what may be the majority in one House or the other.

It is obvious that for the transaction of public business for the public welfare a spirit of comity must prevail between the two Houses, a desire on either part to promote the great objects of the Government, not to obstruct them; for if the desire of obstruction shall prevail, then an illustration of our unfitness for self-government will have been given.

One of the features of the Constitution securing this independence is that each House shall determine the rules of its own proceedings. It is true that they can make a joint rule, but it is also true that that rule is binding only until either House shall retire from it. It is expected that the spirit of comity, that a grave sense of public duty, a sense of self-respect and propriety will so constrain members of the two Houses that rules shall not be enacted in haste and repealed at mere will; but the fact nevertheless remains that the rules of the Senate are absolutely within the control of the Senate, and they may be suspended at the pleasure of the Senate in accordance with such terms and by such notice as the rules themselves may regularly provide.

And herein I must differ from my distinguished friend from Maine, who in the course of this discussion has been disposed to state as a fact for our consideration and as having authority upon us that the action of the House in this or any other respect has been regularly in accordance with its rules of order. I submit to that Senator we have nothing to do with the regularity or the irregularity of the proceedings of the House under its own rules. The House is, so far as we are concerned, a law unto itself. It may suspend its own rules from day to day; it may change them; and I apprehend we have no right here in discussion to bring into consideration the regularity of the proceedings of the other branch of Congress either with or without rules of their own. If that be so—and I say it because the Senator cited the fact that a feature of general legislation had been ingrafted upon a mere money bill called an appropriation bill, and that it had been done under the admitted rules of the House—with due respect to the Senator, I do not care whether it was done under the admitted rules or not. If it comes to us in the ordinary channel of communication, we are to treat it—how? According to our own rules and our own sense of comity in the transaction of public business.

The proposition of the honorable Senator from Ohio would seem to me to give up entirely the principle that I think it is essential for us to maintain, first, the independence, and next, the question of the wisdom of the rule we have made on the subject, Rule XVI. That rule forbids amendments of a legislative character upon a general appropriation bill. I am not here to repeat what has often been said before, and I think seldom better said than it has been said to-day in this Chamber, of the danger of permitting general legislation to be attached to appropriation bills, money bills for the necessary expenses of the Government. I do not propose to reiterate to the Senate now the reasons for that wise rule. Long ago, upon the first examination of the subject I became convinced of the profound importance of avoiding legislation of that character, and I would protest now, as I have always protested, and this without exception in the last sixteen years, against the Senate being compelled to legislate in defiance of its own rules and under duress because of the manner in which legislation was presented to the Senate.

I know that there was in some quarters a claim made to grant appropriations only upon terms, that it was in the power of either House to couple provisions of general legislation with an appropriation bill, and so to coerce one House, or both Houses joining together to coerce the Executive and compel him to give his unwilling signature to a law that he knew to be vicious because that bill contained appropriations necessary for the maintenance and support of the Government. Sir, against that principle I am just as much opposed to-day as I ever was, and I never have given to it my consent, for it seems to me that to yield ourselves to such a doctrine is to deposit in the hands of the House having the power to originate these bills, the power to attach to them such conditions as would make them masters of the whole. In other words, it would resolve all the powers of this Government into a single House of the legislative branch.

But, sir, the Senator from Ohio says that he proposes now that we shall not repeal the language of our own rule, but that if general legislation comes to us we may amend it. It is an axiom of mathematics that things which are equal to the same thing are equal to one another. The power of amendment is unlimited, and the power of amendment may ingraft every original proposition that could have been conceived in the original features of the law. If the Senate can tack on under the name of amendment to general legislation anything that it devises, there is not a law of the United States relating to our general policy that may not be changed upon an appropriation bill.

Mr. President, the situation is a very serious one; it is very grave. I appreciate it fully; but I believe always that where a principle is profound and important and is recognized it should not be abandoned. I do not propose by my vote to open wide this gate for the influx of measures without end, and to a system of legislation which I believe is practically destructive of all the philosophic machinery of checks and balances under a government of laws that our Constitution was intended to create. If it shall be that drifting along, from one cause or another, one of the Houses of Congress—and I am speaking now by way of illustration—shall have gotten its rules for the transaction of business into such a perfectly insensible and incomprehensible and obstructive condition that no measure, good or bad, questionable or not, can be brought before that House for decision but that it must await the moment of necessity of the Government, a time when every branch needs money to keep it in motion, and then, and then only, ingrafted upon such a bill, can a hearing be obtained for those measures which the machinery of their rules absolutely prohibits in the ordinary, regular, thoughtful manner of presenting business—if such a state of things as that has arrived, if it be true that a republican government is to be carried on under that species of snap judgment and duress, the remedy had better be applied now and a stand had better be taken now. It will always be inconvenient to take it; it will always give rise to some extra personal labor and responsibility; but it might as well be met, because I can see—and I think without the slightest desire of exaggerating the results—the absolute destruction of all those tests for the justice, the honesty, the reasonableness of measures of legislation that parliamentary rules as known to the fathers of this Republic and to their descendants were ever intended to secure.

No, sir, there must be two things. There are two independent judgments. They ought to be those of men acting in a spirit of comity for a great public end. Neither can coerce the other, and neither ought to be able to do it. The sense of public duty should weigh equally upon each, and each must be responsible for the manner in which they shall recognize that public duty. There can not be force, but there can and there ought to be reason and conscience; and without reason and conscience, and without a sense of comity between the Houses of Congress, between all the branches of Congress, it is in vain to talk about a just or a possible administration of the affairs of this great country.

Mr. HALE. Mr. President, I object, for one, to this proposition being considered as of the kind just stated by the Senator from Vermont [Mr. EDMUNDS] when in his seat and not in the chair, that it was simply a question whether or not the Senate desired legislation to be incorporated into general appropriation bills. Upon that I do not believe there is much difference in this body. I do not think the sense of the Senator from Vermont or the sense of the Senator from Delaware is any keener upon the dangers that may result from general legislation being incorporated on appropriation bills than is mine or that of other Senators in this body.

We all realize how that it fundamentally does break up the opportunity for discussion, for investigation, and for considering grave subjects-matter in the early part of the session when time can be given com-

mensurately to that consideration; and there is no man here who will not at all proper times and places object to appropriation bills being made the vehicle for great measures of public legislation and precipitated upon this body in the waning days of each session. There is nobody here who can appreciate that better than my friend the Senator from Iowa [Mr. ALLISON], the chairman of the Committee on Appropriations; there are no men in the Senate who know it and realize it better than all the members of that committee; and there are no Senators here who desire to be relieved of this irksome addition to labor and responsibility more than the members of the Committee on Appropriations. So it is not, Mr. President, a question whether the Senate desires legislation upon appropriation bills. I have the right to assume that we all agree in that.

I agree with the Senator from Massachusetts [Mr. HOAR] as to the evils. I recall, with some satisfaction, my own experience in another place at the time that the very rule under which the House thrusts in the face of the Senate repeatedly great measures of general legislation upon appropriation bills was adopted in that body, and the efforts that I made to prevent it, and the evils that it seemed to me would grow out of it. But what I am seeking here to help to bring the Senate to is the practical consideration of the situation that confronts us.

When the Senator from Vermont, re-enforced by the Senator from Delaware, declares the proposition, which I beg leave to say is by no means new to other Senators, that neither House may coerce the other and that it is the bounden duty of each to cultivate a spirit of comity and to try to bring about harmony, there is nothing novel in that proposition. There is nothing novel in the proposition that the body which legislates, which seeks to force affirmative legislation, ought not to coerce the other body. The Senator from Vermont says that it is an easy thing for the Senate to take that attitude, and if the House sends to us legislation upon an appropriation bill and the Senate declines to accept it, to stand there like a rock, like a stone wall, and the Senator from Delaware and the Senator from Massachusetts say, let there be an extra session. Is the Senate ready to take that position? The proof whether it will take that position, not in argument, not in illustration, not in incitement as to what we ought to do, but the real, sober question of what we will do, is now straight before our noses.

The House of Representatives has sent a regular appropriation bill with items of appropriation for the payment of money to the great army of pensioners for whom we so liberally provide year by year? In addition to that, it has selected certain legislation that was passed last year upon an appropriation bill that has worked irksomely and onerously and oppressively upon the great mass of pensioners, out of the operation of the rules as they are now, which gentlemen are so tenacious of standing by. That legislation was passed by this body and became a law, containing provisions that since then have worked to the damage of the pensioners, and a great uproar has come up from that great body of men demanding relief. The House of Representatives under its rules has selected those features of oppressive legislation that put every pensioner at the mercy of the claim agent that had his case, whereby he was obliged to double and more than double the fee to be paid to that claim agent—the House has selected the provisions contained in that law, and under its rules has sent to the Senate provisions in this bill repealing those features of the law.

Now, the question is whether, when there is good legislation upon an appropriation bill, when there is admittedly wise legislation upon an appropriation bill, when there is legislation that affects and touches men, women, and children in all the States who demand the relief, the Senate will upon the rule and upon the attitude invoked by Senators here simply say, "We decline to give this relief; we decline upon the general ground that we will not suffer any infraction of the principle under which we mean that appropriation bills shall be passed shorn of legislative enactment."

Mr. HOAR. Will the Senator from Maine allow me to ask if it is not true that we have passed that identical measure and sent it down to the House, so that they have nothing to do but to say yes to it and make it a law?

Mr. HALE. I know that very well, but the test case that is brought up here is the bill whereupon that beneficent legislation may be made a law or may be defeated, and Senators have to confront it there. The fact that we have sent over a bill to the House of Representatives which is lodged in the great mass of matter that is piled up mountain high on the Speaker's table does not relieve the Senate of the responsibility. This beneficent legislation will pass upon the pension appropriation bill, or it will receive its death-blow and will not pass, and Senators may as well realize that they are to be confronted with this question, whether they shall strike this out and let it pass from this session to another, or will pass upon it and let it become a law now.

If the Senate is ready upon the grounds taken by the Senators from Vermont, and Massachusetts, and Delaware, much older, abler, wiser, better Senators than we who are younger here, then let us understand it, but do not let the Senate be put in the attitude that it stands up here for the cause of public virtue in legislation and speaks by its rule, and that the moment the question comes in practical application it turns about and runs from its conclusions, and thereby submits itself to the merited reproach on the part of the House of Representatives that it has no faith in its declarations, and that all that the Senate means when it declares that general legislation shall not be put upon appropriation bills is that it will stamp out with its veto the measures that it does not want passed, and will allow to pass the measures that it does not see fit to resist. I want to free the Senate from that attitude. I do not want the House to be able to reproach us in that way. Let us have either one rule or the other. And it seems to me, recognizing all the evils that come from general legislation upon appropriation bills, that if this body is confined strictly to pertinent and germane amendments upon propositions that come from the House, leaving us to deal with them, this body will maintain a consistent attitude better than it will if it tries to adopt this procustean rule which says no letter of legislation shall be allowed upon an appropriation bill, no matter how sound and judicious it is in itself.

Mr. PLATT. Mr. President, this present contention I understand to be whether notwithstanding our rules that forbid amendments to be received containing general legislation to appropriation bills, we shall nevertheless allow the House of Representatives, we having deprived ourselves of that privilege, to present just such measures of general legislation upon appropriation bills as it desires, we reserving to ourselves the right to amend those propositions. It is said that is a practical rather than a theoretical question, and I want to look at it for a moment as a practical question.

First, we agree that all such legislation is wrong, is vicious, is dangerous, is destructive. We start with that admitted proposition. Then we come to this, that we are to receive from the House of Representatives legislation which, if we judge the future by the past, will be of a vicious character, will be dangerous, will possibly be destructive to our system of government, and that we confine ourselves simply and purely to trying to make it better. And it is said that that is a consistent position for the Senate to take. I think it is an extremely inconsistent position for the Senate to take.

I am utterly opposed to depriving ourselves of the right to ingraft upon appropriation bills such legislation as we in our wisdom think is proper to be enacted, and confining ourselves to the paltry privilege of saying that the legislation which is sent to us from the other branch of Congress, which has been hastily considered, illy considered, or not considered at all, may simply be revised and made not quite so bad as it is in the shape in which it comes to us, for that is all we gain by the proposed rule.

For myself I believe that we have just only to be firm once, and that is the end of this trouble. I believe that if we have convictions now, to-day, at this session, as I believe the Senate and all Senators in it have, that this kind of legislation is vicious and wrong, we have but to say so and the trouble will be ended. The difficulty about it is that while we all agree that it is wrong in principle, while we all agree that it is better in the particular case speaking as a matter of principle, to say that there shall be no general legislation on appropriation bills, yet some of us feel so anxious to have some particular measure passed which comes from the House of Representatives that we abandon our principle for the time being, and we say, "Oh, yes; for this once let us abandon the principle and get this little matter of legislation which we really think ought to be adopted." So to get a little good we submit to a very great evil. We can not legislate in that way. It comes every day. The pinch of it comes just when there is some matter like this pension matter that we all desire to see passed. It seems to me that if we once say we will not abandon our position and our principle for the sake of a little temporary gain, we shall have no real trouble about this matter in the future.

It always comes that this argument is made: "Why, if you do not take this legislation which has been sent from the other branch of Congress you are going to have an extra session, and are you ready to meet the question whether there shall be an extra session of Congress?"

Well, Mr. President, I do not believe that there is any Senator who desires an extra session of Congress; I do not believe that there is any member of the other branch who desires an extra session of Congress, but just so long as that argument can be held up to us as a bugbear—if that be a proper legislative term to use—just so long we shall fail to accomplish what we desire to accomplish in the way of legislating in a manner which we believe to be proper, to be constitutional, and to be for the best interests of this Government.

Take this bill. The Senator from Maine [Mr. HALE] asks are you going to refuse to take this general pension legislation upon this appropriation bill; all the pensioners want it, and do you wish to put yourselves in the attitude of having an extra session of Congress by rejecting it from this appropriation bill? How is an extra session of Congress to come if we say our rules are such as prevent legislation on appropriation bills, and our principle is such that we can not accede to legislation which comes on appropriation bills from the House of Representatives? How is any extra session going to follow any such action of the Senate as that? Simply, if it comes at all, by the other branch saying, "You must take that legislation upon that appropriation bill or you can not have the appropriation bill." Now, if it be within the rules of the Senate, I desire to say that I have no idea that the House of Representatives is going to put itself in that attitude. I have no fear of it. I do not believe there is any such danger; but I do believe that

there is danger to the legislation of this country every time we are influenced by an argument of that sort.

Mr. SAULSBURY. Mr. President, I concur very heartily in all that is said about the danger of legislation upon appropriation bills. That has been too well understood, I believe, in the Senate to be denied by any one.

Here we have a practical measure before us. We have a legislative provision in this bill which proposes to repeal an act that was passed at the last session unknown to a large number of the members of this House, whereby certain pension agents are to receive out of this very appropriation bill some two or three million dollars. The question is now whether we shall so far depart from our rule as to prevent such a result, or whether we shall adhere to our rule and let the very money that we appropriate here for the benefit of pensioners go into the pockets of pension agents? Suppose we accomplish all that has been predicted by the Senator from Connecticut; suppose we drive the House from its position; suppose that the House does recede and takes off all this legislation, what is the result? We then pass the pension appropriation bill and, according to my information, from two to three million dollars of the money thus appropriated will be diverted from the pensioners and go into the hands of pension agents. I say that to avoid such a result as that, to prevent such a fraud and wrong upon the pensioners as well as upon the Treasury, from which the money is appropriated, I am willing to suspend for the time being, in conformity with the resolution of the Senator from Ohio, the rule that we have adopted to govern our action in this case.

The Senate I believe with entire unanimity passed a bill on Friday or Saturday to correct the very evil that is corrected in this pension appropriation bill. Everybody knows that the bill which we sent to the House can not become a law. We are therefore stultifying ourselves, simply by adherence to an iron rule, to do that which in the judgment not only of this body but of the other House ought to be done to secure the pensioners of this country against the wrong that was done by the legislation of the last session.

Mr. PLATT. The Senator will permit me a word. He says everybody knows that that bill can not become a law. I for one wish to dissent from that sweeping statement. I do not know that it can not become a law. I think I know that it can become a law. I think I know there is no difficulty about that bill becoming a law.

Mr. SAULSBURY. I confess that I do not know, but the statement was made by the Senator from Maine a few moments ago that with the great mass of business on the Speaker's table it was utterly impossible to reach that bill, and I accepted that as about the conclusion to which every fair-minded man would come who understands anything about the rules of the House. But I am not willing to take the risk of its becoming a law. I want to save this money to the pensioners of the country; I do not want it to go, and it ought not to go into the hands of the pension agents; and the question I am now called upon to meet——

Mr. HALE. The Senator means not the pension agents, but the claim agents, pension attorneys.

Mr. SAULSBURY. Yes, claim agents. I am called upon to meet the question whether I shall vote to adhere to the Senate rule and thereby take from the pensioners of this country from two to three million dollars, or whether I shall be willing to suspend the operation of that rule for the present session and secure that money to the pensioners. There is no disguising the true question we have to meet in this matter. I have no such great pride of opinion as to the correctness of the rules of the Senate. While I am willing to admit the general proposition that legislation upon appropriation bills is pernicious, yet I am not so great a stickler for our own rules that I am willing that they shall operate in every instance when I know that thereby great injustice is to be done, and done to a class of men that the Government of this country has been bound to make provision for.

To adhere to the rule is in my opinion virtually saying that from two to three million dollars of the appropriations for the pensioners in the bill now before the Senate shall be diverted from its legitimate object and put into the pockets of the claim agents around this city and throughout the country. When that alternative is presented to me, I will vote for the resolution of the Senator from Ohio or I will vote against the decision of the Chair that has been made in this case.

Mr. CALL. Mr. President, I think that we have exaggerated this question a great deal. The importance of prohibiting general legislation upon appropriation bills is certainly a general opinion of the Senate and of the country, but that the life of the Republic depends upon it, that a provision becomes bad which in itself is good because it comes upon an appropriation bill, there is no reason to believe; and the Constitution has happily provided against that. It has provided in the concurrence of the two Houses, in the veto of the President, in the responsibility of the Representatives to the people against hasty and indiscreet legislation; and these, and not the fact that it is upon a separate bill instead of an appropriation bill, are the great conservators of the country.

Why is it that when the House of Representatives send to us legislation, and we say we recognize the sovereign and independent right of that body to send it here, and to send it here upon an appropriation bill, we shall still say we will not consider it because of the manner in which it comes here, because we think the rule of the House that allows general legislation upon an appropriation bill is an improper rule? Why, sir, you can not acknowledge the independent and sovereign right of the House as to its own rules and as to the manner in which it shall send legislation here, and still say to it, "We will not consider it; we will not perform our constitutional duty of amending it, because of the manner in which you chose to send that legislation here."

It is manifest that the consent which the Constitution requires this body to give; or the refusal to consent to the legislation of the other House, refers to the merits of the proposition, and that we are expressly forbidden by the Constitution from refusing to consent to it because of the manner in which the House shall send it here. Because they see fit to send it upon a general aprpopriation bill, the Constitution expressly forbids us to refuse our concurrence in that legislation because of disapproval of the manner in which the House shall have sent it here, and confers upon them as upon us the sovereign right to send it upon an appropriation bill or any other bill or in any other way that they shall see fit; and it imposes upon us the duty of saying whether it is vicious legislation—not a vicious method—whether it will benefit the country or injure the country. That seems to me perfectly clear, and I am surprised that we should have any hesitation in arriving at a unanimous conclusion upon that subject.

I maintain, sir, that the House has a right to send legislation here upon appropriation bills, and that we have a constitutional duty to consider not the manner in which it is sent here, whether good or bad, but to consider whether it is proper legislation, whether its merits are such as to commend it to the country and will benefit the people. The independent right of the House to decide that they will send us general legislation on an appropriation bill, and the Senate's right to refuse to consider and amend it, can not coexist, because the Constitution clearly imposes on the Senate the duty to consider and amend or reject the legislation of the House, and not the rules of the House.

Mr. MORGAN. Mr. President, I do not wish to detain the Senate by debating this question any longer; but I have to vote on it, and I will vote against sustaining the judgment of the Chair, but in doing that I desire to explain that I am not adverse to the rule that the Senate has so long observed. I believe, with every Senator who has expressed himself this afternoon, that that rule is not only a very good one, but it is one that is necessary to preserve the constitutional rights of this people. But the difficulty about the rule of the Senate is not that it is too stringent, but that it is not sufficiently stringent. I wish to explain that remark.

A general appropriation bill comes from the House and it contains general legislation. It has been ruled by the Chair frequently, I think uniformly, that in order to get rid of that general legislation in the Senate you must move to strike it out and take the vote of the Senate upon it. That is the uniform ruling of the Chair.

The rule ought to be so framed as that it should be the duty of the Chair, or at least the right of a Senator, on motion, to strike out any general legislation that the House sends us on an appropriation bill; and in the amendment of our rules, instead of relaxing the rule so as to create exceptional cases we ought to strengthen it by making it the duty of the Chair to strike out upon motion of a Senator any matter of general legislation that is found on an appropriation bill. If we should take that course we would clear appropriation bills of all this kind of legislation, and they would stand as they were designed to be, the mere bills to apply the money of the people to ascertained legitimate subjects of appropriation.

Mr. MILLER, of California. Will the Senator allow me to make a suggestion?

Mr. MORGAN. Yes, sir.

Mr. MILLER, of California. There is a practical difficulty here. You strike out of an appropriation bill general legislation. Take the case now before the Senate, the pension bill. You strike out all the general legislation and pass the bill, and it goes back to the House. They disagree to the amendment of the Senate striking out, and then a conference is had, and the conferees are appointed. Has it not always been the custom of the Senate when it reaches that stage to recede from its position, so that practically when we strike out this legislation it gets back again through a conference? Is it not so in a majority of cases, and has it not been so generally?

Mr. ALLISON. Now I must interpose. I think the rule has been the other way. Of course conference committees have yielded, as in this case last year, but as a rule we have resisted as far as possible legislation on appropriation bills.

Mr. HALE. Was it not under the operation of this rule and under the operation of the construction of this very rule as given to it by different occupants of the chair that this vicious legislation did creep in last year?

Mr. ALLISON. It was placed there through a conference committee.

Mr. HALE. And that conference committee had a discretion allowed under our rules.

Mr. DAWES. If the Senator from Alabama will allow me, I was on that conference committee——

Mr. MORGAN. I did not suppose I was raising such a disturbance on that side. Of course I will yield until it is ended.

Mr. DAWES. The matter is perfectly clear and apparent. The Senate struck out the entire legislation. The House non-concurred in the Senate amendment. The difference between the two Houses was submitted to a conference committee. One portion of the conference committee refused to adopt that legislation, and the other portion refused to take the bill without it, and the bill was pending in conference and reported back to the two bodies on disagreement several times until at last the two conference committees agreed that they would take the legislation now on the book in place of the legislation proposed by the House, and the result was that this legislation that now every one is satisfied was vicious was forced upon both Houses by the rules of the two Houses.

Mr. MORGAN. Not by the rules of the Senate.

Mr. DAWES. It was forced upon both Houses as the alternative of a loss of the pension appropriation bill.

Mr. MILLER, of California. And the Senate agreed to it.

The PRESIDENT *pro tempore*. The Senator from Alabama must not be interrupted without his consent.

Mr. MILLER, of California. I thought I had his consent.

Mr. MORGAN. The Senator has my consent.

Mr. MILLER, of California. The point I was making to the Senator from Massachusetts was that the Senate sustained their conferees in their action on this matter and eventually yielded, and the conference committee was permitted to legislate for both Houses by the consent of both Houses. I say that is the practical result, and it does not make much difference what you do now, whether you stick to the rule you have or make another. The difficulty comes about in the way I have indicated.

Mr. DAWES. The Senator from California is exactly right, in my opinion.

Mr. MORGAN. I am glad the Senators are agreed about it. This rule of course has been made the stalking-horse for a great many irregularities in legislation. I do not doubt that the Senate has perfect control of its committees of conference and can instruct them to any particular course that it may desire upon any bill that may be committed to their keeping. But I was not looking forward to what might be the results of an abuse by a committee of conference of the rules of the Senate or the indulgence on the part of the Senate of such abuse as its committee might see proper to make.

The question with me is just this: If I vote to sustain the Chair, do I vote to break down the rule of the Senate? I maintain that I do not. It may be called a relaxation of the rule; and if precedent were necessary to justify that relaxation I could go back in our history and find a great many, sometimes when the matter has gone on permissively and at other times when it has gone on by express consent of the Senate on its vote, for I remember frequent instances in which the Chair has been overruled on a ruling as to whether a particular measure was a measure included within the purview of our rule and was prohibited from going upon a bill.

This particular amendment is new legislation coming from the House. That everybody concedes. It is the ruling of the Chair, as I understand, that a question of order does not lie to the new legislation as presented in the bill sent to us from the House. To get rid of that legislation we must have an affirmative vote of the Senate to strike it out. Then the question arises whether the amendment now proposed is of the character of amendment denounced in the third clause of the sixteenth rule. I think it is not, for the reason that the legislation in respect of which that amendment is germane has been received by the Senate; and in proposing to amend what the House has put in and what the Senate has received and acted upon, we are not proposing new legislation in the sense of a violation of the Senate rule, but we are exercising a constitutional right and privilege in amending a bill that has been received by the Senate and is here the subject-matter of action, which bill, so sar as the parliamentary law is concerned, is open to every motion that any other bill is open to.

Here, then, is the new legislation proposed by the House before the Senate, having been received by it, being under consideration, and which will become a part of this measure unless it is stricken out. Finding it in this condition, the proposition under the sixteenth rule is to amend it, and the question is raised, you have no right to amend it, because in amending it you propose general legislation. My answer to that is, that it is not a proposition of general legislation within the meaning of the rule, but it is a proposition merely to amend a proposition that is lawfully before the Senate and upon which we have a full freedom of action, just as much so as if the bill had been reported in the Senate and was not amenable to any rule at all.

I merely desired to explain that in voting against sustaining the ruling of the Chair I do not wish to be understood as departing from this rule at all; on the contrary, instead of modifying the rule I would vote to strengthen the rule and make it more strict than it is by requiring the Chair, whenever legislation of a general character came to us from the House of Representatives, to strike it out, at least on the motion of a Senator.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"] If a vote is to be taken I shall not insist on the motion.

Mr. HALE and others. Let us try for a vote.

The PRESIDENT *pro tempore*. Does the Senator from New York withdraw his motion?

Mr. MILLER, or New York. I withdraw the motion.

The PRESIDENT *pro tempore*. The question is, Shall the decision of the Chair, holding this amendment not to be in order, stand as the judgment of the Senate?

Mr. SHERMAN. I ask again that unanimous consent be given to entertaining and adopting the resolution I have offered. If any Senator objects to it, of course that is the end of it.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent to submit a resolution.

Mr. HARRIS. Let it be read for information.

The Chief Clerk read as follows:

That in the opinion of the Senate amendments may be made in the Senate pertinent and relevant to legislative provisions in a general appropriation bill as it comes from the House.

Mr. HARRIS. I object.

The PRESIDENT *pro tempore*. Objection is made. The question is, Shall the decision of the Chair stand as the judgment of the Senate upon the pending amendment to the pension appropriation bill?

Mr INGALLS called for the yeas and nays; and they were ordered.

Mr. HARRIS. One single moment, Mr. President. There are two facts to be ascertained by the Chair in respect to this question of order. First, is the bill under consideration a general appropriation bill? That fact determined in the affirmative, next, is the amendment recommended by the committee general legislation?

If that fact be determined in the affirmative, it falls not only within the spirit but the very literalism of the rule, and it is out of order. That is all I desire to say.

The question being taken by yeas and nays, resulted—yeas 35, nays 23; as follows:

YEAS—35.

Aldrich,	Conger,	Hawley,	Pendleton,
Allison,	Cullom,	Hoar,	Pike,
Bayard,	Edmunds,	Lamar,	Platt,
Beck,	Garland,	Lapham,	Plumb,
Blair,	Gorman,	McMillan,	Pugh,
Brown,	Groome,	Manderson,	Ransom,
Cameron of Wis.,	Hampton,	Mitchell,	Sabin,
Chace,	Harris,	Morrill,	Wilson.
Colquitt,	Harrison,	Palmer,	

NAYS—23.

Call,	Hale,	Miller of Cal.,	Slater,
Coke,	Ingalls,	Miller of N. Y.,	Van Wyck,
Dawes,	Jackson,	Morgan,	Vest,
Dolph,	Jonas,	Saulsbury,	Voorhees,
Frye,	Mahone,	Sawyer,	Williams.
George,	Maxey,	Sherman,	

ABSENT—18.

Bowen,	Fair,	Jones of Nevada,	Sewell,
Butler,	Farley,	Kenna,	Vance,
Camden,	Gibson,	Logan,	Walker.
Cameron of Pa.,	Hill,	McPherson,	
Cockrell,	Jones of Florida,	Riddleberger,	

The PRESIDENT *pro tempore*. The decision of the Chair stands as the judgment of the Senate.

Mr. MILLER, of New York. I move that the Senate proceed to the consideration of executive business.

Mr. MORRILL. I hope that the unfinished business will first be laid before the Senate.

The PRESIDENT *pro tempore*. If there be no objection, the Senate resumes the consideration of the unfinished business, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

The Senator from New York moves that the Senate proceed to the consideration of executive business.

The motion was agreed to.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolution:

A bill (S. 729) for the protection of children in the District of Columbia, and for other purposes:

A bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy;

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 760) granting an additional pension to Watson S. Bentley;

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1256) increasing the pension of Ben Morgan;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;

A bill (H. R. 2140) for the relief of Hugh Dougherty;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;
A bill (H. R. 2453) granting a pension to Frank S. Marsh;
A bill (H. R. 2692) granting a pension to Sarah Kennedy;
A bill (H. R. 2908) granting a pension to James McManus;
A bill (H. R. 2920) for the relief of John Johnson;
A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;
A bill (H. R. 3527) granting a pension to George A. Marshall;
A bill (H. R. 3565) granting a pension to William Eurele;
A bill (H. R. 3612) granting a pension to Hayden Reynolds;
A bill (H. R. 3663) granting a pension to John T. Marshall;
A bill (H. R. 3703) granting a pension to James W. Brown;
A bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;
A bill (H. R. 4059) granting a pension to Isaac Demaranville;
A bill (H. R. 4238) granting a pension to Sallie Ingham;
A bill (H. R. 4248) granting a pension to William Harbeson;
A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;
A bill (H. R. 4752) granting a pension to William Herring;
A bill (H. R. 5004) for the relief of William B. Smith;
A bill (H. R. 5500) for the relief of Benjamin F. Amos;
A bill (H. R. 5565) granting a pension to Theo. Ahrens;
A bill (H. R. 5630) granting a pension to George W. Rugg;
A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;
A bill (H. R. 5670) to authorize a retired list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;
A bill (H. R. 5776) granting a pension to Louis D. Petty;
A bill (H. R. 5812) granting a pension to Ellen A. Vance;
A bill (H. R. 5926) granting a pension to John Maloney;
A bill (H. R. 5923) granting a pension to Ruth Stratton;
A bill (H. R. 5960) granting a pension to George Zeifle;
A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;
A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;
A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
A bill (H. R. 6461) granting a pension to Nelson Gammons;
A bill (H. R. 6480) granting a pension to Margaret G. Halpine;
A bill (H. R. 6594) granting a pension to Russell F. Dimmick;
A bill (H. R. 6665) for the relief of James Stack;
A bill (H. R. 6726) granting a pension to Margaret A. Maguire;
A bill (H. R. 6882) granting a pension to John Otis;
A bill (H. R. 6927) granting a pension to Merit M. Oakley;
A bill (H. R. 6934) granting a pension to Ann J. Williams;
A bill (H. R. 6956) granting a pension to Maria H. Sargent;
A bill (H. R. 6997) granting a pension to Henry Davis;
A bill (H. R. 7046) granting a pension to Alonzo Cornwell;
A bill (H. R. 7141) granting a pension to Daniel W. Adams;
A bill (H. R. 7295) granting a pension to Albert D. Simmons;
A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; and
Joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 40 minutes p. m.) the Senate adjourned.

SENATE.

TUESDAY, *February* 10, 1885.

The Senate met at 11 o'clock a. m.
Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

NAMING A PRESIDING OFFICER.

Mr. ALLISON called the Senate to order, and the Secretary read the following letter:

To the Senate:

Pursuant to the rules, I hereby name and designate Hon. WILLIAM B. ALLISON, a Senator from the State of Iowa, to perform the duties of the Chair in my absence this day.

GEO. F. EDMUNDS,
President pro tempore.

WASHINGTON, D. C., *February* 10, 1885.

Thereupon Mr. ALLISON took the chair as Presiding Officer.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDING OFFICER (Mr. ALLISON) laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect to extend the limit of cost of the public buildings at Dallas, Tex., and Oxford, Miss.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting a report of recent explorations in Northern Alaska by Lieut. George M. Stoney, United States Navy; which, on motion of Mr. HARRISON, was ordered to be printed, and, with the accompanying papers, referred to the Committee on Territories.

PETITIONS AND MEMORIALS.

The PRESIDING OFFICER presented a memorial of the Legislative Assembly of the Territory of Dakota, favoring the division of Dakota and the admission of the southern portion of that Territory as a State; which was ordered to lie on the table.

He also presented a memorial of the New York Produce Exchange of the city of New York, in favor of such steps and appropriations as shall be requisite to place the chief city of the nation in wealth, population, and importance in a condition of safety, whatever foreign complications may arise; which was referred to the Committee on Military Affairs.

Mr. MILLER, of New York, presented a petition of seamen of New York city, praying for the passage of the bill to amend the tenth section of the act to remove certain burdens from the American merchant marine; which was referred to the Committee on Commerce.

He also presented a petition of citizens of New York city, interested in the navigation of Lake Superior, praying for the passage of the bill providing for the acquisition by the United States of the Portage Lake Canal, so called; which was referred to the Committee on Commerce.

Mr. WILSON. I present the petition of J. W. Sargent and 100 other citizens of Iowa, praying for the forfeitures of the unearned lands within the limits of the land grant to the Sioux City and Saint Paul Railroad Company. As the bill relating to that subject has been reported, I move that the petition lie on the table.

The motion was agreed to.

Mr. WILSON presented the petition of D. W. Chamberlain and 47 other citizens of Iowa, and the petition of John O. Thompson and 50 other citizens of Iowa, praying for the forfeiture of the unearned lands within the limits of the land grant to the Sioux City and Saint Paul Railroad Company; which was ordered to lie on the table.

Mr. CONGER presented the petition of George A. Farr and 132 other citizens of Grand Haven, Mich., praying for appropriations for the improvement of the harbor at that place; which was referred to the Committee on Commerce.

He also presented the petition of H. A. Lathrop, of Armada, Mich., praying to be reimbursed for property taken by the United States Government during the war; which was referred to the Committee on Claims.

MARGARET D. MARCHAND.

The PRESIDING OFFICER. Reports of committees are in order, if there be no further petitions or memorials.

Mr. SEWELL. On the 6th of February the Senator from New Hampshire [Mr. BLAIR] reported from the Committee on Pensions the bill (S. 957) granting a pension to Margaret D. Marchand with an amendment, and submitted a favorable report thereon. I find that it is marked on the Calendar as an adverse report. I ask to have the Calendar corrected. I call the attention of the Senator from New Hampshire to it.

Mr. BLAIR. It should be marked "reported favorably with an amendment."

Mr. MITCHELL. I suggest to the Senator from New Jersey that the bill might be taken up and passed now, as it was really included in the order of the Senate the other day, and the Calendar was incorrectly printed.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent for the present consideration of the bill (S. 957) granting a pension to Margaret D. Marchand. Is there objection?

Mr. JACKSON. Is there not an adverse report in that case?

Mr. MITCHELL. There was no adverse report. It was a favorable report, and it was improperly placed upon the Calendar as an adverse report. It comes within the order of the Senate the other day in regard to the consideration of pension bills.

The PRESIDING OFFICER. The Chair is informed that the majority report was an adverse report, and therefore the bill was placed upon the Calendar accordingly.

Mr. BLAIR. That is a mistake. The Chair has been misinformed. It is a House bill granting a pension to this lady at the rate of $50 per month, reported favorably by the Senate Committee on Pensions with an amendment reducing the rate from $50 to $30. So it becomes a favorable report with an amendment. It is not strange that it was understood to be an adverse report, because it is one of that class of cases on which we have had controversy.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole. The bill will be read.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret D. Marchand, widow of

Commodore J. B. Marchand, late of the United States Navy, and pay her a pension at the rate of $50 per month from the date of the passage of this act.

The PRESIDING OFFICER. The amendment reported from the Committee on Pensions will be read.

The CHIEF CLERK. In line 8 strike out "fifty" before the word "dollars" and insert "thirty;" so as to read:

At the rate of $30 per month.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BLAIR. I think the attention of the Senate ought to be called to this bill, because it is an important one. This bill, rather inadvertently brought before the Senate, is of too much importance to be disposed of in the hurried manner that it seems likely to be, and therefore I ask the attention of the Senate while I state what it is.

It is a bill of the same class as those upon which the Senate had a somewhat closely contested discussion at the last session. It proposes to pension the widow of a rear-admiral of the Navy who rendered very distinguished service to his country during half a century of time, if I remember correctly. The report sets forth fully the facts. The bill was passed by the House, giving her a pension at the rate of $50, which has come to be perhaps the settled practice of Congress in such cases. It was referred to the Senate Committee on Pensions, who reported it favorably to the extent of $30—that is, with an amendment reducing the amount proposed by the House to $30.

The real controversy that is pertinent to this and to some ten or twelve other cases of like character now pending upon the Calendar of the Senate is whether the Senate will give to this lady the additional $20 which has been voted by the House. It is important not alone on account of the propriety, to say the least, of treating all these ladies with some consistency, but because there are pending ten or twelve cases at the present time, and whatever principle is adopted by the Senate in disposing of this case will be very naturally followed in the others.

I do not wish to reopen the discussion upon this class unless others should see fit to do so, because the discussion has already been very full and I could add no new light to the matter. It is as it was at the last session, save only that by a very emphatic vote of the Senate in all the cases which were called to its attention the previous precedents have been greatly strengthened.

Mr. PLUMB. I should like to inquire what is the order of business now under the consideration of the Senate?

The PRESIDING OFFICER. The Senator from Pennsylvania asked unanimous consent that this pension bill be considered at this time, which was granted.

Mr. PLUMB. What is the order of business in the morning hour?

The PRESIDING OFFICER. Reports of committees.

Mr. PLUMB. I object to the further consideration of the bill.

The PRESIDING OFFICER. Objection is made, and the bill goes over. Reports of committees are now in order.

Mr. BLAIR. As this bill was called up hurriedly, I wish to correct a statement I made. I am informed that it is a Senate bill. Some of these bills pending before the committee are from the House; but two or three were introduced originally in the Senate. I may have been mistaken as to this one having passed the House, but quite a number of others being exactly similar to it have passed that body, so that the principle involved is the same.

Mr. PLATT obtained the floor.

Mr. SEWELL. I ask unanimous consent to have the correction made and the adverse report stricken from the Calendar opposite the bill

Mr. JACKSON. That is improper. It was an adverse report of the majority of the committee, and the views of the minority were presented by the Senator from New Hampshire. The bill is reported adversely so far as a pension at the rate of $50 a month is proposed in the bill.

Mr. BLAIR. The report is adverse so far as the additional $20 are concerned, and favorable so far as the $30 are concerned. The bill should be marked as "reported favorably with an amendment."

The PRESIDING OFFICER. The Chair finds in the RECORD of February 7 the following:

Mr. BLAIR. By direction of the Committee on Pensions I also report adversely the bill (S. 957) granting a pension to Margaret D. Marchand, recommending its indefinite postponement. I submit also with the report the views of the minority favoring the passage of the bill. I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

That is the record.

Mr. BLAIR. That is precisely correct. I have a recollection now in regard to it that the bill was rejected *in toto;* it was not sanctioned at all by the committee. The report as stated in the RECORD is precisely correct. My statement at the time, in the ordinary way in which these cases have come before the committee, should have been that the report was favorable so far as $30 per month was concerned; but in this case the committee rejected the bill *in toto*—that is to say, they did not allow a pension in any degree.

I ought to say, further, that this was called to my attention by the Senator from Pennsylvania and the case called up, which I supposed was somewhat under my own charge, in such a way that my recollection was a little obtuse. The bill was in my mind, however, and the case would have been taken care of at what I should have considered a proper season.

Mr. MITCHELL. I desire to say a word.

The PRESIDING OFFICER. The Senator from Connecticut [Mr. PLATT] has been recognized by the Chair.

Mr. PLATT. Let me have my say first.

Mr. INGALLS. What is the question pending?

The PRESIDING OFFICER. The Senator from Connecticut [Mr. PLATT] has been recognized. The Chair does not know for what purpose he rises.

Mr. INGALLS. I ask, for parliamentary information, what is the pending question?

The PRESIDING OFFICER. Reports of standing and select committees.

Mr. MITCHELL. I desire to make a report from the Committee on Pensions.

Mr. PLATT. Have I the floor?

The PRESIDING OFFICER. The Chair has recognized the Senator from Connecticut.

Mr. PLATT. I should like to say, if I may be permitted, that it seems to me the matter which we have been considering, having come up under the circumstances in which it has, ought not to go over into the Calendar under the ninth rule, but it ought to be passed over without prejudice. I trust the Senator from Kansas [Mr. PLUMB], who objected to the further consideration of the bill, will have no objection to that course.

The PRESIDING OFFICER. The Senator from Connecticut asks that the bill may be placed on the Calendar under the eighth rule, without prejudice.

Mr. PLUMB. The purpose of my objection was simply that we might go on with the morning business. I have no objection to the bill being placed exactly where it was before it was brought to the attention of the Senate in this irregular manner this morning.

Mr. HOAR. I should like to inquire what is the rule about it. I understand that unanimous consent was given to taking up the bill; the Chair asked for it, and two or three Senators spoke to it. Can an objection be interposed now?

The PRESIDING OFFICER. The Chair understands that an objection can be interposed at any time.

Mr. HOAR. Under the eighth rule?

The PRESIDING OFFICER. So the Chair understands.

Mr. HOAR. I understood that the bill was taken up by unanimous consent at the time of morning business, before reports of committees were concluded, not under the eighth rule, and that unanimous consent would give the measure its right, and no objection could remove it.

Mr. MITCHELL. That was my understanding of the case. However, I do not care for it; but as many mistakes have been made in regard to this matter, I think it due to myself that I should state what I understand to be the facts in regard to it.

In the first place, I did not ask for unanimous consent. I suggested to the Senator from New Jersey [Mr. SEWELL] that it would be a proper case to consider at this time, inasmuch as by my understanding it came within the rule which was adopted in the Senate the other day for the consideration of pension bills. My recollection in regard to the report is entirely different from that now stated by the Senator from New Hampshire. My recollection is that the committee did agree to report in favor of granting a pension of $30 a month in this case, and I think the report so shows. However, I think the bill may as well go over and come up regularly hereafter. I do not desire to press it, and I had no such desire at the time I made the suggestion.

Mr. WILSON. If the Senator from Pennsylvania will yield to me I wish to make a statement. The action of the committee, according to my recollection of the case, was based upon the fact that we had no information before us that an application had been made for the allowance of a pension.

Mr. BLAIR. No application to the Pension Office?

Mr. WILSON. No application had been made to the Commissioner of Pensions; and while a majority of the committee, I may say all the members according to my present recollection, were in favor of the allowance of a pension at the rate of $30 a month, still a portion of the committee desired that the application should be made to the Commissioner of Pensions in order that we might have the record from the Pension Office, and it was on that basis that the committee acted.

The PRESIDING OFFICER. Reports of standing and select committees are now in order.

REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, to whom was referred the bill (H. R. 7496) for the relief of Wehrle, Werk & Son, reported it without amendment, and submitted a report thereon.

Mr. SLATER, from the Committee on Pensions, to whom was referred the bill (S. 1877) granting an increase of pension to John Hall, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1739) granting a pension to the widow and children of the late Byram Pitney, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following petitions, reported adversely thereon; and their prayer was denied:

Petition of John G. Burchfield, of Illinois, praying for a pension; and

Petition of Edward Kelly, of Maine, praying for a pension.

Mr. JACKSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (H. R. 662) granting a pension to Mrs. Ann Sheffield;

A bill (H. R. 3829) granting a pension to John Beck;

A bill (S. 2115) for the relief of Abraham Van Assum;

A bill (S. 2428) granting a pension to James McLaughlin; and

A bill (S. 2114) granting a pension to Alonzo Raymond.

Mr. CAMDEN. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 1995) granting a pension to John R. Hurd, to submit an adverse report thereon. The relief asked for in the bill has been granted in the Pension Office. I therefore move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. CAMDEN, from the Committee on Pensions, to whom was referred the bill (H. R. 5069) granting a pension to Mrs. Mary J. Stotts, reported it without amendment, and submitted a report thereon.

Mr. LAPHAM, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. 111) referring the controversy between the United States and Venezuela, in respect to the awards of the mixed commission, to the President, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following petitions, asked to be discharged from their further consideration; which was agreed to:

Petition of Ralph S. Demarest, of New Jersey, in relation to the distribution of the Venezuela awards; and

Petition of Margaret F. Rawdon, of Little Falls, N. Y., praying the passage of the resolution referring the controversy between the United States and Venezuela, in respect to the awards of the mixed commission, to the President.

Mr. LAPHAM. The joint resolution which I have reported simply provides for the distribution of the Venezuela award as it lies in the State Department, amounting to about half a million dollars, while these petitioners and various other claimants are kept out of their money. There is a similar measure pending in the House. I ask for the present consideration of the joint resolution. I think there can be no objection to it.

Mr. SHERMAN. I ask that it be read for information first.

Mr. LAPHAM. Certainly.

The Chief Clerk read the joint resolution and the amendment.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. HARRIS. I think it had better go over and be printed.

The PRESIDING OFFICER. Objection is made.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7500) to restore the name of Lewis J. Blair to the pension-roll;

A bill (H. R. 7952) granting a pension to Mrs. Julia Hartley; and

A bill (H. R. 8038) granting a pension to Harriet A. B. Corts.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 2524) granting a pension to Harriet A. B. Corts, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2282) granting a pension to Adolph Weach;

A bill (H. R. 1711) granting a pension to Frederick Nelson, T. Caine, and Henry C. Sanders;

A bill (H. R. 7673) granting a pension to Mrs. Adeline E. Chadbourne;

A bill (H. R. 7724) granting a pension to Lydia Wetherbee;

A bill (H. R. 5969) increasing the pension of Frederic S. Rich;

A bill (H. R. 3701) granting a pension to James Bradford;

A bill (H. R. 8033) granting an increase of pension to George W. Clark; and

A bill (H. R. 5762) for the relief of Ann Lumphrey.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (S. 2568) granting a pension to Mrs. Adeline E. Chadbourne, reported adversely thereon; and the bill was postponed indefinitely.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7707) to pension Holden Cook;

A bill (S. 2443) granting an increase of pension to Polly Young;

A bill (H. R. 5813) granting a pension to Rachel Smith;

A bill (H. R. 6965) granting a pension to David T. Dudley;

A bill (H. R. 7315) granting a pension to Frederick P. Dearth; and

A bill (H. R. 2138) granting a pension to Martha Angell.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1113) granting a pension to Ann E. Manchester;

A bill (S. 2302) granting a pension to John Lowe;

A bill (H. R. 6196) granting a pension to R. D. Lawrence;

A bill (H. R. 1502) granting a pension to William Robinson;

A bill (H. R. 4098) granting a pension to William Gibbons;

A bill (H. R. 1984) granting a pension to Robert M. McKinlay; and

A bill (H. R. 7561) to allow a pension to George F. West.

Mr. WILSON, from the Committee on Pensions, to whom was referred the bill (H. R. 5798) granting a pension to John E. Denham, reported it with an amendment, and submitted a report thereon.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 691) for the relief of William W. Thomas, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 4280) to increase the pension of Mrs. Martha C. Breese, to report it adversely, with the views of the minority recommending the passage of the bill. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania reports adversely the bill named by him. It will be placed on the Calendar. The Senator also submits the views of the minority. If there be no objection they will be received and printed.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4266) granting a pension to Margaret A. Ringwalt;

A bill (S. 2245) granting a pension to William N. Morris; and

A bill (H. R. 6966) granting a pension to Wealthy H. Seavey.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were ageeed to; and the bills were postponed indefinitely:

A bill (H. R. 2522) granting a pension to John Q. Bellville; and

A bill (H. R. 765) for the relief of Emily Agnel.

Mr. MITCHELL. I am also instructed by the Committee on Pensions, to whom was referred the bill (S. 1079) granting an increase of pension to Mrs. Emily M. Wyman, to submit an adverse report thereon, and the views of the minority in favor of the passage of the bill. I ask that the bill be placed on the Calendar. In this case the Secretary of the Navy recommended the passage of the bill to the committee.

The PRESIDENT *pro tempore*. The Senator submits the views of the minority. If there be no objection they will be received and ordered to be printed. The bill will be placed on the Calendar.

WASHINGTON MONUMENT MEDALS.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. 2615) to authorize medals commemorating the completion and dedication of the Washington Monument, to report it favorably with an amendment. If the bill is to be passed at this session it ought to be passed now; and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. ALLISON in the chair). Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read for information, and then we can tell.

The Chief Clerk read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SHERMAN. The Senator from Vermont [Mr. MORRILL] suggests that I should make a statement in regard to the bill.

It has been customary not only in this country but in all countries to commemorate any event in their history that they think important. Congress passed a somewhat similar resolution authorizing medals in commemoration of the laying of the corner-stone of the Washington Monument. The Monument Commission believe that the completion and dedication of the monument is an event that ought to be commemorated by the most enduring memorial in the world, a coin or medal. Coins have survived. Indeed the evidence of the appearance, character, nature, and qualities of the Romans and Grecians is better preserved in their medals than in any other way. It is usual with all nations to commemorate any important event in national history in this way.

The dies provided by the bill can be made at an expense of about $500, and then anybody can get a medal at cost. I am told, coming from the Director of the Mint, that the medals will cost from thirty to forty cents apiece, so that it is not a matter of much expense; and the medals will no doubt be purchased by people not only in our day but, as the die will be kept, the medals will be perpetuated and increased to the extent that there may be a demand for them.

The only doubt I have about the bill (and I wonder that some Senators have not called attention to it) is that it provides for one medal for each member of Congress. I should rather have that provision out, because we are able to buy these things. But that is not an unusual provision, and it is supposed members of Congress will place them in some library or some receptacle where they will be perpetuated and preserved.

That is the object of the bill, and I believe it is an object approved by all nations. England and France especially have in their galleries of medals a very remarkable display of skill. The Romans were also very celebrated for their medals, not only to commemorate events, but to perpetuate the faces and names of heroes and statesmen.

The PRESIDING OFFICER. The bill is reported with an amendment which will be read.

The CHIEF CLERK. The Committee on Finance report to amend the bill after the word "reverse," in line 7, by striking out "an exact" and inserting "a;" so as to read:

That to commemorate the completion and dedication of the Washington Monument, the Secretary of the Treasury is hereby directed to have prepared, at the mint at Philadelphia, medals, not less than four inches in diameter, bearing on one side the head of George Washington and on the reverse a representation of the Washington Monument, with suitable devices to be approved by the Secretary.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COMMITTEE ON THE JUDICIARY.

Mr. INGALLS. I ask unanimous consent that the Committee on the Judiciary may have leave hereafter to sit during the daily sessions of the Senate.

The PRESIDENT *pro tempore*. The Senator from Kansas moves that for the remainder of this session the Committee on the Judiciary have leave to sit during the sittings of the Senate.

The motion was agreed to.

MARIA SYPHAX.

Mr. VAN WYCK. I ask unanimous consent to take up——

Mr. HAWLEY. Will the Senator yield a moment? I have a report to make. I did not hear the close of that order of business.

The PRESIDENT *pro tempore*. The Chair will receive the report.

Mr. HAWLEY. I am instructed by the Committee on Military Affairs to report favorably the bill (S. 2342) declaratory of the meaning of the act entitled "An act for the relief of Maria Syphax," and I beg to ask the Senate for its immediate consideration. I think it will be granted if I can be allowed thirty seconds to state the purpose of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It declares the act of June 12, 1866, "for the relief of Maria Syphax," releasing and confirming to her, her heirs and assigns, the title to a piece of land therein described, being part of the Arlington estate, in the county of Alexandria, Virginia, shall be construed to operate as a relinquishment of any outstanding title which the United States may have acquired since the date of that act.

Mr. HAWLEY. As there has not been time since I had my instructions to report this bill to draft a written report, allow me to place on the record a very brief statement.

Maria Syphax was a favored servant of the Custis family on the famous Arlington estate. The family allotted her a little house and piece of ground. The United States afterward acquired the tax title, as everybody knows, to the whole estate. During that time while the United States claimed to have this title it passed the act of June 12, 1866, now before me, confirming to this favored old servant this piece of ground. The Supreme Court afterward decided that the United States themselves had no title to any part of the estate. Since that decision the United States has acquired a full title to the property by negotiation and purchase. Now the United States is asked simply to reaffirm its act of 1866, that the old woman 80 years of age, a favored old servant, may have the piece of ground the Custis family originally intended she should have. The Government yielded it to her once, supposing it had a perfect title, but now the claimant is advised that there ought to be a confirmatory act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HAWLEY. I move to amend the title by inserting after the word "act" the words "of June 12, 1866;" so as to read: "A bill declaratory of the meaning of the act of June 12, 1866, entitled 'An act for the relief of Maria Syphax.'"

The amendment was agreed to.

PUBLIC BUILDING AT FORT WAYNE.

Mr. VAN WYCK. Mr. President——

Mr. VOORHEES. I ask the Senator from Nebraska to be kind enough to yield to me to pass a bill of purely local importance, but the necessity for which is pressing. The bill was reported last session unanimously by the Committee on Public Buildings and Grounds. It is Order of Business 871, Senate bill 2084.

The PRESIDENT *pro tempore*. Does the Senator from Nebraska yield to the Senator from Indiana?

Mr. VAN WYCK. Yes, sir, I yield; though I suppose the bill I have in charge will not take long.

The PRESIDING OFFICER. The Senator from Indiana moves that the Senate proceed to the consideration of Order of Business 871, being the bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana."

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limitation from $100,000 to $175,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. VAN WYCK. Mr. President——

Mr. PIKE. Will the Senator yield to me a moment?

Mr. VAN WYCK. If I can do so without seeming to be intruding on the Senate.

Mr. PLUMB. Let me say that I think it would better subserve the convenience of the Senate to go on and finish the bill in charge of the Senator from Nebraska. It will take but a moment, and I wish to say for myself that I want to be here when it is passed.

The PRESIDENT *pro tempore*. It is the duty of the Chair to say that debate is not in order. Does the Senator from Nebraska yield to the Senator from New Hampshire?

Mr. COCKRELL. I rise to a point of order, and that is whether one Senator can take the floor and then farm out the business of the Senate to others? I object to that mode of doing business.

Mr. VAN WYCK. I shall have to go on.

The PRESIDENT *pro tempore*. The Chair thinks the point of order of the Senator from Missouri is well taken if the state of the case would warrant it as a matter of fact. The Chair only thought, according to the usual courtesy of the Senate, that it was his duty to recognize the Senator from Nebraska in preference to any one else.

UNLAWFUL OCCUPANCY OF PUBLIC LANDS.

Mr. VAN WYCK. I move the consideration of Calendar number 993, being the bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The question is, Shall the amendments be engrossed and the bill read a third time? But it is still open to amendment.

Mr. PLUMB. At the time the consideration of this bill was concluded yesterday the Senator from Michigan [Mr. CONGER] had made a suggestion in regard to an amendment to the first section. While I did not think then and do not now think that is necessary, at the same time, to make more specific the meaning of this section, I will move to add in line 10, after the word "faith," the words "with a view to entry thereof;" so as to read:

Or an asserted right thereto by or under claim made in good faith with a view to entry thereof at the proper land office.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the Senator from Kansas.

The amendment was agreed to.

Mr. VEST. I ask the Senator in charge of the bill as to the language used in lines 10 and 11 of section 2, where it is provided:

And the persons guilty of the violation as nearly as may be, and by description if the name can not on reasonable inquiry be ascertained, to institute a civil suit in the proper United States district or circuit court.

Under the Constitution the Territorial courts are not United States courts. Every lawyer understands that the language here used would confine jurisdiction over these proceedings to the district or circuit courts of the United States, which are not in the Territories at all. I would suggest an amendment to cover this point: In line 11 of section 2 say "the proper United States district or circuit or Territorial district court," because the evil that this bill seeks to remedy is in the Territories where the district and circuit courts have no jurisdiction.

Mr. VAN WYCK. There is no objection to the suggestion of the Senator from Missouri.

The PRESIDENT *pro tempore*. The amendment of the Senator from Missouri will be read.

The CHIEF CLERK. In section 2, line 11, after the word "court" it is proposed to insert "or Territorial district court;" so as to read:

To institute a civil suit in the proper United States district or circuit court or Territorial district court.

The PRESIDENT *pro tempore*. The question is on agreeing to this amendment.

The amendment was agreed to.

Mr. VEST. In line 15 of the same section the same amendment will follow as a matter of course.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to insert after the word "court," in line 15 of section 2, the words "or Territorial district court."

The amendment was agreed to.

Mr. VEST. In section 3, I desire to call the attention of the Senator having charge of this bill to the rather uncertain and nebulous language used in the proviso. Section 3 provides:

That no person, by force, threats, intimidation, or by any fencing or inclosure, or any other unlawful means, shall prevent or obstruct or shall combine

and confederate with others to prevent or obstruct any person from peaceably entering upon or establishing a settlement or residence on any tract of public land subject to settlement or entry under the public-land laws of the United States, or shall prevent or obstruct free passage or transit over or through the public lands.

Now the proviso reads:

Provided, This section shall not apply to persons who have gone upon, improved, or occupied said lands under the land laws of the United States, claiming title thereto in good faith.

As a matter of course a person who has gone on the public lands under a color of title or with an honest claim under the laws of the United States is not likely to confederate and with violence or by unlawful means prevent other persons from coming there. I suggest that the proviso be modified to read as follows:

Provided, That this section shall not be held to affect the right or title of persons who have gone on, improved, or occupied said lands.

I understand the meaning of the proviso to be to protect honest *bona fide* settlers who have gone on the public lands claiming a homestead or pre-emption right.

Mr. VAN WYCK. Does the Senator think the phraseology there used does not meet the case suggested?

Mr. VEST. Yes. Suppose that should go into court for legal construction. Are you to hold that it means that persons who go there claiming homesteads and pre-emptions should have the right by force, intimidation, or unlawful means to keep off other people? I take it the committee means that the right or title under the land laws of the United States of the honest *bona fide* pre-emption or homestead settler shall not be affected by this legislation. That I suppose is the meaning.

Mr. VAN WYCK. That is the intention, and I think the language would give that meaning. If the Senator thinks he can make it clear, I shall be happy to accept the amendment.

Mr. VEST. I am a friend of the bill; I want it to pass; but I should like it to pass without danger of litigation hereafter in regard to these terms.

Mr. VAN WYCK. Will the Senator repeat his amendment?

Mr. VEST. Strike out in line 9 of section 3, after the word "not," the words "apply to" and insert "be held to affect the right or title of."

The PRESIDENT *pro tempore*. The amendment proposed will be read.

The CHIEF CLERK. In section 3, line 9, after the word "not," it is proposed to strike out the words "apply to" and insert "be held to affect the right or title of;" so as to read:

Provided, This section shall not be held to affect the right or title of persons who have gone upon, improved, or occupied said lands.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

EDWAY A. GRANT.

Mr. PIKE. I desire to call up Order of Business 733, being the bill (S. 1972) for the relief of Edway A. Grant, not for the purpose of asking its passage, but to move its indefinite postponement.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PIKE. I move that the bill be indefinitely postponed. The reason of this is, that since the Committee on Claims reported the bill favorably I am informed by the claimant that his claim has been adjusted at the Post-Office Department, and he does not desire further action. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. PIKE. I offer the following order for returning the papers to the claimant:

Ordered, That Edway A. Grant have leave to withdraw from the files of the Senate the papers relating to his claim.

The order was agreed to.

ORDER OF BUSINESS.

Mr. COCKRELL. I gave notice yesterday that I should ask the Senate to-day to take up and consider in consecutive order the House bills reported favorably by the Senate committees. I stated yesterday that there were only forty-nine of these bills on the Calendar. One has been passed this morning, which leaves only forty-eight. I have looked over them all, and I am satisfied that the unobjected cases will possibly not occupy much longer than an hour and a half or two hours. I think we can finish nearly all the unobjected cases in one morning. It will be a great relief to all the Senators to have this done.

Mr. HARRIS. Consider them under Rule VIII?

Mr. COCKRELL. Consider them under Rule VIII, whereby one objection will carry a bill over.

Mr. BLAIR. What is the first number? Can the Senator give us the first Calendar number?

Mr. COCKRELL. It is on page 11 of the Calendar. I have all of them marked.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that House bills on the Calendar be taken up in their order and be considered as under Rule VIII. Is there objection?

Mr. WILSON. I object to that.

Mr. McMILLAN. The proposition, I understand, was to take up the case subject to objection. A single objection would then put them over.

Mr. CAMERON, of Wisconsin. Certainly; the Senator from Missouri asks that they be taken up under Rule VIII, and under Rule VIII a single objection puts a bill over.

The PRESIDENT *pro tempore*. But under Rule VIII the Senate by a majority can proceed with the consideration of any bill that is objected to. Does the Senator from Missouri intend to have that part of the rule apply, or only to take up bills not subject to objection?

Mr. COCKRELL. Subject to discussion under five minutes' debate.

The PRESIDENT *pro tempore*. Is there objection?

Mr. WILSON and others objected.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Iowa who has risen will proceed.

Mr. WILSON. I wish to state in this connection that on the 19th day of March, 1884, the Committee on Public Lands reported a bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes. That bill has now won its way to the head of the Calendar, under Rule VIII, and it has occupied that position for some time. It has given away now and then from time to time on the request of Senators, until it is growing so late in the session that it will be almost impossible to expect favorable action in the House of Representatives should it pass the Senate, unless it be acted on now; and, therefore, until some disposition is made of that bill, I must object.

The PRESIDENT *pro tempore*. Objection is made. The Chair lays before the Senate the Calendar under Rule VIII.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. The regular order is the Calendar under Rule VIII.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. I move that the Senate now proceed to consider Order of Business 863, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of the bill named by him. The question is on agreeing to the motion.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. I withdraw the motion, as I am informed——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. BLAIR. Is it in order to withdraw the motion?

The PRESIDENT *pro tempore*. It is.

Mr. BLAIR. I ask unanimous consent to give my reason for so doing.

Mr. PLUMB and Mr. COCKRELL. I object.

The PRESIDENT *pro tempore*. Objection is made, and the Senator from New Hampshire can not proceed. The motion is withdrawn. The Calendar under Rule VIII is before the Senate.

Mr. COCKRELL. I call for the regular order.

PUBLIC LAND LAWS.

Mr. DOLPH. I move to take up Order of Business 1001, being House bill 7004, which has been partly considered by the Senate.

The PRESIDENT *pro tempore*. The Senator from Oregon moves that the Senate now proceed to the consideration of Order of Business 1001, being the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture. The question is on agreeing to the motion.

Mr. ALLISON. I ask for the yeas and nays on that motion.

Mr. COCKRELL. And I join you.

The PRESIDENT *pro tempore*. Debate is not in order. On this question the yeas and nays are called for. Is there a second?

The yeas and nays were ordered.

Mr. HARRISON. Will the Chair state the question?

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Oregon that the Senate now proceed to the consideration of Order of Business 1001, being House bill 7004, on which motion the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 15, nays 36; as follows:

YEAS—15.

Cameron of Wis.,	Harrison,	McMillan,	Platt,
Dolph,	Hawley,	Miller of Cal.,	Sawyer,
Edmunds,	Hoar,	Miller of N. Y.,	Sherman.
George,	Lapham,	Pike,	

NAYS—36.

Allison,	Chace,	Ingalls,	Plumb,
Bayard,	Cockrell,	Jackson,	Pugh,
Beck,	Coke,	Jonas,	Sabin,
Blair,	Conger,	McPherson,	Saulsbury,
Bowen,	Cullom,	Manderson,	Sewell,
Brown,	Frye,	Maxey,	Slater,
Butler,	Garland,	Mitchell,	Vance,
Call,	Hampton,	Morgan,	Voorhees,
Camden,	Harris,	Morrill,	Wilson.

ABSENT—25.

Aldrich,	Gorman,	Lamar,	Van Wyck,
Cameron of Pa.,	Groome,	Logan,	Vest,
Colquitt,	Hale,	Mahone,	Walker,
Dawes,	Hill,	Palmer,	Williams.
Fair,	Jones of Florida,	Pendleton,	
Farley,	Jones of Nevada,	Ransom,	
Gibson,	Kenna,	Riddleberger,	

So the motion was not agreed to.

EFFICIENCY OF THE ARMY.

Mr. COCKRELL. I call for the regular order.

The PRESIDENT *pro tempore*. Order of Business 394, being the bill (S. 1420) to increase the efficiency of the Army of the United States, will now be laid before the Senate.

Mr. COCKRELL. I object to its consideration. The Senator who reported it is not present.

The PRESIDENT *pro tempore*. The bill goes over.

DES MOINES RIVER LANDS.

The bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was announced as next in order; and the Senate, as in Committee of the Whole, resumed its consideration.

The PRESIDENT *pro tempore*. This bill has been read and the reading of the report was called for. The Secretary will resume the reading of the report of the Committee on Public Lands where it was suspended on a former occasion.

The Secretary resumed the reading of the report, submitted by Mr. PLUMB, from the Committee on Public Lands, April 8, 1884.

Mr. LAPHAM. I ask the Secretary at what page he is reading.

The PRESIDENT *pro tempore*. About the middle of page 16. The reading will proceed.

The Secretary resumed and continued the reading of the report till 1 o'clock.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar.

Mr. PLUMB. I ask unanimous consent that the special order may be laid aside so that the report in this case, the reading of which has now been nearly completed, may be concluded, in order that at the next sitting of the Senate when the bill comes up the bill itself may be considered.

Mr. MORRILL. I hope the Senator from New York [Mr. LAPHAM] will forego the further reading of the report. Manifestly it is a bare consumption of time; nobody is paying any attention to the reading of it; and I do not think we have any time to waste in this way. I hope the consumption of further time in reading a document that all of us are familiar with will not be insisted on by the Senator from New York.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the pending order be laid aside informally until the Secretary concludes the reading of the report. Is there objection?

Mr. LAPHAM. I object.

COINAGE OF SILVER DOLLARS.

The PRESIDENT *pro tempore*. Objection is made, and the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar is before the Senate as in Committee of the Whole. The question is on agreeing to the motion of the Senator from Kansas [Mr. INGALLS] to amend the amendment reported by the Committee on Finance by striking out section 5 of the amendment.

Mr. MORRILL. I do not see the Senator from Ohio [Mr. SHERMAN] who is entitled to the floor in his seat at this moment, and I ask that the bill be passed over, to be taken up to-morrow.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the further consideration of this bill be postponed until to-morrow.

Mr. PLUMB. I move that the special order be laid aside informally, in order that the reading of the report in the Des Moines River bill may be completed.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. MORRILL. I move to lay the pending order aside until to-morrow. The Senator from Ohio [Mr. SHERMAN] does not appear to be in his seat.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that the pending bill be postponed until to-morrow.

The motion was agreed to.

PENSION APPROPRIATION BILL.

Mr. ALLISON. I ask the Senate now to finish the pension appropriation bill.

Mr. PLUMB. I move, if the Senator from Iowa will withdraw his motion for that purpose——

The PRESIDENT *pro tempore*. The Chair will state the question. The Senator from Iowa moves that the Senate now proceed to the consideration of the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes. The question is on agreeing to the motion.

The motion was agreed to; and the Senate resumed the consideration of the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The next amendment made as in Committee of the Whole will be reported.

The SECRETARY. The Senate, as in Committee of the Whole, in section 1, line 34, before the word "agents," struck out "twelve" and inserted "eighteen;" and in line 35, after the word "each," struck out "forty-eight" and inserted "seventy-two;" so as to read:

For the salaries of eighteen agents for the payment of pensions, at $4,000 each, $72,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, after the word "dollars," in line 36, to strike out the following clause:

And from and after July 1, 1885, there shall be no more than twelve agents for the payment of pensions, and it shall be the duty of the President, and he is hereby authorized and directed, to reduce the pension agents to not exceeding the number aforesaid; and so much of section 4778 and 4780 as is in conflict with this provision be, and the same is hereby, repealed.

Mr. COCKRELL. I raise the point of order that in the amendment of the Committee on Appropriations there is general legislation and can not be entertained.

The PRESIDENT *pro tempore*. The Chair overrules the point of order on the ground that the amendment proposed by the Committee on Appropriation takes legislation out of the bill, instead of leaving it in. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 44, after the word "lights," to strike out "and;" in line 46, after the word "pensioners," to insert "stationery, and other necessary expenses, to be approved by the Secretary of the Interior;" and before "thousand," in line 48, to strike out "fifty-three" and insert "fifty-six;" so as to read:

For fees for preparing vouchers, rent, fuel, lights, postage on letters to the Executive Departments and to pensioners, stationery, and other necessary expenses, to be approved by the Secretary of the Interior, $256,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was, in section 1, line 48, after the word "after," to strike out "March 4" and insert "June 30;" and after the word "available," at the end of line 55, to strike out:

And hereafter the mode and manner provided by law and regulations for the payment of white persons entitled to pensions shall apply to and govern the payment of all pensioners.

So as to make the proviso read:

Provided, That from and after June 30, 1885, the salary and emoluments of agents for the payment of pensions shall be $4,000, and no more, per annum; and of the fees provided by law for vouchers prepared and paid, only so much thereof as may be required for expenses incurred in having said vouchers prepared, as well as the necessary clerical work at the agencies, shall be available.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out lines 59 and 60, as follows:

For contingent expenses of pension agencies, $3,000.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 2, in the following words:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

Mr. ALLISON. The striking out of all the sections from section 2 to the end of the bill is one amendment.

Mr. SHERMAN. It ought to be read.

Mr. ALLISON. It has been read through; it was read through in Committee of the Whole. I suppose the Senator may require another reading, but it was read through in Committee of the Whole yesterday.

Mr. SHERMAN. The Senate was not full yesterday.

The PRESIDENT *pro tempore*. The Chair thinks that although all the sections from 2 to 10, both inclusive, are stricken out, the striking out of each section is an amendment of itself, and therefore the Chair will be bound to put the question on striking out each section. The question is on the amendment of the Committee of the Whole striking out section 2, which will be read.

The Chief Clerk read section 2, as follows:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

The amendment was concurred in.

Mr. SHERMAN. The Senator from Kansas [Mr. INGALLS] expressed a desire to take the sense of the Senate on some of these legislative provisions. The bill came up suddenly without his knowledge, and he, supposing the regular order would go on, is not present. I have no objection to having these sections laid over. It is but fair he should

be present. I know he desires to retain some of these sections, but I am not familiar with his views on the subject. I know he wishes to raise the question.

Mr. DAWES. I understood the Senator from Kansas wished to test the sense of the Senate on the legislation in the bill, but that question was determined yesterday. I construe the vote of the Senate yesterday as a determination to strike but and not amend the legislation in the bill.

Mr. SHERMAN. The very first legislative section in the bill provides:

SEC. 2. That no agent, attorney, or other person shall demand or receive any fee for his services in pension, arrears of pension, or bounty-land claims until the allowance of the claim.

I believe that was the old law until it was repealed at the last session.

Mr. ALLISON. Though not the law now, it was the law up to 1878 from the beginning, I believe, of the pension legislation. In 1878 the fee was reduced in all cases to $10, and an attorney could collect the fee at any time; but in 1884 the legislation on the pension appropriation bill provided that no attorney's fee should be paid except out of the claim. So this is a re-enactment of the law as it stands now, so far as section 2 is concerned.

Mr. SHERMAN. The Senator from Kansas [Mr. INGALLS] is now present. He and the chairman of the Committee on Pensions are much more familiar with these provisions than I am. The Senator from Kansas desired to raise some question on the legislative provisions of the bill. He can now do so.

The PRESIDENT *pro tempore*. The next amendment will be read.

The CHIEF CLERK. The next amendment made as in Committee of the Whole was to strike out section 3, in the following words:

SEC. 3. That all fees in pension claims shall be paid by the agent for paying pensions out of the first installment of pension due the claimant; and no agent, attorney, or other persons shall receive any fee for his services in a pension claim, except through the agent for paying pensions.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 4, in the following words:

SEC. 4. That the fee in all pension, arrears of pension, or bounty-land claims shall be $10, except in cases of special written contract, filed in the Pension Office and approved by the Commissioner of Pensions, as hereinafter provided. The claimant may contract with his attorney of record, in writing, in such form as the Commissioner of Pensions may prescribe, for a fee to an amount not exceeding $25, except in claims for increase of pension where no new disability is alleged, in cases of pensions for service, and in all claims filed in the Pension Office after June 28, 1878, and prior to the 4th day of July, 1884, in which cases no fee above $10 shall be contracted for; and in all claims filed prior to the passage of this act the attorney shall file a statement, under oath, duly attested, setting forth the amount of fee already received by him, and the amount already received shall be deducted from the fee allowed by this act.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 5, as follows:

SEC. 5. That the Secretary of the Interior may prescribe rules and regulations governing the recognition of agents, attorneys, or other persons representing claimants before his Department, and may require of such persons, agents, and attorneys, before being recognized as representatives of claimants, that they shall show that they are of good moral character and in good repute, possessed of the necessary qualifications to enable them to render such claimants valuable service and otherwise competent to advise and assist such claimants in the presentation of their cases; and such Secretary may suspend, debar, dismiss, and disbar from further practice before his Department any such person, agent, or attorney shown to be incompetent, disreputable, or who refuses to abide by the said rules and regulations, or who shall in any manner deceive, mislead, or threaten any claimant or presumptive claimant by word, circular, letter, or by advertisement.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 6, as follows:

SEC. 6. That any agent or attorney or other person instrumental in prosecuting any claim for pension, or arrears thereof, who shall directly or indirectly contract for, demand, or receive and retain any compensation for his services or instrumentality for prosecuting a claim for pension, or arrears thereof, greater than is herein provided, or in any other manner than herein provided, or shall willfully or knowingly make a false statement in regard to the amount of fee already received, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding $1,000, or be confined at hard labor not exceeding two years, or both, at the discretion of the court, and be forever afterward debarred from practicing before the Pension Office.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 7, as follows:

SEC. 7. That no agent or attorney shall either demand or receive, on account of the prosecution of any claim provided for under the provisions of this act, where such claim was filed after the 28th day of June, 1878, and prior to the 4th day of July, 1884, any fee or sum of money in excess of $10; nor shall said $10, or any part thereof, be paid to any agent or attorney until he make and file in the office of the Commissioner of Pensions the affidavit provided for in section 4 of this act; and if it shall appear from said affidavit, or in any other way, that all or any part of said $10 has been paid, it shall be deducted therefrom, and the residue, if any, shall be paid to such attorney as hereinbefore provided: *Provided*, That this act shall not be so construed as to interfere with any contracts, entered into fairly and without fraud or duress, for the prosecution of claims filed after the 4th day of July, 1884, and prior to the passage of this act; and that any person who shall violate the provisions of this act shall be, upon conviction, punished as provided in the sixth section of this act.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 8, as follows:

SEC. 8. That this act shall not be so construed as to prohibit any claimant the prosecution of whose claim has been heretofore abandoned by his attorney from employing another attorney or agent, but in no such case shall the fee paid such attorney exceed the sum of $10, under the penalties of the sixth section of this act: *Provided*, That if such new attorney successfully prosecute such claim, that the original attorney or agent shall not be allowed to demand or receive any part thereof, under the penalties of the sixth section of this act.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 9, as follows:

SEC. 9. That hereafter no person or persons who may have been heretofore engaged in the prosecution of pension or bounty-land claims of any character whatsoever, and who may have heretofore collected on account thereof any sum whatever, shall be allowed to sell, assign, convey, or make over to any other person any such claim or claims, so as that it shall be lawful for any vendee or assignee of such claim or claims to demand or receive any other or greater fee than is hereinbefore provided for; nor shall such vendee or assignee be allowed to receive anything therefor until the vendor or assignor of such claim or claims, if alive, shall make and file in the office of the Commissioner of Pensions the affidavit provided for in the fourth section of this act; and any person or persons who shall violate the provisions of this section shall be subject to the penalties imposed by the sixth section of this act: *Provided*, That the provisions of this act authorizing contracts for a fee of $25 shall be limited to attorneys or agents residing in the State where the claimant resides, and shall not extend to agents or attorneys in the District of Columbia; and it shall be unlawful for any agent or attorney residing in a State of which the claimant is resident to enter into partnership with or otherwise to divide the fee of $25 with any attorney or agent residing in the District of Columbia.

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to strike out section 10, as follows:

SEC. 10. That all the provisions of the act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes, approved July 4, 1884, relating to claim agents and attorneys in pension cases, are hereby repealed: *Provided*, That as to offenses committed under said act all the provisions thereof shall remain in full force.

The amendment was concurred in.

The PRESIDENT *pro tempore*. The bill is still open to amendment.

Mr. INGALLS. I understand that the Senate by its action yesterday resolved upon the subject of general legislation upon general appropriation bills to be hereafter virtuous; that there should be no more cakes nor ale, and that ginger should not be hot in the mouth. I should like to ask the Senator from Iowa, the chairman of the Committee on Appropriations, whether he regards the action of the Senate yesterday, as expressing the sense of this body, binding upon that committee that hereafter there shall be no legislation admitted upon these bills?

Mr. ALLISON. I certainly regard the action of the Senate yesterday as requiring the Committee on Appropriations as well as the Senate to observe the rule as it was interpreted. While, of course, I can not speak for all the members of the Committee on Appropriations as to how they may vote upon special questions, for myself I believe the Committee on Appropriations practically to be instructed to report these bills without legislation.

Mr. INGALLS. And that there is to be no surrender in committees of conference? I ask whether the instruction goes that far?

Mr. ALLISON. I can only speak for myself, as I say.

Mr. INGALLS. Speaking as the organ of the committee.

Mr. ALLISON. For myself I regard the action of yesterday as requiring a committee of conference on the part of the Senate not to report legislation here without the instructions of the Senate.

Mr. INGALLS. And that the conference committees are to adhere to the instructions even if the appropriation bill should fail?

Mr. ALLISON. They would, of course, in that event probably take the advice of the Senate. I certainly would not undertake to force an extra session of Congress by the failure of appropriation bills without taking the advice of the Senate. But I repeat that as a member of a conference committee, if the presiding officer of this body should ever appoint me upon such a committee, I should not feel, after the vote of yesterday, that I was permitted to agree to legislation upon appropriation bills.

Mr. INGALLS. Without further order from the Senate?

Mr. ALLISON. Yes.

Mr. INGALLS. There appears to have been some discrimination exercised by the Committee on Appropriations in their report upon this bill. Some of the general legislation that came to us from the House of Representatives has been stricken out; other of that legislation the committee have allowed to stand. I am unable to see why, if the rule is to be applied, it should not be applied uniformly. I will, therefore, ask the Senator from Iowa, the chairman of the Committee on Appropriations, whether the matter contained upon page 2, from line 18, after the word "dollars" to and including the word "made" in line 29, is not general legislation?

Mr. ALLISON. I will state to the Senator from Kansas that it was not so regarded by the committee. It is open, I think, however, to the criticism of the Senator from Kansas, inasmuch as the word "hereafter" is inserted in line 18. If that word should be stricken out, the provision would in no sense be legislation. It is a mere regulation of the appropriation of $500,000 for fees and expenses of examining surgeons.

Mr. INGALLS. Let me ask the Senator if the proviso from lines 23 to 29 is not general legislation?

Mr. ALLISON. I do not so regard it. It is a mere regulation as to how the appropriation of $500,000 shall be expended.

Mr. INGALLS. Is not the proviso which closes the paragraph, from lines 29 to 33, general legislation?

Mr. ALLISON. That might be so construed, although it is claimed by many good lawyers that that is the law now. But I will say to the Senator from Kansas that although that is general legislation, for one I was not willing to report the bill with that provision stricken out.

Mr. INGALLS. That is, the Senator thought it was valuable and necessary legislation, and therefore preferred to leave it in.

Mr. ALLISON. No, sir; not precisely that. The Senate has twice passed that provision as a bill separately. Of course the Committee on Appropriations could report to strike it out, or any Senator could move to strike it out. If the Senator from Kansas thinks it ought not to be in the bill, he can now move to strike it out. I do not myself regard that clause as a change of existing law.

Mr. INGALLS. It is a change of existing law although it is not a change of existing practice in the Pension Office. Of course it seems inequitable and unjust that the Government after having mustered a soldier, subjecting him to the most rigid examination, should be allowed, when he applied for a pension, to say that he was not sound when he was enlisted. After having accepted his services, it appears as though the Government should be estopped from denying his soundness or his capacity to serve.

Upon inquiry at the Pension Office the other day, I was informed by the Commissioner that the law is now practically interpreted in that way, but that it is necessary that there should be a discretion left in the pension examining officers for the reason that certain disabilities might have existed at the time of offered enlistment which did not render the man unsound within the purview of the law. That is to say, the loss of the left eye did not render a man incompetent to be mustered; the loss of a little finger was not such a disability as rendered him incapable of being mustered. Therefore, if the soldier now applied for a pension upon the ground of loss of left eye or of little finger he ought to be compelled to show that those disabilities were incurred in the service after his enlistment and did not exist at the time when he was mustered. Obviously that is just. It appears to me, however, that the proviso contains general legislation.

Mr. ALLISON. I move that the word "hereafter," in line 18 of section 1, be stricken out after the word "and;" so as to read: "And each member of each examining board shall," &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was agreed to.

Mr. JACKSON. I understand from the Senator from Iowa that he keeps in the proviso found from line 30 to line 33, which is certainly new legislation, and that is retained in the bill because the Senate has heretofore expressed its judgment that it is proper legislation.

Mr. ALLISON. To what line does the Senator refer?

Mr. JACKSON. The proviso from line 30 to line 33. I understood the Senator to state that that new legislation was retained by the committee because it had received the sanction of the Senate heretofore in separate bills that had covered that provision.

Mr. ALLISON. No; the Senator misunderstood me. The Senator from Kansas interrogated me upon this point, and I stated to him that the Committee on Appropriations understood this to be a mere assertion of the law as it now exists, and therefore we did not choose to recommend that it be stricken out. Of course any Senator can make a motion to strike it out.

Mr. JACKSON. It is clearly new legislation. Instead of moving to strike it out, I ask the unanimous consent of the Senate to add as an amendment the bill the Senate passed last Friday on the subject of pension fees.

Mr. ALLISON. That relates to that part of the bill found on page 4 and the succeeding pages.

Mr. JACKSON. Yes, sir. It seems to me that when the Senate referred that bill to a committee of this body, when it received its investigation and sanction, and then was unanimously adopted by the Senate, consent ought to be given to allow it as an amendment to this bill rather than that the legislation should fail. I ask the consent of the Senate that the bill passed by the Senate may be taken as an amendment to the pension appropriation bill.

Mr. SHERMAN. Let the amendment be read.

Mr. JACKSON. The amendment I propose is the bill that was passed by the Senate on Friday.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that the bill be amended by adding thereto what will now be read by the Chief Clerk.

The Chief Clerk proceeded to read the matter contained in Senate bill No. 2511.

Mr. ALLISON. The Chief Clerk is not reading the bill as it was passed by the Senate on Friday. At the close of the second section we inserted the words "under such regulations as the Commissioner of Pensions may prescribe."

Mr. JACKSON. I sent to the desk the reprint of the bill, and I supposed it contained the exact amendments that were adopted by the Senate.

The PRESIDENT *pro tempore*. The paper the Senator from Tennessee has sent to the desk the Chair understands is not a correct reprint of the bill.

Mr. JACKSON. My idea was to propose the reprint with the amendments as adopted. The Secretary can procure a correct copy of the reprint.

Mr. MITCHELL. I call the Senator's attention to the fact that the bill as it was passed by the Senate was incorrectly printed at first. After the incorrect print was received it was returned to the Printing Office, and a correct reprint is now here. I have a copy of the correct reprint, which was furnished me this morning.

Mr. JACKSON. That is the amendment I desire to offer. Will the Senator from Pennsylvania send that to the desk?

Mr. MITCHELL. Certainly.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent that there be added to the bill as amended what will be read for information.

Mr. DAWES. Before it is read I should like to ask the Senator from Tennessee if it is his proposal to ask the Senate unanimously to reverse the decision of yesterday?

Mr. JACKSON. I suppose that would be the effect of the request. Inasmuch as some new legislation is retained in the bill that the Senate has heretofore approved, I ask that the Senate retain this, which the Senate has also approved by a unanimous vote, I believe.

Mr. DAWES. I hope the majority of the Senate will take notice of the fact that it is proposed to-day by a unanimous vote of the Senate to undo what it did yesterday and reverse the construction put upon the rule yesterday, so that to-morrow we shall know exactly the opinion of the Senate upon the subject of inserting legislation in appropriation bills. Yesterday we decided that come what may there should be no legislation in an appropriation bill; and we are asked now unanimously to say that that means only such legislation as we do not like!

Mr. JACKSON. There is just this difference in the two cases which occurs to me, that the amendment recommended by the Committee on Appropriations, which was stricken out yesterday on the point of order as being legislation on an appropriation bill, had never received the sanction of the Senate and had never been considered by the Senate. My proposed amendment has received the sanction of the Senate; it has been investigated by a committee of this body; it has been reported to the body and adopted by the body.

Mr. DAWES. I suppose that means that it is only a question of time at what time we shall introduce independent legislation on an appropriation bill—that is, before it has been considered or after it has been considered by the Senate as a separate measure.

Mr. CAMERON, of Wisconsin. I do not think the Senator from Massachusetts states the case correctly. The Senate did not resolve yesterday that, come what may, no general legislation should be placed upon general appropriation bills. It simply decided that under the rule, if objection be made, general legislation could not be placed upon general appropriation bills. That is all the Senate decided.

Mr. DAWES. I understood the Senator from Wisconsin, whom I am following implicitly, to say that he understood it in the way I stated.

Mr. CAMERON, of Wisconsin. The Senator misunderstood me.

Mr. DAWES. I suppose I did.

Mr. CAMERON, of Wisconsin. The Senator from Wisconsin voted to give a construction to the rule as he understood it. He did not vote at all upon the question as to whether general legislation shall not be placed upon general appropriation bills, but simply that under the rule as it now is if objection be made general legislation can not be placed upon general appropriation bills; that is all.

Mr. PLATT. I am opposed to general legislation on appropriation bills, and I am opposed to placing it there by unanimous consent. I do not like to be placed in a position where, to carry out my ideas of proper legislation, I must object to a proposition of this kind; but as my position is founded on principle, and as I believe it is better to adhere to the principle than to violate it whenever there is some legislation proposed which we desire to have enacted, I shall object.

The PRESIDING OFFICER (Mr. MORGAN in the chair). The Senator from Connecticut objects to the amendment suggested by the Senator from Tennessee.

Mr. MAXEY. Mr. President, while I am opposed as much as any man in the body—and have so held for the ten years I have been in the Senate—to legislating on appropriation bills, that is not now the question before us. Legislation comes from the House to the Senate on an appropriation bill. It may be wise legislation or it may not be. It may be wise but defective. The question then comes up, can the Senate amend that legislation which has reached us from the House under their rules? It is conceded by all that—

Each House shall be the judge of the elections, returns, and qualifications of its own members.

And:

Each House may determine the rules of its proceedings.

That is entirely clear. There is another clause in the Constitution which bears on the proposition:

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

It occurs to me that although each House may adopt rules for its own government, yet those rules must be consistent with the provisions of the Constitution. They can not be in conflict, but they must be in conformity with its provisions. In the only case in which the House has the exclusive right of originating a bill, a revenue bill, that clause itself reserves to the Senate the right to propose or concur with amendments as on other bills, thereby showing conclusively that it is the constitutional right of the Senate to propose amendments or to concur in amendments.

That being the case, a rule, under the power given to each House to make its own rules, must conform to the Constitution and not violate it. How can a rule of this body deprive a member of the Senate or the Senate of the right of amending any bill whatever that comes here from the House?

So, not pretending to be a rule man, I do not believe that any rule can be adopted which will deprive a member of the Senate or the Senate of the right of making an amendment germane to any proposition which comes to us from the House.

As to the manner in which a bill should come to us from the House, the House determine that; we have nothing to do with it. It is their business, not ours. The Constitution does not provide any specific method in which a bill shall be drawn. It is perfectly true that most States have determined it to be wise that no bill shall relate to more than one subject, and that the subject shall be set forth in the caption, but that is not required by the Constitution. A bill comes to us. It matters not how it comes. It contains legislation, and the Senate believes that that legislation ought to be amended. The Senate has the right under the Constitution to amend, unless that right is destroyed by reason of a rule which is adopted by this body. Can a rule be made in such a manner as to deprive any member of the Senate of a constitutional right? I think not.

The PRESIDING OFFICER. The Senator from Tennessee. [Mr. JACKSON] asks the unanimous consent of the Senate to offer an amendment. The Senator from Connecticut [Mr. PLATT] objects, and the amendment is not before the Senate.

Mr. INGALLS. I move to strike out the proviso after the word "made" in lines 29, 30, 31, 32, and 33 of section 1, on the ground that it is general legislation.

Mr. SHERMAN. I hope the Senate will not do any such thing. That would be carrying our new idea to an extreme extent. There is not a man in the Senate who does not know that this provision sent to us by the House is right and just, and that it is a gross outrage and a shame that a man should now at the end of twenty years be compelled to prove a fact which the Government by its own officers, by its medical examiners, admitted at the time when the soldier commenced his service. He may have passed through the service, he may have been wounded, and now he may be absolutely unable to prove that when he entered the service he was a well man. Although the Government certified it, its medical officer found it, and his services were received and he performed those services, yet it may be a physical impossibility to prove the fact. Some cases have been brought to my attention where it is absolutely impossible for a man to prove the condition of his health, the condition of his body twenty-odd years ago.

Mr. JACKSON. Will the Senator from Ohio yield to me for a moment?

Mr. SHERMAN. Certainly.

Mr. JACKSON. That is the rule in reference to privates, but I believe the officers are subjected to no examination, yet this proviso in the bill would relate to the cases of officers who are subjected to no such examination prior to enlistment.

Mr. SHERMAN. This is a just provision. Why should we strike it out merely because all at once we find out that it is wrong to put legislative provisions upon an appropriation bill? We have done so repeatedly. I venture to say that there has hardly been a single general appropriation bill passed in the last twenty years—sometimes the fortification bill or some other little bill may have passed without it—that has not had legislative provisions in it, and we have put them on ourselves time and time again. I would not carry on this farce any further. I shall not vote to strike out the proviso, and I shall insist upon the yeas and nays.

Mr. INGALLS. So shall I.

Mr. SHERMAN. If we are going to do it, then let us strip these appropriation bills and say to the House that they shall not correct an error when they have made a mistake, that they shall not do anything, by unanimous consent. Now, because it has been misplaced or has not been dotted right, or that the t's are not crossed, or because of some other critical objection which is made, it is proposed to deny to the soldier a rule that is manifestly equitable, just, and right, and which we all know to be right. I for one shall not vote for any such proposition.

Mr. VOORHEES. What is the motion of the Senator from Kansas? I did not hear it distinctly.

The PRESIDING OFFICER. The Chief Clerk will report it. It has not been reported by the Chief Clerk.

Mr. VOORHEES. Is it to strike out the proviso entirely?

The PRESIDING OFFICER. The Chief Clerk will report the amendment proposed by the Senator from Kansas.

The CHIEF CLERK. In section 1, line 29, after the word "made," it is proposed to strike out down to and including the word "rebutted" in line 33, as follows:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

Mr. VOORHEES. The Senator from Kansas moves to strike out the proviso which has been read. In that I can not agree with him. The suggestions made by the Senator from Ohio have been in my mind for years past, and they have been greatly strengthened within the last few months.

When a soldier went to enlist in the service of his country he underwent the severest physical examination a man ever undergoes who is a well man. There is no such examination ever given to the human system, unless it is down prone with sickness, as the medical surgeons gave to the men when they were enlisted. With a certificate that the man was fit to fight, that he was well enough to shoulder a musket, sound enough to sleep on the ground, and live on hard food, he went to the front. I think a meaner, more contemptible spectacle no government ever presented than that which is presented by the Government of the United States saying that that is not an estoppel; that it can go behind that and prove that the certificate of the agent of the Government was false, and that the soldier was not a sound man. After obtaining his service on the field, his exposure to death, his wounds, his blood and all, it can then turn around and say when he applies for a pension, "Despite the certificate which we gave you in order to get your services, you are not a sound man."

Certain instances have come to my mind of the most shocking character. During the last canvass of the State of Indiana, in which I was engaged, I remember well—I remember the town and the place and the grove where it occurred—a little Irishman came up to me to show me his pension papers. In looking at them I saw that the last communication betweep him and his Government was a paper stating that his pension claim had been rejected because he was not sound at the time of enlistment. I asked him how long he had served. His papers showed he had been in the service three years and a half; he had been mustered out on the great campaign closing in Virginia. While talking with him I observed on his coat lapel something that I took to be a silver dollar. He was so poorly dressed that I wondered he should have anything like an ornament upon him. I investigated and found that under a law which scarcely a Senator on this floor now knows exists, he had been decorated by his Government with a silver medal given to a private by order of the War Office, and which read as follows substantially: "Presented to Michael Torpey for distinguished and conspicuous gallantry at Edgefield Junction, Tennessee, August 22, 1863." There stood that man crippled and warped with inflammatory rheumatism, which he had contracted by lying upon the ground in the service, decorated with a medal, of which a soldier of Napoleon might have been proud, on one lapel of his coat and in his pocket a letter from the Commissioner of Pensions telling him that in despite of fifty battles and in despite of his decoration of honor, nobler to him than the cross of the Legion of Honor ever was to a soldier of Europe, his pension application was rejected because he was not sound when he was mustered into the service.

I state this case among hundreds and thousands, but I state it because it is a very strong one. The Government had had that man's service. He came out broken; he came out decorated; and he was rejected from the pension-rolls of his country. I do not know whether he has since succeeded in getting a pension. That man had been thoroughly examined, the surgeons had passed upon him, and he was so sound and his conduct so good that he received distinctions unusual in our service. I could detail, if I saw fit, the circumstances which called for this unusual attention and honor on the part of his country. He had been told to retreat from an exposed position. Although a private he was virtually in command of a squad of men, for courage takes command over rank in desperate situations. His commanding officer from a place of safety called upon him to come back from there or he would be killed. In the midst of shot falling thick and fast he exclaimed over his shoulder, "What are we here for except to be killed or hold this place?" and they held it.

Yet this Government rejects pensions on the ground that men like him, whose services were given, were not sound. I interrogated him a little more and I found the usual explanation, that somebody had testified that some time in the years gone by he had had some rheumatism perhaps, had been seen a little crippled up. Suppose he had, what care I whether he was sound or not; when a man gives such services as that, I shall not pause for a moment, had I the power, to question a man's right to a pension. Even if he had limped before he went into the service he earned a pension.

I hope this clause will stand in the bill as it is. It should have been in the law long before now. It is tardy justice, but it has come at last, and it will stay.

Mr. FRYE. I call the attention of the Senator from Indiana to the fact that more than a year ago the Senate sent to the House a bill which provided that service in the Army should be *prima facie* evidence of

soundness, and to the additional fact that that bill has not yet become a law.

Mr. VOORHEES. The Senator from Maine I suppose is alluding to the amendments of what is called the Mexican pension bill.

Mr. FRYE. I am.

Mr. VOORHEES. That is a mixed-up affair, I thought unfortunately presented, though the measure the Senator speaks of was entirely right, and I voted for it here.

Mr. FRYE. Now I desire to say one word further, called out by the remark of the Senator from Ohio [Mr. SHERMAN]. The blame, if there is any blame, for the position in which the Senate is placed to-day is that of the Senate alone, a majority of it. A proposition comes before the United States Senate which under the ruling of the presiding officer can not be stricken out on objection or on a point of order; it can only be stricken out by a vote on a motion to strike out. The motion to strike out is made, as the motion now is made in this case, and the presiding officer of the Senate rules that that motion being made the subject-matter of it is not open to amendment; that it must be stricken out. The Senate yesterday by a vote on the yeas and nays sustained the presiding officer in that ruling, and he having been sustained in it by the Senate there is but one thing for the Senate to do, and that is to strike out.

I respectfully contend that the majority of the Senate was wrong; that when it was admitted that you can not act upon general legislation on an appropriation bill in the Senate except by a motion to strike out, the moment the motion to strike out is made that general legislation is before the Senate for consideration, and there is no rule, there is no parliamentary law, when a matter is before a body like this for consideration, which prevents amendment. On the contrary, it is open to amendment just so long as any Senator in this body desires to amend, there being no previous question here.

Mr. SHERMAN. I wish to ask my friend from Maine if he does not know that there is an express rule which requires that a motion to amend a clause proposed to be stricken out shall first be put before the motion to strike out can be put? The motion to strike out this clause can not be put to the Senate until every Senator here has had an opportunity, according to the express rule, to move to amend the part proposed to be stricken out.

Mr. FRYE. I thank the Senator from Ohio for the suggestion. I was going to add further that the whole spirit of Rule XVIII is that when a motion is made to strike out, the part moved to be stricken out shall be open to amendment, and it is the right of every Senator before he is compelled to vote on the question of whether or not a proposition shall be stricken out, to modify it, to improve it, to make it satisfactory to himself or to the Senate before he is compelled to vote on the yeas and nays whether or not it shall be stricken out. I say there is only one exception known to parliamentary law, and that is where in a body by its rules there is a previous question, and that previous question is ordered by the required vote of that body. Then amendment and discussion are cut off; but no Senator can name another instance in parliamentary law or in the rules of any legislative body in the United States of America, where a proposition is legitimately before the body and a motion is made to strike out a portion of that legislation, that that proposition is not open to amendment.

So I contend respectfully that my vote was right yesterday and that the ruling of the presiding officer was wrong yesterday, and that the Senate did not avail itself of the opportunity it had then to overrule that ruling of the presiding officer.

Why, Mr. President, the Senate by that iron rule is only going to put itself into the position in which the resolution offered by the Senator from Kansas three or four days ago would place it. It is only going to compel the Senate in time to adopt the rule that any proposition, any amendment, germane and relevant shall be in order, for so long as the present rule abides in the other House, and general legislation comes here, ay, even without the rule, it is in the power of the majority of the House to put general legislation on the appropriation bills, and so long as that condition of things exists there is no power in the Senate to amend. The Senate itself would in cases like the one now under question be compelled to open its own rules, which I should regard as a very serious misfortune. I believe that the iron rule will compel us to do what in my judgment we ought not to do, provide by our own rules to put general legislation on appropriation bills.

Mr. CAMERON, of Wisconsin. Will the Senator allow me a remark right here?

Mr. FRYE. With pleasure.

Mr. CAMERON, of Wisconsin. Rule XVI provides that—

No amendment which proposes general legislation shall be received to any general appropriation bill, &c.

A few days ago the Senator from Kansas proposed a resolution looking to an amendment of that rule. That resolution was referred to the Committee on Rules, of which my friend from Maine is the chairman. I do not know whether the Committee on Rules has taken any action upon it or not. All that I know is that it has not yet been reported to the Senate from that committee.

The Senator now says that he should regard the adoption of the amendment proposed by the Senator from Kansas as a very unfortunate thing; but he proposes by construction to open the rule quite as wide as the Senator from Kansas proposes to open it by his resolution, so that it would make very little difference in the result whether the rule were opened wide by the construction which the Senator from Maine desires to be given to it or by the resolution of amendment proposed by the Senator from Kansas.

Mr. McPHERSON. Will the Senator from Wisconsin state before taking his seat, as I have been absent from the Senate for some days, in what manner and to what extent the resolution of the Senator from Kansas proposes to amend the rule?

Mr. CAMERON, of Wisconsin. If the Senator from New Jersey will consult the RECORD he will find exactly.

Mr. INGALLS. It proposes to permit any general legislation germane and relevant to general appropriation bills to be offered in the Senate as it now is in the House.

Mr. CAMERON, of Wisconsin. I think the Senator from Ohio [Mr. SHERMAN] also proposed an amendment, or made a suggestion looking to an amendment, to the resolution offered by the Senator from Kansas, and that that proposition was also referred to the Committee on Rules.

Mr. FRYE. I want to add one word right here in relation to the amendment offered by the Senator from Kansas. It goes a great deal further, because, as a matter of fact, the amendment offered by the Senator from Kansas provides that any amendment germane and relevant shall be in order. Now our rules provide that on the question of relevancy the Senate itself shall determine, not the presiding officer. Therefore the amendment proposed by the Senator from Kansas provides that any amendment in the opinion of the Senate of the United States relevant shall be in order; so that a majority of the Senate under it may put on any appropriation bill any amendment it pleases.

Mr. CAMERON, of Wisconsin. The Senator will allow me to say that the whole matter was confided to the Committee on Rules. That committee was not bound to take the proposition made by the Senator from Kansas as he made it. It was at liberty to alter or amend or change it, or to propose any other amendment to the rules that that committee thought it advisable to propose.

Mr. FRYE. It was referred to the Committee on Rules. It is true that the Committee on Rules immediately held a meeting and considered the amendment. It is true that a majority of the committee were opposed to any amendment of Rule XVI of the Senate and that the chairman was instructed to draw a report, and that the chairman has drawn a report and holds it in his hand, but is not at liberty to present it to the Senate now, from the fact that although authorized to draw the report further action was postponed until the report was submitted to the committee, and it has not yet been so submitted. But the report takes ground against any amendment to Rule XVI and against general legislation on appropriation bills anywhere. Can not the Senator from Wisconsin see the difference between the ruling of the presiding officer of the Senate reversed and the proposition of the Senator from Kansas? They are as broad apart as the two poles. In the one case, there is simply permitted under a ruling of the presiding officer an amendment to legislation already on an appropriation bill, as is the fact here. In the other case amendments would be permitted to be put on in the Senate.

The Senate will pardon me for saying that in my judgment a rule of that kind in the Senate is infinitely more dangerous than it is in the House of Representatives. Why, Mr. President, the early history of legislation shows that the fight was between the Senate and the House, the Senate putting general legislation on appropriation bills and the House resisting. That was true until 1855. The great fight of 1849 was on legislation put on by the Senate and not by the House. And in the Senate when we are confronted with this position, that we pass three hundred Senate bills and send them to the House of Representatives, and they lie on the Speaker's table six months without any reference whatsoever to any committee of the House of Representatives, and when we have the power to legislate on appropriation bills, is not the temptation infinitely stronger in the Senate to avail itself of that opportunity than in the House of Representatives?

Every morning we dispose of every bill and every resolution that comes here from the House. The House could do the same; and under the proposed joint rule sent to the House there was a proposition that they should do so. They do not, but the Senate bills go to the Speaker's table and lie there. The Senator from Massachusetts [Mr. HOAR] talked about the bankruptcy bill, the electoral-count bill, and divers other important bills that have been sent there, in a speech that he made here yesterday. If you could under the amendment of the Senator from Kansas load down the appropriation bills with general legislation, would not the temptation be too great to withstand for the Senate, situated as it is with its legislation, to pile and heap on the appropriation bills all conceivable legislation? I say, sir, one proposition is infinitely more dangerous and more liable to be productive of harm than the other.

But I maintain that the ruling of the presiding officer was wrong. I believe under the well-settled principles of parliamentary law it was wrong. If it was wrong—and I believe it—then it is my right and my duty to argue against it and vote against it. I repeat, sir, in no deliberative legislative body on earth can a proposition be placed before

it, and no Senator can name one, on which a motion to strike out can be made without opening that proposition to motions to amend, except where a previous question has been ordered.

Mr. CAMERON, of Wisconsin. I think I can name another.

Mr. FRYE. I shall be happy to hear it.

Mr. CAMERON, of Wisconsin. I can name it, I think, here and now. Take the case that was under consideration yesterday, the proviso on page 2:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

That is the provision as it came from the House to the Senate and as it stood before it was acted upon by the Senate Committee on Appropriations. The Senate Committee on Appropriations proposed this amendment—to insert, after "pensions," the words "who shall have served at least three months after date of muster." If it be admitted that that is general legislation, then, notwithstanding the general parliamentary rule which the Senator from Maine correctly states, clause 3 of Rule XVI steps in and provides that no amendment which proposes general legislation shall be received to any general appropriation bill. That is the special rule which governs. It prevails over the general parliamentary rule to which the Senator from Maine refers.

So that in addition to the case he has stated, where a previous question prevails, I say that where a special rule governs it is another case where an amendment can not be received when the motion is to strike out. A proposition to amend the portion to be stricken out can not be received if that is an insertion of general legislation into a general appropriation bill.

Mr. FRYE. I contend, Mr. President, that clause 3 of Rule XVI is not open to that interpretation. I contend that clause 3 of Rule XVI applies to propositions made by the Senate for general legislation on an appropriation bill, and that under well-settled parliamentary law when another body sends general legislation on appropriation bills to this body, and a motion is made to strike out that general legislation, not proposed by the Senate at all, but proposed by another body and legitimately before the Senate, it is open to amendment, and that the power to amend can not be cut off except by a rule which affirmatively and positively provides that no proposition for general legislation sent to the Senate by the House shall be open to amendment; else the thing is utterly absurd.

Here is general legislation in this bill of great importance. It comes before the Senate of the United States, and the Senator from Kansas makes a motion to strike it out, and I am compelled to vote "yea" or "nay" on that. I think it is absurd to say that I am compelled to vote "yea" or "nay" unless first I have exercised the right which all parliamentary law gives me to perfect that legislation which it is proposed to strike out.

Mr. CAMERON, of Wisconsin. Then change paragraph 3 of Rule XVI. There is no use talking about imposing an iron rule upon ourselves. If there be an iron rule it is imposed by the rules we have prescribed to ourselves.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Kansas.

SUITS FOR DAMAGES.

Mr. HARRIS. I desire to present the report of a conference committee at this time.

The PRESIDENT *pro tempore*. The Senator from Tennessee, from a conference committee on the part of the Senate, submits a report on the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia. The report will be read.

The Secretary read the report.

Mr. HARRIS. I see that the word "section" is left out after the word "second" in one clause of the report. I will for the present withdraw it in order that the word may be inserted. I shall have to see the conferees on the part of the House.

The PRESIDENT *pro tempore*. If there be no objection, the report is withdrawn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, this day, approved and signed the following acts:

An act (S. 674) to authorize the purchase of additional grounds for the United States court-house and post-office building at Springfield, Ill.;

An act (S. 1111) granting an increased pension to Sally Rodman, widow of General Isaac P. Rodman; and

An act (S. 468)granting an increase of pension to Mrs. Mary K. S. Eaton.

CREDENTIALS.

Mr. BUTLER presented the credentials of WADE HAMPTON, chosen by the Legislature of South Carolina a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills and joint resolution, which had heretofore received the signature of the Speaker of the House of Representatives:

A bill (S. 729) for the protection of children in the District of Columbia, and for other purposes;

A bill (S. 1335) to authorize the settlement of the accounts of the late John V. B. Bleecker, a paymaster in the Navy;

A bill (H. R. 433) to increase the pension of Simpson Harris;

A bill (H. R. 499) granting a pension to Mary A. Knawber;

A bill (H. R. 760) granting an additional pension to Watson S. Bentley;

A bill (H. R. 1084) granting a pension to Dorathea Bothner;

A bill (H. R. 1171) granting a pension to Isabel Campbell;

A bill (H. R. 1256) increasing the pension of Ben Morgan;

A bill (H. R. 1504) for the relief of Millia Staples;

A bill (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;

A bill (H. R. 2140) for the relief of Hugh Dougherty;

A bill (H. R. 2348) granting a pension to John D. Rickards;

A bill (H. R. 2399) granting a pension to Clarissa McKee;

A bill (H. R. 2432) for the relief of Mrs. Jane Young;

A bill (H. R. 2453) granting a pension to Frank S. Marsh;

A bill (H. R. 2692) granting a pension to Sarah Kennedy;

A bill (H. R. 2908) granting a pension to James McManus;

A bill (H. R. 2920) for the relief of John Johnson;

A bill (H. R. 2987) restoring Rebecca Walcott to the pension-roll;

A bill (H. R. 3527) granting a pension to George A. Marshall;

A bill (H. R. 3565) granting a pension to William Eurele;

A bill (H. R. 3612) granting a pension to Hayden Reynolds;

A bill (H. R. 3663) granting a pension to John T. Marshall;

A bill (H. R. 3703) granting a pension to James W. Brown;

A bill (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;

A bill (H. R. 4059) granting a pension to Isaac Demaranville;

A bill (H. R. 4238) granting a pension to Sallie Ingham;

A bill (H. R. 4248) granting a pension to William Harbeson;

A bill (H. R. 4379) for the relief of Maj. W. W. Frybarger;

A bill (H. R. 4752) granting a pension to William Herring;

A bill (H. R. 5004) for the relief of William B. Smith;

A bill (H. R. 5500) for the relief of Benjamin F. Amos;

A bill (H. R. 5565) granting a pension to Theo. Ahrens;

A bill (H. R. 5630) granting a pension to George W. Rugg;

A bill (H. R. 5632) granting a pension to Sarah J. Bremmer;

A bill (H. R. 5670) to authorize a retired-list for privates and non-commissioned officers of the United States Army who have served for a period of thirty years or upward;

A bill (H. R. 5776) granting a pension to Louis D. Petty;

A bill (H. R. 5812) granting a pension to Ellen A. Vance;

A bill (H. R. 5926) granting a pension to John Maloney;

A bill (H. R. 5923) granting a pension to Ruth Stratton;

A bill (H. R. 5960) granting a pension to George Zeifle;

A bill (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll;

A bill (H. R. 6282) to place the name of R. W. Duncan on the pension-roll;

A bill (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;

A bill (H. R. 6461) granting a pension to Nelson Gammons;

A bill (H. R. 6480) granting a pension to Margaret G. Halpine;

A bill (H. R. 6594) granting a pension to Russell F. Dimmick;

A bill (H. R. 6665) for the relief of James Stack;

A bill (H. R. 6726) granting a pension to Margaret A. Maguire;

A bill (H. R. 6882) granting a pension to John Otis;

A bill (H. R. 6927) granting a pension to Merit M. Oakley;

A bill (H. R. 6934) granting a pension to Ann J. Williams;

A bill (H. R. 6956) granting a pension to Maria H. Sargent;

A bill (H. R. 6997) granting a pension to Henry Davis;

A bill (H. R. 7046) granting a pension to Alonzo Cornwell;

A bill (H. R. 7141) granting a pension to Daniel W. Adams;

A bill (H. R. 7295) granting a pension to Albert D. Simmons;

A bill (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; and

Joint resolution (H. Res. 323) for the printing of certain eulogies delivered in Congress upon the late William A. Duncan.

PENSION APPROPRIATION BILL.

The Senate resumed the consideration of the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Kansas [Mr. INGALLS].

Mr. MILLER, of California. Rule XVIII seems to imply that where a motion is made to amend by striking out a portion of a bill a motion to amend the part proposed to be stricken out shall have precedence and be put before the question is taken on the motion to strike out. I desire to offer an amendment to the part of the bill which the Senator from Kansas has moved to strike out, by inserting after the word "pen-

sions," in line 30, the words "who shall have served three months next after date of muster into service."

The PRESIDENT *pro tempore*. The Chair is of opinion that the amendment is not in order.

Mr. MILLER, of California. I merely wanted the ruling of the Chair. Now, Mr. President, a motion to strike out a portion of the matter included in the motion of the Senator from Kansas would be in order, and I therefore move that all after the word "enlistment," in line 32 of that clause, be stricken out, being the words, "but such presumption may be rebutted."

The PRESIDENT *pro tempore*. The Senator from California moves to amend by striking out the words "but such presumption may be rebutted." The question is on this motion.

Mr. MITCHELL. May I inquire what became of the amendment proposed by the Senator from Kansas?

The PRESIDENT *pro tempore*. That is pending; but under another rule of the Senate it is in order to perfect within the rules the paragraph proposed to be stricken out. The Senator from California moves to perfect the paragraph by striking out a certain part of it, so as to bring the Senate to a vote on what will be left if the Senate should agree to the motion.

Mr. INGALLS. Is that motion an amendment to the section?

The PRESIDENT *pro tempore*. It is an amendment to the paragraph proposed to be stricken out.

Mr. MITCHELL. I desire to state that it would be unwise, if the provision in the bill is to become a law, to agree to the amendment proposed by the Senator from California. I could give the Senate an instance of almost an entire regiment which was mustered into service near here, in the State of Maryland, during the late war, composed of persons who had been examined and rejected by the examiners appointed by the Government. Of course those musters were fraudulent. I could also give very many instances of individuals who were substitutes for other persons, where the examination was made of some other person, and it is necessary for the protection of the Government that there should be the right to rebut this presumption.

Mr. MILLER, of California. When the Government has accepted a soldier and received his service, it has no right to come in afterward and say that he was not sound at the time of his enlistment, and it has no right to rebut the presumption that he was a sound man, because the Government itself decided that he was a sound man at the time of his enlistment.

Mr. MITCHELL. Will the Senator allow me a word right there?

Mr. MILLER, of California. Certainly.

Mr. MITCHELL. In the case I stated it is a matter of history that nearly the whole of a regiment had been examined and rejected, and afterward, by a fraud upon the Government, they were mustered into service. Does the Senator say that in a case of that kind the Government should not be permitted to protect itself against a muster of that sort?

Mr. MILLER, of California. The amendment which I offered, and which was ruled out on a point of order, would have protected the Government in that case by requiring that the men should have served three months; but it seems we can not get that in. While there may be such a case as the Senator mentions, there are thousands and tens of thousands of cases where pensions have been refused to soldiers who served well and faithfully because they were technically not sound at the time of their muster into service; they were under some disability. I claim that in these instances great injustice has been done, and great injustice continues to be done in such cases. It is better that the Government should suffer a loss in the case the Senator from Pennsylvania mentions than that all this great number of men should be so unjustly treated. I do not know of any such cases as he mentions. I suppose there is some foundation for the statement, and perhaps frauds have been perpetrated upon the Government in the matter of enlistments, but they were not usual; they were extreme cases.

I do not propose to prolong the discussion upon this matter. Of course I would rather have the clause with the words which the Committee on Appropriations proposed to put in, and which I in substance moved to insert just now, included in the law before striking out the words that I have moved to strike out; but I do not believe the Government ought to go into a trial of the soldier who is asking for a pension upon the question of fact whether he was under a physical disability at the time of his enlistment. I do not think it is just or right to do it. It puts the soldier to great inconvenience and great trouble.

Mr. BLAIR. I should like to make a parliamentary inquiry, and that is whether this motion to amend the part proposed to be stricken out on the motion of the Senator from Kansas, by striking out "but such presumption may be rebutted," is in order under the ruling of the Chair.

The PRESIDENT *pro tempore*. The Chair thinks it is.

Mr. BLAIR. I understood the decision of the Senate yesterday to be that this section, properly here from the House, part of a general appropriation bill coming from the House, can not be amended by action of the Senate. It went certainly to this extent, that it can not be amended by the action of the Senate when that action involved the addition of further words. But it is obvious that a general appropriation bill or any proposition can be quite as essentially amended by striking out as by adding words. The Senate ruled that the sense of this proposition, coming here rightfully from the House of Representatives, could not be changed by additional words emanating from the Senate itself. Now do I understand that the Senate may entirely change the sense of that same proposition by striking out words, when it can not affect the sense of the proposition by making additions thereto?

The PRESIDENT *pro tempore*. The Chair holds that amendments proposing to strike out legislation or a part of legislation in an appropriation bill are in order. It would be in order to move to strike out all the legislative provisions of the bill in a body, all together, or to strike them out word by word, as stripping the bill, as far as the motion goes, of its legislative provisions.

Mr. BLAIR. Perhaps not entirely in the nature of a parliamentary inquiry, if I have the floor, I should like to state a few points in this matter that trouble me, and I should be glad to see them elucidated. I wish that the Senator from Maine [Mr. FRYE] were present who gave us such a zealous and emphatic dissertation upon parliamentary law; but he is not here. My difficulties can be perhaps as well resolved otherwise. I understand that everybody agrees that a general appropriation bill must come from the House.

Mr. INGALLS and others. No.

Mr. BLAIR. Well, Mr. President, it is agreed that a general appropriation bill coming from the House, whether it is simply a bill of supply or a bill of supply plus general legislation, is rightfully here, and as it comes from the House it must be properly considered by the Senate, or it may be—I will use as a matter of preference the words "must be"—as a matter of legislative duty considered by the Senate. There are no rules of the Senate to the contrary, at all events. When that general appropriation bill in its entirety is thus properly in the possession of the Senate for action, we are met by a rule of the Senate which says that we shall not act upon that portion of the bill coming from the House which proposes general legislation. We may alter and amend, approve or reject, as we please, that part which does not propose general legislation but which is strictly a supply bill; but the part which proposes general legislation we must either accept precisely as it comes from the House or we must reject it *in toto*. There is no rule which compels us to reject it.

I think this is of the very gist of this whole discussion. There is no rule which compels us to reject it. There is a rule which deprives us of the power to modify it. The Senate yesterday construed that rule, and its decision was that the rule is simply that we can not modify what comes to us; we must accept it as it comes to us or we must reject it *in toto;* yet the rule does not require us to reject it *in toto*. We may, however, under the rule permit the motion, which the Senator from Kansas has last made, to strike out to be made. If it strikes out the whole, excludes the whole, of this proposed legislation, then any member of the Senate holding to the rule and to the construction of the rule which was adopted yesterday may support that motion, as I understand. But believing in and voting for the construction of the rule which was adopted yesterday, that we may not amend that proposed general legislation, I do not see wherein, believing in that construction and voting for that construction of the rule and for striking off the proposed amendments (whether by additional words or by striking out so as to change the nature of the proposition, which is now the suggestion of the Senator from California), I am involved in any inconsistency if I vote for the motion of the Senator from Kansas, that motion being to strike out the entire proposition which came from the House. I think I am consistent, and I think the majority of the Senate would be perfectly consistent in approving of his motion. He holds to the contrary. The speech of the Senator from Maine was made specifically to charge upon the majority of the Senate inconsistency if they fail to vote against this motion to strike out. It seems to me that we are consistent with ourselves and we still enforce the rule. Here comes this proposition from the House in its entirety. There is nothing in the rule of the Senate which prevents us from rejecting the whole. The rule of the Senate simply prevents us from modifying the whole; and, notwithstanding the suggestion of the Chair, I beg leave to ask whether I am not right in saying that under that rule of the Senate we can neither modify by addition nor by striking out. We must reject the proposition as a whole in order to be outside the rule.

Mr. CAMERON, of Wisconsin. If the Senator from New Hampshire will look at the third clause of Rule XVI, I think he will see that he states it broader than the rule lays it down.

Mr. BLAIR. "Nor shall any amendment to any item or clause"——

Mr. CAMERON, of Wisconsin. "No amendment which proposes general legislation shall be received to any general appropriation bill." Any amendment can be received under this rule which does not propose general legislation.

Mr. BLAIR. I understand that; I am only dealing with that portion of a general appropriation bill which, coming properly from the House, proposes general legislation.

Mr. CAMERON, of Wisconsin. But the Senator from New Hampshire stated as broadly as it could be stated that the Senate must either take the proposition that comes from the House as a whole or reject it as a whole.

Mr. BLAIR. The proposition containing general legislation.

Mr. CAMERON, of Wisconsin. We can modify that proposition if our modification or amendment does not propose general legislation.

Mr. BLAIR. We can make an amendment which strikes out the whole. That is not a proposition for general legislation.

Mr. CAMERON, of Wisconsin. Certainly not.

Mr. BLAIR. But what I say is this: When a proposition comes here for general legislation and we propose to amend that by striking out any portion of it, thereby changing the sense of that proposition, then we offer an amendment and force an amendment in violation of this rule touching general legislation.

Mr. CAMERON, of Wisconsin. But is it in violation of the rule? The rule simply is "no amendment which proposes general legislation."

Mr. BLAIR. Certainly.

Mr. CAMERON, of Wisconsin. This proposition to strike out does not propose any legislation.

Mr. BLAIR. Certainly it does, because will the general legislation if adopted with these words stricken out be the same general legislation that it would if the words were not stricken out? Does the Senator suggest that the sense of a proposition can not be changed by striking out as well as by inserting? The point I think is a very clear one and a very important one, and I feel that the Senate, to be at all consistent with itself if holding to its vote of yesterday, must disagree to the suggestion of the presiding officer at the present time, that this proposition coming from the House may be corrected by striking out when it can not be amended by inserting.

The PRESIDENT *pro tempore*. The Chair will state that under the rule of the Senate which the Chair is bound to enforce as he understands it, subject to the judgment of the Senate afterward——

Mr. BLAIR. I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Chair has not yet stated his conclusion. The Senator will pardon the Chair. The Chair is proceeding to make a decision from which the Senator from New Hampshire desires to take an appeal. The amendment proposed by the Senator from California to strike out certain words is in order, the reason of the Chair in so holding being that in the opinion of the Chair the motion of the Senator from California does not propose general legislation, but proposes to strike out general legislation which is contained in the bill. It is true that the motion does not propose to strike out all the legislation in the bill; and what the consequence may be as to what is left if that is not stricken out, is a matter with which the Chair has nothing to do. Does the Senator from New Hampshire appeal from the decision of the Chair?

Mr. BLAIR. If there is any desire for further discussion I withdraw the appeal for the moment. Can I renew it?

The PRESIDENT *pro tempore*. The appeal is open to discussion.

Mr. BLAIR. Then I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Senator from New Hampshire appeals from the decision of the Chair on this point. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HARRISON. It seems to me that the rule as stated by the Chair, while it appears to have plausibility, is after all perhaps sticking in the bark a little. It can very well be seen that the striking out of a thing may convert a proposition which is affirmative into a negative proposition or a negative into an affirmative proposition; as for instance, in this case, if the House legislation should say that it should not be presumed that the soldier was suffering under disability at the time of enlistment, if under the rules of the Senate we might amend by striking out the word "not" we should have as effectually introduced new legislation by that amendment as if it had been contained in an independent and separate proposition.

So it seems to me that unless the motion here to strike out strikes out some substantive part of the House legislation so as to deprive it of any force, the particular proposition is given the power to carry the whole with it instead of being a mere modification and being intended to be a modification of it. So then in the one case the ruling of the Chair might be correct and in the other incorrect, because the proposition of the Senator from California does not destroy, does not strike out any affirmative piece of legislation, but converts it from one thing into another, and is as distinctively a change in legislation by an amendment in the Senate involving general legislation as if it had been accomplished by the insertion of new words.

Thus it seems to me in the one case the ruling of the Chair might be right where something was to be stricken out, some proposition, but if it is the striking out of a word that converts the legislation from an affirmative to a negative proposition and changes the whole scope of it, but maintains the legislation, it is subject to the rule against amendments of general legislation.

Mr. MILLER, of California. My purpose in moving these amendments was to see how it was that we could not insert matter in provisions that came to the Senate, and at the same time we might strike out words which would also change the sense and make essentially new legislation. The words which I moved to insert were clearly general legislation, and the words which I have now moved to strike out convert this proposition from a *prima facie* presumption to a conclusive presumption that the soldier was under no disability when he was mustered in.

It seems to me that the proposition to strike out here involves a question of general legislation just as much as the proposition to insert. The words of the House provision are:

That all applicants for pensions shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

If we strike out the words "but such presumption may be rebutted," then what was a *prima facie* case for the soldier, a *prima facie* presumption in his favor, becomes a conclusive presumption. It changes the entire sense of the provision and makes it a new legislative proposition, a new law differing totally from that which this would be if enacted as submitted to us. I have made these propositions for the express purpose of having the ruling of the Chair upon them, to test the question whether we could do the one thing or whether we could not effect the same object by the insertion of words, as by the striking out of words in a proposition from the House containing legislation.

Mr. INGALLS. Upon the decision of this question would depend whether the Senate can do by indirection what it can not directly do. If the Chair will observe the language that I propose to strike out by my motion, in connection with the portion that the Senator from California proposes to eliminate, the Chair will see that the effect of striking out the words which the Senator from California moves to eliminate from the bill will be exactly the same as if the word "conclusively" were to be inserted before the word "presumed" in line 31.

The PRESIDENT *pro tempore*. The Chair may be allowed to state that the Chair thinks the fundamental question is, first, whether it is competent under the rules of the Senate, legislation coming on a House bill, for the Senate to strike it out. The Chair supposes that everybody agrees that it is. Then the question is whether you are bound to strike out the whole of it altogether, or may strike out a part of it and leave some of it still standing. Take an appropriation bill in which, as in this instance, there are several sections. If a motion be made to strike out one section of the legislation and not made to strike out all the sections of legislation, it changes the character of the bill. It will be if it becomes a law a different law from what it would have been had the section been left to stand. The Chair thinks that the same intellectual reason would apply to the striking out of a part of a section, just as the Senator from Kansas has moved himself to strike out a proviso to a section that may be supposed to contain and as the Chair thinks does contain legislation. The Chair has entertained that motion because, so far as it goes, if agreed to by the Senate, it rids the bill of so much legislation. It leaves the bill a different bill and with different legislative provisions and that may have a different effect than it would have if the section, or the proviso, or the part of the proviso had been left in. So the Chair thought and still thinks the motion of the Senator from California is in order although the consequence may be that the bill will be entirely different with those words stricken out, and that the proviso will be different as the bill would be different if the proviso itself were stricken out.

The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HOAR. I was absent from my seat for a moment on public business, and I ask that the Chair will restate the proposition; I do not mean restate the entire proposition in full, but state the substance of the question.

The PRESIDENT *pro tempore*. The Senator from Kansas moved that the proviso on page 2, lines 29 to 33, be stricken out. Pending that motion the Senator from California moved to perfect that proviso under another rule of the Senate, by moving to strike out the words "but such presumption may be rebutted." The question of order having been made whether the motion of the Senator from California was in order to strike out those words, before the question was put on the motion of the Senator from Kansas, the Chair held that that was in order. From that decision the Senator from New Hampshire appealed to the Senate. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes have it.

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were not ordered.

So the decision of the Chair was sustained.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from California.

The motion was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on agreeing to the motion of the Senator from Kansas [Mr. INGALLS].

Mr. CONGER rose.

The PRESIDENT *pro tempore*. Does the Senator from Michigan desire to address the Senate?

Mr. CONGER. I did desire to do so on the amendment of the Senator from California.

The PRESIDENT *pro tempore*. The Chair had announced the result of the vote, but the Chair will consider it as not having been announced, as the Senator from Michigan had risen to address the Senate upon the question.

Mr. CONGER. I should like to have a vote upon that proposition. I think with a clause standing in the bill that the presumption may be rebutted by other evidence, it leaves the applicant for a pension in a worse condition than now, the clause providing that the enlistment

shall be considered as presumptive evidence of soundness but may be rebutted by other evidence. Where, how, and in what manner, and what kind of a suggestion? We are met with that continually now, on the mere suggestion of the Pension Office or of some clerk in the office, that some letter has been received or some statement or some suggestion of incompetency or disease or disability existing before the muster-in; and now a claimant is required to search through all the country to find out somebody to rebut the mere suggestions of the office, or of private letters, or of anonymous letters, as I have known in some cases.

With a statement that the presumption of soundness at the time of the muster-in may be rebutted by other testimony, without defining how it shall be obtained or what amount of testimony may rebut that presumption, I venture to say that every person who is called upon to sustain the question of soundness before enlistment will be more and more embarrassed by this provision as it stands than he would be under the present construction of the law in the Pension Office. At least 50,000 cases are hanging just upon that one question, upon which every Senator, I presume, receives twenty-five or thirty letters a week from the applicant and from his friends, saying that he is unable to find testimony to prove that he was sound—that he is unable to meet the suggestion of an enemy that he was unsound before his enlistment. The whole trouble will be aggravated and the complaints will come upon Senators and upon members of the House with redoubled force.

Sir, what matter is it if there were a few cases of fraudulent muster-in by proper officers of the United States? What matter is it to us if there was a regiment or a part of a regiment rejected because the men were assumed by one mustering officer to be unsound, and by another mustering officer, perhaps infinitely better prepared to decide justly, to be sound and were mustered in? The Government has had their services. They went into the service and into battle. Some lost their health; others lost their lives. They did all that soldiers could possibly do for their country; they endured all hardships, were exposed to all perils. There is no question of cowardice, no question of desertion; but somebody comes twenty years after and says there was some infirmity, some complaint about this man in his boyhood, in his early years, which escaped the attention of the mustering-in officer and the rigid examination which was held over him in these cases.

Now, I want a yea-and-nay vote upon a proposition to strike out this clause, which, in my judgment, would embarrass the poor soldier more than he is embarrassed now, and what seems to come as a benefit really becomes an unmitigated curse to the poor, disabled soldier who is seeking a pension from his country.

By the strictness of our laws, I will not say by false constructions of them by the officials of the Pension Bureau, we have now through this country thousands of suspended cases in which every man in the community believes the applicant is entitled to a pension. They are men who have known the soldier from his youth up, and his daily life, and his health and his strength, and his labor, until he went into the Army, as I know cases of men young, vigorous, able to perform all labor, able to engage in all athletic sports, full of vigor and full of life. They went into the Army, performed their duty well, returned, and asked for a pension; and some enemy, in most cases some enemy, some traitor himself to his country, envying the soldier for the possibility of a pension, writes letters raising doubts of his health, of his soundness before he was enlisted.

I could pick out of my file of letters which have been sent to me some fifty or sixty coming to me in that same way, with the proof that an enemy interposed this objection with no proof but a naked assertion, and threw the applicant upon his proof—unspecified proof, with no date, no time, nothing which a soldier can meet as he is required to do in other cases. There are cases of that kind lingering along now in the Pension Office or compelled to be brought to Congress for relief, where I know the men went forth to battle for their country as strong, hearty, vigorous, and valiant as men ever went, and they came home worn out, diseased, the very life sapped from their system, and they are gradually sinking and sinking from no known cause to their graves.

Sir, I have been more ashamed of the procrastination and I have been more ashamed of the pension laws when these questions have come to me and these charges of unsoundness in that roundabout and hostile way than of anything connected with the soldier which has fallen under my observation. I had almost said that right or wrong I would vote to repeal any rule that prevented any amendment or prevented the introduction into a bill of a clause which should compel one department of this Government to take in good faith the decision of another department of the Government that a man was sound when he enlisted in the service of his country, and when he returned a poor, shattered wreck from disease or from wounds or whatever might be the cause he might be entitled to the benefit of a pension without wearing out years and years of hopeless effort to defeat a hostile and a false charge of previous infirmity.

With that view, I ask for the yeas and nays upon agreeing to the proposition.

The yeas and nays were ordered.

Mr. CONGER. Will the Chair state the question again, so that we may understand it?

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from California, which is in section 1, line 32, after the word "enlistment," to strike out the words:

But such presumption may be rebutted.

Mr. HARRISON. Mr. President, if the amendment proposed by the committee, which limited this presumption to such soldiers as had rendered three months' service, could have been continued in the bill, I should have been entirely willing to make the presumption a conclusive one, but under the point of order made against the amendment suggested by the committee those words have been stricken out.

If the amendment of the Senator from California is adopted, it makes the presumption of soundness absolutely conclusive upon the Government without reference to service. The soldier may have been mustered in one day and never have left the camp of rendezvous, he may never have faced the enemy in battle, he may never have left the State where he enlisted. In very many cases it may be absolutely certain that the disease for which he asks a pension was upon him at the time of his enlistment, that it not only did not originate in the service but was not aggravated in the service; and yet it is proposed in every such case to make enlistment an absolutely conclusive presumption that he was a sound man.

I am disposed, I think, to be liberal in these matters of pension provisions. I have thought that I was usually safe if I listened to those representations which were made to Congress by the soldiers themselves. If I found myself willing to give them just what they asked in their memorials and petitions and just what they asked through their influential committees of the Grand Army of the Republic, which have appeared before the Committee on Pensions of the Senate, I supposed that I was dealing with liberality toward the soldiers. The proposition which came to us from the committee of the Grand Army of the Republic which met with our Pension Committee at the last session and discussed this matter, was the proposition of the bill, that acceptance and enlistment should be *prima facie* proof of soundness. I am told by the chairman of the Committee on Pensions, refreshing my own recollection, that such was the request of that committee composed in part of men who were maimed themselves in the heroic defense of their country's flag.

It seems to me that so far from leaving their condition worse it relieves at once those meritorious cases that have been dragging in the Pension Office. Very often a soldier at the time of making his application for a pension is in a community remote from the place of his enlistment; there is no one near him or accessible to him who knew anything about his condition of health prior to his enlistment, and he is greatly embarrassed if the affirmative is put upon him, the burden of proof, to produce to the Department affidavits showing his condition of health at the time of enlistment. But the bill as it comes to us from the House relieves him absolutely from the necessity of producing any evidence on that subject at all. He is not required even to make oath himself that at the time of enlistment he was a sound man. The law says to him: "We take that for granted; we require no proof of you upon the subject;" and at once all of this great class of cases where it has been difficult for the pension applicant to find persons who could make any proof as to his condition of health before enlistment are relieved.

I think that goes far enough; I think it goes as far as the soldiers of this country have asked that it should go. I do not believe they demand that the Government shall be prohibited from showing that fact in the case of those who under the stimulus of great bounty or otherwise were accepted into the service under the exigencies of the Government and immediately broke down, who rendered no service, and where it is apparent that their disease had no connection whatever with their service. The soldiers who ask for a pension, the deserving men to whom the bounty of the Government ought to flow freely as a river, are the men who suffered disability by reason of service. All such by the bill itself are relieved of any burden, even the filing of their own affidavit that they were sound at the time of enlistment.

I should prefer myself, if we could, to have some limitation of service, some months of actual service, in order to make the presumption conclusive. I should be willing to do that; but as we can not have such a provision, I think we go as far as the law goes in any case when we say, "We will give you a *prima facie* case; we will relieve you from all burden of proof." It is not to be supposed that the Government or anybody else will be very diligent in combating that presumption which we give the soldier at the threshold. The great bulk of these cases will go without challenge, but the provision will exclude those cases (and doubtless in our great Army there were many thousands of such cases) where the disability had no possible connection with the service of the soldier.

Mr. CONGER. The Senator from Indiana, in my opinion, has not met the point in this case. The applicant for a pension under the law with this provision must prove his disability received in the line of duty in the service just as much with the clause as without it.

Mr. HARRISON. Undoubtedly; I did not say the contrary of that; but he is relieved from all obligation to connect his disability with his service by proof that he was sound when he started upon the service.

Mr. CONGER. He is with these words stricken out, but unless that is done he has got to meet all the suggestions of former disability with proof just as much as now if anybody makes the suggestion or brings a little proof of prior disability. It is enough for the soldier that he was received as a sound man and rendered service to his country, whatever was demanded of him, more or less.

The point, and the only point made in this proposition, is that the presumption and the rule for the Pension Office shall be that where the Government certified through its proper officer that the person applying for a pension was sound, and under the strict rules of enlistment was a suitable person to be enlisted and mustered into the service, it shall be taken as conclusive, that the Government shall be held by that rule. I have said in my remarks that striking out the clause proposed by the Senator from California leaves that rule full and positive and beneficial. Leaving that clause in, in my judgment, makes it worse for the soldier than it is now. A mere suggestion of former disability would require him to go through all the proof as he would be required to do without this provision.

But the Senator from Indiana says he would prefer a certain length of service. I can not see how any one who desires to do the applicant good would say that he must show that he had served three months before he could avail himself of the benefits of this proposed legislation.

Mr. MITCHELL. If the Senator from Michigan will allow me at that point, I will state to him what I believe to be the rule at the Pension Office at this time.

Mr. CONGER. Certainly.

Mr. MITCHELL. At the present time the ruling in the Pension Office is, that if the disability appeared within three months of the time of enlistment and muster, then the burden of proof is thrown upon the applicant to show that he was sound at the time of enlistment. It is in pursuance of the practice in the regular Army, where, as I understand, if a soldier is enlisted and is discharged within three months of the time of enlistment, it is expressly stated on the certificate of disability that the disability arose before his entry into the service. It is by analogy with that rule of the regular Army that the Pension Office adopted the rule that where the disability was developed within three months it is presumed that it arose before enlistment.

Mr. CONGER. If that is the rule of the Pension Office, and I suppose it is, it is a rule that never ought to have been adopted, no matter in what other branch of the service it has obtained. The mere circumstances of the case show that that is a harsh and unjust rule. Here are young men going from comfortable homes in the midst of all the enjoyments and comforts of life; they enlist and go into the service, and for the first three months they sleep in wintry nights without tents, they are exposed to all the hardships of camp life before they become hardened. Those three months are the crucial months of a soldier's life. If he can live through them without contracting disease from the exposure he is good for three years. Everybody knows that. So the rule is a wrong one, and the purpose now is to obviate that rule.

Mr. DOLPH. Will the Senator from Michigan allow me to ask him a question?

Mr. CONGER. Certainly.

Mr. DOLPH. I wish to ask the Senator from Michigan if he supposes that striking out the words "but such presumption may be rebutted" would at all change the sense of the proviso? I understand that it is only a *prima facie* presumption.

Mr. CONGER. Will the Senator read the first clause of the proviso?

Mr. DOLPH. It reads:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment.

I think the subsequent words, "but such presumption may be rebutted," are surplusage. It is not a conclusive presumption.

Mr. CONGER. Then the words ought to be stricken out, of course, if it means the same thing without them. I thank the Senator for his suggestion, and I think there is some force in it; but for fear that it might have a different construction from men who can not judge of the law and of the change of words as the Senator from Oregon can, the clause should be stricken out.

Mr. HARRISON. I simply want to make good a statement I made that the Senator from Michigan is asking more than the representatives of the soldiers before our Pension Committee themselves asked. He speaks with great eloquence of the men who went out and faced danger and death and slept under a covering of snow and endured hardships for the flag.

The gentlemen who signed the memorial from which I am about to read were men who had done and suffered all those things themselves. One of them at least was a man who had lost both his legs in the service of his country. All of them were influential members of that great body, the Grand Army of the Republic, and were in the habit of meeting from week to week in those social conferences in which the men who carried the flag to victory meet in every village and hamlet in the country. They were appointed by the national convention of that order to represent the wishes of the several hundred thousand soldiers who are now enrolled in the Grand Army of the Republic, as a special committee upon pension legislation. They came here and presented to our committee a memorial or address in which they asked for certain legislation. Among other things they said:

We are in favor of the bill which provides that the fact, as shown by the record of the acceptance and muster-in of the soldier and sailor, shall be received by the pension authorities as *prima facie* evidence that he was sound at that time—the Government not to be debarred from proving that he was unsound at date of enlistment, but the onus of the proof to be on the Government.

Mr. FRYE. Is not that exactly what the bill says?

Mr. HARRISON. It is exactly what the bill says as it stands now, but it will not be what the bill says if the amendment of the Senator from California prevails. The bill will then say that this presumption shall be conclusive. If a man was accepted and mustered in with one eye, the mustering officer believing that he had the physical capacity to render good service as a soldier, the Senator from Michigan would make this provision read that he shall be conclusively presumed to have had both eyes when he enlisted.

I only desired to show that this proposed legislation as it stands expresses the deliberate judgment of the great body of the soldiers of the country as to what they want, and that if a man who went into the service had lost a finger or an eye, or was suffering under some disability at the time of his acceptance into the service, comes back asking for a pension for the loss of an eye, the Government shall not absolutely be debarred from showing that he had lost it before he went into the service. The soldiers of this country are not asking for such legislation; at least they have not asked for it in any of the memorials or petitions which have been presented here.

Mr. MILLER, of California. The Senator from Indiana has read what the soldiers ask for, and it amounts to this: they ask that the burden of proof shall be on the Government of the United States and not upon the soldiers. I ask the Senator from Indiana as a lawyer whether the clause as it stands throws the burden of proof upon the Government? Does it require the Government to prove that the soldier was unsound at the time of his enlistment?

Mr. HARRISON. If I am able to understand language, it does. It says that "all applicants for pensions shall be presumed to have had no disability"—that is, to be sound "at the time of enlistment." The Senator as a lawyer knows that in the trial of a case, whether it be a presumption resulting from the proof of certain facts, or whether the law gives the defendant the *prima facie* evidence, the burden is cast upon the other party at once to disprove his case. So in this case, as I understand it, a soldier does not file with his application any evidence as to his status or as to his physical condition when he went into the service. He omits that. That evidence is *prima facie* furnished by the fact of his enlistment. But the Government may call witnesses to show that he had lost his eye or his thumb before he went into the service. If the amendment of the Senator from California should be adopted, that could not be done.

Mr. MILLER, of California. It amounts to saying that the soldier must go into a trial, and if the Government suggests that he was unsound at the time of enlistment, then there is a trial upon the question of fact, and the Government rebuts the presumption of soundness. But it is not required under this provision to offer conclusive proof that the disability existed before enlistment. That is the difference. It does not throw the burden of proof wholly upon the Government. The Government can put the soldier to his proof by a mere rebuttal. Any evidence tending to show that the disability existed before enlistment is rebutting evidence, and that puts the soldier upon his proof again, just as he is now. With these words stricken out, if the soldier commits a fraud the evidence of that fraud can be introduced. The presumption is not conclusive against fraud, but the pension is a contract between the Government and the soldier, and fraud vitiates everything.

Mr. HARRISON. I beg the Senator's pardon, if he will allow me to interrupt him. Suppose a case. Suppose a soldier in making application for a pension for the loss of an eye, as he alleges, which occurred in the battle of Spottsylvania. Under the bill as it stands it would be presumed that he had both eyes when he went into the service, but under the bill as it would stand if the Senator's amendment is adopted it would be conclusively proved against the Government that he had both eyes when he went into the service, and so far he would be helped in his application in making out his case that he lost his eye in battle that the Government or somebody would have to account for the loss of the eye after he went into the service, when the fact was he lost it before, because the presumption is that he had two eyes. The Senator says it would not apply to a case of fraud. There is no fraud about it. The soldier simply avails himself of the law, which says he had two eyes when he enlisted.

Mr. MILLER, of California. But the fraud I speak of is a fraud in enlistment. If a man presents himself for enlistment and knows he has a disability, some hidden defect which would unfit him for a soldier, and he is accepted and does not disclose that defect, of course that is a fraud upon the Government.

In the case put by the Senator from Indiana, where the party applying for a pension alleges that he lost an eye or a limb at some particular battle, and there is a presumption raised by the law that that is the fact, if you strike out these words the presumption is not so strong, it is

not conclusive; the Government may introduce proof to show that such is not the fact, but that it is a false and fraudulent representation.

Mr. HARRISON. I do not so understand it. I understand that a conclusive presumption can not be rebutted; it can not be overcome. No proof will have any effect upon a conclusive presumption.

Mr. MILLER, of California. The presumption by this bill is not so conclusive as that. It is a presumption which requires proof to set it aside; that is all. What we contend for is to have the bill so that the burden of proof shall be upon the Government all the time in these cases, which the bill does not do in my opinion. The lawyers here differ. The Senator from Indiana says that this makes a conclusive presumption. The Senator from Oregon, who is an equally learned lawyer, says that it does not; that it is a mere *prima facie* case made out by the soldier; that striking out the clause does not affect the provision at all, as it is mere surplusage. I agree with the Senator from Oregon that if the words are surplusage they ought to be stricken out. There never ought to be surplusage in a law.

Mr. DOLPH. I do not understand that any presumption created by statute is conclusive unless it is so stated, and the addition of the words "but such presumption may be rebutted" does not change the effect of the proviso as it would stand if they were stricken out. The language is that "all applicants for pensions shall be presumed to have had no disability at the time of enlistment." The applicant makes a case as to soundness by the fact that he was examined when he was enlisted, but that may be overthrown by the Government, in my judgment, whether or not the words remain in the bill which the Senator from California has moved to strike out. As it was broadly stated that if these words were stricken out this would be a conclusive presumption, I desired to give my understanding of it before the question was voted upon.

Mr. HAWLEY. I hope the bill will not be left in such a shape as to permit anybody to say that the enlistment, the reception of a soldier, was conclusive evidence of his soundness. I think it would be so left if the last clause should be stricken out. It is proposed to strike out the words "but such presumption may be rebutted." The proviso would then read:

Provided, That all applicants for pensions shall be presumed to have had no disability at the time of enlistment.

It seems to me (I speak humbly as a lawyer of comparatively slight experience) that with that clause so reading it would still be the right and duty of the Government to show, in case of reasonable cause for doing so, that the soldier was unsound at the time of enlistment. It would be open to the Government to do that.

Mr. MILLER, of California. The burden of proof would be on the Government instead of on the soldier, as it is now.

Mr. HAWLEY. I do not see that the retention of the clause would change the burden of proof at all.

Mr. MILLER, of California. It would change the law.

Mr. HAWLEY. In either case it rests upon the Government to show that the presumption the soldier has under the law is an unsound and unjust one; that it is not true. The burden of proof in the sense that my friend uses the term seems to have the same office in either case. It is possible, however, that it might be that striking out the clause "but such presumption may be rebutted" might change the judicial construction of this proposed act, and I should be sorry to have it do so.

I hope no amendment will be made, that no construction will be given here in debate that will make the presumption absolute, for I do know myself that there are cases where the presumption should not be absolute. I can see one of the men now in my mind's eye distinctly who would get a pension probably, and who would not in the slightest degree in the world deserve it. He could make a conclusive presumption. It is not one case alone. There are hundreds—yes, thousands—of cases toward the latter part of the war nearly entirely. When there came to be great bounties of three hundred, five hundred, six hundred, or a thousand dollars offered, and when the enlisting officers were very anxious to clear their county or their town of its quota under the draft, they gathered in whatever would come, men beyond age, men who obviously had physical unsoundness. They had not lost an eye or an arm, perhaps; there was no great visible disability; but the man I spoke of whom I had in my eye could not have gone on a double-quick for three hundred yards to save his life, and he looked as well as average men. He did not stay with our forces three weeks before he was sent back in contempt to the town from which he came as a disgrace to the law and the people who had sent him. That was more obvious than many other cases, but there were many of them toward the close, just as there were, unfortunately, of the miserable bounty-jumpers and deserters and thieves, many of whom were shot in the front of the line for attempts at desertion or other shameless crimes.

I object to the proposed amendment. I think the ex-soldiers of the Army would unanimously say that the Government ought clearly to have the right of rebuttal and ought to exercise it, for the pensioning of any such man—and it is generally known in his neighborhood, in his town, in his county—is a grievous offense and is felt as an insult. They desire to protect their own honor as well as the finances of the nation.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment proposed by the Senator from California [Mr. MILLER], upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detained from the Senate by sickness in his family. I shall not vote unless my vote may be necessary to make a quorum.

The roll-call having been concluded, the result was announced—yeas 17, nays 36; as follows:

YEAS—17.

Aldrich,	Hale,	Miller of Cal.,	Voorhees,
Bowen,	Hill,	Miller of N. Y.,	Wilson.
Conger,	Jones of Nevada,	Palmer,	
Cullom,	Lapham,	Sabin,	
Dolph,	Manderson,	Sawyer,	

NAYS—36.

Allison,	Garland,	Ingalls,	Pike,
Bayard,	George,	Jackson,	Pugh,
Beck,	Gorman,	Jonas,	Saulsbury,
Butler,	Groome,	Kenna,	Sewell,
Call,	Hampton,	Maxey,	Sherman,
Camden,	Harris,	Mitchell,	Slater,
Cockrell,	Harrison,	Morgan,	Vance,
Coke,	Hawley,	Morrill,	Vest,
Colquitt,	Hoar,	Pendleton,	Williams.

ABSENT—23.

Blair,	Edmunds,	Lamar,	Plumb,
Brown,	Fair,	Logan,	Ransom,
Cameron of Pa.,	Farley,	McMillan,	Riddleberger,
Cameron of Wis.,	Frye,	McPherson,	Van Wyck,
Chace,	Gibson,	Mahone,	Walker.
Dawes,	Jones of Florida,	Platt,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment proposed by the Senator from Kansas [Mr. INGALLS] to strike out the proviso.

Mr. INGALLS. Mr. President, I made that motion intending to vote against it. I believe that the legislation as it appears in the bill as it came from the House of Representatives is wise and just and prudent. The Senate yesterday upon a point of order rejected an amendment that was offered by the Committee on Appropriations to this provision, upon the ground that it was general legislation upon an appropriation bill. The Committee on Appropriations reported amendments to strike out a large number of sections in this bill upon the ground that they were general legislation, and, therefore, properly not in the bill. They omitted to strike out the provisions of general legislation contained upon page 2, a part of which I have moved to eliminate for the purpose of ascertaining whether the rule about which we have been debating for the last week or two is to be enforced absolutely or only when it applies to legislation that the Senate desire to place upon an appropriation bill. I ask for the yeas and nays.

The PRESIDING OFFICER. The question is upon the amendment proposed by the Senator from Kansas, on which the yeas and nays have been demanded. Is there a second?

The yeas and nays were ordered.

Mr. MITCHELL. As the case is stated by the Senator from Kansas, I shall vote against this provision; but there are other good reasons in my mind why I should vote for it. The Senate has passed two bills containing a provision which I regard as better than the one here proposed on this subject. Only on Saturday to the bill (H. R. 5800) for the relief of Sarah B. Jackson the Senate adopted an amendment which reads as follows:

SEC. —. That in all applications under the general pension laws, including this act, where it appears by record evidence that the applicant was regularly enlisted and mustered into the service, that fact shall be *prima facie* evidence of soundness at the time of his enlistment; but such presumption shall be subject to rebuttal by record or other competent evidence.

I regard this provision as much better than the one here proposed; and for the reasons which I have stated I am disposed to vote against this clause of the bill. If the House of Representatives desire to act upon this question they have two opportunities—one in the Mexican pension bill, so called, and the other in the bill to which I have just referred; and my information in regard to the latter bill is that there is a very strong probability that it will be agreed to. That bill also contains the provision in relation to increase of pension to widows and dependent parents, and it appears to me it is most likely it will be adopted by the House.

Mr. COCKRELL. Let the amendment to be voted on be now read.

Mr. MITCHELL. I shall vote to strike out the clause, as I understand that is the form of the amendment proposed.

The PRESIDING OFFICER. The motion of the Senator from Kansas is to strike out what will now be read.

The SECRETARY. It is proposed to strike out the proviso at the end of section 1, beginning in line 29, as follows:

Provided, That all applicants for pension shall be presumed to have had no disability at the time of enlistment; but such presumption may be rebutted.

Mr. VOORHEES. I shall detain the Senate but a moment. The proviso does nothing when it allows presumption to be denied, because the presumption now is that a man was sound when he enlisted. Every

applicant for pension in filing his application says he was a sound man when he enlisted, and that is the presumption now, and then the Government is permitted to turn around on him with all its force and destroy that presumption. That is just what it claims the right to do now, and it leaves him exactly where he is under the present law.

Mr. HARRISON. Will my colleague allow me to ask him whether he understands that under the present law all the proof a soldier is required to make that he was sound at the time of enlistment is his own affidavit?

Mr. VOORHEES. No, I do not; but shall I understand my colleague in that question to imply that a soldier who makes such a declaration has no presumption in his favor, or that he is presumed to not tell the truth?

Mr. HARRISON. No; nothing of the kind; but it is left as a fact to be proved, upon which the burden rests on him to supply what will be accepted as adequate proof, and under the law and the administration of it the soldier's affidavit of any particular fact, as for intance the fact of his having been shot in battle, is required to be supported by additional proof. So as it is now the burden of establishing the fact of soundness at the time of enlistment is upon him, and his affidavit is not accepted as sufficient proof on that or any other question; so that the legislation does help him.

Mr. VOORHEES. I just wish to call the attention of the Senate and the country to the fact that this matter is left where it is now, with perhaps the exception of the soldier, as the law stands now, being required to put in some additional proof besides his own declaration; but after he has made his declaration and his proof, the Government then has the right, as the law stands now and as it will stand after this measure is passed, to go to work and scour the country with its examiners, hunt up men who are the soldier's enemies in the neighborhood, and do everything toward him to break down his case as they can now. There is no question about that at all. This term "rebuttal" means nothing more than that the Government is at liberty to go to work and prove that it certified a falsehood when it certified that the man enlisted was sound.

If there is any value in this discussion at all it may be this, that when the Government accepted a man and certified that he was sound and qualified to be a soldier it shall be held to that record, that it shall not be permitted twenty years afterward to turn around and prove that it itself certified to a falsehood. That is the value of this. There is nothing more or less in it. When a soldier was inspected for service his lungs, his stomach, his limbs, his thews, his sinews, his heart, all his vital powers underwent medical inspection, and the authorities of the Government said, "This man is a sound man;" and I say the Government should be held to the same rule that would govern an honest man—that is, it should be estopped from going behind a record deliberately made and sending an officer to investigate the fact and say that what he said then was false.

I believe in no morals of that kind. When you say that the soldier shall be presumed to have been sound and then say that the Government may rebut the presumption, you just let the Government go to work with all its power of examiners and with money, as I have seen it going on for years past, to break down the soldier's case. I proclaim here as far as my feeble voice will extend that the soldier gains nothing by this proviso.

Mr. HARRISON. I supposed my colleague had had sufficient experience in his extended practice as a lawyer, too much experience, to make the statement which we have just heard from him, that it was no advantage to a litigant or claimant to have given to him at the outset a *prima facie* case. It will be new, I think, to the other lawyers in this body. "The burden of proof" is an expression well understood by every lawyer; he knows how much the difficulties of his case have been relieved when he can roll the burden of proof off upon his adversary and stand from under it himself; and yet I grieve to hear my colleague say that whereas now there is no presumption in favor of the soldier at all, but he is required to prove the fact of his soundness at the time of enlistment with precisely the same quality and the same amount of evidence that he is required to prove that he received a wound in action, it gives no relief, forsooth, when we start him in upon his proof without any burden as to the question of his soundness at the time of enlistment, but create a presumption in his favor without any proof whatever.

Mr. President, there are hundreds of cases that have been brought to my own attention, such as I alluded to a moment ago, where the soldier has removed from the place of his enlistment, where he has gone away from the friends who knew him before his enlistment, and where it is impossible for him to produce any testimony as to his physical condition before enlistment. Now, by this proviso in this bill that soldier is absolutely relieved of the necessity of producing any evidence at all on that point. He starts free. The burden is on the other side. The legal aspect of the case is, "My pension must be granted so far as the proof upon that question is concerned, unless the Government can prove that I was unsound at the time of my enlistment."

Mr. President, I was surprised to find that soldiers themselves know so little about these questions of pensions and the delays and impediment and restraints of the law which have been felt by them as personal matters, which have been discussed by them in those meetings where soldiers only act, in their camp-fires, in the Grand Army posts, in their national conventions of men who were in the field, men keenly alive to and in sympathy with their comrades who were disabled—that it never occurred to them, though they have discussed this matter for years, that to be relieved of the burden of proof and to be given a *prima facie* case was no relief. As I showed a moment ago, the intelligent representatives of the Grand Army of the Republic came to the Senate and said, "That is all we want; that relieves this difficulty, it removes the trouble;" and yet we are to be told here to-day that those gentlemen, as I said a while ago, one or more of them men who had been wounded in battle, are really ignorant of this question, and my colleague thinks that which they ask and all they ask will result in no benefit whatever to them.

Mr. President, I venture to say that those soldiers understood this question; they knew just where the difficulty was, and they made that reasonable demand which would remove the difficulty out of their way. I say no soldier has asked, by petition or otherwise, Congress to say that when a man was accepted, if he was found afterward with one eye, it should be conclusive presumption that he had two when he enlisted.

Mr. VOORHEES. Suppose the Government surgeon certified that he had two, then what would you do?

Mr. HARRISON. My colleague is unfamiliar with a mustering certificate. He is not familiar with the mustering certificates. The Government never did certify as to whether a man had one eye or two. They accepted him as a soldier, and that was all they certified; and it is within the knowledge of every man who was a soldier that sometimes during the stress of war and the demand for troops at the front men were accepted with but slight examination, and those men only ask that they may have a *prima facie* case.

I hope this proviso will not be stricken out, because it stands here as a response by the Senate of the United States to the demands of the Grand Army of the Republic, the organization of the veterans who went to the front and came back by God's grace alive if not whole—an exact response to the prayer which they have made in every particular. It starts every honest applicant for a pension upon his race of proof without any imputation against him, with the presumption that he was sound when he entered the service. It simply leaves it to be shown, if the fact was so, that in the particular case there was some existing unsoundness.

Mr. VOORHEES. But a single moment, Mr. President. The question which it seems my colleague either will not or can not discern in this matter is, whether the Government shall be allowed to dispute its own solemn record in order to evade the duty of paying a pension. That is not a question of presumption. I vote to retain this proviso for what it is worth. It would be worth everything to the soldier if it were not for the last clause of it. I am willing to go to the country and to any honest tribunal on the question whether the United States Government, after certifying to a fact, shall be allowed to turn around and say it did not tell the truth. I am willing to stand on that. That is the question here. I say the Government, after it certified that a man was qualified to be a soldier, should not be allowed to dispute it in order to defeat the payment of a pension.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. INGALLS], on which the yeas and nays have been ordered.

Mr. COCKRELL. I should like to ask the Senator from Indiana what will be the effect if the amendment prevails and the proviso is stricken out?

Mr. HARRISON. The soldier is left without any *prima facie* case; he is left as now to make his proof as he can.

The question being taken by yeas and nays, resulted—yeas 16, nays 44; as follows:

YEAS—16.

Bayard,	Camden,	Harris,	Mitchell,
Beck,	Coke,	Hoar,	Pike,
Brown,	Garland,	Jackson,	Platt,
Butler,	Hampton,	Maxey,	Vance.

NAYS—44.

Aldrich,	Frye,	McMillan,	Ransom,
Allison,	George,	McPherson,	Sabin,
Blair,	Gorman,	Manderson,	Saulsbury,
Bowen,	Hale,	Miller of Cal.,	Sawyer,
Call,	Harrison,	Miller of N. Y.,	Sewell,
Cameron of Wis.,	Hawley,	Morgan,	Sherman,
Chace,	Hill,	Morrill,	Slater,
Cockrell,	Ingalls,	Palmer,	Vest,
Conger,	Jonas,	Pendleton,	Voorhees,
Cullom,	Jones of Nevada,	Plumb,	Williams,
Dolph,	Lapham,	Pugh,	Wilson.

ABSENT—16.

Cameron of Pa.,	Fair,	Jones of Florida,	Mahone,
Colquitt,	Farley,	Kenna,	Riddleberger,
Dawes,	Gibson,	Lamar,	Van Wyck,
Edmunds,	Groome,	Logan,	Walker.

So the amendment was rejected.

Mr. MITCHELL. I desire to say that my colleague [Mr. CAMERON, of Pennsylvania] is called away by illness. I presume he would vote "nay" if he were present.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. LAPHAM. At the end of line 33, section 1, I move to add:

By record evidence or other competent evidence on behalf of the United States.

So as to read:

But such presumption may be rebutted by record evidence or other competent evidence on behalf of the United States.

Mr. BAYARD. Is that in order?

Mr. LAPHAM. This amendment makes the bill correspond with the one the Senate has already passed and sent to the House; that is, it defines the mode of proof by which the presumption may be rebutted.

Mr. PLATT. I am not aware that the amendment has been received. Does not a point of order lie against the amendment?

The PRESIDING OFFICER. The Chair will dispose of any question of order which may be raised upon it when raised.

Mr. PLATT. I was not aware that the amendment had been received so that it was before the Senate.

The PRESIDING OFFICER. It is the duty of the Chair to receive any amendment that may be proposed. If any Senator chooses to make a question of order upon the amendment, the Chair will dispose of the question of order when raised.

Mr. PLATT. If it is not too late, I raise the question——

The PRESIDING OFFICER. It is not too late.

Mr. PLATT. I raise the question of order.

The PRESIDING OFFICER. The Chair does not hesitate to sustain the point of order. The amendment is legislation and is not in order.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The Chair lays before the Senate the next special order upon the Calendar of Special Orders, being, as the Chair is advised, the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. DOLPH. I now move to take up for consideration Order of Business 1001, being the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDING OFFICER. The Chair is informed that under the order of the Chair a moment since the wrong bill was announced. The Chair ordered that the first bill on the Calendar of Special Orders be reported to the Senate. The Secretary will now report the bill which is the first of the special orders.

The CHIEF CLERK. A joint resolution (S. R. 18) proposing an amendment to article 1, section 7, clause 2, of the Constitution of the United States, in relation to the veto power.

Mr. DOLPH. I now renew my motion that the Senate proceed to the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands, and the laws allowing entries for timber culture.

The PRESIDING OFFICER. The Chair would suggest to the Senator from Oregon that he must first dispose of the joint resolution before the Senate by postponing the consideration of the same or other disposition, before his motion will be in order.

Mr. DOLPH. I move then that the joint resolution before the Senate be postponed until Saturday next.

The PRESIDING OFFICER. The Senator from Oregon moves that the further consideration of the joint resolution now before the Senate be postponed until Saturday next.

Mr. INGALLS. By whom was that resolution reported?

Mr. CULLOM. I hope that resolution will be passed over informally. It is a joint resolution introduced by my colleague.

The PRESIDING OFFICER. The joint resolution was reported by the Senator from Illinois [Mr. LOGAN].

Mr. CULLOM. I ask that it be passed over informally, retaining its place on the Calendar.

The PRESIDING OFFICER. The Senator from Illinois asks that the joint resolution be informally laid aside, holding its place as the first special order upon the Calendar. Is there objection? The Chair hears none.

Mr. DOLPH. Now I renew my motion to proceed to the consideration of House bill 7004.

The PRESIDING OFFICER. The Chair thinks it is the duty of the Chair to lay the next special order upon the Calendar of Special Orders before the Senate. The Secretary will state it.

Mr. DOLPH. I move that that be laid aside.

The PRESIDING OFFICER. The title of the bill will first be read.

The CHIEF CLERK. A bill (S. 1652) to provide for the improvement of the channel between Galveston Harbor and the Gulf of Mexico.

Mr. COKE. I ask that that bill may be informally laid aside, retaining its place as a special order on the Calendar.

The PRESIDING OFFICER. The Senator from Texas asks that the bill just announced be informally laid aside, holding its place on the Calendar of Special Orders. Is there objection? The Chair hears none.

Mr. DOLPH. Now I move that the next special order be laid aside.

The PRESIDING OFFICER. The Chair lays before the Senate the next special order on the Calendar of special orders.

Mr. DOLPH. I move that the Calendar be laid aside.

The PRESIDING OFFICER. The Secretary will report the special order by its title, and then the Senator can be heard.

The CHIEF CLERK. A bill (S. 60) to declare certain lands subject to taxation.

Mr. DOLPH. I move that the Calendar be laid aside for the purpose of considering House bill 7004. I move that it be taken up for present consideration.

The PRESIDING OFFICER. The Chair holds that the Senator's motion is not in order.

Mr. DOLPH. That the Calendar be laid aside?

The PRESIDING OFFICER. That the Calendar be laid aside. The Senator may move to postpone to a day certain or indefinitely the special order, and that disposes of all special orders, and the motion he has suggested, the Chair thinks, would then be in order.

Mr. DOLPH. Very well, Mr. President, I accommodate myself to the ruling. I move that the special order be laid aside for the present for the consideration of House bill 7004.

The PRESIDING OFFICER. He can move to postpone to a day certain, if the Senator desires to conform to the rule.

Mr. DOLPH. I move to postpone it until to-morrow.

The PRESIDING OFFICER. The Senator from Oregon moves that the pending bill be postponed until to-morrow.

Mr. GARLAND. The bill now called as the special order is a bill which I reported from the Judiciary Committee; but the Senator from Kansas [Mr. PLUMB] who is absent from his seat introduced the bill originally, and manifested more concern in it than anybody else. I would supplement the motion by moving that it be postponed until Saturday next, because it will be impossible to consider it to-morrow on account of the counting of the electoral vote at the other end of the Capitol.

The PRESIDING OFFICER. The Senator from Arkansas moves that the further consideration of the bill be postponed until Saturday next.

The motion was agreed to.

PUBLIC LAND LAWS.

Mr. DOLPH. I understand, Mr. President, that that was an amendment to the motion made by me. I now move to take up House bill 7004.

The PRESIDING OFFICER. The title of the bill designated by the Senator from Oregon will be read.

The CHIEF CLERK. A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDING OFFICER. The Senator from Oregon moves that the Senate proceed to the consideration of this bill.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole.

The PRESIDING OFFICER. The Chair is informed that the bill has been read, and all the amendments recommended by the Committee on Public Lands agreed to.

Mr. DOLPH. I think not; the last two amendments have not been acted on yet.

The PRESIDING OFFICER. The Secretary has just corrected his former statement, and informs the Chair that some of the committee amendments have not yet been acted on. The first of the amendments not heretofore acted on will be read.

The CHIEF CLERK. The Committee on Public Lands propose to insert, as a new section, the following:

SEC. 5. That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

The PRESIDING OFFICER. To this amendment of the committee the Senator from Missouri [Mr. COCKRELL] offered an amendment, which will be read.

The CHIEF CLERK. The proposed amendment to the amendment is, at the end of line 8, to insert:

Excepting all lands situate in the State of Missouri.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri to the amendment of the Committee on Public Lands.

Mr. DOLPH. I hope that if this course is to be followed by Senators from other States where there are offered public lands, the amendment will be voted down and the section offered as an amendment by the committee be voted down also rather than undertake to except the several States where there are offered public lands.

As I stated on a former occasion, there are but few States where there are offered public lands for sale at private entry. Those are Missouri, Arkansas, Mississippi, Louisiana, Alabama, Florida, Michigan, and Minnesota. There are also small amounts of such lands in California,

Oregon, and Washington Territory, and the Territory of New Mexico. If the Senators from the Southern States, where there are considerable quantities of offered lands, are not in favor of this provision withdrawing those lands from private entry, it will be better to vote down this section offered by the committee and then strike out of the bill section 6, as it came from the House, than to undertake to except the several States in this section. I do not see the Senator from Missouri, who offered the amendment.

Mr. VEST. My colleague is not present, but I can state the reasons which I think will be entirely satisfactory to the Senate why this provision should not apply to the State of Missouri. There are no public lands in the State of Missouri that will ever be taken up by homesteads or pre-emptions. The only lands within the limits of that State which are now public lands are mineral lands, lands situated in the hilly or mountainous portions of the State, and they are not taken up by homesteaders. If this section applies to the State of Missouri, it simply amounts to keeping those lands that are now public lands in their present condition forever. All we desire as representing that State is that this provision shall not apply to Missouri in order that these lands may be entered for grazing and mineral purposes, as they certainly will not be taken up by homesteads or pre-emptions.

The PRESIDING OFFICER. The question is on the amendment to the amendment.

The question being put, there were on a division—ayes 20, noes 15; no quorum voting.

Mr. DOLPH. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Now let the amendment that I offered be read again, that I may see exactly the relation of it.

The PRESIDING OFFICER. The amendment offered by the Senator from Missouri will be read again.

The Chief Clerk read the amendment and the amendment to the amendment.

Mr. COCKRELL. I should like to ask what action has been taken upon section 4.

The PRESIDING OFFICER. Section 4 has been agreed to.

Mr. COCKRELL. And then section 5, the new section?

The PRESIDING OFFICER. That is the pending section, to which the Senator's amendment is proposed.

Mr. COCKRELL. I should like to ask the Senator from Oregon if this proposed amendment, section 5, the new section, was disagreed to, what would be the condition then of the bill?

Mr. DOLPH. If the motion to strike out section 6 and insert section 5, which is under consideration, should not prevail, the bill would stand as it came from the House, with section 6 in it, and then a motion could be made to strike out section 6. If section 5 is not adopted and section 6 should be stricken out, it would leave all the offered lands, lands subject to private entry, in the States named, still subject to private entry.

My objection to the amendment of this section by excepting a State is that it is likely to be followed by like amendments excepting other States where there are offered lands. If that is to be the case the section had better be voted down at once, but if there are no other Senators who desire to except their States from the operation of this section I should have no serious objection to the amendment offered by the Senator from Missouri.

Mr. COCKRELL. I have no disposition to complicate this bill in any shape, manner, or form, for I am heartily in favor of the general provisions of it, but it would do great injustice to the State of Missouri and to her people for this section 5 to be adopted. I offered the amendment which I did for the purpose of excepting Missouri from the operation of the law. I see at once that if an exception be made in favor of one State there will be exceptions then sought in favor of others, and the better way and the proper way would be to disagree to section 5, the amendment proposed by the committee, and then agree to strike out section 6. I ask the Senator if that would not leave the public lands in these old States just in the condition they are now in?

Mr. DOLPH. So far as the question of their sale at private entry is concerned, it would.

Mr. COCKRELL. That is what I mean. I have in my hand a letter from the Commissioner of the General Land Office, which I will read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 5, 1885.

SIR: In response to your verbal request of to-day, I have the honor to state that it is probable that all public lands in the State of Missouri, now vacant, have once been offered at public sale. There were withdrawals made for the following railroads: Hannibal and Saint Jo, lands within the six and fifteen miles limits; Saint Louis and San Francisco, from Saint Louis to Springfield, six and fifteen miles, and from Springfield west, for Atlantic and Pacific, twenty and thirty miles limits; the Iron Mountain, from Bird's Point southwest to State line, six, fifteen, and twenty miles, and from Ironton to Poplar Bluff, ten and twenty miles limits.

The alternate sections, which were increased in price by reason of being within the granted limits of the above roads, were offered at $2.50 per acre, but such as were reduced in price by act of June 15, 1880 (21 Stat., 236), have not been reoffered at such reduced price, and they are not subject to private entry until so reoffered. The sections within the indemnity limits, which did not inure to the benefit of the railroads, were restored to market at private entry.

There is probably a large amount of land in Missouri that has been withdrawn from sale at private entry by having been entered under the homestead laws, which entries were subsequently canceled. Such lands are not subject to private entry unless they shall have been properly restored.

Very respectfully,

L. HARRISON,
Assistant Commissioner.

Hon. F. M. COCKRELL,
United States Senate.

I desire to say simply that on the north side of the Missouri River, in our State, there are no public lands. All the public lands in Missouri are south of the Pacific Railroad substantially, and the greater part of them in the southern part of the State. There are no prairie lands, there are no agricultural lands in Missouri to-day vacant; no lands whatever that can be called agricultural lands. There can not be found one hundred and sixty acres of public land in Missouri upon which you could make a tillable field of sixty acres. There is land some of which has timber upon it; some of it has brush; it probably will be valuable for grazing cattle and sheep; and it will be valuable to some extent for the timber.

If you make this land subject to homesteads you simply preclude the sale of another acre of land in Missouri. There it is. It has been for twenty-five years subject to private entry; nobody has taken it up, speculators have not gone there and taken it up, and there is no danger of anything of that kind. Now, Mr. President, I shall insist that the Senate disagree to this proposed amendment known as section 5, and let the Missouri lands remain precisely as they have been so far as the provision at private sale is concerned. I hope that the Senate will do this. It does not affect any other lands which are properly tillable, agricultural lands.

If I may be allowed I would move—the motion, I believe, would not be in order, however—that the Senate disagree to the proposed amendment of the committee. If the Senate will permit, I will withdraw the amendment which I proposed, making a special exception of Missouri, and ask the Senate to non-concur in this amendment of the committee.

The PRESIDING OFFICER (Mr. HALE in the chair). The yeas and nays have been ordered on the amendment offered by the Senator from Missouri.

Mr. DOLPH. I should like to suggest to the Senator from Missouri that he can offer his amendment in the Senate; that he withdraw it at this time, and let the vote be had in Committee of the Whole on the section as it stands. If it should be voted down of course the matter will be ended; but if the Senate adopts the amendment of the committee it will be open in the Senate to amendment still, and then the amendment excepting Missouri can be offered.

Mr. COCKRELL. That was precisely what I was stating, that I would withdraw the amendment which I had proposed and ask the Senate to vote down section 5.

The PRESIDING OFFICER. Does the Senator from Missouri desire to withdraw his amendment?

Mr. COCKRELL. I ask unanimous consent that I may be allowed to withdraw my amendment, or that the order of the Senate ordering the yeas and nays may be reconsidered, and then that I may be allowed to withdraw the amendment in order that we may take a direct vote on the amendment of the committee.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the order of the Senate ordering the yeas and nays on his amendment be vacated. If there be no objection it is so ordered. The Senator from Missouri now asks leave to withdraw his amendment. There being no objection it is so ordered.

Mr. DOLPH. Before the vote is taken on the amendment reported by the committee I desire to call attention again to the States in which the lands subject to private entry are situated. There are in the State of Mississippi about 1,000,000 acres; in Florida about 500,000 acres; in each of the States of Alabama, Arkansas, and Louisiana about 200,000; in the northern portions of Michigan and Minnesota about 500,000 acres each. There are only about 50,000 acres in California, 50,000 acres in Oregon, and 50,000 acres in Washington Territory. These amounts are not large enough to make the matter of any considerable importance to the people of the Pacific coast. I understand that portions of the lands subject to private entry in some of the States, if not in Missouri, are agricultural lands. I simply want the Senate to understand what they are voting upon, where the lands are situated, and what the character of the land is, before they vote on the committee amendment.

Mr. SHERMAN. I ask the Senator if all the lands thus situated have not been open to private entry for more than twenty years?

Mr. DOLPH. I think probably for more than twenty-five years and continuously, except in the Southern States, where during or just after the war they were withdrawn from private entry for a time, and then again placed on the market subject to private entry by act of Congress.

Mr. SHERMAN. Then it seems to me there would be no harm in letting the thing stand as it is.

The PRESIDING OFFICER. The question is on the amendment of the committee proposed as section 5.

Mr. CALL. Mr. President, I ask the Senator from Oregon if the effect of this section 5, when passed, is not to prevent any entry of the public lands except a homestead entry?

Mr. DOLPH. Did I understand the Senator from Florida to propose a question to me?

Mr. CALL. I asked the Senator from Oregon if the effect of this section 5, if passed, is not to prevent any entry on the public lands except a homestead entry.

Mr. DOLPH. Certainly not. The section under consideration, if adopted, would only withdraw lands from private entry. Unless we pass the bill itself and adopt the sections which repeal the pre-emption law the land can still be entered under that law. Unless we adopt the section which repeals the timber-culture act they can still be entered under that act, and so with the desert-land act.

Mr. DOLPH. Offered public lands are such lands as have been offered at public sale, and not having been sold at public sale are afterward subject to private entry. That would be the only class of land which would be affected by this section.

Mr. CALL. Unoffered public lands are only subject to pre-emption entry.

Mr. DOLPH. Under the homestead law, the timber-culture act, and the desert-land act they are open to settlement.

Mr. CALL. I am speaking of section 5. The section says:

SEC. 5. That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

Mr. DOLPH. But the Senator will understand that the terms "offered lands" and "private entry" have come to have a special meaning when applied to the land laws.

Mr. CALL. I so understand.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Public Lands proposed as section 5.

The amendment was rejected.

Mr. DOLPH. There is still another committee amendment.

The CHIEF CLERK. The committee report to strike out section 6, as follows:

SEC. 6. That after the passage of this act no public lands of the United States adapted to agriculture shall be sold except mineral lands and town sites; and all of the public lands of the United States adapted to agriculture shall be reserved for actual and *bona fide* settlers only, under the provisions of the homestead law, subject, however, to bounty-land warrants and college scrip issued by authority of Congress, and the grants which Congress has made and shall hereafter make in the new States and Territories for the purpose of education; but all laws and parts of laws touching the rights of the officers, soldiers, and seamen heretofore in the military or naval service of the United States in the public lands are continued in full force: *Provided*, That nothing herein contained shall be construed to amend or repeal the act for the sale of timber lands in the States of California, Oregon, Nevada, and in Washington Territory, passed June 3, 1878: *Provided further*, That nothing in this act shall be construed to impair, defeat, or in any manner affect the rights of any State to indemnity for swamp and overflowed lands granted to the State of Arkansas and other States under the provisions of an act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits," approved September 28, 1850, as provided in sections 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, and 2490 of the Revised Statutes of the United States.

Mr. DOLPH. I think the previous section has been inadvertently acted on. The motion was to strike out and insert, and it failed, and there has been no motion renewed to strike out. I understand it will not be in order until the committee amendments are disposed of; and on page 7 is another committee amendment which I suppose will be in order to be acted upon.

The PRESIDING OFFICER. No action of the Senate has been taken on the amendment which has just been read.

Mr. COCKRELL. As I understand, really section 5 was a substitute for section 6, but the proposed amendment came in in advance of what was proposed to be stricken out. We have disagreed to section 5 to be inserted, and now I hope we shall agree to striking out section 6, and that leaves us all right.

The PRESIDING OFFICER. The question is on the amendment striking out section 6.

Mr. COCKRELL. It is only a question of the order in which it was printed. Section 5 comes in in advance of section 6, and it is an independent proposition, though practically it was intended to strike out section 6 and insert the proposed section 5 in lieu of it. Now, I hope the amendment of the committee proposing to strike out section 6 will be agreed to.

The PRESIDING OFFICER. The question is on the amendment to strike out section 6.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 6. That section 2288 of the Revised Statutes be amended so as to read as follows:

"SEC. 2288. Any person who has already settled on the public lands, either by pre-emption or by virtue of the homestead law, or any amendments thereto, and any person who shall hereafter settle on the public lands by virtue of the homestead law, or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead; and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads."

Mr. DOLPH. This is an exact copy of the old statute, except that it eliminates the words "pre-emption law" where they occur in this section so as to make it conform with the bill, if it is passed, which repeals the pre-emption law.

The amendment was agreed to.

Mr. INGALLS. Are there further amendments from the committee?

Mr. DOLPH. There is an amendment I should like to offer in section 1, in lines 9, 10, and 11, to strike out the words "and all other laws allowing pre-emption of the public lands in the United States."

I have ascertained since the bill was reported that there are some special acts authorizing the pre-emption of lands on Indian reservations or lands ceded to the United States by Indian tribes, which can only be disposed of in that manner. I have ascertained further that since the statutes were revised there have been no amendments of importance to the pre-emption law, and therefore the words "and all other laws allowing pre-emption of the public lands of the United States" may be stricken out without doing any harm, and striking them out will leave in force the laws covering these exceptional cases which we might overlook if we undertook to specify them all in the act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Oregon, which will be read.

The CHIEF CLERK. In section 1, line 9, after the words "United States," it is proposed to strike out:

And all other laws allowing pre-emption of the public lands of the United States.

The amendment was agreed to.

Mr. DOLPH. I move further to amend the bill by adding after the word "repealed," in line 29 of section 1, the following proviso:

And provided further, That all entries heretofore made under the pre-emption laws on which final proof and payment have been made and to which there are no adverse claims and which have been sold to innocent purchasers, shall be confirmed and patented upon presentation of satisfactory proof to the proper Department officer of such sale.

Mr. SHERMAN. It seems to me that is a wide-reaching provision, which may confirm illegal entries, irregular entries, entries that are in violation of law. The Senator, I suppose, does not intend that.

Mr. DOLPH. I will state what is proposed. This amendment was submitted to me by the Senator from Minnesota [Mr. SABIN], and I was requested to offer it. It has been submitted, I believe, to all the members of the Committee on Public Lands who are present and accessible and has been approved by all of them. It only proposes the confirmation of titles where final proof has been made, where payment has been made, and where the land has passed into the hands of innocent purchasers, and where the Commissioner of the General Land Office or the Secretary of the Interior shall be satisfied from the proof that the purchasers are innocent purchasers. Under the laws regulating the transfer of property between private citizens, a purchaser of property in good faith and for a valuable consideration from a person having evidence of title would be entitled to hold it, as against a third person who might be the real equitable owner of it. It is only proposed to apply the same rule to the Government where there are no adverse claims to the property; and where, as I have said, the land has been entered, final proof and payment made before the transfer, I see no objection to it myself. And, as I said before, I understand from the Senator from Minnesota that it has been submitted to each member of the Committee on Public Lands and no objection made to it. That was the reason I offered it.

Mr. SHERMAN. It seems to me this is a wide-reaching provision. This would confirm absolutely void pre-emption claims. It would prevent the United States from setting up its title merely because some person alleged to be an innocent holder might claim the land. These pre-emptions may have been made on lands not subject to pre-emption. The proof might have been made. I trust the Senator will not press it. I am not sufficiently informed about the nature of pre-emptions. I hope, therefore, it will not be offered here unless it is reported from the committee, and I do not think then it ought to be reported except upon a letter from the Commissioner of the Land Office or the Secretary of the Interior. Certainly this would confirm we do not know how many claims. In ordinary cases, when the pre-emptor has paid the purchase-money and the matter seems to be all clear, he would get his title as a matter of course. Consequently this is intended to confirm illegal pre-emptions, fraudulent pre-emptions, pre-emptions on land that is not open to pre-emption, and denies to the United States the power to resist those pre-emptions and the execution of patents based upon them, simply, forsooth, because somebody who is innocent of the fraud is, may be, now in possession. That would be wrong. The United States might be in great danger from such a wide-reaching provision, and therefore it ought not to be adopted, it seems to me, except upon full consideration.

Mr. PLUMB. The Senator from Minnesota exhibited this amendment to me yesterday. Without fully getting its scope, perhaps I may have said I did not see any objection to it. But the general subject has been before the Committee on Public Lands in the shape of a bill introduced by the Senator from Colorado, and the committee encountered a great deal of difficulty in the consideration of it. Undoubtedly there are a great many claims which ought to be passed and patented which have been prevented, but on the other hand there are a great many

claims which have been suspended which ought not to be passed. That is the *prima facie* condition at least.

A provision of this kind, so sweeping in its nature, would in my judgment be really against the interests of the Government and against the interests of justice as between claimants; but with reference generally to the disposition of the public lands the bill which the Senator from Colorado introduced and the committee have under consideration, provided that after a certain lapse of time, after the issue of a patent, proceedings might be taken to set aside the patent, and that brought up the general question of holding up claims in the General Land Office on the ground that the pre-emption law or the homestead law or whatever law they were sought to be entered under, had not been complied with.

I have no doubt that in a great many cases the reports of special agents or other reports on which the Interior Department has acted have been partial and have worked injustice; but on the other hand every one who reads the report of the Commissioner of the General Land Office, and who is at all conversant with the history of the administration of the public land laws during the last few years, must know that in the greed to get land which has seized upon a good many people during the last few years a great many instances have occurred where entries have been made which were not warranted by the law at all and which were practically a fraud on the Government.

If the Government were desirous simply of getting the money for the lands, if it was only a question of getting a dollar and a quarter an acre, then of course the Government side of the question might well be satisfied by the money; but for many years the public lands have been regarded as a trust for the benefit of those persons, citizens of the United States who desired to make homes on them and therefore the mere payment of money unaccompanied by the evidences of settlement which the law requires and unaccompanied by the fact that men have actually made homes to entitle them to enter them is practically a fraud upon the public. It is that class of cases which this bill is designed to prevent.

While a healing act in reference to certain classes of those cases might be well, at the same time it can not be framed off-hand. It is not wise, as I think, to put it onto a bill of this kind, or of any kind, without some discussion of the matter so that the exact limitations of it may be thoroughly understood. It might be possible that you could heal all entries made in a certain number of years. That would do in certain sections of the country; but in certain others perhaps that would not do. Therefore, this being a very large question, it seems to me to be unwise to attempt in this manner to ingraft it upon legislation.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

Mr. HARRIS. I ask the Senator from Missouri to withdraw that for a moment.

Mr. VEST. We can not finish this bill to-night because there are important amendments here. It is impossible to finish it.

Mr. HARRIS. I ask the Senator from Missouri to withdraw the motion until I can make a report from a conference committee.

Mr. VEST. Certainly.

The PRESIDING OFFICER. The motion is withdrawn.

SUITS FOR DAMAGES.

Mr. HARRIS. I offered this morning the report of a committee of conference, but on hearing it read at the desk I discovered that the clerk of the House committee in making the duplicate copy had omitted a single word, and I sent it back to have the House conferees and Senate conferees agree to insert the word. I now present the report in correct form.

The PRESIDING OFFICER. The Senator from Tennessee submits a report from a conference committee, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 7131, to authorize suits for damages where death results from the wrongful act, neglect, or default of any person or corporation in the District of Columbia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with the following amendments thereto:

In the first section of said Senate amendment and next before the proviso to said section insert the following words: "And such damages shall be assessed with reference to the injury resulting from such act, neglect, or default causing such death, to the widow and next of kin of such deceased person."

And also by adding to said first section, after the proviso, the following words: "*And provided further*, That no action shall be maintained under this act in any case where the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party."

And also by amending the said Senate amendment by striking out of said second section thereof the words "two years" and inserting in lieu thereof "one year."

And the Senate agree to the said amendments to the Senate amendments to said bill.

ISHAM G. HARRIS,
JOHN J. INGALLS,
H. H. RIDDLEBERGER,
Managers on the part of the Senate.

LUKE P. POLAND,
J. R. TUCKER,
WILLIAM DORSHEIMER,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced the appointment of Mr. JAMES F. CLAY, of Kentucky, and Mr. J. WARREN KEIFER, of Ohio, as tellers on the part of the House provided for in the concurrent resolution of the two Houses on the subject of counting the votes for President and Vice-President of the United States.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.;

A bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.;

A bill (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas; and

Joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina.

BILLS INTRODUCED.

Mr. HOAR introduced a bill (S. 2626) for the relief of William E. Blunt; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER, of New York (by request), introduced a bill (S. 2627) for the relief of Elizabeth Fleming, Frances E. Robinson, and Mary and Margaret Johnstone; which was read twice by its title, and referred to the Committee on Claims.

Mr. INGALLS (by request) introduced a bill (S. 2628) relating to sales for taxes in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. GROOME introduced a bill (S. 2629) to amend the law concerning mechanics' liens in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. COCKRELL introduced a bill (S. 2630) granting a pension to Mrs. Ann Bailey; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENTS TO BILLS.

Mr. MAHONE, from the Committee on Public Buildings and Grounds, reported two amendments intended to be proposed by him to the sundry civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. GEORGE submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me., with an amendment; in which the concurrence of the Senate was requested.

The message also announced that the House had passed the bill (S. 591) for the relief of the estate of Chester Ashley.

The message further announced that the House had passed a bill (H. R. 6533) for the relief of Dr. Thomas J. Jones; in which it requested the concurrence of the Senate.

PUBLIC BUILDING AT AUGUSTA, ME.

Mr. FRYE. I ask unanimous consent that the question of concurrence in the House amendment to the bill providing for the erection of a public building in the city of Augusta, Me., may be passed upon now. It is a Senate bill, has passed the Senate twice, and is returned from the House with an amendment.

The PRESIDING OFFICER (Mr. HALE in the chair). The Chair lays before the Senate a bill returned from the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES.

Resolved, That the bill from the Senate, No. 235, entitled "An act to provide for the erection of a public building in the city of Augusta, Me.," do pass with the following amendment:

In line 11 of the bill, after the word "dollars," insert the following:

"And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which plan and specifications shall not involve an expenditure, in the erection and completion of said building and the approaches thereto, exceeding the portion of said $150,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

The PRESIDING OFFICER. The Senator from Maine moves that the Senate concur in the House amendment.

The amendment was concurred in.

Mr. INGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 10, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of Saturday, February 7, was read.

The SPEAKER *pro tempore*. Without objection, the Journal as read will be approved.

Mr. KELLEY. Mr. Speaker, I desire to ask that the Journal as read be amended in that portion of the proceedings of yesterday which refers to what occurred between one of the assistant sergeants-at-arms of the House and the gentleman from Kentucky [Mr. WHITE].

After stating that the Sergeant-at-Arms returned for his mace and passed up the aisle, it says "the gentleman from Kentucky took his seat." That is a mistake, and it should state the truth, which is that when the member from Kentucky saw the party who had assailed him pass beside the Speaker's chair and assume the mace he took his seat; so that the Journal should read "he had taken his seat," and not that he took his seat under the constraint of the Sergeant-at-Arms with the mace in his hand.

This much is due to the gentleman from Kentucky. I can have no personal feeling in suggesting this amendment which is due to him. The House knows that there can have been no personal relations between him and me for some years past, while I know I am ready to bear testimony that I have never experienced anything but courtesy from the gentleman, whom I think was yesterday a grave aggressor upon the dignity and decorum of the House.

I move that the Journal be amended by striking out the word "took" and inserting "had taken," or such form of words as may be necessary to make the correction I have suggested.

Mr. COX, of New York. I am sure, Mr. Speaker, that this matter should be correct in the Journal, and I am equally sure that it is correct as it now stands. It is a mistake on the part of the gentlemen on the other side of the House, perhaps on this side, that the mace, Cromwell's old bauble, is the only symbol of authority. It is only the outward emblem of the inward authority of the Speaker; and when the Speaker sent the Sergeant-at-Arms, without having the mace in his possession, down to the member from Kentucky, he had the right under the fourth paragraph of Rule XIV to do just what he did; and I wish that rule had been read in the hearing of the House on yesterday, as it might have saved the motion of the gentleman from Pennsylvania. That clause of the rule in question is as follows:

> 4. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down.

It does not follow that he shall be approached with the mace if he is approached by the authority of the Speaker in the person of the officer of the House; and the Speaker on yesterday said, as the RECORD will show, that he had directed the Sergeant-at-Arms to see that the gentleman from Kentucky was seated. All was done in kindness and gentleness by the Speaker *pro tempore* toward his colleague. There is nothing to complain of. Nobody can complain of either the Speaker *pro tempore* or the Speaker himself in their treatment of the gentleman from Kentucky; and the only complaint is that they have exceeded in lenity and not in severity. [Applause on the Democratic side.]

Mr. KELLEY. I do not desire to discuss the doctrine of this case at this time. A time will come for that. All that I now ask is that the Journal, which should be a faithful record of the proceedings of the House, shall state the facts as they actually occurred.

The gentleman from Kentucky did refuse to take his seat upon the order of a man who had laid violent hands upon him and bore no symbol of office. When, however, that citizen left him to assume evidence that he was an officer of the House and under the Speaker's command the gentleman took his seat; and when the representative of the Sergeant-at-Arms approached or turned to approach the gentleman from Kentucky he was, as all the gentlemen around us here well know and will say, already in his seat. And the Journal should show, not that he took his seat under official constraint, but that, if he had made a mistake in assuming that no citizen had the right to force him by violence off his feet when addressing the Chair—when he saw that the authority of the House was speaking to him he had taken his seat; and I ask that this correction be made in the Journal.

Mr. CONVERSE. Will the gentleman from Pennsylvania permit me a question?

Mr. KELLEY. Yes, sir.

Mr. CONVERSE. I would like to inquire of the gentleman from Pennsylvania, who has had long and wide experience in parliamentary law, whether there is any rule of the law which requires an officer of this House to carry with him the mace or other symbol of authority when he is obeying the instructions of the presiding officer of the House or when serving a writ or process or performing any other duty that he is by the law required to perform?

Mr. KELLEY. As there will be, Mr. Speaker, time enough to discuss that question when it arises, I shall not proceed to discuss it now. The question before us is whether the Journal states the facts as they occurred or whether it misrepresents them. I ask that it state them correctly.

Mr. REAGAN. The Journal is correct as read. It states the facts as they occurred. The only pretense for making this question is a purely technical one, which ignores the actual facts of the case.

The gentleman from Kentucky knew the Sergeant-at-Arms as well as the Speaker and every other member of the House knew him. He heard the order of the Speaker to the Sergeant-at-Arms to cause him to be seated. The pretense now that he did not bring the mace is, I repeat, a mere technical pretense, in order to make an issue to the disadvantage of the Speaker when he had discharged the duty which devolved upon him—with perhaps the exception stated by the gentleman from New York [Mr. COX], that he extended too much leniency and listened too long to the abuse of the patience of the House.

Mr. REED, of Maine, rose.

The SPEAKER *pro tempore*. Does the gentleman from Texas yield?

Mr. REAGAN. I was going to move, and I do move, to lay the proposed motion to correct the Journal on the table.

Mr. REED, of Maine, addressed the Chair.

The SPEAKER *pro tempore*. The motion to lay on the table is not debatable.

Mr. REED, of Maine. I think the gentleman from Texas will kindly withdraw his motion for a moment.

Mr. REAGAN. I would be glad to hear the views of the gentleman from Maine, but we have a great deal of important business and we should not waste more time on this matter.

Mr. REED, of Maine. I simply desire one moment.

The SPEAKER *pro tempore*. The Chair will state the motion of the gentleman from Texas, as the gentleman from Maine well knows, is not debatable. The gentleman from Pennsylvania [Mr. KEILEY] has moved to correct the Journal——

Mr. REED, of Maine. I would like to state—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is not debatable, as the gentleman from Maine knows perfectly well. The gentleman from Pennsylvania [Mr. KELLEY] has moved to correct the Journal as indicated, and the gentleman from Texas moves to lay that motion on the table.

The question being taken on Mr. REAGAN'S motion, there were—ayes 138, noes 94.

Mr. KELLEY. I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The Clerk will call the roll.

Mr. WASHBURN. Before the roll is called I would like to have the clause of the Journal which it is proposed to correct reported again.

The SPEAKER *pro tempore*. Unless there be objection it will be again read.

Several members objected, and called for the general order.

Mr. WASHBURN. I am satisfied so far as I am concerned. [Cries of "Regular order!"]

The question was taken; and there were—yeas 164, nays 95, not voting 64; as follows:

YEAS—164.

Adams, J. J.	Dorsheimer,	Lore,	Snyder,
Aiken,	Dowd,	Lovering,	Spriggs,
Alexander,	Dunn,	Lowry,	Springer,
Arnot,	Eaton,	McMillin,	Stevens,
Bagley,	Eldredge,	Matson,	Stewart, Charles
Ballentine,	Ellis,	Maybury,	Stockslager,
Barbour,	English,	Miller, J. F.	Sumner, C. A.
Barksdale,	Ermentrout,	Mills,	Sumner, D. H.
Beach,	Ferrell,	Mitchell,	Swope,
Belmont,	Findlay,	Money,	Talbott,
Bennett,	Follett,	Morgan,	Taylor, J. M.
Blackburn,	Foran,	Moulton,	Thompson,
Blanchard,	Forney,	Muldrow,	Tillman,
Bland,	Fyan,	Muller,	Townshend,
Blount,	Geddes,	Murphy,	Tucker,
Boyle,	Gibson,	Murray,	Tully,
Bratton,	Glascock,	Mutchler,	Turner, H. G.
Breckinridge,	Graves,	Neece,	Van Alstyne,
Broadhead,	Green,	Nicholls,	Vance,
Buchanan,	Halsell,	Oates,	Van Eaton,
Buckner,	Hammond,	Ochiltree,	Wallace,
Cabell,	Hardeman,	O'Ferrall,	Ward,
Campbell, J. E.	Hardy,	Paige,	Warner, Richard
Candler,	Hatch, W. H.	Patton,	Warner, A. J.
Carleton,	Hewitt, A. S.	Peel,	Weaver,
Clardy,	Hewitt, G. W.	Pierce,	Wellborn,
Clay,	Hill,	Post,	Wemple,
Cobb,	Holman,	Pryor,	Wilkins,
Collins,	Hopkins,	Pusey,	Williams,
Converse,	Houseman,	Randall,	Willis,
Cosgrove,	Hurd,	Reagan,	Wilson, James
Covington,	Hutchins,	Reid, J. W.	Wilson, W. L.
Cox, S. S.	Jones, B. W.	Riggs,	Winans, E. B.
Cox, W. R.	Jones, J. H.	Robertson,	Winans, John
Crisp,	Jones, J. K.	Rogers, J. H.	Wise, G. D.
Dargan,	Jones, J. T.	Rogers, W. F.	Wolford,
Davidson,	King,	Rosecrans,	Wood,
Deuster,	Kleiner,	Seney,	Woodward,
Dibble,	Lamb,	Seymour,	Worthington.
Dibrell,	Lanham,	Shively,	Yaple,
Dockery,	Lewis,	Singleton,	York.

NAYS—95.

Adams, G. E.	Ellwood,	Kean,	Rowell,
Anderson,	Evans,	Keifer,	Ryan,
Atkinson,	Everhart,	Kelley,	Skinner, T. G.
Bayne,	Finerty,	Lawrence,	Smith, A. Herr
Bingham,	Funston,	Long,	Smith, H. Y.
Bisbee,	George,	Lyman,	Spooner,
Boutelle,	Goff,	McCoid,	Steele,
Breitung,	Greenleaf,	McComas,	Stephenson,
Brewer, F. B.	Guenther,	McCormick,	Stewart, J. W.
Brewer, J. H.	Hanback,	Millard,	Storm,
Brown, W. W.	Hart,	Nelson,	Strait,
Browne, T. M.	Hatch, H. H.	Nutting,	Struble,
Budd,	Haynes,	O'Hara,	Taylor, E. B.
Campbell, J. M.	Hemphill,	O'Neill, Charles	Taylor, J. D.
Cassidy,	Hepburn,	Payne,	Thomas,
Connolly,	Hiscock,	Perkins,	Valentine,
Craig,	Hitt,	Peters,	Wadsworth,
Culbertson, W. W.	Holmes,	Pettibone,	Wait,
Cullen,	Horr,	Phelps,	Wakefield,
Cutcheon,	Houk,	Poland,	Washburn,
Davis, R. T.	Howey,	Price,	White, J. D.
Davis, L. H.	Hunt,	Ray, G. W.	White, Milo
Dingley,	Jeffords,	Ray, Ossian	Whiting.
Dunham,	Johnson,	Reed, T. B.	

NOT VOTING—64.

Barr,	Elliott,	Lacey,	Reese,
Belford,	Fiedler,	Laird,	Rice,
Bowen,	Garrison,	Le Fevre,	Robinson, J. S.
Brainerd,	Hancock,	Libbey,	Robinson, W. E.
Brumm,	Harmer,	McAdoo,	Rockwell,
Burleigh,	Henderson, D. B.	Miller, S. H.	Russell,
Burnes,	Henderson, T. J.	Milliken,	Shaw,
Caldwell,	Henley,	Morrill,	Skinner, C. R.
Campbell, Felix	Herbert,	Morrison,	Slocum,
Cannon,	Hoblitzell,	Morse,	Smalls,
Chalmers,	Holton,	O'Neill, J. J.	Stone,
Clements,	Hooper,	Parker,	Throckmorton,
Cook,	James,	Payson,	Turner, Oscar
Culberson, D. B.	Jordan,	Potter,	Weller,
Curtin,	Kellogg,	Rankin,	Wise, J. S.
Davis, G. R.	Ketcham,	Ranney,	Young.

So the motion to correct the Journal was laid on the table.

The following members were announced as paired on all political questions until further notice:

Mr. MORRISON with Mr. LIBBEY.

Mr. SHAW with Mr. LAIRD.

Mr. GARRISON with Mr. BARR.

Mr. RANKIN with Mr. KELLOGG.

Mr. HERBERT with Mr. LACEY.

The following pairs were also announced:

Mr. CALDWELL with Mr. BRUMM, on this vote.

Mr. DAVIS, of Illinois, with Mr. O'NEILL, of Missouri, on this vote.

Mr. BOYLE with Mr. HENDERSON, of Iowa, for to-day.

The result of the vote was then announced as above stated.

Mr. REAGAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER rose. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. If there be no further objection, the Journal will stand approved.

Mr. KEIFER. I object. I now move that the Chair appoint a committee of five members to examine and report upon the question of fact, as made by members around me, with reference to the proceedings yesterday in connection with the Sergeant-at-Arms and the gentleman from Kentucky [Mr. WHITE]. I may state, in support of this motion, that it is in accordance with the rule in the English Parliament; indeeed, it is the only way to have the fact recorded, and it is the right of every member, no matter what the judgment of the House may be, to have the facts recorded. The House has no right to vote, by a majority vote, that a fact which has occurred in its proceedings shall not be recorded in the Journal.

Mr. REAGAN. Mr. Speaker, I move to lay the motion made by the gentleman from Ohio [Mr. KEIFER] on the table.

Mr. TOWNSHEND. I call for the regular order, Mr. Speaker. The motion of the gentleman from Texas [Mr. REAGAN] is not debatable.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] moves that the Chair appoint a committee of five members to examine and report as to the correctness of the Journal as read by the Clerk. That motion the gentleman from Texas [Mr. REAGAN] moves to lay on the table.

Mr. THOMPSON. Is the motion subject to the point of order?

The SPEAKER *pro tempore*. The Chair thinks that it is too late to make the point of order. The question is on the motion of the gentleman from Texas [Mr. REAGAN] to lay upon the table the motion of the gentleman from Ohio [Mr. KEIFER].

Mr. REED, of Maine. Mr. Speaker, does the gentleman from Texas [Mr. REAGAN] have the right to make that motion while the gentleman from Ohio [Mr. KEIFER] is on the floor?

The SPEAKER *pro tempore*. The Chair understood that the gentleman from Ohio [Mr. KEIFER] had concluded his remarks.

Mr. KEIFER. I had not concluded, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman had made his motion, and in the silence that ensued, the gentleman from Ohio [Mr. KEIFER] not addressing the Chair, the gentleman from Texas [Mr. REAGAN] rose and made the motion to lay on the table.

Mr. KEIFER. I paused, Mr. Speaker, for the purpose of having the Chair state the question, which had not been stated up to that time; and before the Chair had stated the question the gentleman from Texas [Mr. REAGAN] took the floor to move to lay my motion on the table. I claim the right to have the Chair state the motion that I have made, and then to proceed to discuss it.

The SPEAKER *pro tempore*. The Chair does not recognize the right of the gentleman from Ohio [Mr. KEIFER] to require such service at the hands of the Chair until he has concluded his remarks; but in order to be entirely fair, the Chair will hear the gentleman from Ohio [Mr. KEIFER] further.

Mr. KEIFER. Mr. Speaker, I do not make this motion in any captious spirit at all——

Mr. MCMILLIN. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] is recognized.

Mr. MCMILLIN. But before he discusses the proposition the point of order can be entertained.

The SPEAKER *pro tempore*. The Chair will overrule the point of order if the gentleman desires to make it, and will hear the gentleman from Ohio [Mr. KEIFER].

Mr. MCMILLIN. I was about to reserve the point of order.

The SPEAKER *pro tempore*. The Chair has passed upon it, and the gentleman from Ohio will proceed.

Mr. KEIFER. I do not make this motion in any captious sense at all, nor to occupy the time of the House, but to preserve the integrity of the records of the proceedings of this House. I do not know personally the facts in relation to this matter that is claimed to have been omitted from the Journal, but all around me, I may say regardless of party, there is concurrence in this: that the gentleman from Kentucky [Mr. WHITE] took his seat before the Sergeant-at-Arms arrived with the mace.

Now, whether that is correct or not depends upon the facts as they may be disclosed by a large number of honorable gentlemen here. The point I make, Mr. Speaker, is that it is not the right of a majority of this House to say that a fact which concerns the proceedings of this House and is a part of them shall not be recorded upon the Journal. Indeed, I think that the House, with a little deliberation, would not attempt to prevent a record being made of the proceedings as they took place. There may well be a difference of opinion as to what did take place; it may be that a majority of the House, either from not knowing anything about the matter, or from information received, might vote down a motion such as that submitted by the distinguished gentleman from Pennsylvania [Mr. KELLEY]; but in parliamentary bodies whenever there is an allegation of inaccuracy in the Journal, or of omission from the Journal, it has been the practice to appoint a committee to inquire into the facts and report to the House, in order that the Journal might be corrected. The Journal is of that sort of paramount importance that in the organic act of the nation it is made mandatory upon each House of Congress to keep a journal of its proceedings. Now, is that journal to be kept in accordance with the vote of the majority of the House, in accordance with their wish as to what shall be recorded, in accordance with the whim of the majority of the House (if I may use the expression) at the time the record is made up, or is it to be kept in accordance with the fact? To illustrate, suppose the gentleman from Texas [Mr. REAGAN], or any other gentleman, has an important proceeding here upon a bill, and it is entirely omitted from the Journal by mistake or otherwise, I insist that that gentleman himself, even if no other member agrees with him, has a right to have the Journal show exactly what did take place—precisely what did take place. It is not for the judgment of the House to determine whether or not it shall go upon the record, but whether it is the fact.

This, Mr. Speaker, comprises substantially all I desire to say. It is laid down in Jefferson's Manual, page 139, that in cases of this kind the House may take proceedings to have the facts ascertained which should go upon the Journal. The language is:

> On information of a misentry or omission of an entry in the journal, a committee may be appointed to examine and rectify it and report it to the House.

I now yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REAGAN. Mr. Speaker, how does this debate come up?

The SPEAKER *pro tempore*. The motion of the gentleman from Ohio is that a committee of five members be appointed to inquire into the facts and report to this House as to the correctness or incorrectness of its Journal.

Mr. REAGAN. I moved to lay that motion on the table.

The SPEAKER *pro tempore*. The Chair will repeat the statement already made, that the Chair, supposing the gentleman from Ohio had finished his remarks, recognized the gentleman from Texas [Mr. REAGAN], who moved to lay the motion of the gentleman from Ohio on the table. But the gentleman from Ohio, claiming that injustice was done him, the Chair, in order to be entirely fair, recognized the gentleman from Ohio to proceed again. That gentleman now seems to be claiming an hour, and is yielding certain time to other members.

Mr. ROBERTSON. Has he the right to do so under the rules?

The SPEAKER *pro tempore*. The Chair will say that it is the gentleman's right, if he claims it, under the circumstances.

Mr. ROBERTSON. Does he claim it?

Mr. KEIFER. Not the whole hour; no.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Ohio.

Mr. KEIFER. I yield five minutes to the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. Mr. Speaker, the only anxiety I feel about this matter is that the House should do itself justice. This is not a matter of personal popularity or personal unpopularity. It is a question of what is due to the House in the statement of a fact upon its Journal. I simply desire to say to the House that I was personally an eyewitness of the transaction, and that the Journal does not, according to my recollection, state the fact as it occurred.

I do not desire for one moment to enter into the question of the right or wrong of the transaction; that will come up under another form of proceedings. But here is a proposition to correct a misstatement in the Journal. It seems to me the House owes it to itself to make that correction in some form or other. I do not know that a word need be added to what I have said. The House ought to ascertain whether the correction should be made, if there is any dispute.

Mr. KEIFER. I yield five minutes to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. Mr. Speaker, I shall be obliged to vote for this resolution, because it is proper, without any regard to who is right as to the matter of fact. There is an issue, and the only way to try that issue is before a committee. We have no standing committee that has jurisdiction of this question; therefore a special committee ought to be appointed.

I may believe that the Journal is exactly correct; other gentlemen believe it is wrong. The fact that anybody feels an interest in having it corrected creates a necessity for ascertaining the truth. This is but a repetition, for the purpose of emphasis, of what I have already said.

Mr. KEIFER. I now yield five minutes to the gentleman from Indiana [Mr. LOWRY].

Mr. LOWRY. Mr. Speaker, upon this question valuable time is being consumed which there is an imperative demand should be devoted to the transaction of the public business. I have conversed with several gentlemen on this side of the House, and I find the opinion to prevail generally that the shortest and quickest way out of this imbroglio will be to adopt the motion of the gentleman from Ohio—appoint this committee, and let a report be made in regard to the facts touching this transaction, and thus dispose of it without consuming the time of the House.

Mr. KEIFER. I now desire to yield for a moment to the gentleman from Pennsylvania [Mr. KELLEY].

Mr. KELLEY. Mr. Speaker——

Mr. O'NEILL, of Missouri. I rise to a point of order. Was not a motion made to lay on the table?

The SPEAKER *pro tempore*. That motion is not before the House. The gentleman from Pennsylvania will proceed.

Mr. KELLEY. Mr. Speaker, I began the remarks with which I preceded my motion on this subject by disclaiming all personal feeling in this matter. I can not do so at this time. I have a deep personal interest in this question as now presented. I have made a statement as to a matter of fact which I had witnessed, and which was witnessed by my neighbors all around me. This honored member of the Democratic party who now stands near me, the gentleman from Louisiana [Mr. HUNT], stood as near as I did to the scene of the transaction, and would, I am quite sure, tell a committee that my statement was to the letter accurate.

Mr. HUNT. I believe the gentleman's statement was correct.

Mr. KELLEY. I believed the gentleman would say so. The man himself who came as a citizen and claimed to be executing an order addressed to an officer of the House, and whose conduct has given rise to this discussion, has, if I am not misinformed by several gentlemen, said that my statement of the facts was accurate.

As has been said, it is due to the member involved that the Journal shall speak of him truthfully. It is due to the honor of the House, in whose behalf I proposed the amendment, that it shall recite the truth and not falsely record the angry impulse of a majority on the floor. Therefore I ask as a measure of justice to the House that the parliamentary usage of a committee to inquire where in a moment of excitement an issue has been raised shall be followed so it may be corrected.

Mr. REAGAN rose.

Mr. KEIFER retained the floor.

The SPEAKER *pro tempore*. The Chair desires to know what the gentleman from Ohio proposes to do?

Mr. KEIFER. I do not propose to occupy any more time at present.

The SPEAKER *pro tempore*. The gentleman must occupy his time or yield the floor.

Mr. KEIFER. I yield a moment to the gentleman from Minnesota.

Mr. WASHBURN. Mr. Speaker, I only desire to say that I think this is a case of much ado about nothing. Just as it now stands it seems to me it is beyond the authority of the other side of the House, or of this House, to do anything except to go forward and have this committee appointed and the fact ascertained.

Mr. O'NEILL, of Missouri. We will not do anything, of course, if we take up the whole time with this trash.

Mr. WASHBURN. I sat in my seat, and I know, unless my senses misled me, that the statement in the Journal is not correct. Now, can any one of us afford to refuse to have that correction made? I can not see that anybody is to be harmed by it. Let the correction be made and let the Journal stand as a true record of our proceedings.

Mr. OATES. Let me ask the gentleman a question.

Mr. WASHBURN. And then let us proceed to business. So far as I am concerned, I have heard enough of this whole trifling proceeding.

Mr. OATES. Let me ask the gentleman a question.

Mr. KEIFER. I yield the floor for the present.

The SPEAKER *pro tempore*. The gentleman from Ohio has yielded the floor. [After a pause.] The Chair recognizes the gentleman from Texas.

Mr. WASHBURN. I yield for a question.

Mr. REAGAN. I am willing to yield for a question.

Mr. OATES. Is not the Journal correct so far as it goes, the trouble being in the fact that it is not explicit? ["No!" from the Republican side.] It states the Sergeant-at-Arms went and got his mace and then returned, and that, after he had returned, Mr. WHITE took his seat. If you had inserted the words that Mr. WHITE had taken his seat "before the deputy sergeant-at-arms had again reached him," you would have the whole thing. It is not an error in what is stated, but in not stating enough to make it explicit.

Mr. REAGAN. Now I desire to go on.

The SPEAKER *pro tempore*. The gentleman from Texas is recognized.

Mr. REAGAN. Mr. Speaker, the whole of this means that gentlemen on the other side of the House, for the protection of the man who has been interrupting the proceedings of the House and producing unnecessary delays by a course of conduct that ought not to have been tolerated, now desire to dictate to the Democrats on this side that they shall make an apology for the Speaker having performed his duty as he did. That is all there is of it. The Sergeant-at-Arms by the command of the Speaker went to the desk of that member and tried to get him to take his seat after he was called to order and requested to do so by the Speaker; but he refused to be seated. The Sergeant-at-Arms went back to his desk and got his mace, under the idea perhaps that it would add to his authority; but when he returned the member was seated. It seems to me we ought not to consume further time, that common decency, in view of the history of this transaction, forbids that we should go on to spend more time on this subject.

It is asserted that it is an outrage on personal rights. Now, if the question of right could be considered, the whole question of right, we would consider the outrage on the rights of this House and on the interests of this country by delaying its proceedings day after day by dilatory and filibustering motions.

Mr. BOUTELLE. By whom?

Mr. REAGAN. By the very gentleman you are now trying to make a martyr of; the gentleman you put up—the gentleman Mr. REED put up. I am tired of seeing Democrats rise here and apologize for efforts on the part of the majority in trying to control this House. [Applause on the Democratic side.] It has been our fate long enough——

Mr. REED, of Maine, rose.

The SPEAKER *pro tempore*. The gentleman from Texas will suspend.

Mr. REED, of Maine. I desire the words of the gentleman from Texas be taken down.

The SPEAKER *pro tempore*. The words will be taken down.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. The gentleman from Texas has been called to order, and he has not taken his seat while the words are being taken down.

The SPEAKER *pro tempore*. The words of the gentleman from Texas have been called for, and when they have been supplied by the Official Reporter they will be read. The gentleman from Texas having been called to order will take his seat. [Laughter.]

Mr. REAGAN. Let the words be taken down if the gentleman wants them.

The SPEAKER *pro tempore*. The gentleman from Texas will suspend until the language of the gentleman has been reported to the House.

Mr. WHITE, of Kentucky. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. I make the point of order that under the rule itself the only privilege of the gentleman from Texas now is to take his seat until the words are reported to the House. I call the attention of the Chair to the fact that the gentleman is still standing. [Laughter.]

The SPEAKER *pro tempore*. The Chair will state that it is in order

for every member on the floor to take his seat; and the Sergeant-at-Arms will see that all members are seated.

Mr. REAGAN. Since the gentleman from Kentucky is so sensitive about the rules, I will take my seat. [Laughter.]

[The assistant sergeant-at-arms, with the mace in his hands, proceeded through the Hall until order was restored and members had resumed their seats.]

The SPEAKER *pro tempore*. The Clerk will read the language to which the gentleman from Maine excepts.

The Clerk read as follows:

Mr. BOUTELLE. By whom?

Mr. REAGAN. By the very gentleman you are now trying to make a martyr of; the gentleman you put up—the gentleman Mr. REED put up. I am tired of seeing Democrats rise here and apologize for efforts on the part of the majority in trying to control this House. [Applause on the Democratic side.] It has been our fate long enough.

* * * * * * *

Mr. REED, of Maine. I ask that the gentleman's words be taken down.

The SPEAKER *pro tempore*. The Clerk will now read clause 5 of Rule XIV.

The Clerk read as follows:

5. If a member is called to order for words spoken in debate, the member calling him to order shall indicate the words excepted to, and they shall be taken down in writing at the Clerk's desk and read aloud to the House; but he shall not be held to answer, nor be subject to the censure of the House therefor, if further debate or other business has intervened.

The SPEAKER *pro tempore*. The Clerk will now read clause 4 of the same rule.

The Clerk read as follows:

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call him to order; in which case he shall immediately sit down, unless permitted, on motion of another member, to explain, and the House shall, if appealed to, decide on the case without debate; if the decision is in favor of the member called to order, he shall be at liberty to proceed, but not otherwise; and if the case require it he shall be liable to censure or such punishment as the House may deem proper.

The SPEAKER *pro tempore*. The gentleman from Maine [Mr. REED] takes exception to the language of the gentleman from Texas.

Mr. REED, of Maine. I simply ask the Speaker to rule upon the question of order as to the right of the gentleman to mention my name in the connection in which it has been mentioned by him.

The SPEAKER *pro tempore*. Does the gentleman from Maine make the point of order that the gentleman from Texas violated the rules of the House in using the language read by the Clerk?

Mr. REED, of Maine. That the gentleman was out of order in making a personal allusion to me in the course of his remarks.

The SPEAKER *pro tempore*. The Chair does not regard the language of the gentleman from Texas as a transgression of the rules of the House in the connection in which it was used.

Mr. RANDALL. I move that the gentleman from Texas be allowed to proceed.

Mr. CASSIDY. In order?

Mr. COX, of New York. The gentleman from Texas should be allowed to proceed, Mr. Speaker, but I think that the gentleman was out of order in naming the gentleman from Maine. I therefore move to amend the motion of the gentleman from Pennsylvania by moving that the gentleman from Texas be allowed to proceed in order.

Mr. REED, of Maine. That is proper.

Mr. COX, of New York. The gentleman from Texas was unquestionably out of order in mentioning by name the gentleman from Maine; and although we are in the habit of doing it on the floor every day, when attention is called to it it is a practice that ought not to be indulged in.

Mr. REED, of Maine. I have no resentments or animosities whatever in the matter; but I think the rule ought to be enforced with regard to members mentioning the names of other members on the floor of the House in debate.

Mr. MILLS. Mr. Speaker, I think my colleague from Texas was perfectly in order in mentioning the name of the gentleman from Maine in the manner that he did. It will be remembered that a direct question was asked of my colleague, and in response to that question he named the gentleman from Maine.

Mr. COX, of New York. Under the rule the gentleman had no right to name a member.

The SPEAKER *pro tempore*. The Chair has already passed upon the point of order, and the gentleman of course has the right to appeal if he sees proper.

Mr. RANDALL. The Chair decides that the language of the gentleman from Texas was not out of order.

The SPEAKER *pro tempore*. Such has been the ruling of the Chair.

Mr. RANDALL. Now, in view of that decision, from which no appeal was made, I make the motion that the gentleman from Texas be allowed to proceed.

Mr. REED, of Maine. And the gentleman from New York supplements that by a motion that the gentleman be allowed to proceed in order.

Mr. REAGAN. I desire to say that I used the name of the gentleman from Maine in response to a question; and if that is the objection I cheerfully withdraw the personal reference to him.

Mr. REED, of Maine. I have no objection beyond that.

Mr. REAGAN. Mr. Speaker, I have stated once that the motion which was offered this morning, and which has been disposed of, did not embrace the whole question. That was true as far as it went, but it did not embrace the whole case. The circumstances before the House and all that transpired in reference to it are facts in the knowledge of the House. All of the circumstances took place in view of the members of the House and to their personal knowledge, and yet it is proposed that there shall be an investigation by a committee to know what are the facts which are already in the knowledge of the House. What can we know that we do not now know after a committee shall act upon the subject? I warn Democrats of this side of the House that if they consent to this investigation they help to put the Speaker of this House in a false and disagreeable attitude in having done his duty in the mildest possible manner; and they undertake to apologize for what has been done, not to get new facts, but to get a report from the committee and involve another partisan discussion and waste of time upon this subject. More consumption of time, more waste of time, for it has been manifest to this House for days, for two weeks nearly, that the purpose was to defeat necessary legislation and appropriations by dilatory and filibustering motions.

Mr. HISCOCK. Let me ask the gentleman from Texas if there has been any more filibustering on this side, on this bill or on any other bill, than there has been on the other side on the Mexican pension bill, on the public-building bills, and other measures that could be named?

Mr. REAGAN. Mr. Speaker, I am discussing the question before the House and I do not propose to allow the gentleman from New York [Mr. HISCOCK] to lead me into a general discussion. We are now within three weeks of the final adjournment. The appropriation bills, many of them, are not yet passed. It will require extraordinary expedition to pass them. The gentleman from New York does not need an answer from me; he does not need an answer from any other member, that this House has had its time willfully wasted by filibustering and dilatory motions.

Mr. HISCOCK. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from Texas yield to the gentleman from New York?

Mr. REAGAN. I do not; but I propose to yield to the gentleman from Georgia [Mr. BLOUNT].

Mr. HISCOCK. I make the point that the gentleman from Texas is not now speaking in order.

The SPEAKER *pro tempore*. The gentleman from New York is not in order. The gentleman from Georgia [Mr. BLOUNT] is entitled to the floor.

Mr. BLOUNT. It seems to me this is a very plain matter. It was complained by gentlemen on the other side of the House that the Journal was incorrect in the very small matter as to whether the gentleman from Kentucky [Mr. WHITE] was sitting or standing when the officer came the second time with the mace—a very small matter.

Mr. KEIFER. Let it be corrected then.

Mr. BLOUNT. The gentleman from Ohio has had the floor and will allow me to proceed. The gentleman from Pennsylvania [Mr. KELLEY] rose and called that matter to the attention of this body; and the opinion of the House was that it was a matter of too small significance to be entertained, and it tabled the motion. That is the whole of it.

I think any gentleman must concede that there is nothing in this matter of correcting the Journal in this particular, unless, as has been suggested, it is preliminary to something else behind of which we are not advised.

Now, after the House has deliberately determined that this is a matter of no consequence at all, and I think every gentleman's judgment will lead him to that conclusion, the very moment it is suggested, after that has been deliberately done on a yea-and-nay vote, the gentleman from Ohio [Mr. KEIFER] rises and wants to raise a committee to examine this great question. And they are to come back and make their report, and whatever further time of this House they are to occupy and whatever purposes they may have is then to be disclosed.

As has been suggested by the gentleman from Texas, we are approaching the end of the session. We have crowded upon us the consideration of many important matters, including appropriation bills, the delay of which may involve the country in an extra session of Congress. I do believe it is our duty now to close up this small matter and to go on with the business in which the country is so deeply interested.

Mr. REAGAN. I move to lay the motion of the gentleman from Ohio [Mr. KEIFER] on the table, and on that I call the previous question.

Mr. RANDALL. The call for the previous question is not necessary.

Mr. REED, of Maine, rose.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Maine rise?

Mr. REED, of Maine. The Chair has decided the gentleman from Texas [Mr. REAGAN] was in order in the remarks he made, and it would seem unfair they should go unanswered, as they are easily answered.

The SPEAKER *pro tempore*. The Chair has no power over that. The motion to lay on the table is not debatable.

Mr. REED, of Maine. I appeal to the sense of fairness of the House——

The SPEAKER *pro tempore*. Debate is not in order. The gentle-

man from Ohio [Mr. KEIFER] moves to appoint a committee of five members to decide on the correctness or incorrectness of the Journal in the particular indicated; and the gentleman from Texas [Mr. REAGAN] moves to lay that motion on the table.

The question being taken, there were—ayes 127, noes 17.

Several MEMBERS. No quorum.

The SPEAKER *pro tempore*. The point as to a quorum is not made by any gentleman rising from his seat.

Mr. BOUTELLE, Mr. ANDERSON, and others rose, and made the point that a quorum had not voted.

The SPEAKER *pro tempore*. The Chair recognizes gentlemen for the point that a quorum has not voted when they rise from their seats and make it. The Chair will appoint tellers.

Mr. REAGAN. Let us have the yeas and nays.

The yeas and nays were ordered, 51 members voting therefor.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Texas to lay upon the table the motion of the gentleman from Ohio.

The question was taken; and there were—yeas 155, nays 32, not voting 136; as follows:

YEAS—155.

Aiken,	Dowd,	Lovering,	Singleton,
Alexander,	Eaton,	Lyman,	Slocum,
Arnot,	Eldredge,	McMillin,	Snyder,
Bagley,	Ellis,	Matson,	Spriggs,
Ballentine,	English,	Maybury,	Springer,
Barbour,	Ermentrout,	Miller, J. F.	Stevens,
Barksdale,	Ferrell,	Mills,	Stewart, Charles
Belmont,	Follett,	Money,	Stockslager,
Bennett,	Foran,	Morgan,	Storm,
Blackburn,	Forney,	Morse,	Sumner, D. H.
Blanchard,	Fyan,	Moulton,	Swope,
Bland,	Geddes,	Muldrow,	Talbott,
Blount,	Gibson,	Muller,	Taylor, J. M.
Boyle,	Glascock,	Murphy,	Thompson,
Bratton,	Graves,	Murray,	Tillman,
Breckinridge,	Green,	Mutchler,	Townshend,
Broadhead,	Greenleaf,	Neece,	Tucker,
Buchanan,	Halsell,	Nicholls,	Tully,
Cabell,	Hardeman,	Oates,	Turner, Oscar
Caldwell,	Hardy,	Ochiltree,	Vance,
Campbell, Felix	Hatch, W. H.	O'Ferrall,	Van Eaton,
Campbell, J E.	Hemphill,	O'Neill, J. J.	Wallace,
Carleton,	Henley,	Paige,	Ward,
Clardy,	Hewitt, A. S.	Patton,	Warner, Richard
Clay,	Hill,	Pierce,	Weaver,
Clements,	Holman,	Post,	Wellborn,
Cobb,	Hopkins,	Pryor,	Wemple,
Collins,	Houseman,	Pusey,	Wilkins,
Converse,	Hurd,	Randall,	Williams,
Cosgrove,	Jones, B. W.	Reagan,	Willis,
Covington,	Jones, J. H.	Reid, J. W.	Winans, E. B.
Cox, S. S.	Jones, J. K.	Reese,	Winans, John
Cox, W. R.	Jones, J. T.	Riggs,	Wise, G. D.
Crisp,	King,	Robertson,	Wolford.
Davidson,	Kleiner,	Rogers, J. H.	Wood.
Deuster,	Lanham,	Rogers, W. F.	Woodward,
Dibble,	Le Fevre,	Seney,	Yaple,
Dibrell,	Lewis,	Seymour,	York.
Dorsheimer,	Lore,.	Shively,	

NAYS—32.

Adams, J. J.	Davis, L. H.	Lowry,	Turner, H. G.
Beach,	Dockery,	Parker,	Wait,
Brown, W. W.	Everhart,	Poland,	Wakefield,
Buckner,	Finerty,	Potter,	Warner, A. J.
Campbell, J. M.	Hammond,	Skinner, C. R.	Washburn,
Candler,	Hewitt, G. W.	Skinner, T. G.	Wilson, W. L.
Cassidy,	Hunt,	Struble,	Worthington,
Dargan.	Lawrence,	Thomas,	Young.

NOT VOTING—136.

Adams, G. E.	Elliott,	Kean,	Ray, G. W.
Anderson,	Ellwood,	Keifer,	Ray, Ossian
Atkinson,	Evans,	Kelley,	Reed, T. B.
Barr,	Fiedler,	Kellogg,	Rice,
Bayne,	Findlay,	Ketcham,	Robinson, J. S.
Belford,	Funston,	Lacey,	Robinson, W. E.
Bingham,	Garrison,	Laird,	Rockwell,
Bisbee,	George,	Lamb,	Rosecrans,
Boutelle,	Goff,	Libbey,	Rowell,
Bowen,	Guenther,	Long,	Russell,
Brainerd,	Hanback,	McAdoo,	Ryan,
Breitung,	Hancock,	McCoid,	Shaw,
Brewer, F. B.	Harmer,	McComas,	Smalls,
Brewer, J. H.	Hart,	McCormick,	Smith, A. Herr
Browne, T. M.	Hatch, H. H.	Millard,	Smith, H. Y.
Brumm,	Haynes,	Miller, S. H.	Spooner,
Budd,	Henderson, D. B.	Milliken,	Steele,
Burleigh,	Henderson, T. J.	Mitchell,	Stephenson,
Burnes,	Hepburn,	Morrill,	Stewart, J. W.
Cannon,	Herbert,	Morrison,	Stone,
Chalmers,	Hiscock,	Nelson,	Straight,
Connolly,	Hitt,	Nutting,	Sumner, C. A.
Cook,	Hoblitzell,	O'Hara,	Taylor, E. B.
Craig,	Holmes,	O'Neill, Charles	Taylor, J. D.
Culberson, D. B.	Holton,	Payne,	Throckmorton,
Culbertson, W. W.	Hooper,	Payson,	Valentine,
Cullen,	Horr,	Peel,	Van Alstyne,
Curtin,	Houk,	Perkins,	Wadsworth,
Cutcheon,	Howey,	Peters,	Weller,
Davis, G. R.	Hutchins,	Pettibone,	White, J. D.
Davis, R. T.	James,	Phelps,	White, Milo
Dingley,	Jeffords,	Price,	Whiting,
Dunham,	Johnson,	Rankin,	Wilson, James
Dunn,	Jordan,	Ranney,	Wise, J. S.

Mr. ROBERTSON. I ask unanimous consent that the reading of the names be dispensed with.

Mr. ANDERSON. I object.

The Clerk read the names of members voting. The result of the vote was then announced as above stated.

Mr. REAGAN moved to reconsider the vote by which the motion of Mr. KEIFER was laid on the table; and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. Unless there be further objection to the Journal it will stand approved as read. [After a pause.] The Chair hears none, and the Journal is approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2084) to amend chapter 464 of the acts of the first session of the Forty-seventh Congress, entitled "An act to provide for a public building at the city of Fort Wayne, in the State of Indiana;"

A bill (S. 2342) declaratory of the meaning of the act of July 12, 1866, entitled "An act for the relief of Maria Syphax;" and

A bill (S. 2615) to authorize medals commemorative of the completion and dedication of the Washington Monument.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

The message also announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, for the printing and distribution of additional copies of the treaties and communications transmitted to the Senate by the President in his message of January 23, 1885.

The message further announced that the Senate had adopted a resolution, in which the concurrence of the House was requested, authorizing and requesting the President to communicate to the governments of all nations in diplomatic relations with the United States the resolutions adopted by the international conference held at Washington in October, 1884, for the purpose of fixing a prime meridian and a universal day and to invite their accession to the same.

ELECTORAL COUNT.

Mr. KING. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. KING] will suspend for a moment until the Chair can make an announcement. The Chair announces the appointment of Mr. CLAY and Mr. KEIFER as tellers on the part of the House, provided for in the concurrent resolution of the two Houses on the subject of counting the votes for President and Vice-President of the United States.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

Joint resolution (H. Res. 327) providing for the printing of the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina; and

A bill (H. R. 5674) for the erection of a public building in the city of Tyler, in the State of Texas.

Mr. PETERS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.; and

A bill (H. R. 1013) for the erection of a public building at Troy, N. Y.

DAVID'S ISLAND, NEW YORK.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War for the construction of a sea-wall around David's Island, New York Harbor; which was referred to the Committee on Appropriations, and ordered to be printed.

SAINT LOUIS RIVER AND BAY.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of a survey and examination of Saint Louis River and Bay, Wisconsin and Minnesota; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

FORT POINT CHANNEL, BOSTON.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting reports from the Chief of Engineers of a survey and examination of Fort Point Channel, Boston Harbor, Massachusetts; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. HENDERSON, of Iowa, by unanimous consent, was granted indefinite leave of absence on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. PETTIBONE, by unanimous consent, obtained leave to withdraw from the files of the House the papers in the case of A. L. Rogers, without leaving certified copies thereof. Also the papers in the case of J. B. Hale, leaving certified copies thereof.

Mr. LANHAM, by unanimous consent, obtained leave to withdraw from the files of the House papers presented by him in the claim of V. F. Gorrissen; there having been no adverse report thereon.

HOUR OF MEETING.

Mr. RANDALL. Mr. Speaker, in obedience to the constitutional requirement as to the counting of the electoral vote, in accordance with the Revised Statutes fixing to-morrow as the day on which those votes shall be counted, as by concurrent resolution of the two Houses the time for the count has been fixed at 12 o'clock to-morrow, and as it will be inconvenient for this House to meet at that hour and more convenient to meet at an earlier hour, I move that the session of the House to-morrow commence at 11 o'clock. I believe, Mr. Speaker, that this is a privileged motion not connected altogether with the rule, because the fixing of the hour of the meeting of the House has generally been referred to another committee than the one on the rules.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL], for the reasons he has stated, moves that when the House adjourns to-day it be to meet at 11 o'clock to-morrow.

Mr. MILLS. I move that hereafter the hour of meeting of the House be 11 o'clock every morning.

Mr. RANDALL. To that I will urge no objection.

Mr. KEIFER. I think we had better not undertake to make a change permanently now.

The SPEAKER *pro tempore*. The Chair understands that the motion of the gentleman from Pennsylvania [Mr. RANDALL] is made in order that the House may to-morrow, in the exercise of its power and in obedience to the requirements of the Constitution and law, discharge a special duty.

Mr. RANDALL. That is my object.

Mr. KEIFER. To that there certainly should be no objection.

The SPEAKER *pro tempore*. Is there objection to the motion of the gentleman from Pennsylvania?

Mr. TOWNSHEND. As amended by the motion of the gentleman from Texas. [Cries of "Oh, no!"]

The SPEAKER. Does the gentleman from Texas insist on his proposition?

Mr. SPRINGER. Is it not in order to move an amendment?

The SPEAKER *pro tempore*. The Chair would hold an amendment in order if any gentleman insists upon such a motion.

Mr. RANDALL. I will say in this connection that the members of the Committee on Rules have consulted—perhaps informally—and I think I may say it is the intention of the committee to introduce a proposition that on and after Monday next the House shall meet at 11 o'clock.

Mr. KEIFER. Let me suggest that the Committee on Appropriations must have considerable time this week to prepare its bills, and the members of that committee cannot be here as early as 11 o'clock every day.

Mr. RANDALL. In view of the fact that it is the intention of the Committee on Rules to report a proposition that on and after Monday next for the remainder of the session the hour of meeting shall be 11 o'clock, I would prefer that the gentleman from Texas withdraw his motion.

Mr. MILLS. I do so.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Pennsylvania that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. RANDALL moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. SPRINGER, Mr. TOWNSHEND, and others called for the regular order.

PERSONAL EXPLANATION.

Mr. KING. I rise to a question of personal privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. KING. Mr. Speaker, on some day last week, I think it was Friday, the gentleman from New York [Mr. HISCOCK] made some remarks which I thought reflected upon me. I replied in terms which I thought just, under my understanding of his meaning and purpose. Personal explanations have been made in person between the gentleman and myself, and I am satisfied he intended nothing offensive or unkind to me. Feeling free therefore to do so, I take great pleasure in withdrawing all of my remarks which were offensive to him, and to express my regret that under any misapprehension I should have said anything which was unkind or offensive to the gentleman from New York.

Mr. HISCOCK. Mr. Speaker, I wish to say that upon the occasion to which the gentleman from Louisiana [Mr. KING] has referred I had no purpose of making an attack or reflection upon him. Whatever language I used upon that occasion was not used with that intent, but to emphasize the position I occupied upon the question that I was discussing. I have known the gentleman from Louisiana since he has been a member of the House, and in all our intercourse I have found he always has been earnest in defending the rights of his constituents, and at the same time, as I believe, has intended to be just. On the occasion therefore to which he has referred I have no doubt he labored under a misapprehension.

Mr. SPRINGER. Now "let us have peace" and the regular order.

The SPEAKER *pro tempore*. The regular order is called for. The gentleman from New Jersey (Mr. PHELPS) rises, as the Chair understands, to present a privileged report.

CHARLES A. VAN BOKKELEN.

Mr. PHELPS. I am directed by the Committee on Foreign Affairs to report back with a recommendation that it be adopted the resolution of inquiry which I send to the desk.

The Clerk read as follows:

Resolved, That the President of the United States be requested to furnish to this House, if not incompatible with the public interest, all the correspondence and other papers in the hands of the Government relating to the case of Charles A. Van Bokkelen, a citizen of the United States, imprisoned for a year past, as alleged, at Port au Prince, Hayti.

The resolution was adopted.

Mr. PHELPS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

The SPEAKER *pro tempore*. The regular order now for one hour is the calling up, under the special rule, of bills, resolutions, &c., for consideration.

Mr. TOWNSHEND. I wish to inquire whether it is not in order to move to dispense with this proceeding.

The SPEAKER *pro tempore*. It is not.

Mr. TOWNSHEND. I ask unanimous consent that we may dispense with this proceeding in order to resume the consideration of the Post-Office appropriation bill.

Several members objected.

MOBILE AND OHIO RAILROAD COMPANY.

The SPEAKER *pro tempore*. The Clerk will report the title of a joint resolution coming up in this hour as unfinished business, having been called up on last Saturday by the gentleman from New York [Mr. DORSHEIMER].

The Clerk read as follows:

Joint resolution (S. R. 4) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company.

The SPEAKER *pro tempore*. This resolution was read during the last hour devoted to this business and upon the conclusion of the reading the hour expired.

Mr. DORSHEIMER. Mr. Chairman, for the information of the House I will ask for the reading of the report.

The Clerk read as follows:

Mr. TUCKER, from the Committee on the Judiciary, submitted the following report [to accompany H. Res. 293]:

The Committee on the Judiciary, to whom was referred the joint resolution (H. Res. 293) to provide for the settlement of accounts with the Mobile and Ohio Railroad Company, respectfully report:

That they have examined into the facts of the case as exhibited in the different laws passed, and the reports of the Quartermaster-General, and previous reports of committees upon this subject.

By the act of February 27, 1875, "to provide for settlement with certain railway companies," the Secretary of War and Attorney-General were authorized and empowered jointly to adjust and settle the claims of the United States against the Mobile and Ohio and other railway companies named therein for property purchased by them of the United States in the years 1865 and 1866. The Secretary of War reported to the Senate (Ex. Doc. 57, Forty-fourth Congress, first session) that under the provisions of that act an abatement of 25 per cent. was found equitable and just in the valuation of the property charged, and that he made that deduction and settled with certain of the roads on that basis in accordance with the provisions of the law. He reported further that he had been unable to make any settlement of the account with the Mobile and Ohio Railway Company for the reason that a settlement on the basis determined on as equitable and just, and on which settlement had been made with the other companies, would bring the Government in debt to the company, and that no means had been provided in the act cited for paying any balance in favor of the company.

In the annual report of the Quartermaster-General, made to the last session of Congress, attention is called to the condition of the accounts of the Mobile and Ohio Railway Company, and legislation is recommended for their settlement on an equitable basis.

In the report of Colonel Chandler, he says:

"Three acts of Congress have passed, under which compromises have been effected and the accounts closed. * * * But it was found not possible to close the account of the Mobile and Ohio Railroad Company, because, on an application of the principle considered equitable, a cash payment from the United States to the railroad company was necessary, as the railroad had already paid over $500,000 on its debt, and it was considered that the law did not justify a settlement which would bring the Government in debt. In this case, it is suggested that Congress be asked to have some equitable law to close the long-standing account."

The committee believe that the law intended that settlement should be made with each company on the same basis. The fact that settlement on the basis adopted requires the return to the Mobile and Ohio Railway Company of money

overpaid by it should not be taken advantage of by the Government from any failure in the law to provide for it.

This resolution is to direct the settlement to be carried out with the Mobile and Ohio Railway Company.

We report the resolution back and recommend its passage.

Mr. DORSHEIMER. Mr. Chairman, I do not think it is necessary for me to proceed at any length for the purpose of re-enforcing the report of the Judiciary Committee. However, it will be proper for me to inform the House that this bill at former sessions passed both Houses of Congress, but at no time has passed both Houses at the same session.

The act of 1875 provided for the settlement of the accounts of a number of railway companies named in the act. The Mobile and Ohio Railway Company was one of those so named. The settlement with the other companies brought them in debt to the Government, but the auditing officers found that an adjustment of accounts between the Government and the Mobile and Ohio Railway Company would bring the Government in debt to that company, and the act of 1875 having made no appropriation, it was impossible to make the adjustment of accounts which the act contemplated.

Under these circumstances the Judiciary Committees of both Houses have in a number of instances recommended the passage of a law which should permit the adjustment of this account. The Judiciary Committee now recommend that the joint resolution which has passed the Senate shall receive the approval of the House of Representatives.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HOLMAN. I have in my hand the report made by the Judiciary Committee, but it is not very full, and I hope the gentleman from New York will state how much this railway corporation owed the Government and how much was paid before the act of 1875 was passed.

Mr. DORSHEIMER. I state in answer to the gentleman from Indiana that there is no evidence from which the committee could obtain information as to what balance would be found on an adjustment of these accounts. The railway company previous to the passage of the act had purchased $500,000 worth of rolling-stock from the Government and had paid therefor the sum of $440,000. The basis of adjustment between the Government and other railway companies named in the act if applied to the transaction with the Mobile and Ohio Railroad Company would bring the Government somewhat in debt. There has never been any ascertainment whatever, for it appears when the officers charged with the duty of auditing the accounts found what was likely to be the result they stopped further proceedings and made no ascertainment whatever.

Mr. HOLMAN. But it occurs to me that the Judiciary Committee ought to have ascertained the amount of the original indebtedness and the amount that would have remained after deduction of 25 per cent. I concede it is quite clear from the report and my recollection of the transaction that this corporation should have been credited with 25 per cent. According to the views expressed by the Quartermaster the amount of deduction contemplated by the act of 1875 should not exceed 25 per cent. The Quartermaster seemed to think 25 per cent. deduction from the original price of the property sold to the corporation was reasonable.

But the statement simply comes to us as to the payment by this company of over $500,000, as shown here by the report; while there is no statement as to the original indebtedness of the corporation nor are we informed as to the amount involved in this measure. That information ought to have been given to the House in some shape.

Mr. DORSHEIMER. In further reply to the gentleman from Indiana I will state that if it had been possible for the Judiciary Committee to ascertain the amount properly payable to the Ohio and Mobile Railway Company there would have been no necessity at all for the passage of this joint resolution. The joint resolution is passed for the purpose of having an adjustment of this account on the spot—in the place where the railroad is located and where the evidence exists. There is no evidence before the Judiciary Committee on which it could audit the account.

Mr. HOLMAN. I am anxious to have this resolution again read if it can be done in the time allowed in opposition.

The joint resolution was again reported.

Mr. HOLMAN. Mr. Speaker, I regret that the effects of this measure are so briefly stated in the report——

[Here the hammer fell.]

The SPEAKER *pro tempore*. The time allowed for debate under the rule has expired.

Is there objection to the present consideration of the joint resolution?

Objection was made by ten members, whereupon the joint resolution was withdrawn.

SAC AND FOX INDIAN RESERVATION IN NEBRASKA AND KANSAS.

Mr. WEAVER. Mr. Speaker, I ask to take from the House Calendar the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes, and put it upon its passage.

The bill was read, as follows:

Be it enacted, &c., That with the consent of the majority of the chiefs, headmen, and male adults of the Sac and Fox (of the Missouri) tribe of Indians, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold the remainder of the reservation of the Iowa Indians, lying in the States of Nebraska and Kansas. The said lands shall be appraised, in tracts of forty acres each, by three competent commissioners, one of whom shall be selected by the Sac and Fox tribe of Indians and the other two shall be appointed by the Secretary of the Interior.

SEC. 2. That after the survey and appraisement of said lands the Secretary of the Interior shall be, and hereby is, authorized to offer the same, through the United States public land office at Beatrice, Nebr., at public sale, to the highest bidder. In cases where improvements have been made by any Indian or for the United States upon such lands, such improvements shall be separately appraised: *Provided*, That no portion of such land shall be sold at less than the appraised value thereof, and in no case for less than $8 per acre, and to none except such as purchase the same for actual occupation and settlement, and who have made and subscribed on oath, before the register of said land office, and filed the same with said officer of the land office at Beatrice, Nebr., that it is his good faith and intention to settle upon and occupy the land which he seeks to purchase, and improve the same for a home; and, except in case of the death of the purchaser, unless said party shall have executed his declared intention by making improvements and being in actual occupation of said land, by actual residence thereon, at the time for making the second payment, he shall forfeit the payment already made, and the land shall be subject to resale as hereinafter provided. Each purchaser of said lands at such sale shall be entitled to purchase one hundred and sixty acres of land, and no more, except in cases where a tract contains a fractional excess over one hundred and sixty acres. If the excess is less than forty acres, is contiguous, and results from inability in the survey to make township and section lines conform to the boundary lines of the reservation, and no other objection exists, the purchase of such excess shall be allowed. Such purchaser shall pay one-fourth of the purchase-price at the time said land is bid off, one-fourth in one year, one-fourth in two years, and one-fourth in three years, with interest on the deferred payments at the rate of 5 per cent. per annum; and where there are improvements upon the lands purchased which shall have been separately appraised, the purchaser shall pay the appraised value of such improvements at the time of purchase, in addition to the amounts hereinbefore required to be paid. No patents shall issue until all payments shall have been made; and on the failure of any purchaser to make payment as required within ninety days he shall forfeit the lands purchased, and the same shall be subject to entry and sale, at the appraised value thereof, or shall be again offered at public sale, as the Secretary of the Interior may determine.

SEC. 3. That if any member of said Iowa tribe of Indians residing at the date of the passage of this act upon any of the lands authorized to be sold by the second section of this act, and who has improvements thereon, shall elect to remain on the lands occupied by him, such lands shall be withheld from sale as provided for herein; and the Secretary of the Interior shall cause a certificate to issue to the person so electing as follows: If he be the head of a family, to one hundred and sixty acres of land, and if a single man, eighty acres of land, the land so selected to include his improvements, and to be accepted in full satisfaction of his interest in and to the said reservation, and of the moneys or fund realized from the sale thereof. The certificate provided for herein shall be of the legal effect and declare that the United States does and will hold the land thus certified, for the period of twenty-five years, in trust for the sole use and benefit of the allottee, or in case of his decease, of his heirs according to the laws of the State in which said land is situated, and that at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands thus allotted, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void; and such lands during such time shall not be subject to taxation, alienation, or forced sale, under execution or otherwise.

SEC. 4. That the proceeds of the sale of any improvements belonging to individual Indians shall be paid to the Indians to whom such improvements belonged. The proceeds of the sale of any improvements belonging to the United States shall be deposited in the Treasury of the United States; and the proceeds of the sale of said lands, first deducting therefrom the cost of the survey, appraisement, and sale, and the expense of removing the Indians as hereinafter provided, shall be placed to the credit of said Sac and Fox Indians in the Treasury of the United States, and shall bear interest at the rate of 4 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the direction of the Secretary of the Interior.

SEC. 5. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, secure other reservation lands upon which to locate said Indians, cause their removal thereto, and expend such sum as may be necessary for their comfort and advancement in civilization.

SEC. 6. That the President of the United States be, and he is hereby, authorized to cause a patent to be issued to the Sac and Fox (of the Missouri) tribe of Indians for the reservation that may be selected for them under the provisions of the preceding section.

SEC. 7. That the patent authorized by the preceding section to be issued to said Iowa tribe of Indians shall be of the legal effect, and declare that the United States does and will hold the land therein described in trust for the sole use and benefit of said Sac and Fox tribe of Indians.

SEC. 8. That whenever the Indians who may be properly residing upon the said reservation referred to in the last preceding sections shall desire allotments of lands in severalty, the Secretary of the Interior shall cause allotments to be made to such Indians in quantity as follows:

To each head of a family, one hundred and sixty acres.

To each single person over the age of 21 years, eighty acres.

SEC. 9. That upon the approval of the allotments provided for in the preceding section by the Secretary of the Interior, the President shall cause certificates to issue therefor in the name of the allottees, which certificates shall be of the legal effect, and declare that the United States does and will hold the fee of the land thus allotted, for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of his decease, of his heirs, and that at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs, in fee, discharged of said trust and free of all charge or incumbrance whatsoever; and if any conveyance shall be made of the lands set apart and allotted as herein provided, or any contract made touching the same, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void.

SEC. 10. That the Secretary of the Interior may, with the consent of the Indians expressed in open council, as provided in section 1, cause the removal of that portion of the Sac and Fox tribes residing upon said Sac and Fox reservation in Nebraska and Kansas to the reservation that may be secured for them, and expend such sum as may be rendered necessary by such removal, and for the comfort and advancement in civilization of said Indians; and the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of such expenses and for the expenses of the survey, appraisement, and sale of said Sac and Fox land; and the amount so expended shall be reimbursed to the United States out of the first proceeds of the sales of said lands.

The SPEAKER *pro tempore* (Mr. MILLS in the chair). Is there objection to taking up this bill for consideration?

Mr. WARNER, of Ohio. Let the report be read, or let us have an explanation of it.

Mr. WEAVER. Mr. Speaker, I am satisfied that after having stated this case to the members on the floor there will be no objection to this bill.

This is one of the most carefully prepared bills that has ever been brought before this House; and I desire to state at the outset that the bill was prepared by the Commissioner of Indian Affairs, and concerns a reservation lying in the States of Nebraska and Kansas, consisting of 8,014 acres, no more.

It is provided in the bill that the lands shall not be sold for less than $3 per acre, and that they shall be sold to the highest bidder. Provision is also made that actual settlers are to have these lands in quantities not to exceed one hundred and sixty acres.

There are residing on this reservation at the present time seventy-five Indians only, the balance of the tribe being on a reservation in the Indian Territory, that has been already set aside for their use by executive orders. There are two or three amendments only for the purpose of correcting clerical errors and names of tribes that I desire to offer as the bill progresses. If there is any gentleman on this floor who desires any other information on the bill I shall cheerfully give him an explanation, for I understand all about this reservation.

I reserve the remainder of my time.

Mr. WARNER, of Ohio. I wish to ask the gentleman from Nebraska what is to be done with the Indians now on the reservation?

Mr. WEAVER. It is provided in the bill that they are to be placed on the reservation where a large portion of the tribe has already been located in the Indian Territory.

Mr. WARNER, of Ohio. Are these Indians willing to relinquish the reservation and go with the rest of the tribe?

Mr. WEAVER. They have applied for the passage of the bill, and the Commissioner of Indian Affairs has recommended it. There is no reason in the world why it should not pass.

Mr. RANDALL. Do I understand the gentleman to say that they have asked for this themselves?

Mr. WEAVER. Yes, sir.

Mr. RANDALL. That fact ought to be set forth in the report. The report has not yet been read.

Mr. WEAVER. I will state further to the gentleman from Pennsylvania that the Indians are amply protected——

Mr. RANDALL. I think the report had better be read.

Mr. WEAVER. I was going to state that it is further provided in the bill that the lands can not be sold until the Indians make further application.

Mr. WARNER, of Ohio. Where is the money to go which is to be derived from the sale of these lands?

Mr. WEAVER. Into the Treasury, and the Indians get the benefit of it as well as of the interest on it.

Mr. WARNER, of Ohio. The Indians are to be benefited, then, by this change?

Mr. PERKINS. I will answer the gentleman and say yes; and it is also provided that the lands are to be sold only to the highest bidder, the minimum price being fixed at $3.

Mr. RANDALL. I ask that the report be read.

The report (by Mr. PERKINS) is as follows:

The accompanying bill provides for the sale of the Indian reservation of the Sac and Fox Indians, lying in the States of Kansas and Nebraska, and for the removal of the Indians to such reservation as may be secured for them, with their consent, by the Secretary of the Interior.

The lands are valuable, and are located in Brown County, Kansas, and Richardson County, Nebraska, in a fine agricultural section, and are surrounded by finely cultivated farms, and by churches, schools, and thrift and prosperity, and in consequence of which will bring a large sum for their occupants. There are only 8,014 acres of the land, and in its present condition it yields but little to its occupants, and contributes but little to their advancement, comfort, or support, can not be taxed, alienated, or disposed of, and it does not in any way contribute to the growth, development, or material prosperity of the communities of which it constitutes an integral part. There are about seventy-five of these Sac and Fox Indians, the most or nearly all of whom are residing on this reservation. These lands are situated the same as the Iowa Indian lands in Kansas and Nebraska, the condition of which your committee has heretofore reported to the House, recommending their sale substantially as provided for by the provisions of this bill.

Your committee are advised that it is the wish of many of the Sac and Fox Indians that this reservation should be sold, and that the proceeds may be used in the manner provided for in this bill; but if in this your committee are mistaken, the bill is so drawn that nothing can be done under it without the consent of the chiefs, headmen, and male adults of the tribe, and no harm would result from the passage of this bill. The bill provides that the Secretary of the Interior may, with the consent of the Indians, expressed in open council, secure other lands for them upon which to locate, and cause the removal of the Indian tribe, and expend such sum as may be necessary for their comfort and advancement in civilization in so doing.

These Indians wear the American dress, speak the English language, and are quite well qualified for the duties of citizenship and to care for their own, and many of them desire to go to the Indian Territory, where they think the conditions are more congenial and the opportunities for development and improvement better than upon their present reservation. And yet the bill is so framed that if they should find lands that could be obtained for them where the conditions would be more desirable than the Indian Territory, such lands could be procured for them by the Secretary of the Interior for the purpose of a reservation.

The land now occupied by them is but little cultivated and developed, and has become so valuable in consequence of the development of the surrounding country that, in the judgment of your committee, the proceeds realized from its sale would do very much toward making the Indians comfortable where cheap lands could be obtained for them, and would give them a fund for educational purposes that could be used for their good.

The bill provides that the land shall be appraised by three disinterested appraisers, and shall be sold at not less than the appraised value, and in no event at less than $3 per acre. It also provides that such Indians as have improvements on the lands shall be permitted to retain them if they so desire, and shall have certificates of allotment issued to them by the Secretary of the Interior for the land upon which the improvements are situated, as follows: If the head of a family, to one hundred and sixty acres; if a single man, to eighty acres. The conditions of certificates, and the circumstances under which they may issue, are suggested in the bill as reported by your committee, and it has been prepared with such care as to do justice to the Indians as well as to the purchasers of their lands, and it retains nearly all the important provisions of the original bill.

The bill has also been prepared so as to give the lands to actual settlers who should desire them for purposes of cultivation and for a home, and to prevent them from falling into the hands of speculators and those who would hold them, at the expense of the communities, for years as a speculative investment, and, in the judgment of your committee, it is better for the Indians, as well as better for the communities in which the lands are situated, that the land should be disposed of as provided in the bill; and hence your committee report it to the House, recommending its favorable consideration and passage, as a substitute for House bill 5350.

During the reading of the report the hammer fell.

The SPEAKER *pro tempore*. The time for debate in support of the bill has been exhausted.

Mr. WARNER, of Ohio. I take the floor in opposition and ask for the completion of the reading of the report in my time.

The Clerk resumed and concluded the reading of the report as above.

The SPEAKER *pro tempore*. The time allowed under the rules for debate on this bill is exhausted. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HOLMAN. I suggest to the gentleman in charge of the bill to make the rate of interest on page 3, line 34 of the bill, 6 per cent. instead of 5 per cent.

Mr. WEAVER. I agree to that amendment.

Mr. HOLMAN. That is the portion of the bill, as I understand, that provides for the rate of interest on the purchase-money.

The SPEAKER *pro tempore*. The Chair hears no objection to that amendment being made.

Mr. WEAVER. I offer the amendments which I send to the desk.

The Clerk read as follows:

In line 8, section 1, strike out the words "Iowa Indians" and insert the words "Sac and Fox Indians."

In line 4, section 2, insert after the word "Beatrice" the words "or Lincoln."

In line 14, section 2, insert after the word "Beatrice" the words "or Lincoln."

In line 15, section 2, strike out the word "and" between the words "faith" and "intention."

In line 41, section 2, after the word "required" strike out the words "within ninety days" and insert "by this act."

The amendments were agreed to.

Mr. WEAVER moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WEAVER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ESTATE OF CHESTER ASHLEY

Mr. BRECKINRIDGE. I call up for consideration from the Private Calendar the bill (H. R. 1779) for the relief of the estate of Chester Ashley, and I desire to amend it by substituting a Senate bill having the same title.

The SPEAKER *pro tempore*. Does the gentleman call up the House bill from the Private Calendar or the Senate bill from the Speaker's table? He can do either under the rule.

Mr. BRECKINRIDGE. I will call up the Senate bill from the Speaker's table, the bill (S. 591) for the relief of the estate of Chester Ashley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Chester Ashley, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,100, in full for rent of building in the city of Little Rock, Ark., for the use of the Army, from July, 1865, to the 31st of March, 1866.

The SPEAKER *pro tempore*. Does the gentleman from Arkansas ask for the reading of the report?

Mr. BRECKINRIDGE. Yes, sir.

The report (by Mr. FERRELL) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1779) for the relief of the estate of Chester Ashley, having considered the same, report as follows:

The facts out of which this bill for relief arises will be found stated in Senate report of the Committee on Claims, first session Forty-eighth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report back the bill and recommend its passage.

"[Senate Report No. 582, Forty-eighth Congress, first session.]

"The Committee on Claims, to whom was referred the bill (S. 591) for the relief of the estate of Chester Ashley, have considered the same, and report as follows:

"Chester Ashley was the owner of a house in Little Rock, Ark., which was occupied as offices for headquarters of the Department of Arkansas from July 7,

1865, to March 31, 1866. On May 10, 1866, Henry Noble, colonel and assistant quartermaster, issued to said Ashley a voucher for $1,100 for the rent of said house, being at the rate of $125 a month during its occupancy by the United States forces. The voucher was presented to the accounting officers by Ashley's administrator, and the claim was rejected, the act of Congress of February 21, 1867, prohibiting the settlement of claims for the use and occupation of real estate in the insurrectionary States.

"It has been the uniform policy of this committee to recommend the payment of claims for rent of buildings in the insurrectionary States where an agreement was made for its payment by proper authority. This claim evidently comes within this rule, and the committee therefore report back the bill and recommend its passage."

Mr. BRECKINRIDGE. I shall not make any extended remarks on this bill unless some questions are asked. This is a regular case; it has been approved by a committee of the Senate and passed the Senate, and it has been approved by the very painstaking Committee on War Claims of the House. I am ready to answer any questions.

Mr. WARNER, of Ohio. I hope the gentleman from Arkansas will explain a little further than the report seems to explain—first, why this rental was not paid by the quartermaster or through the Quartermaster's Department in the regular way.

Mr. BRECKINRIDGE. The report shows that.

Mr. McMILLIN. I will explain that if the gentleman will permit me.

Mr. WARNER, of Ohio. Very good. But I desire to ask two questions: First, was this contract made between the quartermaster or assistant quartermaster there and the owner of the property?

Mr. BRECKINRIDGE. It was, as the report shows.

Mr. WARNER, of Ohio. And had the quartermaster the right to make that agreement?

Mr. BRECKINRIDGE. He had, as the committee believes.

Mr. WARNER, of Ohio. And why, on that state of facts, was not the rental paid at the time by the Quartermaster's Department?

Mr. BRECKINRIDGE. Whatever may have been the reason, the Senate committee and our committee felt it was unjust that this claim should not be paid.

Mr. McMILLIN. I will call the attention of the gentleman from Ohio [Mr. WARNER] to the fact that in 1867, the early part of the year 1867, after claims of this kind had accrued, there was a statute passed by Congress forbidding their payment. I had occasion, the gentleman will permit me to state further, to investigate that question recently; and even where there had been a contract regularly entered into——

Mr. BRECKINRIDGE. As in this case.

Mr. McMILLIN. As in this case, the officers of the Government were not permitted to pay by reason of that retroactive statute.

Mr. WARNER, of Ohio. I can understand that; but that does not explain why it was not paid in the year in which the property was used or in the next year; why it was not paid at the time.

Mr. BRECKINRIDGE. I can not tell the gentleman.

Mr. STORM. It was because of the law preventing the payment of claims at that time, the renting of the property having taken place in an insurrectionary State.

Mr. MILLS. There were cases of that kind all through the South.

Mr. BLOUNT. I want to ask the gentleman from Arkansas if it is not true that a contract was made by the Army officer for this property, and if the Government did not use the same and have never paid for it?

Mr. BRECKINRIDGE. There is no doubt about that. That is perfectly plain; both committees state it.

Mr. BLOUNT. I had no doubt about it myself; I wanted the gentleman to state that fact.

Mr. WARNER, of Ohio. But still my question is not answered: Why this was not paid through the Quartermaster's Department at the time.

Mr. BRECKINRIDGE. I can not tell the gentleman.

Mr. WARNER, of Ohio. I suppose the chairman of the Committee on War Claims can inform me.

Mr. GEDDES. This fact plainly appears from evidence submitted to the committee. The gentleman from Ohio [Mr. WARNER] will observe the claim was presented by the administrator shortly after the close of the occupancy of the premises. It sufficiently appears that it was on account of the sickness of the party and his subsequent death that it was not presented at an earlier date, and that only the short time of one year intervened between the time of occupancy and the time the claim was presented.

Mr. WARNER, of Ohio. That is sufficient explanation there. Now, let me ask one question further. Was this agreement or contract for the rent approved by the Quartermaster-General?

Mr. ROGERS, of Arkansas. It was.

Mr. WARNER, of Ohio. It has had the approval of the Quartermaster-General?

Mr. ROGERS, of Arkansas. Oh, yes; the report shows that.

The bill as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. ROGERS, of Arkansas, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, AUGUSTA, ME.

Mr. MILLIKEN. I call up Senate bill 235, and ask its present consideration.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he hereby is, authorized and directed to purchase or otherwise provide a suitable site, and cause to be erected thereon, at the city of Augusta, in the State of Maine, a substantial and commodious public building, with fire-proof vaults, for the use and accommodation of the post-office, United States courts, internal-revenue office, pension office, and for other Government uses. The site, and the building thereon, when completed according to plans and specifications to be previously made and approved by the Secretary of the Treasury, shall not exceed the cost of $150,000; and the site purchased shall leave the building unexposed to danger from fire in adjacent buildings by an open space of at least fifty feet, including streets and alleys; and for the purposes herein mentioned the sum of $150,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no part of said sum shall be expended until a valid title to the said site shall be vested in the United States, and the State of Maine shall cede to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owners thereof, for all purposes except the administration of the criminal laws of said State and the service of any civil process therein.

Mr. RANDALL. I ask for the reading of the report in that case.

The report (by Mr. MILLIKEN) was read, as follows:

That Augusta is the capital of the State, with a population of 8,666, showing a small increase during the last decade. It is situated on the Kennebec River, in the center of population in the State, has a fine and extensive water-power, has large industries in the manufacture of cotton, lumber, boots, and shoes, &c., and has good railroad facilities, and is surrounded by thrifty and growing towns and cities within a radius of twenty miles.

The post-office business of Augusta for the year ending June 30, 1883, was as follows, namely:

Cash receipts of office	$83,878 13
Stamped third-class matter with stamps not purchased at the Augusta office	48,051 09
Receipts from money-orders issued	37,086 02
Receipts from money-order drafts	3,650 00
Receipts for money-orders deposited by postmasters	183,571 00
Amount of money-orders paid	139,288 95
Amount of money-order money deposited with Postmaster Goddard, at Portland	84,179 00
Amount deposited with assistant treasurer at Boston, Mass.	72,480 30
Total postal business of the office	652,184 49
Total number of money-orders issued during the year	2,467
The number of money-orders paid during the year	21,936
Total number of sacks of newspapers sent from the office during the year	47,378
Total number of circulars sent	5,709,180
Total number of pieces of mail matter handled by letter-carriers	1,332,663
Total number of pieces of mail matter handled during the year	18,173,928

In the amount of second-class mail matter for the year ending June 30, 1882, Augusta ranked as the seventh post-office in the United States, New York city being first; Chicago, second; Boston, third; Philadelphia, fourth; Saint Louis, fifth; Cincinnati, sixth; Augusta, seventh. Augusta's post-office receipts show a large increase each year since 1879, when they were $51,440, and are likely to increase in future, for they are in great part due to large publishing houses located here, which do a business which extends all over the globe, and has been increasing for more than a decade. They have extensive permanent buildings and the very best class of printing machinery, and, together with the cotton and lumber industries here, have a continually growing business.

We also find that this vast mail is handled in two separate buildings, more than three hundred feet apart, which is both inconvenient and unsafe, as these buildings have no fire-proof vaults, and is very expensive to the Government.

For these unsafe and inconvenient buildings the Government pays a rental of $3,300 per year; and though they are the best that can be had, they afford but poor returns in the accommodations which they give for the rental paid. It is estimated by Mr. Manley, the present postmaster, that $3,000 per year might be saved to the Government in rental and by reason of the superior facilities which a properly constructed building would afford.

There is a United States pension office at Augusta, which distributes annually $2,500,000 on account of pensions. The internal-revenue office is also located at Augusta, and at least one term of the United States court is required to be held there on account of its central location in the State and the commercial interests which center here. Augusta is at the head of navigation on the Kennebec River, and in the midst of a large and rapidly increasing manufacturing and commercial community.

A bill similar to the one accompanying this report passed the Senate of the Forty-seventh Congress, and was favorably reported to the House, but on account of the illness of Mr. LINDSEY, who had charge of it, was not called up on the Calendar.

Your committee would therefore recommend that bill H. R. 702, accompanying this report do pass, limiting the cost of said building and grounds, when completed, to the sum of $150,000.

Mr. HOLMAN. I ask the gentleman from Maine [Mr. MILLIKEN] whether he will not consent that the bill may be amended by inserting after the word "dollars," in line 11 of the engrossed bill, the following:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $150,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. MILLIKEN. I accept that amendment. I would have placed it in the bill originally if it had been suggested.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

Mr. WARNER, of Ohio. I was about to propose an amendment; but the one suggested by the gentleman from Indiana [Mr. HOLMAN] and accepted by the gentleman from Maine [Mr. MILLIKEN] is substantially the same, so I will not offer mine.

The bill as amended was ordered to a third reading; and accordingly it was read the third time, and passed.

Mr. MILLIKEN moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

DR. THOMAS J. JONES.

Mr. HALSELL. Mr. Speaker, I call up the bill (H. R. 6533) for the relief of Dr. Thomas J. Jones.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Dr. Thomas J. Jones, of Warren County, Kentucky, out of any money in the Treasury not otherwise appropriated, the sum of $300, for medical services rendered the Eleventh Regiment Kentucky Infantry Volunteers during the months of October, November, and December, 1861.

The report (by Mr. FERRALL) was read, as follows:

This claim is for medical services alleged to have been rendered the Eleventh Regiment of Kentucky Infantry Volunteers during the months of October, November, and December, 1861, under appointment of Col. P. B. Hawkins, commanding the said regiment.

Colonel Hawkins in his affidavit states "that he appointed the said Dr. Thomas J. Jones *pro tempore* as the attending physician on the sick of his regiment, there being no regular surgeon appointed; that he knows the said Dr. Thomas J. Jones attended to the sick of his regiment most faithfully, day and night, for over three months."

Under sections 1304, 1305, and 1306 of the Army Regulations of 1863, pages 313, 314, and 518, commanding officers of United States troops had authority, in proper cases, to employ private physicians.

Your committee, in view of the foregoing statement of facts, report herewith a substitute for the bill, appropriating the sum of $300, and recommend its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, was read the third time, and passed.

Mr. HALSELL moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

JOSEPH F. WILSON.

Mr. CANNON. Mr. Speaker, I move to discharge the Committee of the Whole on the Private Calendar from the consideration of the bill (H. R. 275) for the relief of Joseph F. Wilson.

The SPEAKER *pro tempore*. The hour allotted to this business has expired.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with the morning hour.

The motion was agreed to.

The SPEAKER *pro tempore*. The morning hour is dispensed with.

Mr. TOWNSHEND. I move that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the consideration of the Post-Office appropriation bill. The gentleman from Maine [Mr. DINGLEY] is entitled to the floor.

[Mr. DINGLEY concluded remarks begun and printed on page 1444.]

Mr. HOLMAN. Mr. Chairman, the feature of this bill which seems to command most attention and which is of the most practical importance is that in relation to the compensation of railroads for transportation of the mails. Undoubtedly the committee is impressed with the importance of some reform in regard to that matter of expenditure. Under the act of 1873 the compensation paid to railroad corporations for transportation of the mails was very materially increased. The limitations which were provided prior to that time were removed and a very material and striking increase of compensation to railroads provided for, while since that time the expenditure of the Government for service on the star routes and by steamboats has been largely reduced. The cost of transporting the mails by railroad has steadily increased notwithstanding the reduction since of the 15 per cent. in 1877 and 1878, and at a rate that ought to arrest the attention of Congress.

I have before me, Mr. Chairman, a statement showing this extraordinary increase. The entire expenditure for transporting the mails by railroads, including the postal-car service in 1881, was $11,031,000. The estimates for 1886, after a lapse of only five years, for the same service was $17,559,205; an increase of $6,528,205.

Mr. HORR. That includes the Union Pacific, too.

Mr. HOLMAN. It includes the estimates as they stood both in 1881 and in 1886.

Mr. MONEY rose.

Mr. HOLMAN. Give me a moment to state the figures. Indicating the increase in five years of $6,528,205, an increase greatly beyond any just and fair increase which would arise from an increase in the postal service.

Mr. MONEY. Will the gentleman from Indiana state what is the increase of mileage of railroads within that period, and also the bulk of mails carried over them?

Mr. HOLMAN. I sought to state, if my friend will allow me, a moment ago that it was manifest that the increase was far beyond the increase of the postal service and far beyond the increased mileage of the railroad system.

Mr. HORR. Mathematics will not show that, Judge.

Mr. HOLMAN. It will still be that five years ago $11,031,000 covered the cost of the railroad postal service, which now reaches over $17,500,000. I think a mere statement of the figures is a sufficient indication that the basis of the adjustment of this service is wrong.

Mr. HORR. But in that statement there are included $1,100,000 of the Union Pacific expenses, which were not in the estimates.

Mr. HOLMAN. Does not my friend largely overstate the amount? I think the mail service on the Union Pacific roads could not reach that sum. But if I understand the estimates, in 1881 they were made upon the same basis as in 1886; and I think my friend will discover such to be the fact. I think the estimates in 1881 as in 1886 were intended to cover the Union Pacific system as well as the other roads. If the figures are correct, and I think they are correct as far as the estimates are concerned, then it is manifest that the expenditures in this branch of the public service are growing far too rapidly, and in some manner this increase ought to be arrested.

Mr. MONEY. Will the gentleman allow me a question?

Mr. HOLMAN. I hope my friend will permit me to proceed without interruption, since I have but seventeen minutes. The gentleman and others, unfortunately for me, occupied the greater part of the time allowed for debate, and I think occupied it well, so that I have but seventeen minutes at my disposal, and I trust I may be permitted to use the time without interruption.

Upon the basis of the increase, to which I have called attention of the committee, from 1881 to 1886 the expenditure for the next fiscal year, 1887, will have reached over $20,000,000; that is to say, for the year 1886 the increase will be $3,184,205 over the year 1885, and in 1887 will exceed $20,000,000. This is startling increase in a single year!

Mr. HORR. But that all comes from extra weight of mails carried by the roads. It can not be derived from any other source, for they can not get it from any other source.

Mr. HOLMAN. The increase in 1886 over 1885 results from weighing, and that is the very thing that ought to arrest the attention of Congress. The increase from one year to another, from 1885 to 1886, is the enormous sum of $3,184,205, if I understand these estimates.

Mr. MONEY. Will my friend allow me to call his attention to the fact that the rate of increase in the receipts, which is the measure of mail transportation, was for the years to which he refers as follows: The rate of increase in the receipts for 1880 over 1879 was 10.8 per cent.; for 1881 over 1880 it was 10.4 per cent.; for 1882 over 1881 it was 13.8 per cent.; and for 1883 over 1882 it was 8.6 per cent.

Mr. HOLMAN. I would like to yield to my friend from Mississippi and permit him to call attention to the figures; but the gentleman has had his time, and I am satisfied he could hardly expect me to consume my time by allowing him to call up figures, when I seek to present the same facts in a different form.

Mr. MONEY. I simply called the gentleman's attention to that in order that he might consider them in connection with his argument.

Mr. HOLMAN. But the ratio of increase is not so important or definite as the actual increase in expenditure. It has been proposed, if possible, to adopt some system that would cure the extraordinary result of our weighing system recognized by the act of 1873 and the preceding years.

Congress in 1883 provided by law for a commission of experts to examine and report to Congress what system could be adopted that would fix the railroad transportation of the mails at just and reasonable rates, and reform the injustice resulting from this system of regulating the compensation by weight of the mails. That commission has made an exhaustive report on this subject, and, since attention has been called to that report of the commission during the discussion of this question, I ask the Clerk to read the passage marked, for the purpose of showing the final conclusion reached by them in reference to this question.

The Clerk read as follows:

This careful analysis of the returns of all the railroads in the United States points to the conclusion that as the average yield per car mile is about 26 cents, if the roads receive 5 mills per linear foot per mile run, or at the rate of 25 cents for a 50-foot car, at the ordinary speed of twenty miles per hour, they will be getting a rate corresponding closely to the returns from all passenger traffic combined, which on the face of it would seem to be both just and reasonable, and the commission feel constrained to make this further qualification, that the regularity and frequency of the service, the freedom of railroads from liability, the certainty of the compensation, the exemption of the carrier from those expenses ordinarily attending passenger traffic, all combine to strengthen the conviction in the minds of the commission that the rate herein recommended is both just and reasonable.

Mr. HOLMAN. Now, Mr. Chairman, when this bill was under discussion during the last session of Congress we were then informed by the gentleman from Pennsylvania [Mr. BINGHAM] who addressed the committee touching this question to-day that the plan proposed last session to reduce the compensation to railroads by a reduction of 5 per cent. was not a reasonable plan, and that the plan proposed by this com-

mission was an intelligent and wise plan and would reduce the cost of the transportation of the mails over the railroads at least a million of dollars, if my memory is correct.

The commission claim that the plan proposed by them will reduce the cost a million dollars a year. That plan is embodied into this bill. This report proposes to pay the railroad companies for the transportation of the mails a sum substantially equal to what they would earn by the employment of the same space in the transportation of passengers. And yet they said substantially that that basis is not exactly a fair one to the Government; that there is no responsibility in the transportation of the mails, not so much even as in the transportation of freights. There is no responsibility; it is freight transported virtually at the risk of the Government, and the only liability incurred by the railroad corporation is simply that of seeing that the mails are properly and promptly delivered; that and nothing more; while the transportation of passengers is subject to great and important responsibilities.

Now, sir, the commission propose as the unit of the adjustment of compensation to railroads the payment of 5 mills per linear foot of car space occupied by the mails per mile for a speed of twenty miles per hour or less. It is said by my friend from Michigan that that basis will greatly exceed the present cost. And that impression had reached the subcommittee, of which he and myself are members and the gentleman from Illinois [Mr. TOWNSHEND] is chairman having charge of this bill. Therefore the majority of that committee have reached the conclusion that the basis should be reduced 20 per cent., and that instead of paying 5 mills per linear foot of the car space occupied it shall be 4 mills. My friend from Michigan thinks that is too low.

Now, I have only this to say about it, the same that I was compelled to say nine years ago when this subject was first before the House and reported substantially in the same form in which it is now, except that then the limit of weight was not taken into account in fixing the amount of space to be occupied. That has been added as the result of the investigations of the commission. When the matter was then pending (I had charge of the bill) I was compelled to say to the Committee of the Whole, then considering the bill, it would be impossible to tell the exact effect of the measure until a practical test had been made; and I am compelled to say that is the conclusion I have reached now. I think the plan must be tested practically before the exact result can be determined. The railroad postal service is a vast and complicated one. There are so many roads, and the service varies so greatly in the wide range between the great trunk lines running many trains daily and the small roads doing but little service and running once a day, that no amount of calculation will disclose the exact results.

But the plan is strongly recommended. It is recommended by the superintendent of railway mail transportation, and by this commission it is recommended—a commission appointed under the authority of Congress—a commission of very competent gentlemen. And yet I am compelled to say for myself that I do not believe it can be stated with reasonable certainty what will be the cost until the effect of the proposition shall be determined by actual experience. But I regard it of the highest moment that the plan reported by the commission shall be tested as far safer and better than the law under which we are now acting.

Mr. TOWNSHEND. Both the Post-Office committees of the House and of the Senate have also agreed to it.

Mr. REAGAN. Would it interfere with the gentleman from Indiana if I should ask him a question?

Mr. HOLMAN. Not at all.

Mr. REAGAN. I want to inquire of the gentleman for information whether the committee or subcommittee know what would be the cost of the railroad service of the trunk roads, for instance, under this method?

Mr. HOLMAN. We have all of us made more or less calculations as to the effect on particular routes in different parts of the country; on the plan as proposed and on the basis of 4 mills for every linear foot car space, I think it will be found there will be some material reduction on the basis of 4 mills. I think that is certain, and that there will be a material reduction even on the trunk lines below what is now paid. And I think I can safely answer the gentleman from Texas that at 4 mills there will be paid a good deal, perhaps a great deal, less than will be under the present law when the next weighing occurs, which will be in the coming spring.

The CHAIRMAN. The time for general debate on this bill allowed by order of the House has expired. The Clerk will proceed to read the bill by paragraphs for amendment.

The Clerk proceeded to read the bill, and read the following paragraph:

For compensation to postmasters, $12,300,000.

Mr. HORR. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out "$12,300,000" and insert "$13,000,000."

Mr. HORR. I offer this amendment simply for the purpose of avoiding a deficiency in the coming year. We appropriated for this service in 1885 $11,000,000. In 1884 we expended $11,283,830.87; that is, we expended in that year over $280,000 more than we appropriated in the bill of last session for the current year. Now the Department estimates that this year there will be a deficiency of $875,000; so that it will cost for this current year for that item $11,875,000.

The Department estimates that it will cost $13,000,000 to meet the expenditure next year. I am aware, Mr. Chairman, that it makes no difference whatever whether we appropriate this money or not as far as the postmasters themselves are concerned. They retain their salaries out of the money collected, and consequently it is a simple matter of book-keeping. All I desire is to appropriate enough money to prevent a deficiency bill next year. And this amount is needed for that purpose. It does not affect the expenditure itself one mill, nor can it do so, because the compensation is fixed by law.

Mr. TOWNSHEND. The appropriation for the salaries of postmasters in this bill is an increase of $1,300,000 above the appropriation of last session. It is an increase of nearly $3,000,000 over the appropriation in 1883. The expenditures last year for this purpose up to the 30th of last June did not exceed $11,283,830. This year we have recommended an appropriation of over $1,000,000 more money than was expended last year for the salaries of postmasters. The subcommittee made careful inquiry as to the amount that would probably be needed to compensate postmasters, and it was my firm conviction that $12,000,000 would cover every necessary expenditure for that purpose; but the general committee, after thoroughly considering the question, in order to cover all possible danger of a deficiency, authorized an increase upon that sum of $300,000. It was the opinion of the members of the committee generally, as I understood, with perhaps the exception of the gentleman from Michigan [Mr. HORR], that the appropriation of $12,300,000 would avoid the possibility of any deficiency whatever.

Mr. HORR. Will the gentleman say that, from a single man connected with the Department, he has ever had any estimate or statement that the amount in this bill is sufficient to meet the requirements of this branch of the service?

Mr. TOWNSHEND. I will say this: That the estimate of the Department is purely speculative. The Department estimates that there will be a percentage of increase corresponding to that of some years past; but that is altogether a speculative estimate. I call the attention of the gentleman from Michigan [Mr. HORR] to the fact that notwithstanding we appropriated last year $1,300,000 less than the appropriation in this bill, the Department has not yet sent to the Committee on Appropriations any request for a deficiency.

Mr. HORR. They do not have to.

Mr. TOWNSHEND. Wait until I get through. I know what the gentleman from Michigan [Mr. HORR] is going to say. He is going to say that an inquiry was sent to the Department—perhaps by some individual—and that some of the officers of the Department have said that it is probable that there will be a deficiency of $700,000 or $800,000.

Mr. HORR. Eight hundred and fifty thousand dollars.

Mr. TOWNSHEND. Well, suppose there should be; still we appropriate here a half a million more than that possible deficiency and the deficiency of last year. If there should be a deficiency—and that is only a matter of speculation—of, say, $800,000, then it would only require for the current year, up to June next, $11,800,000. Now, in order to guard against the danger of a deficiency next year, we have added over $500,000 to that amount. I am quite convinced, Mr Chairman, that if the sum recommended in this bill be appropriated there is no danger of any deficiency.

Let me say further, that I think the increase in the aggregate amount needed for the salaries of postmasters will be much less in the future than it has been in the immediate past. The bulk of the increase last year resulted from the fact that we increased the salaries of postmasters, and the law was made retroactive so as to embrace arrears of salaries for the six months preceding. It was that unexpected retroactive feature of the bill that swelled the appropriations in 1884. But no such question will arise under the present bill. There are no arrears of salaries to be appropriated for, and I am convinced from the investigation I have made that with an appropriation of $12,300,000 we shall have a surplus to be returned into the Treasury rather than a deficiency.

The CHAIRMAN. The time for debate upon this paragraph has expired.

Mr. HORR. I move to strike out the last word. The speech which the gentleman from Illinois [Mr. TOWNSHEND] has made is precisely the same speech made by him upon the Post-Office bill last year. I do not find fault with it because it is a repetition, for good things will bear repeating. [Laughter.] He stated at that time that the amount which we put into that bill would cover, in his judgment, more than the expenditures of the year for the compensation of postmasters. I tried then to get him to increase it $750,000, and told him I feared his estimates were made in a sort of general, hazy way, without any definite computations.

Mr. TOWNSHEND. Yet, although we only appropriated $11,000,000 last year—$1,300,000 less than the appropriation in this bill—there has been no demand for a deficiency.

Mr. BINGHAM. It is not time yet.

Mr. HORR. But notwithstanding the gentleman from Illinois [Mr. TOWNSHEND] said that the amount in the bill would be sufficient, we are now told by the officer in charge of that branch that if the expenses continue for the next six months as they have been for the last six months there will be a deficiency of $875,000. I told the gentleman at the time that that deficiency would have to be made up, but he would not believe it, and now he comes here and claims the same thing again.

Mr. Chairman, I have an idea that these are the actual facts of the case. The officers up there in the Department have made their estimates carefully, upon mathematical bases, while my friend from Illinois has simply said: "I guess we can keep this bill down if we cut out six or seven or eight hundred thousand dollars; so let us cut it out, and let it go at that." It does not do any harm to the service in the end, Mr. Chairman; I do not care much about it, only I would like, if possible, to have a little business principle infused into this bill at this end of the Capitol. I am going to insist on that as far as I can, but if the House will not consent to it, then let the bill go over to the other end of the Capitol and let them do there as they did last year—insert the business principle into it for us, as they will do.

Mr. BINGHAM rose.

The CHAIRMAN. Debate on pending amendments is exhausted. As the Chair understands, the formal amendment is withdrawn.

Mr. BINGHAM. I move to amend the amendment by striking out the last word. Mr. Chairman, if the gentleman in charge of this bill asserts that no executive communication has been received by this House with reference to the supposed deficiency in compensation of postmasters, I wish to remind him that we are not within six months of the time when such a communication may, according to the usage, be expected. Postmasters are paid under a general statute, and they take from the revenues of their offices the compensation they are allowed under the law. The compensation of postmasters of the first, second, and third classes is regulated by the actual amount of business done in their office, so that they can determine to the very cent the compensation that they are allowed by law. The compensation of postmasters of the fourth class is determined by the amount of stamps canceled in their offices, so that they also know exactly the compensation they are to receive.

The gentleman refers to the appropriation for 1884. I hold in my hand the estimates of deficiencies for 1884, now before the gentleman's committee, and I find there the following: "Three hundred and thirty-three thousand dollars, amount retained by postmasters in excess of appropriations."

Mr. TOWNSHEND. That is to meet a deficiency in the appropriations of the last Congress.

Mr. BINGHAM. Of course. But never mind that. We can not have from the Department a statement of the deficiencies for the present fiscal year until the meeting of the next Congress.

Mr. TOWNSHEND. The appropriation for the year in which that deficiency of more than $300,000 occurred was only $9,250,000.

Mr. BINGHAM. I grant that. But I am calling the gentleman's attention to the fact that the estimate of deficiency for postmasters' salaries during the present fiscal year will not come to this House until the meeting of the next Congress. That is all I have to say on this point. I withdraw the *pro forma* amendment.

Mr. TOWNSHEND. Mr. Chairman, of course the Committee of the Whole will do as they please about this matter——

Mr. HOLMAN. A single word before my friend from Illinois proceeds. It is conceded that no harm will be done if we make a mistake about this item.

Mr. BINGHAM. None whatever.

Mr. HOLMAN. The subcommittee believe that the amount proposed in the bill is sufficient. If it is not sufficient, no injury can be done to this branch of the public service.

Mr. BINGHAM. That is true.

Mr. HOLMAN. So I submit we ought not to spend time over this matter.

Mr. BINGHAM. I agree to that.

Mr. TOWNSHEND. I merely wanted to supplement what my colleague on the committee has said by calling attention to the fact that we this year have raised this appropriation over $3,000,000 beyond the appropriation for 1884. Is it possible that the salaries of the postmasters of this country are growing so rapidly that it becomes necessary to increase this appropriation every two years to the extent of more than $3,000,000? If this be the fact, the time has come when we should see whether we can not reduce the salaries of postmasters.

Mr. MONEY. You can do it by decreasing the business. There is no other way.

Mr. TOWNSHEND. But I do not ask a reduction of their salaries. I am confident, from what I know of the appropriations of the past few years, that this sum named in the bill, $12,300,000, will pay every dollar of the salary of every postmaster in the land. I have no fear whatever on that point. It was out of abundant caution that the subcommittee recommended the increase this year to $12,000,000; and it was still further out of abundant caution that the general committee added $300,000.

I see no reason whatever for an increase upon this item of the bill, except a wanton desire to swell these appropriations far beyond what may be needed for the public service.

Mr. HORR. What does the gentleman mean by "wanton" with reference to this matter? Will the amount of the appropriation affect the amount expended to the extent of one cent?

Mr. TOWNSHEND. I admit it will not; but where is the honesty or good sense of appropriating vast sums of money where there is no need for it?

Mr. HORR. What can there be "wanton" in the appropriation if the amount of expenditure is fixed by law?

Mr. TOWNSHEND. It is a wanton disregard of a proper sense of economy to appropriate large sums of money for which there can be no need.

Mr. CUTCHEON. Will the making of this appropriation as proposed cause the salaries of the postmasters to cost any more?

Mr. TOWNSHEND. Not at all; and if the sum appropriated should not be quite large enough, as said by the gentleman from Indiana, no possible injury can result.

Mr. CUTCHEON. Can anything be saved by cutting the appropriation down?

Mr. TOWNSHEND. But we should not appropriate more than will be required.

The question being taken on the amendment of Mr. HORR to strike out, in lines 25 and 26, "$12,300,000" and insert "$13,000,000," it was not agreed to; there being—ayes 40, noes 55.

The Clerk read as follows:

For compensation to clerks in post-offices, $5,100,000.

Mr. HORR. I move, in line 28, to strike out "one" and insert "three;" so it will read "$5,300,000." And I will yield the floor to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I wish to say a word, Mr. Chairman, in reference to these Post-Office appropriations. Now, the appropriation for the current fiscal year is $4,900,000. There is in addition a deficiency estimate for $75,000 more, which has not yet been passed upon. For some months it has been impossible throughout the length and breadth of the country to get any allowance for clerk-hire for separating offices or for offices of the first and second class. The truth is, where the salary is less than $2,000 the postmaster pays his own office-rent, his own clerk-hire, and except where there are star routes or cross railroads, where he is required to distribute or separate the mails, and where occasionally a small allowance is made for separating—and there is within my own knowledge in my own section, and I understand it is so throughout the country generally—this class of postmasters have not only to pay their own clerk-hire, their own office-rent, for their own fuel and lights, but they have to draw on their own salaries—and it is equally true of fourth-class offices—to pay for the large amount of work which is thrown upon them.

I thought last year this appropriation was not sufficient. I still think so. For the coming year I believe the full estimate ought to be given, if you expect to have good service for the convenience of the people. I must say I am not as anxious about it this year as I was last year. [Laughter.]

You gentlemen are soon to take charge of these offices, or rather your party is soon to administer the affairs of the Post-Office Department as well as of the other Departments of the Government. Whatever party or Executive may administer them, in my judgment there should be sufficient money appropriated to carry on the service so as to give the people the amplest facilities. I do not think this bill recommends enough, and therefore I shall vote for the amendment of the gentleman from Michigan. Still I would be frank and say that if you gentlemen on the other side of the House do not want an increase, for one I am not going to push it on you. That is all I desire to say on the subject.

Mr. HOLMAN. I trust the committee will observe the fact that the increase for this service over the present year is $300,000.

Mr. BINGHAM. No, $200,000.

Mr. HOLMAN. Yes, $200,000; and gentlemen will see that this is a very material increase. Mr. Gresham, the late Postmaster-General, issued an order to the postmasters, as gentlemen will remember (and I hope gentlemen will not forget that fact), in which he admonished them that clerical force was not intended to supersede their active participation in the duties of their respective post-offices; that the postmaster was expected to render efficient service in the discharge of the duties of his office. I admit this had more direct reference to the postal-order system than to the general duties of post-offices; but it was a significant fact, and it is a fact which Congress should take notice of. The attention of postmasters was called to the fact they were to render a proper degree of service in connection with the post-offices over which they were placed. I believe, sir, with an increase of $200,000 a year you are making ample provision for that branch of the service. I am in favor of appropriating all that is necessary, and $200,000 increase is undoubtedly sufficient. Any amount above that would, in my judgment, be unnecessary and extravagant.

Mr. HEWITT, of Alabama. I wish to ask the gentleman a ques-

tion for the purpose of explanation. I want to know how it is that the allowance for clerk-hire for Birmingham, Ala., which has gross receipts——

Mr. HOLMAN. What page?

Mr. HEWITT, of Alabama. Page 681 of the Postmaster-General's report. I wish to know why it is that the office of Birmingham, Ala., is allowed but $1,652 for clerk-hire, while in the same State the office of Selma, which has receipts of only $600—over a thousand less than Birmingham—is allowed $2,223. Also, why the city of Vicksburg, Miss., which has $100 less of gross receipts than Birmingham, is allowed $3,000 for clerk-hire. I wish to know if there can be any explanation why such difference is made in these offices. You will find the same running through the whole report.

Mr. HOLMAN. I think there is some explanation for this. Undoubtedly in some degree the distribution of the clerical force is arbitrary. The Postmaster-General assigns clerks to post-offices according to his own discretion. I should take it for granted that postmasters who are most persistent in asking assistance in the way of clerical force would be most likely to obtain it. There is another explanation to which I wish to call the attention of the gentleman from Alabama, and that is this: Some of these offices are distributing offices for other points to a greater extent than others. In such cases there would be a larger amount of clerical service required in proportion to the amount of revenue received than in some other offices. There in some instances may be found the explanation of the difference he states. But the distribution of this fund is entirely under the control of the Postmaster-General, and he is necessarily besieged with applications for increase of clerical force, and favoritism undoubtedly prevails in the service, which accounts in a large degree for the difference in the clerical force of different offices.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. BINGHAM. I move to strike out the last word.

Mr. Chairman, I have just this to say: that if it was clearly understood how this appropriation will be applied under the law and under the discretion of the Postmaster-General there should be no difficulty in voting for the amendment and the recommendation of the Department. There are almost six hundred first and second class post-offices, as well as 2,300 separating offices. This appropriation is disbursed and distributed among this number of offices. These offices return to the Government 60 per cent. of the postal revenues. There are 8,240 subordinates in the clerical force of the first and second class post-offices. This does not include the separating offices, where the average is about $240 to the 2,300 separating offices.

The appropriation for this year is in deficiency $75,000. As recommended by the committee your bill appropriates $200,000 in addition to the allowance for the present fiscal year. But we know to-day that the allowance for the present fiscal year is $75,000 in deficiency. Therefore for the next fiscal year, upon the information that we possess to-day, the bill appropriates but $125,000 additional.

That appropriation to this class of post-offices, which pay 60 per cent. of all the revenues and gross receipts from your service, will give to this vast body of offices but one hundred and fifty-six men at $800 a year compensation. It will not give an allowance to any of the separating offices, nor will it promote a single man in the service to-day, that numbers 8,240.

I want to say in this connection, representing a large city constituency as I do, that there are grave and serious apprehensions that the business interests of our community will be seriously hampered if a full and fair appropriation is not made for our postal facilities. Under the general statute to-day the Postmaster-General to all outlying sections of the country can locate post-offices; and again under the general statute the postmasters will receive their compensation. But to the districts that have a fixed post-office, like New York and Philadelphia, we must make and we must demand for our convenience appropriations under the general appropriation bill for clerk-hire and carrier force; and I further make the statement that the business of the Department will not be carried on under the meager increase of $125,000.

[Here the hammer fell.]

Mr. TOWNSHEND. Mr. Chairman, the appropriation for the current year gives the entire amount called for by the Department. Every dollar estimated for by the Postmaster-General was given by Congress for the current year; but it seems that the Postmaster-General—and I am willing to admit it—did not make quite as large an estimate as should have been made, as appears from the present condition of things in the Post-Office, and for that reason a deficiency of $75,000 is asked for.

Now, in order to avoid a deficiency for next year we have given an increase of $200,000, which will be $125,000 more than the appropriation that is made for the current year and the deficiency for this year which is asked for. But, as I have said, we gave all of the estimates for the current year——

Mr. BINGHAM. Why, does not the gentleman know that you cut down the estimates nearly $5,000,000?

Mr. TOWNSHEND. I can not yield to the gentleman now for an interruption. I say all was given that was estimated for.

Now, this is an item of the bill that we can increase to any amount, and still the pressure and demand will come up for higher appropriations and a larger number of clerks. One reason in my judgment why General Gresham, who was a most excellent officer, asked for no more than he did was because he discovered that the clerical force was not properly distributed; that in some offices there were more clerks than there ought to be, and in some offices there were less than there ought to be in accordance with the amount appropriated. The report which the gentleman from Alabama has read confirms that conviction of the late Postmaster-General, for it is well known that in some States where the population is much less than in others they have received a large allotment for clerical force—twice as much as is given to others. I can give the House the reason for it and the authority for believing that there ought to be a readjustment or redistribution of the clerks in post-offices. My authority is the late Postmaster-General himself in his report at the last session of Congress. I read from page 11 of the report of the Postmaster-General last year upon this very question. What is his language? He says:

> Postmasters, backed as many of them are by influential friends, have in some cases been unreasonable in their demands for allowances, and it is not surprising that some of them have received more than their share of the appropriation, while others have received less.

My friend and colleague from Illinois [Mr. CANNON] seems to feel considerable anxiety that we may not provide appropriations enough to employ all the clerks that will be needed under the incoming administration. I want to say here, sir, at the very threshold of the incoming Democratic administration, that I want to see it prove itself true to the first fundamental Democratic principle of economy; I want to see the incoming Democratic administration practice what we have been preaching under Republican administrations. [Applause.] I want to see the expenditures of the Government kept within reasonable bounds. But if I could be convinced that this appropriation is not large enough I would be perfectly willing to accede to the demand that is made.

[Here the hammer fell.]

Mr. BINGHAM. I withdraw the *pro forma* amendment.

Mr. HISCOCK. I renew it. I confess I am surprised there has not been a very large reduction in the appropriations for this branch of the service; that there is not a reduction in salaries, and that the employés are not called upon to work more hours. I did expect the gentleman from Illinois [Mr. TOWNSHEND] would present a bill here that would point directly in the direction of economy.

Now, if the next administration is to be economical, I, for one, am opposed to making appropriations so that they can turn a large surplus into the Treasury. I think that would be unwise, and it seems to me the gentleman from Illinois instead of having increased any of these appropriations should have decreased them.

We have been lectured here for the last eight years on the excessive appropriations for the Post-Office Department, and now I understand the gentleman from Illinois has brought in a bill here actually increasing the appropriations for the different branches of that service; and I have risen, sir, only for the purpose of expressing profound surprise that that should be the fact.

What does the great Democratic party intend to do? This is the first appropriation bill for this Department, the money voted by which is to be expended by the incoming administration; and here the country is presented with a bill which proposes to increase the amount. It does seem to me the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Illinois [Mr. TOWNSHEND] have been somewhat derelict in their duty.

Mr. HORR. I rise to oppose the *pro forma* amendment. I am very glad to hear my friend from Illinois [Mr. TOWNSHEND] indorse the accuracy, ability, and integrity of Postmaster-General Gresham: because the estimates upon which this bill was drawn were made by that gentleman. In the bill the gentleman has presented here he has cut down the estimates of his ideal, and proposes to have an incoming administration run this Department for $3,000,000 less than this ideal of his says it can be run with.

Mr. TOWNSHEND. Does the gentleman from Michigan say that Postmaster-General Gresham prepared these estimates? He had been appointed judge before the estimates were prepared.

Mr. HORR. The estimates were made before Judge Gresham went out.

Mr. TOWNSHEND. I venture the assertion that Judge Gresham did not pass on these estimates.

Mr. HORR. Last year you cut down the estimates of the same Postmaster-General $4,000,000, and had it not been for the wisdom of another body that has to revise these bills our service would be to-day with a deficiency of over $4,000,000.

The gentleman from Illinois says he does this because he wants to keep good the word the Democrats have been giving to the people that they are to run things economically. Bless your soul, Brother TOWNSHEND, do not trouble yourself about that. [Laughter.] Nobody understood you intended that in earnest. But let me say to you right here, if you run these Post-Office matters as economically as the Republicans have done in the last four years you will get the encomiums of the people of this country. You can not carry the mails and do this work for any less money than it is being done for now; and, as I said

yesterday, it will be a sorry day for this nation when the Post-Office bill of one year is smaller than the bill for the year preceding it.

Mr. TOWNSHEND. I agree with you.

Mr. HORR. It must be in the necessity of things larger.

Now, what I have offered here is to give a little money to help out the distributing offices that are growing up all over the United States. Wherever a railroad line is run, and star routes cross it, an increase of work arises, and it takes clerks to distribute that mail. Do you think the Democrats will distribute it without pay? [Laughter.] Will you get some Democrats to work at it for nothing? My impression is, Mr. Chairman, that if this work is to be done, and Democrats are going to do it, they will have to eat and drink like other men. So far as I know they are not visionary either on eating or drinking. [Laughter.] It is an actual business with them, and I propose simply to give money enough to keep this service in a respectable condition. But if you do not want it, all right; I am not going to worry over it.

The *pro forma* amendment was withdrawn.

The question was taken on Mr. HORR'S amendment to strike out $5,100,000 and insert $5,300,000; and there were—ayes 92, noes 31.

So (further count not being called for) the amendment was agreed to.

Mr. MONEY. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 28 insert the following:

"And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work."

Mr. MONEY. Postmaster-General Gresham made a ruling that no clerk or employé of the Post-Office paid in whole or in part from the allowance for postal funds should be employed in the money-order business, and issued an order (No. 12) to that effect.

The result is that a clerk who is paid to transact the money-order business can not be put at any other work whatever. The money-order business may not occupy him one-third of his time, yet under this ruling of the Postmaster-General (which is a proper construction of the law) the postmaster can not put the clerk at any other work. And, *vice versa*, a clerk engaged in ordinary postal business can not be detailed to assist in the money-order department even though he may have nothing else to do.

Mr. HOLMAN. Mr. Chairman, I ask unanimous consent that this paragraph be passed over informally for the present, so that my friend from Mississippi [Mr. MONEY] may offer this proposition later, after the matter has been examined.

Mr. MONEY. I have no objection at all to that arrangement.

The CHAIRMAN. There being no objection, this paragraph will be passed over for the present with the understanding that the gentleman from Mississippi [Mr. MONEY] may offer his amendment at a subsequent time.

Mr. AIKEN. I desire to offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

After the word dollars, in line 28, insert:

"Three million five hundred thousand dollars of which shall be paid to clerks in first-class offices, $900,000 to clerks in second-class offices, and $700,000 to clerks in third-class post-offices."

Mr. TOWNSHEND. Mr. Chairman, I make the point of order on that amendment that it proposes new legislation and increases expenditures.

Mr. AIKEN. The gentleman is mistaken; there is not a word of increase in the amendment. On the contrary, it looks directly to economy, and therefore it seems to me that it is not amenable to the point of order. I hold, sir, that it is legislating in the direction of economy to say exactly where and how the public money shall be spent, and not allow any officer of the Government to distribute it where he pleases, to the advantage of his friends and the disadvantage of other servants of the Government.

The CHAIRMAN. The Chair will rule upon the point of order.

Mr. AIKEN. I do not care about the point of order; but is it in order, Mr. Chairman, for me to say a few words on the amendment?

The CHAIRMAN. The Chair is of opinion that this amendment is not subject to the point of order, as it merely provides for the distribution of the money appropriated in the bill, and does not increase expenditure.

Mr. TOWNSHEND. Why, sir, it increases the appropriation $300,000.

Mr. AIKEN. It does not increase it a dollar—not one dollar. It looks to the economical distribution of the money appropriated by the bill, and it is entirely germane to this paragraph.

The CHAIRMAN. The Chair is informed that the amendment does not increase the amount of the appropriation.

Mr. TOWNSHEND. Let it be read again.

The Clerk again read the amendment as above printed.

Mr. HOLMAN. Mr. Chairman, I rise to a point of order.

Mr. AIKEN. If the committee will allow me to explain my own amendment they will be at least edified.

Mr. TOWNSHEND. I have made the point of order, Mr. Chairman.

Mr. HOLMAN. Just a word, Mr. Chairman. The proposition contained in this amendment does not reduce expenditures; it does not reduce the amount appropriated by the bill or by the present law. It simply provides for the mode of distributing a certain portion of the money appropriated in the bill, and that mode is contrary to the provisions of an existing statute. I will call the attention of the Chair to the present law, if it is important in this connection; but it can not be important, because under clause 3 of Rule XXI, an amendment, to be in order, must reduce expenditure, and this does not reduce expenditure but merely provides for the disposition to be made of the money.

Mr. AIKEN. Mr. Chairman, do I understand the Chair to decide that this amendment is not in order?

The CHAIRMAN. The Chair is of opinion that this amendment is not subject to the point of order, and will submit the question to the committee on its merits.

Mr. AIKEN. Then I hope the House will hear me while I proceed to explain the amendment, and I will not submit to interruption.

Mr. HOLMAN. Mr. Chairman, there is so much confusion in the Hall that I did not hear the decision of the Chair.

The CHAIRMAN. The Chair overruled the point of order.

Mr. HOLMAN. Mr. Chairman, I rise to a point of order. When the ruling of the Chair was understood by me I at once rose to take an appeal.

The CHAIRMAN. That is in order.

Mr. HOLMAN. I appeal from the decision of the Chair, and on that appeal I desire to say but a word. I ask the Clerk to read clause 3 of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Mr. HOLMAN. I now ask the Clerk to read sections 3859 and 3860 of the Revised Statutes.

The Clerk read as follows:

SEC. 3859. The Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third, fourth, or fifth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

SEC. 3860. The Postmaster-General may allow to the postmaster at New York city, and to the postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box-rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster-General.

Mr. HOLMAN. Those two provisions of law determine the manner in which this clerical service shall be furnished to the various post-offices. Clause 3 of Rule XXI requires it shall affirmatively appear that a legislative provision upon an appropriation bill retrenches expenses. This amendment not only proposes to change the law as read by the Clerk, but it does so without any pretense of retrenchment. On the contrary, it provides for the payment of the money in a different mode and under different authority from that provided for by existing law. And the method of payment proposed in the amendment must eventually result in a very heavy increase of expenditure.

The CHAIRMAN. Before submitting this appeal to the committee the Chair desires to say that in ruling originally upon this question he gave but little thought to it. The attention of the Chair, as well as the committee, having been now especially called to the matter, the Chair desires to give the reasons for the decision that he made.

In the opinion of the Chair the third clause of Rule XXI does not apply to this provision at all. If the provision now proposed as an amendment had been included in the bill as reported—appropriating $3,500,000 for clerks of the first class, $900,000 for clerks of the second class, and $800,000 for clerks of the third class—it seems to the Chair the provision would not have been a change of existing law or obnoxious to the rule.

Mr. VALENTINE and Mr. HOLMAN rose.

The CHAIRMAN. The Chair desires to conclude his statement of the grounds of his ruling.

Mr. HOLMAN. Allow me a single additional word. The Chair must perceive that the present law applies to first and second class offices, while this provision extends to third-class offices.

The CHAIRMAN. The question whether an amendment increases or diminishes the amount proposed to be appropriated does not necessarily bring it within or exclude it from Rule XXI, as the Chair understands. It frequently happens that appropriations for a given year are larger or smaller than for the preceding year. But that consideration does not change the fact that this is a work already existing, and that Congress must appropriate the necessary amount therefor.

The Chair is not passing upon the question whether more is appropriated for these various classes of offices than ought to be appropriated; but simply rules that it is within the province of the House, in making appropriations, to designate the particular objects for which the

appropriations are made; and by such a specific designation of objects Rule XXI is not violated.

Mr. VALENTINE. Has the Chair noticed the fact that this amendment entirely excludes fourth-class offices, and does thereby change existing law? Under this amendment not one dollar of the present appropriation can be used for the fourth-class offices.

The CHAIRMAN. The Chair would entertain an amendment to provide for fourth-class offices. It must not be supposed that the Chair is bound to suggest necessary or proper amendments to this bill; the Chair merely rules upon the question whether a proposition is subject to the point of order.

Mr. OATES. Now let us have a vote on the appeal.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] has appealed from the decision of the Chair. The question is, Shall the decision stand as the judgment of the committee?

The Committee of the Whole having voted on the question,

The CHAIRMAN. The Chair is in doubt, and would prefer to appoint tellers. [Cries of "Oh, no!"] The Clerk will count the vote.

The question having been again taken, there were—ayes 54, noes 34.

So the decision of the Chair was sustained.

The CHAIRMAN. The question is now on the amendment submitted by the gentleman from South Carolina [Mr. AIKEN], on which the gentleman is entitled to the floor.

Mr. AIKEN. In order to meet the objection urged by the gentleman from Nebraska [Mr. VALENTINE] I ask consent of the committee to amend my own amendment by inserting after the word "third" the words "and fourth."

Mr. VALENTINE. Will that be sufficient?

Mr. AIKEN. This gives a discretionary power to the Postmaster-General to the extent of $800,000, but not as to the bulk of the money appropriated.

Now, it seems to be the desire of the House to know how I have arrived at this suggestion for the distribution of this money. I simply took two or three annual reports of the Postmaster-General and added up what they report had been disbursed for the benefit of these respective offices. Taking the first class, then the second class, and then the third class, I found the amount given the first-class offices even in the last fiscal year to be $85,000 less than is allowed in my amendment, so that this sum may be added next year to what has been expended this year for first-class offices. I take it that will be quite sufficient, as the past year we have had an increase of only three first-class offices.

Then I took the second-class offices and found it in the same way. I added up the amount disbursed through them for clerk-hire for two or three years, and discovered that the amount I have inserted in this amendment will give a margin of $130,000 surplus to be expended for the incoming year. And I simply ask that the Postmaster-General be required to disburse the remainder of the appropriation in securing clerical help to the third and fourth class offices.

Mr. Chairman, I stated yesterday that second-class offices got 17 per cent. on their net revenue for clerk-hire, and last year this amounted to only $820,000. Third-class offices paid nearly $600,000 more into the Treasury than second-class offices, and they received less than 17 per cent. The entire amount they received, although numbering 2,160, was only $420,000. This amendment gives them at least $350,000 more for the next fiscal year, leaving $150,000 for fourth-class offices, which is more than was distributed last year.

Now, Mr. Chairman, with that explanation, it does seem to me this is a perfectly legitimate distribution of this money. It does not curtail the authority of the Postmaster-General in disbursing the entire sum, but simply appropriates so many dollars for each class of Presidential offices, thereby securing justice to the many overworked postmasters of that class.

Mr. BAYNE. I rise to oppose the amendment, but principally for information. I have heard the explanation of the gentleman from South Carolina.

Mr. TOWNSHEND. Let me suggest the shortest way out is to take a vote, as I am satisfied the amendment will be voted down.

Mr. BAYNE. The gentleman from South Carolina is mistaken in this matter. He asks you to make an apportionment of this money. He has told you how much it will give to one class, how much to another, and how much to another. Now, what benefit is to come from subdivision and separation of the amount?

Mr. AIKEN. I will simply say postmasters of the third and fourth classes throughout the United States, working twelve and fifteen hours a day many of them, have to take the money out of their own pockets to pay for clerk-hire, and in my amendment these postmasters will have that money supplied to them by the Government without one dollar being taken from the first and second classes.

Mr. BAYNE. I am afraid the gentleman's amendment will cripple the other classes, and I believe it should be voted down. [Cries of "Vote!"]

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker *pro tempore* having resumed the chair, a message from the Senate, by Mr. MCCOOK, its Secretary, announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

It further announced the passage of an act (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, with amendments, in which concurrence was requested.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session, Mr. SPRINGER in the chair.

Mr. CANNON. I move to strike out the last word. I think, Mr. Chairman, it would be well for the committee to understand what this amendment of the gentleman from South Carolina [Mr. AIKEN] does. Under the law, as it now is, any clerk as such can be authorized, paid for, either in third or fourth class offices. For the first and second class offices there is a provision of law which allows the Postmaster-General in case of separating offices to make allowance for clerk-hire. It is not for clerk-hire technically speaking. So I wish the committee to understand that if this amendment is adopted it makes an appropriation pure and simple for clerk-hire at forty-five or forty-six thousand post-offices not now entitled to it under the law. A man, therefore, who holds a third or fourth class post-office, where there is no cross-route, where there is no separating to be done, may apply and receive a portion of this appropriation for clerk-hire. Now, that effort has been made several times heretofore and has been opposed, and especially from that side of the House, with great force and so far successfully. And I undertake to say, that if this amendment is to be adopted, instead of $800,000 you want a million or two millions to satisfy the demand.

That is all I desired to say, and I withdraw the *pro forma* amendment.

The CHAIRMAN. The question is on agreeing to the amendment proposed by the gentleman from South Carolina.

The amendment was not agreed to.

Mr. ANDERSON. Mr. Chairman——

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk proceeded to read, as follows:

For payment of letter-carriers and incidental expenses of the free-delivery system——

Mr. ANDERSON. I rose to offer an amendment.

The CHAIRMAN. The gentleman will permit the Clerk to read the section through before submitting an amendment.

Mr. ANDERSON. I desire to offer an amendment at the point where the gentleman from South Carolina offered his amendment.

Mr. TOWNSHEND. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The Chair desires unanimous consent to present the following executive communication and also to lay before the House some personal requests of members.

There was no objection.

SILVER DOLLARS AND SILVER CERTIFICATES.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House of February 3, 1885, relative to the alleged refusal of certain banks and banking associations to receive silver dollars and silver certificates in settlement of their balances, reports from the Treasurer of the United States and the Director of the Mint; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FERRELL, until Thursday next, on account of important business.

To Mr. ROSECRANS, for to-morrow, on account of important business.

To Mr. HITT, for to-morrow, on account of important business.

To Mr. ROGERS, of New York, for one week from the 11th instant, on account of business.

TICKETS FOR THE ELECTORAL COUNT.

The SPEAKER *pro tempore*. The Chair desires to say for the information of the House that the tickets printed and issued under the resolution passed on yesterday for the reserved galleries of the House on to-morrow during the count of the electoral vote are now in the hands of the Doorkeeper and subject to the order of members.

HOT SPRINGS RESERVATION, ARKANSAS.

Mr. ROGERS, of Arkansas (by request), by unanimous consent, introduced a bill (H. R. 8182) for the regulation of the Hot Springs reservation, at Hot Springs, Ark.; which was read a first and second time, referred to the Committee on the Public Lands, and ordered to be printed.

PUBLICATION OF TREATIES.

The SPEAKER *pro tempore*. The Chair desires to submit in obedience to the statute the following concurrent resolution of the Senate for reference.

The resolution is as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 9,500 additional copies of the treaties and conventions transmitted to the Senate by the President in his message of January 23, 1885, of which 1,500 copies shall be for the use of the Senate; 3,000 copies for the use of the House; 4,000 copies for the use of the Department of State; and 1,000 copies for distribution, by the Department of the Interior, among public libraries not depositories under existing laws, each Senator, Representative, and Delegate in Congress to designate two libraries to whom copies of the work shall be thus sent. And the Public Printer is also authorized to print and have bound 2,000 additional copies to be sold at actual cost and 10 per cent. added.

The resolution was referred to the Committee on Printing.

CHANGE OF REFERENCE OF A BILL.

On motion of Mr. BREITUNG, by unanimous consent the Committee on Public Buildings and Grounds was discharged from the further consideration of the bill (S. 1374) to provide for the sale of the old site of Fort Brady, Michigan, and for a new site and the construction of suitable buildings thereon; and the same was referred to the Committee on Military Affairs.

PENSION BILLS ON THE SPEAKER'S TABLE.

On motion of Mr. MATSON, it was ordered that Senate pension bills on the Speaker's table be taken therefrom and appropriately referred.

ORDER OF BUSINESS.

Mr. HEWITT, of Alabama. I demand the regular order.

Mr. ROGERS, of New York. I rise to submit a privileged report.

The SPEAKER *pro tempore*. The regular order has been demanded, which is the motion of the gentleman from Illinois that the House do now adjourn.

Mr. ROGERS, of New York. I hope the gentleman will not insist upon the demand for the regular order.

The SPEAKER *pro tempore*. Does the Chair understand the gentleman to insist upon the demand?

Mr. HEWITT, of Alabama. I withdraw the demand.

Mr. DUNN. I renew it.

Mr. ROGERS, of New York. I ask to submit a privileged report.

The SPEAKER *pro tempore*. The regular order has been demanded.

Mr. ANDERSON. Would it be in order to move that the House take a recess until 11 o'clock to-morrow?

The SPEAKER *pro tempore*. The Chair will state that it would not. By unanimous consent, on motion of the gentleman from Pennsylvania, this morning it was ordered, instead of a recess to-day, that when the House adjourns to-day it be to meet at 11 o'clock to-morrow.

The question is on agreeing to the motion of the gentleman from Illinois.

The motion was agreed to; and accordingly (at 5 o'clock and 12 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARKSDALE: Petition of Susan Flowers, widow of B. Y. Flowers, deceased, of Claiborne County, and of Mrs. Nancy Mitchell, of Copiah County, Mississippi, asking for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. BAYNE: Resolution of the Grand Army of the Republic, Department of New York, asking Congress to provide for the purchase by the Government of the Forbes historical art collection—to the Committee on Military Affairs.

By Mr. BEACH: Petition of citizens of West Town, N. Y., and vicinity, in reference to the Mormon question—to the Committee on the Judiciary.

By Mr. BUDD: Memorial of the San Francisco (Cal.) Chamber of Commerce, favoring House bill 7163, to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others—to the Committee on Commerce.

Also, memorial of Stockton (Cal.) Board of Trade, for the ratification of Nicaragua treaty; also for construction of a navy—to the Committee on Foreign Affairs.

Also, concurrent resolution of the California Legislature, favoring a soldiers' home—to the Committee on Military Affairs.

Also, petition of citizens of San Joaquin County, California, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. BURLEIGH: Petition of citizens of Troy, N. Y., requesting early consideration on the Mormon question—to the Committee on the Judiciary.

By Mr. S. S. COX: Petition of George A. Hoyt, Floyd Jones, and 38 others, corporate and natural persons, of New York city, asking that the United States shall acquire the two canals which connect Portage Lake, Michigan, with Lake Superior—to the Committee on Rivers and Harbors.

By Mr. DIBBLE: Petition of H. C. Rucker and of Matthew J. Rucker, of Lexington County, South Carolina, asking for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. FOLLETT: Two petitions for the establishment of night schools in the District of Columbia—to the Committee on the District of Columbia.

By Mr. T. J. HENDERSON: Petition of Lewis Hurd, Mrs. Catharine Wheeler, and 26 others, of Henry County, Illinois, asking for an increase in widows' pensions—to the Committee on Pensions.

Also, petition of Mrs. Harriet Darby and others, citizens of Morrison, Ill., asking for an increase of widows' pensions—to the same committee.

By Mr. HOLMAN: Petition of William A. Moulton, of Hidalgo, Ill., late a soldier in Company D, Eighteenth Regiment Indiana Volunteers, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. B. W. JONES: Memorial of Business Men's Association of Oshkosh, Wis., for improvement of the Fox and Wisconsin Rivers—to the Committee on Rivers and Harbors.

By Mr. LAMB: Petition from citizens of Indiana, asking that Benjamin Martain be reimbursed for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. MILLS: Petition of numerous citizens of Limestone County, Texas, asking for reduction in price of CONGRESSIONAL RECORD—to the Committee on Printing.

By Mr. MULDROW: Papers relating to the claim of Daniel Peel, of Tishomingo County, Mississippi—to the Committee on War Claims.

By Mr. POLAND: Petitions of Rev. L. C. Dickinson and others, of Caledonia County, and of Rev. G. F. Arms and others, of Dover, Vt.; praying for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. PRYOR: Papers relating to claim of Fayette Hungerford, with communication from the Secretary of the Navy, asking certain appropriations—to the Committee on Appropriations.

By Mr. PUSEY: Petition of citizens of Council Bluffs, Iowa, asking legislation on the Morman question—to the Committee on the Judiciary.

By Mr. G. W. RAY: Petition of citizens of Otsego County, and of Delhi County, New York, asking for action by Congress on the Morman question—to the same committee.

By Mr. J. H. ROGERS (by request): Memorial of the city council of Hot Springs, Ark., and others, in favor of a bill for the regulation of the reservation at Hot Springs, Ark.—to the Committee on the Public Lands.

By Mr. VAN EATON: Petition of David Singleton, of Adams County, Mississippi, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. VANCE: Petition of Solomon H. Messer, of Jackson County, North Carolina, for a pension—to the Committee on Pensions.

By Mr. RICHARD WARNER: Petition of Jeff M. Stone, of Lincoln County, Tennessee, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. WEMPLE: Petition of citizens of Buel, Montgomery County, New York, urging action by Congress on the bills before them for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of 96 citizens of Freeborn County, Minnesota, asking legislation on the Mormon question—to the same committee.

By Mr. W. L. WILSON: Petition of Joseph West, of Berkeley County, West Virginia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BUDD: Of citizens of El Dorado and of Placer Counties, and of Sacramento, Cal.

By Mr. KLEINER: Of ex-soldiers of Augusta and of Stendal, Ind.

By Mr. LACEY: Of Nicholas O. Bowen and 43 others, of Athens, Mich.

By Mr. McCOMAS: Of 44 citizens of Hagerstown, Md.; of 63 citizens of Hancock, and of 63 soldiers and citizens of Hagerstown, Md.

By Mr. G. W. RAY: Of citizens of Oneonta, Otsego County, New York.

SENATE.

WEDNESDAY, *February* 11, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting recommendations of the Supervising Architect to extend the limit of cost of the public buildings at Hannibal, Mo., and Brooklyn, N. Y.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with the requirements of the act of July 15, 1870, a full and complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by the Department of the Interior; which was ordered to be printed, and, with the accompanying papers, laid on the table.

HOUSE BILL REFERRED.

The bill (H. R. 6533) for the relief of Dr. Thomas J. Jones, was read twice by its title, and referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS.

Mr. MANDERSON presented a memorial of the Legislature of Nebraska; which was read and referred to the Committee on Public Lands, as follows:

Memorial and joint resolution concerning the people of Nebraska and the lands known as the Saint Joseph and Denver City Railroad Company lands, and the bill now pending in Congress for the relief of the settlers upon said lands.

To the honorable Senate and House of Representatives of the United States:

Whereas there are many settlers and purchasers of the public domain in the State of Nebraska who have patents from the United States for said land, the title to which is now disputed by an adverse claim derived originally from grants of land by Congress to a certain railroad company, known as the Saint Joseph and Denver City Railroad Company—*i. e.*, Kneevals and Mitchell land claims;

Whereas such dispute of title is a very great injury and wrong to many persons who have spent many of their best years in toil, deprivation, and expense upon such lands, and has resulted in the confiscation of the homes of many of our best citizens residing upon and owning said lands, and their eviction therefrom;

Whereas a bill is pending in Congress for the relief of the settlers upon said lands, which bill has passed the Senate of the United States, and is now pending in the House of Representatives thereof: Therefore,

Be it resolved by the senate and house of representatives of the State of Nebraska, That the passage of said bill would be but an act of justice to those of our citizens who are interested therein.

Resolved, That we earnestly urge upon Congress and every member thereof, regardless of their political affiliations, their immediate attention and favorable action upon said bill.

Resolved, That the secretary of state be requested to forward to each of our Senators and Representatives in Congress a copy of this memorial and joint resolution.

H. H. SHEDD,
President of Senate.

Attest:

SHERWOOD BURR,
Secretary of Senate.

ALLAN W. FIELD,
Speaker of House of Representatives.

Attest:

JAMES F. SEDIKER,
Chief Clerk of House of Representatives.

Approved February 6, 1885.

JAMES W. DAWES,
Governor.

I hereby certify that the within memorial and joint resolution originated in the senate and passed the Legislature February 5, A. D. 1885.

SHERWOOD BURR,
Secretary of the Senate.

STATE OF NEBRASKA,
Office of Secretary of State.

I, E. P. Roggen, secretary of state of the State of Nebraska, do hereby certify that I have carefully compared the foregoing copy of a memorial and joint resolution concerning the people of Nebraska and the lands known as the Saint Joseph and Denver City Railroad Company lands, and the bill now pending in Congress for the relief of the settlers upon said lands, approved February 6, 1885, with the original rolls on file in this office, and that the same is a true and perfect copy of said memorial and joint resolution.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Nebraska. Done at Lincoln this 6th day of February, A. D. 1885, of the Independence of the United States the one hundred and ninth, and of this State the eighteenth.

[SEAL.]

E. P. ROGGEN,
Secretary of State.

Mr. MITCHELL presented the petition of Sarah Jane De Coursey, of Philadelphia, and others, praying for the passage of the bill (S. 438) for the relief of the heirs and legal representatives of Capt. Lambert Wickes; which was referred to the Committee on Revolutionary Claims.

Mr. GARLAND. I present the petition of a large number of citizens of the city of Hot Springs, Ark., praying for certain legislation in reference to the Hot Springs reservation. Accompanying the petition is a bill which the petitioners desire me to introduce to carry out the views set forth in the petition. At the proper time I shall introduce the bill. I move that the petition be referred to the Committee on Public Lands.

The motion was agreed to.

Mr. SEWELL presented a memorial of the Philadelphia (Pa.) Board of Trade and the Philadelphia (Pa.) Maritime Exchange, remonstrating against the passage of the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which was referred to the Committee on Commerce.

Mr. BLAIR presented the petition of Charles H. Mendum, James P. Boutell, John Sise, G. R. Laighton, W. C. Walton, Andrew P. Preston, Joseph W. Peirce, and Andrew J. Penhallow, of Portsmouth, N. H., praying for the ratification of the proposed reciprocity treaty with Spain; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. GARLAND (by request) introduced a bill (S. 2631) to regulate the Hot Springs reservation in the State of Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MORGAN introduced a bill (S. 2632) making appropriations for the constructon, repair, and preservation of certain public works on rivers and harbors, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

NORTHERN MONTANA INDIAN RESERVATIONS.

Mr. DAWES. I ask unanimous consent to call up a bill on the Calendar which I think will cause no debate. The friends of the measure are very anxious to get it to the other branch, where they think they can get it through if it is passed by the Senate now.

Mr. ALLISON. If it leads to no debate, I shall consent.

Mr. DAWES. If it causes debate, of course I shall withdraw it.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Massachusetts asks unanimous consent to have taken up at this time the bill (S. 2609) to provide permanent reservations for the Indians in Northern Montana, and for other purposes. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SHERMAN. I ask the unanimous consent of the Senate to call up a bill that I am quite sure will not lead to any debate. It is House bill No. 7496, reported from the Committee on Finance.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent to have taken up for consideration at this time the bill (H. R. 7496) for the relief of Wehrle, Werk & Son. Is there objection?

Mr. HARRIS. With other Senators I have for a week past been urging the Senate to take up House bills favorably reported upon the Calendar in their order. I gave notice three or four days ago that until that was done I should object to the taking up of any one House bill on the Calendar other than a regular appropriation bill. I therefore, according to the notice, object.

Mr. SHERMAN. I then move, the Calendar being in order, that the Senate proceed to the consideration of the bill. I concur with my friend from Tennessee in the view that we ought to take up House bills and act upon them, but now that I have called the bill up and it is a small matter to which the Senator from Tennessee has himself agreed in committee, I ask him that he allow the bill to pass, and I shall hereafter join him in taking up the House bills in their order. We shall not have time this morning to do what the Senator proposes, or I should be willing to pursue that course this morning.

Mr. HARRIS. I did not even notice the character of the bill that the Senator wishes to have considered.

Mr. SHERMAN. It is a House bill reported from the Committee on Finance, which the Senator himself has approved. As we can not now take up under a general order the House bills on the Calendar, I hope the Senator from Tennessee will not interfere with this bill.

Mr. HARRIS. If the Senate will now consent that we shall, after the morning business, proceed with the consideration of House bills favorably reported upon the Calendar, we can at least agree to that, it will not delay the Senator from Ohio more than a day or two. I do not understand that the question of time is important in this particular case.

The PRESIDING OFFICER. Objection is made.

Mr. SHERMAN. Then I submit a motion to proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. SHERMAN. I submit again to the Senator from Tennessee that——

The PRESIDING OFFICER. The motion is not debatable.

Mr. GARLAND. Let the bill be read by its title.

Mr. PLATT. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Connecticut will state his point of order.

Mr. PLATT. My point of order is that although Senators have been standing very near me and talking very loud, I have been unable to hear what has been said.

The PRESIDING OFFICER. Senators will resume their seats, and the Senate will be in order. The Senator from Ohio moves that the Senate proceed to the consideration of the bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

The motion was not agreed to.

Mr. McPHERSON. Mr. President——

Mr. ALLISON. Regular order, Mr. President.

Mr. SHERMAN. I insist upon the regular order.

Mr. INGALLS. The regular order.

Mr. McPHERSON. I ask the privilege of moving to recommit a bill.

The PRESIDENT *pro tempore*. The Senate will be in order. The Chair will hear the Senator from New Jersey.

Mr. McPHERSON. I rose for the purpose of asking unanimous consent to recommit a bill now upon the Calendar.

Mr. SHERMAN. I insist upon the regular order.

The PRESIDENT *pro tempore*. Objection is made. The Calendar under Rule VIII will be laid before the Senate.

Mr. LAPHAM. I move to take up at this time the joint resolution (S. R. 111) referring the controversy between the United States and Venezuela, in respect to the awards of the mixed commission, to the President. I asked for the consideration of it yesterday——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. LAPHAM. I ask unanimous consent to make a very brief statement.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. LAPHAM. I asked for the consideration of the joint resolution when I reported it from the Committee on Foreign Relations yesterday, and the Senator from Tennessee [Mr. HARRIS], under a misapprehension, I think, objected to its consideration.

The joint resolution refers to the President the distribution of the fund now in the State Department under the Venezuelan award. There is about half a million dollars lying there belonging to the claimants under the award. In 1883 we passed a joint resolution authorizing the President to open negotiations with Venezuela. He submitted the draught of a convention to the representative of that government, who has finally rejected it; and Venezuela has taken the strange position that, by virtue of that resolution, we vacated all these awards, and that government refuses to pay any more money. There is no alternative left to us now but to leave to the President the distribution of what money is in our Treasury.

I hope there will be no objection to the consideration of the joint resolution at this time.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from New York that the Senate now proceed to the consideration of the joint resolution indicated by him.

Mr. HOAR. The motion is now only to take up?

The PRESIDENT *pro tempore*. The motion is to take up.

The motion was not agreed to.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes. The bill is before the Senate as in Committee of the Whole, and the reading of the report will be resumed.

Mr. PLUMB. I ask unanimous consent that the reading of the report may be dispensed with.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the further reading of the report be dispensed with. Is there objection?

Mr. LAPHAM. I can not consent to that this morning, sir.

The PRESIDENT *pro tempore*. Objection is made. The reading will proceed.

The Secretary resumed, at page 23, the reading of the report submitted by Mr. PLUMB, from the Committee on Public Lands, April 8, 1884.

The reading having proceeded five minutes,

Mr. PLUMB. I rise to make a suggestion and at the same time a request to the Senator from New York. The reading of the report is unnecessarily, as I think, occupying the time of the Senate. I am not myself willing to believe that the Senator from New York desires to unnecessarily use up the time of the Senate, or that he desires to put himself in the attitude of having delay for the sake of delay. I think he is a more courageous opponent than that would indicate. I therefore ask unanimous consent that the reading of this report may be dispensed with, that the residue of the report be printed in the RECORD, and that this bill may then go over until to-morrow at the time when the Calendar shall be reached, giving the Senator all the time he could have anyhow by reason of continuing the reading of the report. That is all I now ask.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the further reading of the report be dispensed with and that the residue of the report be printed in the RECORD and that this bill be passed over, retaining its place where it now stands on the Calendar under Rule VIII. Is there objection?

Mr. HAWLEY. I object to that part of the request which asks that the remainder of the report be printed in the RECORD. It would be of no material service to anybody to print a fraction of the report. The report itself is a very long one. Did the Senator mean to print in the RECORD the whole of it?

Mr. PLUMB. I am not particular about its going into the RECORD, if there is any point about that.

Mr. HAWLEY. The Senator said the remainder of the report. I object to printing the report in the RECORD.

Mr. HOAR. It is printed in the RECORD now as a matter of course unless the Senate otherwise orders. Every report read at the desk is printed in the RECORD as a matter of course. Now, if the reading goes on it will be printed in the RECORD, and both the time of the Senate be taken up and the columns of the RECORD be filled with it. The request of my honorable friend from Kansas is that so much of the regular order as implies the Senate taking another hour to have it read, when of course it will go into the RECORD, may be dispensed with.

The PRESIDENT *pro tempore*. The Chair will state that he knows of no rule which requires a report when it is read to go into the RECORD, that the Reporter consulted the Chair about this voluminous report already in print when its reading at the desk first began, and the Chair advised the Reporter that there was no rule which required it to go into the RECORD, and that to put it there would be a useless waste of public money.

Mr. HOAR. May I inquire of the Chair if that has not been hitherto the general, I do not know whether the uniform, rule that all the proceedings of the Senate, including anything read in the Senate, were printed in the RECORD?

The PRESIDENT *pro tempore*. According to the recollection of the Chair that has not been the uniform rule. Frequently the CONGRESSIONAL RECORD merely states that "the report was read." It has very often happened that where a report was brief, it was set out in full in the RECORD.

Mr. HOAR. I think that is the general rule.

The PRESIDENT *pro tempore*. At any rate the Chair took the responsibility of advising the reporter not to reprint this long report in the RECORD as part of the proceedings, as it was read piecemeal from day to day. Whatever responsibility there is about it belongs to the Chair and not to the Reporter; he only took the advice of the Chair as a matter of economy of space and money. Is there objection to the request of the Senator from Kansas?

Mr. LAPHAM. I have no objection to this case standing over until to-morrow. I think to-morrow will be a better day to take it up for consideration; but I am unwilling this morning, without any understanding, to say anything on the subject of its disposition. If the bill can stand over until to-morrow without prejudice, I think meantime we can come to some understanding.

Mr. PLUMB. No; I have had no thought about it. There was no understanding proposed by me. Let the Senator himself be responsible for obstructing the business of the Senate.

Mr. LAPHAM. I am not responsible. This is a very instructive and able report, and I think the Senate ought to hear it. If, as I understand, it is not to go in the RECORD, it ought certainly to be read.

Mr. ALLISON. Very well; let us have it.

Mr. PLUMB. Regular order.

The PRESIDENT *pro tempore*. The reading will proceed.

The Secretary resumed the reading of the report.

The reading having been continued for ten minutes,

ORDER OF BUSINESS.

Mr. INGALLS. I ask that the reading of the report may be for a moment suspended while I inquire whether it is the understanding of the Senate that after the count of the electoral vote the Senate is to return to the Chamber for the purpose of continuing business to-day.

The PRESIDENT *pro tempore*. The Chair of course is unable to answer.

Mr. INGALLS. I understood that, and I ask for the understanding of the Senate.

Mr. SHERMAN. We must return here.

Mr. GARLAND. How long does the Senator from Kansas suppose the count will take?

Mr. INGALLS. The proceedings at the last occasion of counting the electoral vote consumed an hour and forty minutes. I suppose they can be concluded to-day by 2 o'clock, unless there is some interruption not now anticipated.

I will suggest, in order to bring the matter to a decision, that there be unanimous consent that after the proceedings in the House the Senate return to this Chamber for the purpose of continuing legislative business.

The PRESIDENT *pro tempore*. The Senate hears the suggestion of the Senator from Kansas. The Senate will of course return to its Chamber.

Mr. INGALLS. I understand of course that the Senate will return to this Chamber; but I ask unanimous consent that there may be a decision on which we can act, that at the close of the proceedings in the House, on the return of the Senate to this Chamber, legislative business for the day shall be resumed.

The PRESIDENT *pro tempore*. The Senate hears the suggestion of the Senator from Kansas.

Mr. SHERMAN. The custom heretofore has generally been that the first man who gets back and can get the attention of the Chair, before a quorum has arrived, rises and says, "I move that the Senate adjourn."

Mr. INGALLS. That I desire to avoid.

Mr. SHERMAN. If it is understood that the Chair will not put the question on adjournment until there is a quorum present to act on it, I think there will be no difficulty.

The PRESIDENT *pro tempore*. The Chair is bound to say that under the rules a motion to adjourn is always in order.

Mr. HOAR. The custom of the Senate has been to return to its Chamber and to receive the report of the proceedings in joint convention, and pass a resolution in regard to those proceedings. Four years ago that resolution was passed in each branch, not as a concurrent resolution—the concurrence of the other branch was not asked for—but each passed the same resolution, and actual concurrent action became unnecessary. We shall return to our Chamber in all human probability to-day before 2 o'clock, which is the hour at which the morning business is concluded and the general business of the day is begun till within a day or two. There will be plenty of time to have three or four hours for useful legislation.

The PRESIDENT *pro tempore*. If there be no objection, it will be understood that the Senate is expected to proceed with its regular business on its return from the House of Representatives. The reading of the report will proceed.

The Secretary resumed the reading of the report and continued it till 11 o'clock and 55 minutes a. m.

Mr. LAPHAM. I suggest to the Senator from Kansas, with a view of saving time in reading the report further, that if the Senate will consent that the views of the minority may be printed in the RECORD of to-morrow morning I will let the reading be suspended and have the bill stand over until to-morrow morning. The minority views are not long.

Mr. PLUMB. I have no pride of opinion about the majority report, but it seems to me that there ought to be a full statement of the case, and that if any part of it goes in the RECORD it ought all to go in.

Mr. LAPHAM. I have no objection to the whole of it going in; I should rather prefer it. I do want the views of the minority to be incorporated in the RECORD; they are not lengthy.

Mr. SHERMAN. This involves a very large expense, and it is an absolute waste. No man who will take this report and read it in the ordinary document form will read it in the close print of the RECORD; therefore it is a mere wanton waste without cause. Any one can get it in more convenient form, for he can read it in document form, while if it is entombed in the RECORD it will never be seen.

Mr. GARLAND. It is now four minutes of 12; and I suggest that the Senate take a recess for the execution of the order.

The PRESIDENT *pro tempore*. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a resolution directing the Clerk to inform the Senate that the House was ready to receive the Senate at 12 o'clock m. to proceed, under the concurrent resolution of the two Houses, to count the electoral votes for President and Vice-President.

COUNT OF ELECTORAL VOTES.

The PRESIDENT *pro tempore*. The concurrent resolution of the two Houses providing for a meeting in the Hall of the House of Representatives at 12 o'clock will now be executed, and the Senate will proceed to the Hall of the House of Representatives.

The Senate, headed by the President *pro tempore* and Secretary, and preceded by the Sergeant-at-Arms, thereupon proceeded to the Hall of the House of Representatives.

The Senate returned to its Chamber at 1 o'clock and 22 minutes p. m.

The PRESIDENT *pro tempore*. The Senate resumes its sitting.

Mr. HOAR. Mr. President, the tellers who were appointed on behalf of the Senate, in pursuance of the concurrent resolution of the two Houses to ascertain the result of the election for President and Vice-President of the United States, beg leave to report that the two Houses met in joint convention in pursuance of the resolution, and that thereupon the certificates of the electors of the various States of their votes for those officers were opened by the President of the Senate and delivered to the tellers, and on being examined it appeared that the votes of the several States had been cast in accordance with the list which I hold in my hand and will send to the Chair.

From those votes it appeared that the whole number of electors appointed to vote for President and Vice-President of the United States for the term of office beginning on the 4th of March, 1885, was 401, of which a majority was 201. The state of the vote for President of the United States appeared to be—

For Grover Cleveland, of the State of New York, 219.

For James G. Blaine, of the State of Maine, 182.

The state of the vote for Vice-President of the United States appeared to be—

For Thomas A. Hendricks, of the State of Indiana, 219.

For John A. Logan, of the State of Illinois, 182.

Which result having been delivered by the tellers to the presiding officer, the presiding officer declared that Grover Cleveland, of the State of New York, had received a majority of the votes of the whole number of electors as they appeared in the certificates and by the list of the tellers, and so appeared to have been elected President of the United States for four years, commencing on the 4th day of March, 1885; and that Thomas A. Hendricks, of the State of Indiana, appeared to have received a majority of the votes of the whole number of electors appointed as they appeared in the certificates read by the tellers, and so appeared to have been elected Vice-President of the United States for four years, commencing on the 4th day of March, 1885.

The PRESIDENT *pro tempore*. The report will be placed on file.

Mr. HOAR. I offer the following resolution——

Mr. CONGER. Before that is offered I should like to have the last clause of the statement as to the declaration and the effect of it read.

The PRESIDENT *pro tempore*. The Chair will read the declaration the President of the Senate made at the meeting of the two Houses, for information:

> And the President of the Senate makes this declaration, only as a public statement, in the presence of the two Houses of Congress, of the contents of the papers opened and read on this occasion, and not as possessing any authority in law to declare any legal conclusion whatever.

Mr. CONGER. Mr. President, the proper mode of presenting my view upon that question I do not know that I understand; but I desire here as one of the Senators of this body to say that I entirely dissent from the declaration that the President of the Senate has no other power in announcing the electoral vote than to merely announce the facts. I do not know by what authority a question so long in dispute, and perhaps with the views of the Senate and of the people of the United States almost equally divided, should be attempted to be settled by making a statement of one view of it a part of the declaration. I merely speak of it, however, to express my dissent from that declaration of the presiding officer that he is only to make a statement of the result and has no other power in the case.

Mr. SHERMAN. I also wish for myself, as I have recorded my opinion on this question at other times, to assert and put upon the record my statement that the declaration made was the declaration of the gentleman who presided on that occasion expressing his own opinion, and should not be taken as a precedent except so far as it may command the judgment of mankind hereafter. I believe that the President of the Senate exercised a constitutional power when he presided over the joint body to-day and counted the vote, and that his announcement is the conclusive end of all argument upon the question, and that doing so he not only gave his own opinion as to the result of certain papers that were presented to him, but he made the only constitutional declaration that is provided for under existing law of who shall be President of the United States after the 4th of March.

I simply rose to enter my caveat now so that this declaration of the presiding officer shall not be regarded as concluding what I consider to be his constitutional duty and which he has performed with ability and propriety.

Mr. HOAR. Mr. President, I conceived it to be my duty as one of the tellers to report to the Senate only so much of the proceedings of the two Houses as seemed to me to be of the substance of the ascertainment and declaration of the result. I did not, therefore, in the report which I made, communicate the various declarations or statements of the presiding officer, as I supposed he understood, as has been said by the Senator from Ohio, that the declaration which has been adverted to was a declaration of his own understanding of the significance of the official act, and in no way entered into it as giving it authority or as affording any precedent or weight for the future guidance of the representatives of the American people in the two Houses except so far as the very great and deserved weight which attaches to the opinion of so eminent a constitutional lawyer may make it a precedent hereafter.

I desire to introduce a resolution——

Mr. INGALLS. Without entering, Mr. President, upon the discussion of a question which is and probably always must remain an open one, I wish on this occasion to express my dissent absolutely from the conclusions contained in the declaration of the President *pro tempore* of the Senate, and to say that in my judgment it should not be held in

any way as a precedent governing the action of that officer or of this body upon similar occasions hereafter.

Mr. WILSON. Mr. President, I merely wish to express my concurrence in what has been said by the Senator from Kansas. In my judgment the duty devolved upon the Vice-President of the United States in the matter of counting and announcing the vote for President of the United States is a high constitutional duty; and the declaration made by the President *pro tempore* of the Senate to-day in my judgment is not in accord with the requirements of the Constitution.

Mr. LAPHAM. Mr. President, I had occasion eight years since to examine this question. I find from the journals of the convention which framed the Constitution that the clause of the Constitution relative to counting the electoral vote as acted on and adopted read that the President of the Senate should then and there open all the certificates and the votes should then and there be counted in the presence of the Senate and House of Representatives, making the Senate and House of Representatives mere witnesses of an act to be performed by the presiding officer of the Senate.

Following that, the first resolution adopted on the subject was a resolution of the convention in which they recommended among other things that the Senators should appoint a President of the Senate for the "sole purpose of receiving, opening, and counting the electoral votes for President"—just that language exactly—and that was done. Following that precedent of the fathers, Vice-President Adams counted and declared the result, and announced himself to have been elected President of the United States. I believe, sir, that it was the intention of the framers of the Constitution that the presiding officer of this body should perform the duty of counting the votes as well as of receiving and opening the certificates.

Mr. HOAR. Mr. President, I do not think it very profitable at this stage of the session to reopen the great debate of eight years ago; but I think, as all the suggestions which have been so far made upon this question have been made upon one side, it is proper to remind the Senate and the country that by a very large majority the Senate of the United States expressed eight years ago on the fullest debate its dissent from the propositions which have been advanced by the several Senators who have spoken, in that concurring with some of the greatest constitutional authorities we have ever had in this country, including John Marshall, Oliver Ellsworth, if my recollection is not at fault, Daniel Webster, and Abraham Lincoln. And a late eminent Senator from the State of New York stated in my hearing that every member of the Senate but eight had in his hearing expressed sentiments which were in conflict with those which have been expressed by the Senator from Ohio and the Senator from New York. At any rate, whether that statement was true or not, a computation which I myself made showed that all the then Senators of the United States, with eighteen exceptions, a very small minority of the body, were on record expressly and distinctly declaring that the President of the Senate had not the power to count the vote under the Constitution in any sense of the term of counting the vote, which implies the right to decide what votes should or should not be taken into consideration in ascertaining the constitutional result.

I myself believe that the President of the Senate derived for the count of to-day an authority from the concurrent resolution which the two branches have passed, and that his declaration of the count which the two branches witnessed and which was the result of the report of the tellers representing the two branches, in their presence, without their dissent, uttered by the authority of the two branches a constitutional declaration and proclamation of the result. Our ancestors were jealous of executive power. They were in the habit of continuing the same person in the public service year after year and official term after official term, and I believe they would have deemed it monstrous if the supposition had been suggested then that the Vice-President of the United States, the constitutional President of the Senate, who as they originally established the Constitution was one of the two leading candidates for the office of the Presidency (because there was no voting for a Vice-President in those days, as everybody remembers), and who of course would be in the ordinary course of events one of the leading candidates at the election the result of which was to be declared, should be clothed with the enormous power under the Constitution of determining the question whether he himself were duly elected President, and that there should be under the Constitution and laws of the United States no possible appeal from his decision. I hold that to be a proposition repugnant utterly to all we know of the opinions, practices, and conduct of our ancestors who framed the Constitution.

It was true in almost every State in the Union, with one or two exceptions, at that time, as it is true in a large number of the States since (I think there was but one exception at that time), that the two Houses of the Legislature ascertained the result of the election of the Executive. So it was in my own State; so it was in Virginia; so, I think, it was in every State but New York.

I do not desire, however, to go into this interesting question at this time, except that as Senators have thought proper to put on record their opinion and there has been no dissent from it, I wish to state emphatically my dissent. I agree with the Senator who first spoke, and I have no doubt that the occupant of the Chair agrees, that the declaration which he made was no part of the constitutional proceeding, any more than his calling the two Houses to order or other statements which he was bound to make in the exercise of his duty; but that it was his individual expression of a judgment as to the scope and extent of an official act which he performed. It seems to me it was entirely proper for the presiding officer to make that declaration, although no part of the constitutional proceedings, because otherwise he might be supposed to be undertaking to do what, as he viewed the question, would have been an act of usurpation.

Mr. CONGER. When I called attention first, after the reading of the report, to this subject, I did it not with any view of entering into any discussion upon the question one way or the other, and I did not suppose without some proposition being made that the discussion would be entered into; but I did feel as if it was the right of any Senator here to dissent from any mode of declaration not authorized by law or by the Constitution as a precedent. It was for that purpose and that only, giving all due weight and superior weight to the opinion of the presiding officer and his own view of this question, that I desired to dissent from that declaration as in my judgment a wrong construction on the power of the office upon a point long disputed and still in dispute in the Senate and House and among the people of the United States.

The PRESIDENT *pro tempore*. The Chair begs leave to state, with the indulgence of the Senate, that the Senate, in the opinion of the Chair, is in no way responsible for the declaration that the President of the Senate made on the occasion referred to. Neither the Senate of the United States nor the House of Representatives had conferred any authority upon the President of the Senate to make any declaration. There is no law, within the knowledge of the President of the Senate, which provides for any proceeding, except the Constitution. The President of the Senate was of opinion, and still is, that a concurrent resolution is not a law; and if the concurrent resolution providing for this occasion had contained any direction to the President of the Senate that was inconsistent with his views of constitutional duty, he would have been bound to disregard it, or preferably, as he certainly would have done, he would have resigned his office and allowed the Senate freely to elect some gentleman whose opinion coincided with that of the majority.

No Senator need feel bound as a precedent by anything the President of the Senate said. He was exerting a constitutional duty in opening the certificates and superintending the making manifest of what they contained; and he stated on his own responsibility, and on that of nobody else the negation of an implication that might have arisen from a different statement of the result; that is all.

Mr. INGALLS. I ask leave at this time to offer a resolution.

Mr. HOAR. I had the floor to offer a resolution, and yielded. I think the Senator from Kansas should not interpose other business.

Mr. INGALLS. It bears directly on this subject.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to offer a resolution at this time. It will be read.

Mr. BAYARD. It will be read for information, I presume.

The PRESIDENT *pro tempore*. It will be read for information, after which the Chair will call for objection.

The Chief Clerk read the resolution of Mr. INGALLS, as follows:

Resolved, That the Senate does not assent to the concluding declaration of the President of the Senate in the announcement of the vote for President and Vice-President of the United States made in the presence of the two Houses of Congress this day.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. BAYARD. I ask that it may lie over.

The PRESIDENT *pro tempore*. Objection is made and the resolution goes over.

Mr. HOAR. I offer the following resolution, for which I ask present consideration:

Whereas the Senate having met the House of Representatives in accordance with the fifth section of the act of 1st March, 1792, relative to the election of President and Vice-President of the United States, and the electoral votes having been opened by the President of the Senate in the presence of the two Houses of Congress and counted by the tellers appointed on the part of the two Houses, and it appearing that the whole number of electors appointed to vote for President and Vice-President of the United States is 401, of which a majority is 201; and it further appearing that Grover Cleveland, of New York, had received 219 votes for President of the United States, and that Thomas A. Hendricks, of Indiana, had received 219 votes for Vice-President of the United States, which number is a majority of the votes of the whole number of electors appointed, and the same having been duly declared by the President of the Senate in the presence of the two Houses: Therefore,

Resolved by the Senate of the United States, That the Senate is of opinion that the Constitution and laws have been duly executed, and that no further declaration of these facts is necessary.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CONGER and Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

Mr. HOAR. I ask unanimous consent to say that this resolution is in the usual form. It is exactly the resolution adopted four years ago.

Mr. INGALLS. But the declaration is not in the usual form.

Mr. HOAR. The declaration contained in it is the declaration of four years ago.

The PRESIDENT *pro tempore*. Objection is made. The resolution will be printed and go over.

HOUSE BILL REFERRED.

The bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation in the States of Nebraska and Kansas, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

The message also announced that the House concurred in some and non-concurred in other amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN F. FOLLETT of Ohio, Mr. WALDO HUTCHINS of New York, and Mr. J. G. CANNON of Illinois managers at the conference on its part.

The message further announced that the House had passed the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery and which are now in the custody of the Secretary of War, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 7522) for the relief of Joseph F. Wilson; in which it requested the concurrence of the Senate.

PUBLIC LAND LAWS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the unfinished business of yesterday, which is the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands, and the laws allowing entries for timber-culture. The bill is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the amendment proposed by the Senator from Oregon [Mr. DOLPH].

Mr. DOLPH. I wish to withdraw that amendment. As I said yesterday, I offered it with the understanding that it was agreed to by all the members of the Senate Committee on Public Lands. There appears to be some difference of opinion in that committee in regard to it, and I am not willing to take the responsibility of fathering the amendment myself and thus imperiling the bill. I however take occasion to say that I do not see any harm in the amendment itself.

The PRESIDENT *pro tempore*. The Senator from Oregon withdraws the amendment submitted by him yesterday.

Mr. DOLPH. I move to add to the first section of the bill the following additional proviso:

And provided further, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash except for fees and commissions in the disposal of public lands at the land offices at which such certificates are now receivable in commutation of homestead and pre-emption rights.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The question is on agreeing to the amendment proposed by the Senator from Oregon.

Mr. DOLPH. I ask that a letter from the Commissioner of the General Land Office which I sent to the desk may be read in connection with the amendment.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 22, 1885.

SIR: In reply to your personal inquiry of this date relative to outstanding certificates of deposit issued on account of surveys, and the effect upon such certificates of H. R. No. 7004, providing for the repeal of the pre-emption and timber-culture laws, &c., as reported with amendments from the Senate Committee on Public Lands, I have the honor to state as follows:

The amount of such certificates now outstanding arising from deposits made since July 1, 1880, is $395,441.12. A small amount arising from deposits made prior to July 1, 1880, also remains outstanding.

Such certificates are issued under sections 2401 *et seq.*, Revised Statutes, as amended by the acts of March 3, 1879 (20 Statutes, 352), and August 7, 1882 (22 Statutes, 327), providing that settlers in unsurveyed townships may make deposits for the expenses of the survey of such townships.

The certificates are receivable from the settlers who made the deposit in part payment for their lands, and are also made assignable by indorsement, and when so assigned are receivable in payment for lands entered by settlers under the pre-emption and homestead laws in the land district in which the deposit was made. Certificates issued prior to August 7, 1882, are so receivable in any land district.

The effect upon these certificates of the repeal of the pre-emption law would be to ultimately restrict their use to commuted homestead cases. They would, however, meanwhile be used in payment of lands to which existing pre-emption claims attach, and under which entries have been or may be made. Such entries, present and prospective, cover many millions of acres.

The amendment of the homestead law, extending the period requisite for commutation, would have the effect to defer the present use of the certificates in that class of cases.

It does not occur to me that there would be any objection to extending the use of the certificates so as to make them receivable in payment for public lands generally. I think that with such provision the value of outstanding certificates would not be impaired.

I respectfully call your attention to the fact that agricultural-college scrip issued under the act of July 2, 1862 (12 Statutes, 503), is locatable on lands subject to sale at private entry, and under section 2278, Revised Statutes, may be received in payment of pre-emption claims. By construction such scrip is also received in commuted homestead cases. Military bounty-land warrants are receivable only in like manner. Private land scrip issued under the acts of June 2, 1858 (11 Statutes, 294), and July 22, 1860 (12 Statutes, 85), and the supplemental acts of March 2, 1867 (14 Statutes, 544), June 10, 1872 (17 Statutes, 378), and June 28, 1879 (20 Statutes, 274), can be used only in the same way.

The pending bill makes no special provision for this class of cases. In event you should desire to consider an amendment covering these cases, as well as certificates of deposit, I make the following suggestion in connection with your request that I submit appropriate forms of amendment in the matter of certificates of deposit:

Add to section 5 the following:

"*Provided, however*, That this section shall not be construed to prevent the location of military bounty-land warrants or of agricultural-college or other scrip issued under existing laws upon any unoccupied and unappropriated lands now subject to such location: *And provided further*, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the disposal of public lands at the land-offices at which such certificates are now receivable in commutation of homestead and pre-emption rights."

The reason for the exception of fees and commissions in the above form of amendment is because of the small and irregular sums in which fees and commissions are payable and the trouble which would be involved in adjusting differences.

I return herewith your memorandum of points of inquiry submitted.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

Hon. J. N. DOLPH,
United States Senate.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon.

Mr. VAN WYCK. I do not understand fully the purport of this letter. I ask whether the effect of the amendment will be to extend the power of the certificates of deposit, by making them good outside of the land district in which they were issued?

Mr. DOLPH. I think not, but I was about to make a statement of what the amendment is.

After this bill had been reported my attention was called to the fact that there had been issued under existing laws certificates to parties who had advanced money for carrying on the public surveys. The amount of these outstanding certificates is now about $400,000—a little under that sum. They are receivable in payment for pre-emption claims, and, by construction of the Department, are also receivable in payment for commuted homesteads, which is but another form of pre-emption.

If by this bill we repeal the pre-emption law, of course we impair the value of those outstanding certificates; and if we require, before a homestead entry can be commuted, thirty months' residence instead of six months' residence, of course the number of commuted homesteads will be much smaller than at present, and thus we shall almost repudiate these obligations which have been issued upon the faith of an act of Congress.

In my judgment only two courses are left for Congress in this matter. One is to authorize the redemption of these certificates at the Treasury of the United States when they are presented and pay them in cash from the Treasury; the other is the one proposed by the pending amendment to authorize their receipt in payment for other public lands sold for cash as a compensation to the holders, if the bill under consideration should become a law, for the loss caused by the change, which would prevent their being used to the extent at present allowed in payment of pre-emption claims.

I made an inquiry of the Commissioner of the General Land Office concerning this matter; and his letter in answer to the inquiry states the manner in which the passage of the bill under consideration would impair the value of these certificates; and he also states that he sees no objection to allowing these certificates to be used in payment for other lands of the United States sold for cash, except as to payment for fees of officers, and the only objection to that is that it would require a system of book-keeping which he does not desire to enter upon.

The effect of the amendment will be to allow these certificates to be used until they are all redeemed, in payment for any other class of lands where the United States receives cash—mineral, coal, and other lands for which payments are made in cash; and I think such a provision would be an equivalent for the restricted use of them which the passage of this bill would cause. I am not particular about it, but I would not like to have the bill pass the Senate, inasmuch as I reported it from the Committee on Public Lands and might be held in some sense responsible for its effect, without having the matter brought before the Senate, with the recommendation of the Commissioner of the General Land Office upon the subject.

Mr. MCMILLAN. Mr. President, this is an amendment of a very important character. It repeals legislation upon the statute-book enacted but a few years ago. When that legislation was before the Senate it occasioned a very interesting and lengthy discussion. If I remember the provisions of the law aright, parties were authorized by the law to proceed and make certain surveys of public lands, and they were to receive certificates in compensation for those surveys, which were author-

ized to be used in payment of public lands within the land district in which the land was situated. This amendment repeals all those sections. I have not had an opportunity of examining the proposed amendment. It has not been submitted to the Committee on Public Lands during the consideration of this bill.

Mr. DOLPH. I will state that after the bill was reported the letter was received, and it has been called to the attention of the committee. Then, after the bill was reported, I was authorized by the committee to offer this amendment.

Mr. McMILLAN. Was it fully considered there?

Mr. DOLPH. I think so.

Mr. McMILLAN. It is certainly legislation of an important character. The issuing of scrip subject to location upon the public lands of the United States has been a fruitful source of corruption and fraud, and so great had these become that it was with great hesitation the Senate enacted the legislation already upon the statute-book. I am opposed on principle to creating any scrip or authorizing the issuance of any scrip which shall be assignable and locatable upon the public lands of the United States. If the scrip is to be issued in compensation of services of any kind or in the liquidation of any obligation of the Government——

Mr. DOLPH. Will the Senator allow me to interrupt him a moment?

Mr. McMILLAN. Certainly.

Mr. DOLPH. The Senator I think is entirely under a misapprehension. This is not scrip. These certificates are already issued; and they are merely obligations for so much money. They do not authorize the location of any land; but a homesteader or pre-emption claimant may secure one of these certificates and turn it in in lieu of money when he pays for his claim. If we repeal the pre-emption laws we will have $400,000 of these certificates outstanding, which represent so much money paid for the benefit of the Government under a statute of Congress which provides that these certificates may be used to pay for pre-emption claims not only by the parties advancing the money, but they are assignable and may be used by any pre-emption claimant.

The only object of the amendment, which was drawn in the General Land Office, is to prevent the repudiation of these certificates, and, as they will not be redeemed in payment for pre-emption claims hereafter owing to the repeal of the law, and as they are not likely to be in demand for paying for commuted homesteads, to allow them to be used in payment for mineral lands and timber lands on the Pacific coast. Those are, I think, all the cases in which they can be used under the amendment. We supposed that would be a fair compensation for restricting their use under existing laws in payment for pre-emptions; but they are not scrip; no one can locate land with them. They will be simply made an equivalent to so much money receivable in payment for all public lands, as they are now in pre-emption and commuted homestead cases.

Mr. McMILLAN. These certificates were issued to persons who desired to make surveys of lands for their own benefit. They were issued in order to remunerate them for making surveys in advance of surveys regularly made by the Government of the United States. Persons were unwilling to wait until the Government surveys were extended to lands upon which they wished to enter, and this law was passed for the purpose of enabling them to go on and survey the lands in advance of the Government, and they were to be compensated for the surveys by the issuance of this scrip; and so far as it was authorized to be used its use was limited to the district in which the lands surveyed were located.

Mr. DOLPH. This amendment does the same thing.

Mr. McMILLAN. What is the limitation?

Mr. DOLPH. The same limitation as at present—that is, the certificates shall be received at the land office at which such certificates are now receivable in commuted homestead and pre-emption entries. They are receivable in the same way precisely.

Mr. McMILLAN. Is the limitation that broad?

Mr. DOLPH. Yes, sir. The Senator will see it in the latter part of the amendment; they have been made assignable by law already.

Mr. McMILLAN. If that is the construction——

Mr. CALL. If the Senator will allow me I should like to ask a question. I should like to know, if the Senator is advised, who is responsible for the correctness of the surveys made under the law referred to. How have they ever been ascertained?

Mr. McMILLAN. The Senator from Oregon will answer that.

Mr. DOLPH. The money is placed to the credit of the Government and expended by the surveyor-general the same as any appropriation made by Congress for carrying on surveys. The surveys are carried on by the surveyor-general. They are reported by him. They are approved by the General Land Office. It is merely an advance to the Government representing so much money paid out by the Government.

Mr. CALL. The surveys are carried on under the supervision of the surveyor-general?

Mr. DOLPH. Yes, sir.

Mr. McMILLAN. The money being deposited by the individual who desires the land surveyed. I have not had an opportunity of examining the proposed amendment as carefully as I would desire to do, but if the construction given to it by the Senator from Oregon is correct, it relieves it of my objection. Still I am opposed to making these certificates receivable in payment of the public lands because the lands surveyed may be in a portion of the country where the lands are not arable, and the district may extend to and embrace territory where the agricultural lands are the principal and prominent lands in the district. These certificates may be used for the purpose of payment by parties who choose to go and make their surveys voluntarily.

As I said, the issuing of scrip has been a fruitful source of fraud and wrong upon the Government, and it has brought the public service, so far as the land laws are concerned, into great disrepute, and perhaps is one of the elements which have led to the demand for repeal of the pre-emption law. I was opposed to the enactment of the law now on the statute-book. If these parties have taken certificates under the law they are not deprived of any right to which they were entitled. They were advised, of course, of the right of the Government to repeal any law upon the statute-book, and they took these certificates under those circumstances and are not now entitled to plead that they have a right to use them for any other purposes.

Mr. DOLPH. If the Senator from Minnesota will propose an amendment for the repeal of the laws under which these certificates were issued, I shall have no objection to its adoption; but we are confronted with this difficulty: These certificates are already issued. They are outstanding to the amount of about $400,000. They are assignable and pass by delivery. They can be used only to pay for commuted homesteads and in payment of pre-emption claims. The question is, what shall be done with them? Every one in this body knows that if the pre-emption law is repealed and no provision made for the payment of these certificates the holders will come here for relief and Congress will make appropriation to pay them in cash, with interest, out of the Treasury.

The Commissioner of the General Land Office says he sees no objection to extending their use so that they may be received in payment in lieu of cash for all lands subject to cash entry. I think that would be the best way to dispose of them—to provide a method by which they may be paid in land. By this amendment we create no new right. These certificates are not scrip. No man can locate land with them. If the amendment prevails they could only be used as now within the district in which they were issued.

Mr. McMILLAN. If the Government has received funds for the payment of these surveys there would be no hardship in the Government paying the certificates in cash, because it would be paying for service which the Government itself should have performed and which it would in time perform.

Mr. PLUMB. There ought to be no misunderstanding about this matter. If this bill should not be passed, the people who hold this scrip can go on and make use of it according to the law as it now stands, which provides for its use from time to time in the entry of public lands. In making this repeal the committee have simply thought it not wise to take away the right which was conferred by a previous law under which this scrip has been acquired. We do not enlarge it at all, and I presume all that is now outstanding can be located only in the land district in which the surveys were made. That was the effect of the law of a few years ago; it was so limited; and I think the Senator from Minnesota would not advocate the taking away of a right simply because we happen to be amending and changing our land system.

The amendment itself adds nothing at all to the value of what these people have, but only preserves their rights as they are; and that I think is very much wiser legislation than it is to attempt to take away a right on the theory that perhaps at a future time Congress under some impulse or other may make a money compensation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. DOLPH. I now offer an amendment to section 3, which I send to the desk to be read, and then I will state the necessity for it in a moment.

The SECRETARY. It is proposed in section 3 to strike out all after the word "entry," in line 8, to the end of the section, as follows:

And obtaining a patent therefor, the proofs of actual settlement and cultivation thereof to be filed at least six months prior and as preliminary to the application for the patent, and in the same manner and to the same effect as is provided and required in section 3 of this act as to final proofs and the issuance of patents.

And to insert in lieu thereof these words:

And before the expiration of five years from obtaining a patent therefor from the Government as in other cases directed by law, on making proof of settlement and cultivation as provided by the laws in force granting pre-emption rights.

Mr. DOLPH. The necessity for this amendment will appear by reference to the statutes. We have stricken out section 3 of the bill as it came from the House, which provided a new manner of making proof in homestead entries. The latter clause of section 4 of the original bill which is section 3 of the present bill, referred to the previous section, which is stricken out, for the manner of making proof in commuted homestead cases, but it was overlooked by myself and the committee in reporting the bill. By this amendment it is proposed to strike out the last clause of section 3, which refers to the previous section which has not been adopted, and to restore the clause of the section as

it stands in the Revised Statutes, so as to require the proof to be made in cases of commuted homesteads in accordance with the pre-emption law which has been heretofore in force. It is a mere formal matter.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

Mr. INGALLS obtained the floor.

Mr. PALMER. Mr. President——

Mr. INGALLS. I yield to the Senator from Michigan [Mr. PALMER], who desires to propose an amendment.

Mr. DOLPH. I have one or two more amendments to offer.

Mr. INGALLS. Coming from the committee?

Mr. DOLPH. They are not from the committee, but they are mere formal corrections of the several sections. I yield to the Senator from Michigan with the understanding that we shall go back and that I may hereafter have an opportunity to offer several amendments.

Mr. PALMER. I move to add as a new section to the bill the following:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th of January, 1885, there are no valid conflicting claims thereto, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. CALL. The amendment has not been printed, I think.

Mr. PALMER. I will state for the information of the Senator from Florida that it was printed and put upon the desks of Senators several days ago.

Mr. SLATER. As I understand the language of the amendment, it is broad enough to cover a case that I have in my mind, where some six hundred or more persons have settled on land of this description under the homestead law. There being some question about the land being subsequently offered for sale, the effect of it will be to foreclose and turn the homesteaders out, if I understand the language of the amendment correctly. I refer to the settlers on what is known as the Ontonagon and Brulé River grant. I think it covers that case.

Mr. PALMER. If the Senator from Oregon will permit me to make a statement, I think I can satisfy him that the amendment does not involve any of those settlers. It provides merely that where lands have been withdrawn from market and afterward restored to market by order of the Land Office and have not been reoffered at public sale, where parties have gone on in good faith and purchased the lands at the reduced price as ordered by the Land Office, their titles shall be validated. It covers I do not know how many acres in Michigan. For the Senator's information and for the information of the Senate, possibly it would be well for the Secretary to read the letter from the Commissioner of the General Land Office, contained in Senate report of committee, No. 1026.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. SLATER. I yield for the reading.

Mr. PALMER. Let the Secretary read what I have marked.

The PRESIDING OFFICER. The letter from the Commissioner of the General Land Office referred to by the Senator from Michigan will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 14, 1885.

SIR: I am in receipt, by your reference, of a letter from Hon. P. B. PLUMB, chairman Committee on Public Lands, United States Senate, transmitting a copy of Senate bill No. 2509, "to confirm titles to lands in certain cases," and requesting the views of your Department thereon.

The bill, though general in its nature, applies particularly to certain lands in the Upper Peninsula of Michigan, which were once offered at public sale and afterward withdrawn from private entry by reason of railroad grants, and then relieved from the withdrawal, or were reduced in price by act of Congress, but were not again offered at public sale at the reduced price nor restored to private entry by public notice, but which were nevertheless entered as lands subject to private entry, contrary to decisions of the courts and the decisions and instructions of this Department. I am not informed that this state of facts exists elsewhere than in the locality referred to. Many of such entries in that locality have been patented, and such patents have not been attacked. It is held that patented lands have passed beyond the jurisdiction of the land department. Many other private cash or equivalent entries upon such lands remain of record, some of which have been held for cancellation for illegality, and all of which are liable to be so held when reached for action. These unpatented entries which are deemed illegal embrace a probable aggregate of between 100,000 and 200,000 acres.

Settlers have gone upon some of these lands with a view of claiming title thereto under the homestead or pre-emption laws as soon as their entries may be admitted, and applications to make filings or entries have been received and are awaiting action in several hundred cases.

The bill confirms titles which have passed by patent, and confirms all unpatented entries where there are no adverse claims. So far as the question is one between the United States and the private-entry man, the United States by this bill waives the illegality in the entries and makes them valid. So far as any settlement, claim, or other conflicting right has accrued up to the date of the approval of the act, the entries are not validated. The confirmation proposed is that which does not affect the rights or claims of third parties, and does not propose to adjudicate nor make rules for adjudication in cases of conflicting claims, but leaves the respective claimants in such cases to the operation and remedies of existing laws. I perceive no objection to the legislation proposed.

The only point which occurs to me as rendering the act open to any doubt in respect to its construction is the phrase where there are "no conflicting claims," in line 16. While this language seems broad enough to cover all cases of adverse rights or claims, its meaning might perhaps be rendered more certain if the words "settlements or applications" were also added, so that the paragraph should read (lines 15 and 16) "and when, at the date of the approval of this act, there are no conflicting claims thereto, or settlements on such lands, or applications to enter the same," &c.

I return herewith Senator PLUMB's letter, and copy of Senate bill No. 2509.

Very respectfully,

N. C. MCFARLAND,
Commissioner.

Hon. H. M. TELLER,
Secretary of the Interior.

Mr. PALMER. I move to amend the amendment, as suggested by the Commissioner of the General Land Office, by inserting in line 15, after the word "thereto," the words "or settlements or applications."

Mr. MILLER, of California. I should be glad to have the recommendation of the Commissioner of the General Land Office read again. I do not think that the amendment comprises all that the Commissioner suggested. I shall be opposed to the amendment unless it shall so appear. I ask for the reading of the recommendation of the Commissioner of the General Land Office again.

The PRESIDING OFFICER. That portion of the recommendation of the Commissioner of the General Land Office, referring to the amendment proposed by the Senator from Michigan, will be read.

The Chief Clerk read as follows:

The only point which occurs to me as rendering the act open to any doubt in respect to its copstruction is the phrase where there are "no conflicting claims," in line 16. While this language seems broad enough to cover all cases of adverse rights or claims, its meaning might perhaps be rendered more certain if the words "settlements or applications" were also added, so that the paragraph should read (lines 15 and 16) "and when, at the date of the approval of this act, there are no conflicting claims thereto, or settlements upon such lands, or applications to enter the same," &c.

Mr. MILLER, of California. The amendment of the Senator from Michigan does not go quite as far as the Commissioner of the General Land Office recommends. I regard the amendment as very important in view of the many conflicting claims in the Western States, and particularly in the State of California, where there are cases in which a Spanish or Mexican grant which has been declared invalid has been covered by a railroad grant made by act of Congress prior to the final settlement of the question in respect to the Spanish or Mexican grant. There are cases where settlers have gone upon land claiming that it was Government land, because covered by a Spanish grant at the time the railroad grant was made, and there are other parties claiming the same land under titles derived from the railroad company. Unless we are very careful in legislating upon this subject we shall confuse these questions and make an intense conflict between rival claimants to land, which will lead to interminable litigation and difficulty.

I shall insist on the words which have been suggested by the Commissioner of the General Land Office being inserted in the amendment before it is adopted. That I think would save it and leave it to the decision of the courts as to which party should have the land where there are rival claims of settlers, pre-emptioners, homesteaders, and every kind of claims that there may be in the land office. We should save the rights of all parties.

Mr. PALMER. If the Senator from California will permit me to interrupt him, I should like to say that the amendment covers nothing except those entries where there are no conflicting claims, settlements, or applications.

Mr. MILLER, of California. The question might arise as to what is a conflicting claim. A great variety of questions might arise. I wish to save the rights of all parties and leave it to the courts to decide which is the lawful claimant to the land where parties claim under different titles and sources of title, such as a Spanish grant or homestead title, or a title from a railroad company holding the land under a railroad grant.

Mr. PALMER. If the Senator from California will permit me, I will state that the object is merely to validate the titles procured by innocent parties in good faith where there is no conflict of any character whatever. A conflicting claim is a conflicting claim, it makes no odds of what character it is. The only parties involved here are the United States and the holders of the certificates or patents who have bought in good faith. If there are any third parties projected into the case under any of these descriptions, as a matter of course if there is a conflict and they are thrown out, they will have their redress in the courts before the proper tribunal. This is merely to make good the action of certain United States officers who have sold land and who supposed they were doing it legally, until a recent decision of the Supreme Court, which is of this character:

All lands which were put in the market at the enhanced double minimum price prior to the 1st of January, 1861, were by the third section of the act of Congress of June 15, 1880, reduced in price to $1.25 per acre. They are not, however, subject to private entry at the reduced price until again offered at public sale.

Some of these lands were offered at private entry before being reoffered at public sale, and where there is no conflict it seems to me perfectly

right and just and fair that the action of the officers of the United States should be validated.

Mr. DOLPH. I fear the amendment is not fully understood by every Senator. The facts in the case are that certain lands which had been withdrawn on account of certain railroad grants were put in the market after the expiration of the time within which the roads were to be constructed under the terms of the act and before the lands were forfeited. Some lands which will probably be affected by this amendment were sold under a wrong construction of the law by the then Secretary of the Interior or Commissioner of the General Land Office. Other lands were sold by the officers of the local land offices despite the instructions of the General Land Office. The amendment will only affect lands which have been sold and paid for, and the purchase-money for which has gone into the Treasury of the United States.

While the sales were illegal, because contrary to law, still, in view of the vast number of cases of that kind now pending in the General Land Office and in the courts, in cases where, as provided in the amendments, there are no conflicting claims, where no one else is claiming the land, and it is merely a matter between the purchaser and the United States, I think the best thing to be done is to confirm the title, keep the money, and let the parties have the land and thus get rid of this annoyance.

A large portion of the lands which have been offered at private sale, sold and paid for, have been settled upon by pre-emption and homestead claimants who are pressing their claims before the Committee on Public Lands and in the Department and in Congress. The bill does not affect such cases, but I think we ought to make haste and prevent any further complications of this kind by confirming the title of purchasers, where there are no conflicting claims at the present time, and preventing any future contest between such purchasers and pre-emption and homestead claimants. It is not the object to affect any case where there is a conflicting claim. However, the amendment is not important enough to take up time, and if the Senator from Michigan desires to have it adopted I do not suppose the committee will object. But the Committee on Public Lands believed that the bill was best as reported.

Mr. PALMER. At the suggestion of the Senator from Oregon I will withdraw the amendment to the amendment. I did not think at the time that I was invading the rights of the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Michigan withdraws the proposed amendment to the amendment.

Mr. PLUMB. As there are other amendments which it is desired to offer to the bill, I should like to have the matter go over for a little while, and in the mean time, if there are other amendments to be offered, let them be offered, in order that this measure may have a little further consideration. There are one or two amendments that I should like myself to suggest to be inserted.

Mr. PALMER. I supposed that we had got to the end of the amendments, and that was the reason I offered mine.

Mr. SAWYER. We might act upon this amendment, and then the Senator from Kansas can offer his amendments.

Mr. MILLER, of California. Before the amendment is voted upon, I shall move to amend it. I move to insert the words suggested by the Commissioner of the General Land Office, because I think they are necessary and proper. I think the amendment has a much wider scope than was stated by the Senator from Oregon.

Mr. DOLPH. I hope the question will be settled without further discussion.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan.

Mr. MILLER, of California. I have not the words before me, but I wish to move such an amendment to the amendment, and take the sense of the Senate upon it.

Mr. CALL. Do I understand the Senator from Michigan to withdraw the amendment recommended by the Secretary of the Interior, which he proposed to line 15 of his amendment? If that amendment is withdrawn, and I am in order, I shall renew it.

The PRESIDING OFFICER. The amendment would not be in order now. The Senator from California has proposed an amendment to the amendment offered by the Senator from Michigan. As soon as the amendment offered by the Senator from California is disposed of, the Chair will recognize the Senator from Florida.

Mr. MILLER, of California. In line 15 of the amendment of the Senator from Michigan, after the word "thereto," I move to insert the words "or settlements;" so as to read:

There are no valid conflicting claims thereto or settlements, all such entries, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. CALL. After the word "settlements," as inserted by the amendment of the Senator from California, I move to add the words "or applications to enter such lands."

Mr. DOLPH. I call for the reading of the amendment in connection with the amendment just offered by the Senator from Florida.

The PRESIDING OFFICER. The Secretary will report the amendment as proposed to be amended.

The SECRETARY. After the word "settlements" it is proposed to add "or applications to enter such lands;" so as to make the amendment read if amended:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, Executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there are no valid conflicting claims thereto, or settlements, or applications to enter such lands, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

Mr. DOLPH. I should like to suggest what might be the possible effect of the amendment of the Senator from Florida. These are lands subject to private entry. They have been sold once at private entry and the Government has received the money for them. If some person, supposing that the first sale was illegal, has slipped up in anticipation of this act and filed an application to purchase the lands again, assuming that they are still public lands, it seems to me that might render the bill entirely nugatory as to such lands.

Mr. CALL. The amendment which I propose is recommended by the Secretary of the Interior, and it could have no such effect as is suggested by the Senator from Oregon. It simply saves the legal rights of a party who has made the application to enter as against the provisions of this proposed law. It is true there might be a case in which the entry was valid, but certainly being recommended by the Secretary of the Interior it is proper that it should go into this measure, for it saves what may be a legal right in the applicant. There can be no harm done by its adoption.

Mr. CONGER. The object of the amendment offered by my colleague is to save from applications for entry and from purchase lands which have been sold by the United States and paid for by the purchasers, and patents or certificates given, but over which there is some cloud to the title, because the Land Office failed to reoffer the lands at public sale. But for that omission, which perhaps was not in accordance with law, these titles would be as perfect as any patent of the United States could make them.

Since that was understood, since the decision of the Commissioner of the General Land Office has been rendered that the lands were not in all respects sold according to law, that they ought first to have been reoffered at sale, persons of opinion that they could take away land for which patents had been given and payments made have made applications for entry, have made applications for settlement, and they are doing it every day. The object of the amendment is to secure the rights of those who in good faith under the offer of the Government have purchased the lands, paid for them, received their patents or certificates, and have in all other respects a perfect title, only that the Government failed to offer them at public auction.

Now then, with this proposed amendment suggested by the Commissioner of the General Land Office every application for entry that has been made since this decision of the Commissioner of the General Land Office comes in with a conflicting claim; and wherever such claims have been made (and they have been made by hundreds over the country) they conflict with the title of the original purchasers and throw them out from the benefit of this proposed general amendment. As the Senator from Oregon says, if any one has his title still, and nobody has attempted to jump his claim by an application for a settlement or a pre-emption, it will relieve those, but the others will be thrown out of the protection of the original amendment. I do not think it a wise change; I think it defeats the object to a certain extent of the original amendment, and I hope it will not be adopted.

Mr. CALL. On the statement of the Senator from Michigan, I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Florida withdraws his amendment.

Mr. PLUMB. I am in sympathy with the purpose the Senator from Michigan had in offering this amendment, and the only thing I fear is that we shall, without intending it, make it too broad.

There are cases where, if we undertake to interfere in controversies, we ought not to make an arbitrary legislative decision as to rights. As I understand this case, the courts have decided that under certain circumstances lands were required to be offered at public sale a second time before they could be subject to private entry, and it is designed now to relieve against the effect of that decision, which was that all private entries made of lands not thus offered a second time were invalid. I think the better way would be, instead of confirming and making valid all these entries, to relieve them against the objection that the lands have not been offered a second time, and then let them take their chance as to whatever other rights they may have or as to whatever other points there may be upon them affecting their legality. I will therefore move to insert after the word "thereto," in line 15, these words:

It shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

The PRESIDING OFFICER. The Senator from Kansas offers an

amendment to the amendment of the Senator from Michigan, which will be reported.

The SECRETARY. After the word "thereto," in line 15, and before the amendment already adopted, it is proposed to insert:

It shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

Mr. PLUMB. The effect of that will be, in place of declaring all these entries valid and legal as against all other objections as well as the one that the land has not been offered the second time, we relieve them from the legal effect of that failure to offer at public sale the second time.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Michigan [Mr. PALMER].

Mr. PALMER. I call for the reading of the amendment that I offered, as amended by the Senator from California [Mr. MILLER] and also the Senator from Kansas [Mr. PLUMB].

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan, as proposed to be amended by the Senator from Kansas, will be read.

The Secretary read as follows:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, it shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

Mr. PALMER. I think that involves it so that it will end by making the amendment very obscure.

Mr. HALE. The words last proposed ought to be put in another place.

Mr. MILLER, of California. Let the clause come in after the word "settlement," and the word "thereon" should be added to "settlement." I move to make the correction.

The PRESIDING OFFICER. The Senator from California asks unanimous consent that the word "thereon" be added to his proposed amendment after the word "settlement." Is there objection? The Chair hears none.

Mr. PLUMB. I suppose it is understood that I desired to strike out all after the word "thereto" and insert what I sent to the desk, and I will say that I do not think the word "purchases" is necessary there, but I find it used in the preceding portion of the amendment. I think the word "entries" has a well known significance and is all that is necessary. These lands must have been entered at what is called private entry; and that is the character of the entry, no matter whether they were paid for in money or paid for by scrip; but I have used the word "purchases" in order to accommodate the amendment to what I find in line 8 preceding. My motion was designed to be to strike out all after the word "thereto" and insert what I have sent to the desk. That, I think, makes the amendment exactly what the Senator from Michigan desires to have it and prevents it from going further than he has in his mind.

The SECRETARY. It is proposed to strike out all after the word "thereto," in line 15 of the amendment, as follows:

The settlement thereon, all such entries, and the certificates and patents issued thereon are hereby confirmed and declared valid and legal.

And insert:

It shall not be essential to the validity of such purchases or entries that the lands should have been offered at public sale a second time.

Mr. SAWYER. I hope that amendment will not be adopted. I think the provision was in good shape as it was before. It was reported unanimously from the Committee on Public Lands, recommended by the Commissioner of the General Land Office, and it is not at all doubtful. It applies to lands paid for ten or fifteen years ago, and I do not know why we should not say, as the original amendment provides, that they were paid for and regular entries were made. I prefer the language of the original proposition.

Mr. PLUMB. I appeal to the Senator's sense of fairness if it was not said that there was nothing to complain of about these titles until the Supreme Court decided that the lands were not subject to entry for the sole reason that they had not been offered at public sale a second time. If we take away that objection the titles are exactly where the parties who held them before supposed they were; and certainly we ought not to confer a new right. It is enough if we restore these people to what they supposed they had a perfect right to consider were their rights before.

Mr. SLATER. I call the attention of the Senator from Kansas to the practical effect of this proposition, if I understand it correctly. That class of cases where citizens settled upon these lands believing that they were subject to settlement, though not subject to sale, were brought to the Supreme Court, and there it was decided that these entries were defective, and the parties will be entirely ousted if some remedy be not provided.

Another point that I wish to call attention to is this: It is true the Committee on Public Lands upon a particular class of cases approved a bill applying specifically to certain cases. Now it is proposed to make this general, not merely in that particular locality, but throughout the United States. It will be a drag-net. We do not know where it will reach, or what rights it will involve. It is dangerous legislation.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas [Mr. PLUMB] to the amendment of the Senator from Michigan [Mr. PALMER].

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Michigan [Mr. PALMER].

Mr. DOLPH. I move that the word "are," in line 15 of the amendment, be stricken out and the word "were" inserted. That is made necessary by the change of time.

The PRESIDING OFFICER. Is there objection to the suggestion of the Senator from Oregon? The Chair hears none, and the amendment of the Senator from Michigan will be so modified. The question now is on the amendment of the Senator from Michigan.

Mr. COCKRELL. Let it be read.

The PRESIDING OFFICER. It will be again read.

The CHIEF CLERK. It is proposed to add as an additional section:

That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon, all such entries and the certificates and patents issued thereon are hereby confirmed and declared valid and legal.

Mr. MORGAN. I wish to call the attention of the Senator from Kansas, the chairman of the Committee on Public Lands, to this amendment.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Michigan.

Mr. PALMER. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 28, nays 29; as follows:

YEAS—28.

Allison,	Dawes,	Jones of Nevada,	Platt,
Blair,	Dolph,	Lapham,	Plumb,
Brown,	Frye,	McMillan,	Sabin,
Cameron of Wis.,	Hale,	Manderson,	Sawyer,
Chace,	Hawley,	Mitchell,	Sewell,
Conger,	Hill,	Morrill,	Sherman,
Cullom,	Hoar,	Palmer,	Wilson.

NAYS—29.

Bayard,	Fair,	Jonas,	Saulsbury,
Beck,	Garland,	Jones of Florida,	Slater,
Butler,	George,	Kenna,	Vance,
Call,	Groome,	Maxey,	Voorhees,
Camden,	Harris,	Miller of Cal.,	Williams.
Cockrell,	Harrison,	Morgan,	
Coke,	Ingalls,	Pendleton,	
Edmunds,	Jackson,	Pugh,	

ABSENT—19.

Aldrich,	Gibson,	McPherson,	Riddleberger,
Bowen,	Gorman,	Mahone,	Van Wyck,
Cameron of Pa.,	Hampton,	Miller of N. Y.,	Vest,
Colquitt,	Lamar,	Pike,	Walker.
Farley,	Logan,	Ransom,	

So the amendment was rejected.

Mr. DOLPH. I think that section 1 may be made clearer and less involved by transposing some words in it. I therefore move to insert after the word "that," in line 3, the words "section 2299 and," and to strike out from lines 8 and 9 the words "and section 2299." It is simply a transposition of words to make the sense clearer.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Oregon.

Mr. COCKRELL. I should like to understand it.

Mr. DOLPH. It makes no change whatever. It is only a transposition of words to make the meaning clearer, so that one of the sections repealed shall not come in conflict with one of the sections excepted. The sentence is a little involved as it stands in the bill, and the amendment is only to make it clear.

The amendment was agreed to.

Mr. DOLPH. I offer the amendment which I send to the desk, and ask to have the report of the committee upon the bill from which it is taken read for information. It is as short a statement as can be made in regard to it.

The PRESIDING OFFICER. The Senator from Oregon offers an amendment, which will be read.

The CHIEF CLERK. It is proposed to insert as an additional section the following:

SEC. 8. That section 2347 of the Revised Statutes be, and the same is hereby, amended so as to read as follows:

"SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any

association of persons severally qualified as above, shall, upon application to the register of the proper land office, have the right to enter, by legal subdivisions, any quantity of vacant coal lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than $5 per acre for such lands where the same shall be situated more than fifteen miles from any completed railroad, and not less than $10 per acre for such lands as shall be within fifteen miles of such road."

Mr. DOLPH. I call for the reading of the report connected with the bill from which the amendment was taken.

The Secretary read the following report, submitted by Mr. DOLPH January 9, 1885:

The Committee on Public Lands, to whom was referred the bill (S. 2483) entitled "A bill to amend section 2347 of the Revised Statutes, relating to the entry of coal lands," have carefully examined the same, and report it back to the Senate with the recommendation that it do pass.

The only change in the existing law proposed by the bill is to reduce the price of coal lands from $10 to $5 per acre where the same are situated more than fifteen miles from any completed railroad, and from $20 to $10 per acre where the same are situated within fifteen miles of such completed road.

Under the present law coal land is sold for $10 minimum and $20 maximum per acre, while the most valuable of mineral lands of all other classes are sold at $5 per acre.

So far as your committee can ascertain, there is no good reason for the difference in price which now exists between coal lands and other mineral lands. Coal is a necessary article of general and every-day use, and the interest of the consumers of coal, who constitute a very large proportion of our entire population, demands that the laws for the disposal of coal lands by the Government should be so framed as to induce the sale of the lands and the opening and development of the mines. At present prices the land can not be purchased by any but capitalists.

In the opinion of your committee, should the price be reduced as provided in this bill, the sale of coal lands would be largely increased, the opening and development of coal mines greatly stimulated, and the receipts of the Government from the sale of this class of lands instead of being diminished would be considerably increased.

Mr. DOLPH. I will make a statement in regard to this amendment, and then if there is any serious objection to it let it be made to appear.

I introduced a bill, which went to the Committee on Public Lands and was reported favorably unanimously from that committee, to change the price of coal lands from $10 and $20 per acre, the present price, to $5 and $10. I find that there were only fifty entries of coal lands in the United States last year, although there were several thousand applications to purchase. As was said in the report of the committee, we think there will be much more coal land sold at the reduced price than at the present price, and the lands will be brought within the reach of the poorer classes, whereas they can now be purchased only by capitalists and speculators, so that the Government would receive more money, the coal lands would be developed, and coal would be cheaper.

The proposition is simply to reduce the price of coal lands. In several of the States coal lands are now subject to entry as agricultural lands; in many of the States there are mineral lands which are sold at $2.50 an acre, or are subject to private entry; and there is no other class of mineral lands that costs more than $5 an acre. Gold mines, silver mines, iron mines, and every other class of mineral lands in the United States are sold at not exceeding $5 an acre.

This amendment does not reduce the price of coal lands to that extent, but reduces the price of coal lands within fifteen miles of a railroad to $10 an acre and without those limits to $5 an acre. It reduces the present price one-half. It is a question every Senator can understand upon the statement of it. I have seen nothing but favorable comments on the proposed bill from the public press and from every quarter where it has been noticed.

Mr. HARRISON. When this bill was called up those of us who had not the honor and the privilege of being members of the Committee on Public Lands of the Senate understood that it was a measure to repeal the pre-emption and timber-culture clauses of the public lands acts, and to reserve the domain of the United States for homestead entries. That was a proposition general in its character and which every Senator could readily understand, and to which most of us had already given our assent.

Mr. MORGAN. The Senator from Indiana will allow me to say that that was the understanding also of the Committee on Public Lands, and I did not apprehend that there would be legislation proposed here over the entire public domain when this bill was called up.

Mr. HARRISON. I am glad to have that said by the Senator from Alabama. Now we are asked, by amendments which have been proposed and are being proposed, to enter on the business of revising the land laws of the United States. For one, I desire to say to the Senator in charge of this bill that if we are to have amendments proposed here to which the attention of the Senate has not been directed, to which possibly in part the attention of the Department has not been directed, as to which we have no reports, and as to which the attention of the Senate has not been invited in advance, and of which we can have no information, except the reading of amendments at the Secretary's desk, for one I shall oppose the whole bill.

I do not think it is fair to the Senate to be loading down this bill, which had one single object, an obvious and well understood one, when it was brought before the Senate, by amendments the scope of which we can not understand as they are proposed here. A few moments ago I voted against an amendment. It may be right in itself; it may be proper legislation; but it was new to me, and I could not in the time allowed here acquire that information which was necessary to an intelligent vote, and so I voted "no." I hope this bill may be brought back to its original plan and idea, a bill for the repeal of the timber-culture and pre-emption laws of the United States, and be allowed to pass in that shape.

Mr. MORGAN. I concur with the Senator from Indiana that we are covering entirely too much ground in this bill. I voted against the amendment of the Senator from Michigan for the very same reason that the Senator from Indiana has stated. I did not have time to consider that amendment as I thought it ought to be considered, and therefore I was unwilling to act upon an amendment that was so radical in its character, and might have such very strong effects on titles already granted. The amendment ought to go to the Committee on Public Lands, and be considered there before it is put on here, and so ought this amendment of the Senator from Oregon, and I hope that the Senator from Oregon will content himself with allowing the Senate to take a vote upon the two propositions that were involved in the bill originally.

Mr. DOLPH. I wish to say to the Senator from Alabama that the status of this measure is this: The proposition was introduced by me as a separate bill, and it went to the Committee on Public Lands. I understood the Senator from Alabama to favor it in committee. There was a unanimous report upon it at all events. The amendment was printed and laid upon the desks of Senators a week ago. Therefore the measure has the unanimous sanction of the committee, and furthermore I understood that the agreement was that the committee would endeavor to put some of these important matters of legislation relating to the public lands on this bill, it being a House bill, in order to secure action upon them, and I so stated publicly when I proposed to call up the bill. I have offered the amendment. It is an easy matter to vote it down if there is any objection to it.

Then I have submitted and had printed another amendment which I intended to propose, being also a measure reported favorably from that committee, amending the timber and stone act, but out of deference to the opinions which have been expressed I will not offer it. As to the amendment before the Senate, let it be voted on. If there are any objections to it, let it be voted down. I can not see any; I have heard none. It has, I repeat, the unanimous sanction of the Committee on Public Lands in a report which has been read, and it has been printed as a proposed amendment to this bill, and has been on the desks of Senators for a week.

Mr. PLUMB. I say now, as I said to the Senator from Oregon privately, that I thought it was unwise to offer these amendments to this bill. I foresaw I thought exactly what we see now, that Senators would not be willing to enlarge the scope of the bill to include matters about which there had been no public discussion and about which there was no immediate emergency for action, at all events as compared with that which is believed to exist in regard to the main questions covered by this bill. I think now that it would be the wise thing to accept the suggestion made here on the Senate floor, more particularly because these matters about which the Senator from Oregon is specially concerned in regard to his own locality, the coal lands, &c., are of a kind which can be permitted to wait, however just and meritorious they may be, without in any manner inconveniencing anybody or being in opposition to the interest of the Government. I think, therefore, the best way is not only for the purpose of the passage of the bill here, but as a matter of propriety for the regularity of proceedings in our business here as well as elsewhere, because we have to have the concurrence of the House, that the bill should be kept as free as possible from extraneous matter.

Mr. PALMER. Mr. President, while concurring on general principles with the Senator from Kansas in regard to attaching extra legislation to this bill, I would say that the amendment offered by me and which by implication he said was not very pressing is really very pressing. It is to cure a supposed defect in the titles to a great portion of the northern part of the State of Michigan. Men have cleared farms and developed land, made it valuable, and now they are subject to conflict of title, because the United States officers did not comply with the law in the matter of advertising that the land should be offered at public sale before being restored to private entry.

That is the whole animus of my amendment, and it seems to me that all conflicts are provided for, that no injustice can be done to any one, because it only provides for those cases where the United States is one party and the present holders of the patents are the other. If there is a conflicting claim, it is thrown out; it does not come within the scope of the amendment. The object of appending an extra section to the bill was to enable the House to act on it, this being a House bill, as there is no probability of getting consideration for the proposition of the amendment in the House as a separate bill at this late period of the session.

Mr. HARRISON. I ask the Senator from Michigan whether the proposition he made in his amendment has been favorably reported in the Senate from the Committee on Public Lands as a separate measure?

Mr. PALMER. Yes, sir.

Mr. HARRISON. At this session?

Mr. PALMER. Yes, sir; I think that is so, and I offered the amendment to this bill for the purpose of getting legislation. It is also recommended by the Commissioner of the General Land Office.

Mr. DAWES. When this bill came before the Senate I hailed it as a very beneficent measure, one that I thought was demanded more than almost any pending in this body. I very much fear that it is going to be defeated. There are two ways of killing a bill; one is by overloading it, and another is by voting against it. One is just about as efficacious as the other. Next to crowding all the legislation you can think of into an appropriation bill because you can not otherwise get it through another body very well, is the attempt to put all sorts of legislation on one bill; and in a body that does not have any rule which requires amendments to be germane to the main body of the bill, it is a great temptation. In the existing state of things, having as proper a regard for the rules of other bodies as parliamentary law permits us to have, we might just as well become a committee of consolidation and put all we want in one bill—there is no rule against it—and put that on an appropriation bill and send it to the other branch, and then we may have accomplished something.

Now the amendment which the Senator from Oregon proposes is doubtless a very good measure. What makes me think it is is because the Senator from Oregon advocates it. I do not know anything further about it. But this is quite certain: if every good measure that our friend from Oregon advocates is to be put upon this bill we are down at once. Here is a plain proposition for Congress to say whether the public lands shall be reserved hereafter for homestead settlers, and we have been at work upon that. My friend from Ohio [Mr. SHERMAN] says we have stricken that out of the bill. Pray, then, what is in the bill? If this bill so loaded does not carry even that proposition, then we are in the position of seeking and inviting all those who can employ men for three or four months to go and settle down upon the public lands in the name of a pre-emptor or a homesteader to gather in the public lands by the thousands and thousands of acres, those lands which we have proclaimed are to be for the settler, until all our public lands shall become to be what three-fourths of them are now, held by large corporations that never die and never have any heirs to whom they can be distributed after death, and they will be held in all coming time by counties, by States, by tracts too large to make anything but a great Western State.

My friend from Oregon seems to have lost sight of that great feature of the bill and the only feature of it originally, in the desire to get those good and beneficent measures which he has considered himself all together in one bill, so that when "be it enacted" shall become efficacious and a law, little else will be required for us to do here save perhaps to look after the one bill which came from the other body to prevent the further appropriation of the public lands in vast quantities by foreign holders and by corporate bodies. Every measure my friend from Oregon has brought here has so commended itself to me that I have voted for it blindly; but now I ask him to let us have the privilege of taking his bills *seriatim* and try them one at a time. I give him my word that I shall alter my own judgment and course if I fail to follow him step by step if he will allow me that privilege. But let us have the question decided here by yeas and nays whether the business of appropriating public lands in these vast quantities under false pretenses and false affidavits shall continue till the last piece of our domain is gone.

Mr. DOLPH. Mr. President, I am very much obliged to the Senator from Massachusetts for his expression of confidence in myself, but I wish to say that I think I have proved myself diligent in attempting to put this measure in proper shape, and pressing it on the attention of the Senate, and this is the first amendment to the House bill proposing new legislation I have offered. This amendment is I think germane to the bill. The bill under consideration is a bill to amend the land laws of the United States. The amendment is intended for the same purpose it was introduced some time since in the Senate; it has had the consideration not only of myself but of the Committee on Public Lands; it was reported favorably and it was presented, printed, and laid upon the desks of Senators as an amendment for their examination. I do not think that it would be either improper or contrary to the rules of the Senate to attach it to this bill, but I defer to the judgment of Senators who say the measure ought not to be attached to this bill for fear of jeopardizing its passage, and withdraw the amendment.

The PRESIDING OFFICER. The Senator from Oregon withdraws his amendment.

Mr. SLATER. I desire to make a few remarks in relation to the general bill as it came from the House.

The amendments that have been attached to the bill in the main received my approbation in the Committee on Public Lands. As separate measures, standing upon their own bottom and by themselves, I should have voted for them; but no provision can be attached to the original bill that can secure my support.

The Senator from Massachusetts speaks of the blindness of men. Why, sir, there is none so blind as the Senator from Massachusetts himself. Of all the monstrosities that have been proposed in this Congress or in any other Congress since I have been here, the proposition to repeal the pre-emption laws to my mind is the most monstrous.

Reflect a moment, sir. This country has grown to its present strength, more homes have been acquired under your pre-emption laws than under any other land laws you have passed; more of the West has been settled, greater prosperity has come to it under the influence and operations of your pre-emption laws than under any other, not excepting your boasted homestead law, valuable as that is.

Sir, if I were going to put a title to this bill that would delineate its effect, I should say, "An act to facilitate the sale of lands to corporations," because that will be the effect of the bill and its legitimate scope and operation in the far West, and I am surprised that the people's House, coming up from the people as they do, the people who understand these laws, should have been entrapped into the passage of such a bill as this. It is true there have been great frauds, numerous frauds perpetrated under these laws; but as great as they have been, as numerous as they have been, the evils that come from that source can not exceed the evils that will come to the people from their repeal.

From my boyhood to the present time I have always lived in sections of the United States where these laws were of daily application, where people were settling upon the lands of the United States and acquiring homes under them. The past season I mingled with the people. They asked me whether it was probable that the pre-emption law would be repealed. I told them that I feared it would be. Many of them said that they hoped not; that although they had been long in the West, they had not yet been able to avail themselves of its provisions and wished to do so.

Now, sir, what is the effect? Within the past twenty-five or thirty years you have covered the great body of the West with your land-grant railroads. No longer in the State of Illinois, the State of Iowa, and many other of the Western States can either a homestead or a pre-emption be procured, while the land-grant railroads have plenty of lands for sale. The people want to acquire lands on the public domain, and in proportion as you restrict their right to acquire lands, just in that proportion you facilitate the sale by land-grant corporations of the lands they are now holding and are seeking to sell.

There is another consideration to be remembered, that the lands you have yet remaining for settlement are not the rich and alluvial lands of the West as a general thing. Here and there you will find a little valley that settlers would like to have, as valuable as the lands of the Mississippi Valley; but the larger proportion, probably nine-tenths of the public land remaining, is fit only for pasturage and grazing, in which in perhaps not one quarter section in a hundred can you get a place large enough to have a field of forty acres under the plow. It is said that one hundred and sixty acres is large enough for a farm. Indeed, sir, it is enough if you can get such lands as there are in Iowa, Illinois, Minnesota, and many other States; but when you go to the great plains of the West it requires much more land for a man to settle down upon and make a home. Under the operations of your pre-emption law and your homestead law together, a man could go beyond the settlements and in the course of two or three years he could avail himself of both statutes and acquire title to three hundred and twenty acres, and even then he would not be able to make as good a living as he could upon even forty acres of better lands in the West.

Mr. DAWES. I ask my friend from Oregon if he would not need a tree-culture law and also a desert-land law to carry it out in full?

Mr. SLATER. I have seen the operation of the tree-culture law, and I do not believe, as a rule, that it has been of any benefit. I think of all the laws that have been a subterfuge to cover up fraudulent entries, that has been the most vicious of all. That law I would be willing to vote to repeal, and I have been disposed to vote for the repeal of the desert act, and yet I am very doubtful whether it would be a wise provision, for the largest area of your lands now remaining for sale is of a desert character, upon which you must take water before you can expect anything to grow in the nature of cereal crops or vegetables of any description. One man, even if he gets water for one hundred and sixty acres, will not perhaps have one-quarter of that land fit for the plow. Then I say of the land you have left, a man needs from three hundred and twenty acres to a whole section of land to be able to even have the amount of stock that many a farmer in Illinois will keep and maintain well on eighty acres of land.

And yet the cry has gone up and the House has been entrapped into repealing this, one of the most beneficent laws ever put upon your statute-book, a law which has built more homes, has created greater wealth, and is more important to-day than it ever has been so far as it applies to the sections yet to be settled. But I suppose the men who represent the States that have grown up under this law have come into being since the generation that settled there. Their States under the operation of this law have grown to be wealthy. They listen to these stories, more or less true, that come from the Department, of frauds; and there are frauds, many of them, but we should meet them in a different way. They should be ferreted out and the men who perpetrate them should be punished and sent to the penitentiary. Do not repeal your law. Amend your law so as to punish those who commit frauds, and save to the men who need homes one of the advantages and opportunities of acquiring a home on the few public lands that remain to the United States.

I hope that the bill will be most emphatically defeated.

Mr. INGALLS. Mr. President, this bill if enacted will effect an entire revolution in the present public land system of the United States, and many of my constituents and others interested in the homestead and pre-emption system have written me stating that arrangements have been partially completed by which they expect to go on the public domain, and suggestion has been made that perhaps equity would require that in a matter as important as this the time when it is to go into effect should be a little postponed. If it would not be disagreeable to the Senator from Oregon who has charge of the bill [Mr. DOLPH], I would like to move as an amendment that the bill, if it becomes a law, shall take effect at some time in the near future, say on the 1st of June or July, 1885.

Mr. DOLPH. I can not speak for the committee; but as far as I am concerned I have no personal objection to that proposition.

Mr. INGALLS. I will then move in line 21 of section 1 to strike out the words "passage of this act" after the word "the," and insert the words "1st day of July, 1885."

The PRESIDING OFFICER. The amendment will be reported.

The SECRETARY. In section 1, line 21, after the word "the," it is proposed to strike out "passage of this act" and insert "1st day of July, 1885;" so that the clause will read:

Provided, however, That this repeal shall not affect any valid rights heretofore accrued or accruing under said laws, but all *bona fide* claims lawfully initiated before the 1st day of July, 1885, may be perfected, upon due compliance with law, &c.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. INGALLS].

The amendment was agreed to.

Mr. INGALLS. In line 7 of section 2, after the word "the," I move to strike out the words "passage of this act" and insert as in the former amendment, "1st day of July, 1885."

The amendment was agreed to.

Mr. INGALLS. In section 4, line 7, I move to strike out the words "passage of this act" and insert, as in the previous amendment, the words "1st day of July, 1885."

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. PLUMB. I should like to reserve for a separate vote that part of the amendment made as in Committee of the Whole striking out the latter clause of section 3 of the bill. I wish simply to have the question divided so that the vote on striking out the last clause of the section may be taken separately.

The PRESIDING OFFICER. Does the Senator from Kansas refer to the clause commencing in line 17?

Mr. PLUMB. I refer to the clause commencing in line 17, which reads:

And an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, be, and the same is hereby, repealed.

The PRESIDING OFFICER. That amendment will be reserved. How shall the vote be taken on concurring in the other amendments made as in Committee of the Whole? ["In gross."] The question will be taken upon concurring in the amendments in gross if there be no objection.

Mr. SHERMAN. At some stage of the bill I should like to have it read as it stands since it has been amended.

Mr. ALLISON. That had better be done now.

Mr. SHERMAN. I think it had better be so read now, because it strikes me that the bill has been stripped of all its favorable features but one, and I do not know what amendments have been put upon it.

The PRESIDING OFFICER. The bill as amended will be read.

The Secretary read the bill as amended.

Mr. ALLISON. I notice in the reading of the first section of the bill that an amendment has been inserted requiring the land offices to receive everywhere certificates issued for surveys of public lands. I should like to have that clause read again.

The PRESIDENT *pro tempore*. That part of the bill will be again read.

The Secretary read as follows:

And provided further, That all outstanding certificates of deposit on account of surveys heretofore issued under the provisions of sections 2401, 2402, and 2403 of the Revised Statutes, and acts supplemental thereto, shall be receivable as cash (except for fees and commissions) in the disposal of public lands at the land offices at which such certificates are now receivable in commutation of homestead and pre-emption rights.

Mr. ALLISON. I should like to ask the Senator from Oregon what those sections of the Revised Statutes are.

Mr. DOLPH. I think the Senator from Iowa was not in when this matter was discussed. Those are sections which authorize any person to furnish the necessary money to extend the public surveys. The money is placed at the disposal of the surveyor-general of the district. The surveys are made in accordance with the laws of the United States and under the supervision of the surveyor-general, and returned to the Department and approved as the other cases. For these moneys certificates have been issued. There are now outstanding, as I am informed by the Commissioner of the General Land Office in a letter which was just read at the desk, about $400,000 in amount of these certificates. They are made assignable and may be used to pay for pre-emption claims and commuted homesteads in the district where the money was paid for the surveys.

The proviso does not extend the limit to which they may be used; but as a compensation for the repeal of the pre-emption law, and in order that the certificates may be disposed of for public lands, it extends them to the entry of other public lands where cash entries are made.

Mr. ALLISON. In the district where the surveys are made?

Mr. DOLPH. In the district.

Mr. ALLISON. I happen to know that there were great frauds in the surveys of public lands in the arid regions of our country and these certificates were spread over those portions of the country where lands were valuable. Some years ago we provided that the certificates should only be receivable in the surveying district where the survey was made, so that if people were engaged in surveying arid lands which nobody wanted for settlement they should apply the certificates to payment for such land and not be allowed to transfer them to the rich regions of Oregon, Dakota, and Minnesota.

Mr. DOLPH. This retains that provision of existing law.

Mr. ALLISON. I am very glad to know that I was mistaken in listening to a casual reading of the provision. As I understand the Senator from Oregon now, it does not enlarge the scope of the certificates in any degree.

Mr. DOLPH. Not as to the place where they may be used.

Mr. ALLISON. Not as to the place where they may be used.

Mr. DOLPH. The amendment was drawn in the Land Office.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, except that which was reserved for a separate vote, the clause commencing in line 17, and embracing lines 18, 19, and 20 of section 3.

The amendments were concurred in.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendment made as in Committee of the Whole, striking out the clause beginning in line 17 of section 3, which will be read.

The Secretary read as follows:

And an act entitled "An act to provide additional regulations for homestead and pre-emption entries on public lands," approved March 3, 1879, be, and the same is hereby, repealed.

Mr. PLUMB. The act of 1879 required the publication by a homesteader or pre-emptioner of a notice in a newspaper for a certain number of weeks before his entry could be perfected, thus imposing a cost of from $4 to $6 upon each one of them. The bill as it came from the House repealed that act. The third section was stricken out by the Senate committee, I consenting in company with other members of the committee, without observing at the time that the section as stricken out contained that provision. I think the law of 1879 ought to be repealed, and I therefore should be glad to have the Senate reject the amendment made as in Committee of the Whole, and repeal that provision of law. I do not think the provision has operated as it was designed it should operate, to prevent frauds; and inasmuch as we now limit the entries on public lands to one form, and that a homestead, and as no title can be acquired under any circumstances without an occupancy of at least thirty months, there would not seem to be any necessity for the publication which is now required, and which was designed primarily to apply to homestead and pre-emption entries which could be made after an occupancy of six months.

Mr. SHERMAN. The Senator from Kansas made a statement which strikes me with surprise. If it is true I should be much more in favor of the bill than I have been. Do I understand that if the bill is passed no land can be entered except under the homestead law?

Mr. PLUMB. Only under the homestead law.

Mr. SHERMAN. On the contrary, as I understand it, every particle of public land can be bought with money after the passage of the bill just as readily and upon the same terms as it may be bought now.

Mr. PLUMB. No, sir.

Mr. SHERMAN. If the Senator from Kansas could convince me of that, it would give me great satisfaction. As I understand, the Senator from Oregon acquiescing in the motion of the Senator from Missouri, the Senate struck out all the provisions of the bill which affected in any way whatever the entry of public lands for money, and under the bill as it now stands any corporation in this country or any other, or any citizen of this country may enter any land for money which is now subject to entry in that way.

Mr. PLUMB. I made my statement too broad. I will qualify it; but still it does not touch the point that is under consideration. The committee inserted a provision which was designed to reach, and which only did reach lands in Southern States, because only in those States (except perhaps as to a small tract of land in Washington Territory) is there any land subject to private entry without settlement.

Mr. SHERMAN. For money?

Mr. PLUMB. Yes; for money without settlement. We designed to put all the lands in the Southern States which are now subject to private entry (and they are chiefly timber lands, I believe) under the opera-

tion of the homestead law. The Senate failed to agree to the amendment of the committee in that regard; but in all the Northwest, and in all the other States of the Union, under the bill no land can be acquired except by occupancy for at least thirty months.

Mr. SHERMAN. Can not that be under the existing law? Is there no land now in the Northern States subject to private entry without settlement?

Mr. PLUMB. As I said, there may be possibly a handful of land in Washington Territory. With that exception I think there is not an acre in any Northern or Northwestern State or Territory which can be purchased under what is known as private entry by the payment of a dollar and a quarter an acre irrespective of settlement.

Mr. SHERMAN. That statement surprises me.

Mr. PLUMB. I was going to add that the provision of 1879 was enacted in order to throw some safeguard around the execution of the pre-emption law by requiring a publication by the pre-emptioner and also by the homesteader, because it embraces them both; but it was designed especially for the pre-emption claimant, requiring him to give notice of the time when he would make application to complete his entry under the pre-emption law. That was deemed best because of the frauds that were being committed under the pre-emption law and by reason of the belief that such a publication would to some extent prevent them.

Now we have repealed the pre-emption law; it is no longer operative, and no one can acquire title to land, except in Southern States where lands are open to private entry, unless by a settlement which shall not be for less than thirty months in duration. That, I believe, is a sufficient notice to all the world of the intention of the party, and will give ample opportunity for the protection of the Government without imposing upon the homesteader the necessity of paying from four to six dollars to a newspaper to publish his intention to enter the land.

Mr. DAWES. Will the Senator from Kansas explain the fifth section of the bill as reported by the committee?

Mr. PLUMB. The Senate, as in Committee of the Whole, failed to insert section 5 of the bill, reported by the Committee on Public Lands, as an amendment. That proposed section was in these words:

That after the passage of this act no public lands of the United States, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public auction or be subject to private entry; and all offered public lands are hereby withdrawn from market, and shall be disposed of as unoffered public lands.

That was designed to prevent the entry for money of the lands now subject to private entry, of which there are none except, as I said, a very small quantity besides those in the Southern States, chiefly in the States of Louisiana, Alabama, and Mississippi.

Mr. DAWES. Does the Senator from Kansas say that the statement of the Senator from Ohio has no application except in those States?

Mr. PLUMB. No, sir.

Mr. SHERMAN. The Senator from Oregon [Mr. DOLPH] shows me a statement he made yesterday, and he says there are 500,000 acres in Northern Michigan and Minnesota.

Mr. PLUMB. As I said, there may possibly be some lands heretofore offered for public sale, but they are within very limited areas, and the law as to those is not enlarged. I was not aware of the existence of any such land up there, but it must be very small in extent.

I think myself that the provision as reported from the committee ought to have been adopted. I believe it is wiser for the State of Missouri, which is especially under consideration here, and all of the Southern States, that every single acre of land in those States shall be subject to acquisition only on condition of settlement, but the Senate thought otherwise, and therefore those lands are not covered by the bill, but are left exactly as the bill found them.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Senate made as in Committee of the Whole, to strike out the clause which has been read.

The amendment was not concurred in.

Mr. PLUMB. In order to take the provision out of its anomalous position in the bill, I move that it be inserted at the close of the bill as a separate section.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent that the clause which by a vote of the Senate has been retained in the bill be transposed to the end of the bill as a separate section. Is there objection? The Chair hears none.

Mr. PLUMB. I suggest that the clause be amended by striking out the first word, the word "and," and substituting "that," so as to read: "That an act entitled," &c.

The PRESIDENT *pro tempore*. That modification will be made by unanimous consent, if there be no objection.

Mr. PALMER. I move to add as an additional section to the bill the following:

SEC. —. That wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Michigan.

Mr. HARRISON. As I had occasion to say a few moments ago, this proposition comes to me and, I think from what has been said, to other Senators in the nature of a surprise. I inquired a little while ago whether as an independent bill it had ever received the favorable report of the Committee on Public Lands, and was advised by some members of the committee that it had, and by others that it had not. I think, however, inquiry shows that perhaps not in the exact form, but in something like its present form, it was reported favorably to the Senate by the Committee on Public Lands, but unaccompanied by any report.

Mr. PALMER. If the Senator will permit me I will state that this was a distinct bill originally, being Senate bill No. 2509. It was reported by the Committee on Public Lands with certain amendments, and it is now offered as an amendment to the bill before the Senate as a better means of securing legislation on the subject than in any other way.

Mr. HARRISON. So I understood; but the point I make is that it was unaccompanied by any report from the Committee on Public Lands.

Mr. DOLPH. There were two bills containing a recital of the same provision, reported from the Committee on Public Lands. There was a report made on one of them, I am not able to say on which just now. The subject is covered, however, by a communication from the Commissioner of the General Land Office.

Mr. HARRISON. The inaccuracy, if there be an inaccuracy in the statement which I have been making, grows out of the fact that I did not succeed in getting definite information on inquiry from members of the Committee on Public Lands of the Senate. I was advised by one member of that committee that no report had accompanied the measure, and by another that the bill had not——

Mr. COCKRELL. Will the Senator permit me to ask him a question?

Mr. HARRISON. Certainly.

Mr. COCKRELL. If a report has been made, can we not find it? Have we not got the record?

Mr. HARRISON. I understand that the report is here, it having been presented to me now by the Senator from Michigan [Mr. PALMER]; I sent for and have before me now, but have not had time to examine it—as the book has been placed on my desk since I rose—the case of Eldred *vs.* Sexton, in 19 Wallace, 169. I will send the book to the Senator from Alabama [Mr. MORGAN] who is upon the Committee on Public Lands. He may examine the case and see what its bearing upon the question is. It seems that in 1880 an act was passed which is found in the twenty-first Statutes at Large, page 237, and the third section of that act is as follows:

That the price of lands now subject to entry which were raised to $2.50 per acre, and put in market prior to January, 1861, by reason of the grant of alternate sections for railroad purposes, is hereby reduced to $1.25 per acre.

I do not understand whether the trouble here is that these lands were sold at the reduced or minimum rate of $1.25 an acre, having at one time been withdrawn from public entry, and were entered at that rate, and that the law has since been declared that they were not subject to sale at a dollar and a quarter an acre, but should have been put upon the market at the double minimum price, as it is called, of $2.50 an acre. My impression is that they could not have been sold at private sale for a dollar and a quarter an acre, because they had not again been offered at public sale. I may be entirely mistaken about the difficulty, and I am seeking information. Do I understand—the Senator from Michigan can advise me—whether the lands are subject to entry by persons at double the minimum price without being offered again at public auction, and whether the question is simply one of a dollar and a quarter an acre or whether it is one which affects the title altogether?

Mr. PALMER. If the Senator from Indiana will permit me, I think the text of the amendment will inform him. The language is:

And such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, &c.

The whole difficulty intended to be remedied is where parties have bought in good faith lands that have been restored by act of Congress or the order of the Land Office to market at $1.25 an acre, and the Supreme Court has since decided that those lands should have been reoffered at public sale before being submitted to private entry.

Mr. HARRISON. Before being submitted to private entry at $1.25 an acre, but not before being sold at $2.50 an acre, so that the difficulty, I judge, must be that they were put upon the market and sold at $1.25 an acre before the President had proclaimed them as subject to entry and before they had been offered again at public sale; and the trouble is not one affecting the title, but is the question between $2.50 and

$1.25 an acre. I may be altogether wrong; I am simply attempting to gather the state of the case, which, as I said, has come to me as a surprise, because my attention had not been attracted to it, it being a bill that had not yet been reached and no notice had been given that its consideration would be pressed. I want to get at what the facts are.

Mr. MILLER, of California. The question is whether those who paid a dollar and a quarter an acre have a good title.

Mr. HARRISON. Exactly.

Mr. HALE. The withdrawal from sale may have been terminated and the lands restored by a proclamation of the President.

Mr. HARRISON. I say to the Senator from Maine that the proclamation does not have to precede the sale at $2.50 an acre. The lands may be sold at the double minimum price without any proclamation, and without being offered at public sale as I understand; but before they can be sold at the minimum price, $1.25 an acre, there must be a proclamation restoring them, and they must be once offered at public sale.

Mr. CONGER. If the Senator will allow me, under the $2.50 act they must then be offered at public sale before they can be entered at $2.50, but by law they have been withdrawn from that class at $2.50, or the double minimum, and may be entered at $1.25. In either case, if they had not been offered at public sale at $2.50, they must be so offered before sale, or else the claimant must seek a suit in court to perfect his title. Having by law been reduced to $1.25 they must then be offered at public sale. So the Supreme Court have decided. It is not a question whether the Government shall receive $2.50 an acre or $1.25 an acre, but it is whether the mere neglect to offer the land at public sale shall be cured by a statute. It is a cloud on the title which it is designed to remove.

Mr. HARRISON. The Senator from Michigan may be right. The impression I had was that where the lands were offered at the double minimum price it was not a condition precedent to a private entry that they should have been offered at public sale. Perhaps the Senator is right in saying that it was. I think we ought to have from the chairman of the Committee on Public Lands or the Senator from Alabama [Mr. MORGAN], who is a member of that committee, some clear statement of just what the trouble is, how much land is involved in the proposed legislation, what the attitude of the Department with reference to the question is, and then I think we shall be in a condition to vote upon the amendment. I voted against it before upon the impression derived from some members of the committee that it was unnecessarily broad for the particular purpose mentioned, and especially in its concluding words which undertake to confirm absolutely certain things. Instead of simply saying that the lands shall stand as if they had been offered at public sale and let everything else be as it is now, the amendment as I understand it goes further, and not simply relieves these people from this condition, but it assumes to confirm certain titles.

It seems to me that if such is the purpose of the provision it should simply say that in cases where sales have been made the fact of previous failure to offer the lands at public sale should not be held to invalidate the title, but that such cases should be heard and determined by the General Land Office precisely as if the lands had been offered at public sale. That would leave everything else unaffected. It would leave the man who had complied with the land laws in every other particular but this one in a condition to perfect his title, and would not put us in danger of going further by assuming to confirm titles by act of Congress which should stand, after we have removed this defect, upon their own merits and upon the papers which have been filed.

Mr. PALMER. I will state for the information of the Senator from Indiana, as he has not probably read the communication from the Commissioner of the General Land Office, that that officer says under date of January 4, 1885, that—

> The confirmation proposed is that which does not affect the rights or claims of third parties, and does not propose to adjudicate nor make rules for adjudication in cases of conflicting claims, but leaves the respective claimants in such cases to the operation and remedies of existing laws.

It applies merely to cases where the United States may remedy the laches or derelictions of its officers.

Mr. HARRISON. I ask the Senator from Michigan whether that communication is not addressed to the Senate bill and not to his amendment, and whether the terms of that bill do not differ in some respects from the amendment?

Mr. PALMER. There has been a very slight change for the protection of the settlers. The amendments that were made were of a character to include a larger number of conflicts, if possible—that is, to make the measure of conflict more extensive. In the original bill it was applied to cases where there were no conflicting claims. In the proposition as amended as in Committee of the Whole it was put in as "valid conflicting claims or settlements thereon."

Mr. MITCHELL. I wish to say just one word in relation to the pending amendment. I have had a number of letters from constituents of mine who say to me that they have paid their money for lands to which they have not a perfect title, and that this measure will enable them to perfect their title. So far as they are concerned, unquestionably they are innocent purchasers, and they ought, I think, to have a good title. Therefore I shall favor the amendment.

CIVIL-SERVICE COMMISSION REPORT.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a message from the President of the United States.

The Secretary read as follows:

To the Senate and House of Representatives:

In compliance with the act of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil-service of the United States," the Civil-Service Commission has made to the President its second annual report.

That report is herewith transmitted.

The commission is in the second year of its existence. The President congratulates the country upon the success of its labors, commends the subject to the favorable consideration of Congress, and asks for an appropriation to continue the work.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 11, 1885.

The PRESIDENT *pro tempore*. The message will be printed and with the accompanying document referred to the Committee on Printing.

EIGHTH NEW YORK HEAVY ARTILLERY.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a message from the House of Representatives returning Senate joint resolution No. 92 with an amendment, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
February 10, 1885.

Resolved, That the joint resolution from the Senate (No. 92) entitled "Joint resolution authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War," do pass with the following amendment:

In line 4 of the bill strike out the word "Beam" and insert the word "Ream;" so as to read: "And which were captured by confederate forces at Ream Station, on the Weldon Railroad, August 25, 1864."

Mr. HARRISON. I suppose that is simply an error in nomenclature. I move that the Senate concur in the amendment of the House.

The amendment was concurred in.

DISTRICT APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives on the amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

Mr. PLUMB. I move that the Senate insist on its amendments disagreed to by the House and agree to the request of the House for a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL were appointed.

RECOMMITMENT OF A PETITION.

Mr. MCPHERSON. I ask unanimous consent to recommit a petition to the Committee on Pensions. I have the consent of the member of the committee who made the report in the case. It is the petition of Martha A. F. Terrett, widow of Colville Terrett, late a lieutenant in the United States Navy, praying for an increase of pension. The petition was reported adversely by the Senator from Iowa [Mr. WILSON] on the 16th of January, 1885, and was ordered to lie on the table. I desire to have it recommitted to the Committee on Pensions.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the vote of the Senate heretofore taken, laying on the table the petition referred to by him, be reconsidered and that the petition be recommitted to the Committee on Pensions. Is there objection? The Chair hears none, and it is so ordered.

OLIVER S. FLORENCE.

Mr. COLQUITT submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That there be paid out of the contingent fund of the Senate the sum of —— dollars to Oliver S. Florence, of the Capitol police, for extra services in guarding the room in which the electoral votes were kept from December 4, 1884, to February 11, 1885.

BILLS INTRODUCED.

Mr. MANDERSON introduced a bill (S. 2633) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved March 3, 1879; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 2634) granting an increase of pension to Grace F. Edes; which was read twice by its title, and referred to the Committee on Pensions.

BINDING OF GLOBES.

Mr. MANDERSON submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to have bound at the Government Printing Offices 650 volumes of the Congressional Globe furnished to the Senate Library under the joint resolution approved May 16, 1884.

AMENDMENTS TO A BILL.

Mr. BLAIR and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

PUBLIC LAND LAWS.

The Senate resumed the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber culture.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. PALMER].

Mr. MORGAN. Mr. President, the Senator from Michigan declares that he desires this amendment put upon the bill for the purpose of getting it through this session of Congress, and he puts it on a House bill in order that he may have a better opportunity of passing it. I do not know that I should be opposed to the amendment of the Senator, considered as a separate proposition, but I think it is hardly proper to put it on this bill. It is a separate subject of legislation entirely; has reference to a different condition of public lands from that which is presented in the bill sent over from the House and amended and reported back to the Senate; and more than that it appears to be a sort of special and local measure involving particular grants in particular States.

I am apprehensive that if we declare forfeitures of some of these railroad grants, as we have been doing and are expected to do, if we put this measure through the Senate now we shall find it in the way of some particular legislation that we desire to put upon those special land-grant forfeiture bills. The measure in itself appears to be a just one, but I would prefer very much to have the roads named to which it is to be made applicable. It clearly applies only to cases where railroad grants have been made, roads have been located, and afterward the locations changed, and thereafter, without any new order of offering the lands for sale, they have been entered at private entry in the land office.

Mr. SAWYER. The Senator is a little mistaken. It is broader than that.

Mr. MORGAN. Yes, it is very broad.

Mr. SAWYER. It will affect more lands than the Senator supposes.

Mr. MORGAN. I notice in the amendment offered by the Senator from Michigan that he insists upon the words "valid conflicting claims"—"there are no valid conflicting claims thereto"—and the words "on settlements" come in at some point, I do not know precisely where.

Mr. PALMER. If the Senator from Alabama will permit me, I will say that I did not insist on that. I put that in at the suggestion of other Senators. The object was to confirm all these titles, not only where there was no conflict, but where a conflict had been had and had been determined in favor of the party. I thought it was a little superfluous, but I put it in at the suggestion of others.

Mr. MORGAN. There is no reason that I can conceive of why, where a party has in good faith by the consent of the local land officers paid his money and got a certificate for entry of lands that were not withdrawn and afterward became virtually but not legally lands that were offered for sale, he should not have his certificate, and why the Government should not relieve him unless in the mean time some conflicting claim has arisen in favor of some other person; but I am apprehensive that this very sweeping legislation will include such cases as that, and that we shall be legislating here to give effect to certain titles which otherwise would not be of any validity as against other individuals who are making honest, *bona fide* claims to the land; as, for instance, giving effect to a title where a person has entered it at a dollar and a quarter an acre, and another person has bought the same land at two dollars and a half an acre. The case of Eldred vs. Sexton, 19 Wallace, which has been referred to by the Senator from Indiana, seems to lay down the law very explicitly upon this question just as it was stated by the Senator from Oregon. I will read the syllabus:

The fundamental principle established by the act of Congress of April 24, 1820, and since governing the matter of sales of the public lands, that private entries are not permitted until after the lands have been exposed to public auction at the price for which they are afterward sold, held to be applicable to a case—that of the grant by Congress, June 3, 1856, of alternate sections designated by odd numbers, to the State of Wisconsin for the aid of the Chicago and Northwestern Railway.

The point in the decision which is applicable to the present case is as follows:

There, after the line of the railroad was located and the price of sections within six miles designated by even numbers doubled—that is to say, fixed at $2.50 per acre—and after these were offered at public sale at that price and remained unsold, so that thenceforth they became open to private entry at $2.50, but not at less, the line of the road was changed by joint resolution of Congress, leaving outside of the six-mile limits certain of these even sections; the joint resolution providing that the even sections of public lands reserved to the United States by the act of June 3, 1856 (the original grant), along the originally located route of railroad, and along which no railroad has been constructed, shall hereafter be sold at $1.25 per acre.

It was—

Held, notwithstanding this provision, that the "fundamental principle" above spoken of was of so pervading a character that although these sections, while within the six-mile limit, had been offered at public sale at $2.50 and refused, they were not open to private entry now that by the change of location they were without that limit, until they had been offered for public sale at $1.25 per acre, and had been left unsold.

So it is established by this decision that the prevailing practice of the Government shall obtain, as a rule of construction of the public land laws, that lands must be reoffered by the Government before they are the subject of private entry. Where the price has been reduced from $2.50 to $1.25 they must be reoffered, although they were once offered at a dollar and a quarter an acre. That is a formality that must be gone through with by the Department before the lands can be said to be subject to private entry. That is a decision against which now the Senator from Michigan is asking relief, and in a proper case I concede that he is entitled to relief. The only difficulty I have about the matter is that it is provided here that there shall be no other valid conflicting claims. Now, it may be that some persons have come in and offered to buy these lands or actually bought them and paid $2.50 an acre for them, while other persons have come in and bought lands at a dollar and a quarter an acre—different prices according to the construction placed on these acts by the local land officers.

The question arises in my mind if we pass this amendment we are legislating to decide upon private titles between private individuals, and that is the point of the case about which I have apprehension. I would very much prefer, therefore, that the particular facts in the particular case against which we are to relieve should be brought forward. If there is a particular railway grant in Michigan where the line of the road has been changed, and in consequence of that certain lands have been thrown out of the limits that were included for a time, and therefore withdrawn from market, let a bill be brought here for the purpose of remedying that particular case. We can understand then the whole subject; but because such a mischief as that may have been wrought in Michigan, to make that the basis of general legislation to affect all classes of claimants throughout the United States it seems to me is rather a hazardous business.

Mr. HARRISON. I wish to ask the Senator from Alabama——

Mr. MORGAN. I yield.

Mr. HARRISON. I ask how he understands this amendment. It reads "that wherever lands have been withdrawn from settlement," &c. Does the Senator understand that to apply only to a case where that has already been done, or should we be making a provision of law that would attach whenever other lands are withdrawn from sale? It strikes me that the phraseology is not very clear if it is intended to apply only to existing cases.

Mr. MORGAN. I think the language of the act is broad enough to include all cases in the retrospect as well as in the future.

Mr. HARRISON. Then certainly that is an additional objection, and we are attempting to provide a remedy for a particular case and are establishing a law that is to apply to the future cases that may occur hereafter.

Mr. PALMER. It seems to me that both the Senator from Alabama and the Senator from Indiana are at fault in their interpretation of this language. I do not see how such phraseology as this can refer to anything in the future:

That wherever lands have been withdrawn from sale or disposition on the part of the United States, &c., * * * and such withdrawals have been terminated by act of Congress, executive order, &c.—

And—

where lands have been, by operation of law, reduced in price, &c., * * * said lands have been purchased, &c.

I do not see how that can apply to the future.

Mr. MORGAN. Suppose that ten years after this date an officer of the Government reading this act should conclude that it was of continuous application, and that if its words had reference to the past they would refer to that period of time between now and ten years to come. Still that is an easy matter to correct by putting in the word "heretofore." There is no trouble about getting at the meaning of the Senator's amendment, no trouble in making it entirely explicit. That I understand him to state is the meaning of the amendment.

Mr. PALMER. I would suggest that the Senator from Alabama just insert that. I will accept that; or say "where that has hitherto been done."

Mr. MORGAN. Now, I would ask who is to decide on the validity of these conflicting claims? Are we not sowing a crop of litigation here by changing the law so as to relate back to titles that have already been acquired? What forum is to decide on the validity of these conflicting claims so as to determine whether this act validates a grant which was hitherto invalid, under the decision in Eldred *vs.* Sexton? I am apprehensive that we are creating quite a broad field of litigation by this form of legislation, and unless I knew the particular facts of the case to which this amendment would be applicable I should feel unwilling to sustain it. I might be willing to vote for a bill that was apparently just, as just as this, where the only question in the case was between the Government of the United States and the person who claimed title. Here is a man who holds a certificate of entry, we will say, for one hundred and sixty acres of land, or any other amount, paid for at a dollar and a quarter an acre.

Mr. PALMER. Will the Senator permit me?

Mr. MORGAN. In a moment. If he has paid for his land at $1.25 an acre and holds his certificate, the Supreme Court of the United States has declared that the title is invalid because that land had not been a second time offered in market. As between the Government of the

United States and the holder of that certificate I am willing to confirm the title. But suppose that in the mean time some person has come in and acquired a title to this same tract of land under the laws of the United States, as they are construed by the Supreme Court. I do not wish now by legislation to go back and interfere with that title, to change the law so that it will have some retrospective effect upon that title. That would not be a proper thing for Congress to do. We had better take up the certificates by refunding the money; and in fact there is a general law which authorizes and requires the refunding of money in cases of this kind where entries have been improvidently made; or if persons have gone on and made improvements on the land it is better for Congress to pay for the improvements and to do justice fully in this particular than it is to interpose its authority and the weight of its opinion in behalf of one claimant of the land against another, both claiming under the Government, one claiming under the law and the other contrary to law.

Mr. PALMER. Will the Senator from Alabama permit me?

Mr. MORGAN. Yes.

Mr. PALMER. He will see by the phraseology of the amendment that this only applies to cases where the United States is one party and the purchaser the other party, that where there are any conflicting claims they are not included, nor is the title cured or affected in any way by this measure.

Mr. MORGAN. That is correct as the bill was originally reported where there is any conflicting claim, but we have now the word "valid," or rather "any valid conflicting claims," and that requires some court to decide it; that requires some authority on the part of the Government or somebody else to decide on the validity of that conflicting claim. If the Senator should limit the question entirely between the purchaser from the Government and the Government so that the controversy that might arise in respect of it between two private citizens would not get into the case possibly, then I should be satisfied with it.

I am willing, if a man has made an entry at a dollar and a quarter an acre, and that is now the price of the land, that he should have his certificate or should have his patent, provided some person else in the mean time has not come in and acquired a right to the land; and if the amendment should be limited entirely to cases between the Government of the United States and a claimant, I am willing that this should be considered as a valid title as against the Government. But where there is any person else who is interested at all, I should object to having the matter settled in that way.

I do not wish now to legislate so as to give to a man a title that was invalid at the time he got it. I am willing to pay him for the land; I am willing to compensate him for all the damage he has sustained, but not to take the title from some person else and transfer it to him.

That is my difficulty about the amendment, and I think it will be much better for the Senator to allow this matter to be considered on a separate bill, and let us have the facts of the particular case to which the bill is to be applied. I should like to have the railroad company named, to have all the facts and circumstances of the particular case stated to Congress in order that we might know precisely what we were doing. Here is a proposition that covers the whole territory of the United States, and I think it will be found very inconvenient in respect to some of the legislation we have already enacted and some that it is proposed to enact.

Mr. VEST. I think if this matter is laid over until to-morrow I can make some valuable contributions in the way of information upon the subject. I have some papers in regard to it which I received some time ago, and I laid them away, in reference to this question coming up in the Senate; but I have them not now in the Chamber. I will move for an executive session.

The PRESIDENT *pro tempore*. The Senator from Missouri moves that the Senate proceed to the consideration of executive business.

Mr. ALLISON. I hope before that is done——

Mr. VEST. I withdraw the motion.

Mr. ALLISON. I ask the Senator to withdraw the motion until we have an order to print this bill as far as it has been agreed to, so that in some way we may know a little more as to the scope of it than we can by a hasty reading at the desk.

Mr. VEST. I think that is right.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the bill as it now stands with the amendments agreed to——

Mr. ALLISON. And proposed.

The PRESIDENT *pro tempore*. And proposed, be printed. That order will be entered if there be no objection.

Mr. SHERMAN. Before the order is made, I desire to move a substitute for section 5, so that it may be printed also.

The PRESIDENT *pro tempore*. The Senator from Ohio submits an amendment intended to be offered by him as section 5, which will be printed.

Mr. PLUMB. The old section 5 was stricken out of the bill.

Mr. SHERMAN. I know.

Mr. PLUMB. But there is another section 5.

Mr. SHERMAN. I know it.

Mr. PLUMB. I offer an additional section to the bill, which I ask may be printed.

The PRESIDENT *pro tempore*. The Senator from Kansas sends an amendment to the Chair intended to be proposed as an additional section to the bill. That also will be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 483) for the erection of a public building at Keokuk, Iowa; and

A bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased.

The message also announced that the House had passed the bill (S. 1705) to provide for the issue of duplicate checks.

The message further announced that the House had passed the following concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That a committee of three members of the House of Representatives be appointed by the House, and two members of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1885.

ARMY APPROPRIATION BILL.

Mr. ALLISON. Now, I ask to have printed a statement to accompany the Army appropriation bill in the nature of a report from the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from Iowa, from the Committee on Appropriations, submits a statement to accompany the report of the Army appropriation bill, and asks that it be printed. That order will be entered, if there be no objection.

EXECUTIVE SESSION.

Mr. VEST. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 23 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 11, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I rise to offer a privileged motion.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Illinois in a moment. The gentleman from Vermont [Mr. POLAND] is recognized.

SUITS FOR DAMAGES IN THE DISTRICT.

Mr. POLAND. I rise to present a privileged report. I submit a report of the committee of conference on the disagreeing votes of the two Houses on the bill H. R. 7131.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill of the House No. 7131, "to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with the following amendments thereto:

In the first section of said Senate amendment, and next before the proviso to said section, insert the following words: "and such damages shall be assessed with reference to the injury resulting from such act, neglect, or default, causing such death, to the widow and next of kin of such deceased person." And also by adding to said first section, after the proviso, the following words: "*And provided further*, That no action shall be maintained under this act in any case where the party injured by such wrongful act, neglect, or default has recovered damages therefor during the life of such party."

And also by amending the said Senate amendment by striking out of the second section thereof the words "two years" and inserting "one year."

And the Senate agree to the said amendments to the Senate amendment to said bill.

LUKE P. POLAND,
J. R. TUCKER,
WM. DORSHEIMER,
Managers on the part of the House.

ISHAM G. HARRIS,
JOHN J. INGALLS,
H. H. RIDDLEBERGER,
Managers on the part of the Senate.

Mr. POLAND. I will not take any time to make any explanation of this report unless some gentleman on the floor should desire it.

The report of the committee of conference was agreed to.

Mr. POLAND moved to reconsider the vote by which the report of the committee was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ACTION ON BILL VACATED.

The SPEAKER *pro tempore*. The Chair desires to submit a statement with reference to the action of the House on Saturday last on the bill named.

The Clerk read as follows:

The action of the House on Saturday last disagreeing to certain amendments of the Senate to the bill of the House H. R. 5713 and asking a conference with the Senate thereon will be vacated, the said bill not having passed the Senate.

The SPEAKER *pro tempore*. The action of the House was taken on the motion of the gentleman from California [Mr. ROSECRANS]. The Chair, having submitted to the House the statement of facts, asks that this may be ordered. The Chair hears no objection.

HOUR OF DAILY MEETING.

Mr. TOWNSHEND. I rise to offer a privileged motion.

The Clerk read as follows:

Resolved, That the hour of daily meeting of the House for the remainder of the present session be 11 o'clock a. m.

The SPEAKER *pro tempore*. Does the gentleman desire to have the resolution referred to the Committee on Rules?

Mr. TOWNSHEND. I desire a vote on it.

Mr. KEIFER. I make the point that the resolution should be referred to the Committee on Rules.

The SPEAKER *pro tempore*. The Chair sustains the point of order, and the resolution is referred to the Committee on Rules.

Mr. TOWNSHEND. That is not as I understand the rule. Such a resolution has been offered every session and I have never known one to be sent to the Committee on Rules.

The SPEAKER *pro tempore*. The Chair has never known one that was not sent to the Committee on Rules.

Mr. KEIFER. I will state to the House that it will be reported back between this and Monday.

CHANGE OF REFERENCE.

Mr. CUTCHEON. I ask unanimous consent to change the reference of the bill (H. R. 8117) for the relief of the heirs of Charles B. Smith, deceased, from the Committee on Claims to the Committee on Military Affairs, the reference to the Committee on Claims having been erroneously made.

There was no objection, and it was so ordered.

ADMISSION TO THE FLOOR.

Mr. MCMILLIN. I desire to offer a privileged resolution, which I send to the desk.

The Clerk read as follows:

Resolved, That the Doorkeeper be directed to admit to the floor of the House ladies having tickets issued for the members' gallery during the joint session for the count of the electoral vote.

Mr. HEWITT, of Alabama. Is that a privileged question?

Mr. MCMILLIN. I will state that this is in the exact language of the resolution offered in the Forty-sixth Congress, which was at that time held to be privileged, and which was passed. I think there can be no objection to it. The state of facts is this: About eight hundred tickets have been issued; the seating capacity of the galleries set apart is barely four hundred. Hence this is necessary in order to accommodate those holding the tickets which have been issued.

Mr. COSGROVE. I ask that the resolution be again reported.

Mr. HEWITT, of Alabama. Mr. Speaker, is that motion privileged?

The SPEAKER *pro tempore*. The Chair thinks it is.

Mr. WASHBURN. Do I understand the Chair to hold that this is a privileged motion?

The SPEAKER *pro tempore*. The Chair thinks it is a privileged motion, in the light of the rulings that have been made by the Speakers of the House.

Mr. HEWITT, of Alabama. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. HEWITT, of Alabama. I rise to make a point of order on this motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HEWITT, of Alabama. Mr. Speaker, my understanding of the rules of the House is that under them certain persons are admitted upon this floor and all other persons are excluded. Now, the resolution of the gentleman from Tennessee [Mr. MCMILLIN] proposes to admit upon the floor of the House persons who, under the rules, are excluded from the floor; therefore it is a proposition to change the rules of the House, and is subject to the point of order that it must go to the Committee on Rules, and can not be considered without one day's notice.

Mr. MCMILLIN. Mr. Speaker, I have at hand a reference to a precedent if it is desired.

The SPEAKER *pro tempore*. It is not necessary to debate the point of order further. The Chair will state (if the gentleman from Tennessee is content) that this is not the first time this point has been raised and ruled upon, and the Chair has no disposition to overrule the rulings made by its predecessors, which is that the rule to which the gentleman from Alabama [Mr. HEWITT] has adverted does not apply to a joint session of the two Houses of Congress, but applies simply to the sessions of the House. Such has been the ruling from the Chair heretofore, and the present occupant feels no disposition to controvert that ruling.

Mr. HEWITT, of Alabama. Then, Mr. Speaker, there is no rule excluding any one from the floor of the House.

The SPEAKER *pro tempore*. Not when it is in joint session, except at the pleasure of the House. The Chair overrules the point of order.

The question was taken on the adoption of the resolution offered by Mr. MCMILLIN; and there were—ayes 134, nays 72.

So the resolution was agreed to.

Mr. MCMILLIN moved to reconsider the vote by which the resolution was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. FOLLETT. Mr. Speaker, I submit a privileged report from the Committee on Appropriations, which I ask the Clerk to read.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the bill of the House 8039, making appropriations to provide for the expenses of the government of the District of Columbia for the year ending June 30, 1886, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows: They recommend concurrence in the amendments of the Senate numbered 1, 3, 4, 5, 9, 12, 13, 14, 15, 16, 17, 18, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 46, 48, and 49.

They recommend non-concurrence in the amendments numbered 2, 6, 7, 8, 10, 11, 19, 20, 21, 22, 23, 25, 26, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, and 50.

The SPEAKER *pro tempore*. If no separate vote is demanded upon the amendments the question will be upon concurring in the recommendation of the Committee on Appropriations.

Mr. BENNETT. Mr. Speaker, I ask that the Senate amendments be read.

The Clerk proceeded to read the amendments. Before he had concluded the reading,

Mr. BENNETT rose.

The SPEAKER *pro tempore*. Does the gentleman from North Carolina withdraw his demand for the reading of the Senate amendments?

Mr. BENNETT. I do, sir, because I can not get any information from it. [Laughter.]

The amendments numbered 1, 3, 4, 5, 9, 12, 13, 14, 15, 16, 17, 18, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 46, 48, and 49 were concurred in.

Mr. TALBOTT moved to reconsider the vote by which the amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. FOLLETT. I move that the House non-concur in the remainder of the Senate amendments and ask for a committee of conference.

The motion was agreed to.

Mr. FOLLETT moved to reconsider the vote just taken; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. FOLLETT, Mr. HUTCHINS, and Mr. CANNON.

OFFICERS OF UNITED STATES COURTS.

Mr. SPRINGER, by unanimous consent, reported back favorably from the Committee on Expenditures in the Department of Justice the bill (H. R. 7675) relating to the compensation and duties of United States attorneys, marshals, and other court officials, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

REFERENCE OF SENATE PENSION BILLS.

The SPEAKER *pro tempore*. Under the order of the House made yesterday various pension bills from the Senate now on the Speaker's table will be taken up and appropriately referred.

Bills of the following titles were accordingly taken from the Speaker's table, read twice, and referred to the Committee on Invalid Pensions:

A bill (S. 1268) for the relief of Sydney L. Skaggs;

A bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry;

A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;

A bill (S. 1546) granting a pension to Orin R. McDaniel;

A bill (S. 1571) granting a pension to James McCallen;

A bill (S. 1655) granting a pension to Newton J. Burris;

A bill (S. 1790) granting an increase of pension to Edgar L. Dutton;

A bill (S. 1803) granting an increase of pension to George A. Washburn;

A bill (S. 1804) granting a pension to Clarinda Hunt;

A bill (S. 2009) granting a pension to Isabella Turner;

A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;

A bill (S. 2160) granting a pension to Robert Walker;

A bill (S. 2204) granting arrears of pension to Nancy B. Leach;

A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;

A bill (S. 2272) granting a pension to Andrew Franklin, alias Andrew McKee;

A bill (S. 2327) for the relief of James Bedell, sr.;

A bill (S. 2398) granting a pension to Cyrus Reeser;

A bill (S. 2514) granting a pension to David T. Hoover;

A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas;

A bill (S. 2549) granting a pension to Isabella Higgins;

A bill (S. 2587) granting a pension to William H. H. Gilley; and

A bill (S. 2610) granting a pension to Patrick Furlong.

Bills of the following titles were taken from the Speaker's table, read twice, and referred to the Committee on Pensions:

A bill (S. 357) granting a pension to William Lockhart;

A bill (S. 1183) granting a pension to Hugh O'Neil; and

A bill (S. 1709) granting a pension to Leonora A. Boyden.

S. W. MARSTON.

On motion of Mr. COSGROVE, by unanimous consent the bill (S. 1035) to authorize the Secretary of the Interior to settle the claims of S. W. Marston, late United States Indian agent at Union agency, Indian Territory, for services and expenses, was taken from the Speaker's table, read twice, and referred to the Committee on Claims.

SILVER DOLLARS AND SILVER CERTIFICATES.

Mr. BLAND. I ask unanimous consent that an order be made to print in the RECORD the communication which came in last evening from the Secretary of the Treasury in response to a resolution of the House asking information relative to the alleged refusal of certain banks and banking associations to receive silver dollars and silver certificates in settlement of their balances.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Missouri [Mr. BLAND]? The Chair hears none, and the order is accordingly made.

The communication is as follows:

TREASURY DEPARTMENT, *February* 10, 1885.

SIR: I have the honor to acknowledge the receipt of resolution of the House of Representatives dated February 3, 1885, as follows:

"*Resolved*, That the Secretary of the Treasury be, and he is hereby, requested to inform this House whether the Clearing House Association at New York, or any national bank thereof, refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association, and whether any official or officials of the Government accede to or recognize such rule or practice.

"Also, what amount of gold came into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the month of January, 1885.

"Also, whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money, or the effect of which is to depreciate the same.

"Also, what amount of silver coin was in the Treasury of the United States on the 1st day of January, 1879, and of each year thereafter, not held for the redemption of silver certificates, and what proportion the said coin bore on each of those dates to the net cash in the Treasury at those several dates.

"Also, what amount of the customs and internal revenue and other receipts of the Government, stated separately, have been received in silver coin or silver certificates, stated by months, for each year since the 1st day of January, 1879.

"Also, what other governments of the world did, during the year 1883, permit the coinage of legal-tender silver coin; also, the amount of such coinage, and what part thereof was from recoinage and what part from bullion.

"Also, the price paid per ounce by the Director of the Mint for silver bullion on the 1st days of January and July in each year from 1878 to 1885, both years inclusive."

In reply, I inclose herewith copies of reports from the Treasurer of the United States and the Director of the Mint, to whom the resolution had been referred, which contain the information desired.

Very respectfully,

H. MCCULLOCH, *Secretary*.

The SPEAKER *of the House of Representatives*.

TREASURY OF THE UNITED STATES,
Washington, February 10, 1885.

SIR: I have the honor to submit such information as this office is able to furnish in answer to the resolution adopted by the House of Representatives on the 3d instant and referred to the Treasurer of the United States for report.

1. "Whether the Clearing House Association at New York, or any national bank thereof, refuses to receive silver dollars or silver certificates in the settlement of their balances, or refuses to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association, and whether any official or officials of the Government accede to or recognize such rule or practice."

It is not known to this office that the Clearing House Association at New York or any national bank thereof has, since the passage of the act of July 12, 1882, refused to receive silver dollars or silver certificates in the settlement of their balances, or has at any time refused to receive silver dollars or silver certificates from the Government in payment of balances due from the Government to said association.

The following resolutions, among others, were adopted by the New York Clearing House Association November 12, 1878, viz:

"*Resolved*, That in order to facilitate the payment of drafts and checks between the Treasurer of the United States and the associated banks, the manager of the New York Clearing House is authorized to make such an arrangement with the assistant treasurer as will accomplish that purpose through the medium of the clearing-house.

"*Resolved*, That the associated banks of this city, after the 1st of January, 1879, will (1) decline receiving gold coins as 'special deposits,' but accept and treat them as lawful money; (2) abolish special exchanges of gold checks at the clearing-house; (3) pay and receive balances between banks at the clearing-house either in gold or United States legal-tender notes; (4) receive silver dollars upon deposit only under special contract to withdraw the same in kind; (5) prohibit payments of balances at the clearing-house in silver certificates or in silver dollars, excepting as subsidiary coin, in small sums (say under $10); (6) discontinue gold special accounts by notice to dealers on 1st of January next to terminate them."

In a letter to the chairman of the clearing-house committee of Boston, dated November 18, 1878, Secretary Sherman said that—

"The arrangement between this Department and the New York Clearing House Association was confined to the convenient adjustment and payment of drafts drawn upon the Treasury and the banks, respectively, and to the receipt, by the banks, of United States notes as coin, after the 1st day of January, 1879. The several resolutions adopted by the associated banks of New York * * * were for the guidance of the banks and not in any respect a stipulation with the Government."

The Treasury, in January, 1879, became a member of the New York Clearing House to the extent and for the purposes set forth in the resolution above quoted.

A provision having been inserted in the twelfth section of the act of July 12, 1882, that "no national banking association shall be a member of any clearing-house in which such certificates (gold and silver certificates) shall not be receivable in settlement of clearing-house balances," the associated banks of New York adopted the following resolution:

"*Resolved*, That the resolutions adopted by the Clearing House Association on the 12th of November, 1878, be, and are hereby, modified so far as they conflict with section 12 of the act of Congress passed July 12, 1882."

The members of the clearing-house have continued to settle their balances in gold coin or certificates, or United States notes, and as no silver dollars or silver certificates have been tendered, none have been refused. The Treasury, although not a party to any understanding that silver dollars or certificates should not be tendered, and though it has never in any way waived the right to pay demands upon it in any kind of money which may lawfully be tendered for the purpose, has conformed to the practice of the associated banks in paying the balances against it at the clearing-house. The Department has deemed it inexpedient as a matter of public policy to force the issue of silver dollars or certificates at the chief financial center of the country until compelled to that step by the condition of the Treasury. Silver certificates have recently been used in part payment of a day's balance against the Treasury, and have been accepted by the clearing-house. They will be again so used whenever the state of funds in the Treasury may require it.

2. "What amount of gold came into the Treasury of the United States in exchange at par for silver dollars and silver certificates during the month of January, 1885?"

There was deposited with the assistant treasurer at New York during the month of January, 1885, $575,000 in gold, for which drafts payable in silver certificates by the assistant treasurer at New Orleans, La., were issued by the Treasurer.

There was also received during the same month $42,000 in drafts on New York, which were collected through the clearing-house, in exchange for which silver dollars were forwarded by the Treasury from the mints. These drafts, while not payable in gold, became equivalent to gold receipts by reducing the balances against the Treasury at the New York Clearing-House. The exchanges were made at par.

It is not known that any other amounts of gold came into the Treasury in exchange for silver dollars or silver certificates.

3. "Whether any national bank, or association of national banks, refuses to receive or pay out silver dollars or silver certificates contrary to law, or have adopted any rule or practice in that regard for the purpose of discrediting such money, or the effect of which is to depreciate the same."

The Treasury, not being a member of any other clearing-house than that at New York, has no authentic information as to the rule or practice of other clearing-houses in the receipt or payment of silver dollars or silver certificates. It is publicly reported that silver certificates are accepted in settlement of balances at the clearing-house in Boston.

Silver certificates are used in the payments to the public creditors, including the national banks, at all of the subtreasuries, except New York.

This office has no further information as to the rule or practice of individual national banks, other than that contained in the above-quoted resolutions of the New York Clearing House Association.

4. "What amount of silver coin was in the Treasury of the United States on the 1st day of January, 1879, and of each year thereafter, not held for the redemption of silver certificates, and what proportion the said coin bore on each of those dates to the net cash in the Treasury at those several dates."

The following table shows, for the 1st of January in each year, from 1879 to 1885, the amount of the cash in the Treasury, less certificates actually outstanding, the silver dollars held and silver certificates actually outstanding, and the amount of silver dollars actually owned, with the percentage of the latter to the net cash in the Treasury.

As the Treasury also holds other silver coins and silver bullion, the table also shows, for the dates named, the amounts of such coin and bullion held, and the total silver assets, and the percentage of the same to the net cash in the Treasury:

January—	Net cash in the Treasury.	Standard silver dollars in the Treasury.	Silver certificates actually outstanding.	Standard silver dollars actually owned.	Percentage of dollars owned to net cash.
1879	$202,026,723 77	$16,704,829	$413,360	$16,291,469	8.06
1880	222,426,311 33	33,168,064	3,824,252	29,343,812	13.19
1881	215,040,205 57	48,190,518	36,127,711	12,062,807	5.61
1882	235,686,783 59	69,589,937	62,315,320	7,274,617	3.09
1883	223,700,425 05	94,016,842	68,443,660	25,573,182	11.43
1884	253,205,010 20	119,449,385	96,717,721	22,731,664	8.98
1885	239,423,682 25	146,502,865	114,865,911	31,636,954	13.21

January—	Standard silver dollars actually owned.	Silver bullion in the Treasury.	Fractional silver coin in the Treasury.	Total silver assets owned.	Percentage of silver assets to net cash.
1879	$16,291,469	$9,121,416 63	$6,349,849 14	$31,762,734 77	15.72
1880	29,343,812	4,492,421 19	18,881,629 15	52,717,862 34	23.70
1881	12,062,807	6,183,224 05	24,769,057 32	43,015,088 37	20.00
1882	7,274,617	3,607,829 86	25,963,641 48	36,846,088 34	15.63
1883	25,573,182	4,468,193 10	26,521,692 20	56,563,067 30	25.28
1884	22,731,664	4,534,372 93	27,224,126 33	54,490,163 26	21.52
1885	31,636,954	4,716,055 33	29,194,355 52	65,547,364 85	27.38

5. "What amount of the customs and internal revenues and other receipts of the Government, stated separately, have been received in silver coin or silver certificates, stated by months, for each year since the 1st day of January, 1879?"

By direction of the Secretary of the Treasury, no distinction has been made, since January 1, 1879, in the accounts of the Treasury, between coin and currency, and no record has been kept in this office of the kinds of lawful money received. The assistant treasurer at New York has, however, kept a record of the kinds of funds received at his office, from customs, since January 1, 1881; and a statement showing the amounts of internal revenue and of customs, and

the amounts of silver dollars and silver certificates from the latter source, received at his office, by months, since that date, is appended:

Months.	Internal revenue.	Customs.	Customs paid in silver dollars.	Customs paid in silver certificates.
1881.				
January	$200,885 72	$10,864,217 25	$11,000	$4,768,000
February	177,107 65	11,511,654 46	14,000	5,162,000
March	328,892 93	13,518,036 10	17,000	6,222,000
April	248,526 13	12,060,056 46	17,000	6,025,000
May	209,251 82	11,600,398 32	15,000	5,626,000
June	233,448 42	11,517,553 81	15,000	6,284,000
July	264,853 31	12,417,758 22	12,000	7,005,000
August	273,508 55	15,759,021 87	15,000	8,033,000
September	259,252 94	14,612,119 94	14,000	8,561,000
October	286,963 28	13,561,133 52	16,000	8,091,000
November	290,626 70	10,358,272 49	14,000	3,285,000
December	253,571 44	11,353,843 28	15,000	2,062,000
Total for 1881	3,026,888 89	149,134,065 72	175,000	71,124,000
1882.				
January	247,889 42	13,698,669 95	14,000	2,715,000
February	220,360 97	13,999,305 19	12,000	2,565,000
March	231,665 25	14,490,727 36	14,000	2,781,000
April	213,670 26	12,475,568 26	24,000	2,666,000
May	235,443 64	12,539,023 25	31,000	2,807,000
June	211,133 89	11,805,150 72	11,000	2,673,000
July	203,387 86	14,172,301 27	9,000	3,400,000
August	351,976 70	16,936,020 44	22,000	7,951,000
September	346,851 85	15,146,956 87	13,000	8,161,000
October	333,103 88	13,751,199 70	13,000	4,213,000
November	251,434 14	10,738,755 34	11,000	1,607,000
December	213,687 09	10,783,378 30	10,000	1,947,000
Total for 1882	3,060,604 95	160,537,056 65	184,000	43,486,000
1883.				
January	224,720 79	12,919,503 90	10,000	1,976,000
February	404,269 00	12,506,721 14	9,000	1,944,000
March	151,554 11	12,831,869 51	13,000	1,624,000
April	109,984 52	9,958,572 33	11,000	1,633,000
May	101,459 90	8,610,480 50	10,000	2,131,000
June	37,460 56	14,113,254 11	19,000	2,755,000
July	12,865 01	14,970,785 69	18,000	1,906,000
August	17,042 13	13,605,586 19	11,000	2,395,000
September	21,406 58	12,410,251 32	10,000	1,682,000
October	47,487 08	12,057,049 78	10,000	1,902,000
November	6,273 03	9,380,069 08	9,000	2,011,000
December	6,736 66	9,781,084 19	9,000	1,809,000
Total for 1883	1,141,259 37	143,145,218 74	139,000	23,768,000
1884.				
January	14,571 08	11,996,509 53	9,000	2,794,000
February	14,674 24	12,410,941 00	8,000	2,661,000
March	12,652 28	11,798,707 81	10,000	3,031,000
April	38,401 07	10,195,180 09	13,000	2,643,000
May	22,060 05	9,693,544 48	13,000	3,282,000
June	5,438 94	9,752,969 74	14,000	3,366,000
July	5,575 09	13,428,848 27	13,000	4,247,000
August	4,887 00	13,162,434 28	12,000	4,164,000
September	7,760 42	12,413,746 40	13,000	3,764,000
October	11,076 70	10,879,031 82	13,000	3,331,000
November	3,064 79	8,257,859 06	10,000	3,255,000
December	4,837 69	8,426,924 46	11,000	3,559,000
Total for 1884	144,999 35	132,416,696 94	139,000	40,097,000
1885.				
January	6,346 19	10,595,288 24	13,000	4,179,000
Total for forty-nine months	7,380,098 75	595,828,326 29	650,000	182,654,000

Silver certificates are also received at the New York office on account of transfers of funds, the 5 per cent. fund of national banks, customs receipts at other ports, &c. The following statement shows the amount of such receipts of certificates for each of the past thirteen months:

Months.	Amount.	Months.	Amount.
1884.		1884.	
January	$2,430,000	October	$1,971,000
February	2,808,000	November	2,372,000
March	2,140,000	December	2,264,000
April	2,043,000		
May	2,922,000	1885.	
June	2,545,000	January	3,283,000
July	2,482,000		
August	2,014,000	Total for thirteen months	31,023,000
September	1,749,000		

The resolution of the House of Representatives is returned herewith, as requested.

Very respectfully,

E. O. GRAVES,
Assistant Treasurer United States.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT, BUREAU OF THE MINT,
Washington, D. C., February 7, 1885.

SIR: I have the honor to acknowledge your reference to me, for report thereon, of that portion of the resolution of the House of Representatives requesting to be informed as to "what other governments of the world did, during the year 1883, permit the coinage of legal-tender silver coin," &c., and, in reply thereto, I inclose two tabular statements giving the information as far as received at this office.

The statement in respect to the coinage gives the nominal value in United States money of the silver coinage in the year 1883 of the sixteen countries named, distinguishing, as far as possible, the amount of limited from full legal-tender coins, the amount, as far as ascertained, of silver coins withdrawn or used in coinage during the year, and whether the coinage is on Government account or for the public.

In respect to the price of silver, it is not practicable to give the price paid per ounce for silver bullion on the 1st days of January and July in each year, as the purchases are made on Thursdays of each week, and I have therefore given the average price upon the day upon which purchases were made nearest to those named in the resolution. No purchase of silver was made in January, 1878, the first purchase under the act of February 28 having been made March 5, 1878.

Very respectfully,

HORATIO C. BURCHARD, *Director.*

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

Statement showing the average price per ounce, fine, paid for silver bullion purchased under the act of February 28, 1878, at dates named, from July 1, 1878, to January 1, 1885.

Date.	Price paid.	Date.	Price paid.
March 5, 1878	*$1.2029	January 5, 1882	$1.1285
July 5, 1878	1.1552	June 29, 1882	1.1440
January 3, 1879	1.0916	January 4, 1883	1.0912
July 2, 1879	1.1429	July 5, 1883	1.1117
December 31, 1879	1.1415	January 3, 1884	1.1113
July 1, 1880	1.1579	July 3, 1884	1.1098
January 6, 1881	1.1185	January 2, 1885	1.0865
July 7, 1881	1.1326		

*The final purchase under act February 28, 1878. No purchases were made in January, 1878.

HORATIO C. BURCHARD.
Director of the Mint.

Statement showing the value of silver coined by foreign countries during the year 1883, *and its composition.*

Countries.	Silver coined.			Composition.		For whom.
	Full legal tender.	Limited legal tender.	Total.	Recoinage.	Other bullion.	
Mexico	$24,083,921		$24,083,921		$24,083,921	Depositors.
Bolivia	1,600,000		1,600,000		*1,600,000	Government account.
Argentine Republic	1,715,445		1,715,445		1,715,445	
Great Britain		$6,201,517	6,201,517	$1,900,000	4,301,517	Government account,
India	24,927,400		24,927,400	750,000	24,177,400	Depositors.
Germany		594,464	594,464	594,464		Government account.
Austria-Hungary	5,552,191		5,552,191			Do.
Netherlands		81,095	81,095	81,095		Do.
Norway		37,520	37,520		37,520	Do.
Sweden		250,468	250,468		250,468	Do.
Spain	7,769,050	2,754,371	10,523,421			Do.
Japan	7,584,188		7,584,188	1,926	7,582,262	Depositors.
Brazil			23,589		23,589	
Turkey			44,000			Government account.
Colombia			699,174		699,174	
Persia			605,579	605,579		Government account.
Total	73,232,195	9,919,435	84,523,972			

*Presumed to be from domestic bullion.

FEBRUARY 7, 1885.

HORATIO C. BURCHARD,
Director of the Mint.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER *pro tempore*. The regular order is the hour provided for by the new rule for the consideration of bills called up by members.

Mr. BUCKNER. I move that the House now take a recess until five minutes before 12 o'clock.

Mr. SPRINGER. I hope that will not be done. We can proceed now with business under the hour rule, and there will be that much time saved.

The SPEAKER *pro tempore*. The gentleman from Illinois is aware that this motion is not debatable.

Mr. BUCKNER. I withdraw the proposition.

NOTIFICATION TO THE SENATE.

Mr. KEIFER. Mr. Speaker, I move that notice be sent to the Senate that the House will be ready to receive the Senate at 12 o'clock to-day, to proceed with the business of the electoral count in accordance with concurrent resolution already adopted.

The motion of Mr. KEIFER was agreed to.

JOSEPH F. WILSON.

The SPEAKER *pro tempore*. The hour under the new rule now begins at fifteen minutes before 12 o'clock. The Clerk will report the bill called up in this hour yesterday by the gentleman from Illinois [Mr. CANNON], and coming over as unfinished business.

The Clerk read as follows:

Be it enacted, &c., That the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, be, and he is hereby, authorized and required to issue to Joseph F. Wilson, of Peoria, Ill., or his legal representatives or assigns, a number of warrants equal to eighty acres, in tracts not less than the subdivisions provided for in the United States land laws, to be located by the said Wilson, or his legal representatives or assigns, on any of the unoccupied and unappropriated public lands of the United States subject to pre-emption or homestead settlement, in lieu of the west half of the northeast quarter of section 19, in township 35 north, of range 5 west, situate in Porter County, Indiana, which said tract of land was entered by and patented to Josiah Smith, of Macon County, Missouri, under and by virtue of the provisions of the acts of Congress approved June 8, 1872, and March 3, 1873, relating to additional homesteads, and by the said Josiah Smith, after his said entry, sold and conveyed to the said Wilson, and of the title to and possession of which the said Wilson was divested and dispossessed by the judgment and decree of the circuit court of the United States for the district of Indiana, at the November term, A. D. 1880, thereof, by reason of a prior disposal of or a prior equitable title in and to said tract of land, as the said court held and decided, to or in persons other than the said Josiah Smith; and the said Wilson, or his legal representatives or assigns, after the location of the said warrants on such lands as he or they may select, shall be allowed patents for the land so located; and the lands taken, selected, and located as authorized and provided for by this act shall be in full satisfaction of any claim, right, or benefit which the said Josiah Smith, or any one claiming under him, may have, or may have had, under and by virtue of the provisions of the said acts of Congress, as well as in full satisfaction of any claim which the said Wilson, as assignee or grantee of the said Josiah Smith, may have, or may have had, against the United States touching said described tract of land.

Mr. CANNON. I think it is unnecessary to have the report in this case read or to make any statement.

The SPEAKER *pro tempore*. Is there objection to the consideration of this bill?

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CANNON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

EIGHTH NEW YORK HEAVY ARTILLERY ASSOCIATION.

Mr. STEVENS. I call up for consideration the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belong to said artillery, and which were captured by the confederate forces at Beam Station, on the Weldon Railroad, August 25, 1864, and are now in the custody of the office of the Adjutant-General of the United States Army; said colors to remain the property of said association.

Mr. STEVENS. I do not care to discuss this joint resolution. I think there will be no objection to it.

The SPEAKER *pro tempore*. Is there objection to the consideration of this joint resolution?

There being no objection, the House proceeded to consider the joint resolution.

Mr. STEVENS. I move to amend the joint resolution by striking out "Beam," and inserting "Ream," which is the proper name of the station referred to in the resolution.

The amendment was agreed to.

The joint resolution as amended was ordered to a third reading, read the third time, and passed.

Mr. STEVENS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, KEOKUK, IOWA.

Mr. McCOID. Mr. Speaker, I move to take up for consideration House bill No. 483, for the erection of a public building at Keokuk, Iowa.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the United States courts, post-office, and other Government offices, in the city of Keokuk, Iowa. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $150,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Iowa shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State and the service of civil process therein.

Mr. HOLMAN. I see the gentleman from Iowa [Mr. McCOID], who represents the district in which this building is situated, is on the floor, and before objection is called to the consideration of the bill I wish to inquire of the gentleman whether he is or is not willing to reduce the amount of appropriation to $100,000, and also to agree to an amendment to provide for the purchase of the site before the plan of the building is approved by the Secretary of the Treasury.

Mr. McCOID. I agree to the amendment appropriating $100,000.

The SPEAKER *pro tempore*. If there be no objection the bill will be considered as adopted.

Mr. HOLMAN. I will send up to the Clerk's desk an amendment covering the point indicated by me to the purchase of the site.

The SPEAKER *pro tempore*. The bill is not yet before the House for consideration.

Mr. HOLMAN. It can be done by unanimous consent. It is to come in after the appropriation of $100,000.

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause plan and specification of said building to be prepared, which said plan and specification shall not involve an expenditure in the erection and completion of said building or the purchase thereof exceeding the portion of $100,000 remaining after the site of said building shall have been paid for. And no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum which remains after paying for the site of said building.

Mr. HOLMAN. I understand the gentleman from Iowa accepts both of my amendments.

Mr. McCOID. I have no objection to the amendments.

Mr. WARNER, of Ohio. Is there any report accompanying this bill?

Mr. STORM. If there is, I ask that it be read.

The report was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 483) to provide for the erection of a public building in the city of Keokuk, in the State of Iowa, respectfully report that they have had the bill under consideration, and recommend the passage of the same.

The city of Keokuk is the place fixed by law for holding the circuit court and the district court of the United States for the eastern division of the southern district of Iowa, which division embraces the oldest, wealthiest, and most populous portion of the State. Keokuk is a prosperous and growing city, of a present population of 15,000 inhabitants, and is rapidly extending and increasing its commercial and manufacturing interests. It is located at the Des Moines Rapids Canal on the Mississippi River, and is the head of deep-water navigation for the largest steamers running above Saint Louis, the average depth of the river being one foot higher from Keokuk to Saint Louis than from Keokuk to Saint Paul.

The canal is eight miles in length, and was built at a cost to the United States of about $4,000,000.

The United States, pursuant to a recent act of the Forty-seventh Congress, are now building at the canal extension dry-docks, which will make the canal the finest harbor on the river.

The relation of this city to the Mississippi River and its vast and rapidly growing commerce make the court of admiralty here the most important north of Saint Louis.

Keokuk is equally fortunate in her railroad facilities, affording easy and ready communication with all parts of the district and State and adjoining States. The great railways of the West, the Wabash, Saint Louis and Pacific, the Chicago, Rock Island and Pacific, and the Chicago, Burlington and Quincy meet here and compete for business; and the Saint Louis, Keokuk and Northwestern Railway Company, running from Keokuk south to Saint Louis, and north with connecting lines to Saint Paul, and southwest with connecting lines to Kansas City, have the headquarters of its operating department at Keokuk.

Thus the commerce of this city by land and by water is important and extensive.

The post-office and internal-revenue receipts are very large, and the business of the courts is larger than at any other point in Iowa, unless at the capital of the State.

At present there are inadequate accommodations for the business of the Government. The courts, the post-office, the office of the deputy revenue collector and the office of the judges are in separate buildings on annual leases, and the public records and public property are exposed to hazards and dangers that should be promptly provided against by the erection of a suitable building.

All of the Federal judges for Iowa, the justice of the Supreme Court assigned to that circuit, the judge of the Circuit Court, and the district judge are united in the opinion that there is a pressing and urgent necessity for the erection of a public building at this point adequate to the accommodation of the public business.

ORDER OF BUSINESS.

Mr. KEIFER. I ask by unanimous consent further proceeding under

the rule be discontinued, as the time has nearly arrived when the House will receive the Senate.

The SPEAKER *pro tempore*. Only five minutes remain. In obedience to the custom heretofore observed the Chair will ask that the two front or first tiers of seats in the House may be vacated for the occupancy of the Senate.

COUNTING THE ELECTORAL VOTE.

At 12 o'clock m. the Doorkeeper announced the Senate of the United States.

The Senate entered the Hall preceded by its Sergeant-at-Arms and headed by the President and the Secretary of the Senate, the members and officers of the House rising to receive them.

The President of the Senate [Mr. EDMUNDS] took his seat as presiding officer of the joint convention of the two Houses, the Speaker *pro tempore* [Mr. BLACKBURN] occupying the chair on the left of the Vice-President.

The PRESIDENT OF THE SENATE. The two Houses have met pursuant to the Constitution and the laws and their concurrent resolution for the purpose of executing the duty required by the Constitution and the laws in the matter of counting the electoral vote for President and Vice-President cast by the electors in the several States for the term commencing on the 4th of March, 1885. The tellers appointed by the two Houses will please take their places.

Mr. HOAR and Mr. PENDLETON, the tellers appointed on the part of the Senate, and Mr. CLAY and Mr. KEIFER, the tellers appointed on the part of the House, took their seats at the Clerk's desk, at which the Secretary of the Senate and the Clerk of the House also occupied seats.

The PRESIDENT OF THE SENATE. The President of the Senate will open the votes of the several States in their alphabetical order, and now opens the certificates from the State of Alabama and hands to the chairman of the tellers on the part of the Senate the certificate of Alabama received by mail, and to the chairman of the tellers on the part of the House of Representatives the certificate received by messenger. The certificate will be read.

Senator HOAR read in full the certificate of the vote of the State of Alabama, giving 10 votes for Grover Cleveland, of the State of New York, for President of the United States, and 10 votes for Thomas A. Hendricks, of the State of Indiana, for Vice-President of the United States.

Mr. CLAY (one of the tellers) then read at length the certificate of the vote of the State of Arkansas, and announced the electoral vote of that State for President and Vice-President.

Mr. LOWRY. Mr. President, I rise to a question of order.

The PRESIDENT OF THE SENATE. The gentleman will state it.

Mr. LOWRY. Owing to slight confusion arising in the body of the House and throughout the galleries and from other causes we are entirely unable to hear the reading of these documents. I suppose one of the objects of having them read is that they may be heard by the members of the joint convention.

The PRESIDENT OF THE SENATE. The Chair will endeavor to enforce order as far as possible. Gentlemen will please preserve silence on the floor and in the galleries in order that the certificates may be heard.

Mr. SHERMAN. Mr. President, I suggest that by unanimous consent only the operative part of the certificates be read, containing simply the result of the vote, after having been examined by the Chair and found to be regular.

The PRESIDENT OF THE SENATE. In the absence of objection the tellers will read only the substance of the certificates.

There was no objection.

The tellers then proceeded to announce the electoral votes of the States of California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, and Indiana.

The PRESIDENT OF THE SENATE. The Chair now hands to the tellers the vote of the State of Iowa received in duplicate. The Chair will state that the vote received by mail not having been received by the first Wednesday in January, the Secretary of State was officially informed thereof, who sent to the district judge for the vote deposited there as required by law, which was also returned. I open them all; two will be handed to the tellers and the third placed on file, if there be no objection.

The tellers then proceeded to announce the electoral votes of the States of Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, and New Jersey.

The PRESIDENT OF THE SENATE. I now open and hand to the tellers the vote of the State of New York, received in duplicate, one by messenger and one by mail.

Mr. CLAY (one of the tellers). It appears by the certificate of the electors of the State of New York that Grover Cleveland, of the State of New York, received 36 votes for the office of President of the United States—— [Applause in the galleries.]

The PRESIDENT OF THE SENATE. Let there be order during the proceedings.

Mr. CLAY (one of the tellers) continuing. It also appears from the certificate of the electors of the State of New York that Thomas A. Hendricks, of the State of Indiana, received 36 votes for the office of Vice-President of the United States. The certificate is duly attested by the great seal of the State, and is signed by the governor—Grover Cleveland. [Loud applause on the floor and in the galleries.]

The PRESIDENT OF THE SENATE. The Sergeant-at-Arms will take into custody any gentleman or other person who, by applause or other manifestation, disturbs the order of these proceedings.

The tellers then proceeded to announce the electoral votes of the States of North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

The PRESIDENT OF THE SENATE. I have now opened the certificates of the electors of all the States, and their votes have been reported. The tellers will now make their computations and report the state of the vote.

The following is the report read by Senator HOAR, one of the tellers;

List of votes for President and Vice-President of the United States for the constitutional term to commence on the 4th day of March, 1885.

Number of electoral votes to which each State is entitled.	States.	For President.		For Vice-President.	
		Grover Cleveland, of New York.	James G. Blaine, of Maine.	Thomas A. Hendricks, of Indiana.	John A. Logan, of Illinois.
10	Alabama	10		10	
7	Arkansas	7		7	
8	California		8		8
3	Colorado		3		3
6	Connecticut	6		6	
3	Delaware	3		3	
4	Florida	4		4	
12	Georgia	12		12	
22	Illinois		22		22
15	Indiana	15		15	
13	Iowa		13		13
9	Kansas		9		9
13	Kentucky	13		13	
8	Louisiana	8		8	
6	Maine		6		6
8	Maryland	8		8	
14	Massachusetts		14		14
13	Michigan		13		13
7	Minnesota		7		7
9	Mississippi	9		9	
16	Missouri	16		16	
5	Nebraska		5		5
3	Nevada		3		3
4	New Hampshire		4		4
9	New Jersey	9		9	
36	New York	36		36	
11	North Carolina	11		11	
23	Ohio		23		23
3	Oregon		3		3
30	Pennsylvania		30		30
4	Rhode Island		4		4
9	South Carolina	9		9	
12	Tennessee	12		12	
13	Texas	13		13	
4	Vermont		4		4
12	Virginia	12		12	
6	West Virginia	6		6	
11	Wisconsin		11		11
401		219	182	219	182

GEO. F. HOAR,
GEO. H. PENDLETON,
Tellers on the part of the Senate.
J. WARREN KEIFER,
J. F. CLAY,
Tellers on the part of the House of Representatives.

Senator HOAR (one of the tellers) said: Mr. President, the tellers on the part of the Senate, and on the part of the House of Representatives, have ascertained the state of the vote of the electors of the respective States for the offices of President and Vice-President of the United States; and it appears that the whole number of electors appointed to vote for President and Vice-President is 401, of which a majority is 201. The state of the vote for President of the United States is for Grover Cleveland, of the State of New York, 219; for James G. Blaine, of the State of Maine, 182. For Thomas A. Hendricks, of the State of Indiana, for the office of Vice-President of the United States, 219; and for John A. Logan, of the State of Illinois, for the office of Vice-President, 182.

The PRESIDENT OF THE SENATE. Senators and members of the House of Representatives:

The tellers have reported to the presiding officer the state of the vote which you have heard, from which it appears that Grover Cleveland, of the State of New York, has received 219 votes for the office of Presi-

dent of the United States, and that James G. Blaine, of the State of Maine, has received 182 votes for the same office; that Thomas A. Hendricks, of the State of Indiana, has received 219 votes for the office of Vice-President of the United States, and that John A. Logan, of the State of Illinois, has received 182 votes for the same office.

Wherefore, I do declare that Grover Cleveland, of the State of New York, has received a majority of the votes of the whole number of electors appointed, as they appear in the certificates read by the tellers, and so appears to have been elected President of the United States for four years, commencing on the 4th day of March, 1885; and that Thomas A. Hendricks, of the State of Indiana, has received a majority of the votes of the whole number of electors appointed, as they appear in the certificates read by the tellers, and so appears to have been elected Vice-President of the United States for four years, commencing on the 4th day of March, 1885. And the President of the Senate makes this declaration only as a public statement in the presence of the two Houses of Congress of the contents of the papers opened and read on this occasion, and not as possessing any authority in law to declare any legal conclusion whatever.

The business for which the joint convention assembled having been completed, the Senate will retire to its own Chamber.

[The announcement of the result of the vote was received with loud applause on the floor and in the galleries.]

The Senate then retired from the Hall; and (at 1 o'clock and 17 minutes p. m.) the Speaker *pro tempore* resumed the chair, and called the House to order.

ORDER OF BUSINESS.

Mr. THOMPSON. I move that the House take a recess for fifteen minutes, in order that the Hall may be cleared.

The Senate then retired from the Hall; and (at 1 o'clock and 17 minutes p. m.) the House took a recess for fifteen minutes.

AFTER THE RECESS.

The recess having expired, the House reassembled at 1 o'clock and 35 minutes p. m.

The SPEAKER *pro tempore*. The Clerk will report the bill which was under consideration during the special hour when the business of the House was suspended for the assembling of the joint convention of the two Houses.

Mr. KEIFER rose.

Mr. TOWNSHEND. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. I desire to know if the House did not, before suspending business for the purpose of proceeding to the electoral count, dispense with the remainder of the special hour?

The SPEAKER *pro tempore*. The Chair thinks not.

Mr. TOWNSHEND. I think the Journal will show that it did.

The SPEAKER *pro tempore*. That could only have been done by unanimous consent, and no such request was submitted to the House.

Mr. SPRINGER. According to the ruling of the Chair on a former occasion the hour under the special rule consists of sixty minutes next after the beginning of the hour. The Chair made that ruling on a point of order raised by myself.

The SPEAKER *pro tempore*. Does the gentleman from Illinois raise the point of order now?

Mr. SPRINGER. I do not. I merely state that was the ruling of the Chair on a former occasion.

The SPEAKER *pro tempore*. The Chair will rule on any point of order if the gentleman desires to make it.

Mr. SPRINGER. Then I make the point of order that the hour under the special rule has expired.

The SPEAKER *pro tempore*. The Chair does not think the point of order is well taken. There should not, in the judgment of the Chair, be taken into account the time occupied by the joint session of the two Houses. The Chair does not think that should be counted against the hour under the rule which the House adopted for the transaction of its business.

Mr. SPRINGER. I am very glad to hear the Chair make that ruling, because it is exactly in accordance with my previous idea.

The SPEAKER *pro tempore*. And the Chair would further remark that the House has not been in session, but the two Houses were in session.

COUNT OF THE ELECTORAL VOTE.

Mr. KEIFER. According to custom, I furnish a report of the official count of the electoral vote as declared by the President of the Senate for the purpose of having it spread upon the Journal.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER], one of the tellers on the part of the House, submits the report by the tellers of the official count of the electoral vote for President and Vice-President of the United States in order that the same may be spread upon the Journal of this House.

Mr. KEIFER. And published in the RECORD.

The report was ordered to be spread upon the Journal of the House and published in the RECORD. [It appears in the proceedings of the joint convention of the two Houses.]

Mr. KEIFER. I now offer a resolution, in the usual form, declaring the sense of the House in the matter of the electoral count.

The SPEAKER *pro tempore*. The Clerk will report the resolution submitted by the gentleman from Ohio.

The Clerk read as follows:

Whereas the House of Representatives having met the Senate in accordance with the fifth section of the act of 1st March, 1792, relative to the election of President and Vice-President of the United States, and the electoral votes having been opened by the President of the Senate *pro tempore* in the presence of the two Houses of Congress and counted by the tellers appointed on the part of the two Houses of Congress, and it appearing that the whole number of electors appointed to vote for President and Vice-President of the United States is 401, of which a majority is 201, and it further appearing that Grover Cleveland, of the State of New York, had received 219 votes for President of the United States, and that Thomas A. Hendricks, of the State of Indiana, had received 219 votes for Vice-President of the United States, which number is a majority of the votes of the whole number of electors appointed, and the same having been duly declared by the President *pro tempore* of the Senate in the presence of the two Houses: Therefore,

Resolved by the House of Representatives, That it is the sense of this House that the Constitution and laws have been duly executed and that no further declaration of these facts is necessary.

Mr. RANDALL. Is that resolution before the House for consideration?

The SPEAKER *pro tempore*. The Chair thinks the resolution is of such a privileged character that it is before the House for consideration now.

Mr. RANDALL. I have no objection to it. I only wish to modify it so that it shall be communicated to the Senate. It does not appear to embrace that within its provisions.

Mr. KEIFER. I supposed the resolution would be communicated to the Senate without a special provision for so doing. This is exactly the resolution offered in the House four years ago, with the exception that that resolution was in the form of a concurrent resolution, although it was not sent to the Senate. The Senate adopted a resolution exactly in this form four years ago, with the exception that it was in form of a concurrent resolution, and it was not sent to the House. So we make them separate resolutions, one of the Senate and one of the House.

Mr. RANDALL. I wish merely to suggest that the fact of the House having adopted this resolution be communicated to the Senate.

Mr. KEIFER. I think that may be done without putting it in the resolution.

The SPEAKER *pro tempore*. The Chair hears no objection to the Clerk of the House being directed to communicate the resolution to the Senate if adopted.

Mr. POLAND. It appears to me this resolution is faulty in form. It refers to the provisions of an act of 1792, which act was repealed. Its provisions are contained in chapter 1 of title 3 of the Revised Statutes of the United States. The resolution should refer to the provisions of that chapter and not to the act of 1792, which was in form repealed. I would suggest that what is said in the resolution as to the act of 1792 be stricken out, and that there be inserted a reference to the provisions of chapter 1 of title 3 of the Revised Statutes of the United States.

Mr. KEIFER. It is possible that the criticism upon the resolution made by the distinguished gentleman from Vermont is a fair one. I wish to say, however, that the resolution in that respect is precisely in the language of the resolution adopted four years ago and on prior occasions of like character. And yet, Mr. Speaker, I think that the fact of the repeal of this statute in the revision of the laws being well settled it might be better to modify the resolution as the gentleman from Vermont suggests, so that it shall refer to the chapter of the Revised Statutes on the subject of the electoral count.

The SPEAKER *pro tempore*. Does the gentleman from Ohio accept the amendment suggested by the gentleman from Vermont?

Mr. KEIFER. I do; and will modify the resolution accordingly.

The SPEAKER *pro tempore*. The Chair hears no objection to the modification proposed.

Mr. HOLMAN. We did not hear what the modification was.

The SPEAKER *pro tempore*. The gentleman from Vermont will communicate to the Clerk's desk the amendment he proposes to offer.

Mr. HAMMOND. Mr. Speaker, there can be no trouble about this matter now; but, as it may become a precedent, I suggest that it had better be referred to the Committee on the Judiciary.

Mr. KEIFER. The change ought to be made now. There is no question about the fact of the repeal of the statute. The resolution can be amended, and I accept the amendment which the gentleman from Vermont [Mr. POLAND] has sent to the Clerk's desk to be read.

The Clerk read as follows:

Strike out "the fifth section of the act of 1st March, 1792," and insert "chapter 1 of title 3 of the Revised Statutes of the United States."

Mr. HAMMOND. Will the gentleman from Ohio [Mr. KEIFER] permit me to ask him a question?

Mr. KEIFER. Certainly.

Mr. HAMMOND. I ask it for information only. Why is it that we change the form of the resolution now from what it was four years ago, making it a separate House resolution instead of a concurrent resolution?

Mr. KEIFER. We changed the form simply because the resolution enacted four years ago in the form of a concurrent resolution was in fact only a House resolution, which was not sent to the Senate for their action. The Senate did the same thing. They adopted a resolution which was also in the form of a concurrent resolution, but was in fact

only a declaration of the sense of the Senate and did not come to the House for its action.

Mr. HAMMOND. Why?

Mr. KEIFER. Simply because each House acted separately, and while the Senate resolution was in form a concurrent resolution it was in fact a mere resolution of that body. I will state further, for the information of the gentleman from Georgia [Mr. HAMMOND], that on yesterday, at a conference held between the tellers on the part of the Senate and the tellers on the part of the House, in the presence of the President of the Senate, this very matter was considered, and it was agreed that we should put the resolution in a form to correspond with the fact, and strike out the concurrent feature of it. That was agreed to in the conference by Senator PENDLETON and others.

Mr. HAMMOND. Mr. Speaker, I would ask whether the tellers on the part of the House on our side are satisfied with the change?

Mr. CLAY. There is no objection to it at all.

Mr. HAMMOND. Then I have none.

Mr. SPRINGER. Mr. Speaker, I desire to say a word before this matter has been passed upon by the House. From the announcement made here by the president of the joint convention it seems that there was no declaration as to the result of the vote. On the contrary, the President of the Senate simply announced that it appeared from the count made by the tellers that Grover Cleveland had received the number of votes indicated, and that the other candidates had received the number of votes indicated as having been cast for them, and he then went on to disclaim any intention to make any official declaration as to the result of the count.

Mr. KEIFER. I beg the gentleman's pardon.

Mr. SPRINGER. Now, Mr. Speaker, I find that at the time Mr. Lincoln was declared elected the Vice-President said:

Abraham Lincoln, of Illinois, having received a majority of the whole number of electoral votes cast, is elected President of the United States for four years, commencing on the 4th day of March, 1861.

A similar announcement was made as to the election of the Vice-President. I see further, that the same form was followed when General Grant was declared elected President of the United States. At this time there has been a departure from that practice and no official declaration has been made here that anybody is elected to the office of either President or Vice-President of the United States.

Mr. KEIFER. The gentleman is mistaken about that.

Several MEMBERS. The vote was announced.

Mr. SPRINGER. Yes; the vote was announced. The president of the joint convention announced that one candidate had received so many votes and that the other candidate had received so many votes, but he then went on to make the disclaimer to which I have referred. Now, that is a departure from all the precedents upon this subject, and for that reason I would prefer that this whole matter should be referred to the Committee on the Judiciary, with instructions to report such additional resolution as may be necessary for the purpose of making known the official result of the election.

The SPEAKER *pro tempore*. The Chair desires to say that the President *pro tempore* of the Senate, the presiding officer of the joint convention, in making the announcement of the ascertainment of the vote as had to-day, announced the result that had been found, and simply added a disclaimer of any authority on his part, as the presiding officer of the Senate or the presiding officer of the joint convention, to make any declaration at all. Does the gentleman from Illinois [Mr. SPRINGER] make any motion?

Mr. SPRINGER. I do. I move that this whole matter be referred to the Committee on the Judiciary.

Mr. MOULTON. I think the declaration is exactly right.

The SPEAKER *pro tempore*. In the judgment of the Chair the declaration of the presiding officer of the joint convention was exactly what it should have been.

Mr. KEIFER. And it has no relation at all to this resolution.

Mr. SPRINGER. I have not asked the Speaker for his opinion. I desire to state mine.

The SPEAKER *pro tempore*. The Chair desires to state, as the officer representing the House in the joint convention, that there would have been a protest made if in the judgment of the Chair any improper declaration had been made on the part of the presiding officer of the joint convention.

Mr. HAMMOND. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. My point is that the joint session having made its declaration, this House has now nothing to do with whether it made it correctly or incorrectly.

Mr. SPRINGER. Mr. Speaker, I have not made any motion in reference to that.

Several members addressed the Chair.

The SPEAKER *pro tempore*. Does the gentleman make any motion?

Mr. SPRINGER. I desire to make a motion, if I can get permission to state it.

Mr. COX, of New York. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX, of New York. There is no motion before the House.

The SPEAKER *pro tempore*. The gentleman is mistaken; there are two motions before the House. [Laughter.]

Mr. COX, of New York. Then I move to lay them on the table.

The SPEAKER *pro tempore*. The Chair has not recognized the gentleman for that purpose. The gentleman from Illinois [Mr. SPRINGER] will submit his motion.

Mr. SPRINGER. I move to commit this whole subject to the Committee on the Judiciary, with instructions to report to the House what further declaration, if any, should be made for declaring the election of the persons who have been elected President and Vice-President of the United States.

Mr. RANDALL. Mr. Speaker, I submit that the announced vote elects, and that any ministerial part of the proceeding is not essential to the establishment of the fact that Grover Cleveland and Thomas A. Hendricks have been elected by the electoral college President and Vice-President of the United States.

The SPEAKER *pro tempore*. The Chair concurs with the gentleman.

Mr. CLAY. The declaimer to which reference has been made was only a position taken by the President of the Senate.

Mr. SPRINGER. It is discovered only at this late day that that is a proper way to make the announcement.

Mr. HAMMOND and several other members addressed the Chair at the same time.

The SPEAKER *pro tempore*. The Chair can not listen to a dozen gentlemen at once. The Chair will not recognize the gentleman from Georgia [Mr. HAMMOND] except in his order.

Mr. HAMMOND. I am in order, because I desire to make a point of order.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman to make his point of order, but will try to secure order first. [After a pause.] The gentleman from Ohio [Mr. KEIFER] has submitted a resolution, to which an amendment has been offered by the gentleman from Vermont [Mr. POLAND], which amendment has been accepted by the gentleman from Ohio [Mr. KEIFER].

Mr. COX, of New York. What is it? Let it be read.

Mr. TUCKER. Mr. Speaker, may I ask to have that resolution reported?

The SPEAKER *pro tempore*. The Chair will ask to be allowed to state the question that is before the House, and then, unless there be objection, the resolution will be again reported to the House by the Clerk. The gentleman from Ohio [Mr. KEIFER] submitted a resolution, to which the gentleman from Vermont [Mr. POLAND] offered an amendment, which the gentleman from Ohio [Mr. KEIFER] has indicated his willingness to accept. The gentleman from Illinois [Mr. SPRINGER] has moved to refer the whole matter, the resolution and the amendment, to the Committee on the Judiciary. That motion is now pending, and the Chair recognizes the gentleman from Georgia [Mr. HAMMOND], who raises a question of order.

Mr. SPRINGER. I withdraw my motion.

Mr. HAMMOND. Then I withdraw my point of order.

Mr. KEIFER. I have no objection to having the resolution reported again, as modified, for the benefit of the gentleman.

The SPEAKER *pro tempore*. In the absence of objection the Clerk will again report the resolution.

Mr. COX, of New York. I imagine that the Constitution settles this matter.

Mr. KEIFER. I do not yield the floor for further discussion. I demand the previous question.

The SPEAKER *pro tempore*. If the gentleman from New York [Mr. COX] rises to a point of order he will state it.

Mr. COX, of New York. Let the resolution first be read.

The SPEAKER *pro tempore*. The Chair had already directed the reading when interrupted by the gentleman from New York.

Mr. COX, of New York. The "gentleman from New York" did not intend to interrupt the Chair for a moment.

The SPEAKER *pro tempore*. The Clerk will report the resolution.

The resolution having been again read,

Mr. KEIFER. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] asks that, in the event of the adoption of this resolution, it shall be made the duty of the Clerk of this House to communicate the fact of its adoption to the Senate.

Mr. KEIFER. I understood that had already been agreed to.

The SPEAKER *pro tempore*. The Chair hears no objection to the suggestion of the gentleman from Pennsylvania.

Mr. KEIFER. I demand the previous question on the adoption of this resolution. I think it is simply a declaration of the sense of the House. It does not elect anybody, but is a proper thing to be done.

Mr. COX, of New York. I would like to have an extract from the Constitution read, so as to show that all this is irrelevant and superfluous.

Mr. KEIFER. I yield to allow the reading of the extract referred to by the gentleman, but for no other purpose.

The Clerk read as follows:

The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of electors appointed.

* * * * * * *

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed.

Mr. KEIFER. I must now insist on the previous question.

Mr. COX, of New York. I think the Constitution in this matter executes itself.

Mr. KEIFER. I agree to that; but I insist on the previous question.

Mr. COX, of New York. I move to lay the resolution on the table. I do not propose to make a precedent for the future; and I do not want my friend on the other side to elect our President.

Mr. KEIFER. The reason I have insisted on the previous question is because I hoped we would get to other business. It is not important to me whether the resolution be adopted or not; but it is in accordance with custom. It is in the same form as a resolution offered four years ago by Mr. House, then a member from Tennessee.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from New York [Mr. COX] to lay on the table the resolution of the gentleman from Ohio as amended by the motion of the gentleman from Vermont.

The question being taken, there were—ayes 78, noes 70.

Mr. KEIFER. Let us have tellers.

Mr. MOULTON. I call for the yeas and nays.

The yeas and nays were ordered, there being—ayes 34, noes 28.

The SPEAKER *pro tempore*. The Clerk will proceed to call the roll.

Mr. ROGERS, of Arkansas. I hope the resolution will be read again.

The SPEAKER *pro tempore*. If there be no objection the Clerk will again report the resolution.

Mr. ROBERTSON. I object.

Mr. BAYNE. I hope the resolution will be reported again.

The SPEAKER *pro tempore*. The Chair has no authority to order the resolution reported a third time, when objection has been made.

The question was taken on the motion of Mr. COX, of New York, and it was decided in the affirmative—yeas 137, nays 113, not voting 73; as follows:

YEAS—137.

Adams, J. J.	Davis, L. H.	Lanham,	Seymour,
Aiken,	Dibrell,	Long,	Shively,
Alexander,	Dockery,	Lore,	Singleton,
Bagley,	Dorsheimer,	Lovering,	Spriggs,
Ballentine,	Dowd,	Lowry,	Springer,
Barbour,	Dunn,	Lyman,	Steele,
Barksdale,	Eaton,	McCoid,	Stevens,
Bayne,	Eldredge,	Maybury,	Stewart, Charles
Beach,	Elliott,	Miller, J. F.	Stewart, J. W.
Bennett,	English,	Money,	Swope,
Blackburn,	Follett,	Morgan,	Talbott,
Boyle,	Garrison,	Morse,	Taylor, J. M.
Brainerd,	Geddes,	Moulton,	Thompson,
Broadhead,	Gibson,	Muldrow,	Tillman,
Browne, T. M.	Graves,	Muller,	Tucker,
Buchanan,	Green,	Murphy,	Van Alstyne,
Budd,	Greenleaf,	Mutchler,	Van Eaton,
Burleigh,	Hanback,	Neece,	Wallace,
Burnes,	Hardy,	Oates,	Warner, A. J.
Cabell,	Hatch, H. H.	O'Ferrall,	Warner, Richard
Caldwell,	Hatch, W. H.	O'Neill, J. J.	Weaver,
Campbell, Felix	Henley,	Payson,	Wellborn,
Campbell, J. E.	Herbert,	Peel,	Wemple,
Candler,	Hewitt, A. S.	Pryor,	Wilkins,
Carleton,	Hill,	Pusey,	Williams,
Cassidy,	Hopkins,	Ranney,	Willis,
Clardy,	Houseman,	Reagan,	Wilson, W. L.
Clements,	Hunt,	Reese,	Winans, John
Converse,	Hurd,	Robertson,	Wolford,
Covington,	Hutchins,	Robinson, W. E.	Wood,
Cox, S. S.	Jeffords,	Rockwell,	York,
Cox, W. R.	Johnson,	Rogers, J. H.	Young.
Crisp,	Jones, B. W.	Russell,	
Culberson, D. B.	Jones, J. H.	Ryan,	
Dargan,	Jones, J. K.	Seney,	

NAYS—113.

Adams, G. E.	Findlay,	McCormick,	Stone,
Anderson,	Finerty,	McMillin,	Storm,
Bingham,	Forney,	Millard,	Strait,
Bisbee,	Fyan,	Morrill,	Struble,
Bland,	Guenther,	Nicholls,	Sumner, D. H.
Blount,	Halsell,	Nutting,	Taylor, E. B.
Boutelle,	Hammond,	O'Neill, Charles	Taylor, J. D.
Brewer, F. B.	Hancock,	Paige,	Thomas,
Brewer, J. H.	Hardeman,	Parker,	Townshend,
Brown, W. W.	Harmer,	Patton,	Tully,
Brumm,	Hart,	Perkins,	Turner, H. G.
Campbell, J. M.	Haynes,	Peters,	Turner, Oscar
Cannon,	Hemphill,	Pierce,	Valentine,
Clay,	Henderson, T. J.	Poland,	Vance,
Connolly,	Hepburn,	Post,	Wadsworth,
Cosgrove,	Hewitt, G. W.	Potter,	Wait,
Culbertson, W. W.	Hiscock,	Randall,	Wakefield,
Cullen,	Hoblitzell,	Ray, Ossian	Ward,
Cutcheon,	Holman,	Reid, J. W.	Washburn,
Davidson,	Holmes,	Rice,	White, Milo
Davis, G. R.	Horr,	Rowell,	Wilson, James
Davis, R. T.	Houk,	Skinner, C. R.	Winans, E. B.
Dibble,	Keifer,	Skinner, T. G.	Wise, G. D.
Dingley,	Ketcham,	Smith, A. Herr	Woodward,
Ellwood,	Lawrence,	Smith, H. Y.	Worthington,
Ermentrout,	Le Fevre,	Snyder,	Yaple.
Evans,	Lewis,	Spooner,	
Everhart,	Libbey,	Stephenson,	
Fiedler,	McComas,	Stockslager,	

NOT VOTING—73.

Arnot,	Ellis,	Kleiner,	Rankin,
Atkinson,	Ferrell,	Lacey,	Ray, G. W.
Barr,	Foran,	Laird,	Reed, T. B.
Belford,	Funston,	Lamb,	Riggs,
Belmont,	George,	McAdoo,	Robinson, J. S.
Blanchard,	Glascock,	Matson,	Rogers, W. F.
Bowen,	Goff,	Miller, S. H.	Rosecrans,
Bratton,	Henderson, D. B.	Milliken,	Shaw,
Breckinridge,	Hitt,	Mills,	Slocum,
Breitung,	Holton,	Mitchell,	Smalls,
Buckner,	Hooper,	Morrison,	Sumner, C. A.
Chalmers,	Howey,	Murray,	Throckmorton,
Cobb,	James,	Nelson,	Weller,
Collins,	Jones, J. T.	Ochiltree,	White, J. D.
Cook,	Jordan,	O'Hara,	Whiting,
Craig,	Kean,	Payne,	Wise, J. S.
Curtin,	Kelley,	Pettibone,	
Deuster,	Kellogg,	Phelps,	
Dunham,	King,	Price,	

So the resolution as amended was laid on the table.

Mr. LORE moved to dispense with the reading of the names.

Mr. KEIFER objected.

The following additional pairs were announced from the Clerk's desk:

On all political questions, until further notice—

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. COOK with Mr. LACEY, for this day.

Mr. MATSON with Mr. MILLER, of Pennsylvania.

Mr. JORDAN with Mr. HOLTON.

Mr. GLASCOCK with Mr. KELLEY.

Mr. FORAN with Mr. BOWEN.

Mr. FERRELL with Mr. KEAN.

Mr. MCADOO with Mr. CRAIG.

Mr. MURRAY, with Mr. HENDERSON, of Iowa.

Mr. ROSECRANS with Mr. HOOPER, on this vote.

Mr. LAMB with Mr. JAMES.

Mr. KING with Mr. WHITING.

Mr. CURTIN with Mr. BARR.

Mr. ELLIS with Mr. DUNHAM.

Mr. MILLS with Mr. NELSON.

Mr. SLOCUM, with Mr. RAY, of New York.

Mr. RIGGS with Mr. PAYNE.

The vote was then announced as above recorded.

NOTIFICATION TO PRESIDENT AND VICE-PRESIDENT ELECT.

Mr. CLAY. Mr. Speaker, I desire to offer the resolution I send to the Clerk's desk.

The SPEAKER *pro tempore*. The gentleman from Kentucky submits a privileged resolution, which will be read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a committee of two members of the House be appointed by the House, and one member of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th day of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1885.

Second. That the President of the Senate do make out and sign a certificate in the words following:

CERTIFICATE OF ELECTION.

Be it known that the Senate and House of Representatives of the United States of America, having been convened in the city of Washington, on the second Wednesday in February, in the year of our Lord 1885, the underwritten President of the Senate *pro tempore* did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for President and Vice-President of the United States; whereupon it appeared that Grover Cleveland, of the State of New York, had a majority of the votes of the electors as President, and Thomas A. Hendricks, of the State of Indiana, had a majority of the votes of the electors as Vice-President.

By all of which it appears that Grover Cleveland, of the State of New York, has been duly elected President, and Thomas A. Hendricks, of the State of Indiana, has been duly elected Vice-President, of the United States, agreeably to the Constitution, for the term of four years, beginning on the 4th day of March, 1885.

In witness whereof I have hereunto set my hand this —— day of February, 1885, and have sealed with the seal of the Senate.

And that the committee hereby appointed, when notifying the persons elected of their election to the offices of President and Vice-President of the United States, shall present to each of them a duly authenticated copy of the foregoing certificate.

Mr. CLAY. I offer that resolution, Mr. Speaker, in accordance——

Mr. DUNN. Mr. Speaker, by consent of the gentleman from Kentucky I ask him to allow me to move an amendment to that resolution, changing the resolution in the statement made that the President of the Senate opened and counted the votes, so it will read: "That he opened the certificates of the electoral votes of the several States, and they were counted in the presence of the two Houses."

Mr. CLAY. I accept that amendment as a modification of my resolution.

The SPEAKER *pro tempore*. As it is a matter of some importance, the Chair will ask the gentleman to reduce his amendment to writing.

Mr. CLAY. I do not think it is necessary to make any extended remarks on the resolution which I have presented. It is in accordance with all the precedents heretofore except as to the two most recent Presidential elections. I now demand the previous question on my

resolution as modified at the suggestion of the gentleman from Arkansas [Mr. DUNN].

Mr. COX, of New York. With the consent of my friend from Kentucky I move to strike out "three" and insert "five" as the number constituting the committee, two on the part of the Senate and three on the part of the House.

Mr. CLAY. That is rather a large committee.

Mr. COX, of New York. It is suggested in deference to the opinion of gentlemen on both sides.

Mr. JOSEPH D. TAYLOR. I rise to a parliamentary inquiry. I wish to know from the Speaker what rule of the House or clause of the Constitution justifies the presentation of this resolution as a question of privilege?

Mr. CLAY. It has been so regarded from the very beginning.

The SPEAKER *pro tempore*. According to the custom and all the precedents such resolution on this day has uniformly been regarded as one of the highest privilege. It is not so much a question of rule as it is in accordance with the mandate of the Constitution of the United States.

Mr. JOSEPH D. TAYLOR. I move to lay the resolution upon the table.

The SPEAKER *pro tempore*. That motion will be in order when the gentleman is recognized as having the floor. The gentleman from Kentucky [Mr. CLAY] is entitled to the floor.

Mr. CLAY. I have not yielded the floor.

Mr. KEIFER. I ask the gentleman from Kentucky to yield to me not to exceed five minutes.

Mr. JOSEPH D. TAYLOR. I rise to another parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. When can I make the motion to lay the whole resolution upon the table?

The SPEAKER *pro tempore*. The gentleman can submit that motion as soon as he gets the floor.

The resolution was reported as modified.

Mr. HOLMAN. Unless the precedents are uniform——

Mr. CLAY. Permit me to state, Mr. Speaker, right here that I accept the suggestion of the gentleman from New York [Mr. COX], and will therefore modify the resolution so as to make the committee consist of five—two from the Senate and three from the House. I will now yield the floor to the gentleman from Indiana.

Mr. HOLMAN. Mr. Speaker, unless the precedents have been uniformly in favor of such action as is proposed by the last clause of this resolution, providing for the execution of a certificate of election of the President and Vice-President by the presiding officer of the Senate—I say unless the precedents are uniform in that direction, and I think they are not, I must, as a member of the House, object to that portion of the resolution.

The declaration of the result of the count is unquestionably proper—the counting of the votes. The appointment of a committee of the two Houses of Congress to wait upon the President and Vice-President elect and inform them of the result of the count is for manifest reasons proper. Beyond that I do not think the House should go. I think the action of the two Houses ought to terminate right there; and therefore I say again that, unless my friend from Kentucky [Mr. CLAY] has found the precedents uniformly recognizing some other attestation than the simple declaration of the result of the counting of the vote, I hope he will consent that the last part of the resolution which provides for the official certificate of the President of the Senate be stricken out.

It is clearly apparent, Mr. Speaker, from what has occurred in the history of this country to what perils the Government might be exposed in the future if it was recognized that the title under which the office of President and Vice-President shall be held required some other procedure than a compliance with the simple requirements of the Constitution of the result of the count.

Mr. CLAY. Mr. Speaker, I can not say in response to the gentleman from Indiana that the precedents are entirely uniform, but in the election of General Washington, the first President, that form was pursued.

Mr. SPRINGER. Oh, well; what was good enough for Washington ought to be good enough for us. [Laughter.]

Mr. CLAY. In the election of Mr. Harrison that same form was pursued. In the election of General Grant in his second term, and Mr. Lincoln, I think, it was also pursued.

Mr. HOLMAN. But, as I understand the gentleman, it has not been the uniform practice?

Mr. CLAY. It has not been uniformly pursued, as I have stated.

Mr. HOLMAN. There is not then a uniform line of precedents—occasional instances only of such a verification as is now proposed. I think we ought not to follow and give new force to a questionable precedent, and one which experience has demonstrated might, in an unfortunate contingency not unlikely to arise in the future, greatly endanger the public safety. It is a precedent that we certainly should not now reaffirm. The counting of the vote and declaration of the result of the count, in the manner contemplated by the Constitution, and the appointment of a committee to inform the citizens chosen for President and Vice-President of their election, is as far as we can, in my judgment, go with safety. I trust my friend from Kentucky [Mr. CLAY] will consent that all of the resolution shall be omitted except the part providing for the committee.

Mr. CLAY. I think, Mr. Speaker, that if this resolution be proper at all it is very proper that the persons elected to the offices of President and Vice-President should have that information given to them and the certificates of election at the same time.

Mr. HOLMAN. But the gentleman will not hold that it is necessary or that it is required by the Constitution.

Mr. CLAY. It is not necessary, nor is it required by the Constitution.

Mr. WARNER, of Ohio. I move to strike out all of that portion of the resolution which provides for the certificate—all after the first clause.

The SPEAKER *pro tempore*. The gentleman from Kentucky is entitled to the floor.

Mr. CLAY. I have said that I did not regard it as necessary, nor is it required by the Constitution; but it is well known that the President and Vice-President elect do not know officially the fact of their election unless such action shall be taken by the Congress. This simply prescribes that an official notification shall be sent to them. At present there is nothing but the statement in the public press of the country.

I have agreed to yield five minutes to the gentleman from Ohio [Mr. KEIFER].

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the amendment of the House of Representatives to the bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.; and also that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested, namely:

A bill (S. 2609) to provide a permanent reservation for the Indians in Northern Montana, and for other purposes.

NOTIFICATION TO PRESIDENT-ELECT.

Mr. KEIFER. Mr. Speaker, I shall not perhaps occupy that much time. I rise to say, sir, simply that this resolution, in so far as it is necessary under the Constitution and the laws of the United States, in the matter of determining the election of the President and Vice-President, is wholly unnecessary. Like the resolution just laid upon the table it is not one of the essential things in the determination of the result of the count of the electoral votes. But, like that resolution, it may be a matter of courtesy on the part of the Congress of the United States, that witnessed the count of the electoral vote and the ascertainment of the result, that the officers who are elected by that count should have a proper notification. That is all.

Whether Grover Cleveland receives a notice through the newspapers of the day, through the CONGRESSIONAL RECORD, or by notification sent by the Vice-President, or through the action of a committee that may be sent by the two Houses of Congress, or not at all, it makes no difference so far as concerns the question as to who will be the President of the United States for four years from the 4th of March next.

But, sir, I maintain that there are sufficient precedents for the adoption of this resolution. They are not uniform, it is true, from the beginning of Presidential elections down to the present time, but there are precedents, and of a character that it seems to me are well worth following. In the important act of electing a Chief Magistrate of the United States, when we have done all that is essential and gone through all of the requisite forms, it is due the dignity of that high office, and to the person elected to it, that we should notify him in some form. There are many things which we do which do not belong to and can not be classified as absolutely essential, and yet they are important and in accordance with right and good policy. If the notification of the election of a person to the high office of President and another to the high office of Vice-President is only a courtesy, I would still give it.

We have had twenty-five elections for Presidential terms. In seven cases there have been re-elections of persons who were President. Washington was re-elected, Jefferson was re-elected, Madison, Monroe, Jackson, Lincoln, and Grant were each re-elected to the office of President of the United States. My recollection now is, from having examined the question some time since, that in each of these cases of re-election at least there were committees sent to notify the President-elect of his election to the office of President of the United States. I do not say that this has been uniformly the case, but in some instances it has been the practice.

In other cases the policy has been to send a notification in writing over the signature of the President of the Senate to the person elected President of the United States and to the person elected Vice-President of the United States. In some instances Congress has called on the President-elect after he was notified to send notice to the Vice-President-elect of his election. But there are numerous instances that form precedents for the action proposed to be taken under the pending resolution. Therefore I shall vote for this resolution.

Mr. COSGROVE. I wish to ask the gentleman from Ohio a question.

The SPEAKER *pro tempore*. The time of the gentleman from Ohio has expired.

Mr. COSGROVE. Then I will address to the Chair a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COSGROVE. Is it not customary for all joint resolutions to be signed by the presiding officers of one or other or both bodies?

The SPEAKER *pro tempore*. It is. But this is not a joint resolution. It is a concurrent resolution.

Mr. HOLMAN. Will the gentleman from Kentucky [Mr. CLAY] yield to me for a moment?

Mr. CLAY. Yes, sir.

Mr. HOLMAN. I move to strike out all of the resolution but the first clause?

The SPEAKER *pro tempore*. There is a motion now pending, made by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR], as the Chair understands, to lay the resolution on the table.

Mr. WASHBURN. I thought the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] was not allowed to make that motion.

The SPEAKER *pro tempore*. The Chair understood the gentleman from Ohio to make that motion, and that this discussion was going on by unanimous consent.

Mr. WASHBURN. I understood the Chair to say he would recognize the gentleman from Ohio to make that motion when it was in order to do so.

The SPEAKER *pro tempore*. Does the gentleman from Kentucky [Mr. CLAY] claim he was holding the floor to the exclusion of the gentleman from Ohio to make the motion to lay on the table?

Mr. CLAY. I do. I now move the previous question on the resolution as amended, and the amendment of the gentleman from Indiana [Mr. HOLMAN], which proposes to strike out that part of the resolution that relates to the certificate.

Mr. WARNER, of Ohio. That is to say, it proposes to strike out all after the first clause of the resolution.

Mr. JOSEPH D. TAYLOR. I move to lay the resolution on the table.

Mr. WARNER, of Ohio. I rise to make a parliamentary inquiry.

Mr. COX, of New York. The motion to lay on the table is not debatable.

The SPEAKER *pro tempore*. That motion is not debatable. But the gentleman from Ohio [Mr. WARNER] rises to make a parliamentary inquiry. The gentleman will state it.

Mr. WARNER, of Ohio. I wish to know whether the gentleman from Kentucky [Mr. CLAY] accepts the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The SPEAKER *pro tempore*. The gentleman from Kentucky has no such power. It is for the House to determine whether the amendment shall be adopted or not.

Mr. WARNER, of Ohio. That amendment is pending.

The SPEAKER *pro tempore*. It is pending. The question is on the motion of the gentleman from Ohio to lay the resolution on the table.

Mr. CLAY. I desire to make a parliamentary inquiry. Which motion has precedence?

The SPEAKER *pro tempore*. The motion to lay on the table. The gentleman from Kentucky has asked the previous question on the adoption of the resolution he has submitted, subject to the amendment offered by the gentleman from Indiana; and, pending that demand, the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] moves to lay the motion on the table.

The question being taken on the motion to lay on the table, there were—ayes 38, noes 108.

So (further count not being called for) the motion was not agreed to.

The SPEAKER *pro tempore*. The question recurs on the demand for the previous question.

Mr. DUNN. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. DUNN. Is it not necessary for a vote to be taken on the amendment which I suggested and offered?

The SPEAKER *pro tempore*. The Chair asked if there was objection, and the amendment of the gentleman from Arkansas [Mr. DUNN] was accepted without objection.

Mr. DUNN. That is sufficient.

Mr. ROGERS, of Arkansas. Before the vote is taken on the amendment of the gentleman from Indiana we desire to hear how the resolution will read if amended.

The SPEAKER *pro tempore*. Does the gentleman ask for the rereading of the resolution?

Mr. ROGERS, of Arkansas. I ask for the rereading of what is left, if the portion which the gentleman from Indiana moves to strike out shall be stricken out.

The SPEAKER *pro tempore*. Unless there be objection the resolution will be read as proposed to be amended by the gentleman from Indiana.

Mr. HOBLITZELL and Mr. KEIFER objected.

Mr. KEIFER. I shall not object to the rereading after the previous question shall have been ordered.

The SPEAKER *pro tempore*. The question is upon the demand of the gentleman from Kentucky [Mr. CLAY] for the previous question on the resolution and the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

The previous question was ordered.

Mr. CLAY moved to reconsider the vote by which the previous question was ordered; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. KEIFER. Now, I do not object to the resolution being read again.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment offered by the gentleman from Indiana. Unless there be objection the Clerk will report the resolution as it will read if amended as proposed.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That a committee of three members of the House of Representatives be appointed by the House, and two members of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th of March, 1885.

The SPEAKER *pro tempore*. The question is on agreeing to the amendment offered by the gentleman from Indiana.

Mr. WHITE, of Kentucky, addressed the Chair.

The SPEAKER *pro tempore*. For what purpose does the gentleman from Kentucky rise?

Mr. WHITE, of Kentucky. I would like to have the resolution reported again. I think it states we believe that Grover Cleveland was elected. I do not. I believe that there were forty districts in which there was no election.

The SPEAKER *pro tempore*. Debate is not in order.

The amendment was agreed to.

Mr. HOLMAN moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The resolution as amended was adopted.

Mr. CLAY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HUNT. Mr. Speaker, I suggest that the phraseology of that resolution should be changed so as to make it read: "Commencing on the 4th day of March," instead of "commencing with the 4th day of March." If the gentleman from Kentucky [Mr. CLAY] will look at the resolution I am sure he will see the propriety of the change.

Mr. CLAY. The Constitution fixes the time.

Mr. HUNT. But the proper language should be used.

Mr. CLAY. I think that is rather a technical point.

The SPEAKER *pro tempore*. Is there objection to the modification of the resolution as suggested? [Calls of "Regular order!" "Regular order!"]

PUBLIC BUILDING AT KEOKUK, IOWA.

The SPEAKER *pro tempore*. The regular order is demanded. The regular order is the consideration of the unfinished business under the hour provided by the special rule. The Clerk will finish the reading of the report on the pending bill (H. R. 483) to provide for the erection of a public building at Keokuk, Iowa.

The Clerk completed the reading of the report as printed earlier in this RECORD.

Mr. WARNER, of Ohio. I wish the gentleman from Iowa [Mr. McCOID] would consent to make the amount named in that bill $75,000 instead of $100,000. As prices are now, $75,000 is money enough to build a good, substantial building.

The SPEAKER *pro tempore*. The time allowed for debate in opposition to the bill has expired. The gentleman from Iowa [Mr. McCOID] has five minutes of his time left. Does the gentleman from Ohio [Mr. WARNER] desire more time?

Mr. WARNER, of Ohio. I desire to offer an amendment.

The SPEAKER *pro tempore*. An amendment is not in order, because the bill is not yet before the House.

Mr. McCOID. Mr. Speaker, I have already yielded to the proposition of the gentleman from Indiana [Mr. HOLMAN] to reduce the amount from $150,000 to $100,000. The Secretary of the Treasury submitted an estimate stating that $150,000 was necessary; but I have accepted the amendment of the gentleman from Indiana [Mr. HOLMAN], and I do not think it would be wise to reduce the amount below that. I only want to say further, in addition to what is stated in the report, that at Keokuk they have an iron bridge across the river which cost a million dollars, the finest bridge across the Mississippi north of Saint Louis; they have there a canal which has cost the Government $5,000,000; they have as fine a national cemetery as there is in the country; they have there the engineers in charge of the Government works; they do a wholesale grocery business larger than is done in any other place in the State

of Iowa, and a wholesale dry-goods business larger than any other in Iowa——

Mr. WARNER, of Ohio. Mr. Speaker, I thought the time for debate was exhausted.

The SPEAKER *pro tempore*. The Chair stated that the time for debate in opposition to the bill was exhausted. The gentleman from Iowa had exhausted none of the time in favor of the bill.

Mr. WARNER, of Ohio. But the first five minutes was exhausted in reading the first part of the report.

Mr. McCOID. That was not in my time.

The SPEAKER *pro tempore*. The reading of the report was called for without reference to the gentleman's time.

Mr. McCOID. I will only add that I have been in this House a long time and have never asked a measure that was not a proper one, and I believe that those who know me know that I would not ask for the passage of a bill of which I had any doubt as to its justice, propriety, or economy. I ask the House to pass this bill, and I hope that no one will object.

Mr. WARNER, of Ohio. I shall not object myself, but when the proper time comes I shall offer an amendment to reduce the amount to $75,000.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. OATES. I object.

The question was taken, and seven members objected.

The SPEAKER *pro tempore*. But seven members have objected, not a sufficient number, and the bill is before the House for consideration.

Mr. WARNER, of Ohio. I move to strike out the words "one hundred" before the word "thousand" and substitute the words "seventy-five," so as to make the amount $75,000 instead of $100,000.

The House divided; and only 18 members voted in the affirmative.

So the amendment was not agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McCOID moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

HEIRS OF MARY JANE VEAZIE.

Mr. SINGLETON. I call up for consideration the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased.

The bill was read, as follows:

Be it enacted, &c., That the sum of $5,440 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the heirs of Mary Jane Veazie, deceased, late of Natchez, Miss., for property taken for the use of the United States troops stationed at Natchez, Miss.

The amendment reported by the Committee on War Claims was read, as follows:

Strike out "$5,440" and insert "$2,500."

Mr. SINGLETON. Mr. Speaker, a bill similar to this was introduced in the Senate during the Forty-seventh Congress, was referred to the Committee on War Claims of that body, was unanimously indorsed by that committee, was passed by the Senate without opposition, came to this House, was referred to the War Claims Committee of this body, was reported favorably, and went upon the Calendar, but was never considered by the House for want of time. The present bill was introduced in this House at this session and referred to the Committee on War Claims, who have reported it with an amendment cutting down the amount allowed to $2,500. The bill having received the favorable consideration of my friend from Ohio [Mr. GEDDES] as a subcommittee, and having been reported favorably by the Committee on War Claims, I think everybody will agree that there can be no objection to it. The loyalty of the parties, the taking of the property for the use of the Army, and the value of the property have been fully established. It seems to me there can be no objection to the bill. There is a report from the Committee on War Claims. If any gentleman so desires, it can be read.

Mr. WASHBURN. Is this a unanimous report?

Mr. SINGLETON. So I understand.

Mr. WARNER, of Ohio. I think the report had better be read.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased, submit the following report:

The facts out of which this claim for relief arises will be found stated in Senate report of the Committee on Claims, No. 406, first session Forty-seventh Congress, hereto appended.

Your committee adopt the said report as their own, and report back the bill with the recommendation that it do pass, with an amendment, as follows:

Insert in the third line, in place of the words "five thousand four hundred and forty," the words "two thousand five hundred."

"The Committee on Claims, to whom was referred a bill for the relief of Mrs. Mary Jane Veazie, having examined the same, make the following report:

"It appears from the evidence and papers on file in this case that from July, 1863, to December, 1863, there was taken from the plantation and residence of Mrs. Mary Jane Veazie, near the city of Natchez, in the county of Adams, and State of Mississippi, by the military authorities of the Government, for use of the United States troops then in the permanent occupation of that district and stationed at said post, certain property belonging to the said Mary Jane Veazie, for which the present bill proposes to make her compensation. She describes the property taken, and states her account against the Government as follows:

Two horses, at $150 each; one carriage, $200	$500
Sixty head of hogs, at $8	480
Fifty-six head of neat cattle, at $20	1,120
Fencing used for fuel	280
Twenty-five brood mares, at $50	1,250
One hundred and fifty cords of wood, at $3	450
Three frame houses, at $200, $185, and $135	520
Two bales of cotton, 420 pounds each = 840 pounds, at $1	840
Total	5,440

"Which amount she claims under the act of Congress of July 4, 1864. She states that no receipt or voucher was given her for her property; that she had no one to attend to the matter, her husband being absent at the time, employed in the custom-house at New Orleans, La., while she was prevented from looking after the business in person by the long protracted and fatal sickness of her little child. It is clearly established by a number of credible witnesses, who were in a position to know, and who testify to the fact as of their own knowledge, that the above-described property was actually taken in 1863 from the said Mary Jane Veazie for the use of the United States Army stationed in and around the city of Natchez, and that the charges which she has made were the fair market prices therefor at the time and place the same was taken.

"It is also shown that Judge James H. Veazie, the husband of the said Mary Jane Veazie, was a loyal and consistent Union man, devoted to the Government and Union of the States; that he opposed secession, and gave no aid to the rebellion; and that in 1863, when his wife's property was taken as aforesaid, he was employed in the custom-house at New Orleans. In 1864, 1865, and 1866 he was employed as cashier of the assistant treasury in that city. Among others who testify to Judge Veazie's loyalty is General Stewart Van Vliet, assistant quartermaster United States Army, who says, 'I know that he was a loyal citizen during the war and is so now.' It is also clearly established by the affidavits of several credible parties, well acquainted with Mrs. Veazie, that she shared fully her husband's sentiments and devotion to the Union; that she and her family were loyal to the Government, and gave no aid to the rebellion. Her property having been appropriated to the use of the Government, her right to compensation, in the opinion of your committee, comes within the spirit, if not the letter, of the act of July 4, 1864. But the items of $200 for carriage and $840 for two bales of cotton, taken from claimant, can not be properly regarded as a necessary army supply, and should be rejected. Your committee accordingly recommend that the bill for relief of claimant be amended by striking out the words 'five thousand four hundred and forty dollars,' in the third line of the bill, and inserting in lieu thereof the words 'twenty-five hundred dollars,' and, as thus amended, the committee recommend the passage of the bill by the Senate."

The SPEAKER *pro tempore* (before the reading of the report was concluded). The first five minutes allowed for debate on this bill have expired.

Mr. BROWNE, of Indiana, obtained the floor, and said: I ask that the residue of the report be read in my time.

The reading of the report was then concluded.

Mr. HORR. I would like to ask the gentleman in charge of this bill why this claim was not presented before the proper tribunal at the proper time, in the proper way, and adjusted through the regular channel?

Mr. SINGLETON. The answer to that question appears in the report. In the first place, the husband of Mrs. Veazie was absent from home, being at New Orleans, in the employment of the Federal Government. In the second place, he was in the later years of his life very much afflicted.

Mr. VAN EATON. Mr. Speaker, this claim arose in my district; and the difficulties which prevented its earlier presentation and adjustment have been correctly stated by my colleague [Mr. SINGLETON]. I happen to know—not personally, it is true, but from report about which there can be no doubt—that the husband of this lady was absent in New Orleans in Federal employ.

Mr. HORR. When?

Mr. VAN EATON. During the war, and at the time of the occurrences out of which this claim arises.

Mr. HORR. Very well; what prevented him from making the claim in the usual way and getting it allowed as other claims were?

Mr. VAN EATON. Because he was at the time exceedingly afflicted, being in impaired health both mentally and physically.

Mr. SINGLETON. So that he afterward died.

Mr. VAN EATON. Yes; and in the later years of his existence he became so poor, I understand, that his library was sold in order to furnish the means of his support.

I know further that in our section of the country this is regarded as a just claim, if any claim can be just, a just claim for the whole amount originally named in the bill. Inasmuch as the sum has been cut down by the committee to $2,500, I believe the least this House can do is to allow this amount.

One word with regard to the loyalty of these parties. I happen to know that they were not popular at all in that portion of the country because they were loyal. While the fact that they remained loyal is no recommendation to me, it does bring the case within the usages under the law. I repeat that in my portion of the country the claim is regarded as in every sense just, if ever a claim was just; and I happen to know the feeling of that community in this matter, as the claim originated in my district, and not far from my home.

Mr. BROWNE, of Indiana. If I understand this report, the committee find that $4,400 is due the claimants in this case. I would like to know why the amount has been cut down to $2,500. Is it because of the loyalty of the claimants?

Mr. SINGLETON. The claim has been cut down from $5,440 to $2,500.

Mr. BROWNE, of Indiana. So I understand. The committee deduct $840 for two bales of cotton and $200 for a carriage. That would leave $4,400.

Mr. SINGLETON. The committee has reduced the amount still further.

Mr. BROWNE, of Indiana. But why? Because the claimants were loyal or because the Government of the United States has for years delayed payment?

Mr. SINGLETON. I can not say.

The SPEAKER *pro tempore*. The time allowed for debate on this bill has expired. Is there objection to its present consideration? The Chair hears none, and the bill is before the House.

The amendment reported by the Committee on War Claims was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SINGLETON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISSUE OF DUPLICATE CHECKS.

Mr. PETTIBONE. I move to take up for present consideration the bill (S. 1705) to provide for the issue of duplicate checks.

The bill was read, as follows:

Be it enacted, &c., That section 3646 of the Revised Statutes of the United States be amended to read as follows:

"Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of $2,500."

Mr. PETTIBONE. This bill simply strikes out in section 3446 of the Revised Statutes of the United States the limitation of $1,000 and inserts $2,500. There are now about thirty bills pending in this House restoring lost checks, and this bill will let them all in and allow the Secretary of the Treasury and other disbursing officers of the United States, on the filing of proper refunding bonds, to issue duplicate checks in place of those which have been lost to the amount of $2,500 instead of $1,000. It applies to pension ckecks as well as to quartermaster's checks.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. HILL. I object. I am not satisfied this important change in the statutes should be made without consideration. It seems to me it throws wide open the doors of the Treasury to all sorts of petty frauds.

Mr. VALENTINE. The bill has received the consideration of the Committee on Claims and been unanimously reported by them. It simply authorizes the very parties who issued checks to issue duplicates when it is positively proved they have been lost or destroyed, and on the filing on the part of the claimants of a sufficient refunding bond, and after a proper time has elapsed.

Mr. HILL. Is it accompanied by a report of any committee?

Mr. PETTIBONE. Yes. There are now over thirty-five cases pending in this House which this legislation will cover.

Mr. HILL. I withdraw my objection.

Mr. HOLMAN. A word on the bill. It has always seemed to me the law is too narrow in providing for the issue of duplicate checks.

Mr. PETTIBONE. You can not get the Senate to go higher.

Mr. HOLMAN. It should embrace not simply duplicate checks, but it should also authorize the issuing of duplicate certificates of deposit in subtreasuries. There is no general law on that subject now. I had occasion a short time ago to inquire at the Treasury Department whether a duplicate certificate of money deposited in a subtreasury could be issued, and was informed it could not be done. This legislation should be broad enough to cover all these cases, checks on the one hand and certificates of deposit on the other. But I will not embarrass this measure, which, of course, is right. It changes the law only in increasing the amount.

Mr. MORRILL. The present law authorized the issue of duplicate checks to the amount of $1,000, and this simply increases that amount to $2,500.

There was no objection; and the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. PETTIBONE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING, DETROIT, MICH.

Mr. MAYBURY. I call up for present consideration the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a suitable lot of land in the city of Detroit, county of Wayne, and State of Michigan, and cause to be erected on the grounds so purchased a building suitable for the accommodation of the courts of the United States, of the custom-house, post-office, pension office and other Government offices in that city. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $900,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Michigan shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal law of said State and the service of civil process therein: *Provided*, That if the Secretary of the Treasury shall deem it advisable to use for said purpose the site now owned by the United States, upon part of which the post-office and custom-house building now stands, he may do so; and should he further deem said site insufficient, he may enlarge the same by the purchase of additional adjoining grounds.

SEC. 2. That the Secretary of Treasury, in the event of the selection and purchase under this act of a site other than that now owned and occupied by the United States within said city of Detroit, be, and he is hereby, authorized and directed to sell at public auction, for cash, after thirty days' advertisement of the time, place, and terms of sale, the property in the city of Detroit purchased by him for the erection of a public building under and by virtue of an act of Congress approved May 25, 1882, entitled "An act to provide for the erection of a public building at Detroit, Mich.;" and the moneys received from such sale shall be covered into the Treasury of the United States.

SEC. 3. That in the event of the purchase and use of an entire new site, then, after the erection of the building provided for in the first section of this act, or at such a time as the exigencies and needs of the public business may render such action prudent and desirable, the Secretary of the Treasury is authorized and directed to sell, at public auction, for cash, and after thirty days' advertisement of the time, place, and terms of sale, the property or site now owned and occupied by the United States as a post-office, custom-house, and for other offices of the United States; and the money received from such sale shall be covered into the Treasury of the United States: *Provided*, That the Secretary of the Treasury may, in his discretion, delay the sale of the property referred to in the second section of this act, and offer the same for sale jointly with the property referred to in this section of this act, and in like manner and terms: *Provided further*, That the Secretary of the Treasury, in any and every case of an attempted sale, shall be authorized and empowered to reject any bid which in his opinion shall be less than the value of the property or part thereof offered for sale under the provisions of this act, and reoffer the same for sale in the matter above provided until the said property shall bring a fair price.

SEC. 4. That an act entitled "An act to provide for the erection of a public building at Detroit, Mich.," approved May 25, 1882, being chapter 187 of volume 22 of the Statutes of the United States, is hereby repealed: *Provided*, That nothing herein contained shall be construed as in any manner affecting the appropriation so far made for the purpose contemplated in that act, but that the same shall be available to be applied in effecting the objects sought under the provisions of this act.

Mr. MAYBURY. Mr. Speaker, I will state to the House that this bill is precisely similar in its text to the bill reported unanimously by the Committee on Public Buildings and Grounds of this House. I have not the time to state all the facts which perhaps should be stated to this House, but I assume the House will take cognizance of the fact this building is asked for a city of 175,000 people, with two dependencies numbering some 25,000 more, making a community of 200,000 people.

I will devote the few minutes left to me in giving to the House a comparison of the appropriation made in this bill with those made for erection of public buildings in thirty-one cities of this Union. I have selected for the purpose of this comparison no mean cities. I have omitted the cities of New York, Brooklyn, Boston, Chicago, Saint Louis, and San Francisco, and have taken cities of like character with the city of Detroit, many of them, indeed most of them, not of the same commercial importance of that city. I have selected such cities as Albany, N. Y.; Charleston, S. C.; Hartford, Conn.; Louisville, Ky.; Memphis, Tenn.; New Orleans, La.; Portland, Oreg.; Portland, Me.; Toledo, Ohio, &c. I have made a comparison of the appropriations made for the public buildings in those thirty-one cities with that proposed in this bill.

My comparison has been made first upon the ratio of population, and upon that the city of Detroit would receive a little less than three millions of money. I have made a comparison upon the basis of the receipts of public moneys—first, if you please, the postal receipts. The postal revenue for Detroit last year was $303,126.02. The postal revenue from the thirty-one cities to which I have referred was $3,361,220. Striking an average on this basis would give to the city of Detroit $1,865,272.

Now I have made a comparison also upon the basis of the number of public buildings and the number of employés in the service of the Government, and it shows these figures: In the thirty-one cities I have mentioned the cost of public buildings is $19,000,000; the total number of Government employés is 1,730. In Detroit there are three hundred and six public employés, one hundred and ninety-six of whom require office-room. On this plan of comparison the appropriation for Detroit would be $2,480,000.

I have made also an estimate upon the basis of the customs revenue derived from these thirty-one cities, which aggregates $5,150,600. At Detroit last year $406,000 was collected. Taking this as the gauge of comparison, the appropriation for the city of Detroit would be $1,580,528. The total internal revenue derived from these cities was $24,537,236. The internal revenue collected at Detroit was $1,251,000. Upon this basis the appropriation would be $1,016,207.

I have made a further estimate, sir, based upon the total revenues

derived from these cities from all sources, which will be found to aggregate $33,000,000. For Detroit it amounts to $1,970,280, on which basis the appropriation for that city would be $1,180,406.

The SPEAKER *pro tempore*. The time allowed for debate in support of this measure has expired.

Mr. HOLMAN. Mr. Speaker, I was not able to understand clearly the effect of this bill from the hasty reading, and I beg to make some inquiries of the gentleman from Michigan with reference to it. In the first place it proposes to limit the cost, as I understand it, to $900,000, proposing either to build upon the present site or to select a new site. If a new site is purchased is it proposed that the proceeds of the sale of the old site shall be added to the $900,000 for the new building?

Mr. MAYBURY. No, sir. The bill especially states that the money realized from the sale of the present site shall be covered into the Treasury of the United States.

Mr. HOLMAN. I understand, then, sir, that part of the bill.

Now I think, perhaps, the amount suggested—$900,000—while in point of fact it is not larger than undoubtedly, as the gentleman says, we have appropriated for other large cities, is still, I think, a greater sum than is required.

We have been so extreme in our extravagance in regard to the erection of public buildings throughout the country for many years past that the country has protested against it. I think my friend ought to consent to the naming of a more reasonable sum for the erection of this building than the amount fixed in the bill. Nine hundred thousand dollars, as I understand it, is mentioned in the bill for that purpose—that is to say, for the purchase of the site and the erection of the building.

Mr. MAYBURY. Yes, sir.

Mr. HOLMAN. For the purchase of the site and the construction of the building. Now I suggest that $700,000, or at the extreme $750,000, would be ample for all the purposes named.

The revenues mentioned by the gentleman do not indicate to any material extent the importance of this locality for a public building. Unimportant towns comparatively have the same claim. One in sight of where I live pays $3,000,000 into the public Treasury, and yet that furnishes no reason for the erection of a public building there. I ask the gentleman, therefore, before the time expires for calling for objections to the consideration of this bill, that in the event of a new site being purchased the same proposition shall be incorporated in this bill which was adopted a short time ago with reference to another bill, the bill immediately preceding this, and that it shall apply to this; that if a new site is purchased the plan of this building shall not be adopted until after the purchase of such site, and that then the balance of the appropriation remaining only shall be applied to this purpose. Will the gentleman consent to that?

Mr. MAYBURY. Mr. Speaker, I will state, if permitted to do so, in answer to the gentleman from Indiana, that when this matter was considered before the Senate committee the appropriation to be reported was fixed at one and a half million of dollars; and at my own suggestion the committee of this House—acting on my recommendation—reported the amount now fixed in the bill.

Mr. HOLMAN. But I am not asking as to the amount of appropriation, but to the limitation as to the remainder after purchasing the site; that the remainder only shall be expended in the construction of the building. The site is first to be purchased and the balance of this appropriation only applied to the building.

Mr. MAYBURY. As I understand the gentleman from Indiana, I see no objection to his suggestion. That is to say, that if the site shall be purchased with the $900,000 the building shall be erected out of the remainder.

Mr. HOLMAN. I ask that there be considered also as pending the proposed amendment to reduce the amount to $750,000.

Mr. MAYBURY. I think that there has been some controversy in the minds of gentlemen with reference to this question, as suggested by the gentleman from Indiana, of this extension of the appropriation for similar purposes. The statute in force would prevent that.

Mr. HOLMAN. But that is inoperative.

Mr. MAYBURY. But the statute exists and makes it a penal offense for any officer of the Government to extend the appropriation by plans or specifications involving a larger expenditure.

Mr. HOLMAN. Now I offer the amendment which I send to the desk.

The SPEAKER *pro tempore*. The bill is not yet before the House.

Mr. HOLMAN. Before objections are called for I presume it is understood that both those amendments may be offered.

Mr. MAYBURY. Yes, sir.

Mr. WARNER, of Ohio. But there is the further question, Does the gentleman from Michigan [Mr. MAYBURY] accept that amendment?

The SPEAKER *pro tempore*. The gentleman from Michigan has no power to accept any amendment. The Chair understands it is agreed the amendments shall be offered. Is there objection to the present consideration of the bill?

Objection was made by two members—not a sufficient number.

The SPEAKER *pro tempore*. The bill is before the House for action. The question is on the amendments of the gentleman from Indiana [Mr. HOLMAN], which the Clerk will read.

Mr. HOLMAN. The first proposition is to strike out $900,000 and insert $750,000; and then I propose to add the following language——

Mr. SPRINGER. I ask for a division of the two propositions.

The SPEAKER *pro tempore*. The Chair will order a division of the question.

The Clerk read the amendments proposed by Mr. HOLMAN, as follows:

Strike out "$900,000" and insert "$750,000."

And add as a proviso to the bill the following:

"*Provided, however*, That if a new site shall be purchased for said building, as heretofore authorized, it shall be the duty of the Secretary of the Treasury after the site for said building shall have been purchased to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $750,000 remaining after the site of said building shall have been paid for. And no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

Mr. SPRINGER. A division of the question being permitted, in the event of the first proposition being voted down it would be necessary to modify the second so as to make the amount correspond with the amount named on the bill.

The SPEAKER *pro tempore*. The Chair thinks the question is susceptible of division. The question will first be on the first amendment of the gentleman from Indiana to reduce the amount.

Mr. HOLMAN. I will state to the gentleman from Illinois that if the motion to decrease the amount is voted down, the amount in the second amendment can then be increased.

Mr. MAYBURY. I call for the previous question on the bill and amendments.

Mr. SPRINGER. It is understood the motion may be made to increase the amount in the second amendment if the first should be voted down.

The SPEAKER *pro tempore*. The Chair understands it will be in order to make the second amendment correspond with the effect of the vote of the House on the first amendment.

The previous question was ordered.

Mr. MAYBURY moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is first on the amendment of the gentleman from Indiana [Mr. HOLMAN] to reduce the amount provided in this bill from $900,000 to $750,000.

The question being taken, there were—ayes 43, noes 107.

Mr. HOLMAN. A quorum not having voted, I ask that we may have the yeas and nays.

Mr. ANDERSON. I rise to a question of order. The hour under the special rule has expired.

The SPEAKER *pro tempore*. The hour has expired.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with the morning hour.

The motion was agreed to—two-thirds voting in favor thereof.

Mr. TOWNSHEND rose.

Mr. ROBINSON, of New York. I ask unanimous consent——

Mr. ROGERS, of Arkansas. I desire to make a privileged report.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Arkansas [Mr. ROGERS] after he has heard the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills.

The SPEAKER *pro tempore*. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union, for the purpose of considering general appropriation bills; pending which the gentleman from Arkansas [Mr. ROGERS] rises to make a privileged report.

CLAIM AGENTS AND ATTORNEYS IN PENSION CASES.

Mr. ROGERS, of Arkansas. I am directed by the Select Committee on the Payment of Pensions, Bounty, and Back Pay to report back the Senate bill No. 2511, and to ask for its immediate consideration under the previous order of the House.

The Clerk read the title of the bill, as follows:

A bill (S. 2511) relating to claim agents and attorneys in pension cases.

Mr. MCMILLIN. I inquire of the Chair is this bill privileged for consideration?

The SPEAKER *pro tempore*. The Chair will say it is. This bill was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, with power to report it back at any time, which, in the view of the Chair, carries with it the right to consideration. The question of consideration, however, may be raised against the bill. The Chair holds the committee under the order of the House had the power to report the bill back at any time for immediate consideration in the absence of any question of consideration being raised.

Mr. HORR. How does the bill come before the House at the present time?

The SPEAKER *pro tempore*. The Chair has just stated, as plainly and distinctly as he can, that the House ordered this bill to be referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, with power to report it back at any time; and the committee has now reported it back.

Mr. HORR. And it goes to the Calendar.

The SPEAKER *pro tempore*. The Chair thinks not, and has just stated that the power to report back at any time carries with it the right to consideration, subject to the right of every member to raise the question of consideration to be determined by the House.

Mr. TOWNSHEND. I rise to a question of order. At the time this bill was reported the House was about to divide on my motion that the House should resolve itself into Committee of the Whole House on the state of the Union. I ask if a privileged report can intervene to prevent the question being taken on my motion?

The SPEAKER *pro tempore*. The House was not "dividing" on the gentleman's motion, which is the language of the rule.

Mr. TOWNSHEND. My motion was pending.

The SPEAKER *pro tempore*. The Chair recognized the gentleman from Illinois [Mr. TOWNSHEND], stating to the House at the same time that he would recognize the gentleman from Arkansas [Mr. ROGERS] to make a privileged report. The Chair does not think the point of order well taken. The motion of the gentleman from Illinois had not been voted upon.

Mr. HORR. I do not see how the gentleman from Illinois, who had taken the floor and announced his purpose to proceed with the appropriation bill, could be taken off the floor by another bill thrust in here without the knowledge of any one. It does seem to me a queer proceeding. It is different from anything I have ever seen in this House before.

The SPEAKER *pro tempore*. Has the gentleman any point of order to raise?

Mr. HORR. I do raise a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HORR. I make the point that this bill can not come back to the House in this way except simply to be placed upon the Calendar, as it would be, in the first instance, when it came over from the Senate.

The SPEAKER *pro tempore*. The Chair overrules the point of order, and states again, for the third time, this bill was referred to the committee with an order from the House to report it back at any time, which order, in the judgment of the Chair, in conformity to the uniform rulings of the Chair, carries with it the right of consideration, subject to the point of consideration being raised by any gentleman. The Chair goes further, and states that the gentleman from Illinois [Mr. TOWNSHEND] had moved that the House resolve itself into the Committee of the Whole House on the state of the Union for a certain purpose; the gentleman from Arkansas [Mr. ROGERS] then rose with a motion of higher privilege, just as any gentleman in the House might have risen and moved that the House adjourn, which would have taken precedence over the motion of the gentleman from Illinois [Mr. TOWNSHEND], as did the motion of the gentleman from Arkansas. The Chair so ruled and still so holds.

Mr. TOWNSHEND. Does the Chair hold that the motion I made does not take precedence of the report of the gentleman from Arkansas [Mr. ROGERS]?

The SPEAKER *pro tempore*. The Chair holds that the report of the gentleman from Arkansas [Mr. ROGERS] takes precedence of the motion of the gentleman from Illinois [Mr. TOWNSHEND].

Mr. ROGERS, of Arkansas. Now, Mr. Speaker, I demand the regular order.

Mr. CANNON. Mr. Speaker, is it not in the power of the majority of the House to proceed to the consideration of the Post-Office appropriation bill?

The SPEAKER *pro tempore*. The Chair has stated more than once that the question of consideration may be raised by any member.

Mr. ROGERS, of Arkansas. I demand the regular order, and I call for the previous question.

Mr. TOWNSHEND. I rise to the question of consideration, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair will state that the demand for the previous question is not in order until the bill has been read.

Mr. HORR. Mr. Speaker, I raise the question of consideration upon this bill at this time, in order that the House may go on with the appropriation bills.

The SPEAKER *pro tempore*. The question of consideration was first raised by the gentleman from Illinois [Mr. TOWNSHEND]. As many as are in favor of proceeding with the consideration of the bill reported by the gentleman from Arkansas [Mr. ROGERS] will say "ay"——

Mr. ROGERS, of Arkansas. Mr. Speaker, I withdraw the bill for the present.

The SPEAKER *pro tempore*. The gentleman from Arkansas withdraws the bill, and the question recurs upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House do now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

Mr. HANCOCK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7785), with the Senate amendments, and have it referred to the Committee on Appropriations and printed.

The SPEAKER *pro tempore*. There being no objection, it will be so ordered. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND]. Before putting that motion the Chair will lay before the House a report from the Committee on Enrolled Bills.

ENROLLED BILLS SIGNED.

Mr. PERKINS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 235) providing for the erection of a public building in the city of Augusta, Me.; and

A bill (S. 591) for the relief of the estate of Chester Ashley.

CIVIL SERVICE.

The SPEAKER *pro tempore* laid before the House the following message; which was referred to the Select Committee on Reform in the Civil Service, and ordered to be printed:

To the Senate and House of Representatives:

In compliance with the act of Congress approved January 16, 1883, entitled "An act to regulate and improve the civil service of the United States," the Civil Service Commission has made to the President its second annual report. That report is herewith transmitted. The commission is in the second year of its existence. The President congratulates the country upon the success of its labors, commends the subject to the favorable consideration of Congress, and asks for an appropriation to continue the work.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 11, 1885.

REMOVAL OF CHEROKEE INDIANS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for subsistence and removal of certain Eastern Cherokee Indians; which was referred to the Committee on Appropriations, and ordered to be printed.

GAS-PIPES IN PENSION BUILDING.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior of an appropriation for gas-pipes in the United States pension building; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDING, BROOKLYN, N. Y.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Supervising Architect recommending an increase in the limit of cost of the public building at Brooklyn, N. Y.; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS AT DALLAS, TEX., AND OXFORD, MISS.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, inclosing a recommendation from the Supervising Architect for the extension of the limit of cost of public buildings at Dallas, Tex., and Oxford, Miss.; which was referred to the Committee on Appropriations, and ordered to be printed.

LEAVE OF ABSENCE.

Mr. DUNHAM, by unanimous consent, was granted leave of absence for five days, on account of important business.

BILLS REFERRED.

Mr. ROBINSON, of New York, by unanimous consent, reported from the Committee on Pensions bills of the following titles; which were ordered to be placed on the Private Calendar:

A bill (H. R. 7513), with an amendment, granting a pension to Margaret B. Harwood; and

A bill (H. R. 4393) for the relief of Lieut. Nathaniel Johnson Coffin.

W. H. MURDAUGH.

Mr. TUCKER. I desire unanimous consent to report from the Committee on the Judiciary two bills removing political disabilities.

There being no objection, Mr. TUCKER reported from the Committee on the Judiciary a bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia; which was read a first and second time.

The SPEAKER *pro tempore*. The bill will be referred to the House Calendar.

Mr. RANDALL. I suggest that we pass these bills at once; it will take but a moment.

Mr. COX, of New York. Bills of this character are usually passed as soon as reported.

There being no objection, the House proceeded to the consideration of the bill H. R. 8183; which was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled (two-thirds of each House concurring therein), That all political disabilities imposed by the fourteenth amendment to the Constitution of the

United States be, and the same are hereby, removed from W. H. Murdaugh, of Virginia.

Mr. KEIFER. I desire to know whether there is a petition in this case from the person whose disabilities are to be removed.

Mr. TUCKER. Oh, yes.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed (two-thirds voting in favor thereof).

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND and others called for the regular order.

The SPEAKER *pro tempore*. The gentleman from Virginia [Mr. TUCKER] has sent to the desk two bills, only one of which has been acted on.

Mr. TOWNSHEND. I must call for the regular order.

The SPEAKER *pro tempore*. The remaining bill will be returned to the gentleman from Virginia.

Mr. WHITE, of Kentucky. Mr. Speaker, would it be in order now to ask unanimous consent to take up the Mexican war pension bill?

The SPEAKER *pro tempore*. The Chair does not think it would. The regular order has been called for, and the question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The Clerk read as follows:

For payment to letter-carriers and the incidental expenses of the free-delivery system, $4,100,000; $45,000 of which may be used, in the discretion of the Postmaster-General, for the establishment, under existing law, of the free-delivery system in cities where it is not now established:

Mr. HORR. I move to amend the paragraph just read by striking out "100" and inserting "535;" so as to make the appropriation for payment to letter-carriers and incidental expenses of free-delivery system $4,535,000. I yield my time to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Chairman, in rising to urge the adoption of this amendment I wish to call attention to the vast importance of expediting as much as possible the delivery of letters in all the cities of the Union and all the large towns to which this free-delivery system is now and may be extended under the law. This is an era when we are saving as much as possible the time of the country. Time is business, it is commerce, it is progress, it is the advance of civilization.

The loss of half a day in all the great cities of the Union is so much lost from the executive capacity of the age in which we live. Nowhere can the amount of money now asked for be applied so as to affect so directly and potently the welfare of the whole country as in the administration of the Post-Office Department. In this matter there is no question of constitutional law, there are no local jealousies, no sectional interests to embarrass us. Every dollar that we give goes directly to the people, goes directly toward the promotion of the business, the welfare, the progress of the country. One hundred thousand dollars spent in our cities and large towns in securing the delivery of the mails at an earlier hour than they are now delivered will be an actual saving of more than ten times that amount to the country.

I hold in my hand a letter received a day or two since from a gentleman in Chicago, stating that unless the mails arrive there so as to be given to the carriers before 11 o'clock in the morning they are not delivered until the next day. Those letters comprise, perhaps, business orders from all regions of the country whose trade centers there, so that delay in the delivery of a single day's mail is often the cause of the loss of vastly more than the amount which would be distributed to that city under this amendment.

I know that in the city which I have the honor to represent in part on this floor there were last year many thousand applicants in favor of increasing this appropriation. It was then somewhat increased, and the great advantages of the increase have been so apparent that there is to-day a unanimous sentiment in favor of continuing this increase until letters shall be delivered in these great centers of the country without the least loss of time.

But this question does not affect the great cities alone; it affects as well all the towns having commercial connections with these cities. If a letter sent to New York or Chicago can not be delivered on the same day it is received there, at least one day is lost to the business and enterprise of the country centering in those cities.

Mr. WARNER, of Ohio. If it will not disturb the gentleman, I would like to ask him whether this proposed enlargement of the appropriation is for the purpose of increasing delivery facilities or for increasing the salaries of carriers?

Mr. POTTER. Simply for increasing delivery facilities; nothing else.

Mr. HORR. The salaries are all fixed by law.

Mr. POTTER. The salaries are fixed by law. The object is that letters arriving at all the cities and towns of the country to which this system extends may be delivered at once, so that our constantly accelerating means of communication by steam, by telegraph, &c., may have due effect in the great centers of activity and commerce. The object is simply that mails arriving at these different places shall not be delayed unnecessarily, but delivered at once.

Mr. TOWNSHEND. Mr. Chairman, we have in this item granted an increase of $50,000 over and above the appropriation for the current year. The amount we have appropriated is over a half a million more, or about a half a million more than the amount which was expended for the last year ending on the 30th of June.

Mr. MONEY. Compare it with this year.

Mr. TOWNSHEND. We have given an appropriation of half a million of dollars to the free-delivery offices over and above the amount expended last year.

Mr. MONEY. But how as to this year?

Mr. TOWNSHEND. It will be more. We have about reached the limit of the establishment of free-delivery offices. There are only nine, I understand, now in the United States not supplied with free-delivery service where it is possible to apply it.

Mr. BINGHAM. Let me ask the gentleman one question.

Mr. TOWNSHEND. Do not interrupt me right here. The gentleman will get an opportunity in his own time.

Mr. BINGHAM. What, under the law as it now exists, will be required to pay the letter-carrier service without the extension to an additional city and without the addition of another man?

Mr. TOWNSHEND. The gentleman's question is too long and he can explain it in his own time. Now, I wish to say about this item that the subcommittee on appropriations have considered it, and the majority of that subcommittee have reached the conclusion, in view of the fact the time has come when a limit will be put to the free-delivery service in other cities, and in view of the fact we have given half a million dollars over what was expended last year, that the point has been reached, in the opinion of that subcommittee, when we should call a halt in extravagant appropriations for free-delivery offices.

Mr. HORR. Did you take into account the fact of the increase under the law of $150,000 in order to carry out the law itself?

Mr. TOWNSHEND. What $150,000?

Mr. HORR. The increase of salaries under the law is $152,150.

Mr. TOWNSHEND. This is one of those items.

Mr. COX, of New York. Answer that question.

Mr. TOWNSHEND. Well, sir, as I said yesterday, so far as this service is concerned, the more you give the more will be demanded.

Mr. HORR. I beg pardon.

Mr. BINGHAM. Just the reverse.

Mr. HORR. The law fixes the salary at so much.

Mr. TOWNSHEND. And the number of free-delivery letter-carriers will be multiplied no matter how much we appropriate.

Mr. HORR. You do not answer my question. Did you take into account that fact?

Mr. TOWNSHEND. We took into account the whole situation and reached the conclusion that the sum we have appropriated is ample for that purpose.

Now, Mr. Chairman, if I can go on without being interrupted I will proceed with my remarks.

Mr. COX, of New York. Did you——

Mr. TOWNSHEND. I have only five minutes—you will have your own time.

Mr. MONEY. Oh, let him go on.

Mr. COX, of New York. Allow me——

Mr. TOWNSHEND. Not now. These gentlemen are obtaining large appropriations every year.

Mr. COX, of New York. Allow me a question——

Mr. TOWNSHEND. Not now; wait until I get through.

Mr. COX, of New York. I never discarded you.

Mr. TOWNSHEND. Well, then, put your question.

Mr. COX, of New York. It is whether this appropriation is in pursuance of existing law?

Mr. HORR. There is not money enough to pay them.

Mr. TOWNSHEND. When you get through with your questions I will proceed.

Mr. COX, of New York. That is all. I take but little of the time of this House.

Mr. TOWNSHEND. It is in pursuance of the present law, and in my judgment if economically administered, as I hope it will be, under the next administration, it will furnish ample means to supply the free-delivery service.

Mr. HORR. Do you propose the incoming administration shall pay these men less than the law says they shall receive?

Mr. TOWNSHEND. I do not.

Mr. HORR. Then your appropriation lacks $200,000.

Mr. TOWNSHEND. I can not yield. I say there are millions and

millions of people in this country who do not get free-delivery service, who are taxed in order to furnish it to towns and cities of 20,000 inhabitants in other sections.

Mr. COX, of New York. That is not correct, because we make a surplus.

Mr. TOWNSHEND. That is not correct. New York city makes a surplus——

Mr. COX, of New York. And so does Philadelphia make a surplus, and so does Baltimore.

Mr. TOWNSHEND. There are but ten cities where the free-delivery service is self-sustaining.

A MEMBER. There is not a city that does not.

Mr. TOWNSHEND. I have the statistics here to show. I say only ten—I may be mistaken about the exact number—are self-sustaining. The vast majority of free-delivery offices are a burden upon the Treasury. They do not pay, a vast majority of them.

Mr. HORR. The gentleman can not mean that, unless he confines them to local postage.

Mr. TOWNSHEND. Of course I do.

Mr. HORR. Why of course?

Mr. TOWNSHEND. The last Postmaster-General declared that it should be so confined, and made that the measure of the self-sustaining quality of the free-delivery offices. He declared in his report that that should be and was the proper measure.

Mr. HORR. Does not the gentleman from Illinois know that, as a whole, they pay a considerable amount of surplus revenue?

Mr. TOWNSHEND. I know that New York city furnishes nearly the entire bulk that comes from the free-delivery system.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. MONEY. I move to strike out the last two words.

Mr. Chairman, the statement of the honorable gentleman in charge of this bill is certainly misleading with reference to this portion of it. He takes occasion to say that the appropriation is half a million of dollars in excess of the appropriation of last year. Why did not the gentleman say of ten years ago, or make his basis of comparison any other ancient date?

Mr. TOWNSHEND. Because that is too far off.

Mr. MONEY. If the gentleman undertakes to show the actual condition of the expenditures, why does he not compare it with the appropriations for the current fiscal year? Now, I say that it is only $100,000 in excess of the appropriation for the current fiscal year.

Mr. BINGHAM. Fifty thousand dollars.

Mr. MONEY. The increased business, according to the report of the Postmaster-General, for the current year is 16.30 per cent., and if the gentleman in the preparation of his bill proposed to make an appropriation for this service commensurate with the increased business of the Department it will be necessary to appropriate $600,000.

Now, in the consideration of the provisions of this bill in its application to the postal service it should be remembered that it is neither a sectional nor a partisan service. It is a service that is performed for the benefit of the whole country, and I do not think that it is the intention of the people of the United States or their wish to cripple the Government in any manner in sustaining or in extending these facilities. It can not be so. In this particular item, therefore, not only would the appropriation, if made upon the basis of the increase of business, be over $600,000, but how can the gentleman state so positively that there could be only nine offices that would be benefited by the extension of this system? How can the gentleman tell what will be the growth of our cities and towns during the year? How many towns throughout the country may reach the limit of 20,000 population or $20,000 in gross revenue, which would entitle them to the benefits of the free-delivery system? That is a question that the gentleman has no means of determining.

And not only that, sir, but I wish to state also that the gentleman was mistaken when he said that he had considered the whole system of the postal service of this country, and had appropriated adequately to meet its necessities.

Why, taking into consideration the present force of carriers, if not a single one should be appointed during the fiscal year, and the system should not be extended to embrace a single town in addition to those where it is now in operation, the law regulating promotions would require more than the sum appropriated here to meet the demands of the service.

Mr. HORR. That is a fact.

Mr. MONEY. Of course it is. Even a blind man could see that. There can be no question but that the whole country is interested in the development of the free-delivery system. Every correspondent throughout this entire country is interested in the free-delivery system in order that his letter may get to his merchant or correspondent as speedily as possible. It is a service to the whole country and for the country and all the people and should not be hampered; and in addition to that if you cripple the service in one branch, so multiplied are the ramifications of the service and so sensitive is it, that you cripple it in every department.

And in point of fact, of the $52,000,000 that is covered by this bill, notwithstanding the stump-speeches which have been made here upon the subject of extravagance and economy, $50,000,000 of the sum can not be affected in the matter of expenditures by the figures put into this bill. That expenditure is regulated by the law as it stands. I care not if you appropriate $100,000 or $1,000,000,000; $50,000,000 in the application is governed by the law, and not affected by the provisions you incorporate here.

But, sir, this particular provision is limited by existing law. The Postmaster-General dare not go beyond that limit except in so far as the pay of the carriers at their present status and their promotion as regulated is concerned to meet the requirements of the service. Beyond that, however, the expenditure is limited by statutes already in existence, and it is for this House to say if it will cripple this branch of the service or develop it.

In my judgment, sir, it would be wise not only not to arrest the development of this service, but to extend it to cities of 10,000 inhabitants. After a while, as we progress in this country, I have no doubt whatever that it will be extended, and that we will eventually carry our letters into every town, village, and hamlet in the entire land. To-day we are at least twenty-five years behind most of the other civilized nations in this particular of free delivery. Most of the countries of Europe that pretend to a properly arranged postal system deliver letters by a carrier to the minor towns and hamlets. In Great Britain the delivery is daily in the towns and villages, and even in the rural districts they have carrier-delivery three times a week, and the lowly tenant of the cottage receives this welcome visitor. In Hungary and Austria, Italy and Spain, Switzerland, France, and Germany the same system is in operation for the benefit of the public.

[Here the hammer fell.]

Mr. HARDEMAN was recognized, and yielded his time to Mr. MONEY.

Mr. MONEY. I am obliged to the gentleman from Georgia for his courtesy.

Mr. Chairman, it is not worth while to speak here of a few thousand or a few hundred thousand dollars in connection with a great service like this. Does any gentleman imagine any of his constituents will call him to account for a provision that extends more liberally and more efficiently a great public function like this, which diffuses its benefits all over the land? In my section of the country thousands of people would not care though you should abolish the Supreme Court, though you should do away with the Army and Navy; but lay your hand on the slightest member of this great service and you will arouse a general indignation.

We are all interested in the Post-Office, a Department by means of which the Government lays its hand of benediction on the people, and nothing but blessing can flow from it. We want this service so perfected, so extended, so developed that every community in the country, however remote, shall be brought into more intimate, closer, and more rapid communication with every other part of the country.

And after a while we shall take in the postal telegraph, and shall make communication so rapid and so frequent that sectional lines will be blotted out, and States will exist, except as to their autonomies, as simple geographical divisions. Nothing will tend to unite the people so much as to perfect your postal system. Let us not linger in the rear in the glorious race of progress. Except in machinery and appliances of distribution, we are behind the world in that liberal and enlightened spirit which carries out measures for the general good.

Our neighbor the Dominion of Canada transports all its newspapers and periodicals free of any charge, because it recognizes in the press of the country—its religious, agricultural, and other periodicals devoted to science, arts, and industry, and the great news press—a great educator of the people. I would have the diffusion of these means of education as free as the wind of heaven, without cost and without price, without limit or restriction.

If we rise to a proper sense of our duty we will enlarge this system it is true by prudent and proper advances, but we will enlarge it until it embraces within its operation every facility that human ingenuity can devise to make it as widespread and far-reaching and as general in its application as it is to-day in the free-delivery cities.

Let me state another thing. If you restrict the number of letter-carriers in the great cities you will put the country to the expense of building store-room for its mails. In New York there are handled one hundred and forty tons of mail matter each day.

If we restrict the facilities of mail delivery in any particular you must enlarge your accommodation for storing and handling your mails until they can be called for by the citizens themselves. And besides, as suggested by the gentleman from New York [Mr. POTTER], look at the time consumed by people visiting the office for their mails.

Another word, Mr. Chairman. In my opinion this amendment offered by the gentleman from Michigan [Mr. HORR] is necessary to preserve even the service as it is now. But we want its extension. We want these privileges carried further and further. And I assure you you never yet made an improvement in this service to which there has not been a response in the increase of its revenue. Talk of the cost of this service! The report of the Postmaster-General shows that the re-

ceipts of the free-delivery system amount to $1,273,000 above its expenses. It matters not if New York furnishes the whole of the excess of receipts, or if it is distributed through a number of cities.

Mr. TOWNSHEND. A vast majority of the free-delivery cities do not pay expenses.

Mr. MONEY. What difference does that make?

Mr. TOWNSHEND. It makes a great difference if New York and a few cities bear the expense of the service for the others.

Mr. MONEY. The people ask for this service, and the people cheerfully pay the money for it, and they should receive the benefit which it brings. [Loud applause.]

[Here the hammer fell.]

Mr. MCMILLIN. I have listened to the speech of the gentleman from Mississippi [Mr. MONEY] with interest. If the expression of beautiful theories without reducing them to practice were either desirable or possible, we might all afford to follow his suggestion. He began on a proposition to increase the appropriation for this special service. Branching off from that in beautiful and eloquent and metaphorical terms, he launched into an extension of the service from cities of 20,000 inhabitants down to those of 10,000 inhabitants.

Mr. COX, of North Carolina. Villages.

Mr. MCMILLIN. Villages, as the gentleman from North Carolina suggests. And what would it take to carry out the service in the manner suggested by the gentleman from Mississippi? Why, sir, in place of having a deficiency of from three to five millions of dollars a year we would have a deficiency of $15,000,000 a year, and, as now suggested to me by the gentleman from New York [Mr. HUTCHINS], an increase of office-holders that would be almost, like the sands of the seashore, innumerable.

I am in favor of the free-delivery system. It is not my purpose to attack it. It has performed a good work, and may be made useful in future. But, like all other branches of the service, it should be kept within judicious limits.

The gentleman from Mississippi, passing from that, suggests a still further departure, in which I think we should not follow him. Not content with swelling this appropriation, not satisfied with suggesting a scheme that would increase the appropriation for deficiencies to $10,000,000 or $15,000,000 a year, he goes into another project. What is that? That the Government ought to take possession of and control the telegraphs of the country. That is another beautiful scheme. But how practical! What would be the consequence of it? Already this free Republic is ruled over by 120,000 officers—selected how? It purports to be democratic; it is reputed to be a representative Republic; yet out of those 120,000 officers less than 500 are elected by the people. And the gentleman proposes a system which would vastly increase and probably double the number of these appointive officers, if the Government should ever assume to purchase or build a postal telegraph to be operated by Government officials. How many would it take to run that system? When would be the end of it? I enter my protest at this time against a system so problematical in its workings.

Mr. MONEY. Will the gentleman allow me to ask him a question?

Mr. MCMILLIN. With pleasure.

Mr. MONEY. How many officials or employés, in addition to the present number, does the gentleman think it would require to do the business under a proper postal-telegraph system?

Mr. MCMILLIN. "In addition to the present number"—I know not, according to any plan that I have ever seen.

Mr. MONEY. I thought not.

Mr. MCMILLIN. Nor does the gentleman.

Mr. MONEY. I can tell you.

Mr. MCMILLIN. You can not tell, nor does the man live possessing powers of mind this side of Omniscience that can tell.

Mr. MONEY. If my friend will allow me——

Mr. MCMILLIN. The gentleman has had his turn.

Mr. Chairman, it appears that on every bill that is brought in here for an increase of these appropriations the beauty of the postal system and its necessities are to be clamored about. I remember that in years gone by, in the star-route period, an appropriation of $2,500,000 was demanded by the Postal Department to continue peculation, fraud, thieving. It was done under the guise of extending the mail service.

[Here the hammer fell.]

Mr. HORR. I yield two minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. I do not propose, Mr. Speaker, to argue the value of the postal-telegraph system. Whatever it may have of value belongs to the future. But I do think my honored friend from Illinois [Mr. TOWNSHEND] in charge of this bill should have been more thoroughly candid and full in his statement when I asked him about the cost and the net proceeds of the free-delivery system. Why, sir, for the year which ended June 30, 1884, the excess of postage on local matter over the total cost of the service was $1,273,278.35. The increase over the preceding year was $251,384.34.

Every time we have increased the appropriations for this service we have added to the revenue, and any business man will readily understand what that means and how it comes about. The Postmaster-General has told you on this subject what I will not read, but I will embody in my remarks. This system of delivery is more acceptable than the old mode of office delivery. It is more accurate, more thorough in the delivery of letters. It reduces the number of dead letters. It diverts to the post-office many letters formerly delivered by expresses and private messengers. It stimulates mail and local correspondence, increases postage on local matter, saves time and money to the people and fruitless calls at the post-office. It yields a large surplus of postage on local matter above its cost, notwithstanding that the class of matter for which it gets credit is only about 25 per cent. of the matter handled by the carriers. There is no answer to these facts. There is no way of getting over them, or under them, or around them; and the Committee on Appropriations in appropriating money in pursuance of existing law should have brought in an amount adequate to meet every idea and requirement embodied in the legislation on this subject. I hope that this House will stand by the letter-carriers, stand by this increase of revenue, stand by the men who stand by the letter-carriers, who are our best friends in all our local and domestic relations.

[Here the hammer fell.]

Mr. HORR. I yield a minute to the gentleman from Mississippi [Mr. MONEY].

Mr. MONEY. Mr. Chairman, I am not accustomed to speak in this House upon subjects that I am not informed upon. When I undertake to express views upon any subject here, I do it only after careful study and preparation. I have had the honor to-day to draw the fire of my distinguished friend from Tennessee [Mr. MCMILLIN], who, not having given himself the trouble to examine into this matter of the postal service, is able to speak out of the abundance of what he does not know, and consequently can say a great deal. [Laughter.]

The gentleman defies me or any other man to say what would be the number of additional Government employés required to perform the service under a proper postal telegraph system, and, as the matter is before the House, I think it a proper thing to reply to him now. I asked the gentleman whether he knew what the number would be, and he said he did not. That was the answer that I expected of him. Sir, I do know, because the committee to which I have the honor to belong has now upon your Calendar a bill reported by the distinguished gentleman from Arkansas [Mr. ROGERS], which, if enacted into law, would give a fine postal telegraph system to this country with not one single added Federal official, not a single additional appointment, and would make a reduction in rates to a schedule under which every solitary telegraph company in the United States has signified its intention to bid if the bill should become a law. And yet, as I have said, that system provides for no additional Federal officials, no enlargement whatever of the Federal patronage. So much for that question.

Now, when gentlemen speak here about robbing the Treasury to give the people proper mail service, and talk about the people being taxed to support this great post-office system, I ask them if they are able to point to any system of taxation so universal in its application, so easy of collection, or borne with such general acquiescence in the levying of it as the tax that is paid in the form of postage for the conveyance of mail matter.

[Here the hammer fell.]

Mr. HORR. I withdraw my formal amendment.

Mr. BINGHAM. I renew the amendment.

Mr. Chairman, while I recognize the intelligence and the information that this general debate has given us, I fail to see its direct bearing upon the paragraph now at issue. If I can have the attention of the House for five minutes I think I can clearly demonstrate that the amount allowed in this bill will not conduct this service during the next fiscal year under the law as it now exists.

The letter-carrier service, like the "civil service," has come to stay in the future administration of this Government. It is the offspring of Republican administration, and came into being under legislation adopted in 1863. To-day, recognizing the gentleman from Illinois [Mr. TOWNSHEND] as the spokesman of the next administration, the Republican party hands over this service to the incoming administration with a net profit of $1,250,000 per annum.

This bill, as submitted by the committee, appropriates $4,100,000 for this service. The law passed at the first session of this Congress gives for this service for the present fiscal year $4,050,000. Before this same Committee on Appropriations is an application for a deficiency of $50,000 in this service created under the law. When that deficiency is met, the appropriation in this bill will be exactly what it is for the present fiscal year. But that is not enough.

Mr. TOWNSHEND. The gentleman will allow me to say that the appropriation last year was $3,500,000——

Mr. BINGHAM. The year before last.

Mr. TOWNSHEND. I mean the appropriation for the year ending the 30th of June last. The Postmaster-General reports that of that appropriation over $10,000 remains in the Treasury unexpended.

Mr. BINGHAM. Why does the gentleman discuss the appropriations of last year? The issue is, what is the service costing this year and what will it cost next year? The gentleman undertakes to predicate the appropriations for the coming year upon those for the last year; but they should be predicated on the expenditures of the present fiscal year and the necessary increase of business. I hold in my hand

a letter from the chief of the letter-carrier division of the Post-Office Department, stating that, without extending this service to a single additional city, without the employment of one additional man, it will cost, under the law for the next fiscal year, $4,297,950; for it is to be remembered that letter-carriers entering the service at $600 receive after one year's service $800, and after two years' service $1,000. This is the amount they must be paid under existing law. So that $197,950 will be required for the next fiscal year beyond the amount allowed in this bill; yet the bill provides that $45,000 shall be given for the establishment of new offices.

[Here the hammer fell.]

Mr. BINGHAM. I would like to have about two minutes more.

Mr. BAYNE obtained the floor and said: I yield my time to my colleague [Mr. BINGHAM].

Mr. BINGHAM. Mr. Chairman, this is a paying service. It does not come to this House with hat in hand asking for alms. Here is a common-sense business proposition. Four million and fifty thousand dollars has been given to this branch of the Post-Office Department to be expended during the present fiscal year. What is the result? I hold in my hand a dispatch from the chief of this service, stating that the net income to the Government from this service will be $1,250,000. What business man of this House, if he could realize $1,250,000 upon an investment of $4,050,000, would not extend such a system? Since 1874, without the break of a single year, this service has returned a large net revenue to the Government.

Mr. TOWNSHEND. Will the gentleman allow me a moment? The Postmaster-General says that there are one hundred and fifty-six letter-carrier offices——

Mr. BINGHAM. I am speaking of these offices as a group.

Mr. TOWNSHEND. And of these one hundred and fifty-six offices only twelve are self-sustaining.

Mr. BINGHAM. I do not care if only one is self-sustaining. You have established this system; it is now in successful operation; and the gentleman himself by his own bill is debarred from arguing against it, because the bill appropriates $45,000 for the establishment of new offices.

Mr. MCMILLIN. I understand the gentleman from Pennsylvania to state that according to official report the net revenue derived from this system during the present fiscal year will be a million and a quarter of dollars.

Mr. BINGHAM. Yes, sir.

Mr. MCMILLIN. In arriving at that result does not the gentleman take the net revenue from all sources in the cities that have this system?

Mr. BINGHAM. Let me explain. I am glad the gentleman has asked that question.

Mr. MCMILLIN. I know that the city of New York and a few other cities pay a revenue, but I know also there are many others that do not.

Mr. BINGHAM. I am glad to have the opportunity to make an explanation. The letter-carrier service in the cities where it is established depends wholly for the payment of its expenses and for its revenue upon the postage on drop or local letters. It not only does its work and returns a million and a quarter of dollars profit to the Government, but every letter and every newspaper coming from every section of the country to be delivered at these local delivery offices is delivered by the carriers without the charge of a fractional part of a cent to the general Post-Office service.

It makes a million and a quarter of dollars per annum upon its own business, and does in addition the delivery of all other mail matter that goes into that office.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I do not rise so much to oppose the amendment as to call the attention of the committee to the fact that if this bill is to pass, as well as the other appropriation bills behind it, it will be impossible to allow so much time to be consumed as has been on this Post-Office appropriation bill up to the present moment. Gentlemen can not pass the appropriation bills if they are to drag as this bill has dragged. If, then, the intention be to pursue that policy in regard to all of the appropriation bills, this House may as well make up its mind to a called session and be done with it.

Mr. BLOUNT. Is it not perfectly competent for the gentleman at any time to move the committee rise and close debate?

Mr. BINGHAM. It is in the hands of the chairman of the subcommittee.

Mr. HORR. Will the gentleman permit me to ask him one question?

Mr. HOLMAN. Yes, sir.

Mr. HORR. Could not all this trouble be avoided if they would bring them in right in the first place?

Mr. TOWNSHEND. They are brought in right.

Mr. HOLMAN. Undoubtedly, if we should throw wide open the doors of the Treasury and invite gentlemen to come in and help themselves we would be all right from my friend's standpoint.

Mr. WARNER, of Ohio. Yes; that is their position.

Mr. HOLMAN. I have not taken up any time in this five-minute discussion, and therefore will be indulged for a few remarks on the pending subject. Gentlemen assume this Committee of the Whole know nothing about it, that gentlemen have not examined the report of the Postmaster-General, that this is a fresh subject of discussion. Now, every gentleman knows last year three and a half millions of dollars were appropriated for this service, and that $14,500 were afterward added, making in all $3,514,500, of which ten thousand and more dollars went back into the Treasury.

Mr. MONEY. Certainly.

Mr. HOLMAN. In this the second year after that state of things it is proposed to add on the basis of that expenditure nearly $600,000 to this branch of the service. Gentlemen know further it is these branches of the public service nearest to the people, in which they take the deepest and most earnest interest, on measures of public policy of the highest moment, that these branches of the Government are seized upon to inaugurate schemes of extravagance which sooner or later bring the blush of shame to honest men all over the land. But when gentlemen make appeal for extravagant and unwarranted appropriations in any given branch of the public service on account of its being nearest to the hearts of the people, they forget that in thus encouraging unnecessary and wasteful extravagance of public expenditure they are sowing seeds which always result in a harvest of humiliation and misery to the country.

Now, an increase of $600,000 in this service is in my judgment ample and sufficient for all proper purposes. I am making no argument against the free-delivery system. I think it is good enough. There are about ten of these offices which pay their own way. The industry of the whole balance of the people supports the others. I am not inclined to complain of it. The system is fairly fastened upon the country, and there is a disposition to acquiesce in it. I do, for one. But, sir, I do protest against opening up here, because of the nearness of this service to the hearts of the people, a system of extravagant and discreditable expenditure of the public money.

The Committee on Appropriations believe this increase to be sufficient.

A MEMBER. There is no increase.

Mr. HOLMAN. The salary of letter-carriers is fixed, but the number to be employed is within the discretion of the Postmaster-General. If we make extravagant appropriations, of course the number will be increased beyond the wants of the public service, and you can not prevent it. If you furnish the money to the Post-Office Department the pressure will be irresistible to expend every dollar of it. It is because it is necessary to impose not only just restraints upon ourselves, but upon those charged with the administration of the Government, we appeal to you to make only a fair and reasonable increase of appropriation for the public service, and not to permit bills in which great public interest is felt to be made the agency of extravagance and corruption in governmental administration.

Mr. BINGHAM. Why does not the gentleman give us for the incoming administration sufficient to execute the law?

Mr. COX, of New York. That is what I wish answered.

Mr. HOLMAN. As I have already stated, and as every gentleman knows, while the salary is fixed by law, the number of persons to be employed is within the discretion of the Postmaster-General.

Mr. BINGHAM. They are there now.

Mr. HOLMAN. If you furnish the money irresistible pressure will be brought to bear upon the Postmaster-General to employ men beyond the needs of the service. Now, I hope the gentleman from Illinois will move the committee rise.

Mr. TOWNSHEND. I move the committee rise for the purpose of closing debate.

The committee divided; and there were—ayes 77, noes 90.

Mr. TOWNSHEND demanded tellers.

Tellers were ordered; and Mr. TOWNSHEND and Mr. BINGHAM were appointed.

The committee again divided; and the tellers reported—ayes 76, noes 77.

So the committee refused to rise.

Mr. HORR. I now call for a vote on my amendment.

The CHAIRMAN. The *pro forma* amendment is withdrawn by unanimous consent, and the question recurs on the amendment of the gentleman from Michigan [Mr. HORR].

Mr. RANDALL. I demand a division.

The committee divided; and there were—ayes 100, noes 64.

Mr. TOWNSHEND. Let us have tellers.

Mr. HOLMAN. I suggest to my colleague on the committee that he take a yea-and-nay vote in the House.

Mr. TOWNSHEND. I will withdraw the demand for tellers, and give notice that I shall demand a yea-and-nay vote in the House.

So (no further count being demanded) the amendment was agreed to.

The Clerk read as follows:

For wrapping paper——

Mr. SKINNER, of New York. Mr. Chairman, I offer the amendment I send to the desk.

Mr. HAMMOND. I move that the committee do now rise.

Mr. SKINNER, of New York. I give way for that motion, but let the amendment be stated.

Mr. TOWNSHEND. I want to oppose the amendment; let it be read.

The CHAIRMAN. The gentleman from Georgia moves that the committee do now rise.

Mr. TOWNSHEND. The committee has just voted down a motion to rise. [Cries of "Regular order!"] I make the point of order that it is not competent to renew that motion; the last vote disclosed a large majority in opposition to it.

The CHAIRMAN. The last vote was on the amendment of the gentleman from Michigan, and there has been intervening business since the former vote on the motion to rise.

Mr. SKINNER, of New York. I desire to offer the amendment now, to have it printed in the RECORD, and will then yield to the motion to rise.

Mr. HAMMOND. For the purpose of having the amendment read I will yield to the gentleman from New York.

The CHAIRMAN. The amendment can then be printed for information.

The Clerk read as follows:

After line 35 insert:

"Letter-carriers may be employed for the free delivery of mail matter as frequently as the public convenience may require at every place containing a population of not less than 10,000 within its corporate limits."

Mr. HOLMAN and Mr. RANDALL. A point of order on that amendment.

The CHAIRMAN. Let the Clerk conclude the reading of the amendment. The point of order will be reserved.

The Clerk concluded the reading of the amendment, as follows:

Provided, The gross revenue for the preceding fiscal year from the post-office or post-offices in such place shall have aggregated at least $10,000.

Letter-carriers may also be employed at the principal and most central post-office of towns or places within short distances of one another, provided such towns or places contain in the aggregate a population of not less than 10,000, and the gross revenue for the preceding fiscal year from the several offices aggregate not less than $10,000.

All laws or parts of laws inconsistent with this provision are hereby repealed.

Mr. TOWNSHEND. The point of order is made upon that amendment.

The CHAIRMAN. The points of order are reserved.

Mr. TOWNSHEND. I do not reserve the point of order, but I make the point of order directly upon it. I am willing, however, that the gentleman from New York shall be heard if he desires it.

Mr. HAMMOND. I submit as a point of order that that was read simply for the purpose of allowing it to be printed in the RECORD.

Mr. TOWNSHEND. Then I want my point of order to be considered as pending.

Mr. ANDERSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ANDERSON. My point of order is that the gentleman from New York rose to move this amendment and had the floor, but between the time that he sent it up to the desk and the time it was read by the Clerk the gentleman from Georgia interposed the motion that the committee rise. I make the point of order that the gentleman had not the floor for that purpose until the amendment had been read.

The CHAIRMAN. The gentleman subsequently yielded the floor for that purpose, and the amendment was read by the Clerk for the information of the House, at the suggestion of the gentleman from New York himself, in order that it might be printed in the RECORD.

The question is, Will the committee now rise?

Mr. TOWNSHEND. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TOWNSHEND. The gentleman from Georgia yielded the floor to have an amendment of the gentleman from New York read. When it was read I immediately raised the point of order upon it. Now I insist that I have the right to have that point of order disposed of.

The CHAIRMAN. The Chair will again state that the gentleman from Georgia yielded to have the amendment read for information in order that it might be printed in the RECORD. It has been read, then, simply for information, and is not now a pending amendment. The Chair distinctly stated that the points of order were reserved.

Mr. TOWNSHEND. I make the point of order upon it now.

The CHAIRMAN. That will be in order when the amendment is proposed for consideration. The question is, Shall the committee now rise?

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union, having had under consideration the Post-Office appropriation bill, had come to no resolution thereon.

Mr. TOWNSHEND. I move that the House do now adjourn, but yield to the gentleman from Kentucky [Mr. WOLFORD] to make a motion. [Cries of "Regular order!"]

Mr. WARNER, of Ohio. If the motion to adjourn is withdrawn I renew it.

Mr. RANDALL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 20 minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BEACH: Petition of citizens of Middletown, N. Y., in reference to the Mormon question—to the Committee on the Judiciary.

Also, petition of citizens of Haverstraw, N. Y., in reference to the Mormon question—to the same committee.

By Mr. BINGHAM: Resolutions of the Commercial Exchange of Philadelphia, Pa., regarding the purchase by the United States of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. W. W. BROWN: The memorial of the directors of the Commercial Exchange of Philadelphia, in behalf of the Portage Lake and Lake Superior Ship Canal—to the same committee.

By Mr. BRUMM: Petition of W. P. Sheafer and 63 others, citizens of Pottsville, Pa., urging action on the Mormon question—to the Committee on the Judiciary.

By Mr. CLEMENTS: Papers relating to the claim of E. A. Harper, of Chattooga County, Georgia—to the Committee on War Claims.

Also, petition of E. A. Harper, of Chattooga County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. G. R. DAVIS: Petition of Rencker, Linkhorn & Co. and 200 others, leading dealers and shippers of live-stock, of Pittsburgh and East Liberty, Pa., against the Hopkins resolution relating to shipping of live-stock—to the Committee on Commerce.

By Mr. DUNN: Petition of citizens of Arkansas for the improvement of the Cache River—to the Committee on Rivers and Harbors.

By Mr. ELLIS: Memorial of the committee of the commissioners of the States to the World's Industrial and Cotton Centennial Exposition, praying for aid for said exposition—to the Committee on Appropriations.

By Mr. EVERHART: Resolution of the Young Men's Democratic Club of Brooklyn, N. Y., urging the discontinuance of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, resolution of the Commercial Board of Exchange, in regard to purchasing by the United States of Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. FIEDLER: Petition of A. Van Vleet, Charles Williams, John Meeker, and others, citizens of New Jersey, in favor of legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. FORNEY: Petitions of Robert A. Clark; of Susan E. Scroggins, daughter of Mrs. Lucy Kirk, deceased, and of James Davis, all of Cherokee County, Alabama, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. GEORGE: Petition of citizens of Oregon for the improvement of Coquille River—to the Committee on Rivers and Harbors.

By Mr. HARMER: Resolution of the Commercial Exchange of Philadelphia, in favor of the acquisition by the United States of the Portage Lake and Lake Superior Ship Canal—to the same committee.

By Mr. HAYNES: Papers relating to the claim of A. P. Burditt and James Fisk—to the Committee on War Claims.

By Mr. HOLTON: Preamble and resolution approved by the mayor, councillors, and aldermen of the city of Annapolis, Md., in favor of the Senate bill providing for the erection of a public building in that city—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: Resolution of the Young Men's Democratic Club of Brooklyn, in favor of stopping the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, resolution of citizens of Karns City, Pa., upon the subject of river and harbor improvement—to the Committee on Rivers and Harbors.

Also, memorial of the Commercial Exchange of Philadelphia, in favor of the acquisition by the United States of the Portage Lake and Lake Superior Ship Canals—to the same committee.

By Mr. HUTCHINS: Petition of citizens of Westchester County, New York, on the Mormon question—to the Committee on the Judiciary.

By Mr. B. W. JONES: Resolution of the Young Men's Democratic Club of Brooklyn, N. Y., relating to the coinage of silver dollars—to the Committee on Coinage, Weights, and Measures.

By Mr. MORSE: Petition of Augustus P. Clarke, late surgeon of the Sixth Regiment New York Cavalry Volunteers, war of 1861, for arrears of pension—to the Committee on Invalid Pensions.

By Mr. MOULTON: Petition of 200 citizens of Effingham County, praying for action against polygamy—to the Committee on the Judiciary.

By Mr. SKINNER: Petition of William M. Thomson, of Alexandria Bay, N. Y., and 28 others, asking that the United States acquire title to Portage Lake and Lake Superior Ship Canals, and make the same free of tolls—to the Committee on Rivers and Harbors.

Also, petition of Anna Shelmidine, of Lorraine, N. Y., and others, asking for an increase of widows' pensions—to the Committee on Pensions.

By Mr. STORM: Petition of Rev. J. B. Woodward and 57 others, citizens of East Stroudsburg, Pa., praying for the passage of certain bills for the suppression of polygamy in the United States—to the Committee on the Judiciary.

Also, petition of the Commercial Exchange of Philadelphia, praying for the enactment of a law for the acquisition by the United States of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

By Mr. WEMPLE: Petition of citizens of Gloversville, N. Y., urging action by Congress on the bills now before them for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. JAMES WILSON: Petition of William Mauler, for compensation—to the Committee on Invalid Pensions.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BURNES: Of numerous citizens of Mound City, of Ebony, and of Maryville, Mo.

By Mr. COBB: Of numerous citizens of Green and Knox Counties, Indiana.

SENATE.

THURSDAY, *February* 12, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Interior, transmitting, in answer to a resolution of the 5th instant, a report of the Commissioner of Railroads and letters from the Attorney-General and the president of the Union Pacific Railroad Company on the subject of the settlement of the indebtedness of that company as provided in the Thurman act, so called. If there be no objection, the letter of the Secretary, with the accompanying letters and papers, will be printed, and they, with the accompanying printed documents, will be referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with section 194 of the Revised Statutes, a list of all persons employed in his Department during the year ended December 31, 1884; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Printing.

He also laid before the Senate a communication from the Secretary of the Navy, transmitting, in answer to a resolution of the 4th instant, a report of the steps taken by him to establish an advanced course of instruction of naval officers at Coasters' Harbor Island, Rhode Island; which, on motion of Mr. SHERMAN, was referred to the Committee on Naval Affairs, and ordered to be printed.

HOUSE BILLS REFERRED.

The bill (H. R. 7522) for the relief of Joseph F. Wilson was read twice by its title.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Kansas not now in his seat [Mr. PLUMB] desired that this bill should be laid upon the table for the time being if he were not in the Senate at the time it was presented. If there be no objection the bill will be laid on the table.

The bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 483) for the erection of a public building at Keokuk, Iowa, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

NOTIFICATION TO THE PRESIDENT-ELECT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a concurrent resolution from the House of Representatives, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 11, 1885.

Resolved by the House of Representatives (the Senate concurring), That a committee of three members of the House of Representatives be appointed by the House, and two members of the Senate be appointed by that body, to wait on Grover Cleveland, of the State of New York, and to notify him that he has been duly elected President of the United States for four years, commencing with the 4th of March, 1885; and also to notify Thomas A. Hendricks, of the State of Indiana, that he has been duly elected Vice-President of the United States for four years, commencing with the 4th day of March, 1885.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. GARLAND. I move to refer that resolution to the Committee on Privileges and Elections. If such a resolution be deemed proper or necessary, the language of this one needs some correction, and it is better for it to go to that committee for investigation.

The PRESIDENT *pro tempore*. The Senator from Arkansas moves that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. SHERMAN. I present a resolution adopted at a meeting of steamboat owners and managers held in the city of Cincinnati, Ohio, in which they remonstrate against the repeal of section 4419 of the Revised Statutes, and state that if that section should be repealed a useless and unnecessary burden would be added to the already oppressed navigation interest. I move that the memorial be referred to the Committee on Commerce.

The motion was agreed to.

Mr. PENDLETON presented petitions of the Daily and Weekly Local, of Sandusky, Ohio; the Daily and Semi-Weekly Torchlight, of Xenia, Ohio; the Standard of the Cross, of Cleveland, Ohio; the Christian Witness, of Newark, Ohio; the Standard Publishing Company, of Cincinnati, Ohio; the Yellow Springs Review, of Yellow Springs, Ohio; the Weekly Echo, of South Solon, Ohio; the Western Tract Society, of Cincinnati, Ohio; the Independent Press, of Wakeman, Ohio; the East Liverpool (Ohio) Tribune; the Hocking Valley Printing and Publishing Company, of Athens, Ohio; the Ohio Educational Monthly, of Akron, Ohio; the Buckeye Vidette, of Salem, Ohio; the Republican Gazette, of Logan, Ohio; the Beverly Dispatch, of Beverly, Ohio; the Independent, of Richmond, Ohio; the Toronto Tribune, of Toronto, Ohio; the Free Press, of Fredericktown, Ohio; the Dennice Novověku, of Cleveland, Ohio, and the Portsmouth Blade, of Portsmouth, Ohio, praying for a reduction of postage on second-class matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of citizens of Cleveland, Ohio, praying for the repeal of the law which fixes the term of certain administrative officers at four years; which was referred to the Committee on Civil Service and Retrenchment.

REPORTS OF COMMITTEES.

Mr. JACKSON. The Committee on Claims, to whom was referred the bill (S. 1400) for the relief of Edward C. Garlick, have directed me to report the same back adversely. At the request of the Senator from Ohio [Mr. SHERMAN] I ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 1999) for the relief of John K. Le Baron, reported it without amendment, and submitted a report thereon.

Mr. SEWELL, from the Committee on Military Affairs, to whom was referred the bill (S. 1668) for the relief of George T. Dudley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2503) for the relief of Charles E. Maris, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 632) for the relief of the heirs of Manning R. Ariail and Sarah Fish, deceased; and

A bill (S. 1370) for the relief of Washington Ford.

Mr. HALE. By direction of the Committee on Naval Affairs I report back a communication from the Secretary of War, with sundry papers accompanying it, on the subject of establishing signal stations upon the Island of Nantucket, Massachusetts, and ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Appropriations.

The report was agreed to.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1327) for the relief of J. H. Hammond, reported it without amendment, and submitted a report thereon.

CHANGE OF NAME OF BANK.

Mr. MORRILL. I am directed by the Committee on Finance, to whom was referred the bill (S. 2571) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock, to report it favorably with an amendment. This is a very short bill, and it is rather necessary that it should reach the other House in season to be acted upon there. I therefore ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported by the Committee on Finance was to add to section 2 the following words:

And that after such change of name the First National Bank of Little Rock shall continue to be in all respects the identical association previously known as the Merchants' National Bank of Little Rock.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The PRESIDENT *pro tempore* subsequently said: The Chair begs to call the attention of the Senator from Vermont [Mr. MORRILL] to the bill (S. 2571) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock. It appears on looking at the bill after its passage that in the print where the word "months" should be printed it is printed "month."

Provided, That such acceptance be made within six month after the passage of this act.

The Chair will ask unanimous consent that in the engrossment of the bill that may be made to read "months" instead of "month" to make sense of it. The Chair hears no objection.

THE STEAMER ALERT.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report an original joint resolution to authorize the return to the Government of Great Britain of the Arctic relief steamer Alert. As it is necessary that this measure should go to the other House as soon as possible, I ask for its present consideration.

The joint resolution (S. R. 121) to authorize the return to the Government of Great Britain of the Arctic relief steamer Alert was read twice by its title.

Mr. CONGER. Let it be read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read at length for information.

The Chief Clerk read as follows:

Be it resolved, &c., That the President be, and he is hereby, authorized to return to the Government of Great Britain the Arctic relief steamer Alert, presented by that government to form a part of the United States relief expedition which on the 22d of June, 1881, rescued Lieut. A. W. Greely and the survivors of his party at Cape Sabine; and the President is also hereby requested in returning the Alert to express suitable acknowledgments for the action of said government in so promptly placing the vessel at the service of the United States.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution? The Chair hears none, and it is before the Senate as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS O. OSBORN.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported a bill (S. 2635) to permit Thomas O. Osborn, minister-resident and consul-general of the United States to Buenos Ayres, to receive a symbolic shield from the Argentine Republic; which was read twice by its title.

Mr. CULLOM. I hope the Senator from California will ask that the bill may be passed at once so that it may go to the other House.

Mr. MILLER, of California. I will make that request. I ask unanimous consent that the bill be now considered.

Mr. INGALLS. Let the bill be read at length subject to objection.

The PRESIDENT *pro tempore*. The bill will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That Thomas O. Osborn, minister-resident and consul-general of the United States at Buenos Ayres, be, and he is hereby, authorized to receive an engraved symbolic shield from the Argentine Republic.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. INGALLS introduced a bill (S. 2636) granting a pension to Laura M. Cheek; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. VAN WYCK introduced a joint resolution (S. R. 123) prohibiting railroad corporations selling, mortgaging, or pledging lands donated by Congress or offering so to do when a bill for forfeiture is under consideration in either branch of Congress or patents have not been issued for the same; which was read twice by its title, and referred to the Committee on Public Lands.

LOAN OF TENTS.

Mr. JONAS introduced a joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans; which was read twice by its title.

Mr. JONAS. I request the immediate consideration of the joint resolution.

Mr. SHERMAN. I should like to have it read for information.

The PRESIDENT *pro tempore*. The joint resolution will be read for information.

The Chief Clerk read the joint resolution, as follows:

Be it resolved, &c., That the Secretary of War is authorized and directed to loan to the American Association of the Red Cross for use by their branch in New Orleans at the World's Exposition grounds twelve hospital tents and outfits: *Provided*, Satisfactory security is given for the safe-keeping and return of the same.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. SHERMAN. I submit an amendment intended to be proposed to the sundry civil appropriation bill. In support of the amendment I present certain letters from the Treasury Department containing a recommendation for the proposed appropriation. I move that the amendment, with the accompanying papers, be referred to the Committee on Appropriations and printed.

The motion was agreed to.

Mr. LAPHAM submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

COUNT OF ELECTORAL VOTES.

Mr. SHERMAN. I wish to submit a resolution in regard to a formal matter.

The PRESIDENT *pro tempore*. Two resolutions went over yesterday which it is the duty of the Chair first to lay before the Senate.

Mr. SHERMAN. Very well.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the resolution offered yesterday by the Senator from Kansas [Mr. INGALLS].

The resolution submitted yesterday by Mr. INGALLS was read, as follows:

Provided, That the Senate does not assent to the concluding declaration of the President of the Senate in the announcement of the vote for President and Vice-President of the United States made in the presence of the two Houses of Congress this day.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. HOAR. I move that the resolution be referred to the Committee on Privileges and Elections. I propose to make the same motion in regard to the resolution offered by me yesterday.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution offered yesterday by the Senator from Massachusetts [Mr. HOAR]. It will be read.

Mr. HOAR. I ask unanimous consent to waive the reading of it. The Senate heard it yesterday.

The PRESIDENT *pro tempore*. If there be no objection the reading of the resolution will be dispensed with.

Mr. HOAR. I move that the resolution be referred to the Committee on Privileges and Elections.

Mr. CONGER. Will the resolution be printed in the RECORD the same as if read?

Mr. HOAR. It was printed in yesterday's proceedings when proposed.

Mr. CONGER. It is not printed in to-day's RECORD, I think.

The PRESIDENT *pro tempore*. The Chair understands that it is printed in the RECORD. It will not be reprinted in to-day's proceedings ordinarily. The Senator from Massachusetts moves that the resolution be referred to the Committee on Privileges and Elections.

The motion was agreed to.

INAUGURATION OF THE PRESIDENT-ELECT.

Mr. SHERMAN. I offer the following resolution, which I believe is in accordance with the usual custom of the Senate:

Resolved, That a committee of three Senators be appointed by the President of the Senate to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

The resolution was considered by unanimous consent, and agreed to.

The PRESIDENT *pro tempore* subsequently appointed Mr. SHERMAN, Mr. HAWLEY, and Mr. RANSOM as the committee of arrangements.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed

the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 235) to provide for the erection of a public building in the city of Augusta, Me.;

A bill (S. 591) for the relief of the estate of Chester Ashley; and

A bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

TEXAS PACIFIC RAILROAD LANDS.

Mr. VAN WYCK. Mr. President, I rise to a parliamentary inquiry. On the 9th day of December the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, was ordered to be placed upon the Calendar of Special Orders. It remained on the special-order calendar until within a few days, when, without having been considered by the Senate, it was displaced from its order and does not appear upon the Calendar of Special Orders. I ask if there has been some mistake on the part of the clerks in taking the bill from the Special-Order Calendar, or whether it has been done by a vote of the Senate?

The PRESIDENT *pro tempore.* The Chair will state that there has been no mistake on the part of the clerks. The bill was laid before the Senate as a special order and considered, in the technical sense of being entered on the Journal as considered, as a bill before the Senate for action. The Senate by a vote refused to consider it, and proceeded to consider another bill. That, under the constant ruling of the presiding officer, sent the bill back to its place on the General Calendar, and it ceased to be a special order.

Mr. VAN WYCK. Then I ask unanimous consent that the bill be restored to its place on the Calendar as a special order. I doubt very much whether Senators considered, in the hurry of the moment when they resolved to take up for consideration the silver bill, that they were displacing this bill upon the Calendar.

Mr. HOAR. What would be the place of the bill?

Mr. VAN WYCK. It would be at the head of the Calendar of Special Orders. There is where it belongs. I ask unanimous consent that the bill be restored to its place.

The PRESIDENT *pro tempore.* The Chair will state to the Senator from Nebraska and to the Senate, what perhaps is entirely unnecessary, that under the present rules it is in order for a Senator at any time after the morning business is closed to rise in his place and move to proceed to the consideration of any bill on the Calendar, which motion is to be determined at once and without debate.

The Chair will now state the request of the Senator from Nebraska. The Senator from Nebraska asks unanimous consent that the bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes, be restored to the place it formerly held at the head of the Calendar of Special Orders. Is there objection?

Mr. DOLPH. I inquire if that would affect the unfinished business, which is the pending order?

The PRESIDENT *pro tempore.* It will not affect the unfinished business.

Mr. INGALLS. I did not understand under what rule the bill, having been made a special order, was retired to a place on the Calendar of General Orders. It seemed to me at the time the decision was first announced, which I believe was on the morning after another bill had been taken up, that the Senate was not properly advised, or it might not have consented to the ruling which was made. I did not understand that any public announcement had been delivered from the Chair as to the rule or the interpretation of the rule under which the special order was displaced. It occurred to me at the time when I first discovered it that it was not in accordance with the spirit of the rule. I have always understood that when a bill was made a special order it would remain such under our rules unless displaced in the manner pointed out by the rules.

The PRESIDENT *pro tempore.* The rule, Rule X, in relation to special orders, reads in this way:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives, the presiding officer shall lay it before the Senate unless there be unfinished business of the preceding day—

This the Chair did, and it was before the Senate for action upon the bill—

and if it is not finally disposed of on that day, it shall take its place on the Calendar of Special Orders, in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

2. When two or more special orders have been made for the same time they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by direction of the Senate.

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

Pending this bill, which pursuant to the special order of the Senate had been laid before the Senate and was before the Senate as in Committee of the Whole for action, under another rule of the Senate the Senator from Vermont [Mr. MORRILL] moved that the Senate proceed to the consideration of another bill. The Senate on the yeas and nays voted that it would proceed to the consideration of that other bill, and that in the understanding of the Chair (he consulted some Senators either then or on a former occasion) finished that bill as a special order. To hold otherwise would be to hold that a bill once made a special order would through a whole session retain its place unless it was acted upon directly by a vote rejecting it or passing it. The Chair could not put that interpretation on the rule and did not.

Mr. INGALLS. I do not speak complainingly of the decision, but I am very sure that the Senate has not until this time understood it. It was not the purpose in the vote which I gave in any way to displace or interfere with the special order. But I see that there are still on the Calendar of Special Orders, the time for which has long since passed, that is, the particular day has long since passed, three bills or joint resolutions yet remaining assigned as special orders; and I can not understand why, if one special order was displaced by a yea-and-nay vote upon the question to take up another bill, all of those, which had been previously reached in the order of time, at least so far as the almanac is concerned, should not have taken the fate of the first upon the list.

The PRESIDENT *pro tempore.* While the order of time had gone by, they had not been reached in the procedure of the Senate, and they had not had their day in court, so to speak, as special orders not having been reached before, the Senate always having had before it unfinished business. The Chair may add to the Senator from Kansas that the present occupant of the chair voted against the motion of his colleague, because the Chair understood what his own interpretation of the rule was, and he did not wish to displace the Texas Pacific bill.

Mr. INGALLS. Does the Chair then understand that if the Senate should vote to-day to take up another bill, the first special order upon the assignment would be displaced and go back to the Calendar of General Orders?

The PRESIDENT *pro tempore.* The Chair does not so understand it until that special order is placed before the Senate and is before the Senate as a bill to be acted on.

Mr. HOAR. Will the Chair be kind enough to state under what rule a motion to proceed to take up another subject is in order when a special order is pending, that special order having been made so by a two-thirds vote?

The PRESIDENT *pro tempore.* The Chair understands that when a bill is made a special order and is laid before the Senate, that special order of the Senate has been executed. It has been placed before the Senate for consideration at that time. That being done, the Chair understands the provisions of Rule IX, as well as the provisions of the rule relating to special orders which expressly recognize a motion to proceed to other business, entitle any Senator, the special order having been laid before the Senate and the bill being under consideration, to move to displace that, as he might any other bill.

Mr. HOAR. Rule IX and Rule X both seem in their letter, as also the general rule about motions, to exclude the right to put that question in that form when a special order is before the Senate. Rule IX says:

If there shall be no special orders for that time, the Calendar of General Orders shall be taken up and proceeded with in its order * * * and in such case the following motions shall be in order.

Then the other rule says what motions shall be in order—to amend, to adjourn, and so on; and Rule XXII says on page 13:

When a question is pending no motion shall be received but—
To adjourn,
To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain,
To take a recess, &c.

Neither of these rules admits a motion to proceed to take up another subject when a special order is before the Senate.

The PRESIDENT *pro tempore.* The rule as to special orders—the Chair will call the attention of the Senator from Massachusetts to it—stood before its last amendment at the last session differently from what it does now; but Rule IX stood very much, if not entirely, the same. Under the rules as they then stood the Chair announced his decision on some question that was presented, that it would be in order to move to proceed directly to the consideration of any other bill on the Calendar under the second clause of the enumerated motions under Rule IX. That was doubted upon the suggested ground that special orders once laid before the Senate did not fall within the scope of the ninth rule. The Chair thought that they did; but that being doubted, the matter was referred to the Committee on Rules, and they reported two amendments, among which the Chair thinks he remembers was this one at the end of Rule X:

And all motions to change such order, or to proceed to the consideration of other business, shall be decided without debate.

The Chair thinks, if he understood the Committee on Rules, the purpose of that was to put a special order once laid before the Senate within the same category of the power of the Senate upon motion to proceed to other business if it chose to do so.

Mr. HOAR. Then the first clause of the tenth rule would seem to be nugatory; that is, that if the special order be not finally disposed of on that day it shall retain its place. Certainly it is not a final disposition of that order to lay it before the Senate. It is not a final disposition of it to substitute some other business for that day. If it be not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time in which it was made a

special order unless it shall become by an adjournment unfinished business. That is the provision. It seems to me that would require, if the special order were displaced by something else, that it should take its old place on the Calendar.

The PRESIDENT *pro tempore*. The Chair sees the force of the suggestion of the Senator from Massachusetts and saw it when the matter was under consideration on a former occasion, but taking the whole rules together, the Chair thought and still thinks, with great respect, that a special order is finally disposed of as a special order when it has been regularly laid before the Senate and is up for consideration and by a vote of the Senate it is declared that it will not consider it and will consider something else.

Mr. HOAR. The rule contemplates that if it continues during the day and is the unfinished business by adjournment it is not finally disposed of.

The PRESIDENT *pro tempore*. It finally disposes of it as a special order, and it becomes unfinished business by the very language of the rule, as the Chair thinks.

Mr. HOAR. If it be not finally disposed of, it shall be so and so, unless it becomes by adjournment unfinished business, implying that it is not finally disposed of in that case.

The PRESIDENT *pro tempore*. The Chair puts exactly the opposite interpretation on those words, that when it becomes the unfinished business it ceases to be a special order and has been disposed of as that, but stands at the very top of the whole Calendar as unfinished business, having therefore a preference over all special orders.

Mr. SEWELL. Does not the third section of Rule IX apply to the case in point? It reads thus:

"Third. A motion to pass over the pending subject, which, if carried, shall have the effect to leave such subject without prejudice in its place on the Calendar.

That is as I understand the case.

The PRESIDENT *pro tempore*. That was not the case. A motion to pass over is different from a motion to supersede a bill and proceed to another bill. Passing over is quite a different thing from displacement on motion.

Mr. SEWELL. I understood this bill was set aside temporarily or otherwise passed over.

The PRESIDENT *pro tempore*. That was not the motion. The motion was a direct one under another clause of the rule to proceed to the consideration of the trade-dollar bill, and on the Chair's understanding of the rule he voted against the motion of his colleague although he wished to have the trade-dollar bill considered, voted on the yeas and nays to keep the special order where it stood for action.

Mr. VAN WYCK. I asked unanimous consent that the bill be restored to its place on the Calendar of Special Orders.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Nebraska that the Texas Pacific land-grant forfeiture bill be restored to its old place at the head of the Calendar of Special Orders? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS.

Mr. SHERMAN. In order to prevent any struggle, for we have come to that period of the session when it is likely to come, I suggest, without knowing the bills on the Calendar, that by unanimous consent the House bills now on the Calendar may be taken up under the eighth rule, subject to objection and also subject to the five-minute limitation of debate. In that way we may dispatch a number of bills that will excite but little opposition, or if there is any objection after that they go over and take their chances with other bills. I make that suggestion.

Mr. WILSON. Does that displace the pending bill reached in the call of the Calendar?

Mr. SHERMAN. No; it brings them under the eighth rule. I move to take up House bills.

Mr. SEWELL. Suppose you take up a House bill and I object to it?

Mr. SHERMAN. Then it goes over. It is subject to the eighth rule. I propose to take up House bills under the provisions of the eighth rule.

Mr. WILSON. If that interferes with the present position of the bill for the relief of settlers on the Des Moines River lands, I object to it.

Mr. SHERMAN. It does not interfere with that. We dispose of this order first, and leave that still standing.

Mr. WILSON. Then I object. That bill, as I have stated before, was reported nearly a year ago and it has got by repeated displacements until now it is at the head of the Calendar, and I desire it to be continued.

Mr. SHERMAN. I want to vote for that bill, but it can come up again as soon as this order is disposed of.

Mr. WILSON. It was reported last March. It will require the action of the House of Representatives if it passes the Senate, and I can not consent to its displacement now.

Mr. SHERMAN. Are we to stop until the State of Iowa does justice to its citizens? For the State of Iowa ought to pay every dollar of this money. I do not want to go into that discussion; but I think it is wrong to keep that bill in the way of all others.

Mr. WILSON. Then I say the Senator ought not to start that discussion.

Mr. SHERMAN. I do not think it is exactly right to let that bill stand in the way of all legislation. I do not know what the bills from the House are, but I know that there are several important bills that the Senate is very much in favor of. We can probably in a short time dispose of all those to which there is no objection, and thus get rid of and enroll those bills in time to have it done methodically and without mistake. I have always proposed and expect to vote for the bill of the Senator from Iowa, but I do not think it ought to stand in the way of the general legislation of Congress.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent that the House bills on the Calendar of the Senate be taken up in their order as under Rule VIII, subject to objection and to five minutes' debate? Does the Senator from Ohio ask that Rule VIII shall also operate in regard to a vote of the Senate to consider a bill notwithstanding an objection?

Mr. SHERMAN. Yes; let the order be under the operation of the eighth rule entirely.

The PRESIDENT *pro tempore*. The Chair only wanted to understand it. The Chair will therefore state the request again. The Senator from Ohio asks unanimous consent that the House bills on the Calendar be taken up in their order as under the whole operation of Rule VIII. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no further "concurrent or other resolutions," that order of business is closed and the Chair lays before the Senate the Calendar under Rule VIII. The first bill in order on the Calendar is Senate bill No. 1886.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The reading of the report will proceed.

The Chief Clerk resumed at page 26 the reading of the report submitted by Mr. PLUMB from the Committee on Public Lands April 8, 1884.

Mr. MORGAN. I hope that the Senator from New York will consent that the further reading of this report may be dispensed with. It does not go into the RECORD, the reading of it does not inform the Senate about anything; it is merely in the way of the progress of the bill; and unless the Senator desires to hear it read himself I hope he will consent that the further reading may be dispensed with. We can refer to such parts of the report as we desire in our remarks, and those parts will then go into the RECORD.

The PRESIDING OFFICER (Mr. HARRISON in the chair). The Senator from Alabama asks unanimous consent that the further reading of the report be dispensed with. Is there objection?

Mr. LAPHAM. Since the statement was made yesterday that no part of this report can go into the RECORD I am inclined to yield the demand that it shall be read; but I supposed that the report being read it would be placed in the RECORD, where it could be seen. Under the ruling of the Chair it appears it will not go into the RECORD. I want in some way that the views of the minority, which are addressed directly to the consideration of the question before the Senate, shall be either printed in the RECORD or read to the Senate.

The PRESIDING OFFICER. Does the Senator from New York object to the suggestion of the Senator from Alabama?

Mr. MORGAN. I suggest to the Senator that he can put any part of the report he chooses in his own remarks so as to bring out anything that he desires to inform the Senate of. That will answer every purpose.

Mr. LAPHAM. Although I was charged yesterday with being an obstructionist because I insisted upon the reading of the report of the committee in support of the bill, I have no desire to detain the Senate with the reading of the residue of this report; none whatever.

The PRESIDING OFFICER. The Chair hears no objection to dispensing with the further reading of the report. The further reading is dispensed with by unanimous consent.

Mr. MORGAN. Mr. President, I move the indefinite postponement of this bill; and my purpose in doing so is to get the question at issue before the Senate directly as to whether we ought to consider it or not.

The PRESIDING OFFICER. The Senator from Alabama moves that the bill be indefinitely postponed.

Mr. MORGAN. The subject has been before the Senate very frequently. I suppose it has received as much examination as almost any other question of a like character at least that has ever been here. It has been before the Committee on the Judiciary and received a most thorough examination from that committee, and they made a unanimous report. I think it was unanimous. The report to which I refer was presented by the Senator from Arkansas [Mr. GARLAND], declaring that there was nothing in this case of which Congress had any jurisdiction.

The history of the case is a very prolonged struggle between the State of Iowa and its own citizens, between the State of Iowa and the United States Government, and between the citizens of Iowa and the United States Government. It originated, as the Senate knows, in a grant of land made to the State of Iowa for the purpose of improving the Des Moines River. The first question that arose in it was whether the land thus set apart for this public work was granted above the Raccoon Fork of that river. While this controversy was pending here a number of citizens, attracted doubtless by the excellent quality of the land and the beauty of the country, moved in there and commenced their settlements. They were originally squatters, as they are termed, and I believe they still honor the name by having located under that title in the State of Iowa, a large number of them doubtless most excellent people, perhaps as good a community as there is in that State.

They commenced to set up their titles to this tract of land; they pressed their claims upon the local land offices and afterward upon the Department of the Interior, and many of them obtained certificates of entry, and some of them obtained patents.

Congress sought to relieve the difficulty by passing a joint resolution explanatory of former legislation. The effort of Congress was evidently only to quiet the title, to give to the State of Iowa the grant of lands that was embraced in the original act, not the later interpretation, but to confirm as far as they could confirm the titles that had been made under the sanction of the laws of the State of Iowa.

Out of this imbroglio arose a number of lawsuits between quite a number of different parties. These lawsuits originated, all of them, I believe, in the State of Iowa and in the State courts of Iowa; at all events the State courts of Iowa were appealed to from the local land courts up to the supreme court, and from thence appeals were taken to the Supreme Court of the United States, and a variety of cases that it is not necessary now to enumerate have been decided by the Supreme Court of the United States.

Now this bill provides for a new lawsuit; and that is all that it does provide for—a lawsuit in which the Government of the United States shall be one of the plaintiffs, and a certain class of persons interested in these lands shall join with the Government in the action, the object of it being as declared to settle all questions of controversy in respect to the ownership of these lands.

When this case was before the committee we went over the subject and investigated it as thoroughly as we could, having also the advantage of the report made by the Committee on the Judiciary, which was an exhaustive report. A minority of the Committee on Public Lands agreed with the Committee on the Judiciary that we could find no ground of jurisdiction for legislative purposes remaining in Congress; that this whole matter had been decided by the courts of the country, and that there was really no question left open that we would discover that the courts had not practically adjudicated touching the title to these lands.

Mr. President, a very fair way to try this matter would be this: it would be for some of the Senators who insist upon the passage of this bill and the renewal of this litigation to state a case that actually exists that is not covered by some decision made by the supreme court of Iowa or by the Supreme Court of the United States.

I do not refer now to a case that we can make by legislation; I do not refer to a case that may spring up after we have legislated to change titles here; but upon the existing state of facts, under the existing laws of the United States, let some Senator now state a case as one actually existing, not hypothetical, but one actually existing, which is not covered by some decision that has been made by the supreme court of Iowa or by the Supreme Court of the United States.

Then when we get that case stated, we can understand, I think, how far we can go in legislating to give a remedy in that particular case. But this matter has been embarrassed by an almost universal complaint among a certain set of claimants that their rights had not been fairly considered, that they had not had a full and fair opportunity to have them adjudicated, that the Government of the United States has not taken those steps which are necessary to declare the rights of persons who claim under it; that therefore it is necessary to have some Congressional declaration, and following that Congressional declaration to have a new lawsuit to determine how far Congress can affect titles that already exist. In my judgment the bill, while well intended, while intended to give repose to a great community and to quiet down questions which ought never to have existed, instead of quieting down those questions and settling those disputes only sows another harvest of litigation, and it will be years perhaps before that can be terminated.

The Committee on Public Lands were not only embarrassed by the manner in which this claim was presented, but their sympathies have been greatly worked upon; mine have been. I confess that I have a great desire to compensate those people, who have been misled in the investment of their money both in the purchase of these lands and in the improvements put upon them in some way or other. I feel that the Government of the United States has been derelict about this matter. Congress itself is not without blame in respect of it; but the officers of the Government of the United States having charge of the public lands have made a contrariety of decisions, they have made contradictory decisions, repugnant decisions in regard to these titles, and they have left the people of Iowa in a condition where some of the officers would induce them to go on and make expenditures of money and of labor in the improvement of their farms, while other officers would come on succeeding them and overturn their titles entirely. Then they would rush into the courts, and they were not satisfied of course with the decisions of the courts of the State of Iowa; and then Congress was appealed to to come in and indemnify the State of Iowa, to grant lands in excess of the original grant, which was done; so that the State of Iowa out of the lands granted, I suppose, might have made compensation to her citizens. It is insisted on one side that Iowa having received this indemnification at the hands of Congress, it is her duty to indemnify her people. I have not adopted that view of the case, because I have never begrudged to any of the new States the lands within their borders.

I have always felt that there was a certain degree of inequality between the new and the old States in respect of the domain within their borders. The old thirteen States and several others that were carved out of them by the assent of Congress received not from the Government of the United States, it is true, but they received in the partition of territory which they acquired in our revolutionary struggle the absolute title to all the lands within their borders, subject to certain contributions that they had to make to pay some of the expenses of the Revolutionary war, and also to pay bounties to some of the soldiery of that war; but practically the old States got all the land within their borders, while the new States got no part of the land within their borders except certain reservations which they made for school purposes and purposes of locating and building State-houses and the like—very small parcels of land compared with the vast domain that they surrendered by their acts of cession to the Government of the United States.

So I have never been at all disposed to be strict in giving to the new States the lands within their own borders for any public purpose that might be useful to the people; and so I have not adopted the view which some Senators have taken in committee and elsewhere, that because the State of Iowa received certain lands in the nature of an indemnity, she should have furnished them to her people to compensate them, for the losses which they had sustained because of our loose legislation, and because of the contradictory decisions made in the Land Office. I have never believed that that relieved the Government of the United States from its own obligation morally and equitably to compensate those people for the difficulties and traps into which they had been led by our legislation and by our system of decisions in the Land Office.

Now, sir, I announce my willingness on this floor to-day to have an account taken between every settler in Iowa who has been misled by the action of the officers of the Government of the United States and the United States Government, have the balance struck, and pay it in money, so that no citizen of that State shall have the right to complain of the Government of the United States that he has been misled by its action into making improvements upon lands that he purchased and paid for to the Government under the decisions of the General Land Office; but I want this matter out of the way, so that we can proceed to make that compensation in order that the Government of the United States can discharge itself of this debt, as it must of every honorable obligation resting upon it, it makes no difference whence derived. I can conceive of no obligation of greater weight in the scale of honor than that which arises in favor of a citizen of the United States who has been misled by the judgment or action of the Government officers in placing his home upon a piece of public land and making improvements thereupon of which he is deprived afterward in consequence of the fact that those officers had no right to authorize the settlement.

Here are other persons who are interested in these lands. Laws were passed and decisions made by courts of the highest appellate authority. These laws settled the rights of men to go to Iowa and buy these lands. People living in distant States went there and invested their money. They are innocent purchasers in every sense of the word. They bought not only in innocence of any defect in the title, but they bought actually under the invitation of the Government of the United States and also of the State of Iowa. We can not regard these men as being intruders into the State of Iowa, it makes no difference if some of them have got more than one hundred and sixty acres of land in a body.

At the time these laws were enacted the State of Iowa was an unsettled country to a large extent; it was very new; it needed population and it invited population, and Congress seconded the invitation, to get not population only but capital into that country. And mark how she has prospered. What State of all the number of the younger sisters in this great Confederacy has had greater prosperity than Iowa? But she has been dependent for it very largely upon the public-land grants that have been made to her so liberally by Congress. It was right to make them. She has enjoyed the benefit of them; she has got population; she has become wealthy. Now it is not right that we should turn back and say to the men who took their money in there and invested it in Iowa lands, "You shall have no title," or that, "You shall have eternal litigation before this matter is ended."

I might remark, I think with great justice also, that the laws and decisions of the United States are not fully respected in regard to these lands in Iowa. There is a disposition there to resist the laws, a disposition not to allow them to have their full effect, a disposition to contra-

vene the decisions of the Supreme Court of the United States. There are organizations there having ostensibly for their purpose, if not resistance to the decisions, at least the protracting of the litigation over these lands. That is a bad state of affairs, and I should like to remedy it.

We can not get rid of that feeling by holding out a vain hope to these people that they can possibly overturn the decisions of the Supreme Court of the United States in some further litigation. We had better express a decisive judgment, as was done by the Committee on the Judiciary, and say that Congress has no longer any power over this question, for that is the fact.

If Congress has not passed the title to these lands, then there is no use of passing laws, making decisions, and issuing patents; and I believe, so far as I have been able to understand the facts in this case, Congress has just as much right by an act to take the title of a tract of land that I may hold under a patent that is thirty or forty years old out of my hands and give it to any other Senator on this floor as it has to go back and rip up these decisions by enacting a new law, create a new litigation, and enable a court to make a decision contrary to the decisions that have already been made. There must be a time when the Government of the United States can rid itself of its title; and whenever that Government has issued a patent that is not fraudulent on its face—by which we mean a patent that is not affected with fraud in the fact of its issue—Congress can not recall that patent and undo it by a legislative act. It is a conveyance made by the Congress of the United States, having power to make it, having an understanding of the facts, certainly not subject to duress; and when the conveyance is not affected by a fraud that inheres in the patent itself and makes it void as a muniment of title, that patent conveys that land, and after we have gotten rid of it in that aspect, whatever question arises in respect of the title to that land afterward becomes a judicial and not a legislative question.

So I think that every question in this case, as far as I have been able to see, indeed I am sure that every question in this case that is now sought to be raised by this bill and to be brought back again before the courts for adjudication, is a judicial question merely, and not a legislative question. The whole subject of the title to these lands has passed beyond the domain of Congressional legislation. What we have done is a finality, so far as the Government is concerned, and if we have done wrong, nothing remains for us to do but to pay the damages to the people that we have injured by our contradictory and inconsistent course of legislation.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama, that this bill be indefinitely postponed.

Mr. WILSON. Mr. President, it is not my purpose to detain the Senate long in submitting the remarks upon this motion which it is my desire now to do, but if Senators will give me their attention for a few minutes I think I can present this case in a manner that will give it clear understanding to the mind of every Senator.

In the very heart of the State of Iowa there are living to-day more than one thousand families to whom the passage of this bill means more than I can tell or we can realize. These families include many persons now in the winter of life. Years of adventure, hardship, and toil are behind them, all of which were expended in hopeful endeavors to secure and improve homes for themselves and their families on the lands to which this bill relates and which they now believe of right belong to them. For more than a quarter of a century have many of them lived where they now live, having commenced their terms of occupancy in full belief that the end would be perfect titles to peaceful homes. Relying on the good faith of the Government and depending on the assurance of written public law, they entered upon the struggle through which homes in the West were then secured. As they pursued the even tenor of their ways the wilderness was subdued, waste places were reclaimed, civilization advanced, homes were established, farms unfolded their beauties, families multiplied, and happy communities evolved the elements of thrift and prosperity. They had no suspicion of danger to the titles to which they looked for an assurance to them of the results of their willing sacrifices and sturdy endeavors. It was no fault of theirs that governmental action and inaction induced the presence of conflicting claims and controverted rights.

Twenty-five years ago the section in which these lands and homes are situate was the frontier of Iowa settlements. No one then had reason to believe that the conditions which now exist relative to the titles to the lands there situate would ever transpire, and these settlers began their work in that new region in full belief that under and in pursuance of the land laws of the United States perfect titles would eventually come to them from the Government. They did know what Congress, the Secretary of the Interior, the Commissioner of the General Land Office, and the State of Iowa had done. This they were bound to know. But they did not and could not know what these powers and officers might do or attempt to do in the future. Nor did either prudence, duty, or the law require them to enter upon inquiries relative to the possibilities which might appear in that uncertain field of action, and they now believe that whatever was subsequently done could not lawfully affect their rights.

It is not necessary for me here to affirm that vested rights can not be divested by an act of Congress or by the mistake or unlawful act or decision of an executive officer of the Government. We all know that it can not be done. Whatever rights these settlers had they, in contemplation of the law, now have, in spite of legislative or executive action, whether it be that of the United States or of the State of Iowa. And this doctrine will apply with as effective force to the bill which we are now considering in the event of its enactment by Congress as it does to the acts which have cast a cloud upon the titles to the lands which constitute one of the most beautiful sections of the State of Iowa. Hence no one can be harmed by the passage of this bill. Even the temporary disturbance which may be occasioned by the commencement and progress of the action which it directs shall be instituted on behalf of the United States by the Attorney-General will be more than compensated by the perfect title to be assured by the judicial determination of the controversy. And this view of the case leads me to remark that the contention which it is the office of this bill to terminate is not wholly measured by the private rights involved in it. It is one of those disturbances which affect a considerable region of country in all of the relations which influence values, contentment, prosperity, a right progress. From this aspect of the case a public question results. This broadens and intensifies the character of the bill. Its object embraces the interests of all of the people of the region immediately affected; indeed of the entire State of Iowa, and of the individuals, residents of other States, who claim title to any part of the lands involved adverse to the settlers. Each and all of these are definitely interested in obtaining, at the earliest practicable day, a final judicial determination of the controversy which rests like a blight upon the titles of all.

I do not state the case too strongly when I say that the controversy which it is believed the methods provided by this bill will settle rests like a blight on all of the titles to the lands affected. No one who has not come personally into contact with the facts and effects of this case can fully realize or perfectly appreciate how absolutely this blight has settled upon its every feature. But every person in interest knows full well how malign its influence has been and still is, and it will get no better but rather grow worse until in some such way as is now proposed a definite judicial remedy shall have been applied; and I am surprised that the Des Moines Navigation and Railroad Company and all of its assigns and grantees do not join in asking for the passage of this bill; for the title of that company and of its assigns and grantees will remain in doubt, challenged and uncertain, until some such remedy shall have been provided and applied.

Many of the settlers who are urging the passage of this bill, I am informed, are grantees of the said company, having endeavored to perfect their titles by purchasing that claimed by the corporation also. Still others, who have no title but such as they have derived from the company by purchase, approve this measure and ask that it be enacted into a law. My information is to the effect that these several classes of claimants and grantees can neither sell their lands nor raise money on them by incumbrance. Every phase of the title is regarded as in some way imperfect, and is the subject of suspicion. Nor will this condition be remedied by any worrying-out process on behalf of the resisting corporation. A thousand families, some of whom have been occupying these lands as homes for a third of a century, and many of them, as I have already stated, for more than a quarter of a century, will not give up the contest even though this bill should fail of passage. They are not asking that the rights of others be interfered with, but simply that their own shall be protected. They claim that in fact and in law the legal title to all of the lands covered by this bill is in the United States; that having complied with the laws relative to pre-emption and homestead entries they are entitled to patents for the lands on which they have settled and made their homes; that as to the remaining, concerning which no adverse claims exist, they are content to have them confirmed to the said company or to its grantees as this bill provides. That is the whole case as these settlers present it. They simply ask that all of the questions involved in the conflicting claims to these lands shall be judicially determined, alleging that in none of the cases cited against them has this been done.

In this latter allegation they do not stand alone, as is abundantly evidenced by the fact of the universal suspicion which rests upon the titles involved. The cases cited are not free from the taint of alleged collusion. I make no charge in this regard, nor shall I enter upon an examination of the said cases. It is sufficient for my purpose and in justification of this bill to say that in none of the said cases has the United States asserted its title, and the settlers who ask for the passage of this bill have had no opportunity which would allow them to do so.

The representatives of those settlers tell me that they and all of their associates will promptly and peacefully yield to the result of the judicial proceeding which this bill proposes to institute should it prove to be adverse to them. It may be responded to this that in so doing they would but be obeying the law and performing a duty incumbent on every good citizen. This is true; but it is also true that it involves the surrender of the results of the labors of their lives, the loss of homes which have sheltered them, and in which their families have been reared, and another start in the struggle of life with too many of their years gone for those yet remaining to move upon them freighted with hope and goodly promise of success and fortune.

Mr. President, the citizens who ask for the passage of this bill have

long importuned Congress for relief. They have been patient and respectful. It does not seem just to deny their prayer. They can not put their case in the courts. But the Government can go there under the provisions of this bill. These citizens are humble; but their rights, though they may embrace merely claims to titles to small holdings of lands on which they have spent the best years of their lives in hardy endeavors to found and possess homes, should be as sacred in the contemplation of the Government as though they were the owners of principalities of lands and millions of invested capital. A government can be as truly great in guarding the comparatively insignificant rights of its humblest citizens as in contests for empire. We can give the protection prayed for in this case not only without injustice to other citizens, but in a manner which, while it protects private rights, will also promote the public welfare. For it must be seen by all that even though the remedy proposed shall fail of that full measure of good result which would secure to these patient settlers their homes, it certainly will quiet the titles to all of the lands whose conditions are disturbed and values unsettled by this long existing controversy. Hence, whatever the final issue may be, a good result will have been reached. A conflict of many unpleasant features will come to an end. I can but hope that the end will assure to these patient people their homes. But should it fail of this, it will give rest and perfect title to one of the most beautiful and fruitul sections of the State of Iowa. The Government will have done its full duty, and the citizen will feel that it is not unmindful of him, though he may be poor and his home humble. This will tend to remove unrest and establish contentment; and noresults of government are more to be desired than these.

With this description of the case I am willing to submit it, so far as I am concerned, to a test of the motion made by the Senator from Alabama.

Mr. GARLAND. Mr. President, some four years ago almost exactly I had occasion at the instance of the Judiciary Committee to examine this matter very thoroughly, and I made a very careful and elaborate examination of it so far as I was concerned; and as a result I was directed to submit as the unanimous voice of that committee a report in accordance with the views expressed by the Senator from Alabama [Mr. MORGAN] a few moments ago.

In making that examination I had every sympathy with what are called the settlers there, and I used the few faculties I had to the best of my ability to find out some way to give them a remedy or to give them relief; but I was forced to the conclusion, as was the committee unanimously, that there was no relief that Congress could give, that the matter had long since passed out of the legislative jurisdiction of Congress.

One of your predecessors, sir [Mr. HARRISON in the chair], Mr. Pratt, years before I came into the Senate, and years before I ever had any idea that I should be able to get to the Senate, made a report from the Judiciary Committee, which was unanimously indorsed, to the same effect as the report I made and as the minority report made now by the Senator from Alabama. The Senator from Alabama has expressed my views so thoroughly and so completely that I shall not detain the Senate many minutes. I will simply attempt to re-enforce, with some additional light on the question in more recent years, what the Senator from Alabama has said. Coming down to the pure stubborn question of fact and law, the settlers do not stand in relation to this property as innocent purchasers. It can not be claimed. But while that is true, as was so well stated by the Senator from Alabama, I have some sympathy with them, and believe that possibly Congress in dealing with them ought not to hold them to the strict letter of the law, but might open its sympathy and give them some relief, possibly in the way suggested by the Senator from Alabama, but certainly not in the way the bill proposes.

Now I wish to call the attention of the Senate for a few minutes to the closing part of the report which I made four years ago from the Judiciary Committee on this subject:

Notwithstanding the opening of the land offices in 1868, by the direction of the Secretary, to the entry of these lands as Government lands, it seems to the committee that the settlers were put upon their guard, not only by the decision in the Wolcott case, but the injunctions granted by the circuit court, that there was a question as to their right to enter the lands. They chose to take the risk, and the ultimate decision proves they acquired no title. From the very start there was a cloud of doubt. They can not, in face of these facts, be regarded as innocent purchasers. The intrinsic value of the lands at the time when they made their filings and entries was probably nearly as great as now, aside from the improvements. But the committee understand the fact to be that the lands in controversy were all settled upon while the order was in force withdrawing them from sale, although many applications for entering at the land office appear to have been made since.

So that according to the law of the case from the foundation of the Government to the present day the Government is never understood to warrant and covenant in regard to the grants it makes.

The parties in all cases take them subject to their own risks, and here, according to the report, there was sufficient to put these settlers on their guard, and in law the opportunity of knowing is knowledge. But, as stated by the Senator from Alabama, if you could compute this in money and give it to them in meritorious cases I should have no objection. The closing paragraph of the report is:

The more recent decisions (Wolsey *vs.* Chapman, 101 U. S. R., 755, and Litchfield *vs.* County of Weber, *Ibid.*, 773) approve the earlier cases on this subject already cited, and from them all it is clearly to be gathered that this matter has passed beyond the reach of Congress, and whatever rights the settlers seek to show or may wish to establish, they are not within any remedial legislation of Congress; they can not be affected by any act of Congress; in fact, it is a subject over which Congress has no jurisdiction; and the committee ask to be discharged from the further consideration of the bill, and recommend it be indefinitely postponed.

In that report, and in the report of Mr. Pratt which preceded it some years, the litigation on this subject was analyzed from the case in twenty-third Howard about twenty-five years ago, and they run in one current from that down to one hundred and ninth United States Reports, which I have here, and from which I shall read a short paragraph, the Supreme Court holding without a dissenting voice that Congress had passed this property away from the United States. Here I wish to call the attention of the Senators from Iowa to one fact which in this report is not stated, but I will now undertake to state it. Sharing with them in the fullness of their sympathies and their desire to aid these settlers, I yet say that the State of Iowa should do this. She was the recipient of all these lands and of this grant; and if she has come in between the Greenleaf settlers and the United States, she should take the *onus* of protecting the parties, and it should not be thrown on the United States. She parted with the property over twenty years ago. In the report the cases are all referred to; but since then, a year or more ago, in the case of The Dubuque and Sioux City Railroad Company *vs.* Des Moines Valley Railroad Company, the Supreme Court said where this very question came up—

That the act of July 12, 1862, (c. 162, 12 Stat., 543)—

Now nearly twenty-three years ago—

transferred the title from the United States and vested it in the State of Iowa for the use of its grantees under the river grant.

And they refer to the Wolcott case and the Litchfield case and the Weber case and all the decided cases; and so you see that by an unbroken course of decisions for twenty-five years past this property has been determined to have passed to the State of Iowa—to have passed away from the United States—with which the United States has now no more to do than it has with my home in Little Rock. There is the whole case in a nutshell.

But the Senator from Iowa who has just taken his seat said these parties never had any opportunity to test this question. Let us see. I hold in my hand a transcript of a case decided by the Supreme Court over one month since, the case of Bicknell *vs.* Comstock, on appeal from the eastern district of New York, where one of these persons had sold his land and made a covenant and warranty of title. The vendee caught him in New York and sued him there for a breach of warranty. The Supreme Court reviewed this whole question again from the Litchfield case in twenty-third Howard down to the case in one hundred and ninth United States Reports, and determined that this party had no title, that Congress had passed the title to the State of Iowa, and he must account on his warranty.

Now, what is Congress asked to do in the face of all this? To permit parties to go into the tribunals in Iowa to litigate about property that the Supreme Court of the United States has said the Government has no title to. It has said it now almost five times five. The honorable Senator from Iowa says the bill can do no harm. Suppose, for the sake of the argument, that to be true; I might just as well ask Congress to pass a law to permit me to sue for the great ranch of my friend from Tennessee [Mr. HARRIS] in Texas that I might covet and desire. The Government does not own it; Congress has nothing to do with this property. It may be a very interesting business for Congress to permit people to go into court and litigate; but if the Government has no title to the property about which the litigation is to be instituted, Congress has no business to pass such a bill.

But I wish to say to the Senator from Iowa that it will do harm. How? It will simply bring litigation upon these people that the courts will be compelled to dismiss upon a motion or on a demurrer to the complaint filed, because if there is no title, if there is no right to this property in the Government, Congress can give no right to bring a suit for it; and a court on demurrer will dismiss the bill and say, "You have nothing to litigate about, so far as Congress is concerned." You point to these innocent people who, according to the speech of the Senator from Iowa, have already suffered greatly, and you plunge them into an additional expense for litigation. That is the harm it will do. I sympathize with the settlers, and I am willing to stretch, if you please, the legislative conscience of Congress to do something for them in meritorious cases; but not to invite them to litigate about a matter where there is no right to the property in the General Government. This bill would be a delusion to them, it would be a snare, and then they would come back to Congress after their complaint was dismissed and say, "Well, we thought you were giving us bread, but it turns out to be a stone. We ask now for some further relief."

As Congress has virtually passed on this repeatedly, and the Supreme Court so often, there is nothing left, it seems to me, but for the Senate to sustain the motion of the Senator from Alabama that the bill be indefinitely postponed.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7004) to repeal all laws providing for the

pre-emption of the public lands and the laws allowing entries for timber-culture.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I ask the Senator in charge of the bill to yield to me for a moment. I ask unanimous consent of the Senate to present at this time the following resolution:

Resolved, That after the call for "concurrent and other resolutions" has been concluded, it shall be the duty of the President of the Senate to lay before the Senate, in their order, House bills on the Calendar which have been favorably reported by a Senate committee, subject to the provisions of Rule VIII, which shall continue until 1 o'clock each day until all of such bills shall have been considered.

Mr. HARRIS. I ask that the resolution may be printed and lie upon the table until to-morrow morning, at which time I shall ask the Senate to consider it.

Mr. SHERMAN. It is offered so that it will be in order to call it up to-morrow.

Mr. ALLISON. I offer the following amendment to that:

That this order shall not interfere with the pending case.

Mr. HARRIS. I have no objection whatever to that amendment if the Senator from Iowa desires it inserted.

Mr. ALLISON. I do desire it.

The PRESIDING OFFICER. The resolution will be so amended by consent.

Mr. HOAR. Let the resolution as amended be read again for information.

The PRESIDING OFFICER. The resolution will be read again for information.

Mr. SHERMAN. I object to the amendment being adopted.

The PRESIDING OFFICER. The Chair will state that it has not been adopted. It has been simply accepted by the Senator who offered the resolution as a modification. The amendment of the Senator from Iowa will be read.

The SECRETARY. It is proposed to add to the resolution:

Provided, That the pending order, Senate bill No. 1836, shall not be interfered with.

Mr. HARRIS. Let it appear that that is an amendment, not a modification. I have no objection to it, but I do not care to be responsible for it.

The PRESIDING OFFICER. Then the Senator from Iowa proposes an amendment to be printed.

Mr. ALLISON. I desire that my amendment shall cover the scope of the bill pending before the Senate in the morning hour.

The PRESIDING OFFICER. Does the Senator from Iowa desire to propose the amendment now, or will he withhold it until the resolution is under consideration?

Mr. ALLISON. I am not very particular. I will offer it now.

Mr. SHERMAN. Let it be acted on.

Mr. ALLISON. I give notice of it.

The PRESIDING OFFICER. The Senator from Iowa can at this time give notice of an intended amendment and ask to have it printed. It can not be properly offered as an amendment now, because the resolution is not pending.

Mr. ALLISON. I think the Senate very well understands the general scope of the amendment I propose. It is hardly worth while to print it.

Mr. HOAR. I ask that the resolution be read as it would read if amended.

The Secretary read the resolution submitted by Mr. HARRIS with the amendment of Mr. ALLISON added thereto.

Mr. HOAR. I understand that the resolution is not now before the Senate for action, but I beg leave at this time to ask the Senator from Tennessee whether he proposes to have the resolution passed in such terms that it will deprive the Senate of the ordinary power to take up upon motion any matter that it may see fit during the morning hour?

Mr. HARRIS. I do not think it would have that effect.

Mr. HOAR. If the Senator does not intend that effect, will he be good enough in the interval to look at the resolution and see whether it may not possibly have it?

Mr. HARRIS. My present request is that the resolution be printed and lie on the table until to-morrow morning, at which time I will ask the Senate to consider it, and in the mean time I shall be glad to have the Senator from Massachusetts look at it, as I will do.

PUBLIC-LAND LAWS.

The Senate resumed the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture, the pending question being on the amendment proposed by Mr. PALMER as an additional section.

Mr. VEST. I stated yesterday that I wanted this bill postponed until to-day in order that I might submit to the Senate some papers that I had received in regard to it. It is hardly necessary for me to say that I have no personal interest in the subject, but on the 26th of January I received from a person unknown to me, but I spoke about him to the Senators from his State and others, who concurred that he was a gentleman of high character, as high as any one in that State, and he makes some suggestions in regard to the question pending on this bill which, it seems to me, should receive attention. The matter should be the subject of a separate bill, and should not be placed by amendment on this bill in the way now proposed to be done. I ask the Secretary to read this letter I send to the desk. I will not give the name of the writer, but he is known to the Senators from Michigan. The statement is of a public nature and relevant to the matter now before the Senate.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

SAGINAW, MICH., *January* 26, 1885.

Hon. GEORGE G. VEST,
Washington, D. C.:

SIR: Permit me to call to your notice a bill recently introduced by Senator PALMER, of this State, reported on the 20th instant from the Committee on Public Lands, and recommended for immediate action, which provides: "That wherever lands have been withdrawn from sale to aid internal improvement, or where the lands have been reduced in price to $1.25 per acre, and such lands have been purchased in good faith and patents obtained therefor, without having been first proclaimed by the President, such patents shall be valid, where on the 25th of January, 1885, there are no conflicting claims," &c.

The bill is drawn in the interest of a few men, who were permitted by officials in the local land offices, and more especially in Northern Michigan and Wisconsin, to purchase at private sale, for cash, at $1.25 per acre, valuable lands of the United States worth $25 to $100 per acre, and this, though in direct conflict with the law providing "that all such lands shall first be proclaimed by the President and offered at public auction to the highest bidder, $1.25 per acre being the minimum price," thereby throwing the lands open to competition and enabling the general public to attend the sale, purchase if they so desire, and the Government to realize approximately, at least, the value of the lands.

And now come these persons before the country posing as innocent purchasers in good faith.

There was no good faith in these transactions, and none can properly be claimed.

The bill is not in the interest of homesteaders or actual settlers; on the contrary, its design is to cut these people off, and is in direct conflict with the design of the Government to reserve its lands for actual settlement.

It is an effort on the part of certain land speculators to bolster up by legislation claims procured in a notoriously unlawful manner to lands the titles to which have already been declared void by the Supreme Court of the United States. A few individuals have quietly entered the choicest and most valuable tracts before the people generally are aware of what is going on, and after these persons have secured what they want, the knowledge gradually spreads that the lands are being taken, and a few isolated pieces are picked up by A, B, and C.

I trust you will not permit this attempt to make the Government a party to robbing itself to pass unnoticed.

The Washington correspondents of our Michigan newspapers seem to be in the employ of these innocent (?) parties, as they do not give the facts, but a garbled statement, leading one to understand that homesteaders and poor men are to be injured by the ruling of the Secretary of the Interior and the decision of the Supreme Court.

Mr. VEST. I would not submit a private letter to the Senate unless I knew the character of the writer, and I know this gentleman from the statements of Senators to be a man of high character, whose statements are entitled to respect. He states here that the Washington correspondents of the Western papers, especially of Wisconsin and Michigan, are entirely in the interest of this amendment which was reported here as a Senate bill. Attached to this letter are extracts from the correspondence of some of these correspondents. There is one statement made in behalf of the amendment from a correspondent of the Detroit Post manifestly in this interest. He says:

For twenty-five or thirty years the officers of the Land Department have been offering at private sale lands which had been withdrawn from market for railroad and other purposes and then restored without another public auction of them. Thousands of citizens of Michigan have been purchasing these lands for many years. In a great number of cases men have made it their chief business and have by this time become the owners of large tracts. Two or three citizens of Detroit have written here that their entire fortune consists in lands which they have thus been acquiring. Mines have been dug upon lands so purchased, homes secured, and farms laid out. Messrs. Barnhart, Hill, and Freeman, of Grand Rapids, Case & McKinnon, of Marquette and others, who are in Washington now, own probably 100,000 acres of these lands.

I read this, coming from a party favorable to this amendment, to show that this legislation is not in the interest of the poor men of Michigan and Wisconsin, that it is not in the interest of homesteaders or of pre-empters who seek, in accordance with the general policy of the land laws of the United States, to secure humble homes upon the public lands, but it is in the interest of speculators. Here are these gentlemen whose names I have read from the lips of their friends, who are in Washington now, to secure title to 100,000 acres of the public domain by this act of legislation alone, showing that the statements made by the gentleman whose letter I have read are true and shown to be true from the public press.

Will it be pretended that these were innocent purchasers? Who ever heard of men buying 100,000 acres of public land without knowing exactly what they bought? Who does not know that men will not put their entire fortunes in a speculation of that sort without examining every fact and having the best legal opinions that can be bought for money in this entire country?

With no knowledge personally, with no acquaintance personally with any of the parties interested, I am authorized to declare here from my seat in the Senate that the facts show beyond question that this is a stupendous speculation for the purpose of buying up hundreds of thousands of acres of public land on an uncertain title at a price at which the land could not otherwise have been bought, and then by an act of Congress to legalize the speculation and put immense fortunes into the pockets of certain individuals. I am opposed to all such means; and with the lights before me, with the facts which I have brought here, and

which, I take it, can not be contradicted, because especially the salient fact that these lands are in vast bodies in the hands of certain individuals comes from a friend of this measure, I am authorized in making the statement that I have made.

Therefore I hope the amendment will be rejected.

Mr. PALMER. The Senator from Missouri has pictured a frightful representation of the amount of turpitude involved in the amendment. I suppose very likely some men may possibly have gotten title there in late years knowing that they were getting an imperfect title; but those are not the men whose rights I desire to secure.

At the time when there was a carnival of land grants in Congress, along about 1856, nine lines of road, I believe, were given grants. They threaded our State in every direction. Certain amounts of land were withdrawn from market, and owing to the peculiar directions in which the railroads were run it took out from market nearly one-half of the northern half of the lower peninsula. Those lands have been purchased not only by speculators, by lumbermen, but by farmers—men who have put their sweat, their blood, and their toil in those acres, and now a cloud has come on their title, which always existed, but which they were not aware of till the last decision of the Supreme Court, which was to the effect that all lands which had been withdrawn from market should be again offered at public sale before they were subject to private entry.

In many of these cases, as the Commissioner of the General Land Office states in his letter to the Committee on Public Lands, there was no offering at public sale. I do not know how far the defect in the titles of those lands will extend or to how many thousands of acres, but I know that a vast majority of the land-owners of the northern half of the lower peninsula of Michigan are in jeopardy by reason of not having their titles confirmed. They bought the lands honestly, they paid for them, they have held them, some of them twenty years, paying taxes on them, and now they are liable to the depredations of land-jumpers and jackals of every character.

In regard to the letter which the Senator from Missouri has read, I will say that I know the gentleman who wrote it. He is a reputable man, and I can not conceive the animus of that letter unless it is that he has some private pique to gratify, and if the thing should be followed up, if it were worth while, I have no doubt that would be established. As to the land he speaks of in the upper peninsula of Michigan I know but little. Possibly there may have been some titles gotten there by men who knew that they were buying a defective title, but in the case of the vast majority of the lands where the defect in title is attempted to be cured by this measure the owners are honest men and men who deserve relief. I suppose there can not be anything of this kind brought up before Congress without the vision of a big land steal being involved. I hope the matter will be exhaustively discussed. I am ready to answer any questions in regard to it.

If Senators will look at the letter of the Commissioner of the General Land Office they will see the animus of this measure and why it should pass. He says:

> From the foregoing it appears that, briefly stated, the practice of this office has been:
>
> I. In the earlier grants to the States to restore to private entry by a simple public notice such lands as had once been offered.

Again he says:

> If for any reason lands which had once been offered at $1.25, and afterward at $2.50, were reduced to $1.25 per acre, a second offering at that price does not appear until of late years to have been considered necessary in order to render them subject to private entry.

Whose fault was it that these men got defective titles? It was the fault of the officers of the United States; and where there are no conflicts it seems to me that common honesty and common decency require that Congress should validate the titles. The amendment provides for that where there are no conflicts.

Mr. VEST. Mr. President, let me say a word in regard to——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Missouri?

Mr. PALMER. Certainly.

Mr. VEST. I beg pardon; I thought the Senator was through.

Mr. PALMER. No; but I should like to hear what the Senator from Missouri wishes to say.

Mr. VEST. I was about to say, and possibly I had better say it in the way of an interruption, that I think there is not a single Senator here (speaking for myself I am absolutely certain) who, if a question should ever be presented such as I take it from the character of the remarks of the Senator from Michigan he thinks is presented to the Senate, would hesitate one instant in validating the title of an honest *bona fide* purchaser who went to the land office and bought for a home a reasonable amount of land, whether one hundred and sixty acres or more, and was in actual possession of it for the purpose of making a home. I take it there is not a Senator here who would hesitate to validate such a title and give such a man a prior right over any one else for land thus acquired. But I submit that at any time when facts exist (I do not say whether they do or not, but they are quoted here from a responsible source, a man of good character) showing that speculators have gone on land knowing that the title was defective, knowing that the land officers were exceeding their authority, or where there was a probability that they were exceeding it, and have bought up hundreds of thousands of acres of valuable land at a dollar and a quarter an acre in fraud of the rights of the Government and in fraud of the rights of other citizens of the United States, in that case we ought not to pass a law which validates their titles. The speculators took their chances; they lost the case in the Supeme Court of the United States, and it is unfair and unjust by a sweeping act of Congress to give them their game after they had taken the chances and lost.

Mr. PALMER. I will state, in answer to the Senator from Missouri, that the amendment is not entirely in the interest of speculators. There are thousands of farm titles which are also involved in the same uncertainty by the acts of the Land Office, as well as the titles of men who have bought for speculation. I do not consider that there is any great crime in speculating in lands. I consider that the United States is benefited, and that all parties are benefited, if men buy lands and pay taxes on them and hold them for sale.

But the amendment is not intended to benefit rich men alone. It involves more poor men than rich men. If the Senator sees in it anything that appears to him like an attempt to defraud the Government I hope he will propose to so amend the amendment that it may pass in such a shape that the northern half of the southern peninsula of Michigan at least, and also the Lake Superior region, may be relieved from an incursion of land-jumpers that would be worse than that of Attila and the Huns or the Goths and Vandals, and which would unsettle half the property in the northern part of the lower peninsula of Michigan.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Michigan [Mr. PALMER].

Mr. HALE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I do not know on what authority the Senator from Missouri says this measure is intended for the advantage of men owning 50,000 and 100,000 acres of land in Michigan. It will be news to any Michigan man to have such a statement made. I have never seen any such statement coming from any of the persons who have written letters or sent petitions in regard to this matter. I understand from the Senator that he gets his information from private sources, and I do not know how authentic they may be.

The real truth about this matter is that the decision of the Land Office, confirmed by the Supreme Court, throws a cloud upon the title of lands that have been entered for the last twenty or twenty-five years as the homes of hundreds and thousands of people of Michigan. I speak of Michigan because I know more about that, but in Wisconsin, Minnesota, and other States there have been public lands situated as these public lands were, and where by the action of the Land Office they have been held out to the people of Michigan and Wisconsin and Minnesota as subject to entry without having been first offered at public sale. The people who bought these lands, whether they bought more or whether they bought less, have been misled by Government officers. They have been deceived in regard to a law which it was supposed the executive officers of the United States understood, and they have paid their money and bought their lands and received their patents and their certificates of ownership. Hundreds and thousands of men have gone with their families into the northern part of our lower peninsula, and into the upper peninsula, and have spent years with their families there clearing land and making homes with the patent of the United States in their hands, believing that they had a home under the laws of the United States, believing that the great patent of the United States gave them their lands and gave them their homes, and after years of toil and years of sacrifice of comforts in the wilderness, when they had a career of some comparative comfort and competence before them, all at once by a new decision of the Land Office, supported by the decision of the Supreme Court, they find that they have no right to these lands, or at least that there is a cloud upon their title, and they find, worse than that, that any speculating man may go right upon their farms and pre-empt their home, their house, their barn, their garden, their orchard, their fields, or may go and settle upon it and claim it as a homestead even, and take away the rights of all these settlers at a grasp.

There is no sense in such a state of the law as that, and Congress should provide a remedy immediately. It may be that some have larger portions of land and some smaller, but it affects all alike. Why should not this remedial measure be passed to stop the rapacity of those who would take away from the settler his hard-earned orchard and garden and house and barn; or, if he has died in the struggle to make him a home, who would take it away from the widow and from the children, and they, standing there with the broad seal of this Government upon a patent to their lands, are driven off by whatever speculator, knowing this cloud and defect upon their title, may see fit to plant himself in the midst of this home gained by so much toil and by so much labor?

I care not if there be a few men who have large possessions. I speak for the hundreds and thousands of the poor men of Michigan who settled that country, who within twenty years have made the wilderness of the northern part of our lower peninsula smile like a garden, beautified by homes, cheered by the improvements which their hard labor

has made, and which are about to be swept away and taken away by the rapacious land-shark. And men will vote against this measure in favor of homestead settlers, giving them the right to go and take these lands, when by doing it they wring the hearts of thousands of men, women, and children in all these States and take away their possessions.

The Government made this defect in title. The Government failed to put these lands up at public auction. The Government of the United States, the paternal Government of the United States, led them into this trap into which they are to perish to lose their homes.

I make this appeal for the settlers on these lands. I make this appeal in favor of making valid the great patent of the United States to the homesteader, to the pre-emptionist, and to the settler.

The State of Michigan in the last twenty-five years has doubled its population, and it has doubled it by inviting to these wild lands settlers from every State in the Union, who have gone there, improved the lands, and made their homes; and years afterward they find a cloud upon their title—ay, they find themselves in the position of having it all wrested from them because the President failed to order the lands to be offered at public sale.

I do not know a case in all the legislation of Congress where justice and equity and right more demand the passage of such a measure as this to secure the people of the United States in homes that they have already made. I would go as far as the farthest in preserving the public lands of the United States for homes for the people, for lands for the landless, but I shall not do it at the expense of those who have put upon their lands the toil of years. I would not drive the father of the family and the mother and the children from the homes into which they have put all their labor, all their toil, all their love for the family and for their children during long years of privation and labor.

That is what this amendment means. It would save those homes to the thousands of people of these States where this class of lands has been sold and patents given, and where, by an unexpected order of the Commissioner of the General Land Office, sustained properly probably by the Supreme Court on mere technical points of law, they are to be driven from their homes, driven into exile in their old age, driven from their gardens and their fields, from their houses and from their barns into a hopeless exile.

I have stated the object of the amendment. If it happens that some men more fortunate, with more lands, have a large number of acres in some few places, it may have that objection. But are you not to do right by those who have got more lands? The main object here is to preserve the thousands, and I had almost said hundreds of thousands, of individuals—the thousands of families—from being wrecked and destroyed, with the muniments of title to their lands in their hands.

What a spectacle it would be to let a speculator come and take away these lands and drive off as with a flaming sword the people who have toiled and labored so long for a home and see them wandering away from their homes, to the eternal disgrace of this nation and this people, bearing aloft and fluttering in the winds a valid title and patent of the United States, with the great seal of the United States attached to it! Yet that is what those who oppose this measure will compel in these cases unless some remedy like that proposed in the amendment is held out to our people there.

Mr. MITCHELL. I desire to repeat what I said yesterday upon this question. There are quite a large number of citizens of Pennsylvania who claim that their titles are clouded in such a manner that this measure would cure the defect. They are respectable citizens who have written to me in regard to the matter, saying that they purchased on the faith of the derivation of their title directly through a patent by the Government and paid their money, and they hold that they are entitled to a clear grant from the Government of the United States. It appears to me, therefore, to raise the question of the protection of the innocent purchaser in this case, in addition to that of the settler. For that reason and for the reason stated by the Senator from Michigan I shall vote for the amendment.

Mr. MORGAN. Yesterday I took the ground in discussing this matter that the subject ought to come up again before the Committee on Public Lands. A bill was reported from that committee substantially the same as the amendment now proposed by the Senator from Michigan [Mr. PALMER]; but it was offered merely as a general proposition of law, a sweeping proposition affecting all cases of this kind throughout the United States. I had no idea that there was any controversy about lands in Michigan or elsewhere of the character suggested by the statements made by the Senator from Missouri [Mr. VEST]. It seems, though, that there is a question of conflict of title between the claimants to these lands, and that question has been pending a long time.

I suppose from the information the Senator from Missouri gave us this morning that the whole controversy arose out of the case of Eldred *vs.* Sexton, the head-notes of which I read yesterday, decided by the Supreme Court in 1873. It has been nearly twelve years since that decision was made, and I am not aware that any movement has been made since that time for the remedy of this difficulty by act of Congress. I am totally unfamiliar with the state of facts about these controverted titles, and the Committee on Public Lands, so far as I am aware, are totally unfamiliar with it. We looked at the proposition that was sent to us as a general proposition which upon its face was very fair and very plausible. At the same time it ought not to have the application that is intended to be given to it here. The Congress of the United States ought not to interfere between private claimants to land from the Government to settle questions that in their nature are only judicial. The laws of the United States, as expounded in the case of Eldred *vs.* Sexton——

Mr. PALMER. Will the Senator from Alabama allow me to interrupt him?

Mr. MORGAN. Yes, sir.

Mr. PALMER. I think the Senator from Alabama labors under a wrong impression in regard to the amendment. Where there are any conflicting or adverse claims it is not intended by the amendment to cure the defect in the title; such cases go to the proper tribunals.

Mr. MORGAN. That was the manner in which the bill was first reported from the committee, but still Senators have put in it a question of valid conflicting title. We are to legislate so as to declare, contrary to the decision of the Supreme Court, that an entry of lands within these railroad limits at a dollar and a quarter an acre is valid. That is the first step taken in the amendment. It is to validate an entry which the Supreme Court of the United States has declared to be invalid under the law. Having taken that step, another party comes in with a conflicting claim, and you require that that claim shall be valid. In other words, it is proposed to legislate out of the hands of whoever may be the holder of the property a title which he holds under the Government of the United States, for which he has paid $2.50 an acre, and then legislate it into the hands of a man who holds a certificate for which he paid a dollar and a quarter an acre, which the Supreme Court held to be invalid. You declare the invalid title to be a valid title, and you exclude the man who paid $2.50 an acre for his land unless he can prove that his title was a valid one. That is deciding the whole case by legislative action in a single proposition.

The Congress of the United States ought not to be asked to do a thing of that kind. If the Government of the United States has sold the land to any person for a dollar and a quarter an acre, and there is no person else who claims the land under any purchase from the Government whatever or under any right of homestead or any right of pre-emption, then I am willing to confirm the certificate that was granted at a dollar and a quarter an acre, because what we should do then would be merely to waive the difference between a dollar and a quarter and two dollars and a half an acre on the price of the land; but to go beyond that and to take up the question of title and make valid by act of Congress an invalid title, decided to be so twelve years ago by the Supreme Court, and then to fence in and protect that title, to put it in a bomb-proof by saying to the holder of that title, "You shall hold it against every person in the world except some man who shall show a valid title against the United States," is merely to sweep the lands out of the hands of persons who may have purchased them at two dollars and a half an acre and give them to persons who bought them at a dollar and a quarter an acre.

I think there has been a good deal of delay about this matter. Why should these parties have slumbered upon their rights without seeking the intervention of Congress for twelve years since the decision in Eldred *vs.* Sexton? If the Congress of the United States in regard to the public lands will concern itself simply in overruling by legislative action the decisions of the Supreme Court of this country, we need not attempt to do any other kind of business; Congress will be converted into a court for the trial of land titles, and we shall be appealed to continually by men who have got equitable claims, or claims that they conceive to be equitable, who will bring them in here for the purpose of having them vamped up by act of Congress so that they may go back and assert them in the courts and beat any person else who has a prior legal title.

I lament very much that Congress is being called upon almost every day—that has been my observation since I have had the honor of a place upon the Committee on Public Lands—to legislate titles out of the hands of some grantee of the Government and arrange them so that they will fall into the hands of some other grantee or some homesteader or some settler upon the public lands. It is hardly worth while to argue before a body composed entirely of lawyers that this is a transgression of the constitutional power of Congress, for when we enact laws and the people acting under those laws and in conformity with them acquire interests in the public domain, we have no power to set aside those interests and to recall the lands at our will and pleasure. After we have granted the title to an individual in pursuance of the laws of the United States, held to be valid by the Supreme Court or otherwise, it will not be insisted that we can assert the power on the part of Congress to recall those lands at our pleasure and bestow the title in some other direction.

It seems that we have set ourselves up as a sort of supreme court of appeals from the Supreme Court of the United States to reverse by legislative decree what they have solemnly decided to be the law of the land. The Supreme Court in making these decisions exercised only its constitutional functions. In providing by law to overturn those decisions and take from parties in whose favor they have been made the benefit of them we are usurping rights that we have no authority to usurp under

the Constitution of the United States; we are transgressing the boundaries of our jurisdiction.

I repeat that I think this case ought to be considered by the Committee on Public Lands. I had no suspicion that there was any such controversy as that which has been suggested by the remarks of the Senator from Missouri who sits behind me until he made known this statement in the Senate. The Committee on Public Lands have had people from Michigan upon various controversies before them in large numbers, and some of the ablest lawyers in that section of the country and in other sections of the country have been here to represent the controversies about the Ontonagon Railroad grant and the various complications which have arisen out of that and about grants to canals and other works of public improvement which have been construed in one way and another by the authorities of Michigan, and by the authorities of the United States Government, so as to involve those people in a labyrinth of difficulty and turmoil and litigation. But when this case came up I did not suppose that there was any actual controversy in respect to the title to a large body of land in that State between private individuals. I had no thought of such a thing. I thought that what was presented was a general proposition of law, and I was trying to prevent, so far as I was able, any application of the general principle insisted upon in the amendment of the Senator from Michigan, which might prove inconvenient or damaging or destructive to the titles of people who had acquired titles in good faith under the Government of the United States.

Now, it appears that here is a private controversy about these lands. It appears that certain persons have bought these lands, if I understood the remarks of the Senator from Missouri, in good faith, paid their money for them, and they insist that they are entitled to the lands. Shall we, by passing a measure as sweeping in its provisions as this, which applies all over the United States, undertake in this indirect way to settle a private controversy between persons in the State of Michigan about tracts of land? It seems to me that it is preposterous that we should undertake to do it.

The Senator from Michigan ought to be willing to allow this bill, which has been reported by the committee, and I think improvidently reported, to come up on its merits, and to let those people in Michigan, who are now notified by the fact that such a bill has been reported, come in and present their controversy and their contention about these lands. Do not let us decide a case of the magnitude that this appears to be in this indirect way, and without offering the opportunity of a hearing to those people in Michigan.

We have before us a bill for the purpose of repealing the pre-emption laws, the timber-culture laws, and the desert-land act. That is the object of the bill. Senators on this floor, persons interested everywhere, are notified that when the bill is called upon the Calendar the Senate intends to engage itself in considering those changes in the general land laws of the United States. While that bill is under consideration the Senator from Michigan offers an amendment to it which purports to be general and universal in its application, but which touches upon a subject that is not hinted at in the bill which the honorable Senator from Oregon is conducting through the Senate. When the people, whose rights were referred to in the remarks made by the Senator from Missouri, come to inquire of us why it was that on a bill to repeal the pre-emption laws and the timber-culture laws we took up and considered a matter entirely foreign to it, which drew into controversy a private litigation between citizens in Michigan and elsewhere, what have we to say about it?

I am very much obliged to the Senator from Missouri for having furnished the Senate with information that nobody else has furnished it with heretofore. It is now made known to the Senate of the United States that there is a private controversy about this question, and the Senate ought to allow the committee to hear both sides of it, or at least the Senate ought itself to hear both sides of it before it decides upon a question of such magnitude.

Mr. CONGER. The amendment of my colleague has been before the Senate as a separate bill for a long time. There has never come to the knowledge of the Senate by any public petition or memorial or document whatever any opposition to the measure from any source.

Mr. MORGAN. Not until this morning.

Mr. CONGER. Nothing has come to the Senate as a body in the way of petition or memorial from any source, and yet it is the subject of constant and continual notice in all the Michigan papers to-day and has been for weeks.

Mr. MORGAN. Will the Senator from Michigan allow me to say that it can not be the fault of any member of the committee, there being no Senator on that committee from Michigan, that we did not know of this private controversy in his own State? He might have informed us of it. I suppose he knew it.

Mr. CONGER. There is no controversy in the State of Michigan except by those men who want to get away these lands from the settlers, as I said, and the Senator is defending, by opposing the amendment, that class of men who, from a defect in title, as shown by a decision of the Supreme Court, think they have a right to go upon all these lands and make homesteads and entries and pre-emptions upon them. That is the condition of it.

Mr. MORGAN. Will the Senator allow me to ask him a question?

Mr. CONGER. Let the Senator wait for a moment until I conclude, and then I will hear him.

Mr. MORGAN. I just wish to ask the Senator a question.

Mr. CONGER. Very well; I yield for that.

Mr. MORGAN. I understood the Senator from Missouri to say that the gentleman who had made this representation was from Michigan, and was an honorable man.

Mr. CONGER. I told the Senator from Missouri so when he asked me, for I knew he was an honorable man.

Mr. MORGAN. I am willing to defend that sort of a man here at any time.

Mr. CONGER. Yes; but I want to defend the hundreds and thousands of poor, innocent, hard-working settlers in my State. The Senator may defend those who desire to get away their lands if he chooses, but I am not in that rôle.

Now, what does the amendment do? I ask every Senator to see what it does propose, and only what. It proposes that where a certain class of lands—and I ask the Senator from Alabama to listen to me in this argument if he will——

Mr. MORGAN. I surely will; I always do that, as the Senator knows.

Mr. CONGER. The amendment applies to a certain class of lands which have been withdrawn from market for purposes specified in it, and have been restored to the great body of the public lands, or where they have been among the lands reserved for a railroad before its line was built, and after its line was built they were found to fall outside of the fifteen or twelve mile limit and went into the body of the public lands. Everybody knows that they were then public lands subject to entry, homestead, or pre-emption; and although they had been at $2.50 an acre until the railroad had defined its central line and the limits were established, the moment that was defined they fell back into the kind of lands to be bought at $1.25 an acre. Where there was reserved from market for any reason and again restored to market any public land, the law, so the Supreme Court decides, required that before it should be purchased or settled upon it should have been again offered at public sale.

That class of lands is not railroad lands, not forfeited lands; but lands that in a great width of twenty or thirty miles perhaps across a country were reserved from market until the railroad company ran its line, and then by the terms of the law all outside of the limits of the line of the railroad itself fell back. They were not used; they were not granted, but merely reserved by the Land Office until the location of the road. The court decides that before those lands were liable to entry, to fall back into the domain of public lands, they should have been offered at public sale; and so of all the other classes which are specified in the amendment. The amendment says:

Wherever lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department.

That is one class of land. That is outside of the limits. There are hundreds and thousands of acres in that class. Another class is—

Or where lands have been, by operation of law, reduced in price to $1.25 per acre.

Where Congress has ordered that they should be, or after offer put them at that price. That would include all those outside of railroad limits that were reserved from market, and then when the railroad limits were established fell back into the body of the public lands and fell back from $2.50 an acre to $1.25 an acre. Again, where such lands—

have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry—

Now comes the point that the Senator refers to—

without such lands having first been proclaimed—

Or in case such lands have not been proclaimed—

by the President and offered at public auction.

As the Supreme Court decided they ought to be before they were offered. Where lands of these classes have been purchased and patents given without this having been reoffered by proclamation at public sales the amendment applies. Those are the classes of land and the only classes to which it applies; and that is the only defect in the title that the amendment is to heal, where the lands had not been proclaimed and offered at public auction.

And where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon, all such entries, and the certificates and patents issued thereon, are hereby confirmed and declared valid and legal.

The only point to heal is the simple point that these lands were not proclaimed and offered at public sale. That is the only thing which the amendment affects; and where prior to a certain time there were no conflicting claims, and where prior to a certain time there was nobody settled on the lands, then the entries are declared valid. It is a simple question of healing; curing the non-action of the United States in reoffering the lands. It can not affect any other claims. Where there are two conflicting claims of any kind whatever, then it does not heal.

Mr. MORGAN. Will the Senator from Michigan allow me to ask

him a question for information? I do not know anything about the particular case he is arguing.

Mr. CONGER. Yes, sir. The Senator from reading the provision will see that I have stated the point correctly.

Mr. MORGAN. I wish to get at some facts about it. Who are the conflicting claimants? Who are the persons alluded to in the amendment?

Mr. CONGER. The United States.

Mr. MORGAN. And nobody else?

Mr. CONGER. That is all there is who can be affected by the amendment. It merely heals the lack of title clouded by the decision of the Supreme Court.

Mr. MORGAN. And there are no persons——

Mr. CONGER. If there are other conflicting claims it does not heal them, it does not cure anything. If even some settler squatted and made a settlement on these very lands for which other men have patents, the amendment does not heal that title. I think the amendment is drawn carefully to protect simply the rights of those who suffered because the United States authorities did not do their duty in proclaiming and offering at public sale these lands. That is all that is intended to be healed by it.

Mr. MORGAN. If the Senator will allow me, he is arguing that nobody can be hurt by the amendment? He is arguing that no conflicting claims of any validity can be affected by the provisions of the amendment?

Mr. CONGER. Yes, sir.

Mr. MORGAN. There might be some difference of opinion about the effect of this provision between the Senator and other Senators. I wish to ask the Senator in regard to one fact. Are there persons living upon these lands or any of them who have acquired an interest in them either under the homestead laws or the pre-emption laws, or by purchase from the Government of the United States in good faith?

Mr. CONGER. These very men whom we are trying to protect have by purchase or by pre-emption, or as homesteaders, settled upon the lands. They have got their patents, and they would be secure in their possession if it was not for a decision of the Supreme Court which says that the lands were not properly in market to be patented or to have homestead settlements upon. I will tell the Senator who would be affected adversely by this legislation. By that decision of the Supreme Court technically these settlers and these purchasers had no legal title. Having no legal title, the Senator or myself, or any other man if he desired to go there and pre-empt one hundred and sixty acres of land, or if he desired to go and make a homestead of one hundred and sixty acres of land, these occupants having no legal title, may go and claim pre-emption upon one hundred and sixty acres of land that has been cultivated for years, and when it is tried the occupant now can not protect himself by his title under the decision of the court.

Mr. MORGAN. Will the Senator allow me to ask him how I could go and pre-empt that land, or how I could go and take a homestead on it in the face of the fact that a person has settled upon it, and has got his home there already, and is claiming it?

Mr. CONGER. There can not be any question about that. I have had here in the Congress of the United States a case which illustrates that so completely that I will state it for the benefit of the Senate. One of my neighbors in Saint Clair County bought twenty-five or thirty years ago a piece of land in Saint Clair County. He got the patent of the United States for it, lived there, and cultivated it with his family. He wrested it from the wilderness and made a beautiful farm out of it with a fine house and barn. Finally some person went to the State land office of Michigan and found that that happened to be, by the listing, among the swamp lands given by the extension of the Arkansas swamp-land act to Michigan. He went and bought it by description of the State of Michigan, and when he came to find where his description was it covered the eighty acres of land of which I have spoken. Suit was brought in court. The person who bought the swamp-land right brought suit to eject the man who had lived upon the tract for thirty years. The court decided that the Arkansas swamp-land act, extended to the other States, operated *per se;* that although the lands were not described and were to be listed afterward, it operated as a grant *per se* to the State. After the passage of that law, but before the lists were made out, the United States had sold this tract to the occupant and given a patent for it and received his money; but the court held that the United States had already granted that land to the State of Michigan by an act of Congress, the particular land to be found out by reference to the field notes and lists of the surveyor-general, and the new purchaser held the land, and there was no remedy. The Supreme Court of the United States said it was the law, and I tried in vain to get a bill passed giving some relief to this neighbor of mine who lost his land by operation of law through the fault of the Government.

Mr. MORGAN. If the Senator will allow me, I will call his attention to the distinction between that case and the one I put to him. In the case of the swamp-land grant the title was granted in fee by the Government of the United States to the State of Michigan?

Mr. CONGER. Yes.

Mr. MORGAN. After that of course the Government had no further title to the land.

Mr. CONGER. Of course the court decided right.

Mr. MORGAN. But in a case where there has been no grant of land to any person, where an attempt was made to grant the land which failed because the lands had not been brought into market and thereby the certificate of entry became void or voidable, if that person is in the occupation of the land claiming it as his homestead or having upon it the right of pre-emption, he having complied with the conditions of the law as prescribed in the homestead and pre-emption acts, how could I go there and claim a homestead upon that land or claim a pre-emption right upon it? I could not go and ride down the possession and claim of a person on a tract of Government land in that way.

Mr. CONGER. The Senator knows very well that the settler could not sustain any right there under the pre-emption law.

Mr. MORGAN. He could if he was protected under this amendment.

Mr. CONGER. Under this, yes; but he could not without this.

Mr. MORGAN. The question of fact is this: Are there any persons upon these lands who have bought them, for instance, at $2.50 per acre and claim the right of ownership over those who bought them previously at one dollar and a quarter?

Mr. CONGER. Not at all. There can not be one. The man who bought them at $2.50 an acre got his patent for them at that rate. He holds them by virtue of a good title because he could buy without their being restored. Such men have patents, and there is no conflict between these two classes of cases. They do not interfere with each other. They can not from the very nature of the case.

Mr. MORGAN. Now will the Senator indulge me one word further, because this is all new matter to myself; I heard nothing of this controversy about the questions of title until it was mentioned by the Senator from Missouri.

Is it conceded that those persons who hold these lands at a dollar and a quarter an acre under certificates that they got from the local land offices obtained them in good faith, or did they go and induce—as has been done in some cases and complained of by the Department—the local land office to issue certificates for these lands at a dollar and a quarter an acre for the mere chance of getting the title if they could afterward work it through?

Mr. CONGER. Oh, Mr. President, these men bought their lands in good faith after the lands had been restored to market by the determination of the limits of the railroad grant in that class of cases. There is no question about that. The Senator has not heard and will not hear all this session or all next session any public statement contradictory of what I am saying here from anybody in Michigan.

Mr. CAMERON, of Wisconsin. It was held by the Land Department that the lands were properly restored to market, and that they could be legally sold and entered at that price, and no one doubted that until the determination of the Supreme Court which has been referred to.

Mr. CONGER. There was no question about their being properly restored to market and properly subject to sale, except this technical thing, that the President had not proclaimed them and ordered them to be offered at public sale; and if the Senator will read the amendment he will see that it says, "without such lands having first been proclaimed by the President and offered at public auction." That is the only thing attempted to be cured.

The Senator says it has been many years since this decision of the Supreme Court. Men with their patents in their hands, settlers in the wilderness, the common people of the country, do not stop to think, with such a muniment of title, whether there is any defect in the Government's action about these things. They are too busy at work; the toil of the day and the necessary sleep of the night prevent their hunting around for defects of title or for crimination against their Government for having deceived them.

Mr. MORGAN. But I understood the Senator's colleague to say that many of these lands had gone into the hands of speculators.

Mr. CONGER. No. If the Senator will just bear this in mind, I have said that the defect in title will now allow men to go there and jump these lands and put on another title. This defect was not understood till within a very short time, although the decision may have been as long ago as the Senator from Alabama said. The people did not dream that a decision could take away their lands in that way until men began to go and put pre-emptions and homesteads onto the farms of these men. That is what awakened attention to it. And now, I say it in sorrow, sir, to-day all through the northern part of Michigan and Wisconsin and some parts of Minnesota families are trembling at the approach of the land-shark to take away their farms. Letters are being sent by those who have just awakened to a sense of the precarious condition of their titles, imploring their representatives to lay their case before Congress and ask for relief, not against other holders, because where there is a conflict there can be no question of the operation of this provision, but against their Government.

I hope that this amendment will prevail. In my solemn judgment it can do no injury to any honest claimant in the world, but it will quiet the hearts and quiet the homes of thousands and thousands of the citizens on the wilderness lands of Wisconsin, Michigan, and Minnesota. I do not know that it applies anywhere else; probably not.

Mr. VEST. Mr. President, this debate seems to attract only the attention of three or four Senators, and I do not feel like addressing the Senate on a subject in which there appears to be no particular interest; but the truth ought to be vindicated at any hazard, at any expense of time.

I said to the colleague of the senior Senator from Michigan, who has just taken his seat—possibly he was absent from the Chamber—that I did not think there was a solitary Senator here, and speaking for myself I was positively certain that not a vote would be cast against a measure whenever offered, at any time, to secure to any *bona fide* settler his home. I will vote for any such amendment; and I would not under any circumstances take away from any human being a home upon the public lands of the United States, because, to say nothing more about it, I am a Western man, appreciate what a homestead means, understand it thoroughly, and would never directly or indirectly violate the spirit of the public-land system of the United States and our manifest destiny, which is for giving to every settler a home upon the Western prairies. That is not this case. I read here from a reputable gentleman, a constituent of the Senator, a statement over his own signature, and I gave the Senator his name this morning, in which he says there was collusion between the officers of the land offices and a body of speculators in order to get the most valuable lands in the States of Michigan and Wisconsin at a dollar and a quarter an acre in violation of the laws of the United States; and I undertake to say now that I hold in my hand a paper which, in my judgment, makes it absolutely impossible that there should not have been collusion between these speculators and the officers of these land offices in regard to this matter. I quote from a report, No. 684, from the Public Lands Committee of the House of Representatives upon this subject, and I call the attention of Senators to it. Says the majority of the committee:

It further, in respect to these entries, satisfactorily appears to your committee that they were made in violation of direct and positive instructions from the General Land Office, forbidding such disposition of the land; that these instructions were issued at intervals from 1865 to 1880; that not the slightest attention was paid to them by the local officers, who still continued to dispose of the lands at private entry, and that in this way, within the limits of the Ontonagon and State Line grant alone, there were disposed of, between 1856 and 1880—

Mark the date—

as already stated, 88,471 acres of lands, more than three-fourths of which were entered by less than thirty corporations, firms, and individuals.

Mr. CONGER. Will the Senator allow me a word?

Mr. VEST. Certainly.

Mr. CONGER. I venture to challenge the gentleman to show that that refers to one single acre of this class of lands in any possible way.

Mr. VEST. We will see:

These figures are compiled from the pamphlet entitled History of the Ontonagon and State Line Railroad Grant, a document prepared by the private-entry claimants themselves, and furnished the committee for use in this case.

Some of the orders, emanating from the Land Department, prohibiting these entries, read by counsel to the committee, found in their brief, with references to the official record, and uncontradicted, were as follows—

Now see whether these are the lands or not—

The Commissioner [of the General Land Office] to register and receiver, July 5, 1885—

Twenty years ago.

You will not forget—

Says the Commissioner—

that all odd-numbered sections in your district north of township 40 and west of range 21 (including the lands in contest)——

Mr. CONGER. What lands in contest?

Mr. VEST. The lands that are involved in this very amendment now.

Mr. CONGER. Not an acre of them.

Mr. VEST. Then this committee have stated what was absolutely false and incorrect, and put it on record.

Mr. CAMERON, of Wisconsin. It refers to a different matter altogether. It has not the remotest relation to the lands that will be affected by the proposed amendment.

Mr. VEST. These lands were withdrawn, as I understand, by an order of the General Land Office, and then they were entered at a dollar and a quarter, when they ought to have been, under the decision of the Supreme Court, put up at auction. Is not that so?

Mr. CAMERON, of Wisconsin. That is not the whole truth. The lands to which the Senator from Missouri refers were never restored to market by executive order or otherwise.

Mr. CONGER. And are not yet.

Mr. CAMERON, of Wisconsin. And are not yet.

Mr. PALMER. If the Senator from Missouri will read the amendment he will see that the cases he is referring to are excepted.

Mr. CAMERON, of Wisconsin. He is on the wrong track altogether.

Mr. VEST. This is the very bill that is now in discussion here before the Senate. The House committee say in the report from which I am reading:

During the argument of the matter before your committee it was asserted by counsel for homestead and pre-emption settlers that most of the applications to enter were filled out in the handwriting of the then register of the Marquette office, the officer to whom the various prohibitory orders were sent; that they were frequently made on top of subsisting pre-emption and homestead claims, and that the register who allowed the most of them is now a member of a "committee of land-owners," urging the passage of the confirmatory bill.

Mr. CONGER. That is a matter which has been in controversy for years as to what are called the Ontonagon and Brulé Railroad lands. That is the kind of land that the land officers there allowed people to purchase inside of the railroad limits, the alternate sections, but that can not be affected and can not be reached in any way by this amendment, for those lands have never been restored to market, they never have been forfeited. A bill is pending now in the Senate to forfeit them. They are no such lands as these that have been restored to market.

Mr. VEST. Even assuming that the statements made now by the Senators from Wisconsin and Michigan are true, one fact remains about which I take it there will be no sort of question, and that is that large tracts of this land, the very land in controversy here now, amounting, according to a statement which I read this morning, to 100,000 acres, in the hands of three or four individuals, are affected by this amendment. If the Senators will bring in an amendment which confines this remedial act to homestead settlers or to men who own a home, whether it is one hundred and sixty or three hundred and twenty or six hundred and forty acres, I will vote for such an amendment, and I do not believe a single Senator in this Chamber will vote against it; but I do say in justice and in perfect candor that where a set of gentlemen, ingenious and refined in the art of making money, have amassed capital together to the amount of hundreds of thousands of dollars, have deliberately gone to the land office and in violation of law, plain, express, and manifest law, as the Supreme Court of the United States has declared, entered hundreds of thousands of acres of pine land in order to make immense fortunes out of them, they ought not afterward to come to the Congress of the United States and say "we must have relief in the interest of homestead and pre-emption settlers." They do not stand upon any such footing. They speculated with their eyes open; they put in their money, and they now ask the Congress of the United States to take this enormous amount of the public domain and hand it over to them. I submit to Senators in all candor and truth and justice that is not right, that is not the spirit of the public land laws of the United States.

As to these facts I know nothing. I have exhibited my authority for the statement I have made. The gentleman who wrote me that letter gave names, and he gave the names of five gentlemen in this city at the time he wrote the letter, on the 26th of January, who were here in the interest of the bill now offered as an amendment, for the purpose of confirming their title; and he asserts in that letter that they hold 100,000 acres of the public domain. That is not the pathetic picture that my friend from Michigan [Mr. CONGER] has drawn here of a humble settler on the public domain, under his vine and fig tree and with his wife and children about him.

Mr. CONGER. Will the Senator permit me?

Mr. VEST. Certainly.

Mr. CONGER. The Senator's letter and the statement he read in a report was in regard to 88,000 acres of land of the alternate sections of the Ontonagon and Brulé Railroad lands, which never have been restored to market. The five gentlemen the Senator speaks about were here to try and get a bill passed securing them their titles. I say I do not know a living man from the State of Michigan or Wisconsin who is interested in this proposition who has been here in reference to this measure or in the city of Washington at all, now or formerly—not one solitary man.

The Senator speaks of 80,000 or 100,000 acres. That relates to land inside of the limits of the Ontonagon and Brulé Railroad which the land officers at Marquette permitted to be entered while they were then, as they are now, alternate sections within the railroad limits, and gave patents for. I know of 88,000 acres. That one statement there refers to that. I presume there are others. There were last year and the year before, but not this year that I know of, for I have not seen that class of men here—there were men interested in that railroad disputing the right to those lands. They were sections belonging to the railroad as contemplated by the law, not lands belonging to the United States; and those were the gentlemen—I could name them if it was necessary—who have been here trying to hold against the railroad company those lands which were sold while they were railroad lands and have never been forfeited. It does not apply to an acre of the class of lands affected by this amendment.

The Senator from Missouri I know wants to be fair in such a matter as this, but he has caught up accidentally a report which refers to a class of lands the dispute about which is between a railroad company and private purchasers. I know these lands very well. They are the subjects of another bill; they are the subjects of frequent comment between Senators on this floor, one Senator and another. Now, the picture that I have drawn of these purchasers and homesteaders and settlers and pre-emptioners is not a vine-and-fig-tree picture. The gentleman has mistaken the character of that rude boreal region. It is a settlement in the northern cold regions of Northern Michigan and Lake Superior.

I thank the Senator for giving me permission to use so much of his time.

Mr. VEST. That is all right. We will eliminate the vine and fig-tree from this compensation, and can talk now of the pine-woods settle-

ments. But I am in favor of protecting the home of the settler whether it is in the tropics or at the North Pole. I want that distinctly understood; and I will vote for any amendment that does that. But this amendment covers any case where—

lands have been withdrawn from sale or disposition on the part of the United States by reason of grants made to aid in construction of railroads or other works of internal improvement, and such withdrawals have been terminated by act of Congress, executive order, or order of the Land Department, or where lands have been, by operation of law, reduced in price to $1.25 per acre, and said lands have been purchased, in good faith, at said price, or entered with warrants or scrip, and the officers of the Land Department have issued certificates or patents thereon in accordance with such purchase or entry, without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto, or settlements thereon.

I call the attention of the mover of this amendment to the fact that if he means there a settlement in good faith, the phraseology ought to be changed, because as it is there it applies to any settlement, even the settlement of a party who went to the land office and in whose interest this amendment is presumed to prevail, unless by construction the word "conflicting" applies both to the words "claims" and "settlements"——

Mr. CONGER. Conflicting claims or conflicting settlements.

Mr. VEST. I suppose that may be the meaning of it; but if that is the meaning, the word "conflicting" ought to be repeated. But whether this bill affects the Ontonagon lands or not, the point still remains that there are different statements here made in regard to the quantities of these lands that have been entered under this law. If the intention be to protect homesteaders and pre-emptors and *bona fide* settlers to build homes on these lands, let such an amendment be offered here and I will vote for it; but as it stands now it protects enormous tracts of land, and it is intended to protect speculators and does in fact protect them.

As to matters of fact, I will not go into any controversy with the Senators from Michigan, who as a matter of course know all about the facts that cover this case; but the law itself ought to apply to those persons who have gone there and made homes upon these lands, and if there are speculators who by collusion with the officers of the land office or otherwise have devoted, as the letter stated which I read this morning, enormous amounts of money and years of their time in order to purchase these lands for the purposes of speculation, then the law ought not to protect them.

Mr. CONGER. I desire to say to the Senator that I have been charged with the duty and have tried to perform it of preventing the carrying out of the plans of men who purchased large masses of land for pine purposes. I am one of those who have stood here for two or three years opposing any confirmation of the lands that I described and that are described in the report the Senator read, which were bought when they were railroad lands. I have stood here in obedience to a resolution of the Legislature of the State of Michigan asking me to stand by the railroad corporations to which Michigan had intrusted the building of the railroad by extending to it this grant. Censured by my friends who own these lands, censured in the papers, opposed here for opposing the confirmation of the very lands mentioned in that report, I know what these lands are. My duty as a Senator under the instructions of my State, under the solemn resolution of the Legislature of my State, requires me as the representative of that State to oppose the confirmation of those lands and the title to those lands which the Senator has referred to. I think I know my duty; I think I know the interest of the people; I think I know that this amendment is to heal the title and cure the title of innocent purchasers and of homesteaders and of pre-emptors; and I think I know that I am not in advocating this amendment carrying out a measure in direct opposition to the instructions of the Legislature of my State.

Mr. VEST. Before the Senator takes his seat I want to ask him a question. I make no issue with him as to his duty to his constituents; no question of that sort can be brought into this discussion; but I want to know from him if he does not believe, if there can be any doubt, in other words, about the fact that under this amendment as it stands now, if there are lands entered by speculators at $1.25 an acre in defiance of law, the amendment will perfect their title?

Mr. CONGER. If the defiance of law be that the President had not proclaimed these lands and had them offered at public sale, then all purchasers, pre-emptors, and homesteaders have violated the law in the sense the Senator means; but I do not stand here to say that when lands were properly in market and were liable to purchase, he or I or any other Senator may not buy forty acres or four thousand acres. I do not know of any of these great purchases of these lands. I do not believe they exist.

Mr. VEST. That is only a question of belief.

Mr. CONGER. I say this only cures the title where the defect was the non-offer of the lands at public auction. If from any other defect the title is doubtful, this amendment does not help it.

Mr. VEST. One thing is certain; no controversy can exist here about that; and that is, whether the person who made the entry was a pre-emptor or speculator, under the decision of the Supreme Court in nineteenth Wallace both parties violated the law.

Mr. CONGER. The homesteader did, too.

Mr. VEST. And the homesteader, too. In other words, these lands were not subject to pre-emption, they were not subject to homestead, they were not subject to sale. That was the decision made by Judge Davis in nineteenth Wallace in the Eldred case.

Mr. CONGER. Not these purchasers violated the law, but the officers of the United States from the President down to the receiver of the Land Office all violated the law, and we are trying to remedy their violation of the law.

Mr. VEST. I can not concede the proposition that these officers violated the law.

Mr. CONGER. They issued patents; they sold the land.

Mr. VEST. They did. They issued patents; but the President of the United States had an option as to putting these lands up at auction in regard to the time in which it should be done; and he might have been upon the eve of performing his duty at the very time the land officers permitted these entries to be made and these patents to issue.

Mr. CONGER. He has not done it yet, and most of these patents were issued years ago.

Mr. VEST. The circumstances may vary in particular cases. As a matter of course, where a patent has emanated from the Government it is beyond the control of the Government of the United States; the title having once emanated according to the decisions of the Supreme Court has passed away from the Government. It is true that as between individuals Mr. Smith may become, if he has perpetrated a fraud, a trustee of that legal title for Mr. Jones, but that is a question for the jurisdiction of the courts, and not for the action of Congress. All these parties are wrongdoers in the eye of the law, but I submit to the senior Senator from Michigan that there is a vast amount of difference between wrongdoers. If I innocently perpetrate a wrong upon my neighbor, if I innocently violate a law of the United States in letter, still if I am guiltless in spirit, Congress, as a great court of equity, ought to come to my relief.

Mr. CONGER. That is what we ask.

Mr. VEST. But if I go with my eyes open and undertake to appropriate to myself without the forms of law large tracts of the public domain, not for a home but for speculation, and I am deceived in my judgment, I am defeated in my speculation, stocks go down with me instead of going up, I have no more right to come to Congress for relief than a stock gambler in Wall street, when he says "I thought Congress meant so and so; I invested my money in Erie and it went down instead of going up; I am entitled to relief." There is a vast difference between a pre-emptor or the owner of a homestead right and a speculator who has gone in through his sharpness and his avarice and his greed to get the better of the Government and his fellow-citizens and put money in his own pocket.

I do not know anything about the facts, and I care nothing. The Senator from Michigan says he knows of no speculators interested here, and he believes there are none. That will not do for legislation. Let the Senator who claims to protect these settlers and pre-emptors come here with legislation that gives to every man who has made a *bona fide* settlement his home and I will vote for it; but I will vote for no law that covers men who have gone and bought 100,000 acres of the public domain and then come here and say to Congress, "We were mistaken about the laws; our lawyers deceived us, and now we want relief."

Mr. CONGER. The concluding remark of the Senator from Missouri would indicate that I had said that none of these lands were held by men who were not pre-emptors or homesteaders.

Mr. VEST. No.

Mr. CONGER. I meant to say no such thing. I said they might have been bought for pine lands. I knew of no such general purchase as that; still any man who knows anything about lumbering knows that no man can lumber on a single quarter-section, or section, or mile square of pine in the wilderness, any more than a herd of cattle can graze on a quarter-section of land in Missouri. They must accumulate lands. I am not saying that because it is so in this case, but there must be, to make any kind of lumbering profitable, accumulations of a tract large enough to warrant the expense of making the improvements, of building the tramway, of getting the logs to the stream, and getting them to the mill.

A man would be an insensate fool who thought he could come in and by entering quarter-sections of land miles and miles apart carry on lumbering in a pine region. Therefore I am not foolish enough to say that either from pre-emptors or purchasers or from whatever source some of these lands may not have been aggregated together in quantities of several sections for the purpose of lumbering in the pine lumbering States of Michigan and Wisconsin. I do not know how it is, but I do marvel at the opposition to this amendment so carefully guarded and carefully prepared, and where it only on the very face of it undertakes to cure and heal the defect of title caused by the wrongdoing of the authorities of the United States.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Michigan [Mr. PALMER], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON].

The roll-call was concluded.

Mr. GEORGE (after having voted in the negative). I inadvertently

voted. I was paired with the Senator from Rhode Island [Mr. CHACE]. I withdraw my vote.

Mr. SEWELL. I am paired on this question with my colleague [Mr. MCPHERSON].

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—yeas 25, nays 22; as follows:

YEAS—25.

Allison,	Cullom,	Miller of Cal.,	Sawyer,
Blair,	Dolph,	Mitchell,	Sherman,
Bowen,	Hale,	Morrill,	Van Wyck,
Brown,	Hawley,	Palmer,	Wilson.
Call,	Hill,	Pike,	
Cameron of Wis.,	Jones of Nevada,	Platt,	
Conger,	McMillan,	Sabin,	

NAYS—22.

Bayard,	Garland,	Jackson,	Vance,
Butler,	Groome,	Morgan,	Vest,
Cockrell,	Hampton,	Pendleton,	Voorhees,
Coke,	Harris,	Pugh,	Williams.
Colquitt,	Harrison,	Saulsbury,	
Fair,	Ingalls,	Slater,	

ABSENT—29.

Aldrich,	Frye,	Lamar,	Plumb,
Beck,	George,	Lapham,	Ransom,
Camden,	Gibson,	Logan,	Riddleberger,
Cameron of Pa.,	Gorman,	McPherson,	Sewell,
Chace,	Hoar,	Mahone,	Walker.
Dawes,	Jonas,	Manderson,	
Edmunds,	Jones of Florida,	Maxey,	
Farley,	Kenna,	Miller of N. Y.,	

So the amendment was agreed to.

Mr. MORGAN. I offer the following amendment to come in at the close of the amendment just adopted:

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior; and in case there is any actual settler on any of said lands in good faith under the homestead and pre-emption laws of the United States, the rights of such settler shall prevail against any previous entry at the price of $1.25 per acre.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

Mr. MORGAN. I will explain the amendment. The senior Senator from Michigan [Mr. CONGER] stated that one of his purposes was to protect the homestead and pre-emption settlers there. A controversy would arise I think naturally between those persons who had entered the lands at a dollar and a quarter an acre and the homestead or pre-emption settlers upon the same lands. When we are ratifying and confirming the titles of those who entered at a dollar and a quarter an acre, those entries being decided to be illegal by the Supreme Court, I propose to provide for the honest, *bona fide* settlers and homesteaders, by saying that their claim upon these lands shall be adjudicated as other claims are in the Interior Department, and they shall prevail over those purchasers of the lands who have paid a dollar and a quarter an acre for them. Of course the effect would be this: Mr. A, a speculator, a lumberman, or whatever he may be, five or ten years ago has bought a tract of land there at a dollar and a quarter an acre.

Mr. CAMERON, of Wisconsin. Suppose Mr. A be not a speculator or lumberman or a farmer, but bought a tract of land eight or ten or twelve years ago, and erected a dwelling-house upon it, and is residing thereon with his family?

Mr. MORGAN. That only suggests another one of the difficulties which I have adverted to several times, that we are trying to settle private titles by adjudicating them in the Congress of the United States. That is my objection to the entire proposition. We are by legislative decree trying to settle private land titles. That is what the proposition means anyhow. Of course difficulties of the kind suggested by the Senator from Wisconsin would arise to any man who has the subject in view, but the Senator from Michigan emphasized the fact that he wanted to protect this class of people, homesteaders and pre-emptors.

Mr. CONGER. And purchasers.

Mr. MORGAN. You can not protect them all. If there is a homesteader or a pre-emptor upon a forty, eighty, or one-hundred-and-sixty acre tract of land in good faith residing there, and at the time you pass this measure there is somebody else who holds title to the land at a dollar and a quarter an acre, an invalid title, a bad title, and you undertake now to make that title valid by an act of Congress, you say that you will not protect the homesteader and the settler. Does the Senator say now that he does not want to protect the homesteader and settler against the man who holds an invalid title acquired at a dollar and a quarter an acre?

Mr. CONGER. The Senator asks me that question. Would he like me to repeat what I said about my desire to protect the homesteader? Or does he say that to throw some discredit upon what I have said?

Mr. MORGAN. Not at all. The Senator asked a question.

Mr. CONGER. I should like to know what the object of the Senator is in insinuating as to my belief.

Mr. MORGAN. No insinuation about it. There is a little too much tender-footedness about this measure anyway; there is too much crowding about it anyway. It does not come in like other bills do on the floor of the Senate. If the Senator will allow me to say it, I have been a little mild in my opposition to it; but now if the Senator wants to have the subject brought up in square form I will say to him that I do not like the aspect of this measure in the Senate.

It looks to me too much as if some private enterprises were being carried forward here. When I bring in an amendment which carries out the very purpose that the honorable Senator himself insisted he wants carried into this bill, I hear objections.

Now, sir, if we mean in good faith to protect men who have honestly bought this land and paid a dollar and a quarter an acre for it let us do it. If we mean, however, in good faith to protect those men who have gone upon this land and have made their homestead and pre-emption settlements upon it, let us do that. Under the pre-emption and homestead laws of the United States every man not only has the right but he is invited by the Government of the United States to go upon the public lands and make his settlement.

Here is a class of people who have gone there under this invitation. They have made their settlements; they have built their houses and opened their farms. Now, the question is whether we shall validate a title, which somebody got ten or twelve or fifteen years ago at a dollar and a quarter an acre contrary to law, to the exclusion of a man who has a right of homestead or pre-emption. I do not profess to be particularly the partisan or friend of the homesteaders or any other class of settlers on the public lands; but I do profess to want every man to have his just rights under the laws of the United States. Senators who make themselves the champions of the homesteaders and the pre-emptors in this country have a fair opportunity for a square vote and no mistake about it between those speculators and lumbermen who have taken up these lands, as the Senator from Missiouri has more than intimated, under combinations with the Government officials there, fraudulent combinations, and the men who have gone under the invitation of the Government and settled upon these public lands and made their homesteads there. Now, sir, we have a square issue in this case. The amendment brings it up. I have no more to say about it.

Mr. DOLPH. I do not rise for the purpose of expressing any opinion as to the policy of attaching the amendment which has been already adopted to the bill. The effect of that amendment, as I understand it, is only to confirm the title of parties who have been permitted by the officers of the general and local land offices to purchase land at a dollar and a quarter an acre at private entry. Whether those purchasers were speculators or not I do not know, but a large proportion of the present owners of the land are persons who are residing upon the land, poor men. The amendment as adopted does not affect any controversy which exists between such holders of land purchased at private entry and settlers under the homestead and pre-emption laws, because they are specifically excluded from the operation of the amendment. Now, as I understand it, all such controversies must be determined in the General Land Office in the first instance, and if the purchases at private entry have been illegal the Commissioner of the General Land Office will decide in favor of the pre-emption and homestead settlers, and they will obtain their patents under existing laws. The only object of the amendment now proposed by the Senator from Alabama is to change the existing law and provide a new and special rule for the disposition of lands the title to which is controverted in the Land Office. Suppose it should turn out that some of these entries where there are contests were legal; suppose it should hereafter be decided that those lands were open to private entry when they were purchased, and by adopting this amendment we provide that notwithstanding that fact the Commissioner of the General Land Office and the Secretary of the Interior should award these lands to the homestead and pre-emption claimants, would that be right?

There is no necessity in my judgment for this additional amendment, for any controversy concerning these lands must be determined in the General Land Office, and the Commissioner of the General Land Office must be governed in rendering his decision by the law of the case, and if the law gives lands to the homestead and pre-emption claimants they will get them, and if it does not they certainly ought not to have them.

This proposed amendment brings into this bill the decision of a controversy between private parties, the very thing that has been declaimed against by Senators on this floor. The amendment of the Senator from Michigan [Mr. PALMER] which has been adopted does not provide for the settlement of private rights. Because lands have been sold by inadvertence at private sale which were not subject at the time to private entry, and the Government has received the money for them where there are no other claims to them, it is proposed to confirm the titles. We had better get rid of the controversies concerning these lands now while we may do it.

There are already, as stated by the Commissioner of the General Land Office, in the particular locality where the lands in question lie, five hundred controversies between homestead and pre-emption claimants and persons who hold under private entries; and if we defer action until another session of Congress there will be five hundred more. These parties, both classes of claimants, have been before the Committee on Public Lands. There are cases which have been before the Committee on Public Lands in connection with railroad grants where the railroads

claim the lands, where purchasers from the railroads claim the lands, where persons who have entered the lands at private entry claim them, and where pre-emption and homestead claimants claim them. It is time some action was taken to prevent further controversies. We should dispose of these lands in some way so as to prevent further controversy.

Mr. COCKRELL. I ask the Senator from Oregon how it happened that officers of the United States Land Office, acting under the laws and the instructions of that Department, utterly ignored the laws, trampled them under foot, and permitted these private entries to be made?

Mr. DOLPH. I will state to the Senator from Missouri that I understand there have been different rulings by different Commissioners of the General Land Office, and by different Secretaries of the Interior. At one time it was held, as I now recollect, that lands which had once been offered at public sale and had become subject to private entry and were then withdrawn from private entry for railroad purposes, and afterward, on the location of the road, were restored to the public domain and opened to settlement, might be sold at private entry without being again offered at public sale.

Then another decision was made to the effect that such lands must be offered at public sale before they were open to private entry, and then the decision of the Supreme Court which has been referred to was made. In the mean time sales had been made under the rulings of the Department. Again, in one instance it appeared to the committee, or at least to myself, as if the local officers had disregarded the instructions of the General Land Office, although they claimed that for some reason the instructions, which had been sent in time, were not received until after the sales were made. The officers of the Government have been to blame. The parties who purchased the lands, whether speculators or not I do not know, duly entered the lands and paid their money for them; and the amendment which has been adopted is only intended to cure a technical defect in their title.

Mr. COCKRELL. Are those officers still in control of these land offices now?

Mr. DOLPH. Oh, no; that was years ago—thirty years ago, some one says.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. CALL. I wish to say a very few words. I voted for the amendment proposed by the Senator from Michigan [Mr. PALMER] upon the ground that Senators assured us it was not in the interests of speculators, that there was no job in it, that there were large numbers of *bona fide* settlers, whether by purchase or under the homestead and pre-emption laws, in actual residence on these lands whose titles were involved in this error or irregularity which would be cured by the amendment. I wish it understood that I put my vote upon the assurance of Senators from the State that this was a measure to save and perfect the titles of actual residents upon the lands. Now I think it would be only wise to adopt the amendment of the Senator from Alabama which makes that absolutely conclusive, and gives to any settler now upon the lands who has a claim under the law a right to appear before the Department of the Interior. It is true he has that right already, but it is also true that it is more certain with a legislative declaration accompanying the law that it is not intended to preclude him from the assertion of that right.

Mr. CONGER. I ask the Senator from Alabama who offered this amendment whether the time in January in the body of my colleague's amendment relates to the provision of this amendment also?

Mr. MORGAN. My amendment is a mere addition to the amendment already adopted.

Mr. CONGER. Would the limitation as to the 25th of January apply?

Mr. MORGAN. That is my understanding.

Mr. CONGER. If it does, it leaves the law just, as far as I know, as it was before.

Mr. MORGAN. My understanding is that it operates from the date stated in the original amendment. For instance, a settlement made now, a homestead taken now, would not prevail; indeed the question could not arise between a homestead taken after the passage of this bill and a prior entry, I think.

Mr. CONGER. The amendment of my colleague undertakes to say that no conflicting claim by jumping these lands after the 25th of January shall be allowed. If the amendment does that also, it saves the rights of these men to that extent.

Mr. MORGAN. I do not think it changes it, though the Senator can make it perfectly certain by moving to amend.

Mr. CONGER. Let it be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The Chief Clerk read the amendment proposed by Mr. MORGAN.

Mr. CONGER. If the Senator will put in the limitation, "made prior to the 25th of January," so that it shall not cover entries being made now, I shall not oppose it.

Mr. MORGAN. I have no objection. The Senator can amend my amendment. I will accept it.

Mr. CONGER. Let it be amended.

Mr. BLAIR. The word "heretofore" is in the amendment of the Senator from Michigan, so that that word would make the limitation which is suggested.

Mr. MORGAN. I think so, too; but I am willing to make it satisfactory.

The PRESIDENT *pro tempore*. Will the Senator from Alabama state the modification?

Mr. MORGAN. I am not offering any modification. I said I would accept that offered by the Senator from Michigan.

Mr. CONGER. Let it be again read.

The PRESIDENT *pro tempore*. The amendment will be read.

The Chief Clerk again read Mr. MORGAN's amendment.

Mr. CONGER. After "laws of the United States" I move to insert the words "made prior to the 25th of January, 1885." All I desire to accomplish is that the constantly accruing attempts to get these lands by settlement shall not be efficacious.

The PRESIDENT *pro tempore*. The question is on the amendment to the amendment.

Mr. DOLPH. I regret exceedingly to feel compelled to say another word in this debate, and I do not propose to say a word on the merits of the bill. I am anxious to get to a vote. At the same time I do not like to have this matter pass off by apparent agreement between two Senators. I should like to ask the Senator from Alabama if he does not understand that all such contests must now be adjudicated by the Land Office?

Mr. MORGAN. Yes. I want to keep the Land Office from getting into the courts.

Mr. DOLPH. Then the object of the amendment is to make the decision of the Land Office conclusive, so that the party defeated can not get into court?

Mr. MORGAN. No, sir, we can not do that, because we can not deprive the judicial establishment of this country of jurisdiction in that way. That is a constitutional question.

Mr. DOLPH. If the contest must now be determined in the Land Office, I suppose it must be determined according to the existing laws, and if the homesteaders or pre-emption claimants have the best title they will prevail in the Land Office.

Mr. MORGAN. I should think so.

Mr. DOLPH. Therefore we will add nothing to the existing law by this amendment unless we provide that notwithstanding the person who entered the land at private entry has the best title, the pre-emption claimant claiming the land shall be preferred to him.

Mr. MORGAN. If we confirm a patent, for instance, issued by the United States Government at a dollar and a quarter an acre which at the present moment is invalid, and confer the title of the United States upon that patentee, he can go into court and eject the homesteader?

Mr. DOLPH. No.

Mr. MORGAN. I want that question settled in the Interior Department before the patent acquires any validity.

Mr. DOLPH. But does the Senator from Alabama suppose for a moment that the amendment already adopted refers to any land where there is a present pre-emption or homestead settler claiming it?

Mr. MORGAN. Well, I am afraid it might.

Mr. DOLPH. I think that is not the intention, and certainly in my judgment it does not have that effect.

Mr. PALMER. I will state that the amendment from its very phraseology indicates that it does refer to where there are conflicting claims.

Mr. DOLPH The amendment of the Senator from Alabama?

Mr. PALMER. No, my amendment. It merely confirms titles where there are no conflicting claims.

Mr. DOLPH. Then the Senator means to say it does not refer to such claims.

Mr. PALMER. It is in the negative.

Mr. DOLPH. It refers to them and excepts them.

Mr. PALMER. Yes.

Mr. DOLPH. So I can not see the necessity for this amendment of the Senator from Alabama.

Mr. MCMILLAN. I do not know whether I understand the effect of this legislation or not, because I am not familiar with the facts to which it is intended to apply; but if I understand the amendment already adopted, with the amendment proposed by the Senator from Alabama, it would have this effect, that if upon any of these lands there have been settlers who have acquired their titles by pre-emption or homestead settlements and received a patent therefor, and upon other portions persons have secured title by purchase, by entry, and have procured their patents as purchasers, and they may have disposed of portions of that land to innocent persons who knew nothing about any defect in the title, and these innocent persons, purchasers from the original patentees, may have actually settled upon the land holding their titles under the patent, and they would be ousted under the amendment of the Senator from Alabama—it would distinguish against settlers by purchase in favor of settlers by pre-emption or homestead settlement, and it would not protect such at all, if I understand the effect of the amendment.

Mr. CAMERON, of Wisconsin. The Senator from Minnesota will remember that there can not be any valid holders by purchase of these lands until we confirm the title.

Mr. MCMILLAN. Yes; but our legislation should not produce any confusion in titles. That is to be avoided. If I understand the effect

of the first part of the amendment, it relieves the defect in the title to any part of these lands which consists in having entered or purchased them when they had not been offered for sale at auction. That extends to all titles by entry and purchase and by pre-emption and settlement. The first part of it covers the whole ground; but the latter qualifies it only as to pre-emptors and homestead settlers, and distinguishes *bona fide* purchasers even in the occupancy of land. That I understand to be the effect of this amendment.

Mr. MORGAN. I will state, if the Senator will allow me, that the effect is simply to validate what are now invalid titles in favor of persons who have purchased and paid for the same at a dollar and a quarter an acre, saving to the homesteaders and pre-emptors their rights, giving them a prior right.

Mr. MCMILLAN. If I understand the effect of the amendment it is this: The provision already adopted does cure the defect in titles either of pre-emptors, homesteaders, or persons who purchased at private entry. The latter part of the amendment, that now proposed, protects pre-emptors and homesteaders against any persons who entered the lands and against any persons who hold under a title by entry, though they may be in the actual occupancy of the land under a conveyance from the original patentee where the entry was by private purchase.

Mr. HARRISON. The Senator from Minnesota will allow me to make a suggestion. He seems to be interested for those who, having acquired title under the persons whose imperfect title is to be confirmed by this bill, and who under that title so derived are on the land, lest they may be affected by this provision of the Senator from Alabama. It can not do so at all. This bill operates to confirm the title of their grantor, and of course they would be secure in their title unless it was a case where some homesteader had a prior right.

Mr. MCMILLAN. I think the Senator from Indiana does not comprehend the scope of this amendment. Upon these lands which were purchased at private entry there may have been persons who entered as settlers but have not obtained a patent, and as against any person holding a title under the purchaser by private entry those men would take and their title would prevail, because the first part of the amendment is qualified and restricted; but the latter part of it distinguishes against any title which accrued under the purchaser by private entry. I think it would produce confusion. I know nothing about where this legislation is to apply or what would be the effect of it further than the language of the amendment, and I see it has that effect.

Mr. HARRISON. I am not inclined to resent the imputation of the Senator from Minnesota that I do not comprehend——

Mr. MCMILLAN. Mr. President——

Mr. HARRISON. I say I am not at all inclined to resent it, but I rise to say that I think that has been the trouble with this whole amendment with which we are dealing here. We are dealing with a proposition that the committee of this body that should have had charge of it have never investigated, and that not a single member of the committee has yet been able to contribute any information on the subject; but still I think as to the particular matter to which I called the attention of the Senator from Minnesota I had perhaps a fair comprehension of the scope of the amendment of the Senator from Alabama.

Mr. MCMILLAN. I made the allusion to the Senator in no offensive sense, and I am sorry that he is so sensitive upon the subject. I had been listening to the entire debate upon this amendment, and I am rather inclined to think the Senator did not hear it all. This amendment of the Senator from Alabama is intended to qualify the original amendment offered by the Senator from Michigan to this bill. I think the amendment offered by the Senator from Alabama does qualify the original amendment and leave the matter in confusion.

Mr. CALL. There is no difficulty between the original amendment and that proposed by the Senator from Alabama. The original amendment provides simply and unmistakably that the entries of all unoffered lands, except where there are conflicting claims or settlements, shall be confirmed. The amendment of the Senator from Alabama proposes that where there is a conflicting homestead or pre-emption claim or settlement, that shall be adjudicated in the Department of the Interior, and shall be heard and decided there. That is all. There is no difficulty, I apprehend.

Mr. ALLISON. I ask unanimous consent that this bill may be laid aside informally in order that I may bring before the Senate the Army appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the pending order be informally laid aside and that the Senate proceed to the consideration of the Army appropriation bill. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHN HANCOCK of Texas, Mr. JOHN F. FOLLETT of Ohio, and Mr. W. D. WASHBURN of Minnesota managers at the conference on its part.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, and asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JAMES N. BURNES of Missouri, Mr. RICHARD W. TOWNSHEND of Illinois, and Mr. W. D. WASHBURN of Minnesota managers at the conference on its part.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by O. L. PRUDEN, one of his secretaries, announced that the President had, on the 11th instant, approved and signed the act (S. 1793) to amend section 4434 of title 52 of the Revised Statutes of the United States concerning commerce and navigation and the regulation of steam vessels; and this day the act (S. 646) for the relief of R. G. P. White, Peter Hanger, and L. T. Green.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes.

Mr. ALLISON. I ask unanimous consent that the first or formal reading of the bill may be dispensed with, and that as the bill is read the amendments of the Committee on Appropriations may be considered in their order.

The PRESIDENT *pro tempore*. The Senator from Iowa asks that the first reading of the bill *in extenso* be omitted and that the bill be read for amendment and that the amendments of the Committee on Appropriations be considered as the reading proceeds. Is there objection? The Chair hears none.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Appropriations was, after the word "departments," in line 20, to strike out the words:

Being for the purchase of the necessary articles of office and desk furniture, stationery, binding, maps and books of reference, police utensils, and similar necessaries.

So as to make the clause read:

For contingent expenses of the Adjutant-General's Department at the headquarters of military divisions and departments, $2,500.

The next amendment was in line 27, after the word "including," to strike out "such;" so as to read:

For expenses of the Signal Service of the Army: Purchase, equipment, and repair of field electric telegraphs; signal equipments and stores; binocular glasses, telescopes, heliostats, and other necessary instruments, including absolutely necessary meteorological instruments for use on target-ranges.

The amendment was agreed to.

The next amendment was, in the appropriations for the "Pay Department," to strike out the following proviso from lines 86 to 91:

Provided, That the cost of such telegrams shall not exceed the amount fixed and paid by the Government, under contract, for telegrams composed of a similar number of words, exclusive of address and signature, officially sent to and from the Signal Service stations of the United States.

Mr. ALLISON. I think I ought to say a word with reference to this amendment. The effect of it is to increase rather than diminish the cost of Government telegraphing. The Government now has no contract with reference to the sending of these messages. They are all sent under a schedule of rates fixed by the Quartermaster-General from time to time under the law of 1866. The cost has been reduced within the last year about 45 per cent. from previous years.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 124, to reduce the total amount of the appropriations for "subsistence of the Army" from $1,900,000 to $1,800,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "Quartermaster's Department," in line 138, after the word "offices," to insert "and for sale to officers;" and in the same line, after the word "officers," to strike out:

And for extra-duty pay to such enlisted men as may be employed in procuring and caring for fuel, forage, and heating apparatus: *Provided*, That fuel in kind may be issued to officers when on duty.

So as to read:

For the regular supplies of the Quartermaster's Department, consisting of stoves and heating apparatus and repair and maintenance of same, for heating barracks and quarters; of ranges and stoves for cooking; of fuel and lights for enlisted men, guards, hospitals, storehouses, and offices, and for sale to officers; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, including its care and protection, &c.

The amendment was agreed to.

The next amendment was, in line 158, to reduce the appropriation for

purchase of horses for the cavalry and artillery and for the Indian scouts and for such infantry as may be mounted, from $200,000 to $180,000.

The amendment was agreed to.

The next amendment was, in line 159, after the word "that," to strike out "hereafter;" so as to make the proviso read:

Provided, That the number of horses purchased under this appropriation added to the number actually on hand shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service.

The amendment was agreed to.

The next amendment was, in the appropriations "for incidental expenses of the Quartermaster's Department," in line 178, after the word "clerks," to strike out "and other employés;" so as to read:

Compensation of clerks to officers of the Quartermaster's Department; compensation of forage and wagon-masters authorized by the act of July 5, 1838, &c.

The amendment was agreed to.

The next amendment was, in line 182, after the word "for," to strike out the words "the rewards for;" so as to read:

For the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit, &c.

The amendment was agreed to.

The next amendment was, in line 192, to reduce the total amount of the appropriation "for incidental expenses" of the Quartermaster's Department from $690,000 to $650,000.

The amendment was agreed to.

The next amendment was, in the clause making appropriations "for transportation of the Army," in line 219, before the word "repairing," to insert the word "or;" and in line 220, after the word "transportation," to strike out:

And employed as train-masters, and in procuring water, opening roads, navigating vessels, and building wharves.

So as to read:

Pay of enlisted men on extra duty driving teams or repairing means of transportation; transportation of funds for the Pay and other disbursing Departments.

The amendment was agreed to.

The next amendment was, in line 229, to reduce the total amount of the appropriation "for transportation of the Army" from $3,000,000 to $2,900,000.

The amendment was agreed to.

The next amendment was, in line 231, after the word "That," to strike out "hereafter;" so as to read:

Provided, That the whole number of civilian employés, including agents, superintendents, mechanics, packers, teamsters, and train-masters, paid from appropriations for transportation of the Army, shall not at any one time hereafter exceed 1,000, &c.

The amendment was agreed to.

The next amendment was, in line 255, before the word "thousand," to strike out "seven hundred" and insert "six hundred and fifty;" so as to read:

For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, and for grounds for camp and summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables, and for repairing public buildings at established posts, $650,000.

The amendment was agreed to.

The next amendment was, in line 256, after the word "That," to strike out "hereafter;" so as to make the proviso read:

Provided, That no expenditure exceeding $500 shall be made upon any building or military post without the approval of the Secretary of War for the same, upon detailed estimates of the Quartermaster's Department; and the erection, construction, and repairs of all buildings and other public structures in the Quartermaster's Department shall, so far as may be practicable, be made by contract, after due legal advertisement.

The amendment was agreed to.

The next amendment was to strike out the following clause, from lines 274 to 276, inclusive:

For quarters for quartermaster-sergeants, commissary-sergeants, ordnance-sergeants, and veterinary surgeons, $15,000.

The amendment was agreed to.

The next amendment was, in line 286, after the word "million," to strike out "four hundred" and insert "two hundred and fifty;" so as to make the clause read:

'For cloth, woolens, materials, and for the manufacture of clothing for the Army; for issue and for sales at cost price, according to the Army Regulations; for altering and fitting clothing and washing and cleansing when necessary; for equipage, and for expenses of packing and handling and similar necessaries, $1,250,000.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 306, to strike out "five" and insert "ten;" and in the same line, after the word "all," to strike out "ten" and insert "fifteen;" so as to make the clause read:

For the Army Medical Museum, including ordinary repairs of the museum hall, preservation of specimens, and the preparation or purchase of new specimens, $5,000; for the library of the Surgeon-General's Office, $10,000; in all, $15,000.

The amendment was agreed to.

The next amendment was, in line 353, after the words "purchase of," to strike out "Gatling or Hotchkiss;" so as to read:

For the purchase of machine-guns suitable for field service, $20,000.

The amendment was agreed to.

The next amendment was to strike out section 2, as follows:

SEC. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed, and amended so as to read as follows:

"ART. 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine."

The amendment was agreed to.

Mr. SHERMAN. The Secretary read so rapidly that I did not have an opportunity to call for a division on the last amendment on page 16, to strike out section 2. I ask that it be read again.

The PRESIDING OFFICER (Mr. PLATT in the chair). The amendment will be read.

The Secretary read section 2.

Mr. SHERMAN. Article 94 reads as follows:

ART. 94. Proceedings of trials shall be carried on only between the hours of 8 in the morning and 3 in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

Under the provisions of that article a recent court-martial was continued here for weeks and months because the court was compelled by the express provisions of law to adjourn at 3 o'clock each day. I am told that the origin of that rule was derived from the British service, and the reason for it was that after 3 o'clock a gentleman on a court-martial was not expected to be sober enough to pass judiciously upon a proposition. The whole habits of our people, the hours of taking meals, &c., have changed, and therefore it is perfectly absurd to keep alive the old article of war which requires a court-martial to adjourn promptly at 3, and yet they must do it by law.

It is true this is legislation in an appropriation bill; it changes an article of war; but as it is here put on by the House, evidently in the interest of economy, I take it every Senator will assent to it unless some good reason should be given for striking it out. The article as proposed by the House is:

ART. 94. Proceedings of trials shall be carried on during such hours as the court-martial shall determine.

Surely a general court-martial convened for the trial of offenses ought to be allowed to adjourn and fix their hours of adjournment so as to be convenient to themselves and convenient to witnesses and the public. I hope therefore the law will be changed.

Mr. MILLER, of California. I agree with the Senator from Ohio. This article of war ought to be changed substantially as the House has attempted to change it. The language, however, of this section 2 is very peculiar:

SEC. 2. That article 94 of section 1342 of the Revised Statutes of the United States be, and the same is hereby, repealed and amended so as to read as follows:

I think that is rather contradictory, to repeal a section and then amend it.

Mr. SHERMAN. We can amend that by striking out the word "repealed."

Mr. MILLER, of California. It ought to be, "that article 94 be amended to read as follows."

Mr. ALLISON. We can not amend it here under our rules.

Mr. MILLER, of California. We can not amend it! Why not?

Mr. ALLISON. It is legislation.

Mr. MILLER, of California. We can do it by unanimous consent so as to give it sense and meaning.

Mr. ALLISON. Unanimous consent can do it.

Mr. MILLER, of California. It is obviously a mistake in the print, or else done by inadvertence.

Mr. ALLISON. This article 94 has been in existence, as stated by the Senator from Ohio, since the foundation of the Government, and was drawn from the articles of war of Great Britain. The law now provides that a court-martial shall be held between the hours of 8 in the morning and 3 in the afternoon. I quite agree with the Senator from Ohio that it may be inconvenient at times in general courts-martial, such as that referred to by him for the trial of General Swaim, to hold the court between these hours; but this is a general provision; it relates to the entire Army of the United States, and I suppose it was inserted originally somewhat for the benefit of those who are accused of crime in the Army. It was intended that the accused should have full opportunity every day to bring his witnesses to the presence of the court; that a court-martial "organized to convict," if you please, as courts-martial have sometimes been organized hitherto, it is said, should not put the accused through under a hop, skip, and jump; that he should have an opportunity day by day with his counsel to bring forward witnesses and to examine the testimony as far as the trial had gone. It may be necessary, after the close of the day's sitting, that the accused should have an opportunity of reviewing the testimony.

The Committee on Appropriations did not feel itself authorized to take up on an appropriation bill the change of an article of war which had been carried through several wars in this country, including the late civil war, without change.

Mr. SHERMAN. I am told by officers that it was not observed.

Mr. MILLER, of California. I will say to the Senator from Iowa that during the war, when we had numerous courts-martial, they held sessions at other hours than from 8 to 3. They held sessions all day sometimes.

Mr. ALLISON. These articles, I believe, were revised after the war.

Mr. MILLER, of California. I suppose the Secretary of War, being

the authority by which courts-martial are authorized during the war, probably set the article aside in that particular, because I know that court-martial sessions were held all through the day and in the night.

Mr. ALLISON. I agree that this is rather an inconvenient hour in the city of Washington, but it may be a very convenient hour elsewhere; and I trust because of some inconvenience in a single instance that we shall not on an appropriation bill change this law, especially as we have no report from the Secretary of War and no report from the Committee on Military Affairs, the proper organ of the Senate in reference to such matters. If this is an inconvenience and if it requires change, it will be an easy thing any morning for the Military Committee to report an alteration of this article of war and to pass it through in a moment, and if it is so pressing, certainly there can be consent to pass it in the House of Representatives.

Mr. SHERMAN. The Senate being so thin, I do not propose to divide the Senate on a question of this kind; but I think the new idea of avoiding legislation on appropriation bills is running to seed, although I see some provisions of a legislative character even in this bill that are not stricken out. But I have called the attention of the Senate to it, and I hope the committee of conference when they meet on this bill, if they do at all, will allow this section to stand. I do not propose to divide the Senate at this time and in its present condition.

The PRESIDING OFFICER. The Chair will put the question on the amendment of the committee to strike out the second section.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

THE NEW ORLEANS EXPOSITION.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a copy of the report of the board of management of the World's Industrial and Cotton Centennial Exposition, dated February 2, 1885, requesting an additional appropriation to extinguish a deficit in its accounts, and asking authority to reopen the exhibition during the winter of 1885–1886.

A failure on the part of the management to carry out the original intent in regard to the exposition might reflect upon the honor of the United States Government, since twenty-one foreign nations and forty-six States and Territories have joined in the enterprise through faith in the sanction of the Government. In view of this fact, and in consideration of the value of the exposition to the cause of material progress and general education, I respectfully submit the report mentioned for the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 12, 1885.

PUBLIC BUILDING AT DETROIT, MICH.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich., which passed the Senate and has been returned by the House of Representatives with an amendment. The action of the House will be read.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES, *February* 12, 1885.

Resolved, That the bill from the Senate, No. 1609, entitled "An act to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich.," do pass with the following amendment. In line 25 of the bill, at the end of section 1, add the following:

"*Provided, however*, That if a new site shall be purchased for said building, as hereinbefore authorized, it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $900,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

Mr. PALMER. I move the reference of that bill with the amendment to the Committee on Public Buildings and Grounds.

The motion was agreed to.

PENSION APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives concurring in some and non-concurring in other amendments of the Senate to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments disagreed to by the House and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. DAWES, and Mr. CALL were appointed.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives non-concurring in the amendments of the Senate to the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes; and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. HALE, and Mr. BECK were appointed.

AMENDMENTS TO BILLS.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California. Let the accompanying documents be printed.

The PRESIDENT *pro tempore*. That order will be made if there be no objection.

Mr. PLATT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the petition of Samuel B. Gregory, with the accompanying papers, now on the files of the Senate, be withdrawn and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor, with amendments; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 8183) to remove the political disabilities of W. H. Murdaugh, of Virginia, was read twice by its title, and referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of John Hancock and other gas-consumers of Washington, D. C., praying Congress to take such action in their behalf that they may be supplied with illuminating heating gas of superior quality and cheap manufacture known as steam-carbon gas; which was referred to the Committee on the District of Columbia.

Mr. CONGER presented resolutions of the committee on foreign and coastwise commerce of the Board of Trade of Philadelphia, Pa., and the executive committee of the Philadelphia Maritime Exchange, protesting against the passage of the bill (H. R. 7163) to regulate the forms of bills of lading and the duties and liabilities of ship-owners and others; which were referred to the Committee on Commerce.

Mr. MAHONE presented a memorial of the Chamber of Commerce of Richmond, Va., praying that Richmond be made a naval station; which was referred to the Committee on Naval Affairs.

COL. HENRY J. HUNT.

Mr. HAWLEY submitted a report to accompany the bill (H. R. 78) to provide for the retirement of Col. Henry J. Hunt as a major-general of the United States Army, heretofore reported by him from the Committee on Military Affairs.

PUBLIC BUILDING AT ERIE, PA.

The PRESIDING OFFICER (Mr. PLATT in the chair), laid before the Senate the amendments of the House of Representatives to the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor.

The amendments were read, being in lines 6 and 7, to strike out the words "three hundred" and insert the words "two hundred and fifty;" in line 10, to strike out the words "three hundred" and insert the words "two hundred and fifty;" and at the end of line 10, after the word "dollars," to add: "And no plan shall be approved which will involve an expenditure for site and building complete greater than the amount hereby fixed as the limit of cost."

Mr. MITCHELL. I move that the Senate concur in the amendments of the House. I will state that the House amendments reduce the limit $50,000. We think it ought not to be reduced; but to secure the passage of the bill I consent to the amendments.

The amendments were concurred in.

OFFICIAL RECORDS OF THE REBELLION.

Mr. ALDRICH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Printing are hereby directed to report what, if any, further legislation is necessary to secure the proper distribution of the copies of the Official Records of the War of the Rebellion, which members of the Forty-seventh Congress who have deceased since the passage of the act of August 7, 1882, were entitled to at the time of their death.

PUBLIC-LAND LAWS.

The PRESIDING OFFICER. It is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

Mr. PLUMB. I ask unanimous consent, pending the consideration of that bill, to take up House bill No. 7522, which is on the table.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent to consider at this time the bill (H. R. 7522) for the relief of Joseph F. Wilson. Is there objection?

Mr. HARRIS. Yes, sir; there is.

The PRESIDING OFFICER. The Senator from Tennessee objects.

Mr. HARRIS. I want to take up House bills in their regular order.

Mr. PLUMB. I ask unanimous consent to be allowed to make a statement about this case. No, I believe I will not make a statement.

Mr. HARRIS. I do not object to a statement, but I object to the consideration of the bill.

The Senate resumed the consideration of the bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. PALMER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. HARRISON. I understood the Senator from Michigan, perhaps both Senators from that State, to say that with some modification this amendment was altogether in harmony with the amendment which has been adopted.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. MILLER, of California. I should like to have the amendment read so that I may know what we are voting upon.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to add to section 7—

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior, and in case there is any actual settlement on any of said lands in good faith under the homestead and pre-emption laws of the United States made prior to January 25, 1885, the rights of such settlers shall prevail against any previous entry at the price of $1.25 per acre.

Mr. MORGAN. I confess my surprise at the objection made by the Senator from Michigan [Mr. CONGER]. I thought the amendment was exactly in the line of his policy in regard to the public lands. Now, I wish to remark to the Senate that the bill as amended secures titles by subsequent ratification of the Congress of the United States to those men who had no titles, who had entered lands at a dollar and a quarter an acre, and it stops right there. Both the Senators from Michigan said that they had a desire to protect homesteaders and pre-emption claimants upon these same lands who had no right, of course, to file their entries upon this description of lands until Congress enabled them to do so or until the lands were offered a second time for sale. I thought that while we were securing titles to those lumbermen who had bought these lands at a dollar and a quarter an acre under circumstances that were not entirely free from suspicion, it would be exactly in harmony with the policy indicated by the senior Senator from Michigan that we should also secure titles to those men who had made homestead and pre-emption entries upon the same lands, who in good faith had built their homesteads and made their pre-emption entries upon the same lands.

I also thought that it was right, inasmuch as I supposed both Senators concurred in it, that we should give the preference to a homesteader or a pre-emptor over a man who had bought the land at a dollar and a quarter an acre and had got a certificate which was entirely void, entirely invalid under the law. Therefore I proposed to improve the amendment offered by the junior Senator from Michigan. While we were granting good titles to these men who had void titles and who had paid a dollar and a quarter an acre for them, I proposed to grant patents also, after investigation in the Interior Department, to those men who had made homestead entries upon these lands, and in case of contest between the homesteader or pre-emptor and the person who held the invalid title, my amendment gives the preference to the homesteader or the pre-emptor.

Mr. BLAIR. Suppose the conflict is between a homesteader and a pre-emptor, what would be the effect of the amendment in that case?

Mr. MORGAN. Then the amendment suggests that it shall be settled in the Interior Department.

Mr. BLAIR. And that the settlement be final and that the existing right to go to the courts be denied. The word "final" is still in the amendment.

Mr. MORGAN. A final settlement of a matter of this kind in the Interior Department relates only to the issue of the patent. It does not relate to the title, because that is all the time a matter open for controversy in the courts. Nobody can prevent that.

Mr. SHERMAN. I should like to ask the Senator a question. Suppose that under the amendment proposed the imperfect right of a person who has entered the lands at a dollar and a quarter an acre and paid his money into the Treasury of the United States is defeated by a subsequent entry by some person under the homestead act, would not that make at once a claim against the Government of the United States in favor of the person who had bought the land for the amount of the purchase-money of the land, perhaps with interest, and would not that multiply the difficulties that arise out of this state of affairs?

Mr. MORGAN. There is no doubt about its making a claim against the Government of the United States for the amount of money paid in, the dollar and a quarter an acre, and we have a general statute now which provides that in all such cases the money shall be returned to the party who had made the entry, without interest. The Senator from Ohio does not want to pay interest, I presume?

Mr. SHERMAN. No.

Mr. MORGAN. That is the law now. I confess my surprise at the attitude of some of the Senators on that side of the Chamber on this question. I thought that they in good faith were trying to protect the homesteaders and the pre-emptors. That was the impression made on my mind by the different resolutions, motions, and amendments that have been made. Now, when I suggest that these men shall have patents for their lands upon the basis of the homestead and pre-emption laws, and that those patents shall prevail against the void entries and against the void patents paid for by the lumbermen and the speculators at a dollar and a quarter an acre, I find opposition from the Senators from Michigan and others. Well, sir——

Mr. BLAIR. May I ask the Senator a question?

Mr. MORGAN. Yes, sir.

Mr. BLAIR. I was not present when the vote was taken on the Senator's amendment and I suppose it is still pending. I do not understand why he uses the word "final" with reference to the controversy before the Department when under existing law parties always have a right to go further to the courts.

Mr. MORGAN. The word "final" relates to the action of the Department.

Mr. BLAIR. Does it have any effect whatever? Does the Senator mean it to have any effect whatever?

Mr. MORGAN. It has effect on the officers of the Department, of course.

Mr. BLAIR. I do not understand in what way it has any effect on the officers of the Department to provide that their action shall be final. Their action will be the same in any case. The word "final" comes in in such a way as to prevent further action beyond the jurisdiction of the officers of the Department. It seems to me that the Senator's position limits and restricts and injures the homesteader or the pre-emptor, as the case may be, who is in possession; it deprives him of a right to be relieved of injustice by the action of the courts when it is perpetrated against him by the Department. That right he now has. If that word "final" were striken out, the amendment, to my mind, would be perhaps one in the direction of relief. It is now one of injury and restriction.

Mr. MORGAN. The Senator attributes too much weight to the word "final" in the context. The object of putting that word in was to have the decision finally made as between these litigants or contestants for the patent, and only for the patent.

Mr. BLAIR. Is not that the case now? Does not the Department proceed to a decision upon which the patent is to be issued?

Mr. MORGAN. It certainly does, but at the same time——

Mr. BLAIR. Then, if the Senator will pardon me for asking a question, what is the effect of the word "final" so far as the action of the Department is concerned?

Mr. MORGAN. The bill brings within the jurisdiction of the Department a class of cases that are not now within its jurisdiction, and while the adjudications of the Department are final under the existing law in respect of the issue of a patent, giving the consent of the Government through its authorized agents to the passage of the title from the Government to the party purchasing—while that is the fact in regard to the general operations of the Interior Department, when we bring a new subject within the jurisdiction that is not now within it, it is proper to apply the law as it exists to this new subject.

Mr. BLAIR. I understand that the Senator proposes to make a law under which the Department will have a jurisdiction to decide something and to decide everything up to the point of the issuance of the patent. The adjective "final," if I comprehend it and its use, can have no reference whatever to the action of the Department in the exercise of its jurisdiction until it has issued the patent, and then its operation is such as to restrict the exercise of the litigant's right of appeal. It prevents the exercise of any such right to go further.

Mr. MORGAN. An appeal to what?

Mr. BLAIR. If the decision is final there can be no appellate jurisdiction beyond it.

Mr. MORGAN. Is there any now? I ask the Senator, is there any appellate jurisdiction now from the Department of the Interior to any court in the United States?

Mr. BLAIR. Not direct from the Department, perhaps, but there is a right to go to the courts. There is no provision of law that the litigant is concluded by the decision of the Department; he may have his resort to the courts. The Senator's amendment deprives him of the right to try his cause and have it adjudicated by a jury of his countrymen, if I understand it.

Mr. MORGAN. Then the Senator does not understand it.

Mr. HARRISON. May I ask the Senator from Alabama whether the word "final" as used in the amendment is at all essential to the amendment?

Mr. MORGAN. I do not think that it is at all essential.

Mr. HARRISON. It seems to me not.

Mr. BLAIR. Then strike it out.

Mr. HARRISON. I suggest to leave it off.

Mr. MORGAN. No, sir; I do not choose to submit to a mere hypercriticism which does not amount to anything. Every lawyer understands that the action of the Department of the Interior upon a question of title to a tract of land culminates and is fully expressed in the issuing of a patent or in the rejection of an application for a patent; and after the party gets his patent to that tract of land it is open to attack in court precisely as if he did not have any patent, precisely as the title is. That is all I undertake to provide in this case. I merely try to apply the laws of the United States in the very sense in which they are now applied to this new case brought within their jurisdiction. That is the whole matter.

Senators seem to be very much afraid that somebody who has bought these lands and got a patent for them at a dollar and a quarter an acre, the patent being entirely void, will not be able to oust somebody else of the right to an interest in these public lands. I insist that the statutes of the United States ought to apply to this case precisely as they are applied to all other questions adjudicated in the Interior Department, and as this is a new jurisdiction conferred only by the bill giving rights which now do not exist, I thought that it was only proper that we should apply the law as it does exist to these new titles and this new jurisdiction. That is the whole of it.

Mr. BLAIR. Will the Senator permit me to ask him a question?

Mr. MORGAN. Yes, sir.

Mr. BLAIR. I ask whether the law as it now stands in reference to the jurisdiction of the Land Office upon matters properly before it in controversy provides that the decision of the Interior Department shall be final?

Mr. MORGAN. Final as to the right of the party to the muniment of title, the patent?

Mr. BLAIR. Final in its broad sense?

Mr. MORGAN. Oh, no.

Mr. BLAIR. Final in the broad sense in which the word "final" is used in the amendment? That is the question.

I wish now while I am speaking to resent the suggestion of the Senator that the proposal that the word "final" be stricken out is an effort in the direction which he intimates. I should be very glad to support his amendment if I did not believe that the use of the word "final" has the effect to rob the litigant of a right which he now has and must have.

Mr. MORGAN. That is not the intention of it. The Senator broadens the meaning of the word "final" so as to extend it to title, and I am applying it only to a muniment of title. That is the difference between us. The action of the Department shall be final so far as the patent is concerned in passing the title from it to the other party through a deed, a patent. That is all of it. After you have got it into the hands of the patentee it is open to litigation in respect of everything but the lawful issue of the patent, precisely as it was before any action was taken upon it. I am merely applying the law as it stands to the new case that is to be brought before the Department in which a new jurisdiction is to be conferred. I have no pride of opinion about it, but still I can not recognize that the Senator's point of objection is material, for he is thinking about the bill having an effect upon the question of title, when I am sure it does not. It will have an effect only upon the muniment of title, the patent.

Mr. HARRISON. I have just looked at the amendment for a moment, and I wish to ask the Senator from Alabama whether he will not consent to insert after the words "Secretary of the Interior" the words "and the judicial courts of the United States;" so that the decision would be left to the Interior Department so far as the law provides for the consideration of any questions there, and so far as questions may arise for the courts the parties may go into the courts. I think it would help to secure the adoption of some portion of the amendment, which I think is in the right direction.

Mr. MORGAN. I have no objection to having those words go in to explain it to the satisfaction of any Senator who does not understand the law very well.

Mr. HARRISON. I was making a concession.

Mr. MORGAN. I beg pardon.

The PRESIDENT *pro tempore*. Does the Senator from Indiana move to amend the amendment?

Mr. HARRISON. Yes, I move to insert after the words "Secretary of the Interior," in line 6, the words "and the judicial courts of the United States."

Mr. BLAIR. How will it read then?

The PRESIDENT *pro tempore*. The amendment will be read as it would read if amended.

The Secretary read as follows:

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior and the judicial courts of the United States; and in case there is any actual settlement, &c.

Mr. MORGAN. I suggest to the Senator that he had better put in words so as to include the judicial courts of the States.

Mr. HARRISON. Does the Senator from Alabama make a suggestion that the phraseology used would limit the jurisdiction to the Federal courts?

Mr. MORGAN. That is the way I understand it.

Mr. HARRISON. That was not my intention. I did not intend to exclude the jurisdiction of the State courts in any case where they would have jurisdiction, and if the language does that it does not express my intention. I ask the Senator if he now thinks that would be the effect of it?

Mr. MORGAN. No, I suppose not; I am indifferent about it. I merely wanted to have Senators understand it before voting upon it.

The PRESIDENT *pro tempore*. The courts of the United States have final jurisdiction of all questions arising under the Constitution and laws of the United States.

Mr. HARRISON. That is true.

Mr. DOLPH. Is the question now before the Senate on the motion to amend the amendment?

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment of the Senator from Alabama.

Mr. DOLPH. I wish to occupy but one moment. As I said, the amendment which has been adopted does not affect any case where there are conflicting claims between individuals. It only affects a case where there is a conflict of title between an individual and the Government, and with such lands we have a right to deal as we please. But when we come to legislate in regard to a tract of land which is claimed by two or more citizens under different laws, we have not a right to do as we please. I am not in favor of any amendment which proposes to forestall the action of the Department of the Interior and forestall the courts and say that when you come to adjudicate a contested case you shall decide in favor of one class of citizens and against one class of claimants.

I will go as far as any member of the Senate in favor of a homestead and pre-emption claimant, but what is done in their favor must be done in accordance with law and right. If there are two or more claimants to a tract or to several tracts of land, they now have a right to go into the Department or to go into the courts and have their rights adjudicated. I can not sit here and vote for an amendment which will undertake to forestall the action of the courts and say that the courts and the Department must render a given decision right or wrong where there is a conflict of claims.

I do not care particularly what is done with the pending amendment, but I wish to state my position upon it. I can not vote for any amendment by which we shall undertake to settle private rights by act of Congress.

Mr. MORGAN. I was not trying to forestall the action of the courts and compel them to decide where the title might be after we got through with this very delicate subject; but I was trying to provide that the officers of this Government should issue patents which Congress would declare valid to certain persons. The bill provides for the confirmation of a patent heretofore issued in favor of a purchaser at a dollar and a quarter an acre, notwithstanding his purchase was invalid at the time he made it. My amendment provides that if there is a homesteader or pre-emptor there he shall have a patent for his land under the adjudication of the Interior Department, provided he establishes his claim, and that his claim shall be paramount to that of the man who claims the land under a previous purchase at a dollar and a quarter an acre.

That is the situation exactly. I am not trying to forestall a judicial decision about this matter; I am merely trying to secure to homesteaders and pre-emptors upon these lands their rights. They have gone in innocence, they have gone by invitation of the Government upon these public lands, and when they get there they find themselves confronted with a patent or certificate issued to a purchaser at a dollar and a quarter an acre, who says to the pre-emptor and to the land officer and to the courts, "this is an invalid arrangement, it carries no title, because at the time the certificate was issued the lands were not marketable, they were not subject to sale by the local land officers." A provision was offered here, as I understood it, for the purpose of confirming their rights, and in cases where there were no conflicts between such persons and the prior purchasers for the purpose of confirming the rights of the prior purchasers who got the land at a dollar and a quarter an acre. That is the way I understood the matter.

In order to secure to the homesteaders and the pre-emptors an adjudication in their favor in the Interior Department in the case of conflict-

ing claims, and also a patent upon which they could rest, I have offerred my amendment to the bill, and I find that it stirs up a great deal of strife. It seems to me that I have touched upon a sort of tender point about this case, and that after all, while there are great professions here in favor of the homesteaders and the pre-emptors, the real object is to protect the logmen and the lumbermen; it is to protect that class of men about whom the Senator from Missouri spoke to-day, who he said had gone in there and had inveigled the public officers, contrary to instructions in some cases, to permit entries to be made at a dollar and a quarter an acre, they knowing and the purchasers knowing that all they were buying was like a ticket in the Louisiana Lottery; it was a mere chance to draw a prize.

I have not brought this subject into this case. The Committee on Public Lands did not bring this question into the case. We have been considering a bill having reference only to the modification or repeal of the pre-emption laws, the timber-culture laws, and the desert-land laws. Now we have switched off until we have got the main issue before the Senate, which has occupied the time of this body for hours and hours together, the control of certain lands in the State of Michigan, about which there seems to be more interest and to which more attention is drawn than there is to all the rest of the lands in the United States, although the bill covers the whole country.

In the pursuit of this controversy a question has arisen here as to whether the titles which we are trying to confirm are titles that are at war with the rights of homesteaders and pre-emptors, and also whether that title is at war with persons who have bought these lands subsequently and paid for them at two dollars and a half an acre. A good deal of debate has gone on about that. I had the honor to offer an amendment which I thought would reconcile everybody about it so that we could get rid of this bill and the Senate could proceed with the public business. After some lapse of time, when the proposition was duly digested on the other side of the Chamber among the Senators who are particularly interested in this matter, it obviously turns out that the whole intent and purpose of this legislation is to protect the men who hold the titles at a dollar and a quarter an acre, which are invalid, against everybody, against the men who paid two dollars and a half an acre for land subsequently, and against the homesteaders and pre-emptors. That is an obvious fact; and I am here trying to defend those persons in their rights acquired under the laws of the United States, while Senators who professed to be their champions and defenders a few hours ago are here warring against them. That is the situation.

I maintain that the Senate of the United States ought not in justice and duty to the country to ratify and confirm these void titles, pronounced twelve years ago to be void by the Supreme Court of the United States, unless in the mean time it protects those men who have honestly gone upon these lands and acquired homesteads there.

My amendment refers only to *bona fide* homesteaders and pre-emptors, not to men who set up pretended claims. While this controversy has been going on and since the decision of the Supreme Court twelve years ago, which invalidated the entries at a dollar and a quarter an acre, men have been settling themselves upon these lands in Michigan, claiming under the invitation of the Government of the United States the right to go there and to locate their homesteads and pre-emptions; and now it is proposed that we shall ratify and confirm the previous title and cut these men out entirely. That is what is meant by the amendment put upon the bill on the motion of the Senator from Michigan. I have said about it all I intend to say; and I shall let the Senate vote upon the amendment I have offered, so far as I am concerned.

Mr. HARRISON. I ask leave to modify my amendment to the amendment.

The PRESIDENT *pro tempore*. The Senator has a right to modify his amendment.

Mr. HARRISON. Instead of making it read, "and the judicial courts of the United States," I will modify it so as to read, "and the proper judicial courts." I suppose the final jurisdiction is in the United States courts in these cases; but I do not want to exclude the idea that preliminary jurisdiction may be in the State courts.

The PRESIDENT *pro tempore*. The Senator from Indiana modifies his amendment to the amendment offered by the Senator from Alabama. The amendment to the amendment will be read as modified.

The SECRETARY. In line 6, after the word "Interior," it is proposed to insert "and the proper judicial courts;" so as to read:

> And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior and the proper judicial courts, &c.

Mr. CONGER. It is very unfortunate that any Senator on this floor should presume to call in question the argument, or the reasoning, or the conclusions of the Senator from Alabama. One might know beforehand that it would fall into a personal attack upon one who was so presumptuous.

Now it does not turn out, as the Senator with so much assurance asserts, that any Senator on this side of the Chamber, or any Senator from Michigan, or any Senator who has advocated the original amendment, has forsaken his position; that he has been inconsistent; that he stands here as the advocate of men who have accummulated vast amounts of land for any purpose whatever; and the Senator had no business to make such an intimation or such an insinuation. I dismiss it by saying that it was unworthy of him and of the place where the assertion was made.

The amendment which we advocated related only to claims where there was no conflict. In the express language of the amendment offered by my colleague, it related only to claims where there was no conflict. To what does the Senator's amendment relate? It refers to all such "conflicting claims." That is a new subject introduced. It has nothing to do with the amendment offered by my colleague. The claims referred to in the amendment offered by my colleague are claims where there is no conflict, and the amendment says so. Why does the gentleman wish to introduce an amendment here about another set of claims, the conflicting claims which are not reached in any possible way by the measure which we have been advocating?

Mr. MORGAN. Will the Senator allow me to inquire whether the words "no valid conflicting claims" do not form a part of the language of the amendment as adopted?

Mr. CONGER. Of course valid conflicting claims or conflicting claims are excluded. It says where there are no conflicting claims the confirmation shall operate.

The PRESIDENT *pro tempore*. If the Senator from Michigan will suspend, the Chair will answer the inquiry of the Senator from Alabama. The amendment heretofore agreed to by the Senate, in that part of it, reads:

> Without such lands having first been proclaimed by the President and offered at public auction, and where, on the 25th day of January, 1885, there were no valid conflicting claims thereto or settlement thereon.

Mr. MORGAN. Then the Senator misquotes the amendment. I suppose he does it by accident.

Mr. CONGER. I do not do it by accident. I say where there were no conflicting claims the amendment makes the title good. That is plain enough; and the Senator has retired from it on my assertion, I see.

Notwithstanding the Senator has chided us for introducing into the bill new matter, he has introduced a new class of claims. Whether they come in or do not come in, it does not affect the previous provisions where there are no conflicting claims. I think the amendment offered by my colleague was a just and a proper one, protecting the rights of citizens of the United States against the fault or default of the Government of the United States, and that is what we wanted to meet. If the Senator wishes to bring in other claims, if he wishes to introduce into the bill additional matter, that is his proposition. He is determining beforehand by his amendment that the decision either at the local land office or at the Land Department generally shall be final on all these questions. He brings in new matter and a new class of claims which are especially excepted out of the previous amendment, and I object to it.

Mr. VEST. Before the vote is taken on the pending question I should like to make an inquiry of the mover of the amendment as to what is the meaning of a valid conflicting claim? When a claim is not in conflict with another, the one that prevails I suppose is the valid one!

Mr. CONGER. If the Senator will read the provision he will see that it says where "there are no valid conflicting claims" then it shall take effect.

Mr. VEST. I understand that. I suppose that if it were a conflicting claim that is not valid, it would be a different thing.

Mr. CONGER. They are an exception.

Mr. HARRISON. As to the meaning of the clause which the Senator from Michigan has been talking about, I think the bill intends to say that as between the holder of a valid claim and any other claimant the holder of a valid claim shall have preference, whether he be a homesteader or a pre-emptor or whatever his relations to the lands may be. It is declared that the men who confessedly have an invalid claim shall have their claim made valid against other invalid claims. That is the effect of the provision.

For one I wish to say, and that will end this debate so far as I am concerned—I have not taken up much time in it—that in every case where a homesteader, a man who goes to make his home upon the land of the United States—upon a reasonable amount of that land—to make a farm and a home, even if he mistakes the law, even if his proceedings to acquire title under the land laws are inefficient and ineffective, so far as I am concerned I always shall be ready to support legislation to secure him in that purchase, or attempted purchase, and to resist the invasion of others upon the land; but I do hold that where men go to buy the pine lands of the United States, or where men undertake to buy vast quantities of the grazing lands of the United States, men who ought to be advised as to what the laws are, men who have the means and the time and the ability to know what the laws are, and purchase vast tracts of these lands, and then come to the Government to ask the Government to confirm those invalid titles, for one I shall not be willing to do it, certainly not as against any man who wants to use any part of those lands as a home.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Indiana to the amendment offered by the Senator from Alabama.

Mr. MORGAN. I will accept that if I have the right to do it.

The PRESIDENT *pro tempore*. The Senator from Alabama can not accept it, the yeas and nays having been ordered upon his amendment.

Mr. HOAR (to Mr. MORGAN). Ask unanimous consent.

Mr. MORGAN. I ask unanimous consent that I may accept the amendment of the Senator from Indiana.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent that he may accept the amendment offered by the Senator from Indiana. Is there objection? The Chair hears none, and the amendment to the amendment is accepted. The question recurs on agreeing to the amendment proposed by the Senator from Alabama as amended, on which the yeas and nays have been ordered.

Mr. SAWYER. I should like to hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read as amended.

The CHIEF CLERK. It is proposed to add to section 7:

And all questions relating to such conflicting claims or settlements shall be subject to adjudication and final decision in the Department of the Interior and the proper judicial courts; and in case there is any actual settlement on any of said lands in good faith under the homestead and pre-emption laws of the United States made prior to January 25, 1885, the rights of such settlers shall prevail against any previous entry at the price of $1.25 per acre,

The PRESIDENT *pro tempore*. The Secretary will call the roll on agreeing to the amendment as amended.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the junior Senator from Louisiana [Mr. GIBSON].

Mr. SABIN (when his name was called). I am paired on this question with the Senator from West Virginia [Mr. KENNA]. If he were here, I presume he would vote "yea;" I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 28, nays 14; as follows:

YEAS—28.

Aldrich,	George,	Jonas,	Pendleton,
Bayard,	Groome,	Lamar,	Platt,
Blair,	Hampton,	Maxey,	Pugh,
Coke,	Harris,	Miller of Cal.,	Slater,
Colquitt,	Harrison,	Miller of N. Y.,	Vance,
Edmunds,	Ingalls,	Morgan,	Vest,
Garland,	Jackson,	Morrill,	Voorhees.

NAYS—14.

Cameron of Wis.,	Hawley,	Mitchell,	Van Wyck.
Conger,	Hill,	Palmer,	Wilson.
Cullom,	Lapham,	Pike	
Dolph,	Manderson,	Sawyer,	

ABSENT—34.

Allison,	Cockrell,	Jones of Florida,	Riddleberger,
Beck,	Dawes,	Jones of Nevada,	Sabin,
Bowen,	Fair,	Kenna,	Saulsbury,
Brown,	Farley,	Logan,	Sewell,
Butler,	Frye,	McMillan,	Sherman,
Call,	Gibson,	McPherson,	Walker,
Camden,	Gorman,	Mahone,	Williams.
Cameron of Pa.,	Hale,	Plumb,	
Chace,	Hoar,	Ransom,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. If no further amendment be proposed the question is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? [Putting the question.] The "noes" appear to have it.

Mr. DOLPH. What is the question?

The PRESIDENT *pro tempore*. The question is on the passage of the bill.

Mr. DOLPH. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. SHERMAN. I was in the cloak-room and the bill passed to its present stage before I was aware of the fact. There was an amendment prepared by me in the first instance, but I think improved by the Senator from Kansas [Mr. PLUMB], which would give the bill, if it is to pass, the approval, I think, of a great many Senators who otherwise might not vote for it. In order to enable me to propose the amendment I move to reconsider the vote ordering the bill to a third reading.

Mr. HOAR. I hope the Senator from Ohio will have unanimous consent to move an amendment at this stage.

Mr. DOLPH. I think there will be no opposition to that course.

The PRESIDENT *pro tempore*. If there be no objection the vote ordering the third reading of the bill will be reconsidered in order to enable the Senator from Ohio to offer an amendment. Is there objection? The Chair hears none. The Senator from Ohio has sent to the desk the amendment submitted and printed as intended to be offered by the Senator from Kansas [Mr. PLUMB].

Mr. SHERMAN. That is the one I prefer. It accomplishes the same purpose and in fewer words.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. After section 4 it is proposed to insert as a new section:

SEC. 5. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations and mineral and other lands, the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

Mr. DOLPH. I fear the amendment will provoke discussion, but I hope the last clause, the words "or be subject to private entry," may be stricken out, because no land is subject to private entry unless it is first offered at public sale. Then the amendment will prevent any land being offered at public sale, and, of course, any land in the future being subject to private entry.

Mr. SHERMAN. I have shown the amendment to several Senators who are more familiar with the land laws than I am, because I am not very familiar with them, and it has met with their approval. I think those words would do no harm. Entry at private sale means entry for money. My purpose is that all lands that may hereafter be offered or ordered to be offered for public sale, or which may be offered under special laws limited to particular tracts of land, shall only be open for entry under the homestead system of the public lands.

Mr. LAPHAM. I ask the Senator to except soldiers' land-warrants.

Mr. SHERMAN. I do not think that is necessary. However, I have no objection to adding to the provision that it shall not apply to entries under soldiers' land-warrants.

Mr. DOLPH. I think, as that would specify some exceptions and leave out others, the amendment had better remain as it is.

Mr. SHERMAN. It had better be left as it is, because the entry of land by warrants is not an entry with money.

The PRESIDENT *pro tempore*. Will the Senator from New York state, so that the clerks may take it down, the modification which he proposes to the amendment? [A pause.] Has the Senator withdrawn his proposition to amend?

Mr. SHERMAN. I withdraw it. I do not think it necessary to make that provision, because there are very few such land-warrants out, and I do not think they are considered in the Land Office as being private entries. They are provided for by existing law; and the amendment I offer will not interfere with entries by land-warrants if there are any outstanding. I did not know that there were any out now.

Mr. DOLPH. If the amendment would at all affect lands which are now subject to private entry, then it would be necessary that the amendment suggested by the Commissioner of the General Land Office, and which was printed and laid on the desks of Senators, should be adopted also, so as to allow agricultural-college scrip, bounty-land warrants, and all other scrip authorized under acts of Congress to be still located. If it is clear that the amendment applies only to public lands which have never been offered at private sale, and does not affect public lands which have been heretofore offered, then it is not necessary.

That is the reason why I propose to strike out the words "or be subject to private entry." Every Senator knows that lands are not subject to private entry until they have been offered at public sale. The amendment as it would stand after those words were stricken out would prevent the offering of lands at public sale, and consequently no additional lands would in the future become subject to private entry.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Oregon that the Senator from Ohio has withdrawn his amendment.

Mr. DOLPH. I do not understand that he has withdrawn his amendment. It was the amendment proposed to the amendment that he withdrew after having first agreed to accept it.

Mr. SHERMAN. I do not think that the amendment interferes at all with entries upon any existing lands now subject to sale. It does not affect the existing law in that respect. Besides, I have excepted from the operation of this proposed law all lands heretofore open for private entry. It only applies to lands which may become subject to private entry upon the order of the Secretary of the Interior by offering them for public sale.

The PRESIDENT *pro tempore*. The Chair understood the Senator from Ohio to have withdrawn his amendment.

Mr. SHERMAN. Oh, no; I only withdraw the amendment to the amendment.

The PRESIDENT *pro tempore*. The Chair apologizes to the Senator from Oregon [Mr. DOLPH]. The Chair misunderstood the Senator from Ohio.

Mr. SHERMAN. An amendment was proposed to the amendment, and there was some controversy between Senators around me in regard to the necessity of it, and I preferred to let my amendment stand as it was first offered. As it now reads it has been carefully considered by Senators who are familiar with the land laws. I submitted it also to the Senator from Oregon himself, and I supposed it would be satisfactory.

Mr. DOLPH. In justice to myself I should state that I suggested

to the Senator that the last clause of the amendment should be stricken out. I agree with the Senator that the construction of the amendment will be as he supposes; and now that the matter has been the subject of debate so as to show what is intended, and will be some direction to the land officers, I shall not insist upon any amendment to the amendment.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Ohio.

Mr. MORGAN. As I understand the amendment of the Senator from Ohio it is to cut off the right of private entry.

Mr. SHERMAN. Yes, that is what is intended, except as to land-warrants, &c. I say nothing about them, because the technical phrase "private entry," I am told, is confined to the entry of public land with money.

Mr. MORGAN. The chairman of the Committee on Public Lands, who is not present at this time, made rather a complete statement on the subject in regard to the amount of lands in the United States subject to private entry.

Mr. SHERMAN. My amendment expressly excepts all lands that have heretofore been offered at public sale. It does not affect any of the lands that have been in controversy in the Southern States.

Mr. MORGAN. I ask that the amendment may be read.

The PRESIDENT *pro tempore*. The amendment will be again read.

The CHIEF CLERK. It is proposed to insert as an additional section after section 4 of the bill:

SEC. 5. That hereafter no public lands of the United States not heretofore offered at public sale, except abandoned military or other reservations and mineral and other lands the sale of which at public auction has been authorized by acts of Congress of a special nature having local application, shall be sold at public sale or be subject to private entry.

Mr. SHERMAN. The amendment purposely excepts all lands that have heretofore been offered at public sale.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question recurs, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. SLATER. I ask for the yeas and nays on the passage of the bill.

The PRESIDENT *pro tempore*. The Chair assumes, and if there be no objection will take it, that the yeas and nays heretofore ordered on the passage of the bill shall stand as the present order. The Secretary will call the roll on the passage of the bill.

The yeas and nays were taken.

Mr. GEORGE. I am paired with the Senator from Rhode Island [Mr. CHACE]. If he were present, I should vote "nay."

Mr. ALDRICH. I am paired with the Senator from Maryland [Mr. GORMAN].

The result was announced—nays 26, nays 20; as follows:

YEAS—26.

Blair,	Hawley,	Miller of Cal.,	Sabin,
Brown,	Hill,	Miller of N. Y.,	Sawyer,
Cameron of Wis.,	Hoar,	Mitchell,	Sherman,
Conger,	Lapham,	Morrill,	Van Wyck,
Cullom,	McMillan,	Palmer,	Wilson.
Dolph,	Mahone,	Pike,	
Harrison,	Manderson,	Platt,	

NAYS—20.

Bayard,	Groome,	Maxey,	Saulsbury,
Coke,	Hampton,	Morgan,	Slater,
Colquitt,	Harris,	Pendleton,	Vance,
Edmunds,	Jackson,	Pugh,	Vest,
Garland,	Jonas,	Ransom,	Voorhees.

ABSENT—30.

Aldrich,	Chace,	Gorman,	McPherson,
Allison,	Cockrell,	Hale,	Plumb,
Beck,	Dawes,	Ingalls,	Riddleberger,
Bowen,	Fair,	Jones of Florida,	Sewell,
Butler,	Farley,	Jones of Nevada,	Walker,
Call,	Frye,	Kenna,	Williams.
Camden,	George,	Lamar,	
Cameron of Pa.,	Gibson,	Logan,	

So the bill was passed.

The title was amended so as to read:

An act to repeal all laws providing for the pre-emption of the public lands, the laws allowing entries for timber-culture, the laws authorizing the sale of desert lands in certain States and Territories, and for other purposes.

Mr. DOLPH. I ask that the bill just passed be reprinted as amended. It is an important bill.

The PRESIDENT *pro tempore*. The Senator from Oregon asks that the bill just passed about pre-emption laws, &c., be printed as passed. That order will be entered if there be no objection.

TEXAS PACIFIC LAND GRANT.

The PRESIDENT *pro tempore*. It is the duty of the Chair to lay before the Senate the next special order, being Order of Business 336, which by unanimous consent was to-day placed at the head of the Calendar of Special Orders. The title will be read.

The CHIEF CLERK. "A bill (H. R. 3933) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes."

Mr. BLAIR. I move that the Senate proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. VAN WYCK. If that bill will take but a short time I shall consent to taking it up, but I do not wish to do anything to displace the special order.

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. VAN WYCK. Let it be informally laid aside then.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of House bill No. 2550. The question is on agreeing to the motion.

Mr. INGALLS. May I make a parliamentary inquiry, Mr. President? In case the motion of the Senator from New Hampshire should be agreed to, will the special order that has just been named by the Chair be displaced and go upon the Calendar of General Orders?

The PRESIDENT *pro tempore*. In the opinion of the Chair it will.

Mr. VAN WYCK. Then I trust it will not be laid aside.

Mr. BLAIR. There is no objection on my part to the special order being laid aside informally. I did not suppose it was before the Senate.

Mr. CAMERON, of Wisconsin. It has been laid before the Senate.

Mr. VAN WYCK. I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the Senate do now adjourn.

Mr. MCMILLAN. I hope we shall be allowed to have an executive session.

Mr. HARRISON. A brief executive session is necessary.

Mr. VAN WYCK. I have no objection to that.

Mr. HARRISON. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Mr. President——

Mr. HARRISON. I felt under obligation to the Senator from Nebraska, as he yielded for a motion to go into executive session, to make that motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened, and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *February* 12, 1885.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I demand the regular order.

The SPEAKER *pro tempore*. The Committee on Enrolled Bills desires to submit a report.

ENROLLED BILL SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 7131) to authorize suits for damages where death results from the wrongful act or neglect of any person or corporation in the District of Columbia.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair desires to submit certain executive communications, and asks permission of the House.

There was no objection.

GREEN AND BARREN RIVERS, KENTUCKY.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of War, transmitting reports from the Chief of Engineers upon the condition of Green and Barren Rivers, Kentucky; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CLINTON RIVER, MICHIGAN.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers

of the survey of Clinton River, Michigan; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF LAKE CHAMPLAIN.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of the survey of Lake Champlain at Four Channels, New York; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:
To Mr. CRAIG, indefinitely, on account of illness
To Mr. RIGGS, for the rest of the week, on account of sickness.

ORDER OF BUSINESS.

Mr. CUTCHEON. I ask leave to introduce a bill for reference.
Mr. TOWNSHEND. I call for the regular order.
The SPEAKER *pro tempore*. The regular order is demanded.

HOUR OF DAILY MEETING.

Mr. RANDALL. I rise to submit a privileged report from the Committee on Rules.
The Clerk read as follows:

The Committee on Rules, to whom was referred the following resolution—
"*Resolved*, That the hour of daily meeting of the House for the remainder of the session be 11 o'clock a. m."—
having had the same under consideration, report it back with the following substitute:
Resolved, That on and after Monday next the hour of daily meeting of the House for the remainder of the present session be 11 o'clock a. m.

Mr. RANDALL. I ask the previous question on the adoption of the report.
Mr. THOMAS. I desire to offer an amendment. I called the attention of the Speaker before the previous question was demanded.
The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RANDALL] was recognized, and the gentleman from Illinois had no right under the rules to sweep the gentleman from Pennsylvania from the floor. The gentleman from Pennsylvania has submitted the report of the Committee on Rules and asks the previous question. It is in the pleasure of the House either to order it or to refuse it.
The previous question was ordered.
Mr. RANDALL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
The substitute recommended by the Committee on Rules was agreed to; and the resolution as amended by the adoption of the substitute was agreed to.
Mr. RANDALL moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BURNES. I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back the bill (H. R. 7857) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, with amendments by the Senate, and to move that the amendments of the Senate be non-concurred in.
Mr. THOMPSON. I reserve all points of order.
The SPEAKER *pro tempore*. The Chair thinks there is no point of order that can be reserved now. The gentleman from Missouri moves non-concurrence in the amendments made by the Senate.
Mr. THOMPSON. Is it not the right time now to reserve all points of order against those amendments before they are non-concurred in, so that they shall be considered in the Committee of the Whole House on the state of the Union?
The SPEAKER *pro tempore*. The Chair does not think there is any custom generally of reserving points of order at this stage. The gentleman from Kentucky has a right to make any point of order he may state.
Mr. THOMPSON. As I understand the rule, the amendments ingrafted on a House bill by the Senate are subject to the same points of order as if the propositions had originated in the House.
The SPEAKER *pro tempore*. The rule provides that any amendment of the Senate to any House bill shall be subject to the same point of order sending it for its first consideration to the Committee of the Whole House on the state of the Union that would apply if the proposition originated in the House.
Mr. THOMPSON. I only want to reserve the points of order so that we may know what we are doing. There may be something in those amendments which ought to go to the Committee of the Whole House on the state of the Union to be considered there.
The SPEAKER *pro tempore*. The reservation of points of order now, in the judgment of the Chair, would amount to nothing. The motion of the gentleman from Missouri is to non-concur in the amendments and send them out of the House.
Mr. THOMPSON. If the points of order be reserved and the amendments be read, would it not then be in order to make the point against any amendment that it should be first considered in the Committee of the Whole House on the state of the Union?
The SPEAKER *pro tempore*. The Chair thinks the point of order should be stated when the amendments are submitted for consideration.
Mr. THOMPSON. I mean that the amendments should be read now to the House.
The SPEAKER *pro tempore*. Does the gentleman demand the reading of the amendments?
Mr. THOMPSON. I think we should know what is being done.
Mr. WHITE, of Kentucky. I think the amendments should be read.
The SPEAKER *pro tempore*. The Clerk will read the amendments of the Senate.
Mr. KEIFER. Mr. Speaker, I trust the gentleman will not insist upon the reading of the amendments. There is a large number of them; many of them are merely formal, and the Committee on Appropriations have unanimously recommended that they be non-concurred in.
Mr. THOMPSON. I would like to ask the gentleman who asks non-concurrence whether these amendments have been considered by the Committee on Appropriations?
Mr. BURNES. These amendments have been considered by the Committee on Appropriations, and the committee has unanimously instructed me to ask what I have asked—that the House non-concur and that a committee of conference be appointed.
Mr. WHITE, of Kentucky. Mr. Speaker, I rise to a question of order.
The SPEAKER *pro tempore*. The gentleman will state it.
Mr. WHITE, of Kentucky. There is so much conversation in the Hall that it is impossible to hear the statement of the gentleman [Mr. BURNES]. I have no desire to take up the time of the House by having these amendments read if the gentleman will state the points of difference.
Mr. BURNES. Mr. Speaker, there is quite a number of these amendments, but many of them, and indeed most of them, are merely formal and inconsiderable. For instance, many of them involve merely a change of title, as from "consul-general" to "consul;" from "envoy extraordinary and minister plenipotentiary" to "minister resident," and so on. Then there are some changes with regard to amounts. There is about $200,000 increase and some two or three thousand dollars decrease in the total appropriation. These amendments have been considered by the Committee on Appropriations and, without dissent on the part of any member of the committee, I have been instructed to move that the House non-concur in all the amendments and to ask for a committee of conference. I now demand the previous question.
The motion to non-concur was agreed to.
Mr. BURNES moved to reconsider the vote by which the motion was agreed to; and also moved to lay that motion on the table.
The latter motion was agreed to.
The SPEAKER *pro tempore* announced, as the conferees on the part of the House Mr. BURNES, Mr. TOWNSHEND, and Mr. WASHBURN.

ORDER OF BUSINESS.

Mr. REAGAN. Mr. Speaker, I ask unanimous consent to offer a resolution of inquiry and put it upon its passage.
Mr. WHITE, of Kentucky. Mr. Speaker, I make the point of order that the resolution is not in order under this call.
Mr. TOWNSHEND. Mr. Speaker, I have this morning felt it my duty to insist upon the regular order and have declined similar requests from other members, and therefore I must object to this resolution.
The SPEAKER *pro tempore*. The Chair will state that this is a privileged matter under the rule.
Mr. TOWNSHEND. If it is privileged, of course I can not object to it.
Mr. KEIFER. Not privileged for present consideration, Mr. Speaker.
The SPEAKER *pro tempore*. The Chair does not so hold. The Chair asks the gentleman from Texas [Mr. REAGAN] whether the resolution which he offers is reported from and under the order of any committee of the House?
Mr. REAGAN. It is not.
The SPEAKER *pro tempore*. Then it is not privileged.

PENSION APPROPRIATION BILL.

Mr. HANCOCK. Mr. Speaker, I rise to make a privileged report. I am instructed by the Committee on Appropriations to report back the bill (H. R. 7785) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, and to move that the House non-concur in the Senate amendments to said bill, and ask for a committee of conference.
The motion to non-concur was agreed to.

Mr. HANCOCK moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved to lay that motion on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore* appointed as conferees on the part of the House Mr. HANCOCK, Mr. FOLLETT, and Mr. WASHBURN.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Now, Mr. Speaker, I call for the regular order.

The SPEAKER *pro tempore*. The hour under the special rule begins at this time—half past 12 o'clock. The Clerk will report the unfinished business coming over from the last hour, which is the bill (S. 1609) to provide for the purchase of a site and the erection of a public building thereon at Detroit, Mich. The question is on the second amendment offered by the gentleman from Indiana [Mr. HOLMAN], which the Clerk will report.

Mr. HOLMAN. Mr. Speaker, when the first amendment was put there was not a quorum present, and for that reason the yeas and nays were called for. There being a quorum now present, I withdraw the call for the yeas and nays, and ask for tellers upon that amendment.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] is correct. The House was dividing upon the first amendment submitted by him, which was to reduce the amount appropriated from $750,000 to $500,000. Upon that question no quorum had voted. The gentleman from Indiana [Mr. HOLMAN] now asks for tellers; and the Chair appoints as tellers the gentleman from Indiana, Mr. HOLMAN, and the gentleman from Michigan, Mr. MAYBURY.

The House again divided; and the tellers reported—ayes 52, noes 112.

So the amendment was not agreed to.

The SPEAKER *pro tempore*. The question now recurs on the second amendment offered by the gentleman from Indiana [Mr. HOLMAN], which will be read.

Mr. HOLMAN. The amendment about to be read applies to the first section of the bill; and in view of the action just taken it should be modified by striking out "$750,000" and inserting "$900,000."

The Clerk read as follows:

Add the following to section 1:

"*Provided, however*, That if a new site shall be purchased for said building, as hereinbefore authorized, it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications of said building to be prepared, which said plan and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $900,000 remaining after the site of said building shall have been paid for. And no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building."

Mr. MAYBURY. I am willing to accept that amendment.

The amendment was agreed to.

Mr. HOLMAN moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to a third reading, was accordingly read the third time, and passed.

Mr. MAYBURY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DAM ACROSS THE MISSISSIPPI AT BRAINERD, MINN.

Mr. NELSON. I call up for consideration the bill (H. R. 6764) to authorize the Mississippi Water-Power and Boom Company, of Brainerd, Minn., to construct a dam across the Mississippi River.

The bill was read, as follows:

Be it enacted, &c., That the Mississippi Water-Power and Boom Company, of Brainerd, Minn., is hereby authorized and empowered to construct across the Mississippi River, at some point not more than two miles from the limits of the said city of Brainerd, a dam, canal, and the appurtenances thereof, for water-power and other purposes, and in connection therewith a wagon and foot bridge for public travel: *Provided*, That the Government of the United States may at any time construct in connection therewith a suitable lock for navigation purposes: *Provided also*, That the Government of the United States may at any time take possession of said dam and control the same for purposes of navigation by paying said company the actual cost of the same, but shall not do so to the detriment of the water-power created by said dam: *Provided further*, That the Secretary of War may at any time require and enforce, at the expense of the owners, such modification and changes in the construction of said dam as he may deem advisable in the interests of navigation; and that said dam shall be so built that boats and rafts may pass through the same when necessary: *And provided further*, That all suits relative to any obstruction of navigation arising from said dam may be tried in the United States circuit and district courts for Minnesota.

Mr. WHITE, of Kentucky. I call for the reading of the report.

The SPEAKER *pro tempore*. The Clerk will read the report.

Mr. NELSON. That will not be taken out of my time?

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from Kentucky to control the time in opposition to the bill. The gentleman from Kentucky demands the reading of the report in his time.

Mr. NELSON. I wish the gentleman from Kentucky would allow me to make an explanation.

Mr. WHITE, of Kentucky. I can not yield to the gentleman any of my time. I will let the gentleman occupy his time now. I reserve my time.

Mr. PAYSON. Mr. Speaker, has not the gentleman from Minnesota the right to occupy the first five minutes?

The SPEAKER *pro tempore*. The gentleman from Minnesota [Mr. NELSON] has the right to occupy five minutes in favor of the bill, and the Chair recognizes the gentleman from Kentucky as entitled to the five minutes in opposition.

Mr. NELSON. Mr. Speaker, this bill has been before the Committee on Commerce, by whom it was referred to the Secretary of War, who joins with the committee in recommending its passage. It provides for the construction of a dam in the Mississippi River at a place called Brainerd, where the Northern Pacific Railroad crosses the river. This point is between two hundred and fifty and three hundred miles above Minneapolis or the Falls of Saint Anthony, which is to-day practically the head of navigation on the Mississippi River. The Falls of Saint Anthony at present totally obstruct navigation beyond that point. One hundred miles above the Falls of Saint Anthony is a dam constructed, under authority of an act of Congress, at a place called Saint Cloud. Three miles above that is another dam constructed at Sauk Rapids, a dam which has been in existence over ten years. Beyond that some sixty or seventy miles is a succession of rapids called the Little Falls; and beyond that is this place called Brainerd, where it is proposed to construct this dam.

Mr. GIBSON. I desire to ask the gentleman whether the Government has not been appropriating money for the improvement of the navigation of that river above where it is proposed to put this dam.

Mr. NELSON. I was coming to an explanation on that point. Some two hundred miles above this dam is what is known as the reservoir system of the Mississippi River. These reservoirs are built for the purpose simply of retaining water to be let out when necessary to improve the navigation of the Mississippi below. On this reach of the river from Saint Cloud to Brainerd and thirty miles beyond the river has never been navigated. If the Government undertook to make that portion of the river navigable, it would have to do so by the construction of a system of locks and dams. Under the advice of the Secretary of War, the committee have ingrafted upon this bill amendments providing that this dam shall be so constructed that boats and rafts may pass, and that the Government may at any time take possession of the dam and use it for purposes of navigation.

Mr. GIBSON. But you require the Government to pay for the work.

Mr. NELSON. We propose to require that if this work be taken for the purposes of the Government the reasonable worth of the property shall be paid.

Mr. WARNER, of Ohio. But the Government is not required to pay for any lock or other work to be made now.

Mr. NELSON. No; the bill does not involve any appropriation at present.

Mr. MAGINNIS. There is no reasonable expectation that there ever will be any navigation on that part of the river. I have traveled in that country and know this to be the fact.

Mr. NELSON. There is no opposition on the part of any of the people of Minnesota to this measure.

Mr. WASHBURN. I would like to say to the gentleman from West Virginia I am personally acquainted with this whole region, and that it can not in any state of the case interfere with practical navigation.

Mr. CUTCHEON. This is intended for water-power, as I understand.

Mr. NELSON. And help the floating of logs down the Mississippi. There is to be left a free passage for logs in the dam.

Mr. WARNER, of Ohio. At the expense of those who build the dam, and not the Government?

Mr. NELSON. Certainly. It does not involve a cent of expense to the Government.

Mr. WHITE, of Kentucky, took the floor.

Mr. NELSON. I reserve the balance of my time.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WHITE, of Kentucky. Mr. Speaker, this is a matter of no personal concern to me. But as affecting the right of Congress to appropriate money to improve the navigable rivers of the United States it is a matter of importance to me and every other gentleman.

Mr. NELSON and Mr. WASHBURN rose.

Mr. WHITE, of Kentucky. I do not yield.

Mr. WASHBURN. Only for a question.

Mr. WHITE, of Kentucky. Not just now. Mr. Speaker, I will read from the report attached to this bill, which I suppose is the most favorable which can be brought to bear in favor of this extraordinary measure:

* * * The Mississippi River at Brainerd is a part of the navigable waters of the United States, and its improvement, as a part of the third subdivision Mississippi transportation route, was reported upon in Senate document, first session Forty-third Congress.

There has been no steamboat navigation in the vicinity of Brainerd for a number of years. Should such navigation be resumed, a lock would become

necessary were the proposed dam built. But so long as the river remains unobstructed by a dam the supply of water from the reservoirs above that point will preclude the necessity of any expensive river improvement by the United States.

That is signed by the Chief of Engineers, but I can not take up my time by reading further from this report. It was the duty of the gentleman asking this Congress to pass this bill to have this report read in his own time.

I have read the most favorable statement in favor of the passage of this bill, and to that I desire to make one reply. It is the intention of even the Democratic party, as it has been the practice of the Republican party and it was the purpose of the old Whig party, to make internal improvements throughout the United States where it could be done, and when there was money enough in the Treasury for that purpose. We have done a great deal for the Mississippi River above the Falls of Saint Anthony. This is above those falls. A member of Congress on this floor, for the benefit of a portion of his constituents, asks to put a mill-dam in there for the purpose of securing water-power. They propose in the end to sell that dam to the Government when they want to improve the navigation of that river. Above this we have the Mississippi River reservoir, nominally to supply the Mississippi River, when there is no water, but really to supply the mill-owners along that river.

Now, that this bill should come in here at this time in this way is preposterous in view of the strenuous efforts being made to improve the navigable rivers of the country. There are one hundred and forty-one rivers, which the Government engineers recommend to be improved, which have been ignored by the Committee on Rivers and Harbors of this House. Now, if you are going to turn them over to the mill-owners on those rivers, how many shall we need to improve at all? That is the gist of this whole matter of the improvement of navigable rivers.

The SPEAKER *pro tempore*. The gentleman's time has expired. Is there objection to the present consideration of the bill?

Mr. GIBSON. I object.

The SPEAKER *pro tempore*. Those in favor of sustaining the objection to the present consideration of the bill will rise. [After a pause.] More than a sufficient number has risen, and the bill is not before the House.

SALE OF NEW YORK INDIAN LANDS IN KANSAS.

Mr. BLANCHARD. I call up for consideration the bill (H. R. 2047) to provide for the sale of certain New York Indian lands in Kansas, reported from the Committee on Indian Affairs with amendments.

The bill was read, as follows:

Be it enacted, &c., That those persons, being heads of families or single persons over 21 years of age, who have made settlement and improvement upon, and are *bona fide* claimants and occupants of, either in person or by tenant, the lands in Kansas which were allotted to certain New York Indians, and for which certificates of allotment, dated the 14th day of September, 1860, for three hundred and twenty acres of land each, were issued to thirty-two of said Indians, shall be, and hereby are, authorized and permitted to enter and purchase at the proper land office, at any time within one year from the passage of this act, said lands so occupied by them, in tracts not exceeding one hundred and sixty acres, according to the Government surveys, at not less than $3 per acre, payment to be made in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum in cash at time of purchase; and the moneys arising from such sales shall be paid into the Treasury of the United States, in trust for and to be paid to, said Indians, respectively, to whom said certificates were issued, or to their heirs, upon satisfactory proof of their identity to the Secretary of the Interior, at any time within five years from the passage of this act; and in case such proof is not made within the time specified, then the proceeds of such sale, or so much thereof as shall not have been paid under the provisions of this act, shall become a part of the public moneys of the United States.

SEC. 2. That any lands not entered by such settlers at the expiration of one year from the passage of this act shall be offered at public sale, in the usual manner, at not less than $3 per acre, notice of said sale to be given by public advertisement of not less than thirty days; and any tract or tracts not then sold, together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided, shall be thereafter subject to private entry at the appraised value of said tracts.

The amendments were read, as follows:

In section 1 strike out "in three annual installments, one-third at date of entry, one-third at the end of one year from date of entry, and the balance in two years from date of entry, with interest on said amounts, respectively, from date of entry at 6 per cent. per annum," and insert in lieu thereof the following: "in cash at time of purchase."

And in section 2 strike out the following words:

"Together with such tracts as have heretofore been, or may hereafter be, entered, and wherein default has been made in the payment of any portion of the purchase-money, or the interest thereon, as herein or heretofore provided."

Mr. BLANCHARD. I send up to the Clerk's desk, to be read and considered as pending at this time, an amendment which I propose to the bill.

The SPEAKER *pro tempore*. The bill is not yet before the House.

Mr. BLANCHARD. I desire to speak on the amendment.

The SPEAKER *pro tempore*. Without objection the amendment will be reported for information.

The Clerk read as follows:

In section 1, strike out "at not less than $3 per acre" and insert in lieu "the appraised value of said tracts as heretofore ascertained by the Secretary of the Interior, in accordance with the provisions of the act of February 19, 1873, entitled 'An act to provide for the sale of certain New York Indian lands in Kansas.'"

Also strike out, in lines 3 and 4 of section 2, the words "per acre" and in lieu thereof insert the words "the appraised value."

Mr. BLANCHARD. Mr. Speaker, a bill relating to this subject has been reported favorably from the Committee on Indian Affairs in the Forty-sixth, Forty-seventh, and Forty-eighth Congresses, and the passage of the bill providing for the sale of these lands for the benefit of these Indians has been favorably recommended by the Secretary of the Interior and the Commissioner of Indian Affairs.

The bill reported by the Committee on Indian Affairs, which has been read by the Clerk, is not the bill the passage of which is recommended by the Secretary. That bill provides an arbitrary price for these lands of $3 per acre, and the amendment which I have sent up, and which has been read and considered as pending, provides that these lands shall be sold at their appraised value.

Now, then, I hope the House will consent to the consideration of this bill. It is my purpose to press the passage of the bill, not as reported by the Committee on Indian Affairs, but as recommended by the Secretary of the Interior. The House will remember that this is the same bill called up a few days ago by the gentleman from Kansas [Mr. PERKINS] and to which I objected at the time, not, however, to the passage of a bill relating to the subject, but to the passage of the particular bill offered by him. I said at the time that in my judgment a bill on this subject should pass, but that a bill should not pass which fixed an arbitrary price for the lands. The amendment I sent up covers the defects in the bill, as I understand them, as reported from the Committee on Indian Affairs.

I reserve the remainder of my time until the opposition is heard.

The SPEAKER *pro tempore*. The gentleman has one minute of his time remaining.

Mr. PERKINS. Mr. Speaker, as suggested by the gentleman from Louisiana, a bill on this subject ought certainly to be passed by the House. For a long time the necessity for legislation upon this subject has been recognized. There has been no difference of opinion upon that. It has been pressing for many years.

The Secretary of the Interior of to-day, and the Secretary of the Interior of the last administration, and every Commissioner of Indian Affairs to whom the subject was referred have recognized the necessity and the importance of just such legislation. The only difference of opinion that has ever existed upon the subject has been as to the price fixed for the lands; whether they should be sold at the price fixed in the bill or some other fixed price, or be sold at a price to be fixed by appraisement.

I think the amendment of the gentleman from Louisiana should not prevail, for the simple reason that it would result in accomplishing nothing. In 1877 Congress gave the settlers on the land an opportunity to acquire title to the lands at the sum or price fixed by the amendment of the gentleman from Louisiana, but they would not take it because it was regarded as an excessive rate, and the result has been that they are in possession of the property and have been since 1859, cultivating the lands and improving their homes, but without title, while the Indians hold their certificates of allotment and get nothing. Now the Indians as well as settlers want something to be done, and are satisfied with the provisions of this bill. No Indian has been found who has objected to the price fixed in the bill. On the contrary, they sent an attorney here six years ago, proposing to take at the rate of $2.50 an acre for the land, and the bill was reported favorably at that time. We propose now a settlement on the basis of $3 an acre, and I have no doubt that that price is ample, and particularly in view of the fact that those persons who have acquired title or who may acquire title under the provisions of the bill complain that they should have the lands for $1.25 an acre, which is the price their neighbors paid for their lands, and is the price for which the balance of the reservation was sold.

The Tonawanda Indians in 1859 settled with the Government for all their interest in this same reservation on the basis of $1 per acre for the land, and as late as 1874 the Oneida Indians, being a part of the New York Indians, submitted a proposition agreeing to sell their interest in the land at the same price, and to settle with the Government upon the basis of $1 per acre; and yet we propose to pay the allottees under the provisions of this bill $3 per acre, which is entirely satisfactory to them, and from which they will get something for the lands that will be of benefit to them and the settlers will get security.

Mr. WARNER, of Ohio. May I ask the gentleman a question?

Mr. PERKINS. Certainly, with pleasure.

Mr. WARNER, of Ohio. What is the value now of unoccupied and unimproved lands in that vicinity?

Mr. PERKINS. The value of unoccupied and unimproved lands will probably range from $10 to $20 per acre. But these lands have been occupied by settlers since 1859, and at that time they were not worth $1.25 per acre. In 1858 Mr. Thompson, then Secretary of the Interior, declared this great reservation of 1,824,000 acres to be open to settlement, because the Indians had not gone there. In consequence, settlers went in and took possession. Some time afterward several of the New York Indians claimed that they had entered the reservation in time, and having complied with the law were entitled to an allot-

ment of the lands. A commission was accordingly sent out by the Department to investigate and report upon the claim of these Indians.

This commission reported in favor of thirty-two of the Indians, and such thirty-two were allowed to select their allotments from any part of this whole reservation; and the commission further report that in almost every case they selected lands already occupied by settlers under the order of the Secretary of the Interior declaring them subject to settlement; and as a consequence these parties so dispossessed, or, in other words, having their homes given to the Indians, have never been able to obtain title. That is the condition and has been for many years.

Mr. WARNER, of Ohio. I had reference to the value of unimproved and unoccupied lands in that vicinity.

Mr. PERKINS. It is about as I have stated.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The gentleman from Louisiana has one minute remaining.

Mr. BLANCHARD. Mr. Speaker, there can be no question but that this amendment should be adopted. In 1873 Congress passed a bill directing that a commission should be appointed and that this commission should appraise the lands. That commission executed the duty assigned to them, and I hold in my hand a report of the commission. That commission made their report and appraised this land at from $3.75 an acre up as high as $10 an acre.

Mr. PERKINS. May I ask the gentleman a question?

Mr. BLANCHARD. No; I have but a moment. I state that the average price as fixed ten years ago is $6 an acre, as shown by the report of this commission; and this bill which is now before us proposes arbitrarily to fix the price at $3 per acre. The bill ought to be considered and amended.

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. RYAN. That amendment ought not to be adopted. It is unjust to the settlers who have made their homes there.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. BENNETT. I object. But if the amendment suggested is accepted by the gentleman from Kansas [Mr. PERKINS] I shall withdraw the objection, if not I shall insist on it.

Mr. BLANCHARD. The amendment can be submitted to the vote of the House.

The SPEAKER *pro tempore*. Those objecting to the present consideration of the bill will rise.

More than the requisite number objected.

PUBLIC BUILDING AT ERIE, PA.

Mr. BRAINERD. I call up for consideration from the Speaker's table the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor.

The bill was read, as follows:

Be it enacted, &c., That the first section of the act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," approved July 27, 1882, be, and the same is hereby, amended by substituting the words "three hundred thousand dollars" in place of the words "one hundred and fifty thousand dollars;" so that the said first section of said act, as amended, shall read as follows: "Shall not exceed the cost of $300,000."

SEC. 2. That the sum of $100,000, in addition to the sum heretofore appropriated, be, and the same is hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, to be expended and used, under the direction of the Secretary of the Treasury, for the prosecution of the work of construction and furnishing materials therefor.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania desire to be heard in support of the bill?

Mr. BRAINERD. I will reserve my time for the present.

Mr. CURTIN. I suggest that the report be read.

Mr. BRAINERD. I will yield two minutes of my time to the gentleman from Pennsylvania [Mr. CURTIN].

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. CURTIN] calls for the reading of the report.

Mr. WARNER, of Ohio. Then it will be read in the time allowed in support of the bill.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. BRAINERD] demand the reading of the report?

Mr. BRAINERD. I do not demand it.

The SPEAKER *pro tempore*. It will not be taken out of the gentleman's time unless he demands it.

Mr. MCMILLIN. I suppose the gentleman from Pennsylvania [Mr. BRAINERD] will not insist on the passage of a bill doubling the amount originally fixed as the limit of cost of this building without some cause being shown either by a statement or a reading of the report.

The SPEAKER *pro tempore*. The Chair will recognize any gentleman who wants to control the five minutes in opposition to the bill. Does the gentleman from Pennsylvania call for the reading of the report? It will come out of his time if he wants it read.

Mr. BRAINERD. For the information of the House I desire the report shall be read.

The Clerk proceeded to read the report. Before he had completed the reading,

The SPEAKER *pro tempore* said: The time allowed for debate in favor of the bill has expired.

The report (by Mr. BRAINERD) is in full as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1415) for a public building at Erie, Pa., submit the following report:

Erie is a rapidly growing city of nearly 30,000 inhabitants. It is situated on the south shore of Lake Erie. It has the only harbor of refuge on the south shore of Lake Erie, and the only lake harbor in the State. There are four main lines of railroad running to and through the city, thus making it a place of large and increasing commercial importance. The post-office does a large business, and is a distributing office for an extensive section of country, and has no place for the transaction of business except such as can be rented.

The collectors of customs and internal revenue hold their offices at present in the old Government building, and are imperfectly provided for. They need much better accommodations. The United States circuit and district courts for the western district of Pennsylvania are held here and hold sessions twice a year when able to secure a place in the county court-house for that purpose. The want of a proper building in which to hold the court, and provide for the accommodation of its offices, and the keeping of its records has long been felt and has impeded the progress of the public business to the annoyance of the courts and to the great detriment of suitors and the public.

At the first session of the Forty-seventh Congress a bill was passed authorizing the purchase of suitable grounds and the construction of a building at Erie.

In 1883 a site was purchased by the Government fronting on the public park. The site is a very desirable one, and the best that could be obtained. This was purchased at the sum of $36,000. This was a very reasonable price. The property is said to be worth much more. The bill limited the cost of the building and grounds to the sum of $150,000. The sum of $100,000 was appropriated for immediate use. The Government has thus far expended, in the purchase of grounds and expenses, $36,180. This leaves $63,820 of the appropriation unexpended, and leaves the sum of $113,820 with which to construct the building. The balance, authorized to be expended by the act of 1882, is not sufficient, in our opinion, to construct such a building as the public interests demand. The necessities seem to require a large and well-constructed building at this place.

The construction of the building has not yet been commenced for the reason of the inadequacy of the amount authorized to be expended in its construction.

Mr. Hill, the late Supervising Architect of the Treasury Department, in his report, says:

"It would seem in the interest of economy to construct a building that will accommodate all the customs, post-offices, and court officers in Erie, but the balance of the amount fixed by Congress, as a limit, will be insufficient for a building large enough for this purpose."

The present Supervising Architect of the Treasury Department, M. E. Bell, in answer to our inquiry as to his opinion as to the amount a building to meet the requirements in this case would cost, including the cost of the site, says:

"It would seem to be advisable to have a building of sufficient capacity to accommodate all the Government officials, and, in my judgment, the amount specified in the bill H. R. 1415, namely, $300,000, will be necessary for the construction of such a building."

The opinions of the architects are entitled to weight.

A public building having been authorized, and considerable money already expended, as a matter of economy such a building should be constructed as will meet all the requirements of the case, and provide for the post-office, custom-house, internal-revenue office, and the United States courts. The amount authorized to be expended is not sufficient for this purpose.

Under the facts, your committee recommend the passage of this bill.

Mr. WARNER, of Ohio. I desire to ask the gentleman who has charge of this bill what amount—if it is in the report I did not hear it—what amount has been paid for the site?

Mr. BRAINERD. Thirty-six thousand dollars.

Mr. WARNER, of Ohio. Leaving $114,000 for the building?

Mr. BRAINERD. That is what is left.

Mr. WARNER, of Ohio. There is, I understand, a United States court at Erie?

Mr. BRAINERD. Yes, sir; that is the place where regular sessions of the circuit and district courts for the western district of Pennsylvania are held twice a year.

Mr. WARNER, of Ohio. This bill proposes an addition of $150,000 to the amount heretofore fixed as the limit of cost. That will make how much for the building alone?

Mr. BRAINERD. The difference between the cost of the site and expenses, $36,180 and $300,000; being about $263,000.

Mr. WARNER, of Ohio. Has the plan been approved?

Mr. BRAINERD. There has been a plan made.

Mr. WARNER, of Ohio. And that plan involves how much?

Mr. BRAINERD. Only $150,000 as originally made; and then they stopped on account of the inadequacy of the appropriation.

Mr. WARNER, of Ohio. I ask the gentleman from Pennsylvania to accept the amendment which I send to the Clerk's desk to be read. I think he will accept it.

The SPEAKER *pro tempore*. The bill is not yet before the House for consideration, but the amendment can be read in the gentleman's time.

The Clerk read the proposed amendment, as follows:

Add to the first section the following:

"And no plan shall be approved which will involve an expenditure for site and building greater than the amount hereby appropriated.

Mr. WARNER, of Ohio. I do not want a plan approved that will involve any more than the amount in the bill.

Mr. BRAINERD. The gentleman's amendment says "greater than the amount hereby appropriated." That should be changed.

Mr. WARNER, of Ohio. I mean the amount fixed by your bill.

Mr. McMILLIN. I make the point that the amendment is not in order at this time.

The SPEAKER *pro tempore*. The amendment is not at this time before the House for consideration. The bill is not yet before the House.

Mr. BRAINERD. I will say to the gentleman from Ohio that if he makes his amendment to apply to the amount fixed as the limit of cost I will not object to it.

Mr. WARNER, of Ohio. I will change the language of the amendment so that it will read "greater than the amount hereby fixed as the limit of cost."

Mr. BRAINERD. In that form I accept the amendment.

Mr. WARNER, of Ohio. I have nothing further to say than this, that if the bill comes before the House I will propose to reduce the amount of increase from $150,000 to $100,000; which will still leave over $200,000 for the building itself.

Mr. McMILLIN. Is the gentleman from Pennsylvania willing to accept an amendment of that kind?

Mr. BRAINERD. I think I could not accept an amendment of that kind, because I am informed $300,000 is as small an amount as a proper building can be erected for.

Mr. McMILLIN. It appears to me no sufficient reason is given in the report for the expenditure of another $150,000 on this public building. In general terms we have a description of the business transacted; but there are no figures given that I was able to hear which show the necessity for this increase.

Mr. BRAINERD. About $200,000 of revenue are collected there every year.

The SPEAKER *pro tempore*. The time allowed for debate has expired.

Mr. CURTIN. The amendment of the gentleman from Ohio [Mr. WARNER] will be accepted as a part of the bill.

Mr. McMILLIN. What is the agreement?

Mr. BRAINERD. That the limit shall be $250,000 instead of $300,000.

Mr. McMILLIN. I object to the appropriation of $250,000 for this building.

Mr. BRAINERD. By the amendment of the gentleman from Ohio the limit of cost will be $100,000 additional to the present limit.

Mr. McMILLIN. I object.

Objections being called for, the consideration of the bill was objected to by nine members; not the requisite number.

The SPEAKER *pro tempore*. The bill is before the House, and the question is on the amendment of the gentleman from Ohio [Mr. WARNER], which the Clerk will read.

Mr. McMILLIN. Let the amendment be reported.

The Clerk read as follows:

Add to the bill the following:

"And no plans shall be approved which will involve an expenditure for site and building complete greater than the amount hereby fixed as the limit of cost."

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is on the second amendment offered by the gentleman from Ohio [Mr. WARNER], which the Clerk will report.

The Clerk read the amendment, reducing the amount appropriated by the bill from $300,000 to $250,000.

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is upon ordering this bill to the third reading.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. MAYBURY moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

NIOBRARA VALLEY RAILROAD.

Mr. THOMPSON. Mr. Speaker, I understand that the hour has about expired.

The SPEAKER *pro tempore*. The Chair would inform the gentleman that there are three minutes left.

Mr. THOMPSON. Then, Mr. Speaker, I call up the bill (H. R. 7081) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes."

The Clerk proceeded to read the bill, which is as follows:

Be it enacted, &c., That section 17 of the act of July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," be, and is hereby, amended by adding the following:

That such railroad company, now organized or that may hereafter be organized under State or Territorial laws, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of railroad and telegraph from Sioux City, Iowa, westwardly, via the Niobrara Valley, to such point on the Union Pacific Railroad west of the one hundredth meridian as such company may select, not west of Granger, in the Territory of Wyoming, and on the same terms and conditions and with the same rights as are provided in this act, and the act to which this is an amendment, for the construction of the said Union Pacific Railroad and Telegraph Line and branches: *Provided*, That said company shall receive neither bonds nor lands, as provided in said acts: *And provided further*, That said company shall not be burdened by any of the obligations imposed upon the said Union Pacific Railway Company by reason of the lands and bonds given to that company, nor entitled to any special benefits conferred by said act growing out of such obligations, but shall be entitled to all benefits conferred by section 15 of the said act approved July 2, 1864, amendatory of the act approved July 1, 1862, and the said company and the said Union Pacific Railway Company shall be regarded as a continuous line; and each company shall receive from and deliver to each other freight, express matter, passengers, cars, and all traffic, and each company shall charge and receive compensation therefor pro rata according to distance: *And provided further*, That said road shall carry the mails at such prices as Congress may by law provide, and until such price is fixed by law the Postmaster-General may fix the rate of compensation: *And provided further*, That said road shall be completed within five years from the passage of this act.

SEC. 2. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require. And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 3. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862 and of said act of 1864, respectively, and of both said acts.

Before the reading was concluded,

The SPEAKER *pro tempore*. The hour provided for by the special rule of the House has expired.

Mr. THOMPSON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. THOMPSON. I desire to ask the Chair whether the consideration of this bill will be continued to-morrow in the special hour?

The SPEAKER *pro tempore*. It will go over as unfinished business, and will be the first business in this hour to-morrow.

MEMBER SWORN.

Mr. SPOONER. Mr. Speaker, I rise to a question of privilege, and send up to the Chair the credentials of Mr. Nathan F. Dixon, a member-elect from the State of Rhode Island. He is now present, and I ask that he be sworn in.

The SPEAKER *pro tempore*. The credentials will be read.

The Clerk read as follows:

By His Excellency AUGUSTUS O. BOURN, *governor, captain-general, and commander-in-Chief of the State of Rhode Island and Providence Plantations:*

Be it known that Nathan F. Dixon, of Westerly, in the State aforesaid, qualified according to the Constitution of the United States for a Representative in Congress thereof, was, by the people of the second district of said State having the qualifications requisite for electors of the most numerous branch of the Legislature thereof, on the 5th day of February, A. D. 1885, regularly elected a Representative from said State in the Forty-eighth Congress of the United States, in accordance with the laws of said State, to fill the vacancy caused by the resignation of JONATHAN CHACE, who resigned said office on the 26th day of January, A. D. 1885.

In witness whereof I have hereunto set my hand and caused the seal of said State to be affixed, at Providence, this 7th day of February, in the year of our Lord 1885, and of the Independence of the United States of America the one hundred and ninth.

[SEAL.] AUGUSTUS O. BOURN.

By the governor:

JOSHUA M. ADDEMAN,
Secretary of State.

Mr. DIXON appeared at the bar of the House, and was duly qualified by taking the oath prescribed by law.

ORDER OF BUSINESS.

Mr. TOWNSHEND. Now, Mr. Speaker, I move to dispense with the morning hour.

Mr. SPRINGER and others called for the regular order.

JOHN G. THOMPSON.

Mr. TUCKER. Mr. Speaker, I rise to present a privileged report. I am instructed by the Committee on the Judiciary to report back a bill (H. R. 8184) to pay the judgment rendered by the supreme court of the District of Columbia in the case of Hallet Kilbourn against John G. Thompson, late Sergeant-at-Arms of the House of Representatives.

Mr. TOWNSHEND. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. TOWNSHEND. That is not a privileged report.

A MEMBER. Yes; it is.

Mr. TOWNSHEND. It ought to go to the Committee of the Whole.

The SPEAKER *pro tempore*. The information received by the Chair

from the Clerk's desk is that, under the order of the House, this matter was referred to the Committee on the Judiciary, with leave to report at any time.

Mr. RANDALL. But subject to the point that if it makes any appropriation it must go to the Calendar.

The SPEAKER *pro tempore*. Yes; subject to the point that if it makes an appropriation that will carry it to the Committee of the Whole House on the Private Calendar.

Mr. KEIFER. Mr. Speaker, is this a privileged report?

The SPEAKER *pro tempore*. It is.

Mr. KEIFER. Then if it is a privileged report it carries with it the right of consideration in the House.

The SPEAKER *pro tempore*. The Chair does not understand that the rule of the House can be avoided which requires all bills which make appropriations to go to the Committee of the Whole House on the state of the Union.

A MEMBER. Does the Speaker overrule the point of order?

The SPEAKER *pro tempore*. That point of order has not been raised.

Mr. TOWNSHEND. It has been made, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair understood that the point made by the gentleman from Illinois [Mr. TOWNSHEND] was that this was not a privileged report.

Mr. TOWNSHEND. And then the gentleman from Pennsylvania [Mr. RANDALL] made the point of order that the bill must go to the Committee of the Whole.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania [Mr. RANDALL] make that point of order?

Mr. RANDALL. I state the fact, that the gentleman from Illinois [Mr. TOWNSHEND] makes it. [Laughter.]

The SPEAKER *pro tempore*. The bill has not been read. The gentleman can not make the point of order at this time.

The Clerk read the title of the bill, as follows:

A bill (H. R. 8184) to pay the judgment rendered by the supreme court of the District of Columbia in the case of Hallet Kilbourn against John G. Thompson, late Sergeant-at-Arms of the House of Representatives, and to pay other expenses attending upon the trial of said case.

Mr. TOWNSHEND. Now, Mr. Speaker, it is my duty to press the consideration of the post-office appropriation bill; I can not give way for any other matter. Therefore I make the point of order that this bill must receive its first consideration in Committee of the Whole.

Mr. COX, of New York. Why not pass it now?

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. TOWNSHEND] insist on his point of order?

Mr. TOWNSHEND. I do. The gentleman can withdraw the bill and present it hereafter.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The bill was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] moves to dispense with the morning hour.

Mr. WILLIS. I rise to make a privileged motion. I move that at the close of to-day's session the House take a recess until to-morrow morning at 10 o'clock. If the motion be adopted I will at five minutes before 12 o'clock move that the House adjourn. My object, if the House will permit me to state it, is in those two hours to take up the river and harbor bill, consider it, and if possible pass it.

Mr. RANDALL. That part of the gentleman's proposition relating to the river and harbor bill requires unanimous consent.

The SPEAKER *pro tempore*. Still it is competent for the House to determine by a majority vote whether it will take a recess and to fix the hour to which the recess shall be taken.

Mr. RANDALL. If the House adopts this proposition it does not commit the House to the consideration of the river and harbor bill.

The SPEAKER *pro tempore*. It amounts to this, that the river and harbor bill can be taken up at that time if the House so desires.

Mr. BLOUNT. I wish to inquire whether the gentleman from Kentucky [Mr. WILLIS] expects to co-operate with the Committee on Appropriations in the consideration of regular appropriation bills after 12 o'clock.

Mr. WILLIS. Certainly.

Mr. TOWNSHEND. That is just the question I intended to ask.

Mr. WILLIS. We hope in four hours to pass the river and harbor bill. I propose to move to limit debate on the whole appropriating section to one hour and a half, and to give one hour to the opponents of the bill and thirty minutes to its friends.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky, that when the House finishes its business to-day it will take a recess until 10 o'clock to-morrow morning.

The question being taken, there were—ayes 128, noes 16.

Mr. BRUMM. No quorum.

The SPEAKER *pro tempore*. No quorum having voted tellers are ordered, and the Chair appoints the gentleman from Kentucky, Mr. WILLIS, and the gentleman from Pennsylvania, Mr. BRUMM.

The House again divided; and the tellers reported—ayes 159, noes 6.

So the motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I now renew my motion that the morning hour be dispensed with.

The motion was agreed to (two-thirds voting in favor thereof).

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON. I rise to make a privileged motion. I desire to call up House bill 5479 from the Speaker's table, for the purpose of concurring in the amendments of the Senate.

Mr. TOWNSHEND. I rise to a point of order. Pending the motion I have submitted, is it in order to make a privileged report?

The SPEAKER *pro tempore*. This is not a privileged report, but a privileged motion, with a view of concurring in amendments of the Senate to a House bill.

Mr. TOWNSHEND. This does not come from a conference committee.

The SPEAKER *pro tempore*. The Chair will state that it is upon a privileged subject. The Clerk will report for the information of the gentleman the title of the bill.

The Clerk read as follows:

A bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

IN THE SENATE OF THE UNITED STATES, *February* 10, 1885.

Resolved, That this bill pass with amendments.

Mr. TOWNSHEND. I have no objection to the measure which my colleague [Mr. PAYSON] wishes to bring up; but my point of order is that this privileged question, if it be such, can not take me off the floor on my motion to go into Committee of the Whole for the consideration of appropriation bills.

The SPEAKER *pro tempore*. The Chair has no doubt that the matter which the gentleman from Illinois [Mr. PAYSON] seeks to bring up is privileged; but if the gentleman from Illinois on the right [Mr. TOWNSHEND] insists on his occupancy of the floor and protests against the introduction of this motion, the Chair must sustain the point.

Mr. PAYSON. May I have the attention of my colleague for a moment? We can concur in these amendments while the gentleman is making his point.

Mr. TOWNSHEND. I have no objection if it can be done in a moment.

Mr. PAYSON. It can. There will be no objection. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Does the gentleman from Illinois [Mr. TOWNSHEND] insist on his point?

Mr. TOWNSHEND. In order to obtain final disposition of the Post-Office appropriation bill I must insist. I have no objection at all to the measure which my colleague desires to bring up.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The pending question is the amendment of the gentleman from New York [Mr. SKINNER].

Mr. TOWNSHEND. I reserve the point of order against that amendment until the gentleman has made his explanation.

Mr. SKINNER, of New York. Let the amendment be read.

The Clerk read as follows:

Letter-carriers may be employed for the free delivery of mail matter as frequently as the public convenience may require at every place containing a population of not less than 10,000 within its corporate limits: *Provided*, The gross revenue for the preceding fiscal year from the post-office or post-offices in such place shall have aggregated at least $10,000. Letter-carriers may also be employed at the principal or most central post-office of towns or places within short distances of one another: *Provided*, Such towns or places contain in the aggregate a population not less than $10,000 and the gross revenue for the preceding fiscal year from the several offices aggregated not less than $10,000.

All laws or parts of laws inconsistent with this provision are hereby repealed.

Mr. BLOUNT. I raise the point of order against that amendment.

The CHAIRMAN. It has already been made by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. BLOUNT. Then let there be a decision.

Mr. SKINNER, of New York. If the gentleman will withhold his point of order for the present it is all I ask.

Mr. BLOUNT. I do not wish to be illiberal, but we have little time to spare. However, as the gentleman from Illinois does not press the point, I will not do so.

Mr. SKINNER, of New York. Mr. Chairman, I am perfectly well aware of the fact that if the point of order made by the gentleman is insisted upon this amendment can not be considered, for it does "change existing law." The very purpose of the amendment is to change existing law, and I have offered it in pursuance of the recommendation of the Post-Office Department, and also in accordance with the unanimous action taken by the Committee on the Post-Office and Post-Roads of this House in favor of the extension of the free-delivery system to places having 10,000 inhabitants, or gross revenues for the preceding fiscal year of over $10,000. I give below an extract from the report of the Postmaster-General for the past fiscal year (page 67) touching this matter, prefacing it with extracts from the same report in reference to the growth and present condition of the service, adding a reference to the working of the system in England and other countries:

THE FREE-DELIVERY SYSTEM,

The number of free-delivery offices at the close of the year was 159, an increase of 5, namely: Chattanooga, Tenn., Los Angeles, Cal., Montgomery, Ala., Ottumwa, Iowa, and Scranton, Pa.; and the number of carriers 3,890, an increase of 210.

The regular appropriation for this service was $3,500,000, to which was added a special appropriation of $14,653.40 to prevent an anticipated deficiency, making a total of $3,514,653.40. The entire cost of the service was $3,504,206.52, leaving an unexpended balance of $10,446.88. The increase of appropriation over that of the preceding year was $314,653.40, and the increase of expenditure $330,870.01. This increased expenditure was due to the extension of the service to additional cities, to the number of carriers added to the force at the old offices, and to the increased pay of carriers required by act of August 2, 1882, which provides for the increase of the salary of each carrier in cities having over 75,000 inhabitants by $200 each annually, till the maximum ($1,000) is reached, and in cities having a smaller population by $250 each annually till the maximum ($850) is reached.

POSTAGE ON LOCAL MATTER.

The total postage on local matter at the several offices amounted to $4,777,484.87, an increase over that of the preceding year of $417,745.65, and over the entire cost of the service of $1,273,278.35, an increase of 9.95 per cent in postage on local matter and 36.35 over the cost of the service. The average cost per piece in handling matter was 2.3 mills, a decrease of one-tenth mill as compared with last year. The average cost per carrier, based on the total cost of the service less the amount paid post-office inspectors, was $898.78, an increase of $38.83 over that of last year. This increase was owing to the fact that a large number of carriers reached the maximum salary.

The number of mail letters delivered during the year was 402,577,395, an increase of 17.70 per cent. over that of the preceding year; mail postal cards delivered was 97,421,725, an increase of 13.10 per cent.; local letters delivered 121,853,932, an increase of 16.68 per cent.; local postal cards delivered 69,230,704, an increase of 14.48 per cent.; registered letters delivered 3,093,961, an increase of 9.32 per cent.; newspapers delivered 231,645,185, an increase of 13.79 per cent.

The number of letters collected was 414,198,891, an increase over that of last year of 19.95 per cent.; postal cards collected 130,057,314, an increase of 12.98 per cent.; newspapers collected 70,475,010, an increase of 8.84 per cent.

The whole number of pieces handled—delivered and collected—was 1,540,554,117, an increase of 16.30 per cent., and the average number handled by each carrier was 396,029, an increase of 10.02 per cent.

Additional information concerning the operations of the free-delivery service will be found in the tabular statement marked E, appended to this report.

Average result of free-delivery service for the fiscal year ended June 30, 1884.

Statistics of free delivery.	Total.	Increase over last year.	Per cent. of increase.
Number of officers	159	5	3.25
Number of carriers	3,890	210	5.98
Mail letters delivered	402,577,395	60,563,645	17.70
Mail postal cards delivered	97,421,725	11,288,497	13.10
Local letters delivered	121,853,932	17,416,786	16.68
Local postal cards delivered	69,230,704	8,758,511	14.48
Registered letters delivered	3,093,961	263,758	9.32
Newspapers delivered	231,645,185	28,077,180	13.79
Letters collected	414,198,891	68,881,088	19.95
Postal cards collected	130,057,314	14,943,783	12.98
Newspapers collected	70,475,010	5,723,168	8.84
Whole number of pieces handled	1,540,554,117	215,916,416	16.30
Pieces handled per carrier	396,029	36,074	10.02
Total cost of service, including pay of post-office inspectors	$3,504,206 52	$330,870 01	10.42
Average cost per piece in mills	2.3	†0.1	†4.16
Average cost per carrier*	$898 78	$38 83	4.51
Amount of postage on local matter	$4,777,484 87	$417,745 65	9.95
Excess of postage on local matter over total cost of service	$1,273,278 35	$251,384 34	24.60

*Based on the aggregate ($3,496,267.29) paid carriers, including incidental expenses at the several offices, less $7,939.23 paid post-office inspectors.

†Decrease.

Long experience has shown that this system of delivery is more acceptable to the people than the old mode of office delivery; that it is more accurate and thorough in the delivery of letters; that it reduces the number of dead letters; that it diverts to the post-office many letters formerly delivered by private expresses and private messengers; that it stimulates mail and local correspondence, and increases the postage on local matter; that it saves time and money to the people and fruitless calls at the post-office, and yields a larger surplus of postage on local matter alone above its cost, notwithstanding this class of matter for which it gets credit is only about 25 per cent. of the matter handled by carriers. In view of these facts, I do not hesitate to advise that the law governing the establishment of this system be so changed as to authorize its extension to places of 10,000 inhabitants, provided the postal revenue for the preceding fiscal year at such places amounted to $10,000; also that in case of several post-offices in the same city or place the revenues from all the offices may be aggregated and taken as a standard entitling such place to this system, provided it has the required population.

I would also call attention to a class of towns in the more densely settled portions of the country within short distances of one another, each with its separate post-office, which can not be reached as the law now stands, having in the aggregate the required population and revenue, but none of which singly reaches the requirements of the law, namely, 20,000 population within its corporate limits or $20,000 postal revenue.

The law should, in my judgment, be so changed as to allow the aggregation of the population and postal revenues of these towns, and when they meet the requirements of population and revenue this system should be extended. This could be easily done by establishing a service at the most important and central office and discontinuing the others, or substituting branches of the central office, as may be found on investigation to be most expedient. The result would be a diminution in the number of offices, and a more intelligent, economical, and satisfactory service.

In this connection, and as showing the extent to which the delivery of mail by carrier has been carried in the United Kingdom of Great Britain, I quote from a letter of July 19, 1883, from the general post-office, London, as follows:

"There is certainly no village, and but few hamlets, in the United Kingdom without a delivery of letters, &c., from house to house, and that, although in certain thinly inhabited districts the letters are not delivered every day, they are still delivered at least twice or more, usually three times, a week. Indeed, with but rare exceptions, letters are delivered even in rural districts on six days of the week, if not seven. * * * As a rule, all towns and most of the considerable villages have two deliveries of letters from house to house every week day. * * * Of 880 head post-offices about 350 have two deliveries in the course of the day, 300 have three deliveries, 115 have four, 17 have five, 6 have six, and 1 (Liverpool) has seven daily deliveries. * * * In the London postal district, which comprises an area of about 216 square miles, the number of deliveries on week days ranges from twelve in the central or 'town' district to three in a few of the outer suburban districts where the population is comparatively sparse."

The following table, compiled from the same correspondence, will show the extent to which the free delivery of letters, &c., by carriers has superseded the delivery through post-office boxes in several of the principal cities of the United Kingdom:

City.	Number of post-office boxes rented.	Number of letters, &c., delivered through boxes weekly.	Total number of letters delivered weekly.	Percentage of letters delivered to box-holders.	Estimated population within city delivery.
Birmingham	162	65,500	492,500	13.3	408,000
Dublin	77	53,000	442,300	11.9	316,500
Edinburgh	56	27,600	569,900	4.8	286,400
Glasgow	178	79,400	758,000	10.5	704,400
Liverpool	206	59,000	582,600	6.9	681,900
Manchester	548	186,000	875,500	21.2	597,700
Sheffield	176	38,500	205,300	18.7	284,400
London, E. C. district	190	193,000	2,710,300	7.1	.....

The present law fixes the limitation at 20,000 inhabitants or gross postal revenues of $20,000 annually. There are now one hundred and seventy-seven free-delivery offices in the United States supplying 12,000,000 of people directly, not to say anything of the convenience enjoyed by the 40,000,000 of people who mail letters to free-delivery offices.

So far as the question of population is concerned the 20,000 limit was exhausted long ago. So far as the gross revenues are concerned those places now entitled to that privilege under the present law, measured by $20,000 gross receipts, number only nine. During the past year eighteen new free-delivery offices have been established. As the law now stands it will be absolutely impossible to extend that system except to these nine places. These places are Ann Arbor, Mich.; Battle Creek, Mich.; Bradford, Pa.; Fargo, Dak.; Ithaca, N. Y.; Lawrence, Kans.; Mahanoy City, Pa.; Middletown, Conn.; and Washington, N. J. These are the only places which can be supplied under the existing law. The amendment I offer would extend this privilege to one hundred and seventy new points, containing a population of 10,000 inhabitants each or having gross receipts during the past year of $10,000.

I take it for granted that this Congress is not going to stop the free-delivery system where it is, or when these nine places are supplied. One of the points named above, according to the last census, has a population of 9,000 and the smallest is 2,693. If the free-delivery system is not to come to an end when that list is taken care of, then the present list must be amended and the law must be amended, or when that limit is reached the free-delivery system must stop.

It has been shown in this debate that on an outlay of four millions of dollars there was a profit to the Government in the free-delivery system of a million and a quarter of dollars during the past year. It is true that only twelve cities out of one hundred and seventy-seven are more than self-sustaining, but there is not one of these twelve cities, not one inhabitant in one of these twelve cities, who objects to the free-delivery system being extended to the other one hundred and sixty-five.

It has come to be accepted as a mutual benefit to all places which

enjoy its privileges, and an inestimable convenience to every man, woman, and child who can read and write or appreciate a picture.

In that connection it is also true there are only ten States in the Union where the post-office system is self-sustaining, while in twenty-eight States it is not; but there is not one of those ten States which objects to the extension of the system to other States. If there were, where would the system go?

The CHAIRMAN. The gentleman's time has expired.

Mr. SKINNER, of New York. I ask by unanimous consent to print this list of post-offices that would come under the proposed amendment as well as other documents.

The CHAIRMAN. The Chair hears no objection.

Mr. SKINNER, of New York. The list is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
FREE-DELIVERY DIVISION,
Washington, D. C., February 5, 1885.

SIR: I have the honor to transmit herewith the information called for by your telegram of the 4th instant.

Very respectfully,

R. W. GURLEY,
Superintendent Free-Delivery System.

Hon. CHARLES R. SKINNER,
House of Representatives.

List of post-offices (not free delivery) having a gross revenue of $20,000 *for the fiscal year ended June* 30, 1884.

Cities.	Population, 1880.	Gross revenue, 1884.
Ann Arbor, Mich	8,061	$20,959
Battle Creek, Mich	7,063	20,464
Bradford, Pa	9,197	26,012
Fargo, Dak	2,693	24,133
Ithaca, N. Y	9,105	22,200
Lawrence, Kans	8,510	22,074
Mahanoy City, Pa	7,181	25,109
Middletown, Conn	6,826	20,315
Washington, N. J	2,142	36,497

List of towns and cities that had a population of less than 10,000 *under the census of* 1880 *whose post-offices yielded a gross revenue of* $10,000 *and less than* $20,000 *for the fiscal year ended June* 30, 1884.

Name.	Population, census 1880.	Gross revenue, 1884.
Birmingham, Ala	3,086	$17,786
Selma, Ala	7,529	16,269
Tucson, Ariz	7,007	11,765
Hot Springs, Ark	3,554	14,570
Pueblo, Colo	3,217	14,044
Birmingham, Conn	3,026	10,131
Danbury, Conn	11,666	14,325
Bismarck, Dak	1,758	10,299
Grand Forks, Dak	1,705	10,414
Huron, Dak	104	10,851
Sioux Falls, Dak	2,164	10,238
Pensacola, Fla	6,845	10,104
Rome, Ga	2,748	10,882
Alton, Ill	8,975	10,198
Cairo, Ill	9,011	14,881
Champaign, Ill	5,103	10,452
Danville, Ill	7,733	14,129
Englewood, Ill.*		10,043
Evanston, Ill	4,400	12,147
Freeport, Ill	8,516	19,791
Moline, Ill	7,800	18,527
Monmouth, Ill	5,000	10,026
Ottawa, Ill	7,834	13,045
Sterling, Ill	5,087	10,681
Elkhart, Ind	6,953	12,762
La Porte, Ind	6,195	10,375
Vincennes, Ind	7,680	10,700
Clinton, Iowa	9,052	15,334
Creston, Iowa	5,081	11,750
Iowa City, Iowa	7,123	14,351
Marshalltown, Iowa	6,240	17,935
Muscatine, Iowa	8,295	14,372
Oskaloosa, Iowa	4,598	13,056
Waterloo, Iowa	5,630	12,951
Emporia, Kans	4,631	16,489
Fort Scott, Kans	5,372	15,904
Wichita, Kans	4,911	16,525
Wyandotte, Kans	6,149	14,308
Frankfort, Ky	6,958	12,048
Paducah, Ky	8,036	11,288
Auburn, Me	9,555	10,113
Bath, Me	7,874	10,384
Annapolis, Md	6,642	14,365
Frederick, Md	8,659	10,618
Hagerstown, Md	6,627	10,693
Greenfield, Mass	3,903	13,608
Westfield, Mass	7,587	14,482
Adrian, Mich	7,849	14,103
Big Rapids, Mich	3,552	10,401
Flint, Mich	8,409	13,785
Manistee, Mich	6,930	10,225
Port Huron, Mich	8,887	13,836
Duluth, Minn	3,131	19,688
Mankato, Minn	5,550	10,692
Red Wing, Minn	5,876	11,360

* Within corporate limits of Chicago.

Towns and cities that had a population of less than 10,000, *&c.*—Continued.

Name.	Population, census 1880.	Gross revenue, 1884.
Rochester, Minn	5,103	$10,847
Stillwater, Minn	9,055	15,618
Jackson, Miss	5,204	11,458
Carthage, Mo	4,167	10,639
Springfield, Mo	6,522	14,968
Butte City, Mont	3,363	16,169
Helena, Mont	3,624	19,249
Fremont, Nebr	3,013	10,411
Hastings, Nebr	2,817	10,425
Keene, N. H	6,784	11,800
Portsmouth, N. H	9,690	13,441
Asbury Park, N. J		11,265
Atlantic City, N. J	5,477	14,901
Morristown, N. J	5,418	13,363
Plainfield, N. J	8,125	17,160
Albuquerque, N. Mex	2,315	10,911
Amsterdam, N. Y	9,466	13,500
Batavia, N. Y	4,845	12,537
Canandaigua, N. Y	5,726	10,603
Corning, N. Y	4,802	10,587
Cortland, N. Y	4,050	11,979
Geneva, N. Y	5,878	16,901
Glens Falls, N. Y	4,900	10,957
Gloversville, N. Y	7,133	10,756
Hornellsville, N. Y	8,195	13,247
Hudson, N. Y	8,670	13,787
Little Falls, N. Y	6,910	12,946
Middletown, N. Y	8,494	14,413
Olean, N. Y	3,036	12,024
Oneida, N. Y	3,262	10,889
Plattsburg, N. Y	5,245	10,112
Port Jervis, N. Y	8,678	11,471
Rondout, N. Y		10,785
Seneca Falls, N. Y	5,880	13,759
Charlotte, N. C	7,094	15,083
Delaware, Ohio	6,894	12,664
Lima, Ohio	7,567	14,241
Massillon, Ohio	6,836	10,231
Mount Vernon, Ohio	5,249	10,232
Newark, Ohio	9,600	14,621
Norwalk, Ohio	5,704	10,454
Painesville, Ohio	3,841	11,813
Salem, Ohio	4,041	10,920
Tiffin, Ohio	7,879	10,319
Warren, Ohio	4,428	10,713
Wooster, Ohio	5,840	10,410
Xenia, Ohio	7,026	11,947
Bethlehem, Pa	5,193	11,010
Lock Haven, Pa	5,845	11,100
Corry, Pa	5,277	10,162
Franklin, Pa	5,010	10,157
Huntingdon, Pa	4,125	10,421
Johnstown, Pa	8,380	13,248
Lebanon, Pa	8,778	12,096
Meadville, Pa	8,890	16,487
New Castle, Pa	8,418	11,873
Oil City, Pa	7,315	13,074
Titusville, Pa	9,046	16,060
Warren, Pa	2,810	17,195
West Chester, Pa	7,046	14,160
Denison City, Tex	3,975	10,456
Palestine, Tex	2,997	11,209
Sherman, Tex	6,093	11,627
Waco, Tex	7,295	17,931
Ogden City, Utah	6,069	13,111
Brattleborough, Vt	5,880	14,626
Montpelier, Vt	1,847	11,457
Danville, Va	7,526	12,466
Staunton, Va	6,664	14,480
Seattle, Wash	3,533	15,983
Walla Walla, Wash	3,588	10,564
Parkersburg, W. Va	6,582	12,204
Appleton, Wis	8,005	13,752
Beloit, Wis	4,790	10,847
Janesville, Wis	9,018	17,489
Cheyenne City, Wyo	3,456	15,286

According to census of 1880, one hundred and thirty-one offices; estimated in 1885, one hundred and fifty offices.

List of cities that had 10,000 *population under the census of* 1880, *and* $10,000 *and less than* $20,000 *gross revenue for fiscal year ended June* 30, 1884.

Name.	Population, census 1880.	Gross revenue, 1884.
Alexandria, Va	13,659	$13,957
Aurora, Ill	11,873	16,087
Chester, Pa	14,997	13,753
Chillicothe, Ohio	10,938	13,404
Cohoes, N. Y	19,416	11,519
Columbia, S. C	10,034	17,077
Columbus, Ga	10,123	17,060
Cumberland, Md	10,693	11,607
Danbury, Conn	11,666	14,325
Dover, N. H	11,687	11,529
Hamilton, Ohio	12,122	14,620
Jacksonville, Ill	10,927	16,413
Joliet, Ill	11,657	19,168
Kingston, N. Y	18,344	10,229
Logansport, Ind	11,198	13,942
Muskegon, Mich	11,262	19,119
New Britain, Conn	11,800	19,714
New London, Conn	10,537	19,406
Newburyport, Mass	13,538	14,782

List of cities that had 10,000 population under the census of 1880, &c.—Continued.

Name.	Population, census 1880.	Gross revenue, 1884.
North Adams, Mass	10,191	$14,105
Northampton, Mass	12,172	15,522
New Albany, Ind	16,423	12,301
Nashua, N. H	13,397	17,459
New Brunswick, N. J	17,166	18,221
Norristown, Pa	13,063	12,155
Ogdensburg, N. Y	10,341	11,860
Orange, N. J	13,207	11,802
Portsmouth, Ohio	11,321	12,709
Rock Island, Ill	11,659	16,096
Rome, N. Y	12,194	17,894
Rutland, Vt	12,149	17,131
Saginaw, Mich	10,525	10,597
Schenectady, N. Y	13,655	16,852
Stamford, Conn	11,297	15,718
Steubenville, Ohio	12,093	13,673
Stockton, Cal	10,282	18,724
Vicksburg, Miss	11,814	17,693
Waltham, Mass	11,712	14,494
Winona, Minn	10,208	19,600
Woonsocket, R. I	16,050	11,848

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
FREE-DELIVERY DIVISION,
Washington, D. C., February 7, 1885.

SIR: I have the honor to transmit herewith, in compliance with your request, a list of free-delivery cities, with their population as shown by the census of 1880. This, though misleading in regard to most, if not all, of them, is the best source of information available at present, the population having largely increased since that date (1880).

Very respectfully,

R. W. GURLEY,
Superintendent Free-Delivery System.

Hon. CHARLES R. SKINNER,
House of Representatives.

Population of free-delivery cities, census of 1880.

Akron, Ohio	16,512	Jackson, Mich	16,105
Albany, N. Y	90,903	Jacksonville, Fla	7,650
Allegheny, Pa	78,681	Jamestown, N. Y	9,357
Atlanta, Ga	34,398	Jersey City, N. J	120,728
Auburn, N. Y	21,924	Kalamazoo, Mich	11,937
Augusta, Ga	23,023	Kansas City, Mo	55,813
Augusta, Me	8,665	Keokuk, Iowa	12,117
Atchison, Kans	15,106	Knoxville, Tenn	9,693
Allentown, Pa	18,063	La Crosse, Wis	14,505
Altoona, Pa	19,716	La Fayette, Ind	14,860
Austin, Tex	10,960	Lancaster, Pa	23,769
Baltimore, Md	332,190	Lansing, Mich	8,319
Bangor, Me	16,857	Lawrence, Mass	39,178
Bay City, Mich	20,693	Leadville, Colo	14,820
Binghamton, N. Y	17,315	Leavenworth, Kans	16,550
Bloomington, Ill	17,184	Lewiston, Me	19,083
Boston, Mass	362,535 / 99,510	Lexington, Ky	16,656
		Lincoln, Nebr	13,004
Bridgeport, Conn	29,148	Little Rock, Ark	13,185
Brooklyn, N. Y	566,689	Lockport, N. Y	13,522
Buffalo, N. Y	155,137	Los Angeles, Cal	11,311
Burlington, Iowa	19,450	Louisville, Ky	123,645
Burlington, Vt	11,364	Lowell, Mass	59,485
Brockton, Mass	13,608	Lynchburg, Va	15,959
Camden, N. J	41,658	Lynn, Mass	38,284
Canton, Ohio	12,258	Macon, Ga	12,748
Cedar Rapids, Iowa	10,104	Madison, Wis	10,325
Charleston, S. C	49,999	Manchester, N. H	32,630
Chattanooga, Tenn	12,892	Mansfield, Ohio	9,859
Chicago, Ill	503,304	Memphis, Tenn	33,593
Cincinnati, Ohio	255,708	Meriden, Conn	18,340
Cleveland, Ohio	160,142	Milwaukee, Wis	115,578
Columbus, Ohio	51,665	Minneapolis, Minn	46,887
Concord, N. H	13,838	Mobile, Ala	31,295
Council Bluffs, Iowa	18,059	Montgomery, Ala	16,714
Covington, Ky	29,720	Nashville, Tenn	43,461
Dallas, Tex	10,358	Newark, N. J	136,400
Davenport, Iowa	21,834	New Bedford, Mass	26,875
Dayton, Ohio	38,677	Newburg, N. Y	18,050
Decatur, Ill	9,547	New Haven, Conn	62,882
Denver, Colo	35,630	New Orleans, La	216,140
Des Moines, Iowa	22,408	Newport, R. I	15,693
Detroit, Mich	116,342	New York, N. Y	1,206,590
Dubuque, Iowa	22,254	Norfolk, Va	21,966
Easton, Pa	11,924	Norwich, Conn	21,141
East Saginaw, Mich	19,016	Oakland, Cal	34,556
Eau Claire, Wis	10,118	Omaha, Nebr	30,518
Elgin, Ill	8,787	Oshkosh, Wis	15,749
Elizabeth, N. J	28,229	Oswego, N. Y	21,117
Elmira, N. Y	20,541	Ottumwa, Iowa	9,004
Erie, Pa	27,730	Paterson, N. J	50,887
Evansville, Ind	29,280	Pawtucket, R. I	19,030
Fall River, Mass	49,006	Peoria, Ill	29,315
Fitchburg, Mass	12,405	Petersburg, Va	21,656
Fort Wayne, Ind	26,880	Philadelphia, Pa	846,984
Fort Worth, Texas	6,663	Pittsburgh, Pa	156,381
Galesburg, Ill	11,446	Pittsfield, Mass	13,367
Galveston, Texas	22,253	Portland, Me	33,810
Gloucester, Mass	19,329	Portland, Oreg	17,577
Grand Rapids, Mich	32,015	Pottsville, Pa	13,253
Hannibal, Mo	11,074	Poughkeepsie, N. Y	20,207
Harrisburg, Pa	30,762	Providence, R. I	104,850
Hartford, Conn	42,553	Quincy, Ill	27,275
Haverhill, Mass	18,475	Racine, Wis	16,031
Hoboken, N. J	30,999	Raleigh, N. C	9,265
Holyoke, Mass	21,852	Reading, Pa	43,280
Houston, Tex	18,646	Richmond, Ind	12,743
Indianapolis, Ind	75,074	Richmond, Va	63,803

Population of free-delivery cities, census of 1880—Continued.

Rochester, N. Y	89,363	Syracuse, N. Y	51,791
Rockford, Ill	13,136	Taunton, Mass	21,213
Sacramento, Cal	21,420	Terre Haute, Ind	26,040
Saint Joseph, Mo	32,484	Toledo, Ohio	50,143
Saint Louis, Mo	350,522	Topeka, Kans	15,451
Saint Paul, Minn	41,498	Trenton, N. J	29,910
Salem, Mass	27,598	Troy, N. Y	56,747
San Antonio, Tex	20,561	Utica, N. Y	33,913
Sandusky, Ohio	15,838	Washington, D. C	147,307
San Francisco, Cal	233,956	Waterbury, Conn	20,269
San José, Cal	12,567	Watertown, N. Y	10,697
Saratoga Springs, N. Y	10,822	Wheeling, W. Va	31,266
Savannah, Ga	30,681	Wilkes Barre, Pa	23,339
Scranton, Pa	45,850	Williamsport, Pa	18,934
Sedalia, Mo	9,561	Wilmington, Del	42,499
Sioux City, Iowa	7,366	Wilmington, N. C	17,361
South Bend, Ind	13,279	Worcester, Mass	38,290
Salt Lake City, Utah	20,768	Yonkers, N. Y	18,892
Springfield, Ill	19,746	York, Pa	13,940
Springfield, Mass	33,340	Youngstown, Ohio	15,431
Springfield, Ohio	20,729	Zanesville, Ohio	18,120

Total population, 1880, 10,197,988; estimated population, 1885, 12,000,000.
Free-delivery offices, February 7, 1885, 177; carriers, 4,337.

THE FREE-DELIVERY SYSTEM.

This system was in operation during the year at one hundred and fifty-four offices (including forty-two newly established ones), and employed in the aggregate 3,680 carriers.

The total appropriation for this service was $3,200,000, including a special appropriation of $200,000 to carry out the provisions of the act of August 2, 1882, an increase of $575,000 over that of the preceding year. The total cost of the service was $3,173,336.51, leaving an unexpended balance of $26,663.49. The increase of cost over the preceding year was $550,073.77. This was owing to the extension of the service to forty-two additional cities in different sections of the country, employing in the aggregate two hundred and twenty-two carriers, to the appointment of three hundred and forty-three additional carriers in the older free-delivery cities, to the increased pay of auxiliary carriers from $400 to $600, and to the promotion of carriers from the lower to the next higher grade at the expiration of one year's service, as required by the act of August 2, 1882.

POSTAGE ON LOCAL MATTER.

The postage on local matter at the various offices amounted to $4,195,230.52, an increase over the preceding year of $378,654.43, and over the total cost of the service of $1,021,894.01. This increase in postage on local matter was 9.92 per cent., while the increase in the cost of the service was 20.96 per cent., mainly attributable to the requirements of the act of August 2, 1882. The average cost per piece for handling matter was 2.4 mills, an increase of one-tenth mill as compared with last year. The average cost per carrier, including incidental expenses, was $859.95, an increase of $24.20 over the preceding year.

The number of mail letters delivered during the fiscal year was 342,913,750, an increase of 14.66 per cent. over the preceding year; mail postal cards delivered, 86,133,228, an increase of 20.49 per cent.; local letters, 104,437,146, an increase of 16.03 per cent.; local postal cards, 60,472,193, an increase of 18.75 per cent.; registered letters delivered, 2,830,208, an increase of 10.86 per cent.; newspapers delivered, 203,568,005, an increase of 26.60 per cent.

The number of letters collected was 345,317,803, an increase over last year of 4.90 per cent.; postal cards collected, 115,113,531, an increase of 15.78 per cent.; newspapers collected, 64,751,842, an increase of 4.90 per cent. The whole number of pieces handled during the year was 1,324,637,701, an increase over last year of 15.83 per cent., and the average number handled by each carrier was 359,955, a decrease of 1.99 per cent.

REVIEW OF THE SERVICE.

The free-delivery service was inaugurated July 1, 1863. A summary of its business during the period which has since elapsed may therefore not be inappropriate, though in its earlier years its statistics were not as complete as they are at present.

Statement of the free-delivery service since organization.

Year.	Number of officers.	Increase.	Number of carriers.	Cost of service.	Postage on local matter.	Excess of cost.	Excess of postage on local matter.
1863-'64	66	.....	685	$317,061 22	.....	.....	.....
1864-'65	45	.....	757	448,664 51	.....	.....	.....
1865-'66	46	1	863	589,236 41	.....	.....	.....
1866-'67	47	1	943	699,934 34	.....	.....	.....
1867-'68	48	1	1,198	995,034 59	.....	.....	.....
1868-'69	48	0	1,246	1,183,915 31	.....	.....	.....
1869-'70	51	3	1,362	1,230,079 85	$681,864 70	$548,215 15	.....
1870-'71	52	1	1,419	1,353,923 23	758,120 78	595,802 45	.....
1871-'72	52	0	1,443	1,385,965 76	907,351 93	478,613 83	.....
1872-'73	52	.....	1,499	1,422,495 48	1,112,251 21	310,244 27	.....
1873-'74	87	35	2,049	1,802,606 41	1,611,481 66	191,214 75	.....
1874-'75	87	.....	2,195	1,880,041 99	1,947,559 54	.....	$67,517 55
1875-'76	87	.....	2,269	1,981,186 51	2,065,561 73	.....	84,375 22
1876-'77	87	.....	2,265	1,893,619 85	2,254,597 83	.....	360,977 98
1877-'78	87	.....	2,275	1,824,166 96	2,452,251 51	.....	628,084 55
1878-'79	88	1	2,359	1,947,706 61	2,812,523 86	.....	864,771 14
1879-'80	104	16	2,688	2,363,693 14	3,068,797 14	.....	705,104 00
1880-'81	109	5	2,861	2,499,911 54	3,273,630 39	.....	773,718 85
1881-'82	112	3	3,115	2,623,262 74	3,816,576 09	.....	1,193,313 35
1882-'83	154	42	3,680	3,173,336 51	4,195,230 52	.....	*1,021,894 01
1883-'84	159	5	3,890	3,504,206 52	4,777,454 87	.....	1,273,278 35

* The apparent reduction in excess of postage on local matter for the last year is accounted for by the increased expenditure ($3,173,336.51) required by the act of August 2, 1882.

Number of free-delivery offices February 7, 1885, 177; increase since 1884, 18; whole number of carriers, 4,337.

REPORT OF THE POSTMASTER-GENERAL.

In 1864-'65 the cost per letter for delivery at nine of the principal cities was 1.1 cents each, as against 2.4 mills for the delivery and collection of each piece of mail matter in one hundred and fifty-four cities in 1883-'83, a reduction of 8.6 mills per piece. The report of the superintendent of free delivery contains other interesting information in regard to the working of the system.

Statement of the excess of postal receipts and expenditures of the United States by States.

States and Territories.	1882.		1883.		1884.	
	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.	Excess of receipts over expenditures.	Excess of expenditures over receipts.
Maine	$84,084 54		$44,618 76			$48,328 31
New Hampshire	72,947 74		63,065 20		$18,058 40	
Vermont	19,595 69		12,330 06			33,909 75
Massachusetts	1,080,588 10		1,111,461 12		916,906 62	
Rhode Island	154,641 41		149,618 51		124,638 22	
Connecticut	201,910 39		238,548 23		135,463 91	
New York	2,601,409 90		2,813,729 82		2,312,695 24	
New Jersey	174,214 85		249,603 62		143,517 59	
Pennsylvania	1,017,439 55		987,170 58		560,677 81	
Delaware	19,159 65		22,301 47		8,162 90	
Maryland		$2,148 60		$29,731 20		125,862 44
Virginia		312,734 81		331,636 19		408,972 90
West Virginia		18,030 30		33,199 06		76,920 10
North Carolina		135,698 37		155,481 23		207,191 96
South Carolina		104,657 65		109,758 18		159,693 36
Georgia		208,945 47		198,968 98		320,202 31
Florida		111,174 01		103,357 50		133,294 45
Ohio		240,494 41		430,160 28		845,404 42
Michigan	340,673 83		333,902 61		39,461 62	
Indiana	3,366 49			130,374 61		294,052 53
Illinois	664,308 55		852,319 15		347,400 38	
Wisconsin	136,883 78		115,854 63			160,835 90
Iowa	146,373 35		101,468 12			371,407 62
Missouri		107,973 18		103,477 45		480,383 04
Kentucky		90,460 27		112,944 01		171,089 63
Tennessee		19,459 24		21,136 41		111,210 62
Alabama		183,430 24		177,202 65		238,494 53
Mississippi		94,183 06		101,477 78		186,082 87
Arkansas		189,412 95		165,972 83		208,602 28
Louisiana		75,379 04		79,487 59		120,660 75
Texas		459,019 34		302,437 67		431,334 03
California		508,351 28		277,016 91		417,188 81
Oregon		123,981 01		75,915 14		133,308 85
Minnesota	22,496 02		5,004 18			299,369 54
Kansas		250,167 21		283,084 56		362,276 42
Nebraska		501,801 79		545,451 59		596,411 89
Nevada		137,935 11		106,720 60		113,108 91
Colorado		179,234 87		145,600 10		277,615 85
Utah		230,210 53		154,640 19		180,996 73
New Mexico		68,417 37		51,803 57		111,366 59
Washington		95,466 36		93,933 43		110,892 66
Dakota		60,652 20	21,175 36			39,007 22
Arizona		225,320 51		118,019 35		149,819 77
Idaho		141,712 55		88,488 87		105,356 20
Wyoming		32,684 52		29,827 39		45,907 10
Montana		133,556 29		45,470 97		62,553 34
Alaska	160 33		230 73			1,600 33
District of Columbia		58,003 26		69,358 12		109,141 43
Indian Territory		84,300 78		35,143 44		42,086 96
Total	6,740,254 48	5,184,996 58	7,122,402 15	4,707,277 85	4,606,982 69	8,291,942 40
	5,184,996 58		4,707,277 85			4,606,982 69
Net excess	1,555,257 90		2,415,124 30			3,684,959 71

Mr. TOWNSHEND. I raise the point of order against the gentleman's amendment and submit it without discussion.

The CHAIRMAN. The Chair sustains the point of order for the reason stated by the gentleman from New York.

The Clerk read as follows:

For rent, light, and fuel, $490,000. That hereafter the Postmaster-General may lease premises for use for post-offices of the first and second classes at a reasonable annual rental, to be paid quarterly; but no lease shall be made for a term exceeding five years; and whenever any building or part of a building under lease becomes unfit for use as a post-office, no rent shall be paid until the same shall be put in a satisfactory condition by the owner thereof for occupation as a post-office, or the lease may be canceled, at the option of the Postmaster-General; and a lease shall cease and terminate whenever a post-office can be moved into a Government building.

Mr. ANDERSON. Mr. Chairman, I move to insert in line 44, after the word "second," the words "and third;" so that it will read:

That hereafter the Postmaster-General may lease premises for use for post-offices of the first and second and third classes, &c.

Mr. TOWNSHEND. I make the point of order upon that amendment that it changes existing law without retrenching expenditures.

Mr. ANDERSON. But it might frequently retrench expenditures. Leases can be made for long periods at less rates than for short ones.

Mr. TOWNSHEND. There is no law allowing leases to be made for third-class post-offices. There is no allowance made for them.

Mr. ANDERSON. But in the very nature of things it is evident that a saving could be effected in many instances where the privilege was given to make a lease for a long period.

Mr. TOWNSHEND. It is clearly subject to the point of order.

Mr. ANDERSON. Let it be voted upon by the committee.

Mr. TOWNSHEND. I must insist upon the point of order.

Mr. HISCOCK. Is it any more subject to the point of order than the whole paragraph which has just been read and which changes existing law? If that paragraph is to be acted upon by the House any amendment that is germane to that must be in order.

Mr. TOWNSHEND. The gentleman of course can make the point of order upon it if he chooses

Mr. HISCOCK. I do not.

Mr. ANDERSON. Nor do I.

Mr. HISCOCK. But when a provision is once before the House—when a clause or paragraph of this character is pending in a bill—it is subject to amendment.

Mr. TOWNSHEND. Provided the amendment does not change existing law.

Mr. HISCOCK. Whether it does or does not is not a question that enters into consideration. If it be a subject over which the committee has jurisdiction the amendment to that subject is in order.

The CHAIRMAN. The Chair is of opinion——

Mr. BLOUNT. I understand the argument of the gentleman from New York to be that whenever you get in one proposition that changes existing law you may put in just as many as you please.

Mr. HISCOCK. No, that is not the argument; but when you once get before the committee a subject over which the committee has jurisdiction, then you can perfect it by amendment, and the only question with reference to the amendment is whether or not it is germane to the subject-matter.

Mr. TOWNSHEND. Allow the rule to be read.

The CHAIRMAN. The Chair is ready to decide the question of order.

Mr. ANDERSON. Let us have a decision.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken. Although the clause or section in question may itself have been subject to the point of order, still no point of order was made upon it; and the Chair understands that while the clause does contain some new legislation in it, yet it does not affect the question as to the authority to lease buildings for post-offices of the third class. That general law not being affected by the clause in question, the amendment does change existing law in that respect and authorizes payment therefor. Therefore to that extent it changes existing law and does increase expenditures, and is clearly subject to the point of order, which is sustained.

Mr. ANDERSON. Then I move an amendment to include the third-

class offices, where the provision for their lease will reduce expenditures in the amount of rent paid.

Mr. TOWNSHEND. Let the amendment be reported from the desk. I do not believe it is in order.

Mr. ANDERSON. I will not insist upon the amendment.

Mr. SKINNER, of New York, by unanimous consent, was granted leave to print some remarks.

The CHAIRMAN. The amendment is withdrawn.

The Clerk proceed to read as follows:

For office furniture——

Mr. HISCOCK. I desire to call the attention of the gentleman in charge of this bill, before we pass from this section, to the language in the forty-fifth and forty-sixth lines:

And no lease shall be made for a term exceeding five years.

That, I think, should be amended to read:

But a lease may be made for a term not exceeding five years.

As it now stands it is a sort of negative way of giving authority. Under the law as it stands to-day, as I understand it, leases can not be made for more than a year. If you propose to extend this period, why not extend it in terms and not leave it a matter of dispute?

Mr. RYAN. I think that had better be done.

Mr. TOWNSHEND. I have no objection.

Mr. HISCOCK. Then I move that the paragraph be so amended.

The Clerk read as follows:

Strike out, in lines 45 and 46, the words "and no lease shall be made for a term exceeding five years" and insert "but a lease may be made for a term not exceeding five years."

The amendment was agreed to.

Mr. HEWITT, of Alabama. I move to strike out the last word for the purpose of asking a question of the gentleman in charge of this bill. I would like to ask the gentleman if he has any objection to inserting an amendment that will require the Postmaster-General upon the failure of the Government to comply with its part of a contract for the lease of a post-office building to surrender the lease to the party making it.

I have a constituent of my own who leased a building for post-office purposes under a contract that he should be paid quarterly for the use of it. He complied with every condition of the lease upon his part, and the Government held that lease for over a year before it ever paid him a cent, and refused to surrender the premises upon demand, notwithstanding the fact that the Government itself, or the Postmaster-General, after having made the contract in writing to pay quarterly, had not done so, or complied in any way with its part of the contract.

Now, I should like to know if there is any objection to inserting in the law a requirement on the part of the Postmaster-General where the Government fails to comply with its part of the contract to surrender the lease to the lessor.

Mr. TOWNSHEND. I see no necessity for the amendment the gentleman from Alabama suggests, and I certainly object to it. The matter under this bill is left entirely discretionary with the Postmaster-General, and I have no doubt there will be judicious action on his part.

Mr. HEWITT, of Alabama. What I object to is its being left discretionary with the Postmaster-General. I will put the question to the gentleman from Mississippi [Mr. MONEY], who is chairman of the Committee on the Post-Office and Post-Roads, whether such an amendment ought not to be made; whether the Government ought not to be required, when it fails to pay according to the contract, to surrender the lease?

The *pro forma* amendment was withdrawn.

Mr. HISCOCK. For the purpose of having the provision read properly, in view of the amendment I suggested and which was accepted, I now ask that the semicolon after the word "quarterly," in line 45, be stricken out, that the words "but no lease shall be made" shall also be stricken out, and that after the word "term" the word "not" be inserted. With these changes the sentence beginning at line 43 will read properly and smoothly.

Mr. TOWNSHEND. I have no objection to these changes being made.

The CHAIRMAN. If there be no objection the verbal amendments suggested by the gentleman from New York [Mr. HISCOCK] will be made.

There was no objection.

The Clerk read the following paragraph.

Office of the Second Assistant Postmaster-General: For inland mail transportation, namely: For transportation on railroad routes, $15,265,000; and if any railroad company shall fail or refuse to transport the mails, when required by the Post-Office Department, upon the fastest train or trains run upon said road, said company shall have its pay reduced 50 per cent. of the amount provided by law.

Mr. ROWELL. I make the point of order.

Mr. TOWNSHEND. The whole proposition has not yet been read through.

The CHAIRMAN. The Clerk has read one paragraph.

Mr. ROWELL. I wish to have the opportunity of making the point of order on each paragraph relating to this whole subject down to line 153.

The CHAIRMAN. The bill has been read only to line 66. It has not yet been read to line 153.

Mr. ROWELL. I want to make the point of order now, this matter being divided into sections and paragraphs, so that the point shall cover each of the paragraphs. I do not wish to lose the opportunity of making the point of order on each of the paragraphs.

The CHAIRMAN. The Chair will treat the whole subject as one paragraph. The various clauses down to line 153 seem all to relate to the same subject. It seems to be one matter.

Mr. CANNON. I want to be heard on that. I do not think the first paragraph necessarily stands with the second. But if it be understood that no rights are waived, of course there is no objection to reading all the paragraphs relating to the whole subject.

The CHAIRMAN. The Chair understands the gentleman has reserved all points of order on the provisions of the bill down to line 153. The Chair directs the Clerk to read down to that point.

Mr. CLARDY. I desire to offer an amendment to come in after line 66.

Mr. TOWNSHEND. I rise to a point of order. Until the entire proposition is read through I insist that no amendment is in order.

The CHAIRMAN. This amendment is offered to come in at the end of line 66. The Chair is of opinion it is in order now if the gentleman from Missouri insists upon it.

Mr. BLOUNT. I ask the gentleman from Missouri to withhold his amendment until I can make a request for unanimous consent that all points of order may be reserved on all the paragraphs relating to mail compensation until they are read through.

The CHAIRMAN. The Chair understands that all points of order on those paragraphs have already been reserved.

Mr. BLOUNT. I did not understand that they could be reserved in that way unless by unanimous consent.

Mr. WARNER, of Ohio. It is understood the reservation of points of order covers the whole subject.

The CHAIRMAN. The Chair has so stated. The Clerk will report the amendment proposed by the gentleman from Missouri [Mr. CLARDY].

The Clerk read as follows:

Amend by adding after line 66:

"The Postmaster-General is authorized to pay out of appropriations for transportation on railroad routes for special railroad service between the Union depot in East Saint Louis, Ill., and the Union depot in Saint Louis, Mo., a sum not exceeding the lowest rate which private individuals, express companies, or others may pay for transportation between said points, but not to exceed for any fiscal year the sum of $25,000, including allowance for depot room and transfer service at each terminal."

Mr. TOWNSHEND. I will say to the gentleman from Missouri that that is now the law, and it is not affected by this bill. In the last Post-Office appropriation act we used language which makes this a permanent law and renders it unnecessary to have it re-enacted. That is the law to-day, and will remain the law until repealed; and this present bill does not affect it in any way.

Mr. CLARDY. That was my own opinion. But this is the identical provision contained in the two bills of the last Congress as well as in the bill of the first session of this Congress.

Mr. TOWNSHEND. Has the gentleman read the language in the last Post-Office appropriation act?

Mr. CLARDY. I have read it, and it occurred to me it was not necessary this amendment should be offered. I applied, however, to the Second Assistant Postmaster-General; and in answer to my question he states:

The appropriation should be made for the Saint Louis bridge the same as heretofore.

Mr. TOWNSHEND. That, perhaps, is true, that the appropriation should be made as heretofore. But the appropriation is embraced in the aggregate amount of $15,265,000. It will be paid out of the aggregate appropriation for this service. My friend from Missouri will see the telegram does not apply to the question of the necessity for this amendment.

Mr. CLARDY. If that is the construction the committee place upon it, and if that is the reason the provision is omitted, I withdraw the amendment.

The CHAIRMAN. The Clerk will read the remaining paragraphs relating to the subject of inland mail transportation.

The Clerk read as follows:

That the Postmaster-General is authorized and directed to readjust the compensation to be paid for the transportation of the mails on railroad routes upon the condition and at the rates hereinafter mentioned, and which shall take effect July 1, 1885:

First. That the mails shall be carried upon any train at the request of the Postmaster-General; and railroad companies shall provide necessary depot-rooms, with heat and light for the same, shall receive the mails from and deliver the mails to the Post-Office Department at depots, shall put the mails into and out of the cars, shall transfer the mails between trains at depots, and shall transport the superintendent and assistant superintendents of the railway mail service and post-office inspectors upon the exhibition of their credentials, and railway postal clerks over the lines upon which they may be assigned to duty.

Second. That the compensation for carrying closed mails in baggage-cars and for railway post-office service, the minimum car width in every case being hereby fixed at eight feet and six inches (inside measurement), or its equivalent in floor-space, shall not exceed the following rates, namely: For closed mails, 5 mills per linear foot of space (inside measurement) per mile run; and

for two hundred pounds of mail or less the equivalent of six linear inches shall be required, for five hundred pounds one foot, and for each additional five hundred pounds one foot. For railway post-office service, at a rate of speed of twenty or less miles per hour from terminus to terminus, 5 mills per linear foot of space (inside measurement) per mile run; and for each additional two miles per hour to and including thirty miles per hour one-tenth of a mill, and for each additional mile per hour one-tenth of a mill. And the adjustment of space by linear feet for railway post-office service shall be as follows: For a daily average of from twenty-five to five hundred pounds, not to exceed thirteen feet; from five hundred to 1,000 pounds, not to exceed fifteen feet; from 1,000 to 2,000 pounds, not to exceed twenty-five feet; from 2,000 to 4,000 pounds, not to exceed forty feet; from 4,000 to 5,000 pounds, not to exceed forty-five feet; for 6,000 pounds, fifty feet; 8,000 pounds, sixty feet; the weight to be ascertained by a weighing of not less than twenty-eight consecutive days; and in all railway post-offices the load shall not exceed double the greatest weight for the respective lengths as herein provided; and for any gross weight, if carried on two or more trains daily, the space may be subdivided upon the basis of amounts of space for lower weights as the nature of the service may require; and no additional space shall be required or paid for unless found to be necessary: *Provided*, That the pay for the transportation of mails upon any railroad route for six round trips per week shall not be less than $35 per mile per annum; and at any post-office contiguous to a railroad route, and where trains do not make regular stops, the Postmaster-General may require that the mails shall be exchanged directly with the railway post-office at the nearest available point upon the track; and in the case of all special mail-trains no more time shall be consumed at terminal points in transferring mails between different lines of railroads at such terminal points than is absolutely necessary for such purpose, and there shall be no delay in departure of any special mail-train after receiving the mail from the connecting line than is absolutely necessary; and at post-offices located not more than one-fourth of a mile from railroad stations railroad companies shall also provide for carrying the mails as often as may be necessary between such post-offices and railroad stations; but the Postmaster-General may provide mail-messenger or contract service at terminals: *Provided further*, That railroad companies whose railroads were constructed in whole or in part by land grants made by Congress, on the condition that the mails should be transported over their roads at such price as Congress should by law direct, and the railroad companies incorporated under the provisions of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, shall hereafter receive for the transportation of the mails over their respective railroads only 80 per cent. of the compensation authorized by this act; and the said act approved July 1, 1862, and all acts amendatory thereof, are hereby amended to conform to the foregoing provisions; but the right of the United States to further amend said act, or any act amendatory thereof, is expressly reserved. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Mr. TOWNSHEND. Before further action is taken I desire to have action on some amendments suggested by the committee in order to perfect the text of the bill.

Mr. ROWELL. Mr. Chairman, I suppose that the point of order ought to be made before the amendments are acted on.

Mr. TOWNSHEND. Not until we have perfected the text of the bill.

Mr. ROWELL. I do not so understand.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] in charge of the bill desires to move some amendments to the text before the point of order is entertained by the Chair. That can only be done by unanimous consent; from the fact that, pending the point of order, the section is not before the committee for amendment. But it can be done by unanimous consent.

Mr. BLOUNT and Mr. ROWELL. I object.

Mr. BLOUNT. Mr. Chairman, I desire to raise the question of order on these two paragraphs.

Mr. ROWELL. Mr. Chairman, I want to understand who has made the point of order.

The CHAIRMAN. The Chair does not understand that any point of order has yet been made. The gentleman from Georgia [Mr. BLOUNT] now states that he desires to make a point of order on these two paragraphs, and the gentleman from Illinois [Mr. ROWELL] stated a while ago that he thought the point of order ought to be made, but did not state what the point was.

Mr. ROWELL. I said that I reserved the point of order, and I rise now to state it.

The CHAIRMAN. The Chair understood the gentleman to say that he desired to reserve the point of order on the parts of the bill that had not been read, but of course the gentleman did not in that way obtain any right to the floor.

Mr. ROWELL. I understood the Chair to say that I would be recognized for that purpose when the point of order could be raised, and I desire now to be heard.

The CHAIRMAN. The Chair understood the gentleman to reserve all points of order on that portion of bill, but it was not then before the committee, and the point of order could not be entertained until the paragraph had been read. The Chair did not know what point of order the gentleman desired to make.

Mr. ROWELL. Then I misunderstood the Chair. I now claim the right to make the point of order.

Mr. BLOUNT. Mr. Chairman, I desire to make a point of order on these two paragraphs.

The CHAIRMAN. The gentleman from Georgia [Mr. BLOUNT] rises to make a point of order which he will state; after which the Chair will hear the gentleman from Illinois [Mr. ROWELL].

Mr. BLOUNT. I wish to call attention to a provision contained in Rule XXI——

The CHAIRMAN. The gentleman will please make his point of order, and argue it afterward. The Chair does not yet understand what the point is.

Mr. BLOUNT. If I had not been interrupted the Chair would have understood it, because I was presenting the point of order. My point is that this provision changes existing law and does not retrench expenditures, and that the change is proposed to be made upon an appropriation bill.

The CHAIRMAN. Does the point of order apply to all these clauses?

Mr. BLOUNT. It applies to all that relates to changing the mode of paying the railroads for the transportation of the mails—the whole scheme. I will read a part of clause 3 of Rule XXI:

Nor shall any provision in any such bill, or amendment thereto, changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, Mr. Chairman, in order that gentlemen may appreciate the force of this point of order, it becomes necessary to state the present law as to the mode of compensating railroads for transporting the mails. The provision in the act of 1873 is in the following language:

On routes carrying their whole length an average weight of mails per day of 200 pounds, $50; 500 pounds, $75; 1,000 pounds, $100; 1,500 pounds, $125; 2,000 pounds, $150; 3,500 pounds, $175; 5,000 pounds, $200; and $25 additional for every additional 2,000 pounds; the average weight to be ascertained, &c.

This act was amended in 1876 by reducing these rates 10 per cent., and later on, in 1878, by a 5 per cent. additional reduction.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. MONEY having taken the chair as Speaker *pro tempore*, a message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted upon its amendments to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as conferees on the part of the Senate Mr. PLUMB, Mr. DAWES, and Mr. COCKRELL.

The message further announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery and which were now in the custody of the Secretary of War.

The message further announced that the Senate had passed a bill (S. 2571) to authorize the Merchants' National Bank of Little Rock, Ark., to change its name to the First National Bank of Little Rock.

The message further announced that the Senate had passed a bill (S. R. 635) to permit Thomas O. Osborn, minister resident and consul-general of the United States at Buenos Ayres, to receive a symbolic shield from the Argentine Republic.

The message further announced that the Senate had passed a joint resolution (S. R. 121) to authorize the return to the Government of Great Britain of the Arctic relief steamer Alert.

The message further announced that the Senate had passed a joint resolution (S. R. 122) authorizing the Secretary of War to loan twelve hospital tents and outfits to the American Society of the Red Cross for use in New Orleans.

POST-OFFICE APPROPRIATION BILL.

The committee resumed its session and continued the consideration of the Post-Office appropriation bill.

Mr. BLOUNT. Recurring to the act of 1873 it appears by calculation that for 200 pounds $50 is allowed, making the rate $25 per hundred pounds; on 500 pounds additional, $15 per hundred; on a thousand pounds additional, $10 per hundred; on 1,500 pounds additional, eight dollars and a fraction per hundred; on 2,000 pounds additional, $7.50 per hundred; on 3,500 pounds additional, $5 per hundred; on 5,000 pounds additional, $4.50 per hundred.

The Clerk has just read the provision of this bill as to the mode of compensation, but as it is short I will again read it:

For railway post-office service, at a rate of speed of twenty or less miles per hour from terminus to terminus, 5 mills per linear foot of space (inside measurement) per mile run; and for each additional two miles per hour to and including thirty miles per hour one-tenth of a mill, and for each additional mile per hour one-tenth of a mill.

The CHAIRMAN. The Chair is of opinion that it is unnecessary for the gentleman to show that the provision of the bill is a change of existing law.

Mr. BLOUNT. My object was to show not alone that it changed existing law——

The CHAIRMAN. The Chair will take it for granted that it changes existing law without further reading from the provisions of the law or the bill.

Mr. BLOUNT. The Chair does not apprehend my purpose in reading. I have no doubt that any man would be with me on the proposition that this bill changes existing law. I am not addressing myself

to that point at all. The object I had in reading the old law and the proposition of this bill was to show that it does not appear from the bill itself that there is any retrenchment of expenditures. If the Chair is with me on this point I have nothing more to say.

The CHAIRMAN. The Chair is very glad to hear the gentleman, but supposed he was reading the bill to show that it differed from the existing law.

Mr. BLOUNT. I had that purpose, but it was subordinate to my other purpose to show that it does not appear from a comparison of these acts there is any reduction. But I will not take up further time of the Chair or of the committee in reading the provisions of the bill; I take it that its terms are understood.

Now the rule declares that a provision changing existing law must, to be in order, retrench expenditures in one of several ways, either—

By the reduction of the number or salaries of the officers of the United States—

It is clear there is no proposition of that sort here—

By the reduction of the compensation of any person paid out of the Treasury of the United States—

I think it equally clear that it does not appear that there is any reduction in this respect—

Or by the reduction of amounts of money covered by the bill.

There is nothing in the term of the bill making a reduction in this respect. The proviso added to the rule is in this language:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, I do not understand that the Committee on the Post-Office and Post-Roads, having charge of this subject, has offered this proposition. But if it were so, still there is no retrenchment of expenditures appearing on the face of the bill, but on the contrary it is a debatable question whether there will be under this proposition any reduction of expense. It seems to me, reading the percentages of decrease under the old law in connection with the terms of this bill, without going into details, that this provision certainly amounts to an increase of expenditures. One gentleman argues, and very properly perhaps, that it will increase expenditures; another argues that it will decrease expenditures. It is a matter of calculation.

Mr. TOWNSHEND. Nobody will say that the provision of the bill as we now propose it will increase expenditures.

Mr. BLOUNT. It was only the other day when my friend from Illinois [Mr. TOWNSHEND] and my friend from Michigan [Mr. HORR] were disputing each other's calculations as to the compensation of one of these railroads.

Mr. TOWNSHEND. Yes; on one line.

Mr. BLOUNT. And that one line is a part of the calculation in ascertaining the final result. If my friend from Illinois should be mistaken as to the amount to be paid to that one road——

Mr. TOWNSHEND. I was not mistaken.

Mr. BLOUNT. I trust my friend will not interrupt me. I will take back any allusion to him, and will suppose that some other gentleman has made a calculation as to the effect on a given line of railroad and ascertained to his satisfaction that the figures showed on that line an increase, while some other gentleman upon another calculation has satisfied himself to the contrary. In order for the Chair to ascertain whether or not the general result is to retrench expenditures it is incumbent on the Chair to make a calculation as to every line of railroad. Now, I submit that no gentleman who has ever examined the rules, or sat under their operation in this House, will undertake to say that the Chair was ever charged with any such duty. It must appear from the terms of the bill, as a legitimate and logical result, not as a mere matter of calculation to be made by this and that member of the committee, that there is a reduction. It must affirmatively appear that the provision does retrench expenditures, and if it does so appear the proposition must have come from a committee charged with the subject-matter, which is not the case here.

Mr. Chairman, this question was ruled on first by Mr. Kerr, when Speaker of this House; and I am apprised that the present occupant of the chair is familiar with that ruling, having been present at the time it was made, having frequently referred to it since, and having had occasion to rule on this very question several times. I shall not, therefore, take up time in citing rulings of the present occupant of the chair or any other presiding officer of this House, but will conclude my remarks.

The CHAIRMAN. The gentleman from Illinois [Mr. ROWELL] desires to state a point of order, and the Chair will hear him.

Mr. ROWELL. Mr. Chairman, the point I desired to submit is substantially the same as that submitted by the gentleman from Georgia [Mr. BLOUNT], with the additional remark that this bill on its face shows possibilities, not of diminished expense, but of largely increased expense. This provision for compensating railroads for carrying the mails goes upon the theory that weight, space, frequency, and speed are all to enter into the determination of the compensation.

The old law goes upon the theory that weight is to be considered except in case where space to the extent of a full car is required. But speed does not enter into the computation at all except in certain instances.

Now, there are possibilities of increased expenditures in this bill beyond what the committee has dreamed of, and which would satisfy the gentleman from Colorado [Mr. BELFORD] in his desire to open the doors of the Treasury. This bill provides for increased compensation where the frequency of service is increased without any necessary additional expense to a railroad company, because on the roads where a large weight of mail is carried, where it requires two or three cars for the accommodation of the mails if they are all carried on one train, it is to the destruction of it as a passenger train. Where divided up into three trains it is not only for the accommodation of the people but for the accommodation of the railroad company and diminution of its expense. But in the large number of railroads in the United States, where two passenger trains are run each day each way, there is but a single mail. This bill provides, although it is a light mail, that mail may be divided and be required to be carried on the two trains. When that is done there comes an immediate doubling-up of expense, and it shows it on the face of the bill. With three-fourths of the railroad companies in the United States pressing for such service and daily working up public sentiment all along the lines of these roads to press for that enhanced service, without an additional dollar of expenses to the railroad companies, and with the power to enhance it contained in the bill, we have doubling-up of compensation to be paid to railroad companies in three-fourths of the railroads of the United States.

Again, this bill provides for enhanced compensation according to increased speed. Not because it costs the railroad companies any more, for those trains which run twenty-two, twenty-four, and thirty miles per hour ordinarily are so run to accommodate the passenger traffic and the connections of the roads, and not to accommodate the mails. Where they are run specially for the accommodation of the mails we have special trains. But here is a gratuity in this bill provided for railroad companies who could not diminish the speed of their trains if they would and retain their passenger traffic.

So for frequency required which accommodates the company, for increased speed, and that the company must contain to retain its business, we are providing a gratuity without exacting of the railroad company any additional expense for carrying the mails.

But if any gentleman will take the trouble to figure and take up these roads which carry two and three mails a day under the compensation provided in this bill, he will find from one-third to double the present cost will come out of the Treasury. And if he will take the railroads which now run two passenger trains each way daily, but carry one mail, which divide that mail and carry it on two passenger trains, he will find again under the rating of this bill a largely increased expense.

It is the possibility shown upon the face of the bill to take money out of the Treasury to pay railroad companies I object to, and it is for that reason I prefer to see this section go out on a point of order.

Mr. TOWNSHEND. Mr. Chairman, if this proposition would result in increasing the compensation for railway mail transportation, every one in this House who is acquainted with my colleague on the subcommittee, the gentleman from Indiana [Mr. HOLMAN], and myself, would say we would be the two last members of Congress in favor of it. I say now if I could be convinced this scheme would result in increasing the enormous, unjust, and extravagant appropriations made for the railroad service of the country, I would go as far as he who goes farthest in denouncing and seeking to defeat this proposition.

At the last session of Congress my attention was called to this, and I feared it might result in an increase rather than in a diminution of the expenditures for that service. But since then I have had opportunities of consulting with those who know far more about this service than myself—who know far more about this service in my judgment than any one who holds a seat upon this floor—and they have convinced me beyond all possibility of doubt this proposition will result, as it stands in the bill, in saving to the Government over one million and a half of money a year. And in view of the great saving we are convinced will be accomplished by this proposition the Committee on Appropriations have reduced the amount of the estimates $1,000,000.

Now, as to the facts. Congress in 1883, authorized the appointment of a commission to consider this question and ascertain what would be the best method for compensating railroads and also do justice to the Government. In pursuance of that law three of the best experts which could be found in the Post-Office Department were selected. One Mr. Elmer, the late Second Assistant Postmaster-General; another, Col. W. B. Thompson, late chief of railway mail transportation service, and present Second Assistant Postmaster-General; and the third a gentleman by the name of Slater. These three gentlemen were furnished with clerks and all the means of thorough investigation. They had at their command the best experts in the Department and summoned to their aid the best experts in the country. They obtained information from every source open to them.

These men labored on this proposition for a period of eight months, and they labored patiently, industriously, conscientiously, and I believe most intelligently. They reached the conclusion that the saving to the Government would be at least $1,600,000 if the proposition now presented in the shape it is here presented in this bill should be adopted.

The present Postmaster-General in his annual report indorses the findings of this commission and recommends the adoption of this provision as the law. Now, what amazes me is to find, after so much time has been bestowed upon this subject, after so much patient labor and investigation on the part of experts and intelligent men acquainted with the subject which they have been investigating, that there is so much wisdom in some of the gentlemen on this floor that they are able to sit down during a few hours of a few evenings, notwithstanding their other engagements, and make such calculations and investigations as enable them, upon a multitude of matters before the House, to discover that all of the experience and all of the investigation and all of the knowledge and all of the information of these experts are worth nothing, and that they know better than those who have devoted so much labor and time to the consideration of the question.

Mr. Chairman, wherein is the economy shown upon the face of the proposition now before us? In the first place, under the present law the closed mail service of the Government, or what is known as the "sealed pouches," are carried in baggage-cars, to which no more attention is paid than to an ordinary piece of baggage. Under the present law we are paying as much for carrying that mail as we do or carrying the mails upon the splendid postal cars, furnished at lavish expense and all of the conveniences, comforts, and appliances that the postal cars are fitted up with, and on which our postal agents travel.

What do we do here by this provision? We simply change the rate of compensation for the closed mail by reducing it to one-half of the amount allowed for mails carried on postal cars furnished with agents, light, fuel, and other comforts and conveniences. We make them carry the closed pouches or bags of mail at about the same rate of compensation they receive for carrying ordinary baggage, and they certainly ought not to receive more. It involves no more expense upon them, and they furnish no better facilities. My friend from Georgia [Mr. BLOUNT] and my colleague from Illinois [Mr. ROWELL] want us to return to the old law, and pay as much for carrying the closed bags as for the conveyance of the mail on postal cars, fitted up, as I have said, with every comfort and all of the paraphernalia of the present postal system of the country. That, I claim, is one of the great savings proposed in this bill. That is where hundreds of thousands of dollars are saved to the Government.

That mail is treated like baggage and carried like baggage; wherein, therefore, lies the justice of demanding that the Government shall pay the same terms that passengers pay for all of the luxurious accommodations now supplied to the traveling public?

There is another saving to which I wish to call attention. This proposition dispenses with the payment for postal cars, which aggregates about $1,625,000 per annum. Take for instance this: We appropriated for the current year $1,600,000 to pay for postal-car service. This bill dispenses with that altogether. That item is stricken from the bill, and we do not appropriate a dollar for postal cars; and why? Because the new scheme, as you are pleased to term it, does away with the necessity for it; in other words, in making up the great aggregate of what is needed for the working of the postal-mail service, it is determined by these gentlemen that no extra allowance shall be made for postal cars.

Now, then, there is a saving in this item of over $1,600,000. What further saving do we accomplish? In the bill passed at the last session of Congress we appropriated $250,000 for special mail facilities upon certain railroads. We have stricken that item out of the present bill. In my judgment, there is no necessity for one dollar being appropriated for special mail facilities. Why? Because one of the features of this new scheme is to furnish sufficient inducements to the railroads to quicken their time and supply fast-mail facilities without extra compensation or special appropriation for it. That item, therefore, was stricken out.

What further appears? If you glance over the rate of compensation paid to the railroads of this country, you will find that the minimum amount paid to any road does not fall below $42.75 except in some half dozen instances. Now there are 1,600 railroads in the country, and the majority of them, I believe—and I speak now in general terms—are the small roads, to which we are now paying $42.75 a mile per annum. We by an amendment I shall offer to this bill reduce the amount of compensation, or rather fix the amount of the minimum limit of $40 a mile, saving to the Government $2.75 per mile upon most of these roads. The bill in its present shape fixes the minimum limit at $35 per mile, which is a saving of $7.75 per mile; but in order to protect these roads we have established the limit at $40 a mile.

Now, Mr. Chairman, I think we have witnessed rather a singular state of affairs in this House. My friend from Michigan [Mr. HORR], if the amendments we have reported from the committee, but which have not yet been inserted in the bill, are adopted, says those amendments will cause the compensation to railroads to fall far below the present law, and in reducing the compensation will do railroads great injustice. On the other hand, my friend from Georgia [Mr. BLOUNT], who I know is an economist and who desires to bring about economy, and who, if he believed as I do about this proposition, would be the first on the floor to advocate it, is operating to defeat it from an entirely different standpoint—from the belief in his mind that the proposition will result in increasing the aggregate in the appropriation.

I want to make one further point. As I understand we are not to be confined to the language of the bill for proof of economy. I hold in my hand the report of the Second Assistant Postmaster-General. He states on page 105 that under the present system more than half a million dollars of the public money is unnecessarily expended every year.

I hold also in my hand a report made by Mr. Lyman, the Second Assistant Postmaster-General, to the Committee on the Post-Office and Post-Roads, in which this language occurs:

> Under the plan proposed compensation would be made according to the amount and character of the service rendered in each case, and the result—

Mark the language—

> would be to decrease the cost of transportation by railroad per annum $1,687,980.

And he further says:

> Even if we relieve railroads of what is known as side-service or side-messenger service we should still save to the Government $1,000,000 a year.

Mr. BLOUNT. Will the gentleman permit me to ask him a question?

Mr. TOWNSHEND. I should like my friend to wait till I get through.

I say to you gentlemen if you succeed in defeating this proposition you will practically go hand in hand with the railroads in obtaining for them from a million to a million and a half of dollars more money from the Government than they would obtain if this proposition is adopted. I do not wish to argue the question further than to say I am convinced this proposition will reduce the expenditures.

Mr. HOLMAN and Mr. HORR rose.

The CHAIRMAN. Does the gentleman from Michigan [Mr. HORR] desire to sustain the point of order?

Mr. HORR. I desire to sustain it. The gentleman from Illinois [Mr. TOWNSHEND] has just been opposing it.

The CHAIRMAN. The Chair has heard two arguments on that side. He will now recognize the gentleman from Indiana [Mr. HOLMAN.]

Mr. HOLMAN. I intend to speak but for a moment on this question, as it is confined to a single point. It is conceded the provision of this bill changes the law. There is no doubt about that. The only question is, does it retrench expenditures? If it does retrench expenditures, that fact can be shown but by two substantive facts or two that I know of. The only question is whether those facts can be sufficiently shown or not.

In the first place this provision does itself reduce the amount of the appropriation. The appropriation made by the present law is something over $16,000,000, and the estimates of appropriation for the present year are $17,571,000. Now, that the provision reduces the amount to be appropriated will be readily conceded.

Mr. BLOUNT. Will my friend from Indiana allow me a question?

Mr. HOLMAN. Certainly.

Mr. BLOUNT. I wish to ask the gentleman if it does not happen almost annually that the estimate of the cost of the railway-mail service as made by the Committee on Appropriations, and as enacted into law by the two Houses falls short of the actual results?

Mr. HOLMAN. I concede that.

Mr. BLOUNT. Allow me to proceed a step further. With great deference to my friend's opinion, I ask him if that be true can he argue that the figures he puts in this bill are a sequence of the language he uses changing the law?

Mr. HOLMAN. That is just what I am coming to. I stated as my first proposition that the provision itself reduced the amount of the appropriation some $2,000,000.

Mr. BINGHAM. Simply on its face.

Mr. HOLMAN. Upon its face it does. But I do not regard that as sufficient. I freely concede—the Chair has so intimated a hundred times—that if that be sufficient, all you have to do is simply to reduce the amount and attach the provision coupled with that amount. On its face there is a reduction of expenditure; but at the same time it will be readily seen that taking the whole thing together, the amount indicated, the sum named, may not be the true sum.

Mr. DIBBLE. Will the gentleman yield to me for a question?

Mr. HOLMAN. For a question, certainly.

Mr. DIBBLE. It is this: Suppose that every road which is now running at a certain rate under this new act should increase its speed five miles an hour, would not that produce an increased expenditure which would do away with all your calculations?

Mr. HOLMAN. It would not do away with all the calculations. Those are elements entering into the cost.

Mr. DIBBLE. Does not that increase your present estimate?

Mr. HOLMAN. Not at all. That is one of the elements you have to consider in ascertaining the amount.

I trust I will have the ear of the Chair for a moment. I am suggesting that while this reduces the amount of the appropriation, that perhaps is not sufficient. Now, what additional evidence would be requisite to show that the plan proposed as it stands now in the bill, without any amendment, has the effect of retrenching expenditures?

What else can be relied upon with the exception of the official statement? I submit that the argument of the gentleman as to the probable results amounts to nothing upon a question like this, where you

have to lay down different premises from which to draw your conclusions. That, I say, amounts to nothing in such a case, because it is purely argumentative, and the reduction or retrenchment of expenditures must be a fact established by some statement that does not depend upon a mere deduction. Now, Mr. Chairman, the only additional fact that can be presented showing that this is really a retrenchment of expenditures is the official statement. That statement is embodied in quite a number of documents, but in no other place is it presented so tangibly or concisely as in a communication addressed to the chairman of the Committee on Post-Offices and Post-Roads last session by the Post-Office Department. The communication was dated February 14, 1884, and was signed by the Second Assistant Postmaster-General, one of the commission appointed by Congress to inquire into this service and report some plan to adjust and regulate the transportation of the mails. The language of that official statement is as follows:

Under the plan proposed, compensation would be made according to the amount and character of the service rendered in each case, and the result would be to decrease the cost of transportation by railroad per annum $1,687,980. From this deduct the cost of delivery of mails to the offices recommended by the committee, $687,980; net saving per annum, $1,000,000.

Mr. BINGHAM. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Wait a moment. Allow me to complete my sentence.

Mr. BINGHAM. I merely want to know the gentleman's own position on this bill. That is all.

Mr. HOLMAN. Now, Mr. Chairman, computation by figures for the purpose of showing a certain result is a fact. It may be what is called a verbal fact, but still it is a fact. The official statement before the Chair and before the House is that the plans proposed by this commission and put into this bill would retrench expenditures to the amount of a million dollars per annum.

Mr. MONEY. Six hundred and eighty-seven thousand dollars.

Mr. HOLMAN. No; a million dollars.

Mr. MONEY. But the provision which has been cut out of the bill reduces the saving to $687,000.

Mr. HOLMAN. But we have cut that out. That would still further increase the expenditure. I am now taking this official statement. It is proposed by this Committee on Appropriations, instead of taking the plan which would reduce the cost a million dollars, to reduce that amount 20 per cent.; that is, to reduce the first element in the cost from 5 mills down to 4 mills, which is a reduction of 20 per cent.

Now, I have this to say, in addition to what I have said already, that if an official statement as to the results of a proposed amendment of the law, coupled with an actual reduction of the appropriation, is sufficient to show a retrenchment of expenditure, then a retrenchment to the extent of a million dollars and 20 per cent. more is shown by the amendment now submitted. I admit that the question is not free of doubt. I think no question of the kind can ever be entirely free of doubt. But it does seem to me (and I have urged this view upon former occasions) that upon a question of expenditure, inasmuch as the Departments of the Government make their estimates and Congress acts upon those estimates and has acted upon them for a hundred years, as the basis for legislation as to public expenditures—in view of that fact it does seem to me that the official statement may be taken into account in determining the question whether a given provision of law does or does not retrench expenditures.

Mr. BLOUNT. Mr. Chairman, I rise to a parliamentary inquiry.

Mr. BINGHAM. I want to ask the gentleman from Indiana a question.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. MONEY having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that the President had approved and signed a bill and joint resolutions of the following titles:

An act (H. R. 7577) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1886, and for other purposes;

Joint resolution (H. Res. 323) for the printing of the eulogies delivered in Congress upon the late William A Duncan; and

Joint resolution (H. Res. 327) providing for printing the eulogies delivered in Congress upon the late John H. Evins, late a Representative in the Forty-eighth Congress from the State of South Carolina.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session.

Mr. BLOUNT. I simply want to call attention to the fact that this same provision is contained in another bill pending in the House—a bill reported from the Committee on the Post-Office and Post-Roads.

Mr. HORR. As I understand this question of order it embraces but one point. The fact that the provision in this bill changes the law is of course admitted by every one. This provision is certainly out of order unless upon its face you can ascertain that it reduces expenses. Now, if the gentleman from Indiana [Mr. HOLMAN] will give me his attention I wish to read what he said upon this point on the day before yesterday:

But the plan is strongly recommended. It is recommended by the superintendent of railway-mail transportation, and by this commission it is recommended—a commission appointed under the authority of Congress—a commission of very competent gentlemen.

Now mark this language:

And yet I am compelled to say for myself that I do not believe it can be stated with reasonable certainty what will be the cost until the effect of the poposition shall be determined by actual experience.

That, Mr. Chairman, was wisely said. Why, sir, this bill as originally framed by my friend from Illinois [Mr. TOWNSHEND] and the gentleman from Indiana [Mr. HOLMAN] provided for 5 mills per linear foot. The commission that they talked so much about agreed upon 5 mills per linear foot. Let the gentleman tell me how he and his colleague on the committee happened to take water on this proposition for 5 mills and change it to 4 mills. You did it because I demonstrated to the subcommittee that in all probability it would increase the pay of the railroad companies.

Now, Mr. Chairman, no man can tell whether the proposition as now pending will increase or decrease the aggregate cost of this service. I defy any one here to tell me how many roads under this plan will get more than they at present receive and how many less. I do know that the compensation of the small roads which now get only a small portion of the money—$42.75 a mile up to $60—by this rule will be decreased. I do know that the compensation of a large number of roads running from New York city, carrying frequent and heavy mails, will even under the 4-mill rate be largely increased.

Is there any use in discussing this question when upon the very face of the provision it is utterly impossible to tell what will be the cost of this service under that provision? It can not come within the rule. What is the use of undertaking by our rules to exclude legislation on appropriation bills if we can admit a provision of this kind, where even the experts themselves do not agree as to the result?

Mr. TILLMAN. The probabilities are that it will result in an increase, because there is a premium offered for speed to the large roads that can make additional speed, and also a premium for frequency.

Mr. HORR. Undoubtedly there is a large discretionary power under this provision; and that is what the gentleman from Indiana meant when he said that no man could tell what the result would be until the experiment should be tried, because nobody can tell how many trains will be permitted to run; nobody can tell to what extent the roads will increase their speed. It is utterly impossible to get at any definite result at this time. Therefore I say the point of order is well taken.

The CHAIRMAN. The Chair has heard gentlemen on both sides, and is ready to decide the point of order.

Mr. TOWNSHEND. One word in reply to the last point made by the gentleman from Georgia [Mr. BLOUNT].

The CHAIRMAN. The Chair does not desire to hear any argument on that subject.

Mr. ADAMS, of Illinois. Before the Chair gives his decision I desire to ask a question. All this debate has been upon the entire provision. If the Chair should overrule the point of order, then I should desire to make a point of order as to a particular part of the provision to which the argument thus far made does not directly apply. I desire to reserve that right in case the point of order should be overruled. The argument up to this time has applied to the entire paragraph, yet it was clearly understood that points of order were reserved not only on every distinct paragraph but on every part of a paragraph.

Mr. BAYNE. I submit that for the purpose of expediting the public business all points of order should be made and settled now. I can see the drift of affairs here. I want these points made and decided so that we may get through with the public business. If there is any point to be made, I ask that it be made now and I ask a proper decision from the Chair.

The CHAIRMAN. The Chair would prefer to hear the point of order now.

Mr. ADAMS, of Illinois. I desire to make the point that the clause beginning in line 123 with the words "and in case of all special mail trains" down to the word "necessary," in line 129, is subject to a point of order under the third clause of Rule XXI, inasmuch as it changes existing law and does not retrench expenditures in any of the three ways indicated by that rule.

Mr. TOWNSHEND. The proposition must be taken as a whole—you can not single out a particular line.

Mr. ADAMS, of Illinois. That is exactly what we reserved the right to do.

Mr. CANNON. I ask the point of order should run, and therefore I make it, to the whole of the second paragraph, commencing in line 83 and closing with line 153.

The CHAIRMAN. The same point of order has been made by the gentleman from Georgia.

Mr. CANNON. I do not desire to detain the Chair further than to

state that as I read Rule XXI, this being a change of law it must retrench expenditure, first by reduction of the number or salary of officers—and that this does not pretend to do; second, by reduction of the compensation of any person paid out of the Treasury of the United States. There is where the claim comes in, and I deny it.

The gentleman from Indiana has made the only plausible argument, if it can be called plausible, against the point of order. He says you are remitted to the opinion of a bureau officer of the Government—that is, the Speaker is—whether or not a proposition is in order. I could play off against him the Postmaster-General lately in charge. Mr. Gresham expressly refused to recommend this.

Mr. TOWNSHEND. The gentleman is mistaken. He is not able to put his finger on a line of Mr. Gresham's to that effect.

Mr. CANNON. I am stating what the fact is.

Mr. TOWNSHEND. You can not show a line.

Mr. CANNON. He never recommended it, for the reason it would increase expenses.

Mr. TOWNSHEND. Let me correct the gentleman. If he will read Mr. Gresham's report he will find that he says that he does not recommend it because he did not study it.

Mr. CANNON. I only wish to say a word in conclusion. There is only one safe construction to this rule, and that is, where new legislation is proposed it must clearly appear on its face to the eye of the Speaker and to the Committee of the Whole it does retrench expenditure in one of the three ways mentioned in the rule. Otherwise you are at sea and any and all legislation is proper on appropriation bills. The surmises of any clerk or head of bureau or any other person amount to nothing.

Mr. ADAMS, of Illinois. I thought my method of stating this point of order was in the interest of the expedition of public business, because we can not assume the Chair is going to sustain or overrule the point of order. If the Chair does sustain the point of order there will be nothing more for me to say, but if the Chair is going to pass upon my point of order I now desire to be heard upon it.

The CHAIRMAN. The Chair is ready to decide the question. [Cries of "Decision!"] The gentleman from Georgia [Mr. BLOUNT] makes the point of order on the part of the bill read by the Clerk that it is new legislation and does not retrench expenditure. He has cited clause 3 of Rule XXI as that to which this provision is obnoxious. The Chair desires to call attention to that part of the rule applicable to this case:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It is admitted this provision does change existing law. The only question for the Chair to decide is whether it retrenches expenditure in one of the ways pointed out. If it does reduce the compensation of any person paid out of the Treasury it would not be subject to the point of order. A corporation is a person and receives compensation for carrying the mail, and if that is reduced by the provisions of this bill the point of order can not be well taken.

How is the Chair to determine whether the compensation to be paid to railroads in this clause is reduced? The Chair does not understand that reduction must appear on the face of the bill itself. The present occupant of the Chair heretofore in deciding questions of this kind has held the Chair might take into consideration every fact which a court could take into consideration in determining similar matters, and could take into consideration not only the face of the bill but previous appropriations for this purpose under existing law, and also official reports of the Departments of the Government.

The question whether there is reduction is one of fact, and the Chair concedes that can not be determined here by taking evidence on either side, but must appear in some official way and be brought to the attention of the Chair and committee from reports submitted by the Departments.

From the law passed at the last session for the same purpose it appears there is a reduction of expenditure by this bill, and the Chair therefore to that extent overrules the point of order.

Now, in reference to the question of order raised by the gentleman from Illinois on the left [Mr. ADAMS], as to whether a certain clause of detail here is in order or not, the Chair does not see that that clause is in order under the rule. He can not see that it relates to the question of reduction in any way; and is inclined to hold, if the point of order is made upon it, that it should go out of the bill. As there are many clauses in the bill, however, they must of course be taken altogether in consideration by the Chair in determining the point of order.

The Chair overrules the point of order.

Mr. HOLMAN. There was an additional point of order.

Mr. BLOUNT. I made an additional point of order that there was a bill of the same nature and substance pending.

The CHAIRMAN. The gentleman from Georgia made an additional point of order——

Mr. TOWNSHEND. It strikes me that, the question having been submitted to the Chair and ruled upon, it is too late to raise a new question of order.

The CHAIRMAN. The Chair thinks the point of order was made in time. The gentleman from Georgia made the further point of order that this provision is not in order because it is the substance of a pending bill. That point would be well taken if the proposition now before the committee were moved as an amendment.

The rule provides, clause 4 of Rule XXI:

No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

This is not an amendment, but a provision in an original bill; and the Chair has before it two bills, coming from two different committees, containing the same substance; but the Chair is not to say whether one committee or the other was entitled to report the same, but finds them here as original bills, and therefore not being an amendment to the pending bill, the point of order is overruled.

Mr. BLOUNT. I desire to appeal from the decision of the Chair as to the first point of order raised.

The CHAIRMAN. The gentleman from Georgia appeals from the decision of the Chair on the first question of order.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

Mr. TOWNSHEND. Let the question be stated.

The CHAIRMAN. The gentleman from Georgia appeals from the decision of the Chair upon the point of order made by him, to wit, that this proposition is new legislation and does not retrench expenditures.

Mr. NICHOLLS. That point came too late.

The CHAIRMAN. The Chair thinks not, and will entertain the appeal.

Before submitting the appeal the Chair desires to state that there is some doubt as to the propriety of the ruling, but the Chair has uniformly held that it was proper to rule such doubt in favor of submitting the proposition upon its merits to the committee, believing the committee to be the better judge of the proposition than the Chair; and hence the Chair will not exercise the arbitrary power of ruling out the proposition where any element of doubt exists.

The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and on a division there were—ayes 30, noes 53.

Mr. TOWNSHEND. Let us have tellers.

The CHAIRMAN. A quorum not having voted, the Chair will appoint tellers.

Mr. TOWNSHEND and Mr. BLOUNT were appointed tellers.

The committee again divided; and the tellers reported—ayes 52, noes 94.

So (no further count being demanded) the judgment of the Chair was overruled and the point of order sustained.

The CHAIRMAN. The Chair desires to state that on this point of order which has been sustained by the committee all that part of the bill from line 67 down to and including line 153 goes out.

Mr. NICHOLLS. I wish to submit an amendment.

Mr. HORR. Before passing from this section I desire to offer the proper amendments which are made necessary by going back to the present plan and striking this provision out of the bill.

The CHAIRMAN. The gentleman from Georgia has been recognized to offer on amendment.

Mr. HORR. I presume the gentleman from Georgia desires to offer an amendment to this section which should first be perfected.

Mr. NICHOLLS. I will withdraw for the present.

Mr. HORR. The gentleman from Illinois will observe that I shall move to strike out the words "for inland mail transportation" $15,265,000, and insert $14,010,000. I shall also move to insert after this clause "for railroad and postal-car service" $1,765,026, these being the estimates of the Department for the expenses under these two items under the rule that now exists.

The CHAIRMAN. The gentleman will send his amendment to the desk.

The Clerk read as follows:

In lines 61 and 62 strike out "$15,265,000" and insert "$14,010,000," and at the end of line 66, for railroad postal-car service $1,765,026.

Mr. TOWNSHEND. Mr. Chairman, we are now about to vote upon a question of taking over half a million out of the Treasury. It is proposed to insert an item in this bill which will effect that result. I do think the committee ought to listen to whatever reason may be shown for it as well as what answer may be presented against it.

The CHAIRMAN. The committee will be in order and public business will be suspended until order is restored upon the floor.

Mr. TOWNSHEND. I shall yield to hear the gentleman from Michigan before proceeding to oppose the amendment.

Mr. HORR. At the request of the gentleman from Illinois I desire to state to the House that the two sums I have fixed upon are precisely the amounts that the Post-Office Department estimates it will take for this branch of the service under the present rule, omitting the Pacific railroads as they have been omitted in the past. I wish to say to the committee that this is an item which I am not strenuous about, because it is not determined at all by the amount we appropriate. Last year

we appropriated a good deal less than the gentleman from Illinois well knows it was going to take to run that service. There is a deficiency already of $875,000 or $750,000, I am not sure which.

Mr. TOWNSHEND. Eight hundred and fifty thousand for that service.

Mr. HORR. Yes, $850,000 is what the service costs more than was appropriated last year.

Mr. BLOUNT. Is that for the year 1884?

Mr. HORR. No, sir; it is for this fiscal year, being within a few dollars of the amount the Post-Office Department said it would require in their estimates. But the gentleman from Illinois and the gentleman from Indiana succeeded in cutting it down, and now we have to make it up by a deficiency.

Mr. TOWNSHEND. We gave the estimates of the Department.

Mr. HORR. I beg your pardon. The gentleman was mistaken yesterday, and he is mistaken now. This was one of the items we cut down.

Mr. TOWNSHEND. We reduced the item a million because the Department said we could do so if this scheme was adopted.

Mr. HORR. I am talking about the appropriation made last year. There is a deficiency for the current year of the amount I have named.

Mr. TOWNSHEND. That is correct as regards the estimates of last year.

Mr. HORR. I fix this amount in my amendment because it is the amount which the parties best able to judge say the service will take. Now, it does not make any difference whether you appropriate $6,000,000 or $16,000,000 or $20,000,000. It has got to be paid any way, and to be paid according to the law upon the weight that the railroad companies carry, so that you will not cripple the service by refusing it. I can not appeal to you on that ground. But if you want to make a law so that there will not be a deficiency to provide for next year you will have to vote the sum I have named. If you prefer to cut it down a million dollars, and then next year appropriate a million to make up the deficiency, simply for the purpose of making this bill look smaller than it really is, you can do that. There is no law to prevent it; nobody can prevent it.

But this is not a year, Mr. Chairman, that we need to make such appropriation bills. Last year in the discussion of these bills we were told repeatedly that "this year" this thing ought not to be done. But now we are in another year. We are entering upon a new era. The distinguished gentleman who is to occupy the Presidential chair the next four years has not called upon me yet to give him any advice as to his Cabinet or policy. I do not know why he has not done so. [Laughter.]

Mr. TOWNSHEND. He will call upon you.

Mr. HORR. If he should, I could tell him there is one gentleman in this House who understands the Post-Office business and has shown it in this debate; and I am glad to find there is one Democrat who not only understands it, but who is willing to stand up and declare his views upon it here on the floor of the House.

Mr. TOWNSHEND. I hope I will not be interrupted during the five minutes I am entitled to on this amendment. The gentleman from Michigan [Mr. HORR] has said rightly we have inaugurated a new era. We have done so right here and now, and it is an era of extravagance, of unnecessary appropriation of the people's money; and I quote the language of the officials of the Post-Office Department in saying so. When the proposition that was ingrafted upon this bill was stricken out the Treasury of the United States lost, according to the amendment of the gentleman from Michigan, over half a million of dollars. And the position of the Post-Office Department and of the Committee on Appropriations and the argument used by the gentleman from Indiana and myself could not have been more quickly sustained by its adversaries than it has been sustained by the motion of the gentleman from Michigan.

Mr. BROWN, of Pennsylvania. Mr. Chairman, I rise to a question of order. The gentleman from Illinois is lecturing the Committee of the Whole House on the state of the Union for what it has done.

Mr. TOWNSHEND. I decline to be interrupted.

The CHAIRMAN. The gentleman from Illinois will proceed.

Mr. TOWNSHEND. The Committee on Appropriations in this item of $15,265,000 gave every dollar that was estimated by the Department, taking out an appropriation for the Pacific railroads, which the gentleman from Michigan admits must come out of the bill. Now, as soon as this provision is cut out of this bill the gentleman from Michigan, who insisted this system would increase rather than cut down expenditures, comes to the front with a proposition increasing the appropriation to the service over half a million dollars, and perhaps this House will sustain him in it. That is the logic of it. Our proposition in the bill gives the Post-Office Department every cent that was asked for. We gave the full estimate of the Post-Office Department.

Mr. HORR. I will ask the gentleman does the amount fixed in this bill under either plan show at all what the real expenditure will be?

Mr. TOWNSHEND. No, sir; but the Postmaster-General says if we give his estimates we will give every dollar that is needed. And the Second Assistant Postmaster-General says now, "If you give us our estimates and adopt this new scheme, then you may deduct from this amount $1,000,000." That is just what the Appropriations Committee did. The gentlemen who opposed the proposition all insisted that our scheme was increasing the expenditures, and now upon the heel of that declaration one of the principal opponents of the proposition comes in and asks that we shall give an additional sum of over half a million dollars. Was an instance ever seen where the champion of the opposition has so quickly and so readily confessed that his opponent was right? By his action he now admits we were right in declaring that the scheme brought about economy and reduction instead of an increase. The gentleman is compelled to take the back track; he is compelled to go back upon his argument, for we in our scheme gave every dollar the Department asked. And now you come in and demand, after that provision has been stricken out, that we shall give over half a million more.

Now by striking out that provision, according to the confession of the gentleman from Michigan [Mr. HORR] himself, the Treasury loses over half a million dollars that will go down into the pockets of the stockholders of the railroad companies, and the Second Assistant Postmaster-General brands the appropriation as "an unnecessary use of the public money." I leave it for this committee to determine whether they will adopt the gentleman's amendment or not.

Mr. BAYNE. Mr. Chairman, I move to strike out the last word of the amendment. I want to be heard for a few moments at this point.

There are now six appropriation bills, large ones, pending, and four of them in the hands of subcommittees: The fortification bill, which appropriates over $7,000,000; the naval appropriation bill, which has just reached the full committee, and which appropriates $30,000,000; the sundry civil bill, which is in the hands of a subcommittee, and which appropriates $32,000,000; the deficiency bill, appropriating $8,000,000, also in the hands of a subcommittee; the legislative, judicial, and executive appropriation bill, which is on the House Calendar and not acted upon; the Post-Office appropriation bill, now under consideration; and the other appropriation bills in the Senate and not sent to the President—only one little bill appropriating $310,000 having yet gone to the President.

There are but sixteen legislative days remaining in which to act upon these bills. In the last Congress it took nineteen days to pass the number of bills now unacted upon here, and yet we are frittering away our time and necessitating an extra session of Congress.

Mr. HORR. What of it?

Mr. BAYNE. And, Mr. Chairman, it looks to me, although disclaimers have been made, as if there is a contrived plan here to force an extra session. It looks to me as if it were the purpose of the men who are delaying the appropriation bills to dump them in on the Senate at the end of the session, too late for action and then try to put upon the Senate the blame of making an extra session necessary. Where is the chairman of the Committee on Appropriations found urging this legislation? What has come of the promises made before the session began, that the Committee on Appropriations would sit before the convening of Congress and during the recess, so as to perfect the appropriation bills and have them ready for the action of the House? Nothing ready, nothing acted upon; yet we spend hour after hour here in endless discussion.

Here is your Committee on Post-Offices and Post-Roads proposing new legislation, when you know that the Senate will strike out every bit of new legislation that you put into this bill—everything that changes existing law. You have that notice, and yet you introduce this new legislation into this bill. Why do you introduce it? I can see no other purpose lying back of this than a design on the part of the Democratic members of Congress to delay legislation so as to remain here and be in Washington when the new President takes his seat, so that they may go to him and make appeals for appointments to office, and thus avoid the necessity of pilgrimages from their homes under circumstances which might make it less likely that they would be granted the favors they seek. I see in this action a determined purpose on the part of the majority of the House to force an extra session of Congress; but the country does not want an extra session, and the country will hold this Democratic majority responsible if there shall be one.

Mr. TOWNSHEND. The gentleman is unnecessarily alarmed; there will be no extra session. There is no danger of it.

Mr. BLOUNT. Mr. Chairman, I regret to have occasion to say one other word in reference to this bill; but my friend from Illinois [Mr. TOWNSHEND] has, I think, been doing great injustice to his colleagues on this floor. The gentleman from Michigan [Mr. HORR] moves that the amount estimated by the Post-Office Department as necessary for the next fiscal year shall be inserted in this bill. That estimate was made under the law of 1873; the rates in that law were reduced 10 per cent. on the motion of the gentleman from Indiana [Mr. HOLMAN] during a period of great financial distress in 1876, and that reduction was followed, upon the recommendation of the Committee on Appropriations (I having charge of the bill), by an additional reduction of 5 per cent. That is the law that Congress was content to act under in a period of great financial pressure, and we have gone on with it from that time until the present; and now at this late hour, when we are embarrassed from lack of time to consider properly a proposed revolution in the mode of compensating the railroads, the result of which, as to the amount of expenditure it would involve, is certainly debatable, my

friend from Illinois [Mr. TOWNSHEND], assuming his own conclusions to be absolutely correct, and ignoring and contemning the conclusions of honest and reputable associates upon this floor, stigmatizes them as seeking to squander the public funds.

Mr. TOWNSHEND. The gentleman is entirely mistaken. I never made any such expression.

Mr. BLOUNT. Well, I will withdraw that remark for the sake of being allowed to go on without interruption.

Now the gentleman from Michigan offers an amendment in the terms of the estimate. It has rarely happened that gentlemen on either side, when in control of legislation here, have asked for the amount of the estimates, and on this item, so far as I know, they have always gone below the estimate. But the gentleman from Illinois, refusing to follow his own practice upon the subject and the practice of both sides of the House, prefers to let the estimate stand, to magnify the accusation against his associates on this floor. I submit that the gentleman is not dealing liberally and kindly with us. If he thinks the amount estimated for is too large and will ask to reduce it, I will co-operate with him.

The gentleman from Michigan has repeatedly stated that the law fixes the compensation to be paid to the railroads; there is no room for any discussion upon that point. It is a matter of weight—so much per pound. If the railroads do not carry enough to earn the whole amount appropriated, the money will be unexpended. If the appropriation should not be sufficient to pay for the amount actually carried, the Government will be bound to recognize the deficit in a deficiency bill.

Mr. HOLMAN addressed the Chair.

The CHAIRMAN. Debate on pending amendments is exhausted. As the Chair understands, the *pro forma* amendment is withdrawn.

Mr. HOLMAN. Mr. Chairman, I renew the *pro forma* amendment. I think the gentleman from Georgia [Mr. BLOUNT] does not present this case exactly as it should be presented. Of course there may be some facts which are not generally understood. There was a fixing of compensation of railroads in the act of March 3, 1873, but that act, in the face of reduced wages of labor and a general reduction of prices throughout the country, increased enormously the rates to be paid to the railroad corporations—increased those rates beyond the compensation paid during the whole period of the war and the era of inflation immediately following. The only effect of the acts of 1877 and 1878 was a reduction of 15 per cent. upon the previous extravagant rates, the first act making 10 per cent. reduction and the second 5 per cent. reduction.

Mr. BLOUNT. Will the gentleman allow me a moment?

Mr. HOLMAN. I have but little time, but I must yield to my friend.

Mr. BLOUNT. The gentleman himself had charge of the appropriation bill in 1876, and asked for a reduction of only 10 per cent.; and it was conceded.

Mr. HOLMAN. There was a reduction of 20 per cent.; and that was a compromise between the two Houses.

Mr. BLOUNT. Not at all; my friend reported it from the Committee on Appropriations as an original proposition.

Mr. HOLMAN. I think the gentleman will find it was 20 per cent. that we compromised on then.

Mr. BLOUNT. Oh, no.

Mr. HOLMAN. Well, after a lapse of ten years I will not undertake to say who is correct in this matter.

Mr. BLOUNT. I will.

Mr. HOLMAN. Well, I will run the risk myself, if the gentleman is so confident. [Laughter.] But I like to be cautious in my statements.

Now, Mr. Chairman, the fact is manifest that the increase for the coming year over the present year, if we appropriate on the basis of the present year, must be over $3,000,000. I think gentlemen have not looked into this subject of the increase in the cost of transporting mails by railroad. I wish to call attention to the amounts paid during the last four years. For 1882 the appropriation for this service was $10,914,282; for 1883, $12,681,000; for 1884, $13,275,000; for 1885, $14,375,000. The estimate for the coming year is $17,559,205, an increase of $3,184,205 over the present year; so that, according to this rate of increase, the appropriation which we shall be called upon to make next year for this service will be more than $20,000,000. Gentlemen must see that this increase of expenditure must be arrested. Certainly we know that this is not a legitimate and honest increase.

Gentlemen must certainly be aware, if they will take the weighing over any road of which they have knowledge, that the great defect is the one we have been trying if possible to correct. From this system frauds upon the Government have resulted. My attention is called to the case of a single road where, upon a recent weighing, the weight was run up from 5,000 pounds to 18,000 pounds per day, although there was no reason to suppose any very material increase of business since the last weighing; and on the basis of this increased weight that road is now being paid. I desire to arrest in some small degree this extraordinary increase in the charges for this service. We are now paying $25 per mile per annum for the transportation of each 2,000 pounds of mail matter daily over and above 5,000 pounds.

I ask the committee to consent to reduce that to $20 per mile. Gentlemen will see the enormous increase is on the great trunk lines. I know when they do a large amount of business they can afford to carry the largely increased body of mails on a lower basis than a less amount. I hope the committee will consent to reduce that excess of 2,000 pounds of daily transportation over and above 5,000 pounds from $25 down to $20—that at least ought to be insisted upon by my colleague on this committee—and limit the amount paid to any railroad corporation to $600 per mile per year. The basis fixed a few years ago was $300. This act of the 3d of March, 1873, removed that limitation of $300 per mile and left us without any limit, so that you are paying beyond $1,000 per mile per annum.

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN. I offer as an amendment the following.

The CHAIRMAN. The Chair understands the *pro forma* amendment is withdrawn.

Mr. HOLMAN. I desire to offer my two propositions together, which I ask to be read.

The CHAIRMAN. Is this offered as a substitute?

Mr. HOLMAN. No; but as an amendment in addition to the pending amendment.

The Clerk read as follows:

Provided, however, That the pay per mile for transportation of the mails by railroads shall not exceed $20 for each additional 2,000 pounds transported in addition to the 5,000 pounds of mail matter transported daily by any railroad under the provisions of section 4002 of the Revised Statutes, and the pay for transporting the mails by any railroad shall not exceed $600 per mile per annum, and the second clause of said section is amended accordingly: *Provided further*, That railroad companies whose railroads were constructed in whole or in part by land grants made by Congress, on the condition that the mails should be transported over their roads at such price as Congress by law should direct, and the railroad companies incorporated under the provisions of an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, shall hereafter receive for the transportation of the mails over their respective railroads only 80 per cent. of the compensation authorized by this act; and the said act approved July 1, 1862, and all acts amendatory thereof, are hereby amended to conform to the foregoing provisions; but the right of the United States to further amend said act, or any act amendatory thereof, is expressly reserved. All acts and parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

Mr. HOLMAN. I wish to call attention, if gentlemen will allow me, to the fact that this last proposition simply extends the postal laws to the Union Pacific Railroad. It puts that railroad under the same law which regulates the transportation of mails over the other land-grant railroads.

Mr. REAGAN. Mr. Chairman, I desire to say in regard to the first amendment of the gentleman from Indiana I am disposed to favor it, and under his explanation the second proposition too. Up to 1873 the maximum rate paid to first-class railroads for carrying the mails was $300 per mile per annum. When night service was performed on such rate 20 per cent. might be added, so that no road for any service could receive more than $375 per mile per annum for this service up to 1873. That year the law was changed and a different mode was adopted for compensating the railroad companies for transporting the mails. Under that law the compensation to some of the first-class roads reached $1,000, and more than $1,000, a mile, which was a change in a single year.

I remember, in an investigation made by the Committee on Expenditures in the Post-Office Department during the Forty-fourth Congress, soon after this change was made, it was developed a single road south of the lakes, carrying mails for $75 a mile, was under that act given $750 a mile for carrying the mails.

Other changes subsequently took place in the law, and each time we have been told in the interest of economy. Now the maximum paid to the largest of these roads I am informed is over $2,000 a mile. So in eleven years the rate of compensation has been increased nearly fourfold. Fortunately for the country, I think, on a question of order another change was stricken from the bill this morning that would have greatly augmented the pay of these first-class roads, and in my judgment would have increased it to not less than $3,000 per mile per annum.

I think the amendment offered by the gentleman from Indiana is in the right direction, and it is the right thing that the House should sustain it. Certainly $600 a mile ought to be sufficient compensation. Under the new plan of compensation it is arranged to have a minimum rate of speed, and to increase the compensation if the speed is increased. It is proposed, too, to fix as part of the basis the car-space occupied and the number of trips.

Mr. BINGHAM. That is out on a point of order.

Mr. REAGAN. It is in the existing law.

Mr. BINGHAM. They are simply paid on weight.

Mr. REAGAN. Various kinds of ingenious machinery are used to multiply the price of railroads for carrying the mails. They ought to be properly compensated. I know it has been said in justification of this that improvements have been made in the service by providing postal railway clerks whose duty it is to distribute the mails as they pass along without the necessity of delaying them by distribution at various points. There is an advantage in that, and due allowance ought to be made for it. But I undertake to say that there is no railway in

this country carrying passengers or merchandise of any kind that can earn $600 a mile per annum carrying one, two, or three cars.

[Here the hammer fell.]

Mr. HORR. The gentleman is mistaken; if he will figure it out he will find he is mistaken.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman——

The CHAIRMAN. The Chair will recognize the gentleman to oppose the amendment of the gentleman from Indiana.

Mr. CANNON. That was my purpose in rising.

The CHAIRMAN. This, being an amendment to an amendment, is subject to ten minutes' debate, and the Chair recognizes the gentleman for five minutes in opposition.

Mr. CANNON. I was temporarily absent, Mr. Chairman, when this amendment was proposed by the gentleman. I have noticed it, however, at the Clerk's desk, and I see it contains a provision that the pay of no railroad for the transportation of the mails shall exceed $600 per mile per annum.

If gentlemen present will understand what the law is they will find that this amendment is not in the direction of economy but is absolutely in the direction of extravagance; and I can demonstrate it in a moment. Section 4002 of the Revised Statutes provides what the compensation of railroads shall be up to 5,000 pounds per mile per annum, or at the rate of $200 per mile. Then for every 2,000 pounds of mail matter in excess of 5,000 pounds provision is made for payment at the rate of $25 per ton per mile per annum. In other words, you pay for the additional matter not more than one-fourth of what is paid for the first 5,000 pounds.

Now, the result of the adoption of the amendment of the gentleman from Indiana will be to take these mails and distribute them among the various roads at the highest price; whereas if you allow the mails to seek the roads where they would naturally go, the roads being willing (not all the time, but generally) to carry them, you get the bulk of your mail carried at the lower rate, or $25 per ton per mile per annum.

Mr. HOLMAN. Will the gentleman from Illinois allow me a moment? I ask if that can be done without the connivance, and the dishonest connivance, of the railroad officials?

Mr. CANNON. Another thing: There are many gentlemen who want an appropriation for special mail facilities under the present law to roads which get all of the compensation that is provided by the statute to which I have referred. You take $250,000 to get fast-mail facilities from New York city south. Nearly every dollar of that appropriation is spent on Southern roads.

Take this mail train from New York west to Chicago, to Milwaukee, to Minneapolis, to Portland, Oreg., to Omaha, and to San Francisco, and you get fast mail there without a dollar expended for special mail facilities; and how? Simply owing to the fact that the Post-Office Department masses the mail at the cheaper rate on a given line of road.

The Department says to the railroad companies, "Take this mail and give us a certain speed, and we will mass the mail on your road." The Department can save money by the operation, and although by massing the mail on a given line of road at the cheaper rate it may increase the pay of the road $1,000 or $2,500 per annum, still the entire bulk of the mail is carried at the cheaper rate, and the Department gets fast-mail facilities without the expenditure of a dollar. On the contrary, it saves the expenditure of large sums of money.

In other words, under wise administration it is cheaper to give fast-mail service to the people than it is to give slow service and divide the bulk of the mails among the different parallel lines of railway. But the moment you cut the appropriation down to $600 per mile per annum good-by to your cheaper carriage, and good-by to your fast-mail trains. It cuts the service up by the roots. Now I am not in favor of reducing their pay so as to compel them to accept an unfair price. I doubt whether generally they get too much or any too large a price for the service now; but I want to pay for the service what it is fairly worth. In conclusion, I do beg of gentlemen that they will not come here and seek to cripple the service that has been settled by wise administration under existing law for nearly fifteen years without sufficient investigation, because when they do they will find that great damage is done to the country at large.

[Here the hammer fell.]

Mr. TOWNSHEND. I move to strike out the last word.

The CHAIRMAN. The debate upon this amendment to the amendment is exhausted. The Chair can not entertain any other amendment until the pending amendments are disposed of. There is an amendment in the second degree pending unless the gentleman from Indiana withdraw it. [Cries of "Vote!" "Vote!"]

Mr. TOWNSHEND. Let us have a vote.

The CHAIRMAN. The question is upon the amendment to the amendment submitted by the gentleman from Indiana.

The question was taken; and on a division there were ayes 22. Before the negative vote was counted,

Mr. HOLMAN said: I will not insist upon a further count, as I think the sentiment of the House is manifestly against the measure.

So (no further count being demanded) the amendment to the amendment was not agreed to.

Mr. HOLMAN. I now ask the House, and I suppose there will be no objection to it, to adopt the last provision of the amendment, putting the Union Pacific system on the same footing as the other land-grant roads in this country. I think even my friend from Michigan will not object to that.

Mr. HORR. Why, it is the most useless thing in the world to do, and the gentleman knows it.

Mr. HOLMAN. I offer it then as a separate proposition. The gentleman knows as well as any other gentleman upon the floor, that we have no law imposing any limitation whatever upon the transportation of the mails on the Union Pacific system of roads.

Mr. BINGHAM. We have a decision of the Supreme Court in the last week.

Mr. HOLMAN. And the decision of the Supreme Court, as well as the Court of Claims, is to the effect that we have not extended the system to embrace these roads; in other words, that we have no law which applies to them in this respect.

The CHAIRMAN. The Chair is of opinion that it is not now in order for the gentleman to offer the proposition which he has just submitted, since it has been already rejected by the committee.

Mr. HOLMAN. Not that proposition, Mr. Chairman, but combined with another. This proposition is simply a part of the proposition formerly submitted.

The CHAIRMAN. The committee rejected both propositions by the vote on the question which was submitted. The gentleman could have called for a division of the propositions but he did not do so. They were both submitted to the committee and were both rejected.

Mr. HOLMAN. I was not bound to call for a division. Does the Chair decide that when a proposition is submitted, which contains two substantive propositions, and they are voted down together, you can not offer as an amendment any portion of the matter voted down? I submit that that is done every day.

The CHAIRMAN. The Chair holds that when two substantive propositions are submitted to the committee in one vote and they are voted down, it is not in order to submit one of them again. It was in order to demand—and the rules provide for a division of substantive propositions if demanded; but the gentleman from Indiana failed to ask for that.

Mr. HOLMAN. I do not appeal from the decision of the Chair, because the matter is not of sufficient moment, perhaps, to justify an appeal.

Mr. TOWNSHEND. I move to strike out the last word.

I do not think my usually well-informed friend from Pennsylvania [Mr. BAYNE] was advised of the amount of work that the Committee on Appropriations have already accomplished, or of the condition of the business of the House or of the Senate either, when he sought to make an attack upon the action of that committee. This Post-Office appropriation bill has been pending before this House over ten days. It was kept back during all last week by the bill the gentleman himself has been pressing. I think that he himself owes it to the House to give an explanation of what has occurred in keeping back an important appropriation bill such as this in order to push the river and harbor bill.

Mr. BAYNE rose.

Mr. TOWNSHEND. I do not want to be interrupted.

Mr. BAYNE. But I desire that the gentleman shall not misrepresent me. I voted against my own committee to take up this bill.

Mr. TOWNSHEND. I am glad to hear that the gentleman appreciated the importance of this bill. But what I want to say is this: We have now two bills before the House, the present Post-Office appriation bill and the bill making appropriations for the legislative, judicial, and executive expenses of the Government. The bill I have last mentioned is the most voluminous bill that comes from our committee. [Cries of "Vote!" "Vote!"] It has more items in it and more pages in it than any other bill. I hope these demands for a vote will not come out of my time.

I want to let the gentleman further understand that the Committee on Appropriations have sent to the Senate two bills that they have not yet taken any final action upon. So the Senate has abundance to do in disposing of those appropriation bills whilst we are maturing this bill.

The Committee on Appropriations is pressing every day for action upon this bill. During the last two days the time of the House has been frittered away in my judgment by very frivolous motions and pretexts.

A MEMBER. Mr. Cleveland has been counted in.

Mr. TOWNSHEND. The Committee on Appropriations is doing its utmost to press action upon its bills. I want to say about the amendment offered by the gentleman from Michigan [Mr. HORR] that I intended no reflection on any member of this House by the remarks which I made to which the gentleman from Georgia [Mr. BLOUNT] took exception. I am satisfied, Mr. Chairman, if the gentleman from Georgia had understood that proposition as I believe I understand it, and as I believe the officers of the Post-Office Department do, I would have found in him a strong and potent champion of it on this floor, because I am satisfied he would have been impelled by his love of economy to seek its adoption.

I wish also to say that the amendment of the gentleman from Michigan is not so far out of the way as I feared it was at the start. The defeat of the proposition stricken out of this bill does render necessary a large increase in the appropriation, provided you desire to give the estimates of the Department. The Committee on Appropriations provided every dollar the Department estimated for. That was the point I wanted to make. We took the estimates of the Department, and under the advice of the Department we cut down those estimates $1,000,000, provided this proposition should be adopted.

The *pro forma* amendment was withdrawn.

Mr. BROWNE, of Indiana. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. I want to know if the committee talks all of the time, and does not vote at all, whether we can avoid an extra session of Congress.

The CHAIRMAN. That is not a parliamentary inquiry. The question is on the amendment submitted by the gentleman from Michigan [Mr. HORR].

Mr. HISCOCK. I submit that in the discussion which shall take place on this bill in the future gentlemen should be confined to the bill and not be allowed to discuss the question whether their side of the House or the Senate is responsible for delay.

Mr. WARNER, of Ohio. Or that side of the House.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

Mr. HOLMAN. I ask that it be read again.

The Clerk read as follows:

In lines 61 and 62, strike out "$15,265,000" and insert "$14,010,000."
Also, at the end of line 66, insert the following: "For railway postal-car service, $1,765,026."

The amendment was agreed to.

Mr. NICHOLLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

After line 153, insert:
"For necessary and special facilities on trunk lines, $266,764."

Mr. TOWNSHEND. I make the point of order on that amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of order on the amendment. He will please state it.

Mr. TOWNSHEND. I ask that the amendment be read again.

The amendment was again read.

Mr. TOWNSHEND. I make the point of order that there is no law authorizing the appropriation and that it does not retrench expenditures.

Mr. NICHOLLS rose.

The CHAIRMAN. The Chair will hear the gentleman from Georgia on the point of order.

Mr. NICHOLLS. That amendment is in the precise language of the present law. In the last session a similar amendment was offered to the Post-Office appropriation bill and was ruled out upon the point of order. The bill went to the Senate, and it was there amended as had been proposed in the House, and this amendment is in the precise language of the law as it now exists. Therefore, while at the last session the point was probably well taken, yet surely it is not so now, because this amendment is the law just as it stands. This increase is necessary. There is no question about that. Unless this amendment be adopted we get no fast-mail service at the South.

Mr. TOWNSHEND. Mr. Chairman, this same amendment was offered at the last session, and the same point of order was made and was sustained.

Mr. NICHOLLS. But the law was not then as it is now.

Mr. TOWNSHEND. The year before an appropriation had been made for this service, and last year the question was raised and this amendment was decided to be out of order.

Mr. HORR. Mr. Chairman, this amendment is drawn word for word like the existing law; it follows to the letter the law that is now upon the statute-book.

Mr. MILLS. But not for next year.

Mr. TOWNSHEND. I do not care to detain the Chair upon this point, but if he has any doubt whatever about it I refer him to the RECORD to show that at the last session the same proposition was submitted, and was ruled out on the point of order.

Mr. NICHOLLS. But that was for the reason I have stated. The law was not then as it is now.

The CHAIRMAN. The Chair would like to see the decision that was made upon this point by the presiding officer at the last session.

Mr. HAMMOND. Mr. Chairman, I understand the fact to be that the amendment was ruled out last year on the point of order. It was then carried to the Senate, which never puts any new legislation on a bill, and there it was put upon the bill.

Mr. NICHOLLS. I have stated that fact.

Mr. HORR. Mr. Chairman, I admit that my friend from Illinois [Mr. TOWNSHEND] is correct in saying that this was stricken out of the bill last year; but I doubt if it was done on the same ground. It went to the Senate and they put it in the bill, and then it was voted upon and indorsed by this House by a large majority. Now, I think the House is entitled to go on and do this year what it did last; but I may be mistaken about that, for if there is anything that I know less about than another it is what is permissible under our rules. [Laughter.]

Mr. TOWNSHEND. Mr. Chairman, I want simply to state that this amendment was put upon the same ground last year that it is placed upon now; so that it comes before the Chair under the same circumstances as last year. The year before last an appropriation had been made for this purpose, and it was in the bill of that year; yet, when this point was made upon the amendment last year, and the same reasons were urged against it that are urged now, the Chair decided, as the gentleman from Michigan [Mr. HORR] admits, that as the amendment was new legislation, and was not in the interest of economy, it must be ruled out. Then the bill went to the Senate, and there the amendment was put on. The appropriation of the current year is confined to the current year; it makes no law for the future.

The CHAIRMAN. The Chair has some hesitation in deciding on questions of order of this kind from the fact——

Mr. DIBBLE. If the Chair will permit me, I desire to say a word as to the point of order. Under the third paragraph of the rule, no amendment is in order upon a general appropriation bill providing for any expenditure not previously authorized by law "unless in continuation of appropriations for such public works and objects as are already in progress." That is one of the exceptions. Now, this is a continuation of an appropriation for a public object, which is already in progress. And, besides, what is the existing law, Mr. Chairman? Why, the Postmaster-General has the right to contract, and make expenditures, for necessary and special facilities on trunk lines. He has that power to-day, and this is a continuation of the appropriation for that purpose; and if there was no general law which said that he might do that, still, until that annual provision is repealed, it constitutes from year to year an existing law; and when it was passed it repealed any implication to the contrary that might exist from absence of specific provision in the general law. Therefore there is nothing in existing law inconsistent with such an appropriation.

The CHAIRMAN. The Chair was about to state that he felt some hesitation in passing upon points of order of this kind from the fact that there is a great disposition on the part of members to decide such a question as this upon its merits rather than upon the merits of the point of order; so that the Chair may be overruled when he is right and the committee wrong. [Laughter.]

Mr. HAMMOND. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. HAMMOND. I desire to know whether it is parliamentary for the Chair to undertake to state the reasons for the votes of members of the committee.

The CHAIRMAN. The Chair has not done so; but, if the gentleman desires, the Chair will withdraw any statement that may be regarded as of that character. As this question is not free from doubt, and in order to give the committee an opportunity to pass upon the proposition on its merits, the Chair will overrule the point of order. The question is upon the amendment submitted by the gentleman from Georgia [Mr. NICHOLLS.]

Mr. MONEY. Mr. Chairman, I desire to say a word upon this subject of special mail facilities. The sums appropriated for this purpose heretofore have been generally expended in the portions of the country where the railroads make very few trips and at a slow rate of speed, except the expenditure in the city of New York, where trains must go out carrying the mail and nothing else. Of course, where that is required there must be some extra compensation, or else the railroads would not consent to adopt the schedule of time and stoppages required by the Post-Office Department.

But most of the expenditure for this purpose has been made at the South, where trains are slow, where the towns are comparatively small, and where it is desirable to have more rapid communication with the great commercial centers of the country; and I think it will be profitable to the committee if they will permit me to read a statement of the expenditures of this character in the present fiscal year. Only three roads at the North have received compensation from this appropriation. The road between New York and Springfield, Mass., has received $17,647, and the same road appears in another place to have received $25,000. The road between Philadelphia and Baltimore has received $20,000. This makes a total of something over $62,000 of this money expended in the North. The expenditure of this character is so small in that section because the trains there generally run at a greater speed than in the southern portion of the country, and when you get south of Mason and Dixon's line you find that the balance, $185,000, has been expended there upon Southern lines. The Southern lines upon which this money is expended are those running from Bay View to Quantico, from Quantico to Richmond, from Richmond to Petersburg, from Petersburg to Weldon, from Weldon to Wilmington, from Wilmington to Florence, from Florence to Charleston Junction, from Charleston Junction to Savannah, from Savannah to Jacksonville, and from Baltimore to Hagerstown.

This is a recapitulation in brief of the expenditure of this particular sum appropriated for extraordinary facilities on trunk lines. I think this is money well expended. I know it is money well expended if you

consider the commercial interests involved in the rapid communication between great commercial centers. I hope the House will give its approval to the amendment.

Mr. TOWNSHEND. Mr. Chairman, would it be a crime for me to say a word in reply in behalf of the Treasury? I have but little hope of preventing any increase of expenditure sought to be made on this bill; but I shall at least keep my record consistent, and give the reasons why I think this appropriation ought not to be made.

In the first place, Mr. Chairman, there is not another line of railroad in the Union on which a single dollar of extra compensation is asked for fast-mail facilities. We get fast-mail facilities in the West; you get them in the Southwest; and they do not cost the Treasury a single dollar additional. But on this Atlantic line the demand comes up every year that we shall vote over a quarter of a million of dollars in addition to the enormous pay these roads already receive for carrying the mails.

I have made a computation of how much is received per mile by these roads that are now begging for this additional pay for furnishing fast-mail facilities. The link from New York to Springfield, Mass., gets $872 a mile under the present law. Yet that line, among others, comes here and says it will not carry the mails fast unless we make this additional appropriation.

Mr. BINGHAM. How many trains a day are there on that line?

Mr. TOWNSHEND. The line from Philadelphia to Baltimore—the Philadelphia, Wilmington and Baltimore Railroad—receives $656.66 per mile; yet we are asked to give additional compensation to this rich corporation for fast-mail facilities. Why, sir, the roads running clear through from New York to San Francisco give us fast-mail facilities without one dollar of extra compensation.

Mr. MONEY. Does the gentleman know the rate of speed on that line?

Mr. TOWNSHEND. I hope you will let me go on.

Mr. MONEY. Will you allow me to ask——

Mr. TOWNSHEND. I will not allow any interruption.

We have fast mails from Baltimore to Saint Louis, for which we pay nothing extra. We have a fast mail from New York to Saint Louis, for which no extra pay is allowed. The Baltimore and Potomac Railroad Company, one of the wealthiest corporations in the country, says it will not give us fast-mail facilities unless extra pay be allowed. That road is now getting $655.75 per mile for carrying the mails. Yet we must allow extra compensation to this poverty-stricken road.

Mr. FINDLAY. Will you allow me a question?

Mr. TOWNSHEND. No, sir.

Mr. FINDLAY. I simply wish to know where you get your figures.

Mr. TOWNSHEND. From the report of the Postmaster-General.

Mr. FINDLAY. Do you go to the Postmaster-General's report for an account of the financial condition of the Baltimore and Potomac Railroad?

Mr. TOWNSHEND. I hope the Chair will protect me from interruption.

Mr. FINDLAY. It is a most extraordinary place to get such information.

Mr. TOWNSHEND. I hope the Chair will give me protection.

Mr. FINDLAY. I think you need protection in making such a statement.

The CHAIRMAN. The Chair requests the Committee of the Whole to be in order. The gentleman from Illinois must be permitted to proceed without interruption.

Mr. TOWNSHEND. The report of the Postmaster-General has accompanying it a table giving the amount of mail compensation paid to every railroad in the United States. This report shows that last year the Government paid the Baltimore and Potomac Railroad $655.75 per mile for carrying the mails. So it runs throughout. It will be seen by the tables that many railroads in the West furnish fast-mail facilities and pay less dividends to their stockholders than the roads I have mentioned.

[Here the hammer fell.]

Mr. McCOMAS. I hope my friend will bear with me. [Cries of "Vote!"] I have rarely taken up the time of this House, and only ask for three minutes.

The CHAIRMAN. The gentleman will proceed. Does the gentleman submit an amendment?

Mr. McCOMAS. Yes; I move to strike out the last word.

The CHAIRMAN. The gentleman will proceed.

Mr. McCOMAS. Mr. Chairman, I would be glad to see the plan of gauging payment of railway mail transportation by speed, weight, and space tested.

The gentleman from Indiana [Mr. HOLMAN] who strongly opposed this plan one year ago now reports it favorably. It is an experiment, of which the very strong argument by the gentleman from Michigan [Mr. HORR] should make us critical. But this committee have taken one step backward in cutting off the appropriation of $250,000 for special mail facilities. Every investigation of them testifies to the value of these special fast mails.

The commission of experts who recommended the new system of paying for railway mails, the Postmaster-General and Second Assistant Postmaster-General who advise the new system, all insist that the special mail facilities we now have be preserved in connection with the new system.

The report of the commission says that the Postmaster-General of Great Britain has power to call on any railway to run trains exclusively carrying mails, with such stoppages and speed as he may designate, paying higher special rates therefor, and adds that the day is not far distant when our country will do the same thing.

The commission say it is now only practicable for our Postal Department to contribute its share in maintaining trains as nearly as possible similar in character.

Postmaster-General Gresham, justly praised on the other side of this House, strongly recommended these special mail facilities and arranged their schedules for the benefit of more than half the States of the Union. The present Postmaster-General recommended the new system for paying for railway mails, but recommends with it the continuance of these special mail trains, which he says should be extended rapidly.

Second Assistant Postmaster-General Lyman, who is the special advocate of the new system, advises that $266,764.50 be appropriated for special facilities this year.

Colonel Thompson, one of the commission who recommended the new system of payment, as Second Assistant Postmaster-General, insists that we must also retain the special mail facilities we have.

The special fast mail gives us a coast-line service from Halifax and Boston to New Orleans, and the short span of eighty-seven miles paid for between Baltimore and Hagerstown afford a fast-mail line to Roanoke, three hundred and twenty-seven miles long, whence is afforded direct connection with Memphis and New Orleans.

This branch of the postal service is one of the most important factors in the stimulation of trade, the letters and papers conveyed concerning lands, merchandise, and business of every kind, and the interchange of information being followed by interchange of persons and commodities.

It is proposed suddenly to take away all this, though interlinked with the life and business of half of the States of our country and though enjoyed by the people since 1873. It costs but $250,000 and repays in value to millions of our people tenfold. If we appropriate it we know exactly where it will be applied, and if there be any abuse of the system those who oppose it ought to point out what part of this service can be dispensed with, and wherein the uniform support of those special mail facilities by the Department is wrong.

The distribution of the mail under this system is more complete than any ever had through the Atlantic and Gulf States and a vast interior country by close connections now made to reach places remote from special lines under schedules arranged by Postmaster-General Gresham. I have succeeded in having the branch of it from Baltimore to Hagerstown investigated in its actual workings last week. I hold in my hand a report of Postmaster Adreon, of Baltimore, giving the result of Supervisor Bailey's inspection of that route.

The special mail train leaves Baltimore at 4.40 a. m., arrives at Hagerstown, Md., at 7.45 a. m., whence it is carrried to Roanoke, Va., at 6 p. m. It carries mail from all mail-routes centering at Baltimore and arriving on the previous night, the mails from Boston, Providence, New Haven, and New York leaving that city at 9 p. m., and Philadelphia leaving that city at midnight. Along with these go all mails of Baltimore received between 3.30 p. m. and 4.10 a. m. For three hundred and twenty-seven miles of Maryland, West Virginia, and Virginia, which it traverses, it furnishes mail six hours earlier than before.

Coming northward, the special mail train gathers the mail from the Memphis and Charleston, the East Tennessee, Virginia and Georgia, the Selma, Rome and Dalton, the Norfolk and Western, the Chesapeake and Ohio Railways, and from their numerous branches and feeders.

It saves from the long delay before experienced the mail from Corinth and Meridian, Miss., Decatur, Selma, and Birmingham, Ala., Knoxville, and Chattanooga, and Memphis.

All these reach Baltimore at noon in time for close eastern connection with fast-mail trains, which thus, for $15,000 only, connect the South and Southwest with the North and Northeast. The expense is trifling, the benefit far-reaching. To abandon it is to retrograde in the mail-service, and to deprive the people who receive little of direct Government aid of the little they have enjoyed, and which they can not part with except by loss to trade and commerce. This is one unusual branch of it which the railway advantages (in direct and lateral connections) of Hagerstown, Md., enable the Government to reach many States by obtaining a special train on the Western Maryland road between Baltimore and Hagerstown.

[Here the hammer fell.]

Mr. WASHBURN. I renew the formal amendment to strike out the last word for the purpose of asking a question. Why is there any more propriety for paying for this fast mail under discussion than for the fast mail from New York to the West?

Mr. HORR. Simply because the mails going West aggregate three and four times and in some places twenty times, as they do going over these Southern roads, and they can afford for the price they now get to give extra speed. They can not do it for a smaller amount.

Mr. BINGHAM. They are always sure of a full load.

Mr. MONEY. Mr. Chairman, I wish to correct a statement made

by the honorable chairman of the subcommittee in charge of this bill [Mr. TOWNSHEND]. I intended to do it when he was upon the floor for fear some one might attach some importance to it. I was unable to do it then and will do it now. He said we had a fast mail by the Pacific railroads with an average speed of eighteen miles an hour. We did appropriate three years ago $200,000 for the purpose of establishing a fast mail to San Francisco, but the Postmaster-General had that money covered back into the Treasury, because these roads said they could not afford to give it to us at that rate. That is the reason why we have not a fast mail there.

We have a slow mail there, a very slow mail; and I submit to the House when the commercial benefits derived are so much in excess of the expenditure, we can not with any propriety to the business of the country restrict it. [Cries of "Vote!" "Vote!"] I withdraw the formal amendment.

Mr. TOWNSHEND. I wish to correct the gentleman from Mississippi. The Postmaster-General in his report, which I have before me, alleges he has secured fast-mail service from New York by way of Chicago to San Francisco without the cost to the Government of one single dollar. He states that he puts the mails down in San Francisco, by arrangement made with the Union and Central Pacific Railroads, one day in advance of ordinary time of travel, without the payment of a single extra dollar.

The question recurred on Mr. NICHOLLS'S amendment.

The committee divided; and there were—ayes 89, noes 31.

So the amendment was agreed to.

The Clerk read as follows:

For inland transportation by star routes, $5,700,000.

Mr. HORR. I move to strike out "seven" and insert "nine." [Cries of "Vote!" "Vote!"] If the committee wants to vote, all right; I will not detain it.

The committee divided; and there were—ayes 88, noes 36.

Mr. HOLMAN. No quorum.

Mr. TOWNSHEND. I hope my friend will withdraw the point of no quorum.

Mr. HOLMAN. At the gentleman's instance, I do.

So the amendment was agreed to.

The Clerk read as follows:

For railway post-office clerks, $4,482,300.

Mr. HORR. I move to strike out "$4,482,300" and insert "$4,682,300."

Mr. WARNER, of Ohio. Before the vote is had on that let us know whether that increase is for an increase of the number of postal clerks or of the salaries of the number now provided by law.

Mr. HORR. It is the amount needed to put sufficient service on the new roads which have been already built and will go into operation during the next year.

Mr. WARNER, of Ohio. And is not to operate to increase salaries?

Mr. HORR. No, sir. The Postmaster-General estimates that it will take every dollar of it to provide for the increase in the service for the coming fiscal year.

Mr. RYAN. The salaries are already fixed by law in amount, and can not be increased.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Michigan.

The question was taken; and on a division there were—ayes 95, noes 51.

So the amendment was agreed to.

The Clerk read as follows:

Office of the Third Assistant Postmaster-General: For manufacture of adhesive postage-stamps and of newspaper and periodical stamps, $174,000. That upon all matter of the first class, as defined by chapter 180 of the law of Congress approved March 3, 1879, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," and by that act declared subject to postage at the rate of 3 cents for each half ounce or fraction thereof, postage shall be charged, on and after the 1st day of July, 1885, at the rate of 2 cents for each ounce or fraction thereof; and upon all matter of the second class as defined by said act, and by that act declared subject to postage at the rate of 2 cents for each pound or fraction thereof, shall be charged, on and after the 1st day of July, 1885, except as provided in section 25 of said act approved March 3, 1879, 1 cent for each pound or fraction thereof; and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885.

Mr. TOWNSHEND. On the part of the Committee on Appropriations, and by direction of the committee, I am authorized to submit the amendment which I send to the desk.

The Clerk read as follows:

On page 9, after the word "thereof," in line 192, strike out all that follows down to and including line 202 and in lieu thereof insert:

"That upon all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof and from the office of publication to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound, or fraction thereof, such postage to be prepaid, as now provided by law: *Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces, or fractional part thereof, to be prepaid by ordinary stamps affixed thereto, and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter are to that extent hereby repealed on and after July 1, 1885."

Mr. LONG. I will ask the gentleman from Illinois whether he will accept the following amendment to the amendment which I am requested to offer. It simply authorizes the sender of a newspaper or other publication to mark any article to which particular attention is desired.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from Massachusetts.

The Clerk read as follows:

Add at the end of the amendment just read:

"And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage."

Mr. TOWNSHEND. For my own part I have no objection to that.

Mr. LONG. The Committee on Post-Offices and Post-Roads have no objection to it.

Mr. BINGHAM. That is right.

Is an amendment now in order?

The CHAIRMAN. The Chair thinks this amendment to the amendment should be voted upon separately.

Mr. WARNER, of Ohio. Before that question is put I wish to be heard a moment upon it.

The CHAIRMAN. The Chair is of opinion that the amendment just submitted must be voted upon separately by the committee, as the gentleman from Illinois states that he has no authority to accept it.

Mr. TOWNSHEND. I am not authorized by the committee to do so.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. WARNER, of Ohio. Now, before the vote is taken upon the amendment of the gentleman from Illinois, I wish to say a word or two. I do not know but that the amendment submitted by the gentleman in charge of the bill is sufficiently restrictive as applied to newspapers and periodicals sent to actual subscribers on which it is proposed to reduce the postage. So far as the reduction on such matter goes I have no objection to it. But a vast deal of rubbish is sent through the mail under the guise of newspapers and periodicals, and to this class of matter the reduction ought not to extend. I think we should guard against letting in anything but established newspapers sent to regular subscribers and periodicals regularly issued to actual subscribers. The proposed change reduces transportation on papers to $20 per ton across the continent, while for letters it amounts at the rate of 2 cents per ounce or fraction thereof to $640 per ton. The difference is very great, and it seems to me the reduction on letters is sustained by better reasons than the reduction upon newspapers.

Before taking my seat, Mr. Chairman, I wish to say a word in response to the opinion expressed by the chairman of the Committee on Post-Offices and Post-Roads in his report on this question, and to dissent *in toto* from the opinion expressed by him therein. I read from that report:

That postage upon written and printed matter is not a pay for service by the Government, but a tax, levied as imposts and excises are, for the general purpose of revenue.

I ask the gentleman under what clause of the Constitution a tax of that kind could be levied? Certainly not under the clause providing for the apportionment of direct taxes, nor under the uniformity clause. It is in no sense a tax. It is compensation for a specific service; and I think that the compensation ought to be sufficient to pay on the average the cost of the transportation whether of newspapers and periodicals or anything else. I do not believe in taxing one industry or one business to give more profit to another. On the assumption, therefore, that 1 cent a pound will cover the cost of mail transportation of regularly issued newspapers and periodicals—— [Cries of "Vote!" "Vote!"]

I shall not be taken off the floor by a call for a vote from that side of the House. You will require to have a quorum to do it.

Mr. WHITE, of Kentucky. I rise to a question of order.

The CHAIRMAN. The gentleman from Ohio [Mr. WARNER] is in order, and the committee is out of order.

Mr. WARNER, of Ohio. I have occupied no time on this bill before, and I deem this an important matter, especially as expenditures for postal service already largely exceed the postal revenues.

The CHAIRMAN. The gentleman from Kentucky [Mr. WHITE] states that he rises to a question of order. He will state it.

Mr. WHITE, of Kentucky. It is due to every gentleman while speaking to have the attention of this House; and I make the point that there shall be order while the gentleman is speaking.

The CHAIRMAN. The Chair has so decided.

Mr. WARNER, of Ohio. I have no desire to take up time, but I do not propose to be taken off my feet by the demand of anybody for a vote. But I have said all I desire to say; and believing the amendment of the gentleman from Illinois who has charge of the bill imposes sufficient restriction, I do not desire to say any more.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment submitted by the gentleman from Illinois [Mr. TOWNSHEND] on behalf of the Committee on Appropriations.

The amendment was agreed to.

Mr. TOWNSHEND. I submit on behalf of the Committee on Appropriations another amendment which I send to the desk.

The Clerk read as follows:

After the amendment last adopted add the following:

"That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities, by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties; but provided that the Postmaster-General may reject any and all the bids of private parties and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if in his judgment it shall be for the best interests of the Government."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. If there be no objection to it, let it be adopted without debate.

The amendment was adopted.

Mr. TOWNSHEND. I ask to have printed in the RECORD a letter from the Third Assistant Postmaster-General in relation to this matter.

There was no objection.

The letter is as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 2, 1885.

SIR: I am in receipt of yours of the 31st ultimo, and have to thank you for the prompt and favorable manner in which you have acted upon the suggestions contained in my letter of the 29th ultimo.

I am glad to know that you are already prepared to manufacture the adhesive postage-stamps and postal cards, the contracts for which expire on the 30th of June next, and that you think that the stamped envelopes, which are under contract until September 30, 1886, can be included in my general plan of having all postal securities done by your bureau, provided the same can be performed as cheaply as by responsible private parties. Mr. Sullivan and Mr. Casilear, who were kind enough to respond to my request made of you on the 29th ultimo for a personal conference, and to whom I suggested the propriety of including the envelopes, were somewhat doubtful as to whether you would provide facilities for this particular work, and your letter therefore proves to be more gratifying than I had been led to expect.

In answer to your inquiry as to whether there is "any present law which will prohibit this (your) bureau, with the consent of the Postmaster-General and the Secretary of the Treasury, from submitting bids at the next letting," I beg to say that under the present statutes I do not know of anything that would prevent you from submitting bids, or that would justify this Department in refusing to consider such bids in competition with those of private parties. So far from that, when the proposals for the contracts were advertised for, nearly four years ago, I strongly urged upon your predecessor and other officers of the bureau that the bureau enter into the competition. My suggestions, however, were unheeded, for the reasons given in your letter. You will also remember that I most cordially entered into the movement made by yourself some two years since, looking to the procurement of the work, and that I gave you all needed facilities for examining into the requirements of the contracts and for arriving at the probable cost.

I am very glad to hear you say now that "in any event I (you) shall feel it my (your) duty, with the consent of the Secretary and Postmaster-General, to submit estimates, in the nature of bids, of the cost of executing such classes of postal securities, as invitations for proposals shall be advertised from time to time." Notwithstanding this assurance, however, I think, and doubt not you agree with me, that it would be better to have legislation making the matter compulsory upon the Treasury Department. In the face of the reasons so strongly urged by you for giving the bureau a monopoly of the work, I still adhere to the opinion I expressed to Mr. Sullivan and Mr. Casilear, that you should come in merely as a competitor, and that the work should not be given to you absolutely. Admitting the justice of much of what you say in support of your position, I am yet disposed to regard the question somewhat from the standpoint of the interests of this Department, separately considered.

While not disputing the grounds of public policy laid down in favor of your bureau, and admitting the security and possession of facilities claimed in your favor, still I believe that there are some private concerns, notably the leading bank-note companies, who could with all reasonable safety be intrusted with the work. In the case of any such concern I do not concede your proposition that if the contract be taken "at a sacrifice of its pecuniary interests" there "would be a constant inducement to reduce the standard of the work, and the safeguards which are necessary to the proper protection of the interests of the Government." To a reputable concern holding a Government contract there are indirect benefits—in the way of obtaining work in the line of private and corporate securities and obligations, and also Government work for foreign countries—that I think this Department is justly entitled to take advantage of in providing for its work.

Such advantage would inure not only to this Department, but to the General Government, if the work should be done more cheaply than you could do it. In the case of such concern as I have mentioned, there could be no inducement to slight the work in an artistic point of view, since the same is undertaken for the sake of the credit it carries with it, and bad work would be hurtful rather than beneficial in the way of realizing the indirect benefits which I have suggested. The same would be true of the more material part of the work, of whatever nature it might be.

With regard to the security to the Government, any reputable concern may, I think, be relied upon to use its utmost efforts, through the best system of checks attainable, toward safely guarding the large monetary values represented on the face of the work, since, independently of the heavy penalty fixed by the bond, it would result in utter ruin to have any serious misadventure occur with the securities while in private custody. Moreover, if you will pardon the suggestion, it would be likely to serve as a wholesome incentive to enterprise and economy on the part of your bureau to be placed in competition with the better class of private concerns engaged in similar work to that done by you. And I think if your bureau were required to compete for the work it would be productive of wholesome competition, not only in securing fair offers, but in preventing combinations among private bidders with the view to securing the contract upon their own terms.

The bureau and private concerns will hold each other in check, and the result in any case is bound to be to the advantage of this Department in securing moderate prices. In any event the amendment proposed by me leaves the matter wholly in the hands of the Postmaster-General, and he may order the work to be done by your bureau without reference to the bids of other parties; and in my opinion he will be likely to do this if you are not found to be too much in excess of other responsible bids. I am free to say that there are reasons looking to relief from official responsibility that would incline me to give preference to your bureau, but not at too great an expense to the postal revenue.

Noting your suggestion that "the true and wisest course would be to transfer the work to the bureau without going through the unnecessary form of advertising and receiving bids"—"upon the ground of public policy, leaving matters of price and other details to be adjusted between the officers of the two Departments," I can only say that it might assist the officers of this Department in fixing the price to ascertain through bids received upon public advertisement what is considered by competent authorities to be a just compensation. If I may ask you to pardon another suggestion, it might prove useful also in determining whether or not work of this character can be done as cheaply and as well by the Government as by private parties; a question which, I believe, has been seriously disputed, and concerning the merits of which I do not pretend to be advised.

Upon further consideration, I have modified my proposed amendment somewhat, so as to read as follows:

"*Provided*, That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties; but provided that the Postmaster-General may reject any or all the bids of private parties, and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if, in his judgment, it shall be for the best interests of the Government to do so."

The modification, as you will observe, does not affect the position previously taken with reference to your bureau, being essential only in expressly authorizing the Postmaster-General to discriminate among the bids of private parties. In view of the important character of the work, involving, as it does, the highest style of art, and underlying the very foundation of the entire postal revenues, only the bids of the most thoroughly responsible and fully equipped concerns should be considered at all, and even these latter are left to be rejected in favor of your bureau, absolutely at the discretion of the Postmaster-General.

Acting upon your affirmative response to my letter of the 29th ultimo, I shall take immediate occasion to lay the subject before the Postmaster-General, with the recommendation that, with the approval of the Secretary of the Treasury, he request favorable action upon my proposed amendment in the Post-Office appropriation bill now pending before the House of Representatives. I shall also request him to inclose copies of this correspondence with his recommendation, so that your proposal, as well as mine, if this latter be approved by him, may be considered by Congress.

Before closing, I can not forbear expressing my extreme gratification at your statement "that all who are at all familiar with this work recognize the fact that the rates now paid are extremely low." I am glad to know that the fact is recognized by others than myself, that not only are prices in the present contract very low, but that there have been great reductions in the cost of supplies furnished to this office since the beginning of my administration of its affairs, on the 1st of July, 1877. As an evidence of the fact, I beg to submit the following table, prepared some time since, showing the number and cost of articles furnished during the fiscal year ended June 30, 1884, as compared to the number and cost of those furnished during the year ended June 30, 1877, namely:

Comparative statement of supplies furnished by the office of the Third Assistant Postmaster-General.

Articles.	Year ended June 30, 1877.		Year ended June 30, 1884.	
	Number furnished.	Cost.	Number furnished.	Cost.
Postage-stamps	704,836,524	$110,189 59	1,469,209,996	$135,974 47
Postal cards	170,015,500	226,463 94	362,876,750	197,466 33
Stamped envelopes and wrappers	185,401,895	428,224 63	324,043,650	619,231 21
Registered package, post-office, dead-letter, and official envelopes	15,310,700	52,504 11	39,021,960	102,830 88
Total	1,075,564,619	817,382 27	2,205,152,356	1,055,502 89

Comparison.

Articles.	Increase in number furnished.	Increase in cost.	Per cent. of increase in number furnished.	Per centage of increase in cost.
Postage-stamps	774,373,472	$25,784 88	109.8	23.4
Postal cards	192,861,250	*28,997 61	113.4	*12.8
Stamped envelopes and wrappers	138,641,775	191,006 58	74.7	44.6
Registered package, post-office, dead-letter, and official envelopes	22,711,260	50,326 77	154.8	95.8
Total	1,129,587,737	238,120 62	105.0	29.1

* Decrease.

It will be observed that for the year ended June 30, 1877, the total number of the various articles furnished—postage-stamps, postal cards, stamped envelopes and wrappers, registered-package, post-office, dead-letter, and official envelopes—was 1,075,564,619, costing $817,382.27; while for the year ended June 30, 1884, the number of articles furnished was 2,205,152,356, costing $1,055,502.89—being an increase of 1,129,587,737, or 105 per cent. in the number of articles furnished, and of only $238,120.62, or 29 per cent., in the cost of the same.

Taking the different articles separately, the increase of postage-stamps was 774,373,472, or 109.8 per cent., in number, and $25,784.88, or 23.4 per cent., in cost; of postal cards, an increase of 192,861,250, or 113.4 per cent., in number, and a decrease of $28,997.61, or 12.8 per cent., in cost; of stamped envelopes and wrappers, an increase of 138,641,755, or 74.7 per cent., in number, and of $191,006.58, or 44.6 per cent., in cost; and of registered-package, post-office, dead-letter, and official envelopes, an increase of 23,711,260, or 154.8 per cent., in number, and of $50,326.77, or 95.8 per cent., in cost.

The subject of the great reduction effected in the cost of supplies for this office was touched upon in my annual report for the year ended June 30, 1882, in connection with the mention of a new contract, then recently made, for the supply of stamped envelopes and newspaper wrappers for the four years beginning October 1, 1882, as follows:

"The prices in the new contract (for stamped envelopes and wrappers) average a reduction of nearly 7 per cent. from those in the old one. The law requires

that stamped envelopes shall be sold at the cost of procurement, as near as may be, and accordingly a new schedule of prices has been adopted for the sale of the envelopes to the public at reduced rates. The present reduction follows one of about 20 per cent. four years ago, under the contract then made. Under the new schedule the best quality note size envelopes will be sold, exclusive of the postage value, at $1.60 per 1,000; of full letter size, at $2 per 1,000; of commercial size, at $2.20 per 1,000; of extra letter size, at $2.40 per 1,000; of official size, at $3.60 per 1,000; and of extra-official size, at $4 per 1,000. The second quality envelopes are sold at 20 cents per thousand less than those prices, and the third quality envelopes at 20 cents per thousand less than the second quality, for corresponding sizes.

"The full letter and extra letter sized ungummed envelopes for circulars are sold at $1.20 and $1.40, respectively, and the newspaper wrappers at $1 per 1,000, in addition to postage.

"To illustrate the great reduction in the price of stamped envelopes during the past few years, a letter-size envelope, which in 1869 was sold at $4.80 per 1,000, is now furnished in equally good if not better grade at $1.80 per 1,000. An extra letter-size envelope, which then sold at $6 per 1,000, can now be furnished in as good quality at $2.40. The official size, then sold at $8.60 per 1,000, is now offered in an equally good quality at $3.40 per 1,000. The public has received the pecuniary benefits of these reductions, the envelopes being sold by the Department, as before stated, at the cost of procuring them. Equally great reductions have been attained in the cost of other supplies. Adhesive postage-stamps, which in 1869 cost 27½ cents per 1,000, are now obtained at 9.19 cents per 1,000; and postal cards, first introduced in 1873, and then costing $1.39½ per 1,000, are now procured at 54.43 cents per 1,000."

Again thanking you for the prompt and courteous manner in which you responded to my suggestion of the 29th ultimo,

I am, very respectfully, your obedient servant,

A. D. HAZEN,
Third Assistant Postmaster-General.

Hon. T. N. BURRILL,
Chief of Bureau of Engraving and Printing,
Treasury Department.

Mr. BINGHAM. I desire, and I think the committee will make no objection, to amend the bill by striking out from line 181, after the word "dollars," to line 192, including the word "thereof," and inserting what I send to the desk, in order that the section in the bill may be consistent with local postage as well as domestic. It simply makes the bill consistent.

The Clerk read as follows:

Strike out all after the word "dollars," in line 181, down to and including the word "thereof," in line 192, and insert the following:

"That on and after the first day of July, 1885, upon all matter of the first class as defined by chapter 180 of the laws of Congress, approved March 3, 1879, entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes,' except postal cards and drop-letters, postage shall be charged at the rate of 2 cents for each ounce or fraction thereof; drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery is not established; and postal cards shall be transmitted through the mails at a postal charge of 1 cent each, including cost of manufacture."

Mr. HORR. That is right.

Mr. HOLMAN. I desire to reserve the point of order on that proposition until the effect of it is seen. I desire to ask a question in regard to it. I apprehend the effect of it is this: Under the present system in view of the advantages given to the cities having free delivery they pay something for the benefit of that free delivery. The effect of this is to relieve the cities having the benefit of the free delivery from the payment of additional compensation. Is that the effect of it?

Mr. TOWNSHEND. As there will be debate on this amendment I ask the gentleman from Pennsylvania [Mr. BINGHAM] to yield to me for a motion that the committee rise. It is understood we are to have a night session.

Mr. BINGHAM. This is so clearly in consistency with your own proposition that I think it will be unnecessary to debate it.

Mr. TOWNSHEND. I ask the gentleman to yield to me for a motion that the committee rise.

Mr. BINGHAM. Very well.

Mr. TOWNSHEND. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 7851) making appropriations for the consular and diplomatic service of the Government for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. HALE, and Mr. BECK.

The message also announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 7785) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. DAWES, and Mr. CALL.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move that the House take a recess until 8 o'clock to-night.

Mr. WILLIS. I desire to ask the gentleman from Illinois a question. Is it understood that at the close of to-night's session, in pursuance of the order of the House, he will make a motion for a recess until 10 o'clock to-morrow?

Mr. TOWNSHEND. I am perfectly willing to do so, or that the gentleman from Kentucky [Mr. WILLIS] should do so.

Mr. WHITE, of Kentucky. I do not understand there is any unanimous consent to meet to-morrow at 10 o'clock.

The SPEAKER *pro tempore*. That has been ordered by the House.

NEW ORLEANS EXPOSITION.

The SPEAKER *pro tempore*. Pending the question on the motion for a recess the Chair submits a communication from the President of the United States.

The Clerk read as follows:

To the Senate and House of Representatives:

I transmit herewith a copy of the report of the board of managers of the World's Industrial and Cotton Centennial Exposition, dated February 2, 1885, requesting an additional appropriation to extinguish a deficit in its accounts, and asking authority to reopen the exposition during the winter of 1885–'86.

A failure on the part of the management to carry out the original intent in regard to the exposition might reflect on the honor of the United States Government, since twenty-one foreign governments and forty-six States and Territories have joined in the enterprise through faith in the sanction of the Government. In view of this fact, and in consideration of the value of the exposition to the cause of material progress and general education, I respectfully submit the report mentioned for the favorable consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 12, 1885.

The message of the President was referred to the Committee on Appropriations, and ordered to be printed.

NAVAL ADVISORY BOARD.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Navy, with an inclosure, in response to a resolution of the House calling for information as to expenditures of the naval advisory board; also as to any changes in the plans for hulls, boilers, machinery, &c., in the ships Chicago, Boston, Atlanta, and Dolphin.

Mr. RANDALL. I do not see the chairman of the Committee on Naval Affairs present, but I move that the communication be referred to that committee, and be printed in the RECORD.

It was so ordered.

The communication is as follows:

NAVY DEPARTMENT, *Washington, February 11, 1885.*

SIR: This Department has received a copy of the resolution adopted by the House of Representatives on the 3d of February, as follows:

"*Resolved*, That the Secretary of the Navy be requested to inform this House the amount that has been expended by the naval advisory board as the cost of the board; the number of employés, and amounts paid each; the amount of salary drawn by the civilian members of said board, and from what appropriation it was drawn; and the amount paid each member of the board as traveling mileage, or other expenses; also, what changes, if any, have been made from the original plans in hulls, boilers, machinery, &c., by the Secretary of the Navy and the advisory board, of the ships Chicago, Boston, Atlanta, and Dolphin, and the cost of such changes in each case."

The advisory board has expended no money and has no power to expend money. All expenditures on its account have been made by the Department. The board was organized October 24, 1882, and during the two and one-fourth years of its existence there has been expended for furniture, stationery, drawing materials, and petty miscellaneous objects for its use the sum of $5,830.83. The board has no employés, but certain necessary assistants have been borne on the rolls of the Bureaus of Construction and Repair and Steam-Engineering, and assigned to duty with the board, six being now so employed. The sums affixed to the following names are the amounts of compensation paid such assistants to February 4: C. R. Hanscom, draughtsman, $3,380; C. Hemje, draughtsman, $2,763.50; A. Becker, draughtsman, $3,397; W. H. Scott, draughtsman, $508; L. Eidlitz, draughtsman, $164.50; D. Zevely, writer, $924; W. G. Coburn, writer, $813. Messrs. Hanscom and Hemje were previously in the employ of the Department, and were assigned to duty under the board.

The duties of the board have included, in addition to those on the new cruisers, much labor on the plans of additional vessels and for the double-turreted monitors and much experimental work, all required by law.

There have been employed as assistants to the inspectors of materials at the steel works, with total compensation as affixed to their names: J. H. Davidson, $1,570; C. W. Boggs, $231; J. C. Calderwood, $111; A. B. Russell, $90; F. T. Streeter, $566.50. These are no longer employed.

There are borne on the rolls of the Bureau of Construction and Repair, and assigned to duty at Chester, Pa., under the inspectors of hulls of the new cruisers, preparing finished and other drawings of the vessels, with total compensation as affixed to their names, the following:

J. A. Hargan, draughtsman	$2,078 00
George P. Frothingham, draughtsman	1,635 00
C. H. Simonds, draughtsman	1,360 00
W. H. Hart, draughtsman	172 00
J. D. Torrey, assistant draughtsman	1,106 00
F. L. Dubosq, assistant draughtsman	1,117 61
W. C. Besselievre, jr., copyist	577 02
R. L. Berry, jr	218 42

A very small proportion of the amount paid the foregoing employés is due to the existence and maintenance of the naval advisory board, as the work done has been essential to the designing and construction of the vessels and to carry out the laws of Congress, and would have been equally necessary if there had been no board.

Mr. Henry Steers, as civilian member, has been allowed a salary of $5,000 per year, and has received for salary and expenses $12,084.58. Mr. Miers Coryell was allowed the same salary, and was paid for salary and expenses up to the time of his resignation, October 1, 1884, $8,112.58. These amounts were, by authority of

law, paid from the appropriation for the new steel cruisers. The expenses paid the other members of the board have been only for traveling mileage, as follows:

Rear-Admiral R. W. Shufeldt (former president)	$129 44
Rear-Admiral Edward Simpson	513 04
Chief-Engineer A. Henderson	1,966 96
Capt. J. A. Howell	210 72
Lieut. Commander F. M. Barber	1,450 44
Naval Constructor F. L. Fernald	1,698 92
Lieut. Edward W. Very (former member)	301 76

Accompanying this communication are transmitted statements showing the changes made from the original plans of the Chicago, Boston, Atlanta, and Dolphin, and the cost of such changes in each case. The statements do not include those ordinary minor changes in details which have been found expedient and have been authorized and made from time to time as the work has progressed, without increased cost or any loss to the Government; but they do include all material changes and all changes involving any variation in the cost. They also embrace all additions of requisites not contemplated by the original designs nor included in the contracts and specifications, but which it has been deemed necessary to have furnished by the contractor in order to seasonably complete the ships for service and to add to their efficiency.

The contract cost of each ship, the cost of changes and additions to date, and the percentage of the increase of the contract cost for changes and additions are as follows:

	Chicago.	Boston.	Atlanta.	Dolphin.
Contract cost	$889,000 00	$619,000 00	$617,000 00	$315,000 00
Cost of changes and additions to date	31,550 50	20,955 75	21,991 93	15,880 97
Percentage	3½	3½	3½	5

After making allowances, in considering the above figures, for the additions which were not included in the original contracts, and of course were not contemplated by the contractor in making his bids, it will be found that the changes have been fewer and their cost less than could reasonably have been expected in designing and building the first steel cruisers for our Navy.

Certain changes require special mention. Before work was commenced on the machinery of the Chicago a change was made in its general arrangement. The condensers were placed under the beam-centers instead of outboard, the stroke of piston being made the same for both the high and the low pressure cylinders, and increased to fifty-seven inches. The valves were placed on the outboard instead of the inboard side of the cylinders, making them more accessible. These changes were made with a view to increasing the efficiency of the machinery, and do not affect the cost of construction.

The "substitution of eight blowers for four large ones," the "drilling instead of punching rivet-holes," and part of the "ventilators of engine and boiler-rooms" were required because of a change in the arrangement of the boilers and some modifications of the specifications. The change was made after the work had been commenced. The weight of the boilers in the new arrangement of five double-ended and two single-ended boilers with four fire-rooms instead of fourteen single-ended boilers with two fire-rooms was reduced, and the cost was thereby lessened; but the value of the work already done which had to be abandoned was equal to the reduction; and no allowance was made either way. This change does not alter the type of boiler, and brick furnaces and external firing are retained, but the greater subdivisions of the fire-rooms admits of a more advantageous application of forced draft, and an arrangement of bridge-wall and combustion chamber which gives more effective combustion of fuel.

Careful examination and test of the fractured part and other length of the steel shafting of the Dolphin caused serious doubts as to the reliability of the shafts of the other ships, which, being similarly manufactured, were liable to the same faults, and raised the question whether the art of forging steel shafts from single ingots has been so developed in this country as to make the results sufficiently trustworthy. To avoid all doubt and risk and to prevent the delays which would become necessary while applying a series of adequate physical tests to the steel shafts, it was finally determined by the Advisory Board and the Department to allow the contractor to put into the vessels iron shafts of approved manufacture which, if they stand during the trial trips and final trials, are to be accepted, the contractor, however, to allow the Government the difference between the cost of making the iron and the steel shafting.

Such steel shafting as has been already made is to be subjected to all reasonable tests for determining its strength, and those parts which stand such tests are to be taken by the Government and paid for as duplicate shafting at their cost to the contractor. If any parts are broken by reason of any extraordinary tests which could not be fairly insisted on for proof, considering the existing conditions of steel manufacture in this country, the Government is also to pay the cost of such parts.

The ultimate cost of this change to the Government is not yet known. It was undoubtedly a fair, wise, and prudent arrangement. In this connection occasion is taken to repeat the suggestions of the annual report of the Department:

"The law requiring the ships to be built of steel of great tensile strength and ductility has been complied with, and rigid chemical and physical tests applied to the material, causing much difficulty and delay and extra expense to the contractor, owing to his losses from rejected material, which, as in the case of the broken steel shaft of the Dolphin, was imperfect only because of the inexperience of our steel manufacturers in producing metal of prescribed strength and ductility combined. Patience, forbearance, and liberal treatment of the manufacturers are necessary in order to encourage them to undertake the development of the production in this country of steel plate and armor for naval vessels and ingots for heavy cannon."

Very respectfully,

W. E. CHANDLER,
Secretary of the Navy.

Hon. J. G. CARLISLE,
Speaker of the House of Representatives.

Statement of cost of changes made in and additions to the original plans of the United States steamer Chicago.

[NOTE.—Items in italics are credits; *denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Increasing thickness of inner bottom	$922 00	April 21, 1884
Engine foundation and strengthening of double bottom	2,796 10	May 23, 1884
Changes and additions to fire-room hatches	6,990 53	Sept. 6, 1884
Additional coal-scuttles*	474 60	Sept. 6, 1884
Water-tight doors in coal-bunkers	$504 00	Sept. 6, 1884
Wire panels in ward-room and store-room doors, &c.*	706 00	Sept. 13, 1884
Armory on gun-deck and casing to ward-room skylight*	350 00	Nov. 29, 1884
Light-box to fixed-ammunition room	158 00	Dec. 11, 1884
Armory workshop, with work-table, &c.*	140 00	Dec. 11, 1884
Additional labor and material to secure engine-bed	66 84	Dec. 11, 1884
Inclosures around engine-hatches between gun and spar decks	1,191 00	Dec. 11, 1884
Change of doorway No. 14	61 27	Dec. 11, 1884
Extension of fixed-ammunition room (forward)	118 00	Dec. 11, 1884
Sixteen hinged lights in engine-hatch inclosure*	560 00	Dec. 11, 1884
Ventilation of engine and boiler rooms	5,380 00	Jan. 13, 1885
Ventilator for steering engine*	206 00	Jan. 13, 1885
Additional beams on orlop-deck	170 00	Jan. 13, 1885
	20,794 64	
Machinery:		
Substitution of eight blowers for four large ones	2,000 00	June 7, 1884
Utilizing pump taken from Dolphin	1,062 50	*Sept.* 12, 1884
Two new condensers, cost over and above that required by specifications	200 00	Sept. 17, 1884
Additional piping and labor	375 00	Sept. 17, 1884
Two additional screws; solid cast-iron, $1,250 each	2,500 00	Sept. 27, 1883
One compartment pump in each engine-room instead of three (total)	425 00	Oct. 10, 1884
Two combined air and circulating pumps, $675 each, purchased by Bureau of Steam-Engineering	1,350 00	Sept. 17, 1884
	6,850 00	
Boilers:		
Additional cost for drilling instead of punching rivet-holes	3,000 00	Sept. 20, 1884
Loss to contractor by rejection of annealed plates	1,968 36	Sept. 20, 1884
	4,968 36	

RECAPITULATION.

Changes, &c.:		
Hull		$20,794 64
Machinery	$6,850 00	
Less credit	1,062 50	
		5,787 50
Boilers		4,968 36
Total		31,550 50

Statement of cost of changes made in and additions to the original plans of the United States steamer Atlanta.

[NOTE.—Items in italics are credits; *denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Increasing thickness of inner bottom	$226 00	April 21, 1884
One anchor davit complete*	900 00	Aug. 30, 1884
Two hatches to engineers' store-room	320 00	Aug. 30, 1884
Cutting and fitting hatches from magazines and shell-rooms	300 00	Aug. 30, 1884
Vertical stringers to bulkheads at both ends of superstructure-deck	615 60	Sept. 6, 1884
Extra bulwarks	266 00	Sept. 6, 1884
Thirty-eight life-line stanchions*	258 60	Sept. 6, 1884
Twelve coaling-port doors*	1,584 00	Sept. 6, 1884
Four shifting coal-chutes*	530 00	Sept. 6, 1884
Twelve coaling chutes attached to trunks*	912 00	Sept. 6, 1884
Hinging of three anchor-davits	1,200 00	Sept. 6, 1884
Twenty-two additional air ports*	935 00	Sept. 6, 1884
Ten additional coaling scuttles*	491 00	Sept. 6, 1884
Ventilators to shaft-alley	50 00	Sept. 6, 1884
Change in chart-house as per corrected drawing No. 75	308 00	Sept. 18, 1884
Change in pilot tower as per corrected drawing No. 69	2,313 10	Oct. 4, 1884
Tile floor for seamen's head	277 50	Oct. 2, 1884
Refrigerators, ward-room lockers, &c*	661 40	Oct. 4, 1884
Wire-panels in store-rooms*	371 25	Oct. 14, 1884
Light-box to forward fixed-ammunition room	156 70	Nov. 8, 1884
Twenty-two hinged lights in berth-deck hatch-casings*	770 00	Nov. 26, 1884
Changes in fire-room hatch bulkheads	424 75	Nov. 29, 1884
Electric bells*	830 00	Jan. 2, 1884
Fire-alarms*	720 00	Jan. 2, 1884
Water alarms*	787 00	Jan. 2, 1884
Strengthening of 6-inch gun ports	212 80	Jan. 21, 1884
	16,420 70	
Machinery:		
Additional cast-iron screws*	1,872 00	June 6, 1884
Changes in steam-pipes of fire-rooms	599 23	Oct. 4, 1884
Two additional blowers, 1 in each fire-room	2,725 00	Dec. 27, 1884
Reducing size of safety-valves on superheater-pipes, $400		Dec. 15, 1884
One combined air and circulating pump, purchased by Bureau of Steam Engineering	775 00	Sept. 17, 1884
	5,971 23	

RECAPITULATION.

Changes, &c.:		
Hull		$16,420 70
Machinery	$5,971 23	
Less credit	400 00	
		5,571 23
Total		21,991 93

Statement of cost of changes made in and additions to the original plans of the United States steamer Boston.

[NOTE.—Items in italics are credits; *denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Increasing thickness of inner bottom	$226 00	April 21, 1884
One anchor davit complete*	900 00	Aug. 30, 1884
Cutting and fitting hatches from magazine and shell-rooms	300 00	Aug. 30, 1884
Two hatches to engineers' storeroom	320 00	Aug. 30, 1884
Vertical stringers to bulkheads at both ends of superstructure-deck	615 60	Sept. 6, 1884
Extra bulwarks	266 00	Sept. 6, 1884
Thirty-eight life-line stanchions*	258 60	Sept. 6, 1884
Twelve coaling-port doors*	1,584 00	Sept. 6, 1884
Four shifting coal-chutes*	530 00	Sept. 6, 1884
Twelve coaling chutes attached to trunks*	912 00	Sept. 6, 1884
Hinging of three anchor davits	1,200 00	Sept. 6, 1884
Twenty-two additional air-ports*	935 00	Sept. 6, 1884
Ten additional coaling scuttles*	491 00	Sept. 6, 1884
Ventilators to shaft-alley*	50 00	Sept. 6, 1884
Change in chart-house, as per corrected drawing No. 75	308 00	Sept. 18, 1884
Change in armored pilot-tower, as per corrected drawing No. 69	2,313 10	Oct. 4, 1884
Tile floor for seamen's head	277 50	Oct. 2, 1884
Refrigerators, ward-room lockers, &c.*	661 40	Oct. 4, 1884
Wire panels in storerooms*	391 87	Oct. 14, 1884
Light-box to forward fixed-ammunition room	156 70	Nov. 8, 1884
Twenty-two hinged lights, berth-deck hatch casings*	770 00	Nov. 26, 1884
Change in fire-room hatch bulkheads	349 75	Nov. 29, 1884
Fire-alarms*	720 00	Jan. 2, 1885
Electric bells*	830 00	Jan. 2, 1885
	15,366 52	
Machinery:		
Additional cast-iron screws*	1,890 00	June 6, 1884
Change in steam-pipes of fire-rooms	599 23	Oct. 4, 1884
Reducing the size of safety-valves on superheater pipes, $400		*Dec.* 15, 1884
Two additional blowers, one in each fire-room	2,725 00	Dec. 27, 1884
One combined air and circulating pump, purchased by Bureau of Steam Engineering	775 00	Sept. 17, 1884
	5,989 23	

RECAPITULATION.

Changes, &c., hull		$15,366 52
Changes, &c., machinery	$5,989 23	
Less credit	400 00	
		5,589 23
Total		20,955 75

Statement of cost of changes made in and additions to the original plans of the United States steamer Dolphin.

[NOTE.—Items written in italics are credits; * denotes additions; other items are changes.]

Object.	Amount.	Approved by Department.
Hull:		
Raising deck-houses seven inches in the clear	$482 00	Feb. 23, 1884
Change in location of steerage-hatch	220 00	Mar. 28, 1884
Iron bulkhead between magazine and fixed-ammunition room	112 00	April 5, 1884
Horizontal stiffener around engine-hatch*	200 00	April 5, 1884
Change from iron to wood in sheathing of wing-passage, $20		*April* 5, 1884
Change in Hotchkiss-gun towers	1,840 00	April 10, 1884
Door from engine-room to passage	69 00	May 9, 1884
Coal-pocket for emptying coal-bunker over after-boilers	48 00	May 9, 1884
Alteration in bunker, forward fire-room, port side	42 00	May 9, 1884
Alteration in pump-bed	35 00	May 9, 1884
Three water-tanks and one sand-tank*	532 00	June 9, 1884
Changes and additions to forecastle deck-rails, stanchions, and ladders, &c	125 00	June 25, 1884
Two refrigerators, at $160 each*	320 00	June 25, 1884
Forty-two lockers for crew*	168 00	June 25, 1884
Two side-lights complete, $60 each*	120 00	June 25, 1884
One prison complete*	100 00	June 25, 1884
Lowering plate-beam in after fire-room	40 00	July 9, 1884
Iron caps for Dolphin's masts, and altering mast-heads*	308 00	July 24, 1884
Supplying and fitting armory*	145 00	Aug. 1, 1884
Two screen-doors to coal-bunkers	90 00	Aug. 29, 1884
Four sliding-doors to coal-bunkers	80 00	Aug. 29, 1884
Additional sluice-valves*	140 00	Sept. 12, 1884
Ventilator for shaft-alley*	130 00	Sept. 17, 1884
Mahogany table for after deck-house*	40 00	Sept. 22, 1884
Extending forward end of engine-room one frame space, &c., including all changes and fittings	857 00	Oct. 24, 1884
Additional cowls on engine deck-house air-ducts and opening to ducts	462 00	

Statement of cost of changes made in and additions to the original plans of the United States steamer Dolphin—Continued.

Object.	Amount.	Approved by Department.
Fitting oil-lamps to cabin and wardroom electroliers	$125 00	Nov. 3, 1884
Sheathing of engine deck-house	608 00	Nov. 8, 1884
Changes and additions to topgallant forecastle	460 00	Dec. 22, 1834
Changes and additions in steering gear	1,778 00	Dec. 28, 1884
	9,671 60	
Machinery:		
One extra screw, solid cast-iron*	1,050 00	
Larger columns and additional braces for engines	700 00	May 9, 1884
Changes and additions in hand-reversing gear, and levers for steam-reversing gear	882 00	Aug. 22, 1884
One new blower, with engine, dampers, fittings, and connections	2,300 00	Oct. 24, 1884
New throttle-valve, with changes in main steam-pipe, &c	547 37	Jan. 20, 1884
	5,479 37	
One Blake pump	750 00	
	6,229 37	

RECAPITULATION.

Changes, &c., hull		$9,671 60
Less credit		20 00
		9,651 60
Changes, &c., machinery		6,229 37
Total		15,880 97

RECAPITULATION.

	Chicago.	Boston.	Atlanta.	Dolphin.
Contract cost	$889,000 00	$619,000 00	$617,000 00	$315,000 00
Cost of changes and additions to date	31,550 50	20,955 75	21,991 93	15,880 97
Approximate percentage of contract cost for changes and additions	3½	3½	3½	5

CHINESE IMMIGRANTS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury in response to a resolution of the House calling for information as to what regulations and instructions have been issued by that Department relating to the right of Chinese to enter America and the authority therefor; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

REPAIRS, ETC., OF PUBLIC BUILDINGS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, asking for an appropriation for the repair and preservation of public buildings for 1881–'82, and for heating, ventilating, &c., of public buildings for 1883–'84; which was referred to the Committee on Appropriations, and ordered to be printed.

COTTON EXPOSITION, NEW ORLEANS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the board of United States Executive Departments for additional appropriations for participation in the World's Industrial Cotton Centennial Exposition at New Orleans; which was referred to the Committee on Appropriations, and ordered to be printed.

INTERPRETER AT OSAKA, JAPAN.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of State to pay drafts of the United States consul at Osaka and Hiogo, Japan, for the salary of the interpreter at the consulate; which was referred to the Committee on Appropriations, and ordered to be printed.

MISSOURI, KANSAS AND TEXAS RAILROAD COMPANY.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a claim of the Missouri, Kansas and Texas Railroad Company, allowed by the Sixth Auditor; which was referred to the Committee on Appropriations, and ordered to be printed.

JAMES R. CARTER.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of War of an appropriation to pay claim of James R. Carter, of Fauquier Springs, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills with the following titles; when the Speaker *pro tempore* signed the same:

Joint resolution (S.R. 92) authorizing and requiring the Secretary

of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in custody of the Secretary of War; and

A bill (S. 1705) to provide for the issue of duplicate checks.

JANE D. BRENT.

Mr. WOLFORD, by unanimous consent, from the Committee on Pensions, reported favorably a bill to increase the pension of Jane D. Brent; which was ordered to be placed on the Private Calendar.

ELVIRA BLISS SHELDON.

Mr. CUTCHEON, by unanimous consent, introduced a bill (H. R. 8185) granting a pension to Elvira Bliss Sheldon; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I call for the regular order.

Mr. WHITE, of Kentucky. I move that the House do now adjourn.

The SPEAKER *pro tempore*. The regular order is called for, and the question is upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now take a recess until 8 o'clock; pending which the gentleman from Kentucky [Mr. WHITE] moves that the House do adjourn. The question is upon the latter motion.

The House divided; and there were—ayes 51, noes 97.

Mr. WHITE, of Kentucky. No quorum, Mr. Speaker?

The SPEAKER *pro tempore*. A quorum is not needed on a motion to adjourn. The noes have it, and the House refuses to adjourn; and the question recurs upon the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now take a recess until 8 o'clock this evening.

Several MEMBERS. Regular order!

Mr. LE FEVRE. Mr. Speaker, I ask unanimous consent to make a favorable report from the Committee on Pensions.

The SPEAKER *pro tempore*. The regular order is demanded, and the question is upon the motion of the gentleman from Illinois [Mr. TOWNSHEND].

The House divided; and there were—ayes 114, noes 36.

Mr. WHITE, of Kentucky. No quorum.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WHITE] makes the point that there is no quorum voting. The Chair appoints tellers, and designates the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Kentucky, Mr. WHITE, to act as tellers.

Mr. ROBINSON, of New York. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROBINSON, of New York. My point is that, the House having already voted to take a recess until to-morrow at 10 o'clock, it is not in order now to reconsider that vote.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from New York [Mr. ROBINSON] that the resolution adopted this morning was that at the conclusion of this day's proceedings the House would take a recess until 10 o'clock to-morrow. The proceedings of this day are not concluded until the House determines to end them.

Mr. REED, of Maine. But I submit, Mr. Speaker, that if the House should adjourn that would cut off the recess.

The SPEAKER *pro tempore*. The Chair has no doubt of that.

Mr. REED, of Maine. So that I do not see that that vote of the House amounted to anything.

The SPEAKER *pro tempore*. There is no motion to adjourn pending before the House. There is pending a motion to take a recess.

Mr. WHITE, of Kentucky. I call for the announcement of the vote.

The SPEAKER *pro tempore*. The tellers report 101 gentlemen voting in the affirmative and 16 in the negative.

Mr. WHITE, of Kentucky. No quorum. I move that the House do now adjourn. It is twenty minutes to 6 o'clock, and we are to meet at 10 o'clock to-morrow.

Mr. BROWNE, of Indiana. I move a call of the House.

Mr. WHITE, of Kentucky. I second the motion. We ought not to proceed without a quorum.

The SPEAKER *pro tempore*. The motion does not need a second. The question is on the motion of the gentleman from Indiana [Mr. BROWNE] that a call of the House be ordered.

The motion was agreed to.

The SPEAKER *pro tempore*. A call of the House is ordered. The Clerk will proceed to call the roll.

The Clerk proceeded to call the roll.

Mr. HISCOCK (before the roll-call was concluded). I ask unanimous consent that the House take a recess till 8 o'clock this evening.

The SPEAKER *pro tempore* (Mr. LAMB). The gentleman from New York asks unanimous consent that a recess be now taken till 8 o'clock this evening. Is there objection? The Chair hears none.

Mr. WHITE, of Kentucky. I move to amend by making it 10 o'clock to-morrow morning. [Cries of "Too late!"]

The SPEAKER *pro tempore* (at 5 o'clock and 50 minutes p. m.). The gentleman is too late. The Chair put the motion of the gentleman from New York [Mr. HISCOCK], and there was no objection. The House is now in recess till 8 o'clock this evening.

AFTER RECESS.

The recess having expired, the House reassembled at 8 o'clock p. m., and was called to order by Hon. JOHN B. CLARK, Jr., Clerk of the House, who directed the reading of the following:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., February 12, 1885.

SIR: Hon. RICHARD P. BLAND is designated as Speaker *pro tempore* for this evening's session.

J. C. S. BLACKBURN,
Speaker pro tempore.

Hon. JOHN B. CLARK, Jr.,
Clerk House of Representatives.

The SPEAKER *pro tempore* (Mr. BLAND). The recess having expired the House resumes its session.

ORDER OF BUSINESS.

Mr. WILLIS. I rise to a privileged motion—that the House at 10 o'clock to-night take a recess to meet to-morrow morning at 10 o'clock.

Mr. HOLMAN. I do not know that I understand the object of this motion. What was the action of the House on this subject this morning?

Mr. WILLIS. The House, by an almost unanimous vote, decided that at the close of to-day's session it would take a recess until to-morrow morning at 10 o'clock; but in making my motion I did not fix the hour at which the recess should be taken, because I wanted the Committee of the Whole to continue the consideration of the appropriation bill till 5, 6, or 7 o'clock, as members might see fit.

The question being taken on the motion by Mr. WILLIS, it was agreed to.

Mr. WILLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. TOWNSHEND. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of resuming the consideration of the Post-Office appropriation bill.

Mr. ANDERSON. Is there not a call of the House pending?

The SPEAKER *pro tempore*. When the House took its recess this evening it was proceeding with a call of the House.

Mr. TOWNSHEND. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

LEAVE OF ABSENCE.

Mr. ANDERSON. I ask unanimous consent that my colleague [Mr. MORRILL] be excused from attendance at this evening's session, on account of sickness.

There being no objection, leave was granted.

Mr. DOWD, by unanimous consent, obtained leave of absence for this evening, on account of sickness.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I now renew my motion that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the Post-Office appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. The pending question is upon the amendment offered this afternoon by the gentleman from Pennsylvania [Mr. BINGHAM].

The amendment was again read.

Mr. TOWNSHEND. I wish to reserve a point of order on this amendment.

Mr. HOLMAN. That has already been done.

Mr. TOWNSHEND. I would like to hear the gentleman from Pennsylvania state exactly what changes this amendment proposes to make.

Mr. BINGHAM. The object of my amendment is simply to carry out that which is doubtless the purpose of the subcommittee that framed this bill and of the Committee on Appropriations. It simply makes the basis of weight of a letter one ounce, instead of half an ounce. Under the phraseology of the bill as submitted to the House this would apply merely to what are designated by the Department "domestic letters;" that is, letters from one section of the country to another. I desire the basis of an ounce weight to apply to local letters in a city as well as to letters going from one section of the country to another.

Now, I took the proviso that is in the bill and submitted it the Attorney-General for the Post-Office Department, stating to him the purpose of the committee was to make the minimum basis of weight in the future one ounce, and asked him to examine the statutes, in order that it might be consistent with reference to the domestic letter as well as to the local letter. The amendment I have sent up is the amendment the Post-Office Department submitted to me. I examined it myself in connection with the statutes and approved of it thoroughly and wholly. It carries out what is the intention of the committee, that the minimum weight of a letter shall be one ounce instead of half an ounce.

Mr. HOLMAN. This proposition affects the free-delivery cities. Of course that is the purpose of it. Now, I suggest to the gentleman from Pennsylvania that we pass over this amendment for the present, leaving the point of order stand as it is, and come back to it again. It is proposed this evening for the first time.

Mr. BINGHAM. I am perfectly willing to accept that suggestion, and I am sure when the gentleman from Indiana examines it he will see that my statement is correct.

The CHAIRMAN. If there be no objection, the committee will pass over this part of the bill with the understanding that before the bill is concluded the committee will return and take up the amendment of the gentleman from Pennsylvania, subject to the point of order.

Mr. ANDERSON. In what part of the bill?

The CHAIRMAN. After the word "dollars," in line 181, down to and including the word "thereof," in line 192.

Mr. HOLMAN. It is concerning letter-postage.

The CHAIRMAN. The Chair hears no objection, and this part is passed over for the present, to be returned to hereafter.

Mr. TOWNSHEND. I wish to make a verbal amendment to the amendment adopted this evening—striking out the word "upon."

The CHAIRMAN. The Chair hears no objection, and it is ordered accordingly.

Mr. GEORGE D. WISE. After the word "thereof," in line 199, as it stands in the bill, I wish to move an amendment.

Mr. TOWNSHEND. That has been stricken out.

The CHAIRMAN. The Chair will hear the gentleman's amendment.

The Clerk read as follows:

And provided further, That the rate of postage on second-class publications deposited in letter-carrier offices for delivery by the carriers of the office shall be 1 cent for each pound or fraction thereof.

Mr. TOWNSHEND. I reserve the point of order against that amendment.

Mr. BLOUNT. I suggest to the gentleman from Virginia we pass this paragraph and the amendment on the same condition as in the case of the amendment of the gentleman from Pennsylvania [Mr. BINGHAM], to be returned to hereafter.

Mr. GEORGE D. WISE. I have no objection to that.

Mr. SKINNER, of New York. I desire to insert after the word "dollars," in line 181, what I send to the Clerk's desk to be read.

The Clerk read as follows:

The Postmaster-General is authorized to issue return postal cards, or two postal cards attached, one for use by the sender and the second for reply, in such quantities and under such regulations as he may prescribe, provided that the same shall be sold at the post-offices of the country at the rate of 2 cents for each such return card.

Mr. TOWNSHEND. I make the point of order against that amendment that it changes existing law and does not retrench expenditure.

Mr. SKINNER, of New York. I hope the gentleman will waive that until I make an explanation.

Mr. TOWNSHEND. I can not do it. [Cries of "Regular order!"]

Mr. SKINNER, of New York. I do not desire to argue this amendment at all. It speaks for itself. It conforms to the custom of almost every other great country. When you write a postal card you can not inclose a stamp for reply. This simply folds another one with it, on which the correspondent can write his answer.

Mr. WARNER, of Ohio. I hope the point of order will not be made against it.

Mr. SKINNER, of New York. I ask unanimous consent.

Mr. BINGHAM. I think the gentleman had better accept that. It increases no expense, and is simply a matter of personal convenience. It will not increase your bill one penny.

Mr. WARNER, of Ohio. The Government will lose nothing.

Mr. BINGHAM. It will increase revenue.

Mr. WARNER, of Ohio. It will increase the revenue instead of decreasing it.

Mr. BINGHAM. It will not incommode the Department, while it will add largely to the convenience of the people.

Mr. TOWNSHEND. I do not feel justified in accepting the amendment.

Mr. WARNER, of Ohio. Is it liable to the point of order?

Mr. BLOUNT. I rise to a question of order. There is a point of order pending made by the gentleman from Illinois, and I hope we will have a ruling.

Mr. MONEY. The law already provides for returned postal cards.

Mr. BINGHAM. They are not furnished by the Department.

Mr. MONEY. I think there is a law which provides for all these things. It also provides the Government shall not pay royalty for any of these patents.

Mr. SKINNER, of New York. I would like simply to say this in reference to the point of order on this amendment, that I believe it is in the interest of economy, because economy is traced to an increase of business of the Government upon which there is a profit. That is all I have to say, except that I urge this amendment in the interest of the convenience of the public.

Mr. HORR. It is evident, Mr. Chairman, that it will increase the receipts of the Government by increasing the sale of postal cards. A larger number of cards will be sent in order to receive a return reply than are at present used, which will necessarily increase the revenue of of the Government in this direction. There is no additional expense involved and I believe it will result in economy.

The CHAIRMAN. The Chair is ready to rule upon the point of order.

Mr. ANDERSON. I wish to be heard for a moment upon the point of order.

The CHAIRMAN. The Chair will recognize the gentleman for that purpose.

Mr. ANDERSON. As I understand this amendment it will reduce expenditures of the Government, and while it may change existing law, yet by reducing the expenditures of the Government it will be in order under the rule. That I affirm to be the fact for the reason that it is cheaper to print two postal cards on one sheet than it is to cut the sheet in two and print on each of the two separately. This will enable the Government to obtain 2 cents' worth of postal cards at a less cost on a double card than if it was required to have the double card split and printed on both its faces, as is done at present. That is the first point.

Now I wish to suggest also to the Chair that in addition to the saving to the Government in reference to the cost of printing the cards, it will reduce the expenses of the Government by increasing the number of postal cards used. It will have precisely the same effect which has always followed a reduction of postage; that is, by giving to the correspondent additional facilities you will derive a larger revenue from the double than you now have from the single card. For these two reasons I suggest that the amendment is in order because, as I have said, though it may change existing law yet it does upon its face, and will in fact, reduce the expenses of the Government.

Mr. TOWNSHEND. The Committee on Appropriations has been very liberal in making changes in existing law. It strikes me that we have gone as far in that direction as we can safely go without more mature consideration. This proposition has not been before the committee; they have not considered such a proposition, and to spring it upon the House now I think ought not to be tolerated.

It seems clear to me that it is obnoxious to the point of order. There are three things requisite to bring an amendment which changes existing law within the rule: that it shall reduce the amount of the appropriation, or that it shall reduce salaries, or else reduce the number of persons paid out of the Government Treasury. This proposition does neither. It does not retrench expenditures in any one of the three manners which I have suggested. It is, therefore, obnoxious to the point of order, and I insist upon a ruling by the Chair.

Mr. MONEY. Mr. Chairman, this proposition does not change any existing law.

Mr. HEWITT, of Alabama. Then why do you want to adopt it, if the law is in force?

Mr. MONEY. I am not speaking upon the merits of the proposition, but simply as to the point of order. I say that the law already provides for this.

Mr. TOWNSHEND. Does the law provide for return postal cards?

Mr. MONEY. Yes, sir; it provides for return postal cards and return envelopes and letter sheets, and the only reason that it is not in use to-day by the Government is because of the provisions——

Mr. TOWNSHEND. Well, turn to the law.

Mr. MONEY. Please do not interrupt me now.

Mr. TOWNSHEND. Just point to the statute upon that point.

Mr. MONEY. I have requested to be permitted to proceed without interruption. Then—

> Pray thee, take pain
> To allay with some cold drops of modesty
> Thy skipping spirit.

Mr. TOWNSHEND. I think the gentleman should take his own drugs.

Mr. MONEY. And the only reason why this has not been in general use by the Government is because of the provision in the statute which says the Department shall pay no royalty for the use of it.

Mr. TOWNSHEND. I hope the gentleman will not address himself to me.

Mr. MONEY. As you seem to need more information than any other person in the House, I was addressing you in particular.

Mr. TOWNSHEND. I call for a ruling by the Chair.

The CHAIRMAN. The Chair is compelled to hold that the point of order is well taken.

Mr. GREENLEAF. I offer the amendment which I send to the desk, to come in immediately after the last amendment adopted.

The Clerk read as follows:

And upon all seeds and bulbs embraced in the fourth class by the said act, and by that act subject to postage at the rate of 1 cent for each ounce or fraction thereof, shall be charged, on and after the 1st day of July, 1885, a half cent on each ounce or fraction thereof.

Mr. TOWNSHEND. I reserve the point of order until the gentleman can be heard upon this amendment.

Mr. GREENLEAF. I offer this amendment not only in the interest of the seedsmen, florists, and agriculturists all over this country, but

also in the interests of the Government itself. Under the operation of existing law seeds are now charged at the rate of 1 cent per ounce for all kinds.

The result of this is, as I am credibly informed, that express companies have the cream of the business and do the principal part of carrying short distances—that is, to the cities this side of Omaha—and the Government gets only what is left and carries these seeds only the long distances.

I hold in my hand a letter of one of the principal seedsmen in the country, known, I presume, by name to every member of the House, which gives some facts in explanation of this subject. I ask that it may be read for the information of the House.

The Clerk read as follows:

ROCHESTER, N. Y., *November* 30, 1883.

DEAR SIR: Referring to our recent conversation, I desire now to hand you a few facts concerning express charges from Rochester. I may state that we receive the largest number of orders from those States named first in order on the list sent herewith.

Last winter Postmaster-General Howe sent a letter to Congress (which letter was printed in the CONGRESSIONAL RECORD) recommending that the rate of postage on fourth-class matter be reduced, as, after a careful examination of all fourth-class matter leaving New York city post-office, he had found that about 65 per cent. was delivered east of Buffalo, about 75 per cent. east of Cleveland, about 90 per cent. east of Chicago, and about 97 per cent. east of Omaha.

It may be possible that these figures are not exactly those quoted by the Postmaster-General, as, having lost my copy of the CONGRESSIONAL RECORD, I am compelled to rely upon my memory. But, in the main, I feel confident of their correctness.

From these facts I think it is clearly demonstrated that by continuing the high rate of 16 cents per pound the Government is driving the cream of the package traffic into the hands of the express companies, and the Post-Office obtains only that share of the mail intended for the far West or to points on long runs where the express companies have no offices, or where the postage is lower than the express charges.

Yours, truly,

JAMAS VICK.

Hon. H. S. GREENLEAF,
Washington, D. C.

Mr. GREENLEAF. Now, Mr. Chairman, a word with regard to the express rates on seeds from Rochester, N. Y.—known as the "Flower City"—to several of the principal cities of the country east of Omaha (which rates I think correspond with the rates to other Eastern cities), and it will be clear, as I understand the subject, that it will be for the interest of the Government, as well as for the interest of the agriculturist and horticulturist, that this amendment be adopted. I hold in my hand a list of express rates which will explain itself, and which I ask to have entered in the RECORD.

This list I have obtained at considerable trouble, and is as follows:

Express rates on packages.

From Rochester to—	3-pound package.	4-pound package.
New York	$0 25	$0 25
Philadelphia	40	40
Chicago	35	35
Cincinnati	35	35
Omaha	60	60
The postage at 16 cents per pound	48	64

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] reserved the point of order subject to an explanation of the amendment.

Mr. WARNER, of Ohio. If the Government admits seeds at all to get through the mails, I think the rate of 8 cents a pound is enough; and I believe the reduction of rate would increase the revenue rather than diminish it. If the Government can afford to transmit papers for 1 cent a pound, it can, I think, afford to carry seeds at 8 cents. I am in favor of the amendment, and hope the point of order will not be made if it lie. I hardly think it will lie against the amendment.

Mr. MONEY. If there is no point of order to be made against the amendment, I wish to say a word on it.

Mr. TOWNSHEND. If it does not provoke debate I am willing the amendment should be voted on, and shall not make the point of order.

Mr. BLOUNT. I make the point of order on the amendment.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BLOUNT. The point of order is that it changes existing law. It changes the rate of postage on seeds and bulbs, and therefore is new legislation; and it does not retrench expenditures in either of the modes designated as legitimate in amendments to appropriation bills. It does not reduce the compensation paid to any person, nor does it reduce the number of employés, nor does it reduce the amount carried by the bill. And I may remark that I do not know it is strictly a matter of postal service to be sending bulbs and seeds through the mails.

The CHAIRMAN. The Chair is of opinion the point of order is well taken. The Clerk will read.

The Clerk read the following paragraph:

For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $600,000 of the net revenues of the Post-Office Department of the United States on mail-matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement, with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips: *Provided further*, That the general laws regulating the transportation of inland mails shall be applicable to such contracts, except as herein provided: *And provided further*, That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885.

Mr. MCMILLIN. I reserve the point of order on that paragraph.

Mr. HOLMAN. I rise to make the point of order on this paragraph. I wish to call the attention of the Chair to the state of the law. I ask that the Chair direct to be read sections 4007, 4008, and 4009 of the Revised Statutes, as bearing on this question and showing the present state of the law.

The CHAIRMAN. The Clerk will read the sections of the Revised Statutes which the gentleman has indicated.

The Clerk read as follows:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing vessels when the service can be facilitated thereby.

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

Mr. HAMMOND. Will the gentleman from Indiana allow me to suggest that he should also have read section 3976?

Mr. HOLMAN. That is the section, I believe, which was repealed.

Mr. HAMMOND. It was repealed, the repeal to take effect next April; but it is the law now. I think the gentleman had better have it read.

Mr. WARNER, of Ohio. But it would not be the law when this takes effect.

Mr. HOLMAN. It occurred to me that that section was repealed. I ask that section 3976 be read. It appears it is still the law, for the repeal has not yet taken effect under the statute of last session.

The Clerk read as follows:

SEC. 3976. The master of any vessel of the United States bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive 2 cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States.

Mr. HOLMAN. The point of order I desire to present I think is substantially, so far as the present state of the law is concerned, based on section 4009. The Chair will perceive that the substance of that section is that the Postmaster-General may enter into contract with American vessels for the transportation of foreign mails at a compensation including both the inland and the ocean postage, which would be 5 cents a letter, being the entire postage on the mail which the vessels shall carry. Where the contract is made with a foreign vessel or with a sailing vessel, then the Postmaster-General shall only pay to the vessel transporting the mail, the foreign vessel or the sailing vessel, the ocean postage. That is the present state of the law. To that extent contracts are authorized to be made.

The pending proposition changes that law entirely, and repeals it. It provides as follows:

For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $600,000 of the net revenues of the Post-Office Department of the United States on mail matter sent to foreign countries—

All mail matter, as the Chair will perceive; not the mail matter sent by a particular ship, but all the mail matter sent to foreign countries—

during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement, with the lowest responsible bidder, for a term not exceeding four years—

A new feature—

and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips.

The change in the law, Mr. Chairman, is very manifest. The present law would pay those vessels the inland postage as well as the ocean postage on the mail carried. If the inland postage and the ocean postage on that mail would amount to $20,000 the vessel would receive it all, or at least such a contract is now authorized to be made under section 4009 of the Revised Statutes.

As affecting the subject of appropriations I desire to read the terms

in which the law of the present year appropriates the sum of $425,000. I have not that law at hand, but have sent for it. It is quite important the Chair should have before it the exact terms of the law for the present year, being the same except in the amount of appropriation as for many years past. When the Chair shall come to examine this provision it will find that there has been appropriated for the present year $425,000 for foreign mail service. Under this appropriation, as the Chair will perceive, the Postmaster-General could contract with foreign vessels for the transportation of the mails for the ocean postage only, and could contract with American steam vessels for the transportation of the mails, paying them under the provision of the law the entire amount of postage, inland as well as ocean, to the extent of the $425,000.

Now, the amount paid during the last fiscal year to American vessels was about $55,000. This bill, instead of appropriating $425,000, appropriates $370,000 (being $55,000 less than the amount appropriated for the current year) for the transportation of mails on foreign ships. The language of this bill is:

For transportation of mails on foreign steamships, and for foreign administration, for intermediary, territorial, and sea transit of foreign mails, $370,000.

Now, the corresponding appropriation for the present fiscal year is in the following language:

For transportation of foreign mails, $425,000.

Of course the whole of this could be applied by the Postmaster-General under section 4009 of the Revised Statutes, paying one class of vessels the sea postage, the other class of vessels—American vessels—sea as well as inland postage.

This bill, in the paragraph upon which the point of order is now made, proposes to change the entire law, not by a decrease in the amount appropriated, but by an increase to the amount of $545,000; and it provides that instead of payment being made on the basis of the inland and sea postage, these vessels shall be paid at a rate not exceeding 50 cents per mile both ways. There is the point of difference. Then it repeals all conflicting provisions of law now in force, including, of course, section 4009. The concluding proviso of the paragraph is in these words:

That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed; and this act shall take effect from and after July 1, 1885.

Mr. MILLS. Is that the provision of the existing law also?

Mr. HOLMAN. No, sir. None of these provisions are in the existing law. This is entirely new legislation, as the gentleman will perceive. It repeals section 4009; adopts an entirely new basis of compensation—not the simple ocean and inland postage, but a compensation not exceeding 50 cents per mile.

My attention is called to the further fact that the paragraph embraces new legislation in this provision:

That the general law regulating the transportation of inland mails—

Not sections 4007, 4008, 4009 of the Revised Statutes,

shall be applicable to such contracts, except as herein provided.

There is a provision also for contracts for a term not exceeding four years, while the present law contains no such provision.

I call attention also to that portion of the paragraph reserving to the Government the right to purchase these vessels. This, of course, is new legislation. But the main feature of the paragraph is the repeal of section 4009 and the substitution of a new basis of compensation.

I trust the Chair will indulge me a single moment further. The first portion of clause 3 of Rule XXI is simply an old rule, which came down to us from former times, and has reference not to any change of law, but to appropriations in continuation of public works already in progress. It was designed to apply to such works of national importance as have been authorized and were in progress before the adoption of this rule:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects—

"Works" and "objects" being manifestly synonymous terms—

as are already in progress.

That provision has no reference to a change or repeal of existing law.

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The pending proposition increases the amount of the appropriation $545,000. It does so by the repeal of section 4009 of the Revised Statutes, by the incidental repeal of other provisions of the statutes, sections 4007 and 4008, and also by the enactment of new legislation not now in force. These are the grounds on which I predicate the point of order.

Mr. HEWITT, of New York. Mr. Chairman, it is not often that I take the time of the committee on a point of order. I have been a member of this House for a good many years, and I have usually been in pursuit of information as to what was in order and what was not in order, but this particular measure is of such far-reaching importance that I have been induced to give some attention to the question of order which it involves. I take it that any objection made upon the ground that the amount of money to be taken from the Treasury under the operation of this provision will exceed the amount which has heretofore been paid to foreign mail service will have no weight with the Chair if it can be shown that existing law makes provision for payment for foreign mail service. It is the function of the law to say what shall be done; it is the function of Congress to provide the means; and the necessity for annual appropriation bills consists in this, that the exigencies of the nation change with the rolling years, and that the appropriation bill is to accommodate itself to the carrying condition; sometimes granting more money, sometimes granting less money than has been found necessary during previous years. I shall not spend any time, therefore, in enlarging upon this very obvious point. But if the proposed legislation should be found to change existing law, and then the amount appropriated should exceed the amount heretofore applied to this purpose, I acknowledge that the provision would be open to the point of order.

The first question, then, to be settled is whether this provision in the bill which we have under consideration changes existing law. Prior to the passage of the act commonly known as the Dingley bill unquestionably this provision of the bill would have changed existing law. But by that bill, in section 23, it is provided that—

Sections 3976 and 4203 of the Revised Statutes of the United States and all other compulsory laws and parts of laws that oblige American vessels to carry the mails to and from the United States arbitrarily, or that prevent the clearance of vessels until they shall have taken mail matter on board, be, and they are hereby, repealed; but such repeal shall not take effect until the 1st day of April, 1885.

Now, section 3976 of the Revised Statutes required American vessels bound from any port in the United States to any foreign port to take on board the mails and convey them for a compensation of 2 cents per letter; under which provision, as the gentleman from Indiana [Mr. HOLMAN] has properly stated, a very small amount of money has annually been paid—I think he said $50,000 or $60,000.

Mr. HOLMAN. Fifty-five thousand dollars.

Mr. HEWITT, of New York. To increase that amount by the sum of $600,000, unless that section had been repealed, would have made this provision subject to the point of order. But the section is repealed, and there is no provision left upon the statute-book which requires American vessels to carry the mails for a compensation which in the aggregate amounted, as the gentleman [Mr. HOLMAN] says, to $55,000. But we are told that that repeal only takes effect on the 1st of April next, and that therefore this provision of the statute is not yet repealed, that it is existing law, and that therefore this provision of this bill contravenes existing law. Mr. Chairman, the Dingley bill is existing law. That is the law of the land to-day. In that law the provision is that after the 1st day of April next these American vessels shall not be bound to carry the mails.

This provision in the bill reported by the committee comes before the House for the reason that the obligation to carry the mails will cease on the 1st day of April next. This bill is to take effect on the 1st day of July next, and thus does not go into effect until after the repealing clause of the Dingley bill shall have become a fixed fact and the obligation to carry the mail under section 3976 shall have ceased. It seems to me, not being much of a lawyer, but only a plain man of business, that if I had to deal with the question as the Chair will deal with it, from a common-sense point of view, I should take knowledge of the fact that on the 1st day of April next I should be left without any provision for carrying the mails, and I would proceed, as a good business man, to prepare for this contingency in time; and that is what this House is asked to do.

Mr. RANDALL rose.

Mr. HEWITT, of New York. Does the gentleman desire to ask a question?

Mr. RANDALL. I want to reply. I thought you had finished.

Mr. HEWITT, of New York. Oh, no; I have not begun on the point of order. I am only approaching it by slow degrees.

Mr. RANDALL. I thought you were touching on the merits of the question?

Mr. HEWITT, of New York. I have strictly avoided the merits of the question. I have not touched upon them, and I do not propose to touch upon them, and I may as well say now that nothing will fall from my lips in the discussion of this point of order which will indicate whether I am in favor of this provision of the bill or not. I am only discussing the point of order, and I shall not go outside of it.

Now, if I am right in saying that this bill makes provision for the cessation of mail facilities which will occur on the 1st day of April next, then we are brought to the question as to what the existing law does provide. The existing law in section 4007, which is not repealed, is this:

The Postmaster-General may, after advertising for proposals, enter into contract for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

There is the broad authority for the Postmaster-General to advertise and enter into contract for the carriage of the mails between the United States and any foreign country. Is there any limitation upon

that power? Do the statutes anywhere provide any limitation? Yes. In section 4009 there is this provision:

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage, and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

Now, by the first clause section of 4009 the Postmaster-General, if he sends the mail by a United States steamship, may allow as compensation the sea and the United States inland postage. He may take the whole of the sea postage and the whole of the United States inland postage—all that he has got.

He may advertise and make a contract, paying all the sea and inland postage he receives. I know that is a startling proposition.

Mr. HORR. And that amounts to $1,800,000.

Mr. HEWITT, of New York. I do not care anything about the amount now. I am dealing with the law as I find it. I did not make this law, but I find that as the law now stands the Postmaster-General may make this contract by which the steamships carrying the mails shall receive the whole of the sea and inland postage. Gentlemen may say that is an absurd construction. Let us see what the second clause of section 4009 says:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

On a foreign ship he is limited to sea postage "on the mail transported." But that limitation is not applied to a United States steamship. And by the very fact that it is applied to the one and not to the other it becomes a negative pregnant, and therefore gives to the Postmaster-General, as I said before, power to enter into contracts which shall absorb the whole of the sea and inland United States postage money on foreign letters, whatever the amount may be, and he is limited only by this amount.

I confess I should be very reluctant as Postmaster-General to take the responsibility of giving that construction to the statute, but such it seems to be.

Mr. HISCOCK. What other construction could you give it?

Mr. HOLMAN. How could you give it any such construction?

Mr. HEWITT, of New York. Mr. Chairman, I once was on the committee which framed the Electoral Commission. There were thirteen lawyers, and I was the only layman. They told me that bill was constitutional, and I took their word for it, and I was abused afterward for having done so. I now leave my colleague from New York [Mr. HISCOCK] and the gentleman from Indiana [Mr. HOLMAN], both eminent lawyers, to fight out the legal question.

I simply take this statute as I find it, with the ordinary common sense with which I try to carry on not only my own business, but my share of the business of this House, and I say the particular proposition seems to be true that the Postmaster-General by existing law may enter into contracts for carrying the mail, and that the only limitation upon his power to contract with United States vessels is the amount of the sea and the inland postage he has in his possession to deal with.

Now, then, if this position be true the provision of this bill is a limitation upon that power, for the amount he has to deal with is about $1,800,000 and the amount limited by this bill is $600,000. This, therefore, does not change existing law and does retrench expenditure in that it limits the expenditure from the sum of $1,800,000 and brings it down to the sum of $600,000. Therefore, as the provision stands I think it is entirely within the rule of the House from the fact it does not make new legislation and does retrench the expenditure allowed by the existing law, although retrenchment is not necessary to bring it within the rule since the repeal of section 3976.

Mr. HAMMOND. Mr. Chairman, suppose the Dingley bill had declared that it should not go into force until 1895, would it not be the law now? The gentleman from New York admits it is not repealed—that the Dingley bill does not go into effect until April, 1885. We have not arrived at that date, and therefore 3976 and the other section, forty-two hundred and something, are existing law. Whether the 1st day of April will ever come, and with it the continued life of the Dingley bill, are things in the future. And the rule is applicable to existing law; that is the language of it, and we may before this committee rises to-night repeal the Dingley bill so that it shall never go into effect. But it is not the law now. Therefore, the first point taken by the gentleman from New York is not well taken, even if it related only to the two sections affected by the Dingley bill.

But sections 4007, 4008, and 4009, which have been cited by the gentleman from Indiana, are certainly existing laws, and this provision in the bill is inconsistent with every one of them.

The gentleman from New York, assuming he had gotten rid of the existing law, undertook by a specious argument to say on the face of this bill, by a certain knowledge of business he had, he could demonstrate it was a reduction of expense. The language of the rule is, shall reduce the amounts in the bill. So far from this reducing the amount in the bill, it appropriates a certain sum of money.

Mr. HEWITT, of New York. It is not the amendment—it is in the bill itself.

Mr. HAMMOND. It is useless for me to read the rule. The language is, no amendment nor any provision of the bill. The committee can no more put in a section changing existing law, unless it changes it in one of three ways provided in Rule XXI, than I can do it. Otherwise the committee can do what it pleases. It would be a chartered libertine, and could do what it would take unanimous consent of the House to do without the sovereign permission of the committee.

If it does not change any existing law, why does any one want it here? Is there any law now declaring what sum of money the Postmaster-General shall contract for and with what vessels he shall contract for the carrying of the mails?

The gentleman from New York has said that if he chooses to bind himself by contract to ship only by American vessels, and pay to the limit prescribed in 4009, it would be more expensive than the amount laid down in this bill. But this very same section declares that he may allow that to an American vessel or he may employ a foreign vessel at so much per letter. May he not contract for the lower amount as well as for the higher amount; and if he may, does this decrease expenditures? The existing law allows him to contract up to a certain figure on an American vessel; this changes that law and it may increase the expenditure—I do not know; the gentleman from New York says it does not, that it decreases it; but you do not know. That is a matter dependent upon outside figures, but not appearing in this bill.

Is there any law now giving a subsidy to American ships other than that, limited, which he has read, with responsibility attaching to the Postmaster-General of making such a contract as would be ruinous perhaps when other ships would for less sums do the same service and equally well? This law now before us declares a new rule between any port of the United States or any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port. It makes a new rule as to the limitation of contracts—four years; it makes a new rule as to the rate per mile on each trip each way; it makes a new rule as to applying all the general law of inland transportation to sea transportation; it makes a new rule in declaring that in time of war the vessels employed to carry this mail may be chartered or purchased by the United States at reasonable rates, and also in repealing all laws in conflict with this act. This law itself put in here is not at all necessary to running the mail service of the United States. It is foreign to the whole business. It is simply a declaration that in order to encourage American vessels you will change the postal law as to carrying the mail on American vessels.

Would it be within the competency of this committee to report a provision allowing greater compensation for carrying the mails on a car made in Massachusetts than on one made in Oceanica? Would it not be utterly foreign to the business of appropriating money to carry the mails?

I am not arguing the question whether such laws would be good laws or bad laws. I am only saying they would be new laws, and laws that do not upon their face decrease expenditures by diminishing the number of officers, by a reduction in their salaries, or the amount reported in the bill under discussion. I have made myself understood by the Chair and ought not to consume any further time. It is to me a marvel that any gentleman can suppose this measure not obnoxious to the point of order under the provisions of Rule XXI.

Mr. OATES. Mr. Chairman, I only wish to speak to one branch of the point of order, in which I think the distinguished gentleman from Georgia is in error. His position assumes necessarily for its maintenance that the Chair must be blind to everything on the statute-books except those which are presented here in argument. He assumes that this amendment necessarily changes existing law. If the Chair puts out of sight the act known as the Dingley bill, that is true; but this I assume the Chair will not do.

What operation then, or effect, does the Dingley bill have or propose to have at a future period upon the statute read by the gentleman from New York [Mr. HEWITT]? It repeals it, but not until April next. Now, because that repeal is postponed until that date, the gentleman from Georgia assumes that it is existing law and that this amendment would work a change in the existing law.

Why, sir, the very bill upon which this amendment is proposed can not have any force or effect as a law until the 30th day of June, a period after the other, the Dingley bill, goes into operation. Now, inasmuch as the Dingley bill can not repeal this section or these sections to which he refers until the time named in that bill, then, by parity of reasoning, the present act proposed to be amended can not operate or have effect or become a law until the time named in which it is to become operative. Then, applying the language of the rule wherein he maintains that it changes existing law, the Chair, to maintain that position, must assume that this law will continue to exist up to and after the period when the law proposed to be amended is to go into operation. This, Mr. Chairman, is an unsound position.

The rule invoked against this amendment must have a sensible interpretation. The repeal of existing law is immediate, if the bill to which the amendment is offered is at once to go into operation; but if it is to go into operation at a time fixed in the future, the Chair will look and see whether that law which is interposed and which it is contended is an existing law that it will operate to repeal will also have no existence when the present act goes into operation. As the Chair sees and

knows that by the terms of the Dingley act this existing law which will be changed will not be law at that time, that part of the gentleman's argument necessarily falls to the ground.

Mr. RANDALL. There is no occasion for confusing the point of order, as made under the rule of the House, with other matters. The question simply is this, Is there existing law which authorizes the appropriation contained in this paragraph?

The prior law, subsequently repealed by the Dingley act, prescribed the amount to be paid for ocean postage; and the sum provided for in this act is in excess of the provisions of that law. The next question is, Did the repealing clause in the Dingley act create any new law which authorizes such an expenditure as is provided in this paragraph? I submit that there can not be cited any law, and that no construction can be placed upon any existing statute growing out of the repeal as contained in the Dingley act, which authorizes under the rule the making of this law unless it is in the direction of economy. And so far as I know there is but one gentleman on this floor who has maintained that the paragraph here will reduce the expenditures. When we appeal to common sense we might as well at the same time appeal to truth, and we know perfectly well no man can stand up here and truthfully say that this provision of $600,000 does not greatly increase the expenditures of the public money.

Mr. HISCOCK. Will the gentleman from Pennsylvania yield to me for a question?

Mr. RANDALL. In a moment. Now I maintain first that this provision does change the law as it existed prior to the enactment of the law known as the Dingley act; and it is not material when that goes into effect, because the Dingley act itself provided no law in substitution, conceding that it changed the other law which authorized this expenditure.

Mr. DINGLEY. Mr. Chairman, there has been a misapprehension on this point. The assumption has been in all this discussion that the twenty-third section of the shipping act, approved on the 26th day of June last, repealed all the legislation providing for compensation to American steamships carrying United States mails. This is not true. There were two provisions of statutes that existed at the time that bill went into effect. First, one which authorized the Postmaster-General without contract to require any American vessel to take the mails of the United States and deliver them, for which it was to receive 2 cents per letter. This was the compulsory statute. But alongside of this, and still remaining the statute to-day, there was another provision of law contained in sections 4007 and 4009 of the Revised Statutes, which also authorized the Postmaster-General to enter into contract with the owners of American steamships for the purpose of carrying the mails of the United States, for which the Postmaster-General might pay to American vessels the sea and inland postage.

Now, it makes no difference, Mr. Chairman, whether the twenty-third section of the shipping act repealing the compulsory provision is in force to-day or not, the Postmaster-General under the law as it exists to-day is authorized to contract with the owners of American steam-vessels to carry the mails of the United States, with the only limitation that the sum paid shall not exceed the sea and inland postage. But the revenue from sea and inland postage during the past year, as appears officially by the report of the Postmaster-General, was $2,172,000, and the Postmaster-General to-day by the law as it exists, and by the law as it existed last June before the twenty-third section of the shipping act was enacted, is authorized if he chooses to contract with American ships to carry the mails and expend $2,172,000.

The provision introduced into this bill limits this expenditure to $600,000. It is in effect as if the language of the provision was that the Postmaster-General should expend only one-third of the sea and inland postage.

Now, Mr. Chairman, it seems to me that in this view, taking the law as it stands, this provision reported by the Committee on Appropriations does limit the expenditure which the Postmaster-General may make to about one-third of the sum which he may expend to-day under the law. But the inquiry is made, Why, then, this legislation? Because, in the first place, the appropriation which has been made has not been sufficient for the purpose of carrying out the limitations of law; and in the second place, because the practice has been to use the compulsory provisions of law enforced upon American vessels and not enforced upon foreign vessels; and to-day with these compulsory provisions unrepealed American steamships have simply the same chance that foreign steamships have, the right to accept or reject an offer of the Government. And now with the law as it exists and as it may be enacted in this provision, limiting the amount to one-third of the sea and inland postage, it seems to me, Mr. Chairman, that this provision is clearly in order.

Mr. HISCOCK. As I understand the argument which is advanced by the gentleman from Georgia [Mr. HAMMOND] and by the gentleman from Indiana [Mr. HOLMAN], it is that the repealing clause in the Dingley act does not operate upon the two compulsory clauses until the 1st of April, and therefore they are existing law within the meaning of the rule. Now suppose the Dingley act had repealed those two compulsory clauses, to take effect the 1st day of April next and had enacted every provision in the pending bill excepting that appropriating money to take effect upon the 1st day of April next—I hope I am understood—suppose the repealing clause took effect as a compulsory clause on the 1st day of April, and they had put into their statute the provisions in this pending bill excepting the one appropriating the money—I mean the provisions regulating what shall be paid and so on—I ask gentlemen under what provisions of the statute would you have made your appropriation? Would you have said that the clauses of the statute that are to be repealed and wiped out on the 1st day of April next—would you have said that they were the existing law for the purposes of this appropriation? Would that have been your position? Yet you are forced to that position if you are right on this point. You are forced to say that under this rule you would be compelled to make appropriations to be expended under laws which are repealed as of the 1st day of April next, before the time when the money is to be disbursed, and that you could not make your appropriation with reference to the provisions of law which will be in force at the same time with the law under which the money is to be expended.

I have said this much for the purpose of illustrating the fallacy of the position taken by gentlemen here. The law under which you must make your appropriation, the law referred to by the rule, is the law under which the money is to be expended, and none other.

One word further now—and I am aware that I shall be traveling over the ground which has been so well occupied by the gentleman from Maine [Mr. DINGLEY]—I ask these gentlemen if these sections that are repealed as of the 1st day of April next are in force—if they are actually in force to-day? Can you compel the Postmaster-General to have the mails carried under those sections? It is true that the Postmaster-General can compel these vessels to take the mails under that law, but there is nothing in the statute which compels him to enforce the law.

But, on the other hand, you have the sections that are referred to here under which the Postmaster-General has a right to make contracts. I have not examined those sections very critically, but my understanding of them is that they are provisions of law designed to meet a present necessity. A ship is in port; it is desirable to have the mail carried upon that ship; possibly there is no contract with her, and in a case of emergency the Postmaster-General under this statute can call upon that vessel to carry the mail. They are 'emergency statutes; nothing more nor less. It was not contemplated that contracts for the carrying of the mails permanently should be made under those statutes.

One point further, and I have done. There is a class of cases in which you are compelled to go outside of the statute to find out whether expenditures are reduced or not. In the rule we have this provision:

> Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States.

Now, sir, whenever the amount which is to be paid to a person or to a corporation out of the Treasury is not fixed by statute you are compelled to go outside of the law to find out whether by the proposed measure expenditures are reduced or not. Take a case in which the compensation is to depend upon the amount of service rendered; in such a case you are compelled to go outside of the law and to look up the facts in order to find out whether expenditures will be reduced under the bill which you are considering. If it is a salary or if the statute declares the amount of money, the specific sum, which can be paid, then you look to the bill; but where the amount is dependent somewhat upon the amount of service rendered and you have got to ascertain the amount of service which is rendered before you know how much money you will pay for the service, in all such cases as that you are compelled of necessity to go outside of the act to find whether you are reducing expenditures or not. In this case, as I understand it, there will be a large reduction of expenditure. Under the law as it stands a million and a half or two millions of dollars may be paid out, but by this provision the expenditure is limited to a much less sum than that, and in deciding upon this question you are compelled to look up the facts to find out whether there will be a reduction of expenditure under the bill.

Mr. BAYNE. Mr. Chairman, in my opinion this provision is very clearly subject to the point of order made against it. It is subject to the point of order because it changes existing law and does not reduce expenditure, but, on the contrary, very largely increases expenditure. In the first place, there is no existing law now authorizing the Postmaster-General to make a contract for five years for carrying the mails either in American or in foreign ships, or on any of the railroads of the country, or by any other method whatever. Yet this proposition is to enable the Postmaster-General to make a contract for carrying the mail for five years.

Mr. DINGLEY. Four years.

Mr. BAYNE. Well, for four years. Now, there is no such provision as that in the Revised Statutes, nor can it be found anywhere in existing law. Therefore I say this does change existing law in that respect. Moreover, it makes a preliminary appropriation of $600,000, and if this contract may be made for one year at $600,000, four times $600,-

000 is $2,400,000. The argument strangely announced by my friend from Maine, that because the inland postage cost $1,200,000, or $2,000,000, and this provision appropriates only $600,000, therefore this is a retrenchment of expenditures, is an argument for which I can see no foundation at all. It appears to me to have no logical force or application.

Moreover, the existing law requires the inland postage to be paid on the mails transported. The amount of mail matter is the measure of compensation. There is nothing in the law to-day that does not regulate the compensation by the amount of service rendered to the Government. But this provision proposes to pay 50 cents a mile though the ship may carry but one letter. Yet gentlemen say that this provision does not change existing law!

A ship may start from New York to Brazil having, as was the case a few years ago, only one bag of mail-matter. In such a case under this provision that vessel would be entitled to 50 cents a mile from New York to Brazil and 50 cents a mile for another bag of mail-matter from Brazil to New York, although the cost of that transportation, according to the rates fixed by section 4009, would probably be only 50 cents for the round trip. Yet it is said this does not change existing law! It manifestly changes existing law in several respects. It is a departure from the policy of this Government, which is to pay for services rendered a fair compensation and no more; and just so far as it is a departure from that policy the idea of subsidy enters into it. The provision not only changes exisiting law, but changes the whole policy of this Government. I, for one, will never consent to any proposition that looks to taking taxation from the people and paying it to particular ship-owners in order to build up a fictitious system of marine service, when such things should come according to natural causes, and will come in due time if our people will be a little patient.

Mr. FINDLAY. Mr. Chairman, I dislike very much to occupy the attention of the House at this late hour in discussing a point of order; but being a member of the Shipping Committee, which has had this matter under consideration, I feel some interest in it, and was very much gratified when the Appropriations Committee reported their bill embracing this provision.

The question before the Committee of the Whole is whether or not this provision changes existing law; for I take it if it does not, the question whether it retrenches or increases expenditures becomes immaterial. The language of Rule XXI is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures—

In one of several specified methods. So that the vital, the fundamental question to be determined in this case is whether the provision changes existing law. If it does not, all that has been said on the question of retrenching or reducing expenditures falls to the ground.

I maintain that it does not change existing law. The bill itself recites that "this act shall take effect from and after July 1, 1885." What law will be changed by the paragraph now under consideration? Not the section which has been repealed by the "Dingley bill," which goes into effect on the 1st of April, 1885; for on the 1st of July, 1885, that will be gone and out of the question.

An intimation was made by the gentleman from Georgia [Mr. HAMMOND] that it is not to be assumed but that that provision of law may be re-enacted, if you please, before the 1st of April. That is not a fair presumption upon which to argue this question. The presumption is that it will not be re-enacted, because it has been repealed.

Mr. HAMMOND. The gentleman from Maryland will permit me to say that I made no such presumption.

Mr. FINDLAY. I understood the gentleman to say so.

Mr. HAMMOND. No, sir.

Mr. FINDLAY. Very well; if the gentleman makes the correction let it stand. I simply misunderstood him. There are others who understood him the same way.

Mr. HAMMOND. I corrected the gentleman from Maryland, not myself, as to what he understood.

Mr. FINDLAY. I am simply saying I misunderstood you.

Mr. HAMMOND. I thought you said I corrected myself.

Mr. FINDLAY. I simply said I misunderstood you; and there are others who understood you in the same way.

Mr. HAMMOND. I am very glad you made the mistake, as it gives me this opportunity of making them understand me correctly.

Mr. FINDLAY. I think we understand each other now; and as this is not very germane to the discussion I shall proceed with what I have been saying. Having made my apology to the gentleman, I do not think it necessary to go further.

Now, Mr. Chairman, what is the state of the case? On the 1st of April, 1885, the existing law now on the statute-book passes out of existence. Then there come April, May, and June, three months during which there is no law upon this subject. Then on the 1st of July, 1885, this provision, if enacted, comes into existence. It can not come into operation by its own terms until that date. If the law with which this provision is in conflict should be in force on the 1st of July, 1885, when this bill proposes to go into effect, there would be a change of the law existing at that date; but as the law will not then be in existence, the law having been repealed three months before, there will be at that date nothing to change.

Mr. HAMMOND. Will the gentleman allow me a question?

Mr. FINDLAY. Yes, sir.

Mr. HAMMOND. Assuming to be true what the gentleman has already said, will not this provision of the section be a change of existing law:

That vessels engaged in this service shall be of American registry, and shall, in time of war, be liable to charter or purchase by the United States at reasonable rates; and all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. FINDLAY. I understood the gentleman to rest the weight of his argument upon the first point I was discussing. If he abandons the first point, if he thinks that point answered, and now feels compelled to fall back on his second point, I will meet him there.

Mr. HAMMOND. I do not abandon my first point, although the gentleman assumes that I do.

Mr. FINDLAY. I said "if the gentleman abandons it." I did not make the assumption; but it seemed to me the gentleman did abandon it.

Now, Mr. Chairman, the gentleman has asked whether or not the last proviso which he has just read does not change existing law. I say no; it does not change existing law; it simply adds to the law something not now in existence. It makes new law and does not change the old. If we are to go outside of the statute and into the principles of the law I do not admit it makes any change of principle, because in the exercise of the right of eminent domain the Government of the United States can take these vessels now and use them in time of war. This simply says that the vessels engaged in this service shall be of American registry and shall in time of war be liable to charter or purchase by the United States at reasonable rates. It simply gives it a power—embodies it here in the statute—which it has without the embodiment of that power in the statute. Therefore it does not change the law in that sense. But in another sense it is not a change of existing law. It only adds something to law where it is now defective. And so I say to the gentleman from Georgia his second line is no better than his first.

Mr. MILLS. I hope the committee will rise.

Mr. MONEY. I hope not, as I wish to be heard on this question.

Mr. THOMPSON. I desire to submit an additional point.

Mr. MONEY. Had we not better dispose of one at a time?

The CHAIRMAN. The Chair prefers to hear all the points raised.

Mr. THOMPSON. I will state the additional point. It seems to be conceded, Mr. Chairman, by all that the provision ingrafted on the bill by the Committee on Appropriations is an entirety. I submit to the Chair this paragraph is an entire proposition. It seems to be admitted on all hands that each of the provisos is of itself a change of existing law. For instance, the last gentleman who addressed the House, the gentleman from Maryland [Mr. FINDLAY], admits the provision here that vessels engaged in this service shall be of American registry, and shall in time of war be liable to charter or purchase by the United States, is a change of existing law. It is further admitted that proviso does not retrench expenditure either in the reduction of the number of men employed by the Government or in the amount of pay given out of the public Treasury. And that last clause is clearly within the provision of clause 3 of Rule XXI. So it is admitted by all the gentlemen who have argued the point of order that each one of the other provisos comes within the range of the rule.

The point I submit to the Chair is this: That where any portion of an amendment, which is an entirety, is subject to the point of order the whole provision must be stricken from the bill. It has been so ruled constantly by various Speakers of the House. I will only cite the Chair to the decision made by Mr. Speaker KEIFER in the Forty-seventh Congress (Journal Forty-seventh Congress, page 1704), that whenever any portion of a proposed amendment submitted is out of order in any part it is sufficient ground for rejection of the entire proposition. I ask the Clerk to read that decision.

The Clerk read as follows:

Mr. BELMONT, also, by unanimous consent, submitted the following resolution, namely:

"*Resolved*, That a special committee of seven members of this House be appointed with authority to report upon the causes of the decline of the American merchant marine, and to recommend to the House at its next session what changes in existing laws are needed to secure a revival of this interest."

Ordered, That said petition and resolution be referred to the Committee on Commerce.

And then,

On motion of Mr. BINGHAM, the House proceeded to the consideration of the bill of the House (H. R. 859) regulating rates of postage on second-class mail matter at letter-carrier offices.

Mr. TOWNSHEND moved to amend by adding thereto the following as additional sections, namely:

"SEC. 6. Strike out the word 'three' and insert 'two,' on the eighth line of section 3903 of the Revised Statutes.

"SEC. 7. Strike out sections 3905 and 3906 and insert 'that the postage on second class mailable matter be, and the same is hereby, abolished, and that such mail matter shall be conveyed in the mails of the United States free from postal charges.'"

Mr. PEELLE made the point of order that the said amendment was not in order, not being germane to the subject-matter of the bill.

Mr. MONEY made the further point of order that the said amendment, being

the substance of a bill referred to the Committee on the Post-Office and Post-Roads, was not in order under clause 4 of Rule XXI.

After debate on said points of order,

The Speaker sustained the same, and held that where any portion of a proposition submitted was out of order it was sufficient ground for the rejection of the entire proposition.

Mr. THOMPSON. Now, Mr. Chairman, I hold that this proposition is an entirety, and that the Committee on Appropriations have no more power to ingraft upon an appropriation bill a proposition of this kind than we have by an amendment offered in the House. I hold that they stand exactly in the same relation to the House, and under Rule XXI have the same power as we have, and no more. I hold further that the proposition brought in here, being an entire proposition, parts of which are admitted on all hands to be subject to the point of order, that necessarily the entire proposition is subject to the point of order if insisted upon, and I do insist upon it.

Mr. TOWNSHEND. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLAND having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ADAMS, of Illinois, indefinitely, on account of sickness.

To Mr. GOFF, until February 16, on account of sickness.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask unanimous consent that the House may now take a recess until 10 o'clock to-morrow, as provided for by a previous order, without waiting until the hour of 10 o'clock to-night.

There was no objection; and accordingly (at 9 o'clock and 55 minutes p. m.) the House took a recess until 10 o'clock a. m. Friday.

AFTER RECESS.

The recess having expired, the House (at 10 o'clock a. m., Friday, February 13, 1885) resumed its session.

UNLAWFUL OCCUPANCY OF THE PUBLIC LANDS.

Mr. PAYSON. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. PAYSON. I move to concur in the amendments of the Senate to the bill (H. R. 5479) to prevent the unlawful occupancy of the public lands.

The SPEAKER *pro tempore*. The Senate amendments will be read.

The several amendments of the Senate were reported.

Mr. PAYSON. I move to concur in the amendments of the Senate.

Mr. HEWITT, of Alabama. I would like to ask the gentleman from Illinois a question: whether this has been considered by the Committee on Public Lands?

Mr. PAYSON. Yes, sir; and unanimously reported by the committee with that recommendation.

I suggest, Mr. Speaker, unless a separate vote be desired on some of these amendments, that the vote be taken in gross upon concurring in the Senate amendments.

There being no separate vote demanded, the Senate amendments were concurred in.

Mr. PAYSON moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, announcing that my object is, if possible, to call up the river and harbor appropriation bill; and pending that motion I move that all debate on the pending section and amendments thereto be limited to one hour and a half, with the understanding that the opponents of the bill shall have one hour, and the friends one-half hour of this time.

Mr. REED, of Maine. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. REED, of Maine. I make the point of order that under the rules of the House debate can not now be limited on the section.

The SPEAKER *pro tempore*. The Clerk will read the clause of the rule applying to this subject.

Mr. REED, of Maine. If the Chair desires, I should like to be heard upon the point of order.

The SPEAKER *pro tempore*. As soon as the rule shall have been read.

The Clerk read as follows:

6. The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

Mr. REED, of Maine. As I understood the proposition of the gentleman, it is to close debate not only upon the particular paragraph under discussion at the time the committee rose, but also to close it on the rest of the section which has not yet been read.

In order that the importance of the decision upon this point may be fully appreciated, I desire, first, to say that debate would be closed upon that portion of the bill which especially needs exemplification and discussion. It will be remembered that at the beginning of the debate on this bill the time was absorbed by the committee who have it in charge under the direction and action of the House, and the committee, with the exception of the very luminous remarks of the gentleman from Arkansas [Mr. BRECKINRIDGE], gave us very little satisfaction on the subject of the Mississippi River improvements, which are involved, or liable to be involved, in the matter now in hand.

The Chair will also recollect that we had this question raised for the only time, at least during my membership of the House, in the discussion on the tariff bill in 1883. One side of this House was exceedingly anxious to pass the House tariff bill, the other side was exceedingly anxious that it should not be passed, and hence every provision was discussed at length—was discussed in the light of amendment and in every way—and it became apparent that if that discussion was to go on the majority of the House would have grave difficulty in passing the bill prior to the close of the session. Thereupon the motion was made to close debate on the section, which substantially included the whole bill, and I have no doubt the Chair will recollect the remarks which he as an individual made at that time, and I trust that his view in the chair may be the same as the view he took upon the floor and as the view which was taken by the permanent occupant of the chair.

I think it will be found that I did not participate in that debate upon the point of order. If my recollection serves me I did not; probably because I did not agree with my party friends as to the question. But in any event the proposition was then very strenuously opposed.

Now let me suggest to the Chair that in a parliamentary body all the presumptions are in favor of full and complete debate, and that it requires an absolute, positive rule of the House to justify the closing of debate. I say it is absolutely necessary to start with the idea that a closing of debate on the part of the House is a measure against which all the presumptions lie. In other words, there must be a positive rule of the House to justify the action in closing debate, because the normal condition of a deliberative assembly is that of debate; a proposition needs to be fully discussed. There never has been a case where, upon objection being made, so far as I know, this proposition of the gentleman from Kentucky [Mr. WILLIS] has been sustained. On the contrary, it has been the experience of every man in this House that a bill like this is discussed point by point and paragraph by paragraph; and this arises from the very nature of the bill, because each item is a separate expenditure, governed by separate and different reasons, and it is impossible to close discussion upon a whole section without closing it upon a multitude of subjects at once. So that the practical effect of such closure is to oblige discussion to range over a great number of subjects, whereas the rule and the principle of the rule has always been, and the practice under it the same, to have each item involving a separate appropriation discussed thoroughly or discussed at any rate by members of the House. And the rule provides, in order that there may certainly be discussion, that not until after discussion has been commenced can it be closed, thus insuring at least five minutes of discussion on either side of each proposition.

Now I know the language of the rule is that debate may be closed on the section or paragraph, and the question is whether that refers to different kinds of bills or whether it refers to the same kind of bills. I admit also that it will be found when you go back to 1860, when the rule started, that the debate would indicate that in the minds of those who participated in that debate, or, more exactly, in the mind of the proposer, the House was to have the alternative power. But I call the attention of the Chair especially to this principle enunciated by the permanent occupant of the chair.

I made a point of order the other day that resolutions of inquiry which were reported back under the rule from committees were not under the rules privileged, so as to be discussed and decided at once, and the permanent occupant of the chair informed the House that if it were a new question he might decide otherwise; but that a custom had grown up, a custom which has certainly not existed any more than two Congresses, by which he should feel constrained to be governed. Now that custom has grown up, but without a single point of order within my recollection having been made on the subject. If, then, the custom is controlling in that, it certainly must be controlling in this; for for twenty-five years, so far as I know, this custom has obtained. I say so far as I know, for nobody can tell without having made a thorough search what there may possibly be in twenty-five years of the CONGRESSIONAL RECORD and Globe. But I am very certain that during the eight years that I have been here the custom has been universal, and that no decision can be found by any presiding officer to the effect that debate can be closed on a provision of the bill which has not yet been read.

My argument then is this: that the normal condition of a deliberative assembly is one of free and untrammeled debate; consequently that it should be clear that the rules of the House permit the majority to limit the rights of individual members; and that the universal custom

of the House, the reason and sense of the situation, all show that this motion made by the gentleman from Kentucky is out of order, and I trust the Chair will so rule.

The SPEAKER *pro tempore*. The Chair will state the point of order raised by the gentleman from Maine, and the argument submitted by him would in the opinion of the Chair be very well directed to a general appropriation or revenue bill. The river and harbor bill has been held more than once to be neither a general appropriation bill nor a revenue bill. The debate to which the gentleman alludes affecting the tariff bill, in the judgment of the Chair, does not apply in this case. If this were a general appropriation or a revenue bill the Chair would have no doubt as to the correctness of the views of the gentleman from Maine; but as a river and harbor bill has never been held to be either one or the other, the Chair does not think the point of order is well taken. The Chair will ask the Clerk to read the sixth clause of Rule XXIII.

The Clerk read as follows:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

The SPEAKER *pro tempore*. The Chair is not disposed to bar the House of its right to debate. The Chair——

Mr. HISCOCK. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair is now endeavoring to state its ruling, and will hear the gentleman later. The Chair has no disposition to bar the House of its right of debate. It is within the power of the House to continue debate upon this section, or the paragraph, as long as it pleases; but under the clause of the rule read by the Clerk, this being neither a general appropriation nor a revenue bill, it is clear to the mind of the present occupant of the Chair that it is competent for a majority of the members here present to limit debate upon the pending section. The Chair therefore overrules the point of order made by the gentleman from Maine [Mr. REED].

Mr. REED, of Maine. I desire to take an appeal; but would it be too much to ask the Chair to state the difference between this bill and a general appropriation bill.

The SPEAKER *pro tempore*. The Chair has stated its opinion and made its ruling, and the gentleman from Maine [Mr. REED] appeals.

Mr. WILLIS. I move to lay the appeal on the table.

Mr. REED, of Maine. I do not mean to yield the floor unless I have to.

The SPEAKER *pro tempore*. The Chair will not require the gentleman to do that, because it has not the power.

Mr. REED, of Maine. Mr. Speaker, I have now made an appeal from the decision of the Chair. I have had too much experience in this assembly not to know how it is liable to act, but I propose, for my part, so far as I am able, to do my duty in regard to this matter. I desire to say to the House that this is establishing a precedent of a most astonishing character—a precedent which must necessarily recoil on both sides of the House.

Mr. WILLIS. Mr. Speaker, I would like to know whether, in discussing this question, the House can be lectured?

The SPEAKER *pro tempore*. The Chair will ask the gentleman from Maine [Mr. REED] to confine himself to the proper discussion of the question.

Mr. REED, of Maine. Will the Chair be kind enough to point out wherein I have deviated from parliamentary rules.

The SPEAKER *pro tempore*. The Chair hardly thinks that the gentleman is addressing himself to the appeal which he has made from the ruling of the Chair on the point of order that he submitted.

Mr. REED, of Maine. Surely I may be allowed to speak of the importance of this matter. Surely that is legitimate discussion.

The SPEAKER *pro tempore*. The Chair will suggest to the gentleman from Maine [Mr. REED] that all discussion upon a point of order is in the discretion of the Chair.

Mr. REED, of Maine. Not upon an appeal, Mr. Speaker.

The SPEAKER *pro tempore*. The Chair admits that upon an appeal the gentleman has a right to discuss the ruling of the Chair upon the point of order he has submitted——

Mr. REED, of Maine. Precisely.

The SPEAKER *pro tempore*. And the Chair hopes that the gentleman will do that.

Mr. REED, of Maine. I shall certainly do so. I call the House to witness that the language I have used is legitimate and proper argument, and that it is not lecturing the House, because, among other reasons, the House has not yet passed upon this question.

Here is a question which involves the freedom of debate, and I beg that this House will not, on account of affection for any particular bill, deliberately establish a precedent which in its results, as I have said before, is sure to recoil upon both sides of the House; is sure to deprive the House on some important occasion of the right to debate. I have endeavored to obtain from the Speaker now occupying the chair the grounds on which he makes a difference between the bill now before the House and general appropriation and revenue bills, and I venture to say that it will not be possible for any member on the floor, or anywhere else, to state any real ground of difference between the bills under the rule, the interpretation of which is in question, because the rule which was read by the Chair in its decision expressly includes every bill; and if it be true that this House can deprive a minority of the right of discussion upon this bill, then it can do so upon every bill that comes before the House.

Let me explain what I deem to be the great fallacy—I say it with perfect respect toward the present occupant of the chair and toward the Chair—the very great fallacy which seems to me to lurk under one suggestion which has been made by the Chair, the proposition that this House need not close debate on the section unless it chooses. Just there is the mistake. I am not now struggling for the rights of the majority; I am struggling for the rights of the minority; and I say that, under the rules of this House, the majority of the House have not the right to close debate except under the rules, and that consequently the ruling of the Chair, if sustained, does cut off the minority, provided the majority choose to exercise that power if the House gives it to them. What is the rule? Let me read it again for the information of the House:

The House may by vote of a majority of the members present, at any time after the five-minutes' debate has begun upon proposed amendments to any section or paragraph to a bill.

Now, certainly the word "bill" there includes general appropriation bills, includes revenue bills, includes river and harbor bills, and all other bills that can be brought before the House or the Committee of the Whole. Consequently, if this ruling be sustained, the distinction made by the Chair can not be sustained. You will find yourselves, and we shall find ourselves, cut off from the discussion of tariff bills, cut off from the discussion of general appropriation bills, and I would like to ask what condition the House will be in then? It has no power to do general legislation now; under this ruling it can not discuss the river and harbor bill; it will not be able to discuss an appropriation or a tariff bill; and, if that is to be our condition, I should like to know why we meet at all. What would be the object of our coming together except to record without word or murmur the opinions of the temporary majority of the House? That is not the object of a deliberative assembly. That strikes at the very foundation of a parliamentary body.

I had at my desk (but some one has taken it) the debate which occurred on this question in the year 1883, and I commend the reading of that to the majority of this House. That debate was participated in by the present occupant of the chair and by the permanent Speaker of this House. There is not one word in any of the remarks made by those gentlemen which is not applicable to the present question. They were both of them very strenuously of the opinion that the majority of this House had not the right to deprive the minority of the power of discussion upon portions of a section which had never been read.

Let the House consider for a moment the existing condition of things. One-half of a section has been read; it has been commented on, paragraph by paragraph; and now it is deliberately proposed that all debate, except such as the majority choose to allow, shall be cut off upon the rest of the section, which has not even been read to the House. For my part I can not conceive of a more singular and astonishing proposition.

Let me further say to the House that this question becomes especially important on this very bill. We are coming to sections which involve the expenditure of millions of money. There are three hundred and twenty-five men who have the right of discussion of those measures. The Mississippi scheme, the Hennepin Canal, and the Galveston Harbor appropriation are involved in this. Yet it is proposed under this ruling to limit three hundred and twenty-five men to an hour and thirty minutes in the discussion of these questions, when the rules of this House give a right of five minutes' discussion pro and con on every item; and the custom of the House gives a much less limited right of discussion.

I am aware that what I have said would have been very much illuminated by the remarks made on the occasion to which I have referred by the gentleman who is now our permanent Speaker and by the present occupant of the chair; and I am sorry that I am not able to present them. Perhaps some gentleman can favor me with the volume? Has the gentleman from Kentucky [Mr. WILLIS] the debate at hand?

Mr. WILLIS. No; I have not. I have the Journal here.

Mr. REED, of Maine. Has the Speaker that debate?

The SPEAKER *pro tempore*. The Chair has not the volume.

Mr. REED, of Maine. If he has I shall be very much obliged——

The SPEAKER *pro tempore*. The Chair has not that debate at hand; he has the ruling made on this question by the permanent Speaker of this House, which after a while the Chair will ask to have read.

Mr. REED, of Maine. By the present Speaker of the House?

The SPEAKER *pro tempore*. By the present permanent Speaker of this House.

Mr. REED, of Maine. I yield five minutes to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I shall make but a single suggestion on this question. We have in this House a custom, which I suppose has its authority in the construction of the rules—a custom under which we read a section or a paragraph, as the case may be, to which amendments and discussion are to be directed. We read the section or para-

graph before either amendment to it or discussion upon it is in order. If it had been the policy in the consideration of this bill to read this entire section before receiving amendments or entertaining discussion upon it, I could very well understand how the ruling of the Chair might be proper and right under the rules.

My understanding is that all the matter upon which you would limit debate must be read in the committee before a motion to limit debate upon it is in order. If in the consideration of this bill we had read the entire section before receiving amendments or allowing discussion, there would be, I concede, ground for the ruling made by the Chair. But we have adopted an entirely different policy—a policy and practice which have always obtained in this House, reading first a part of the section, the paragraph, and then receiving amendments to the paragraph and discussing those amendments.

It is entirely competent to limit the debate upon a part of the section which has been read and considered in that way, and upon all amendments which have been made to that paragraph. But when we go further than that, and attempt to limit discussion upon a part of a section which has never been read and which has not been before the committee, it seems to me, with all deference to the judgment of the distinguished occupant of the chair, we are violating every usage of the House and violating the spirit of the rule.

I submit is it competent, is it orderly, that we should go into Committee of the Whole and debate under the five-minute rule a section before that section has ever been read?

I ask if the Chair were presiding in the Committee of the Whole House on the state of the Union whether he would allow discussion under the five-minute rule until the subject-matter upon which general debate had been closed by order of the House had been read and the section, paragraph, or proposition was thus before the committee under the five-minute rule?

Under the ruling appealed from, Mr. Speaker, I see no reason why it is not entirely competent and proper to go into Committee of the Whole and have the gentleman who has charge of the bill, after general debate has closed, apply the five-minute rule on the section before it has been read at all, and amendments be received to it before it has been read, go then back into the House and cut off, if the House is of that mind, discussion entirely on the section which has never been read at all, and has not been before the House by the reading provided for in the rules. And in this way you may cut off the whole consideration of the bill. It is for this reason, Mr. Speaker, I have desired to enter my protest against the ruling which has been made.

Mr. REED, of Maine. I will yield five minutes to the gentleman from Massachusetts.

Mr. LONG. Mr. Speaker, my interest in this point is not connected with the bill under consideration; but it seems to me we are settling here a very important principle. As was suggested to me by the gentleman from New York [Mr. BEACH], if the construction now urged is to be carried out, the arrangement of a bill into sections being a mere matter of convenience, it will be in the power of any person or committee reporting a bill to put that whole bill in one section and then immediately cut off the debate upon it.

The rule reads as follows:

6. The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph to a bill, close all debate upon such section or paragraph.

I call the attention of the Chair to the fact that this rule is two rules, not one; two rules are embraced in one formula. Those two rules are these: First, the House may, by the vote of a majority, &c., close all debate upon any section; second, the House may, by the vote of a majority, &c., close all debate on any paragraph. The language of the rule is "section or paragraph;" in other words it is disjunctive, making two rules, the second of which, that as to a paragraph, giving the same limitations and rights of debate on a paragraph which otherwise, under the first, would be given only to a section. After the five minutes' debate has begun on a paragraph, that is, after it has been read and debate has begun upon it, the House by a majority of its members may close debate on that paragraph. So, too, after a section has been read and the five minutes' debate has begun on that section, then you may close debate on that section. Therefore it follows that whenever any paragraph has been read and the five minutes' debate has begun, then and only then debate thereon may be closed. So, too, under the other part of the same rule, a section must first be read in regular order—the whole section; debate must begin on that section, and then and then only a motion is in order to close debate thereon. Until the whole section has been read, until the five minutes' debate has begun on that whole section, a motion is not in order to close debate; otherwise the rights of debate are cut off; otherwise, as the gentleman from New York has said, any committee may report a bill in one section and deprive this House of debate. This principle is too important to be sacrificed.

Mr. WILLIS. Can the gentleman from Massachusetts find any rule anywhere which would prevent the Committee on Rivers and Harbors of this House putting the bill making appropriations for the rivers and harbors of the country into one paragraph?

Mr. LONG. I know of none; that is the very argument I make.

Mr. CUTCHEON. I rise to a parliamentary inquiry.

Mr. REED, of Maine. I have the floor. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman from Maine has thirty-five minutes remaining of his hour.

Mr. REED, of Maine. I will yield now five minutes to the gentleman from Tennessee [Mr. YOUNG].

Mr. YOUNG. Mr. Speaker, I do not propose at this time to enter into any discussion on the point of order now before the House. My only desire at the present time is to say a word in the interest of the bill and suggest to my friend from Kentucky [Mr. WILLIS] who has it in charge that in all probability it might reach consideration in the House at a much earlier hour if this question as to limiting debate should be held in abeyance for a little time. The vote taken by the House yesterday evening on the proposition to enter upon the consideration of the bill at this hour indicated very clearly the friendly feeling of the House toward it. I believe if a fair discussion can be had, if a reasonable time be allowed for that purpose, and if the gentlemen who are opposed to certain provisions of the bill are permitted to offer such amendments as they deem necessary, that there will be little or no opposition manifested to its passage; and I submit that it is due to those who have had no opportunity of being heard that they have some consideration shown them in this regard.

There are many important provisions in this bill which have not yet been discussed. Many members of this House think they have a right to be heard in the expression of their views against these provisions. It is just to them and just to the constituency they represent that they should have a reasonable opportunity at least to present their views to the House. None of them I am sure will urge any factious opposition but merely endeavor to protect the interests of their constituents, which they believe are now left without the protection which should be afforded under the provisions of this bill.

And up to this time it can not be denied, whether done purposely or not I will not undertake to say, that the committee having this bill in charge have occupied a very large portion of the time during which it has been under discussion, and now to limit all further debate upon the remainder of the bill to one hour and a half would be to deny to many members a right to which they are entitled.

During the whole time the bill was under consideration in the committee-room no member of the House, I believe, was permitted to lay his views before the committee. Since it has been before the House only a very small number of gentlemen who desired to speak have had an opportunity of discussing it, or of offering any amendment to it. This was unjust to them and may result in leaving important interests wholly unprotected.

Mr. REAGAN. Let me interrupt the gentleman to state that if he will remember, although the committee occupied the greater portion of the time, yet there were several members of the committee who addressed the House in opposition to the bill.

Mr. YOUNG. That may be. I do not know how that was, nor am I complaining of the distribution of the time, but was only going to suggest to the gentleman in charge of the bill that it might be better to let the discussion proceed this morning, ascertain the feeling and temper of the House in respect of further discussion, and how many gentlemen yet desire to speak. By pursuing this course, in all probability by to-morrow or the next day he will be enabled to have the bill in such condition as to submit it to the House for final action. I have no doubt that the House will cheerfully grant him for to-morrow and for the next day the same favor that has been accorded him to-day, in order that the bill may be fairly considered and that no gentleman may have any just cause of complaint. If this suggestion is adopted and an opportunity given to the few gentlemen who entertain decided views and convictions upon this subject to express them, I have no doubt that in a very few days the bill may be finally acted upon by the House and go to the Senate for its concurrence.

Mr. REED, of Maine. I now yield three minutes to the gentleman from Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. I desire to submit to the Chair, in the first instance, a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CUTCHEON. If the decision of the Chair should stand as the judgment of the House, and the motion of the gentleman from Kentucky [Mr. WILLIS] should prevail, and the debate be limited thereunder, would it be in order to submit either an amendment or remarks upon paragraphs of the bill which had not been reached and read under this order?

The SPEAKER *pro tempore*. Amendments to the bill would be in order, but debate would be closed by order of the House should the motion of the gentleman from Kentucky prevail.

Mr. CUTCHEON. I do not understand the Chair to answer my question fully.

The SPEAKER *pro tempore*. Possibly the Chair does not understand the gentleman's question.

Mr. CUTCHEON. Would it be in order to submit amendment or

debate upon a portion of this section of the bill until it had been reached in its regular order and read under this ruling of the Chair should the motion of the gentleman from Kentucky prevail?

The SPEAKER *pro tempore*. The Chair will state in response to the gentleman that amendments may be submitted and would be pending should the motion prevail. But the gentleman from Michigan will perceive, under the ruling of the Chair, if on the appeal that ruling shall be sustained and the motion of the gentleman from Kentucky prevail, that debate would be limited upon this section and such amendments as may be offered to the time indicated by him.

Mr. CUTCHEON. Mr. Speaker, I submit that the Chair has not answered the question.

The SPEAKER *pro tempore*. The Chair has answered the gentleman as distinctly as he can.

Mr. CUTCHEON. I beg pardon of the Chair, but the point of my inquiry is simply this: We have before us a bill of some fifty pages. But ten of these pages have been read. Under this decision of the Chair, if it should be sustained and the motion of the gentleman from Kentucky shall prevail, the entire debate will be limited to the portion which has been read. Now, if the motion of the gentleman from Kentucky shall prevail, I submit that it is manifest to every gentleman upon the floor that the entire hour and a half would be consumed in debating probably a single proposition in that bill, and no gentleman interested in any other portion of the bill beyond page 13 would have any opportunity of debate whatever. Therefore I put the question to the Chair, whether we could debate a proposition before it has been read in the bill if this motion prevails?

Mr. WILLIS. The whole section remaining will be read and be open to debate and amendment. The only point is that the debate will be limited to one and a half hours, one hour of which time will be devoted to the opponents of the measure and one-half to its friends.

Mr. CUTCHEON. I make this inquiry more as a friend of the bill than as an opponent. I desire to see the bill in some proper form pass the House at this session and become a law, and I desire to see it put in a form in which it can pass and become law before the close of this session.

Mr. REED, of Maine. I now yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I listened to the ruling of the Chair as closely as I could, and I do not understand the Chair to hold, nor have I been able to find in the rules, any different provision as to general appropriation or revenue bills from those that apply to all bills, so far as the point of order is concerned. I do not believe that there exists any substantial difference, or that there should exist any; and I desire to read to the House very briefly from the remarks of the present Speaker of the House, Mr. CARLISLE, made upon the discussion of a similar question in the Forty-sixth Congress.

After reading clauses 5 and 6 of Rule XXIII, he says:

Now, we have invariably treated each separate and distinct clause of an appropriation or revenue bill as a paragraph; we have proceeded upon that rule throughout the whole of the consideration of this bill, even up to the very moment when the gentleman from Kansas submitted his motion that the committee rise.

Now I ask the particular attention of the House:

His proposition now is to do what has never yet been done or attempted to be done in this House since the organization of this Government so far as I know; that is, to go forward from the stage to which the House has arrived and close debate upon paragraphs and clauses and subjects not yet reached, not yet read, or considered in any manner by the House and to which no amendments have as yet been offered. And if the gentleman from Kansas can cite a single instance in the history of this body where such a motion as that has ever been entertained I shall have nothing more to say. The gentleman knows that no such proposition can be entertained by the Chair under the rules of the House.

Now observe this:

He knows that when we had under consideration in the last Congress the river and harbor appropriation bill which consumed a great deal of time, a bill which everybody was anxious to reach, where all of the various expedients which are admissible under the rules were resorted to with a view of taking it from the committee and bringing it into the House, he must remember that with all of the anxiety that prevailed to get that bill passed no gentleman upon this floor ever ventured to offer such a proposition as he now submits.

So spoke the present Speaker of the House of Representatives when he stood with the minority, not only touching revenue bills and general appropriation bills, but touching river and harbor bills and all other bills. It occurred to me then and it occurs to me now that he spoke well. And I hope this House will pause long before they will make a rule that does not now exist or make a distinction that does not stand in sound reason.

It is much better that this river and harbor bill should be a few days longer delayed in its passage than that a precedent should be made here which will return to plague the House not only perhaps in this Congress but in future Congresses. And I want to urge upon this side of the House, as we are now in the minority and to continue in the minority next Congress, that we owe it to ourselves to see that these rules do not receive such interpretation as will cut off fair debate.

Mr. BURLEIGH. I ask the gentleman from Illinois how did he vote at the time the matter was discussed?

Mr. CANNON. I do not recollect how I voted or whether any vote was taken.

Mr. REED, of Maine. There was no vote.

Mr. CANNON. I do not recollect that there was a vote upon it. But however I may have voted or not voted under these rules, and in the light of this discussion I feel assured that the ruling of the Chair ought not to stand. The gentleman from Massachusetts [Mr. LONG] has marked a passage, which I will also read, from the remarks of the present occupant of the chair, the Speaker *pro tempore*.

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. REED, of Maine. I will read the passage to which the gentleman from Illinois has referred.

I desire to refer the House to the particular date of the debate which has been alluded to so that they may consult it. The debate in question occurred on the 17th day of February, 1883, and will be found in volume 61 of the CONGRESSIONAL RECORD for the year 1883.

The proposition was precisely the same as is made to-day, and it excited indignation on the part of members on both sides. The part which was taken in it by the permanent Speaker of the House has been read by the gentleman from Illinois [Mr. CANNON] and it is full and conclusive on the subject.

The gentleman from New York [Mr. COX] also participated in the debate, and gave utterance to one very fruitful sentence:

I answer him and the gentleman from Pennsylvania that these rules were intended for the minority, as a shelter against the majority, against the mere whims and caprices of both the Speaker or the majority, that being the object of all rules and all must abide by them.

I desire to add that that same gentleman protested against this identical doctrine. Mr. Robinson, of Massachusetts, now the governor of that State, then, as now, a Republican and in favor of the bill which this proposed action of February 17, 1883, would have aided, makes very strenuous declaration against it on common-sense grounds. He says:

Mr. Speaker, I should like to say something before the point of order is decided. I do not believe this motion to be in order, and I do not think it would be a safe practice for the House of Representatives to entertain any such motion in the present stage of the business, and feeling that conviction sure, I can not allow myself to sit still and not express my view of the matter.

Then he says further:

If it is only printed in one section it may be forced down the throats of members without an opportunity to debate or amend it. [Applause.]

And the applause came from both sides of the House apparently.

I want to speak here for myself and protest against such a position.

It will be found that the gentleman from Pennsylvania [Mr. RANDALL], an ex-Speaker of this House, and a distinguished parliamentarian, in that debate expressed precisely the same views. And lest I may seem to do injustice to the present occupant of the chair, I will read some observations which he made:

The gentleman from Kansas need not apologize for failure to cite precedents. Neither he nor any other man here or elsewhere can sue out a search warrant and find a precedent for the motion he makes. There never was a revenue bill or an appropriation bill considered in this House where it was ever attempted to close debate except upon the subject-matter which had already been considered in the Committee of the Whole.

And it will be observed that there is no limitation there to general appropriation bills; it is no revenue bill and no appropriation bill of any kind.

Then the gentleman says again:

You may succeed in thus gagging the House, but you can not gag the American people, and you shall not gag their Representatives without a protest being made before you do this thing after a fashion which is more adroit than it is either honorable or manly. I will now yield to the gentleman from Georgia [Mr. HAMMOND].

And the gentleman from Georgia expressed himself at length in opposition to the doctrine contained in the ruling of the present occupant of the chair. So, then, in the only case which has been found of record by the distinguished gentlemen who have brought it to the attention of the House it appears that members upon both sides of the House, with great forcibleness of language, repudiated the proposition, and it was abandoned by its author. The matter never came up again in the House and was never passed upon. That abandonment is practically equal to a decision, and a decision of the most determining character, on the part of the House.

I beg leave now to reaffirm that there is no possible distinction between "bills" under the clause of the rule which has been read here more than once this morning, and that if this decision covers anything, it has got to cover revenue and appropriation bills; but if the House has determined to face this question and to cut off debate—in the language of the present occupant of the chair—to "gag the Representatives of the American people," I do not suppose that anything I can say can prevent it. I yield to the gentleman from New York [Mr. HISCOCK].

Mr. HISCOCK. Mr. Speaker, I only desire a moment to impress upon this House the practice that we have always followed and to confront the House with this startling proposition: that under this ruling you may bring in here at any time a bill covering a hundred or a thousand paragraphs and millions of money, and, before one sentence of it has been read, after general debate has been closed, you can take the floor under the five-minute rule and limit debate upon all those paragraphs.

I appeal to the present occupant of the chair: If he was presiding in Committee of the Whole, would he entertain either an amendment to a section or an amendment to a paragraph, or debate upon a section or

debate upon a paragraph, until it had been read in committee? And yet this decision deprives us of the power of debate upon propositions which have not been read before the House. I do not know that there is any affirmative rule of the House to sustain the decision; but many and many a time I have seen gentlemen rise here to debate a proposition or to offer an amendment to a section or paragraph before it has been read, and they have been called to order and required to take their seats. I do not know that the present occupant of the chair has so ruled, but repeatedly we have seen it. It is within the experience of every gentleman present. No amendment, no debate, is in order until the proposition has been read to the committee which you desire to debate or to which you desire to offer an amendment, and you can not limit debate under the five-minute rule until such debate is in order, and it is not in order except as the bill is read for amendments.

I remember the discussion that took place here, which has been referred to by the gentleman from Maine [Mr. REED] and the gentleman from Illinois [Mr. CANNON], and I know the views that I entertained on this question when it was then submitted to the House. It does seem to me that this House owes it to itself—both sides of the House—to continue to occupy the position it occupied when this question was then presented, and to reverse this decision of the Chair.

Mr. REED, of Maine. I yield three minutes to the gentleman from Massachusetts [Mr. STONE].

Mr. STONE. Mr. Speaker, it appears to me that upon a proper consideration of the rule now under discussion it will be seen that to construe the rule in such a way as to authorize debate to be cut off upon a section which involves the substance of the bill, would be a gross abuse and perversion of the rule itself. I desire to ask the attention of the House for a moment to the question: What is the object of going into Committee of the Whole? Why do you, by your rules, provide in respect to certain bills which involve expenditures of money that they shall be discussed in the first instance in Committee of the Whole? Why do you do that? Simply, because in Committee of the Whole you can have a latitude of debate that is not to be had in the House; because in Committee of the Whole it is competent to discuss the matter at large; because in Committee of the Whole the right to call the previous question, the right to lay on the table, the right to reconsider—all those motions which affect and limit debate—are excluded.

Now, then, by the course indicated by the decision of the Chair you propose to practically escape the effect of going into Committee of the Whole by making a construction of the sixth clause of Rule XXIII which will allow the House, before the matter goes into Committee of the Whole, to cut off debate by a vote to the effect that debate shall be limited to five, ten, or fifteen minutes, as the case may be, upon the section or paragraph under consideration. What is the proper construction of that phrase in the rule "section or paragraph?" I submit that to adopt the construction which is contended for here is simply to avoid the effect of the other rule, which provides that all measures of this character which involve the expenditure of money shall be first considered in Committee of the Whole. If you attempt, as you now propose, to give this effect to the sixth clause of Rule XXIII, you practically control debate in Committee of the Whole by a previous vote on the part of the House, which is inconsistent with parliamentary rules and inconsistent with the very purpose for which your Committee of the Whole is instituted. Therefore, Mr. Speaker, I submit—and I have given some thought to this question—that this proposition is a gross perversion of the rule, and is an attempt, by means of a forced and unfair construction, to avoid the effect of going into Committee of the Whole.

[Here the hammer fell.]

Mr. REED, of Maine. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has six minutes of his hour remaining.

Mr. REED, of Maine. I yield two minutes to the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, I presume the reason of the rule which most of the gentlemen on this side in the Forty-sixth Congress vindicated is even stronger than the precedent then created. Precedents are sometimes determined more or less by the condition of parties, by the relations of majority and minority. I do not know how gentlemen on the other side stood then. I know that many of us on this side, notably my friend from Illinois [Mr. SPRINGER] as well as the present Speaker of the House and others, believed that appropriation bills of all kinds, all bills taking money out of the Treasury, should have that full, free, and fair discussion and amendment which can only be had in Committee of the Whole.

Hence the reason of the rule, which I think was well expressed at that time in the language of our present Speaker, Mr. CARLISLE, not to mention what was said by other members. I will ask the Clerk to read as a very succinct statement of the rule to be applied to all appropriation bills a portion of the remarks made at that time by the gentleman who is now the permanent Speaker of this House.

The Clerk read as follows:

Mr. CARLISLE. Mr. Speaker, under the rules of this House, which have prevailed ever since this House was organized so far as I know, the Representatives of the people have a right to have all bills proposing to impose a tax or to make appropriations of money read by clauses and each clause considered on its own merits. By the practice of the House the gentleman in charge of the bill has a right to move the committee rise and close debate on a pending paragraph and amendments thereto, but there is no rule or practice of this House by which the House can close debate or cut off amendments to clauses not yet read or considered by the committee.

[Here the hammer fell.]

Mr. REED, of Maine. I now yield to the gentleman from Pennsylvania [Mr. BAYNE].

Mr. BAYNE. I yield one minute to the gentleman from Massachusetts [Mr. LONG].

Mr. LONG. I understand that a distinction has been drawn by the Chair between this bill and revenue and appropriation bills. The portion of our rules upon which the decision of the Chair is based is the sixth clause of Rule XXIII. Taking the whole rule together, let us see what kind of bills come under that rule as entitled to be considered in Committee of the Whole, and therefore under this bill. The third clause of Rule XXIII provides:

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

[Here the hammer fell.]

Mr. BAYNE. I yield one minute more to the gentleman from Massachusetts.

Mr. LONG. The fourth paragraph of Rule XXIII provides:

In Committees of the Whole House, business on their Calendars shall be taken up in regular order, except bills for raising revenue, general appropriation bills, and bills for the improvement of rivers and harbors, which shall have precedence.

These paragraphs of the rule clearly include all sorts of bills taking money out of the Treasury, and specially name "bills for the improvement of rivers and harbors." How, then, can the Chair hold that under clause 6 of the rule any distinction is made in behalf of revenue and general appropriation bills as against all others?

Mr. BAYNE. Mr. Speaker, I believe that the river and harbor bill now pending in Committee of the Whole can undergo the discussion that it should receive by the rules, and can be fully considered in a very short time. Most of the subjects which have excited discussion have been eliminated from the bill; and I believe it can now go through with little difficulty or delay under the ordinary rules. As a friend of the bill I am in favor of that sort of consideration and discussion.

Moreover, I believe it would be a bad precedent to shut off in this case the customary debate, item by item, on an appropriation bill. I do not care whether this bill falls within the category of appropriation bills by name; it is an appropriation in fact; and the thing is always far greater than the name.

I can not agree to the establishment of a precedent which would cut off discussion upon this or any other bill involving appropriations out of the Treasury of the United States. Bills of this character should be considered item by item. Each appropriation should on separate consideration be made, if justified by policy and law, or if not should be refused. I do not see how the Committee of the Whole can be enabled to reach any just conclusion unless the separate propositions are discussed *seriatim*. The method of consideration proposed by the chairman of the Committee on Rivers and Harbors will not permit, I think, the fair and candid discussion which there should be on this bill.

I regret exceedingly that the question has assumed this phase, because I believe that in the time already consumed upon this question we could have gone through a large portion of the bill. The only two propositions remaining in the bill which in my opinion are likely to excite anything like discussion are the appropriation for the Mississippi River and the creation of a new board. The grounds of contest in regard to Galveston Harbor have, I believe, been removed; the proposition to eliminate Captain Eads has been agreed to. If we now go on and consider the bill in the ordinary way I think we can get through it without any considerable debate.

The SPEAKER *pro tempore*. The hour of the gentleman from Maine [Mr. REED] has expired.

Mr. WILLIS. Mr. Speaker, the gentleman from Maine [Mr. REED] states that this is a question of the liberty of debate. I say, with the facts of the last five or six days before me, that it is a question of the license of debate and a limitation of that license.

What is the practical proposition here? What are these rules? Are they intended to advance legislation or to defeat it? Are they a fraud and a farce, or are they an intelligent system by which we can expedite legislation, hear fair, honorable argument, close discussion, and come to a vote? Let these questions be answered in the light of the last week.

Who has been discussing this bill? Has there been any desire on the part of the gentleman from Maine to bring this bill to a vote? Will he avow before this House that such is his object? I challenge him to do it. No; but he proposes under techical rules to fritter away the time of this House. He may not, in his wise statesmanship, be willing to make the amendment which is so full of suggestion and elo-

quence to strike out the last word, but there are others who do it, and do it with his approval.

Now, then, is there no remedy against this method of kicking a bill to death? Are three hundred and twenty-five men to be bound up under technical rules? Was that common sense? *A priori* would any man of common sense pretend these rules are to be so interpreted as to bring about such result as that? There is no bill on this Calendar with paragraphs in it that could not under this system be extended through four or five sessions of Congress. Will this House stultify itself by acknowledging it has bound itself hand and foot and thrown itself into the sea of legislation?

Gentlemen speak about abridging debate. Have we no previous question? Do we not day after day limit debate to one minute or even one second when we desire it? What is this rule? What is the proposition? That, in the plain language of the rules as they stand, this House shall instruct the Committee of the Whole to limit debate not on the paragraph, but upon the whole section.

What is the history of this rule? Up to 1860 the House had no rule limiting debate on either sections or paragraphs. It was the custom to go into the Committee of the Whole, as you, sir, know well, move to strike out the enacting clause and thus bring the bill back into the House, move the previous question, and cut off all debate. In order to prevent that the Committee on Rules brought in an amendment which read as follows:

That the House may at any time, after five minutes' debate has taken place on proposed amendments to any section of a bill, close all debate on such section.

What followed? The gentleman from Virginia, Mr. Millson, said:

I propose to amend the amendment by adding after the word "section" the words "or paragraph;" so it will read:

"At any time after five minutes' debate has taken place upon proposed amendments to any section or paragraph of the bill," &c.

That amendment was accepted by Mr. Washburn, of Maine, who was in charge of the rules. He said he was surprised the committee had not thought of it before.

Now, what did Mr. Millson say?

I will ask the Clerk to read it. It will be seen from the reading of that the House did not do the absurd thing the gentleman suggests, preventing itself from controlling its own action, but left itself free under existing condition of things to determine how much debate should be had.

The Clerk read as follows:

Mr. MILLSON. I do not think there will be any inconvenience, practically, from retaining what I have suggested. I do not propose to interfere with the right of the House to close debate upon the whole section, if they shall please to do so; but the committee will observe that, when we are in the Committee of the Whole on the state of the Union with an appropriation bill under consideration, we have a number of independent paragraphs in one section; indeed, it very often happens that there is but one section of an appropriation bill, and a great many independent paragraphs. Now, sir, the case may occur that the committee are desirous of closing debate upon a whole section; but in other cases they may desire to close debate only upon a paragraph. I wish, then, to leave it optional with them to close debate either upon the section or the paragraph, as may seem right at the time.

Mr. BOCOCK. I will say to the gentleman from Virginia that I am authorized by at least two members of the committee to say that they are in favor of the amendment which he proposes.

Mr. WASHBURN, of Maine. You are so authorized by a majority of the committee.

Mr. BOCOCK. Then, as a majority of the committee authorized it, the amendment of my colleague will be adopted as a part of the report of the committee.

Mr. MILLSON. The amendment having been accepted by the committee, it necessarily includes the following addition:

"That the House may, at any time, after five minutes' debate has taken place upon a proposed amendment, or any section or paragraph of the bill, close the debate upon such section or paragraph, or, at their election, upon the pending amendments only."

Now, it will be observed that the committee may sometimes desire to close debate upon a pending amendment or amendments without closing it upon the section, for the section may be a very long one, important in its provisions and needing amendment. The committee, however, may not be able to get on beyond a pending amendment, so as to enable them to perfect the subsequent part of the section or paragraph.

Mr. WILLIS. It will be seen, Mr. Speaker, from what has been read that at the very inception of this rule a sensible construction, not an arbitrary or absurd one, was given to its meaning. Under that construction the House by its vote can either limit debate to the whole section with all of its paragraphs, or it can limit debate to any one of a number of paragraphs at its option. Now, wherein under such a construction and practice is there any injustice to result? We know that there were only three or four provisions incorporated in this bill, when reported to the House, to which serious objection was made. One of these was with reference to the improvement at Sandy Bay Harbor, and that has been stricken from the bill. Another was with reference to having Captain Eads in charge of the Mississippi River improvements as supervising engineer. That also has been eliminated from the bill. Another point of controversy was with reference to the improvements at Galveston Harbor. This House knows, because an amendment is pending, that the committee had adopted an amendment satisfactory to every member of the committee and satisfactory to the members of the House, which has eliminated Captain Eads from the control at Galveston, and given to that improvement its proper proportion of the appropriations. Then there is nothing left but the Mississippi River, and the discussion as to whether this present system of improvements shall continue. Upon that and other matters of different minor questions in the bill we propose to give one hour to the opponents and thirty minutes to the friends of the measure.

Gentlemen claim that the bill has not been read. If this order shall be made, while it is a purely technical objection, the Clerk will immediately proceed to read the entire section to the close of the bill, and then amendment and debate will follow in order. Where is the hardship of that? Where is any wrong to be done to any member of the House who desires to be heard? I regret, sir, that time does not permit of a more extended consideration, but in view of what has been said I think the time now proposed is ample, especially when we consider the lateness of the session; and I will yield now to the gentleman from Ohio [Mr. KEIFER] for ten minutes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate agreed to the amendment of the House of Representatives to the bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts of the United States, the post-office, internal-revenue offices, and other Government offices at Erie, Pa.," and making an additional appropriation therefor.

Also that the Senate had passed with amendments bills of the following titles; in which amendments the concurrence of the House of Representatives was requested, namely:

A bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes; and

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

ORDER OF BUSINESS.

Mr. KEIFER. Mr. Speaker, the point of order is that a motion is not in order to limit debate upon a section of a bill which is divided into paragraphs. I know how difficult it is in the limited time allotted to me by the gentleman from Kentucky [Mr. WILLIS] to undertake to answer the many specious arguments which are made against the ruling of the Chair upon the point of order now pending. I will content myself, however, by stating two or three general propositions in that time.

The main point made against the power of the House to limit debate in Committee of the Whole upon an entire section is that it is taking away from the members of the House the right of free and full discussion. I wish to call attention to the fact that prior to the adoption of the present rule in its present form, the power was held and exercised by the House to limit debate upon an entire bill. That existed up to about the year 1860.

The right under a practice that had grown up in Committee of the Whole on a motion to strike out the enacting clause of the bill brought the bill back into the House, where, under the operation of the previous question, the whole bill could be passed without debate. Then a practice grew up under which the House could limit debate upon a section, which existed before the rules were amended so as to give the right to go into the House to limit debate upon paragraphs also. And instead of the decision of the Chair in the present instance being something new, something that is a limitation upon the power of the House, it is simply carrying out that which was taking away power originally held and exercised a long time by the House.

It is claimed that the House only has power by a majority vote to limit debate upon each paragraph of a section of such bill after it is reached for consideration. Paragraph 6 of Rule XXIII is in the following words:

The House may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only; but this shall not preclude further amendment, to be decided without debate.

It ought to be conceded that the literal reading of this part of Rule XXIII gives the right to the House, by a majority vote, after the five minutes' debate has begun on a section of a bill, to limit debate upon it as well as upon a paragraph of a section or bill, and the Speaker should not hesitate to so hold if there were not other matters to be considered in giving it construction.

The greater part of the debate upon the pending point of order has been directed against the effect of entertaining and agreeing to such a motion as this, rather than against the right to entertain the motion under the rules. It is a great mistake to suppose that to entertain such a motion as this would be to give the House an unusual power over its business in the matter of passing laws, or over the proceedings of the Committee of the Whole House on the state of the Union.

If we looked alone to general parliamentary principles and uniform practice on the subject of the power of this House over the Committee of the Whole House on the state of the Union, we should find that independent of restrictive rules the House could by a majority vote control any bill in committee or discharge that committee from its consideration altogether. The present rules of the House, intended to cover all imaginable cases which may arise, however, assume rather than direct that the House has the power to limit general debate in Committee of the Whole House on the state of the Union upon any bill, yet such

practice is unquestioned. Paragraph 5 of Rule XXIII contains these words:

When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon, &c.

The rules nowhere authorize the limiting of general debate, but it is assumed in the paragraph just quoted, and nowhere else, that that power exists; and so far as I have been able to examine and learn this power has existed throughout the history of the Congress of the United States. The matter of the consideration of a bill in Committee of the Whole on the state of the Union under the five-minute rule is a wise parliamentary innovation, and comes in rather as a limitation on the power of the House to control the proceedings in the Committee of the Whole than in the nature of an extension of the power of the House over its committee.

The present rules of the House came into force on the 2d of March, 1880; but paragraph 6 of Rule XXIII, already quoted, is almost a literal copy of the provision added to Rule 60 of the old rules of the House. The addition was made March 19, 1860. Barclay, in his Digest, published in 1873, says of this proviso to Rule 60:

It was adopted so as to enable the majority to get a bill out of the Committee of the Whole after a reasonable time has been occupied in debating amendments, and was adopted at the same time as the amendment to the one hundred and twenty-third rule, the effect of which was to prevent a practice of doubtful propriety, by which the friends of a bill were in the habit of taking it out of the Committee of the Whole by adopting a recommendation to strike out the enacting clause.

The practice had grown up, prior to the amendment to the old rule, 123 (March 16, 1860), for the friends of a bill to move to strike out the enacting words, which being carried took the bill back into the House, where, under the then practice, the bill could be taken up and passed. The amendment to the old rule, 123, provided that when the recommendation of the committee, that the enacting words of a bill be stricken out, was disagreed to, the bill should stand recommitted to the committee for further action. This history of the rule upon which this point of order turns is important to determine the intention, or rather effect, which ought to be given to it. It seems clear that the central idea was to give to a majority of the House the right to limit debate in such way as to hasten an end to the consideration of a long bill, and especially where factious opposition was made to it. But prior to the adoption of the present rules of the House, at least from the year 1844, the House, by old Rule 104, was given the right by a vote of the majority of members present to "suspend the rules and orders for the purpose of going into the Committee of the Whole House on the state of the Union, and also for providing for the discharge of the Committee of the Whole House and the Committee of the Whole House on the state of the Union from the further consideration of any bill referred to it, after acting without debate on all amendments pending and that may be offered."

It will thus be seen that the power of the House by a majority vote to limit debate was greater prior to the adoption of the new rules than now, even though it should be held that it was in order by a majority vote in the House to limit debate on a section; for it had the right under the old rules to discharge the Committee of the Whole House on the state of the Union from the further consideration of any bill referred to it and thus bring it back into the House, where, under the operation of the previous question, all debate on the entire bill and all amendments thereto might be cut off, except the thirty minutes allowed under paragraph 3 of Rule 28.

This reference to the past powers of the House is given as an answer to the claim that to entertain this motion would be to inaugurate something entirely novel and revolutionary in the history of the proceedings of the House. It appears that for above thirty years this House maintained the right by a majority vote to terminate all debate upon any bill in committee by simply discharging the Committee of the Whole House on the state of the Union from its further consideration, and under the operation of the previous question bring it to a final vote.

It is claimed that general appropriation, tariff, and tax bills are considered by clauses, while other bills are considered by sections. This may be true in fact, though it has grown up merely as a practice, and is not authorized or required by any existing rule. It is, undoubtedly, a good practice, but too much weight must not be given to it in giving construction to the plain language of the existing rule. If the right exists to limit debate on a section of any bill it exists as to all bills.

The most specious argument made in support of the point of order is, that before the House can limit debate upon proposed amendments, or a section or paragraph of a bill, debate must have begun upon such amendment, section, or paragraph; and it is claimed that while the House is considering paragraphs, and the paragraphs are not coextensive with the section of the bill until the entire section is read through by paragraphs and considered subject to amendment, the motion to limit debate can not be entertained. It is very hard to see how it is possible for a paragraph of a section of a bill to be under consideration and debate and the section not be under consideration.

It will be found that during the last ten days of this session a large number of amendments have been offered in effect to the section and not to paragraphs, as they were not propositions to amend paragraphs. There have been others in the form of motions to amend the section under consideration by striking out a whole paragraph or several paragraphs in one motion. There does not seem to be much difficulty in holding that debate has begun upon the pending section of the bill; and this is the only fact required by the rule to be ascertained before entertaining a motion to limit debate upon it. The claim so vigorously pressed, that to allow such a motion as this to be acted upon by a majority vote of the House would be to take away from the minority the right to debate at all certain important paragraphs of a bill, is worth considering; but it must be remembered that it is no more severe than the application of the previous question, which has existed almost from the beginning of the Government to the present time, which cuts off (with the exception already stated) debate upon any bill or proposition to which it may be applied, no matter about its importance.

The right of general debate upon a bill in Committee of the Whole House on the state of the Union was undoubtedly intended to be exercised before commencing the consideration of a bill by sections, or paragraphs, or clauses; and yet power is given to the House to limit this to a single minute. It must be kept in view that this motion is not a motion to preclude further amendment to the section, though such amendments would have to be decided without debate if the motion should be entertained and agreed to by the House. It is a narrow view to take to say that paragraph 6 of Rule XXIII was only intended to give the right to the House to limit debate upon an entire section of the bill, where the section consisted only of one paragraph. The framers of the rules of the House, in debating them, could hardly be supposed to have overlooked the fact that it would have been sufficient in such case to have given the power to the House to limit debate by a majority vote upon a single paragraph. For, if debate was limited upon a paragraph and that paragraph was an entire section of a bill, then it would be unnecessary to authorize a motion to limit debate upon a section.

The doubt that arises grows out of the fact that after a section is considered through to the end by paragraphs it may yet be in order to add new paragraphs independent of those in the original bill. It might have been intended that the right to limit debate upon a section of a bill was only to be invoked when the section had been gone through by paragraphs, and it was proposed to offer further amendments to the section in the nature of new paragraphs, and on which debate would be asked for. But if the rule is to be overridden on the theory that every paragraph of a bill or a proposition should first be considered and debated before debate is limited upon it, it will readily be seen that the power to cut off all debate upon a section after the section has been read through by paragraphs and considered would be a power which would take away from the friends of the proposed new paragraphs absolutely the power of debate, and it would have as many objectionable features about it as could apply to paragraphs already in the section.

It is said that there are no precedents for such a motion as this. This is a mistake. Precedents can be found which cover the present case. On the contrary, there are no precedents, so far as I am advised, against the right of the House, under the plain terms of the rule, to limit debate upon an entire section of a bill; and as I look upon the rule as a mere limitation upon the power of the House, in the absence of which there could be no doubt about the right of the House to limit debate upon an entire bill, or any section of it, or, in other words, to control the committee in its consideration of any bill as it might order, I think it would be unwise to undertake to put restrictions by mere construction upon what seems to be the plain reading of the rule.

It is fair to say that until the last session of the Forty-seventh Congress no point of order was made against the right of the House to limit debate upon a whole section of a bill in Committee of the Whole House on the State of the Union.

On May 11, 1872, during the Forty-second Congress, Mr. DAWES, of Massachusetts, moved to limit debate on an entire section of a bill, which was entertained by Speaker Blaine. Other like precedents are cited. It may be conclusively assumed that for nearly a quarter of a century after the rule as it now exists was adopted no member even questioned the right of the House to limit debate on an entire section of any bill, as well as a paragraph of a section.

The history of the adoption of the rule which is embodied in the sixth paragraph of Rule XXIII will make it perfectly clear that the original intention was to give the right to the House to limit debate upon the whole of a section to a bill, although it contain many paragraphs, or in the discretion of the House to limit debate upon any one of the paragraphs.

There was a general revision of the old rules in March, 1860. Mr. Washburn, of Maine, then a member of the Committee on Rules, reported a large number of amendments to the rules in force at that time. Among other amendments he reported one in the nature of a proviso which read as follows:

That the House may, at any time after five minutes' debate has taken place upon any proposed amendments to any section of a bill, close all debate upon such section.

Pending the consideration of the report of the Committee on Rules, Mr. Millson, of Virginia, called the attention of Mr. Washburn to the fact that the proposition of the committee to amend the rules should

go farther, and provide not only that the House should have the right to limit debate in Committee of the Whole House on the state of the Union upon a particular section, but also upon any paragraph of a section, so that the House might have the benefit of limiting debate upon a paragraph when it did not desire to do so upon the whole section. This amendment as proposed by Mr. Millson made the amendment of Mr. Washburn read as follows:

That the House may, at any time after five minutes' debate has taken place upon any proposed amendments to any section or paragraph, close the debate upon such section or paragraph, or, at their election, upon the pending amendments only.

It will be noted that this is the language almost to a letter of the rule that we are now trying to construe. The then Committee on Rules, or a majority of the committee present on the floor, agreed to accept the amendment of Mr. Millson, after he had stated the object of it, as follows:

I do not propose to interfere with the right of the House to close debate upon the whole section, if they shall please to do so; but the committee will observe that when we are in Committee of the Whole on the state of the Union with an appropriation bill under consideration, we have a number of independent paragraphs in one section. Indeed, it very often happens that there is but one section of an appropriation bill, and a great many independent paragraphs. Now, sir, the case may occur that the committee are desirous of closing debate upon a whole section, but in other cases they may desire to close debate only upon a paragraph of a section. I wish then to leave it optional with them to close debate, either upon the section or the paragraph, as may seem right at the time.

This will be found among the debates in the Congressional Globe, page 1188, volume 10, part 2, 1859–'60, and of date March 15, 1860.

This view of the rule as it was proposed was accepted, and on a subsequent day, to wit, March 19, 1860, the amendment was adopted without a division, and it has been from that time forward to the present a rule of this House.

Now, Mr. Speaker, one of the specious things that are stated upon the floor here is that no debate can be had, no consideration of a paragraph or a section can be had, until it is read through. Why, Mr. Speaker, every bill is read clear through in the Committee of the Whole before you proceed to consider it by paragraphs, unless by unanimous consent the reading of the bill be dispensed with; so that it is all read. And it will not do for gentlemen to argue that when a paragraph has been read and debated, that is not the debating of some part of a section. The whole theory of the rule it seems to me is that the House by a majority vote shall have a right to limit debate, but not to limit amendments upon a section. I am surprised that some of my party friends who differ with me on this point of order do so in the face of their position hitherto in favor of allowing a majority of the House to control all its business.

Some gentlemen fall into the idea that if debate is limited on an entire section it cuts off the right to amend the section. It does not; for by the express terms of paragraph 6 of Rule XXIII amendments may be offered without debate as long as members in the Committee of the Whole House on the state of the Union desire to offer them. I know it may be a hardship, a great hardship, to take away from members the right to debate a proposition that is important to them. But still, as I think, it is the rule. The plain reading of paragraph 6 of Rule XXIII gives the right to limit debate upon a section as well as a paragraph, and such was the view of its authors as has been shown.

And I wish to say, Mr. Speaker, that I do not see any distinction between bills in the application of this rule. Any bill that goes to the Committee of the Whole House on the state of the Union under our rules, I think, may have this rule applied to it.

Mr. WILLIS. I yield five minutes to the gentleman from Illinois [Mr. THOMAS].

Mr. THOMAS. The House is gravely informed by the opponents of this measure that there are no precedents for such a ruling as that which has been made by the Chair, and it is argued therefrom that there are no reasons that the mind of man can suggest why there can be a good and sufficient reason for the ruling. I have no patience with that confined theory which binds us within precedents of other years. Because no one had ever had the misfortune of having an apple fall on his head was Sir Isaac Newton to be prevented from investigating the philosophy of the law of gravitation? Because no one had ever sailed over the western sea was Columbus not to search out this American continent? Because no one has heretofore had the courage to come forward and have these rules construed by the Chair until the gentleman from Kentucky [Mr. WILLIS] this morning comes forward boldly in the defense of right and asks that the Chair shall mark upon the map the course which the ship of this House shall sail, shall it be said we shall not have this right asserted? I think not.

Although there has been no ruling, it is manifest under the rules; it is manifest, upon the reasons given at the time the rules were adopted, that this House has the right to limit debate as well upon the section as upon the paragraph, and the exception to the paragraph was made at the time of the adoption of the rules simply for the greater convenience of the House; not as taking away from it the power to close debate upon the whole section. Complaint is made that there is no opportunity for debate. The House will bear me witness that there has already been more debate upon this bill than upon four-fifths of all the river and harbor bills that have ever been passed by Congress. Almost every river and harbor bill heretofore has been passed without general debate; but there has been considerable general debate and also considerable debate upon the different paragraphs in this section.

Has any great hardship fallen upon the country by reason of the passage of these bills heretofore without extended general debate? I think not; and I think that with the light we have before us we shall have no reason to regret the early passage of this bill.

The bill has been in print, and has been read from beginning to end as well by every member of the House as by the Clerk from the desk, for by the unanimous consent given that the first reading of the bill should be dispensed with the legal effect of a full and complete reading was answered. We have been told many times, especially by the gentleman from Maine [Mr. REED], that these rules are most unhappily constructed; that they are so arranged as to prevent action by the House instead of enabling us to go forward with legitimate legislation.

I have always believed, and I entertain the opinion more strongly this morning than ever before, that the majority of the House ought to control its action. I believe that they ought not only to control its action, but that they ought to take the responsibility therefor, and I am sure that the good sober sense of this House will justify the ruling of the Chair in this instance, whereby he maintains that the majority should control the House as they have to bear its responsibilities.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, as I have promised that at five minutes to 12 I would move to adjourn, I am compelled now to move to lay the appeal of the gentleman from Maine [Mr. REED] on the table without further discussion. I make that motion.

The SPEAKER *pro tempore*. In order that the House may understand the question pending, after the elaborate discussion that has been had, the Chair will restate it. The point of order was raised by the gentleman from Maine [Mr. REED]; it was overruled by the Chair upon the ground that this was neither revenue nor a general appropriation bill, supported by an elaborate opinion delivered by the present permanent Speaker of this House——

Mr. REED, of Maine. Mr. Speaker, if there is any new matter to be introduced——

The SPEAKER *pro tempore*. The Chair will not introduce new matter.

Mr. REED, of Maine. If any is to be introduced I should like to have an opportunity to debate it.

The SPEAKER *pro tempore*. The Chair will engage in no debate, but claims the right to state the question.

Mr. REED, of Maine. But the Chair has no right to argue it.

The SPEAKER *pro tempore*. The Chair overruled the point of order raised by the gentleman from Maine [Mr. REED] for the reasons stated. The gentleman from Maine appealed. That appeal has been debated. The gentleman from Kentucky [Mr. WILLIS] now moves to lay that appeal upon the table, and the question is on that motion.

The House divided; and there were—ayes 102, noes 69.

Mr. REED, of Maine. I demand tellers.

Tellers were ordered; and Mr. WILLIS, and Mr. REED of Maine, were appointed.

Before the tellers took their places,

Mr. WILLIS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. REED, of Maine. Will the Chair please state the question that is to be voted upon?

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Kentucky [Mr. WILLIS] to lay on the table the appeal taken by the gentleman from Maine [Mr. REED] from the decision of the Chair.

Mr. REED, of Maine. And a vote in the negative is a vote against the decision.

The SPEAKER *pro tempore*. The Chair has stated the question. The Clerk will proceed to call the roll.

The question was taken; and there were yeas 121, nays 103, not voting 100, as follows:

YEAS—121.

Aiken,	Crisp,	Halsell,	Mills,
Alexander,	Culberson, D. B.	Hancock,	Mitchell,
Bagley,	Culbertson, W. W.	Hatch, W. H.	Money,
Ballentine,	Cullen,	Henderson, T. J.	Morgan,
Barbour,	Dibrell,	Henley,	Moulton,
Barksdale,	Dowd,	Hill,	Muldrow,
Bisbee,	Eldredge,	Houseman,	Muller,
Blanchard,	Ellis,	Hurd,	Murphy,
Bland,	Ellwood,	Jones, B. W.	Murray,
Brainerd,	English,	Jones, J. H.	Neece,
Bratton,	Ermentrout,	Jones, J. T.	Nicholls,
Breckinridge,	Fiedler,	Keifer,	Nutting,
Breitung,	Follett,	King,	Ochiltree,
Broadhead,	Foran,	Kleiner,	O'Ferrall,
Burleigh,	Forney,	Lamb,	Paige,
Cabell,	Funston,	Lanham,	Payne,
Caldwell,	Garrison,	Lewis,	Perkins,
Campbell, J. E.	Geddes,	Lore,	Pettibone,
Candler,	George,	Lowry,	Pryor,
Carleton,	Gibson,	McMillin,	Pusey,
Cassidy,	Glascock,	Matson,	Reagan,
Collins,	Graves,	Maybury,	Reid, J. W.
Cox, W. R.	Green,	Miller, J. F.	Robinson, W. E.

Rogers, J. H.	Taylor, J. M.	Warner, Richard	Winans, John
Seymour,	Thomas,	Washburn,	Wise, G. D.
Singleton,	Townshend,	Weaver,	Wolford,
Slocum,	Tucker,	Wellborn,	Wood,
Snyder,	Tully,	Williams,	Yaple.
Stewart, Charles	Vance,	Willis,	
Sumner, C. A.	Wallace,	Wilson, W. L.	
Swope,	Ward,	Winans, E. B.	

NAY—103.

Atkinson,	Evans,	Lyman,	Smith, H. Y.
Barr,	Everhart,	McCormick,	Spriggs,
Bayne,	Findlay,	Millard,	Springer,
Beach,	Fyan,	Morrill,	Steele,
Bennett,	Hammond,	Oates,	Stephenson,
Bingham,	Hanback,	O'Hara,	Stone,
Blount,	Harmer,	O'Neill, Charles	Strait,
Boutelle,	Hart,	Parker,	Struble,
Boyle,	Haynes,	Payson,	Talbott,
Brewer, F. B.	Hemphill,	Peters,	Taylor, E. B.
Brewer, J. H.	Hewitt, A. S.	Phelps,	Taylor, J. D.
Brown, W. W.	Hewitt, G. W.	Post,	Tillman,
Buchanan,	Hiscock,	Potter,	Turner, H. G.
Campbell, J. M.	Hitt,	Price,	Turner, Oscar
Cannon,	Holmes,	Ranney,	Van Alstyne,
Clardy,	Hopkins,	Ray, Ossian	Van Eaton,
Clements,	Horr,	Reed, T. B.	Wadsworth,
Converse,	Houk,	Reese,	Wait,
Covington,	Howey,	Rice,	Wakefield,
Cutcheon,	Hunt,	Rowell,	Warner, A. J.
Dargan,	James,	Russell,	White, J. D.
Davidson,	Kean,	Ryan,	Whiting,
Davis, G. R.	Kelley,	Shively,	Wilson, James
Davis, R. T.	Ketcham,	Skinner, C. R.	York,
Deuster,	Le Fevre,	Skinner, T. G.	Young.
Dingley,	Long,	Smalls,	

NOT VOTING—100.

Adams, G. E.	Dixon,	Jones, J. K.	Riggs,
Adams, J. J.	Dockery,	Jordan,	Robertson,
Anderson,	Dorsheimer,	Kellogg,	Robinson, J. S.
Arnot,	Dunham,	Lacey,	Rockwell,
Belford,	Dunn,	Laird,	Rogers, W. F.
Belmont,	Eaton,	Lawrence,	Rosecrans,
Blackburn,	Elliott,	Libbey,	Sency,
Bowen,	Ferrell,	Lovering,	Shaw,
Browne, T. M.	Finerty,	McAdoo,	Smith, A. Herr
Brumm,	Goff,	McCoid,	Spooner,
Buckner,	Greenleaf,	McComas,	Stevens,
Budd,	Guenther,	Miller, S. H.	Stewart, J. W.
Burnes,	Hardeman,	Milliken,	Stockslager,
Campbell, Felix	Hardy,	Morrison,	Storm,
Chalmers,	Hatch, H. H.	Morse,	Sumner, D. H.
Clay,	Henderson, D. B.	Mutchler,	Thompson,
Cobb,	Hepburn,	Nelson,	Throckmorton,
Connolly,	Herbert,	O'Neill, J. J.	Valentine,
Cook,	Hoblitzell,	Patton,	Weller,
Cosgrove,	Holman,	Peel,	Wemple,
Cox, S. S.	Holton,	Pierce,	White, Milo
Craig,	Hooper,	Poland,	Wilkins,
Curtin,	Hutchins,	Randall,	Wise, J. S.
Davis, L. H.	Jeffords,	Rankin,	Woodward,
Dibble,	Johnson,	Ray, G. W.	Worthington.

So the motion to lay the appeal on the table was agreed to.

The following members were announced as paired on all political questions, until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. COOK with Mr. LACEY.

Mr. HARDY with Mr. HEPBURN.

The following pairs on this vote were announced:

Mr. ROSECRANS with Mr. SMITH, of Pennsylvania.

Mr. DOCKERY with Mr. GUENTHER.

Mr. ADAMS, of New York, with Mr. ANDERSON.

Mr. BUDD with Mr. MCCOID.

Mr. DUNN with Mr. STEVENS.

The following pairs for this day were announced:

Mr. JORDAN with Mr. HOLTON.

Mr. THROCKMORTON with Mr. DUNHAM.

Mr. COBB with Mr. ADAMS, of Illinois.

Mr. RIGGS with Mr. HITT.

Mr. MCADOO with Mr. ROCKWELL.

The following pairs until Monday were announced:

Mr. CAMPBELL, of New York, with Mr. HENDERSON, of Iowa.

Mr. STORM with Mr. CRAIG.

Mr. HENDERSON, of Illinois. I ask unanimous consent that the reading of the names be dispensed with.

Mr. REED, of Maine. I object; let the names be read.

The SPEAKER *pro tempore*. The gentleman from Maine objects to dispensing with the reading of the names. The Clerk will recapitulate the vote.

The Clerk began to read the names of members voting.

Mr. REED, of Maine. Mr. Speaker, I withdraw my objection.

The SPEAKER *pro tempore*. The objection is withdrawn. If there be no further objection the reading of the names will be dispensed with.

There was no objection.

The result of the vote was announced as above stated.

Mr. WILLIS moved to reconsider the vote by which the appeal was laid on the table; and also moved to lay that motion on the table.

The latter motion was agreed to.

Mr. WILLIS (at 11 o'clock and 59 minutes a. m.). I move that the House do now adjourn.

The motion was agreed to; and the House accordingly adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BRENTS: Petition of the Board of Trade of Vancouver, Wash., for an appropriation to improve the Vancouver Harbor—to the Committee on Rivers and Harbors.

By Mr. ERMENTROUT: Memorial of the Commercial Exchange of Philadelphia, for the acquisition by the United States of the Portage Lake and Lake Superior Ship Canal—to the Committee on Rivers and Harbors.

Also, petition of Young Men's Democratic Club, Brooklyn, N. Y., for the arrest of the coinage of the silver dollar—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Western Pennsylvania River Improvement Association—to the Committee on Rivers and Harbors.

By Mr. FORNEY: Petitions of George Wester, of Rhoda Ewing, of Leonard F. Daniel, of Napoleon B. Leath, of Cynthia J. Helms, widow of John Helms, deceased; of Francis A. Harwell, of Clara Pinkerton, of Mrs. Malinda Angle, of John Rolater, and of William Drew, all of Cherokee County, Alabama, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, papers relating to the claims of Robert A. Clark, James Davis, George Wester, Francis A. Harwell, John Helms, Leacy Kirk, Leonard F. Daniel, Napoleon B. Leath, John Rolater, and William S. Warren—to the same committee.

By Mr. GEDDES: Papers relating to the claim of Isaac N. Webb—to the same committee.

By Mr. GUENTHER: Joint resolution of the Legislature of the State of Wisconsin, favoring the purchase by the United States of the Portage Lake and Lake Superior Ship Canals, and making the same free of charge—to the Committee on Rivers and Harbors.

Also, petition by the State Grange of Wisconsin, asking for amendment of the patent laws—to the Committee on Patents.

By Mr. HENLEY: Resolutions of the Chambers of Commerce of San Francisco and Eureka, Cal., favoring the treaty with Nicaragua and the early construction of the Nicaraguan Canal—to the Committee on Foreign Affairs.

By Mr. LAMB: Petition from O. P. Morton Post, No. 1, Grand Army of the Republic, of Terre Haute, Ind., asking that Congress purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. LIBBEY: Petition of David L. Scott, of Jessamine County, Kentucky, for relief—to the Committee on War Claims.

Also, petition of A. H. Brooks, of New Jersey, asking compensation for services to Internal Revenue Bureau—to the Committee on Claims.

By Mr. MITCHELL: Petitions of citizens of New Haven and Middletown, Conn., on the subject of civil service reform—to the Select Committee on Reform in the Civil Service.

By Mr. MULDROW: Petition of W. Y. Warren, of Alcorn County, Mississippi, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. NEECE: Petition of citizens of Illinois, asking legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. PAYNE: Petition of several hundred citizens of Weedsport, N. Y., for legislation on the Mormon question—to the same committee.

By Mr. PIERCE: Petition of Paul C. Crafton, of Gibson County, Tennessee, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims—to the Committee on War Claims.

By Mr. REAGAN: Petition of J. Taylor Wood, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. SPRIGGS: Petition of 100 citizens of Utica, N. Y., for action on the Mormon question—to the same committee.

By Mr. J. W. STEWART: Petition of C. H. Dunton, of Poultney, Vt., and others of same State, for more effective legislation to suppress Mormonism—to the same committee.

Also, petition of citizens of West Bolton, Vt., asking an increase of widows' pensions—to the Committee on Pensions.

By Mr. J. M. Taylor: Petition of Jerre R. Wright, administrator of Nancy Wright, deceased, of McNairy County, Tennessee, asking reference of claim for property taken and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WADSWORTH: Petition of citizens of New York, asking legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. RICHARD WARNER: Petition of Joseph Adams, of Marshall County, Tennessee, asking reference of claim for property taken

and used by the United States Army during the late war to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ALEXANDER: Of citizens of Grundy, of Linn, of Livingston, and of Sullivan Counties, Missouri.

By Mr. COSGROVE: Of citizens of Slater, Mo.

By Mr. CURTIN: Of citizens of Center County, Pennsylvania.

By Mr. DINGLEY: Of citizens of North Haven, Me.

By Mr. H. H. HATCH: Of citizens of Unionville, of Canton, and of Athens, Mo.

By Mr. KLEINER: Of ex-soldiers of Petersburg, Ind.

By Mr. MILLIKEN: Of Charles B. Stewart and others, of South China, and of J. T. Hawes and others, of Litchfield Plains, Me.

By Mr. NEECE: Of Post 81, Grand Army of the Republic, Department of Illinois.

By Mr. OSSIAN RAY: Of James Gorman and 32 others, of Randolph; of Daniel Cobb and 89 others, of Ashland, and of H. E. Bliss and 65 others, of Lebanon, N. H.

By Mr. STEELE: Of citizens of Genoa, of Huntington, of Bloomfield, of Hackleman, and of Jalapa, Ind.

By Mr. J. W. STEWART: Of L. B. Kent and others, of Rochester; of J. A. Benedict and others, of Poultney; of J. W. Parkhurst and others, of Fair Haven; of Warren Gibbs and others, of Burlington; and of A. E. Ferris and others, of Forestdale, Vt.

By Mr. WEAVER: Of Thomas Wiles and 126 others, citizens of Plattsmouth, Nebr.

By Mr. WOOD: Of citizens of New Waverly, of Galveston, of Logansport, of Rochester, and of Winamac, Ind.

SENATE.

FRIDAY, *February* 13, 1885.

The Senate met at 11 o'clock a. m. Prayer by Rev. A. J. PALMER, D. D., of New York city.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Navy, recommending that the prime meridian of Greenwich be adopted for all nautical and astronomical purposes, as recommended by the international conference held in Washington in October last. If there be no objection, the letter will be printed and referred to the Committee on Naval Affairs.

Mr. MILLER, of California. The subject of a prime meridian has had the attention of the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. The Chair was under the impression that, as the astronomy of the United States is confined to the Naval Observatory, the proper reference would be to the Naval Committee. The Chair will change the reference if there be no objection, and the letter will be referred to the Committee on Foreign Relations.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect to extend the limit of cost of the public building at Denver, Colo.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting a letter from the Attorney-General relative to the importance of obtaining possession of certain records of the Post-Office Department of the late Confederate States pertaining to Southern mail contracts; which, with the accompanying documents, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented a petition of the Ohio State Sanitary Association, praying for the passage of the bill introduced by Senator PALMER for the prevention of the introduction and diffusion of contagious and infectious diseases into the United States; which was referred to the Committee on Epidemic Diseases.

Mr. PENDLETON presented petitions of the Lancaster Gazette, of Lancaster, Ohio; the German Publishing House, of Cleveland, Ohio; the Greenville Journal, of Greenville, Ohio; the Clermont Sun, of Batavia, Ohio; the Ohio State Journal, of Columbus, Ohio; the publishers of The Drugs and Medicines of North America; the Gazette, of Ottawa, Ohio; the Ohio Waisenfreund, of Columbus, Ohio; and the publishers of the Ohio State Journal of Dental Science, of Toledo, Ohio, praying for the reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution adopted by steamboat owners and managers at a meeting held in Cincinnati, Ohio, on the 4th of February, 1885, protesting against the repeal of section 4419 of the Revised Statutes of the United States, relating to the control of safety-valves and steam-registers; which was referred to the Committee on Commerce.

Mr. MITCHELL presented a petition of the Commercial Exchange of Philadelphia, praying for the purchase by the United States of the Portage Lake and Lake Superior Ship Canals; which was referred to the Committee on Commerce.

Mr. MILLER, of California. I present the petition of the Republican and Democratic county committees of Vallejo, California, praying that the workmen and other employés of the Mare Island navy-yard may receive compensation for time lost by them during January, 1885, pending the passage of the naval appropriation bill.

I also present a petition of workmen and other employés of the Mare Island navy-yard, California, not addressed to Congress, but evidently intended to be presented as a petition to the Senate, to the same effect. I ask that it may be received, and I move that both petitions be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. If there be no objection the latter paper will be received as a petition to the Senate, and both petitions will be referred to the Committee on Appropriations.

Mr. HOAR presented the petition of Mrs. Sarah E. Bowker, of Cambridge, Mass., praying for an increase of pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (S. 2177) granting a pension to Henry Radford, to report it adversely, as a House bill in that case has been passed. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 2520) granting a pension to Sally Ann Bradley, to report it adversely, and to ask that it be placed upon the Calendar for consideration.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (S. 2057) granting a pension to Margaret Beymer, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4189) granting a pension to Caroline Van Norton;
A bill (H. R. 4837) granting a pension to Charles H. Phillips;
A bill (H. R. 6835) granting a pension to Bernard Donohue;
A bill (H. R. 7773) granting a pension to William E. Ayers;
A bill (H. R. 7386) granting a pension to Eliza M. Byers;
A bill (H. R. 732) granting a pension to William Weddingfield; and
A bill (S. 2437) granting a pension to Mrs. Mary Gordon.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 1164) to restore to the pension-roll the name of Elenor Stough;
A bill (H. R. 3000) for the relief of William R. Miller, for pension;
A bill (H. R. 5082) granting a pension to Jane Hilton; and
A bill (S. 2262) granting a pension to Sedate P. Martin.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (S. 1960) for the relief of Mary Howard Farquhar, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2074) for the relief of Mary Howard Farquhar, moved its indefinite postponement; which was agreed to.

Mr. JACKSON, from the Committee on Pensions, to whom was recommitted the bill (H. R. 2136) granting an increase of pension to Merlin C. Harris, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1325) granting an increase of pension to Merlin C. Harris, moved its indefinite postponement; which was agreed to.

Mr. JACKSON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 7997) to increase the pension of Mary E. Fillebrown, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON. I am also instructed by the same committee, to whom was referred the bill (S. 498) granting a pension to Letitia Tyler Semple, to report it adversely. I ask that it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Pensions, to whom were re-

ferred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (H. R. 3828) granting a pension to Cornelius Wessels;
A bill (H. R. 3466) granting a pension to Azzur W. Reader;
A bill (H. R. 6851) for the relief of Mary G. Reader;
A bill (H. R. 4191) granting a pension to Jane Bracken;
A bill (H. R. 1024) granting a pension to Charles D. Duncan;
A bill (S. 2156) granting a pension to Corydon Millard; and
A bill (S. 2148) granting a pension to William A. Penfield.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3901) granting a pension to Mrs. Olive W. Parker;
A bill (S. 2268) for the relief of Robert J. Ballort; and
A bill (H. R. 8133) granting a pension to Thomas McGill.

Mr. BLAIR. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 4317) increasing the pension of Julia A. Chambers, to report it favorably with an amendment, and submit the views of the minority favoring the passage of the bill as it came from the House.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be received and printed with the report of the committee.

Mr. BLAIR. I am also instructed by the same committee, to whom was referred the bill (S. 2242) granting a pension to Mary E. Crimmins, widow of Patrick Crimmins, to report it adversely and recommend its indefinite postponement, and to submit the views of the minority favoring the passage of the bill.

The PRESIDENT *pro tempore*. If there be no objection the views of the minority will be received and printed with the report, and the bill placed on the Calendar.

Mr. BLAIR. I am also instructed by the same committee, to whom was referred the bill (H. R. 6011) granting an increase of pension to Robert Casey, to report it favorably with an amendment correcting an error in the name of the pensioner. The name should be "Cary" instead of "Casey."

Mr. WILSON. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 481) for the relief of John D. Bridges, to report it adversely, the report being based on the ground that the relief sought for may be granted by the Commissioner on Pensions. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 1836) granting a pension to Sarah Hague;
A bill (H. R. 7571) granting a pension to Cornelia V. Blackman;
A bill (H. R. 7313) granting a pension to Charles W. Baldwin;
A bill (H. R. 6653) granting a pension to Mary C. Axline; and
A bill (H. R. 3403) for the relief of Jacob J. Morningstar.

Mr. WILSON, from the Committee on Pensions, to whom was recommitted the bill (H. R. 2325) granting a pension to Helen M. Harrison, reported it without amendment, and submitted a report thereon.

Mr. MILLER, of California. I am instructed by the Committee on Foreign Relations to report back to the Senate a communication of the Secretary of State, addressed to the chairman of the Committee on Foreign Relations, inviting attention to some commercial statistics submitted therein, showing our trade relations with the several countries in this continent, British North America excepted. I move that it be printed as a miscellaneous document, and recommitted to the Committee on Foreign Relations.

The PRESIDENT *pro tempore*. That order will be made, if there be no objection.

Mr. CAMERON, of Wisconsin, from the Committee on Indian Affairs, to whom was referred the bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes, reported it with amendments.

BINDING CONGRESSIONAL GLOBE.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back favorably a resolution authorizing the Secretary of the Senate to have bound at the Government Printing Office 650 copies of the Congressional Globe, now unbound, in the Senate library, and to ask for its present consideration.

By unanimous consent the Senate proceeded to consider the resolution:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized to have bound at the Government Printing Offices 650 volumes of the Congressional Globe furnished to the Senate library under the joint resolution approved May 16, 1884.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. INGALLS. Will the Senator from Nebraska be good enough to state the necessity for having these volumes bound?

Mr. MANDERSON. These unbound volumes by action of Congress were placed in the Senate library, and their binding is necessary to complete the bound sets of the Congressional Globe.

Mr. INGALLS. They are in the Senate library?

Mr. MANDERSON. They are already in the Senate library in an unbound form, and are useless in that shape.

The resolution was agreed to.

LANDING OF TELEGRAPH OCEAN CABLES.

Mr. MANDERSON. I am instructed by the Committee on Printing to report back a message from the President of the United States, transmitting, in response to a Senate resolution of May 2, 1884, the report of the Secretary of State in relation to the landing of telegraph ocean cables on the shores of the United States, and with it a resolution providing for the printing of the report. I will state that the printing of such a report will cost less than a hundred dollars, and it seems to be important. I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the papers accompanying the report of the Secretary of State relative to the landing of foreign telegraphic cables upon the shores of the United States, transmitted by the President in response to a resolution of the Senate of May 2, 1884, be printed, and that 1,000 additional copies in paper covers be printed for the use of the Department of State.

LIST OF WAR DEPARTMENT EMPLOYÉS.

Mr. MANDERSON. I am also instructed by the Committee on Printing to report back a letter of the Secretary of War, transmitting a list of clerks and employés of the War Department, with a resolution ordering its printing; and I ask for the present consideration of the resolution.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the list of clerks in the War Department, transmitted to the Senate by the Secretary of War, in compliance with section 194 of the Revised Statutes, be printed.

SUPREME COURT DECISIONS.

Mr. HOAR. I rise to put a question to the chairman of the Committee on Printing, who has just made several reports from that committee. The Senate some time ago referred to that committee a resolution providing that copies of the decisions of the Supreme Court of the United States should be furnished to Senators. It is a resolution the execution of which will be a very trifling expense, and it seems very important that we should have copies of the decisions, which may seriously affect our duties in legislation. I desire to ask the chairman of the Committee on Printing what action the committee has taken on that resolution?

Mr. MANDERSON. The committee has taken no action upon it as yet. It is under consideration and the matter is being investigated.

Mr. HOAR. The resolution was introduced in the Senate at the beginning of the present session. I suppose the illness of the late Senator from Rhode Island prevented the matter from being attended to then. I hope it will be attended to without further delay.

LIEUTENANT STONEY'S REPORT ON ALASKA.

Mr. HARRISON. I am instructed by the Committee on Territories, to whom was referred a communication from the Secretary of the Navy, transmitting the report of Lieut. George M. Stoney, of the United States Navy, of recent explorations in Northern Alaska, to report it back. I report also a resolution providing for the printing of the report, and I ask that the resolution may be referred to the Committee on Printing, together with the accompanying papers.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,500 copies of the report of Lieut. George M. Stoney, United States Navy, of his recent explorations in Northern Alaska, with the accompanying charts; 1,500 copies for the use of the Senate, 3,000 for the use of the House, and 1,000 for the use of the Navy Department.

The PRESIDENT *pro tempore*. The resolution, with the accompanying papers, will be referred to the Committee on Printing.

INDIAN APPROPRIATION BILL—WORK OF THE SESSION.

Mr. DAWES. I am instructed by the Committee on Appropriations to report back the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, with amendments, and also to submit a written report, which I hope may be printed; and as I intend to call the bill up to-morrow, if there be no objection I ask to have the report printed in the RECORD for the use of members of the Senate to-morrow.

The PRESIDENT *pro tempore*. The Chair is advised at the desk that there will be no difficulty in having the report printed in document form by to-morrow morning.

Mr. DAWES. If no one else desires to have it printed in the RECORD I do not.

The PRESIDENT *pro tempore*. The bill will be placed upon the Calendar.

Mr. INGALLS. This report affords me the opportunity to say that I have recently observed in opposition quarters a statement that the Republicans in the Senate were so endeavoring to direct legislation as to

compel an extra session of Congress. I am sure it will be matter of interest to the Senate to know the condition of the public business at this time before the Committee on Appropriations, and I will ask the Senator from Iowa, the chairman of the committee, to be good enough to state what appropriation bills are now before that committee, what have been reported, and what are yet to be received from the House of Representatives.

Mr. ALLISON. I will answer the inquiry of the Senator from Kansas with pleasure.

The Military Academy bill has been signed by the President and is now a law. That is the only appropriation bill which has passed both Houses finally. The District of Columbia bill, the pension appropriation bill, and the consular and diplomatic bill are now in the hands of conference committees. The Army appropriation bill passed the Senate yesterday with amendments. The Indian appropriation bill has just been reported, and the committee will ask that it be considered to-morrow. That leaves in the Committee on Appropriations only the agricultural appropriation bill, which is a small bill and will be reported to the Senate on Monday.

Mr. HALE. Perhaps to-morrow.

Mr. ALLISON. Perhaps it will be reported to-morrow, in which case it can certainly be taken up for consideration on Monday.

That is the condition of the appropriation bills which have thus far been received by the Senate. The Post-Office appropriation bill; the legislative, executive, and judicial bill; the naval bill; the fortification bill; the sundry civil bill, and the bill known as the general deficiency bill, are yet in the House.

Mr. LAPHAM. And the river and harbor bill.

Mr. ALLISON. That does not go to the Committee on Appropriations. So six of the general appropriation bills which come under consideration by the Committee on Appropriations have not been received from the House of Representatives.

Mr. INGALLS. And those are among the most important?

Mr. ALLISON. I may say that the most important bills are yet in the House. The sundry civil bill, the naval bill, and the fortification bill have not yet been reported.

Mr. INGALLS. From the House Committee on Appropriations?

Mr. ALLISON. From the Committee on Appropriations in the House the legislative, executive, and judicial bill has been reported and is on the House Calendar. The Post-Office appropriation bill is now under consideration in the House, as Senators know from the RECORD. So far as the Senate and the Senate Committee on Appropriations are concerned I beg to assure the Senator from Kansas and other Senators that our work is well in hand and no delay can be caused in any way on account of the action of the Committee on Appropriations of the Senate.

Mr. BECK. I should like to ask the Senator from Iowa a question. Is it not the information of the chairman of the Committee on Appropriations that the work on appropriation bills in the House itself is better advanced than usual this far from the end of the session?

Mr. ALLISON. I will say in response to the suggestion of the Senator from Kentucky that I feel quite sure these bills are all in such a condition that if the House of Representatives will take care of them within reasonable time there will be no difficulty with reference to them in the Senate.

Mr. INGALLS. What time will the Senate Committee on Appropriations require before the close of the session to enable them properly to consider the appropriation bills yet remaining?

Mr. ALLISON. We ought to have all of these bills next week unless probably the general deficiency bill. There are now fourteen working days of the session remaining after to-day. That of course excludes the idea that much work will be done on the 21st of February, a week from to-morrow. I have stated the condition of the bills so far as I know, and the Committee on Appropriations I think can assure the Senate that so far as they are concerned the work will be well in hand as it comes to us from the House.

Mr. BECK. I only desire to say, as I have been asked several questions outside of the Chamber as well as on the floor of the Senate, that with a considerable experience in the Committee on Appropriations in both Houses (I believe I have been eight years on it here, and I was for some time on that committee at the other end of the Capitol with the Senator from Massachusetts [Mr. DAWES]), I do not recall a time during a short session of Congress when the work of the two Houses has been better up on the appropriation bills than it seems to be now. I have seen time and again four or five of the largest appropriation bills come before us within five or six days of the close of the session and still we were able to work them through. That is not going to be the case at this session unless things change very much from their present appearance. The Post-Office appropriation bill I think will be over to-day, judging from the RECORD, and I do not see that we are going to have any difficulty in either House in getting through the appropriation bills and having ample time to consider them. I only desired to say that much.

Mr. MORGAN. With a view to facilitate the business of getting through the appropriation bills, I introduced the other day in the Senate and had referred to the Committee on Commerce a river and harbor bill. It was the House bill, as I am informed, with certain provisions stricken out, upon which the House has already acted, which it is not necessary now to mention. I introduced that bill in order that our committee might make progress upon it. It is the subject of very considerable debate in the House, as we all know, and I desired that our own committee should have ample opportunity to consider that bill. It is therefore before the committee, and I conceive that there is no reason why it should not go on to perfect it.

I did not intend in introducing the bill to raise the question which has been somewhat debated of the constitutional power of the Senate of the United States to originate what is called an appropriation bill or a river and harbor bill. At the same time, I should have no difficulty, I think, in sustaining the power of the Senate to originate and pass the bill as an original measure. I will not occupy the time of the Senate this morning in reading the authorities upon which I rely to support that position, but I should like to call the attention of the Senate, so that they themselves can be informed about it, to the opinion of the justices of the supreme judicial court of Massachusetts, found in volume 126 of the Massachusetts Reports. The opinion, I believe, was written by Mr. Justice Gray, now one of the justices of the Supreme Court of the United States, in which this subject was very fully gone into and very ably argued upon a constitutional provision in the constitution of Massachusetts, corresponding precisely, I believe, in language with that in the Constitution of the United States. The syllabus of the opinion reads as follows:

> The question whether a bill or resolve appropriating money from the treasury of the Commonwealth is a money bill, which must, by the constitution (c. I, sect. 3, art. 7), originate in the house of representatives, is a question upon which the two branches of the Legislature are authorized by the constitution (c. III, art. 2) to require the opinion of the justices of the supreme judicial court.
>
> The exclusive privilege of the house of representatives, under the constitution of the Commonwealth (c. I, sect. 3, art. 7), to originate money bills is limited to bills that transfer money or property from the people to the State, and does not include bills that appropriate money from the treasury of the Commonwealth to particular uses of the government, or bestow it upon individuals or corporations.

That subject is very ably handled in this opinion, and I think that the Committee on Commerce would derive from it a very satisfactory solution of any difficulty that may beset them in respect to the jurisdiction of the Senate to originate a river and harbor bill, to say the least of it.

A river and harbor bill is not in every sense to be classified as one of the general appropriation bills for carrying on the Government. It is a provision for the improvement of commerce, the improvement of the facilities of intercourse between the different States of this Union, and between the country at large and foreign countries, and it is not in every essential sense a governmental project. We can dispense entirely with any further improvements of the rivers and harbors of the country, and yet execute every function of maintaining and conducting the Government of the United States. It does not in the other House go to the regular Appropriations Committee. It is a bill that goes to the Committee on Commerce in both Houses, just as bills here go to the Committee on Claims, which are reported back continually with appropriations originating in the Senate for the payment of debts of the people of the United States.

We had also in the Senate a very notable case at the last session, where some $80,000,000 were appropriated by a bill we passed for the purpose of general education. That bill originated in the Senate; and not only does it take about eighty millions of money out of the Treasury, but it does it for the next eight years consecutively; it charges a debt upon the Treasury of the United States which must be supplied from the future sources of revenue of this Government, which of course are mainly, if not entirely, taxation. That bill comes very much nearer to an invasion of the supposed constitutional right of the House of Representatives than a bill to make appropriations for works of internal improvement out of a fund already in the Treasury, for that bill looks to the raising of money—must look to the raising of money, inasmuch as it is procrastinated in its execution from year to year for eight years to come a charge on the Treasury of the United States, which of course we must meet by taxation. That bill went to the House of Representatives, and it induced, I suppose, a motion or a resolution, which was offered in that body, upon which action was recently taken declaratory of the power of the House of Representatives on such subjects. The House upon a yea-and-nay vote declared that the Senate had authority to originate appropriation bills. The declaration was a very broad one, much broader than I should be willing to see carried into practice. At the same time it concurred, and must have concurred, entirely and precisely with the opinion delivered in the case that I have just quoted from the Massachusetts Reports.

I will also call the attention of the Senate and of the Committee on Commerce to a report from the Committee on the Judiciary of the House of Representatives, made on the 22d of February, 1881, by Mr. Knott, who I believe was then the chairman of that committee:

> The House having referred to the Committee on the Judiciary the bill (S. 1157) entitled "An act authorizing the Secretary of the Treasury to purchase additional lots of ground adjoining the new building for the Bureau of Engraving and Printing," with instructions to inquire into the right of the Senate under the Constitution to originate bills making appropriations of money belonging to the Treasury of the United States, and said committee having considered the same, beg leave to submit the following report.

The Senate will observe that that resolution instructing this inquiry to be made by the Committee on the Judiciary of the House was a very broad and comprehensive resolution. Mr. Knott's report concludes with the following resolution:

Resolved, That the Senate had the constitutional power to originate the bill referred, and that the power to originate bills appropriating money from the Treasury of the United States is not exclusive in the House of Representatives.

I merely desired to call the attention of the committee to this question.

Mr. LAPHAM. Will the Senator allow me a word?

Mr. MORGAN. Yes.

Mr. LAPHAM. Has he also the views of the minority on that question?

Mr. MORGAN. There are no views of the minority expressed in the paper I hold in my hand.

Mr. LAPHAM. There was a minority report. The House Judiciary Committee were divided. There was a minority report, in which I concurred, which was the reverse of that, but no action was ever taken by the House.

Mr. MORGAN. I am informed that no action was taken.

Mr. CONGER. Mr. President, the question is so important a one to the Committee on Commerce that I send to the Senator from Alabama Rule XVI, and I should like his views upon the construction of that rule and the opinion of the Senator in regard to a bill for the improvement of rivers and harbors being a general appropriation bill under our rules.

Mr. MORGAN. Rule XVI has been so often discussed before the Senate that I should hesitate about entering into any further discussion with regard to it with a view of trying to enlighten the Senate on the subject. I do not know what precise point the Senator from Michigan has in his mind.

Mr. CONGER. The point with me was this: Rule XVI says:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

It provides which of those bill shall be sent to the Committee on Appropriations, and provides that the river and harbor bill, which seems to be treated as a general appropriation bill in the rule, shall be sent to the Committee on Commerce; and so further down in regard to amendments to such bills.

Mr. HALE. Is not the bill appropriating money for rivers and harbors treated in Rule XVI as a general appropriation bill, and so referred to, the same as other unquestioned appropriation bills are?

Mr. MORGAN. No doubt about it.

Mr. CONGER. It was on that point that I asked for the views of the Senator from Alabama.

Mr. MORGAN. There is no doubt of that, and I think it is a general appropriation bill. I am not arguing in favor of an exception upon this bill. I am willing to take it upon the broad proposition that it is a general appropriation bill, and yet the authorities to which I have referred and I believe the sound reasoning on the question are in favor of the proposition that the Senate of the United States can originate one of these appropriation bills as well as the House of Representatives. The case that I have just referred to is a case of general appropriations. The one in respect to the school bill is a case of general appropriations, because it applies to the education of children in all the States of the Union. It is general in another sense, that it makes a general draft upon the Treasury without looking to any specific fund, and, as I a moment ago suggested, it has something in it even more than an appropriation bill; it is a money bill, for it necessitates taxation and prolongs the period over which this taxation must prevail for eight or ten years. We have not the money in the Treasury now to pay that appropriation, nor do we in that bill set apart any fund in the Treasury not otherwise expended to meet that appropriation. It all looks to the future, and involves, therefore, necessarily a charge upon the Treasury of the United States, to be supplied from time to time, of course by taxation in part, if not in whole. So to that extent it is a money bill.

The House of Representatives had that subject under consideration the other day, and they resolved, as I have stated, upon a yea-and-nay vote, that the Senate had the authority to originate that bill. That is a bill wider in its sweep a good deal than the river and harbor bill, because the river and harbor bill appropriates only for a single fiscal year and appropriates money in the Treasury not otherwise expended, and if there happens to be not enough in the Treasury not otherwise expended to meet the appropriation of course it fails, and the deficiency must be made good by a deficiency bill; it can only be made good in that way.

Mr. FRYE. I desire to ask the Senator from Alabama a question. Does he think that the vote in the House the other day was a fair test of the opinion of the House——

The PRESIDENT *pro tempore*. The Chair thinks that any reference to any vote taken by the present House of Representatives is not in order.

Mr. FRYE. I understood the Senator to have made several references to votes taken by the present House.

The PRESIDENT *pro tempore*. The Chair was not aware of it. The Chair thought the Senator referred to votes of a former House of Representatives in another Congress in 1881.

Mr. FRYE. Twice the Senator has referred to votes of the present House.

The PRESIDENT *pro tempore*. The Chair did not hear such references or he would have interposed.

Mr. FRYE. He did, nevertheless, make those references.

Mr. MORGAN. I did refer to the action of the House on a resolution which was before the House, and only before the House, and did not come before the Senate.

The PRESIDENT *pro tempore*. The Chair thinks that would not be in order in reference to the present House of Representatives. The Chair supposed the Senator was speaking of the House of a former Congress, in 1881.

Mr. MORGAN. Of course I do not wish to transgress the rules at all. I supposed they authorized me to speak of any action taken by the House which was final upon any measure as a measure that had been concluded, though the resolution of which I spoke referred only to the affairs of the House.

Mr. LAPHAM. Will the Senator from Alabama allow me? I call his attention now to the minority views of the House Judiciary Committee at that time. They submitted their views and recommended the following resolutions:

Resolved, That the seventh section of article 1 of the Constitution, which provides that "all bills for raising revenue shall originate in the House of Representatives," confers exclusive power upon the House to originate bills appropriating money from the public Treasury.

Resolved, That the Senate bill which has been referred to this committee be returned to the Senate of the United States with a copy of these resolutions.

This was signed by five members of the Judiciary Committee differing with the views of the majority. I beg while I am up to call attention to one extract from this report:

An extract on this point from the inaugural address of President Washington will not be inappropriate.

Here I may add that President Washington probably knew the meaning of this provision as well any person existing at that time. He said in his inaugural address:

To the preceding observations I have one to add which will be most properly addressed to the House of Representatives. It concerns myself, and will, therefore, be as brief as possible. When I was first honored with a call into the service of my country, then on the eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed, and, being still under the impression which produced it, I must decline, as inapplicable to myself, any share in the personal emoluments which may indispensably be included in a permanent provision of the executive department, and must, accordingly, pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditure as the public good may be thought to require.

Obviously the view of General Washington was that the House of Representatives alone could originate an appropriation bill.

Mr. MORGAN. Well, Mr. President, of course it is very unpatriotic and very presumptuous in any man to advance a view against the constitutional views of General Washington on the constitutional rights of the Senate of the United States; but unfortunately we have to deal with these questions through the centuries, and I venture the statement that nobody in the United States has ever yet lived who had a right to enjoy that opinion except General Washington. I do not think that any one else would have sufficient weight in the Government of the United States to stand upon it without a good deal of discussion to say the least.

I do not wish to protract my remarks about this matter. As I stated when I introduced that bill I did it in good faith, to give our Committee on Commerce an opportunity to work on the bill and have it ready, and if it should turn out that the House of Representatives can not furnish us that bill, then the question will arise, and I hope the Senate will consider it and decide it, whether we shall not send the bill to the House, for we have a duty to perform in connection with this Government that is quite as important as that of the House, and we stand quite as near to the people as the House of Representatives in every matter except those peculiar functions which the Constitution devolves upon that House and excludes us from. I do not believe that the appropriation of money for the service of the Government or the people is one of the functions from which the Senate is shut out by the Constitution.

Mr. JONAS. I would state to the Senator from Alabama that the Senate passed a bill appropriating $5,000,000 for the improvement of the Mississippi River in the session of 1881–'82. It went to the House, and, like most of the legislation of that Congress, it went on the Speaker's table, and there remained without action until the end of the session.

Mr. HALE. Mr. President, I do not propose to go into this very great question which has heretofore exercised the minds of great lawyers, members of both the Senate and the House of Representatives, but I hope that the Committee on Commerce of this body will think twice before it precipitates the question raised by the Senator from Alabama this morning in speaking of his bill. I should have some doubt, as I think he would have as an original proposition, whether a bill appropriating moneys for rivers and harbors would come under the purview of a general appropriation bill; but upon that I believe we are estopped

from raising any question, for the Senate has by its rules made it and adopted it as a regular appropriation bill, and so treats it in every regard and particular, with the exception that it is sent to the Committee on Commerce, because it needs a very exhaustive examination of a thousand details. So far as this body is concerned it is treated as a regular appropriation bill.

Now, Mr. President, unless all the traditions and all the beliefs, so far as we can judge by the records of the past and by the course in the past of the House of Representatives, are to be radically and fundamentally changed, that body will never yield, and especially will not yield in the short time that can possibly be given to the discussion of this great question between now and the 4th of March, the position that it has always firmly taken and insisted upon. The exceptions that are referred to by the Senator from Alabama in no way trench upon the general attitude taken always by the House of Representatives.

The report to which the Senator has referred in the past as coming from the House Committee on the Judiciary was antagonized by a most exhaustive minority report, and the House of Representatives never by any action on its part indicated any purpose of changing the traditional ground of the body; and it will not, no matter what is done by this body in the time between now and the close of this session, depart from its former attitude, and it will not agree to surrender its rights. I have no doubt whatever upon this, because I came here somewhat affected, largely affected, by the habits, course of action, and traditions of that body; and I say it will not agree to part with the power over money bills, of initiating the great appropriation bills that are given for the running expenses, the general expenses, of the Government; it will not give up that jurisdiction as inseparably connected with the other great question of the raising of the revenues of the Government, as to how they shall be expended, and the question of what shall be raised as affected by what shall be spent.

I hope, sir, that the Committee on Commerce will consider this carefully. I have no objection to its taking the bill, spending its time upon it, considering the items, and being prepared for any river and harbor appropriation bill that the House of Representatives may send to this body; but I hope it will not, without the greatest care and deliberation, launch upon this body and upon the two Houses that great question at this late day. I can see but one termination that would come from that, and it is not a good time to raise the question now.

Mr. HOAR. Mr. President, I rise to a parliamentary question. I desire to ask the Chair what is the question before the Senate?

The PRESIDENT *pro tempore*. There is no question before the Senate. This debate has been proceeding by unanimous consent.

Mr. ALLISON. I ask for the regular order.

The PRESIDENT *pro tempore*. The regular order is called for. Reports of committees are yet in order.

Mr. INGALLS. I beg leave to say a word.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Kansas will proceed.

Mr. INGALLS. I have been the unfortunate and innocent cause of this irrelevant debate upon an inquiry as to the condition of the public business. I desire to say that the assurances given by the Senator from Iowa and the Senator from Kentucky are entirely satisfactory. I made the request in order if possible to repel the insinuations being made that Republicans in the Senate and House desired that there should be an extra session of Congress. In my judgment nothing could be worse for the country and all its various business interests than an extra session of Congress. If there is a Republican member of the Senate who desires an extra session of Congress I do not know him. I doubt very much whether the interests of the incoming administration would be benefited by an extra session of Congress; and it is proper that the declaration should be made that if there is to be an extra session of Congress the responsibility for it will depend not upon the Republicans of this body or the House, but upon the party friends of the head of the next administration.

GEORGE E. SPENCER.

Mr. HOAR. Mr. President, I am instructed by the Committee on Privileges and Elections to report the following resolution, for which I ask present consideration:

Resolved, That there be allowed and paid from the contingent fund of the Senate to George E. Spencer, formerly a Senator from the State of Alabama, the sum of $7,132, being the amount actually and necessarily expended by him in maintaining his title to his seat.

Mr. SAULSBURY. I desire to inquire whether that is a report from the Committee on Privileges and Elections.

Mr. HOAR. It is.

Mr. SAULSBURY. I desire to say that I do not concur in that report as a member of that committee.

Mr. COCKRELL. Let the resolution take its place on the Calendar.

The PRESIDENT *pro tempore*. Objection is made to the present consideration of the resolution, and it will be placed on the Calendar.

WITHDRAWAL OF PAPERS.

Mr. CAMERON, of Wisconsin. On the 30th of January last an order was made by the Senate authorizing the claimants in the matter of the claim of Louis C. Madeira and Emilio F. Cabada to withdraw from the files of the Senate all the papers relating to that claim. The papers at that time were in the hands of the Committee on Claims, and I now return them to the Senate.

The PRESIDENT *pro tempore*. The papers will be placed on file.

BILLS INTRODUCED.

Mr. MITCHELL introduced a bill (S. 2637) to authorize the Secretary of the Interior to release a right of way across lands of the United States at Carlisle, Pa; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 2638) for the relief of the legal representatives of Peter Lyle, deceased; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 2639) to amend an act entitled "An act to authorize the purchase of a site and the erection of a suitable building for a post-office and other Government offices in the city of Scranton, Pa.," and making an additional appropriation therefor; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5479) to prevent unlawful occupancy of the public lands.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1705) to provide for the issue of duplicate checks; and

Joint resolution (S. R. 92) authorizing and requiring the Secretary of War to deliver to the Eighth New York Heavy Artillery Association the regimental colors which belonged to said artillery, and which are now in the custody of the Secretary of War.

CONSIDERATION OF HOUSE BILLS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a resolution offered yesterday by the Senator from Tennessee [Mr. HARRIS].

The resolution was read, as follows:

Resolved, That after the call for concurrent and other resolutions has been concluded it shall be the duty of the President of the Senate to lay before the Senate, in their order, House bills on the Calendar which have been favorably reported by a Senate committee, subject to the provisions of Rule VIII, which shall continue until 1 o'clock each day until all of such bills shall have been considered.

Mr. INGALLS. Is that resolution open to objection at this time?

The PRESIDENT *pro tempore*. The Chair would state that the resolution was offered on a previous day and now comes before the Senate regularly; but the Chair will call attention to Rule XL relative to motions to modify or suspend the rules. The nature of this, the Chair thinks, is a motion to suspend for the rest of the session and to modify the rules regulating the order of business.

Mr. INGALLS. May we hear that rule read, Mr. President?

The PRESIDENT *pro tempore*. Rule XL will be read.

The Chief Clerk read as follows:

No motion to suspend, modify, or amend any rule, or any part thereof, shall be in order, except on one day's notice, in writing, specifying precisely the rule or part proposed to be suspended, modified, or amended, and the purpose thereof. Any rule may be suspended without notice by the unanimous consent of the Senate, except as otherwise provided in clause 1, Rule XII.

The PRESIDENT *pro tempore*. The Senator from Tennessee has not, as the Chair thinks, conformed to the requirements of that rule; but as it has been the practice of the Senate hitherto, before the present rules were adopted, to receive and consider resolutions analogous in their nature to this, the Chair will submit to the Senate the question whether this resolution is in order without a previous notice in writing.

Mr. SHERMAN. I think it had better not be submitted as a question of order, but let it be asked whether the Senate, by unanimous consent, will act upon it. I should vote against its being in order.

The PRESIDENT *pro tempore*. The Chair will first ask, Is there objection to this resolution being considered in order?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made. The Chair will then submit to the Senate the question whether under Rule XL this resolution is in order.

Mr. HALE. Let the resolution be read.

The PRESIDENT *pro tempore*. The resolution will be again read.

The Chief Clerk read the resolution.

Mr. SHERMAN. I shall be compelled to vote, if objection is made, that it is not in order, though I am in favor of taking up and passing on the House bills. I hope the Senator from Tennessee, therefore, will give the requisite notice to-day, and it can come up again to-morrow. Clearly it does not conform to the rule now.

Mr. HARRIS. I quite agree with the Senator that it is not in accordance with the requirement of the rule if objection is made. I will give the notice to-day, and it will suit me quite as well to call it up to-morrow.

The PRESIDENT *pro tempore*. It will be laid aside for the time being if there be no objection, and a notice in writing will be required.

The Chair was of opinion that the practice of the Senate had been to receive similar resolutions, and therefore he proposed to submit the question——

Mr. HOAR. It will put the Senator from Tennessee to a good deal of trouble to go over the various rules and specify each one of them in writing. I suggest that instead of that the Senator from Tennessee have unanimous consent that this resolution of his may be considered on Monday.

Mr. HARRIS. To-morrow or Monday.

Mr. HOAR. To-morrow, I mean.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that this resolution shall be considered as in order to be laid before the Senate to-morrow on the call for resolutions. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made. The Senator from Tennessee will give such notice as the rules require.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. 475) granting arrears of pension to Emily Agnel;

An act (S. 729) for the protection of children in the District of Columbia, and for other purposes;

An act (S. 750) granting a pension to Catharine Schools;

An act (S. 1823) granting a pension to Ebenezer K. Marden; and

An act (S. 2168) for the relief of the executrix of Ayres P. Merrill.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the Calendar under the eighth rule.

The consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, was resumed by the Senate as in Committee of the Whole.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Alabama [Mr. MORGAN] that the bill be indefinitely postponed.

Mr. LAPHAM. Mr. President, the morning hour has been so nearly consumed with other matters that I dislike very much to commence the discussion of this question this morning at this time.

Mr. HOAR. I rise to make a privileged report.

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. LAPHAM. Yes sir.

COUNTING OF ELECTORAL VOTES.

Mr. HOAR. I am entitled to make the report as a matter of right.

The PRESIDENT *pro tempore*. From what committee?

Mr. HOAR. The conference committee on the disagreeing votes of the two Houses in regard to the bill regulating the Presidential count. If the Secretary will read the report I will make a statement in regard to it.

The PRESIDENT *pro tempore*. The Senator from Massachusetts submits a report from a conference committee, which will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the bill (S. 25) to fix the day for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, having met, after full and free conference have been unable to agree.

GEORGE F. HOAR,
JOHN SHERMAN,
JAMES L. PUGH,
Managers on the part of the Senate.

WM. W. EATON,
R. T. BENNETT,
ALPHONZO HART,
Managers on the part of the House.

Mr. HOAR. The House asked the conference and the House has possession of the bill, or the conferees on the part of the House. The usual custom, therefore, is for the report——

The PRESIDENT *pro tempore*. The Chair thinks the Senator from Massachusetts is in error as to which House asked the conference. The minutes show that the conference was asked by the Senate. The Senator from Massachusetts said, if the Chair understood him, that the House had asked the conference.

Mr. HOAR. I thought the Clerk showed me the fact that the House asked the conference.

The PRESIDENT *pro tempore*. In that case the report here would have been proper, with the papers, first. The minutes show that the conference was asked by the Senate.

Mr. HOAR. The other House agreed to the conference and has the papers. But in either case, the other House having the papers, it is the usual custom between the two branches, as I understand, that the report should be made first in the House of Representatives, and the House then should send over its action upon the report to the Senate for its information and action. This disagreement took place in the first week, I think, of the session, and the report was made up at that time very early in the session, but no information has been communicated to the Senate that the House has taken any action or that any report has been made there by the conferees on the part of the House; and I suppose we are justified in inferring, in the absence of such a communication, that no such report has been made to the House by its conferees. I have not heard of any such report having been made.

It seems to me, therefore, under these circumstances that it is the duty of the committee to report to the Senate without waiting the action of the House, which is a mere matter, I suppose, not of absolute parliamentary right but only of courtesy or custom. I therefore make the report, and move that the Senate further insist on its disagreement to the amendment of the House and communicate that fact to the House.

The PRESIDENT *pro tempore*. The Chair feels obliged to decide that such a motion is not in order. No vote can be taken on the bill without the bill being in possession of the Senate. The Chair thinks under the circumstances, there being no action in the report recommended for either House on the disagreement, that perhaps a report of this kind, that the conferees have been unable to agree, might be made in the absence of the papers, but the Chair thinks he can not entertain a motion in respect to the Senate insisting.

Mr. HOAR. I differ from the Chair; but to go into that would involve a long discussion of a somewhat unusual matter. I have reflected on the subject. Without insisting on any difference of opinion with the Chair on this subject I withdraw that part of the motion, and will move that a message be sent to the House of Representatives communicating to the House the fact that this report has been made to the Senate by its conferees.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves that a message be sent to the House of Representatives informing it that the conferees on the part of the Senate on the bill named have reported that they have been unable to agree with the conferees on the part of the House of Representatives. The question is on agreeing to the motion.

The motion was agreed to.

DES MOINES RIVER LANDS.

Mr. ALLISON. Regular order.

The PRESIDENT *pro tempore*. The bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes, is before the Senate as in Committee of the Whole. The Senator from New York [Mr. LAPHAM] is entitled to the floor, the pending question being on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the bill indefinitely.

Mr. LAPHAM. Mr. President, this very extraordinary bill is accompanied by a report of the majority of the committee, occupying nearly forty pages. The records of the Senate will show that this bill was reported without any report from the committee, and time was asked to prepare a report, and it was, if I remember correctly, some two weeks after the bill was reported before the majority report was made in the Senate. I supposed the object of this report was to present for the consideration of the Senate the reasons which operated in the mind of the committee in favor of this bill; and I supposed, therefore, that the reading of the report was a proper matter for the consideration of the Senate preparatory to taking any action upon the bill. Accordingly I asked, when the Senate decided to take up the bill, that the report should be read. Two mornings of the Senate were occupied in reading a portion of it, when I was gravely accused by the Senator in charge of this bill with being an obstructionist, because I asked for the reading of this report. I do not complain of that, Mr. President. I refer to it simply by way of explanation and for the purpose of showing that the request I made was not an unusual nor an unreasonable one.

When I assented yesterday to the proposition that the further reading of the report should be dispensed with, I accompanied that with a statement that at some period of the discussion, and before the final action of the Senate should be taken, I should ask to have the views of the minority, which truly and succinctly present the questions involved in this case, read; and upon the suggestion of the honorable Senator from Alabama [Mr. MORGAN], who prepared the minority report, as I was informed, that I could have it read as a portion of my remarks, I yielded the point, and the discussion was taken up without reading any more of the majority report and without the reading of the views of the minority. Thereupon the honorable Senator from Iowa [Mr. WILSON] took the floor and in a very pathetic and earnest appeal in behalf of these settlers occupied the attention of the Senate for a half hour or more in a strain of remark to which none of us can properly take exception, for all our sympathies are enlisted in behalf of those who have mistaken their rights in settling upon this portion of the lands in Iowa. It shall be my purpose before I conclude to show, and to show very conclusively, I think, that the honorable Senator from Iowa entirely failed to reach or touch any question which is involved in the proper consideration of this bill.

I would have preferred that this discussion should have gone on and the vote taken, when it should be finally taken, on the passage of the

bill; and yet the motion of the honorable Senator from Alabama is precisely what would have accompanied a minority report if one had been made, as was made by the Judiciary Committee of this body in the Forty-sixth Congress. It leaves the whole question of the merits of this bill open to discussion, and, therefore, it is perhaps as well that the vote of the Senate should be taken upon this motion to indefinitely postpone the consideration of the bill as to have it taken upon the merits of the bill on its final passage. The questions are the same. The motion of the honorable Senator from Alabama to postpone indefinitely the further consideration of the bill presents precisely the same question which would have come up upon its passage, and that is the question: Is the legislation recommended by this bill such as Congress ought to adopt or such as the Senate ought to sanction?

Mr. President, I can not, in justice to the position I occupy here, allow this question to be taken without examining somewhat in detail the points which arise in this case. When I came into the Forty-fourth Congress in 1875, my friend General Martindale, of Rochester, came to me and said he was one of the purchasers of a portion of the land included in this Des Moines River grant. He asked if I would examine the question, and if I found that he was correct in the positions he took, whether I would assist in defeating any legislation which might be attempted in contravention of the rights of the purchasers from the Des Moines River Company. Being a friend of his, I told him I would. He brought me the papers, which I have had in my possession ever since—most of the papers I have now in my possession—and we spent some time together in the examination of the questions which arise in this case. I promised to aid, as far as I could, the citizens of my State and of Michigan and of a portion of the New England States who had become the purchasers of this property, in defeating the effort which is now made to deprive them of their rights.

General Martindale has since gone to an early though an honored grave; but the covenant I made with him is a "covenant running with the land," and is binding upon me as long as I have a voice or a vote in this body to prevent the consummation of this great wrong upon the rights of these persons.

In August, 1846, Congress made a grant of land to the then Territory of Iowa of the odd sections five miles in width on each side of the Des Moines River for the purpose of improving the navigation of that river from the Raccoon Fork to its mouth. There was no limit in terms in the grant as to the distance along the river which was covered by this enactment.

The Territory of Iowa, through its representatives, claimed that it covered the entire land (odd sections) five miles on each side of the river from the source of the river in the then Territory of Minnesota, and they were clamorous in that claim in the Halls of Congress and before the Departments. The officers of the Government having charge of this subject at that time—for there was no Interior Department then—entertained at first the view that that claim was a correct one, and opened the lands for assignment under this grant of 1846 to the northern bounds of the Territory of Iowa, but not carrying them into the Territory of Minnesota. Accordingly a portion of these lands were assigned to the Territory of Iowa above the Raccoon Fork, which is the scene of the present controversy, on each side of the Des Moines River. Iowa continued to claim that the counter constructions, which were adopted from time to time by the officers of the Government, were erroneous and that she was entitled to these lands by virtue of the grant of 1846. She persisted in that claim, and obtained in the month of March, 1861, a joint resolution of both Houses of Congress that all the lands in this grant certified to the State above the Raccoon Fork to the north boundary of the State should vest in the State of Iowa and in its grantees, which were the Des Moines River Navigation Company and their vendees, the persons whom I represent at this time. An act of Congress was also passed in the year 1862, which confirmed the same title and determined that all the lands which had been set apart by the action of the authorities of the Government as constituting a portion of the lands devoted to the improvement of the Des Moines River should vest in the State and its grantees.

In the course of the proceedings the Des Moines River Navigation Company entered into a contract with the State to make these improvements of the Des Moines River, and to receive, in consideration of the performance of that contract, a grant of these very lands. They were conveyed by the State—every acre of the lands now in controversy was conveyed by the State to the Des Moines River Navigation Company. The Des Moines River Navigation Company conveyed them for value to the persons whom I in part represent. The Des Moines River Navigation Company expended over $366,000 in the work of improving this river, and every dollar of the money was obtained through the sale of these lands, as the Territory first, and the State afterward, had no other means of raising money for the purpose of carrying on these improvements, except by a sale of the lands; and all the money which was expended—fruitlessly, it is true, it turned out to be; but that is not our fault—in these improvements, amounting, as I have said, to over $366,000, was money raised by the sale of these very lands, and was the basis of the title of the purchasers, in whose behalf I now appear.

After the Territory of Iowa first, and the State of Iowa afterward, had clamored in the Halls of Congress for this recognition of the title and obtained it, first by the grant of 1846, then by the resolution of 1861, and then by the act of 1862, and had acquired this large amount of money from purchasers of this property, the representatives of Iowa now turn around and say: "Why, all this was a nullity." That is the present attitude of those who represent the State here. "There were no valid titles conferred by these acts of Congress; the question is all open;" and they ask that here shall be made a public declaration by the Congress of the United States that these lands are now public lands of the United States to the extent they are in the occupancy of settlers—mere squatters thereon.

Well, Mr. President, this very statement of the proposition ought to satisfy every reasonable mind that it is a question with which we have nothing to do. If there had been no decisions of the Supreme Court, it ought to satisfy everybody that it is a question with which we have nothing to do. These acts of Congress were grants, grants *in præsenti*; they passed the title to the State of Iowa, and the State of Iowa passed the title to the Des Moines River Navigation Company, and that company sold these lands to private purchasers. It is true the purchasers are non-residents of the State, the great bulk of them—I do not know but all of them; and there is the source of all this hostility to these claimants. These lands have been purchased and paid for by men residing in the State of New York, in the State of Massachusetts, in the State of Michigan, and in the State of New Hampshire, and because, forsooth, these gentlemen chose to put their capital into the purchase of lands in Iowa and are non-residents of the State, they are not to be considered by these clamorous men in Iowa, settlers, as they are termed, on the Des Moines River lands. Mr. President, let us see what kind of settlers they are.

I have said that the original grant was made in 1846, that the confirming grants, which settled all questions about the extent of it within the State of Iowa, were made in 1861 and 1862. In 1873 Congress passed an act for the purpose of appointing commissioners to investigate this whole question of the settlers upon the Des Moines River lands, reporting who were the settlers, giving a list of the value of the lands they occupied, with a view of having some provision made by Congress to compensate them for the losses to which they had been subjected. Those commissioners were appointed, and a report was made. That report was made to Congress under the act of March 3, 1873, by Mr. O. P. Chubb, Mr. Charles Aldrich, and Mr. J. S. Robinson, the commissioners appointed under the act for the purpose of making this investigation. They give a schedule of all the occupants of these lands, of the date when their occupancy commenced, of the estimated value of the lands, and of the sums which they were willing to receive by way of compensation for them. From this report the fact appears that there is not a settler upon these Iowa lands, save two or three—to one of whose claims I will refer before I close—who did not go upon the lands and make the settlement either as a homestead entry or a pre-emption entry after all this legislation of Congress and after all these conveyances.

The great bulk of these entries, as shown by this document, were in the years 1862, 1863, 1864, and 1865, after the whole question of the title to these lands had been settled by this resolution and these acts of Congress, after the conveyance had been made by the State of Iowa to the Des Moines River Navigation Company, and that company had gone into the possession of these lands, and after the purchases had been made by those in whose behalf I now appear. What is the use, then, of talking about their being *bona fide* occupants? As the Judiciary Committee of this body four years ago decided, they are none of them *bona fide* occupants and claimants of title. They were all chargeable with notice of the state of the title before they entered or attempted to enter upon these lands. They are, therefore, not in a position, if we are to look at it in one light, to claim even the sympathy of the members of this body, because they have acted with their eyes wide open. They can not claim to have gone upon this property in good faith. The property had been withdrawn by the action of the officers of the Government from entry as public land and had been certified by the authorities of the Government to the State prior to the time when they made these entries.

It may be a fertile valley, as the honorable Senator from Iowa so fervidly said yesterday; I presume it is; but I think I shall show before I conclude the consideration of this question that it has been a very poorly tilled fertile valley since these settlers went into the occupancy of these lands.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday's sitting, being the bill (H. R. 3993) to declare a forfeiture of lands granted to the Texas Pacific Railroad Company, and for other purposes.

Mr. VAN WYCK. Mr. President——

Mr. ALLISON. I ask unanimous consent that the Senator from New York may have an opportunity to complete his remarks on the Des Moines River bill this morning.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the pending order be informally laid aside and that the Senator from New York be permitted to conclude his remarks. Is there objection?

Mr. LAPHAM. I desire to say that in the condition of my health this morning I prefer not to go on. It will take me an hour or two to say what I am going to say.

The PRESIDENT *pro tempore*. That the Chair considers to be in the nature of an objection.

TEXAS PACIFIC LAND GRANT.

Mr. VAN WYCK. Mr. President, the Texas Pacific Railroad forfeiture bill is the business before the Senate.

The PRESIDENT *pro tempore*. It is.

Mr. VAN WYCK. Mr. President——

Mr. BLAIR. Will the Senator from Nebraska give way?

Mr. VAN WYCK. For what purpose?

Mr. BLAIR. I desire to ask of the Senate consent that the unfinished business be informally laid aside, in order that the Senate may proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. VAN WYCK. I should prefer not to yield at this time for that purpose. This bill now under consideration by the Senate probably will not require much time or more at all events than the consideration of the bill to which the Senator from New Hampshire refers.

The PRESIDENT *pro tempore*. It is the duty of the Chair to state that debate is not in order. The Chair understands the Senator from Nebraska to object to the request of the Senator from New Hampshire.

Mr. INGALLS. I ask unanimous consent to make a statement.

The PRESIDENT *pro tempore*. The Senator from Kansas asks unanimous consent to make a statement. Is there objection? The Chair hears none.

Mr. INGALLS. The unfinished business now before the Senate was reported from the Committee on Public Lands by my colleague [Mr. PLUMB], who is the chairman of that committee, and who is unavoidably detained from the sessions of the Senate upon a conference on the District of Columbia appropriation bill. He is unable to be present without interfering with other business intrusted to him by the Senate; and as there can be no danger from delay I would ask the Senator from Nebraska to consent in consequence of the statement I have made about my colleague's engagements to the request of the Senator from New Hampshire, allowing this bill to retain its place on the Calendar of Special Orders.

Mr. HOAR. What is the bill?

Mr. INGALLS. The Texas Pacific Railroad forfeiture.

Mr. VAN WYCK. I ask unanimous consent to make a reply.

The PRESIDENT *pro tempore*. If there be no objection the Senator from Nebraska will be heard in reply to the Senator from Kansas.

Mr. VAN WYCK. The Senate fully understands, and the country also, the nature of the bill which is now proposed to be considered. I of course do not desire to refuse the request of the Senator from Kansas or the Senator from New Hampshire if it may be certain that this bill will not be put in any further peril. It has been put in peril already. About the middle of December it was placed upon the Calendar of Special Orders and there remained without probably any special effort to force its consideration until it was reached on that Calendar, and then it was displaced by taking up for consideration a bill the principal feature of which, if ingrafted by this body and passed here, never can become a law by the concurrence of the other House, and this bill then was placed in peril by being necessarily thrust back and buried in the General Calendar.

That has been its history. There is no reason why this bill should require as much time as the one propounded by the Senator from New Hampshire. It is a plain, simple forfeiture of lands granted to the Texas Pacific Railroad, and so plain and so obviously just are the features of this bill that, if I may be allowed to say so, it was passed unanimously by the other House, or practically unanimously——

The PRESIDENT *pro tempore*. The Senator is not in order in referring to the proceedings of the other House.

Mr. VAN WYCK. If I had some papers I might read some facts upon that which might be in order. If I read from the RECORD the result of the votes in the House I suppose the Chair would hold that that would be out of order also?

The PRESIDENT *pro tempore*. The Chair would certainly so hold.

Mr. VAN WYCK. Then I shall have to endeavor to get that idea before this body in some other way. [Laughter.]

Some things are very remarkable. The very moment that a land-grant forfeiture comes up in this body terror seizes in some directions. Why should it on a bill of this importance? If I may not say how it was passed in the other House, I suppose it is competent for me to say that this bill is demanded by the unanimous sentiment of the American people. There is unanimity there, whether there was unanimity in the other House or not when they voted on this bill, or whether there will be unanimity in this body when this bill is voted upon here.

There is no reason why this bill should be displaced, no reason why it should not have prompt consideration, and there has been no reason for the last two months. I have a right to say to my friends here that we can not "palter" with the people "in a double sense" on this matter. Our own State and national conventions have demanded that there should be prompt and speedy action upon these matters. The national convention which represents the gentlemen on the other side of this Chamber was equally as unanimous and emphatic in its expression of a demand for the restoration to the public domain of forfeited lands, and that it should be done by the prompt action of Congress.

I am desirous that this bill should be speedily acted upon. I am willing to yield to another measure if thereby this bill be placed in no peril; and yet I think every day's delay imperils the bill. If it remains unacted upon until the week coming, then we are to be met with appropriation bills from day to day, and it will be an easy matter for gentlemen by long speeches to prevent a final consummation.

I desire at least to maintain my position upon this matter. I have as far as has been proper sought to press the consideration of this bill. We have discussed the question involved in it on other bills. There is no question remaining to be considered which has not been discussed. The matter has been considered on other bills. We have been enabled in this Congress to pass one of these bills into law and only one, and that was a bill where the railroad company itself was willing that its land grant should be forfeited. We have done nothing more. We have passed one bill which the railroad company concerned consented we should pass—nothing more. I desire that we shall not stop with that. We had some difficulty in passing that bill through this body where the railroad company were willing we should do it.

Now, the present owners of this Texas Pacific road of all men have no claim upon the generosity or the liberality of the people of this Union or of the American Congress. Have we forgotten those celebrated letters written by that great historian Huntington, of the Central Pacific Railroad, as to what was done with the Texas Pacific when he was here in the lobby? We at least can be admonished by the very forcible history which he has made; we at least should be admonished that we furnish no excuse for scandal and no opportunity for any historian like Huntington, or possibly Huntington himself, to reproduce in duplicate any chapters of history of the same kind.

I desired to say this much, because I do not know from the process of rules and the obstructions which arise from them whether I shall have an opportunity to say anything more on this question.

Mr. MILLER, of California. Will the Senator allow me to make a suggestion?

Mr. VAN WYCK. Certainly.

Mr. MILLER, of California. We have had notice that an appropriation bill will be called up to-morrow. If the Senator gives way now there is no telling when he can get his bill up.

Mr. VAN WYCK. Without intending to seem offensive or discourteous, I would prefer to have this bill take its course according to the rules of this body. If the majority choose to displace it, that is for them to say. If the rules thrust it aside, that will be no fault of the friends of the measure in this body.

The PRESIDENT *pro tempore*. The Senator from Nebraska objects to the request of the Senator from New Hampshire.

Mr. BLAIR. I ask unanimous consent to make a brief statement to the Senate.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks unanimous consent to be heard. Is there objection? The Chair hears none.

Mr. BLAIR. I have never found it necessary to disregard what I believed to be my duty under the apprehension that I should be accused of any wrongful motive if I failed to make strong *ad captandum* demonstrations for the consideration of the public with reference to any matter of legislation that I was called upon to participate in. I am willing to settle those questions between my own sense of duty and such light as I may get from my constituents and from the country and such intellectual powers as I may possess; and whatever may be the result to myself personally from the discharge of my duty as I understand it, I accept that result.

Now, in regard to the Texas Pacific bill, in relation to which the Senator from Nebraska has offered these strange remarks, I have this to say: I am opposed to it in its present form. I am not opposed to its consideration, and I am ready to take my share of responsibility for any action that I in the end may see fit to take. My record will be here for consideration. But, sir, that bill has no rights here more than other measures of legislation. Such rights as it has I am perfectly willing that it should hold if, in the judgment of the Senate, it should retain them.

I wish now to make a little statement with reference to another bill, and if I had the unusual faculty which the Senator from Nebraska seems to possess of insinuating the opinions of the public, or of bringing an indirect pressure upon the members of this body to induce them to act as they might not act yielding quietly to the dictates of their own consciences and sense of duty, I might undertake to say that here is a bill in which the mass of the people are interested, in which all the 55,000,000 people in the United States are interested, and with reference to which it is not safe for the Senate to "palter in a double sense;" with reference to which the platforms of both parties are explicit, and in regard to which there are at least 25,000,000 people in this country anxious and interested for its consideration and for its passage; and if we post-

pone it, or if we in any way displace it from consideration, we shall be liable to the suspicion that lobbyists and improper influences are the source of the motives which actuate us.

The bill of which I speak has precedence in conscience and in all the formalities of parliamentary law over the Texas Pacific bill. It came to us in the last session. It came in the due and orderly course of business before this body a short time prior to the adjournment last summer. I insisted upon its being heard. Its consideration at that time was defeated by what I thought to be an unnecessary insistence upon formalities, and there can be no Senator present who does not know that this bill was not treated precisely with that fairness that I had a right to expect, nor was I treated personally as a Senator in the management of the bill with that courtesy which we deem ordinarily to be Senatorial. I did my best to get it passed at that time in compliance with what I and all Senators and the country knew to be a strong popular demand; but it was defeated, and upon the motion of the honorable Senator from Georgia not now in his seat [Mr. BROWN] it was postponed until the 9th of last December, quite a number of days before the Texas Pacific bill reached the records of the Senate, coming from its committee, and was placed upon its Calendar. So at this session this bill was in the nature of unfinished business. I understood that it had all the rights of a special order; so did other friends of the measure; but there were special orders interposed a little earlier than that time, and when on the 9th day of December something prevented the consideration of this bill, it went off into the limbo of cases upon the General Calendar. I, however, from that time until the present have made repeated efforts to get it before the Senate for consideration. I have been watching from that time until the present every day when I was not confined to my room by sickness to get the bill before the Senate of the United States for consideration. It has been awarded consideration by the unanimous sense of those members of the Senate who sit upon this side of the House very considerably in advance, as the Senator knows, of the bill which he is now pressing in opposition to it, and I only ask that it may be heard in accordance with those understandings which are binding upon gentlemen and in accordance with the rights of this bill before the Senate and before the country.

Now, sir, I do not anticipate that it will consume any very considerable time. It is a short bill. I do not propose to make a speech upon it. I do not propose to speak upon it half as long as I am now speaking for the purpose of getting consideration for it. A few which I deem to be unimportant amendments I shall offer. They are to some extent, to a very large extent, verbal amendments, and I imagine that the bill may be disposed of, if the Senate proceeds to its consideration, in the course of the afternoon; perhaps in the course of a single half hour.

And, sir, as objection is made against proceeding to its consideration, if I am in order I desire to move that the Senate now proceed to the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. HARRISON. Mr. President——

The PRESIDENT *pro tempore*. Debate is not in order.

Mr. HARRISON. I am aware of that rule, but I desire to ask unanimous consent just to say a word.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent to be heard upon this matter. Is there objection? The Chair hears none.

Mr. HARRISON. We are coming to that period in the session when the antagonism between different measures is absolutely sharp, and the advocates of them urge them perhaps with a little more zeal than may be commendable, and we consume more time in discussion as to what we shall take up than would be necessary to dispose of the measures taken up. The measure proposed by the Senator from New Hampshire is one that I think will occupy very little time. I think it will receive general concurrence. I believe there is a very wide and general demand for some legislation upon the subject in restraint of those contracts made abroad for the importation of gangs of men to work in this country.

Mr. VAN WYCK. May I ask the Senator a question?

Mr. HARRISON. Certainly.

Mr. VAN WYCK. Is there any difficulty, if the bill be as important as the Senator thinks, in its being taken up by the Senate immediately after the consideration of the bill now properly before us?

Mr. HARRISON. Probably not; but the bill to which the Senator from Nebraska refers is one I think likely to occupy more time. They are both House bills.

Mr. BLAIR. But this came a long time before the other, and we commenced action on it at the last session.

Mr. HARRISON. It seems to me that we ought to take up this contract-labor bill and dispose of it, and that we may do it, if the Senator from Nebraska will only agree to it, in a way not to displace his bill at all, but let it follow immediately after this.

Mr. VAN WYCK. Will the Senator ask unanimous consent that the labor bill be taken up immediately after the consideration of the Texas Pacific forfeiture bill, and then we shall have done with one bill, and he can get unanimous consent for the other.

Mr. HARRISON. Probably we can not get unanimous consent. But I will not take any more time than to say that I will not be put by the Senator from Nebraska's remarks in an attitude of opposition to the land-grant forfeiture bills. I believe in bringing them on to early consideration; but I am inclined to believe that the bill to which the Senator from New Hampshire refers, as its consideration will occupy but little time, ought to be considered now, and I shall vote for his motion.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that the Senate now proceed to the consideration of Order of Business 863, being House bill No. 2550.

Mr. VAN WYCK. May I ask the Chair a question? If the motion of the Senator from New Hampshire succeeds, then the Texas Pacific bill is thrown back to the General Calendar?

The PRESIDENT *pro tempore*. It is.

Mr. VAN WYCK. I want that distinctly understood.

Mr. BUTLER. Will one objection prevent the consideration of the bill now called up by the Senator from New Hampshire?

The PRESIDENT *pro tempore*. It will not. Under the rules a motion is in order to proceed to its consideration now, which motion by the rules must be decided without debate.

Mr. VAN WYCK. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from New Hampshire [Mr. BLAIR].

The Secretary proceeded to call the roll.

Mr. PUGH (when Mr. GIBSON's name was called). I announce the pair of the Senator from Louisiana [Mr. GIBSON] with the Senator from Rhode Island [Mr. CHACE].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]. I do not know how he would vote, and I refrain from voting.

The roll-call having been concluded, the result was announced—yeas 29, nays 19; as follows:

YEAS—29.

Aldrich,	Edmunds,	Lapham,	Pugh,
Allison,	Frye,	Manderson,	Sawyer,
Blair,	Hale,	Mitchell,	Sewell,
Bowen,	Harrison,	Morgan,	Sherman,
Call,	Hawley,	Morrill,	Wilson.
Conger,	Hoar,	Palmer,	
Cullom,	Ingalls,	Pike,	
Dolph,	Jackson,	Platt,	

NAYS—19.

Bayard,	Coke,	Jonas,	Vance,
Beck,	Fair,	Jones of Florida,	Van Wyck,
Butler,	Garland,	Maxey,	Vest,
Cameron of Wis.,	Hampton,	Miller of Cal.,	Williams.
Cockrell,	Hill,	Slater,	

ABSENT—28.

Brown,	George,	Lamar,	Plumb,
Camden,	Gibson,	Logan,	Ransom,
Cameron of Pa.,	Gorman,	McMillan,	Riddleberger,
Chace,	Groome,	McPherson,	Sabin,
Colquitt,	Harris,	Mahone,	Saulsbury,
Dawes,	Jones of Nevada,	Miller of N. Y.,	Voorhees,
Farley,	Kenna,	Pendleton,	Walker.

So the motion was agreed to.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. BLAIR. My intimation to the Senate was that I did not desire to be heard in a set speech on the general subject; but I wish to have a few amendments made, which are chiefly formal.

In section 1, lines 9 and 10, I move that the words "to perform service or labor" be stricken out. They seem to be superfluous.

The amendment was agreed to.

Mr. BLAIR. In section 2, line 6, after the word "service," I move to insert the words "or having reference to the performance of service or labor by any person."

The amendment was agreed to.

Mr. BLAIR. In section 2, line 8, I move to strike out the words "such persons" and to insert "the person or persons whose labor or service is contracted for."

The amendment was agreed to.

Mr. BLAIR. In section 3, line 12, after the word "person," I move to insert the words "who shall first bring his action therefor."

The amendment was agreed to.

Mr. BLAIR. In section 3, line 14, I move to strike out the words "who may choose to bring such suit."

The amendment was agreed to.

Mr. BLAIR. In section 5, line 15, after the word "singers," I move to insert the words, "nor to persons employed strictly as personal or domestic servants."

The amendment was agreed to.

The PRESIDING OFFICER (Mr. ALLISON in the chair). The Chair suggests a verbal correction in line 8 of section 3. The word "poral" is printed instead of "parol." That change will be made.

Mr. MORGAN. I ask the Senator from New Hampshire whether the amendments he has been proposing come from the committee?

Mr. BLAIR. No; the Committee on Education and Labor reported the bill without any amendment in the hope that it might be passed during the last session. There were some objections made to the bill, and these are amendments that I have drawn and offered in this way without any formal consultation with the committee.

Mr. MORGAN. Of course I have had no notice of what the amendments are, and I desire to hear the bill read as it has been amended, so that we may know what is in it.

Mr. BLAIR. Certainly. If I had deemed them to be radical and substantial amendments I should have felt that I ought to have called the attention of the committee to them.

Mr. MORGAN. I do not make any complaint about that, of course. I merely wanted to know where is the proper print of the bill.

The PRESIDING OFFICER. The Chief Clerk will read as amended the sections of the bill which have been amended at the request of the Senator from New Hampshire.

The Chief Clerk read section 1 of the bill as amended, as follows:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Mr. McPHERSON. Do I understand that the words in lines 9 and 10, "to perform service or labor," have been stricken out?

The PRESIDING OFFICER. They have been stricken out.

Mr. McPHERSON. Has that amendment been agreed to by the Senate?

The PRESIDING OFFICER. It has been agreed to.

Mr. BLAIR. The Senator will see that those words are superfluous, and are to be found later on in the sentence near the close of the section. It is merely a grammatical correction. If the Senator will turn to the next page he will see that the words are there to be found inserted.

Mr. McPHERSON. I suppose it is not in order to discuss an amendment which has been already acted upon by the Senate, but it seemed to me that the whole object and purpose of the bill was to prevent the importation of foreigners under the contract system, like the Chinese, who have been so much complained of. Unless there is some part of the bill which corrects this defect, the result will be that no importation can be made, that no assistance can be given to any foreigners or aliens whatever, even for the establishment, if you please, of an agricultural or a manufacturing colony, or anything of that kind in this country.

Mr. BLAIR. The Senator will observe, what I stated in the beginning, that these words were stricken out simply as a grammatical correction, and the same words, having the proper connection to express the sense of the section, are to be found at the top of the next page. The section reads in this way, the amendment being made:

Under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

There was a grammatical mistake, which was only corrected in the interest of good English.

The PRESIDING OFFICER. The Chief Clerk will read section 2, as amended, and also the remaining sections of the bill which have been amended.

The Chief Clerk read as follows:

SEC. 2. That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and doing business within the United States, and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of service or labor by any person, of any kind in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect

SEC. 3. That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid.

SEC. 5. That nothing in this act shall be so construed as to prevent any citizen of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to peform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers, nor to persons employed strictly as personal or domestic servants: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

Mr. VAN WYCK. In section 5, line 7, after the word "aforesaid," I move to strike out the words:

Nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained.

It is a very easy thing for gentlemen who desire to import labor under contract to have it called "skilled labor." The man who works in the mines is a skilled laborer, I think; the man who works in a factory is a skilled laborer. When the men were locked out of the glass-making establishments in this country there were found "skilled workmen" to take their places; and when the iron manufacturers close their doors against American workmen because they will not work at reduced wages, and sometimes at starvation wages equal to those of the pauper labor of Europe, then it will be said that it is "skilled labor" that is to be brought under contract from foreign countries. So I move that those words be stricken from the bill.

Mr. BLAIR. The bill was not framed by children and babes, but by the men whose interests it undertakes to guard and conserve. By their leading and most intellectual representatives they came before the committee of the House of Representatives, as they did before our committee, asking for this bill, which they had studied, and which embodied the ideas and propositions which they thought necessary to remedy the public evils of which they complain. The provision which the Senator from Nebraska moves to strike out is one that they were particularly careful to have included in the bill; and to strike it out would, in the general estimate of all those who take any affirmative interest in the enactment of the bill into a law, entirely emasculate it. They very likely would then prefer its defeat, or at all events would become indifferent to its enactment.

The Senate and the Senator perhaps will observe that the proposition which he moves to strike out is one which reserves to the country, to capital and to labor alike, the opportunity for the establishment of such industries, if there are any, as do not already exist in our country, and leaves open the power to American capital and enterprise and to American labor to secure from foreign countries the necessary skilled workmen to establish a new industry and to instruct the American laborer in the secrets and mysteries of the art. It has no application where the industry is already established in this country. It does not reach the iron industry nor the glass industry, nor any other industry which now flourishes upon American soil. It simply gives us the opportunity to establish new industries if there should be any occasion to do so, and thus affords the opportunity for additional investment of American capital and the employment of American labor.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. VAN WYCK].

The amendment was rejected.

Mr. BAYARD. In section 5, line 2, after the word "of," I move to insert the words "the United States or of any;" so as to read:

That nothing in this act shall be so construed as to prevent any citizen of the United States or of any foreign country temporarily residing in the United States, &c.

I propose to follow that with another amendment.

Mr. MORRILL. There will be no objection to that.

Mr. BLAIR. There is no objection to it except that the amendment already made after the word "singers," in line 15 of the same section, cures the difficulty and covers the same ground. After the word "singers" the words were inserted "nor to persons employed strictly as personal or domestic servants." That is the same amendment and perhaps is a little broader than the one suggested by the Senator from Delaware.

Mr. BAYARD. I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Delaware withdraws the amendment.

Mr. HAWLEY. Mr. President, the bill is in contravention of natural right and ought to be very carefully considered indeed. I hesitate, however, because the Senator from New Hampshire tells me it was drawn by somebody outside and that we ought to be careful how we amend it.

Mr. BLAIR. The Senator, I imagine, will be careful not to misrepresent what I said. I have in no wise intimated that we ought to be careful how we amend it.

Mr. HAWLEY. The Senator said it was drawn with great care by somebody outside, with very great care, and he implied that it was so well drawn that it would be wise for us not to amend it without thinking a great deal. I am sure that is not a misrepresentation of what he said. But that does not of course release us from responsibility in the matter.

I am a believer in the most generous doctrines of immigration, in the most generous and liberal doctrines toward people of any part of the world who desire to come here. That is the existing law, or the old law. Blackstone cautions us in legislating to think of the old law, the mis-

chief and the remedy. Now, what is the mischief? Of the millions who come over here the great mass with scarcely measurable exceptions are people who come here to better their condition in every respect. I I do not pretend to say that the majority of them reason carefully as to the difference between governmental institutions, but they believe that here they can get better wages for their labor, live in better houses, be able to clothe and educate themselves and their children to better advantage, and therefore they come. They are the vast majority of the people who come here.

What are the exceptions to this general fact? I will acknowledge that there are some evils. I will acknowledge that it is against the true policy of settlement here to encourage the coming of numbers of very ignorant laborers from abroad, an ignorant and a degraded class of laborers, who are willing to come here and engage themselves before they come to work at a very small price; but I think it has very seldom happened that they have not found out before they have been here long that they can get better wages. There have been very few who have come here so ignorant as not to discover that they could get a dollar and a half instead of a dollar and a quarter, and they are pretty apt to ask what their labor is worth after they have been here a short time.

Should some of these laborers violate the contract that brought them to our shores, I do not see what remedy the employer is to have, for the laborer is not a slave. He can bring his action for a violation of the contract, and the damages he would get from an American court may be imagined. For example, a laborer came here under an agreement to work two years for 50 cents a day, what damages would court and jury be likely to give the employer who obtained judgment against a penniless and ignorant laborer for the violation of a contract made in a foreign country? Is it likely that men are employed for a long time in this country upon very low wages, wages that are a degradation to the laborers themselves or to the laborers around them?

So I think the evil is exaggerated. But I am willing to acknowledge that there is an evil. It is a very discreditable and disgraceful thing, unjust to American citizens, that a body of men should be invited over here virtually to assume the condition of slaves or of peasants or peons; and if there were a way of correcting that, I should be glad to do it. Perhaps there is; perhaps this body will do it; but I say again that the bill is in contravention of natural right, and should be very carefully considered.

Now let me look at section 3 as it has been amended. For every violation of this proposed act, by assisting, encouraging, or soliciting the migration or importation of persons to perform labor under a contract after they come over here, &c., there shall be a penalty of a thousand dollars—half to the informer or prosecutor, I believe; and that there may be no element lacking, an amendment was put in this morning to add:

By any person who shall first bring his action therefor, including any such alien or foreigner.

The bill offers to the foreigner the chance to make a bargain to get himself over to the United States and work to pay his passage for a certain length of time, or to work afterward, if you please, but tells him "the day after you get here you may throw up your contract; you may inform upon the man who, whether from motives of gain or generosity, brought you over here; you may have him mulcted in the sum of a thousand dollars, and five hundred of that shall go into your pocket." I do not like the sound of that sort of legislation. Perhaps I am unnecessarily scrupulous, but I do not like the sound of it.

Again, in the fifth section it is wisely put in that this act shall not be construed to prevent any persons from engaging skilled labor to engage in a new industry—in substance, I quote it not literally—

Provided, That skilled labor for that purpose can not be otherwise obtained.

That is very loose criminal legislation, Mr. President—very much so indeed. I have been trying to think of some illustration. The nearest I can think of perhaps is the manufacture of plush, such as we see commonly upon the seats of railway cars. It has been all imported. I do not know how much has been done, very little has been done, toward introducing the industry in this country. I do not know why. It seems to me it might be easily done, but such has been the fact.

Mr. FRYE. There is a large concern in Maine.

Mr. HAWLEY. Yes, it has been growing, but I know that within a short time very large purchases have been made abroad, within one, two, or three years. I happen to know that individually. Here the industry is something. Suppose this Maine establishment desires to keep the business going in the United States, and do not know where to find workmen accustomed to make that particular article. Or I will make the case better for my argument; I will suppose that a new corporation in Connecticut desires to start the business, and not having been aware of the fact that there were skilled workmen in Maine, and that it might buy them away from the Maine establishment by offering a little higher wages, they go over to France and secure there a few skilled workmen, weavers who know just precisely the process of making plush. They are to be fined for it; they are to be heavily punished for it, because they might have gone to Maine and got away those skilled workmen from the Maine establishment, or borrowed them. But suppose they are not aware—I did not happen to be until this moment; if I were going into the business I should probably have found out that there was already an establishment here—but suppose they are not aware that there have been a hundred or two hundred skilled workmen already brought over, and they are here in this country to be found somewhere. Suppose the Maine establishment had broken down, and these men had scattered, some were gardeners, some were plowmen, some were blacksmiths, no matter what; I might have found a hundred skilled workmen if I had looked long enough among 57,000,000 people between Maine and Oregon. But if I go over without hunting them up I am liable to be heavily punished, because the proviso says:

Provided, That skilled labor for that purpose can not be otherwise obtained.

I do not like those things. If this measure had provided that no such contracts could be binding for anything more than the reasonable sum required to pay transportation to the United States it would have suited me very much better. I do not see how Patrick, coming over here and finding himself in a good place where another gardener is wanted, can ask his neighbor Andy to come, if he does not happen to be his brother. He is kindly permitted to help his brother over, but he wants to write over to Andy to say that in that same garden or in a neighboring garden there is an equally good place, and if he will come over he will do very much better. Andy says, "I have not a penny, and I do not see how I can save $5 a year where I am now." Patrick says, "I will give you the $20 to bring you from Queenstown over here, if you will come and work for me in this garden and see that the wages are secured to me, beyond enough to pay your board and clothes, until you can pay the $20 back." For so helping Andy out he is liable to a heavy penalty, and Andy might himself put a penalty upon him within forty-eight hours after he got over on this side.

I do not believe there is an association of laboring men in this country that desires to put anything of this kind or to put possibilities of this sort upon the statute-book of the United States. I am not afraid to discuss it freely. I am not afraid to vote against the bill if I think it best to do so. I do not think that any bill of this sort, in contravention of natural right, placing to a certain extent a stigma upon honest labor and honest enterprise, should be passed without most careful deliberation. I should like to have not alone the judgment of one committee but of many others. I should like to have that of the Judiciary Committee, which is supposed to be composed, and is, we believe, of able, learned, judicious lawyers. I should like to have them consider it, and the many gentlemen who are constitutional lawyers. I should like to have them think over it a good deal, to say nothing of the people who have read the Declaration of Independence. I do not like the bill, sir.

Mr. McPHERSON. I wish to call the attention of the Senator from New Hampshire to the force of the amendment that he has made to the first section of the bill. I do not think that the Senator could have investigated or studied over the effect that his amendment will produce, or he would not have offered it. The first section of the bill, as now amended, in my opinion would prevent the importation of any persons or any encouragement being given to any persons in any of the countries of Europe or elsewhere to come to the United States even as colonists. I supposed that if there was any want which the people of this country felt more than another, especially in the Southern and Western sections of the country, it was colonists, it was people to settle, it was money to be brought into those sections for the purpose of developing the resources of that part of the country. I supposed the bill was framed very largely, if not entirely, upon the idea of protecting labor.

In the first section of the bill you prohibit any encouragement of any persons coming here for any purpose, and the Senator has stricken out the saving clause of that section, which is found in the ninth and tenth lines, "for the purpose of performing service or labor." In answer to the inquiry made by me a few moments ago the Senator says it is remedied in the second section of the bill.

Mr. BLAIR. Not in the second section.

Mr. McPHERSON. I submit that it is not. The second section of the bill expressly provides——

Mr. BLAIR. The Senator will excuse me——

Mr. McPHERSON. In one moment, as soon as I have finished my statement. The second section of the bill does provide that the importation of these persons shall not be assisted by any person, company, partnership, or corporation for the purpose of performing service or labor anywhere; but the first section stands entirely alone, and declares that they shall not be assisted for any purpose whatever. Is not that the natural effect of the Senator's amendment?

Mr. BLAIR. Most certainly not. If the Senator would read the whole section instead of criticising a single phrase, and would apply his knowledge of the English language to classic usage either in speaking or writing, he would see that the section with those words stricken out has precisely the same effect that he understands it would have with those words in. I would trouble the Senator, if he has no objection, to read the whole section, and he will see that the words "to perform service or labor" stricken out in the ninth and tenth lines are simply superfluous; that the construction requires their elimination; and it is for that reason they were stricken out. The words "to perform labor or service" are precisely the same words——

Mr. McPHERSON. Do you retain the words on the second page?

Mr. BLAIR. They are retained.

Mr. McPHERSON. In the eleventh and twelfth lines?

Mr. BLAIR. Certainly.

Mr. McPHERSON. I understood the Senator's amendment to strike out all the words "to perform service or labor" in the section, in lines 9 and 10 and in lines 11 and 12.

Mr. BLAIR. I thought the Senator must have misapprehended it. I failed to make myself understood. I gave as a reason for striking out the words in the ninth and tenth lines the fact that they were in the eleventh and twelfth lines.

Mr. McPHERSON. I am entirely wrong, for I supposed the Senator's amendment included the striking out of the words in the eleventh and twelfth lines.

Mr. BLAIR. No. With those words retained the section has precisely the effect which the Senator understands it to have had originally in the way of the protection of American labor.

I hardly know whether it is worth while to engage in any discussion. I had not contemplated it. This bill has been before the country for a long time and the subject-matter to which it relates has been much discussed. I had supposed the measure to be entirely in consonance with the principles of the Declaration of Independence and the rights of mankind. I certainly would not have purposely made an assault upon the muniments of American liberty or of human liberty. I am willing, I am really if I know myself anxious, that all men should have a chance; that poor men should have a chance, and that the poor classes in all parts of the world should get up a little, step after step, and rise to the full dignity of freedom and of individual sovereignty; that every man should be a king, and that every man should have all the rights that any other man has.

The bill is aimed at slavery rather than freedom. It is designed to prevent substantially the cooly practices which have been initiated and carried on to a considerable extent between America and Europe, and which we have undertaken to prohibit not alone in the forum of general public sentiment, but in the legislation which both parties and the majorities in both branches of Congress have seen fit to enact.

The bill does not aim to prohibit the natural flow of immigration from any other land to the United States. It leaves all natural laws, business laws, social laws, industrial laws to their natural effect and operation. But it does undertake to prohibit the efforts of corporations and of individuals, of capitalists, which have been put forth to some extent in this country to introduce into it the cheap and servile labor of foreign lands, and, when it is not necessary to do so for the good of the American people and the promotion of American industries, the skilled labor of other countries, because that labor, as we know, can be commanded at very greatly reduced wages as compared with what we pay to the working people of our own country.

There have been repeated instances in all the great industries of this country where such importation has been made for the purpose of effecting a reduction of the natural rate of wages in this country such as our working people seem to be entitled to, such as are indispensable in order that they may participate by purchase (for we have nothing that we do not pay for with money in this world) in their due and just proportion of the benefits of civilization and of the principles of American liberty realized. It was in evidence before the committee of the House, and I was so informed personally by some of the leading representatives of the laboring element of the glass industry in this country, that the introduction of skilled glass workmen from the old countries by the practice which is prohibited by the bill—that is, by contracts made in advance for the services of skilled laborers abroad—had the effect to reduce at least 25 per cent. the previously existing rates and the natural rates of wages to those workmen who were engaged in that industry. That is one illustration.

I suppose it is not necessary to quote the newspapers of the country to show that the tremendous difficulties, disturbances, dangers not alone to capital but to life, and affording a most dangerous example to the country at large, in the Hocking Valley mines in Ohio, are attributed by the laboring people there to precisely the same practice that the bill is designed to prohibit; and I have seen it recently stated that already the pecuniary loss to that valley is upward of $4,000,000, and when the trouble is to end and how it is to end is beyond the prophetic vision of any man.

In regard to the suggestion that Patrick can not send for Mike, his relative and friend in the old country, it would almost seem to be trifling with the general framework and purposes of the bill. There is an express provision that this measure shall not be held to interfere with any individual assisting any member of his family or any relative to migrate from any foreign country to the United States.

It would be utterly impossible, probably, to fashion a bill which could not be subjected to some criticism. It would probably be utterly impossible to so frame this bill that in some direction, to some extent, it might not by an adverse and unfriendly spirit of interpretation, be claimed that it verged somewhat in the direction of an impairment of individual rights. But here is an evil which in the estimation of those who are interested in this bill is a very great one, and we must so frame our legislation as to reach the evil. If it should be found in its practical working that further legislation should be had to relieve it of some of its harsher operations, if evils shall be developed in its operation, then that can be remedied. It is comparatively a new field of legislation.

The bill has been prepared with a great deal of care and thought; and by those who have suffered from the evil and who are interested in the Declaration of Independence as much as the Senator from Connecticut or as myself, it has been thought to reach with its remedial provisions the evil under which they suffer. I am not averse to any criticism or discussion of the bill nor to any amendment of it which seems to be consistent with the principles of the Declaration of Independence and not subversive of the general purposes of the bill.

Mr. INGALLS. Mr. President, I listened to the Senator from Connecticut [Mr. HAWLEY], as I always do, with great pleasure and instruction, and I am sure that I sympathize with him as fully as any man can do in the views he expressed about the rights of man, and the infringement that appeared to be imposed upon those rights by some of the provisions of the bill; but we are confronted by a portentous exigency, and shall shortly be required to consider whether the doctrines of the natural rights of man as applied to this continent have not reached a dangerous extremity. We shall be called upon to decide whether every man, woman, and child on the face of this earth, no matter what may be his physical, mental, or moral condition, has the natural right to come to this country and do as he pleases and act as he pleases, to the detriment, it may be, of those here already.

Sir, there are 500,000 wage-workers, willing to labor, out of employment at this particular instant of time in the United States. With their dependent women and children, not less than 3,000,000 people in all are to-day, amid the extraordinary rigors of an unusually inclement winter, suffering for the necessaries of life. They need shelter. They are in want of the clothing that might be manufactured from the surplus production of our factories now stored in warehouses and waiting for a purchaser. They are in need of the corn that is this afternoon being burned for fuel on the plains of Nebraska and the wheat that is being fed to hogs in the valleys of Kansas. The gravity of the situation can not be exaggerated. It is an alarming paradox. In the midst of copious abundance there is haggard wretchedness and starvation. With all the elements of prosperity around us there is unprecedented depression and adversity.

We are confronted with the inquiry whether, under the doctrine of the natural rights of man, we are not under obligations as a nation to protect our own citizens against dangerous, detrimental, and prejudicial competition forced upon us either by the laudable ambition of those who desire to better their condition or by the cupidity of those great employers who are indifferent to the means they employ to swell their egregious gains.

Sir, the condition of society is serious and demands comment. The nations of the earth, under this doctrine of natural right—the right of every man on the face of the planet to come to the United States if he wants to—have been for a generation dumping their paupers, their dangerous and criminal classes, upon our shores under one pretext and another, until I am well-nigh persuaded, in view of recent demonstrations in New York, in Cincinnati, in Pittsburgh, and Chicago, that the time has come to consider whether it may not be patriotic and prudent in some degree to modify existing views as to the significance of the Declaration of American Independence and the universal rights of man. I hazard nothing of veracity in saying that there are elements in this country at work now which will require, as I said the other day in debate upon another subject, the very active coalition of the conservative forces of our system if we desire to prevent organic changes in our form of government through destructive assaults upon our institutions, upon our accumulations, upon our industries, upon everything that by the grace of God under our civilization has made America what we are proud to claim it to be to-day.

The recent violent demonstrations in various parts of this country forebode a perilous crisis, and unless measures are taken to protect the American people, to protect this great civilization that we have builded here by education, by religion, by the acknowledgment of the natural rights of man, within a brief space dangers as great as those that have overthrown monarchs and despots may with ruthless rage assail the institutions of republican freedom.

The socialistic and agrarian demonstrations that are nightly made in our great cities must give us pause. War has been declared upon property. The declaration has been openly announced that property is robbery; and the open avowals of that class of men who have been admitted into this country under the specious application of the doctrine of the natural rights of man to go whither he will irrespective of the purposes for which he migrates leave little room to doubt that in the event of another great financial crash or panic in this country, dangerous outbreaks may be expected in our great commercial centers. Already appeals are made to the unemployed, men who have come here under one pretext or another to better their condition, to commence their assaults upon what they are pleased to term the unjust accumulations of our manufacturers and merchants, to secure what is called in the language of these apostles of anarchy the forcible distribution of property, under the doctrine of the natural right of one man to have just as much as any other man has.

I do not regard the bill as a perfect measure; it has some provisions to which I yield reluctant assent; I should be glad to see it modified; but it is a movement in the right direction. It calls the attention of the people to the most formidable danger that threatens us, and that is this ceaseless, endless incursion of elements that come not for the purpose of building up, of elevating, but for the purpose of overthrowing and destroying.

Inasmuch as the object of the bill propounded by the Senator from New Hampshire is to exclude those men sought to be imported here under contract made in a foreign country for the purpose of laboring at less wages than those already employed can afford to accept, I shall vote for it with pleasure. We have for years past been declaring that the interests of American labor should be protected; and we are now to say whether the interests of the American laborer shall not be protected, not alone against the competition of the pauper and ill-paid labor of Europe, but against that most infamous free trade in labor itself which imports men here under a servile contract that is worse than the African slavery of the South, an ignoble and degrading competition—ignoble and degrading alike to those who make the contract and those who are subjected to its pernicious and destructive influences.

Mr. HAWLEY. Mr. President, I do not share the apprehensions of the Senator from Kansas [Mr. INGALLS] as to the future of this country, socially or politically. I am aware that there are many disturbing elements; but I see abundant signs of hope and comfort. These are but merely wrinkles on the great body of politics—little local humors. I am satisfied that the great and generous influences of civilization and of Christianity are abundantly capable of coping with them. I know there are some ranting men who talk about a forcible distribution of property, who pose all over the country as the enemies of property; but there is no land in which there is so general a distribution of wealth as here. Any man who has saved a hundred dollars or obtained for himself a cabin, however humble, or five acres of the sand and pine lands of the South, has given bonds to society against these pernicious errors. He is on the side of law and order; he is not ready to divide what he has. If he is worth $500 he is much more likely to take a musket and fall in at the command of the governor and the sheriff to repress riots than the millionaire who, perhaps, takes his yacht and escapes the danger, having bought foreign exchange. The safety of the country is in the hands of the poor men who have something or who mean to save something, if you omit any respect for their moral and Christian principles.

But, sir, indiscriminate legislation of the kind proposed here, a prohibition of immigration to poor men, would not tend to correct the evils against which the Senator warns us. The dynamite conspirator or the roaring socialist who would destroy all the natural rights, as we consider them, of property, can easily raise money enough to pay the twenty-five or thirty or forty dollars needed for transportation. The professional agitator will not be excluded by any bills like this. I am not willing to put a brand upon immigration by the wholesale. The dangerous men are not alone those who come from abroad, not those ill-informed and ill-educated poor laborers who came from other lands. The dangerous men have some money either from their own resources or by levying upon others, and have a good deal of education, such as it may be. They do not lack for intellectual acumen; they do not lack for the facility of expressing their ideas in common language. They are the men who make the trouble.

I acknowledge freely the evils. I want to correct them. I object to going carelessly and recklessly and too sweepingly at the work. The contracts that bring a body of poor laborers over here, paying their transportation under an agreement that they shall work not alone till they have paid their fare, but shall work for months and years for wage below those of the ordinary American laborer—those contracts are shameful, they are criminal, they are wrong, they are against natural right, against American law and the spirit of our institutions. They ought not to be permitted. They endeavor to establish a new system of slavery here. As I said substantially in my first remarks, they attempt to introduce a peasantry, a class of peons, a degraded class, to be considered as permanently belonging as the basis of society underneath those who may rule and govern the land. I would repress those evils. I would forbid them by all reasonable legislation. At the same time I would be very careful not to interfere with honest immigration; I would be very careful not to affix the brand of crime to deeds that are not only naturally right but exceedingly commendable; and that is what I fear this bill may do. I have specified the class of deeds that under this bill may be fined heavily, fined a thousand dollars, and which of themselves actually reflect great credit upon the men committing the deeds. I do think that a criminal law, a law making that a crime which is not by nature a crime, ought to be very carefully drawn; that is all. I denounce the evils, but I will not hurt the right by reckless and sweeping legislation.

Mr. BAYARD. Mr. President, I do not propose to embark upon a discussion of the somewhat dangerous social problems that are exhibiting themselves with more or less force in this country, nor do I see precisely the force of the remarks of the Senator from Kansas as directed against the communistic forces that propose to array numbers against property in the United States, labor against capital, and obviously and necessarily to involve both in a common destruction. But this bill is not directed, as I understand, to the exclusion of any of that maleficent and dangerous class of people, the outcasts of an older and more corrupted civilization than our own. It is not against them; it is not to their exclusion that this bill seeks to point in any degree. For such classes as he has described the laws of the several States providing for the punishment of criminals exist, and if the offenses shall take technical forms heretofore unknown to our simpler civilization and not amenable to punishment by the common law of England, which is the common law of the United States where not replaced by statute, then the proper method is for a fortification of our system of criminal law to meet and punish unrelentingly those foes to human society whose doings and threatenings have been described—hinted at rather—by the honorable Senator from Kansas.

There is the right, and with the right the obvious duty, of every State, as of every man, for self-preservation. It is the first instinct of nature, the instinct of society as organized and of the individuals that compose it; and I take it for granted that the spirit of liberty under law and the manhood of American citizenship will properly assert itself by the punishment, no matter under what name or what nationality it may appear, of the foes to society, to its peace, to its progress, to its safety.

But, sir, is this bill leveled at this dangerous class? As I read it, it is to exclude those who, under any form of solicitation or encouragement or contract, individual or extended, shall come to this country to perform labor or service; and that description runs through every section of the bill. It is the man who is brought here not for a dangerous purpose but for a useful purpose, to perform labor or service; if he is encouraged to come; if he is solicited to come; if he is paid to come; if his services are contracted for in advance, no matter how favorable to him or to the people of this country whom he is to serve—it is against that class that this bill is leveled.

Why, Mr. President, it seems strange to me that here in a Government founded upon the principles of the Declaration of Independence we find this violent penal anti-immigration law. Our forefathers took up arms against the British King, and they fought him to the death and they fought him to the victory, and one of the causes that they submitted in justification to a civilized world was that he had obstructed immigration to these States. I have no professions to make, there is no necessity of professions being made, of the deepest, simplest, sincerest sympathy for human suffering everywhere. It is not simply a virtue to hold sentiments of abhorrence to cruelty, to hold sentiments of sympathy for suffering; but, in my judgment, it is disgraceful to see suffering and not be for correcting it; it is disgraceful to have it in your power to relieve it and not exert your best effort to do so. This requires no assertion; it is a fact that no respectable man and no respectable nation will attempt to deny. Therefore its assertion here is superfluous.

But, sir, look at the machinery proposed by this bill. In sections 3 and 4 I find two provisions to which I would respectfully call the attention of the Senator from Maine [Mr. FRYE] who is apparently about to leave the Chamber. He has been one of the most intelligent and one of the most persistent and useful members of this body or of Congress in the effort to restore American shipping, to assist this commercial marine of which we were once so proud, and which to-day we all desire so much to resuscitate. Let me ask him what is to be the condition of any ship or of any shipmaster under section 4, which provides:

> That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $500 for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

And then turning to section 3, you will find a provision for suits for penalties which may be expressly brought by any foreigner who is a party to the contract, one-half the amount to be paid to the person bringing the suit to recover the same and the other half to go into the Treasury. There is no limitation as to the time within which this party had made this agreement to perform labor in the United States, whether six months before or six days before or six years before. I will agree that the word "knowingly" is placed there, that he shall knowingly bring them, although I doubt very much whether the necessity of the knowledge of the contract is there implied; but what is to be the fate—I put it to the intelligent Senator from Maine—what is to be the fate of the master?

Mr. FRYE. Will the Senator yield to me a moment?

Mr. BAYARD. Let me put the question first. What is to be the fate of the master subjected to a fine of $500 and an imprisonment of six months for each foreigner, when any man or any number of men who may be shipped by the hundreds on his vessel can come in and sustain the charge by oath? He is at the mercy of such witnesses.

Mr. FRYE. I was, just before the Senator arrived at that section of the bill, examining it myself. I will say to the Senator that in my judgment there is nothing on earth that would save a ship engaged in the business of bringing emigrants from abroad to this country—in other

words, an emigrant ship—from entire destruction except that word "knowingly." Whether or not that would I am not prepared to say.

Mr. BAYARD. I know the word "knowingly" is there; but I submit to the Senator, whom I know to be an able criminal lawyer and who has had very large experience as attorney-general of his own State, that if he will observe the position of this word "knowingly" in the text of the bill, he will find it exceedingly doubtful whether it is the knowingly bringing them into the United States, or whether it is that he has a guilty knowledge of the fact of the contract prohibited by law having been made. But whether it be so or not, what is to protect this poor captain from fine and imprisonment? A score or a hundred of these unprincipled men swearing money into their own pockets, finding him in some port of the United States where he has no friends and no acquaintances, may put him in jeopardy. It is true he may under our present law, which has destroyed the disability because of interest of a witness, and therefore permits all persons to be sworn in the United States courts, be permitted to go upon the stand, and he may deny the fact that he knew or could have known the alleged criminal facts. But there may be circumstances from which it will be presumed that he must have known; and he is to be subjected to suit. The mere fact of being subjected to suit is a rod of terror over him at all times. Then section 3 provides that these very parties who themselves are *participes criminis*, for they have made the contract, and yet having made the contract here is a direct suggestion that they shall come forward in this country and expose it for the purpose of recovering one-half the penalty which is secured to their use.

We know the fact that there are in other nations classes who leave their country for their country's good; and those are the class who are here authorized to bring suit. They are the classes who are to step into the witness-box and freely and swiftly swear away the money either of a steamship company or of some citizen of this country, or it may be of the captain of the vessel, and he is to be terrorized. Every time a man came in with a ship-load of immigrants to this country he would never know whether he was to have launched upon him prosecutions for the recovery of this penalty and putting him in danger of imprisonment for having knowingly done what? I ask the Senate to notice the want of precision of this charge. The charge is having encouraged a man to come here. I think the whole Senate of the United States and perhaps 20,000 people in the United States every 4th of July do their best to encourage the down-trodden poor of other nations to find their home in this free country. What is to be encouragement? Is it to be a speech of a man who stands up and pictures the glowing beauty of the West and of the happy homes of America, so very different from those to-day pictured by the Senator from Kansas? Certainly that is encouragement; certainly that is solicitation in a sense. I suspect that any man among us who has ever traveled at all in other countries, remembering how much there was in the descriptions of this country to invite free and intelligent men and women who labor to come here, would be glad to see them make their homes in the United States and glad to welcome humanity to strengthen and uphold the institutions of this country.

Then the vagueness of this charge is that any encouragement of this kind may lay—I do not say it would lay—a man open to certain conviction, but I say it would subject him to prosecution under the letter of this bill. Therefore I move that the third and fourth sections be stricken from the bill, and I would say to-day under the beneficent provisions of law as they exist in every State of this Union improvident contracts, contracts so unjust as to shock the sense of justice and of humanity, are constantly set aside by courts. A contract that can be shown to have been made under duress, one where either party was intoxicated, one where he was deprived of the fair means of knowledge and understanding of the nature of the contract he was entering into—all these classes of contracts, improvident and grossly unjust, such as shock the natural sense, are constantly invalidated upon the application of any one to any court of justice; and even where they are not invalidated directly they never can be made the basis of a successful action at law. The very plea that they were so unjustly constituted, that they were so against public policy, that they had their foundations in an immoral source, would be enough to put an end to them before any court of justice in America.

Therefore, sir, if it be true that there have been organized attempts to band together the wretched and the underpaid men of other countries and bring them here by a contract founded not upon their will but upon their necessities, and throwing them into competition immediately with laborers in this country, an act to prohibit such conduct is very easily framed; but such an act as that needs no such penalty as this. Hence I respectfully submit to gentlemen, such as the Senator whom I venture personally to refer to, that they should understand well the fatal blow to the transportation of passengers by water from other countries if section 3 and 4 are permitted to stand.

I do not propose to say much more about this bill. It is very difficult to characterize it. I am far from desiring to speak otherwise than respectfully of the action of either House or of the members of either House. When I look at this measure, observe its crudities, see how it appears to be impracticable, incapable of execution, how wholly un-American is the general drift and purpose, and how far beyond the power of statute are many of the evils which it can be imagined to be intended to relieve, I must express my general want of faith in and opposition to it. In the infinite variety of human opinion I respect a philanthropy which I often recognize, although I believe it to be misdirected; and I see exhibitions of zeal without knowledge in a certain quixotic attempt to relieve evils by scraping the surface and to get rid of some incidents that I am afraid civilized society will ever contain; but when I see these attempts made, they provoke a feeling rather of sorrow than of any other emotion; and therefore, while I may respect the motives of individuals who frame bills of this kind, I can not see a useful result to come from their enactment. I now move, or I have already moved, and ask that the question may be put, to strike out the third and fourth sections of the bill.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from Delaware moves to amend the bill by striking out sections 3 and 4. The question is on that motion.

Mr. MCPHERSON. If there is any necessity for any bill such as this, the fourth section being an important part of the machinery by which contracts improperly made may be punished, it seems to me would also be necessary. I should like to ask the Senator from Delaware if an amendment could not be made to section 4 that would answer his objection to the section, making it read:

That the master of any vessel who having knowledge thereof shall willfully bring within the United States, &c.

That would place the responsibility entirely on the ship-owner, who having knowledge of the fact that these laborers were under contract to come to the United States should willfully violate the law.

Mr. BAYARD. What in the name of common sense does the captain of a ship know of contracts or can he know of contracts for the carriage of the emigrant? It is not the owner of the vessel, the man who framed or has knowledge of this improper contract, who is punished, but it is the captain who is at sea buffeting the winds and storms, and who comes into port and instantly takes on board a set of men whom he never saw before, and it is he who has to turn round and carry them abroad; he is to be made the target for this penal legislation. Against him its penalties are directed; he is to go to prison, and he is to pay the $500 out of his small salary. How can the captain control it? He is but the agent for the navigation of the ship; it is the ship's agent on shore, the owner of the ship, who is the person against whom this penalty should be directed.

Mr. BLAIR. I hardly know how to make a speech in reply to this sort of criticism against the bill. I have read criminal statutes; I have drafted some; it has been my fortune, as a public officer, to enforce them against criminals to some extent; and I am utterly at a loss to comprehend how anybody can expect sensible legislators to enact any portion of this bill unless they retain the fourth section or something tantamount to it.

The Senator from Delaware in his criticism seems to treat the bill as though it was directed against immigration, such immigration as has been known from the foundation of the Government—as has been known through the history of all nations—free, natural, ordinary immigration; that sort of transition of individuals from one country or continent to another which takes place under the ordinary conditions and rules of existence. But this bill is directed against what is really a crime against the people of this country, against the laboring forces of this country. It is designed to prevent the combination of capital for the purpose of introducing into the American civilization, in direct collision and competition with the ordinary American producer, a foreigner who can not naturally get here, who is brought here by a combination of capital for the express and sole purpose of reducing the natural and ordinary compensation which the American laborer is to receive for his toil.

The American laborer is the essential ingredient, if I may so speak, in American civilization. Whatsoever we have of material, and so further on all spiritual, intellectual, and esthetic culture and development is, after all, based upon the efforts of the American toiler, the American workman, the American laborer. It is the man who is nearest the earth who develops the essential conditions, the primary conditions of existence itself, who gives us food, who gives us shelter, who gives us clothing—it is that man who is the basis of civilization and of all advancement. In our country, under our condition of laws, under the operation of the Declaration of Independence, this American laborer, this American producer, this American civilizer has attained a position where he has a certain amount of compensation, a certain amount allotted to him in the distribution of that which he produces. Capital gets its share. He gets his share, and here in America he gets a larger share, and it is only in the form of his wages that he gets it—more than the laborer does in any other land on the face of the globe.

Capital is selfish as you may say labor is selfish. Capital desires to get as large a proportion as it possibly can of the joint production of capital and labor combined. It says, "Here we pay too much in the form of wages;" we give to the American producer who is a part of our institutions, who is a part of our nation, and who is the real defender of those liberties of which we have been talking so much; the capitalist says "He gets too large a proportion of what my capital and that man's muscle produce." How will he meet the existing distribution of the products

and commodities of life? He proposes to send his agents abroad and he does send his agents abroad and he finds the cheap servile labor of another country; he brings it here under such contracts and under such conditions as he can enforce against that foreign producer on the spot, hungry, starving, anxious for any outlet that may improve his condition in life, and he brings him here under a contract which contract he undertakes to enforce and does enforce because he has him practically in chains and holds him as long as he pleases—a contract by which he pays him one-quarter, one-third, it may be one-half what the American laborer would receive for precisely the same exertion, for the same producing power. He thus comes directly in competition with a man who is already a portion of our civilization and who is the grand element in our national existence; and this bill propeses, if possible, to put an end to that evil.

We have in the course of our time legislated against slavery and the importation of slaves, and we have put an end to that great evil. We have in the course of events under the blessing of God put an end to American slavery upon our own soil, which was the grand competitor of free labor; and now we find this evil, not so extensive at present, like the little cloud that appears upon the horizon, but full of ominous portent and of destruction of the near future, for I believe very much more the sentiments enunciated here by the Senator from Kansas than seems to believed by many others; and this evil, great already and yet only in its incipiency, we are undertaking to nip in the bud and to destroy by this legislation, and it is on the whole I think a very tender bill. It is not a bill full of severity by any means.

But the Senator from Delaware and others perhaps sympathizing with him come here and say that it is too severe on the man who is the chief agent in the transaction of this ill, for it is not the contractor, it is not the capitalist here who sends his agent abroad who is really the most formidable agent in the perpetration of the evil itself, but it is the man who controls the ship and who brings the laborer. There is a provision in the fourth section aimed directly at him, but it only touches the master of the ship, the man who navigates it, the man who has to do with its sailing from one port to another. It aims at him a deadly blow if he knows he is violating this law. It presupposes, as does every other criminal statute, that he must have guilty knowledge. It uses the well-known word "knowingly," which has been construed in the decisions of all countries, and we know just what it means when it is a part of a criminal statute. This man is in no danger of prosecution unless he knows that he is violating this law.

If he knows it, why should he not be punished? Is it a very severe degree of punishment that he who knowingly, as the chief agent in the perpetration of this evil, brings a foreign laborer under a contract to our shores, is to be subjected to a fine of not more than $500 and to an imprisonment for a term of not exceeding six months? There is the maximum of penalty which would be applicable only to the most egregious cases of violation of the law, and it may be graduated all the way down to a day or an hour or a moment of imprisonment and to the smallest fine of a pecuniary nature imaginable. The penalty may be graded according to the degree of guilt which may be proven. And does the Senator say that this man is liable to be attacked by witnesses actuated by mercenary motives? It is no different in this case from what it is in all other cases of like statutes. We are all of us liable to be assailed by false witnesses. There are plenty of men in this country who would swear away the reputation of any Senator on this floor for a five-dollar bill. We run these risks, and yet we get along; and so every citizen, man, woman, or child, in the whole country is liable to be utterly destroyed by the perpetration of undetected perjury. We have to take those risks under a government of law, and I do not myself understand why the man who is the real perpetrator of the serious portion of this evil should not be held to liability.

He must be proven guilty beyond a reasonable doubt; and is there any great degree of danger to be apprehended of the maintenance of wrongful prosecutions by this class of immigrants? Where is the money coming from wherewith to make complaints and carry on prosecutions? It is a criminal statute. Are the law officers of the United States likely to enforce a law of this kind at the dictation of these servile immigrants who might possibly themselves be the subjects of bribery, and so might perhaps be induced, if other parties should set them in motion, to swear falsely in some instances?

But, Mr. President, after all there is very little danger to be apprehended, it seems to me, from this class of prosecutors. I doubt whether in the actual operation of this law there would be one case in a hundred where the man who had entered into a contract, the man who had been brought wrongfully to this country, would undertake to avail himself of this right of action. He is not likely to be in a situation to do it, and yet he being himself one of the victims of this bad practice he ought to have the right of action if he chooses to enforce it.

The Senator from Delaware has moved to strike out the third and fourth sections. There is nothing left of the bill, not a thing left of the bill, if that is done. There is, to be sure, a prohibition of the practice, but there is no penalty.

Mr. FRYE. I desire to ask the Senator a question before he sits down. Where is the principal ground of complaint in the Senator's own State about people brought into the State to work in competition with her own laborers?

Mr. BLAIR. We have none in our State.

Mr. FRYE. Is it not against the French Canadians?

Mr. BLAIR. The French Canadian is not brought here; he gets here himself. I never heard of an instance where the French Canadian was brought here under any such combination.

Mr. FRYE. Did you never hear of an instance in the city of Manchester where a manufacturing company, when there was a strike, sent to Canada and employed French Canadians enough to run the mill?

Mr. BLAIR. I never did. I never heard of but one strike in Manchester, and that was some twenty-five or thirty years ago. It was of the most trifling importance. We get on with our labor there without any difficulty. The French Canadians come there in large numbers. There are some 13,000 or 14,000 of the 40,000 inhabitants of that city French Canadians, and they do a much larger proportion of the work in the factories. They come and go.

Mr. FRYE. Why does not the Senator extend the provision of section 4 to railroad corporations, when two-thirds of the New England immigration, at any rate, comes by railroad from Nova Scotia, from the province of Canada, across the whole northern part of the United States?

Mr. BLAIR. For the simple reason that those persons are not brought here by any offensive or unjust combinations of capital. There was at one time a complaint that certain Swedes—I do not remember the numbers, perhaps one hundred or two hundred—were imported by a process that would be prohibited by this bill to the town of Pembroke; but that was investigated by our attorney-general, and his report was to the effect that no cause of complaint whatever existed. There was no evil of the sort that is attempted here to be prohibited, even in that case.

Mr. FRYE. I will ask the Senator another question. There are regularly established lines of immigrant steamers between Liverpool and Quebec and between Liverpool and Montreal. What provision is there in this bill to prevent all the men who desire to make such contracts as are referred to making contracts and bringing all the immigrants into the United States by the way of Quebec down the Grand Trunk Railroad? There is no penalty at all.

Mr. BLAIR. I do not know how we can possibly prevent the emigration of men from one country to another outside our own borders. We could make no provision whatever, I suppose, to prevent men coming freely of their own motion, after they arrived in Canada, to the United States. This bill does not attempt any extraterritorial legislation whatever. It would be formless and void if we should do it; but the bill does provide that if men come under a contract by which there is an attempt to evade the provisions of the law by bringing the immigrant from foreign shores to Canada under a contract and then leaving him to find his way to the United States as best he can, that contract itself would be entirely void. I suppose, perhaps, it would be practically void any way, for I do not know how after a man gets here any such contract could be legally enforced in our own courts. But at all events under the provisions of the second section such a contract as the Senator now speaks of would be void.

Mr. FRYE. But the Senator said that if these sections or either of them were stricken out of the bill the bill would have nothing whatever left in it, and that had application especially to section 4, which punishes the master of a vessel for bringing men into the United States.

Mr. BLAIR. Not specially to section 4, but to sections 3 and 4.

Mr. FRYE. Well, I apply it to section 4, and I ask the Senator if every man who desires to make his contract for help abroad should avail himself of the privileges of a steamship line to Quebec—which is a direct route to the United States—whether or not he could not escape entirely any penalty whatsoever, and he could by the Grand Trunk Railroad send all his immigrants into the United States? Why it is that section 4 is of so grave importance I do not see myself. I believe in the purpose of the bill; I propose to vote for the bill; but I do agree with the Senator from Delaware that that section 4 contains a fearful provision against the captains and masters of immigrant ships, and I think I would insist very earnestly that it should not be permitted to remain in this bill if we had any immigrant ships. Fortunately, the punishment which the section provides will fall on Englishmen entirely. I believe out of two hundred and sixty ships that sailed from the port of New York on foreign voyages in six days one carried the American flag, and out of probably five hundred ships sailing into the port of New York bringing immigrants not ten will bear the American flag. So this provision applies to foreign masters and not to our own. I am not so particular when the application is made to them. They have so many advantages now even under our best-applied shipping laws that a little disadvantage in that way will not make things equal them.

Mr. BLAIR. I am very glad to know that in addition to the other good qualities of this bill it is one for the revival of American shipping. Now in regard to the other suggestion, that in case the immigrant is brought by way of Canada, the prohibition of the contract would be of no effect.

Mr. FRYE. No; I did not make that suggestion.

Mr. BLAIR. I understood the Senator to say so.

Mr. FRYE. I referred to the punishment for bringing them in.

Mr. BLAIR. Then I only want to say that with reference to the manner in which the immigrant gets here, provided he does get here, the penalties of the third section would seem to apply to the party who made the contract.

Mr. FRYE. I wanted to make one more suggestion to the Senator from New Hampshire, and it is in the interest of the bill. It is in the direction seggested by the Senator from Connecticut. What objection has the Senator from New Hampshire to striking out the first proviso of section 5:

Nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained.

What special use is there in keeping in these words?

Mr. BLAIR. Will it answer the Senator's purpose to say:

Provided, That skilled labor for that purpose can not otherwise be readily obtained.

Mr. FRYE. I should prefer very much to have this stricken out. This matter of new industries is of very great importance. For instance, take the tile industry. It was introduced into Indianapolis only a few years ago. It could not have been introduced into this country except by sending to England for skilled workmen, and every workman on those tiles was an Englishman, and it was the only way that industry could be started. After it was started in Indianapolis the education of our own people in that kind of business commenced, and you can multiply those concerns as much as you please, and thus it is an encouragement and help to our people. You may take the manufacture in the State of Maine of the nice covering for furniture, plush-covering, which is a new industry in the United States, all that sort of cloth having been imported until within the last five or six years. Every employé in that immense mill is an Englishman, necessarily so, because nobody in America knew how to make that plush, and those men were employed at the very highest wages. There are no American people in mills who earn higher wages to-day than those men do. Now that the Goodalls have established that kind of manufacturing, other manufactories will spring up and American laborers will get the benefit.

If a man desires to start a new manufacture, why should he be compelled to hunt around the country before he undertakes the establishment of it to see whether or not he can find help of that kind or of that skill within the limits of the United States? The probabilities all are that it would be an impossibility to find it, because it is a new industry. It would not be a new industry if there were men all over the United States who could be employed just as well as not by the man who undertook to start it. That would imply an old industry.

Under the provisions here—I agree with the Senator from Connecticut that it is not drawn for an indictment by any manner of means—I do not believe any man on earth would ever be punished, but it might have the effect to a certain extent to discourage a man who wanted to go into a new enterprise; but to suppose that it can do any good is to me utterly preposterous. I wish the Senator would strike out these words:

Provided, That skilled labor for that purpose can not be otherwise obtained.

Then transpose the next two lines to the close of the next proviso—

That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States, nor shall its provisions apply to professional actors, lecturers, or singers.

It seems to me that would be enough.

Mr. BLAIR. I have no objection to the Senator's moving to strike that out. I would not feel authorized to do it in behalf of the committee. I will state the reason why that clause is there. I do not think there is much force in it. I do not think it does a great deal of good, but I do not think that it does any particular harm, especially if it should be modified by the insertion before the word "obtained" of the word "readily" or "easily," so as to read:

Provided, That skilled labor for that purpose can not be otherwise easily obtained.

The proviso applies only to a new industry, and I suppose that it is there because of some jealousy that when skilled labor already in this country might be obtained there would be combinations to bring skilled labor from abroad to compete with it. Still, as it is confined only to the case of the establishment of new industries, I do not think it is at all important, and if the Senator does feel it to be important I should be very glad to have him make the motion to amend the section in the way he indicates unless there is objection from other sources.

Mr. CALL. Mr. President, as a member of the Committee on Education and Labor I gave my consent to the report of this bill, reserving the right to object to any of its provisions. I think it is quite manifest that the tendency of our civilization at large in this country is constantly to increase the number of those who are dependent upon their daily wages for support and increase the number of property-owners and large capitalists. A very universal sentiment has arisen among the laboring people of this country, and it has made itself known to the Committee on Education and Labor, demanding some legislation by which their share of production should be made larger. The idea has arisen and exhibited itself in nearly all their conventions that this may be done by preventing competition between the American laborer and the foreign workman imported here under contracts. I do not myself believe that there is any efficacy whatever in this idea or that it will afford anything of the protection to the American laborer that is anticipated by those who have conceived this idea. I think the object which all statesmen and lovers of humanity most cherish, that of giving to the laborer a liberal and adequate compensation by which he and his family may have and enjoy all the benefits of civilization and all the comforts which come from the great inventions and improvements of the age, is to be attained in an entirely different way, and that it is not affected to any perceptible extent by the competition between labor abroad and at home. Still I can not see that there is any harm in gratifying this desire and allowing this measure of theirs to be tested by some enactment that shall make it a law.

I therefore acquiesce in and support this bill to the extent of its prohibition of the importation under contract of foreigners to labor in this country. I can not see that that will do any great harm to anybody, whether it accomplishes any good or not. If it does protect the American laborer from an injurious competition that decreases his wages, to that extent the effect will certainly be a gratifying and a proper one.

The provision of this bill in section 4 which is punitive is, I think, an error, and is one that is calculated to damage the interests of American shipping and foreign shipping, and discourage that branch of industry. I think it is unjust in itself, and I concur with the remarks of the Senator from Delaware [Mr. BAYARD] in regard to this fourth section of the bill, which I think has no effect whatever upon the general objects of the bill; and striking it out of the bill would not in any way militate with the purpose of the bill to make unlawful and to punish the importation into this country of foreign labor under contract. I shall, therefore, vote for amending the bill in this respect by striking out the fourth section.

While I am up I wish to say that I concur in the suggestion of the Senator from Maine [Mr. FRYE] which has been accepted by the chairman of the committee and in the motion to strike out the words to which he has referred in section 5:

Provided, That skilled labor for that purpose can not be otherwise obtained.

I shall move at the proper time that the third section of the bill may be amended by striking out in the third line the words "assisting, encouraging, or soliciting the migration or;" so as to leave the section read:

SEC. 3. That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same, by importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia.

Also after the words "contract or agreement," in the seventh line, I shall move to strike out the words "express or implied, parol or special." I think with these amendments to the bill there can be no objection to its passage.

Mr. BLAIR. I doubt very much whether there would be any object in its passage after that. What is the question before the Senate?

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware to amend the bill by striking out sections 3 and 4.

Mr. MILLER, of California. The object of this bill is to extend the protective principle not only to the importation of the products of foreign labor, but to the foreign labor itself. I do not perceive how this bill will effect that object if it becomes a law. From a careful examination of it there is no part of it which seems to me to be at all effective except the second section, which declares that all contracts or agreements of the character inhibited in the bill shall be void in the United States against the rights of the laborer himself, and allows him to break the contract and become a free man. That is a valuable provision.

The penalties imposed in this bill I do not think can ever be enforced. I do not believe the penalty prescribed in the third section, which is a fine of a thousand dollars for any violation of the first section, will ever be enforced, because the violations prescribed in the first section consist of acts committed in a foreign country, and our courts have no extra-territorial jurisdiction.

Mr. BLAIR. The Senator is under a misapprehension. It is the bringing to this country of the immigrant that is prohibited in the first section, not merely the making of the contract. The crime is consummated by the actual arrival.

Mr. MILLER, of California. The first section reads:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement.

Mr. BLAIR. Go on.

Mr. MILLER, of California. It continues:

Parol or special, express or implied——

Mr. BLAIR. Go on.

Mr. MILLER, of California—

to perform service or labor, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Mr. BLAIR. Now the Senator will see that the whole matter is consummated by the actual importation or migration of the alien to this country. If he does not come there is nothing prohibited.

Mr. MILLER, of California. But the important element in this offense is the agreement or contract, which must have been made before the party embarked for the United States.

Mr. BLAIR. But the act is not completed until the party arrives in the United States; and therefore it is the contracting and bringing to the United States which is prohibited, not simply the agreement not consummated.

Mr. MILLER, of California. This does not allude to bringing into the United States. The penalty for that is denounced against the vessel-master in the fourth section. The first section relates to the contract or agreement made in the foreign country under which the laborer agrees to perform service or labor in the United States. If that contract is completed after the foreigner comes to the United States I do not see how our courts would obtain jurisdiction of the offense. It is an offense committed in a foreign country.

Now as to the penalties in the fourth section. I can hardly conceive how a master of a vessel could ever be convicted under that section. First it must be proved that he knows all about this contract. The contract is the thing that is denounced in the bill, and the guilty knowledge which the master of a vessel must have is a knowledge of the contract; and it would be impossible to ever prove that he had any knowledge of the contract.

Mr. BLAIR. But the master is not punished for knowing in regard to the contract. What the master is prohibited to do and what he is punished for doing is bringing the immigrant with a knowledge of the contract; it is the actual transportation of such a laborer to this country.

Mr. MILLER, of California. You can not fine him unless you show that he knew the contract had been made.

Mr. BLAIR. There are of course two elements in the offense; one is knowledge that he was doing wrong, and the other is the overt act of doing the wrong. Both must combine.

Mr. MILLER, of California. It is no wrong under this section unless he knew it was wrong.

Mr. BLAIR. Certainly not.

Mr. MILLER, of California. It must be proved that he had criminal knowledge before you can convict him.

Mr. BLAIR. Certainly.

Mr. MILLER, of California. That you never can prove.

Mr. BLAIR. The honorable Senator from Delaware makes it the chief objection to the provision that you can prove and always will be able to prove that he had guilty knowledge.

Mr. MILLER, of California. I can not help that.

Mr. BLAIR. Of course not; but it shows the diverse views different minds take of it, and if the truth lies in the medium the section is about right.

Mr. MILLER, of California. Unless this bill should make unlawful the coming of these people into the United States these provisions imposing penalties will not be effective in my judgment. I expect to vote for the bill, but I want to put on record my understanding of it. My objection to the bill is that it has not enough in it.

Mr. HOAR. I should like to ask the Senator from New Hampshire a question for my own information. Section 1 makes it an offense "to prepay the transportation or in any way assist or encourage the importation or migration of any alien" under a contract made before the alien is imported. If the alien is not imported I agree with the Senator the offense is not complete; but if the alien be imported then the offense consists in having prepaid his passage or assisted or encouraged his coming. In what district are those offenses to be prosecuted?

Mr. BLAIR. The third section prescribes.

Mr. HOAR. The Constitution says that you must first have admiralty jurisdiction, which is a separate matter, for offenses committed on the high seas; but with the exception of offenses committed on the high seas every offense can be punished only in the State and district in which it was committed, which State and district shall have been previously ascertained by law. Now, if a man in Great Britain or Germany or Sweden or China prepays the importation of these laborers or assists or encourages them to come under a contract, and they come, in what district of the United States under the Constitution is the offense to be prosecuted?

Mr. BLAIR. The third section provides that suits may be brought in the circuit courts of the United States. I suppose that the Senator will see that the difficulty which he suggests is one that relates to the jurisdiction of the United States over the subject-matter itself under the Constitution, and if it is a subject-matter upon which there can be no constitutional legislation, then the attempt will utterly fail. But the bill makes the best provision of which the nature of the case is susceptible. I suppose the man or the corporation who might commit this offense would be subject to prosecution either at his or at its place of residence, or perhaps at such point as he may have transmitted the money, if the offense was that of prepayment in the case the Senator supposes; and so of a corporation, the offense might be held to be complete at that point where the money or the consideration was parted with by the corporation alleged to have committed the offense—at the office of the corporation or at the residence of the individual or at such town or city as may have been the one where, so far as he was concerned, his act was consummated.

It will be observed that from the language of the law one of the express purposes is to reach cases of the incitement to the assisting in the the consummation of the offense. It may be and perhaps is exceedingly difficult to reach this, but it is a difficulty that is, as I said before, inherent in the subject-matter, in the evil which we are undertaking to reach and to prevent, which necessarily is consummated partially in our own country and partially in the foreign country, in our own country where the capitalist lives, in the foreign country where is to be found the immigrant. In order to reach the evil at all, the best provision has been made that occurred to me, but if the honorable Senator from Massachusetts who is so learned in the law, who I doubt not can make a great many useful suggestions in the way of the amendment of the bill, will do so, I shall be very glad for one to assist in those amendments being made a part of the act.

Mr. McPHERSON. Mr. President, I wish to say to the Senator from New Hampshire that I am in sympathy with the object and purpose of the bill, but I am entirely at war with the agencies that he is trying to bring into operation.

As to the fourth section, I thought at first sight it might be amended in such a way as to make it more acceptable, but I now understand the Senator from Delaware [Mr. BAYARD] has moved to strike it out entirely. This seems to me to be wise, because the steamship companies are in no sense or form disposed to disobey, so far as I know, any law of the United States touching the importation of people who come in on any plea. They are simply transportation lines seeking business in the transportation of passengers, and their business has no relation whatever to the purposes of this act, which is to exclude people where contracts have been made for their labor, as I understand, which has worked grievous harm and grievous wrong to the laborers of our country.

Now, let me call the attention of the Senator from New Hampshire to the injury this might cause. In short, I do not see how this section can be operated. Let me state a case. We will suppose, for instance, that the importation of just such people as the Senator from New Hampshire proposes to keep out by the fourth section were brought not to the United States but to Canada—to Montreal, if you please—on a line of steamships running between the Old World and Montreal. They cross the river at Montreal on a bridge, they come into the United States, not by ship, not by vessel, but by rail; and any number of them may be brought into the country by that means. Steamship lines are now running, several lines I think, between Liverpool and other ports of Europe and the city of Montreal. When the passengers reach Montreal they can be transferred to railroad communication and come by railroad into the territory of the United States. In other words, the effect of the law is simply an invidious distinction against steamships running to our own country; and, therefore, it seems to me that the section has no place in the bill; there is no necessity for it; and how it can be amended to make it acceptable I can not see. I did submit an amendment to the Senator from Delaware, which was to put in the word "willfully," instead of moving to strike out the section, but upon second consideration and upon a more careful reading of the section, I think it has no place in the bill and should not stand.

Mr. BLAIR. Before the Senator from New Jersey sits down, let me ask whether I am to understand him to object to this section because he thinks it can not be enforced?

Mr. McPHERSON. I do not think it could be operative as against steamship companies.

Mr. BLAIR. If it can not be enforced will it do any hurt?

Mr. McPHERSON. It does not necessarily appear that we are to enact legislation because it will not do hurt. I think it would do a great deal of hurt. It would throw obstructions and hindrance in the way of legitimate commerce. That we have no right to do except it become necessary to carry into effect the provisions of the law which are of vital force and consequence to our people.

Mr. BLAIR. I do not understand the harm the section can do if it has no effect.

Mr. McPHERSON. It can do this harm: Any number of suits may be commenced against steamship companies which are entirely innocent of any intention or desire to evade the law or do any illegal act; and from the sole illustration I have stated—there may be others—we find that this is not operative as against all steamship lines, and, therefore, why make an invidious distinction in the law as against ships coming to our own ports and in favor of those going to Canadian ports when the law itself does not cover the immigrant coming here under the conditions the Senator has spoken of so often?

Mr. BLAIR. The Senator is under a mistake. The law covers the immigrant who comes here by virtue of such a contract entered into between any person or corporation within our jurisdiction, and expressly declares that the contract shall be void, and subjects the party

who enters into it, being under our jurisdiction, to the penalties of the act.

Mr. McPHERSON. Very true, but the Senator——

Mr. BLAIR. It makes no difference whether the immigrant reaches us by way of Canadian ports or by way of New York or any American port. So the Senator's criticism as to an invidious distinction between steamship lines that run direct from European to American ports and from European to Canadian ports is wide of the mark.

Mr. McPHERSON. I think the Senator can not possibly understand me. The law will be operative certainly as against the steamship lines landing passengers in any United States port.

Mr. BLAIR. Very well.

Mr. McPHERSON. But the law would not be operative as against a steamship not so landing them, but landing them in Canada and sending them here by rail.

Mr. FRYE. That is, section 4 would not be operative.

Mr. McPHERSON. I am speaking of section 4. That is the only question before the Senate now, as I understand, and it is to that question I am addressing myself. The Senator from Delaware has moved to strike it out.

Mr. BLAIR. If this is an evil and it is worth while to legislate in regard to it at all it is worth while to legislate so far as we can. It is no fault of ours that we can not enforce our laws in the Canadian ports, and the principle the Senator suggests, that we should not legislate at all to prohibit evils which we may control by courts within our own jurisdiction simply because a like evil may be accomplished in another way which we can not control, would put an end to all legislation upon this or any other subject whatever. But that the bill establishes of itself any invidious distinction between American steamships, or between steamship lines running directly between the ports of the Old World and our own country, and those which ply between the Old World and the ports of any other country—that there is any such distinction as that established by the bill, I think, is entirely incorrect. If it is the result, it is not the fault of this bill; but it is by reason of the topography of this world, which we can not very well alter.

In regard to the fourth section, as I said before, it is aimed, and aimed with perhaps the greatest severity of any of the penal provisions of the bill, against the man who knowingly brings an immigrant from foreign shores to our own, who comes here under and by virtue of a contract such as is prohibited by the bill. It seems to me that if we are to legislate on the subject at all it is folly not to reach this man who is the chief agent in the actual perpetration of the crime. We might as well say that we would not hang the man who is incited to commit murder simply because he is the tool of another; but he is the man that we hang, and the accessory may escape, or his guilt may exist in different degrees lesser than that of the man who is the actual agent who accomplishes the death.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6270) for the relief of John P. Peterson;

A bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 5479) to prevent unlawful occupancy of the public lands; and it was thereupon signed by the PRESIDENT *pro tempore*.

CONSIDERATION OF HOUSE BILLS.

Mr. HARRIS. I desire to give the written notice, required by the rules, of my intention to move to-morrow morning a modification of standing Rule No. 8. I send the written notice to the desk.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The notice will be read.

The Chief Clerk read as follows:

I give notice that on to-morrow I will move to suspend during the remainder of the present session of the Senate that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock;" and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

Mr. HARRIS. I offer the following resolution, in strict conformity to the notice that I have just given:

Resolved, That that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions and continue such consideration until 2 o'clock" be suspended during the remainder of the present session of the Senate; and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favoraby reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

Mr. ALLISON. I desire to give notice now that when that resolution comes up I will offer an amendment by way of proviso that it shall not take effect until after the present order shall have been concluded. I mean the order now pending in the morning hour.

Mr. HARRIS. That is the printed amendment the Senator suggested the other day. That may constitute his notice.

Mr. ALLISON. Yes; I give notice of that amendment.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. At the end of the resolution insert:

Provided, That the pending order, Senate bill No. 1886, shall not be interfered with.

Mr. McMILLAN. I desire to give notice in connection with the notice already given by the Senator from Tennessee that as at present advised I shall move a further amendment to the resolution, that it be subject to objection on the part of any member of the Senate.

Mr. McPHERSON. I rise for the purpose of asking the Senator from Tennessee if his resolution will prevent the consideration of pension bills? I think there are a large number on the Calendar, pension bills which ought certainly to be considered and go to the House.

Mr. HARRIS. It will be in order, as under the rule as it exists to-day, for any Senator to move to proceed to the consideration of any bill on the Calendar after the morning business had been concluded and before 1 o'clock.

Mr. FRYE. The Senator, I suppose, means that the consideration of these bills shall proceed as under Rule VIII?

Mr. HARRIS. That is precisely the effect of the amendment I propose.

Mr. FRYE. That is what I supposed.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. FRYE. I desire to ask a division of the question on the amendment submitted by the Senator from Delaware to strike out two sections.

The PRESIDING OFFICER. The amendment is susceptible of division. The Senator from Maine desires the question to be taken on section 3 first?

Mr. BLAIR. I should like the attention of the Senate, and especially of those on the other side of the Chamber who find difficulty with the fourth section (and I wish the Senator from California were present who criticised the fourth section somewhat, and who supported the Chinese bill, so called), to the second section of the act passed so strongly by the Senate, which is a provision analogous to section 4 of the present bill. Section 2—perhaps the Senator from Maine will listen to this—of the law which we enacted on the 6th of May, 1882, provides:

That the master of any vessel who shall knowingly bring within the United States on such vessel, and land or permit to be landed, any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $500 for each and every such Chinese laborer so brought—

Whether that laborer institutes the prosecution or not—

and may be also imprisoned for a term not exceeding one year.

This bill provides for an imprisonment not exceeding six months, and certainly is a far less severe penal section than the one in the law which was so strongly supported in this body.

Mr. MORGAN. Will the Senator from New Hampshire allow me to inquire whether he puts laborers who are coming here from Europe, for instance the Irish and Germans and Italians, upon a footing with the Chinese? Does he think they are not better people than the Chinese?

Mr. BLAIR. If they come here by virtue of a contract of this kind by which their compensation is to be restricted to a lower rate of wages than the natural rate of wages which they would obtain in fair competition with our own laboring people, the effect upon American labor is precisely that which we undertook to remedy and to prohibit by the anti-Chinese act.

Mr. MORGAN. My relations with foreign people both by affinity and by blood are of such a character that I could scarcely admit that the English people, the Irish people, the Welsh people, the Scotch people, the German people, or the Italian people are to be placed by the people of the United States in the same category that we place the Chinese. It is very true that we found ourselves necessitated to pass "cooly laws" to exclude cooly labor from this country, and those laws apply to all countries in Asia where the cooly system obtains.

If you will look over our statutes you will find that there is no definition of what is a cooly. We go to the East for that definition. We find it there in a social caste. A cooly in the East is a man whose business in life it is to labor under employment, having a master or a super-

visor, or, as we call it in this country, a boss, who manages all of his affairs, hires him out, receives his wages, and doles out to him a part of it after having taken out his brokerage or his commission. That system obtains in India and in China, and through that system we were getting into this country, as they were doing also into Cuba and elsewhere, a large number of very inferior and very degraded people, people that belonged to a different class from those that possess the Anglo-Saxon blood; and we thought it was our duty, for the protection of our race, to legislate against the introduction of those coolies.

It was not merely a labor question, it was a social question, a question of the infusion of lower blood into the social element in this country. So we pass laws to restrain the importation of coolies. We went on afterward, when we found that the Pacific coast was being swarmed with Chinese, a very inferior and disagreeable and repulsive class of people, and we passed law after law for their exclusion. Some of these laws were vetoed by the President of the United States on the ground that they were in conflict with the Burlingame treaty. None of them, I believe, were vetoed because we were doing violence to any national public policy in their enactment, but those of us who sustained these laws I think were largely if not entirely actuated by the idea that it was a very false and dangerous policy to introduce this lower race into this country at all. We were not solely actuated by the idea of their competition with our home laborers, but it was more a question of race than anything else.

Some of us were born and raised in the slave States. We had received as an inheritance from our ancestors that crime, as it has been called a crime, which was perpetrated by the people of the North upon this country, and by whom it was inflicted upon the people of the South. It was something that we were born to as an inheritance; we had no agency at all in starting it up; and having seen the difficulties that it produced in the land, having seen the bloodshed that it led to through the strife between sections as well as between races, we thought that it was a proper thing to do to exclude the coming in of any more of the inferior Asiatic or African races into this land. So we voted for the laws prohibiting the Chinese from coming here.

That cooly system has been two or three times alluded to to-day by the Senator from New Hampshire as a justification of this line of enactment that we are now proceeding with. That includes necessarily the proposition that the men whom we are excluding by this law from migrating must be put on the same basis as the coolies. I object to that. I object to it in the name of those men who assisted us in winning our independence. I object to it in the name of those men who assisted us in winning our second independence from Great Britain in the war of 1812. I object to it in the name of those people who are represented to-day on this floor in the persons of Scotchmen, Irishmen, and Englishmen who are here. There are men on this floor to-day who came as laborers to this country, some as ordinary mechanics, and some who were diggers in mines are Senators on this floor. The law that you propose to enact, that the Senator from New Hampshire proposes now to spread all over the country except New Hampshire and Vermont and the Northeast, would have excluded these Senators from coming here unless they had the manhood to work their passage, or had the friends abroad, not in this country, to have advanced them money enough to pay their expenses to get here.

I am opposed on principle, I am opposed in deference to the traditions of this country, and I am opposed from a sense of respect for the work that these men have done in this country, to placing these people who are coming from abroad, under contracts to do labor in this land, upon the basis of the coolies. I do not want to extend the cooly system to them. I do not want to disgrace and dishonor them in that way, and I shall never vote for it.

The Senator from New Hampshire had his attention called by the Senator from Maine to the fact that no railroads or railroad managers are included in this bill, that he says so much attention has been given to by the committee. The Grand Trunk road leads straight into New England from the Dominion of Canada, and the Saint Lawrence River leads out from Quebec and Montreal to the sea and from the sea abroad to the open world, and the people of New England can import through those railroads connecting with Canada and through the Saint Lawrence River all the labor that they want, and no man can convict any of them under the fourth section of this bill. The Senator from New Hampshire, I dare say, never would have put that in the bill, because by doing so he would have cut off the supply of labor that is being received annually and monthly and daily from Canada to assist the manufacturers in the Northern States to carry on their operations.

When Senators came forward with bills that are pronounced to be very valuable and very benevolent toward other parts of the world, let us see whether they are willing to include their own section in the denunciations of the bill and in the provisions which prohibit the employment of imported contract labor. Let us see that. I speak disinterestedly about this, because the South is not employing foreign labor. We have not a single organization in the Southern States to-day, so far as I am aware of, that looks abroad for any part of its labor. We have labor enough in the South. What we have to do is to educate it, put it to work in our manufacturing interests and industries. That we are rapidly doing. But I speak disinterestedly about it, because the manufacturing industries of the South are not required to look abroad for a a supply of labor.

So I recommend to the honorable Senator from New Hampshire, who seems to take charge of all questions on the subject of labor and industry, to consider whether or not he shuts out New England from free access to foreign markets for labor under contract by preventing his own people from bringing them to the Saint Lawrence River and by railroad across into New England.

Let us have a fair distribution of the operations and effects of this law if we are to have the law at all, and not confine it to importation in ships. Let it extend to railways, and let it extend to every other method of introducing labor. We might desire at some time or other to introduce the Mexicans from the South by railway and across the borders on foot or on burros, or whatever method of transportation we might see proper to resort to. What is there in the fourth section of this bill to prevent that? They can come if they please. They can come in such a way as that the Senator from New Hampshire, with all his ability and skill as a lawyer, could never catch them, never detect the people that had anything to do with the operation.

The Senator spoke of this as a bill that had been discussed and debated, I believe, or at least prepared, by some very distinguished person outside of Congress. Well, sir, he is a man who knows a great deal more about the law than I ever dreamed of. He, the framer of this bill, is the only person I ever yet heard of who could make a crime out of the violation of an implied contract. That is exactly what this bill does. A contract that is implied by the law is an agreement that the law sets up between two parties in consequence of their relations to or dealings with each other, and without either of the parties being able to say that there was any agreement between them until the law establishes the contract from the relation and gives effect to it. The first section of this bill says:

> That from and after the passge of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied.

You must not assist any person to come here under any contract "parol or special"—that is, in writing or oral—"express or implied."

Mr. BLAIR. I beg the Senator's pardon. Of course he does not mean that the distinction between contracts parol and special shall be simply whether they are oral or in writing. I suppose he understands that a special contract is one under seal, and a parol contract is either verbal or in writing.

Mr. MORGAN. It so turns out in my State that no contract is required to be under seal.

Mr. BLAIR. The proposition of law is correct as I state it.

Mr. MORGAN. Nor in any other State, I suppose. That has been abolished. We got away from that about fifty or one hundred years ago.

Mr. BLAIR. It is the law now, the common law of the country.

Mr. MORGAN. The Senator's State is very far behind on the subject of improvement in its judicial system if that is the law there now. Here we have it without reference to that. You must not encourage in any way or assist the importation or immigration of any alien or foreigner into the United States under any implied contract. I should like to have somebody define to me how a man could assist or encourage the immigration of laborers into the United States under an implied contract. Of course I refer to that for the purpose of showing that whoever it was that proposed this bill, however great a man he might have been, he was a very poor lawyer. And then in the third section to denounce a penalty of a thousand dollars fine against a man for the violation of an implied contract is going to rather a romantic extent in the way of creating fines and inflicting punishment.

After the surrender in the South and the negroes became free and the planters desired to control their service there, they had very great difficulty in getting them to adhere to their contracts. They did not seem to have any very clear sense of duty in respect of the obligation of contracts, and so a great many devices were resorted to and many of the ablest and most ingenious lawyers were consulted, both in the Legislatures and out, for the purpose of devising some system of laws that would be constitutional, that would convert the obligations of a contract into a crime whenever the Legislature saw proper to do so by a statute. But no one succeeded in that endeavor. Mr. President, there is no more vicious system of legislation that has ever been conceived of and scarcely one that has ever been more frequently tried than that of converting the obligation of a contract or the making of a contract into a crime, and to make it a crime for a man to fail to keep his obligation.

How can it be that the law can imply a contract out of the relations of two people, and then denounce as a crime that contract thus implied and punish a party for the violation of it by lodging him in the penitentiary? What more monstrous absurdity ever yet characterized a bill than that? I submit it to the judgment of every lawyer in the Senate if there was ever anything more monstrous as an absurdity than that. In our eager desire to gratify public demands, whether it may be on the part of the planters of the South or whether it may be on the part of those who control labor in the North, we are altogether too apt

to go off in search of criminal penalties for the violation of merely civil obligations.

It is a very dangerous ground to trench upon, and it is a ground where tyranny can indulge itself to the last possible degree in connection with power, and there is very little hope for the person whose relations are thus made the subject of criminal enactment.

Contracts in some form attend almost every act in our social and domestic relations, and to denounce those as crimes that are in themselves innocent is to endanger every relation and duty of life.

Now, a contract is made in England by a person there that he will furnish the money to a skilled artisan or to an unskilled laborer to come to the United States to do a certain kind of labor—work in a coal mine, iron foundry, or whatever it may be. The contract is, "I will pay your expenses across the Atlantic Ocean if you will agree to return me the money at a certain time with a certain amount of interest or percentage upon it." The contract is reduced to writing; it is signed. The party thus hired to go to the United States, or rather the party who thus receives an advance of money to enable him to come here, takes his steerage passage and lands in the city of Boston.

The first thing he does after getting there is to go and prove himself to some manufacturer as being skilled in the particular industry that he has come to work at. He informs the man who is to employ him, "I wish to charge you so much per month for my work, my purpose being to make money enough to pay my contract in England; that contract is that I was to work as low as $30 a month, and out of that I was to pay my passage-money, and I was to pay a percentage to the broker." He informs him of it, and the Boston manufacturer employs him under the information that he has been hired by an Englishman under English law and where the contract is entirely valid; that he has come here for the purpose of seeking employmemt.

There is a case from which you would imply an understanding on the part of the Boston employer that this man had been brought over to labor in the United States under a contract, and perhaps after he got through was to return to England again, and on that implication, because he employed him, a man better skilled than anybody else he could find, you would convict him, and you would mulct him in a fine of a thousand dollars, and perhaps you would put him in jail. That is a case in which I can suppose that there could possibly be a conviction upon an implied contract which was in violation of the general spirit and tenor of this law, declaring a public policy.

Senators surely do not wish to do that. I should regret very much—it makes no difference what might be the clamor in the country, it makes no difference if the labor-union societies were ten to where there is one—I would regret very much as a Senator to feel that I was compelled to yield to a demand made on me from that direction or from any direction to put upon the statutes of the United States entirely a new and dangerous system of legislation. You may search the statutes for one hundred years back and you will find nothing parallel to it. We have never ventured, it made no difference what might be the exigency, upon legislation of this kind for the correction of evils that are temporary in their nature and must ultimately correct themselves.

Suppose I should answer to the bill of the honorable Senator from New Hampshire and his committee that I believe the evil you are legislating against here is found in your tariff laws; that you are trying to confine the labor of this country to the supply of 55,000,000 people instead of 500,000,000 people, and that in your endeavor to limit the market of this country to the home supply, and in your refusal to go out beyond your borders, whether through reciprocity treaties or through our own legislation, to look up markets in the other parts of the world, you have got an overflux of labor here which is destroying itself; that the strikes in the Hocking Valley and the other strikes, which are said now to include 10,000 laborers thrown out of employment, are due not to the fact of the importation of foreign labor, but due to the fact that you put limits and curbs upon the exportation of American productions. Suppose I should take that view and suggest to the honorable Senator that that is a way out of his troubles for the laboring man? Sir, we are compelled by the very necessities of the situation (which seem to weigh upon the mind and the heart of the Senator from New Hampshire, and I agree that his heart is a benevolent one) to resort to expedients of legislation here that are entirely new and untried and dangerous in themselves, in order that we may give to the people who are thrown out of employment in this country useful and remunerative employment in the vast industries which our country affords and should sustain.

I venture to recommend to the honorable Senator and to the Senate that instead of trying to put what is called here a prohibitory tariff upon the introduction of foreign labor into this country they will reduce and modify some other of our prohibitory tariffs so that these laborers can get raw material brought from foreign countries at cheaper prices, so that they can realize out of their labor in the markets furnished us thus by foreign countries a remunerative compensation.

We have not got too much labor in this country nor are we likely to have. The vast fields which are open now to settlement in our public domain, and where we extend an invitation for settlement to every man who will come here and declare his intention of becoming a citizen of the United States, are sufficient for the next twenty-five or perhaps fifty years to absorb the unemployed labor of all the civilized countries of Europe that has any possible chance of emigrating to this part of the world.

Our excess of labor is not a general thing over the country. It is not an excess disproportioned to the magnitude or the strength of our country, but it is an excess of labor in respect of certain industries, certain mechanical pursuits, and only in respect of them. The object of the bill is not to prevent agricultural laborers from coming here and going upon the farms. It is not to prevent orchardists, or the dressers of vineyards, or men skilled in anything connected with agriculture from coming here and going upon farms and finding employment. The object is to protect the men who go into the coal mines, into the iron-works and iron mines, and into the ruder descriptions of manufacture by preventing others from coming to the country to compete with them.

When I speak of that being the object of the bill I do not mean that the bill does not exclude agricultural laborers or orchardists or vine-dressers, for it does, and I intend, before we get through with the bill, to offer for the consideration of the Senate an amendment which will take them out of the category in which the committee have put them. But the object of the bill is to exclude men from this country who can compete in mines and in the ruder styles and orders of manufacture so as to protect those men who are here.

When we are excluding these people from coming here in competition with their own brothers who have been here perhaps only a month or a year, is it not wise for us to consider the question whether we can not get rid of all this difficulty and of all this trouble without resorting to penal enactments to prevent the immigration of people into this land? Ought we not to consider whether a modification of our laws should not be made in respect of the tariff, in respect of the tax upon material brought over for manufacture? Should we not consider whether our laws which shut us out from foreign markets are not greater obstructions to our progress, greater clogs upon the laborer, than any others that we can think of, and ought they not to be removed rather than apply to the persons who import labor under these criminal conditions?

I remember on one occasion I was waited upon by a committee of laboring men, for whom I have great respect. I have much respect for them as I have for any other class of men. They were gentlemen who came from Washington city, and I put to them this question: "Suppose we exclude all foreign laborers from coming into this country, how are you going to prevent the negroes of the South from coming up here and coming in competition with you? When you put wages at a dollar a day or a dollar and a quarter a day in Washington city or in any other town in the North, how are you going to prevent the negroes from going there from the South and taking your place and running you out?" "Ah," they said in reply to me, "we will take care of them; they would not dare to oppose us; and when we wish to strike, we will take into our hands the control of the labor market. Those men will obey us; they speak our language; we know them and understand them; but the foreigners who come here we can not manage."

It is well enough to look over the field to see what we mean by this legislation and what we are doing. I could very conveniently allow this matter to go along and yield to the pressure that is brought to bear upon me by these hundreds and hundreds of labor unions, if I chose to do so and if I thought it was exactly what my duty is as a Senator; but I do not. I believe it is my duty to legislate in every case for equal justice to all men. Whether it is Mr. Vanderbilt or Mr. Gould with their untold millions or the humblest laborer in this land, let the laws bear upon all with justice and equity and with equality. We create such distinctions between men by class legislation as are difficult to eliminate afterward from our laws. All class legislation is wrong.

I do not propose to engage in any class legislation while I am here. There is nothing in the bill that is not directed expressly to class legislation. The classes legislated for and protected by the bill are not the agriculturists, they are not the house-builders and the ordinary mechanics of the country. They are almost wholly and exclusively the miners, the men who delve about the iron-works, and the men who do the ruder sorts of work about the manufacturing establishments of this land. When any Senator will take the bill and analyze it, and submit it to the quiet judgment of his mind, he must be convinced that the whole purpose of it is class legislation.

It is not legislation for the people of the United States at large. Certain particular classes—not named, I grant you, but nevertheless as clearly designated as if they had been named—are provided for in the bill, and no others. In that sense it is vicious legislation; vicious because it is class legislation; vicious because it violates the traditions of the Anglo-Saxon race in legislation by converting the ordinary and natural rights to make a contract into a crime; vicious in that, even in the admission of people into this country, it discriminates in favor of professional actors, lecturers, or singers. It makes an express exception and provision for professional actors, lecturers, and singers, leaving out all the other classes of professional men.

Mr. BLAIR. Not at all; personal or domestic servants are also excepted. That has been put in by an amendment.

Mr. MORGAN. Yes, personal or domestic servants. "Nor shall the provisions of this act apply to professional actors, lecturers, or

singers," and, says the Senator from New Hampshire, "nor shall it apply to body servants."

Mr. BLAIR. "Personal or domestic servants."

Mr. MORGAN. Personal or domestic servants are excepted; that is to say, a gentleman who has got the money can come here and bring his personal or domestic servants with him from abroad; but if he happens to be a lawyer, an artist, a painter, an engraver, a sculptor, a great author, or what not, and he comes under employment to write for a newspaper, or to write books, or to paint pictures, as we are informed that a recent Secretary of State sent abroad for an artist to paint his picture, he comes under the general provisions of the bill.

Mr. BLAIR. The Senator will observe that it is only the importation of such people under contract to labor that is prohibited.

Mr. MORGAN. Of course; I understand.

Mr. BLAIR. If that class of people are liable to become the subject-matter of such importation, then the bill applies to them. Perhaps the bill ought to be further amended.

Mr. MORGAN. People who can instruct us in morals and religion and in every species of elevation by lectures and by acting plays in the theaters and by singing are not prohibited. The Senator wants to introduce those people into this country free; there is to be no tariff on them, no prohibitory duty. Let them come and act and sing and play as much as they please for the enlightenment of humanity on this side of the Atlantic Ocean. Chinese singers and Japanese players can come over here. They can come from any quarter, provided they fall within these honorable and distinguished and exempt provisions.

Now, I shall propose when we get to it to put an amendment in there. I want to associate with the lecturers and singers and actors, painters, sculptors, engravers, or other artists, farmers, farm laborers, gardeners, orchardists, herders, farriers, druggists and druggists' clerks, shopkeepers, clerks, book-keepers, or any person having special skill in any business, art, trade, or profession. I should like to be permitted without getting into the penitentiary to go abroad, if I were engaged in some of these trades and industries, and employ men particularly skilled, and I should like it especially if they happened to be any kin to me or those who are very dear to me.

If I were an Irishman or an Englishman and located in this country, and if I knew of some nice relative, it might be a lady who was capable of being a clerk in a dry-goods store, I should like to bring her in; but no, says the Senator from New Hampshire, "you can not bring her in if she does not sing, or lecture, or act on the stage," and therefore she can not come. If I were an Irishman who had been here only about a month and filed my naturalization papers before this proposed law was passed, I might like to send a little money back to my brother perhaps or to my son in Ireland and say, "I have established the business here of a hatter or a shoemaker, and I propose to carry it on, and if you will come and join me I will give you so much money to pay your expenses, or advance it to you so that you may come to this free and good country and share in its blessings."

Mr. BLAIR. The Senator can send to Ireland for all the relatives he may have there, or to any foreign country where they happen to be, as he will see by the provision of the bill.

Mr. MORGAN. I have failed to find it.

Mr. BLAIR. If the Senator will read the bill, perhaps he will criticise it with less severity.

Mr. MORGAN. I have read it and reread it.

Mr. BLAIR. The Senator will observe, since it seems he has not read the bill, that the very next clause after the one with which he is now dealing is:

That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

Mr. MORGAN. "Migrate;" but before you migrate or while you are migrating you must not have a contract to labor in this country. It only shows that the gentleman who drew the bill for the committee outside of the Senate did not very carefully weigh the words of it.

Mr. HAWLEY. Will the Senator allow me to make an inquiry as to the meaning of that clause? I should like to know for information as to the degree of relationship of those one may bring over. So far as I have any Irish friends, they are "cousins."

Mr. BLAIR. The Senator is probably able to define the word "relative" as well as anybody. I have heard of second cousins even.

Mr. MORGAN. The language is, "any member of his family or any relative." That is a pretty broad and generous expression, I grant you, but he must not assist him in doing anything else but migrate; he must not have any contract with him to labor after he comes here for fear he might come in competition with some of the privileged classes under the bill.

The action we are asked to take upon this subject only illustrates the extremities to which we go sometimes in trying to gratify a public whim or a public sentiment. We had better take the truth and a wise public policy for the basis of our action under all circumstances, and if we find ourselves confronted by some hot sentiment, or by some anxiety, or by some concentrated anguish, if you please, in consequence of the failure of the expectation of people to drive us from our duty, that is the time when we are called upon to stand by it more firmly than ever. I have not found in the bill as it is framed, or in any part of it, anything at all which commends it to my favor.

Mr. BLAIR. I should like to send to the desk to be read a synopsis of a letter addressed to the President of the Senate. The extract is from the New York Times, taken *verbatim*, as I understand, from the letter itself, but is not so lengthy as the letter.

The PRESIDING OFFICER (Mr. PLATT in the chair). The paper will be read, if there be no objection.

The Chief Clerk read as follows:

FOREIGN-CONTRACT LABOR—GRAND MASTER WORKMAN POWDERLY WRITES TO SENATOR EDMUNDS.

SCRANTON, PA., *January* 14.

Ex-Mayor T. V. Powderly, of this city, Grand Master Workman of the Knights of Labor for the United States and Canada, has addressed a letter to United States Senator EDMUNDS, directing his attention to the fact that the national House of Representatives passed a bill some months ago "to prohibit the importation of foreign-contract labor into the United States," and that the Senate has thus far taken no action in the matter. Mr. Powderly says: "It is of importance to the laboring men, the business men, and mechanics of the United States to know what the Senate intends to do with this bill," and adds: "That promises were made, pledges given, and party platforms spoke in unmistakable terms on this question during the recent political campaign," and that now "nothing remains but to fulfill these promises and confirm the statements made in the platforms of 1884. I see in the reported proceedings of Congress," continued Mr. Powderly, "that days of valuable time are being devoted to the discussion of questions of no consequence whatever to the general interests of the nation. The defense or condemnation of ex-confederates are matters which should be buried in oblivion. While the honorable gentlemen are fighting over again the battles which the powder and steel of the soldier have long since decided, and while the slavery of the past is being discussed in the Senate anew, a more powerful slavery is being established—a slavery which will not only grind 4,000,000 or 5,000,000 of black men, but 50,000,000 of white and black."

The importation under contract of men and women who come only to degrade American labor is described as a link in the chain of the new slavery, and that link, Mr. Powderly says, can be severed by the decisive action of the United States Senate. "Do not think that I call your attention to this matter on my own responsibility," Mr. Powderly adds, "as I but obey the request of the seven hundred thousand workingmen who respectfully ask for the speedy passage of this bill."

Mr. BLAIR. I have had referred to me by the honorable Senator from Michigan [Mr. CONGER] a letter addressed to him with the heading "Headquarters District Assembly No. 66, Knights of Labor," which goes over this matter, and is of a public nature, and I should like to have it read.

The PRESIDING OFFICER. If there be no objection, the letter will be read.

The Chief Clerk read as follows:

HEADQUARTERS DISTRICT ASSEMBLY NO. 66,
KNIGHTS OF LABOR,
Washington, D. C., January 17, 1885.

DEAR SIR: Knowing of your friendly interest in the toilers of the land and the cause of humanity, I take this opportunity of calling your attention to a measure now in the possession of the Senate Committee on Labor, H. R. 2550, "To prohibit the importation of foreigners and aliens, under contract or agreement, to perform labor in the United States, its Territories, and the District of Columbia." This measure is one of vital importance to every American citizen, and should receive proper attention from the lawmakers while they have the remedy in their own hands.

You can see the havoc made in the ranks of free labor in the Hocking Valley of Ohio. (Inclosed is a statement made by the Miner's Association, containing also a statement of Col. W. P. Rend, one of the largest mine-owners and operators in the valley.)

The following is taken from evidence submitted to our body by a committee appointed to investigate the enormity of this curse in the District of Columbia. One of the members of the committee, Mr. John Fallon, represented himself as being a contractor in search of laborers to work for him under contract; he was duly introduced to the "boss" of the gang, working on the new reservoir (Government work, too) who gave his name as Caimino Guidio. He asked: "How many men do you want?"—Ans. "Fifty to two hundred." "How much will you pay?"—Ans. One dollar and fifty cents per day for good men" (they were then getting $1.12 per day). "Do your men come from Italy under contract?"—Ans. "Yes." "Who manages your business in Italy?"—Ans. "Mr. Charles Soldano, Castle Civiès Salamo, Naples." "Who pays their passage to this country?"—Ans. "The company; but the men must pay it back out of the first money they earn; then when you arrange to take the men you must deposit $1 on each man, which will be paid back to you from the first earnings of the men. I can refer you to Mr. Peterson, the reservoir contractor, for whom we have done work for three years. We have depots where we keep men on hand all the time—one in New York city and one in Buffalo; the men work on Sunday also." * * * There were forty Huns and Italians at work then. * * * The room where they lived was 12 by 12 feet, some twenty of them living, eating, and sleeping therein. * * * If they are paid before pay-day they are charged 10 per cent.

I think this will be evidence enough to a man of your broad and liberal mind to convince you that this vile system should be broken up. However, if evidence is needed, you will find it on file in the Committee on Labor, Senator BLAIR chairman, and I will have at your disposal copies of the contract used, &c.

It is conclusive that your honorable body will not have the matter before them this session for specific reasons, unless a demand is made and a day set apart for the special order of business for the purpose of passing the bill (or at least a vote upon its passage). I therefore respectfully, in the name of this body, request you to use your influence in bringing H. R. 2550 before the honorable Senate for adoption or rejection.

Very respectfully,

W. S. WAUDBY,
R. S. D. A. 66, K. of L.

Hon. OMAR D. CONGER.

Mr. BLAIR. In this connection I will read a few lines from William J. Smith, addressed to myself, a letter which comes from the executive office of the Window-glass Workers' Assembly, Pittsburgh, Pa. I read it as bearing upon the question whether there is any unhealthy com-

petition brought about by the importation of such labor under contract. Mr. Smith says, addressing myself:

Thirty-five hundred flint-glass workers urge you to press the passage of the contract-labor bill. We have been made to feel the evil effect of contract labor. Thirty Bohemian chimney-makers have recently been brought from Nova Scotia under contract to work for $1 per day, when the labor of the American workmen whom they displace ought to be worth $4 per day.

These men from Nova Scotia find their way across the line in competition with the American workmen in the same branch of business. They come there under contract to work for $1 a day and in competition with our own workmen, when this class of skilled workmen get $4 a day.

Mr. SHERMAN. The Senator from Alabama [Mr. MORGAN] made some statements interesting in their character which I think ought to be answered if they can be. He stated that the Chinese bill, as it was called, was adopted upon certain principles. If the Chinese bill was a mere bill to discriminate against a man on account of color because he was of a copper color, or on account of his race because he was Chinese or Japanese or Indian—if that was the object of the bill it was very different from what I supposed. I supposed the object of that legislation was to exclude a class of men who came to this country not the owners of themselves, but owned by others, owned by corporations, who had contracted away their liberty, their manhood, before they came here—a class who were quasi servants and serfs, and that was the objection to that kind of immigration.

I voted against the Chinese bill because I thought it was dangerous to depart from the established policy of the American Government to open our doors to laboring men from all lands and from all climes. As I understand, the friends of that bill pressed it upon the ground that the men who came here under contracts as coolies were not free men. It was not because they were Chinese, or because their color was different from ours, but because they were not free men, because they came here as slaves to work against and to compete with free men in their labor. Still, even upon that claim I was opposed to the Chinese bill, and I was very sorry indeed that it passed.

Although I have often been severely criticised on account of my vote, I would stand by that vote now. I was opposed to restrictions upon the immigration of men who come to our country to better their condition, and I thought it was better to submit to the evils even of cooly contract labor than to undertake to interfere with our time-honored American policy. But when I was overruled in that particular, and Congress by a large majority, I think supported by the general public opinion, thought it was best to exclude those people, not because of their race and color, but because they were not free men, because they were owned by others, I yielded at once to that principle, and that became the law of the land and will not be changed.

The same rule ought to be applied to the same class of people of any other race or of any other color, or else I have not learned my theory of this Government aright. You can not base a discrimination of this kind upon race or color, but you must base it upon the condition of the people. We may properly refuse to allow slaves to be brought into this country, as our forefathers did when they prohibited the slave trade, not because they were black, but because they were slaves, and they were excluded on that ground. When slavery was abolished we regarded that the great thing accomplished was that those men were all made free, not that they were slaves and should be made white, or that they were made white by our emancipation, but that they were made free, the owners of themselves, their wives, and their children, hoping that in time, by education and association with our race they would become strong, self-reliant, self-governing. That was my idea of this class of legislation.

I have not considered the bill much. I suppose it would pass by common consent, as it did, I am told, in the other House. I supposed that the bill was in the line of the other legislation, to discriminate against a class, I do not care of what race or of what color, but a class of people who do not own themselves, who are brought here by corporations or by wealthy persons to compete in mines, manufactures, and establishments of various kinds with the free labor of free men, against hardy miners, mechanics, manufacturers, and even farmers; and that the objection to their coming here, whether they are Irishmen, or Englishmen, or Frenchmen, or Italians, is not on account of their race or their color, but simply because they are not in a condition to share with us in the civilization which has been founded by free men and which is to be perpetuated by the free intelligent laboring men of this country.

I know there was a demand in my own State that the laboring men of that region should be freed from this kind of competition. They do not object to the incoming into this country of any man from any country of Europe or from anywhere else, but they object to these men brought by corporations under special contracts, to be fed as they were fed in Europe, to be brought up without the opportunity of education or means of improvement, and that they should not be compelled while they are working away at their hard toil to compete with that kind of contract labor.

Mr. JONES, of Florida. Will the Senator from Ohio permit me to interrupt him for a moment?

Mr. SHERMAN. Certainly.

Mr. JONES, of Florida. The Senator said a while ago in connection with his vote on the Chinese question that it was the condition of the people which induced that legislation.

Mr. SHERMAN. The condition of a class of people.

Mr. JONES, of Florida. I think I voted with the Senator on that proposition; but if I recollect aright a more important question than that entered into it, and that was that the habits and customs of those people from the great Asiatic empire were so inconsistent with the habits and customs of the Anglo-Saxon race that it raised a problem which required the intervening hand of legislation. I think in the debate which took place at that time it was admitted on all hands that if they were a homogeneous people of Anglo-Saxon blood and capable of assimilation the chief objection to their immigration would be removed.

Mr. SHERMAN. All European nations can assimilate with our people, can mix or mingle with them, but if there is in any country of Europe a class of people who are in such a condition of life that they can be classed as you may say as the coolies of Asia, people who do not own themselves, who work only for others, who have never conceived the idea of independent manhood—if there are in Europe such a class of people, and I am told there are, we should prohibit their importation into this country. We are led to believe that in many countries of Europe there is still away down at the substratum of those ancient societies a class of people who are reduced to that condition.

If there are any such classes of the white race I do not want them here, on the same principles that the friends of the Chinese bill voted for that measure. As for independent emigration from Ireland, from Scotland, or England, the fountains of the great body of immigration to this country, or from old Germany, the fountain of all the Anglo-Saxon people, or from any country in Europe, even of the Latin races, if there are in those countries any class of men so low in the scale of society that by the contracts described in the first section of the bill they may be brought in here to compete with our independent citizens who are struggling to elevate themselves in the arts of manhood, I say I would prohibit them, and I think in doing that I represent not only the laboring people of Ohio, but I represent every class of citizens of the State of Ohio, the wealthy, the rich, the educated, every citizen of Ohio who has respect for his manhood.

Our people do not wish to have such a class brought here in competition with the laboring men of Ohio, who are bone of our bone and flesh of our flesh, and from which class all the great men of our State and of our nation have sprung. We do not want the class of laborers described in the first section of the bill to be brought in competition with them.

I am not very familiar with this class of subjects, but I am told that in the large tomes that my friend from New Hampshire has piled upon our tables it appears that such contracts have been made by mining corporations and railroad corporations. One is a great railroad corporation near to us here, which it is said made contracts with Italian laborers who had no manhood, no independent home, scarcely a family, persons who sold themselves out and expected to go back to the country from which they came; who did not come to assimilate themselves with us and mingle with our race and our blood, but who were bought for a price and brought here, who turn out of their homes and their workshops thousands of honest, independent, intelligent laboring men. That is the kind of evil I am trying to deal with.

When the bill was brought here I supposed it would pass without much objection. I have given but little attention to the details of the bill. I can see a good deal of force in the statement made by the Senator from Delaware against the fourth section of the bill. I do not see how anybody could be convicted under that fourth section, because how could you prove the guilty knowledge? How could you show that the captain or owner of the vessel knew of such a contract? Such a thing as that would not naturally be communicated. The trouble is that the captain of a vessel might be harassed with suits and bothered and bedeviled by Tombs lawyers and the like. I do not see much force in that section. I think it would be without force, of no account, and therefore I do not care much whether it is in or out; but the first and second sections of the bill ought to demand the attentive and serious consideration of the Senate, because they prohibit a class of labor contracts which are inconsistent with our civilization, and when brought in contact with our laboring people are absolutely destructive to them and to their families and to their homes.

In some cases I have known where this class of imported labor has been brought into competition where they have turned out from happy homes and made poor and a wanderer many a person who has sought honestly and industriously to make a living on what we would regard as very small rates of pay. I do not see any objection to the first and second sections of the bill, and I shall vote for them. As to the rest of the bill it is a matter of detail. If the proposition should succeed to strike out the third and fourth sections of the bill it would not prevent me from voting for the bill, as I do not care whether those sections are in or out.

Mr. BAYARD. If the Senator from Ohio will permit me——

Mr. MORGAN. Will the Senator from Ohio allow me to ask him a question?

Mr. SHERMAN. The Senator from Delaware has this moment addressed me.

Mr. BAYARD. The language of the first section is exceedingly gen-

eral and embracing. It prohibits the encouragement of the importation of any alien or aliens into the United States "under contract or agreement, parol or special, express or implied." I ask the Senator would it not be a very illogical thing to punish a citizen or a company who did these things, at the same time that the Government of the United States encourages and solicits the migration and importation of foreigners from every clime by offering them, under the right to enter homesteads, one hundred and sixty acres of land by merely making an affidavit that the applicant is the head of a family and has made a declaration of his intention to become a citizen? Here is a question of broad policy exemplified by the Government itself inviting and encouraging in the most ample manner men to come to this country and settle upon making the affidavit and the application, and they are, I may say, in direct competition with American labor, with persons doing service and labor in the shape of agriculture in the United States.

Mr. SHERMAN. Our land laws to which the Senator from Delaware refers were all based upon the idea that the immigration to this country was the immigration of industrious independent men. The whole theory of our land laws, which are the most liberal ever offered in the world, was founded upon the experience of the immigration to this country from 1820, because it did not commence much until after the war of 1812.

Mr. BAYARD. Will not my friend look at the language of the bill? It is confined to persons who are to perform labor or service.

Mr. SHERMAN. All these laws were based on the kind of immigration that came to this country from 1820 to 1870. Down to that time the idea of contract labor described in the bill was not thought of.

Mr. BAYARD. It may be the idea, but it is not the letter.

Mr. SHERMAN. It is the letter.

Mr. BAYARD. The letter is simply encouragement; it is to encourage migration.

Mr. SHERMAN. I will answer that. I say our land laws were made generous and liberal because they applied to a class of men who were worthy of that favor and who when they came upon the land at once contributed to our national wealth. But take the men who come here under these contracts to labor at a specific place and for a specific price; would you give them land? They do not want land; they do not come here for land; they do not come here for home or for family.

Mr. MORGAN. Will the Senator from Ohio now allow me to ask him a question?

The PRESIDENT *pro tempore*. Senators will please address the Chair.

Mr. SHERMAN. I will hear the Senator from Alabama as soon as I answer the Senator from Delaware, if he will allow me a moment further. Look at the language of the bill. The bill prohibits the encouragement of what? The assisting and encouraging of the importation or migration of any alien or aliens. If it stopped there I would say it would be seriously subject to the objection made by the Senator from Delaware, but it goes on, "under contract or agreement." I leave out the words "parol or special, express or implied." I do not think they ought to be there.

Under contract or agreement made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

Take the first section in connection with the exceptions contained in the fifth section. That describes the importation of men who come here under special contracts, mostly in large numbers, to work at largely reduced pay for the benefit of corporations and companies. If the definition is not correctly given, if the kind of people aimed at by the bill is not correctly defined, then as a matter of course the Senator from Delaware and the Senator from Alabama can suggest the correction. What I intend to vote for when I vote for the bill is to prevent this organized corporate importation, not of laboring men, but of bought men, to come here and compete with our laboring men, with our mechanics and miners. That is what I mean by it; that is the intention of the bill; and that importation ought to be prohibited in my judgment. Now I will hear the Senator from Alabama, if I have not already answered him.

Mr. MORGAN. I wanted to inquire of the Senator whether, if the party employed came here with the intention on his own part of remaining and becoming a citizen of the United States, he would then punish a man for having invited him to come or having paid his expenses?

Mr. SHERMAN. The bill does not propose to punish such a man. If a man comes here and enters into any of the ordinary avocations of life without regard to his contract it does not even prohibit his migration hither. The bill does not operate upon the man who migrates, but only upon the man who imports or encourages the migration of contract labor. That is the difference.

If a man comes here under one of these contracts and goes out and claims the benefit of our pre-emption law, and thus becomes an independent citizen, I do not see how he can be punished; but the man who entices him, the shysters, the fellows who are sent off by corporations to gather up a gang of a hundred or a thousand men to come here and drive out an equal number of hardy, industrious miners and laborers, it is that kind whom it is proposed to punish by severe penalties, and also corporations who do it, and the owners or masters of the ships that bring them over knowingly and willfully. That is the class who are to be punished.

Mr. MORGAN. Will the Senator allow me to ask him, if a farmer desired to bring over laborers to work on his farm in the West and he should make a contract with them that he would employ them for a year, and should say to them, "In addition to my contract to employ you for a year and to pay you for your service the Government of the United States will give you one hundred and sixty acres of land under her laws if you come," would the Senator consider that a violation of the public policy of the country or a violation of this proposed statute?

Mr. SHERMAN. All that would be done in that case would be that this bill would declare such a contract null and void unless it came within the exceptions embraced in the fifth section. There is no such kind of migration. We all know, the Senator knows as well as any one, that the kind of immigration which comes to this country which adds to our wealth and strength is that immigration which comes first from the adventurers who land here and start homes, who write back to the fatherland that here they can earn a dollar or a dollar and a half a day, and perhaps that information is accompanied with a twenty-dollar or a thirty-dollar contribution, saying, "Come here and share in the blessings of this great and free country." Those are the little influences and motives which have drawn to our country the great mass of our foreign immigration, and those are healthy in their character. They come here without contract, without arrangement, they take their chances with the rest of the laboring men in the country. The contracts described by the bill are contracts for organized labor which comes in competition with the free men who have thus been brought over in driblets in the ordinary course of migration.

Mr. MORGAN. But still, if the Senator will allow me, that would be encouraging the migration of those people into this country, and the bill denounces that.

Mr. SHERMAN. For one, if the Senator from Alabama can point out to me language more meet than the language contained in the first section to express what I want to prohibit, I will try to join with him in not prohibiting any more than we really desire to prohibit in order to accomplish the policy I have indicated. It may be that the language is not such as I would have used if I had framed the bill, and there are a good many things in it that I should have left out.

Mr. MORGAN. If the Senator will excuse me, I can scarcely be called upon to frame language to except people he wants to prohibit from coming here; he can frame it himself.

Mr. SHERMAN. I do not profess to reorganize all the bills that are brought here. I find here a bill that I believe aims at a good purpose. If in practice any defect should occur in its execution, just like the Chinese bill, which was very bad and faulty in the first instance and which was amended by subsequent legislation, so if this legislation is faulty it can be hereafter easily corrected by amendment.

Mr. McPHERSON. Will the Senator from Ohio yield to me a moment for a question?

Mr. SHERMAN. Certainly.

Mr. McPHERSON. The Senator says, if I understand him aright, that the bill is directed against the importation into this country of people who are practically bought to come here as organized labor.

Mr. SHERMAN. That is what I understand it to be.

Mr. McPHERSON. The phraseology of the bill is very liberal, it seems to me, and applies even to individual cases; it makes no difference for what reason they come. It does not apply to organized labor alone, but reaches a great many laborers who would naturally come here to better themselves, and who come here under a contract previously made for that purpose. Let me cite a case, and I should like then to have the Senator answer me whether that gentleman would be subject to the provisions of the bill. About four weeks ago a gentleman who is largely engaged in the manufacture of jute in Scotland, having a plant which cost, he says, nearly a million dollars, employing something like eight hundred laborers, came to this country and was on a visit to California where the market for his goods is mainly found—jute bags for the transportation of grain—as I believe under the law the grain is required to be put in bags before being placed on board vessels and taken abroad. His purpose, he tells me, is to move his plant and his labor to California, he is firmly resolved upon it, and he will no longer pay the duty exacted, as his market is almost entirely in California. He wants to move his laborers bodily to the State of California. How could he do that under this bill?

Mr. SHERMAN. I do not see anything to prevent him from moving over to California. I should advise him to do it, because he gets nearer to the purchaser. I think if he is going to make jute bags he had better go to California, where he sells them, rather than to New Jersey.

Mr. McPHERSON. The Senator and I agree upon that. We have established a protective tariff that we may protect our manufacturers and our own laborers. This gentleman desires to bring from five to eight hundred laborers from Scotland to California because they are dependent upon him there and they are a thrifty set of people who would become good citizens. Now I wish to know how under the bill it would be possible for him to move those eight hundred laborers without being subject to penalty?

Mr. SHERMAN. I can tell the Senator how. Suppose the man frankly says to his workmen, "I have got to go to California to do my business; I prefer to leave Scotland and to go there. If you choose to go there we will make no contract about it, but if you go over to California and choose to work for me, I will employ you at such and such wages." The bill clearly covers that case. That is not the kind of a case which is aimed at. If the Senator wishes to describe the case of the Scotchman who wants, wisely I think, to move his establishment from Scotland to California, and if he will express that in meet words and put it in as an addition to the fifth section, I shall vote for it.

Mr. McPHERSON. Assuredly; but at the same time the Senator begs the question; he does not answer it, I submit, in such a way as I expected him to do.

Mr. SHERMAN. Not at all.

Mr. McPHERSON. In other words, either the bill does interfere with the removal of those eight hundred people from Scotland to the United States or it has no virtue whatever.

Mr. SHERMAN. I will tell you what kind of a case it interferes with. Take a railroad corporation in the State of New Jersey that is not willing to pay a dollar and a quarter a day for wages, and finds that on account of the great superabundance of labor in Italy and Hungary it can hire men by the thousand, through shysters that it sends there for the purpose of talking to them, at 50 or 60 cents a day upon an agreement to work three years, with a certain stipulated quantity of rice and other food of that kind, and they make such contracts and are brought over, men who can not speak our language, who are not acquainted with our institutions, and they are put to work on a railroad in New Jersey, thus driving out of employment 3,000 Americanized laborers, good honest Americans, native-born or ordinarily naturalized citizens. That is the kind of people I want to get at. If the Senator and I can only agree on the language of the bill, I have no doubt we shall vote together.

Mr. McPHERSON. I quite agree with the Senator from Ohio, and probably will go as far as he will in any attempt to protect American labor, and I deplore as much as that Senator can the organizations that are gotten up for the purpose of depriving American labor of employment; but I want to do it by some measure of legislation that will be just and fair and proper, that will reach exactly that class of cases, and at the same time will not be so sweeping in its provisions as to deter honest and proper laborers from coming to this country seeking to better their condition.

The Senator from Ohio will go no further than I will in the direction that this bill proposes, and I submit that the only thing I wish to do is to perfect it. I do not like the bill as it is; I do not think the bill should pass in its present shape; but I do think it is possible to so amend it as to make it effective and capable of doing a great deal of good, and to that end I pledge myself, for I am very ready to aid in legislation on this question.

Mr. INGALLS. I move that the Senate do now adjourn.

Mr. BLAIR. If the Senator will permit me a moment before the motion is put, as the supply of printed bills is exhausted, I ask that it be reprinted. Several Senators have spoken to me in regard to it. I ask that it may be printed with the amendments already adopted proposed by the committee, so that the Senate may see how the bill stands at the present time.

The PRESIDENT *pro tempore*. The Senator from New Hampshire will state his proposition.

Mr. BLAIR. Before the motion to adjourn is put I would ask——

The PRESIDENT *pro tempore*. Does the Senator from Kansas withdraw his motion for the purpose indicated?

Mr. INGALLS. I withdraw it for that purpose.

Mr. BLAIR. In response to the request of several Senators, as the printed supply of the bill is exhausted, I move that it be reprinted, and that it be so reprinted as to show the amendments already adopted in Committee of the Whole as distinct from the original text, and that it be laid upon the tables to-morrow morning.

The PRESIDENT *pro tempore*. The Senator from New Hampshire asks that the pending bill be reprinted with the amendments made in Committee of the Whole so as to show the amendments as they stand as additions to or changes of the bill. That order will be entered if there be no objection. The Chair hears no objection. Will the Senator from Kansas withdraw his motion to enable the Chair to lay before the Senate certain House bills?

Mr. INGALLS. Certainly.

Mr. COKE. I propose an amendment to the pending bill and ask that it be printed.

The PRESIDENT *pro tempore*. The Senator from Texas presents an amendment intended to be proposed to the pending bill, which will be printed for consideration.

HOUSE BILLS REFERRED.

The bill (H. R. 6270) for the relief of John P. Peterson was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief engineer on the retired-list of the Navy was read twice by its title, and referred to the Committee on Naval Affairs.

YELLOWSTONE NATIONAL PARK.

Mr. HARRISON. I believe there was a bill in relation to the Yellowstone Park that came from the House to-day. I ask the Chair to lay it before the Senate in order that I may ask the Senate to disagree to the amendments and have a committee of conference.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, returned from the House of Representatives with amendments. The action of the House of Representatives thereon will be read.

The amendments of the House of Representatives were read.

Mr. CONGER. I move that the Senate non-concur in the amendments of the House and ask for a conference on the disagreeing votes.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. VEST, Mr. HARRISON, and Mr. MANDERSON were appointed.

Mr. INGALLS. Now I renew my motion that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February* 13, 1885.

The House met at 12 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The Chair asks unanimous consent to submit several executive communications.

There was no objection.

PUBLIC BUILDING AT DENVER, COLO.

The SPEAKER *pro tempore* laid before the House a communication from the Secretary of the Treasury, inclosing a letter from the Supervising Architect, recommending an extension of the limit of cost of the public building at Denver, Colo.; which was referred to the Committee on Appropriations, and ordered to be printed.

STEAM VESSELS.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of the Treasury, transmitting a letter from the board of supervising inspectors of steam vessels, suggesting a modification of section 4435 of the Revised Statutes; which was referred to the the Committee on Commerce, and ordered to be printed.

MERIDIAN OF GREENWICH.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, recommending that the meridian of Greenwich be adopted for astronomical and nautical purposes; which was referred to the Committee on Naval Affairs, and ordered to be printed.

MACHINERY FOR STEEL CRUISERS.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy asking legislation authorizing the expenditure of balance of appropriation for steel machinery for steel cruiser for either of the cruisers; which was referred to the Committee on Appropriations, and ordered to be printed.

HON. S. F. RICE.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of the Treasury, transmitting report of the First Comptroller upon the claim of Hon. S. F. Rice for services rendered, recommending an appropriation therefor in the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

SNY ISLAND LEVEE, MISSISSIPPI RIVER.

The SPEAKER *pro tempore* also laid before the House a communication from the Secretary of War, transmitting report of the Chief of Engineers of survey and examination of Sny Island levee, Mississippi River; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

SURVEY OF PENSACOLA HARBOR.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of War, transmitting report from the Chief of Engineers of survey and examination of outer and inner bars, Pensacola Harbor; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ORDER OF BUSINESS.

Mr. OATES. I rise to a privileged question.

Mr. TOWNSHEND. Mr. Speaker, I would ask whether it would be within the rule to ask unanimous consent to dispense with the business of the special hour.

The SPEAKER *pro tempore*. The rule prohibits the Chair from entertaining a request for unanimous consent to set aside that order. The gentleman from Alabama [Mr. OATES] rises, as the Chair understands, to submit a privileged report.

Mr. OATES. I move to take from the Speaker's table House bill 7004 and refer it, with the Senate amendments, to the Committee on Public Lands.

Mr. NELSON. I object.

Mr. OATES. It is a privileged motion under what is known as the "Holman resolution," this being a bill to repeal pre-emption and other land laws.

The SPEAKER *pro tempore*. The gentleman will send the bill to the desk so that the Chair can determine whether this is a privileged question.

Mr. OATES. It was so ruled by the Speaker when the bill was under consideration in the House.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7004) to repeal all laws providing for the pre-emption of the public lands and the laws allowing entries for timber-culture.

IN THE SENATE OF THE UNITED STATES, *February* 12, 1885.

Resolved, That this bill pass with amendments.

Mr. TOWNSHEND. Upon what ground is the claim based that this is privileged?

Mr. KEIFER. Mr. Speaker, the bill is on the Speaker's table, is it not?

The SPEAKER *pro tempore*. The Chair is informed that the bill is on the Speaker's table.

Mr. KEIFER. Then I think the point of order that it is not privileged is well taken. It requires unanimous consent to take it up.

The SPEAKER *pro tempore*. The Chair was endeavoring to ascertain whether this is a privileged report that the gentleman from Alabama is calling up.

Mr. KEIFER. There is no report about it; the bill is on the Speaker's table.

Mr. OATES. The motion I have made is privileged under the "Holman resolution."

Mr. TOWNSHEND. Reports from the Committee on Public Lands are privileged.

The SPEAKER *pro tempore*. If this general subject be privileged, the motion in the judgment of the Chair would be privileged. The Clerk will report the resolution adopted by the House January 21, 1884, under which, as the Chair understands, the claim is made by the gentleman from Alabama that this is a privileged motion.

The Clerk read as follows:

Resolved, That in the judgment of this House all the public lands heretofore granted to States and corporations to aid in the construction of railroads, so far as the same are now subject to forfeiture by reason of the non-fulfillment of the conditions on which the grants were made, ought to be declared forfeited to the United States and restored to the public domain.

Resolved, That it is of the highest public interest that the laws touching the public lands should be so framed and administered as to ultimately secure freehold therein to the greatest number of citizens; and to that end all laws facilitating speculation in the public lands or authorizing or permitting the entry or purchase thereof in large bodies ought to be repealed, and all of the public lands adapted to agriculture (subject to bounty grants and those in aid of education) ought to be reserved for the benefit of actual and *bona fide* settlers, and disposed of under the provisions of the homestead laws only.

Resolved, That the Committee on the Public Lands is hereby instructed to report to the House bills to carry into effect the views expressed in the foregoing resolutions; that said committee shall be authorized to report such bills at any time, subject only to revenue and appropriation bills; and the same shall in like order be entitled to consideration.

Mr. NELSON. This is not a report from any committee. It is a bill upon the Speaker's table. The motion is to refer it. It does not come within the privilege.

Mr. MAGINNIS. I ask attention to the point that the resolution applies to forfeited lands.

The SPEAKER *pro tempore*. The Chair is perfectly willing to hear gentlemen on each side. The Chair thinks there is no doubt about the ruling.

Mr. TOWNSHEND. Has the Chair decided?

The SPEAKER *pro tempore*. The Chair has not been allowed to decide anything.

Mr. OATES. Mr. Speaker, the rule expressly provides, as has been held by the Speaker of the House, that all matters pertaining to the disposition of the public lands as homesteads shall be privileged under the Holman resolution. The object of this bill, as it came from the Committee on Public Lands, was to confine the disposition of all agricultural lands to homesteads, and therefore it is completely within the terms of the Holman resolution.

The SPEAKER *pro tempore*. The Chair does not think this constitutes a privileged motion. The report of a bill under the provisions of the resolution cited is evidently privileged, but it gives it no higher dignity than an appropriation bill would have. Under the rule the Chair never held it would be competent for any member of that committee to make the motion the gentleman now makes as applicable to this bill. The Chair does not think the motion of the gentleman is privileged.

CALIFORNIA AND OREGON RAILROAD COMPANY.

Mr. HENLEY. I rise to make a privileged report from the Committee on Public Lands.

The SPEAKER *pro tempore*. The gentleman will submit it.

The Clerk read as follows:

Whereas it appears from the report of the Commissioner of the General Land Office that the California and Oregon Railroad Company have failed to complete its line of road within the time provided by law; and

Whereas no attempt was made during more than ten years to complete the building of any part of said line of railroad, although said company had ample time so to do; and

Whereas on March 18, 1884, the above-recited facts were called to the attention of the President of the United States, and protest duly made and filed against the appointment of commissioners to examine said line of railroad; and

Whereas during the first session of the Forty-eighth Congress a bill forfeiting said grant passed the House of Representatives, and is now pending in the Senate; and

Whereas the President of the United States has recently appointed three commissioners to examine and report on said line of railroad: Therefore,

Be it resolved by the House of Representatives, That the President of the United States be, and he is hereby, requested to inform this body, if not incompatible with the public interest, what were the reasons which moved him to appoint said commissioners to examine and report on the said line of railroad from Reading northwardly.

Mr. WASHBURN. Is that a privileged report?

The SPEAKER *pro tempore*. Upon what ground does the gentleman from California rest this as a privileged report?

Mr. HENLEY. It is a report from the Committee on Public Lands under the Holman resolution.

The SPEAKER *pro tempore*. It is a resolution of inquiry.

Mr. HENLEY. Yes, sir; it is a resolution of inquiry.

Mr. OATES. I offer the following substitute for the resolution; and after it has been read I wish to say a word in support of it.

Mr. TOWNSHEND. I rise to a question of order. Is it a report of a resolution or a bill?

The SPEAKER *pro tempore*. It is a resolution of inquiry.

Mr. KEIFER. Does it come from the committee?

The SPEAKER *pro tempore*. The gentleman from California has stated that his committee was authorized to report this resolution of inquiry.

Mr. KEIFER. Was it referred to the committee?

Mr. HENLEY. Yes, sir.

The SPEAKER *pro tempore*. The Chair so understood. The substitute will be read.

The Clerk read as follows:

Resolved, That the President of the United States is hereby respectfully requested not to confirm any favorable report which may be made by the commissioners recently appointed by him to inspect a section or sections lately completed of the California and Oregon Railroad, nor order patents to issue until the Senate of the United States acts upon H. R. 5897, being a bill to forfeit certain lands granted to aid in the construction of said railroad, and which passed this House June 6, 1884, or until after the adjournment of the present Congress.

Mr. KEIFER. I make the point that is not in order as an amendment.

The SPEAKER *pro tempore*. The Chair will examine it.

Mr. KEIFER. The substitute is not a resolution of inquiry, but calls upon the President not to do what the Constitution and the laws require him to do.

Mr. OATES. If the gentleman will wait a moment I think he will see that he misapprehends it.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. HENLEY. I have no objection to the gentleman from Alabama submitting what observations he chooses on this matter, provided I am to have an opportunity to reply.

The SPEAKER *pro tempore*. The Chair will hear gentlemen on both sides on the point of order.

Mr. OATES. Mr. Speaker, the resolution submitted by the gentleman from California under instruction from the Committee on Public Lands is an inquiry to the President why he appointed commissioners to inspect a section of this railroad alleged to have been completed. His reply would necessarily be that he did it in obedience to section 4 of the act making the grant, which is as follows:

SEC. 4. *And be it further enacted*, That whenever the said companies, or either of them, shall have twenty or more consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated by this act, the President of the United States shall appoint three commissioners, whose compensation shall be paid by said company, to examine the same, and if it shall appear that twenty consecutive miles of railroad and telegraph shall have been completed and equipped in all respects as required by this act, the said commissioners shall so report under oath to the President of the United States, and thereupon patents shall issue to said companies, or either of them, as the case may be, for the lands hereinbefore granted, to the extent of and coterminous with the completed section of said railroad and telegraph line as aforesaid; and from time to time, whenever twenty or more consecutive miles of the said road and telegraph shall be completed and equipped as aforesaid, patents shall in like manner issue upon the report of the said commissioners, and so on until the entire railroad and telegraph authorized by this act shall have been constructed, and the patents of the lands herein granted shall have been issued.

The President has done simply what the law commanded him to do and simply what his oath of office required him to do. Hence, I oppose the resolution in the form presented here and offer the substitute, which respectfully requests him not to confirm any favorable report of the commissioners, or order patents to issue, until the Senate has acted

upon the bill which was passed by the House, or until after the adjournment of this session of Congress. I think that is as far as this House ought to go. The resolution reported from the Committee on the Public Lands is, in my judgment, not exactly respectful to the President, nor do I think that it strikes at what the House ought to strike at, that is to say, that the President shall not act upon the report of the commissioners until after the adjournment of this Congress, or until after the Senate has acted upon the bill to which I have referred.

Mr. HORR. Is there a precedent anywhere for such a resolution?

Mr. KEIFER. What has become of the point of order?

The SPEAKER *pro tempore*. The Chair is ready to decide upon the point of order made by the gentleman from Ohio.

The Chair does not think that it is competent by way of amendment to submit to the House for its action that which is not privileged in its character in lieu of that which has the right of privilege, and which besides is not germane to the matter which is submitted as a privileged report. The Chair sustains the point of order of the gentleman from Ohio, and holds that it is not competent to bring in, in the nature of an amendment to the resolution of inquiry which is privileged under the rule, a resolution such as that suggested by the gentleman from Alabama.

Mr. OATES. It relates to the same subject-matter.

The SPEAKER *pro tempore*. This, however, is not a resolution of inquiry as submitted by the gentleman from Alabama, and would not have been in order as a privileged matter unless it had been a resolution of inquiry reported back as the resolution comes from the gentleman from California.

Mr. BELFORD. Mr. Speaker——

Mr. TOWNSHEND. I demand the regular order.

The SPEAKER *pro tempore*. The question is on agreeing to the resolution reported by the gentleman from California.

Mr. BELFORD. I would like to inquire whether or not we can object to the resolution offered by the gentleman from California or whether all debate is cut off.

The SPEAKER *pro tempore*. Debate is not cut off unless the gentleman from California chooses to do so by demaning the previous question.

Mr. BELFORD. I want to be heard.

Mr. VALENTINE. Let the resolution be again reported.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from California is in possession of the floor.

Mr. HENLEY. Have I not the right to the floor?

The SPEAKER *pro tempore*. The Chair has just so stated.

Mr. HENLEY. Then I demand the previous question upon the adoption of the resolution.

Mr. VALENTINE. Let it be again read.

The resolution was again reported.

Mr. HORR. I hope the gentleman from California will not cut off debate instantly on this resolution; it is a matter of a great deal of importance. It seems to me to be in the nature of an insult to the Executive.

Mr. HENLEY. Mr. Speaker, I dislike very much to disoblige the gentleman from Michigan, but I shall have to insist upon the previous question.

The question was taken on ordering the previous question; and on a division there were—ayes 96, noes 52.

Mr. HORR. No quorum. I insist that an outrage of this kind should not be perpetrated upon the Executive without some proper [cries of "Regular order!"]—without some proper explanation.

The SPEAKER *pro tempore*. Debate is not in order pending the demand for the previous question.

Mr. WASHBURN. I think if the gentleman from California will answer a courteous question the call for a quorum may be withdrawn.

Mr. HENLEY. I will answer every question, of course. [Cries of "Regular order!"]

Mr. VALENTINE. I rise to a parliamentary inquiry. I desire to know if under the rule after the previous question has been ordered there will not be thirty minutes allowed for debate—fifteen minutes for and fifteen minutes against the resolution?

The SPEAKER *pro tempore*. The gentleman is correct as to the rule, but debate had been already had before the previous question was demanded, and hence there will be no debate after the previous question is ordered.

Mr. VALENTINE. There has been no debate upon the resolution, as I understand.

Mr. HORR. That is the very thing that we have not had.

The SPEAKER *pro tempore*. The Journal will show.

Mr. WASHBURN. I understand the gentleman from California to yield for a question.

The SPEAKER *pro tempore*. The House is dividing, and the only thing in order now is the appointment of tellers, the point of order being made that no quorum has voted.

Mr. HENLEY and Mr. HORR were appointed tellers.

The House again divided; and the tellers reported—ayes 116, noes 47.

So the previous question was ordered.

Mr. HENLEY moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the adoption of the resolution.

Mr. STEELE. Is it in order to move to lay that upon the table?

The SPEAKER *pro tempore*. It is.

Mr. STEELE. Then I move to lay it upon the table.

The question was taken; and on a division there were—ayes 47, noes 88.

So the motion to lay on the table was not agreed to.

The question recurred upon the adoption of the resolution.

Mr. BELFORD. On that I demand the yeas and nays.

The yeas and nays were not ordered, six members only voting in favor thereof.

The question was taken; and on a division there were—ayes 93, noes 55.

So (no further count being demanded) the resolution was agreed to.

Mr. HENLEY moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour under the special rule begins at six minutes before 1 o'clock. The Clerk will report the bill coming over as unfinished business in this hour from yesterday, called up by the gentleman from Kentucky, Mr. THOMPSON.

NIOBRARA VALLEY RAILROAD.

The Clerk read as follows:

A bill (H. R. 7081) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes."

Be it enacted, &c., That section 17 of the act of July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," be, and is hereby, amended by adding the following:

That such railroad company now organized, or that may hereafter be organized under State or Territorial laws, as the President of the United States, by its request, may designate or approve for that purpose, shall construct and operate a line of railroad and telegraph from Sioux City, Iowa, westwardly, via the Niobrara Valley, to such point on the Union Pacific Railroad west of the one hundredth meridian as such company may select, not west of Granger, in the Territory of Wyoming, and on the same terms and conditions and with the same rights as are provided in this act, and the act to which this is an amendment, for the construction of the said Union Pacific Railroad and Telegraph Line and branches: *Provided*, That said company shall receive neither bonds nor lands, as provided in said acts: *And provided further*, That said company shall not be burdened by any of the obligations imposed upon the said Union Pacific Railway Company by reason of the lands and bonds given to that company, nor entitled to any special benefits conferred by said act growing out of such obligations, but shall be entitled to all benefits conferred by section 15 of the said act, approved July 2, 1864, amendatory of the act approved July 1, 1862, and the said company and the said Union Pacific Railway Company shall be regarded as a continuous line; and each company shall receive from and deliver to each other freight, express matter, passengers, cars, and all traffic, and each company shall charge and receive compensation therefor pro rata according to distance: *And provided further*, That said road shall carry the mails at such prices as Congress may by law provide; and until such price is fixed by law the Postmaster-General may fix the rate of compensation: *And provided further*, That said road shall be completed within five years from the passage of this act.

SEC. 2. That nothing in this act shall be construed or taken in any wise to affect or impair the right of Congress at any time hereafter further to alter, amend, or repeal the said acts hereinbefore mentioned; and this act shall be subject to alteration, amendment, or repeal as, in the opinion of Congress, justice or the public welfare may require. And nothing herein contained shall be held to deny, exclude, or impair any right or remedy in the premises now existing in favor of the United States.

SEC. 3. That each and every of the provisions in this act contained shall severally and respectively be deemed, taken, and held as in alteration and amendment of said act of 1862 and of said act of 1864, respectively, and of both said acts.

Mr. THOMPSON. Mr. Speaker, I desire to state to the House in brief that the object of this bill is to authorize the building of a railroad from Sioux City, in Iowa, to a place called Granger, in Wyoming Territory, up what is known as the Niobrara Valley. It has undergone the severest scrutiny of the Committee on Pacific Railroads that we could give it and we have found no objection to the chartering of the company and the building of the road. It is to be built exclusively by private capital, without any subsidy on the part of the Government.

Mr. BLAND. I would like to ask the gentleman whether there is any reservation of the authority of Congress over that road to regulate the traffic.

Mr. THOMPSON. Yes, sir. At the suggestion of the gentleman from Texas [Mr. REAGAN] I have agreed to accept an amendment to declare that expressly. I did not think it necessary, but in order that there should be no doubt whatever about it, I have agreed to accept an amendment that Congress shall reserve the right to regulate commerce and traffic on this road.

Mr. BUDD. May I ask the gentleman from Kentucky a question?

Mr. THOMPSON. Certainly.

Mr. BUDD. What is the meaning of the reservation from all of the "obligations imposed upon the said Union Pacific Railway Company?"

Mr. THOMPSON. The Government having given to the Union Pacific Company certain bonds and lands, required of them certain things

which they should do; one of which was that, under the Thurman act and amendments thereto, they should have a sinking fund for the payment of bonds, &c. That is not required in the case of this road, because the Government has not contributed anything to it.

Mr. BUDD. But does not this exempt the road from all obligations whatsoever to the Government imposed on the Union Pacific?

Mr. THOMPSON. No, sir; on the contrary, the bill provides every guard which the Committee on Pacific Railroads could find was necessary to secure to the Government the transportation of the mail at the same rate it pays to every other railroad in the country, together with the absolute power to regulate and control the traffic.

Mr. BUDD. Will the gentleman allow the amendment he has referred to to be read now?

Mr. THOMPSON. At the suggestion of the gentleman from California I desire to have read now the amendments which have been suggested. They are not, however, of much significance, being mostly verbal.

The Clerk read the proposed amendments, as follows:

In line 12, page 2, strike out the words "State or Territorial laws" and insert the words "the laws of Nebraska."

In line 15, after the words "Sioux City, Iowa," insert "crossing the Missouri River at Sioux City, thence."

After the word "acts," in line 24, insert the words "and the right of way shall be only one-half the width fixed by said acts."

In section 2, line 2, after the word "Congress," insert the words "to regulate interstate commerce or."

The SPEAKER *pro tempore* (Mr. YOUNG). The question is on the amendments.

Mr. THOMPSON. Not until the bill is before the House for consideration. I do not wish to take snap judgment in its favor.

Mr. STRUBLE. I would like to make a few remarks on this bill.

The SPEAKER *pro tempore* (Mr. YOUNG). Does the gentleman from Iowa desire to speak in opposition to the bill?

Mr. STRUBLE. No, sir; I am heartily in its favor.

Mr. THOMPSON. I yield to the gentleman from Iowa.

Mr. STRUBLE. Mr. Speaker, I thank the gentleman for the courtesy extended me, and now ask the attention of the House to the following resolutions recently adopted by the Board of Trade of Sioux City, Iowa, expressing as they do the earnest desire of the people residing there for the passage of the measure now under consideration:

Resolutions of Sioux City (Iowa) Board of Trade.

Whereas there is now pending in Congress a bill to provide for the construction of a line of railroad and telegraph from Sioux City to a connection with the Union Pacific road west of the one hundredth meridian, said line to cross the Missouri River at Sioux City and proceed directly westwardly; and

Whereas the proposition involved in said bill, carefully restricted, but contemplates a fulfillment, as we understand it, of the original purpose and promise of Congress with reference to the Union Pacific road and its branches: Therefore,

Be it resolved by the Board of Trade of the city of Sioux City, Iowa, That special appeal be made to Congress in behalf of the large business interests involved and the wide extent of growing territory to be benefited to pass this bill.

Resolved, That in the judgment of this board, the report of the Committee on Pacific Railroads, made at the last session of Congress, presents succinctly the cogent reasons why this bill should pass, as follows:

"First. It will give railroad facilities to a territory equal in extent to the States of Indiana and Illinois.

"Second. It furnishes by far the best connection with the Union Pacific to the northwestern system of roads at and above Sioux City. Of these roads the most important are the Chicago, Milwaukee and Saint Paul, the Chicago and Northwestern, the Illinois Central, the Chicago, Saint Paul, Minneapolis and Omaha, aggregating 15,000 miles of railway.

"Third. It shortens the distance to San Francisco from the principal points in the Northwest at least three hundred miles, on the average, so that its construction will directly benefit Northern Illinois, Iowa, Nebraska, Wisconsin, Minnesota, and Southern Dakota."

Resolved, That the unexpected diversion of the so-called Sioux City branch of the Union Pacific road to a line south from Sioux City to within twenty-four miles of Council Bluffs, and thence west to a connection with the Union Pacific at Fremont, in Nebraska, was a virtual nullification of the proposition originally presented, and the same has taken from Sioux City and all Northern Iowa, all of Wisconsin, Minnesota, and Dakota, as well as all of the extent of country immediately west and northwest of Sioux City, the advantages promised in the original proposition for a Sioux City branch of the Union Pacific road.

Resolved, That it is the earnest wish of this body that the bill now pending may be passed by Congress, believing that its provisions involve no more than an act of tardy justice both to the people and the railway interests predicated in an early day upon the building of the Sioux City branch, and can only result in signal advantage to all interests throughout the wide extent of country subject to the influence of the proposed line.

Resolved, That a copy of this preamble and of these resolutions be forwarded to our Representative in Congress, Hon. I. S. STRUBLE, and that he be requested to present and urge the same.

Attest:

JOHN HORNICK,
President Sioux City Board of Trade.
E. W. SKINNER,
Secretary.

Mr. Speaker, these resolutions voice the united sentiments of the citizens of a city in my district, in the growth and prosperity of which the entire district, and I think I may say the entire State of Iowa as well, feels a just pride.

Four years ago—five at most—it possessed a population of 8,000 people; it now has from sixteen to seventeen thousand. Its growth in every respect that marks its progress of permanent prosperity has, during the past four years, been marvelous.

In 1882 and 1883 its people expended over $600,000 each year in improving and building dwellings and business property. In 1884 they expended very nearly $1,000,000 for similar improvements, and the present year, notwithstanding the financial and commercial depression prevailing, promises further satisfactory growth.

Her wholesale establishments, large and small, number nearly twenty, and embrace some heavy and valuable stocks of goods. Manufacturing industries of importance have already gained a permanent foothold and are rapidly extending.

Situated on the Missouri River, about midway between Council Bluffs and the north line of the State, with no competing city for her wholesale trade east, north, or west for a less distance than three hundred miles, and surrounded on all sides by a vast and magnificent agricultural and stock-raising country, she is destined at no distant day to become a financial and commercial center of no little importance. Indeed that time has already come; and gentlemen may be surprised to learn that one of her three prosperous national banks, the Sioux National, in the amount of its paid-up capital and its individual deposits, ranks first in the State. Its paid-up capital is $500,000, being three hundred thousand more than any national bank in the State; and its individual deposits, as shown by the last report of the Comptroller of the Currency, were, at the date reported, $464,743.93, or $2,373.59 more than the next highest deposits in the State. On December 20, 1884, its individual deposits were over $600,000.

Her commercial and general business condition comports favorably with her financial, but her enterprising people, possessing the same commendable spirit of energy and enterprise for which the people of many sections of country are noted, are not content with the financial and commercial success already achieved.

They seek further growth, a larger prosperity, and it need scarcely be said that they are deeply interested in the passage of this bill. And not only so, but it must be apparent to the most casual observer who will for a moment consider the situation that all the sections of the West referred to in the resolutions which I have submitted are, or should be, largely concerned in having opened up more direct and speedy communications with the Pacific than now exist in that part of the West. The railroad connections of the sections referred to in the resolutions are almost perfect. Roads from the south, east, northeast, north, and northwest center there, and fairly adequate facilities exist across the river to the south and somewhat to the west, but the only way open to the Pacific for this vast section of country, except via the Northern Pacific, is south from Sioux City to within about twenty-five miles of Council Bluffs, thence west to a connection with the Union Pacific at Fremont, Nebr.

One more road, and one only, namely, the one contemplated by the original Union Pacific scheme authorized by the acts of Congress incorporating that road and its branches, and in an important sense promised to the people of that city and the sections to which I have referred, is lacking to complete perfect railroad communication to and from Sioux City in all directions and to open to the people of that great Northwest the same direct connection with the Pacific now and for nearly twenty years enjoyed by all other sections of the country included within the contemplation and purpose of Congress in seeking, as it did in 1862 and 1864, by the passage of the acts to which I have referred, the incalculable commercial benefits which have resulted to the sections of the country situated within convenient access to the Union Pacific and its completed branches. In the name and on behalf of the people of Sioux City and the great Northwest to which I have alluded I earnestly implore of this House the passage of this bill.

The railroad facilities on the east side of the Missouri River in that vicinity centering in Sioux City are practically complete, but west of the river are incomplete. The people in that section appreciate the importance of this line of road, which will give them connection with the West. I hope there will be no objection to the bill.

Mr. WASHBURN. Will the gentleman from Kentucky allow me to say a word?

Mr. THOMPSON. Yes, sir.

Mr. WASHBURN. I desire to say with the gentleman from Iowa [Mr. STRUBLE] that the entire section of country in the Northwest is interested in the building of this road. It should have been built under the original legislation, when there was a subsidy granted; but it was not, and the road was diverted down the Missouri River ninety miles without approaching the cut-off that was intended. It is but just to that section of the country, Iowa, Nebraska, Minnesota, and all that region, that this short line of road should be built and all reasonable inducements given to bring about such a desirable result.

The SPEAKER *pro tempore* (Mr. YOUNG). Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER *pro tempore*. The first question is on the amendments.

Mr. THOMPSON. I wish to say that I accept these amendments at the instance of the gentleman from Texas [Mr. REAGAN.] He proposed to strike out the words "State and Territorial laws" and substitute "the laws of Nebraska," because he said that possibly some Territorial Legislature might pass some charter which would contain some provision that was not well guarded. I consented to accept that amendment.

Mr. MAGINNIS. The Territories have no right to grant the charter.

Mr. THOMPSON. I accept the amendment and substitute the words "the laws of Nebraska."

Mr. HOLMAN. I wish to ask the gentleman from Kentucky——

Mr. BROWNE, of Indiana. I make the point of order that the time allowed for debate has expired.

The SPEAKER *pro tempore* [Mr. YOUNG]. The question is on the adoption of the amendments.

The amendments were agreed to.

The SPEAKER *pro tempore*. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. THOMPSON moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

JOHN P. PETERSON.

Mr. HENDERSON, of Illinois. Mr. Speaker, I call up for present consideration the bill (H. R. 6270) for the relief of John P. Peterson.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay to John P. Peterson, late a private of the Capitol police, the sum of $237.60, being the 20 per cent. additional compensation allowed him under joint resolution giving additional compensation to certain employés in the civil service of the Government at Washington, approved February 28, 1867.

Mr. HENDERSON, of Illinois. There is a unanimous report of the Committee on Claims in favor of this bill, and the Supreme Court has decided that this man is entitled to the additional 20 per cent.

Mr. HOLMAN. Let us have the report read.

Mr. HENDERSON, of Illinois. Yes; I intended to have it read.

The Clerk read the report (by Mr. WOOD), as follows:

The Committee on Claims, to which was referred the bill (H. R. 6270) for the relief of John P. Peterson, having considered the same, beg leave to report:

The committee find that said Peterson was on the 30th day of May, A. D. 1866, duly appointed as private on the United States Capitol police, at an annual salary of $1,581, and that he served as such from that day until the 1st day of April, 1867; that Congress passed a joint resolution giving an additional compensation of 20 per cent. on the amount of their salaries, to commence on the 1st day of July, 1866, to certain employés in the civil service of the Government at Washington, of which the said John P. Peterson was one, which said joint resolution was approved by the President February 28, 1867 (see 14 Stats., page 569), and that under said joint resolution the said Peterson is entitled to the sum of $237.60, the same never having been paid to him, as appears from the following letter from Hon. R. M. Reynolds, First Auditor of the Treasury:

TREASURY DEPARTMENT, FIRST AUDITOR'S OFFICE,
January 8, 1881.

SIR: Upon examination of the records of this office I do not find that you were ever paid 20 per cent. additional compensation under the joint resolution of February 28, 1867.

Respectfully,

R. M. REYNOLDS,
First Auditor.

JOHN P. PETERSON, Esq.,
Room 13, *Floor B, Post-Office Department:*

The committee further report that the reason why said Peterson was not paid said additional compensation is, that the right of the members of said Capitol police to said additional compensation under said joint resolution was at first questioned, and for the purpose of determining the same suits were instituted in the Court of Claims, and said Peterson, among other claimants, gave his case into the hands of the attorney who brought such suits, but by some mistake of said attorney his claim was not filed, and said Peterson had no knowledge of the fact until the time had expired in which suits could be filed and until after the appropriations had been covered back into the Treasury.

But your committee find that said suits were finally decided by the Supreme Court of the United States in favor of the claimants, and that said Peterson is justly entitled to the said sum of $237.60, and they therefore report back said bill and recommend the passage of the same.

PETITION.

To the Senate and House of Representatives of the United States in Congress assembled:

The petition of John P. Peterson, of Altona, Knox County, State of Illinois, would respectfully show that on the 30th day of May, 1866, he was appointed on the Capitol police, at an annual salary of $1,581, and continued a member thereof from that time to April 1, 1867, inclusive.

That under a joint resolution giving additional compensation to certain employés of the civil service, at Washington, approved February 28, 1867 (14 Stat., 569), your petitioner was entitled to 20 per cent. additional upon his compensation as aforesaid, commencing with July 1, 1866, or an addition for the nine months from July 1, 1866, to April 1, 1867, of $237.60, no part of which ever was paid to him, although all the other members of the Capitol police force received the extra compensation provided by said joint resolution.

The circumstances which deterred your petitioner from receiving payment of the amount thus due him were as follows: The right of the members of said Capitol police to receive payment under the aforesaid joint resolution was at first questioned; and for the purpose of determining the same suits therefor were brought in the Court of Claims. Your petitioner gave his case to the attorney who brought the aforesaid suits, but by some mistake of said attorney it was never filed; of this fact your petitioner had no knowledge until the time had expired within which suits could be filed, and until after the appropriations had been covered into the Treasury.

The Supreme Court of the United States, in the case of Newman, captain of the Capitol police (reported in 13 Wallace, 568), held that the members of the Capitol police were entitled to be paid under said resolution. This opinion was delivered during the December term, 1871, and your petitioner fully believing that his case had been filed with the others, and that his interests were fully protected, waited until long after said time for payment to be made, when he learned for the first time the omission as aforesaid, when it was too late for him to take action on the case.

Your petitioner therefore humbly prays that the amount due him as aforesaid may be appropriated and the same may be paid by the honorable Secretary of the Treasury; and your petitioner will always pray.

JOHN P. PETERSON.

Subscribed and sworn to before me this 28th day of January, 1881.

[SEAL.] JAMES LAWRENSON,
Notary Public in and for the District of Columbia.

Mr. HENDERSON, of Illinois. Mr. Speaker, I will state further that a bill was passed quite recently giving the 20 per cent. to the Metropolitan police, and the Supreme Court has held that the Capitol police were also entitled to this additional compensation, which Mr. Peterson has never received.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDERSON, of Illinois, moved to reconsider the vote by which the bill was passed; and also moved to lay that motion on the table.

The latter motion was agreed to.

YELLOWSTONE PARK.

Mr. HILL. Mr. Speaker, I call up for present consideration the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park. A few words of explanation may be necessary in reference to this bill.

The SPEAKER *pro tempore*. That will not be in order until after the reading of the bill.

Mr. MAGINNIS. I ask for the reading of the report.

Mr. HILL. I have no objection to the reading of the report.

The Clerk read the report (by Mr. POST, of Wyoming), as follows:

The Committee on Territories, to whom was referred the bill (S. 221) entitled "An act to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park," respectfully report:

That they have given the bill very careful consideration and have unanimously reported it with certain amendments.

The examinations of your committee have disclosed that north of the Yellowstone River there are no objects of public interest which it is desirable to embrace within the limits of the park. It was also very clearly disclosed that the uncertainty of its northern boundary rendered the control of that portion of the park extremely difficult and unsatisfactory. It has been almost impossible to convict persons arrested for depredations there, the ready excuse being that the game killed was not within the limits of the park.

Your committee deems it of great importance in a portion of the park which must necessarily be subjected to a large amount of travel, that its boundary should be so absolutely defined that no such excuses can avail. As it is now, the law is practically inoperative in that portion of the park, through the impossibility of giving it efficient execution for the reason stated.

The northern boundary, recommended by your committee, follows the Yellowstone River and its eastern branch, to a point where the East Fork intersects the meridian of 110° 10′ west longitude, and thence due east to the meridian of 109° 30′ west longitude. The extension of the park upon the east, as proposed in the Senate bill, includes the Hoodoo Mountains and many objects of great public interest, while it does not embrace any territory likely to be encroached upon by settlers, and is therefore peculiarly adapted to an efficient and permanent game preserve.

The bill for like reasons extends the park on the south to the forty-fourth parallel of north latitude.

The changes made by the committee are, first, to make the Yellowstone River and its eastern fork the northern boundary of the park to the meridian of 110° 10′ west longitude, thence due east to the meridian of 109° 10′ west longitude; and, second, to define and fix the judicial jurisdiction in Wyoming Territory, the laws of which are now operative in the park, and which are regarded as amply sufficient.

Your committee concurs in the Senate bill and recommends its passage, the only amendments being the fixing of the northern boundary to follow the Yellowstone River and its East Fork, as defined in the bill, and changing the jurisdiction as expressed in the Senate bill, from Montana to Wyoming Territory, where your committee believes it to properly belong.

Amend the bill as follows:

In line 9, section 1, after the word "point," insert the following: "Where the said forty-fifth parallel touches the Yellowstone River, thence up the north bank of said river to the East Fork of the Yellowstone River, thence up the north bank of said East Fork to a point where it intersects the meridian of one hundred and ten degrees and ten minutes west longitude."

Second. In line 3, section 6, strike out the word "Montana" and insert the word "Wyoming."

Third. In line 6, section 6, strike out the word "Gallatin" and insert the word "Uinta."

Fourth. In line 9, section 6, strike out the word "Gallatin" and insert the word "Uinta."

Fifth. In line 12, section 6, strike out the word "Montana" and insert the word "Wyoming."

In line 18, section 6, strike out the word "Montana" and insert the word "Wyoming."

In line 11, section 7, strike out the word "Montana" and insert the word "Wyoming."

Mr. HILL. Now, Mr. Speaker——

The SPEAKER *pro tempore*. The time for debate in favor of the bill has expired.

Mr. HILL. There has been no debate.

The SPEAKER *pro tempore*. But the time for debate in favor of the bill has expired.

Mr. KEIFER. Mr. Speaker, I desire to say a word in opposition to the bill.

Mr. HILL. I ask unanimous consent of the House to make a statement about two minutes long in reference to this bill.

Mr. BROWNE, of Indiana. Unanimous consent can not be given under the rule.

Mr. BEACH. I object, unless the full five minutes is allowed in opposition to the bill.

Mr. WARNER, of Ohio. Has the time for debate expired?

The SPEAKER *pro tempore*. Five minutes of the time has expired.

Mr. KEIFER. Mr. Speaker, I thought I was recognized.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Ohio, but other gentlemen are asking questions.

Mr. KEIFER. I will yield a moment to the gentleman from Ohio [Mr. HILL], if there is no objection—just one minute.

Mr. HILL. Mr. Speaker, almost the sole object of this bill is to protect the Yellowstone Park.

Mr. BEACH. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BEACH. I understand that the gentleman from Ohio, on my right [Mr. HILL], asked to have two minutes within which to explain the provisions of this bill, and I objected if that time was to be taken out of the time in opposition to the bill——

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. HILL] is now proceeding, not by unanimous consent but in time yielded to him by his colleague [Mr. KEIFER].

Mr. BEACH. Ah! I did not understand.

Mr. HILL. Now, Mr. Speaker, this bill has passed the Senate unanimously on the unanimous report of the Committee on Territories. Two years ago more than eight hundred elk were shot down in the Yellowstone region by people who were not citizens, merely for the sport, and the year before that a party of despoilers from England went into this park and killed four hundred or more. They also used dynamite in the lake for the destruction of the fish, and cut down valuable timber in the park.

[Here the hammer fell.]

Mr. HILL. Is my time out already? It is the shortest minute I ever heard of. [Laughter.]

Mr. KEIFER. Mr. Speaker, it is difficult to comprehend an important matter like this in the short time we have to debate it. I agree with the general purposes of this bill, but I dissent from most of the amendments proposed by the House Committee. One of these amendments proposes to recede to the Territory of Montana a part of the land included in this national park. Now, as a matter of fact, the present northern boundary of the park is within less than five miles of the greatest natural curiosity in all the world—the Mammoth Springs. If you recede the northern portion of the park to Montana you bring the boundary line almost to the very verge of this great natural curiosity. We want to protect it.

I understand also, Mr. Speaker, there are some people who have discovered valuable minerals in the neighborhood of these great springs; and for this reason it is thought we should recede that part of the park to the Territory of Montana. But if we encroach upon the boundaries of this park as originally laid out, carefully and prudently, we are likely to encroach again whenever prospectors or others want to get in at one place or another.

It was my great delight to visit the National Park not a great while ago. I am in favor of extending its boundaries as proposed in this bill, but I am utterly opposed to cutting off a portion of the territory of the park, especially on the north. We could spare some of the land on the east or on the west, because there the boundary does not approach so closely to those important natural curiosities—the geysers. But we can not spare any portion of this park on the north.

Mr. CASSIDY. The mining district to which the gentleman has alluded is entirely outside of the boundaries of the park as existing today.

Mr. KEIFER. I beg the gentleman's pardon. I understand it is right on the boundary.

The SPEAKER *pro tempore*. The time allowed for debate on this bill has expired.

Mr. MAGINNIS. I ask unanimous consent to make a statement.

The SPEAKER *pro tempore*. By the rule under which we are now operating it is not in order for the Chair to entertain the request for unanimous consent.

Mr. BEACH. I rise to a parliamentary inquiry. I desire to know whether there is any time allowed in opposition to this measure?

The SPEAKER *pro tempore*. It has been exhausted by the gentleman from Ohio [Mr. KEIFER].

Mr. BEACH. Then I object to the consideration of the bill.

The SPEAKER *pro tempore*. Are there objections to the present consideration of the bill? [A pause.] Only one gentleman rises to object; and the bill is before the House for consideration. The first question is on the amendments reported by the Committee on Territories. If there be no objection, the question upon these amendments will be taken in gross.

Mr. KEIFER. I object. I ask that the amendments be considered separately.

The first amendment was read, as follows:

In line 9, section 1, after the word "point," insert the following:

"Where the said forty-fifth parallel touches the Yellowstone River, thence up the north bank of said river to the East Fork of the Yellowstone River, thence up the north bank of said East Fork to a point where it intersects the meridian of 110° and 10′ west longitude."

The SPEAKER *pro tempore*. The question is on agreeing to this amendment.

Mr. KEIFER. That amendment ought not to be agreed to.

The question being taken, the amendment was agreed to; there being—ayes 69, noes 17.

The Clerk read the next amendment, as follows:

Second. In line 3, section 6, strike out the word "Montana" and insert the word "Wyoming."

Mr. MAGINNIS. I presume there will be no objection——

The SPEAKER *pro tempore*. No debate is in order.

Mr. MAGINNIS. I rise to make a motion. I move that the question be taken on all the other amendments together. They simply take the jurisdiction away from Montana and give it to Wyoming, where I am perfectly willing it should go.

The SPEAKER *pro tempore*. In the absence of objection the question on the remaining amendments will be taken in gross. The Chair hears no objection.

The remaining amendments were agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATHAN B. CLARK.

Mr. EZRA B. TAYLOR. I call up for consideration the bill (H. R. 6824) authorizing the President of the United States to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired-list of the Navy.

The bill was read, as follows:

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief engineer on the retired list of the Navy, with the highest rate of retired pay of that grade.

Mr. EZRA B. TAYLOR. Mr. Speaker, this bill has been reported to the House by a unanimous vote of the Committee on Naval Affairs. It is an entirely meritorious measure and should encounter no objection. In order to identify the beneficiary in the bill I will say that he is the inventor of deflecting armor, and has been paralyzed for some years by reason of disease incurred in the service.

I propose at the proper time to ask the adoption of a substitute recommended for the bill by the committee, changing the form of the measure but not its substance. I reserve the residue of my time, intending to yield it to the gentleman from Pennsylvania [Mr. CURTIN] who introduced this bill.

The SPEAKER *pro tempore* (Mr. BLACKBURN). So far as the Chair is aware, no gentleman rises to claim the time in opposition to the bill.

Mr. WARNER, of Ohio. Has the report been read?

The SPEAKER *pro tempore*. It has not.

Mr. WARNER, of Ohio. I think it should be read.

The SPEAKER *pro tempore*. The report will be read in the time allowed for opposition to the bill.

The report (by Mr. GOFF) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (H. R. 6824) authorizing the President to appoint Passed Assistant Engineer Nathan B. Clark, United States Navy, a chief-engineer on the retired-list of the Navy, respectfully report as follows:

This officer entered the service May 13, 1861, and was placed on the retired-list October 16, 1868, on account of chronic rheumatism, contracted from exposure in the line of duty. During the war he was continuously at sea, with the exception of six weeks' leave of absence granted by Admiral Farragut in 1864, while the vessel to which he was attached was undergoing repairs. He is credited on the Register with five years and eight months' sea-service.

Since his retirement his physical disability has gradually grown worse, and for some years past he has been entirely unable to walk, or even move himself, and it has therefore been necessary to have the services of an able-bodied male attendant, which is an onerous tax on the pay allowed a retired passed assistant engineer, which is the same for a slight disability as for that of the gravest character. While the slightly disabled officer can supplement his retired pay by engaging in other pursuits, the one totally disabled is deprived of that privilege, and is handicapped by the maintenance of personal attendants and other expenses in order to live.

Prior to his retirement he had rendered all the sea-service required by law for promotion, with the exception of two months and eighteen days, and if on the active-list he would have reached the grade of chief-engineer years since. He was appointed to his present grade January 1, 1865. He participated in many of the most important naval engagements of the late war.

The committee are of opinion the bill should pass.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill?

Mr. BENNETT. I object.

The SPEAKER *pro tempore*. Those who are in favor of sustaining the objection will rise. [After a pause.] Only two members have risen, which is not a sufficient number; and the bill is before the House for present consideration.

Mr. EZRA B. TAYLOR. I offer the following as a substitute for the pending bill.

The Clerk read as follows:

A bill authorizing the President of the United States to appoint one passed assistant engineer now on the retired-list of the Navy a chief-engineer on the retired-list of the Navy.

Be it enacted, &c., That the President of the United States be, and is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint one passed assistant engineer on the retired-list of the Navy a chief-engineer on the retired-list of the Navy, with the highest retired pay of that grade.

Mr. CURTIN. How do you know he will be appointed?

Mr. TALBOTT. That is all right.

The substitute was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. EZRA B. TAYLOR moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. By unanimous consent the title of the bill will be amended to correspond with the substitute which was adopted.

There was no objection, and it was ordered accordingly.

PUBLIC BUILDING, ABERDEEN, MISS.

Mr. MULDROW. I call up for consideration the bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause to be erected a suitable fire-proof building at Aberdeen, in the State of Mississippi, for the accommodation of the United States district court, post-office, internal-revenue officials, and for other Government purposes; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $100,000, to be expended under the direction of the Secretary of the Treasury in the purchase of a site and the erection of a suitable building, for which he shall cause proper plans and estimates to be made, so that no expenditure shall be made or authorized for the purchase of said site and the completion of said building exceeding the sum of $100,000: *Provided*, That no part of the said sum of $100,000 shall be used until the State of Mississippi shall release and relinquish to the United States the right to tax or in any way assess said site, and the property of the United States that may be thereon, during the time that the United States shall be the owner thereof.

The SPEAKER *pro tempore*. This bill is reported from the committee with the amendment to strike out "$100,000" and insert "$75,000."

Mr. MULDROW. The report of the committee is short, and I ask it be read.

The Clerk read as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 870) providing for the erection of a public Federal building in the city of Aberdeen, Miss., for the use of the United States district court, post-office, and other public services of the Government, make the following report:

The committee have given the matter careful consideration, and find that the city of Aberdeen is a place of great commercial importance and rapid growth, having nearly doubled its population since 1880, and erected nearly two hundred new houses in the last eighteen months. Its location near the head of navigation on the Tombigbee River gives it a controlling influence in the trade of that valley, while its position at the terminus of a branch of the Mobile and Ohio Railroad, and it being the present terminus of the Canton, Aberdeen and Nashville Railroad, just being completed, which will give it direct connection with New Orleans, and the probable completion of the Memphis, Selma and Brunswick road, upon which it is a charter point, impress your committee with the fact that it is likely in the near future to be a city of leading importance and population.

Your committee are convinced, however, that in considering the question of erecting such a building as the bill calls for at Aberdeen, for the accommodation of the Federal court, the population of the town itself is of secondary consideration. The court and court-house are for the accommodation of the district, and this jurisdiction, to wit, the eastern division of the northern district of Mississippi, embraces the great "prairie belt" of that State, including sixteen of the most prosperous counties of the State, with an aggregate population of about 300,000 people, and including the flourishing commercial towns of Tupelo, Corinth, Okolona, West Point, Columbus, Starkville, Macon, Baldwin, Verona, &c., in addition to Aberdeen.

That the population, wealth, enterprise, and all that goes toward creating business for the courts of the United States, is increasing, and there are many evidences that this immediate section is fully abreast in all things progressive with other portions of the Union.

While the population of the city proper does not probably at the present time exceed 5,000, the population of the supervisor's district, of which it is the center, is over 13,000, and it may be fairly estimated that Aberdeen is the post-office for a population of fully 15,000 people; the market town for fully 50,000, and the seat of the Federal court, to which 300,000 people must bring their grievances.

The Federal court business at Aberdeen is about two-thirds of the business of the northern district of Mississippi, and is constantly increasing. There is no building at present suitable for holding the court that can be obtained, the court now being held over dry-goods stores and law offices, without vaults or other places of safety for the keeping of the records, and where they are constantly exposed to the danger of fire. Your committee believe that the interests of the people of this large and populous region of Mississippi require the construction of the building contemplated by this bill, that it is necessary for the post-office and Federal court purposes, and therefore recommend the passage of the bill with an amendment making the amount $75,000.

Mr. MULDROW. I will say briefly, Mr. Speaker, that the Committee on Public Buildings and Grounds have recommended by their amendment an appropriation of $75,000 for this building. The court there is now held over an old store, where the records are in constant danger of destruction. There is neither conveniences for the court nor its officers.

Mr. HORR. What does the last census show to be the population of Aberdeen?

Mr. MULDROW. About 3,000. The population has nearly doubled since that time, Aberdeen being now the terminus of a railroad, and nearly two hundred new houses were put up in that town last year.

The SPEAKER *pro tempore*. The time for debate in favor of the motion has expired.

Mr. HORR. It does seem to me, Mr. Speaker, that it is just such a building as the one named in this bill which brings into disrepute the passing of this kind of laws. The gentleman himself admits it is a place of only 3,000 inhabitants.

Mr. MULDROW. Five thousand.

Mr. HORR. The report of the last census he says was 3,000; 5,000 is imaginary.

Mr. MONEY. Allow me to say that is the population within the corporate limits; there are two or three times as many there in and out of the corporate limits.

Mr. HORR. The report itself shows that town is of so little significance there is not a hall in it, or a place they can get to hold a United States court, except over some dry-goods store, showing this, that there are in the United States at a small estimate 50,000 villages larger than this one. And if you give this place a building we should extend the system without limit.

The SPEAKER *pro tempore*. Two minutes remain in opposition, but the hour under the rule has expired.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (H. R. 5479) to prevent unlawful occupancy of the public lands; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Messrs. HART and ANDERSON, for this day, on account of sickness.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I move to dispense with all private business for to-day.

Mr. MCMILLIN. Heretofore I have been in the habit of insisting on private business on Friday, but realizing the importance of getting appropriation bills out of the way and into the Senate, I shall not do so to-day.

Mr. BAGLEY. I hope we will not dispense with the morning hour, but let committees report back the Senate bills.

The SPEAKER *pro tempore*. Nothing but bills of a private nature could be reported.

Mr. BAGLEY. It would not take over fifteen minutes.

Mr. MATSON. Is the effect of the motion to do away with the evening session for pension cases?

The SPEAKER *pro tempore*. It does not affect that.

Mr. CANNON. Let the Pension Committee report back the Senate amendments. I ask that be done by unanimous consent.

The SPEAKER *pro tempore*. Under the new rule the Speaker can not ask for unanimous consent. The question recurs on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that all private business be dispensed with to-day.

The House divided; and there were—ayes 117, noes 20.

So (two-thirds having voted in the affirmative) the motion was agreed to.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, and pending that motion I yield to the gentleman from Alabama [Mr. FORNEY], who desires to submit a motion.

ARMY APPROPRIATION BILL.

On motion of Mr. FORNEY, the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1866, and for other purposes, with Senate amendments thereto, was taken from the Speaker's table, ordered to be printed with the Senate amendments, and referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. PERKINS. Pending the motion of the gentleman from Illinois I ask that unanimous consent be given to the Committees on Pensions and Invalid Pensions to report pension bills to the House for action under the special order of Friday evenings.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Kansas that under the rule he is not permitted to entertain requests for unanimous consent, but the Chair thinks that it is the province of the committees to make such reports.

Mr. PERKINS. To report them to the House for consideration?

The SPEAKER *pro tempore*. The language of the rule is, "the consideration of bills reported from the Committee on Pensions and the Committee on Invalid Pensions."

Mr. PERKINS. My request is that the committees at the evening session be permitted to make these reports.

The SPEAKER *pro tempore*. The Chair thinks that can be done under the rule.

Mr. TOWNSHEND. I yield to the gentleman from Kentucky [Mr. WILLIS] to submit a motion.

Mr. WILLIS. I move that at 10 o'clock to-night the House take a recess until 10 o'clock to-morrow morning.

The question was taken; and on a division there were—ayes 135, noes 1.

Mr. WHITE, of Kentucky. No quorum. I understand this is a proposition to take a recess to-night.

Mr. WILLIS. I object to debate and demand the regular order.

Mr. WHITE, of Kentucky. I desire to have the Chair state exactly what the pending motion is.

The SPEAKER *pro tempore*. The Chair has stated the motion of the

gentleman from Kentucky upon which the House is now dividing, but will again state that it is proposed at 10 o'clock this evening that the House shall take a further recess until 10 o'clock to-morrow morning, upon which question the vote has just been announced and the point is made that no quorum has voted.

Does the gentleman from Kentucky insist upon the point of order?

Mr. WHITE, of Kentucky. I do insist upon it. I think that there should be a quorum present if gentlemen on that side of the House——

Mr. WILLIS. I object to debate, and call the gentleman to order.

The SPEAKER *pro tempore*. Debate is not in order.

The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. WHITE, of Kentucky, and Mr. BRECKINRIDGE were appointed tellers.

The House again divided; and the tellers reported—ayes 164.

Mr. WHITE, of Kentucky. I make no further demand for a count and withdraw the call.

So (no further count being demanded) the motion was agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TALBOTT, on and after Monday next.

To Mr. GOFF, for three days, on account of important business.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Illinois that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of proceeding with the consideration of general appropriation bills.

The motion was agreed to.

POST-OFFICE APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House for the further consideration of the Post-Office appropriation bill.

At the close of the last session of the House the pending question was on the point of order made by the gentleman from Indiana to the clause of the bill which had been read.

Mr. HOLMAN. I desire to submit a single remark in further support of the point of order. I wish to call the attention of the Chair to the language of section 4011 of the Revised Statutes, which I ask the Clerk to read.

The Clerk read as follows:

Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress.

Mr. HOLMAN. Mr. Chairman, that the pending proposition changes existing law is manifest; and my main object in seeking the ear of the Chair further is to call attention to what I conceive to be the clear misinterpretation of this section 4009, to which the attention of the Chair was called at an early moment in this discussion.

The CHAIRMAN. The Chair will take the liberty of interrupting the gentleman to suggest that if he desires to close the debate upon the point of order the Chair is informed that a gentleman on the other side wishes to be heard.

Mr. HOLMAN. I desire to close the debate.

The CHAIRMAN. One other gentleman desires to speak upon the other side before the argument is closed.

Mr. HOLMAN. I shall be glad to hear from him before proceeding with my remarks.

Mr. BROADHEAD. Mr. Chairman, I feel some diffidence in undertaking to discuss a question arising under the rules of the House; but this is a question of law. The rules governing the business of this House are laws which are to be interpreted, as I understand it, just as other laws are interpreted.

The question raised here is that the provision of the bill under consideration undertakes to change existing law, and the first section which it is claimed to change is the section 3976; the next is 4007 and 4009.

Now, as a preliminary proposition, I wish to state that there can be no change in existing law until the law itself effecting the change becomes operative. It is admitted on all hands that section 3976 is repealed by the Dingley bill, so called, which goes into operation on the 1st day of April next. The Dingley bill is in conflict with existing law and repeals as soon as it goes into effect that section 3976. Let me ask the gentleman how can any law change existing law until it becomes operative? The law under consideration does not become operative until the 1st day of July next.

Suppose that in this very provision which is under consideration it were declared that on and after the 1st of July next this provision of the bill shall become operative, would it then be in conflict with existing laws? Why, sir, certainly not.

I will give you an illustration which I think is pertinent to the question under consideration. By the constitution of my State it is provided that laws passed by the General Assembly shall not go into operation until ninety days after their passage, unless there is a clause inserted in the bill itself declaring that, because of an emergency and declaring what that emergency is, the law shall go into effect immediately on its approval by the governor. But suppose there is no emergency clause; a bill passes the Legislature, say, to-day; by the provisions of that bill it repeals an existing law. But by the provisions of the constitution it does not go into effect until ninety days after its passage. The supreme court of Missouri have decided that question. They have decided that although the law passed to-day, by the terms of its provisions, by the letter of the law, repealed an existing law, yet it has no effect upon the existing law until it becomes operative in itself, to wit, ninety days after its passage.

Now I think that is a case in point. It is no law at all; it has no effect as a law until it becomes operative; and by the terms of the law itself under consideration it does not become operative until the 1st day of July next, when in the mean time section 3976 of the Revised Statutes has been repealed by the provisions of the Dingley law. So it has not the effect of repealing any existing law. But I can not add anything to the close argument presented by the gentleman from Maryland [Mr. FINDLAY] and by the gentleman from Alabama [Mr. OATES] on that point.

The next point under consideration is whether the provision is in conflict with the provisions of sections 4007 and 4009 of the Revised Statutes. Now, let us look at these statutes; and here is really the only question—I will not say the only question worthy of consideration, but I say it is the only question that suggests itself to my mind as to whether there can be any doubt whatever upon the question whether this does change existing law. That section, 4007, provides as follows:

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

There is an absolute authority unlimited but by the provisions of section 4009. There is a limitation there, and what is that limitation? It is this:

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

Now, if the words "on the mail so transported" referred to the first clause of the section as well as the second the point is well taken. But on a fair construction of that section can any one say the latter part of the section refers to the first clause; that is, to the transportation of mails on United States steamships? That first clause is a provision substantive and independent, standing by itself. It says:

For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage.

That fixes the limit within which the Postmaster-General may make this contract; and, according to its terms, it includes in its aggregate all the sea and inland postage, according to the provisions of this section of the bill; all, not simply the mail that may be transported on the vessel, as is the case in reference to foreign vessels, but all the sea and United States inland postage. There is there a semicolon separating that portion of the section from the balance. The last clause is:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported.

What mail "so transported?" Why, sir, the mail so transported on a foreign steamship. The clause is entirely separate and distinct from the first clause which governs and controls and limits the Postmaster-General in regard to making contracts for transportation of mails on United States steamships. The last clause limits the power given to the Postmaster-General over the mail transportation upon a foreign steamship. The first has no limit except the whole amount of inland and sea postage; and the last is limited to the amount of mail so transported upon the vessel.

I defy any gentleman to place a different construction upon that section other than the one I have placed upon it. The first clause refers to transportation of the mail upon American vessels, the second to transportation upon foreign vessels. The first limits the Postmaster-General and the contracts within the whole amount of sea and United States inland postage; the second to the amount of postage on the foreign vessels on which that mail is transported.

These are the two questions, as I understand them, that are presented for our consideration, and it is simply a question of the construction of that provision of the rules which says that we shall not in an appropriation bill change existing law. I say there is no change of existing law made by this provision under the interpretation of the existing law that I have stated here.

Mr. HOLMAN. Mr. Chairman, although I think the argument submitted by the gentleman from Georgia [Mr. HAMMOND] was very conclusive, and one that has not yet been met—that, for the purposes of the rule of the House, section 3936 of the Revised Statutes is still in

force, is existing law, and is affected by this provision, yet, notwithstanding the cogency of that argument, for myself I prefer resting this question upon section 4009, which the gentleman from Missouri [Mr. BROADHEAD] has just discussed; and I feel confident that, after reading that section more carefully, my friend would not submit the argument he has made here either to the Chair or to a court of justice. I am absolutely certain he would not. I am perfectly willing that the interpretation of that section shall control this question of order.

Mr. Chairman, in interpreting a statute the mere punctuation is of no moment, as my friend from Missouri [Mr. BROADHEAD] is aware; but see the absurdity (if my friend will excuse me for using that term) of the conclusion which would inevitably be reached if his interpretation is correct. If a contract is made with a United States steamship it may extend to any sum not exceeding the sea and United States inland postage. The gentleman from Missouri [Mr. BROADHEAD] says that means all the United States inland and all the sea postage—all. That is the force of my friend's position. Now see the absurdity of the hasty reading of the statute that my friend has indulged in.

The next provision is:

And if by a foreign steamship or by a sailing vessel, any sum not exceeding the sea postage—

That is to say, interpreting the statute as my friend does, that under this section all the inland postage, as well as the sea postage, may be paid to an American steam vessel, while at the same time the same section provides that the sea postage on the mail matter transported by a foreign vessel may be paid to that vessel. How is that possible?

The whole of both the inland and the sea postage may be paid by the Postmaster-General to one class of vessels, American steam vessels; but at the same time, under the same section of the statute, a portion of that money, namely, the sea postage on the mail matter transported, may be paid to another class of vessels. I trust the absurdity of the proposition is sufficiently manifest.

Now, what is the fair reading of that provision of law? It is that for transporting the mails between the United States and foreign countries the Postmaster-General may allow to United States steamships, if the mails are transported by them, any sum not exceeding the sea and the United States inland postage, and if by a foreign steamship, or by a sailing vessel, any sum not exceeding the sea postage on the mail so transported. Further, let my friend [Mr. BROADHEAD] note that under his interpretation of this statute the Postmaster-General is authorized to pay to a single solitary steamship the entire inland and sea postage.

Mr. BROADHEAD. The gentleman misunderstood me. I understand that section 4009 to be a limitation upon the power of the Postmaster-General in making contracts; that is all.

Mr. HOLMAN. Certainly it is a limitation, but it does not limit him so as to recognize his power to apply the entire inland and sea postage to the payment of a single ship, and yet at the same time provide for the application of a portion of the same money—the sea postage—to a foreign vessel to the extent of its transportation of the mails. Why, the proposition is utterly untenable.

But, Mr. Chairman, there is another consideration which should influence us in interpreting this statute, and I ask the attention of the gentleman from Missouri [Mr. BROADHEAD] to it. This statute has been in force for fourteen years, and yet it has never received the interpretation which the gentleman from Missouri now seeks to attach to it. It never has been so interpreted; but, on the other hand, it has been interpreted according to the manifest intent and force of the language, and has been held to mean that the contract of the Postmaster-General with an American steamship company might be for the entire inland and sea postage on the mail matter transported, and with a foreign vessel for the sea postage on the mail matter so transported.

The section has received no other interpretation from the time of its enactment till last night, when a gentleman who disclaimed being a lawyer suggested a contrary construction. Up to that time the interpretation for which I contend had never been doubted—that the Postmaster-General is authorized to contract with American steam vessels for the inland as well as the sea postage on the mail matter transported, and with a foreign vessel for the sea postage only on the mail matter transported. That interpretation makes both provisions in harmony, and carries out what has been the policy of the Government—to pay on the basis of service, as our Government has always paid except in three instances when subsidies were given.

Now, Mr. Chairman, one step further. Take section 4011 of the Revised Statutes——

Mr. HISCOCK. Will the gentleman allow me a single suggestion? Admitting that he is right as to the construction of this section, that it means the specific vessel shall receive the inland and sea postage upon the mail matter carried; admitting that in every case this rule applies under the existing law, is not the provision reported by the Committee on Appropriations a limitation on the power of expenditure?

Mr. HOLMAN. I shall have occasion to look at that question in a moment. Section 4011 is in the following words:

Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress.

What is the language of the pending bill?

The contract for said service shall be entered into by the Postmaster-General—

The language is imperative—

only after legal advertisement, with the lowest responsible bidder, for a term not exceeding four years.

Will gentlemen say that there is no direct and immediate repeal of the existing statute? The present law leaves the contract open to annulment either by the Postmaster-General or by Congress; the provision of this bill makes the contract a positive and subsisting contract for the period of four years.

In conclusion—for I do not wish to occupy time unnecessarily—I submit that the following changes are wrought in the existing law by the provision of this bill:

The present law fixes the compensation on the basis of the actual postal service rendered; the proposed bill pays a sum of money for the ship in transit to and from our shores and pays a definite sum per mile whether the ship carries a mail-bag or not.

The provision of the present bill changes the terms of the existing law by withholding from the Postmaster-General and from Congress the power to annul the contract, making the contract a definite, specific contract, unannullable for the period of four years.

At the same time this bill increases the amount of appropriation from the appropriation for the present year ($425,000) to $970,000, being an increase to the extent of $545,000 over the appropriation for the present year or for any preceding year. Yet it is said that the provision of the bill operates by way of limitation!

Mr. BAYNE. I would like to ask the gentleman a question, as he has examined this matter very fully. Can he find in the existing law anything authorizing the subsidizing of steamship lines?

Mr. HOLMAN. Nothing whatever. I was trying to present that point.

Mr. BAYNE. And is not this a subsidy to steamship lines?

Mr. HOLMAN. I was endeavoring to show that all our legislation now in force provides for the transportation of mails, whether foreign or inland, according to the mail matter; and this especially applies to the transportation of every foreign mail, whether by foreign or American vessels. Yet this bill proposes to pay, not on the basis of service, but on the basis of so much per mile traveled by the vessel, whether the vessel transports a mail or not. In other words, the present law rests on the basis of service rendered; the proposed law rests on the basis of an arbitrary subsidy—just that, nothing else and nothing more. In this respect there is a vital change in the principle upon which our laws now rest.

Mr. ELLIS. Will the gentleman from Indiana state how this is any more a "subsidy" than the compensation we pay to coastwise steamers, which now receive 10 cents more per mile than this bill proposes to pay to ocean steamers?

Mr. HOLMAN. There is no comparison between our inland mail service——

Mr. ELLIS. The gentleman from Indiana, adopting the suggestion of the gentleman from Pennsylvania [Mr. BAYNE], calls this a "subsidy." I want either of these gentlemen to explain in what respect it is any more a "subsidy" than the compensation now paid to coastwise steamers, or the compensation paid upon star routes, or the compensation to steamboats or railroads for carrying the mails.

Mr. HOLMAN. It is a subsidy, for the reason that it does not rest on the basis of the service rendered, but on the arbitrary principle of paying a given sum without reference to the extent and character of the service. I believe I have presented all the points I desired to present, and I will only further call the attention of the Chair to the fact that there is an increase of appropriation over former years of $545,000.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] makes the point of order on the pending paragraph of the bill to the effect that it changes existing law and does not retrench expenditure. The gentleman from Kentucky [Mr. THOMPSON] made the further point that if there were any provisions in this paragraph which were obnoxious to the rule, that then the whole paragraph should be ruled out. In reference to that matter the Chair desires to state the authority submitted to support that view was the ruling of a previous occupant of the chair on an amendment to some pending measure. But this is the text of the bill, and it would not be contended by any gentleman if there was one clause of a bill obnoxious to the rule the Chair should therefore rule out the whole bill. The Chair would only regard such substantive clause as obnoxious to the rule as might be brought under its provisions.

The first question to be considered on this point of order is whether the pending bill changes existing law. The argument made by the honorable gentleman from Georgia [Mr. HAMMOND] is that if section 3976 of the Revised Statutes is existing law there would be no difficulty in deciding this point. But the Chair is of the opinion, as this legislation does not take effect by its very terms until July next, that all questions as to what is existing law must be determined with reference to that time. And it appears by section 23 of what is known as the Dingley bill that that section of the Revised Statutes has been repealed to take effect on the 1st day of April next. This legislation

therefore must be considered in reference to the condition of the law at the time this is to take effect.

Now, so far as this matter is concerned, the Chair will hold the existing law is the Dingley bill, and sections 4007, 4008, 4009, and 4011 of the Revised Statutes. That is, we must consider the question whether it changes existing law by comparing the pending bill with reference to the sections of the Revised Statutes which have been indicated.

Section 4007 gives an unlimited power on the part of the Postmaster-General to make contracts for carrying the mails at any price he may agree upon. Section 4009 imposes a limitation upon that power. Section 4011 contains a reservation that Congress may at any time terminate these contracts. Such a provision, if the Chair is not mistaken, applies to all leases for buildings used for post-office purposes, the Government generally reserving the right to terminate such leases at its pleasure. The Chair does not think this section is repealed or modified in any way by the pending bill; that it will be in existence if this bill is enacted into law; that all contracts made will be subject to the provisions of section 4011, which gives the Government the right to terminate these leases at any time.

That leaves only section 4009 as affected by the point of order. Prior to the passage of the Dingley bill section 4009 was modified to the effect that the payment of postage on American vessels was limited to 2 cents for each letter carried. That is the language of section 3976, which was repealed. While that was the law all American vessels were limited to 2 cents on each letter actually carried, and appropriations were made only with reference to that fact.

It does not follow, therefore, the expenses of the current year or of the past year are any criterion of what it may cost to carry the mail under the law after the 1st day of April next. The law which limited the compensation to be paid to American vessels was repealed by the twenty-third section of the Dingley bill. If Congress intended what it actually did it struck out the provision of law which limited the payment of American vessels to 2 cents a letter for letters actually carried, and left only as a substantive proposition the first paragraph of section 4009 standing, that the Postmaster-General may allow as compensation any sums not exceeding the sea and United States inland postage. What that sum is can only be determined by reference to the reports of the Postmaster-General as to the amount of sea and inland postage. And it is given here not only for the purpose of determining the amount to be appropriated, but to determine the maximum to be contracted for for that purpose. Hence the argument of the gentleman from Indiana that there would be inconsistency in appropriating the whole amount at one place and only a portion in another is not well taken, from the fact that neither of the sums is appropriated by section 4009, but are merely given as a basis upon which contracts may be made.

The Chair is therefore of the opinion under section 4009 that there is no limitation on the power of the Postmaster-General in granting compensation for carrying the mails on American ships except it does not exceed the sea and inland postage. But there is a limitation upon foreign steamships to sea postage upon the mail so transported, and that this limitation is not upon the other clause of the bill, and that that was expressly repealed by the repealing section 23 of the Dingley bill.

The Chair is, therefore, of opinion that we are to consider this pending bill with a view to that construction of this section; and it therefore appears to the Chair that the provisions to which the gentleman has called attention in this section, that the payment is to be made by actual trips, is simply a limitation on the law as it exists, and the appropriation in the bill of $600,000 of the net revenues of the Postal Department is a limitation upon the Postmaster-General as to the amount to be expended and placed at his disposal for this purpose, which the Chair regards as a limitation of his power and not an enlargement of it; and so also in regard to the number of trips, which so far as it changes existing law is a limitation of his power and to that extent retrenches expenditures.

The provisions in the two last provisos may be subject to the point of order the gentleman from Kentucky [Mr. THOMPSON] has suggested, and if insisted upon when the committee has finally disposed of this question the Chair would be compelled to hold the point well taken. In making this ruling the Chair has decided it purely as a legal question and as a legal construction of the rule and the statutes combined, and will not feel at all sensitive as to the action of the committee should an appeal be taken.

Mr. THOMPSON. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. THOMPSON. There was so much confusion in the Hall that I could not hear the decision of the Chair upon the two last provisions of this clause.

The CHAIRMAN. The Chair stated that it was possible, after a careful reading of the provisions, that the provisos beginning with line 243 down to and including line 252 were subject to the point of order, and if the gentleman insisted upon it the Chair would so hold.

Mr. HOLMAN. I believe the Chair holds the effect of the provision is either to change or repeal section 4009. Therefore, there is some law repealed, because by the very terms of the amendment it repeals all laws in conflict therewith. The Chair, however, did not mention in what manner this clause reduces expenditures.

The CHAIRMAN. The Chair stated that in so far as this limited the power of the Postmaster-General to contract for the service upon American ships to the amount of the sea and inland postage it was a limitation on his power, and to that extent operated as a retrenchment of expenditures.

Mr. HOLMAN. Mr. Chairman, this question is of so vital importance to the country that I shall most respectfully appeal from the decision of the Chair.

The CHAIRMAN. The appeal is upon the decision of the Chair holding this section to be in order under the rule.

Mr. HOLMAN. Upon the ruling of the Chair that this provision does not repeal existing law and that it does retrench expenditures.

Mr. THOMPSON. Mr. Chairman, the point of order I made upon this measure I regard to be of so much importance that I respectfully also appeal from the decision of the Chair.

The CHAIRMAN. The Chair will entertain the first appeal, that of the gentleman from Indiana; afterward the gentleman from Kentucky will be heard.

Mr. THOMPSON. I understand that I must make the appeal immediately, for if any intervening business is permitted I shall be deprived of the privilege.

The CHAIRMAN. The gentleman from Indiana has the right to take an appeal.

Mr. HOLMAN. I take an appeal from the decision of the Chair in its entirety.

The CHAIRMAN. The Chair recognizes the gentleman from Indiana for that purpose.

The question is, Shall the decision of the Chair stand as the judgment of the committee. The Chair desires to ask that tellers may be appointed upon the appeal. If there be no objection the Chair will appoint tellers.

Mr. TUCKER. It is entirely unnecessary; and I object to the appointment of tellers.

The CHAIRMAN. Objection being made, the question will be taken on a division.

The committee divided; and there were—ayes 104, noes 37.

Mr. HAMMOND. Tellers.

Mr. HOLMAN. No quorum has voted.

The CHAIRMAN. The point of order being made that no quorum has voted, the Chair will order tellers.

Mr. HOLMAN. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOLMAN. May not a motion be in order upon this question to order that the committee rise with a view of testing the sense of the House on the question of order raised?

The CHAIRMAN. That could only be done now by unanimous consent, as the committee is dividing.

Mr. ELLIS. I object, and demand the regular order.

The CHAIRMAN. The Chair will appoint tellers.

Mr. HOLMAN and Mr. WASHBURN were appointed tellers.

The committee again divided; and the tellers reported—ayes 130, noes 45.

So the decision of the Chair was sustained.

Mr. HOLMAN. Mr. Chairman, I move to strike out the pending paragraph.

Mr. HISCOCK. I desire to make an inquiry. Do I understand that the Chair has ruled out already a certain portion of the paragraph?

The CHAIRMAN. The two provisos at the end of the clause, beginning with line 243, down to and including line 252.

Mr. THOMPSON. Mr. Chairman, I desire to take an appeal from the decision of the Chair upon the point of order I made.

The CHAIRMAN. The gentleman from Indiana appealed from the decision of the Chair upon the whole question submitted, which embraced the point of order of the gentleman from Kentucky. That having been decided, the Chair does not think a further appeal would now be in order.

Mr. THOMPSON. As I understand it the gentleman from Indiana appealed from the decision of the Chair upon the point of order.

The CHAIRMAN. The gentleman from Indiana stated he appealed from the whole ruling of the Chair.

Mr. HUNT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HUNT. Did not the gentleman from Indiana say distinctly that he appealed from the ruling in its entirety? And was not the question so put and voted on?

The CHAIRMAN. The Chair has so stated.

Mr. CANNON. I understand the two provisos, from line 243 to the end of the paragraph, are out on the point of order.

The CHAIRMAN. The Chair so stated at the time.

Mr. WASHBURN. That was not the understanding of it generally, I think.

The CHAIRMAN. The Chair stated those two provisos were substantive propositions which stood alone, and that the fact that a particular clause in a paragraph was obnoxious to the rule did not make all of the paragraph obnoxious to it; and that the Chair was only authorized to rule out such parts of the bill as were obnoxious to the rule.

Mr. HORR. It was not understood here, and it was not understood when we voted, that that was the fact.

The CHAIRMAN. The Chair stated it distinctly. The gentleman from Indiana moves to strike out the paragraph. Is the committee ready for the question?

Mr. HOLMAN. Mr. Chairman, it may be suggested that as the Dingley act repeals section 3976 of the Revised Statutes requiring American vessels to carry foreign mails at a specific rate, some provision should be made to secure the transportation of foreign mails by American vessels. I do not enter into the apprehension of gentlemen that the repeal of that section will produce any possible embarrassment to the foreign mail service. It will produce none whatever. The mails will be carried as heretofore if no additional legislation is provided—just as they have been carried for years past. While section 4009 of the Revised Statutes remains in force, as it will remain in force, no embarrassment whatever can occur to the postal service. Under that provision the Postmaster-General may contract with the American steam vessel for the transportation of mails, paying them both the inland and sea postage on the mails transported, and to foreign steamships the amount of the sea postage on the mails transported, just as is now done and has been done for many years past. Under that law under which the great body of foreign mails have been carried for years there will be no embarrassment whatever. All of the transatlantic mails are now carried under that law, and I trust no gentleman will vote in favor of the subsidy proposition now pending on the theory that otherwise some embarrassment will accrue to our foreign postal service.

There was never an imperative necessity for section 3976, the section repealed by the Dingley act. It was only enacted because certain lines of American steam vessels twenty years ago refused to carry the mails for the United States inland and sea postage and sought to compel the Government to pay exorbitant rates on the mails transported; and inasmuch as these vessels—American vessels—were deriving great benefits from their exclusive right to the coastwise trade, and that trade was always open to them and to them exclusively, it was not then regarded a hardship to require them when they sailed to foreign ports to carry the mails at reasonable rates, and the then sea postage, 2 cents on each letter, was regarded by the Postmaster-General and by Congress as a reasonable rate; hence that law of 1864 was enacted.

Mr. ELLIS. The coastwise vessels never were under the operation of the compulsory postal law.

Mr. HOLMAN. Of course section 3976 did not apply to the coastwise trade. My friend misapprehends. The American vessels having the exclusive right to engage in the coastwise trade, a right of immense benefit to them, it was not thought to be an unreasonable burden when they engaged in the foreign trade, with the right always to re-enter the coastwise trade, that they should be required to transport the United States mails at a reasonable rate. The right to engage at all times in either the foreign or the coastwise trade of the United States, which our laws secure to our ships exclusively, of course adds very greatly to the value of the American ship.

Mr. DINGLEY. But this does not apply to vessels in the coastwise trade.

Mr. HOLMAN. I am surely very unfortunate in this failure to express my views. I stated that in 1864 this duty to carry the American mails at reasonable rates was imposed on American ships because of the extraordinary advantages conferred on them by our laws. If they went to a foreign port they were required to carry the mail as I have mentioned, but they had the valuable right, an exclusive right, to enter at any time the coastwise trade. While we gave them the exclusive control of the coastwise trade, adding greatly to their value, there was no reason why they should not bear reasonable public burdens, or at least be subject to reasonable regulations, for the public benefit. And besides that, twenty years ago it was not deemed a great hardship by the Republican leaders in Congress that vessels enjoying the monopoly of the coastwise trade whenever they wished to enter it should be required to carry the mails and take all the postage.

Mr. HUNT. Was not the postage very high then?

Mr. HOLMAN. The sea postage was then 2 cents on each letter. That was supposed to be a reasonable rate, and is still.

But now, Mr. Chairman, to avoid the possibility of its being said we have left the postal service embarrassed, I propose that we shall revive section 3976 of the Revised Statutes and keep it in force for one year, and in the mean time, if the slightest embarrassment shall arise, some course may be adopted to relieve the foreign mail service from such embarrassment without resorting to the fatal expedient of a subsidy, and for that reason I submit the amendment which I send to the desk.

Mr. ELLIS. I rise to a question of order.

The CHAIRMAN. The gentleman will state it.

Mr. ELLIS. Is there not pending a motion to strike out the entire paragraph?

The CHAIRMAN. The gentleman from Indiana moved to strike out the paragraph, but he may modify his motion so as to strike out and insert. Is that the gentleman's motion?

Mr. HOLMAN. Yes, sir.

The Clerk read the proposed amendment, as follows:

Strike out the pending paragraph and insert:

"Office of superintendent of foreign mails: For transportation of foreign mails, including railway transit across the Isthmus of Panama, $425,000.

"That section 3976 of the Revised Statutes, as in force on the 1st day of January, 1878, be and the same is hereby re-enacted, and the same shall continue in force for one year from and after the passage of this act."

MESSAGE FROM THE SENATE.

Here the committee informally rose, and Mr. THOMPSON took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the conferees on the part of the Senate on the disagreeing votes of the two Houses on the amendments of the House of Representatives to the bill (S. 25) to fix the date for the meeting of the electors of President and Vice-President, and to provide for and regulate the counting of the votes for President and Vice-President, and the decision of questions arising thereon, have reported to the Senate that the conferees of the two Houses having met, after full and free conference have been unable to agree.

POST-OFFICE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HOLMAN. That restores for the present exactly the existing law and the exact present state of the appropriation, and gives us until a year to consider this subject and determine what is proper to be done, without adopting the subsidy principle.

Now a word further. Up to this time, excepting four instances, the mails of the United States have been carried abroad on the basis of the service actually rendered—the mail actually transported. The pending provision of this bill abandons that principle, and, instead of providing for payment upon the basis of the postal service rendered, it provides for paying a subsidy to these vessels whether they carry the mail or not.

Mr. DINGLEY. Does the gentleman from Indiana [Mr. HOLMAN] mean to state that this pays a subsidy to a vessel whether it carries the mails or not?

Mr. HOLMAN. The vessel will carry the mail if any is furnished, but it gets the subsidy any way. If you enter into a contract with the Pacific Mail Steamship Company, that powerful organization which has been pressing this measure forward with such industry, if you permit a contract to be entered into with that corporation, which now receives $31,000 a year, it would receive under this law at least $143,000. And I submit that whether you furnished them with mails to carry or not, whether you sent your mails by their vessels or by the White Star line, still this company would receive this enormous subsidy of 50 cents per mile for every mile traveled going to China and Japan and returning.

In the past subsidies have been granted to four lines—the Collins line, the line from New York to Rio, the line to the Sandwich Islands, and the Pacific Mail Steamship line. And can any gentleman say that this country ever received any advantage, or that any other results followed from those subsidies except, so far as the latter one was concerned, national dishonor?

Sir, I am confident that no member who was on this floor only a few years ago and saw the subsidy to that corporation increased by half a million dollars can ever wish to see the like done again, can ever be willing to see the dangerous and corrupting principle of subsidy again brought under consideration in Congress. No, sir. Men came here with untarnished reputations, clothed, as it were, with the dignity and authority of representatives of the people; but, under the baneful influence which this principle of subsidy ever inspires, they left here clothed with dishonor and disgrace.

For one, I protest against entering again on this evil principle. I am willing to vote to pay, to the last dollar, the sum of money that is required to compensate these parties for the service which they render in the transportation of the mails of the United States at home and abroad; but I am not willing, in view of the past history of subsidy in this country, either land subsidy or subsidy on the pretense of postal service, to see that principle which has been so unfortunate in the past, so demoralizing in the past, so humiliating in the past, again brought forward and permitted to obtain a standing in the American Congress. And, for one, my protest will be entered now and forever against it.

Mr. HAMMOND. Will the gentleman from Indiana [Mr. HOLMAN] allow a question for information?

Mr. HOLMAN. Yes, sir.

Mr. HAMMOND. The twenty-third section of the Dingley bill repeals sections 3976 plus 4203. Why do you leave 4203 out of the amendment you have just offered?

Mr. HOLMAN. Does my friend think it necessary to re-enact it?

Mr. HAMMOND. I think it ought to accompany the other section.

Mr. HOLMAN. Then I am perfectly willing that it should be added to the amendment.

Mr. HUNT was recognized by the Chair.

Mr. ELLIS. Mr. Chairman, before my friend [Mr. HUNT] proceeds, I merely wish to say that I trust time will run as smoothly and uninterruptedly for him for eleven minutes as it has run for the gentleman from Indiana [Mr. HOLMAN].

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] first moved to strike out the section, and addressed the committee for five minutes upon that. Then he withdrew that motion and moved to strike out and insert, and the Chair regarded that as a new proposition, which entitled him to five minutes more. That is how the gentleman from Indiana [Mr. HOLMAN] held the floor so long.

Mr. HUNT. Mr. Chairman, notwithstanding the uncommonly warm manner in which the gentleman from Indiana [Mr. HOLMAN] has addressed the committee, I am encouraged by the reflection that he has constantly spoken in a similar spirit since the Post-Office bill has been under consideration, and seldom if ever during that time without failing to carry a majority with him. The gentleman began by expressing the opinion that there would be no difficulty in existing circumstances about the carrying of the foreign mails. The fact is, we are brought to this condition, sir, that there is now no power in the Postmaster-General to compel vessels to carry the mail, as he formerly could do, and the only resource left him is to attempt to enter into contracts at rates which are likely to be declined as entirely inadequate, and which are in the judgment of the Shipping Committee contrary to sound public policy. Therefore, notwithstanding the belief of the gentleman from Indiana, I oppose to his the opinion of the Shipping Committee, which has given full, long, deliberate, and intelligent examination to this topic, and which is really the legislative author in this House of the principle which has been incorporated into the present appropriation bill.

Now, Mr. Chairman, what does the Shipping Committee propose? It proposes to give, out of the revenue of the Department, aggregating some $1,700,000, the sum of $600,000—a portion only of the net revenues derived from sea and inland postage—for the carriage of the mails in American steamships to foreign countries. What is the fact in this regard? When the amount of sea and inland postage was originally fixed—and nobody ought to know this better than the gentleman from Indiana, for I call all to witness the extent of his general information—when the law determining the postage in this way was adopted the rates were high, and the compensation therefore considerable. A change in the law is required by the exigency in which the Department finds itself because of the change in the rates of postage.

In the portion of my five minutes remaining I am brought now to consider what the gentleman says about subsidies.

Mr. Chairman, the object of this measure is to unify the postal system of the United States—to have the same system apply to the ocean-going mail service that applies to the service on the land. If you will look at your star-route service, your steamboat service, your coastwise service, you will find the compensation for carrying the mails will average some 57½ cents per mile.

Mr. FINDLAY. On six routes on the Pacific slope it is 66⅔ cents per mile.

Mr. HUNT. When you consider that the service on the ocean is attended with more risk, demands the investment of larger capital, and is connected necessarily with the maritime growth and glory of the country, and identified likewise with its proper naval development, has any reason been given, can any reason be suggested, why this service should be performed, as is frequently the case, at the cost of the vessels entering upon it, while at the same time the service on land is performed at the liberal rates to which I have referred?

To conclude, Mr. Chairman, the gentleman from Indiana has drawn a vivid picture of what he says was the scene of shame here when the Brazilian mail subsidy——

Mr. HOLMAN. No, the Pacific mail.

Mr. HUNT. When the Pacific Mail subsidy was advocated and obtained some years ago. Let those blush who have occasion to do so. What have the occurrences upon that occasion to do with what Congress is doing now? After many sessions of a committee, headed by a gentleman [Mr. SLOCUM, of New York] than whom none commands greater respect in the House—after the hearing of numerous witnesses, after anxious consideration kept up ever since the opening of Congress, and after obtaining all the information that was practicable, the result of which I have spoken was reached and brought before the House.

[Here the hammer fell.]

Mr. ELLIS. If I can be recognized I will yield my time to my colleague.

Mr. HUNT. I am much obliged to my friend.

The CHAIRMAN. Debate upon the pending amendment is exhausted.

Mr. ELLIS. I move to amend the amendment by striking out the last word, and I yield my time to my colleague.

Mr. HUNT. Mr. Chairman, after public and honorable action of this kind, what right has the gentleman from Indiana to come here and remind us of scenes of disgrace of a former time? What right has the gentleman to tell us of corporations that are pushing their claims industriously? This committee knows nothing of any means that have been taken which were not open and fair and creditable. If it is a crime to have sought for information upon the subject before them, with the desire to develop the naval resources of the country and increase its maritime strength—if that be an offense I wish very much, and I have the right to say so from the way in which the gentleman has spoken, that the gentleman from Indiana had been a participant in it, because he would have spoken in a higher and better spirit than he has to-day.

Mr. Chairman, we have received from all parts of the country, from all well-informed men, from all persons who feel an interest in the development of the maritime strength of the country, from all who have watched the decaying power of its merchant marine, anxious representations that some little at least should be done for the purpose of reviving it. And in our effort to do so our chief regret has been that we could give only the modicum proposed by the bill under discussion in the way of compensation; for, Mr. Chairman, in the popular acceptance of the term, this is no "subsidy." You are as wrong, sir [turning to Mr. HOLMAN], as you have been persistent; you are as mistaken as you have been indefatigable.

The CHAIRMAN. The gentleman from Louisiana must address the Chair.

Mr. HUNT. Mr. Chairman, the fact being as I have stated, the fact being as I have endeavored to lay it before the committee, we have brought in here a bill which involves the principle of just compensation only. Is it right to give a *quid pro quo?* Is it right to pay a man for work and labor done? Is it right to pay your railroads for transporting the mails? Do the men who work upon the cars, do the men who build the railways, do the men who own them, do the men who carry on the mail service on land deserve to be paid or not? If they merit to be paid, do the men who own the steamships, do the men who ply the seas, do the men who bare their breasts to the storm, do the men who carry the flag at the masthead into foreign countries to tell of a prosperous, a free, and an adventurous nation—do they deserve to be left without reward for similar service upon a more dangerous element? There is but one opinion throughout the country on the subject.

[Here the hammer fell.]

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. COLLINS having taken the chair as Speaker *pro tempore*, a message, in writing, from the President of the United States, by Mr. PRUDEN, one of his secretaries, informed the House that he had approved and signed a bill and joint resolution of the following titles:

An act (H. R. 8121) to enable the commissioners of the District of Columbia to maintain public order during the ceremonies of the inauguration of the President, and for other purposes; and

Joint resolution (H. Res. 309) extending the permission granted Maj. William Ludlow by the act of February 28, 1883, to accept a civil position.

THE POST-OFFICE APPROPRIATION BILL.

The committee resumed its session.

Mr. BLOUNT. Mr. Chairman, the repeal of the law for foreign postage provided for in the Dingley bill occurred under circumstances which did not attract the attention of the great body of this House. It came in by virtue of a conference report. It came in under the counsel of gentlemen who are anxious not so much to give just mode of compensating steamships for carrying foreign mails as for the purpose of subsidizing vessels engaged in foreign trade by giving them large sums for carrying the mails. I submit, therefore, in view of the history of these transactions that we need not stand upon technicalities.

The gentleman from Maine [Mr. DINGLEY], the other day, when discussing this proposition, undertook in the general debate to illustrate its importance by calling the attention of the House to the fact that other great nations of the world were improving their commerce by giving large subsidies. My friend from Louisiana [Mr. HUNT], in his report upon this subject, likewise called attention to the great importance of improving American shipping by granting subsidies, and he cited the action of other governments. He called attention to the lines to China, Japan, and India, to France with 8,000,000 francs, to South America with 3,000,000 francs, to the Mediterranean, 4,000,000 francs, making a total of annual pay of 23,000,000 francs. Then he cites various subsidies on the part of the British Government and by the German Government. He shows but for these enormous subsidies these vessels would have to abandon their business.

Now, sir, I think we have fairly opened the question of subsidies when we come to look at the statement of these gentlemen in their reports and their arguments in favor of the Dingley bill and other measures. I say when these gentlemen have demonstrated the fact that these great steamship lines would go down but for these subsidies in foreign countries, how are we to hope to sustain the same lines in this country under more adverse circumstances? Germany does not hesitate, notwithstanding her subsidies, to go into every place on the face of the earth to buy her vessels at the cheapest rate. Great Britain did not hesitate to come to America years ago and buy the fast clippers of Baltimore; and so it has been with most of the nations of the earth. Yet under your navigation laws you are compelled to keep away from the markets of the world and use your own overprotected vessels. Then with a subsidy not equal to these foreign subsidies you seek to lure us into the thought we are likely to rebuild American shipping.

The CHAIRMAN. The gentleman's time has expired.

Mr. BLOUNT. I withdraw the formal amendment.

Mr. BLAND. I renew it, and will yield my time to the gentleman from Georgia.

Mr. BLOUNT. If that is true, Mr. Chairman, and I think it is irresistible, then with greater subsidies than we have proposed and with our adverse navigation laws we can not hope to revive American shipping by this increase. What is it then? Is it a mere illusion in this House? Is it an admitted failure that there is not to be competition with foreign ships in this way; and, if so, what is it but simply an effort to increase the compensation of the few lines we have now in existence? It seems to me, sir, that is all there is in it.

A distinguished gentleman on this floor said to me the question of order raised on this bill or the objection was presented to him for argument on this floor—presented by the agent of the Pacific Mail Steamship Company. Now, sir, I am not here to undertake to deny gentlemen have the right to present it, but simply to illustrate what I believe to be true, that it is these few lines in existence which seek by the repeal of the shipping bill to increase the sums of money to be paid to them under our postal laws. Now, the gentleman from Louisiana [Mr. HUNT] objects to the gentleman from Indiana saying this House should proceed cautiously in this direction. That gentleman from Indiana [Mr. HOLMAN] was here and witnessed the scenes so memorable in connection with this Pacific Mail Steamship Company years ago. Congress, honestly, no doubt, doubtless impressed by the arguments, influenced by the persuasion perhaps of suggestions emanating from this source, did grant large sums of money in aid of the Pacific Mail Steamship Company; what was the result? It resulted in scandal to the party in power. It turned not the gentleman from Indiana alone, nor any particular member of this House, but the whole American people, from that subsidy, and from that hour until now the public judgment has been adverse to it; and I trust, sir, that in the presence of the incoming administration, with the Democratic party on record whenever it has had an opportunity, standing up against this matter, whatever form it may have assumed, with that party in this House to-day and for the future to resist what I believe to be no more or less than a subsidy.

[Here the hammer fell.]

The formal amendment by unanimous consent was withdrawn.

Mr. FINDLAY. I renew it. Mr. Chairman, the original question seems to be shifted. The original proposition was to strike out, but that has been superseded by the proposition to insert, and the matter to be inserted is the old compulsory feature of the system which we have abolished, to go into effect on the 1st of April. Gentlemen, therefore, ought to be met on that proposition; and the question which addresses itself to the House is whether or not they are prepared to say that an American vessel about to leave port, with the wind fair and all on board, shall not receive her clearance unless she agrees to carry the mail at 2 cents a letter or at the price fixed by the United States.

Now, I want to know by what authority that is done. It is true that the vessel goes out upon the high seas documented by the Government, but she is none the less the property, the individual property of the citizen because she is on the high seas; and none the less entitled to the protection of the Government, and just as much entitled to it as any citizen is entitled to the protection of his property on the land. Therefore, I say when the United States comes in and by the strong arm of power refuses a clearance to a vessel unless it agrees to take mail matter on board upon the terms fixed by the United States itself, it is equivalent to the taking of private property for public use without making just compensation therefor.

Mr. ELLIS. That is it exactly.

Mr. FINDLAY. So far from there being any subsidy in this thing it is simply a compensation; the payment of an honest sum for a fair and honest service. Why, sir, think of it—think of the United States going on your farm, impressing your wagons and mules to carry the mails. What difference is there between the United States saying to the farmer, I want your wagon and your horses to carry this mail of the United States, as to say to the ship-owner, you shall not leave port unless you agree to carry the mail, and carry it at the price I fix?

Mr. DINGLEY. And it only says that to the American vessel.

Mr. FINDLAY. Yes, sir; it does not say it to the foreign ship-owner, thereby making a discrimination against the American vessel.

Mr. Chairman, we have been proclaiming in our State and national platforms, and discussing the question here, and every man rising up on this floor says: "Let us do something for the merchant marine of America, that America may take a step, though it be a feeble step, in the right direction." But the moment that step is taken we are met by a tide of obstruction. I confess I can not understand it.

Now, sir, I have taken an average of six of the steamboat coastwise routes on the Pacific slope, and I find that the prices paid them for mail transportation is 66⅔ cents per mile. Is that a subsidy?

Mr. MONEY. These gentlemen say it is.

Mr. FINDLAY. Yes, according to the definition of these gentlemen it is a subsidy; but these men say, "We will not carry your mails unless you pay us a fair sum for it." On the other side you say to these people, "You shall carry our mail, and it makes no difference what price we pay you." Is that fair, is it honest, is it just? I say nay.

Then again, Mr. Chairman, there is a recognized distinction between the star-route service and the steamboat coastwise service—one, I mean the steamboat coastwise service, being paid a higher rate than the star route, and why? Because it takes the risk of the seas. You go to a man and say, "Here is a mail-bag; I want you to carry it; you shall carry it, and carry it on my terms." He says, "I do not know what the contents are. I know it is valuable, because valuable things come in this way. I do not care about taking the responsibility of carrying the mail-bag." But you say, "You shall carry it; you shall not leave port unless you do; and you shall carry it at the price I fix, or practically for nothing."

[Here the hammer fell.]

Mr. O'NEILL, of Missouri. If I can be recognized I will yield to the gentleman from Maryland.

Mr. FINDLAY. That is all I desire to say at present.

Mr. MILLS. Mr. Chairman, it has been said that we can have our mail carried on the ocean for $55,000 a year under the existing law, while the bill presented by the committee proposes to change that existing law so as to require the Government to expend about $600,000 for the same service.

Mr. DINGLEY. It does not require it; that is only the limit that may be expended.

Mr. MILLS. Yes; but it will go to the extreme limit. That is what the bill is for. It is made for that purpose.

Mr. DINGLEY. But the service is still open to competition.

Mr. MILLS. But the very bill which bears the gentleman's name, which passed through Congress, was passed for the purpose of making it possible for this subsidy to pass through Congress.

We have heard, sir, very much said about the Government taking the private property of the citizen for public use without making just compensation. Why is it in this connection we have heard nothing said in condemnation of the policy that is constantly persisted in of taking the private property of the citizen of the United States for private use without any compensation? What right have the Congress of the United States to put one hand of the Government into the pockets of its laboring people and take from them their daily earnings, thereby to build up John Roach for John Roach is the "nigger in the wood-pile" in this bill.

But perhaps there is patriotism in this bill. The mails of the United States can not be carried for $55,000 on foreign bottoms; but they must be carried in American vessels, in vessels built by American shipbuilders, carrying our colors and registry of American origin, and nobody but John Roach has the benefit of that provision of the law.

I ask if there is a gentleman on this floor who in his own private business affairs would be guilty of so squandering his revenues as to pay $600,000 for that service which he could get done for $55,000? What right have we as the public trustees of the people to put our hands into that fund that is wrung by our unjust and exorbitant system of taxation from the labor of this country and give as a bonus to Mr. Roach $600,000 for the service we can get for $55,000?

Mr. ELLIS. May I ask my friend from Texas a question?

Mr. MILLS. Yes, sir.

Mr. ELLIS. Why not strike out from the proposed re-enactment the 2 cents and compel the vessels to do the work for nothing? Then you will save $55,000.

Mr. MILLS. It has been asked why we compel the vessels of the United States to carry the mail and refuse them a clearance unless they do it. The Government of the United States can confer its protection and its flag upon vessels upon whatever terms it pleases, and wherever a vessel goes to sea and carries the power of this nation for its protection with it, this Government has a right to say upon what terms it will confer that power upon the vessel. It prescribes the terms upon which it shall carry its mail. And why should the Government go down on its knees and say to Mr. Roach that it will give him $600,000 as subsidy to carry the mail of the United States on American vessels when foreign bottoms will carry it and are now carrying it for $55,000?

I agree with my friend from Georgia [Mr. BLOUNT] it is a bad start for a Democratic administration just ushered into power, and, after being out for twenty-four years, once more brought to the confidence of the American people, after constant condemnation of subsidies and extravagant appropriations of this kind—I say it is a bad start for that administration that, a few days before we see the President-elect taking the oath of office to support the Constitution and laws and promising a great reform to the people of the United States, this Congress should go down on their knees to John Roach and grant him a subsidy of $600,000 for carrying the mails, when they could get it done equally well for $55,000.

[Here the hammer fell.]

Mr. PHELPS. Mr. Chairman, if I get the opportunity I shall move to amend the section by striking out the limit of $600,000, so that the net revenue of our foreign mail may be placed without reduction in the hands of the Postmaster-General to use for these great objects. The net revenue last year was $1,700,000. This surely is not too much to expend for objects every way worthy, and especially dear at this time to the hearts of the American people. It is to revive American commerce and to recreate the merchant marine, of which our fathers were so proud. The sum is small compared with the last sums spent by our rivals in these great enterprises. They give all their net revenue; more, they give all their gross revenue; more, they add to it all that their treasuries will allow.

England gave last year a million and a half of dollars more than her gross receipts, making nearly five millions; France gave four and a half millions; Italy two millions; Austria one million; Spain one million; little Holland $300,000. Our great Republic gave $327,000! Are you proud of this, gentlemen of the committee? And why should we treat our foreign service so much worse than our domestic? Will members believe it? We sent our steamships the dreary width of the Pacific and paid them 2¾ cents per mile. We sent our steamships down the coast that they might deliver the mail in sight of their homes, and paid them 57 cents per mile; and if you want to carry in your minds a neat illustration of the crying injustice of this discrimination, remember that to carry the mail from Brashear to Galveston, a single night's trip, we paid a company $50,000; and at the same time we paid the vessels that carried the American flag to China, to Japan, and to Australia the munificent sum of $14,849.

If we pay 57 cents a mile to carry our mails on the coast, is 50 cents a mile too much to pay the American owner who sends his steamer half way round the globe?

England, and America, and France are struggling for the commerce of South American ports. England sells in them one hundred and twelve millions of her products; France, seventy-seven millions, and the United States, sixty-four millions. Why this anomaly? Our neighbors on this continent prefer our manners and our merchandise, but American men and American manufactures can reach them only by Liverpool. A double trip across the Atlantic is a burden which crushes even American energy and hope; and we have to see the country tributary to these ports supplied from the European market. What ought to be our home market is left for foreigners to profit by.

Non-manufacturing countries everywhere are the markets for which civilized nations compete. We can secure them only by sending our flag and our mail-bags. Trade never fails to follow the flag. Do you doubt it? Do you doubt that these are the pioneers that open the way, or that when the way is open American manufacturers can not walk profitably in it?

Look at our commerce under this medicine. Look at the countries where we have managed to secure some kind of regular or irregular communication. Since 1866 our Mexican trade has multiplied four times; our Central American trade eighteen times; and our Australian trade three times.

Our exports to Mexico were $3,700,000, now they are $14,300,000; to Central America were $120,000, now they are $2,000,000; to Australia were $3,400,000, now they are $9,600,000. And yet these are the very countries where British trade fights us with the resources of a generous government and the determination to check and destroy our competition. Last year Great Britain paid the steamships that carried her flag and mail-bags to Mexico and the West Indies $420,000; we gave $9,800. She gave for the encouragement of her trade in China and the East Indies $1,700,000; we gave $14,800. Does the American merchant have a fair chance with the British merchant? We ask that he should have some aid in this bitter competition. And my friend from Pennsylvania [Mr. BAYNE], generally considerate and wise, strives to frighten us from giving it by raising the ghost of a subsidy. This is too bad, for the average member starts at the ghost of a subsidy as Macbeth started at the ghost of Banquo. And yet this ghost ought "to down." This is no subsidy. A subsidy is a gift without consideration. Or it is a payment so excessive as to grossly overmatch the service rendered and to become a gratuity. Here is no gift, no excessive payment, no subsidy. The provision asks only a payment scarcely adequate to the service rendered; a service vital to the interests of our manufactures and to the men they employ; a service vital to the existence of American shipping.

I hope, Mr. Chairman, that this provision will pass, for it is the first step in a policy which will revive our manufactures, employ our labor, and place again in the ports of the world the vessels of American merchants busied in the pursuits of peace.

[When Mr. PHELPS had spoken five minutes the hammer fell. Mr. WASHBURN was recognized and yielded his time to Mr. PHELPS, who concluded his remarks as above printed.]

Mr. TOWNSHEND. Mr. Chairman, unless I can have unanimous consent to limit the debate on this portion of the bill I must move that the committee rise for that purpose. My object is to reach a final vote on this bill before 5 o'clock, at which hour we are to take a recess until 8 o'clock, the evening session being devoted to pension business. I therefore ask unanimous consent to limit the debate.

The CHAIRMAN. What limitation does the gentleman from Illinois propose?

Mr. TOWNSHEND. Five minutes on each side. [General cries of "Oh, no!"] Well, ten minutes.

The CHAIRMAN. The gentleman from Illinois [Mr. TOWNSHEND] asks unanimous consent that debate on this part of the bill be limited to twenty minutes, ten minutes upon each side.

Mr. HAMMOND. I rise to a parliamentary inquiry. Is that a proposition to limit debate on all the provisions of the bill?

Mr. TOWNSHEND. No; only on this paragraph and the amendments thereto.

A MEMBER. Would that cut off amendments.

The CHAIRMAN. Amendments would be in order of course, but after the expiration of the twenty minutes they would not be subject to debate. Is there objection to the proposition of the gentleman from Illinois that debate on this paragraph and amendments thereto be limited to twenty minutes, ten minutes to be occupied by the friends of the paragraph and ten minutes by its opponents?

Mr. HAMMOND. I object.

Mr. TOWNSHEND. I move then that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the Post-Office appropriation bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I ask unanimous consent that the hour for taking the recess this afternoon be extended from 5 o'clock till 6.

There was no objection; and it was ordered accordingly.

Mr. MILLS. I rise to a parliamentary inquiry—whether it would not be in order for me to submit a motion instructing the Committee of the Whole on the state of the Union when it resumes the consideration of the Post-Office appropriation bill to strike out the pending paragraph and adopt the amendment proposed by the gentleman from Indiana [Mr. HOLMAN], the amendment pending in the Committee of the Whole.

The SPEAKER *pro tempore*. The chairman of the Committee of the Whole has not reported any amendment to the House; and the Chair has no official information in regard to the status of the question in the committee.

Mr. HOLMAN. Can not the House instruct the Committee of the Whole, like any other committee, to do a particular thing?

The SPEAKER *pro tempore*. The Chair does not question the power of the House to instruct any of its committees——

Mr. HOLMAN. The motion which the gentleman from Texas [Mr. MILLS] desires to submit is to instruct the Committee of the Whole to strike out a paragraph of the pending bill——

The SPEAKER *pro tempore*. The Chair hardly thinks that motion would be in order. By order of the House the bill has been sent to the Committee of the Whole House on the state of the Union; and the chairman of that committee has reported to the House that the Committee of the Whole has reached no resolution upon it.

Mr. TOWNSHEND. I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills; and pending that motion I move that debate in the Committee of the Whole upon the pending paragraph and all amendments thereto be limited to twenty minutes. On this motion I call the previous question.

Mr. HORR. I hope the gentleman from Illinois will modify his proposition——

The SPEAKER *pro tempore*. The gentleman from Illinois has asked the previous question on his motion.

Several MEMBERS. Let us vote it down.

The SPEAKER *pro tempore*. That is in the power of the House. The question is on ordering the previous question.

The previous question was ordered.

Mr. TOWNSHEND moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Illinois that when the Committee of the Whole on the state of the Union shall resume the consideration of the Post-Office appropriation bill all debate on the pending paragraph and amendments thereto be limited to twenty minutes.

The motion was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the motion was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SMITH, of Pennsylvania, for to-day and to-morrow, on account of sickness.

CENTRAL AND SOUTH AMERICAN COMMISSIONERS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and, with the accompanying documents, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit, as desired by the act of Congress approved July 7, 1884, a letter from the Secretary of State, with accompanying reports from the Central and South American Commissioners.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 13, 1885.

POST-OFFICE APPROPRIATION BILL.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Illinois [Mr. TOWNSHEND] that the House now resolve itself into the Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. SPRINGER in the chair), and resumed the consideration of the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The CHAIRMAN. By order of the House debate on the pending paragraph and all amendments thereto has been limited to twenty minutes. Ten minutes will be allowed by the Chair to each side. The gentleman from Mississippi [Mr. MONEY] is recognized as opposing the amendment of the gentleman from Indiana [Mr. HOLMAN].

Mr. BAYNE. I rise to a parliamentary inquiry. I do not understand upon which side the gentleman from Mississippi is recognized.

The CHAIRMAN. The gentleman from Mississippi, as the Chair understood, rose to oppose the amendment, which is a motion to strike out and insert.

Mr. BAYNE. The gentleman is in favor of the provision of the bill?

Mr. MONEY. Yes, sir.

The CHAIRMAN. The Chair will allow one-half of the time to the gentlemen in favor of the amendment submitted by the gentleman from Indiana, and one-half to those opposed to it. The gentleman from Mississippi is entitled to the floor for five minutes.

Mr. MONEY. Mr. Chairman, the question before the committee is not only striking out the clause of the bill providing for transportation of mails on American steamships to foreign ports, but it is also to restore to the statute-book the compulsory clauses which were repealed by what is known as the Dingley bill. That is the question before us; and, sir, to effect this change in the law gentlemen have seen fit to parade before the House the unsightly specter of the Pacific Mail Steamship Company and to make it again a stench in the nostrils of the public at this time. They have attempted to sully a good measure here by applying to it an epithet.

They have, sir, denominated this measure a subsidy. What is a subsidy? The meaning of a subsidy is recompense for service performed. But on account of the odious Pacific Mail Steamship job and on account of the excessive aid given to a certain railroad in the United States the word subsidy has received a technical and opprobrious meaning.

Now, sir, if it is a subsidy to pay to steamships owned by American citizens a reasonable compensation for transporting American mails, then it is a subsidy to pay those steamships which carry the mails along our coasts; then it is a subsidy to pay every steamboat on our inland waters that carries a single letter; then it is a subsidy to all our railroads; then it is a subsidy to every single star route of all the star routes which permeate the length and breadth of this land, carrying intelligence to every community in it. If one is a subsidy, Mr. Chairman, then all are subsidies. Yet, sir, with this plain fact staring us in the face, several gentlemen work themselves into a fury, and like a lot of male Cassandras are horrified over the passage of a bill as beneficent, as just, and as reasonable as this.

I recognize the fact there are men who oppose every single improvement in the mail service, and who regard expenditure of a dollar even in the right direction to be a dagger in the vitals of the country. But, sir, I am not to be intimidated from the discharge of what I conceive to be a proper public duty and public necessity by any parade of disreputable jobs in the past.

One cries out that this is John Roach, as if John Roach had in his possession the whole fleet of the United States. I inquired of the gentleman from New York, and he informed me that he had not a single line to any foreign port, except perhaps one to Havana, which is already provided for in this bill in the transportation by steamship routes, which permit them to touch at foreign ports within two hundred miles of the last port on American soil.

Now, it is not worth while for the House to misunderstand this question. It is a plain question, whether we will pay American citizens a reasonable rate of compensation for carrying our mails or not. It is also a question whether we will compel these people, under the old law repealed by the Dingley bill, to carry the mails at what may be considered no price at all. You have the testimony of more than one committee of this House that these steamers lost more money in waiting for mails than they received for their transportation—much more, sir.

I know some gentlemen here, I do not care how reasonable the amount appropriated may be—if I may be allowed to use the expression of the old play—who turn upon it "a damned disinheriting countenance." [Laughter.] They are against anything that carries improvement with it. I ask the committee to stand by what is only fair and just. Do not be frightened from a proper discharge of duty by any cry of subsidy or scandal.

Why, sir, there was not long ago a great star-route scandal, when it was reported by a committee of competent jurisdiction of this House that over $2,000,000 had been plundered from the public Treasury by men engaged in transporting the mails throughout the country by mail coaches and on horseback. Is there here any proposition now, because of that past transaction, we shall put upon the carriers of the mails by star routes the duty of carrying those mails for the compensation of the postage of the letters and other mail matter which they carry? If that were done there is not a star route within the boundaries of the United States—not one of them, sir—could be carried on to-day if they were to receive as compensation only the postage paid on the letters and other mail matter which they carry. This is a self-evident proposition which needs no argument to establish it as a fact.

[Here the hammer fell.]

Mr. WARNER, of Ohio. It is claimed and seems to be admitted that this is a proposition to pay at least $500,000 more for carrying the foreign mails than is a fair compensation, or than it will cost to carry them by continuing the service as at present, or $500,000 more than ships now running to foreign ports would charge for carrying them. What is this $500,000 for?

Mr. HORR. Who admits that?

Mr. HUNT. Who admits that? Nobody.

Mr. WARNER, of Ohio. I can not yield for interruptions when I have only five minutes.

It is admitted, Mr. Chairman, that it only costs $55,000 now.

Mr. HORR. But you make them take it.

Mr. WARNER, of Ohio. And I think it will be found to be a fact that established lines will gladly carry the mails for $100,000 or less, probably for $50,000. Then why is $500,000 additional proposed? What is it for? For glory? Costly glory that. Who is to get the $500,000? Will it add ships to our merchant marine? Not necessarily. It is claimed that this is not a subsidy, but the argument is that it will encourage the extension of our merchant marine. The argument then is that it is a subsidy or will have the effect of a subsidy.

Now, sir, it has been well said on this floor, and it is a proposition that can not be refuted, that we can go into foreign markets with our products when we can sell them there as cheaply as other countries sell them, and not until then. I grant you if we carry goods for nothing, if we tax other industries, tax the people generally to pay for transporting them for nothing, it would be a gain to those carrying on the trade. But you would secure the same result precisely if, supposing our commodities to be 25 per cent. higher than in other countries—than the commodities of Great Britain, if you please—if you should go to the manufacturers and say: "Here, if you will send your goods to South America and take 25 per cent. less than their cost, we will make up to you its loss by a tax upon other industries." I wish to know how far we would have to extend a trade of that kind in order to enrich ourselves. Is it not evident that the more trade we have of that kind the worse we will be off? That is the economic principle involved in this proposition.

But, sir, I have always understood it to be Democratic doctrine to oppose subsidies; that subsidies, whether of land for railways, or money to special interest, were undemocratic. I believe it to be undemocratic now, and I believe to admit this proposition here would be a departure by a Democratic Congress from sound and safe Democratic principles and Democratic policy as heretofore practiced. Our steamships will go upon the seas whenever they can go there and compete successfully with foreign steamships, and they will not go until they can. If it is more profitable to invest $100,000 or $1,000,000 on shore, on the continent between the oceans than on the oceans in steamships, people will invest upon the land instead of upon the seas, and we gain nothing by attempting to force capital off the land and on the ocean by methods proposed by this bill.

[Here the hammer fell.]

Mr. HEWITT, of New York. Mr. Chairman, when the point of order upon this provision of the bill was under discussion last evening I stated that no word should fall from me which would indicate my opinion as to the merits of this provision; and I say now that if I had to decide upon this question in accordance with the views which have been presented here, either in its favor or against it, I should probably take, as I have uniformly taken heretofore during my public service, strong ground against the adoption of this clause. If it were in the nature of subsidy legislation I should oppose it. The original proposition reported by the Committee on Shipping was in the nature of a subsidy, because it proposed to appropriate money from the Treasury not contributed to it by the earnings from foreign postages. The Committee on Appropriations have properly limited the amount to be expended to a sum not in excess of the actual net revenues from the sea postage. The people of this country do not wish to be taxed to build up special interests.

But, sir, the people of this country are not fools. They do not expect to rob somebody in order to put money into the public Treasury. We are a practical people. We live by our daily labor. We want to sell the products of our labor, and we usually have sense enough to find out what is the best mode of getting markets and customers. The question then presented by this measure is simply this: Do the people of the United States want to have the mail carried in American ships or do they not? If they do not want it carried in American ships, then we do not need even to re-enact the law repealed by the Dingley bill. If they do want it carried in American ships, then there must be a reasonable compensation for the service which they demand.

Now they do want it carried in American ships, there is no question

of that. They do not want to pay subsidies, and they do not want to hire anybody to do something which does not pay, but they are willing to pay a fair price for that which they wish to have done for their own interest.

I hold in my hand, sir, a petition which I will send to the desk and have incorporated in my remarks, which, so far as I can see, and as will appear by the signatures, is signed by every prominent house engaged in the foreign trade in the city of New York, asking Congress to take steps to procure mail facilities between this country and foreign ports in addition to those furnished by foreign vessels.

Now, Mr. Chairman, it is said that this is a departure from the policy and practice of the country. It is no such thing. The policy of this country from the foundation of the Government has been to make the Post-Office self-sustaining, not a source of profit, and to spend every dollar yielded by the Post-Office in the extension of mail facilities. The revenues of the Post-Office came from its foreign mails and from its domestic mails. This foreign mail service shows a profit of about $700,000. That profit, according to the policy heretofore pursued by the American people, ought to be expended in extending the mail facilities to foreign countries; and this bill is a proposition to extend the facilities to foreign countries and pay a fair price for the service. It does not propose to do this by the mile, as the gentleman from Indiana said. It is a limitation that the amount paid shall not exceed 50 cents a mile. The Postmaster-General is to enter into contracts on the basis of service for the carrying of the mail, but when the payments are made if they reach 50 cents a mile no more than that rate is to be paid, no matter how much the service may be. It may cost less, but it can not cost more.

Now, Mr. Chairman, I am an opponent of all subsidies. I listened with satisfaction or astonishment to the gentleman from Pennsylvania last night when he proclaimed a new doctrine from that State that natural laws could be counted on to regulate and would regulate the distribution of the products of human industry. That declaration from him was as unexpected as his cry yesterday of "stop thief" in regard to the extra session.

Why, sir, Pennsylvania has lived upon the pabulum of protection and subsidies for a hundred years, and she has impoverished her laborers by the doctrine of protection and the granting of subsidies. To-day in the city of Manayunk, in the neighborhood of the rich city of Philadelphia, it is reported that 10,000 people are in a state of starvation as the result of this doctrine of subsidy and protection. I am against it, and in proof of it I give notice I shall offer the following amendment:

Provided, That United States certificates of registry shall be issued for foreign-built vessels which may be purchased or owned by any citizen of the United States, and vessels so registered shall be entitled to all the rights and privileges now conferred by law on vessels built in the United States.

The CHAIRMAN. The time of the gentleman from New York has expired. The amendment can be read when he again obtains the floor.

The following is the memorial referred to by Mr. HEWITT, of New York:

To the honorable Senate and House of Representatives of the United States:

We, the undersigned, merchants, manufacturers, exporters, and dealers interested in the foreign trade of the United States, do hereby set forth and petition your honorable bodies as follows:

That Congress having investigated the claims of American ship-owners to be relieved from the oppressive statutory enactments of a past age, which required them to carry and deliver the United States mails without any adequate compensation, and having enacted that such compulsory service shall cease on April 1, 1885, it becomes necessary, in order to prevent the commercial interests of the United States from lapsing into confusion and suffering loss, especially in connection with the countries of Central and South America, Cuba and the West Indies, Mexico, China, Japan, Australia, &c., that requisite legislation shall be effected without delay by which the Postmaster-General shall be given the competent authority to arrange for the regular and careful transportation of the mails to those and any or all other countries.

We, the undersigned merchants and others, do therefore earnestly petition your honorable bodies to give heed to this vital and important interest, so that the commerce of the United States, especially in the countries designated, may not suffer derangement and damage in its competition with other manufacturing countries, by an infrequent, irregular, and irresponsible mail connection.

Dated January 5, 1885.

W. H. Purcell, Snow & Burgess, Chadly & Co., D. De Castro & Co., Wm. H. Popham & Co., Marcial & Co.; Francis Spies, consul-general of Ecuador; J. Agostini, Barclay & Co., The China and Japan Trading Company, limited, S. D. Webb, vice-president; A. A. Low & Brothers, Chamberlain, Roe & Co., Fearons, Low & Co., H. A. Rogers, Schultz, James & Co., A. C. Menawlander, Thurber Whyland & Co., J. & S. Wormser, Fred. Probst & Co., F. G. Pierra & E. Jesurun, jr., F. O. Sherry, Pizac, Nephews & Co., A. D. Straus & Co., Isaac Brandon & Bros., Pomares & Cushman, M. Camacks Poldair, Jas. P. Spinney, J. Ferro, the R. & C. Degener Company, limited, C. Degener, P. Adolph Low & Co., Muñoz & Espriella, McKessor Robbins, S. Samper & Co., Catheal & Co., M. Echeverrice & Co., Perez Triana & Co., Geo. C. Flint & Co.; Domestic Sewing Machine, James Blake, secretary; New Home Sewing Machine Company, Meriden Britannia Company, Reed & Barton, D. Appleton & Co.; A. James & Co., Max Silberstein, attorney; A. P. Strout, J. de Rivere & Co., Lewis & Pardo, H. S. Leesob, D. A. de Lines & Co., J. H. & A. E. Foster, A. Sunio & Cossio, W. H. Crossman & Bros., L. D. Crossmond & Co., Motley & Sterling, Knorthbarbe & Kuhne, J. A. Pauli & Co., Hillarguard & Co., P. P. W. Loaiza, S. Smithers, Bartram Bros., Colgate & Co., D. De Castro & Co., Wm. H. Popham & Co., Marcial & Co.; Francis Speis, consul-general of Ecuador; J. Agostini, Barclay & Co., G. Amsinck & Co.; The China and Japan Trading Company, S. D. Webb, vice-president; A. A. Low & Brothers, Chamberlain, Roe & Co., Fearing, Low & Co., H. A. Rogers, Schultz, Imies & Co., Howland & Aspinwall, Acker, Merrill & Co., Thuerber, Whyman & Co., J. O. Ward & Co., Wm. Walls's Sons, Henry Best, Amos Taylor, Edwin W. Adams & Co., Wm. Scott's Sons, Edw. Tuman & Co., J. B. Carberry, Pinkard Anderson, R. T. Haskins, Saml. Walker, James M. Lawton, Jas. W. Trask, Faubel & Ahley, J. A. Bayley, W. C. Neuman, C. F. Emerson & Co., Holbar Company, José Menendez & Bro., E. E. Hublaw, Cmeeles Puttanger, Nymphas C. Hall, E. W. Seymour, Chas. Rabadan, James Moore, jr., Rowland & Co., Chas. Bradford, Eggers & Heinlein, Kane & Behrens, Knapp & McCord, Menacho, Ping & Co., Suly & Howell, Emile Des Marets & Co., Louis Monjo, Jr. & Co., M. Chescina & Co., A. H. Mojarrieta, John E. Stow, McCormick & Hubbs, John Gamble, jr., Ilsley, Doubleday & Co., G. Folk & Bro., Schroder & Son, H. Schubart & Co., L. Pinmal, José MaMenendez & Co., Julian Cendoya, Hagerty, Bros. & Co., Marias & Co., L. Sevny, Kemp, Day & Co., Chas. E. Rogers & Co., Shortland Bros. & Co., M. Vander Kupt, Virnnet, Armor & Co., Quinn & Hall, Robt. W. Parsons, Simon Heymaun, Thos. P. Ball, W. D. Munson, Spanish American Light and Heat Co., R. W. Sneed, N. K. Fairbank & Co., F. D. Parcels, Henry C. Larowe, H. N. Ege, John E. Close, F. P. Chatterley, William Mitchell, Alex. H. Ebbes, O. W. Scripture, Thos. H. Boaz, Figge & Brother, W. S. Weels, Andrew Irving, Stevens & Benedict, C. Ludmann, Jewell Milling Co., Furicalday & Arquimban, Yates & Porterfield, Juan Rinz, Mosh Bros., Martin & Fay, Bird, Faulkner & Co., Guade & Huntington, Export Lumber Co., limited, Louis A. Hall, president.

Mr. BAYNE. I am a little surprised that in this debate we have not seen a constitutional specter raised; but none has been presented. On most occasions of this kind it would have arisen, and it would have been attempted to show that to give a subsidy to a steamship line was a violation of the Constitution, and that Congress had no right to appropriate money for any such purpose as that.

I am a little surprised, also, as has already been said, that the Democratic party should start out in this way, having seventy of a majority in the present House of Representatives, and seek to inaugurate the Democratic assumption of the control of this Government by the granting of what is and can not be held to be other than a subsidy. No man who knows the meaning of words in my opinion can characterize this provision by any other name. It gives for certain services done more than an equivalent for those services; and in so far as it pays more than may be necessary to pay for the actual service rendered it is a gift and bounty on the part of this Government, and therefore is a subsidy.

And who are benefited by this? Largely the Pacific Mail Steamship Company. And what is the Pacific Mail Steamship Company? It is said that American shipping is suffering. Suffering how? Why the Pacific Mail Steamship Company last year had earnings amounting to $4,780,000, and its net profits were $1,393,000; and yet if you carry out the provisions of this bill you will pay that steamship company $312,000, when that company now renders the service which would be commanded by this bill for $23,000. And yet gentlemen say this is not a subsidy.

Mr. HORR. How large is the capital of the company?

Mr. BAYNE. I do not care what its capital is.

Mr. HORR. Oh!

Mr. BAYNE. Wait. I have the floor. The Pacific Mail Steamship Company declared quarterly dividends of 5 per cent. or 20 per cent. per annum last year. So the amount of its capital has nothing to do with it.

But why is it we find the gentleman from New York [Mr. HEWITT] who has just taken his seat and various other gentlemen here arguing this case and insisting on this appropriation to the Pacific Mail Steamship Company? We find among the directors of the Pacific Mail Steamship Company Jay Gould, of New York; Russell Sage, of New York; Sidney Dillon, of New York; C. P. Huntington, of New York now. And that is the influence that lies back of the promotion of this scheme to wring a subsidy out of this Government, and the Democratic party stands sponsor for the attempt to take out of the national Treasury this money for that purpose, and it shall be held responsible before the country for that act.

But who are these men you are befriending? Why, sir, the gentleman from Texas [Mr. REAGAN] led in a fight to prevent railroad discriminations, and he got his bill through the House after a struggle in which I heartily sympathize. Yet these very men having control of the Pacific Mail Steamship Company are directors also, some of them, in the Pacific railroad companies, and these pay to the Pacific Mail Steamship Company $95,000 per month to keep their rates up so that the steamship company will not enter into competition with the Pacific railroad companies. These are the gentlemen that are to be benefited by this legislation; and you are going to pay $312,000 to this corporation for doing a service which you now get done for $23,000 a year. They say it is not a subsidy. It is not only a subsidy, but it will not aid American shipping. It will only aid a prosperous company controlled in the interest of the transcontinental railroads.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BAYNE. Just one second more. Sir William Hamilton, one of England's greatest writers, says: "Words are the counters of the wise and the coin of fools." Make that application when you deny that this is a subsidy.

Mr. HOLMAN. That the vote may be taken directly on the proposition to strike out the paragraph I will withdraw the motion to insert.

The CHAIRMAN. The gentleman has a right to modify his motion. The gentleman from Indiana withdraws his motion to strike out and insert, and moves to strike out the paragraph.

The question being taken on the motion to strike out, there were—ayes 95, noes 77.

Mr. ELLIS. I call for tellers.

Tellers were ordered; and Mr. HOLMAN and Mr. HORR were appointed.

The committee again divided; and the tellers made their report.

The CHAIRMAN. On this question the tellers report 105 in the affirmative and 97 in the negative. The ayes have it, the motion is agreed to, and the section is stricken out. [Applause.]

Mr. HORR. I give notice I will ask for a yea-and-nay vote in the House.

The Clerk read section 3 of the bill, as follows:

SEC. 3. That a special stamp of the face valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designated by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office.

Mr. MCMILLIN. I make the point of order on that section that it changes existing law and does not retrench expenditures, and hence is obnoxious to the point of order?

Mr. BAYNE. I hope the gentleman will make the point of order so as to apply also to the subsequent section.

Mr. TOWNSHEND. To what section is the point of order made?

The CHAIRMAN. It is made to section 3.

Mr. BAYNE. The next section is subject to the same point of order, and I ask unanimous consent that the two be considered together.

The CHAIRMAN. The Chair can not entertain a point of order on a section of the bill that has not been read.

Mr. BAYNE. I ask unanimous consent that section 4 be also read. It is part of the same scheme.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the committee may consider sections 3 and 4 together, and that the point of order shall be considered as applying to both. Is there objection?

Mr. MCMILLIN. I think we had better have a decision on the point of order as made on the third section.

The CHAIRMAN. The gentleman from Tennessee objects to the request of the gentleman from Pennsylvania.

Mr. TOWNSHEND. I hope the gentleman will allow the point of order to apply to both sections as a matter of convenience.

The CHAIRMAN. The Chair is of opinion, on a casual examination, that section 3 is subject to the point of order.

Mr. BLOUNT. There is a good deal of confusion. I did not hear what was the decision of the Chair.

The CHAIRMAN. The Chair sustains the point of order made by the gentleman from Tennessee.

Mr. SKINNER, of New York. I desire to debate the point of order made by the gentleman from Tennessee.

Several MEMBERS. Too late.

The CHAIRMAN. The Chair does not desire to hear any argument on the subject. It seems to the Chair very clear that the section is new legislation, and it does not retrench expenditures.

Mr. ROWELL. I rise to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROWELL. In considering the point of order does the Chair take into consideration the last section of the bill, which provides a limit to the compensation to be paid to the parties employed to deliver the mail, the limit being 80 per cent. of the face value of the stamps?

The CHAIRMAN. The Chair has not considered any section except the one before the committee.

Mr. MCMILLIN. If the Chair will indulge me, I will say my desire is that the bill shall not be loaded down with extraneous legislation. This may be a very good provision, but I do not wish to have it forced on an appropriation bill.

Mr. SKINNER, of New York. Will the gentleman from Tennessee allow me to say that this bill contains other new legislation besides that against which the point of order has been raised and which would have been obnoxious to the point of order? I ask the gentleman from Tennessee, in the interest of the new legislation which he has not thus far objected to, to withdraw his point of order on this——

The CHAIRMAN. All discussion is out of order; there is nothing before the committee unless some gentleman desires to appeal from the decision of the Chair. If not, the Clerk will read the next section of the bill.

Mr. SKINNER, of New York. Mr. Chairman, I desire to call the attention of the Chair to an important point in connection with this matter.

The CHAIRMAN. The Chair does not desire to hear any argument.

Mr. SKINNER, of New York. I desire to call the attention of the Chair to the point, with his permission.

Mr. BLOUNT. I call for the regular order.

The CHAIRMAN. The Chair has decided the point of order. The Chair is very clear about it; and, unless an appeal is taken, he does not think that the progress of the bill ought to be delayed.

Mr. CANNON. Mr. Chairman, I desire to offer an amendment. This point of order, as I understand, goes to all these sections.

The CHAIRMAN. This point of order has been made only on the section that has been read.

Mr. CANNON. Then I reserve my amendment for the present.

The CHAIRMAN. The Clerk will read section 4.

The Clerk read the section, as follows:

SEC. 4. That such specially stamped letters shall be delivered from 7 o'clock ante meridian up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act.

Mr. MCMILLIN. I make the same point of order on that.

Mr. SKINNER, of New York. Mr. Chairman, may I not debate that point of order?

The CHAIRMAN. The section is of the same character as the other. The Chair desires to state to the gentleman from New York [Mr. SKINNER] that there can be scarcely any question upon the point of order.

Mr. SKINNER, of New York. But, I think, Mr. Chairman, there is a question.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. SKINNER, of New York. Very well. I desire to call the attention of the Chair to clause 3 of Rule XXI which, after specifying what amendments may not be made to appropriation bills, says further:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now, anything retrenches expenditures which helps to pay expenses, and that is precisely what this legislation does. According to one of the sections here this bill provides that, in addition to the regular postage upon a letter, a 10-cent stamp shall be added, and that there shall not be paid to any messenger for this delivery-service to exceed 8 cents out of that 10 cents, leaving 2 cents out of the 10 to pay the expenses of the work, aside from the matter of ordinary postage.

And, if I may be allowed, I will add against this point of order that these provisions of the bill come to this House upon the recommendation not alone of one committee but of two committees of the House, the Committee on Appropriations and the Committee on Post-Offices and Post-Roads. Further than that, it has also the unqualified approval of the Post-Office Department, and is of such importance that it was recognized in the last message of the Chief Magistrate of the Union. Now, sir, if a point of order which has been withheld from other good legislation in this bill can stand against the recommendation thus made with reference to these provisions of this bill, then I have nothing more to offer except to urge the gentleman from Tennessee [Mr. MCMILLIN] to withdraw his point of order.

Mr. MCMILLIN. In response to what has been stated by the gentleman from New York [Mr. SKINNER] concerning the merits of the two sections in the bill that succeed the one now under consideration, I have nothing to say, because they are not now under discussion. That this section is obnoxious to the rule requires but inspection to determine. So far as withdrawing the point of order is concerned, if I may be permitted to respond to that suggestion, I will also state to the gentleman that these provisions may be very good in their way—I do not attempt to adjudicate that question; but this bill is loaded down to the guards with general legislation, and when that legislation is designed to increase by hundreds and by thousands the officers or employés of the Government, then I think that if that is to be done at all it ought to be done in an independent measure, and not in such a way as to force us either to vote against an appropriation bill or else to vote for a proposition which, to say the least, is experimental. [Cries of "Question!" "Question!"]

Mr. HORR. Mr. Chairman, one word. I am astonished that my friend from Tennessee [Mr. MCMILLIN] should have sat here in his seat during this entire debate and permitted legislation to go on which is not one-tenth part as much in the interest of the people as this is, and should never raise his voice in objection to it and yet should object to this. Any man who will examine this special delivery question will wonder that the system has not been adopted before in this country—will wonder that it was not adopted twenty years ago. It carries with it nothing but benefits for the people. It pays for itself, and produces a surplus; that is secured by the very nature and wording of these provisions of the bill; and although I agree with the Chair that it may be obnoxious to the letter of the rule, yet I am surprised that any gentleman should here oppose ingrafting upon this bill a measure which simply permits people to send their letters direct by paying for the privilege.

The gentleman talks about this legislation increasing the number of the officers of the Government. Did he ever hear of a telegraph company dismissing all its messengers because it required a large number of boys to do the work?

Mr. MCMILLIN. If the gentleman will permit, the point I made was this, that on a general appropriation bill we ought not, without absolute necessity, to increase by hundreds or by thousands the employés of the Government.

Mr. HORR. Mr. Chairman, this bill simply increases the number of the boys who will deliver these letters. The number would be very large; there is no doubt of that; but the service would be paid for by the parties sending the letters. If the gentleman sees fit to insist upon the point of order, of course he can strike this measure out of the bill; but I do say to him that in doing that he commits an injury upon the people of this country and upon the postal service of the country which I believe he himself, when he reflects upon it, will regret. Indeed, I

am quite confident that the gentleman has not examined this provision with any care, because I believe that if he had done so he would not oppose it.

Mr. McMILLIN. The gentleman is in error; I have given it careful examination. [Cries of "Regular order!" "Regular order!"]

Mr. TOWNSHEND. Mr. Chairman, I send up to the Clerk's desk an amendment which I wish to offer.

The CHAIRMAN. Will the gentleman wait a moment? There is a point of order now pending, and the committee has not yet disposed of the sections that succeed section 3.

Mr. TOWNSHEND. I want this amendment to come in after section 2.

The CHAIRMAN. The Chair has passed on section 4, and has ruled that out. The Clerk will read the next section.

The Clerk read as follows:

SEC. 5. That to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department.

Mr. McMILLIN. I make the same point of order on this section as on the preceding one.

The CHAIRMAN. The Chair is obliged to sustain the point of order upon this section, as he must also do upon the succeeding one. He regrets very much the necessity of doing so, because on the merits of these provisions he agrees fully with the gentleman from Michigan. If there be no objection the next section will be ruled out without being read. The Chair hears no objection.

Mr. TOWNSHEND obtained the floor.

Mr. SKINNER, of New York. I desire to offer an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Illinois [Mr. TOWNSHEND].

Mr. HAMMOND. I rise to a parliamentary inquiry. We did not hear what became of section 6.

The CHAIRMAN. It was ruled out, being part of the same subject-matter as the sections immediately preceding.

Mr. TOWNSHEND. I move to amend by inserting the provision I send to the desk as a new section, to come in immediately after section 2.

The Clerk read as follows:

SEC. 3. That a special stamp of the valuation of 10 cents may be provided and issued, whenever deemed advisable or expedient, in such form and bearing such device as may meet the approval of the Postmaster-General, which, when attached to a letter, in addition to the lawful postage thereon, the delivery of which is to be at a free-delivery office, or at any city, town, or village containing a population of 4,000 or over, according to the last Federal census, shall be regarded as entitling such letter to immediate delivery within the carrier limit of any free-delivery office which may be designed by the Postmaster-General as a special-delivery office, or within one mile of the post-office at any other office coming within the provisions of this section which may in like manner be designated as a special-delivery office. And that such specially stamped letters shall be delivered from 7 o'clock ante meridian up to 12 o'clock midnight at offices designated by the Postmaster-General under section 3 of this act. And that to provide for the immediate delivery of letters bearing the special stamp, the postmaster at any office which may come within the provisions of this act may, with the approval of the Postmaster-General, employ such person or persons as may actually be required for such service, who, upon the delivery of such letter, will procure a receipt from the party addressed, or some one authorized to receive it, in a book to be furnished for the purpose, which shall, when not in use, be kept in the post-office, and at all times subject to examination by an inspector of the Department. And that to provide for the payment of such persons as may be employed for this service, the postmaster at any office designated by this section shall keep a record of the number of letters received at such office bearing such special stamp, which number shall correspond with the number entered in the receipt-books heretofore specified; and at the end of each month he may pay to such person or persons employed a sum not exceeding 75 per cent. of the face value of all such stamps received and recorded during that month: *Provided*, That in no case shall the compensation so paid to any one person exceed $30 per month: *And provided further*, That nothing in this act shall in any way interfere with the prompt delivery of letters as now provided by law or regulation of the Post-Office Department.

Mr. McMILLIN. The amendment just read is subject to two points of order: First, that it changes existing law, while it does not retrench expenditures; second, that it is the substance of another bill pending before the House.

Mr. TOWNSHEND. Mr. Chairman, the proposition I have just submitted is substantially the same as sections 3 to 6 of the printed bill. I have, however, incorporated those sections in a single proposition; and I do not believe that this proposition as an entirety is subject to the point of order.

This proposition, if adopted, will not cost the Government one dime; in reality it will increase the receipts of the Government. The compensation of the messengers whom it is proposed to employ will come exclusively out of the money received from the sale of the special stamps provided for; and I feel very confident that instead of increasing expenditures the measure will reduce expenses.

This proposition, Mr. Chairman, has received the unanimous approval of the Committee on Appropriations; its adoption will be a matter of very great convenience to the people, and I certainly hope, even if it be subject to a point of order, that no one will urge the point. I do not believe, however, that as an entirety it is obnoxious to the point of order, because the last clause of the proposition clearly confines the compensation of these messengers to the receipts from the sale of these special stamps. Besides, one-fourth of the amount thus received is to be retained by the Government and will be turned into the Treasury.

Mr. BROWNE, of Indiana, obtained the floor.

Mr. McMILLIN. The gentleman from Indiana will allow me to say that this proposition is identical with the provisions just ruled out by the Chair on a point of order.

Mr. BROWNE, of Indiana. Except that in this the amount to be paid to the special carrier is changed from 80 per cent. to 75 per cent. of the money which may be received from the sale of these stamps. That is the only change.

I presume it will be conceded by every gentleman of this committee that this provision changes existing law. The next question then is, whether it reduces expenditures. Now, if all the expense growing out of this system were simply the payment of these special messengers, it would be true that the measure is in the direction of economy. But is that the whole expense? The proposition certainly involves, in the first place, the necessity of procuring additional stamps—stamps of a special character. This will cost something, as a matter of course. The printing of additional stamps must involve that much additional expense.

Mr. HORR. I know the gentleman from Indiana does not wish to be unfair; and he will allow me to ask whether it will cost any more to print these 10-cent stamps than to print any other kind of stamps that might be placed upon letters?

Mr. BROWNE, of Indiana. I presume it would not.

Mr. HORR. Then where is the increase of expense?

Mr. BLOUNT. The increase arises from the fact that the money received from the sale of these stamps is to go toward paying a new and special class of employés. There is the additional expense.

Mr. BROWNE, of Indiana. It is insisted I am mistaken in supposing that the printing of these special stamps will involve an additional expense. Suppose I am mistaken on that point; certainly this measure will involve the necessity of creating a separate accounting department in the Post-Office—a separate bureau in which to keep an account of the receipts and expenditures of this service. There can be no question in regard to that.

It also creates, though I have no objection to that, so many additional officers, whose salaries are to be paid, and these entail, of course, the necessity of additional accounts in the Department. In the nature of things this provision will increase—I can not tell to what amount—the expenditures of the Post-Office Department.

Now, possibly at the end of the fiscal year it may be developed that money has been made by the Government through the operations of this system. That may be true, but it certainly does not appear on the face of the provision itself.

If I understand the rule, it must appear either upon the face of the proposition itself or upon the face of the proposition taken in connection with existing provisions of law that it is in the direction of economy—that it does retrench expenditure of money. No member of the committee can by any computation tell whether this system is to cost more or less. It can not be told by any sort of computation, and we will never know what the result of the system will be until we have tested it in practical operation. If it is not apparent that it is in the direction of economy, if we can not tell from the nature of the proposition itself, then it is obnoxious to the point of order.

Mr. ELLWOOD. Mr. Chairman, it seems to me the argument of gentlemen themselves show conclusively there will be as the result of this measure a large balance of profit in favor of the Government of the United States. It will not only retain 20 per cent., but also all over $30 per month to any one person. Now, does any man here believe in an enterprise of this kind in offices where the system shall be established will not give more than $100 per month? Are we to stand here, therefore, and allow those who live outside cities to be ruled out on technical points from any advantage under this Government, even when we propose to pay for it? So far from any loss accruing it must be evident to all gentlemen that this Government will receive increased revenue by the adoption of this provision of law. It is provided that in no case shall the compensation paid for any one person exceed $30 per month. Now there is no doubt in my mind the income arising under this law will amount to three or four times that sum. I hope therefore the provision will meet with the favor of the two Houses.

Mr. TOWNSHEND. In the interest of the passage of this Post-Office appropriation bill I should like to have the Chair rule on this point of order.

The CHAIRMAN. When section 3 of the bill was reached the point of order was made on it. At that time there was nothing before the Chair but that section. The Chair could not know, because the other sections had not been read, what they contained. It seems this subsequent section materially changed the proposition. As there is some doubt in the matter, and as the Chair has not had time to consider it, he will submit it to the committee.

Mr. BROWNE, of Indiana. If the Chair has any doubt about it, I hope the gentleman from Tennessee will withdraw his point of order.

Mr. McMILLIN. At the request of many of those around me I

withdraw the point of order, and will let the House vote on it. With the permission of the gentleman from Illinois I will withdraw my point of order to the original proposition instead of to his amendment.

The CHAIRMAN. If there be no objection, the point of order will be withdrawn and the text of the bill will stand.

Is there objection to allowing the original text of the bill to stand?

Mr. HAMMOND. To that I object.

Mr. TOWNSHEND. I do not think the gentleman objected in time.

The CHAIRMAN. The Chair did not hear the objection at the time.

Mr. McMILLIN. The gentleman from Georgia was up. I know the fact. I do not know what he was up for, but I know he was up. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. Will the gentleman state his objection?

Mr. HAMMOND. I made objection to this measure because I thought I had a good one. I desire to state the reasons for it, and then I will withdraw my objection, and if no gentleman thinks my reasons are good the proposition will go without objection.

In order under this bill to pay these carriers $30 per month, saying nothing in the world of the cost of books and all the other incidental expenses that occur, there must be delivered 1,500 letters per month at night in all these towns of 4,000 inhabitants to be affected thereby. There is not one in every twenty of them that will have the 1,500 letters. The gentleman interrupts me to say, "Then they will not pay anything." He interrupts me again to say, "Only what they get."

Now, if the gentleman will wait I will finish my sentence. The effect of it is that you will have thousands of officers employed all over the country and the report will be that they get no compensation, and Congress will pay them out of the Treasury.

A MEMBER. They are only boys.

Mr. HAMMOND. Yes, only boys, and because they are boys you pay them. Appeals will come up that these barefooted boys, after wading through the snow and ice to deliver these letters are not compensated, and you will pay them in spite of the bill now before us.

But, sir, I want to state another objection that is peculiarly personal. I think it is a direct attack upon the Democratic Congress. [Laughter.] It is a well-known fact that we are receiving letters by the peck that every writer understands to be extremely important. I am in the habit when I leave Congress of going to bed at 10 o'clock at night and trying to recruit for the next service here; and am I to be waked up every night and my slumbers disturbed by these night-letters? [Laughter.] It is a personal attack upon my comfort. [Renewed laughter.] Now I withdraw my objection.

The CHAIRMAN. There is nothing before the committee, unanimous consent having been given that the text of the bill from section 3 to the end shall remain as it is.

Mr. HOLMAN. I desire to offer an amendment, if I can ask unanimous consent to go back in the bill.

Mr. TOWNSHEND. Will it not come in at the end of the bill?

Mr. HOLMAN. Very well. I will offer the amendment which I send to the desk as a new section.

The Clerk read as follows:

SEC. 7. For the office of the Second Assistant Postmaster-General: For transportation of foreign mails, including the railway transit across the Isthmus of Panama, $425,000.

Mr. HOLMAN. I now ask for the present unanimous consent to substitute the $425,000 for the $370,000 appropriation on page 10 of this bill.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to recur to the tenth page of the bill to strike out $370,000 and insert $425,000 with the provision he has annexed.

Mr. HORR. Is this to take the place of that provision?

The CHAIRMAN. The gentleman asks unanimous consent that the amendment may assume the form of the amendment at page 10, lines 226 and 227, instead of incorporating it in the bill as an additional section.

Mr. ELLIS. I object.

Mr. HOLMAN. Unless the Chair will rule that I may have the privilege to return to this paragraph, I shall not insist upon the amendment here, but will offer it in the House.

The CHAIRMAN. The gentleman can offer it in the House before the previous question is ordered.

Mr. MONEY. I asked my friend to change the language. As it stands now there is not a cent here provided for American steamships.

Mr. HOLMAN. I am trying to correct that, but the gentleman from Louisiana objects. Therefore, for the present, I withdraw the amendment.

Mr. COX, of New York. I propose an amendment to come in at the end of the last section of the bill as a new section.

The Clerk read as follows:

SEC. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin boards in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance, and provided also that no cost or charge to the Government shall be incurred in consequence of such instructions.

Mr. HORR. That is right.

The amendment was agreed to.

Mr. BAYNE. I want to make one statement. In making some remarks upon this bill I was in error in saying that the Pacific Mail Steamship Company divided a quarterly dividend of 5 per cent. and 20 per cent. per annum. It should have been 5 per cent. yearly, instead of 5 per cent. quarterly. I desire to make that correction, not wishing to make any mistake in a statement of this character.

The CHAIRMAN. The Chair desires to ask unanimous consent in behalf of the gentleman from New York [Mr. SKINNER] to print additional remarks on this bill.

Mr. ROWELL. I ask unanimous consent also for the same purpose.

There was no objection.

Mr. TOWNSHEND. There were one or two points passed over in the bill, and I ask now that we return to them, as the gentleman from Pennsylvania [Mr. BINGHAM] has an amendment to offer.

Mr. BINGHAM. After consultation with the gentlemen who have charge of this bill, I withdraw my former amendment and submit what I send to the desk in lieu thereof.

Mr. TOWNSHEND. I will state that the amendment of the gentleman from Pennsylvania has been submitted to the members of the committee and they are well satisfied with it. It merely makes uniform the charge in weight of letter-postage.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In line 192, after the word "thereof," insert:

"And drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices; and 1 cent for each ounce or fraction thereof where their delivery by carrier is not established."

Mr. WARNER, of Ohio, addressed the Chair.

The CHAIRMAN. The gentleman from New York is recognized.

Mr. ROBINSON, of New York. I have waited for two or three days to make some remarks upon the reduction of postage upon letters to 1 cent. I should like to be heard for a moment.

The CHAIRMAN. The gentleman from New York is entitled to the floor and will be recognized as speaking to the present amendment.

Mr. ROBINSON, of New York. There is no tax imposed upon the American people so iniquitous, so burdensome, so outrageous as that under the 2-cent postage law. The working people of these United States are compelled to pay twice as much on their letters as is required to pay the expense of conveying them. No man dares to deny, no man does deny, that the first-class letter matter to-day pays double the expense of its transportation. Other matters are crowded into the mails, and the people who send the letters have to pay the tax for sending other materials.

We have the franking privilege, which conveys great masses of documents all over the country free. We have the penalty envelopes lying by the thousand around in every Department. I do not know but the constables of the city of Washington have these penalty envelopes. The city department has, the Treasury Department has. And not content with the Treasury Department having them, every bureau has these penalty envelopes; and it was charged by a distinguished subordinate of one of these Departments of the Government that the chief of the Department employed them for his private use. They are lying loose around everywhere.

Then we have this immense conveyance of matter in the mail by hundreds of millions of pounds crowding down the paying portion of the people that pay for the carriage of the letters that are written for private correspondence; and yet we have this Committee on the Post-Office and Post-Roads in place of making any provision to rectify these evils coming in here to allow newspapers to the weight of four ounces to go for 1 cent. What was the use of this? Simply to allow persons to send a paper instead of a letter because they can avoid the postage and put marks inside the papers. The post-offices of the country are crowded with this useless matter.

Then we have a proposition to cut down the postage on the matters sent out from the great newspaper establishments, which go by hundreds of tons to one-half the price. [Cries of "Vote!" "Vote!"]

I have not trespassed upon the time of this committee. I have a proposition that should stop all legislation until this iniquity is remedied. Let me illustrate it in this way: Cyrus W. Field with his newspapers goes to a post-office with one pound of them and tells the postmaster to convey that to California for 2 cents. You propose in future to let him have it conveyed for 1 cent. A poor widow who lost her son in the rebellion and has a daughter in California, wants to write her daughter some family news and she has to pay her 2 cents for one-half ounce. You propose in this bill to allow Jay Gould and Cyrus W. Field and all the millionaires, all the monopolists of this country, to convey a pound of mail matter for 1 cent, while this poor widow has to state all her fears and hopes, her joys and sorrows, in a letter weighing half an ounce, and the United States asks 2 cents for conveying that.

Jay Gould and Cyrus W. Field meanwhile have full swing and have their mail matter conveyed at 1 cent, and the Congress of the United States denies to the poor widow the privilege of sending her half-ounce for 1 cent.

I move to strike out the words "2 cents," wherever they occur, and insert "1 cent."

[Here the hammer fell.]

Mr. TOWNSHEND. I make the point of order on the amendment offered by the gentleman from New York [Mr. ROBINSON].

Mr. HORR. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HORR. I want to know whether it will be possible in the House to make an amendment? Suppose the House, by a yea-and-nay vote, should still strike out the provision for the transportation of the mails in United States ships, which has gone out of the bill in committee, so that there is not a dollar in it for that purpose, can not that be corrected in the House?

Mr. HOLMAN. That is all right.

The CHAIRMAN. The Chair will state that unless the previous question should be ordered in the House, so as to cut off all amendments, the bill will be there open to amendment just the same as here. It will depend entirely on the previous question being ordered.

The gentleman from New York [Mr. ROBINSON] submits an amendment to the amendment. The gentleman from Illinois [Mr. TOWNSHEND] made the point of order on the amendment to the amendment. The Chair thinks the point of order is well taken.

Mr. ROBINSON, of New York. I ask permission to extend my remarks as they will appear in the RECORD.

There was no objection.

The CHAIRMAN. The question is on the amendment submitted by the gentleman from Pennsylvania [Mr. BINGHAM].

Mr. TOWNSHEND. That amendment is accepted by the Committee on Appropriations.

The amendment was agreed to.

The CHAIRMAN. The gentleman from Virginia [Mr. GEORGE D. WISE] is also recognized to offer the amendment which the Clerk will read.

The Clerk read as follows:

Add the following:

"*And provided further*, That the rate of postage on second-class publications deposited in a letter-carrier office for delivery by the carriers of the office, shall be uniform at 1 cent for each pound, or fraction thereof."

Mr. TOWNSHEND. I must make the point of order on that amendment; it changes existing law and does not retrench expenditures.

The CHAIRMAN. The Chair sustains the point of order.

Mr. MONEY. I send to the desk an amendment to come in after line 28.

The CHAIRMAN. The gentleman from Mississippi was entitled by unanimous consent to return to this part of the bill.

The Clerk read as follows:

After line 28, page 2, insert the following:

"And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work."

The amendment was agreed to.

Mr. TOWNSHEND. Now, Mr. Chairman, I move that the committee rise and report this bill back to the House with the recommendation that it do pass.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. SPRINGER reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, had agreed to sundry amendments thereto, and had instructed him to report the bill as amended back to the House with the recommendation that it do pass.

Mr. TOWNSHEND. Mr. Speaker, I demand the previous question upon the bill and amendments; but before doing that I yield a moment to the gentleman from Indiana [Mr. HOLMAN], who desires to offer an amendment.

Mr. HOLMAN. I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

Strike out lines 224, 225, 226, and 227, and insert in lieu thereof the following:

"For transportation of foreign mails, including railway transit across the Isthmus of Panama, $425,000."

Mr. TOWNSHEND. Now, Mr. Speaker, I demand the previous question upon the bill and amendments.

The SPEAKER *pro tempore*. The question is upon ordering the previous question upon the bill and the amendments, including the amendment submitted by the gentleman from Indiana [Mr. HOLMAN.]

Mr. DINGLEY. Mr. Speaker, will the question be taken first on the amendment offered by the gentleman from Indiana [Mr. HOLMAN] or on the amendments reported by the Committee of the Whole?

The SPEAKER *pro tempore*. The Chair will take the vote of the House upon ordering the previous question upon the bill with the amendments pending, including the one just offered by the gentleman from Indiana [Mr. HOLMAN].

The question was taken; and the previous question was ordered.

Mr. TOWNSHEND moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question is upon the amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. HORR. Mr. Speaker, it seems to me that the question on that amendment would come when we reach the section to which the amendment applies.

The SPEAKER *pro tempore*. The Chair does not understand that this bill is to be considered by sections in the House.

Mr. ELLIS. Mr. Speaker, I ask that the amendments be reported in their order.

The SPEAKER *pro tempore*. The gentleman is right. The Clerk will report the amendments in their order.

Mr. TOWNSHEND. Now, Mr. Speaker, as the previous question has been ordered, I think it would be well to let the recess begin at this time, and to-morrow, after the reading of the Journal, we can call the yeas and nays on these amendments and on the bill. I make that motion.

The SPEAKER *pro tempore*. The gentleman from Illinois [Mr. TOWNSHEND] moves that the House now take a recess until 8 o'clock this evening, with the understanding that the vote upon the bill and the amendments shall be taken to-morrow after the reading of the Journal.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. MATSON. I move that the scope of Friday evening's session be enlarged, so that bills reported from the Committee on the Judiciary for the removal of political disabilities, as well as Senate bills for the same purpose, on the Speaker's table, may be considered.

The SPEAKER *pro tempore*. If no objection be made, the Chair will entertain the motion of the gentleman from Indiana [Mr. MATSON].

Mr. O'NEILL, of Pennsylvania. Mr. Speaker, if that requires unanimous consent I shall object. I do not want the Speaker of the House to have any power to come here and get us into Committee of the Whole to consider bills generally.

The SPEAKER *pro tempore*. The Chair will state that the Chair is assuming no authority to enlarge the order of the House. The gentleman from Indiana [Mr. MATSON] has moved that the scope of the night session be enlarged.

Mr. TUCKER (to Mr. O'NEILL, of Pennsylvania). It is for the consideration of bills removing political disabilities.

Mr. O'NEILL, of Pennsylvania. Oh, if it only for that I withdraw my objection.

The SPEAKER *pro tempore*. If there be no objection the order will be made in accordance with the motion of the gentleman from Indiana [Mr. MATSON].

Mr. PRICE objected, but immediately withdrew his objection.

The SPEAKER *pro tempore*. There being no objection, it is so ordered.

LEAVE TO PRINT A BILL AND REPORT.

Mr. ROGERS, of Arkansas, by unanimous consent, obtained an order to print the bill (H. R. 6864) and the accompanying report No. 1436 touching the establishment of a postal telegraph system.

ENROLLED BILL SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts, and United States post-office, internal-revenue office, and other Government offices at Erie, Pa., and making an additional appropriation therefor.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. Before the House takes a recess the Chair will announce that at the session this evening the gentleman from New York, Mr. BAGLEY, will occupy the chair as Speaker *pro tempore*.

By unanimous consent, it is ordered that the recess shall now begin, and the House will meet at 8 o'clock this evening, according to its previous order.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. BAGLEY in the chair as Speaker *pro tempore*.

The SPEAKER *pro tempore*. The Clerk will read the orders defining the business for this evening's session.

The Clerk read as follows:

That until the further order of this House, on each Friday the House will take a recess at 5 o'clock until 8 p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

On motion of Mr. MATSON, by unanimous consent, the special order for Friday evening sessions for consideration of bills from the Committee on Invalid Pensions and the Committee on Pensions was amended so as to include bills for the removal of political disabilities reported by the Judiciary Committee and Senate bills on the Speaker's table for the removal of political disabilities.

NATHAN J. SHARP.

Mr. JOHNSON. I ask unanimous consent to take from the Speaker's

table, for concurrence in an amendment of the Senate, the bill (H. R. 6816) for the relief of Nathan S. Sharp.

There being no objection, the bill was taken up and the amendment of the Senate, to add to the bill the words "in lieu of the pension he is now receiving," was concurred in.

JAMES BEDELL, SR.

Mr. MATSON, from the Committee on Invalid Pensions, reported back, with an amendment in the form of a substitute, the bill (S. 2327) for the relief of James Bedell, sr.; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JESSE S. HARROLD.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2158) granting an increase of pension to Jesse S. Harrold; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDGAR L. DUTTON.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1790) granting an increase of pension to Edgar L. Dutton; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

NEWTON J. BURRIS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1655) granting a pension to Newton J. Burris; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. FRANCES L. THOMAS.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SUSAN WOOLLEY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 6782) granting a pension to Susan Woolley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EUGENE O'SULLIVAN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with amendments the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. CHARLOTTE HACKETT.

Mr. BAGLEY (by Mr. MORRILL) reported back favorably from the Committee on Invalid Pensions the bill (S. 1416) granting a pension to Mrs. Charlotte Hackett; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ALBERT HARPER.

Mr. BAGLEY (by Mr. MORRILL) also reported back favorably from the Committee on Invalid Pensions the bill (H. R. 8090) granting a pension to Albert Harper; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID SEARS.

Mr. BAGLEY (by Mr. MORRILL) also reported back with amendments from the Committee on Invalid Pensions the bill (H. R. 8091) granting a pension to David Sears; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHARLES L. ALDEN.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 6960) for the relief of Charles L. Alden; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JAMES M'CALLEN.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1571) granting a pension to James McCallen; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISABELLA HIGGINS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2549) granting a pension to Isabella Higgins; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM STANSBURY.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7993) for the relief of William Stansbury; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. LUCY PARR.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 8142) granting a pension to Mrs. Lucy Parr; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CHRISTIAN ARNDT.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7992) for the relief of Christian Arndt; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MRS. KATE A. DRUMMOND.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2231) granting a pension to Mrs. Kate A. Drummond; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

SYDNEY L. SKAGGS.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 1268) for the relief of Sydney L. Skaggs; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JULIA T. SCOTT.

Mr. STRUBLE, from the Committee on Pensions, reported back favorably the bill (S. 526) granting a pension of $50 a month, to be paid out of the naval pension fund, to Julia T. Scott, widow of Gustavus Scott, late a rear-admiral in the United States Navy, and over forty-six years in active service; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

GEORGE W. BEAN.

Mr. STRUBLE, from the Committee on Pensions, also reported back favorably the bill (H. R. 1710) granting a pension to George W. Bean; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

LINA J. STEARNS.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 8082) granting a pension to Lina J. Stearns; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

MARGARET FLAHERTY.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7853) granting a pension to Margaret Flaherty; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

PATRICK FURLONG.

Mr. RAY, of New Hampshire, from the Committee on Invalid Pensions, also reported back favorably the bill (S. 2610) granting a pension to Patrick Furlong; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ISABELLA TURNER.

Mr. RAY, of New Hampshire, from the Committee on Pensions, also reported back with an amendment the bill (S. 2009) granting a pension to Isabella Turner; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOHN SNYDER.

Mr. WINANS, of Michigan, from the Committee on Invalid Pensions, reported back with an amendment the bill (H. R. 7718) restoring to the pension-roll the name of John Snyder; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ORIN R. M'DANIEL.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1546) granting a pension to Orin R. McDaniel; which was referred to the Committeee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CYRUS REESER.

Mr. CULLEN, from the Committee on Invalid Pensions, also re-

ported back the bill (S. 2398) granting a pension to Cyrus Reeser; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

WILLIAM H. H. GILLEY.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (S. 2587) granting a pension to William H. H. Gilley; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

DAVID T. HOOVER.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back the bill (S. 2514) granting a pension to David T. Hoover; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

E. P. ALEXANDER.

Mr. REESE. I call up from the Speaker's table the bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring), That all political disabilities imposed by the fourteenth amendment to the Constitution of the United States upon E. P. Alexander, of the State of Georgia, be, and the same are hereby, removed.

Mr. PRICE. I suggest that class of bills be laid over until we get through with the pension bills.

The SPEAKER *pro tempore*. The Chair is informed that by unanimous consent permission was given to consider these disability bills this evening. Therefore it would be necessary to have a vote at least.

Mr. PRICE. I suggest the propriety of laying them aside until we get through with the pension bills.

Mr. MATSON. This bill is on the Speaker's table and must be considered in the House, while the pension bills are in Committee of the Whole House on the Private Calendar. There are only two or three of them, as I understand.

Mr. PRICE. At the suggestion of friends around me I withdraw my objection. I wish, however, to put on record that this evening I made a clear and distinct objection when unanimous consent was asked, and that objection was never withdrawn, and therefore the order to which the Chair refers could not have been legally made.

Mr. CULLEN. If there are many bills of this character they are likely to take up the whole time of this evening session.

Mr. MATSON. There are two of them in the House and the remainder in the Committee of the Whole House on the Private Calendar. I do not think there can be any objection to taking them up and passing them, as they will take but little time.

The SPEAKER *pro tempore*. The Chair is of the opinion that under the order of the House it is entirely competent to consider this case.

Mr. CULLEN. I only desire to say that if the most of the time of this evening session is to be taken up by this class of business I must interpose an objection. I am not in favor of monopolizing the session of this evening with bills of such a character.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed—two-thirds voting in favor thereof.

ALBERT IVERSON.

Mr. GEORGE D. WISE. I call up from the Speaker's table the bill (S. 2034) to remove the political disabilities of Albert Iverson.

The bill was read, as follows:

Be it enacted, &c. (two-thirds of each House concurring), That Albert Iverson, of the State of Florida, is hereby relieved of all political disabilities imposed on him by the fourteenth amendment to the Constitution of the United States.

Mr. HOLMES. I should like to hear the report in this case read.

The SPEAKER *pro tempore*. This is a Senate bill, and there is no report accompanying it, as it is taken up from the Speaker's table.

Mr. GEORGE D. WISE. This bill has been considered also by the Judiciary Committee of the House, who reported favorably upon it and recommended its passage.

The CHAIRMAN. The question is on the passage of the bill.

The bill was taken from the Speaker's table, read a first and second time, ordered to a third reading, read the third time, and passed—two-thirds voting in favor thereof.

ORDER OF BUSINESS.

Mr. MATSON. I now move that the House resolve itself into Committee of the Whole for the consideration of bills under the special order.

The motion was agreed to.

The House accordingly resolved itself into a Committee of the Whole House, Mr. HATCH, of Missouri, in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the consideration of bills under the special order.

Mr. MATSON. I ask unanimous consent that the order fixing the regular mode of business be dispensed with, so that the Chair may recognize members on each side of the House alternately to call up bills for consideration. My reason for making this request is that there are perhaps half a dozen bills on the Calendar which will provoke discussion; and since members have not come here to press them, I think it is proper that those gentlemen who are present should have the privilege of calling up their bills. I ask this, therefore, as a favor to the gentlemen who are here to-night.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There being no objection, it was so ordered.

EUGENE O'SULLIVAN.

Mr. MORRILL. I ask to call up the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Infantry, at the rate of $18 per month.

The committee recommend the following amendment:

Strike out in the last line "$18 per month" and insert "the pension allowed in the case of amputation of a leg above the knee." This pension to be in lieu of any other pension now allowed to said soldier.

Mr. MORRILL. I will make a brief statement in reference to this bill which I think will be satisfactory. This applicant was injured in Mississippi, I think, by being thrown from his horse, and was then placed upon the pension-roll at the rate of $8 per month.

He served for a few months after his injury was received, but was so much disabled that finally he was discharged from the service on account of his disability, one leg being two or three inches shorter than the other. He was employed in the quartermaster's department in Louisville, and while on a load of quartermaster's goods the horses became frightened, ran away, and he was thrown from the wagon, when a barrel of pork rolled on him, breaking the leg that had been injured in such a way as to necessitate amputation of the leg above the knee.

Of course he could not be pensioned under the general law, because at the time he had been mustered out and was then in the employ of the Quartermaster's Department. He was, however, on the pension-roll for the previous disability, and this places him on the pension-roll for the loss of the leg.

I will say further, that this bill passed the Senate and has the unanimous recommendation of the Committee on Pensions of the House.

Mr. HEWITT, of Alabama. Was he performing military duty at the time he received the last injury?

Mr. MORRILL. Not at the time he received the last injury. He had been a soldier, and was injured so that he could not take care of himself at the time the second accident happened; and not being able to get out of the way was permanently disabled, as stated.

Mr. HEWITT, of Alabama. You attribute his injury in the latter case to the disability arising from the original injury?

Mr. MORRILL. Yes, sir.

The CHAIRMAN. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ELIZA W. THORNBURGH.

Mr. WOLFORD. Mr. Chairman, I ask consent to call up the bill (H. R. 7655) granting an increase of pension to Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the United States Army.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Eliza W. Thornburgh, widow of Maj. Thomas T. Thornburgh, late of the Fourth Regiment of Infantry, United States Army, at the rate of $50 per month.

The committee recommend the following amendment:

Strike out, in line 7, the word "fifty" and insert "thirty;" so that it will read "$30 per month."

Mr. WOLFORD. Mr. Chairman, I propose to amend this bill by moving to strike out "thirty," the committee being divided upon that subject, and move to insert "twenty," the amount fixed in the original bill.

The CHAIRMAN. The Chair will state to the gentleman that the question will be first taken on the amendment submitted by the committee. Of course if that is voted down the bill will be placed upon its passage as originally reported.

Mr. BAYNE. But the amendment of the committee can be amended.

The CHAIRMAN. If the amendment of the committee is not agreed to the bill will be before the House as originally presented, which now contains the amount the gentleman proposes.

Mr. WARNER, of Ohio. Since there is a divided opinion in this case, I ask if there is a report accompanying the bill?

Mr. WOLFORD. There is.

Mr. WARNER, of Ohio. I think we should have the report read before being called upon to vote upon the amendment.

The report (by Mr. WOLFORD) is as follows:

That her late husband, Maj. Thomas T. Thornburgh, had a military record that would be a credit to any officer fifteen years in the Army, doing active, laborious, and dangerous duty. He acquired a reputation truly enviable early in the war with the seceding States.

When a boy he volunteered as a private in the Sixth Tennessee Infantry, was in the battle of Stone River and in several other engagements, in which he won distinction, and for his good conduct and great gallantry he was commissioned captain, and as captain his fine judgment and superior intelligence attracted the attention of his commanding officers, and he was made adjutant-general and placed on General Spears's staff. After this he was admitted as a cadet in the Military Academy at West Point, and graduated with distinction on the 17th of June, 1867, and was appointed second lieutenant, Second Artillery, and for his good conduct and efficiency he was promoted to first lieutenant, Second Artillery, April 21, 1870.

Served as professor of military science at East Tennessee University.

He was appointed paymaster of the United States Army with the rank of major, which office he filled with credit, being honest, industrious, and faithful.

On May 23, 1878, he was transferred to the line as major of the Fourth Infantry at his own request, and placed in command at Fort Fred Steele, and was killed at the head of his command at the crossing of Milk Creek while under orders. He was *en route* from Fort Fred Steele to the agency of the White River Utes with a command of four companies to protect their agent and to preserve order among them. He had orders not to attack, but he was attacked by the Utes in overwhelming numbers. In defense of his command he made one of the most gallant charges ever recorded in the annals of war.

General Crook, in General Orders No. 23, uses this language:

"As an officer, Major Thornburgh was active, ambitious, and actuated by a high sense of duty. His private life corresponded with his official reputation. It was unexceptionable and without a blemish."

General Sherman, in his report, says he was a young officer of excellent judgment and of high promise; brave, skillful, and efficient; a gentleman of fine instincts and a high sense of honor; an officer of whom we had reason to be proud. No man could have done better in life, nor met death with more heroism. (The exact language not given; we quote from memory.)

General Schofield testifies to his bravery, intelligence, and faithfulness in performing his duty in the Army, giving him great praise.

He was kind and tender to his men, while exacting strict obedience, and they all loved him and promptly obeyed him. He kept his men clean, healthy, cheerful, and always ready to fight. He was admired and beloved by all his brother officers. He was 6 feet 2 inches high, and every inch a soldier. He had high social qualities, was kind and generous to his friends, and loved his wife and children well. His widow, a lady every way worthy of him, is poor and has two of his children to support.

Your committee therefore report the bill with an amendment: Strike out the word "fifty" and insert the word "thirty," and with this amendment recommend that the bill pass.

Mr. WOLFORD. Before the vote is taken upon the amendment I want to make a little explanation. The committee, I have said, was not unanimous in this recommendation. They were divided, with a majority, however, in favor of the report.

I shall not detain the committee but a very few moments, but I hope the House will vote down the amendment and restore the amount originally fixed in the bill. If ever there was the widow of an officer who served under this Government, and who was entitled to consideration, this is a case that deserves it. If ever there was an officer below the rank of major-generul who performed a gallant, high, and laborious service, this man did so. His widow now comes and asks for this relief. Her husband was murdered by the Indians in the discharge of his duty. He was started from Fort Fred Steele with an inadequate force. Proud, ambitious, and brave, he did not grumble, but moved right along. His hands were tied under the orders which he had not to attack the Indians.

The savages were on his right and left and in front of him, but he was not permitted to attack. When the attack of the Indians was made he charged with a gallantry and bravery unparalleled in the history of war. He was a most gallant officer, devoted to his men. He drove back the savage foe and stood manfully in front of them until he fell and died.

Now I say if there is gratitude in the American heart, if we intend to do right, this is a case which calls for fitting action on our part. The widow of Major Thornburgh is of excellent family, the daughter of Colonel Clark, of the United States Army, and closely related to the late Colonel Dawson, of Pennsylvania; and, with her two infant children to support, she comes before this Congress and asks Congress for enough to educate and raise as they should be educated and raised the children of that gallant officer.

I will not detain the House with an argument; for I feel it must be in the heart of every American, in Congress or out of Congress, to see the widow of that officer—young, brave, and promising, if he had lived, to be one of the greatest men in the United States—to see her put in a situation to properly educate and raise her children.

Mr. CUTCHEON. I wish to ask the gentleman from Kentucky as to the family of this lady. How many children has she?

Mr. WOLFORD. Two.

Mr. STEELE. The gentleman from Kentucky, I presume, wants the amendment voted down?

Mr. WOLFORD. Yes, sir; I want it voted down.

Mr. CUTCHEON. I desire to ask one more question. I ask the gentleman from Kentucky if this lady is now getting the full pension to which the rank of her husband entitled her?

Mr. WOLFORD. I think not.

Mr. CUTCHEON. I mean the regular pension to which a major's widow is entitled.

Mr. WOLFORD. She is getting $25 a month.

Mr. HEWITT, of Alabama. I wish to make one observation. This widow is now drawing a pension of $25 a month and $2 a month for each one of her children. That is, they are getting all of the pension the law allows to the widow of a major of the Army. And it is only a question now whether or not you propose to raise the amount from $25 to $50, making an exception of this case. I suppose there were many other officers that were as brave—I do not suppose any were braver—but I believe there were many as brave as this officer.

Mr. HOUK. I desire to ask the gentleman from Alabama a question. Do I understand the gentleman to say that the widow is now drawing a pension?

Mr. HEWITT, of Alabama. She is drawing a pension of $25 a month.

Mr. HOUK. For herself?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. HOUK. In her own right as a widow of this major?

Mr. HEWITT, of Alabama. Yes, sir.

Mr. HOUK. Under the general law?

Mr. HEWITT, of Alabama. Under the general law. And this bill proposes to increase that pension. The committee recommend an increase to $30.

Mr. HOUK. What pension are the children drawing?

Mr. HEWITT, of Alabama. Each is drawing $2 a month.

Mr. WOLFORD. That is part of the $25.

Mr. MATSON. I do not wish to detain the committee arguing the question which has been frequently argued before. As the gentleman from Alabama [Mr. HEWITT] has said, the question is whether there is to be an exception in this case. But there is a question beyond that. The question is whether this Congress is not going so far that there will be no exceptions after a while, and that it will be impossible for Congress to resist the applications that are made for the increase of widow's pensions.

Mr. HOUK. Will the gentleman from Indiana allow me to make a suggestion?

Mr. MATSON. I decline to yield until I get through.

We have had it said, Mr. Chairman, time and again in the discussion of these questions when a particular application is brought before us, that this is an exceptional case. We have allowed an increase of $50 a month to the widows of all general officers. There the Committee on Invalid Pensions has stopped, and proposes to stop; not because the widows of general officers in all cases are entitled to be pensioned at a higher rate than the widows of some that were not officers at all, but because there must be a line drawn or else Congress launches out upon an unknown sea and no one can tell where this thing will stop.

There were many men in the service, of different ranks, some of them without rank at all, who performed deeds of very great heroism, and whose widows are living in absolute want. Nobody proposes to increase their pensions to $50 a month, and the question recurs upon this committee and upon this Congress as to where we are to stop. That is all there is of it.

I have no doubt that every word uttered by the gentleman from Kentucky [Mr. WOLFORD] in relation to Major Thornburgh was true; but the same thing could be said of thousands of men who have fallen in defense of their country. If this Congress believes that the country can afford to increase the pensions of all widows of soldiers to $50 per month, then it is right to go ahead.

But I say to you if this thing is carried to an extreme length, as it seems likely to be under the precedents set here night after night, it is not only an injustice to the widows, but an injustice to all of the pensioners on the pension-list. Pensions will be brought into disrepute, and the country will cry out against the outrage of attempting to make classes and pension some widows at $50 a month and others at $8 a month.

I say to you, Mr. Chairman, this is a serious question. I have presented it time and again to this House. And I say unless we draw the line and stop somewhere there is serious danger ahead, not only to the pensioners, but there is serious trouble ahead to the members of Congress.

Mr. WARNER, of Ohio. Mr. Chairman, I rise to express my agreement with the gentleman from Indiana [Mr. MATSON] and to indorse every word that he has said. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair will endeavor to see that gentlemen, when addressing the committee, shall have a proper hearing during the time to which they are entitled.

Mr. WARNER, of Ohio. And gentlemen will certainly make nothing by calling "Vote! Vote!" while I am on the floor.

I think, Mr. Chairman, that we do injustice when we single out a pensioner here and there and grant an exceptional pension without extending like benefits to others equally meritorious. I say equally meritorious, because, while this was undoubtedly a brave officer, it can not be claimed that there were not others equally brave and deserving. Doubtless there were among the men whom this brave officer led a number wearing the plain uniform of the private soldier who were equally brave, and who fell with him on that occasion. Their widows get but $8 a month; but, because some one is willing to introduce a bill for this special case, because this applicant has friends in the House of Representatives, it is proposed to raise the pension of this widow even above that of the widow of a major-general.

I do not think that we are treating the pensioners of the country rightly when we select a few from the top and raise them still higher, leaving the great majority of the pensioners of the country to get along with pensions of $2, $4, and $6 a month—on an average about $4 a

month—and widows $8 a month. I have steadily opposed increasing the pensions of the widows of officers to $50 a month while we leave the pensions of widows of private soldiers at $8 a month. It does not seem to me to be right; and whenever a bill is brought in here for such a purpose I am moved to enter my protest against it as an injustice to the many widows who are drawing but $8 a month. One widow may be living in a city on one side of the street and another on the other side, one drawing $50 a month and the other only $8 a month, yet both may have lost husbands in the service, killed possibly in the same battle. I do not think that is just or that it is wise policy, and as the gentleman from Indiana [Mr. MATSON] has said, if we go on making these discriminations, selecting individuals here and there and increasing their pensions, the applications for the increase of pensions will multiply and there will be no end to them.

I think therefore that we do better justice and better promote the interests of the pensioners generally when we lay down right principles and adhere to them, doing equal justice to all.

Mr. HOLMES. Mr. Chairman, there seems to be a disposition upon the part of some members of this House to grade men in this matter of pensions according to the shoulder-straps they wore in the service—to grade them, not by the meritorious services they rendered to their country, but according as they were privates, or sergeants, or lieutenants, or major-generals. Sir, I am opposed to any policy that has that end in view. I am in favor of encouraging and rewarding military prowess and military genius. I am in favor of acknowledging and fitly rewarding the services of gallant men who imperiled their lives or gave up their lives for their country, no matter what rank they may have held or on what field they may have fallen.

This is the case of a man who risked his life as bravely against worthless barbarian redskins as if they had been his peers. He went down to death on that field as bravely as any man could die fighting against any foe. There seems to be a prevailing opinion in this House that if a man was only a major, his widow should receive but $20 a month. Mr. Chairman, that is a false idea, a false policy. It is warring against the inevitable law of cause and effect—it is warring even against human nature itself.

We recognize men for what they are worth, and the mere fact that a man was a major, or that he was not a major-general, does not preclude his family from the right to receive that recognition and reward which a brave and honorable soldier, whether living or dead, should always receive at the hands of his country.

Mr. Chairman, there is an effort made here to confine the pensions of privates to $8 a month. I regret to see an attempt to bind the American Congress down by any such rule. We have not followed that rule. We have violated it time and again, and I am glad to be able to say that there have been enough men found in the House of Representatives willing to violate a rule like that, having so little foundation in equity or common sense.

Here is a case which is recommended by the best men in the Army of the United States, the men who have rendered its history illustrious. They are all proud to do honor to the name of Major Thornburgh and to honor his wife and his family, and I hope there will be men enough in this committee to-night to stand up and give this widow and her family a pension of $50 per month. I hope we shall be generous. We shall not learn how to appreciate such men as Major Thornburgh until a foreign foe shall again knock at our doors, until our Navy, what little we have, has been driven from our shores and we are engaged in another great war.

Mr. Chairman, it is a good lesson to teach the young men in our Military Academy and in our Naval Academy that we do recognize the service of men of this kind, and if they fall in the cause of their country their wives and their families will be taken care of by their country. I trust, sir, that whether the case is that of a private, or a major, or a major-general, we shall always be ready to do justice, and that because a brave man was a private soldier we shall not therefore confine the pension of his widow to $8 a month or $50 a month, if he has done for his country that which deserves higher recognition and reward.

Mr. CONVERSE. Mr. Chairman, I will say only a word on this case. My excuse for saying anything is that this lady's friends and relatives have lived in my district. She is a niece of Dr. Dawson, who resided a great many years in my county; and I know something of her situation and the circumstances which have surrounded her since the death of her husband.

There is one fact that the chairman of the Committee on Invalid Pensions [Mr. MATSON] must not forget. When he admits that the statement made by the gentleman from Kentucky [Mr. WOLFORD] is a truthful statement, he must not forget that the gentleman from Kentucky stated this officer was sent forward with an insufficient force to rescue an Indian agent. It was a desperate service. This Indian agent, a civil officer of the Government, was in peril, and this officer, going forward with an insufficient force to his rescue, met his death. Now, will my friend from Ohio [Mr. WARNER] or any other gentleman claim that the sum we propose to allow in this case is an exorbitant amount for a widow and two children to live upon?

Mr. WARNER, of Ohio. That is not the question.

Mr. CONVERSE. But the gentleman says he wants all these cases drawn in a line, and wants them to stand exactly alike.

Mr. WARNER, of Ohio. Certainly.

Mr. CONVERSE. The very fact that this case comes here at all shows that it is an exceptional case. These applications for increase of pension are always exceptional. You can not draw any line in exceptional cases.

Mr. WARNER, of Ohio. Is not one widow with two children as deserving as another?

Mr. CONVERSE. And when another widow with two children, under circumstances which make an equally deserving case, comes here, I am ready to vote to her a similar increase. I am willing to vote to the widow of a private soldier in a meritorious case as much as to the widow of a colonel or a general.

Mr. WARNER, of Ohio. If the gentleman is ready to vote pensions of $50 a month to all widows of soldiers killed in the war, very well; but till we are ready to do so let us not single out particular cases and discriminate in their favor.

Mr. CONVERSE. Let the gentleman present here any exceptional case like this—a case where a man has lost his life on a field where no glory was to be won, where there was nothing but the naked and conscientious discharge of duty and where his death was the fault of the Government, and I am ready to vote $50 a month to the widow and children.

Mr. VAN ALSTYNE. Was the peril of this Indian agent imminent?

Mr. CONVERSE. Yes, sir; it was so considered by the officers there. These Utes rose and met this officer half-way.

Mr. VAN ALSTYNE. Did the Government have within convenient reach other forces that could have been added to the forces under the charge of this officer?

Mr. PETTIBONE. Oh, no; not available.

Mr. CONVERSE. Forces were scattered all along the Atlantic coast, and there were four companies at Fort Steele, but they were not within seventy-five or one hundred miles of this agency at the time.

Mr. STEELE. And the circumstances did not admit of delay?

Mr. CONVERSE. No, sir. There was an emergency. This officer was ordered by his superior officer to go forward with four companies at once, and he went in the discharge of his duty.

Mr. VAN ALSTYNE. Then he only performed his duty; and the Government was not at fault, inasmuch as no other forces were near there and subject to immediate order.

Mr. CONVERSE. The gentleman seems to forget that the country should do its duty by all. This is not a question of "drawing a line," as my friend from Ohio [Mr. WARNER] desires to do. It is a question of charity, of generosity. If this woman's husband had been spared to her his salary would have placed her in far better condition than this pension can do.

My friend from Kentucky, it seems to me, puts this case on the right ground. The proposition is to place in this woman's hands not only a bare support, but something with which to educate these children of hers; and $600 a year is a very small sum for any such purpose. Certainly it is no compensation for the loss of her husband.

Mr. CUTCHEON. How about those widows who receive only $75 a year, and some of whom have five or six children?

Mr. CONVERSE. If their pensions are not sufficient, increase them.

Mr. PETTIBONE. Mr. Chairman, this case, it seems to me, is entirely exceptional in its character. Let it be recollected that Major Thornburgh had given almost his whole life to his country. He had served for years on the frontier.

Mr. MORRILL. What had his salary been?

Mr. PETTIBONE. He had not been able to accumulate anything; he had been kept on the frontier, and every dollar that he had received had necessarily been spent for the support of himself and his family. Now in the very prime of life——

Mr. MORRILL. Let me ask the gentleman this question: Was not Major Thornburgh educated at the Government expense and paid a handsome salary as long as he was in the service?

Mr. PETTIBONE. Certainly he was educated at the expense of the Government, but before going to West Point he won his spurs in the war of the rebellion, having gone into the service as a boy. His father was a martyr in the cause of the country and his brother was in the service. He came of a line of soldiers.

This whole matter, it seems to me, is in a nutshell. Major Thornburgh, after giving the best fifteen years of his life to the country, died a poor man. The cause of his death was being suddenly pushed out into the Indian country to rescue an Indian agent, the lamented Meeker, and his family. He was sent out with orders not to fight if it could be avoided—not to make the attack. He could unquestionably have defeated the enemy. In an enterprise in which no glory was to be won he went forward without murmur, without question. He took his handful of men and started on his mission of rescue. Sternly obeying orders, refusing to make the attack when the emergency was imminent, certain that nothing but the utmost heroism would enable him to cut his way through, he saved the lives of his command but sacrificed his own, leaving his poor widow and two orphan children to receive a paltry pension of $25 a month, upon which the whole family were to be supported and the children educated.

This is one of those cases which probably will be rare in the history of the country, but it is one, it seems to me, which appeals to a liberal

and enlightened action on our part, so that if we would have officers in like manner to shed glory forever on the American arms, to do their duty without murmur, although no fame is to be won, with alacrity to enter upon the sternest discharge of duty, then we ought not to leave this widow and her orphan children to live in genteel poverty.

Mr. PUSEY. Mr. Chairman, I desire to say just one word in indorsement of that report. He was stationed at Omaha, and surrendered what is not usual, a very soft thing, a paymaster's position in the Army, to go out on our frontier to protect our settlers.

I say, gentlemen, if there ever was an exceptional case brought before this committee this is one; and I hope we will have the magnanimity to give this widow and her children some justice in compensation for the great sacrifice her husband made.

Mr. CUTCHEON. I am not in the habit of detaining this committee with any remarks. I am glad to hear the eloquent voices of the gentlemen who have spoken on my left. We are not accustomed to hear them in these pension meetings.

But I wish to say this, Mr. Chairman: There are in this country something like 70,000 widows whose husbands died gallantly for their country's sake, and when we begin to build up these discriminations no mortal man can tell where we are going to stop.

That this lady and some of her friends live in the district of the gentleman from Ohio [Mr. CONVERSE] is no reason why we should increase her pension.

That the gentleman from Ohio [Mr. PUSEY] is able to pay his most eloquent tribute to the character of Major Thornburgh is no reason why we should make her an exception.

If there are any facts in her circumstances which make it impossible for her to live on the pension she now receives, that may be a reason for increasing it, but ought to be no more reason for increasing it in her case than in each and all cases of widows whose husbands have perished in their country's cause.

I do not rise to oppose this bill, but I do rise to protest against discriminations which are not founded upon some good reason.

The CHAIRMAN. The question is on the amendment of the committee to strike out "$50" and insert "$30 a month."

Mr. RANDALL. What does the committee recommend?

The CHAIRMAN. Thirty dollars a month.

The committee divided; and there were—ayes 27, noes 25.

Mr. RANDALL demanded tellers.

Mr. BAYNE. I move by way of compromise, to remove all objections, it be put at $40 a month.

The CHAIRMAN. The committee is dividing and debate can only proceed by unanimous consent.

Mr. RANDALL. Further debate is not in order.

Mr. BAYNE. I withdraw the demand for tellers with a view to move $40 as a compromise.

The CHAIRMAN. The demand for tellers was made by the gentleman's colleague.

Mr. RANDALL. I want this widow to get $50 a month. The vote was so close I asked for tellers so as to decide it.

The CHAIRMAN. The Chair will appoint as tellers Mr. WOLFORD and Mr. CUTCHEON.

The committee again divided; and the tellers reported—ayes 24, noes 28.

So the amendment was disagreed to.

Mr. RAY, of New Hampshire. I move to amend by making it $40.

Mr. CULLEN. I move to amend the amendment by saying $35.

Mr. CULLEN'S amendment to the amendment of Mr. RAY, of New Hampshire, was rejected.

The question recurred on the amendment of Mr. RAY, of New Hampshire.

The committee divided; and there were—ayes 18, noes 31.

So the amendment was disagreed to.

The CHAIRMAN. The question is on laying the bill aside to be reported to the House with the recommendation that it do pass.

The House divided; and there were—ayes 30, noes 22.

Mr. WARNER, of Ohio. I am upon the floor and make the point that no quorum has voted.

The CHAIRMAN. The Chair will appoint tellers.

Mr. STEELE. The point of no quorum came too late.

Mr. WARNER, of Ohio. I was on the floor all the time.

Mr. MATSON. It makes no difference, as the point can be made in the House as well as here.

The CHAIRMAN. The gentleman from Ohio states he made the point in time, and the Chair will recognize it.

Mr. HEWITT, of Alabama. I suggest the bill be laid aside to be reported to the House with the understanding that the previous question shall be ordered and that a vote shall be taken by the yeas and nays.

Mr. WARNER, of Ohio. It should be open to further discussion, and we might as well pass it now as to agree to that. I dislike to call a quorum on a bill of this kind, but the proposed legislation is of a character that seems to me to demand it.

The CHAIRMAN. The point of order being insisted upon that no quorum has voted, the Chair will order tellers.

Mr. WARNER, of Ohio, and Mr. WOLFORD were appointed tellers.

Mr. WARNNR, of Ohio. If we can reach an understanding that there is to be a yea-and-nay vote in the House, not to-night, however, but when a quorum is present, I will withdraw the demand for a quorum.

Mr. WOLFORD. And with the understanding that the previous question is to be ordered.

Mr. HEWITT, of Alabama. Let the previous question be ordered upon it, and it will come up then as unfinished business.

Mr. WARNER, of Ohio. I do not want the previous question to be ordered, for the reason that I wish to have an opportunity of being heard on this bill when it comes before the House. I want at least five minutes.

Mr. RANDALL. The gentleman from Ohio has made a suggestion that the friends of this measure will agree to, that the previous question prevail in the engrossment and third reading of the bill and that there be allowed on each side five minutes for debate.

Mr. WARNER, of Ohio. I have no objection to that.

Mr. PERKINS. And that the vote shall not be taken until a quorum is present.

Mr. WARNER, of Ohio. That is the understanding.

Mr. ROGERS, of Arkansas. Can the House be bound by any agreement made in Committee of the Whole?

Mr. RANDALL. This agreement can be made after the committee rises to-night in the House.

Mr. CONVERSE. And made a matter of record on the Journal.

Mr. PERKINS. Let me ask if any agreement made in this manner in Committee of the Whole will have any binding effect upon the House?

The CHAIRMAN. The gentleman from Arkansas has just made the same inquiry. It is suggested that the agreement be made in the House when it comes before the House after the committee rises.

Mr. WARNER, of Ohio. That is satisfactory to me.

The bill was accordingly laid aside to be reported to the House with the recommendation that it do pass and with the understanding above recorded.

ALBERT HARPER.

Mr. PAYNE. Mr. Chairman, I ask the privilege of calling up the bill (H. R. 8090) granting a pension to Albert Harper.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Albert Harper, late of Company G, Ninth New York Heavy Artillery.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ADDISON M. COPEN.

Mr. HEWITT, of Alabama. I ask consent to take up from page 51 of the Calendar the bill (H. R. 8136) for the relief of Addison M. Copen and to put it upon its passage.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Addison M. Copen, late of Company I, Third United States Dragoons in the Mexican war, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

ESTHER HUDSON.

Mr. BINGHAM. Mr. Chairman, I ask consent to call up the bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Esther Hudson, mother of William H. Hudson, deceased, late a private in Company G, Twenty-sixth Regiment of Pennsylvania Volunteers, and afterward a sergeant of Company E, One hundred and ninety-first Regiment of Pennsylvania Volunteers, on the pension-roll at the rate of $8 per month, and to pay her, or cause to be paid her, a pension at said rate from the death of her said son, subject to the general laws should she again marry or her dependence upon her son cease.

The committee recommend the following amendment:

Strike out all after the word "pension," in the tenth line.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

SUSAN WOOLLEY.

Mr. MATSON. I ask to take up the bill (H. R. 6782) granting a pension to Susan Woolley.

The bill is as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Susan Woolley, of Indiana, widow of Benjamin Woolley, late a private in Company C, Ninetieth Regiment of Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

SARAH DENNY RIPLEY.

Mr. STEELE. Mr. Chairman, I ask unanimous consent to take up the bill (S. 150) granting a pension to Sarah Denny Ripley.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll the name of Sarah Denny Ripley, widow of Brig. Gen. James W. Ripley, deceased, late Chief of Ordnance, United States Army, and pay her a pension at the rate of $50 per month from and after the passage of this act.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

MARIE LOUISE CRAVEN.

Mr. HEWITT, of New York. Mr. Chairman, I call up the bill of the Senate No. 1228, granting an increase of pension to Mrs. Marie Louise Craven, report numbered 2465, and ask that the bill be put upon its passage.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place on the pension-roll the name of Mrs. Marie Louise Craven, widow of T. A. M. Craven, late a commander in the United States Navy, and pay her a pension of $50 per month from and after the passage of this act, in lieu of the pension heretofore received by her.

The CHAIRMAN. Without objection, this bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. MATSON. I object. That is an adverse report.

Mr. HEWITT, of New York. I was about to state that this bill had been reported adversely by the committee, but I think a word of explanation will satisfy the committee as to the propriety of setting aside the adverse report.

Mr. MATSON. Permit me to say, if the gentleman from New York will allow me——

Mr. HEWITT, of New York. Certainly.

Mr. MATSON. In order to save time, that I am perfectly willing this bill should go into the House as the other bill went a few moments ago; otherwise I shall be compelled to insist upon the presence of a quorum. This bill, as I have said, comes from the committee with an adverse report.

Mr. HEWITT, of New York. I assent to the suggestion of the gentleman from Indiana, because, in the first place, there is nothing else that I can do, and because I am satisfied a mere statement in the House will be satisfactory to the members as to the propriety of the bill. I think it can be shown that there is a clear distinction between this and the other bill.

Mr. WARNER, of Ohio. Let us have the report.

The CHAIRMAN. The bill will be laid aside and reported to the House with the understanding that a vote is to be taken in the House on the terms on which the other bill was reported to the House, if there be no objection.

Mr. PRICE. I object to that arrangement.

Mr. HEWITT, of New York. I trust the gentleman will not insist upon his objection.

Mr. MATSON. I wish to say to the gentleman from Wisconsin that an objection will necessitate the presence of a quorum before action can be taken upon the bill. The proposition is to take a vote in the House.

Mr. PRICE. Very well; I will withdraw the objection.

There being no further objection, the bill was laid aside with the understanding that a vote should be taken in the House upon its passage.

CYRUS REESER.

Mr. CULLEN. I call up for consideration the bill (S. 2398) granting a pension to Cyrus Reeser.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pensions laws, the name of Cyrus Reeser, late a private in Company F, Sixty-first Illinois Volunteer Infantry.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN SNYDER.

Mr. WINANS, of Michigan. I call up for consideration the bill (H. R. 7718) granting a pension to John Snyder, reported with amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John Snyder, formerly of Company I, One hundred and twenty-ninth Regiment of Indiana Infantry.

The amendment by the committee was as follows:

In line 4, strike out the words "place on" and substitute therefor the words "restore to;" so that it will read: "Directed to restore to the pension-roll."

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JAMES H. REID.

Mr. PERKINS. I call up for consideration the bill (H. R. 2068) granting a pension to James H. Reid, reported by the Committee on Pensions with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James H. Reid, of Dorsey's Regiment of Illinois Volunteers in the Black Hawk war.

The amendment was read, as follows:

In lines 4 and 5, strike out the words "subject to the provisions and limitations of the pension laws;" and after the words "Black Hawk war" insert "and pay him at the rate of $8 per month on and after the passage of this act."

Mr. PERKINS. I desire to oppose the amendment recommended by the committee. I think it should not prevail. The bill provides that this soldier shall be placed on the pension-roll subject to the provisions and limitations of the pension laws. The committee has recommended that he be placed on the pension-rolls to draw a pension of $8 a month. This soldier was wounded in the leg in the Black Hawk war. He is now an old man, over 70 years of age. I think the amendment should not prevail.

Mr. MATSON. I wish to state to the gentleman from Kansas [Mr. PERKINS] that $8 a month is as large a pension as a soldier of the Black Hawk war can get except for specific disability.

Mr. PERKINS. Very well; I will not oppose the amendment.

The amendment was agreed to.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ROSANNA RILEY.

Mr. LOVERING. I call up for consideration the bill (H. R. 7810) granting a pension to Rosanna Riley, reported with an amendment.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized to place the name of Rosanna Riley on the pension-roll, and pay her a pension of $20 a month.

SEC. 2. That this act shall take effect upon its passage.

The amendment recommended by the committee was as follows:

In line 5, section 1, strike out "$20" and insert "$18."

The amendment was adopted.

The bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

MRS. FRANCES L. THOMAS.

Mr. RANDALL. I call up for consideration the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 per month now received by Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to $2,000 per annum, to take effect from and after the passage of this act.

The CHAIRMAN. If there be no objection the bill will be laid aside to be reported to the House with the recommendation that it do pass.

Mr. PRICE. I object.

Mr. RANDALL. The objection comes from that side of the House.

Mr. PRICE. I wish to say that no bill shall pass with my consent raising a pension for a soldier or a soldier's widow until there is a general bill that will take them all in. I willingly admit that General Thomas was one of the most brilliant men that adorned the history of the war. I grant all that.

Mr. RANDALL. If there be a case of increase of pension in which the American people will respond with a universal "ay," it is this case.

The CHAIRMAN. The question is, Shall the bill be reported to the House with the recommendation that it do pass?

Mr. PRICE. I call for a division.

The committee divided; and there were—ayes 36, noes 3.

Mr. PRICE. No quorum.

The CHAIRMAN. The point being made that a quorum has not voted, the Chair will order tellers.

Mr. MATSON. I suggest to the gentleman from Wisconsin [Mr. PRICE] that we make some arrangement by which this case shall go as the others, to be voted on in the House to-morrow, the previous question being ordered to-night; the agreement to be entered on the Journal, so that there may be no question about it, that the yeas and nays shall be taken after ten minutes' debate.

Mr. PRICE. I am perfectly willing to make any arrangement by which the majority of this House may do anything it chooses. I have no objection to that. There is no position that I assume with so much reluctance as that of taking advantage of the power that an individual has here to block legislation; but the difficulty in this case is that the gentleman who calls up this bill took advantage of that same power to prevent the passage of a bill infinitely more meritorious than this one.

Mr. RANDALL. The difference between the two cases is that I thought that bill was wrong, while you admit that this bill is right.

Mr. PRICE. Oh, I do not.

Mr. RANDALL. Then I am very sorry you do not.

Mr. PRICE. I am perfectly willing to make an arrangement that this bill shall go to the House, with the understanding that it shall not be acted upon until we have a quorum present, and then they may do what they please with it.

The CHAIRMAN. The bill will be laid aside under an order similar to that which has been made in two other cases this evening.

Mr. PRICE. I do not want the previous question ordered on it. Let it be open for debate in the House, if necessary.

A MEMBER. Let us agree then as to the time that shall be given for debate on this bill.

Mr. RANDALL. I suggest five minutes on each side.

Mr. PRICE. No, I will not agree to that. I do not want the five-minute rule. I will consent to twenty minutes on each side.

Mr. RANDALL. We have not that much time to give, but I am perfectly willing that the gentleman from Wisconsin [Mr. PRICE] shall have twenty minutes entirely under his control.

Mr. PRICE. That will do.

The CHAIRMAN. The bill will be laid aside to be reported to the House with the understanding just stated.

JAMES M'CALLEN.

Mr. STRUBLE. I call up for present consideration the bill (S. 1571) granting a pension to James McCallen.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws in force at the date of his filing of the claim for pension, the name of James McCallen, late a private in Company B, Seventh Regiment California Volunteers; the disability for which pension is granted by this act being disease of throat, as claimed by said soldier in his application.

On motion of Mr. NUTTING, by unanimous consent the reading of the report was dispensed with, except the portion of it stating the amendments recommended by the committee, as follows:

Your committee, however, with the view of preserving some degree of uniformity in these measures of relief, recommend that the bill be amended by striking out after the word "pension laws," in the third line, the words "in force at the date of the filing of his claim for pension," and also by striking out all after the word "infantry," in the sixth line; and that as so amended the bill do pass.

The amendments reported by the committee were agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

JOHN L. COWARDIN.

Mr. GEORGE D. WISE. Mr. Chairman, I call up the bill (H. R. 7078) to remove the political disability of John L. Cowardin.

The bill was read.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MARGARET FLAHERTY.

Mr. RAY, of New Hampshire. Mr. Chairman, I call up the bill (H. R. 7853) granting a pension to Margaret Flaherty.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, at the rate of $8 per month, the name of Margaret Flaherty, dependent stepmother of Bartlett Flaherty, late a private of Company F, Third Maine Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

CHARLOTTE HACKETT.

Mr. BAGLEY. Mr. Chairman, I call up the bill (S. 1416) granting a pension to Mrs. Charlotte Hackett.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of Charlotte Hackett, mother of Samuel F. Hackett, late ex-private in Company E, Second Regiment Wisconsin Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

KATE A. DRUMMOND.

Mr. PRICE. I call up the bill (S. 2231) granting a pension to Mrs. Kate A. Drummond.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Kate A. Drummond, of Iowa City, Johnson County, Iowa, widow of Thomas Drummond, late captain of the Fifth United States Cavalry.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

NICHOLAS WITHAM.

Mr. WALLACE. Mr. Chairman, I call up the bill (H. R. 7612) granting a pension to Nicholas Witham.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Witham, late a private in Company H, Third Regiment Massachusetts Heavy Artillery.

SEC. 2. That this act shall take effect upon its passage.

The report by (Mr. LOVERING) is as follows:

Your committee find that claimant enlisted as a private in Company H, Third Massachusetts Heavy Artillery, December, 4, 1863, and was discharged therefrom September 18, 1865. He filed a declaration for pension September 12, 1877, alleging chronic diarrhea and kidney disease, resulting in affection of the eyes. His claim was rejected by reason "no records, and inability to furnish medical or other evidence showing that condition of eyes is the result of disease contracted in the service and line of duty."

George H. Peirce, captain of claimant's company, says:

"Claimant was taken sick while in the line of his duty in summer of 1865, and was sent to the hospital, and never returned to duty afterward. He was a good soldier. Affiant's records fail to show nature of disease."

William Nichols, surgeon of Third Massachusetts Heavy Artillery, says:

"Claimant, while sick in the hospital at Fort Saratoga, in 1865, was under the charge of Drs. Grant and Gilbert; the former is dead; the latter, affiant understands, has disappeared. Affiant is convinced that claimant was sent to hospital in July, 1865, and was sent home sick with his regiment at date of its muster out; believes sickness of claimant was continuous from date of his arrival home, and was such as to disable him for very light business during the autumn and winter of 1865; is of opinion that claimant's disability was contracted in line of duty."

Lyman H. Chase, a comrade, and was detailed as ambulance-driver; recollects carrying claimant to the hospital; knows that he came home sick; came home with him.

Hiram N. Breed, ex-mayor, of Lynn, Mass., says:

"Ever since claimant's return home, in 1865, his sight has been poor, so that it is hard for him to recognize acquaintances, and his health has been poor; knows that he was an active man before he enlisted, and that since discharge he has been unable to do anything of consequence."

Thomas L. Swain testifies conjointly with Mr. Breed.

Thomas B. Knight, city treasurer, Lynn, Mass., says that claimant drew aid from the treasury in 1866, '67, '69, '71, '72, '73, '74, '75, '76, and '77.

In a personal interview claimant says he has "chronic diarrhea, and is so blind that he can scarcely find the way around," which is evidently true.

Dr. Isaac F. Galloupe, examining surgeon, says:

"In my opinion the said Nicholas Witham is totally incapacitated for obtaining his subsistence by manual labor from the cause above stated."

In view of all the facts, and in consideration of the extreme age (72 years) of claimant, your committee recommend the passage of the accompanying bill.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. HAYNES. Mr. Chairman, I call up the bill (H. R. 8082) granting a pension to Lina J. Stearns.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lina J. Stearns, widow of Oliver F. Stearns, late a private in Company F, Sixteenth New Hampshire Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN K. MITCHELL.

Mr. MCMILLIN. I call up the bill (H. R. 7077) to remove the political disabilities of John K. Mitchell, of Virginia.

The bill was read; and, there being no objection, was laid aside to be reported to the House with the recommendation that it do pass.

DAVID SEARS.

Mr. NUTTING. I call up the bill (H. R. 8091) granting a pension to David Sears.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place the name of David Sears on the pension-roll of the United States, under the rules and regulations of the pension laws in regard to amount of pension.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JESSE S. HARROLD.

Mr. MATSON. I call up the bill (S. 2158) granting an increase of pension to Jesse S. Harrold.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jesse S. Harrold, late second lieutenant of Company H, Fourteenth Regiment Indiana Volunteers, at the rate of $33 per month, in lieu of what he is now receiving.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

MRS. LUCY PARR.

Mr. SMITH, of Iowa. I call up the bill (H. R. 8142) granting a pension to Mrs. Lucy Parr.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, directed to place the name of Lucy Parr, widow of Samuel B. Parr, late of Company I, Fourth Regiment Iowa Volunteer Infantry, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

ORIN R. M'DANIEL.

Mr. STEVENS. I call up the bill (S. 1546) for the relief of Orin R. McDaniel.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Orin R. McDaniel, late of Company H, Sixty-fourth Regiment Illinois Infantry Volunteers.

There being no objection, the bill was laid aside to be reported to the House with the recommendation that it do pass.

JOHN RANDOLPH HAMILTON.

Mr. HEWITT, of Alabama. I call up the bill (H. R. 7230) to remove the political disabilities of John Randolph Hamilton, of North Carolina.

The bill was read, and, there being no objection, was laid aside to be reported to the House with the recommendation that it do pass.

ISABELLA HIGGINS.

Mr. HOLMES. I call up the bill (S. 2549) granting a pension to Isabella Higgins.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he hereby is, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Isabella Higgins, late hospital matron of the Eighth Regiment of Iowa Infantry Volunteers.

The following amendment, reported by the Committee on Invalid Pensions, was read:

Strike out the words "subject to the provisions and limitations of the pension laws" and insert "at the rate of $20 per month."

The amendment was agreed to.

There being no objection, the bill as amended was laid aside to be reported to the House with the recommendation that it do pass.

ORDER OF BUSINESS.

Mr. MATSON. I move that the committee do now rise. [Cries of "Oh, no!"]

Mr. ELLWOOD. I hope the committee will not rise; a number of us want to have our bills passed.

Mr. MATSON. My object in moving that the committee rise is that the House may extend the time for taking the recess, so that all gentlemen having bills they want considered to-night may be accommodated. I propose to ask the House to extend the time for taking the recess until half past 10 or 11 o'clock.

The motion of Mr. MATSON that the committee rise was agreed to.

The committee accordingly rose; and Mr. BAGLEY having taken the chair as Speaker *pro tempore*, Mr. HATCH, of Missouri, reported that the Committee of the Whole House on the Private Calendar had had under consideration, pursuant to order, sundry bills on the Private Calendar reported by the Committee on Pensions and the Committee on Invalid Pensions, and also bills for removal of political disabilities, and had directed him to report the same back to the House with various recommendations.

JONATHAN C. HARRISON.

Mr. LE FEVRE, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 5998) granting an increase of pension to Jonathan C. Harrison; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

JOSEPH SANSOM.

Mr. LE FEVRE, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 7990) granting a pension to Joseph Sansom; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

CLARINDA HUNT.

Mr. LOVERING, from the Committee on Invalid pensions, reported back favorably the bill (S. 1804) granting a pension to Clarinda Hunt; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

A. W. STARK.

Mr. TUCKER, from the Committee on the Judiciary, reported back favorably the bill (H. R. 8186) to remove the political disabilities of A. W. Stark; which was referred to the Committee of the Whole House on the Private Calendar, and ordered to be printed.

ORDER OF BUSINESS.

Mr. MATSON. I ask unanimous consent that the order fixing the time for taking the recess to-night at 10 o'clock be modified, so that the recess shall take place at a quarter before 11 o'clock.

Mr. GIBSON. I understand by the order of the House a recess is to be taken until 10 o'clock to-morrow.

Mr. BRECKINRIDGE. Have we the right by unanimous consent to change the hour to which a recess is to be taken?

The SPEAKER *pro tempore*. The present occupant of the chair thinks the House has the right by unanimous consent to extend the hour at which the recess is to be taken. Is there objection?

Mr. HEWITT, of Alabama. I ask for the reading of the order under which these evening sessions are held.

The SPEAKER *pro tempore*. Does the gentleman object to the proposed extension?

Mr. HEWITT, of Alabama. I do not believe we have the right to do it.

The SPEAKER *pro tempore*. Do you object? It requires unanimous consent.

Mr. HEWITT, of Alabama. I do not believe unanimous consent can do it.

The SPEAKER *pro tempore*. If there be no objection the hour will be continued.

Mr. MCMILLIN. I suggest this amendment: that the hour for taking a recess be postponed until all the bills which have been reported from the Committee of the Whole House on the Private Calendar have been acted on.

Mr. HEWITT, of Alabama. I object, because under the order for the evening session we can only do that which we are authorized, and nothing more. It certainly does not authorize any such extension.

Mr. STEELE. I demand the regular order.

Mr. MCMILLIN. I suggest to the gentleman from Alabama and the gentleman from Indiana we can by unanimous consent extend the hour for taking a recess until the bills reported from the Committee of the Whole House on the Private Calendar have been disposed of; nothing more is asked, and immediately after that has been done we can take a recess.

Mr. HEWITT, of Alabama. When we pass 10 o'clock all we can do is to adjourn.

Mr. MCMILLIN. I do not think the gentleman is correct in that, but I do not insist upon it.

Mr. MATSON. There is time enough to dispose of the business reported from the Committee of the Whole House before 10 o'clock.

BILLS PASSED.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 8090) granting a pension to Albert Harper;
A bill (H. R. 8136) for the relief of Addison M. Copen;
A bill (H. R. 6782) granting a pension to Susan Woolley;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 7612) granting a pension to Nicholas Witham;
A bill (H. R. 8082) granting a pension to Lina J. Stearns; and
A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr.

Bills of the following titles were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed (two-thirds voting in favor thereof):

A bill (H. R. 7077) to remove the disabilities of John K. Mitchell, of Virginia;
A bill (H. R. 7078) to remove the disabilities of John L. Cowardin; and
A bill (H. R. 7230) to remove the disabilities of John Randolph Hamilton, of North Carolina.

Amendments to bills of the following titles were severally agreed to, and the bills as amended were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 8091) granting a pension to David Sears;
A bill (H. R. 7810) granting a pension to Rosanna Riley;
A bill (H. R. 2068) granting a pension to James H. Reid; and
A bill (H. R. 7718) granting a pension to John Snyder. The title of the bill was amended to read "A bill restoring John Snyder to the pension-roll."

Senate bill of the following titles were severally ordered to a third reading; and were accordingly read the third time, and passed, namely:

A bill (S. 1546) granting a pension to Orin R. McDaniel;
A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;
A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;
A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;
A bill (S. 2398) granting a pension to Cyrus Reeser; and
A bill (S. 150) granting a pension to Sarah Denny Ripley;

Amendments to the following bills were severally agreed to, and the bills as amended were ordered to be read a third time; and they were accordingly read the third time, and passed:

A bill (S. 2549) granting a pension to Isabella Higgins;
A bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and
A bill (S. 1571) granting a pension to James McCullen.

The SPEAKER *pro tempore*. On the following bills it is the understanding the previous question shall be ordered and that the vote shall be taken by yeas and nays. The Chair hears no objection, and it is so ordered:

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas T. Thornburgh, late of the United States Army;
A bill (S. 2547) granting increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas; and
A bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven.

And then, at 10 o'clock p. m. (February 13, 1885), in compliance with previous order, the House took a recess until 10 o'clock to-morrow morning (February 14, 1885).

AFTER RECESS.

The recess having expired, the House at 10 o'clock a. m. (Saturday, February 14) reassembled.

Mr. WILLIS. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union, my

object being to reach the consideration of the river and harbor bill, and also that all debate upon that bill, when next entered upon, shall be limited to one and one-half hours; one hour to be allotted to the enemies or opponents of the bill and thirty minutes to its friends, and upon that I demand the previous question.

Mr. HISCOCK. I desire to ask the gentleman from Kentucky [Mr. WILLIS] a question as to the distribution of the time; how it is to be made; whether the debate shall proceed as we proceed with the consideration of the bill by paragraphs, or whether he proposes that the debate allowed by this motion shall be a general debate?

Mr. WILLIS. I can only give the gentleman from New York my own idea. It is this: The section will be read, and the gentleman from New York or some other gentleman opposed to the bill will take charge of the hour in opposition, and distribute it so as to suit the gentlemen who desire to speak in opposition.

Mr. HISCOCK. What I have desired to suggest is this: while the time for debate is limited, it will proceed, as I understand, under the five-minute rule.

Mr. WILLIS. Yes, sir.

Mr. REAGAN. That ought to be so, and that arrangement will no doubt accomplish the purpose of all parties. Let the time be occupied on the paragraphs as under the five-minute rule.

Mr. HISCOCK. That is precisely the point I am endeavoring to get at. I am sure there is no intention unreasonably to consume the time so far as this debate is concerned. But if I understand the gentleman from Kentucky, he does not propose to limit us even to the hour and a half allowed by his motion.

Mr. WILLIS. I will state for myself, and so far as I can speak for the friends of the bill, that even if the hour is exhausted when a gentleman offers an amendment and wants to present facts in connection with any particular paragraph, I at least will not raise the point of order.

Mr. HISCOCK. I desired to have this understanding before we went into committee, so that it may be clearly understood when we are in the Committee of the Whole that this was the arrangement.

Mr. CLARDY. I wish to suggest to gentlemen that the Committee of the Whole of course would be powerless to extend the time allowed for debate by the House.

Mr. HISCOCK. If the gentleman from Missouri [Mr. CLARDY] will pardon me, I will say if this understanding is now arrived at in the House, that there is to be such a license as has been suggested, the committee would be bound by that understanding.

Mr. WILSON, of Iowa. Before going into Committee of the Whole House on the state of the Union I would like to have the opinion of the Chair on one point. The proposition of the gentleman from Kentucky [Mr. WILLIS] this morning startles me. It is alarming. He suggests that somebody on this side of the House and somebody on that side shall control the time. Now, that may be all very well for the big men on this side of the House and the big men on that side; but the last opportunity that an obscure man like myself might have to speak in his own right for five minutes would be gone forever. Now, I would like to have the opinion of the Chair whether when the House by a majority limits debate on a section, say to one hour and a half—whether that hour and a half shall be in the control of one man on each side of the House or whether the debate shall progress under the five-minute rule. That is the point on which I would like to have the opinion of the Chair.

The SPEAKER *pro tempore*. The Chair would state to the gentleman from Iowa its opinion, that the question as to the disposition of the time allowed for debate would be one entirely in the hands of the chairman of the Committee of the Whole House on the state of the Union.

Mr. REAGAN. If the understanding can be as was suggested a little time ago, that the debate is not to be what is called a general debate, but a debate under the five-minute rule, such an arrangement would allow a better chance to meet the point now suggested by the gentleman from Iowa.

Mr. WILSON, of Iowa. If the chairman of the Committee of the Whole should take it into his head that under this order general debate was to be allowed for one hour and a half, to be controlled by one gentleman on the other side and one gentleman on this side, what chance would an obscure man like myself have to take part in that debate?

Mr. REAGAN. The chairman can not do that under the rules while the five-minute debate is going on.

The SPEAKER *pro tempore*. The Committee of the Whole is under the operation of the five-minute rule.

Mr. WILSON, of Iowa. I just wanted that much said by the Speaker.

Mr. HISCOCK. I would like to make a single remark to the gentleman on the other side who has charge of the bill. The friends of the bill say, "We have given you a great deal of latitude in this case; we have given you more time than we take ourselves." Now, I would like very much to speak against the provisions of this bill; but under the present circumstances I can not discuss any provision of the bill—I can not say a word against it. Why? Because here is my friend from Wisconsin [Mr. PRICE], here is my friend from Iowa [Mr. WILSON], here are other gentlemen who want to occupy the whole of the time in presenting their views on amendments that they wish to offer. I can not say to the gentleman from Wisconsin or these other gentlemen, "I will occupy time in attacking the provisions of this bill," when these gentlemen stand here and say——

Mr. KING. I will ask the gentleman whether it would satisfy him if this side of the House would allow him one half hour?

Mr. HISCOCK. I do not want to occupy time in that way under the circumstances.

Mr. REAGAN. The gentleman fails to recognize the fact that we are proceeding in Committee of the Whole under the five-minute debate, and there will be opportunity for amendment to every clause.

Mr. HISCOCK. I understand that. But here is the gentleman from Wisconsin, who says, "I have an important amendment that I desire to offer, which is vital to me and my people." Under such circumstances I can not take five minutes or ten minutes if thereby I interfere with the presentation of the merits of his amendment. So also I understand the gentleman from Iowa [Mr. WILSON] wishes to advocate an amendment. The case is the same with gentlemen all over this side of the House; they want the whole of this hour for presenting their arguments in favor of amendments that they may wish to offer.

Mr. REAGAN. That means that we are to defeat this bill by letting every man talk as long as he wants to——

Mr. HISCOCK. Oh, no; it does not. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is called for; and the Chair will state that the regular order is the business coming over from last night's session under the operation of the previous question.

Mr. WILLIS. I wish to say in behalf of the friends of this bill that the only object——

The SPEAKER *pro tempore*. Debate is not in order, the regular order having been called for.

Mr. TOWNSHEND. May I say a word?

The SPEAKER *pro tempore*. Debate is only in order by unanimous consent; and the regular order has been called for.

Mr. TOWNSHEND. I rise to a question of order. When the recess was taken yesterday afternoon it was generally understood that the business of the House before noon to-day should be the consideration of the river and harbor bill; and the general understanding is that no vote is to be taken upon the Post-Office appropriation bill until the House meets at 12 o'clock to-day. Now, good faith toward the Committee on Rivers and Harbors, as well as toward the Committee on Appropriations, demands that this order shall be carried out.

The SPEAKER *pro tempore*. The Chair thinks that was the understanding; still the Chair was not a party to any private understanding on the part of the House.

Mr. HEWITT, of Alabama. Mr Speaker—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. If the House will be in order, the Chair will state the regular order. The Chair thinks the understanding of the House has been correctly stated by the gentleman from Illinois [Mr. TOWNSHEND]; but the Chair has no power except to state the order of business under the rule. The regular order, in the judgment of the Chair, would be business coming over under the operation of the previous question from last night's session, of which this is a continuation. But the gentleman from Kentucky asks now, in accordance with the statement made by the gentleman from Illinois [Mr. TOWNSHEND] as to what was the understanding of the House, that the House may now resolve itself into Committee of the Whole on the state of the Union to proceed with the consideration of the river and harbor bill.

Mr. TOWNSHEND. That ought to be done.

Several members objected.

EVENING SESSION FOR LEGISLATIVE APPROPRIATION BILL.

Mr. HOLMAN. The call for the regular order is withdrawn to permit me to request that a session be held to-night, beginning at 8 o'clock, to take up the legislative appropriation bill. I think that can be promptly disposed of.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana [Mr. HOLMAN]? The Chair hears none, and it is so ordered.

Mr. WILLIS. I desire to ask whether that means an understanding that the river and harbor bill shall stand out of the way? I do not understand from the gentleman that it does.

Mr. HANCOCK. That is just what it does mean.

Mr. HOLMAN. For to-night.

The SPEAKER *pro tempore*. The Chair understood that the request was for a session this evening for the purpose of taking up the legislative, executive, and judicial appropriation bill.

Mr. HOLMAN. I only ask it for to-night.

The SPEAKER *pro tempore*. The Chair hears no objection to the request of the gentleman from Indiana.

ORDER OF BUSINESS.

Mr. WILLIS. Now I renew my motion.

The SPEAKER *pro tempore*. The Chair has stated the regular order and has stated that the gentleman from Kentucky moves that the House now resolve itself into Committee of the Whole House on the state of the Union, to proceed with the consideration of the river and harbor appropriation bill——

Mr. REED, of Maine. I object. It seems to me the regular order is public appropriation bills.

The SPEAKER *pro tempore*. The Chair does not think so. The Chair thinks this is an extension of the session of last night; and the House having by its own action applied the previous question to certain bills undisposed of at the close of the session last evening, that business, in the judgment of the Chair, constitutes the regular order.

Mr. SPRINGER. Mr. Speaker, would it be in order to postpone the further consideration of that business at 2 o'clock to-day?

The SPEAKER *pro tempore*. The Chair does not think it is in order to move to postpone the previous question; the rule is imperative. The Clerk will report the clause of the rule which defines the operation of the previous question.

Mr. WILLIS. Mr. Speaker, I desire to appeal to the House.

The SPEAKER *pro tempore*. The gentleman will wait one moment while the Clerk reports the rule.

The Clerk read as follows:

RULE XVII.

There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been ordered.

Mr. HAMMOND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. The language of the order under which the House sat last evening is this:

That until the further order of this House, on each Friday the House will take a recess from 5 until 8 o'clock p. m., at which evening sessions bills on the Private Calendar reported from the Committee on Pensions and the Committee on Invalid Pensions shall be considered.

The SPEAKER *pro tempore*. The Chair holds that this is not Saturday. This is Friday's session.

Mr. HAMMOND. But it is not the evening session of Friday.

The SPEAKER *pro tempore*. In the judgment of the Chair this is a continuation of the Friday evening session and will be until the House shall adjourn or dispose of the business brought over from the Friday evening session under the previous question.

Mr. HAMMOND. Then I move that the House do now adjourn.

Mr. WILLIS. I hope the gentleman will withdraw that motion. I wish to appeal to the sense——

Mr. HAMMOND. Mr. Speaker, I do not wish to adjourn at all, but I do not desire to go on with pension bills when the understanding was that we were to go on with the river and harbor bill.

The SPEAKER *pro tempore*. The Chair thinks the understanding was as stated by the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Georgia, Mr. HAMMOND, but the Chair can only observe the rule. The Chair can not take official cognizance of private understandings.

Mr. YOUNG. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. YOUNG. Is a motion to adjourn debatable?

The SPEAKER *pro tempore*. The Chair thinks it is not debatable.

Mr. YOUNG. If it is, I wish to be heard a little while.

The SPEAKER *pro tempore*. It is not debatable. Does the gentleman from Georgia [Mr. HAMMOND] insist upon his motion?

Mr. HAMMOND. I withdraw it.

Mr. WILLIS. Now, Mr. Speaker, I want to be heard for a moment.

Mr. REED, of Maine. Mr. Speaker, is this debatable?

The SPEAKER *pro tempore*. Only by unanimous consent.

Mr. REED, of Maine. I object.

Mr. THOMAS. I move that the House do now adjourn.

The question was taken; and there were—ayes 11, noes 72.

So the motion was not agreed to.

Mr. WILLIS. Now, Mr. Speaker, on yesterday, when the gentleman from Illinois asked to dispense with the private business, his language was to "dispense with all private business for the day, except the evening session." Thereupon, following that, I moved that at 10 o'clock Friday night the House should take a recess until this day at 10 a. m., intending to call up the river and harbor bill. I appeal to the sense of justice of this House whether that was not practically the understanding in the House; and therefore, in view of that understanding, I ask unanimous consent to proceed in accordance with the expressed will of the House.

The SPEAKER *pro tempore*. Is there objection?

Mr. REED, of Maine. Mr. Speaker, how many times has a gentleman got to object on the floor of the House to a proposition and how many times can it be renewed when gentlemen call for the regular order?

The SPEAKER *pro tempore*. The Chair stated expressly that debate, or any remarks in the nature of debate, could be had only by unanimous consent, and the gentleman from Maine [Mr. REED] stood with the rest of the House listening until the request of the gentleman from Kentucky was repeated.

Mr. REED, of Maine. The gentleman from Maine objected.

The SPEAKER *pro tempore*. The Chair denies that it is in fault in the matter at all. Is there objection to the request of the gentleman from Kentucky [Mr. WILLIS]?

Mr. REED, of Maine. I object.

The SPEAKER *pro tempore*. Objection is made.

The Clerk will report the unfinished business.

The Clerk read as follows:

A bill (H. R. 7655) granting an increase of pension to the widow of Maj. Thomas D. Thornburgh, late of the United States Army.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill the title of which has just been read.

Mr. MATSON. Mr. Speaker, it was understood that the yeas and nays were to be taken upon that bill.

The SPEAKER *pro tempore*. Does the gentleman ask for the yeas and nays?

Mr. MATSON. I do.

Mr. REAGAN. I hope it will be voted down. This is a snap judgment, intended to defeat the river and harbor bill.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. CUTCHEON. By the agreement made in the House last night it was understood that there was to be five minutes' debate upon that bill on each side.

Mr. KING. Mr. Speaker, this whole proceeding is in direct violation of good faith.

The SPEAKER *pro tempore*. Debate is not in order, as the Chair has ruled more than once. Five minutes' debate on each side was to be allowed upon this bill, and the Chair is ready to recognize any gentleman who desires to be heard upon it. [After a pause.] The question is on ordering the yeas and nays upon the passage of the bill.

The question was taken, and only 8 gentleman voted in the affirmative.

So the yeas any nays were refused.

The SPEAKER *pro tempore*. The question is on the engrossment and third reading of the bill.

The question was taken, and the bill was ordered to be engrossed and read a third time.

The SPEAKER *pro tempore*. The question is on the passage of the bill.

The question was taken by a *viva voce* vote.

The SPEAKER *pro tempore*. The noes seem to have it.

Mr. RANDALL. What is the use of killing this bill in this way? It will not take any more time to pass it than to kill it.

The House again divided; and there were—ayes 31, noes 48.

Mr. WASHBURN. No quorum.

The SPEAKER *pro tempore*. The Chair appoints as tellers Mr. HOUK and Mr. MATSON.

The House again divided; and there were—ayes 44, noes 48.

Mr. HOUK. No quorum. I can not permit this bill to be defeated without a quorum in the House.

Mr. RANDALL. I suggest to the gentleman from Tennessee that he allow the gentleman from Illinois [Mr. SPRINGER] to enter a motion to reconsider, and that motion to reconsider can go over until another time; and so we will be able to get out of this difficulty,

Mr. HOUK. With that understanding and in order that the House may go to public business, I will withdraw the point of no quorum.

The SPEAKER *pro tempore*. So the bill is rejected.

Mr. SPRINGER. I enter the motion to reconsider the vote by which the bill was rejected; and I give notice that I will call it up at another time.

MRS. FRANCES L. THOMAS.

The SPEAKER *pro tempore*. The next bill coming over under the agreement at the evening session is a bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Interior be, and he is hereby, authorized and directed to increase the pension of $30 a month now received by Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, to $2,000 per annum, to take effect from and after the passage of this act.

Mr. CUTCHEON. In the twenty minutes allowed for debate by agreement last night I ask the report be read.

The report (by Mr. MATSON) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the Senate bill No. 2547, granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas, having carefully considered the same, beg leave to report as follows:

The proposition made by the Senate is to increase the pension of the widow of this illustrious officer from $30 per month to $2,000 per annum. It is said that General Thomas died owning but little property, and that his widow, though by no means in actual want, desires an increase of her pension in order that she may live comfortably. This committee has recommended in every instance when the appeal has been made that the pension of a widow of a general officer should be increased to $50 per month. This is to give a pension more than three times as large as that given to the widows of any of the general officers of the Army. There is one pension now granted by special act of Congress of $2,000 per annum. It goes to the widow of Admiral Farragut, so that we are not without a precedent. We should ask for no precedent for this proposition, because it can not be denied that General Thomas's service and career were in many respects exceptional. He stood in the front rank of our general officers during our greatest war, alongside of Grant, Sherman, and Sheridan, and yet by his modesty, or for some other unexplained reason, favors were never shown him. His whole life was one of work, faithful, unremitting service of the most difficult and trying kind. His military history furnished by the War Department shows this fact. During his lifetime he did not receive the lavish honors and favors that were given to others, but the impartial historian will place him as one of the most heroic and faithful characters in the history of our country, as great as the

greatest in his achievements. For these reasons, believing it furnishes no precedent for action in any other case, we recommend the passage of the Senate bill.

Mr. PRICE. When this bill came up in Committee of the Whole House on the Private Calendar last evening I raised objection to it and defeated its passage at that time solely on the ground that a single objection was fatal. I then agreed, because I disliked to apply that rule, that the question might be brought before the House this morning.

Mr. REAGAN. I rise to a question of order. What is before the House?

The SPEAKER *pro tempore*. The question is on the third reading of the Senate bill.

Mr. REAGAN. Is that debatable?

The SPEAKER *pro tempore*. Under the order of the House twenty minutes were reserved for debate.

Mr. BUCKNER. Is it in order to amend the bill?

The SPEAKER *pro tempore*. The previous question has been ordered and amendment is cut off. The House has so ordered.

Mr. WHITE, of Kentucky. I rise to a question. If the RECORD states it correctly, the gentleman from Wisconsin is entitled to control twenty minutes.

Mr. RANDALL. That was the understanding.

The SPEAKER *pro tempore*. The Chair understands that was the agreement.

Mr. PRICE. If gentlemen who are opposing my occupying the floor had been here last night, as they ought to have been, there would have been no necessity for these inquiries.

Mr. RANDALL. Will the gentleman allow me?

Mr. PRICE. No; I will not allow the gentleman to do anything. I asked a courtesy at his hands a few days ago and I was spurned.

Mr. RANDALL. I have to bear that.

Mr. PRICE. I had to bear a similar one the other day.

This is a bill to grant a pension to the widow of General Thomas of $2,000 per annum, and I rise to oppose it.

All the arguments that have been or can be urged in favor of its passage will be the gallantry and efficiency of General Thomas as an American soldier, and at the very outset I freely and cheerfully indorse all the eulogies that will be pronounced on General Thomas. I admit his skill, his bravery, his devotion to country. I know that he inspired his friends and the friends of civil liberty with a love, an admiration, and confidence equaled only by the dread with which he inspired his enemies. I know, too, that our revenues will never be large enough to remunerate him for his distinguished services. I know that his memory will be cherished as long as a spirit of patriotism shall find a place in the human heart, and that in after years coming generations will recognize his life as the finest type of a great and at the same time a good man.

It is because I would do honor to his name that I would oppose this bill. He fought and suffered and struggled that this might continue to be a free Government, by a free people; to preserve the right of every man, woman, and child to be the equal of every other before the law; that the benign and beneficent influence of its protecting arms might be thrown equally around all classes and all conditions of people; that the unworthy should suffer equal punishment, be he pauper or millionaire, and that equal meed of praise or reward should be extended to all who discharged equally well their social and political duties in whatever niche in life they might be placed.

He defended for us the principle that—

> Honor and shame from no condition rise;
> Act well your part, there all the honor lies.

And we are violating this principle when we select this or any similar case and make it a matter of special legislation, to the exclusion of thousands of cases equally meritorious—admitting for this case all the merit that can possibly be claimed for it—that appeal to us daily all over our land, not for alms, but for simple justice.

I will be met with the argument that a higher degree of skill or talent or aptness entitles its possessor to greater compensation. Admitting this, and then you have not demonstrated that this bill should become a law.

Elevation to places of command is not proof conclusive of extraordinary qualification. A hundred or a thousand untried men coming together, some must be selected as commanders, and in the absence of knowledge frequent mistakes were made and the fittest selections were not always determined on. Promotions were too frequently the result of political influences, and men were left to trudge on foot and carry a knapsack who could have rode on horseback quite as gracefully and commanded quite as skillfully and did exhibit as much bravery as the bravest of our most gallant leaders. They all, both officers and men, equally loved the flag; equally sacrificed home and ease and safety; equally endured, and in too many instances died, that the nation might live.

The compensation of pay and comfort or discomfort of camp or march or battles fought were all in favor of the officer and against the private. Thus we did compensate more highly, while in the service, officers, assuming that they possessed these rarer qualifications.

But should we continue these distinctions, when the service is over, to them or to their surviving relatives?

You, Mr. Speaker, or myself, being selected for a few years, out of 200,000 people, to occupy a place in this Chamber to discharge the high and responsible duties of a legislator, do we by that accident or circumstance put on a finer organization, either physical or mental, as that in after years when we shall become dependent upon others we must be treated differently from any other citizen who has filled to the best of his ability his place in the world? The idea is abhorrent to the principle of man's equality, and unless the disposition to thus discriminate is checked will prove destructive to the future of the Republic. I deeply deplore the tendency of the times in this direction.

Class legislation has been the bane of every country that has tried it. France pursued it until the pressure became so great on the under strata of society that it rose in revolt, and anarchy and confusion ran riot.

I have no sympathy with that communistic sentiment, based simply on a feeling of hostility to those who by thrift and economy have accumulated the means of surrounding themselves with the conveniences or luxuries of a higher civilization; but I have a deep and abiding sympathy with that feeling of unrest so plainly visible in almost every community which is superinduced by just such legislation as this bill proposes. The private soldier was as warmly attached to his family and home as the officer. If he fell in battle his nerves were as sensitive, his blood as red, his last gasp of agony accompanied with as much pain as the officer's. His wife and children mourned him as truly. Their destitution was as complete, their agony as intense and lasting. In most instances they were more poorly equipped for the battle of life; and yet we have thus far contented ourselves with giving them such poor assistance as may be derived under and by virtue of a general pension law blurred all over with crude and cruel conditions, many of which it is physically impossible to comply with. But if a major-general, or a brigadier-general, or an officer of any grade knocks at the door of this Congress, each one vies with the others who shall most promptly vote the largest amount, while hundreds as brave and as patriotic men as they, who rendered as important service as they, though in a humbler sphere, or their dependent wives or children, are to-day in a condition of helpless and hopeless poverty superinduced by their service as private soldiers.

If the Republic would live it must secure and retain the confidence of its citizens, and this monstrous discrimination is so plain, so unendurable, that it can not be regarded other than with abhorrence.

There is now a bill pending in this House, and has been since the first week of the session, by the provisions of which if passed every soldier of the Union would receive a pension. Substitute that bill for this and pass it, and then with a consciousness that you have shown yourselves worthy of the great sacrifices made by our defenders, you can have nothing to regret, nothing to apologize for, and you will have made our Government stronger in the hearts of the people, and sleep sweetly in the consciousness of duty well performed. I will be told that this is a "great country," and we should not be parsimonious in our dealings with our public men. I know it is a "great country," and I want it to continue great and to become greater, but that end can only be attained by making it and keeping it a just Government, and for a short time we are the custodians of its honor.

Let us then strike down for all time these special acts in the interests of a few favorites, and pass a broad and generous pension bill which will treat all classes and all grades alike. Do not tell me I am opposed to pensioning the widow of General Thomas. It is not that that I am opposing. My opposition arises from the fact that all our soldiers are not provided for, and every one of such cases as this that is relieved makes it that much more difficult to get what is demanded by every consideration of prudence, patriotism, and justice.

Mr. Chairman, I offer as a substitute for the pending bill the bill to which I referred, which pensions all soldiers.

The SPEAKER *pro tempore*. The Chair will state that no amendment is now in order.

Mr. PRICE. Then I desire to record publicly my desire to offer the bill as a substitute for the pending proposition.

The SPEAKER *pro tempore*. The Chair will state that the previous question having been ordered on this bill it cuts off amendments.

Mr. PRICE. I agreed to give ten minutes to the gentleman from Indiana [Mr. STEELE].

The SPEAKER *pro tempore*. The gentleman has two minutes remaining.

Mr. PRICE. But I do not see the gentleman in the Hall, and if the gentleman from Pennsylvania [Mr. RANDALL] desires to be heard I will yield to him. I will extend to him a courtesy that he would not extend to me.

Mr. REED. Do I understand the Chair to hold that the gentleman has exhausted the twenty minutes with the exception of two minutes?

The SPEAKER *pro tempore*. The Clerk reports that two minutes of the gentleman's time remain.

Mr. REED. The gentleman commenced at twenty minutes before 11 o'clock.

Mr. MILLS. But the reading of the report took up a part of the time.

The SPEAKER *pro tempore*. The Chair will state that the Clerk reports the gentleman from Wisconsin has two minutes of the ten minutes remaining. There are consequently eighteen minutes of the twenty still remaining.

Mr. PRICE. Then I yield two minutes to the gentleman from Pennsylvania.

Mr. RANDALL. Mr. Speaker, we are not without a precedent in this particular. The widow of Admiral Farragut received, by act of Congress, up to the time of her death, $2,000 a year. This lady has been living, from the date of the death of her husband up to the present time, on a pension of $30 a month; and I do not believe that any request would have been made except that it was with her a question of necessity. Ay, more. I want to say to this House and to the country that there was developed in the war but one George H. Thomas, and I do not believe there is any part of the American people, in any section of our common country, who do not desire to see the widow of that great soldier go down for the rest of her life with her pillow smoothed and her declining years free from want. [Applause.]

Mr. PRICE. Then make them all smooth. I yield five minutes to the gentlemanfrom Michigan [Mr. CUTCHEON].

Mr. CUTCHEON. Mr. Speaker, while I sympathize in the main with many of the sentiments expressed by the gentleman from Wisconsin [Mr. PRICE] in regard to the matter of making discriminations between those of lower and those of higher grades who equally served, who equally suffered, and equally died in the interests of the country, I do think that the case of Maj. Gen. George H. Thomas is one that appeals so strongly by reason of his pre-eminent services, and towers so far above all others on which we are called to vote, that it ought to be made an exception. As was said by the distinguished gentleman on the left [Mr. RANDALL], the war developed but one George H. Thomas. He is one of the most eminent and most distinguished of all of the generals of the late war who have passed away; and I would place the widow of General Thomas side by side with the widow of our great sea admiral, Farragut, that so long as she lives she may know by the acts as well as the thanks of the American people that the supreme worth of her husband was fully appreciated by his country.

Mr. Speaker, there were single days in the history of our great civil war when the services of Major-General Thomas were worth uncounted millions to the people; and we can not now, without national disgrace and without dishonor to ourselves, refuse to put his widow beyond all possibility of want.

Mr. KING. I rise to make a parliamentary inquiry. I understand twenty minutes are allowed for debate. Ten minutes have already been given to that side of the House.

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Louisiana, as the Chair has stated before, that the twenty minutes by order of the House were given, the whole of it, to the gentleman from Wisconsin.

Mr. KING. The whole time?

The SPEAKER *pro tempore* The Chair has stated it three times that such was the agreement of the House. The gentleman from Michigan [Mr. CUTCHEON] will proceed.

Mr. CUTCHEON. For these reasons and for other reasons which there is not now time to enumerate I shall give my vote for this bill, and I trust that it may be passed by such an overwhelming majority in this House as shall emphasize the appreciation of the American people for that great hero General George H. Thomas.

Mr. KING. I wish to ask the gentleman from Wisconsin——

The SPEAKER *pro tempore*. To whom does the gentleman from Wisconsin yield?

Mr. PRICE. I do not yield to any one till I hear the request of the gentleman from Louisiana. What does the gentleman want?

Mr. KING. I want to have one minute.

Mr. PRICE. I will give it cheerfully if I can do so after fulfilling my promise to the gentleman from Texas [Mr. REAGAN]. How many minutes have I remaining?

The SPEAKER *pro tempore*. The gentleman has eight minutes of his time remaining.

Mr. PRICE. The gentleman from Texas [Mr. REAGAN] wants five minutes and I will cheerfully yield him that time; and then I will yield to the gentleman from Louisiana [Mr. KING].

Mr. REAGAN. There has been no time allowed for considering this bill. It was not reported, I am told, till last night. But that is not the point I rose to make.

Under our system of government it was never intended that there should be privileged classes—drones in society paid out of the labor of other people for doing nothing. Under the English Government, where privileged classes are preserved as a part of the nature and character of the government, high salaries are given to officers, and there are expensive pension-lists for the benefit of persons in various departments of life in order to sustain and keep up privileged classes. At the very foundation of our Government lies the declaration that there shall be no privileged classes, no aristocracy in this country.

We have, however, in recent years managed to pension the Federal judiciary, to pension the officers of the Army retired from service, to pension the officers of the Navy, to pension the officers of the marine service; and now there are pending before this House bills to pension twelve additional classes of people by putting them on the retired pension-list.

The whole of this means that there is to be established a class who are to be a privileged class, who are to live upon the labor of others. I ask this House if it is just in principle, because a citizen has received high honors and high emoluments, that therefore he and his family shall be pensioned upon the public Treasury? I ask if because he has been more fortunate than others, if because he has had superior position, social, political, military, or civil, this constitutes a reason for levying taxes upon the people to support him and his family when they are rendering no public service?

It is not to this particular case I am objecting. It is to the whole principle. I have not, I believe, voted for any case of this kind. I can not vote for a case of this kind, because I believe it to be violative of the principles and character of our Government and to be violative of the rules of right, unjust alike to all that are not pensioned.

It is said here that General Thomas died poor. Well, sir, thousands of men in this country die poor. It is said that it is desired his widow shall live in comfort. I wish that every widow in this land could live in comfort. But when you tax one part of the widows in this country to support another part, when you tax the poorer to support the richer, when you tax one part of the men in this country to support another part of the men in this country, when you tax the poorer for the benefit of those in a better position in life and society, I say it is a wrong, and it is a wrong that the American people should give attention to; because if these precedents should go on it will soon be the case that the parties who are benefited by this legislation and those interested in them will become an element so powerful as to create a privileged class, an order of drones upon society, who are to live upon the labor and enjoy the profits of the toil and sweat of those poorer and more suffering than themselves.

My hope, Mr. Speaker, is only in this five minutes, as far as I can, to direct the attention of this House, and if possible to direct the attention of the country, to the monstrous wrongs growing out of these precedents of paying people not for public services, but of pensioning them for life when they are rendering no public service, and of compelling people poorer than themselves to provide for them special and exclusive privileges.

[Here the hammer fell.]

Mr. PRICE. I yield two minutes to the gentleman from Louisiana [Mr. KING] and the remaining one minute to the gentleman from Tennessee [Mr. HOUK].

Mr. KING. I do not rise so much to oppose the pending measure as to call the attention of the House to a personal matter of fact. Yesterday this House took a recess until 10 o'clock this morning, for what purpose? For the purpose of considering the river and harbor bill. That, sir, among others, was the purpose of taking that recess, and now we are opposed by these pension bills. Do gentlemen who advocate this effort to strangle the river and harbor bill recognize the fact that this is bad faith? If this House is to be governed by anything in its deliberations, it must be governed by good faith. If we are to have no confidence in the pledges made between ourselves as to the discussion of great measures here, then certainly the public interests must suffer just in that proportion. I therefore appeal to gentlemen who are bringing forward these pension measures at this time to stop now and let us go back to where we began and proceed with the discussion of the river and harbor bill.

Mr. HOUK rose.

The SPEAKER *pro tempore*. The gentleman from Tennessee has one minute.

Mr. HOUK. Mr. Speaker, in one minute little can be said. It was my privilege to see and know a good deal of General Thomas during the war. I simply want to add to what other gentlemen have said here, that there were days, hours, and minutes as well, when even the life of this nation rested upon the action of that great man, and to refuse this tribute to his services by refusing to give this poor pittance to his wife would, I feel, be a national disgrace. That is all I have to say, as it is impossible to make a speech or recount his virtues in the time allotted.

The SPEAKER *pro tempore*. The question is on ordering the bill to a third reading.

The bill was ordered to a third reading, and it was accordingly read the third time.

The SPEAKER *pro tempore*. The question is now on the passage of the bill.

Mr. RANDALL. Mr. Speaker, there was an understanding that the yeas and nays should be taken upon the passage of this bill, and of course that must be done if the gentleman from Wisconsin [Mr. PRICE] insists upon it; but I hope he will not insist, and that we shall now pass this bill, and proceed immediately to the consideration of other business.

Mr. REAGAN. Mr. Speaker, I insist on the yeas and nays.

Mr. PRICE. The agreement was that the yeas and nays should be called on the passage of the bill, and I hope that we will immediately kill it and then go on with the river and harbor bill.

Mr. HEWITT, of Alabama. Mr. Speaker, I make the point of order that this bill has been ordered to a third reading, and if the gentlemen intended to insist upon the understanding they ought to have made the point sooner; it is now too late.

The SPEAKER *pro tempore*. The Chair understands that by agreement of the House the yeas and nays are to be called upon the passage of this bill. The question is now upon the passage of this bill. The gentleman from Wisconsin [Mr. PRICE] insists that the agreement of the House, in the nature of an order, that the yeas and nays shall be taken, shall be carried out, and the Chair can do nothing but execute the order of the House. The Clerk will proceed to call the roll.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to dispense with the order.

The SPEAKER *pro tempore*. The gentleman from Wisconsin [Mr. PRICE] has just insisted upon the execution of the order. It is not in the power of the Chair to change the order of the House.

Mr. REAGAN. I insist that the understanding shall be carried out.

The question was taken on the passage of the bill; and there were—yeas 144, nays 52, not voting 128: as follows:

YEAS—144.

Alexander,	Follett,	Lyman,	Smith, H. Y.
Atkinson,	Foran,	McCoid,	Snyder,
Bagley,	Funston,	McComas,	Spooner,
Bayne,	Fyan,	McCormick,	Springer,
Beach,	Geddes,	Maybury,	Steele,
Bisbee,	George,	Millard,	Stephenson,
Blackburn,	Greenleaf,	Morgan,	Stevens,
Boyle,	Guenther,	Morse,	Stewart, J. W.
Breckinridge,	Hancock,	Muller,	Stockslager,
Brewer, F. B.	Harmer,	Murphy,	Stone,
Brewer, J. H.	Hart,	Mutchler,	Strait,
Broadhead,	Hatch, H. H.	Nelson,	Sumner, C. A.
Brown, W. W.	Haynes,	Nicholls,	Swope,
Browne, T. M.	Henderson, T. J.	Nutting,	Taylor, J. D.
Budd,	Henley,	Ochiltree,	Thomas,
Burleigh,	Hill,	O'Neill, Charles	Tillman,
Burnes,	Hiscock,	Parker,	Townshend,
Cannon,	Hitt,	Payne,	Vance,
Carleton,	Holmes,	Payson,	Wadsworth,
Cassidy,	Horr,	Perkins,	Wakefield,
Connolly,	Houk,	Peters,	Wallace,
Covington,	Houseman,	Pettibone,	Ward,
Cox, S. S.	Howey,	Post,	Washburn,
Cullen,	Hunt,	Potter,	Weaver,
Curtin,	Hurd,	Pusey,	White, J. D.
Cutcheon,	Jeffords,	Randall,	White, Milo
Davis, G. R.	Kean,	Reed, T. B.	Whiting,
Davis, R. T.	Keifer,	Reid, J. W.	Wilkins,
Dibble,	Kelley,	Rosecrans,	Wilson, James
Dixon,	Lawrence,	Rowell,	Wilson, W. L.
Dockery,	Le Fevre,	Ryan,	Winans, E. B.
Elliott,	Lewis,	Seney,	Wise, G. D.
Ellis,	Libbey,	Shively,	Wolford,
English,	Long,	Skinner, C. R.	Worthington,
Ermentrout,	Lore,	Skinner, T. G.	Yaple,
Everhart,	Lowry,	Slocum,	York.

NAYS—52.

Ballentine,	Davidson,	Jones, J. H.	Reagan,
Barksdale,	Davis, L. H.	Jones, J. T.	Riggs,
Bennett,	Dibrell,	Lanham,	Rogers, J. H.
Blanchard,	Dunn,	McMillin,	Stewart, Charles
Blount,	Eaton,	Miller, J. F.	Taylor, J. M.
Buchanan,	Eldredge,	Mills,	Tucker,
Buckner,	Forney,	Neece,	Turner, H. G.
Cabell,	Green,	Oates,	Turner, Oscar
Caldwell,	Halsell,	O'Ferrall,	Van Eaton,
Clements,	Hammond,	Peel,	Warner, Richard
Cosgrove,	Hardeman,	Pierce,	Wellborn,
Crisp,	Hemphill,	Price,	Williams,
Culberson, D. B.	Hewitt, G. W.	Pryor,	Willis.

NOT VOTING—128.

Adams, G. E.	Deuster,	Jones, J. K.	Rice,
Adams, J. J.	Dingley,	Jordan,	Robertson,
Aiken,	Dorsheimer,	Kellogg,	Robinson, J. S.
Anderson,	Dowd,	Ketcham,	Robinson, W. E.
Arnot,	Dunham,	King,	Rockwell,
Barbour,	Ellwood,	Kleiner,	Rogers, W. F.
Barr,	Evans,	Lacey,	Russell,
Belford,	Ferrell,	Laird,	Seymour,
Belmont,	Fiedler,	Lamb,	Shaw,
Bingham,	Findlay,	Lovering,	Singleton,
Bland,	Finerty,	McAdoo,	Smalls,
Boutelle,	Garrison,	Matson,	Smith, A. Herr
Bowen,	Gibson,	Miller, S. H.	Spriggs,
Brainerd,	Glascock,	Milliken,	Storm,
Bratton,	Goff,	Mitchell,	Struble,
Breitung,	Graves,	Money,	Sumner, D. H.
Brumm,	Hanback,	Morrill,	Talbott,
Campbell, Felix	Hardy,	Morrison,	Taylor, E. B.
Campbell, J. E.	Hatch, W. H.	Moulton,	Thompson,
Campbell, J. M.	Henderson, D. B.	Muldrow,	Throckmorton,
Candler,	Hepburn,	Murray,	Tully,
Chalmers,	Herbert,	O'Hara,	Valentine,
Clardy,	Hewitt, A. S.	O'Neill, J. J.	Van Alstyne,
Clay,	Hoblitzell,	Paige,	Wait,
Cobb,	Holman,	Patton,	Warner, A. J.
Collins,	Holton,	Phelps,	Weller,
Converse,	Hooper,	Poland,	Wemple,
Cook,	Hopkins,	Rankin,	Winans, John
Cox, W. R.	Hutchins,	Ranney,	Wise, J. S.
Craig,	James,	Ray, G. W.	Wood,
Culbertson, W. W.	Johnson,	Ray, Ossian	Woodward,
Dargan,	Jones, B. W.	Reese,	Young.

So the bill was passed.

The following-named members were announced from the Clerk's desk as paired, until further notice, on all political questions:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. COOK with Mr. LACEY.

Mr. HARDY with Mr. HEPBURN.

Mr. LAMB with Mr. KETCHAM.

The following were announced as paired for this day:

Mr. STORM with Mr. CRAIG.

Mr. CAMPBELL, of New York, with Mr. HENDERSON, of Iowa.

Mr. JORDAN with Mr. BRUMM.

Mr. HERBERT with Mr. ROCKWELL.

Mr. ADAMS, of New York, with Mr. DUNHAM.

Mr. COBB with Mr. SMITH, of Pennsylvania.

Mr. AIKEN with Mr. LIBBEY.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

Mr. PAIGE, with Mr. ADAMS, of Illinois.

The following were announced as paired on this vote:

Mr. ROBERTSON with Mr. HOOPER.

Mr. CONVERSE with Mr. GOFF.

Mr. FERRELL with Mr. VALENTINE.

Mr. DARGAN with Mr. BOWEN.

Mr. RAY, of New Hampshire, was announced as paired with Mr. GIBSON on the bill granting a pension to the widow of General George H. Thomas.

The result of the vote was then announced as above stated.

Mr. RANDALL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

MARIE LOUISE CRAVEN.

The SPEAKER *pro tempore*. The Clerk will report the title of the next bill coming over from last evening.

The Clerk read as follows:

A bill (S. 1228) granting an increase of pension to Mrs. Marie Louise Craven.

Mr. MATSON. I ask unanimous consent that the consideration of this bill be postponed for the time being, owing to the absence of the gentleman from New York [Mr. HEWITT] who is pressing the bill. I am opposed to it.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that, on account of the absence of the gentleman from New York who has charge of this bill, it be passed over without prejudice. Is there objection? The Chair hears none.

ORDER OF BUSINESS.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole, and pending that——

Mr. REED, of Maine. I rise to a parliamentary inquiry——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman. The Chair is now trying to hear the motion of the gentleman from Kentucky.

Mr. WILLIS. Pending that motion, I move that when the Committee of the Whole next enters upon the consideration of the river and harbor bill——

Mr. REED, of Maine. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will recognize the gentleman.

Mr. REED, of Maine. I do not want to be deprived of my right.

The SPEAKER *pro tempore*. The Chair will not deprive the gentleman of any right, but will hear the motion already in process of statement.

Mr. WILLIS. That all debate upon the pending section and amendments thereto be limited to one hour and a half, with the understanding that an hour be given to the opponents and thirty minutes to the friends of the bill; and upon that I call the previous question.

Mr. REED, of Maine. I make the point of order that we must take the vote on the Post-Office bill.

The SPEAKER *pro tempore*. The Chair has already ruled that this is a prolongation of the session of Friday evening for pension bills. The order was that the Post-Office bill——

Mr. REED, of Maine. If this is a prolongation of Friday evening's session, then the motion of the gentleman from Kentucky can not be in order, because the business of the Friday evening session is limited by order of the House——

The SPEAKER *pro tempore*. The Journal shows that the consideration of the Post-Office appropriation bill was to be resumed after the reading of the Journal to-day. The Journal and the RECORD both so state it.

Mr. REED, of Maine. Then, if the Chair holds this is a prolongation of last night's session, nothing is in order except pension bills.

The SPEAKER *pro tempore*. The Chair will state that everything that has come over from the Committee of the Whole House has been disposed of.

Mr. REED, of Maine. The Chair holds this to be a prolongation of Friday night's session. Then nothing is in order but pension bills.

The SPEAKER *pro tempore*. The gentleman from Maine will state his point of order.

Mr. REED, of Maine. The point of order I make is this: the Chair has already decided, and repeated the decision, that this is only a prolongation of last night's session. By general consent, and under an

order of the House, the business of that session is limited to pension bills of a certain class described in the rule.

The SPEAKER *pro tempore*. Is that the gentleman's point of order?

Mr. REED, of Maine. That is the point of order.

The SPEAKER *pro tempore*. The Chair holds, as it has held before, that this is a prolongation of the session of Friday evening for the completion of the work that came over under the operation of the previous question, and that under the rule this business can not be dispensed with except by unanimous consent. That work has now been completed, and there is nothing left upon which the previous question was in operation. The Chair overrules the point of order.

Mr. O'NEILL, of Pennsylvania. There is another bill that came over—the Thornburgh bill.

The SPEAKER *pro tempore*. By unanimous consent that was passed over.

Mr. WADSWORTH. Is there not one other?

The SPEAKER *pro tempore*. The Clerk reports there is none. The question is on the motion of the gentleman from Kentucky that the House now resolve itself into Committee of the Whole——

Mr. HISCOCK rose.

The SPEAKER *pro tempore*. The Chair will hear the gentleman, but first will state the motion of the gentleman from Kentucky, which is that the House resolve itself into Committee of the Whole on the state of the Union; and pending that, he moves that when the river and harbor bill shall be reached, all debate shall be limited to an hour and a half, with the understanding that one hour belongs to the opponents and thirty minutes to the friends of the measure. Pending that the gentleman from New York rises, as the Chair understands, for an inquiry.

Mr. HISCOCK. The inquiry I desire to make is this: is it not the order in reference to Friday evening sessions that no business shall be transacted except the consideration of pension bills?

The SPEAKER *pro tempore*. The Chair has ruled three times, and will rule again, that that was the only business in order until completed. It is completed.

Mr. HISCOCK. I ask to have the order read.

The SPEAKER *pro tempore*. Without objection the Clerk will report the order.

Mr. MILLS. I object.

Mr. REED, of Maine. I move to amend the motion of the gentleman from Kentucky by increasing the time to three hours.

The SPEAKER *pro tempore*. The motion is in order.

Mr. WILLIS. I called the previous question.

The SPEAKER *pro tempore*. The gentleman from Kentucky reminds the Chair of what it had for the instant forgotten, that he had demanded the previous question upon his motion.

Mr. REED, of Maine. I did not hear that.

The SPEAKER *pro tempore*. The gentleman had so stated it; and the Chair recognized the gentleman from Maine for the point of order. But the gentleman from Kentucky can not be swept off the floor after he has demanded the previous question.

Mr. REED, of Maine. I notice that he can not.

The SPEAKER *pro tempore*. He can not, because the rule will not permit it, nor will the Chair permit it.

Mr. HOLMAN. It is understood that the committee will rise at 12 o'clock m.

Mr. WILLIS. There is no such understanding.

The SPEAKER *pro tempore*. The gentleman from Kentucky demands the previous question on his motion.

Mr. REED, of Maine. Is my motion ruled out?

The SPEAKER *pro tempore*. It was never entertained by the Chair because the gentleman from Maine had not the floor to make it, the gentleman from Kentucky having demanded the previous question on his motion.

Mr. KELLEY. I ask whether if the order under which the session of last night was held has been executed, as I understand it has, and whether when there is no further business to be considered, we can go outside of that order so specific in its terms, and take up new business not connected with pensions?

The SPEAKER *pro tempore*. The Chair will rule for the third time on the same point of order substantially, and that is that the House having this morning completed the unfinished business coming over from last night's session under operation of the previous question, the work of that session has been finished and the motion of the gentleman from Kentucky is in order.

Mr. O'NEILL, of Pennsylvania. Let me ask a question. [Cries of "Regular order!"] The Thornburgh case went over, no quorum having appeared when the vote was taken.

Mr. KELLEY. I appeal from the decision of the Chair.

Mr. WILLIS. I move to lay that appeal upon the table.

Mr. ROGERS, of Arkansas. Is it not too late to take an appeal?

The SPEAKER *pro tempore*. The Chair will say no; and the gentleman from Kentucky moves to lay the appeal upon the table.

Mr. KELLEY. May I be heard to state the ground of my appeal?

The SPEAKER *pro tempore*. The Chair waited to hear the gentleman until the gentleman from Kentucky had twice been recognized. The gentleman did not claim the floor. [Cries of "Regular order!"]

Mr. WASHBURN. There was such a storm of disorder no one could be heard.

Mr. KELLEY. I can hear nothing that is going on, nor could I hear anything said by the Chair.

The SPEAKER *pro tempore*. The Chair waited until the gentleman from Kentucky had twice been recognized to move to lay the appeal upon the table.

Mr. KELLEY. I should have been pleased to have timed the period of the Chair's waiting.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky, to lay the appeal upon the table.

The House divided; and there were—ayes 132, noes 29.

Mr. KELLEY demanded tellers.

Tellers were ordered; and Mr. KELLEY and Mr. WILLIS were appointed.

The House again divided; and the tellers reported—ayes 132, noes 32.

So the appeal was laid on the table.

Mr. WILLIS moved to reconsider the vote by which the appeal was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question recurs on the demand for the previous question.

Mr. HISCOCK. On what motion is that?

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. WILLIS] moved that the House resolve itself into the Committee of the Whole House on the state of the Union to resume the consideration of the river and harbor appropriation bill, and pending that motion he moved that all debate be limited to an hour and a half, one hour to be given to the opponents of the measure and thirty minutes to its friends. It is on that motion the gentleman from Kentucky demands the previous question.

Mr. HISCOCK. The previous question then is on the motion to limit all debate.

Mr. ROWELL. Is that on all the sections or the pending section of the bill?

Mr. WILLIS. The pending section of the bill and all amendments thereto.

Mr. WHITE, of Kentucky. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WHITE, of Kentucky. There are twenty-seven pages of this section remaining; and do I understand the time of an hour and a half is only to be given to the entire twenty-seven?

The SPEAKER *pro tempore*. The Chair has stated as plainly as he can that the proposition limiting the debate applies to the section and all amendments thereto, and not to the number of pages.

Mr. WHITE, of Kentucky. I desire to ask whether a few members who may happen to get the floor and occupy the hour in opposition to the bill on the first of the twenty-seven pages we would not then be compelled to vote on the other twenty-six pages without debate at all?

The SPEAKER *pro tempore*. The Chair does not think that is a parliamentary inquiry.

Mr. WHITE, of Kentucky. If we are required to do that then this is nothing better than a gag.

Mr. STEELE. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. STEELE. Under the decision of the Chair, this being a continuance of last night's session, would it not be in order now to move to go into the Committee of the Whole House on the Private Calendar?

Mr. REAGAN. It is not a continuance of last night's session but of yesterday's session under the order of the House.

The SPEAKER *pro tempore*. The gentleman's parliamentary inquiry does not apply to the present status of the business of the House.

The previous question was ordered.

Mr. WILLIS moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from Kentucky, that all debate upon the section and amendments be limited to one and one-half hours.

Mr. KELLEY. On that I demand the yeas and nays.

The yeas and nays were not ordered, there being 33 voting in favor thereof and 136 against the call.

Mr. KELLEY. I demand tellers on the yeas and nays.

Tellers were not ordered, 14 members only voting therefor.

The motion of Mr. WILLIS was then agreed to.

Mr. WILLIS moved to reconsider the vote by which the motion to limit debate was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question recurs upon the motion of the gentleman from Kentucky, that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering the river and harbor bill.

Mr. HISCOCK. Mr. Speaker, I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HISCOCK. Under the ruling of the Chair that we were in con-

tinuation of last evening's session, I make the point of order that the only motion which is in order is a motion to go into Committee of the Whole to consider pension claims upon the Private Calendar.

Mr. WILLIS. May I interrupt the gentleman from New York for a moment? I think I can make a statement that will satisfy him that his position is not a correct one.

On yesterday the gentleman from Illinois [Mr. TOWNSHEND] moved that private business for the day, that is the legislative business of Friday, being the Private Calendar, be dispensed with except at the evening session fixed for the consideration of pension bills. Now, at the session of last night for the consideration of pension bills there were some two or three pension bills reported to the House from the Committee of the Whole with the understanding that they should be considered in the House this morning when a quorum was present. These bills have been called up and disposed of. That leaves operative the motion of the gentleman from Illinois to dispense with private business, and consequently the continuation of Friday's session, according to the order of the House, is to be devoted to such other business as may be taken up.

Mr. HISCOCK. I desire to have the RECORD read to which the gentleman from Kentucky alluded, showing in any way that we have dispensed with the consideration of private business on Friday.

The SPEAKER *pro tempore*. Will the gentleman from New York send to the desk any portion of the RECORD he desires to have read?

Mr. HISCOCK. I refer to that portion to which the gentleman from Kentucky has alluded.

Mr. COX, of North Carolina. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX, of North Carolina. I wish to inquire whether the question of order raised by the gentleman from New York has not been already decided.

The SPEAKER *pro tempore*. The Chair has more than once decided the question of order; but the gentleman from New York calls for the reading of the proceedings of the House with reference to dispensing with private business for Friday.

Mr. HISCOCK. The only interest I feel in the matter is that if by unanimous consent we have a given session in which a certain class of business only can be transacted, it seems to me that such an agreement should not be violated.

The SPEAKER *pro tempore*. The Chair has not made the ruling attributed to it by the gentleman from New York. The Chair ruled, as the RECORD and the Journal both show, that this is a prolongation of the session of last night for the consideration of such business as came over under the operation of the previous question. That business having been disposed of, the House is now in session, and the Chair thinks that the resolution to which the gentleman refers does not and can not apply longer to this session of the House.

The Chair, therefore, overrules the point of order of the gentleman from New York, as the Chair has done repeatedly before this morning. [Cries of "Regular order!"]

Mr. KELLEY rose.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Kentucky, that the House do now resolve itself into Committee of the Whole House on the state of the Union.

Mr. WHITE, of Kentucky. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. WHITE, of Kentucky. I desire to raise the point of order under the language of Rule XXVI, which provides that Friday in every week shall be set apart for the consideration of private business, unless otherwise determined by a two-thirds vote; that this being the continuation of Friday's session, only such business is in order as that rule provides for.

The SPEAKER *pro tempore*. The Chair will inform the gentleman that the order of business was set aside by a two-thirds vote of the House, as the RECORD and the Journal show.

Mr. WHITE, of Kentucky. The question I desire to raise is that the House having laid aside, by a two-thirds vote, private business on yesterday, and then having taken up the Post-Office appropriation bill, that that bill is in order now for disposal.

The SPEAKER *pro tempore*. The Chair would inform the gentleman that the Journal shows, by order of the House, that the consideration of the Post-Office appropriation bill is to be resumed after the reading of the Journal at the opening of the next day's proceedings. The Chair has no power to order the Journal to be read at this time.

Mr. WHITE, of Kentucky. By unanimous consent it could be done.

The SPEAKER *pro tempore*. The Chair does not think it requires unanimous consent to execute an order of the House.

Mr. HISCOCK May I ask to have the Journal read on this point to which the Chair refers?

Mr. COX, of North Carolina. I object.

The SPEAKER *pro tempore*. Objection is made, and the Chair will state that the Journal is not presumed to be made up until the close of the session of the day to which it relates, which day's session has not yet terminated.

Mr. HISCOCK. I could appeal from the decision of the Chair; but I appeal to gentlemen on the other side that they had better withhold the objection, because if an appeal is taken I should be allowed time to debate it, and it will perhaps save time to have it read.

Mr. WILLIS. I make no objection to the request of the gentleman.

The SPEAKER *pro tempore*. The gentleman knows it is impossible to order the Journal of this day's proceedings to be read, for the reason that this day's proceedings have not yet terminated.

Mr. HISCOCK. But I understand the Speaker to say that the Journal shows a fact. Now I think the House ought to be in possession of the information.

The SPEAKER *pro tempore*. The Chair referred to the minutes of the proceedings taken during the day.

Mr. HISCOCK. Then I desire that the minutes of the proceedings be read to show what the motion was and the action of the House upon it.

Mr. WILLIS. I hope consent may be had to reading that portion of the minutes which relates to the motion of the gentleman from Illinois [Mr. TOWNSHEND].

The SPEAKER *pro tempore*. Is there objection?

Mr. KELLEY. I understand I have been recognized by the Chair, but I have been taken off the floor by other gentlemen.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from New York [Mr. HISCOCK]? The Chair hears none. The Clerk will report that portion of the minutes which has been indicated.

Mr. KELLEY. Have I been recognized by the Chair?

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. KELLEY. I was about to say what seems to me to be pertinent to this business. I had been assured by the gentleman from Kentucky [Mr. WILLIS], and it has somewhat controlled my conduct, that there had been a resolution passed which made it legitimate when pension bills had been exhausted to go on with general business. The gentleman from New York [Mr. HISCOCK] seems to have had the same impression and calls for the reading of that resolution. I can not refer to it, for I have it only on the report of the gentleman from Kentucky who is managing this bill. I ask him to state when the resolution was passed and what it was, so that it may be produced for the satisfaction of gentlemen who do not remember it.

The SPEAKER *pro tempore*. Debate is proceeding by unanimous consent.

Mr. WILLIS. I will say to the gentleman from Pennsylvania that unanimous consent has been given to read that portion of the minutes which refers to that action of the House.

Mr. KELLEY. I merely wanted to know if it was the same thing.

The SPEAKER *pro tempore*. The Clerk will read that portion of the minutes.

The Clerk read as follows:

Mr. TOWNSHEND moved to dispense with the morning hour for the call of committees for reports, and with the consideration of private business for to-day, not to dispense with the evening session for private bills; which said motion was agreed to, two-thirds voting in favor thereof.

Mr. WILLIS. I call for the regular order.

Mr. HISCOCK. Then, as I understand, we are now in the evening session yet.

The SPEAKER *pro tempore*. The Chair thinks not. The Chair has ruled three times upon the point of order the gentleman from New York is now seeking to raise again. The Chair held and still holds that this morning at 10 o'clock the House met in prolongation of the session of last night until the unfinished business coming over therefrom under the operation of the previous question should be disposed of. That has been done. And the Chair again rules that this House has completed the work of last night's session, and the question is upon the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. HAMMOND in the chair.

The CHAIRMAN. The Clerk will report the title of the pending bill.

The Clerk read as follows:

A bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Chair will state under the order of the House all debate on the pending section and amendments thereto has been limited to one hour and a half; one hour shall be given to the opponents of the bill and one half hour to the friends of the bill. The Chair desires further to state that but a part of the pending section has been read, and that, in the opinion of the Chair, the remainder of it ought to be read before that debate shall be begun.

Mr. TURNER, of Georgia. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Georgia. I would inquire whether in the execution of the order to which the Chair has just adverted it would be necessary to make points of order pending the reading of the section which the Chair has just ordered.

The CHAIRMAN. In the opinion of the Chair, points of order can not properly be raised upon the section until the section shall have been read, and unless objection is made the Chair will allow points of order to be raised after the reading of the section.

Mr. CANNON. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. There being many paragraphs to this section, I submit to the Chair that if they be read through without objection, the right to amend whenever a paragraph is read would be lost.

The CHAIRMAN. The Chair is of the opinion that the reading is simply to place the section before the committee for consideration, and that every item in it will then be subject to a point of order, or to amendment; there being no limitation except that prescribed by the House of one hour and a half for debate.

Mr. KEIFER. I suggest as a matter of convenience that the section might be read by paragraphs after general debate is closed, for the purpose of amendments and points of order. And I suggest further that the reading of the whole section be omitted until general debate is closed.

The CHAIRMAN. It occurs to the Chair that it would be anomalous to debate a section that has not been read.

Mr. REAGAN. I ask unanimous consent that it be understood that the section has had its first reading.

Mr. REED, of Maine. I think it should be read. [Cries of "Regular order!"]

Mr. HISCOCK. I desire to make this inquiry: While there is to be debate for one hour to the opponents of the bill and thirty minutes to its friends, I understand nevertheless that debate is to be under the five-minute rule. It is not general debate. It seems, therefore, to me that this debate should be indulged in as we are proceeding with the consideration of the bill by paragraphs. And I will say further that I understood the gentleman from Kentucky [Mr. WILLIS], who has charge of the bill, to indicate that he thought that was the proper course to be pursued.

Mr. REED, of Maine. The effect of that would be to exhaust debate on a portion only of the paragraphs, and there would be no debate at all on the subsequent paragraphs of the section.

Mr. HISCOCK. Then, as I understand now, the whole section is to be read, and debate is to take place under the five-minute rule as the section is read by paragraphs.

Mr. WHITE, of Kentucky. I call for the reading of the section under the ruling of the Chair.

Mr. WAIT. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WAIT. If a member of this House offers an amendment to the bill, is he not to have time to explain that amendment and show to the House why that amendment should be agreed to?

The CHAIRMAN. The Chair will state that this anomalous condition of things exists: General debate on the bill was limited and concluded; after the bill had been acted upon under the five-minute rule the House determined to conclude all debate on the pending section, including all these paragraphs, in one hour and a half. Taking the two things together, the Chair thinks that hour and a half will be treated as divided into periods of five minutes, sixty of the minutes to be given to the opponents of the bill and thirty minutes to those in favor of it.

Mr. WAIT. Then, as I understand the Chair, if a gentleman offers an amendment to the bill after the sixty minutes is exhausted his amendment comes before the House without his having an opportunity to explain or debate it.

The CHAIRMAN. The gentleman's understanding is perfect. [Laughter.]

Mr. WAIT. Then if a member is so unfortunate as to present an amendment after the sixty minutes for debate is exhausted he is to have no opportunity to explain its bearing or effect or the importance of it to the section of country he represents. I can only say that I do not think that course will facilitate the passage of the bill.

Mr. DINGLEY. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGLEY. Mr. Chairman, I wish to know whether, when the reading of the bill is completed, an amendment to any part of the bill which is now to be considered and to be read will be in order during the progress of the debate?

The CHAIRMAN. The debate is limited simply on the pending section.

Mr. DINGLEY. Then will an amendment be in order during the progress of the debate?

The CHAIRMAN. The Chair does not see why it may not be.

Mr. DINGLEY. I so understand, and I wish to have it distinctly understood that an amendment may be offered at any time.

Mr. HISCOCK. Mr. Chairman, I desire to ask unanimous consent that the hour which is to be given in the discussion to the opponents of this bill shall be distributed so that thirty minutes of it may be devoted to that part of the bill which contains the appropriation for the Mississippi River.

The CHAIRMAN. The Chair has no control of that matter.

Mr. HISCOCK. I suppose we can make an arrangement here.

The CHAIRMAN. The Chair was going on to say that if gentlemen will agree upon a gentleman whom the Chair can recognize to parcel out the time on that side the Chair will recognize him, and such an arrangement would be very agreeable to the Chair.

Mr. HISCOCK. I should be entirely willing that the gentleman from Pennsylvania [Mr. BAYNE] should have the distribution of the time.

Mr. YOUNG. I am opposed to that. Mr. BAYNE is in favor of the bill.

The CHAIRMAN. The Chair is entirely willing that any gentleman shall be designated.

Mr. YOUNG. Mr. Chairman, that side of the House (if there is to be a division by political lines) has occupied a good deal of the time that has been devoted to the discussion of this bill, and I think it is but fair that gentlemen who desire to offer amendments and have been endeavoring to do so ever since the bill has been under discussion, should have some control of the time to be devoted to debate.

Mr. WASHBURN and several other gentlemen called for the regular order.

The CHAIRMAN. The regular order is the reading of the pending section.

Mr. HISCOCK. Mr. Chairman, I think some arrangement can be made such as I have suggested.

The CHAIRMAN. Will the gentleman allow the Chair to make a suggestion? It will take from ten to fifteen minutes to read this section of the bill, and during that time an arrangement can be entered into and the Chair informed of it.

Mr. HISCOCK. Well, I would suggest right here that Mr. REED, of Maine, shall take charge of the time.

The CHAIRMAN. The Clerk will read.

MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. MCMILLIN took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate disagreed to the amendments of the House to the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. VEST, Mr. HARRISON, and Mr. MANDERSON.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole House on the state of the Union resumed its session, Mr. HAMMOND in the chair.

The Clerk read as follows:

For the purpose of carrying out the foregoing provisions the Secretary of War shall, immediately upon the passage of this act, engage the services of James B. Eads as advisory engineer in the construction of said works, whose duty it shall be to prepare the plans, specifications, and estimates, and to make the necessary recommendations therefor, and to exercise a general supervision during the progress of the work; and for his services he shall receive the sum of $5,000 per annum, and the further sum of $3,000 for every additional foot of channel depth that may be secured: *Provided, however*, That no part of said sums of $3,000 for channel depths shall be due or paid until twenty-five feet of navigable depth of water throughout the channel shall have been obtained: *And provided further*, That said $3,000 payments shall be made by the Secretary of War when due, only on the certified statements of the Superintendent of the Geodetic and Coast Survey, whose duty it shall be to establish the plane of reference at mean low tide in the harbor of Galveston, and to survey and measure from said plane the depths of channel from time to time, and to promptly furnish to said Eads, when requested, such information regarding the depths of channel thus ascertained by his said surveys; and the compensation to said Eads above provided for shall be paid to him by the Secretary of War out of the sums appropriated by Congress from time to time for the improvement of Galveston Harbor and channel.

The Secretary of War shall detail for said works on Galveston Harbor and channel such officers of the Engineer Corps of the Army as he may deem necessary to disburse the funds and make the contracts and purchases incident thereto; and the officers in charge of said works shall make reports to the Secretary of War, as he may prescribe, of the progress of said works, and of their proceedings and expenditures, which shall be by him submitted to Congress at its regular meetings in December of each year; and said Eads shall report to the Secretary of War the yearly operations, plans, and estimates for this work, to be submitted by him in like manner to Congress.

It shall be the duty of the Superintendent of the Geodetic and Coast Survey, immediately after the passage of this act, if in the judgment of the Secretary of War it be necessary, to cause a survey to be made of the Galveston Bar and Harbor and adjacent waters. After the completion of such survey full and complete charts of the same shall be made, upon which shall be clearly shown the 30-foot contour line within the harbor and the 30-foot contour-line in the Gulf of Mexico. Said charts shall also show the location and depths of the best available channel existing at the date of such survey between the two contour lines

aforesaid. The channel to be obtained by said Eads may be located by him on any lines between said 30-foot contours of the harbor and the Gulf that he may determine upon; and said contour lines, and the depths of water upon the bar in the best available channel then existing as aforesaid, as laid down on said charts and measured from said plane of mean low tide, shall be fixed and final as affecting all questions between the Government and said Eads as to the measurements of channel depths for payments of his services or otherwise. Three of said charts, when completed, shall be duly certified by said superintendent, one of which shall be retained in his office, another shall be given to said Eads, and the third transmitted to the Secretary of War. And the sum of $10,000, or so much thereof as may be necessary, may be used out of the money hereinafter appropriated for the improvement of Galveston Harbor to defray the expense of the aforesaid survey and measurement.

The material and plant belonging to the Government at Galveston, together with the jetty and other works now in progress, may be removed or used in carrying out the provisions of this act; and the sum of $750,000 is hereby appropriated to commence said improvement, to be immediately available.

Improving Sabine Pass, Texas and Louisiana: Continuing improvement, $125,000.

Improving harbor at Ashtabula, Ohio: Continuing improvement, $8,500.

Improving Black River Harbor, Ohio: Continuing improvement, $9,000.

Improving harbor at Cleveland, Ohio: Continuing improvement, $100,000.

For the purpose of acquiring the title to the land adjoining the inner end of the west pier built by the United States for the improvement of the harbor at Port Clinton, Ohio, the Secretary of War shall negotiate with the owner or owners of the land for the purchase thereof at a reasonable price, to be approved by Congress; and if an agreement as to price can not be made with the owner, then the value of the same shall be ascertained in the mode provided by the laws of Ohio for the condemnation of lands for public uses in that State, the result of said proceedings of condemnation, if taken, to be reported to the next Congress for its approval.

Improving harbor at Fairport, Ohio: Continuing improvement, $5,000.

Improving harbor at Huron, Ohio: Continuing improvement, $5,000.

Improving ice-harbor at the mouth of the Muskingum River, Ohio: Continuing improvement, $15,000.

Improving harbor at Sandusky city, Ohio: Continuing improvement, $5,000; and the $10,000 heretofore appropriated to repair existing works are to be expended in dredging the channel through the outer bar and within the bay, which last amount is hereby made immediately available.

Improving harbor at Toledo, Ohio: Dredging out the old channel, $20,000; and for continuing improvement on Maumee River, $62,500.

Improving harbor at Michigan City, Ind.: Continuing improvement, $40,000; of which sum $5,000 are to be expended on the inner harbor.

Improving Calumet Harbor, Illinois: Continuing improvement, $6,000.

Improving harbor at Chicago, Ill.: Continuing improvement, $75,000.

Improving harbor at Waukegan, Ill.: Continuing improvement, $15,000.

Improving harbor at Black Lake, Mich.: Continuing improvement, $6,000.

Improving harbor at Charlevoix, Mich.: Continuing improvement, $10,000.

Improving harbor at Cheboygan, Mich.: Continuing improvement, $6,000.

Improving harbor at Frankfort, Mich.: Continuing improvement, $8,000.

Improving harbor at Grand Haven, Mich.: Continuing improvement, $30,000.

Improving harbor at Grand Marais, Mich.: Continuing improvement, $35,000.

Improving harbor at Ludington, Mich.: Continuing improvement, $15,000.

Improving harbor at Manistee, Mich.: Continuing improvement, $10,000.

Improving harbor at Marquette, Mich.: Continuing improvement, $10,000.

Improving harbor at Muskegon, Mich.: Continuing improvement, 12,500.

Improving harbor at Ontonagon, Mich.: Continuing improvement, $10,000.

Improving harbor at Pentwater, Mich.: Continuing improvement, $6,000.

Improving harbor of refuge at Portage Lake, Mich.: Continuing improvement, $12,500.

Improving harbor of refuge at Sand Beach, Mich.: Continuing improvement, $35,000.

Improving harbor at Saint Joseph, Mich.: Continuing improvement, $10,000.

Improving harbor at Saugatuck, Mich.: Continuing improvement, $3,000.

Improving harbor at South Haven, Mich.: Continuing improvement, $5,000.

Improving harbor at White River, Michigan: Continuing improvement, $10,000.

Improving harbor at Ahnapee, Wis.: Continuing improvement, $9,000.

Improving harbor at Green Bay, Wis.: Continuing improvement, $7,500.

Improving harbor at Kenosha, Wis.: Continuing improvement, $5,000.

Improving harbor at Kewaunee, Wis.: Continuing improvement, $12,500.

Improving harbor at Manitowoc, Wis.: Continuing improvement, $15,000; of which amount $5,000 shall be expended in improving the inner harbor between the dry-dock and the mouth of the river.

Improving harbor at Menomonee, Wis.: Continuing improvement, $3,000.

Improving Milwaukee Bay and Harbor at Milwaukee, Wis.: Continuing improvement, $75,000.

Improving harbor at Oconto, Wis.: Continuing improvement, $10,000.

Improving harbor at Port Washington, Wis.: Continuing improvement, $5,000.

Improving harbor at Racine, Wis.: Continuing improvement, $8,000.

Improving harbor at Superior Bay and Harbor and Saint Louis Bay, Wisconsin: Continuing improvement, $12,500; and the engineer in charge, in his next annual report, shall submit an estimate of the cost of a dredge-boat or other facilities that may be needed for dredging the harbors of Duluth and Superior. Seven thousand five hundred dollars of the money hereby appropriated are to be expended in dredging in said Superior Bay and Harbor and in repairing piers at natural entry, and $5,000 in dredging Saint Louis Bay from deep water at Connor's Point toward deep water at Grassy Point.

Improving harbor at Sheboygan, Wis.: Continuing improvement, $20,000; of which sum $5,000 shall be expended in improving the inner harbor between Pennsylvania avenue bridge and the mouth of the river.

Improving harbor of refuge at Sturgeon Bay Canal, Wis.: Continuing improvement, $5,000.

Improving harbor at Two Rivers, Wis.: Continuing improvement, $7,500.

Improving harbor at Duluth, Minn.: Continuing improvement, $31,500.

Improving ice-harbor at Dubuque, Iowa: Continuing improvement, $5,000.

Improving harbor at Grand Marais, Minn.: Continuing improvement, $5,000.

Improving harbor at Humboldt, Cal.: Continuing improvement, $100,000.

Improving harbor at Oakland, Cal.: Continuing improvement, $75,000.

Improving harbor at Wilmington, Cal.: Continuing improvement, $37,500.

Improving Yaquina Bay, Oregon: Continuing improvement, $40,000.

Improving Lubec Channel, Maine: Continuing improvement, $12,000.

Improving Moosabec Bar, Maine: Completing improvement, $10,000.

Improving Pawtucket River, Rhode Island: Continuing improvement, $25,000.

Improving Providence River and Narragansett Bay, Rhode Island: Continuing improvement, $25,000.

Improving Connecticut River below Hartford, Conn.: Continuing improvement, $25,000.

Improving Housatonic River, Connecticut, by removing Drew's Rock and dredging, $6,000.

Improving Thames River, Connecticut: Continuing improvement, $20,000.

To complete the present arrangement for blasting the reef at Hell Gate, New York, $20,000.

Improving Ticonderoga River, New York: Continuing improvement, $2,000.

Improving Hudson River, New York: Continuing improvement, $20,000.

Improving Newtown Creek and Bay, New York: Continuing improvement, $20,000.

Improving Maurice River, New Jersey: Continuing improvement, $5,000.

Improving Passaic River, New Jersey: Continuing improvement, $30,000; of which sum $5,000 are to be expended above Newark.

Improving Raritan River, New Jersey: Continuing improvement, $15,000.

Improving Shrewsbury River, New Jersey: Continuing improvement, $10,000.

Improving Alleghany River, Pennsylvania: Continuing improvement, $10,000.

Improving Schuylkill River, Pennsylvania: Continuing improvement, $25,000.

Improving Delaware River from Trenton, N. J., to its mouth: Continuing improvement, $125,000: *Provided*, That not exceeding $10,000 of said sum shall be expended above Bridesburg.

Improving Choptank River, Maryland: Continuing improvement, $2,500.

Improving Susquehanna River, Maryland, $7,500; which sum, together with one-half of the unexpended sum appropriated under act of July 5, 1884, shall be expended for the improvement of the river above the railroad bridge.

Improving Potomac River and raising the flats at Washington, D. C.: Continuing improvement, $150,000: *Provided*, That before any part of this sum shall be expended on any part of said work a report shall be made by the Attorney-General of the United States to the Secretary of War upon the validity of the title of the United States to said flats, in accordance with the provisions of the act of Congress approved August 2, 1882: *And provided further*, That the Secretary of War, after receiving said report, shall be satisfied that said title is good.

Improving Appomattox River, Virginia: Continuing improvement, $12,000.

Improving James River, Virginia, below Richmond: Continuing improvement, $150,000.

Improving Mattaponi River, Virginia: Continuing improvement, $2,500.

Improving Rappahannock River, Virginia: Continuing improvement, $12,500.

Improving Stanton River, Virginia: Continuing improvement, $10,000; one-half to be expended on said stream between the mouth of Pig River and the crossing of the Midland Railroad.

Improving York River, Virginia: Continuing improvement, $17,000.

Improving Dan River, Virginia: Continuing improvement, $5,000.

Improving New River, Virginia: Continuing improvement between the lead mines in Wythe County and the mouth of Wilson's Creek, in Grayson County, $5,000.

Improving Big Sandy River, West Virginia and Kentucky: Continuing improvement, $25,000; of which sum $2,500 are to be expended on Tug Fork, and $2,500 on Lavisa Fork.

Improving Great Kanawha River, West Virginia: Continuing improvement, $175,000.

Improving Guyandotte River, West Virginia: Continuing improvement, $2,500.

Improving Little Kanawha River, West Virginia: Continuing improvement, $22,500: But no toll shall be collected by any person or corporation for this improved navigation. If the right to collect toll is claimed to exist, the person or corporation so claiming shall relinquish the same, in a manner satisfactory to the Secretary of War, before any part of this appropriation shall be expended. Two thousand five hundred dollars of the sum hereby appropriated shall be used in continuing the improvement of navigation above the West Fork.

Improving Monongahela River, West Virginia: To complete improvement, $48,900.

Improving Buchanan River, West Virginia: Continuing improvement, $1,500.

Improving Cape Fear River, North Carolina: Continuing improvement, $70,500; of which sum $5,000 are to be expended between Wilmington and Fayetteville.

Improving Currituck Sound, Coanjok Bay, and North River Bar, North Carolina: Continuing improvement, $5,000.

Improving Neuse River, North Carolina: Continuing improvement, $5,000.

Improving Pamlico and Tar Rivers, North Carolina: Continuing improvement, $5,000.

Improving Roanoke River, North Carolina: Continuing improvement by dredging and building a snag-boat, $17,000.

Improving Trent River, North Carolina: Continuing improvement, $2,500.

Improving Ashley River, South Carolina: Continuing improvement, $1,000.

Improving Edisto River, South Carolina: Continuing improvement, $2,500.

Improving Great Pee Dee River, South Carolina: Continuing improvement, $5,000.

Improving Salkehatchie River, South Carolina: Continuing improvement, $3,000.

Improving Waccamaw River, South Carolina: Continuing improvement, $3,000.

Improving Wappoo Cut, South Carolina: Continuing improvement, $3,000.

Improving Wateree River, South Carolina: Continuing improvement, $5,000.

Improving Santee River, South Carolina: Continuing improvement, $5,000.

Improving Altamaha River, Georgia: Continuing improvement, $7,000.

Improving Chattahoochee River, Georgia and Alabama: Continuing improvement, $20,000.

Improving Coosa River, Georgia and Alabama: Continuing improvement, $40,000.

Improving Flint River, Georgia: Continuing improvement, $20,000; of which sum $5,000 are to be expended between Albany and Montezuma, and $15,000 below Albany.

Improving Ocmulgee River, Georgia: Continuing improvement, $2,500.

Improving Oconee River, Georgia: Continuing improvement, $2,500.

Improving Romerly Marsh, Georgia: To complete improvement, $14,000.

Improving Savannah River, Georgia: Continuing improvement, $9,000.

Improving Appalachicola River, Florida: Continuing improvement, $1,000.

Improving Caloosahatchee River, Florida: Continuing improvement, $2,500.

Improving Choctawhatchee River, Florida and Alabama: Continuing improvement, $12,500; $4,500 of said sum to be expended below Geneva, and $8,000 between Geneva and Newton, Ala.

Improving Conecuh-Escambia River, Florida and Alabama: Continuing improvement, $8,000; no part of which is to be expended above Indian Creek.

Improving channel over the bar at the mouth of Saint John's River, Florida: Continuing improvement, $150,000.

Improving Upper Saint John's River, Florida: Continuing improvement, $5,000.

Improving Suwanee River, Florida: Continuing improvement, $5,000.

Improving Pease River, Florida: Continuing improvement, $3,000.

Improving Volusia Bar, Florida: Continuing improvements, $2,000.

Improving Withlacoochee River, Florida: Continuing improvement, $2,500.

Improving Alabama River, Alabama: Continuing improvement, $10,000.

Improving Cahawba River, Alabama: Continuing improvement, $10,000. *Provided*, That this appropriation shall not become available until the officer in charge shall have reported that the railroad and other bridges across said river have been provided with good and sufficient draw-openings.

Improving Tallapoosa River, Alabama: Continuing improvement, $5,000.

Improving Tombigbee River, Alabama and Mississippi: Continuing improvement from Fulton to Vienna, $10,000; and below Vienna, $15,000.

Improving Warrior River, Alabama: Continuing improvement from Daniel's Creek to Demopolis, $25,000.

Improving Big Sunflower River, Mississippi: Continuing improvement, $4,000.

Improving Noxubee River, Mississippi: Continuing improvement, $6,000.

Improving Big Black River, Mississippi: Continuing improvement, $5,000.

Improving Pascagoula River, Mississippi: Continuing improvement, $3,000.

Improving Pearl River, Mississippi: Continuing improvement, $6,500; of which sum $2,500 are to be expended between Jackson and Carthage, and $4,000 below Jackson, including bar at mouth.

Improving channel of Biloxi Bay, Mississippi: Continuing improvement, $5,000; which sum, together with the balance of the money heretofore appropriated for the roadstead now on hand, is hereby directed to be applied to the deepening of the channel from Mississippi Sound to the wharves at Biloxi.

Improving Steele's Bayou, Mississippi: Continuing improvement, $2,500.

Improving Tallahachie River, Mississippi: Continuing improvement, $2,500.

Improving Tchula Lake, Mississippi: Continuing improvement, $1,000.

Improving Yallabusha River, Mississippi: Continuing improvement, $1,000.

Improving Yazoo River, Mississippi: Continuing improvement, $10,000.

Improving Bayou Black, Louisiana: Continuing improvement, $5,000.

Improving Boeuf River, Louisiana: Continuing improvement, $2,000.

Improving Bayou Bartholomew, Louisiana: Continuing improvement, $4,000.

Improving Bayou Courtableau, Louisiana: Continuing improvement, $6,000.

Improving Bayou D'Arbonne, Louisiana: Continuing improvement, $3,000.

Improving Bayou Teche, Louisiana: Continuing improvement, $10,000.

Improving Bayou La Fourche, Louisiana: Continuing improvement, $3,000.

Improving Bayou Terre Bonne, Louisiana: Continuing improvement, $5,000.

Improving Calcasieu River, Louisiana: Continuing improvement, including dredging bar at its mouth, $6,500.

Improving Tchifuncte River, Louisiana: Continuing improvement, $2,500.

Improving Cane River, Louisiana: Continuing improvement, $2,000.

Improving Red River, Louisiana and Arkansas: Continuing improvement from the Atchafalaya to Fulton, Ark., $65,000; of which sum $45,000, or so much thereof as may be necessary, shall be used in making a thorough survey of the river from Fulton, Ark., to the Atchafalaya, with a view to the permanent improvement of the river, the closure of outlets above Shreveport, and the repair and preservation of the harbors of Shreveport and Alexandria.

Improving Tensas River and Bayou Macon, Louisiana: Continuing improvement, $3,000.

Improving mouth of Brazos River, Texas: Continuing improvement, $10,000.

Improving Buffalo Bayou, Texas: Continuing improvement, $25,000.

Improving Cypress Bayou, Texas, and lakes between Jefferson, in Texas, and Shreveport, in Louisiana: Continuing improvement, $10,000.

Improving Black River, Arkansas and Missouri: Continuing improvement, $5,000.

Improving Ouachita River, Louisiana and Arkansas, and Black River, Louisiana: Continuing improvement, $20,000, including bank protection at harbor of Monroe.

Improving White River, Arkansas: Continuing improvement, $12,000.

Improving Saint Francis River, Arkansas: Continuing improvement, $6,000.

For removing snags, wrecks, and other obstructions in the Arkansas River, $32,000; of which sum $2,000 shall be expended to complete the survey, or so much thereof as may be necessary for that purpose.

Improving Big Hatchie River, Tennessee: Continuing improvement, $2,500.

Improving Caney Fork River, Tennessee: Continuing improvement, $3,000.

Improving Clinch River, Tennessee: Continuing improvement, $1,500.

Improving Cumberland River, Tennessee and Kentucky, below Nashville: Continuing improvement, $12,500.

Improving Cumberland River, Tennessee and Kentucky: Continuing improvement above Nashville, $100,000; with a view to secure a uniform depth in the channel of four feet, commencing with the lock at or near the lower island at Nashville.

Improving French Broad River, Tennessee: Continuing improvement, $4,000.

Improving Hiawassee River, Tennessee: Continuing improvement, $2,500.

Improving South Forked Deer River, Tennessee: Continuing improvement, $2,500.

Improving Tennessee River, Tennessee, above Chattanooga: Continuing improvement, $5,000.

Improving Tennessee River at Big Mussel Shoals, Little Muscle Shoals, and Elk River Shoals, Alabama: To complete improvement at those localities, $350,000.

Improving South Fork of the Cumberland River, Kentucky: Continuing improvement, $4,000.

Improving Kentucky River, Kentucky: Continuing improvement, $200,000.

Improving Tradewater River, Kentucky: Continuing improvement, $2,000.

Improving Ohio River: Continuing improvement, $350,000; of which sum an amount not to exceed $50,000 shall be expended in extending the upper dike at Grand Chain down-stream, and removing rocks and other obstructions at that locality.

Improving Falls of the Ohio, at Louisville, Ky.: Continuing improvement in pursuance of the last plan of the engineer in charge, $125,000.

Improving Detroit River, Michigan: To complete improvement, $27,700.

Improving Hay Lake Channel, Michigan: Continuing improvement, $125,000.

Improving Saginaw River, Michigan: Continuing improvement, $50,000; of which sum $25,000 are to be used opposite Bay City.

The Secretary of War is hereby directed to cause a further examination of the public works on the Fox and Wisconsin Rivers, Wisconsin, by the board of engineers appointed May 14, 1883, for that purpose, with instructions to report to the next Congress the feasibility, cost, and propriety of continuing said works.

Improving Saint Croix River, Wisconsin and Minnesota: Continuing improvement, $7,000.

Improving Chippewa River, Wisconsin: Continuing improvement, $13,500, including Yellow Banks, and the removal of the bar at or near the city of Eau Claire.

Improving Wabash River, Indiana: Continuing improvement, $50,000; of which sum $40,000 are to be expended below Vincennes, and $10,000 between Vincennes and Terre Haute.

Improving White River, Indiana; Continuing improvement, $7,500; no part of which is to be expended until the bridges are so changed as not to obstruct navigation.

Improving Calumet River, Illinois: Continuing improvement, $25,000: *Provided, however*, That no part of said sum shall be expended, nor of any sum heretofore appropriated, until the entire right of way, as set forth in Senate Executive Document No. 9, second session Forty-seventh Congress, shall have been conveyed to the United States free of expense, and the United States shall be fully released from all liability for damages to adjacent property-owners to the satisfaction of the Secretary of War.

Improving Illinois River, Illinois: Continuing improvement, $100,000; of which sum $5,000 may be expended in dredging the river in front of Peoria.

For the construction of a canal from the Illinois River near the town of Hennepin to the Mississippi River at or below Rock Island, and designated in a survey made by Major Benyaurd, together with the route surveyed for a branch canal or feeder from Rock River to the summit line of said canal, $300,000: *Provided*, That said canal and feeder shall be eighty feet wide at the water line and seven feet deep, and the locks one hundred and seventy feet in length and thirty feet in width, with a capacity for vessels of at least two hundred and eighty tons burden, with guard-gates, wash-weirs, locks, lock-houses, basins, bridges, and all other erections and fixtures that may be necessary for safe and convenient navigation of said canal and branch as specified in said survey: *And provided further*, That it shall be the duty of the Secretary of War, in order to secure the right of way for such canal and branch, to acquire the title to such lands as may be necessary, by agreement, purchase, or voluntary conveyance from the owners, if it can be done on reasonable terms; but if that shall be found impracticable, then the Secretary of War shall apply at any term of the circuit or district court of the United States for the northern district of Illinois to be held thereafter, at any general or special term held in said district, and in the name of the United States institute and carry on proceedings to condemn such lands as may be necessary for the right of way as aforesaid; and in such proceedings said court shall be governed by the laws of the State of Illinois, so far as the same may be applicable to the subject of condemning private lands for public use.

Improving Gasconade River, Missouri: Continuing improvement, $5,000.

Improving Osage River, Missouri: Continuing improvement by snagging, $1,500.

Improving Red River of the North, Minnesota and Dakota: Continuing improvement, $10,000; and all sums heretofore appropriated and remaining unexpended for a lock and dam at Goose Rapids are hereby made available for dredging said rapids.

Improving Yellowstone River, Montana and Dakota: Continuing improvement, $12,500.

Improving Sacramento and Feather Rivers, California, $10,000; also $30,000 of the money heretofore appropriated for improving said rivers, unexpended at the close of the present fiscal year: *Provided*, That no part of said sum, or the money now on hand to the credit of this fund, except what may be necessary for snagging and dredging operations, shall be used, except as herein provided, until the Secretary of War shall have been satisfied of the cessation of hydraulic mining on said rivers and their tributaries.

Improving San Joaquin River, California: Continuing improvement, $40,000; one-half of which sum shall be expended on the San Joaquin River from mouth of the river to Stockton, including Stockton and Mormon Sloughs, and to railroad bridge at Banta, and the other half shall be expended on the river between Banta and Hill's Ferry.

Improving canal around the Cascades of Columbia River, Oregon: Continuing improvement, $125,000.

Improving the Upper Columbia and Snake Rivers, Oregon and Washington Territory: Continuing improvement, $9,000.

Improving Lower Willamette and Columbia Rivers below Portland, Oreg.: Continuing improvement, $40,000.

Improving Upper Willamette River above Portland, Oreg.: Continuing improvement, $5,000.

For gauging waters of the Columbia River, Oregon, $1,000.

Improving Chehalis River, Washington Territory: Continuing improvement, $2,000.

Improving Cowlitz River, Washington Territory: Continuing improvement, $2,000.

Improving Skagit River, Stielaquamish River, Nootsac River, Snohomish River, and Snoqualmie River, Washington Territory: Continuing improvement, $10,000.

Improving Coquille River, Oregon: Continuing improvement, $8,000.

For operating snag-boat on Upper Mississippi River, $15,000.

Improving Mississippi River from Saint Paul to Des Moines Rapids: Continuing improvement, $200,000; of which sum $8,000, or so much thereof as may be necessary, shall be applied to the removal of the rock at Duck Creek Chain, at the Rock Island Rapids.

For continuing operations upon the reservoirs at the headwaters of the Mississippi River, $35,000: *Provided*, That in the opinion of the Chief of Engineers the expenditure of this appropriation and the ultimate completion of this part of the reservoir system will adequately improve navigation.

Improving Mississippi River from Des Moines Rapids to mouth of Illinois River, including Quincy, Quincy Bay, and the removal of the bar at the mouth of Whipple Creek: Continuing improvement, $200,000.

Improving dry-dock at Des Moines Rapids: To complete the work, $65,000.

Improving Mississippi River from mouth of Illinois River to the mouth of the Ohio River: Continuing improvement, $400,000; of which sum $50,000 shall be used in extending the work for the protection of the easterly bank of the Mississippi River at Cairo, Ill., and the prevention of its wash or erosion, commencing at the southerly end of the present Government revetment work and continuing down-stream.

Improving Mississippi River from the head of the passes to the mouth of the Ohio River, including the rectification of the Red and the Atchafalaya Rivers at the mouth of Red River, and for keeping open a navigable channel through the mouth of Red River into the Mississippi River: Continuing improvement, $2,800,000; which sum, together with the sums herein appropriated for the Mississippi River from Des Moines Rapids to the mouth of the Ohio River, shall be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Mississippi River Commission, as approved or amended by an advisory engineer of said commission, which office is hereby created, said advisory engineer to be appointed by the President, at a salary of $3,500 per annum; and James B. Eads is hereby recommended to the President for that position.

For examinations and surveys at South Pass, Mississippi River, pursuant to the act of March 3, 1875, $10,000.

For survey of the Mississippi River from the head of the passes to its headwaters: Continuing survey, $75,000.

For gauging the waters of the Lower Mississippi River and its tributaries, as provided for in joint resolution of February 21, 1871, $5,000.

For continuing the removal of snags, wrecks, and other obstructions in the Mississippi River, $50,000.

For rebuilding snag-boat De Russey, and fitting up the same for snagging and wrecking purposes, $50,000.

Improving Missouri River from its mouth to Sioux City, $350,000, and from Sioux City to Fort Benton, $100,000; to be expended, under the direction of the Secretary of War, in accordance with the plans, specifications, estimates, and recommendations of the Missouri River Commission.

The sum of $15,000 appropriated by the act of July 5, 1884, for the survey of the Missouri River above the falls are hereby required to be used in the survey of said river from its mouth to its headwaters.

For continuation of surveys of the Missouri River from its mouth to its headwaters, now in progress; to make additional surveys and examinations of said river and its tributaries; and to make such additional examinations and investigations, topographical, hydrographical, and hydrometrical, as are necessary for maturing a plan for the permanent improvement of the entire river, $50,000.

For removing snags, wrecks, and other obstructions from the Missouri River, $30,000.

The sum of $10,000 is hereby appropriated for correcting the regimen and giving stability to the bank of the Missouri River along the Government reservation at or near Fort Leavenworth, Kans.; said sum, or so much thereof as may be necessary, to be expended under the supervision and direction of the Missouri River Commission: *Provided*, That this specific appropriation shall not be so construed as to conclude or prohibit the Missouri River Commission from using more money for said purpose, if in their judgment necessary, from the general

appropriation herein made for the improvement of the Missouri River from its mouth to Sioux City.

Mr. WAIT (before the reading had been concluded). I desire to offer an amendment.

The CHAIRMAN. The gentleman from Connecticut [Mr. WAIT] is out of order. The reading of the section has not yet been concluded.

Mr. WAIT. Very well. I only wanted to be in time, as it appeared under the ruling of the Chair we would have so little time for discussion.

The Clerk resumed the reading, but before it was concluded,

Mr. SINGLETON said: I desire to offer an amendment to come in at line 658.

The CHAIRMAN. Amendments are not in order till the whole section shall have been read.

The Clerk resumed the reading, but was interrupted by

Mr. TURNER, of Georgia, who said: I desire at this point to inquire whether it is the understanding that points of order may be made after the entire section has been read?

The CHAIRMAN (Mr. NICHOLLS in the chair). That is the understanding.

Mr. TURNER, of Georgia. If that is the understanding, I will forbear to make a point of order now.

The CHAIRMAN (Mr. HAMMOND). During the confusion when the House first went into Committee of the Whole all the members may not have heard the statement of the Chair that all points of order could be made after the reading of the whole section, so that the reading might continue without interruption.

Mr. TURNER, of Georgia. Then I would inquire whether there will be any order in which points of order are to be raised, or can any of them be raised immediately after the reading of the section?

The CHAIRMAN. That would be a matter for arrangement; but the Chair would suggest, as upon points of order time is sometimes taken in discussing the merits, it might be better perhaps to reserve points of order until the expiration of the hour and a half limited for debate.

Mr. TURNER, of Georgia. Then, Mr. Chairman, I reserve a point of order on the paragraph now about to be read—the paragraph in regard to the Hennepin Canal.

The CHAIRMAN. The Chair will note it; but to prevent misunderstanding from this reservation the Chair desires to say that there need not be any reservation of points of order until the reading of the section is completed.

Mr. REAGAN. As I understand, the reading of this whole section is to bring it before the House——

The CHAIRMAN. That is the object.

Mr. REAGAN. But the reading by clauses, as I understand, opens each clause to amendment, whether there be debate or not, and to points of order.

The CHAIRMAN. The Chair understands that there is to be no further reading of this section by clauses.

Mr. TURNER, of Georgia. Mr. Chairman, I suggest that it would be a convenient mode of procedure to have points of order disposed of before the section is disposed of on its merits, because if points of order are sustained it will greatly simplify perhaps the duties of the committee.

The CHAIRMAN. That suggestion may be a very good one; but the Chair desires to say it will be better, after this statement, to finish the reading of the whole section, and then the consideration of what is to be done can be resumed.

The Clerk resumed the reading.

Mr. TURNER, of Kentucky [interrupting the reading]. I desire to to offer an amendment to line 926.

The CHAIRMAN. Amendments are not in order until the section has been read.

Mr. TURNER, of Kentucky. And then in what order?

The CHAIRMAN. That will be ascertained after the section shall have been read.

Mr. TURNER, of Kentucky. I simply did not want to lose the right to offer my amendment.

The CHAIRMAN. The gentleman will lose no rights.

The Clerk resumed and concluded the reading of the section.

Several members addressed the Chair.

Mr. WILLIS. I have some committee amendments.

The CHAIRMAN. The Chair desires to have the order of business understood. Is it the pleasure of the committee that the Chair now hear points of order to be raised on this section? That seems to be the first thing in order, unless some other arrangement be made by unanimous consent.

Mr. REAGAN. I suggest there may be amendments offered, which will obviate points of order that would otherwise be raised. Therefore the amendments had better be read and pending; and I submit that amendments proposed by the Committee on Rivers and Harbors should be first entertained.

The CHAIRMAN. The Chair first desires to let the committee understand the exact situation. All debate on this section is limited to an hour and a half, one-half hour to the friends and one hour to the opponents of the bill.

The Chair undertook to have that time parceled out by the gentlemen, who could arrange it in private. They failed to do so. Gentlemen have come to the Chair and asked their names be taken down for time until 12. Gentlemen's names have been put down in opposition to the bill, and six gentlemen's names have been put down as the friends of the bill. If these gentlemen have the time, five minutes apiece, they will take all the time, and all other amendments except those offered by them will be without debate either for or against.

But the gentleman from Texas [Mr. REAGAN] makes what the Chair supposes a good suggestion, that these amendments might now be read, in order that the committee in the discussion may understand what are the things likely to be voted on.

The only other question which remains for the committee to determine is whether points of order will be heard or whether they will be also postponed at the suggestion of the gentleman from Texas until after the amendments shall have been read, the idea being as expressed by him that the reading of the amendments may obviate some points of order.

Mr. KEIFER. In order to reach a point where there will be an end to points of order and an end to amendments, I suggest that the bill by the direction of the Chair, and I think the committee will acquiesce in it, be gone over by paragraph, and as each paragraph is reached, should amendments be made, the discussion shall go on until all the time has been taken up. After that debate will not be in order, but it will be in order to make points of order. If you go back and forth over it you will never get through.

Mr. REAGAN. The gentleman understands me, I think, in a degree. My suggestion is that these amendments be read and considered as pending.

Mr. KEIFER. That is all right. But everybody will agree you must go over it by paragraph or you will never get through with it.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry. I wish to ask the Chair whether we are to understand the time for debate has already been pre-empted by those who have sent their names to the Chair, and that no others can be recognized to speak for or against the bill or upon amendments which may be offered?

The CHAIRMAN. The Chair states the situation: simply to obviate embarrassment he tried to have an arrangement made, but that was not agreed to. Gentlemen from either side have declined to enter into any arrangement. All the Chair could do, therefore, when gentlemen asked for recognition was to put down their names. He has such list, but whether he will recognize it or not is for future consideration. If the Chair should recognize gentlemen to speak on individual amendments as offered, then the condition of things would be that there would be debate on individual amendments which would exhaust the hour and a half, and there would be no general debate during that hour and a half. The Chair understood this anomalous condition to be a new order for general debate on the bill, and that general debate was to be parceled out five minutes at a time. Therefore by the very order, as the Chair understands, there will be no time allowed for discussion on amendments except on amendments made by the gentleman who shall first obtain the floor.

Mr. WARNER, of Ohio. I ask the Chair be controlled——

Mr. HOLMAN. I wish to say a word. It seems to me exceedingly unjust before amendments are submitted the Chair should determine who shall be recognized. It may be possible——

The CHAIRMAN. The Chair has made no determination on the subject.

Mr. HOLMAN. I know, when the Chair will hear me——

The CHAIRMAN. The Chair is simply stating the embarrassment he feels in trying to put a bushel into a peck measure. [Laughter.]

Mr. MCMILLIN. I rise to a parliamentary inquiry. Under the rulings of the Chair generally on bills analogous to this, he has held that the discussion on a section, it having been read, waives the right to make points of order on that section. Now, by reason of the action yesterday we are in this anomalous condition, one I regret the more I think of it, that if we make amendments to that portion of the bill against which points of order can be made and they are discussed, I wish to know whether we are precluded from making points of order against paragraphs further on and which are subject to points of order?

The CHAIRMAN. The Chair will state in reply to the gentleman from Tennessee that this debate in no wise limits debate on points of order.

Mr. MCMILLIN. But does it preclude the possibility of raising a point of order when paragraphs to which they apply shall have been reached?

The CHAIRMAN. The Chair will reply, no paragraphs will be reached except by unanimous consent when the section shall be reread by paragraph.

Mr. HOLMAN. I ask by unanimous consent that the House adopt this line of policy: That the hour and a half debate shall be first exhausted before points of order shall be entertained, because debate will not cut off points of order, but if they are raised during this hour and

a half there will doubtless be confusion. By postponing the points of order until the hour and a half shall have been exhausted, then the points of order can be discussed as they are raised from time to time until disposed of.

Mr. REAGAN. But if my suggestion is adopted the debate on points of order may be avoided in many instances, because the amendments which the Committee on Rivers and Harbors propose may obviate the necessity of making points of order.

The CHAIRMAN. The Chair will submit the motion of the gentleman from Indiana to the House.

The gentleman from Indiana asks unanimous consent that all points of order may be postponed and not made until after the hour and a half of debate shall have been made.

Mr. REAGAN. I object to that—because we will be debating and not know what we are talking about—for the reason that the modifications of the bill suggested by the committee may obviate the points of order.

Mr. HEWITT, of Alabama. In order to save time I demand the regular order.

The CHAIRMAN. The Chair thinks the regular order then is the hearing of points of order.

Mr. TURNER, of Georgia. Mr. Chairman I wish to make a point of order——

Mr. BAYNE. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. I desire to know whether or not unanimous consent has been asked that this section be read by paragraphs and considered?

Mr. KEIFER. Subject to points of order and amendment.

The CHAIRMAN. The Chair will submit the request of the gentleman if desired.

Mr. BAYNE. I ask then, Mr. Chairman, in order that the remaining portion of the bill may be considered and with some hope of reaching a satisfactory conclusion, that it shall be read by paragraphs, and as the paragraphs are read points of order may be made upon them, amendments offered and be pending in their regular order.

Mr. TURNER, of Kentucky. That would facilitate business.

Mr. REED, of Maine. Can we have debate under the five-minute rule under that arrangement?

Mr. KEIFER. Of course, until the hour and a half is exhausted.

The CHAIRMAN. The Chair will state before putting the question, that all the time taken up in the discussion of points of order would be deducted, and the Chair would allow one and one-half hours for the discussion of other matters in accordance with the agreement in the House.

Mr. TURNER, of Georgia. I insist that I cannot be taken from the floor by a motion of that kind. I am willing to yield for any accommodation of this matter, but I do object that the debate on points of order shall be taken out of the hour and a half allowed for discussion.

The CHAIRMAN. The Chair stated that it would not; that that time would be deducted, leaving the hour and a half for the discussion, in accordance with the order of the House. Does the gentleman yield for the motion made by the gentleman from Pennsylvania?

Mr. TURNER, of Georgia. I am willing that any arrangement shall be made for the accommodation of the business of the House, provided I do not lose my rights.

The CHAIRMAN. The Chair will see that the gentleman does not lose his rights.

The gentleman from Pennsylvania asks unanimous consent that the reading of this section be resumed at the point where the reading ceased at the last sitting, and that as each paragraph is read points of order may be made or amendments offered thereto.

Mr. KEIFER. And also debate within the time specified.

Mr. REAGAN. That would exclude the amendments to the latter part of the bill to which the gentleman from New York has reference. If general consent is given that the committee shall present their amendments and they be read and then points of order submitted and disposed of, we will have no trouble. But this proposition would exhaust the time to no purpose. They will be limited to particular clauses as they are reached; but if you exhaust the time, as would probably be the case under the arrangement suggested, on the first two or three clauses, you deprive the gentleman from New York and others of the consideration of amendments which they wish to offer to the final clauses.

The CHAIRMAN. The Chair will state that the result of the motion of the gentleman from Pennsylvania would, in his judgment, be to exhaust the hour and a half on the first ten or fifteen amendments.

Mr. REED, of Maine. Then I object to it.

Mr. BAYNE. Before objection is made I want to interpose a word. I made this suggestion upon an intimation given by the Chair that twelve names had been placed upon a slip of paper there at the desk of persons who were opposed to the bill and six who were favorable to it, and that no other could be recognized for the purpose of debate except the persons there named or those who submitted amendments. I perceive fully the difficulty which the Chair suggests if that course is to be pursued; and I take it the Chair would shut off debate except as to those who would be recognized for the purpose of debate in the manner I have suggested. I do not know, of course, how these recognitions will be arranged.

The CHAIRMAN. The Chair begs to state that the gentleman who offers the proposition to amend the first paragraph would be recognized for the purpose of making a speech and might address himself to any other paragraph that he saw proper, the Chair being unable to control him unless the question of order was raised.

Mr. BAYNE. Then I withdraw the request.

Mr. PERKINS. Allow me to make a suggestion which I think will obviate the difficulty.

The CHAIRMAN. The Chair will hear the suggestion of the gentleman from Kansas.

Mr. PERKINS. I suggest that we adopt the resolution of the gentleman from Pennsylvania, except that the amendments shall not be debated. Points of order may be discussed and amendments offered, but not debated until the entire section shall have been read through.

Mr. WILLIS. That I think is a sensible suggestion.

Mr. TURNER, of Kentucky. I should object to that as I now understand it.

Mr. PERKINS. My suggestion is to allow the amendments to be offered and be pending, but not debated until the entire section has been gone through with.

Mr. REED, of Maine. The amendments are all to be considered as pending?

Mr. PERKINS. Yes, sir; but not to be voted on or debated until points of order are disposed of.

Mr. THOMAS. That is a good suggestion.

The CHAIRMAN. The Chair will state the proposition. The proposition now made by the gentleman from Kansas [Mr. PERKINS] is that the section be reread by paragraphs; that as each paragraph is read all amendments thereto be proposed without debate; that all points of order be raised and remain without debate——

Mr. PERKINS. That the points of order be discussed.

The CHAIRMAN. That points of order be discussed and disposed of. Is unanimous consent given to that proposition?

Mr. DAVIS, of Illinois. I object to that proposition. As I understand it, if the amendments are voted down you can not then substitute another amendment.

Mr. PERKINS. Oh, yes, you can.

Mr. MOULTON. I call for the regular order.

The CHAIRMAN. There is no power of avoiding the offering of amendments to any paragraph.

Mr. DAVIS, of Illinois. I understood from the statement made by the Chair that according to this proposition we would offer our amendments and they would all be pending; and I supposed that after the paragraph was passed the point would be raised that it could not be returned to for the purpose of offering another amendment.

The CHAIRMAN. A paragraph can not in parliamentary language be considered as passed while there is a pending amendment.

Mr. DAVIS, of Illinois. Then when that is voted down would it be in order to offer another?

The CHAIRMAN. It would be in order to offer as many as the gentleman wished.

Mr. DAVIS, of Illinois. Then I have no objection to the proposition.

Mr. WASHBURN. I wish to know if I understand the Chair correctly that if one amendment is voted down you can then substitute another.

The CHAIRMAN. The Chair sees no reason why if an amendment is voted down another amendment to the same paragraph may not be offered.

Mr. WASHBURN. Then it is all right.

Mr. STONE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Kentucky. I rise to a question of order. We can not hear what is being said.

The CHAIRMAN. The gentleman from Massachusetts will suspend until order is restored. The committee will come to order.

Mr. STONE. I make this point: I understand the House has voted to give an hour and a half of debate on the pending section. But the House has not voted as to how that hour and a half shall be distributed. Now, if you take this section up as you propose to do and proceed with the consideration of it by paragraphs, when a particular paragraph is under consideration a member on this floor under the arrangement proposed can not take a part of the hour and a half to discuss that part of the section which is under consideration. In other words, the question is, how are we to reconcile the order the House has given that an hour and a half shall be allowed for debate on this section with an opportunity to members to take part of that hour and a half in discussing the particular paragraph which for the time being happens to be under consideration? That is the point I wish to raise. If that be competent, then I submit it will be competent for a member to take some portion of the hour and a half to deal with the particular paragraph, and then in effect that particular paragraph will be debated as well as amended.

Mr. BAYNE. I reply to the gentleman from Massachusetts that if

the plan suggested be adopted an amendment may be proposed by the gentleman from Massachusetts; the amendment will not be voted on at the time it is proposed; but when the gentleman comes to be recognized for debate he can then advocate that amendment, if he happens to be among the number of the gentlemen on the list for recognition. I think that settles it.

Mr. STONE. I do not consider that is any answer to my question.

The CHAIRMAN. The proposition, as the Chair understands it, is a request for unanimous consent that the section be reread by paragraphs; that when so read amendments may be offered and points of order raised; that there shall be then no debate on amendments offered, but there shall be debate on the points of order raised; the time consumed on the point of order not to be counted out of the time limited for debate on the section by the House. Is there objection to that arrangement?

Mr. SPOONER and Mr. TURNER, of Kentucky, objected. [Cries of "Regular order!"]

The CHAIRMAN. The Chair is ready to hear any suggestions on points of order. The gentleman from Georgia [Mr. TURNER] is recognized.

Mr. TURNER, of Kentucky. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TURNER, of Kentucky. Did I correctly understand the Chair to state that the proposition of the gentleman from Kansas [Mr. PERKINS] was that afterward the amendments might be debated at the close of the reading of the section or paragraph?

The CHAIRMAN. The Chair stated that after the close of reading the section, and after the disposition of the points of order, there would be an hour and a half for debate. What will be debated in that hour and a half the Chair does not know.

Mr. TURNER, of Kentucky. I withdraw my objection to the proposed arrangement.

Mr. BAYNE. I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BAYNE. I wish to inquire whether a motion would now be in order to proceed according to the method which has been suggested and to which objection was made by the gentleman from Rhode Island [Mr. SPOONER], the objection of the gentleman from Kentucky having been withdrawn?

The CHAIRMAN. The Chair will ask again, is there objection to the mode of procedure suggested by the gentleman from Kansas? The Chair will restate it: That the Clerk shall begin to reread the section at the paragraph where he left off when it was being read by paragraphs for amendment; that he shall read it by paragraphs, and that amendments be offered to each paragraph when its reading is concluded, and that points of order may be raised on each paragraph when its reading is concluded; that there shall be no debate upon amendments offered, but there shall be debate on points of order offered; that after all of the amendments shall have been submitted the debate of one hour and a half according to the order of the House shall begin. The Chair again asks, is there objection?

Mr. TURNER, of Kentucky. I object.

The CHAIRMAN. The gentleman from Kentucky renews his objection, and the gentleman from Georgia [Mr. TURNER] will proceed upon his point of order.

Mr. TURNER, of Georgia. Mr. Chairman, I desire to raise the point of order against that part of the bill which begins on line 813 and ends with line 842. The confusion which has taken place here in Committee of the Whole in the effort to execute the order of the House limiting debate upon this entire section before it was read is a fitting illustration of the trouble which always comes from a suspension of the rules or a departure from the settled practice of the House. To the better judgment of the House on the point of order against that action I submit, but under the permission now given I desire to appeal to the rules, I desire now again to call the attention of the House to the importance of preserving the rules in their integrity and of maintaining inviolate the boundaries which mark the partition of power between the different committees of this House.

There is a rule which specifies the different committees of this House, and there is a general rule of the House that requires that everything shall be done, in the House or in the Committee of the Whole, upon the reports of these committees, which stand as referees, if I may use a judicial illustration. One of those committees is a committee on rivers and harbors; another is a committee on railways and canals. I submit that the lines in this bill to which I have called attention confuse the jurisdictions of the two committees I have named and blend them in one measure. That is my first point of order, and it is a point which goes to the jurisdiction of the Committee on Rivers and Harbors.

The next point of order which I make is akin to it, and is a question of privilege for the committee. I read from paragraph 8 of Rule XI, which not only defines the jurisdiction of the committee as I have stated it, but adds this matter of privilege to that committee:

> And the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills.

Under that clause of the rule which gives the Committee on Rivers and Harbors the privilege to come in here and report a bill on rivers and harbors the same as the Committee on Appropriations can do with a general appropriation bill, where do gentlemen find the power or authority conferred upon the Committee on Rivers and Harbors to report a proposition to construct a canal? Now, mark my proposition, Mr. Chairman: In the first place, on the question of jurisdiction, I demur to this paragraph of the bill as outside of the power of the Committee on Rivers and Harbors; and in the next place I say that when they reported this bill, or this paragraph in the bill, they exceeded their parliamentary privilege, which is a special privilege and can not be extended by them in any way—the House itself could not extend it, except by a two-thirds vote on a proposition to amend or suspend the rules.

My next point of order is (not intending to consume the time of the committee by a needless amplification of these considerations, which I know are entirely familiar to members of the House) an appeal to another rule of the House which I will now read, and I ask the attention of the Chair:

> No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the committee.

I find in the files of the House a bill introduced by the gentleman from Iowa [Mr. MURPHY], and calendared as House bill 1975, entitled "A bill to provide for the construction of the Michigan and Mississippi River Canal and to cheapen transportation." On reading that bill it will be found that not only the substance of it, but the bill literally, with the exception of two or three sections at the end, is copied into the provision of the river and harbor bill to which I have called attention and upon which I have made this point of order. If the Chair, or any gentleman interested in the question, will examine that bill he will find that it is grafted literally, word by word, into the provision of the river and harbor bill as to which I have raised the point of order. Finally, Mr. Chairman, I revert to that well-worn point of objection, that this is new legislation, increasing the amount of expenditure covered by the bill, and doing it by a clause not germane to the bill. I now take leave of this subject by saying that under the partition of power among the committees of this House to which I have referred a proposition of this kind is no more germane to this bill than it would be for the Rivers and Harbors Committee to report a bill to construct an elevated railway from ocean to ocean or to construct the Nicaragua ship canal, or to graft upon this bill the interstate-commerce bill reported by the Committee on Commerce.

I have now briefly and succinctly stated the objections which I have, under the rules, to the consideration of the lines of this bill which I have specified, and I ask that they be stricken from the bill.

Mr. HENDERSON, of Illinois. Mr. Chairman, as to the objection last made by the gentleman from Georgia [Mr. TURNER] it certainly can not apply to this bill. This is not an amendment to the river and harbor bill; this is part of an original bill reported by the Committee on Rivers and Harbors for the improvement of rivers and harbors and for other purposes. The paragraph of Rule XXI to which the gentleman from Georgia referred relates to amendments offered to bills and resolutions under consideration in the House. The paragraph of the rule read by him is as follows:

> No bill or resolution shall at any time be amended by annexing thereto or incorporating therewith the substance of any other bill or resolution pending before the House.

Now, if this provision were not in the bill, and I should propose it as an amendment, then I concede the point of order would be well taken. But most assuredly it is not well taken when this is an original bill reported by the Committee on Rivers and Harbors, and every proposition in it is a part of the bill.

Mr. TURNER, of Georgia. Will the gentleman permit an inquiry?

Mr. HENDERSON, of Illinois. Yes, sir.

Mr. TURNER, of Georgia. Does not the gentleman perceive that the narrow construction which he now gives to the rule just cited would land him at this conclusion—that the Committee of the Whole has less power than the Committee on Rivers and Harbors?

Mr. HENDERSON, of Illinois. Not by any manner of means. Mr. Chairman, I do not see the embarrassment suggested at all. This bill was reported by the Committee on Rivers and Harbors; the House received it, and referred it to the Committee of the Whole for the express purpose of its consideration, including every one of its provisions.

Mr. TURNER, of Georgia. But the gentleman forgets that points of order were reserved.

Mr. HENDERSON, of Illinois. I understand that perfectly well. But what points of order could possibly be reserved?

Mr. TURNER, of Georgia. That is the question.

Mr. HENDERSON, of Illinois. As to the question of jurisdiction, it may be that if this question had been raised at the proper time, when the bill was reported from the committee to the House, it would then have been competent to raise the question. The only instance in which, so far as I am aware, a question of this kind was raised and sustained is the one referred to by the gentleman from Kentucky [Mr. TURNER] in the last session of Congress. In that case Mr. Andrew Johnson, then

a Representative from the State of Tennessee, reported from a committee on expenditures in one of the Departments a bill to grant homesteads. The point or order was raised at that time that the committee reporting the bill had no jurisdiction to report the bill, and that point was sustained. But suppose instead of that point being raised and sustained the House by its own action had referred the bill to a Committee of the Whole for the purpose of considering it, would not any question of jurisdiction have been thereby waived?

Mr. Chairman, this question was decided at the last session of Congress by the then chairman of the Committee of the Whole, who held that the question of jurisdiction was waived by reason of the bill having been referred to the Committee of the Whole for the purpose of its consideration. On that ground the point of order was overruled. An apr peal was taken; and the Committee of the Whole sustained the Chain his ruling.

Mr. MCMILLIN. The gentleman from Illinois will permit me to ask him one question. Does he not see that if the construction for which he contends were placed upon the reference of a bill by the House to the Committee of the Whole, it would virtually prevent the sustaining of any point of order upon anything in the bill after it had been referred to the Committee of the Whole?

Mr. HENDERSON, of Illinois. I think there is no point of order that can be raised, unless it be raised under the rules of the House; and when you come to ascertain what points of order can be raised, they are confined to bills of a different character from this one. This is an original bill.

Mr. HEWITT, of Alabama. As the gentleman from Illinois refers to a ruling made on this subject last session, I wish to inquire whether that ruling was not based upon the ground that the bill had been referred to the Committee of the Whole without any reservation of points of order?

Mr. HENDERSON, of Illinois. No, sir; I submit not.

Mr. HEWITT, of Alabama. I think if the gentleman will examine that decision he will find that such was the case.

Mr. HENDERSON, of Illinois. The point of order was raised at the last session. I discussed it, and it was discussed by other gentlemen. I took the ground that when the House referred that bill to the Committee of the Whole on the state of the Union it referred it to that committee for the purpose of consideration, and that it was too late to raise the question of jurisdiction after it had been so referred. The gentleman from Massachusetts [Mr. STONE] and my colleague [Mr. SPRINGER] also took the same position. I desire to refer the Chair to the decision then made.

The CHAIRMAN. If the gentleman proposes to read from the RECORD he will oblige the Chair by naming the page and volume.

Mr. HENDERSON, of Illinois. I will do so. I read from page 5014 of the CONGRESSIONAL RECORD of last session, being volume 68:

The CHAIRMAN. The Chair will remark simply in reference to this that the paragraph objected to is not an amendment, but is a part of the original bill, and therefore obviously not obnoxious to the clause of the rule which has just been read.

With reference to the third ground, the want of original jurisdiction in the Committee on River and Harbors, the Chair will say this: the chairman of the Committee of the Whole on the state of the Union is asked to withhold from the consideration of the committee a particular clause in an original bill on the ground that the Committee on Rivers and Harbors reporting the bill to the House did not have jurisdiction over the subject-matter of the particular clause. In the view which the chairman of this Committee of the Whole takes of the question it is not necessary to decide whether the Committee on Rivers and Harbors has jurisdiction over the subject-matter of this particular clause or not. Whether it originally possessed that jurisdiction it is not necessary for the Chair to decide in the view which he takes of this question. Hence the Chair will not take the time to express any opinion in reference to it.

Now, this is the point to which I ask particular attention:

The view of the Chair is this: The action of the House in submitting this bill to the Committee of the Whole on the state of the Union for consideration does not leave it within the province of the Chair to pass upon the question of original jurisdiction in the Committee on Rivers and Harbors. The bill has been committed to the Committee of the Whole for the purpose of consideration, and the chairman of this committee believes that he is but executing the order of the House when he decides that the bill shall be considered. The committal of the bill to the Committee of the Whole House on the state of the Union the Chair thinks was not a submission to the committee of the question whether or not the bill should be considered, but an express direction to the committee to consider the bill.

Mr. BROWNE, of Indiana. Whose ruling is that?

Mr. HENDERSON, of Illinois. The chairman at the last session of Congress.

Mr. BROWNE, of Indiana. But who was the chairman?

Mr. HENDERSON, of Illinois. Mr. WELLBORN, of Texas. He continues:

To hold that the chairman of the Committee of the Whole on a point of order could go back and inquire into asserted irregularities and errors in the stages of the bill which preceded its reference to the Committee of the Whole would be either to clothe the chairman of the Committee of the Whole with power to review and reverse the order of the House in the matter of the reference or place the House in the anomalous position of having expressly directed the Committee of the Whole to do a particular thing and at the same time left the committee to determine whether the thing directed should be done or not.

Now, that is the decision of the chairman, and I maintain there was nothing said by the chairman to the contrary of that. It is like a lawyer who comes into court and omits to put in his plea in abatement or to the jurisdiction of the court at the proper time. He waives the question of jurisdiction by omitting to do it, and there is no rule of this House except, as I think, the rules which apply to general appropriation bills—and this is not a general appropriation bill—which would justify the chairman in ruling out this provision of the bill.

I want to say further, Mr. Chairman—I said before I did not know whether with propriety or not, but this whole question was discussed at length in the Senate, and upon a yea-and-nay vote they held a provision similar to this was not only in order but was germane to the bill.

In regard to the general remarks of the gentleman from Georgia [Mr. TURNER] I want to say, if I may be permitted to do so, there is not a canal in the country which was constructed by the aid of the General Government that has not been carried on under river and harbor bills. We are constructing the Muscle Shoals Canal on the Tennessee River; we are constructing a canal around the Cascades of the Columbia River; the Sault Sainte Marie Canal has been completed; but all these canals have been constructed and taken care of under river and harbor bills. What gentlemen want is this: that we shall be relegated to a committee that never reported a bill hardly in all its existence which has had the consideration and determination of the House of Representatives. You may take the history of the Committee on Railways and Canals, and I think they never originated or reported a bill of any importance that has received consideration at the hands of Congress. That is what gentlemen wish to do, to drive us to a course where we could never get any consideration.

I say there is no more impropriety, that it is just as germane to this bill to incorporate a provision like this in it as it is to construct a canal anywhere else in any other part of the country; and that, sir, we are doing and have been doing, and there are provisions of that character in this bill.

I know it was regarded as a narrow view before, but I say this is the improvement of a river in the highest and best sense of the term. It makes the river more valuable and more useful to the people interested in it.

I have already said, Mr. Chairman, this question was decided at the last session of Congress. An appeal was taken from the decision of the Chair, and that decision was sustained, I am told by my colleague [Mr. SPRINGER], by 103 ayes to 63 noes, the vote being taken by tellers. So it seems to me this committee should not reverse its own decisions. It was this very House of Representatives in Committee of the Whole which sustained the chairman in his decision at that time and by a very decided vote.

I wish to say, in addition to that fact, that since then there have been petitions referred in the ordinary and usual way to this committee, thereby giving it jurisdiction. It has never been denied that it was competent for the House to refer petitions to any committee and thereby vest it with jurisdiction. Petitions have been received and referred, as will be seen by reference to the RECORD, asking for the consideration of this canal. So that the point of order can not be based on the ground that there has been no reference of any petition to the committee authorizing its action. I repeat, therefore, Mr. Chairman, in my judgment this question was decided at the last session of Congress.

Mr. OATES. Mr. Chairman, the decision of the point of order made by the Chair at the last session of Congress was placed distinctly on the ground that points of order were not reserved on the bill. The question is now presented upon a bill where points of order were expressly reserved when the order was asked for referring the bill to the Committee of the Whole, and in order that the House may hear the language of the chairman of the Committee of the Whole when the question was decided I ask the paragraph marked be read at the Clerk's desk. The gentleman from Illinois [Mr. HENDERSON] read from the remarks of the chairman, but stopped before he got down to that point.

The Clerk read as follows:

The decision of the Chair is based on the assumption that points of order were not reserved upon the bill when it was referred to the Committee of the Whole House on the state of the Union.

Mr. OATES. Now touching the question of jurisdiction I call the attention of the Chair to paragraph 8 of section 9, which defines the jurisdiction of the Committee on Rivers and Harbors, and also to paragraph 17 of the same section, which defines the jurisdiction of the Committee on Railways and Canals. Now will the Clerk read from the rule as marked?

The Clerk read as follows:

8. To the improvement of rivers and harbors: to the Committee on Rivers and Harbors; and the Committee on Rivers and Harbors shall have the same privilege in reporting bills making appropriations for the improvement of rivers and harbors as is accorded to the Committee on Appropriations in reporting general appropriation bills;

17. To railways and canals, other than Pacific railroads: to the Committee on Railways and Canals.

Mr. OATES. The bill was introduced, as has been stated, by the gentleman from Georgia [Mr. TURNER] at the first session of the Forty-seventh Congress and referred to the Committee on Railways and Canals. Although the title differed somewhat the substance is the same.

Mr. HENDERSON, of Illinois. Will the gentleman yield to me for a moment?

Mr. OATES. For what purpose?

Mr. HENDERSON, of Illinois. To read further from the remarks of the chairman on the occasion to which I have referred.

Mr. OATES. Not at present. I merely asked that the decision of the chairman be read and the ground upon which he based the decision, and I will not yield now for any further reading.

Not only was the bill referred to the Committee on Railways and Canals, but that committee reported that bill, report No. 339, which is now upon the Calendar.

It is important, sir, that we shall maintain the distinction in regard to the jurisdiction between these committees. The jurisdiction attaching in this matter, having by an order of the House been properly made under the rule, obtains; and under the rule the jurisdiction of that Committee on Railways and Canals still continues over the subject-matter. Unless, therefore, there was a reference, mark you, under that rule of this House, or by a vote of the House, of this matter, thereby conferring jurisdiction upon the Committee on Rivers and Harbors, I submit that that committee has not jurisdiction.

The gentleman from Illinois contends that petitions were referred to that committee touching this canal. Well, sir, if petitions, which the Chair knows under the rule are placed merely in the petition-box and their reference is a mere clerical matter under the rule, happen to be sent to the Committee on Rivers and Harbors, all that can be said is that it was an improper reference, and in the absence of a vote of the House thus directing, jurisdiction would not be thereby conferred upon the Committee on Rivers and Harbors.

Now I will yield to the gentleman from Illinois to have the further remarks of the chairman at the last session, to which he referred, read.

Mr. HENDERSON, of Illinois. On page 5015 it will be found——

Mr. OATES. Let it be read from the desk.

Mr. HENDERSON, of Illinois. I ask the Clerk to read what is marked.

The Clerk read as follows:

The CHAIRMAN. The Chair meant simply this: That if points of order had been reserved upon this bill at the time it was committed to this Committee of the Whole—in other words, if it had been put in the custody of the Committee of the Whole House on the state of the Union with points of order reserved—then the most that could be done, and whether this could be properly done or not the Chair doubts, would be to report this particular point of order back for decision by the House. But the Chair is advised that no such reservation of points of order was made; and the Chair, while he would be quite willing to have the opinion of the Speaker of the House on the question, is confronted with the discharge of a plain duty—the duty of deciding the question—and can not rightfully shift this responsibility which the rules place upon him.

Mr. OATES. Now, that is perfectly consistent with the portion of the decision of the chairman during the last session which I had read a short time ago.

I have but a word further to add, and that by way of repetition. I say that the jurisdiction of the subject-matter here involved having been placed in the hands of another committee of this House, under the rules of the House jurisdiction of it can not attach in the hands of the Committee on Rivers and Harbors by the mere placing of the petition or petitions in the box and their reference under the rules of the House, which is evidently an erroneous reference, because those petitions do not belong to the Committee on Rivers and Harbors. If this is a subject touching a canal, it belongs to the Committee on Railways and Canals; and unless a petition or a bill covering this matter was referred by a vote of this House to the Committee on Rivers and Harbors, or such reference made by the Speaker of the House in open House, I submit that it has no jurisdiction. It can not in the nature of things have jurisdiction by a reference through the petition-box because at the instance of some person interested perhaps in the measure there be indorsed upon the petition a request that it should go to that committee. Such a reference could not give jurisdiction.

Mr. MURPHY. Mr. Chairman, being somewhat interested in this enterprise I hope I will be excused if I state narratively and succinctly what has been done, I having been the author of the action.

I do not believe it is necessary for me to say to this House as a humble representative of my people that whatever action I may have taken, whether regular or irregular, was taken in accordance with their wish and as they believe in the interest of the commerce of the Northwest, which is much interested in this great improvement. It is true, as stated, that I introduced the bill and referred it to the Committee on Railways and Canals. Why did I do so? Is it because, as stated by some gentlemen on this floor, that I supposed there was no other remedy? I did it believing that it was the best; simply because I thought we could get a larger appropriation for the construction of the Hennepin Canal by a report from that committee than the Committee on Rivers and Harbors; but what are the facts? While I introduced that bill in December a year ago, and was pleased to note that it was reported in January following, and found a place upon the Calendar christened No. 20, I am sorry to say that its position to-day is the same upon the Calendar that it was on the 20th day of last January a year ago. Now, then, what next?

When I learned last June that there was no possibility of getting independent action I then went before the Committee on Rivers and Harbors, and they saw proper to give it consideration and took jurisdiction, as it was decided by this House in its last session that it might do, and they incorporated it in the river and harbor bill. It was stricken out. I will not occupy the time of the House by reciting the action of the committee or how it was taken out of the river and harbor bill, because it is before you on the record and you can read and perhaps more fairly understand the question from that reading than from any statement that I could give from memory. But what I do desire to say is this, that notwithstanding this House decided at the last session that the point of order was not well taken, the position then was stronger on the part of the opponents of the measure than they can make now. And why? Since that time memorials and petitions from various cities have been referred to the Committee on Rivers and Harbors, and that reference, I am proud to say, was made by myself.

The CHAIRMAN. The Chair desires to ask the gentleman from Iowa whether those references were through the petition-box.

Mr. MURPHY. Those references were through the petition-box, and for the reason that that course was required by the rule of the House. I had to take the rule of the House to guide my action; I knew of no other.

Why did I refer those petitions to that committee if it was not for the purpose of consideration? And did I not act as required by the rule prescribed by this House? If I acted in any other way, I do not know it. If I knew of any other way in which I should have acted, I would have so acted. If I am wrong, then the rule is wrong and not my action.

I believe I might rest my case entirely upon that; but I want to say something further to the Chair. I have here a list of some eight canals: the Louisville and Pittsburgh Canal, the Des Moines Rapids Canal, the construction of the canal around the Cascades, the Green Bay and Mississippi Canal, the Saint Mary's Canal, the Saint Clair Flats Canal, the Ship Canal to the Chesapeake Bay, and the Tennessee Muscle Shoals and Chattanooga Canal. Now, will this House say that these are not just as much canals as the Hennepin or the Mississippi River Canals? Here are eight canals which have been considered by this committee and for which appropriations have been made. If the committee had no authority to recommend those appropriations why did they do it? This bill already contains three or four appropriations for canals. Are you going to make an exception of the Hennepin? If you do, on what ground?

Again I say, if I understand the object and purposes of the Committee on Rivers and Harbors since its organization it is in the interest of all kinds of internal improvements so that commerce may be aided and assisted. Why, sir, I can remember well, because I learned it when I was a boy in the history of my country, that the strictest constructionists under Jefferson and Jackson improved the highways of the Alleghanies in the interest of internal improvements, and the action was had by the Committee on Rivers and Harbors; and it does not make any difference whether it is Hell Gate in New York so that the New Yorkers can have a free access for escape, or whether it is opening up the canal in the West so that the State of New York can have an opportunity of enjoying what we produce. If it is an improvement in the interest of commerce it is entitled to legitimate consideration at the hands of this committee.

I do not believe, Mr. Chairman, it is necessary for me to say anything further, except to recall your attention to this one fact, and I state it in all plainness, for I believe it is the fact that will decide this question: Why do we refer those petitions to that committee if it be not for consideration? What is the result of that consideration? This report. Why was that order made? What are these petitions for? If they were to be referred to some other committee, why did we not say so? But having referred them to that committee, that committee was bound to consider them, and this report is the result of their consideration and action.

Mr. TURNER, of Kentucky, rose.

The CHAIRMAN. The Chair promised to hear the gentleman from Indiana [Mr. HOLMAN] for a minute. The Chair will afterward recognize the gentleman from Kentucky [Mr. TURNER].

Mr. HOLMAN. I desire to say but a word on the point of order. I desire to confine myself simply to the point of order and to avoid any consideration whatever of the merits of the proposition. It is very clearly of the highest moment to a proper administration of the business of the House that more careful observance should be had of the lines of jurisdiction established between the various committees.

It is hardly necessary for me to say that a reference of a subject-matter to a committee by the House, notwithstanding it may not be the appropriate committee under the rule, does confer jurisdiction upon it. That has always been held. But it has never been held that a reference under the rule of a petition through the petition-box conferred such jurisdiction. That act being purely clerical, it has never been held, and can not be held, that it confers of itself jurisdiction.

Under the rules the subject-matter of this paragraph belongs, of course, to the Committee on Railroads and Canals. It does not belong to the Committee on Rivers and Harbors. And I submit, Mr. Chairman, the only possible question that can arise is whether or not this subject has been referred to that committee in such form as under the rules of the House would confer jurisdiction. If it has not, that committee certainly has not jurisdiction of the subject-matter. And it is certainly of the highest importance that the Chair in ruling upon questions of this character should bear in mind, as I have no doubt the Chair will bear in mind,

the importance of preserving the jurisdiction of the respective committees, to the end that there may be no confusion resulting from the disregard of the rule on the one side and no conflict of jurisdiction on the other, and that the House may take it for granted that a subject coming from a committee to the House comes through the recognized and proper channel.

Mr. TURNER, of Kentucky. Mr. Chairman, at the last session of Congress this identical question of order was presented. The question of order was made upon a similar section or provision in the river and harbor bill; and upon that occasion I addressed some remarks to the Chair on this question of order embracing an important decision, which I will send to the Clerk and ask him to read.

The Clerk read as follows:

Mr. TURNER, of Kentucky. I do not wish to trespass on the time of the committee, the question of order having already been elaborately discussed. During the general debate on this bill on Monday last I invited the attention of the committee to the clause authorizing the construction of this Hennepin Canal, and attempted to show that it was improperly in this bill, and that at the proper time I would move to strike it out, and would offer additional reasons to those that I then gave to this committee why this should be done. Now, I simply desire to read to the Chair a decision embracing a similar proposition which was made by the Speaker of the House in 1850, upon which an appeal was taken and the decision sustained by the House. In the first place I assert that the doctrine is laid down in the Digest of the Rules of this House that it is not competent for any committee of the House to report a bill or resolution where the subject-matter embraced has not been referred to the committee by the order of the House or by the rules of the House.

I will now read the decision to which I have referred. It is to be found in the Journal of 1850, page 590, and is as follows:

"Mr. Andrew Johnson, from the Committee on Public Expenditures, reported a bill, which was read for information, by its title, as follows: 'A bill to provide a homestead of one hundred and sixty acres of the public domain for every man who is the head of a family and a citizen of the United States, or any widow who is the mother of a minor child or children, who may become permanent occupants and cultivators of the soil.'

"Mr. Vinton objected to the reception of the bill on the ground that the subject-matter of the bill had not been referred to the committee which had reported it by the House, either by resolution or by the rules or otherwise.

"The Speaker sustained the objections raised by Mr. Vinton, and decided that the said bill was not in order from the Committee on Public Expenditures.

"From this decision of the Chair Mr. Andrew Johnson appealed.

"The question was stated: Shall the decision of the Chair stand as the judgment of the House?

"It was decided in the affirmative.

"So the bill was not received."

This is a decision of a similar question to the one now under consideration, and is, I think, conclusive.

It has been shown to the Chair that the rules give no jurisdiction to the Committee on Rivers and Harbors over this subject. Its jurisdiction is over the natural water ways and harbors. The jurisdiction over canals is expressly given to a different committee, the Committee on Railways and Canals. There is no concurrent jurisdiction. It is separate and distinct, and is exclusively given to that committee. This Committee on Rivers and Harbors has reported this bill, embracing this canal proposition, which has never been referred to them by the order of the House, nor have they jurisdiction under the rules; and if there ever was a palpable violation of the rules of the House it is embraced in this proposition. For the Committee on Railways and Canals have already acted on this matter in pursuance of their jurisdiction and under the express order of the House referring the bill to them. They have examined the Hennepin Canal bill and reported it favorably, although I believe their decision was wrong and that the bill ought not to pass, and I voted against it on that committee.

That bill is on the Calendar of the House, and stands there awaiting the consideration of the House. But though it stands there for consideration the gentlemen favoring the measure are not willing to have it considered on its own merits, but have gotten it into this bill in violation of the rules. And we are forced to resort to a question of order to strike it out, so that this bill shall not be encumbered by a bill now pending on the Calendar. If this measure shall be permitted to remain in the river and harbor bill I think it will be one of the most dangerous precedents I have ever known. I hope the Chair will rule it out.

Mr. TURNER, of Kentucky. Mr. Chairman, the question now presented is identically the same, and I do not deem it necessary to add anything to the argument which I then made and which has just been read by the Clerk, as the Chair is familiar with all the arguments that were made on this question of order at the last session. If I recollect right the Chair itself participated in discussing this very question, and is, of course, familiar with the arguments that were submitted. The only additional remark that I will make is this: My friend [Mr. HENDERSON, of Illinois] is mistaken when he undertakes to state the grounds of the decision of the Chair at the last session of Congress. When that bill was originally reported from the Committee on Rivers and Harbors all questions of order were reserved. The bill was then recommitted and when it was reported a second time there was a failure to reserve the points of order, and it was upon that ground that the Chair decided that it had no right to rule the matter out in regard to the construction of the Hennepin Canal upon a question of order.

The ground of the decision was that when a bill was reported a second time from the committee there must be a reservation of points of order made. There had been a failure to reserve the points of order upon the second report or substitute. Upon the point of order now made the right of the Chair to decide the point of order is different, because the questions of order were reserved the first time, and then also when the bill was recommitted and when it was reported back the points of order were reserved by myself and several others, as the Journal will show. Owing to that fact, the Chair is not now confined to the point which controlled the Chair when the question was up at the last session. This House has exercised its jurisdiction upon this subject-matter. It referred the bill in regard to the construction of the Hennepin Canal to the Committee on Railways and Canals. They exercised their jurisdiction, considered the question, and reported the bill back to the House at the last session, and the bill is now upon the Calendar awaiting its consideration when reached under the rules.

Mr. Chairman, the Committee on Rivers and Harbors had no jurisdiction over the question at all. They have no jurisdiction whatever over canals or artificial water ways. Their jurisdiction is confined under the rules to the improvement of rivers and harbors. This bill ought not to have been encumbered by the provision for the construction of this canal. This work will involve the expenditure of perhaps forty millions or more. I have heard it variously estimated. If this project has merit in it let it rest on its own merits when the bill for the construction of the Hennepin Canal on the Calendar is reached. It was stricken out of the river and harbor bill at the last session by a vote of this House, and it ought not to have been put in this bill to be passed on the merits of other provisions in the river and harbor bill which are right and proper. I hope the Chair will rule it out on the point of order, and if not, I hope it will be again stricken out by the committee.

Mr. DAVIS, of Illinois. It is well known, Mr. Chairman, that the Committee on Rivers and Harbors was created by this Congress; the Forty-eighth Congress created that new committee. Prior to its creation the duties which now devolve upon the Committee on Rivers and Harbors were performed by the Committee on Commerce. The argument made here that jurisdiction could be conferred by the reference of a bill from the Chair, or from the Clerk's desk, and not from the petition-box, I regard as untenable, because the rules of the House direct that all bills of this character shall be delivered to the Clerk like petitions and memorials and thence referred. It is quite a frequent thing for a bill to be wrongly referred even from the Clerk's desk—referred to a committee not having jurisdiction of it.

Now, to return to the point of the jurisdiction of the Committee on Rivers and Harbors, I claim that that committee has the same rights and duties pertaining to the care of rivers and harbors and their approaches that originally belonged to the Committee on Commerce. It is well known to this House that the Committee on Commerce have reported all the bills for the creation of canals, the purchase of canals, the investment of Government bonds in canals, making the canals free, and determining the expense and appropriating the money to keep them in repair and carry them on after they have been acquired by the Government. That was so as to the Louisville Canal and all the others, and there is one case to which I ask special attention, because it bears directly upon this point. It came up in the Forty-sixth Congress. I read from the Statutes at Large, volume 21, page 189, where I find in relation to the improvement of the Saint Mary's River and the Saint Mary's Falls Canal the following:

And the Secretary of War is hereby authorized to accept on behalf of the United States from the State of Michigan the Saint Mary Canal and the public works thereon, provided such transfer be so made as to leave the United States free from any and all debts, claims, or liabilities of any character whatsoever. And said canal, after said transfer, shall be free for public use: *And provided further*, That after such transfer the Secretary of War be, and hereby is, authorized to draw from time to time his warrant on the Secretary of the Treasury to pay the actual expenses of operating and keeping said canal in repair.

There, Mr. Chairman, is a direct precedent for the recognition by this House of the right of the Committee on Commerce to report a bill of this character, and I claim that the authority which at that time belonged to the Committee on Commerce is to-day vested in the Committee on Rivers and Harbors.

I believe they have the same authority in this respect that the Committee on Commerce had at that time. The precedents are all in that direction, and I know of no more appropriate committee to which a question of this kind could be referred than the Committee on Rivers and Harbors, because the work in question is not merely a canal, but is also part and parcel of the connection between the great Mississippi system and the lakes, and therefore properly belongs to that committee.

The other point raised by the gentleman from Georgia, that another bill containing this provision is on the Calendar or in another committee, does not, I believe, hold good, for the reason that, if I am correct, the ruling of the Chair has been that to exclude a proposition under this rule it is necessary that the bill pending should be identical, and not merely similar in substance. This is all I have to say.

Mr. BLAND obtained the floor.

The CHAIRMAN. Before the gentleman from Missouri [Mr. BLAND] proceeds, the Chair desires to state that gentlemen of the committee are anxious to reach a conclusion in this argument. The Chair has indulged members thus far in this discussion because he desired to hear all the considerations *pro* and *con* that could be presented. But it is fair to state that the Chair would not think it proper, unless the Committee of the Whole should force him to do so, to deliver an opinion upon this point this evening. There are other points of order to be raised. The Chair would like to have the debate on this point closed early, so that the other points may be presented and considered, and that the Committee of the Whole may go into the general debate to-day, the Chair being informed that such is the desire of members generally. The gentleman from Missouri will now proceed.

Mr. BLAND. Mr. Chairman, I think one of the main objects of our rules concerning appropriation bills is that no committee shall report any measure or provide an appropriation for carrying it out unless that committee has specific and unquestioned jurisdiction of the subject-

matter. I desire to call the attention of the Chair to the first clause of Rule II, which reads as follows:

All proposed legislation shall be referred to the committees named in the preceding rule, as follows.

In the enumeration which follows is this paragraph:

To the improvement of rivers and harbors—to the Committee on Rivers and Harbors.

The Chair will notice that the requirement of the rules in regard to the reference of propositions for their appropriate committees is specific, and it is provided expressly that subjects relating "to the improvement of rivers and harbors" are to be referred to the Committee on Rivers and Harbors. But there is no provision that this committee shall have jurisdiction of any proposition affecting railways and canals. On the contrary, the jurisdiction of such subjects is expressly given to another committee, for subdivision 17 of Rule XI embraces this provision:

To railways and canals other than Pacific railroads—to the Committee on Railways and Canals.

Mr. Chairman, my point is that when in this case the petition went into the petition-box and was referred to the Committee on Rivers and Harbors it was in violation of the rules, not in pursuance of the rules. The rules provide that particular propositions shall be referred to specific committees; and when by placing a petition in that box a member sends a subject to a committee not having jurisdiction of that matter, it is a violation of the rules of the House. This petition did not go to the Committee on Rivers and Harbors in pursuance of the rules. The rules provide where that petition should have gone; and if it has gone to any other committee than that specified in the rules, it has gone there in contravention of the rules.

Mr. OATES. The gentleman will permit me to suggest that if such a practice were tolerated, if the committees could acquire jurisdiction in that way, infinite difficulty and confusion would arise.

Mr. BLAND. The gentleman from Alabama very properly suggests that if subjects can be referred to an inappropriate committee in this surreptitious manner—meaning no offense whatever by that language, but using it only to describe a supposed proceeding—if this can be tolerated by the House, in what confusion should we be thrown! Committees having no jurisdiction under the rules of a particular proposition could in this stealthy way acquire jurisdiction under a pretense of conforming to the rules here. Of course I impute nothing wrong.

Mr. NEECE. Will the gentleman allow me a question?

Mr. BLAND. I will yield for a question only.

Mr. NEECE. Supposing the petition had been referred by the House directly to this committee, would that have given the committee jurisdiction?

Mr. BLAND. Had the attention of the House been called to this petition, had it gone to that committee by a vote of the House, that would have been the action of the House. But when a single member puts a petition into the petition-box and sends it to an inappropriate committee, it is not the action of the House, but is in contravention of the rules which the House has provided for its government.

Mr. MILLS. Does my friend hold that it is competent for the Committee on Rivers and Harbors to report in their bill a proposition for the improvement of the Tennessee River by cutting a canal around Muscle Shoals?

Mr. BLAND. Any proposition that looks mainly to the improvement of a river presents a different question, the consideration of which is not necessary in this discussion.

I started out with the broad proposition, that according to the spirit of our rule no appropriation committee, unless it has specific jurisdiction, should be permitted to report a measure or provide appropriations to carry it out. These rivers are subject to the jurisdiction of the Committee on Rivers and Harbors by the rules of the House; but a proposition that the Committee on Rivers and Harbors shall assume jurisdiction of a measure for building a canal, a matter belonging properly to the Committee on Railways and Canals, presents a different question. The naked question is whether the Committee on Rivers and Harbors has jurisdiction over railways and canals. This committee might just as well have reported in this bill a provision for constructing a railroad as for constructing a canal; for both propositions by our rules go properly to the same committee.

The rivers and harbors of this country are specifically given to this committee. We have rivers and harbors enough to consume our revenues and empty the Treasury if we improve them all without entering upon these schemes of building canals.

The Chair having admonished us that he did not desire a great deal of time taken up or consumed in this discussion, I make the point that that petition has not gone to the Committee on Rivers and Harbors in pursuance of the rules of the House, but in violation of the rules of the House and the rights of the House over it.

Mr. NEECE. Mr. Chairman, we are proceeding in Committee of the Whole, and this committee, if I understand it, has no more power than other committees of this House. I deny that this committee has power to pass upon the jurisdiction of other committees. I deny we have the right to sit in judgment over the jurisdiction of the Committee on Rivers and Harbors. I maintain that the Committee on Rivers and Harbors have jurisdiction of this question, and that original jurisdiction by the action of the House was given to that committee.

It was conceded here that petitions have been referred through the petition-box to this Committee on Rivers and Harbors. It is conceded here in the argument that if this House had referred such petitions to that committee it would have jurisdiction. If that be true, then the committee acquired jurisdiction, because when a petition was placed in the petition-box and referred to that committee a record was made of that fact, and that record was not approved until the next day, when the attention of every member of the House was called to that record which showed the disposition of such petition; and when that record stands approved by action of the House it is too late in the Committee of the Whole or in the House to say the Committee on Rivers and Harbors has no jurisdiction of the question.

Therefore I claim, Mr. Chairman, placing the petitions in the petition-box is in obedience to the rule of the House, and when such a thing is done a record is made of the fact, and that when that record has been approved it is too late to say here in the Committee of the Whole House on the state of the Union that that action is not binding upon it as well as upon the House.

The CHAIRMAN. The Chair will again state, at the request of the chairman of the Committee on Rivers and Harbors and of the gentleman in charge of the Post-Office appropriation bill, time should be used sparingly in this debate.

Mr. BLANCHARD. Mr. Chairman, there is one phase of this question which has not yet been presented in the discussion on this point of order, and I have risen for the purpose of presenting that phase of the question. This is not the first time nor the second time that a proposition looking to the digging of a canal to connect the great Mississippi and the lakes has been presented in a river and harbor bill. During the first session of the Forty-seventh Congress, when the Committee on Commerce had charge of the preparation and presentation of a bill for the improvement of rivers and harbors, and upon which committee was my distinguished friend from Minnesota [Mr. WASHBURN] and my distinguished friend from Michigan [Mr. HORR], that committee presented the first proposition, so far as I am informed, looking to the inauguration of the enterprise of the construction of this canal.

In the Forty-seventh Congress, on the bill reported by the Committee on Commerce—in other words, the river and harbor bill of that year—when the distinguished gentleman from Georgia [Mr. TURNER], who made this point of order, was a member of Congress, and the gentleman from Kentucky [Mr. TURNER], who spoke on that side of the question, was also a member, and the gentleman from Indiana [Mr. HOLMAN], who also spoke on that side, was likewise a member, not one of them rose in his seat to make the point of order on the proposition embodied in that bill in relation to the initiation of this enterprise. I will send up to the Clerk's desk, for the purpose of being read, what was embraced in the bill of that year on this subject, without a single point of order being raised, and which became a part of the law of that session.

The Clerk read as follows:

That the Secretary of War be, and he is hereby, authorized and directed to survey and locate a canal from a point on the Illinois River at or near the town of Hennepin, by the most practicable and convenient route, to the Mississippi River at or above the city of Rock Island, with a branch canal or feeder from the most practicable and convenient point on Rock River to the most practicable and convenient point on the main line of said canal. Said canal and said branch shall not be less than seventy feet wide at the water-line, and not less than seven feet in depth of water, with locks not less than one hundred and fifty feet in length and twenty-one feet in width, and with a capacity for vessels of at least two hundred and eighty tons burden; and for that purpose the Secretary of War shall have power and authority, by engineers and agents employed by him, to enter upon any lands for the purpose of making the necessary preliminary examinations and surveys; and the cost of construction, the annual cost of maintenance, and economy of use of said canal, when completed, shall be estimated and accompany the said surveys; and the Secretary of War shall cause to be made by skillful engineers of the Army a survey of the Illinois and Michigan Canal connecting the Illinois River with Lake Michigan at Chicago, and estimates of the cost of enlarging the same so as to correspond in dimensions with the proposed canal between Hennepin and the Mississippi River, and to report to the next session of Congress the cost of enlarging said canal, and the construction of the canal between Hennepin and the Mississippi River and the right of way therefor; and for the purposes of this paragraph the sum of $30,000, or so much thereof as may be necessary, is hereby appropriated: *Provided*, That nothing herein shall be construed to commit the Government to proceed with the construction of the said improvement.

Mr. BLANCHARD. Gentlemen around me say that it is no argument against the point of order now raised to cite the fact that in the Forty-seventh Congress a similar proposition was embodied in the bill of that year. I say, sir, that in that Congress, in the bill which was reported for the improvement of rivers and harbors, the committee charged with the preparation of that bill saw fit to embody in it that provision which the Clerk has just read. Since that was done, and since it passed both Houses without any point of order being raised, then I submit that the Committee on Rivers and Harbors of the present Congress, when they saw fit to follow that example, are hardly amenable to the criticism passed upon them by my friend from Georgia.

Mr. TURNER, of Georgia. The gentleman from Louisiana, I hope, will not assume that I made any criticism on his committee, as I meant no such thing. As to the provision of the statute passed by the Forty-seventh Congress, to which the gentleman refers, it may afford justification for the course his committee has pursued in supporting this prop-

osition. But I submit whether or not that is proper to a discussion of the point of order when no point of order was made on that proposition to which he refers.

Mr. BLANCHARD. I cited that not so much in the way of an argument against the point of order made by my friend from Georgia, but in order to let the House know that the same question was presented to the House on two occasions before this. In the bill of the last session of this Congress relating to rivers and harbors the same proposition was embodied, and the point of order was then made as it is made now, and it was not ruled out on that occasion on the point of order. But before that, I submit that in a similar bill this House had, in part, committed itself to the proposition that a measure of this sort could be embodied in a river and harbor bill, because a clause relating to the initiation of this measure had passed a former Congress without objection or criticism.

Mr. SPRINGER addressed the Chair.

The CHAIRMAN. The Chair will state that the Chair agreed to hear the gentleman from Illinois on the left for one minute, and will then conclude debate upon this point.

Mr. DAVIS, of Illinois. One word, Mr. Chairman, as to the question of jurisdiction of this committee. I desire to say that the estimates, the report of the engineers, come from the Secretary of War and are submitted to this House. They were appropriately referred to the Committee on Rivers and Harbors. The House had jurisdiction of the question of reference, and could have changed that reference had it so desired, or it could have discharged the committee from the consideration of that matter after it was so referred. But failing to do so, then this proposition comes before the House by a direct order of the House on this subject and in conformity with the rules of the House——

Mr. SPRINGER. Before the Chair delivers an opinion I desire to call his attention to the other clause of Rule XXII I refer to, which provides that where there has been an improper reference of a petition it is the duty of the committee to report it back for proper reference through the petition-box. There is no such reference here. Therefore, the reference to the committee must stand as the action of the House under that clause of the rule.

The CHAIRMAN. The Chair will state that as this is a very important question, and as no progress will be made in the bill by delivering an opinion now upon the point of order, the Chair thinks best not to decide the question at this time, both because the Chair would like to place his views in proper shape and also because it would be an unnecessary consumption of time. The Chair would ask, therefore, if there are any other points of order to be raised on this bill? The Chair was informed by some gentleman, Mr. O'NEILL, of Pennsylvania, that he had a point of order on the bill. Does the gentleman from Pennsylvania desire to make the point of order on this part of the bill?

Mr. O'NEILL, of Pennsylvania. I want to raise a point of order on the sixth section of the bill.

Mr. WILLIS. I will say to my friend from Pennsylvania that that will be in order when we reach that part of the bill.

The CHAIRMAN. The gentleman from Pennsylvania will observe that we have not yet reached that section, being now in consideration of the first paragraph. The sixth section has not yet been reached.

If there be no further points of order the general debate will begin.

The general debate begins at twenty-one minutes past 2 o'clock, and the Chair recognizes the gentleman from Arkansas [Mr. BRECKINRIDGE].

Mr. HISCOCK. Do I understand that this general debate is to begin now? I think there was a distinct understanding that there should be debate under the five-minute rule, and that gentlemen should occupy the time when certain portions of the bill were read which they desired to discuss.

The CHAIRMAN. The Chair stated that there would be general debate, but the speeches would be limited to five minutes, and the first of them will begin now.

Mr. HISCOCK. Do I understand that we are compelled to occupy our time before questions are reached which we desire to discuss?

The CHAIRMAN. The Chair endeavored in various ways to get an understanding on this point, but the committee refused to have the bill reread. We are in the condition of allowing gentlemen to go on in this way because no other way was allowed. The bill will not be read any more.

Mr. NELSON. I would inquire when the Chair will allow amendments to be offered?

The CHAIRMAN. When the debate is ended, the hour and a half which has been allowed.

The gentleman from Arkansas is recognized.

Mr. BRECKINRIDGE. I yield to the gentleman from Kentucky for a motion.

Mr. WILLIS. The gentleman from Arkansas yields to me to make a motion that the committee do now rise for the purpose of permitting the Committee on Appropriations to go on with the Post-Office appropriation bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker *pro tempore* having taken the chair, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union having had under consideration the river and harbor appropriation bill had come to no resolution thereon.

POST-OFFICE APPROPRIATION BILL.

Mr. TOWNSHEND. I move to reconsider the vote by which an order was entered that the consideration of the Post-Office bill should be resumed after the reading of the Journal to-day.

The motion to reconsider was agreed to.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Illinois, which is that the consideration of the Post-Office bill shall be resumed immediately after the reading of the Journal to-day.

Mr. SPRINGER. That requires unanimous consent.

The SPEAKER *pro tempore*. The Chair thinks not. The motion to reconsider has been agreed to, and the question recurs on the original motion.

Mr. HOLMAN. I suggest that the gentleman can withdraw his motion.

Mr. TOWNSHEND. I withdraw the motion.

The SPEAKER *pro tempore*. The gentleman from Illinois withdraws the motion.

Mr. TOWNSHEND. I now call up for consideration the Post-Office appropriation bill, the bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes.

The SPEAKER *pro tempore*. The Committee of the Whole House on the state of the Union have reported the Post-Office appropriation bill. It comes up as unfinished business. The previous question has been ordered on the bill, on the amendments reported by the Committee of the Whole House on the state of the Union, and also on the amendment submitted by the gentleman from Indiana [Mr. HOLMAN].

The Clerk will report the amendments in the order in which they were reported from the Committee of the Whole House on the state of the Union.

The Clerk read the first amendment reported from the Committee of the Whole House on the state of the Union, as follows:

On line 28, page 2, strike out "$5,100,000" and insert "$5,300,000;" so that it will read:

"For compensation to clerks in post-offices, $5,300,000."

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

After line 28, page 2, insert the following:

"And postmasters are authorized, with the approval of the Postmaster-General, to assign at any time any clerk or employé of their respective post-offices to duty in any branch thereof: *Provided, always*, That any employé shall be paid from money-order funds for such time as he is engaged in money-order work."

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The Clerk read the next amendment reported from the Committee of the Whole House on the state of the Union, as follows:

In lines 30 and 31, strike out "$4,100,000" and insert "$4,535,000;" so that it will read:

"For payment of letter-carriers and the incidental expenses of the free-delivery system, $4,535,000."

Mr. TOWNSHEND. I call for a vote upon that amendment. There is an increase of——

Mr. HORR. I object to debate.

Mr. TOWNSHEND. I simply want to state the fact.

The SPEAKER *pro tempore*. The previous question is operating, and debate is not in order.

Mr. HORR. What is the question?

Mr. TOWNSHEND. The question is on increasing the appropriation——

The SPEAKER *pro tempore*. Debate is not in order. The Chair will state the question. The question is on agreeing to the amendment, which the Clerk will again report.

The amendment was again read.

The question being taken on the amendment, there were—ayes 91, noes 76.

Mr. TOWNSHEND. In order to save time, I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 47.

Mr. COX, of New York. Count the other side.

The negative vote being counted, there were noes 107—the affirmative being more than one-fifth of the whole vote.

Mr. HORR. I call for tellers on the question of ordering the yeas and nays. I make the demand for the purpose of saving time.

Tellers were not ordered, only 7 members voting therefor.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 152, nays 96, not voting 76; as follows:

YEAS—152.

Atkinson,	Foran,	McAdoo,	Slocum,
Bagley,	Gibson,	McCoid,	Smalls,
Beach,	Glascock,	McComas,	Smith, A. Herr
Belford,	Greenleaf,	McCormick,	Smith, H. Y.
Bisbee,	Guenther,	Maybury,	Spooner,
Boutelle,	Hanback,	Millard,	Steele,
Bratton,	Hancock,	Milliken,	Stephenson,
Breitung,	Hardeman,	Mitchell,	Stevens,
Brewer, J. H.	Harmer,	Money,	Stewart, Charles
Broadhead,	Hart,	Morgan,	Stewart, J. W.
Brown, W. W.	Hatch, H. H.	Morse,	Stone,
Buckner,	Haynes,	Muller,	Strait,
Burleigh,	Hemphill,	Murray,	Struble,
Caldwell,	Hewitt, A. S.	Mutchler,	Taylor, J. D.
Campbell, J. M.	Hill,	Nelson,	Thomas,
Cassidy,	Hiscock,	Nicholls,	Tillman,
Clardy,	Hitt,	Nutting,	Van Alstyne,
Collins,	Hoblitzell,	O'Hara,	Vance,
Converse,	Holmes,	O'Neill, Charles	Van Eaton,
Cox, S. S.	Hopkins,	O'Neill, J. J.	Wadsworth,
Culbertson, W. W.	Horr,	Paige,	Wait,
Cullen,	Houk,	Parker.	Wakefield,
Curtin,	Houseman,	Payne,	Wallace,
Cutcheon,	Hunt,	Perkins,	Ward,
Dargan,	James,	Peters,	Washburn,
Davidson,	Jeffords,	Pettibone,	Wellborn,
Davis, G. R.	Kean,	Poland,	Wemple,
Davis, R. T.	Keifer,	Potter,	White, J. D.
Dibble,	Kelley	Price,	White, Milo
Dingley,	Ketcham,	Pusey,	Whiting,
Dixon,	Lawrence,	Ranney,	Willis,
Dorsheimer,	Le Fevre,	Reed, T. B	Wilson, James
Elliott,	Lewis,	Rice,	Wilson, W. L.
Ellis,	Libbey,	Rogers, J. H.	Wise, G. D.
Ellwood,	Long,	Rosecrans,	Wolford,
Everhart,	Lore,	Rowell,	Worthington,
Fiedler,	Lovering,	Russell,	York,
Finerty,	Lyman,	Skinner, C. R.	Young.

NAYS—96.

Aiken,	Cox, W. R.	Jones, J. H.	Seymour,
Alexander,	Crisp,	Jones, J. T.	Shiveley,
Arnot,	Culberson, D. B.	Lanham,	Singleton,
Ballentine,	Davis, L. H.	Lowry,	Skinner, T. G.
Barbour,	Deuster,	McMillin,	Snyder,
Barksdale,	Dibrell,	Matson,	Spriggs,
Bayne,	Dockery,	Miller, J. F.	Springer,
Bennett,	Dunn,	Mills,	Sumner, D. H.
Blackburn,	Eldredge,	Moulton,	Swope,
Blanchard,	English,	Muldrow,	Taylor, J. M.
Bland,	Ermentrout,	Neece,	Thompson,
Blount,	Follett,	O'Ferrall,	Townshend,
Boyle,	Forney,	Patton,	Tucker,
Browne, T. M.	Fyan,	Peel,	Tully,
Buchanan,	Garrison,	Pierce,	Turner, H. G.
Burnes,	Geddes,	Post,	Turner, Oscar
Cabell,	Green,	Pryor,	Warner, Richard
Campbell, J. E.	Halsell,	Randall,	Weaver,
Candler,	Hammond,	Reagan,	Wilkins,
Carleton,	Hatch, W. H.	Reid, J. W.	Williams,
Clay,	Henley,	Reece,	Winans, E. B.
Clements,	Hewitt, G. W.	Riggs,	Winans, John
Connolly,	Holman,	Robertson,	Wood,
Cosgrove,	Jones, B. W.	Seney,	Yaple.

NOT VOTING—76.

Adams, G. E.	Dowd,	Hutchins,	Ray, G. W.
Adams, J. J.	Dunham,	Johnson,	Ray, Ossian
Anderson,	Eaton,	Jones, J. K.	Robinson, J. S.
Barr,	Evans,	Jordan,	Robinson, W. E.
Belmont,	Ferrell,	Kellogg,	Rockwell,
Bingham,	Findlay,	King,	Rogers, W. F.
Bowen,	Funston,	Kleiner,	Ryan,
Brainerd,	George,	Lacey,	Shaw,
Breckinridge,	Goff,	Laird,	Stockslager,
Brewer, F. B.	Graves,	Lamb,	Storm,
Brumm,	Hardy,	Miller, S. H.	Sumner, C. A.
Budd,	Henderson, D. B.	Morrill,	Talbott,
Campbell, Felix	Henderson, T. J.	Morrison,	Taylor, E. B.
Cannon,	Hepburn,	Murphy,	Throckmorton,
Chalmers,	Herbert,	Oates,	Valentine,
Cobb,	Holton,	Ochiltree,	Warner, A. J.
Cook,	Hooper,	Payson,	Weller,
Covington,	Howey,	Phelps,	Wise, J. S.
Craig,	Hurd,	Rankin,	Woodward.

So the amendment was agreed to.

During the roll-call the following proceedings occurred:

Mr. HORR (interrupting the roll-call). Mr. Speaker, several gentlemen have said to me that they do not understand the amendment that is being voted upon. I wish the Chair would have it reported. [Cries of "Regular order!"]

The SPEAKER *pro tempore* (Mr. HEWITT, of New York). The House will be in order, so that the Clerk may hear the responses of gentlemen. The Clerk will proceed with the roll-call.

After the completion of the roll-call,

On motion of Mr. COX, of New York, by unanimous consent, the reading of the names of members voting was dispensed with.

Mr. HEWITT, of Alabama. I desire to announce that my colleague [Mr. HERBERT] is absent on account of sickness in his family.

The following additional pairs were announced:

Mr. HURD with Mr. BREWER, of New York, for this day.

Mr. TALBOTT with Mr. ADAMS, of Illinois, for this day.

Mr. WOODWARD with Mr. HOWEY, for this day.

Mr. RAY, of New Hampshire, with Mr. OATES, on the Post-Office appropriation bill and all amendments thereto.

Mr. HENDERSON, of Illinois, with Mr. SUMNER, of California, for this day.

The result of the vote was then announced as above stated.

Mr. HORR moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

In lines 45 and 46, strike out the words "but no lease shall be made," and after the word "term," in line 46, insert the word "not;" so that it will read "to be paid quarterly for a term not exceeding five years."

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

In lines 61 and 62, strike out "$15,265,000" and insert "$14,010,000."

Mr. HORR. There is no objection to that.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

After line 66, insert "for railway post-office car service, $1,765,026."

Mr. HORR. There is no objection to that.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

After line 153 insert:

"For necessary and special facilities on trunk lines, $236,764."

Mr. REAGAN. What does that mean?

Mr. HORR. The fast mail.

Mr. REAGAN. I want to know about it.

Mr. HORR. You are right.

The SPEAKER *pro tempore* (Mr. BLACKBURN). The question is on agreeing to the amendment.

The House divided; and there were—ayes 122, noes 43.

So the amendment was agreed to.

Mr. NICHOLLS moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The next amendment reported was as follows:

In line 164, strike out "$700,000" and insert "$900,000;" so that it will read "for inland transportation by star-routes, $5,900,000."

Mr. HORR. There is no objection to that.

A division was called for.

The House divided; and there were—ayes 121, noes 51.

Mr. TOWNSHEND. Mr. Speaker, on this star-route proposition I call for the yeas and nays.

Several MEMBERS. No! No!

The question was taken on ordering the yeas and nays; and there were—ayes 35, noes 127—a sufficient number; and the yeas and nays were ordered.

The question was taken on the amendment; and there were—yeas 154, noes 94, not voting 76; as follows:

YEAS—154.

Aiken,	Cutcheon,	Hoblitzell,	Money,
Atkinson,	Dargan,	Holmes,	Morgan,
Bagley,	Davidson,	Hopkins,	Moulton,
Ballentine,	Davis, G. R.	Horr,	Muldrow,
Barbour,	Dibble,	Houk,	Muller,
Beach,	Dingley,	Howey,	Neece,
Bingham,	Dixon,	Hunt,	Nelson,
Bisbee,	Dunn,	James,	Nicholls,
Blanchard,	Ellis,	Jeffords,	Nutting,
Bland,	Ellwood,	Jones, J. T.	Ochiltree,
Boutelle,	Evans,	Kean,	O'Hara,
Bratton,	Finerty,	Keifer,	O'Neill, Charles
Breitung,	Forney,	Kelley,	O'Neill, J. J.
Brewer, F. B.	Funston,	Ketcham,	Paige,
Brewer, J. H.	Garrison,	Lanham,	Parker,
Burleigh,	George,	Lewis,	Payne,
Cabell,	Gibson,	Libbey,	Peel,
Caldwell,	Green,	Long,	Perkins,
Campbell, J. M.	Greenleaf,	Lore,	Peters,
Cassidy,	Guenther,	Lovering,	Pettibone,
Clardy,	Hanback,	Lyman,	Poland,
Collins,	Harmer,	McCoid,	Potter,
Converse,	Hatch, H. H.	McComas,	Pryor,
Cox, S. S.	Haynes,	McCormick,	Pusey,
Cox, W. R.	Hemphill,	Maybury,	Reed, T. B.
Culberson, D. B.	Hill,	Millard,	Reid, J. W.
Culbertson, W. W.	Hiscock,	Miller, J. F.	Reese,
Cullen,	Hitt,	Mitchell,	Rice,

Rogers, J. H.	Smith, H. Y.	Tillman,	Wemple,
Rosecrans,	Snyder,	Tucker,	White, J. D.
Rowell,	Spooner,	Turner, H. G.	White, Milo
Russell,	Steele,	Vance,	Whiting,
Ryan,	Stephenson,	Van Eaton,	Wilkins,
Singleton,	Stevens,	Wadsworth,	Wilson, James
Skinner, C. R.	Stewart, J. W.	Wait,	Wilson, W. L.
Skinner, T. G.	Strait,	Wakefield,	York,
Slocum,	Struble,	Wallace,	Young.
Smalls,	Taylor, J. D.	Washburn,	
Smith, A. Herr	Thomas,	Wellborn,	

NAYS—94.

Alexander,	Dibrell,	Le Fevre,	Stewart, Charles
Anderson,	Dockery,	Lowry,	Sumner, D. H.
Arnot,	Dorsheimer,	McAdoo,	Swope,
Barksdale,	Eaton,	McMillin,	Taylor, J. M.
Bayne,	Eldredge,	Matson,	Thompson,
Bennett,	Elliott,	Mills,	Townshend,
Blackburn,	English,	Murphy,	Tully,
Blount,	Ermentrout,	Murray,	Turner, Oscar
Boyle,	Everhart,	Mutchler,	Van Alstyne,
Breckinridge,	Fiedler,	O'Ferrall,	Ward,
Broadhead,	Follett,	Patton,	Warner, A. J.
Brown, W. W.	Foran,	Pierce,	Warner, Richard
Browne, T. M.	Fyan,	Post,	Weaver,
Buchanan,	Geddes,	Price,	Williams,
Buckner,	Glascock,	Randall,	Willis,
Burnes,	Halsell,	Ranney,	Winans, E. B.
Candler,	Hammond,	Reagan,	Winans, John
Carleton,	Hardeman,	Riggs,	Wise, G. D.
Clay,	Hatch, W. H.	Robertson,	Wolford,
Connolly,	Hewitt, G. W.	Seney,	Wood,
Cosgrove,	Holman,	Seymour,	Worthington,
Crisp,	Houseman,	Shively,	Yaple.
Davis, L. H.	Jones, B. W.	Spriggs,	
Deuster,	Jones, J. H.	Springer,	

NOT VOTING—76.

Adams, G. E.	Davis, R. T.	Hutchins,	Rankin,
Adams, J. J.	Dowd,	Johnson,	Ray, G. W.
Barr,	Dunham,	Jones, J. K.	Ray, Ossian
Belford,	Ferrell,	Jordan,	Robinson, J. S.
Belmont,	Findlay,	Kellogg,	Robinson, W. E.
Bowen,	Goff,	King,	Rockwell,
Brainerd,	Graves,	Kleiner,	Rogers, W. F.
Brumm,	Hancock,	Lacey,	Shaw,
Budd,	Hardy,	Laird,	Stockslager,
Campbell, Felix	Hart,	Lamb,	Stone,
Campbell, J. E.	Henderson, D. B.	Lawrence,	Storm,
Cannon,	Henderson, T. J.	Miller, S. H.	Sumner, C. A.
Chalmers,	Henley,	Milliken,	Talbott,
Clements,	Hepburn,	Morrill,	Taylor, E. B.
Cobb,	Herbert,	Morrison,	Throckmorton,
Cook,	Hewitt, A. S.	Morse,	Valentine,
Covington,	Holton,	Oates,	Weller,
Craig,	Hooper,	Payson,	Wise, J. S.
Curtin,	Hurd,	Phelps,	Woodward.

So the amendment was agreed to.

Mr. HORR moved to reconsider the vote by which the amendment was agreed to; and also moved to lay that motion on the table.

The latter motion was agreed to.

On motion of Mr. HORR, the reading of the names was dispensed with.

The following additional pair was announced:

Mr. WOODWARD with Mr. HART, for this day.

ENROLLED BILL SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 6816) for the relief of Nathan J. Sharp.

LEAVE OF ABSENCE.

Mr. BREWER, of New York, by unanimous consent, was granted leave of absence for one week, from Monday, the 16th instant, on account of important business.

Mr. FINDLAY, by unanimous consent, was granted leave of absence until Wednesday next, on account of important business.

LEAVE TO PRINT.

Mr. HOLMAN, by unanimous consent, obtained leave to print in the RECORD additional remarks on the compensation for transporting the foreign mails.

Mr. MCCORMICK, by unanimous consent, obtained leave to print in the RECORD some remarks on the subject of pensions.

ORDER OF BUSINESS.

Mr. WILLIS. Mr. Speaker, I rise to a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. I move that at 10 o'clock to-night the House take a recess until 10 o'clock a. m. on Monday next, with the understanding that I will move to adjourn at or before 12 o'clock on Monday.

The SPEAKER *pro tempore*. The Chair will call the attention of the House to the fact that under a resolution reported from the Committee on Rules and adopted by the House the regular hour of meeting on and after Monday will be 11 o'clock. The gentleman from Kentucky [Mr. WILLIS] now moves that at 10 o'clock to-night the House take a recess until 10 a. m. on Monday next.

Mr. KELLEY. I would like it understood that the gentleman [Mr. WILLIS] will move to adjourn at 11 o'clock on Monday.

The SPEAKER *pro tempore*. The Chair thinks that is understood.

Mr. WARNER, of Ohio. Mr. Speaker, does this motion mean that we shall continue in session from now until 10 o'clock?

The SPEAKER *pro tempore*. It does not. It means that when the House takes a recess to-night it shall be at 10 o'clock, and shall be until 10 o'clock a. m. on Monday, with the understanding that before 11 o'clock on Monday the gentleman from Kentucky [Mr. WILLIS] shall move to adjourn.

Mr. WILLIS. Mr. Speaker, I will state that I have consulted with the gentleman in charge of the legislative bill, and he does not desire to go on beyond 10 o'clock.

Mr. SLOCUM. I wish to call the attention of the House to the fact that next Monday will be the last day when committees can be called upon for reports.

Mr. TOWNSHEND. The House will adjourn so as to save that hour.

Mr. SLOCUM. I give notice that I desire to call up on Monday next the bill to retire General Grant.

The SPEAKER *pro tempore*. Debate is not in order. All in favor of the motion of the gentleman from Kentucky [Mr. WILLIS] will say ay; those opposed no. [After a pause.] The noes seem to have it.

Mr. WILLIS. I will not press the motion.

So the motion was not agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

In line 165, strike out "482,300" and insert "682,300;" so that the clause will read:

"For railway post-office clerks, $1,682,300."

Mr. TOWNSHEND. I am not in favor of this proposition; but I will not consume time by calling for a separate vote upon it.

The SPEAKER *pro tempore*. If there be no objection this amendment will be considered as agreed to. The Chair hears no objection. The gentleman from Illinois moves to reconsider the vote just taken, and also moves that the motion to reconsider be laid on the table. In the absence of objection the latter motion will be considered as agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

After the word "thereof," in line 192, insert:

And drop letters shall be mailed at the rate of 2 cents per ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carriers is not established.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment reported from the Committee of the Whole House on the state of the Union was read, as follows:

On page 9, after the word "thereof," in line 192, strike out all that follows down to and including line 202, and in lieu thereof insert:

"That all publications of the second class, except as provided in section 25 of said act, when sent by the publisher thereof and from the office of publication to *bona fide* subscribers, or when sent from a news agency to actual subscribers thereto, or to other news agents, shall, on and after July 1, 1885, be entitled to transmission through the mails at 1 cent a pound, or fraction thereof, such postage to be prepaid, as now provided by law: *Provided, however*, That publishers of second-class publications may mail sample copies of such publications at the rate of 1 cent for each four ounces, or fractional part thereof, to be prepaid by ordinary stamps affixed thereto, and all acts, so far as they fix a different rate of postage than herein provided upon such first and second class matter, are to that extent hereby repealed on and after July 1, 1885. And any article or item in any newspaper or other publication may be marked for observation, except by written or printed words, without increase of postage.

"That at the future lettings of contracts for the manufacture of postage-stamps, stamped envelopes, postal cards, and other postal securities, the Secretary of the Treasury be, and he is hereby, required to submit bids for the manufacture of said stamps, stamped envelopes, postal cards, and other postal securities, by the Bureau of Engraving and Printing of the Treasury Department, which bids shall be considered in competition with bids from private parties; but provided that the Postmaster-General may reject any and all the bids of private parties and award the contracts, or any of them, upon the bid of the Secretary of the Treasury, if in his judgment it shall be for the best interests of the Government to do so.

Mr. TOWNSHEND. There is no objection to that.

The amendment was agreed to.

Mr. TOWNSHEND moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The Chair will state that the amendments reported by the Committee of the Whole House on the state of the Union, having thus far been reported and disposed of in the order of their submission in the bill, the amendment offered by the gentleman from Indiana [Mr. HOLMAN] has now been reached.

Mr. HORR. Before that question comes up the amendment adopted in Committee of the Whole striking out the provision in reference to the payment of American vessels for carrying the mails should be voted upon. If this amendment be not adopted the amendment of the gentleman from Indiana is not pertinent.

The SPEAKER *pro tempore*. The Chair only desires to ascertain whether the House desires to vote upon all the amendments reported from the Committee of the Whole before voting upon the amendment of the gentleman from Indiana.

Mr. HOLMAN. I think, Mr. Speaker, that the amendments to the bill should be considered in their regular order.

The SPEAKER *pro tempore*. The Clerk has reached in regular order the amendment offered by the gentleman from Indiana.

Mr. HORR. Oh, no; I beg pardon of the Chair.

Mr. ELLIS. Ought not the amendments to be voted on in the order of their adoption? The amendment of the gentleman from Indiana was simply read and considered as pending.

The SPEAKER *pro tempore*. The amendments reported from the Committee of the Whole House on the state of the Union are entitled to precedence of consideration; and the amendment offered by the gentleman from Indiana, although it has been reached in its regular order in the bill, can not be voted upon, in the absence of unanimous consent, until the amendments of the Committee of the Whole have been disposed of.

Mr. ELLIS. I object.

The SPEAKER *pro tempore*. The Clerk will pass for the present the amendment offered by the gentleman from Indiana, and proceed to read the remaining amendments reported as adopted by the Committee of the Whole House on the state of the Union.

Mr. HORR. I think the amendment of the gentleman from Indiana should be voted on directly after the vote upon striking out the provision in reference to the payment of American vessels for carrying the mails.

The SPEAKER *pro tempore*. That can be done by unanimous consent.

Mr. HORR. Nobody can object to that.

Mr. HOLMAN. I think the votes should be taken in regular order.

The SPEAKER *pro tempore*. The Clerk will read the next amendment reported from the Committee of the Whole House on the state of the Union.

The Clerk read as follows:

Strike out lines 228 to 243, as follows:

"For transporting the mails of the United States in American steamships between any port of the United States and any foreign port, or between ports of the Atlantic and ports of the Pacific touching at any foreign port, an amount not exceeding $600,000 of the net revenues of the Post-Office Department of the United States on mail matter sent to foreign countries during the fiscal year next preceding the date of the contract for said service: *Provided*, That the contract for said service shall be entered into by the Postmaster-General only after legal advertisement with the lowest responsible bidder, for a term not exceeding four years, and at a rate not to exceed 50 cents per mile on the trip each way of actual nautical miles traveled between terminal ports for each trip actually made, which shall not be increased on account of expedition or increased number of trips."

Mr. HORR. In order to save time I call for the yeas and nays on this proposition; and I hope the Chair will state it again to the House.

Many MEMBERS. Let us have the yeas and nays.

The SPEAKER *pro tempore*. The Committee of the Whole House on the state of the Union has reported to the House an amendment striking out the clause just read. The question is upon agreeing to the amendment striking out this clause. On this question the gentleman from Michigan calls for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 131, nays 112, not voting 81; as follows:

YEAS—131.

Aiken,	Davis, L. H.	Lowry,	Skinner, T. G.
Alexander,	Deuster,	McAdoo,	Smith, H. Y.
Anderson,	Dibrell,	McMillin,	Snyder,
Ballentine,	Dockery,	Matson,	Spriggs,
Barksdale,	Dunn,	Maybury,	Stewart, Charles
Bayne,	Eaton,	Miller, J. F.	Stockslager,
Beach,	Eldredge,	Mills,	Sumner, D. H.
Bennett,	Elliott,	Moulton,	Swope,
Blackburn,	English,	Muldrow,	Taylor, J. M.
Bland,	Ermentrout,	Murray,	Thompson,
Blount,	Fiedler,	Neece,	Townshend,
Boyle,	Foran,	Nicholls,	Tully,
Brainerd,	Forney,	Ochiltree,	Turner, H. G.
Bratton,	Fyan,	O'Ferrall,	Turner, Oscar
Brown, W. W.	Geddes,	Paige,	Van Alstyne,
Browne, T. M.	Gibson,	Peel,	Van Eaton,
Buchanan,	Graves,	Peters,	Ward,
Burnes,	Green,	Pierce,	Warner, A. J.
Cabell,	Guenther,	Post,	Warner, Richard
Caldwell,	Halsell,	Pryor,	Wellborn,
Campbell, J. E.	Hammond,	Pusey,	Wilkins,
Candler,	Hardeman,	Randall,	Willis,
Cannon,	Hatch, W. H.	Reagan,	Wilson, James
Carleton,	Hemphill,	Reese,	Wilson, W. L.
Clay,	Hewitt, G. W.	Riggs,	Winans, E. B.
Clements,	Holman,	Robertson,	Winans, John
Connolly,	Hopkins,	Rogers, J. H.	Wise, G. D.
Cosgrove,	Jones, B. W.	Rowell,	Wolford,
Covington,	Jones, J. H.	Ryan,	Wood,
Cox, W. R.	Jones, J. K.	Seney,	Worthington,
Crisp,	Jones, J. T.	Seymour,	Yaple,
Culberson, D. B.	Lanham,	Shively,	York.
Davidson,	Le Feyre,	Singleton,	

NAYS—112.

Bagley,	Breitung,	Burleigh,	Culbertson, W. W.
Barbour,	Brewer, F. B.	Campbell, J. M.	Cullen,
Belford,	Brewer, J. H.	Cassidy,	Cutcheon,
Bingham,	Broadhead,	Clardy,	Dargan,
Bisbee,	Buckner,	Collins,	Davis, G. R.
Boutelle,	Budd,	Cox, S. S.	Davis, R. T.
Dingley,	Houk,	Morgan,	Smalls,
Dixon,	Houseman,	Morse,	Spooner,
Dorsheimer,	Howey,	Muller,	Steele,
Ellis,	Hunt,	Murphy,	Stephenson,
Ellwood,	James,	Nelson,	Stevens,
Everhart,	Jeffords,	Nutting,	Stewart, J. W.
Finerty,	Kean,	O'Hara,	Stone,
Follett,	Keifer,	O'Neill, Charles	Strait,
Funston,	Kelley,	O'Neill, J. J.	Struble,
Garrison,	Ketcham,	Parker,	Taylor, J. D.
George,	King,	Payne,	Thomas,
Glascock,	Lawrence,	Perkins,	Tillman,
Greenleaf,	Libbey,	Pettibone,	Vance,
Hanback,	Long,	Poland,	Wadsworth,
Harmer,	Lore,	Price,	Wakefield,
Hatch, H. H.	Lovering,	Ranney,	Wallace,
Haynes,	Lyman,	Reed, T. B.	Washburn,
Hill,	McCoid,	Reid, J. W.	Weaver,
Hiscock,	McCormick,	Rosecrans,	Wemple,
Hitt,	Millard,	Russell,	White, J. D.
Holmes,	Milliken,	Skinner, C. R.	White, Milo
Horr,	Money,	Slocum,	Whiting.

NOT VOTING—81.

Adams, G. E.	Ferrell,	Lacey,	Rockwell,
Adams, J. J.	Findlay,	Laird,	Rogers, W. F.
Arnot,	Goff,	Lamb,	Shaw,
Atkinson,	Hancock,	Lewis,	Smith, A. Herr
Barr,	Hardy,	McComas,	Springer,
Belmont,	Hart,	Miller, S. H.	Storm,
Blanchard,	Henderson, D. B.	Mitchell,	Sumner, C. A.
Bowen,	Henderson, T. J.	Morrill,	Talbott,
Breckinridge,	Henley,	Morrison,	Taylor, E. B.
Brumm,	Hepburn,	Mutchler,	Throckmorton,
Campbell, Felix	Herbert,	Oates,	Tucker,
Chalmers,	Hewitt, A. S.	Patton,	Valentine,
Cobb,	Hoblitzell,	Payson,	Wait,
Converse,	Holton,	Phelps,	Weller,
Cook,	Hooper,	Potter,	Williams,
Craig,	Hurd,	Rankin,	Wise, J. S.
Curtin,	Hutchins,	Ray, G. W.	Woodward,
Dibble,	Johnson,	Ray, Ossian	Young.
Dowd,	Jordan,	Rice,	
Dunham,	Kellogg,	Robinson, J. S.	
Evans,	Kleiner,	Robinson, W. E.	

So the amendment was agreed to.

The following additional pairs were announced from the Clerk's desk:

Mr. HEWITT, of New York, with Mr. SPRINGER, on this vote. If Mr. HEWITT were present, he would vote no and Mr. SPRINGER would vote ay.

Mr. JOHNSON with Mr. DIBBLE, for the rest of the day.

Mr. WILLIAMS with Mr. RICE.

Mr. BRECKINRIDGE with Mr. POTTER. Mr. POTTER, if present, would vote no and Mr. BRECKINRIDGE would vote ay.

Mr. CONVERSE with Mr. GOFF, for the rest of the day.

Mr. TUCKER with Mr. VALENTINE, on this vote.

Mr. HOBLITZELL with Mr. BREWER, of New York, for the rest of the day.

Mr. YOUNG with Mr. MORRILL, for this day.

Mr. FINDLAY with Mr. ATKINSON, for this day.

The vote was then announced as above recorded.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question next recurs on the amendment moved by the gentleman from Indiana [Mr. HOLMAN]. Is there objection to giving unanimous consent for its consideration?

There was no objection, and it was so ordered.

Mr. HOLMAN'S amendment was read, as follows:

Strike out the following:

For transportation of mails on foreign steamships, and for foreign administration, for intermediary territorial and sea transit of foreign mails, $370,000.

And in lieu thereof insert:

For transportation of foreign mails, including railway transit across the Isthmus of Panama, $425,000

Mr. DINGLEY. I should like to ask the gentleman who offered this amendment whether it covers $370,000 for transportation by foreign vessels and $55,000 by American vessels?

Mr. HOLMAN. It is far better in the other form, for this money is under control of the Post-Office Department.

Mr. DINGLEY. American vessels will only get $55,000.

Mr. ELLIS. The gentleman from Maine is correct—American vessels will get only $55,000, while foreign vessels will get four times as much.

Mr. RANDALL. Debate is not in order.

The SPEAKER *pro tempore*. This only proceeds by unanimous consent. [Cries of "Regular order!"]

The amendment was agreed to.

The question next recurred on the following amendment of the Committee of the Whole House on the state of the Union:

Insert the following:

"SEC. 7. That the Postmaster-General be directed to instruct his subordinates to publish on the foreign bulletin boards in the corridor of the post-office building in the city of New York the news of the sighting or arrival of foreign mail steamers, to the end that the public shall have such news in advance; and provided also that no cost or charge to the Government shall be incurred in consequence of such instructions."

The amendment was agreed to

Mr. HOLMAN moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. HOLMAN demanded the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER *pro tempore*. Under the rule the yeas and nays will be taken on the passage of the bill.

The question was taken; and it was decided in the affirmative—yeas 246, nays 1, not voting, 77; as follows:

YEAS—246.

Aiken,	Dixon,	Lawrence,	Seymour,
Alexander,	Dockery,	Le Fevre,	Shively,
Anderson,	Dorsheimer,	Lewis,	Singleton,
Bagley,	Dunn,	Long,	Skinner, C. R.
Ballentine,	Eaton,	Lovering,	Skinner, T. G.
Barbour,	Eldredge,	Lowry,	Slocum,
Barksdale,	Elliott,	Lyman,	Smalls,
Barr,	Ellwood,	McAdoo,	Smith, H. Y.
Bayne,	English,	McCoid,	Snyder,
Beach,	Ermentrout,	McComas,	Spooner,
Bennett,	Evans,	McCormick,	Spriggs,
Bingham,	Everhart,	McMillin,	Springer,
Bisbee,	Fiedler,	Matson,	Steele,
Blackburn,	Finerty,	Maybury,	Stephenson,
Blanchard,	Follett,	Millard,	Stevens,
Bland,	Foran,	Miller, J. F.	Stewart, Charles
Blount,	Forney,	Milliken,	Stewart, J. W.
Boutelle,	Funston,	Mills,	Stockslager,
Boyle,	Fyan,	Mitchell,	Stone,
Bratton,	Garrison,	Money,	Strait,
Breckinridge,	Geddes,	Morse,	Struble,
Breitung,	George,	Moulton,	Sumner, D. H.
Brewer, F. B.	Gibson,	Muldrow,	Swope,
Brewer, J. H.	Glascock,	Muller,	Taylor, J. D.
Broadhead,	Graves,	Murphy,	Taylor, J. M.
Brown, W. W.	Green,	Murray,	Thomas,
Browne, T. M.	Greenleaf,	Neece,	Thompson,
Buchanan,	Guenther,	Nelson,	Tillman,
Buckner,	Halsell,	Nicholls,	Townshend,
Budd,	Hammond,	Nutting,	Tully,
Burleigh,	Hanback,	Oates,	Turner, H. G.
Burnes,	Hardeman,	Ochiltree,	Turner, Oscar
Cabell,	Harmer,	O'Ferrall,	Van Alstyne,
Caldwell,	Hatch, H. H.	O'Hara,	Vance,
Campbell, J. E.	Hatch, W. H.	O'Neill, Charles	Van Eaton,
Campbell, J. M.	Haynes,	O'Neill, J. J.	Wadsworth,
Candler,	Hemphill,	Paige,	Wakefield,
Cannon,	Henderson, T. J.	Patton,	Wallace,
Carleton,	Henley,	Payne,	Ward,
Cassidy,	Hewitt, G. W.	Peel,	Warner, A. J.
Clardy,	Hill,	Perkins,	Warner, Richard
Clay,	Hiscock,	Peters,	Washburn,
Clements,	Hitt,	Pettibone,	Weaver,
Collins,	Holman,	Pierce,	Wellborn,
Connolly,	Holmes,	Poland,	Wemple,
Cosgrove,	Hopkins,	Price,	White, J. D.
Covington,	Horr,	Pryor,	White, Milo
Cox, S. S.	Houk,	Pusey,	Whiting,
Cox, W. R.	Houseman,	Randall,	Wilkins,
Crisp,	Howey,	Ranney,	Willis,
Culberson, D. B.	Hunt,	Ray, Ossian	Wilson, James
Culbertson, W. W.	James,	Reagan,	Wilson, W. L.
Curtin,	Jeffords,	Reed, T. B.	Winans, E. B.
Cutcheon,	Jones, B. W.	Reid, J. W.	Winans, John
Dargan,	Jones, J. H.	Reese,	Wise, G. D.
Davidson,	Jones, J. K.	Riggs,	Wolford,
Davis, G. R.	Jones, J. T.	Robertson,	Wood,
Davis, L. H.	Kean,	Rogers, J. H.	Worthington,
Davis, R. T.	Keifer,	Rowell,	Yaple,
Deuster,	Ketcham,	Russell,	York.
Dingley,	King,	Ryan,	
Dibrell,	Lanham,	Seney,	

NAYS—1.

Ellis.

NOT VOTING—77.

Adams, G. E.	Findlay,	Laird,	Rogers, W. F.
Adams, J. J.	Goff,	Lamb,	Rosecrans,
Arnot,	Hancock,	Libbey,	Shaw,
Atkinson,	Hardy,	Lore,	Smith, A. Herr
Belford,	Hart,	Miller, S. H.	Storm,
Belmont,	Henderson, D. B.	Morgan,	Sumner, C. A.
Bowen,	Hepburn,	Morrill,	Talbott,
Brainerd,	Herbert,	Morrison,	Taylor, E. B.
Brumm,	Hewitt, A. S.	Mutchler,	Throckmorton,
Campbell, Felix	Hoblitzell,	Parker,	Tucker,
Chalmers,	Holton,	Payson,	Valentine,
Cobb,	Hooper,	Phelps,	Wait,
Converse,	Hurd,	Post,	Weller,
Cook,	Hutchins,	Potter,	Williams,
Craig,	Johnson,	Rankin,	Wise, J. S.
Cullen,	Jordan,	Ray, G. W.	Woodward,
Dibble,	Kelley,	Rice,	Young.
Dowd,	Kellogg,	Robinson, J. S.	
Dunham,	Kleiner,	Robinson, W. E.	
Ferrell,	Lacey,	Rockwell,	

So the bill was passed.

On motion of Mr. KEAN, by unanimous consent, the reading of the names was dispensed with.

Mr. CULLEN. Mr. Speaker, I ask leave to record my vote upon this bill.

The SPEAKER *pro tempore*. Was the gentleman in the Hall?

Mr. CULLEN. I had been called out temporarily before my name was called.

The SPEAKER *pro tempore*. The Chair is unable to entertain a request for unanimous request.

The announcement of the vote was then made as above recorded.

Mr. TOWNSHEND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SPRIGGS, for one week, on account of important business.

To Mr. COX, of New York, for one week.

To Mr. HARDEMAN, on account of indisposition, from night sessions of the House.

ALLEGED FRAUDS IN OFFICIAL ENVELOPES.

Mr. BINGHAM. Mr. Speaker, I ask consent to submit a resolution of inquiry for reference.

The resolution was read, as follows:

Whereas sundry newspapers in the country published notices during the summer of 1884 concerning alleged great frauds in the supply of official envelopes to the Post-Office Department, whereby many thousands of dollars were lost to the Government:

Resolved, That the Postmaster-General be, and is hereby, requested to communicate to the Committee on the Post-Office and Post-Roads all the facts, with papers or copies thereof, connected with the annulment in August, 1884, of the contract with P. P. Kellogg & Co., of Springfield, Mass., for the supply of official envelopes for the fiscal year ending June 30, 1885; also how the cost of envelopes under the said contract compared with the cost of the same in the contract subsequently made; also whether envelopes inferior to contract requirements were furnished under any other contract than the said one of P. P. Kellogg & Co.; also whether any officer or employé of the Government was at fault in connection with the supply of any such inferior envelopes; and also what action has been taken by the Postmaster-General to protect the interests of the Government in connection with the supply of such inferior envelopes.

The resolution was referred to the Committee on the Post-Office and Post-Roads.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same, namely:

A bill (S. 150) granting a pension to Sarah Denny Ripley;

A bill (S. 1546) granting a pension to Orin R. McDaniel;

A bill (S. 2034) to remove the political disabilities of Albert Iverson;

A bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia;

A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;

A bill (S. 2398) granting a pension to Cyrus Reeser;

A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond; and

A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett.

CHAUNCEY G. DARRAH.

Mr. MORRILL, by unanimous consent, introduced a bill (H. R. 8187) granting a pension to Chauncey G. Darrah; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARTIN COUGHLIN.

Mr. STEELE, by unanimous consent, introduced a bill (H. R. 8188) for the relief of Martin Coughlin, Company A, Thirty-fifth Indiana Regiment; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

RIGHT OF WAY THROUGH MAIL STREET, NEW YORK.

Mr. HISCOCK (by request), by unanimous consent, introduced a joint resolution (H. Res. 328) granting the right of way through Mail street, in the city of New York, to the Bleecker Street and Fulton Ferry Railroad Company; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

Some time subsequently,

The SPEAKER *pro tempore* said: The Chair asks the attention of the gentleman from New York [Mr. HISCOCK] with regard to the reference which was made of a bill introduced by him a few moments ago. It seems the bill should be referred to the Committee on Public Buildings and Grounds.

Mr. HISCOCK. I stated that I introduced the bill by request. As it involves land near a post-office, I thought it had better go to the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. The Chair has no preference.

Mr. HISCOCK. I would prefer to have the bill go the Committee on the Post-Office and Post-Roads.

The SPEAKER *pro tempore*. If there be no objection the reference already made will stand.

There was no objection.

ORDER OF BUSINESS.

Mr. WILLIS. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

In this connection I wish to state that I have consulted with members of the Appropriations Committee on both sides of the House, and acting upon their suggestion I make this motion that the House resolve itself into Committee of the Whole House, my object being to call up the river and harbor appropriation bill.

Mr. REED, of Maine. Is it understood that the Committee on Appropriations are not ready with any general appropriation bill?

Mr. WHITE, of Kentucky. Pending the motion of my colleague from Kentucky, I move that when the House resolves itself into Committee of the Whole and resumes consideration of the river and harbor bill, it shall be in order to have all the amendments read which may be offered; and that each person offering an amendment shall be allowed five minutes—or three minutes I will say—to explain each one of his amendments.

The SPEAKER *pro tempore*. The Chair hardly thinks the motion of the gentleman from Kentucky is in order.

Mr. WILLIS. I would not object to that.

The SPEAKER *pro tempore*. The House has made an order as to the debate that shall be allowed in Committee of the Whole House on the state of the Union, and the chairman of that committee would have the discretion as to the matter of recognition.

Mr. WHITE, of Kentucky. I ask unanimous consent. I believe it will facilitate business.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Kentucky [Mr. WHITE]?

There was no objection.

Mr. WILLIS. It is understood that it will be legitimate debate and discussion.

Mr. REED, of Maine. Does the gentleman from Kentucky [Mr. WILLIS] assure the House that the Committee on Appropriations have no regular appropriation bills to take up? I understood the gentleman from Kentucky to intimate that such was the case. I wish to know if that is the statement he makes in presence of members of the Committee on Appropriations?

Mr. WILLIS. I made my statement and stand by it. I stated that I had consulted with members of the Committee on Appropriations on both sides of the House, and acting on their suggestion I made this motion.

Mr. REED, of Maine. I think we had better go on with the regular appropriation bills reported by the Committee on Appropriations. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Kentucky [Mr. WILLIS] that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

RIVER AND HARBOR APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain works on rivers and harbors, and for other purposes, Mr. HAMMOND in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the river and harbor appropriation bill. Since the last sitting of the committee the House has directed that when amendments shall hereafter be offered each gentleman offering the same shall be entitled to three minutes to explain it. That the Chair understands to be in addition to the hour and a half already allotted for debate.

Mr. BLANCHARD. That was not my understanding. I should have objected if I had understood that.

The CHAIRMAN. The gentleman from Arkansas [Mr. BRECKINRIDGE] is entitled to the floor for five minutes.

Mr. BRECKINRIDGE. Mr. Chairman, I wish to call the attention of the House to one or two propositions with reference to the Mississippi River Commission that have been advanced by the gentleman from New York [Mr. HISCOCK], who I see is in his place. That gentleman states that the commission has not departed from the original plans accepted by Congress and the country for the improvement of the river; and in addition he states that Captain Eads, foreseeing the failure of his own plan, got off of the commission. That in substance, as I understand, is what is laid down by the gentleman from New York.

Now, as stating the original plan of the Mississippi River Commission, I will ask the Clerk to read a few lines which I have marked, underlined in ink, from the first report of the Mississippi River Commission setting forth exactly what their plan was. It is on pages 16 and 17 of their first report.

The Clerk read as follows:

It has been observed in the Mississippi River, and is indeed true of all silt-bearing streams flowing through alluvial deposits, that the more nearly the high-river width, or width between the banks, approaches to uniformity the more nearly uniform will be the channel-depth, the less will be the variations of velocity, and the less the rate of caving to be expected in concave bends. * * * Uniformity of width secured by contraction will produce increased velocity, and therefore increased erosion of bed at the shoal places, accompanied by a corresponding deposit of silt at the deep places, and consequently greater uniformity of depth.

Uniform depth joined to uniform width, that is to say, uniformity of effective cross-section, implies uniform velocity, and this means that there will be no violent eddies and cross-currents, and no great and sudden fluctuations in the silt-transporting power of the current. There will therefore be less erosion from oblique currents and eddies, and no formations of shoals and bars produced by silt taken up from one part of the channel and dropped in another.

* * * * * * *

The work to be done, therefore, is to scour out and maintain a channel through the shoals and bars, * * * and to build up new banks and develop new shore lines, so as to establish as far as practicable the requisite conditions of uniform velocity for all stages of the river.

* * * * * * *

This improvement can be accomplished below Cairo by contracting the low-water channel way to an approximately uniform width of about 3,000 feet * * * by causing, through the action of appropriate works constructed at suitable localities, the deposition of sand and other earthy materials transported by the water upon the dry bars and other portions of the present bed not embraced within the limits of the proposed low-water channel. The ultimate effect sought to be produced by such deposits is a comparative uniformity in the width of the high-water channel of the river.

Experience, as well in this country as in Europe, justifies the belief that the requisite correction and equalization of the transverse profile of the stream, by developing new shore lines and building up new banks, may be made chiefly through the instrumentalities of light, flexible, and comparatively inexpensive constructions of poles and brush and materials of like character. These constructions will commonly be open or permeable to such a degree that they will sufficiently check the current to induce a deposit of silt in selected localities.

Mr. BRECKINRIDGE. I now ask the Clerk to read what I have marked on page 2775 of the second report of the Mississippi River Commission, the parts inclosed in brackets. This is a restatement of the same propositions in the report that Mr. Eads submitted at that time.

The Clerk read as follows:

The plan of improvement recommended by the commission differs from any other previously proposed for the correction of the channel, in the fact that it looks to a rectification of the high-water channel by the ultimate narrowing of these wide places as the only method by which a deep and uniform low-water channel can be permanently secured.

The wide places in the high-water channel create alternations of current velocity and steeper slopes to overcome the excessive frictional resistance. These cause the water to be highly charged with sediment at one part of its journey to the sea and much less highly charged at others. This creates scouring and depositing in the bed and radical changes in the channel by the caving away of its banks. By reducing these wide places to a width approximately the same as that of the narrow parts of the river the friction is reduced, a lower slope and more uniform depth will be obtained, and the velocity of current will not be subject to its present changes. A uniform charge of sediment will result from uniformity of current velocity, and the caving of the banks will then be practically arrested, for the reason that when the water has the full charge of sediment due to its velocity it can carry no more, and can not, therefore, scour the channel more deeply, by which the undermining of the banks is effected.

Permanence of channel will not therefore be secured until these excessive widths are reduced. A less depth at low water than twenty feet will not insure stability of channel, for the reason that a less depth will result from only a partial reduction of the wide places. Permanence of channel will be attained only in proportion as uniformity of width of the high-water channel is attained, and when this is secured the depth at low water may be considerably more than twenty feet, but it will certainly not be less. The sooner these wide places are corrected the less will the improvement of the river cost.

* * * * * * *

There can be no doubt of the entire feasibility of so correcting the Mississippi River from Cairo to the Gulf that a channel-depth of twenty feet during the low-water seasons can be permanently secured throughout its entire course.

Mr. BRECKINRIDGE. Now, nothing is plainer than that. The doctrine and practice is laid down that the initial step is to contract, by silt-arresting works, the excessive widths where the bars exist, and a bar and a cross-over bar exists above every caving bend, and it is also stated that when you do that then the caving of banks in the bends will be "practically arrested." That is distinctly stated, and has so been read. The bank-caving in the bends will be practically arrested, because you have removed the cause.

Mr. HORR. You mean the erosion of the banks.

Mr. BRECKINRIDGE. I mean the caving of the banks, which you call erosion of the banks. Now, that doctrine is perfectly plain. They always held that there would be of course some revetting to do, but the revetting that would have to be done would only be an incident to the work to follow after contraction, which contraction having "practically arrested" it by removing the cause, would make the incidental revetting limited in extent, limited in difficulty, and hence entirely practicable. I wish now to call the attention of the House——

The CHAIRMAN. The time of the gentleman from Arkansas has expired. The gentleman from New York [Mr. HISCOCK] has the floor.

Mr. BRECKINRIDGE. Give me two minutes.

The CHAIRMAN. The Chair can not give the gentleman more than five minutes.

Mr. BLANCHARD. I will yield two minutes to the gentleman from Arkansas [Mr. BRECKINRIDGE].

The CHAIRMAN. The Chair will charge the gentleman from Louisiana [Mr. BLANCHARD] with the time.

Mr. BLANCHARD. Very well.

Mr. BRECKINRIDGE. I thank my friend. Now, Mr. Chairman, I have not had read those passages which relate to the closure of outlets, and especially to the Atchafalaya, which was recommended in the first report. In the second report the commission shrank from the full application of the doctrines laid down in the first, and Captain Eads made that part of the report of which I have had a portion read. Thereupon he told them that they would never accomplish anything in the manner in which they were proceeding, and that if they would not stick up to the doctrine laid down in the first report he would resign, and he did resign; and in the very next report the commission laid down this doctrine and departure in regard to revetment, &c. Speaking of revetting the bends, it says "it antedates logically the re-

trenchment, which is to deepen the water at the bars." That is a complete reversion of the original doctrine laid down in the reports from which I have had extracts read. The commission state also in that report that the principal item of expenditure will be revetment, which before was to be only an incident in the expenditures.

Now I have not time to have read here what is stated in the last report or to recite the practices that have obtained, but gentlemen can read that report for themselves, and in it they will see that a systematic course of revetment in the bends is advised to be undertaken from Cairo down, which is a complete reversion of the original plan. And much of just this work, with failure, has been done. Hence our proviso—which was not an idle thing, which was not without cause, which was not simply to elevate one man or to degrade another, which was not adopted without ample and mature conference—that Captain Eads should be put in charge of the work. That proviso has been now amended so as to simply instruct the commission that it shall return to the original plan. If, as some say, there has been no departure, then no harm is done. If they have departed, then we need to act, and I assure you there is grave need, and the greatest work in the world is being sadly imperiled. As to Captain Eads, we did not wish to pay a tribute to a particular man, but we sought to obtain the ascendency of the original policy that Congress has indorsed and that the country has confidence in, and which he represents. When the gentleman from New York [Mr. HISCOCK] charges that Captain Eads left the commission like a rat leaving a sinking ship, he seems to forget that that gentleman, if he is in his reason, would not be willing to come back and assume the entire responsibility of the work if he were without confidence in the plan.

That is a plain statement, and gentlemen can revert to the text and inform themselves more fully. Nothing can drive us from a candid treatment of this question. We have no small or mean purposes to serve. No false constructions on the part of gentlemen who are the known and pronounced enemies of the river and of Western interests can keep the American people from adhering to their approved plan and purpose of improving this grand river, which carries our commerce from the British line to the Mexican Gulf, which binds together with its tributaries, that stretch on either side as far as from here to Liverpool, the heart and body of our country, which is our richest gift, and which constitutes God's best guarantee of liberty and union to the American people. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] is entitled to the floor. The Chair would suggest that ten minutes be now used on that side of the House.

Mr. HISCOCK. Mr. Chairman, in the five minutes that I have for the discussion of this question I certainly can not go very much into detail of the facts upon which I rely to establish the proposition that Captain Eads indorsed the work of the commission up to the winter of 1883–'84. I have before me the report of the Mississippi River Commission for the year 1881, to which I find appended this language:

The report is concurred in by me, with the exception of that part of it which relates to the improvement by means of reservoirs. I have not sufficiently investigated this subject to justify an opinion upon it.

That is signed by Captain Eads.

I then take the report of the subsequent year, which, I think, is perhaps the last one in which Captain Eads united. He says:

The commission in its report, speaking of the improvement now being carried on by the War Department between the mouths of the Missouri and Ohio Rivers, a distance of about two hundred miles, says: "The success of Captain Ernst thus far justifies, in our opinion, the methods that he has employed, and we are of the opinion that it should be pushed toward completion under liberal appropriations."

As to that language used by the commission Captain Eads says:

I can not join with the commission in this indorsement and recommend action, for the reason that the plans now being executed by Captain Ernst have never been submitted to me for examination.

Now, Mr. Chairman, passing by those two reports, which are the last ones upon which I can lay my hands at this time, I come to the evidence given by Captain Eads before the special committee of the House appointed to investigate this subject in the Forty-seventh Congress. He was examined before that committee in January, 1883. The question was put to him:

Q. Passing from the consideration of the jetties to the general work of the improvement of the Mississippi River from Cairo to the head of the passes, does the committee understand that you approve of the plans and works of the Mississippi River Commission?

A. I approve of the general plan adopted by it.

That was his sworn testimony in January, 1883. Going a little further he says:

When my minority report was written, nearly a year ago, there were differences of opinion as to the importance of closing the gaps in them—

Speaking of certain gaps which were discussed—

When my minority report was written, nearly a year ago, there was some difference of opinion as to the importance of closing the gaps in them, but I believe all that I have named were convinced that the retention of the flood waters within the levees would accelerate the progress of channel development. I think my views and those of General Gillmore (the president) and Major Suter have, on the levee question, been in full accord from the first day the commission met. I have, however, never advocated raising them, but simply closing the gaps in them.

Somewhat further on in his testimony he says:

If you raise the flood-line (or slope) say five feet at Red River, you will have just that much less slope in the river above. I think there is no problem before the Mississippi River Commission, or before the country, or before Congress, connected with the Mississippi River, that is more important than the closure of Bayou Atchafalaya, for its discharge is rapidly increasing and will continue to increase, and, if it be not promptly checked, the whole Mississippi River will go out through it. I speak with all the earnestness I can command on this matter.

Nowhere does he say that the commission has dissented from him in his conclusions.

Again I read from the testimony of this distinguished engineer:

Q. Then there is no doubt that the water above the natural channel at the time of flood, without regard to levees, moves with a greater velocity than when the water is just even with the banks?

A. I think it would move with greater velocity, of course.

Q. And so would have a scouring force greater on the bottom of the river, would it not?

A. It would have a greater scouring force.

Q. And wouldn't that be sufficient, without building up levees, for the improvement of navigation?

A. It would be impossible in that condition of things to have permanence in the channel. So long as the wide places exist it would be eternally caving its banks and creating new shoals at new places. My views upon the levee question are easily stated and I think they can be readily understood. I do not pretend to say that the improvement of the river for navigation alone and independently of any protection of the banks against overflow can not be accomplished ultimately without the maintenance of the levees. I will say even more, namely, that if there were no levees to-day in existence below Cairo I would not recommend the building of them as a part of the system of improvement adopted, because to rebuild the 2,000 miles of them as they now exist to their present height would cost from sixty to seventy million dollars. But as they are already built, and three or four millions will close the gaps in them, and thus give us a much greater scouring force to deepen the channel through our works, and will maintain and deepen other parts of the river that would become troublesome to navigation if the crevasses are left open, and which are not yet under treatment, I feel fully warranted in urging with the greatest earnestness the closure of the gaps in them and their maintenance in good condition during the progress of the improvement of the channel. I urge this as a measure of economy, and a very important, one. I feel perfectly sure that the cost of the channel improvement will be three or four fold greater than the cost of this levee work, if the levees are allowed to remain in bad repair or such condition as they were in a year ago. In this condition the effect of the crevasses is to increase the shoals in the channel and make many miles of channel works necessary that would not otherwise be needed, and this in portions of the river now needing no such treatment. As the places now under treatment are deepened the flood-line will fall, and in a few years the maintenance of the levees will be unnecessary above Red River. Below there some of small height will probably be needed even after the improvement is completed, but the maintenance of them, if Atchafalaya be closed, will be very inexpensive. I have no personal interest to serve in this matter. I have no lands to protect with these levees, and have no more interest in the restoration and maintenance of them than that of any one member of this committee. I have my reputation as an engineer at stake in expressing these views, and will be glad to have it judged of in the future by the results which will follow a rejection or acceptance of them. I do not advocate the raising of the levees to a greater height than they were at the close of the war.

Again:

Q. Would it not be a better thing to put down works at one place—say, for for instance, at Plum Point reach—and perfect the works there according to the plans of the commission, and then wait through a season of flood and test the efficacy of this work?

A. If there were any doubt as to the absolute result of such works there might be some wisdom in doing that; but they are so thoroughly verified by observations and by scientific deductions from well-established laws, that they are just as certain of producing their results as it is certain that if you stand a pole out in the park and the sun shines upon it it will cast a shadow.

Q. You do not anticipate any failure in the matter?

A. Not at all. I think it would be very unwise to suspend work at any of these points where it has been commenced. It would result in great loss. It would cause a decay of plant, a disorganizing of the force employed at each, and many other expensive things.

Q. If the work on a given reach should turn out to be a failure, the plant would probably drift into decay, and there would be no need for preserving it for another day?

A. There is no probability of its turning out a failure to justify such a suspension.

Q. Your commission are not unanimous in regard to their opinion as to the absolute perfection of their theory?

A. They are, with the exception of General Comstock, and I don't know that he goes so far as to condemn the work. In the first report he dissented because he thought there were certain principles laid down in the report which he did not think had been sufficiently demonstrated to be recognized as established facts; but I think that General Comstock has not had that experience in the construction of works of this sort that some other members of the commission have had.

Q. He does not agree with some of you in regard to the efficacy and importance of the levees in connection with the low-water navigation?

A. No, sir; he does not think they are an essential factor in the improvement of the navigation.

[Here the hammer fell].

Mr. HISCOCK. I would like about two minutes more.

Mr. SKINNER, of New York. I will give my colleague two minutes more.

Mr. HISCOCK. Mr. Chairman, you may go through the reports of this Mississippi River Commission, you may carefully read the testimony taken before this special committee to which I have referred, and in every line of the report, in every line of the testimony, Captain Eads shows himself to be in full accord with the majority of the Mississippi River Commission; and the only question upon which he differs with them in the slightest degree is this question of the closure of the gaps and the extent to which the levees should be built.

MESSAGE FROM THE SENATE.

The Committee of the Whole rose informally, and Mr. BAGLEY took the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 3258) to

authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn.

The message also announced that the Senate had agreed to the amendment of the House to the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry.

RIVER AND HARBOR APPROPRIATION BILL.

The Committee of the Whole resumed its session.

Mr. HART. Mr. Chairman, the other day when this bill was under consideration in the Committee of the Whole we had gone as far in reading the paragraphs as that which relates to the proposed improvement of the Galveston Harbor. A proposition to amend had been made by the gentleman from Illinois, and an intimation had also come from the Committee on Rivers and Harbors itself that it would propose some amendments to the measure. I desire now to occupy the time that is allotted to me in speaking more particularly of that special improvement.

Two propositions are pretty clearly established in the history of this country. One of these is that Congress has the constitutional power to legislate in favor of internal improvements; and the other is that a judicious system of improvement of rivers and harbors is demanded by sound public policy.

The only question, therefore, which can arise to-day under this bill is as to the propriety or advisability of any particular measure or measures that may be presented to our attention. The Committee on Rivers and Harbors have had this whole subject under advisement for many months. They have deliberated upon it. They have presented to us a bill which, I say in all kindness, is in some respects most "fearfully and wonderfully made." It contains some measures of vast national importance and great public necessity—measures which ought to be adopted; and it contains other measures of doubtful propriety and which, as I believe, involve the wasteful and useless expenditure of millions of the public money. Belonging to this latter class is the proposed improvement at Galveston. It has been stated on this floor, and is admitted to be true, that the Government of the United States has already expended over $1,600,000 in and about that harbor; and it has actually succeeded in increasing the depth of the water in the channel three inches. That is at a cost of about $533,000 an inch, or at the rate of $6,400,000 a foot.

Every dollar of this money expended there has been thrown away. And it is now proposed that all that has been done, all the work that has been established there, shall be torn out, destroyed, and removed, and some other plan adopted. What that plan is is known only to the gentleman who is sought to be made the chief engineer of this work.

We are asked to-day, without any report from engineers, without any report from commissions or officers of the Government, without any estimate of cost, without any assurance of success, without any plans or specifications, without any facts upon which we can form an intelligent judgment, to spend $750,000 the first year and untold millions in years to come. And then, sir, when we have sunk these millions in the quicksands of Galveston Harbor, the improvement in all human probability will be as the former ones have been, a complete and absolute failure.

Is there a business man on the face of the earth who would entertain such a proposition for a single moment?

Only two things are certain. One is that an immense sum of money is to be expended and the other is that a profitable business situation is to be given to the supervising engineer. All else is speculative, vague, and uncertain.

We are required to walk entirely "by faith and not by sight"—a very good doctrine in matters of religion, where we are in the hands of the Great Master Builder, who made and fashioned the water ways of the world, but a very poor one when our reliance is to be placed upon the solitary judgment of a man who is interested in obtaining employment at the hands of Congress.

It is proposed by the bill as presented to the House that the entire Engineer Corps of the country shall be ignored, and that the Secretary of War shall employ James B. Eads to furnish plans and specifications and supervise and manage the work. He is to have autocratic and unlimited control of the project; he is to be accountable to nobody and subject to no authority. Neither is there any limitation as to time or expenditure of money. For his services he is to receive a salary of $5,000 a year and a contingent fee of $3,000 for every additional foot of channel-depth. He is not required to give his entire time to the work, for in another part of the bill the committee provide that he is to have a salary of $3,500 per year as engineer of the Mississippi River Commission. Thus his annual salary will be $8,500, with a bonus of not less than $54,000. How long this employment is to last nobody knows. In the language of the old song—

It may be for years, and it may be forever.

This, sir, is the project which we are called upon to indorse. It is nothing more or less than a bargain which is sought to be incorporated into a statute.

I have entire confidence in the integrity and sincerity of the members of the Committee on Rivers and Harbors. They have done that which they believed to be for the public good. I do, however, question most seriously the soundness of their judgment and the wisdom of their action in this matter. Captain Eads is an eminent and skillful engineer; but I submit the question to the House whether it is safe to place in his hands or in the hands of any other man such unlimited control over the public purse and over the internal improvements of the country.

The project to which I have here referred is the one contained in the original bill, and we are justified in regarding it as the crystallized and deliberate judgment of the Committee on Rivers and Harbors. A few days of discussion, however, has clearly demonstrated that the plan first submitted can not receive the indorsement of the House or the country. They have therefore intimated to us their intention to move an amendment in which they apparently eliminate the Eads project from the bill. I hope they will do this. But in my judgment the proposed amendment does not go far enough and is not sufficiently specific. In a later section of the bill it is provided that there shall be appointed what is denominated a "harbor board," to be composed of seven persons. Two of these are to be taken from the Engineer Corps of the Army, one from the Coast Survey, and four from civil life. In defining the duties of this board the bill declares that they shall examine and report upon what is known as the jetty system. Their labors are confined mainly to this particular plan of river and harbor improvement.

The Engineer Corps is pointedly condemned by being placed in the minority on the harbor board; and the jetty system, of which James B. Eads is the especial champion, is brought to the front. Now, the committee in the amendment which they propose declare that this harbor board, so constituted and with such special instructions, shall take charge of the Galveston enterprise. Here is abundant room to inaugurate precisely the plan contained in the original project for the improvement of this harbor. I shall therefore at the proper time offer an amendment to change the character of the harbor board and extend the scope of its investigations beyond the mere examination of the jetty system. I believe that a majority of this board should be composed of men belonging to the Engineer Corps of the Army. And I am further of opinion that in determining the matter of establishing a harbor on the Gulf within the State of Texas they should not be confined to the city of Galveston alone.

In the remarks that I have made I would not be understood as being opposed to the establishment of a first-class harbor at Galveston or some other place on the southern coast of Texas. The growing prosperity of that State, the marvelous increase of its productions, demand an outlet, and it is in the interest of trade and commerce that one should be constructed. If in consequence of quicksands and currents or other peculiarities of the coast it is found impracticable to build such a harbor at Galveston as the business of that region requires, then let one be established at some more eligible point. My objection is to the method which this bill proposes to adopt, and not to the project of a harbor. Offer us a feasible and practicable measure, one which gives assurance of success, and I am willing to vote whatever sum is needed for the completion of the work.

I am in favor of river and harbor improvements. There is no more important or necessary legislation. Neither is there any class of legislation which is more liable to abuse or corruption. Let an effort be made to reconcile the differences in regard to this measure. Let us place upon it such amendments as will make it acceptable to the House and the country. The people will sustain us in passing a wise and just measure and they will not be disposed to complain at the cost, provided they know that the money will be wisely and honestly expended in making permanent and valuable improvements.

Something has been said during the debate as to its being a sectional controversy. Certainly no man here should allow himself to be influenced in the slightest degree by any such consideration. I hope the word "sectionalism," especially in the sense in which it is so often used, may become obsolete. A few years ago sectional lines and divisions were sharply drawn and were marked by the blood of our people shed in civil war. That internecine strife is over. We are becoming united now, and the bonds of union are growing stronger. Education, commerce, and business are the great promoters of union and harmony. The glory of one State is the glory of all; the prosperity of one section is the prosperity of all. I rejoice in the growth of the "Lone Star" State and in the prosperity and wealth of her people. Texas and Maine, New York and California, Oregon and Florida, are all parts of the same Republic. The Atlantic, the Pacific, the lakes, the Gulf, and the rivers that lie within the circuit of these waters are all parts of one great system of commercial interchange and communication, and each belongs to the other. The question to be asked is, not where a proposed improvement is to be made, or in what State or on what coast; but is it needed by the business of the country; is it practicable and is the method proposed for the construction of the work founded upon sound business principles? If these three interrogatories are answered in the affirmative, then the measure should receive the sanction of Congress.

There are other propositions contained in this bill of which I would like to speak, but time will not permit. A large sum is appropriated for the Mississippi River.

The gentleman from Arkansas [Mr. BRECKINRIDGE], in his speech a few days ago, made a startling statement. I quote the following paragraph:

I look upon that river as a national question. The people of this country have got to a point where commerce demands outlets, and all these bars and all these barriers which clog up the energy and enterprise of our country have got to be removed, and to remove them we may well expect to make expenditures commensurate with the difficulties involved, as other nations have been forced to do under like circumstances. And I need only call attention to the fact that France the first year after the Franco-Prussian war appropriated $1,000,000,000 on works of this kind, $100,000,000 to be spent each year for ten years. While we can not go to that great length at once, yet we need not hope to overcome the great natural barriers at much less cost than other nations have to pay under similar circumstances. We have reached the time for a turn, and the battle is joined right here, now.

Is it true that the advocates of the Mississippi River improvement are embarking in an enterprise which they know or have reason to believe will cost the Government hundreds of millions of dollars? Is this where they intend the surplus money of the Treasury shall go? Under these circumstances it is but the dictate of common prudence to inquire carefully into the schemes which are from time to time presented. If you propose an improvement by which you seek to control the waters and currents of that mighty stream, let us have some intelligent understanding of the plan to be adopted and the amount to be expended. All projects heretofore have proved abortive. Efforts have been made to deepen the channel and protect the banks, with how little success is well known to the world.

You build a dike or drive a row of piles this year, and think you have accomplished something for the protection of adjacent lands or the navigation of the river. But a flood comes and the work of a year and the expenditure of millions is carried off in an hour; your dikes, piles, and mattresses are undermined and swept away in the eddying and surging waters. You can not change the character of the soil through which the river flows. You can not prevent the coming of the floods. They are in the hands of a mightier power than that of man. Nothing less than a solid wall of stone a thousand miles in length will govern this great water course. Are you ready for such a measure and such an expenditure as this? That something can be done by dredging and removing snags is doubtless true. Do it. That is a proper and legitimate use of the public money. As to the other plans, however, let us be slow to act, unless we are sure of more satisfactory results than have yet been attained.

I have not attempted to enter into a thorough discussion of the different measures contained in this bill for the improvement of rivers and harbors. It may be laid down as a general proposition that any water way, whether large or small, which at a reasonable cost can be improved so as to benefit the trade and commerce of the country should receive attention; and, on the other hand, all impracticable schemes, and all schemes which savor of jobbery should be condemned and repudiated.

Reference has been made during the debate to the fact that there is a large surplus of money in the Treasury, and, therefore, we can afford to make all the proposed improvements. This is a poor argument. It is probably true that the nation is to-day better able to enter upon a general system of public works than ever before. But that is no excuse for extravagance or recklessness. The Government has all the money required for necessary and legitimate undertakings, but not a dollar more. It is important that economy should be exercised in all branches of the public service.

There are legitimate demands for the money in the Treasury without wasting any portion of it in building dikes that will be swept away by the first flood, or walls or embankments that are buried out of sight within a month after they have been constructed. Pension the soldiers of the Union Army and the widows and orphans of those who are dead; build a navy which shall be sufficient to cope with the other powers of the earth; strengthen your coast defenses; enlarge your merchant marine; establish a national system of education; pay the public debt. All these are objects of supreme importance. They affect the general welfare and prosperity of the people. So long as these exist no time need be spent in trying to discover new methods of exhausting the national revenues.

Mr. WILLIS. I move by unanimous consent, Mr. Chairman, that all gentlemen who desire to may have leave to print in the RECORD remarks on the river and harbor bill.

There was no objection, and it was ordered accordingly.

Mr. OCHILTREE. Mr. Chairman, I believe it was a writer on natural history who, jealous of the distinguished career of Buffon, the great naturalist, said, among other things, that "A crab was a red fish that ran backward," and was answered by Buffon that, with a difference of three things which he stated, the definition was correct; that in the first place a crab was not a fish, in the second place it was not red, and in the third place it did not go backward. [Laughter.] With those exceptions the description was very good. And so it is in reference to what has been stated by the gentleman from Ohio [Mr. HART]. He has predicated his whole argument in opposition to the Galveston appropriation upon the ground that the harbor is filled with quicksand. Now, we have no less eminent authority than the Chief of Engineers of the United States Army that rubble will stand there, and that it is not a quicksand; and therefore the strictures of the gentleman from Ohio go for nothing, as well as those of other gentlemen who have preceded him in the same line, and who, with all due deference, utterly misconceive the true situation of affairs in regard to that work.

As it has been intimated by the distinguished chairman of the Committee on Rivers and Harbors he has been instructed by that committee to strike out the whole of the section and to eliminate the so-called Eads proposition for the improvement of Galveston Harbor from this bill, I do not feel called upon to defend that particular portion at this time. But, sir, it will be well remembered that during the consideration of the river and harbor bill in the first session of the Forty-eighth Congress there was recommended an appropriation of $250,000 for the improvement of Galveston Harbor under the direction of the Government engineer then in charge at that point. I at that time made a motion to strike out the item, for the reason that I believed the plans of the Engineer Department for that particular harbor, if adhered to, would result in no adequate relief, and that the system would simply resolve itself into an annual frittering away of the public money without any benefit to the public good. I insisted that the methods to be employed for the work at that harbor demanded the application of the highest engineering talent and skill, which did not seem to be possessed, or at least not employed, under the Government system of improvement there. I could not, therefore, conscientiously consent to the expenditure of another appropriation on a plan that neither the people of Galveston nor myself, speaking for them, believed was feasible.

The people of Galveston are not clamoring here, Mr. Chairman, in the interest of any job or syndicate, as has been frequently insinuated both in speech and print since this question has been agitated—all they ask is justice. The best evidence of this is the fact that upon the failure of the river and harbor bill in a former Congress, so well were they disposed to allow the Government engineer at that time in charge to proceed with the work under his plan that the city of Galveston itself advanced $100,000 for that purpose. It was only after giving every opportunity for carrying out the promise he made at that time that they were thoroughly convinced of the uttter futility of further reliance upon the Government method. It was then that we turned to the plan proposed.

I can not allow this occasion to go by without making this statement to the House explanatory of my action in regard to this appropriation.

Sir, I may be pardoned for the assertion that there has been almost a total misconception of that action, occasioned perhaps by the fact that under the iron-bound rules of this body I have been unable to explain on the floor the real conditions incident to this most important item; for, sir, the anomalous situation is presented here of a debate continuing over a period of almost an entire week, involving the dearest and most vital interests of a great commercial community, and the immediate representative thereof has been debarred the opportunity of explaining and defending these interests because of the procrustean and tyrannical rules in force here to-day. I appealed in vain to the courtesy of the distinguished chairman of the Committee of the Whole House. I importuned the chairman of the Committee on Rivers and Harbors, I begged individual members of that committee to give me a portion of their time, but, as is well known, under the operation of the previous question, even those members of the committee who had been kind enough to spare me a few minutes were themselves cut off from participation in the debate; therefore I was compelled to accept the courtesy of the House and have my views incorporated in the RECORD.

Sir, we have waited for relief during ten long years in that important city which is seventh in exports and imports in the country, as I have shown in the official tables submitted in my speech to this House on Tuesday, February 3d, instant. Those gentlemen who have seen fit to sneer at the situation and capabilities of that city ought to look well into the exact figures before making assertions that can not be substantiated. The gentleman from Rhode Island [Mr. SPOONER] went so far a few days ago as to make the statement, when I interrupted him, that the exports of Galveston amounted only to a little over $400,000.

Mr. SPOONER rose.

Mr. OCHILTREE. I will read exactly what is printed in the RECORD:

Mr. OCHILTREE. Will the gentleman from Rhode Island allow me to interrupt him?

Mr. SPOONER. Yes, sir.

Mr. OCHILTREE. Do you claim the exports from all the customs districts in Texas amount to only the sum you have named?

Mr. SPOONER. I speak now of the exports of cattle, sheep, and swine only, which represent the great industry of Texas.

Gentlemen who get up here and use not only their own time but that of three or four other members upon this floor should be a little more exact when they come to the question of facts. My friend from Rhode Island was specially incorrect, although from the great array of figures pervading his speech one would imagine he was a perfect Gradgrind. He seems to forget entirely that Texas is the largest cotton-producing State in the country, and that the exports of cotton from Galveston amounted to over $25,000,000 in the very year of which he speaks, where he says that the main exports from Galveston are cattle, sheep, and swine.

Gentlemen say if all this money (aggregating nearly one and a half million dollars) has been expended at Galveston and no appreciable improvement is apparent, why not abandon work there altogether and commence operations elsewhere? Why, Mr. Chairman, the history of

almost all the great commercial cities of the world is a constant battle against nature as evidenced by ancient Venice, the proud mistress of the seas, rising like Venus from its very depths; by the mighty marts of trade, like Antwerp and Amsterdam, that sprang up from the lowlands of the Netherlands. Look at London and Glasgow and Liverpool and Havre and Cherbourg. Do you know that upon the latter work over $100,000,000 have been expended and $15,000,000 of that at one time, the sum total almost equal to the whole expenditures of this country since its foundation upon all its river and harbor works? Why, sir, poor, puny little Portugal is preparing now to expend $17,000,000 upon the harbor of Lisbon, having already issued proposals for a stone quay six miles in length from the railway station on the river Tagus to the tower of Belem. As was well said lately by that able paper, the Marine Journal of New York:

The House debate upon the river and harbor bill has elicited more practical knowledge and information upon the condition and requirements of our ports than any similar discussion for several years. If the speeches of the several Representatives during the past month could be printed in full in the press of the country, they would have a wholesome effect upon public opinion, which voice is, ignorantly, against extended river and harbor appropriations. The public know very little about the actual necessity of improving our water highways. The appropriation of ten to fifteen millions of dollars in one lump for that purpose seems to many an awful waste of money. The people, of course, confide in the daily press, which, much to its shame, often misleads in its harsh criticisms upon the motives of the committee in charge of the bill.

* * * * * * *

Americans who go abroad and observe the magnitude of the river and harbor improvements of Europe must feel mortified at the insignificance of the hydraulic engineering achievements of their own country. In almost every other respect the United States leads its sister nations in enterprise. Before there is anything done the people of the United States must wake up to the importance of its rivers and harbors and encourage Congress to appropriate means to perfect them commensurate with the pressing necessities of commerce.

And here we are found haggling over a few hundred thousand dollars, when its expenditure would open to the commerce of the world a territory larger than a half dozen European States; and we allow the valuable, the inestimable services of the only really great hydraulic engineer we have yet produced in this country to be controlled by the governments of Great Britain, Mexico, and of the Brazils, all of whom are anxious to shower wealth and decorations upon him for his wonderful achievements.

Mr. Chairman, I will not conclude without again repelling the many imputations that have assailed this measure. Sir, we come here in good faith and reiterate that the plans for improving Galveston Harbor are radically defective; that under that plan, though pursued for nearly ten years and with an expenditure of over one and a half million dollars, nothing tangible or definite has been accomplished. We show you that such was the anxiety of the people for an honest solution of the experiment as conducted by the engineer in charge that when the Government appropriations failed and the aforesaid engineer guaranteed that he would give eighteen feet of water if he had $100,000 more to expend, the public-spirited little city voted that sum and gave it to him with a "Godspeed" on his mission. That after this home expenditure and "nothing to show for it," then, and not until then, did we determine that we would turn in a different direction for relief.

Thus it was, sir, that our eyes were directed to Captain Eads. We had seen the wonderful creation of his prolific brain reared in solemn grandeur over the rapid and tawny torrent of the great Father of Waters at Saint Louis. We had seen him unloose the mighty and restless waves of that great inland sea and scour out a channel deep and wide into the ocean where only failure and disaster were predicted by the same critics who decry him to-day. We see the Great Eastern, the "monarch of the seas," ploughing her proud way to the Crescent City—yea, even through the outlet that these same envious critics said would only be a "stagnant ditch" if the plan of Eads was adopted. So all our hopes were centered upon securing his valuable services to open our harbor to the commerce of the world. After earnest solicitation on our part he made propositions that we felt assured would procure the desired result; those propositions were incorporated in a section of this bill. We hoped that it would meet with the approbation of this House.

There has been such an uncalled-for, such a bitter, such an unjust opposition developed that we have most reluctantly concluded to strike out that section and insert another that I think will meet with the wishes of all concerned. I beg to say now, once and forever, that any assertion to the effect that other than proper motives have been used in the efforts to secure this legislation are entirely without foundation—unjust and untrue. Even the ordinary methods pursued by delegations visiting the capital to urge important legislation have been wanting; the committee from Galveston, composed of leading business men of that city, have spent several weeks here, and their whole conduct has been characterized by a Spartan simplicity of manner and living.

I do not believe, sir, that they have ever expended a single dollar to even indirectly forward the important matter in which they were so deeply interested, and have invariably turned a deaf ear to the threats or appeals of the "lobby wolves" who usually fatten and thrive upon the pecuniary offal of enterprises not so good or meritorious as this.

Mr. BEACH. I addressed the House, Mr. Chairman, on the river and harbor appropriation bill at the last session of Congress so fully, and on a bill substantially similar to this, that whatever I may say now would only be a repetition of what I then said. But in view of the action taken by the State I have the honor in part to represent on this floor, I feel called upon to say just a few words in justification of the vote which I shall cast upon the passage of this bill, and particularly on the provision which looks to the appropriation of $300,000 with which to begin the construction of the Hennepin Canal.

The State of New York has, as I understand, declared by its Legislature, by an almost unanimous vote, in favor of the Hennepin Canal project, and has requested the members of Congress from that State to support the project and vote an appropriation in this pending bill. I regret, sir, exceedingly that I can not comply with that request. I have very strong convictions as to what my duties are in this matter, and without stopping to explain them, I may say that they point in a direction quite the contrary to that recommended by the Legislature of my State.

Mr. Chairman, I have never yet voted for a river and harbor appropriation bill and never shall until some different plan for the construction of these bills has been provided. This system of making one hand wash the other—the system upon which all the river and harbor bills are constructed—is, in my judgment, a most vicious one and one that I fear we shall never get rid of until we amend the Constitution in accordance with a resolution I introduced at the last session of Congress, giving the President of the United States the power to veto one or more objectionable items in an appropriation bill.

But, sir, I have risen to give the reasons why I can not support the Hennepin Canal project. In the first place there is no warrant in the Constitution for it; and in the second place if there was it would, in my judgment, be the height of folly for the General Government to undertake its construction.

The time has come, sir, when we should divest ourselves of our prejudices and those old stage-coach notions and look upon facts as they are. Any one who will give a fair and impartial investigation to this canal question must come to but one conclusion, and that is that canals are a failure. I showed that in my speech at the last session of Congress, and I gave the reasons why.

Now, what are the facts? There have been about 2,000 miles of canals built in this country in the construction of which there has been expended over $45,000,000, and they have practically been all abandoned. The New England States have abandoned all their canals. The State of New York has abandoned her lateral canals, which cost over $10,000,000. Pennsylvania has abandoned canals which cost over $12,000,000, Ohio has abandoned canals which cost over $3,000,000, and Indiana has abandoned works of this character which cost that State over $6,000,000. Among the canals that have not been abandoned none are a source of profit. They are but dead property, and the States which are interested in them are now trying to shove them off upon the General Government.

The State of Illinois is here with her little bill trying to make a present to the General Government of her Michigan and Illinois Canal, and my own State of New York, I hear, sir, is anxious to dispose of the Erie Canal in some manner. All of these point unerringly to the same conclusion, and that is that the day of canals has gone by. The battle between water ways and railroads has been going on for the last twenty-five years, and the water ways have been driven slowly but surely to the wall. In less than twenty years I venture to say there will not be a single canal in this country in operation.

Mr. BURLEIGH. May I ask the gentleman a question?

Mr. BEACH. I can not yield now, as I have but a few moments. Railroads with improved grades, cheaper construction, and greater economy in operation will drive the water ways out of existence. I might elaborate this point if I had time. I will say, however, before resuming my seat, in anticipation of a charge which is commonly brought against all of those who speak unfriendly of the canals, that I am by no means what is commonly called a "railroad man." I am opposed to the method by which railroads are constructed, and I am opposed to the methods by which they are operated. I have never given a vote on the floor of this House but what will show that where there is a conflict between the railroads and the people I have been always on the side of the people.

What I contend for, sir, is that if you stop the wrongs which spring from the construction companies, from the consolidation agreements; if you stop the watering of stock, stop the $50,000 salaries paid railroad officials, stop all the frauds and cheating which are practiced by the railroad magnates, and let a railroad be built and operated the same as would be the case if conducted by a private individual, then I claim that the railroads can and will carry cheaper than the canals. And this is what we are coming to. In confirmation of the views I entertain on this subject I might point to the Delaware and Hudson Canal Company in my own State, which is a private corporation operating a canal between the coal-fields of Pennsylvania and the Hudson River at Rondout. This canal has been operated for a number of years at a profit; but its owners are now about to lay the rails on the bed of the canal for the simple reason that they can carry coal cheaper by railroad than they can by the canal. In view expressly of these facts and others that I might cite if I had time, it would, in my opinion, be the height of folly for the Government to undertake the construction of any more canals; and for these reasons, sir, I shall vote against this proposition.

[Here the hammer fell.]

Mr. GUENTHER. Mr. Chairman, the river and harbor bill now under discussion fails to make any appropriation for the Fox and Wisconsin Rivers improvement. Inasmuch as for several years no money has been expended on the Wisconsin River anyway, and being convinced that even if an appropriation were made for the improvement of the Fox and Wisconsin Rivers no part of it would be expended on the Wisconsin River, I shall not endeavor to have this clause stricken out, believing that in the end it will be for the best, as the result will be to demonstrate that the improvement of the Fox and Wisconsin Rivers as a through route of transportation between the Upper Wisconsin and the great lakes is not only entirely feasible, but that the benefits which will arise by its completion to the whole Northwest will be such as to more than justify the expenditure of money it will require. I wish, however, to give notice now to this House that at the proper time I shall move to appropriate a sum of money for the improvement of the Fox River independently, without reference to a through route in connection with the Wisconsin River.

The gentleman from Texas, the father of the interstate commerce bill, said in his remarks the other day that this through route would never be completed. I admit that if Congress will not make sufficient appropriations, enough to at least give reasonable assurance that the work will be completed in our time and generation, the prophecy of my friend from Texas will prove true.

I wish to call the attention of this House to the opinion of a very respectable and well-informed body of gentlemen, of whom it can not be said that they favor this improvement not because they believe in the public importance of this work, but because they are only anxious for the expenditure of the appropriation. The improvement is in Wisconsin. The gentlemen I refer to live in Minnesota.

The opinions are embodied in the following letters:

[Office of Saint Paul Chamber of Commerce. John B. Sanborn, president; E. A. McNeal, secretary.]

SAINT PAUL, MINN., *November* 13, 1883.

DEAR SIR: In answer to your inquiry of 19th ultimo, I am directed by this chamber to reply as follows:

That, taken in connection with the improvement of the Mississippi River from Prairie du Chien to the head of navigation, which is of the first importance—a through line of water communication—of the proposed depth, four or five feet, from the Mississippi River to the lakes, via the Fox and Wisconsin Rivers, would be of incalculable benefit to the Northwest—so great and general that the expenditure of $5,000,000 to secure it in practical and permanent shape would be a wise investment.

It is clearly the duty of the Government to render these great natural waterways as useful to the public as possible not only directly in the transportation of freight, but also indirectly as regulators of rates, thus protecting against private or corporate combinations and monopoly.

In answer to your direct inquiries I am instructed to reply.

1. As to the effect likely to be exerted on this proposed route by existing centers of trade and capital on the western shores of the lakes.

I may properly add that I called the attention of the chairman of the committee to the fact that your communication seemed to call for a somewhat more extended review of the reasons which influenced the findings and report of the committee, and hoped these would be given somewhat more fully; but it appears, from verbal reports of the committee, that they hardly felt it to be wise on their part to discuss the question at length; and I must be content on behalf of the board to respond to your letter by simply communicating to you the expression embraced in the report.

I am, general, very respectfully, your obedient servant.

CHARLES RANDOLPH,
Secretary.

Bvt. Maj. Gen. JOHN NEWTON,
President Board of Engineers, &c.

REPORT OF MERCANTILE COMMITTEE.

[Office of Saint Paul Chamber of Commerce. John B. Sanborn, president; E. A. McNeal, secretary.]

SAINT PAUL, MINN., *November* 12, 1883.

GENTLEMEN: Your committee, to whom was referred the communication of General John Newton, of the Board of Engineers, United States Army, relative to further improvement of the Fox and Wisconsin Rivers, to secure water communication between the Mississippi River and the lakes, would respectfully report:

That the Northwest is pre-eminently interested in cheap transportation, and thus in the establishment of lines of water communication with Eastern ports and markets, water competition, especially if under Government control, securing at all times even and favorable rates of transportation and protecting against combination and monopoly.

The history of the Fox and Wisconsin improvement is well known to this chamber. As far back as 1773 the route westward for freight and travel was by these rivers, so nearly connected at the Portage as to be naturally preferable to any other.

From the first survey, in 1817, by Major Long, to the last, just completed, all competent engineers have agreed that the route is an excellent one and the plans of improvement entirely practicable. In 1846 the State of Wisconsin received Government grant of land in aid of this improvement, and soon after entered upon the work, surrendering it, however, to the General Government in 1871, on payment by the Government of $145,000 expended in addition to the value of the land grant. Since then the work has been conducted by the Government on the plan of improving the natural channel of the Wisconsin River by wing-dams and dikes, the Fox River by dams and locks, to secure slackwater navigation.

General G. K. Warren, about 1867, recommended that a canal be built along the Wisconsin River, from the Mississippi to the Fox River, in preference to any attempt to improve that wide and shallow stream. The final decision in this matter of canal or river must rest with very able and competent engineers who have the work in charge. From Saint Paul this route has about 250 miles of Mississippi River navigation: 112 miles on the Wisconsin, 7 miles of canal at the Portage, and 146 miles on the Fox River. Its plans contemplate 27 locks, 165 feet long, 6 feet deep, and 35 feet wide, covering a fall of some 200 feet. If the Mississippi River improvement, which is of primary importance, is carried out and 5 feet depth of water secured, a tug, properly constructed, can take at Saint Paul three barges, carrying 1,000 tons, in tow and deliver them safely on the lake at Green Bay. The canal and 54 miles of improvement on the Wisconsin were completed in 1879 (see report of Col. D. C. Houston, engineer in charge), and $2,161,000 have been expended in the work. It is now estimated that $3,000,000 more are required to complete it. Will it pay to expend this large amount upon it? Your committee firmly believe that it will, and that the benefits to the Northwest, direct and indirect, of such water way, under Government control, will be incalculable.

It should be a free highway for commerce, and thus forever a guarantee of cheap transportation, and of protection against monopoly and extortion. The great hindrance to this work for many years has been the opposition of parties interested in railroad lines, and very naturally inclined to delay and disparage so formidable a competitor. "They will not willingly permit in the Northwest the creation of a second Erie Canal."

Grain is now being carried by lake, canal, and river 1,422 miles—from Chicago, Ill., to New York—for $2.62 per ton, or less than 8 cents per bushel. By the Wisconsin and Fox River route, when completed, the rate from Upper Mississippi River points to the lakes should be less than by any existing route. It is not expected that this route would take out all the produce of the Northwest or bring in all its merchandise from the East, but it would surely modify and control rates of transportation between the Mississippi River and the lakes. Mr. Murphy, of New York, in his argument for the abolition of tolls upon the Erie Canal, said of it: "It is the great regulator of the cost of transportation, and it would be sound policy and wisdom for the State to maintain this great water way in a condition of the highest efficiency though not a ton of merchandise was carried upon it." Governor Horatio Seymour said of it: "If it did not carry a pound of freight, it would be wise to keep it ready for use to defeat unjust and hurtful charges." If, as has been asserted, "the chief element in the prosperity of any State or nation is the economy of transportation of persons and property," we can not hesitate to urge upon Government the immediate and permanent improvement of the greatest water way of this continent, the Mississippi River, especially that long-neglected portion of it from the Des Moines Rapids to the head of navigation, and, in connection with this, as part of the great plan of general improvement, the early completion of the natural and most available water way from the Mississippi River to the lakes, via the Fox and Wisconsin Rivers.

It would, however, be as great folly to complete this water way and neglect the improvement of the Upper Mississippi as to build an expensive bridge and neglect its approaches. When, however, the Mississippi River has had the attention it rightly demands, then let this most desirable and important connection between it and the lakes be promptly secured.

Your committee desire to express their thanks to General Sanborn, Governor Marshall, and Mr. Russell Blakely for valuable aid and interesting communications to the committee, from which they have drawn most freely.

These communications are submitted with this report for the use and information of the chamber.

Respectfully,

DANIEL R. NOYES,
Chairman, for the Committee.

To the BOARD OF DIRECTORS OF THE
SAINT PAUL CHAMBER OF COMMERCE.

I will also call attention to some extracts from a letter of B. J. Stevens, of Madison, on this subject:

* * * The cost of this route in comparison with other routes connecting the Mississippi with the Atlantic seacoast is given in this letter as the same appears in reports made by the Bureau of Engineers to Congress.

The estimated amount required to complete the improvement of the Fox and Wisconsin route is less than one-seventh of the estimated amount required to complete the Illinois route (the Illinois Canal, Illinois River, and the Hennepin Canal included), and less than one-tenth of the estimated cost of the James River and Kanawha route. The present census shows that the center of the wheat and corn districts lies west of the Mississippi River and opposite the mouth of the Wisconsin River, making this the most direct and important of these routes.

Nothing can be said favorable to any of the proposed water routes which may not be said with equal or greater truth of this route. A northern mouth to the Mississippi is more important than a southern one, not that it will transport greater amounts of freight than will go by the southern route, but its effect, indirectly, in reducing railroad rates will be greater. The great bulk of transportation is done by the railroads on eastern and western lines, all of which come in direct competition with the northern route, and in a lesser degree and less direct way with the southern route.

I know that for many years this improvement has been the target for many cheap witticisms and flat jokes. Men, from motives which I do not care now to criticise for want of time, have modestly assumed to know more about the engineering art and science than those who have made engineering a life study, while these modest gentlemen probably never spent an hour in their lives studying that science. I base my opinion on that of distinguished engineers, that the improvement is entirely feasible and its cost justified by the advantages the whole country would derive therefrom. Now as to the Fox River, its importance to navigation and commerce, I wish to refer this House to a report by the board of engineers to the Chief of Engineers, dated September 17, 1884. I will only read what refers to the Fox River:

With reference to the navigation of the Fox and the requirements thereof, the board have to report that at present there is three feet available depth of navigation in the Upper Fox, from Portage to Princeton, four feet from Princeton to Oshkosh, four and a half feet at Menasha, and five feet thence to Green Bay. At present there is one regular boat between Portage and Berlin, three from Berlin to Oshkosh, and seven from Oshkosh to various points on the Fox and tributaries. Besides the regular boats a number of tugs and transient boats navigate the lower river and Lake Winnebago. Below Berlin the freight business is already large, and will greatly increase as soon as continuous navigation can be assured. Even in its present uncertain condition the Fox River is of great value in regulating freight rates by rail to all points reached by it, and it is the opinion of the board that the navigation is worthy of maintenance and improvement. The freights carried consist mainly of coal, salt, lumber, stone, lime, and other building material and manufactured articles. The continual failure of the old structures necessitate frequent suspensions of navigation for repairs, and the resulting uncertainty in the minds of those desiring to put boats in the Fox River trade has acted to retard the development of river traffic, which can only be remedied by a completion of the improvement in a permanent manner.

After considering the present and the probable amount of commerce of the river the following recommendations are respectfully made:

First. That from Portage to Montello a depth of four feet of water at low water be maintained, and that the old wooden locks, four in number, be thoroughly repaired and preserved for the present.

Second. That the channel between Montello and Lake Winnebago be deepened by dredging to six feet and widened to one hundred feet.

Third. That the channel of the Lower Fox be deepened by dredging and rock excavation to six feet throughout, and that the old wooden lift-locks, eight in number, be replaced as rapidly as practicable by permanent works of stone. Also that the old timber lock at Little Chute be repaired and used as a guard lock.

It is the opinion of the board that, on account of the faulty construction of the old locks, they can not be economically repaired and maintained when of considerable lift, and that the navigation of the Lower Fox is of sufficient value and importance to justify the construction of permanent works, without reference to the project for a through route of transportation from the Mississippi River to the great lakes.

A plan and sections of the proposed dam and sluiceway at Menasha, and a map of Neenah channel, showing limits of proposed dredging, are herewith respectfully submitted.

O. M. POE,
Lieutenant-Colonel of Engineers.
WILLIAM E. MERRILL,
Lieutenant-Colonel of Engineers.
J. W. BARLOW,
Lieutenant-Colonel of Engineers.
W. L. MARSHALL,
Captain of Engineers.

Lieut. Col. D. C. Houston, Corps of Engineers, in a letter dated October 16, 1883, to the board of engineers, says (page 1928):

Appended (E 1) is a list of the works on the Fox, showing their condition and the estimated cost of maintaining and operating them for the existing navigation.

I estimate the cost of putting the locks, &c., in good working order, including such dredging as is necessary, as follows:

Lower Fox	$120,000
Upper Fox	40,000
Annual cost thereafter of operating and maintenance:	
Lower Fox	$25,000
Upper Fox	20,000

The navigation of the Fox is of great value to the people along the river, not only directly as affording a cheap and convenient transportation, but indirectly by reducing freights on the railroads which run parallel to the river. The rapid increase of the industries on the river will enhance the importance of this navigation. The navigation of the Fox above Berlin has not been as large as below, for the reason, principally, that the improvement of the channel has not been carried sufficiently far to give a deep navigation.

This is a matter of dredging, and as the Government owns a number of dredges the channel can soon be improved at a moderate cost. Extensive quarries of granite, an article in great demand in this section, are being opened on this section of the river, and these will depend on the river for an outlet.

The present and prospective interests are, it is believed, sufficient to warrant the maintenance of the existing works on the Fox River, including Portage Canal and such dredging in the channel as may be necessary for the boats navigating the river, independent of the question of through navigation. Moreover, these works will constitute an essential part of a through water route to the Mississippi in the future, either by improving the channel of the Wisconsin River or by a canal through its valley.

Further on, on page 1937, he gives a statement of the value of articles manufactured annually in the Lower Fox River Valley, which statement I will print with my remarks, showing a total of $20,870,553. The population of the counties bordering on Fox River, according to the census of 1880, was 231,646. These figures, I think, will be sufficient to convince this House that an appropriation should be made for the Fox River, and I trust to its sense of justice that my amendment, which I will offer at the proper time, will prevail.

As I said before, for the last three years no part of the money appropriated for the Fox and Wisconsin Rivers has been expended on the Wisconsin River, but all on the Fox. The last river and harbor bill appropriated $160,000. The bill before appropriated $200,000. Not a cent of these sums was expended on the Wisconsin River, so that they were virtually appropriations for the Fox River only.

The table referred to by Mr. GUENTHER is as follows:

E 3.

Value of articles manufactured annually in the Lower Fox River Valley.

Names of articles.	Where manufactured.								Total.
	Oshkosh.	Neenah.	Menasha.	App	Little Chute.	Kaukauna.	Wrightstown.	De Pere	Green Bay.	
Paper and pulp	.....	$500,000	$275,000	$2,394,000	.....	$700,000	.....	.....	.....	$3,869,000
Flour, meal, and feed	$303,046	2,500,000	1,000,000	688,000	$90,000	25,000	$7,000	$390,000	$450,000	5,453,046
Lumber	1,308,574	.....	110,000	.....	.....	.....	15,000	228,000	600,000	2,261,574
Castings and machinery	125,585	45,000	40,000	100,000	.....	.....	.....	.....	115,000	425,585
Carriages, wagons, and sleighs	384,870	10,000	250,000	.....	.....	.....	.....	.....	.....	644,870
Bacon, lard, salt pork, &c	347,976	.....	.....	.....	.....	.....	.....	.....	.....	347,976
Matches	616,165	.....	.....	.....	.....	.....	.....	.....	.....	666,165
Sash, doors, and blinds	946,000	40,000	50,000	100,000	.....	100,000	.....	35,000	150,000	1,421,000
Trunks	87,500	.....	.....	.....	.....	.....	.....	.....	6,000	93,500
Steam-boilers	42,500	.....	.....	.....	.....	.....	.....	.....	20,000	62,500
Tin and sheet-iron work	57,875	.....	.....	.....	.....	.....	.....	.....	.....	57,875
Corsets	62,500	.....	.....	.....	.....	.....	.....	.....	.....	62,500
Furniture and upholstery	65,550	.....	385,000	.....	.....	.....	.....	.....	.....	450,550
Leather	82,061	100,000	20,000	100,000	.....	.....	.....	.....	.....	302,061
Cigars	60,231	.....	.....	70,000	.....	.....	.....	.....	.....	130,231
Harness and saddles	28,000	.....	.....	.....	.....	.....	.....	.....	.....	28,000
Cooperage, including staves and wooden ware	29,344	40,000	500,000	65,000	.....	70,000	63,000	200,500	100,000	1,058,844
Lime	33,475	25,000	25,000	50,000	.....	.....	.....	.....	.....	133,475
Soap and candles	18,750	.....	.....	.....	.....	.....	.....	.....	.....	18,750
Boots and shoes	26,606	.....	.....	125,000	.....	.....	.....	.....	.....	151,606
Agricultural implements	5,769	.....	40,000	100,000	.....	.....	.....	50,000	.....	195,769
Pumps	3,775	.....	.....	1,000	.....	.....	.....	8,100	.....	12,875
Brooms	3,125	.....	.....	.....	.....	.....	.....	.....	.....	3,125
Pig-iron	.....	.....	.....	250,000	.....	.....	.....	710,000	250,000	1,210,000
Hubs and spokes	.....	.....	.....	65,000	.....	35,000	.....	.....	.....	100,000
Bricks	.....	40,000	.....	200,000	.....	.....	.....	50,000	.....	290,000
Linen goods	.....	.....	.....	100,000	.....	.....	.....	.....	.....	100,000
Excelsior packing	.....	.....	45,000	15,000	.....	.....	.....	.....	.....	60,000
Broom handles	.....	.....	60,000	.....	.....	.....	.....	.....	.....	60,000
Woolen goods	.....	.....	150,000	210,000	.....	.....	.....	.....	.....	360,000
Beer	.....	5,000	100,000	45,000	.....	.....	3,000	.....	225,000	378,000
Plows	.....	20,000	20,000	.....	.....	.....	.....	.....	.....	40,000
Stoves	.....	175,000	.....	.....	.....	.....	.....	.....	.....	175,000
Butter and cheese	.....	.....	.....	.....	.....	.....	31,676	.....	.....	31,676
Toy wagons, &c	.....	.....	.....	35,000	.....	.....	.....	.....	.....	35,000
Horseshoe nails	.....	.....	.....	50,000	.....	.....	.....	.....	.....	50,000
Wrought-iron forgings	.....	.....	.....	.....	.....	.....	.....	130,000	.....	130,000
Total	4,680,277	3,500,000	3,070,000	4,763,000	90,000	930,000	119,676	1,801,600	1,916,000	20,870,553

APPLETON, WIS., *August* 7, 1883.

C. A. FULLER, *Assistant Engineer.*

E 4.

Population of cities and towns on Fox River, Wisconsin, 1880.

Green Bay	7,497	
Fort Howard	3,083	
		10,580
De Pere		4,000
Wrightstown		500
Kaukauna		1,000
Appleton		8,005
Neenah	4,200	
Menasha	4,200	
		8,400
Oshkosh		15,748
Fond du Lac		13,094
Omro		500
Berlin		3,400
Montello		1,040
Portage		4,346
Total		70,613

E 5.

Population of counties bordering on Fox River, Wisconsin, 1880.

Brown County	33,897
Outagamie County	28,646
Calumet County	15,900
Winnebago County	42,562
Fond du Lac County	46,635
Washara County	12,655
Green Lake County	14,438
Marquette County	8,885
Columbia County	28,028
Total	231,646

Mr. CLARDY. I regret, Mr. Chairman, that I have not time to reply to some remarks submitted by the gentleman from Arkansas [Mr. BRECKINRIDGE] in relation to the change of plans on the part of the Mississippi River Commission. I think it is a matter of regret that the friends of that improvement have been the first to show a dispo-

sition of unfriendliness to it. I know that the Committee on Rivers and Harbors is composed of gentlemen who recognize the commercial necessity of so improving the Mississippi River that the commerce of the greatest agricultural country in the world may be borne unvexed and almost untaxed to the sea. And I think if we would look to the expression of the opinions of gentlemen who understand that improvement, who know its history, we would content ourselves with the only plans that have ever been presented for the systematic improvement of that river.

The convention which met in the city of Washington in the month of February last year gave expression to the judgment of the 30,000,000 people in the Mississippi Valley in declaring that the work of the commission had passed beyond the region of experiment and fully justified the expenditures made and the plans adopted for the improvement of that river. And, for one, I propose to regard that utterance as binding upon me.

Mr. BRECKINRIDGE. Does the gentleman not know the executive committee at its last meeting in this city indorsed the action of our committee in this regard?

Mr. CLARDY. I do not know it.

Mr. BRECKINRIDGE. That is a fact.

Mr. CLARDY. I do not know what, if any, action was taken by the executive committee. I say this: If there has been any change of plan on the part of the commission that change is not made manifest by the report annually submitted to the Secretary of War by that commission. I have examined the reports made since I listened to the remarks of my friend from Arkansas, and I have become convinced that there are no essential changes made; and for one, I repeat, I propose to content myself with the plans that have met the approval of the people who are interested in the transportation of the products of the great West to the sea.

But, Mr. Chairman, I have not time to discuss that question. I want to call the attention of the committee to the appropriations proposed to be made by the Committee on Rivers and Harbors for the improvement of the river between the mouths of the Ohio and the Illinois, a distance of two hundred and twenty-nine miles. In the report submitted by the engineer in charge of this work to the Forty-sixth Congress it was stated that if there was an increase of appropriation it would require a century to complete that work and that it would cost the Government $30,000,000. The committee of that Congress were impressed with the force of the argument presented by the engineer, and reported, and Congress passed, an appropriation of $600,000, besides providing for improvements at intermediate points. That appropriation was made by three distinct Congresses. In the last Congress the appropriation was reduced.

[Here the hammer fell.]

Mr. CLARDY. I understand three minutes will be allowed in which to discuss an amendment.

The CHAIRMAN. That will be after the hour and a half's debate is concluded.

Mr. SKINNER, of New York. I believe I have four minutes remaining?

The CHAIRMAN. Yes, sir.

Mr. SKINNER, of New York. I yield one minute to my colleague, Mr. BURLEIGH, and then I will yield the three remaining minutes to my colleague, Mr. HISCOCK.

Mr. BURLEIGH. I simply wish to have read a joint resolution of the Legislature of the State of New York.

The Clerk read as follows:

STATE OF NEW YORK, IN THE SENATE,
Albany, January 29, 1885.

Resolved (*if the assembly concur*), That our Senators and Representatives in Congress be respectfully requested to urge the passage of the appropriation of $300,000 to aid in the construction of the Michigan and Mississippi (Hennepin) Canal in the river and harbor bill now before Congress.

STATE OF NEW YORK, IN SENATE,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the senate.

JOHN W. VROOMAN,
Clerk.

STATE OF NEW YORK, IN ASSEMBLY,
January 29, 1885.

The foregoing resolution was duly passed.
By order of the assembly.

C. A. CHICKERING,
Clerk.

Mr. BURLEIGH. In answer to my colleague from New York [Mr. BEACH] I wish to state the people of New York will not give up the water ways, for the simple reason that they are the only system of transportation——

The CHAIRMAN. The time of the gentleman has expired.

Mr. HISCOCK. I will yield another minute to my colleague [Mr. BURLEIGH]. How much time have I left?

The CHAIRMAN. The gentleman from New York [Mr. HISCOCK] has no time remaining.

Mr. HISCOCK. I beg the Chair's pardon. Four minutes were allowed to me by my colleague [Mr. SKINNER].

Mr. SKINNER, of New York. I yielded one minute to my colleague, Mr. BURLEIGH, and three minutes to my colleague, Mr. HISCOCK.

The CHAIRMAN. The Chair did not understand that was the arrangement.

Mr. HISCOCK. I will give one minute more to my colleague [Mr. BURLEIGH].

Mr. BURLEIGH. As I was remarking, the people of New York will not give up the water ways, for the simple reason that they are the only system of transportation that does not discriminate against the people of that State. The great water ways that unite the West with the Hudson River and Lake Champlain with the Hudson River transported last year 6,000,000 tons of freight.

I am in favor of the improvement of the rivers and harbors of this country. It is the only chance that the people have for protection against extortion. The gentleman from Maine [Mr. REED] has talked about the enormity of this bill and the immense appropriation that it makes.

Sir, another distinguished gentleman from Maine, in his campaign speeches last year, stated that the wealth of this country was fifty-five billions. This bill appropriates $12,000,000 for the rivers and harbors. What does that amount to? It is no more than spending $2. Twelve millions compared to fifty-five billions is as $2 to $10,000, or the price of half a thousand of Maine shingles [laughter] for the improvement of a ten-thousand-dollar farm. I say that the people of this country are in favor of appropriations for the improvement of their rivers and harbors.

Mr. HISCOCK. Mr. Chairman, returning for a moment to the discussion of Captain Eads's position and attitude in reference to the Mississippi River Commission, I desire to state that in reference to the levee system it is true that the commission has not progressed with the work as rapidly as Captain Eads recommended that it should. It is equally true with reference to the rectification of the mouths of the Red River and the Atchafalaya that the commission has not proceeded as Captain Eads desired; and it is equally true, and gentlemen on all sides agree, that the rectification of the mouths of those two rivers is inconsequential to the navigation of the Mississippi River.

It is also equally true that Captain Eads has stated in his testimony that the improvement of the navigation of the Mississippi could be accomplished without having recourse to the levee system, but that that system would incidentally aid it; and that in his judgment the desired result could be much sooner accomplished by having recourse to that system. And I believe that if gentlemen will go through with the different reports upon this subject, those in which Captain Eads has united and those from which he has dissented, and will go through all his testimony on this subject, they will find that up to the winter of 1883 Captain Eads was in accord with the Mississippi River Commission.

Now, I do not desire to reflect, and it has not been my intention to reflect, upon the motives of Captain Eads, but I could not refrain from calling attention to the fact that so soon after he resigned from the commission gentlemen interested in the improvement of the Mississippi River joined in an outcry against the management of the commission, and with that outcry comes to us evidence that the revetment system at least has been a failure, nearly if not quite 25 per cent. of the original cost of the work having been expended in its repair.

Mr. JOSEPH D. TAYLOR addressed the committee. [See Appendix.]

Mr. BLANCHARD obtained the floor and yielded to Mr. CUTCHEON.

Mr. CUTCHEON. Mr. Chairman, I believe in river and harbor improvements. I believe in their constitutionality. I believe in their sound national policy. I believe in their utility to commerce. I believe not only in the improvement of the great national water ways which have been spoken of by the gentleman who has just taken his seat, but I believe in the improvement of the smaller streams. I believe that the money which has been expended in the improvement of the smaller streams has returned a better equivalent in the advancement of the commerce of this nation than the millions which have been spent upon the great national water ways. I believe that for every dollar this nation has put into the development of the smaller rivers and harbors, especially on the great lakes and their connecting water, $10 have come back in wealth to this nation. And it will be a sorry time for this country when we throw our millions into the improvement of the great water ways like the Mississippi, and the construction of such doubtful schemes as the Galveston Harbor improvement, while we leave unimproved the smaller water ways, which are the feeders of commerce.

Mr. Chairman, you can not have a great river unless you have springs and fountains and rivulets at the head. So you can not have a great volume of commerce until you have established the springs and fountain-heads of commerce. These small rivers, these small harbors are the fountain-heads and feeders of commerce, contributing to the great volume that makes our commerce magnificent. More than that, Mr. Chairman, the improvement of these small rivers and harbors has been the instrumentality which has created the tremendous growth of our commerce in the past twenty-five years.

I claim for that political organization to which I belong the honor of

originating, or at least carrying forward, this great policy; and I trust we have not to-day reached a time when gentlemen on this side of the House are going back upon that system which more than any other has developed the commerce of the United States since the Republican party came into power.

When the proper time comes I shall have something to say in regard to certain amendments which I shall offer, relating more particularly to the district I represent. But just at this moment I desired to say this much in behalf of the smaller water ways and harbors which are the fountains and springs that make up the only commerce that flows down your great water ways, whether through the Mississippi to the Gulf, or along that more magnificent water way the great chain of lakes that leads from the western end of Lake Superior to the Atlantic Ocean, and compared with which your Mississippi River is but a rivulet. [Applause.]

Mr. FORAN. Mr. Chairman, I have an amendment which I would like to have read. Will the reading come out of my time?

The CHAIRMAN. The reading must come out of the gentleman's five minutes.

Mr. FORAN. If my amendment be read now, will it be considered as pending?

The CHAIRMAN. It is not in order to offer amendments now; they can merely be read by way of notice.

Mr. FORAN. I ask the Clerk to read my amendment.

The Clerk read as follows:

Add after the word "dollars," in line 314, the following:

"*Provided*, That said amount shall be expended in the construction of a section of breakwater, of the same size and character of the present lake arm of said Cleveland harbor of refuge, to begin at a point three hundred and fifty feet north thirty degrees east from the northeast corner of the east end of the lake-arm, and extending 4,000 feet in a direction east nine degrees north, or as near that direction as future soundings may decide: *Provided further*, That the $100,000 appropriated for continuing improvement of said Cleveland Harbor by act of Congress approved July 5, 1884, and entitled 'An act making appropriations for the construction, preservation, and repair of certain public works on rivers and harbors, and for other purposes,' is hereby made available for the construction of said section of breakwater as aforesaid."

Mr. FORAN. Mr. Chairman, this amendment, which I shall submit at the proper time, does not enlarge at all the appropriation for this harbor. It contemplates simply a change of the original plan at the suggestion of the Board of Trade of Cleveland and the merchants and citizens of that city. This change is approved by the local engineer, approved by the board of engineers constituted at Cleveland last November, approved by the Chief of Engineers, and approved by the Secretary of War. The report on this subject did not come here in time to be acted upon by the Committee on Rivers and Harbors. I trust, however, that committee has no objection to this proposition; and if so, I have no desire to occupy further time. I will ask the chairman of the committee [Mr. WILLIS] whether there is any objection to this amendment being made at the proper time. I repeat, it does not enlarge the appropriation, but simply proposes a change of plan.

Mr. WILLIS. So far as I am personally concerned I see no objection to the gentleman's amendment. I can not, however, speak for the committee, because the question has not been before the committee. So far as I know the amendment is all right.

The CHAIRMAN. The amendment is not yet pending.

Mr. HENDERSON, of Illinois. Mr. Chairman, I have not participated in the discussion of this bill. I have sat here very patiently for a good many days, and have heard criticisms upon the river and harbor bill made by members, as I have no doubt in the discharge of what they believed to be their duty, some just and some perhaps unjust, without any reply on my part. I would have been glad to have said something in reply, and to have had the opportunity to speak at some length upon some of the provisions of this bill; but the opportunity was not afforded me.

This bill has been characterized by some gentlemen of the committee as most outrageous in its character. That this bill and every other river and harbor bill may be subject to some criticism and objection I do not doubt. The fact is that it is extremely difficult to avoid inequalities in the preparation of river and harbor bills, let the committee, charged with their preparation, do the very best they can. But I will say to gentlemen of the committee that when you talk about this river and harbor bill being so outrageous in its character, there are but few items in it that were not in the river and harbor bill of last year. And while that is so, it will be remembered, I think, that that bill was the most generally commended of any river and harbor bill that has passed Congress since I have been a member.

I believe in river and harbor improvements. I believe in giving increased facilities to the commerce of the country. I believe there is no money which goes out of the Treasury so much in the interest of the people as that which goes out to improve the rivers and harbors of the country and to give increased facilities for the transportation of our immense commerce, and which is so rapidly increasing and growing.

But I wish to say a few words in reply to what my friend from New York [Mr. BEACH] has said. He says that canals have gone out of use; that New York has abandoned her lateral canals, and that Pennsylvania and Ohio have abandoned their canals. Pennsylvania sold one of her canals for $12,000,000 to the great railroad corporation of that State, and the railways would give more than twice $12,000,000 for the Erie Canal if they could purchase it or compel its disuse.

I hold here an official report of the Chief of the Bureau of Statistics, showing for every year from 1868 down to 1884 the difference in the cost of carrying a bushel of wheat from Chicago to New York city by lake and canal, by lake and rail, and by all rail.

The figures are as follows:

Average freight charges per bushel for the transportation of wheat from Chicago to New York during the years 1857 *to September* 1, 1884, *inclusive.*

Calendar years.	By lake and canal.*	By lake and rail.	By all rail.
	Cents.	*Cents.*	*Cents.*
1857	26.03	.....	.....
1858	17.03	.....	.....
1859	18.33	.....	.....
1860	25.58	.....	.....
1861	27.05	.....	.....
1862	27.08	.....	.....
1863	23.65	.....	.....
1864	29.11	.....	.....
1865	28.37	.....	.....
1866	31.36	.....	.....
1867	24.11	.....	.....
1868	24.54	29.0	42.6
1869	23.12	25.0	35.1
1870	17.10	22.0	33.3
1871	20.24	25.0	31.0
1872	24.50	28.0	33.5
1873	19.19	26.9	33.2
1874	14.10	16.9	23.7
1875	11.43	14.6	24.1
1876	9.58	11.8	16.5
1877	11.24	15.8	20.3
1878	9.15	11.4	17.7
1879	11.60	13.3	17.3
1880	12.27	15.7	19.7
1881	8.19	10.4	14.4
1882	7.89	10.9	14.6
1883	8.40	11.5	16.5
1884, January 1 to September 1	6.60	9.75	13.0

* Including Buffalo transfer charges and tolls.

That table, Mr. Chairman, shows how much the people of the West and the Northwest who send their wheat to New York, to Boston, and other localities, as well as the people who have purchased it, have been benefited by the Erie Canal. It is the cheap transportation by lake and canal which has enabled us to export so largely the wheat and other products of the West and Northwest, and which has helped to give us the balance of trade in our favor for a few years past.

I do not believe in canals everywhere. I believe canals may be properly abandoned where they are not in the lines of commerce and do not connect great systems of navigation. But make this canal and connect the Upper Mississippi with the lakes, and you put New York in direct connection with Saint Paul by a continuous line of water transportation, and if that is not in the interest of the people of the West and Northwest who have been demanding and who will continue to demand at the hands of Congress this improvement, I do not know what could be done in their interest.

I tell you, Mr. Chairman, it is to the interest of our people East and West to have this connection. They have demanded it, and they will continue to demand it. We pay into the Treasury from the collection district in which I live alone more in six months than would build this canal. We do not drink the whisky, but we produce the grain from which it is made, and we should have cheap transportation to enable us to reach the markets of our own country and of the world. While you appropriate millions from the Treasury to improve rivers of less importance in my judgment to commerce and to the country than is this great work, I wish you to do justice to the people of the West and Northwest and give them this improvement which they have so long demanded.

It is said, Mr. Chairman, that this canal is in Illinois; that it is a local and not a national work. A very good answer was made to this by Abraham Lincoln many years since, when a member of the Thirtieth Congress.

In a speech made in the House of Representatives on the 20th day of June, 1848, speaking in favor of internal improvements and against an internal-improvement veto just submitted by President Polk, Mr. Lincoln said:

Nothing is so local as not to be of some general benefit. Take for instance the Illinois and Michigan Canal. Considered apart from its effects it is perfectly local. Every inch of it is within the State of Illinois. That canal was first opened for business last April. In a very few days we were all gratified to learn, among other things, that sugar had been carried from New Orleans through the canal to Buffalo, in New York. This sugar took this route doubtless because it was cheaper than the old route. Supposing the benefit of the reduction of the cost of carriage to be shared between seller and buyer, the result is that the New Orleans merchant sold his sugar a little dearer and the people of Buffalo sweetened their coffee a little cheaper than before—a benefit resulting from the canal, not to Illinois, where the canal is, but to Louisiana and New York, where it is not. * * * This instance clearly shows that the benefits of an improvement are by no means confined to the particular locality of the improvement itself.

Mr. WILLIS. How much time for general debate remains?

The CHAIRMAN. Twenty minutes in opposition to the bill.

Mr. WILLIS. I move the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole on the state of the Union having had under consideration the river and harbor appropriation bill had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EZRA B. TAYLOR, indefinitely, on account of important business.

To Mr. HART, for the remainder of this day, on account of sickness.

MRS. F. M. NORTON.

Mr. CANNON, by uanimous consent, introduced a bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

DANIEL J. BINGHAM.

Mr. YAPLE, by unanimous consent, introduced a bill (H. R. 8190) granting a pension to Daniel J. Bingham; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

GEORGE W. BRIGGS.

Mr. YAPLE, by unanimous consent, also introduced a bill (H. R. 8191) granting a pension to George W. Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILKIN BRIGGS.

Mr. YAPLE, by unanimous consent, also introduced a bill (H. R. 8192) granting a pension to Wilkin Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JESSE MANUS.

Mr. NEECE, by unanimous consent, introduced a bill (H. R. 8193) for the relief of Jesse Manus; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

TELESCOPE FOR CARTHAGE COLLEGE, ILLINOIS.

Mr. NEECE, by unanimous consent, also introduced a joint resolution (H. Res. 329) to donate one telescope, not in use, to Carthage College, Carthage, Ill., for scientific and educational purposes; which was read a first and second time, referred to the Committee on the Library, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, by the order of the House a recess was to be taken from the time of the close of this evening's session until 8 o'clock to-night, at which time the House shall reassemble and continue in session until 10 o'clock, for the consideration of the legislative appropriation bill, and then take a further recess until Monday morning at 10. It is said to be very inclement out of doors, and I therefore ask unanimous consent to supersede the former order, and that the House continue in session until 8 o'clock for the consideration in Committee of the Whole of the legislative appropriation bill and then take a recess from 8 o'clock until 10 o'clock on Monday.

Mr. BROWN, of Pennsylvania, and others. Why not say until 7 o'clock this evening?

Mr. HOLMAN. I think we ought to have two hours for the consideration of the bill to-night.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana. The Chair hears none.

Mr. REED, of Maine. The understanding is that before 11 o'clock Monday the House is to adjourn so as to save the Monday session?

The SPEAKER *pro tempore*. That was the understanding.

The Chair understands that the recess is to be taken by unanimous consent at 8 o'clock this evening until 10 o'clock Monday morning, but before the hour of 11 o'clock the House is to adjourn in order that Monday's session may not be lost.

Mr. MILLS. If that requires unanimous consent I object.

The SPEAKER *pro tempore*. The Chair will state that the House has ordered that on and after Monday next 11 o'clock instead of 12 o'clock shall be the hour of daily meeting.

Mr. MILLS. I ask if that arrangement which the Chair has suggested requires unanimous consent?

The SPEAKER *pro tempore*. The Chair understands that unanimous consent was given to the arrangement.

Mr. MILLS. It was agreed by unanimous consent to take a recess from 6 o'clock this evening until 8 o'clock to consider the legislative bill, but not to take a further recess until 10 o'clock on Monday, with the understanding that an adjournment should be had before 11.

The SPEAKER *pro tempore*. The gentleman from Texas is correct. The gentleman from Indiana now asks unanimous consent that the House continue in session until 8 o'clock this evening, and that a recess be taken from that time until 10 o'clock on Monday, with unanimous consent that before 11 o'clock the House shall adjourn.

Mr. MILLS. I object to that unanimous agreement.

Mr. REED, of Maine. That part of the proposition was an understanding already entered into during the course of the day.

Mr. MILLS. I think not.

Mr. REED, of Maine. I assure the gentleman that that was my understanding.

Mr. MILLS. It was agreed that we should have a recess from 10 o'clock to-night to 10 o'clock Monday morning, and nothing more.

Mr. HAMMOND. The gentleman from Kentucky stated that if that was done he would move to adjourn prior to 11 o'clock.

Mr. WILLIS. The gentleman from Texas is correct. I did make a motion that the House take a recess from 10 o'clock to-night until 10 o'clock on Monday morning, with the understanding that I should move an adjournment at five minutes to 11 o'clock; but that failed and the request was withdrawn. This now comes up as a new proposition, my motion having been withdrawn.

The SPEAKER *pro tempore*. Then the gentleman from Indiana will please state his motion again, and the Chair will submit it to the House for consent.

Mr. HOLMAN. My motion is that by unanimous consent the order now pending shall be superseded and that the House shall continue in session until 8 o'clock, and that a recess shall be taken from 8 o'clock to-night until 10 o'clock on Monday.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. PERKINS. There will be no objection with the understanding that the House at five minutes before 11 adjourn.

Mr. HOLMAN. I have no objection to that.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?

Mr. MILLS. Does that require unanimous consent?

The SPEAKER *pro tempore*. It does.

Mr. MILLS. Then I object.

Mr. BROWNE, of Indiana. Regular order.

Mr. O'NEILL, of Pennsylvania. I move that the House adjourn.

Mr. HOLMAN. I hope the House will not adjourn. We can devote two hours now to the legislative bill.

Mr. LONG and others demanded the regular order.

Mr. REED, of Maine. I think we ought to give two hours to the appropriation bill this evening.

Mr. O'NEILL, of Pennsylvania. I withdraw the motion.

Mr. WILLIS. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WILLIS. As I understand this is Friday's session, ought not a motion be adopted that when the House adjourns to-day it be to meet on Monday?

The SPEAKER *pro tempore*. The Chair thinks that whenever the motion to adjourn is carried, under the order of the House it will be to meet on Monday at 11 o'clock, unless some other time shall be fixed.

Mr. HOLMAN. I then ask unanimous consent that the House remain in session now until 8 o'clock.

Mr. MILLS. I have no objection to taking a recess from 8 o'clock to-night until 10 o'clock on Monday morning, but I stop my consent at that point.

The SPEAKER *pro tempore*. Objection has been made to that.

Mr. BAYNE. I think not.

The SPEAKER *pro tempore*. Then the Chair is mistaken. The Chair thought the gentleman from Kansas [Mr. PERKINS] objected to that unless coupled with an understanding that the House on Monday would adjourn five minutes before 11 o'clock.

Mr. PERKINS. I did.

The SPEAKER *pro tempore*. Then the Chair was correct in his recollection.

Mr. HAMMOND. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HAMMOND. Can we not go on with the business until 8 o'clock and then settle this matter as to what shall he done on Monday?

The SPEAKER *pro tempore*. That is in the power of the House.

Mr. HOLMAN. That is the request I made.

The SPEAKER *pro tempore*. Then the gentleman from Indiana moves that the House resolve itself into Committee of the Whole House on the state of the Union, intimating that his intention is to proceed with the consideration of the legislative appropriation bill.

Mr. HOLMAN. I make that motion.

Mr. KEIFER. I ask what is proposed by the gentleman from Indiana; whether he intends to go on and have the legislative bill debated to-night?

Mr. HOLMAN. I propose the committee shall dispense with the first reading of the bill and proceed to its consideration by paragraphs at once.

Mr. KEIFER. The gentleman does not propose then to have the Clerk read that long bill before it is considered by paragraphs?

Mr. HOLMAN. No, sir.

The motion of Mr. HOLMAN was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MCMILLIN in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

Mr. HOLMAN. I ask that by unanimous consent the first reading of the bill be dispensed with, and also that general debate be considered as closed, and that the bill be now read by paragraphs for amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk proceeded to read the bill and read the following paragraph under the head "House of Representatives:"

'Office of the Speaker: For private secretary to the Speaker, $1,800; clerk to the Speaker, $1,600; clerk to the Speaker's table, $1,400; in all, $4,800.

Mr. ROGERS, of Arkansas. I offer the amendment which I send to the desk.

The Clerk read as follows:

In line 191, strike out "$1,400" and insert "$1,800;" so that it will read "clerk to the Speaker's table, $1,800."

Mr. ROGERS, of Arkansas. I want to call attention to the duties that are imposed upon this officer of the House.

Mr. HOLMAN. What is the amendment?

The CHAIRMAN. The amendment will be again read.

The amendment was again read.

Mr. HOLMAN. I raise the point of order.

Mr. ROGERS, of Arkansas. I wish to say, Mr. Chairman——

Mr. RANDALL. I desire to say about this bill that if the gentleman from Indiana is going to make a point of order and then allow debate, it wastes so much time I insist on the point of order being settled before we enter on debate.

The CHAIRMAN. The gentleman from Arkansas will be heard on the point of order.

Mr. ROGERS, of Arkansas. I think the question is not whether I will be heard on the point of order. I had already been debating before the point of order was made. I insist I have the right to go on.

Mr. HOLMAN. I think not.

Mr. ROGERS, of Arkansas. I began to debate and had finished a sentence before the gentleman from Indiana made an inquiry as to the nature of the amendment.

Mr. HOLMAN. I rose before the gentleman proceeded to speak.

Mr. ROGERS, of Arkansas. I insist on my right. I had completed a sentence, as the notes of the reporter will show.

Mr. HOLMAN. Had the amendment been read.

Mr. ROGERS, of Arkansas. It had.

Mr. HOLMAN. I rose instantly, as soon as I understood the proposition was pending.

The CHAIRMAN. The gentleman from Arkansas offered the amendment and proceeded, if the Chair remembers correctly, to make about this statement: "I will call attention to the duties of this officer," and was proceeding further when the gentleman from Indiana made a point of order.

Mr. BUDD. The gentleman from Indiana rose while the gentleman from Arkansas was speaking, and asked what was the amendment proposed.

Mr. RANDALL. Advantage has never been taken when a gentleman rises to make a point of order.

The CHAIRMAN. These things are done so quickly that the Chair is not disposed to cut off the gentleman from Indiana from making the point of order. As the gentleman from Arkansas was proceeding to make a statement he was interrupted by the gentleman from Indiana at such time as the Chair thinks requires him to hold the point of order was made in time.

Mr. HOLMAN. I desire to say this: there has been a good deal said in regard to this matter——

Mr. RANDALL. I object to debate until the point of order is disposed of.

The CHAIRMAN. Nothing is in order in this discussion except on the point of order.

Mr. RANDALL. I want that when points of order are made they shall be decided before debate is entered upon.

Mr. HOLMAN. The gentleman himself is occupying more time——

Mr. RANDALL. I am saving time by insisting at the outset of the consideration of this bill that this rule shall be observed.

Mr. HOLMAN. I will not press the point of order if the gentleman from Arkansas will agree that the salary shall be $1,600.

Mr. BUDD. Make it $1,650.

Mr. ROGERS, of Arkansas. I will accept the suggestion of the gentleman from Indiana.

The CHAIRMAN. The Clerk will read the amendment as proposed to be modified.

The Clerk read as follows:

Strike out $1,400 and insert $1,600.

Mr. BUDD. Say $1,650.

Mr. HOLMAN. I did not say that.

Mr. ROGERS, of Arkansas. I accept the suggestion of the gentleman from Indiana, and will make it read $1,600.

Mr. KEIFER. I am satisfied with that proposition, if the other could not be accepted. But I want to suggest that the proposition be so amended as to apply to the present year, so that the present occupant of this position, the clerk now at the Speaker's table, may have the benefit of it.

Mr. ROGERS, of Arkansas. I would be very glad to do so if the gentleman from Indiana [Mr. HOLMAN] will accept it.

Mr. HOLMAN. I have no objection to that.

The CHAIRMAN. If there is no objection the amendment will be made.

Mr. KEIFER. The appropriation to apply to the present fiscal year and to be immediately available.

Mr. HOLMAN. I am willing to make it one thousand six hundred, and to apply to the present occupant of the office.

Mr. KEIFER. But I want it to apply to the present year.

Mr. HOLMAN, Oh, we can not do that.

Mr. KEIFER. Oh, yes. There is no use in it if you do not.

The CHAIRMAN. That can be only by unanimous consent, and as objection is made the question is on the motion of the gentleman from Arkansas [Mr. ROGERS]. The Clerk will read the proposed amendment.

The Clerk read as follows:

In line 191, strike out "four" and insert "six."

The amendment was agreed to.

Mr. KEIFER. Now I move that it be amended so as to make the appropriation applicable to the present year and to be immediately available.

Mr. HOLMAN. I can not consent to that.

Mr. KEIFER. It makes a difference of $200 to the present occupant of the office, and if it goes into effect only on the 1st of July next it will not affect him at all and the amendment will be of no value.

Mr. HOLMAN. Do I understand that the gentleman from Ohio [Mr. KEIFER] wants to make it cover the entire fiscal year?

Mr. KEIFER. Yes; I want it to apply to this fiscal year.

A MEMBER. It is only $200.

Several MEMBERS. Let him have it.

The amendment was agreed to.

Mr. KEIFER. I move to further amend by adding "the same to take effect from the beginning of the present fiscal year.

The amendment was agreed to.

The Clerk continued the reading of the bill.

Mr. CANNON. I think that upon both sides of the House and on both sides of the Committee on Appropriations we are thoroughly agreed touching this bill down to and including line 323—at least that far.

Mr. RANDALL. Down to line 378.

Mr. CANNON. Yes. That includes the appropriations for the House of Representatives. I suggest, therefore, that by unanimous consent we consider the bill read down to that point.

Mr. HOLMAN. The bill had better be read.

The CHAIRMAN. The suggestion of the gentleman from Illinois [Mr. CANNON] can be adopted only by unanimous consent.

Mr. WARNER, of Ohio. Let us have the bill read.

The Clerk read the following paragraph:

Office of the Clerk: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $4,500, and for hire of horses and wagons for the use of the Clerk's office, $600; for chief clerk, journal clerk, two reading clerks, and tally clerk, at $3,000 each, and for the journal clerk (H. H. Smith) for preparing Digest of the Rules, $1,000 per annum; for printing and bill clerk, $2,500; for disbursing clerk, file clerk, and enrolling clerk, at $2,250 each; for assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, superintendent of document-room, index clerk, and librarian, at $2,000 each; for distributing clerk and stationery clerk, $1,800 each; for document clerk, upholsterer, and locksmith, and two assistant librarians, at $1,440 each; one page, $720; one assistant journal clerk, at $6 per day during the session, $1,272; one assistant index clerk, during the session and three months after its close, at $6 per day, $1,824; one book-keeper and four clerks, $1,600 each; the person preparing the general index to the Journals of Congress, under resolution of June 18, 1878, $2,500; assistant to person preparing the general index to Journals of Congress, under resolution of May 22, 1882, $2,000; two messengers in the House library, at $1,314 each; one laborer in the bath-room, $720; four laborers, at $720 each; one telegraph operator, $900; one chief engineer, $1,700; two assistant engineers, $1,200 each; two conductors of elevator, at $1,100 each; one laborer, $820; five firemen, at $900 each; one electrician, $1,150; one laborer, $800; services in cleaning Statuary Hall and watching statuary therein, $720; in all, $91,444.

Mr. WOOD. Mr. Chairman, I offer an amendment which I ask to have read.

The Clerk read as follows:

Amend line 211 by striking out "one thousand four hundred and forty" and inserting "one thousand eight hundred."

Mr. RANDALL. I raise the point of order upon that amendment that it changes existing law and does not retrench expenditures.

The CHAIRMAN. Does the gentleman reserve the point of order?

Mr. RANDALL. No. I want it decided.

The CHAIRMAN. Does the gentleman from Indiana [Mr. WOOD] desire to be heard on the point of order which is made by the gentleman from Pennsylvania [Mr. RANDALL]?

Mr. WOOD. I withdraw the amendment for the present.

The Clerk read the following paragraph:

Office of Doorkeeper: For Doorkeeper, $3,000; and for hire of horses, $500; assistant doorkeeper, $2,000; second assistant doorkeeper (George A. Bacon), to be employed in the document-room, $2,000; clerk for Doorkeeper, $1,200; janitor, $1,200; superintendent of the folding-room, $2,000; three clerks in the folding-room, one at $1,800 and two at $1,200 each; superintendent of the document-room, $2,000; chief assistant in the document-room, at $2,000; document file-clerk, $1,400; assistant document file-clerk, under resolution of December 19, 1881, $1,314; fourteen messengers on the soldiers' roll, under the control of the Doorkeeper, at $1,200 each, and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House; nine messengers, including messenger to the reporters' gallery, at $1,200 each; nine messengers, at $1,000 each; seven laborers, at $720 each; ten laborers, during the session, at the rate of $720 each per annum; one laborer, at $600; for the two laborers now in charge of water-closet, at $720 each; six laborers in charge of cleaning the Hall of the House, known as "cloak-room men," at $50 per month during the session; for the two "cloak-room men" now longest in the service of the House, from March 4, 1885, to June 30, 1886, at $50 per month each; and for one female attendant in ladies' retiring-room, $600; two messengers during the session, at the rate of $800 per annum each; for one employé (John T. Chancey), $1,500; one department messenger (C. W. Coombs), $2,000; for labor in folding books, speeches, and pamphlets, one foreman, $1,500; one messenger, $1,200; one folder in the sealing-room, $1,200; one page, $500; one laborer, $400; ten folders at $900 each; five folders at $840 each; three folders during the session, at the rate of $800 per annum each; and fifteen folders at $720 each; and for thirty-four pages during the session, including two riding pages, one telephone page, and one telegraph page, at $2.50 per day each; in all $127,657.45.

Mr. COX, of North Carolina. Mr. Chairman, I offer an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Strike out in line 300 the word "subject" and all thereafter in line 300 and line 301 down to the word "nine" and in lieu thereof insert the word "diminished." Also amend line 299 by inserting the words "the number of," between the word "hereafter" and the word "messengers;" so that it shall read, "the number of messengers on the soldiers' roll shall not be diminished."

Mr. KEIFER. I must make the point of order on that.

Mr. CANNON. Let us see how it reads first. There would be time enough to make the point of order after it is read.

Mr. KEIFER. But I do not want any doubt about the point of order. The object of the amendment is to change existing law.

The CHAIRMAN. The Clerk will read the text as it would stand if this amendment were adopted.

The Clerk read as follows:

It is proposed to strike out from lines 299, 300, and 301 the words "and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House" and to make the provision read, "the number of messengers on the soldiers' roll shall not be diminished."

Mr. KEIFER. I make the point of order against the amendment that it changes existing law and does not retrench expenditures. The provision in the bill is in accordance with the existing law. It is in the bill for the present fiscal year, and I think has been the law for a number of years in succession.

Mr. HOLMAN. No; it was inserted last session for the first time, and it is in the appropriation law of the present year.

Mr. KEIFER. It is in the present law, and now it is proposed to strike this provision out for the purpose of enabling the Doorkeeper to remove messengers who are on the soldiers' roll.

Mr. HOLMAN. I thought on the hasty reading the purpose was exactly the reverse of that.

Mr. KEIFER. It would give the Doorkeeper power to remove them, and I make the point of order that it changes existing law and does not retrench expenditures.

Mr. HOLMAN. I hope my friend from North Carolina [Mr. COX] will withdraw the amendment.

Mr. KEIFER. The proposition is to change the law so that the Doorkeeper may remove these men that are on the soldiers' roll, without cause or without stating any cause, and without the consent of the House, and put in whomsoever he pleases. At the same time the amendment provides that the number of messengers on the soldiers' roll shall not be diminished; so that it does not save any money. Therefore I make the point that it changes existing law and does not retrench expenditures.

Mr. HOLMAN. Very clearly it changes existing law.

Mr. COX, of North Carolina. The gentleman [Mr. KEIFER] entirely misapprehends my purpose. The Democratic party has always taken care of the maimed soldiers of the country, and I hope that it always will do so. My only purpose is that if any of these men are found to be inefficient, the Doorkeeper, who is responsible to this House for the conduct of his office, might be at liberty to remove them without being trammeled as he is at present, and without the necessity of coming into the House and having a wrangle over the matter. The amendment has no other purpose. It provides that the number on the soldiers' roll shall not be diminished.

Mr. HOLMAN. The proposition clearly changes the present law. That proposition was put in the law last year for the first time, but it is now the law.

Mr. KEIFER. The amendment changes the law and does not reduce expenses.

Mr. O'NEILL, of Missouri. I renew the amendment. I desire to be heard on that subject.

Mr. KEIFER. Well, I renew the point of order.

Mr. O'NEILL, of Missouri. It occurs to me, Mr. Chairman, that it is a very extraordinary state of affairs when a committee can inject into the body of an appropriation bill a provision of this kind intended to perpetuate a certain number of individuals in office without a law to that effect.

Mr. KEIFER. I make the point that it is not debatable as to the merits of the proposition. The point of order is pending, and I have said all I desire to say on that.

Mr. O'NEILL, of Missouri. Well, I am going to speak on this question; that is all there is about it.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. O'NEILL, of Missouri. Well, my dear chairman [laughter], you can not reach a point of order until you first lay down the basis on which you are speaking. I propose in the first place to state that when your Committee on Appropriations for the first time last year injected a provision of this kind into your appropriation bill that does not make it a continuing enactment, and we have a perfect right to strike out of a subsequent appropriation bill an impertinent interpolation of that kind. Now, I think my friend from Ohio will see that that relates to the question.

I have no objection to having these positions continually held by soldiers; but why you should pick out a favored few and allow others of your soldiers to stalk the streets and starve is something I can not comprehend, especially in view of what I understand to be the fact, that many of the men now in these positions are enjoying handsome bounties at the hands of the Government in the form of pensions. Now there should be a certain amount of sense even in "buncombe." [Laughter.]

Mr. KEIFER. We are going to take care of fourteen of them at any rate.

Mr. O'NEILL, of Missouri. But why insist that the positions shall be held by these particular men and pass by others equally deserving? No man will go further than I will in the direction of caring for the soldiers of the Union; but why should you continue this provision and compel in every instance the reporting of each change to the House, to have a wrangle over it here, giving you gentlemen a text on which to parade again and again your stereotyped speeches which have been doing service for so long—those "one-armed" and "one-legged" speeches that have done duty until they have grown gray-headed. [Laughter.] There is no sense in that. This provision had no business in the last appropriation bill, and there is no reason why we should be compelled to allow it to remain in this.

Mr. GIBSON obtained the floor.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia [Mr. GIBSON] on the point of order.

Mr. KEIFER. On the point of order, not on the merits.

Mr. GIBSON. I do not desire to speak to the House in bad faith——

The CHAIRMAN. The Chair suggests to the gentleman from West Virginia that no remarks except upon the point of order are in order at this time. The Chair is ready to rule upon the question.

Mr. GIBSON. Well, I want to say this upon the point of order in addition to what the gentleman from Missouri [Mr. O'NEILL] has said, that a mere clause included in an appropriation bill at the last session providing that certain men should not be turned out of office is not to be construed as a continuing law. If it were so, then whenever your Appropriations Committee chooses by a provision of this kind to undertake to keep a man in office it makes a perpetuity of that office. I do not think that is the intention of this House. I undertake to say there are thousands of Democrats who lost their arms or legs in the war who were as good soldiers and as true men as any men of the other party.

Mr. BROWNE, of Indiana. The gentleman is not speaking on the point of order.

Mr. GIBSON. Well, Mr. Chairman——

Mr. BROWNE, of Indiana. I will make this suggestion to the gentleman from West Virginia, that this amendment can not pass without a quorum.

Mr. GIBSON. If the gentleman raises that point, I am done.

Mr. KEIFER. Mr. Chairman, some years ago when we were in Committee of the Whole and the present permanent Speaker of this House was in the chair, I myself argued that a mere provision in a current law which applied to appropriations was not such existing law as would furnish a guide in determining points of order like this. But after a very full consideration of the subject the then presiding officer held that such a law applicable only to the current year was existing law in such a sense as to furnish a guide in determining whether a particular provision was or was not a change in existing law. And ever since that time up to the present session such has been the ruling.

Mr. RANDALL. The point has been so decided this session.

The CHAIRMAN. The Chair is ready to rule on the point of order. Clause 3 of Rule XXI is so familiar to members of the House that the Chair does not deem it necessary to have it read.

Mr. O'NEILL, of Missouri. I would like to have it read.

The CHAIRMAN. At the request of the gentleman from Missouri the Clerk will read the provision of the rule.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

The CHAIRMAN. The Clerk will also read a portion of the appropriation act of last year, which is the law to-day.

The Clerk read as follows:

For fourteen messengers on the soldiers'-roll, under the control of the Doorkeeper, and not subject to removal except for cause, reported to and approved by the House, at $1,200 each.

The CHAIRMAN. It will be observed that the language of the present law is identical with that of this bill. The Chair thinks existing law would be changed by the amendment proposed, and that there would be no retrenchment of expenditure thereby. The Chair is of opinion that the provisions of a law enacted, making appropriation and now in force, are in contemplation of the rule "existing law." The Chair, therefore, sustains the point of order.

Mr. GIBSON. I move to strike out the following words:

Fourteen messengers on the soldiers' roll, under the control of the Doorkeeper, at $1,200 each, and hereafter messengers on the soldiers' roll shall not be subject to removal except for cause reported to and approved by the House.

Now, it has been pretty well understood as a part of the policy of the legislation of this country that we should create no preferred office-holding class. It has been pretty well understood that no administration either deriving its powers from its seat in the White House or from its powers in its seat in any similar capacity has the right to put into power any set of men who shall rule and regulate this country. Under this law here, and under a series of laws which have been passed before this one, a certain set of men have been put into office in this body.

By the law they are to be cut off from all the rules and regulations governing all other office-holders, and we are to be told they are to be a perpetual class of office-holders in this country forsooth because they were soldiers and got their position here by being members of a political party. There are, sir, a hundred thousand soldiers in this country equally as meritorious who are to-day denied the smallest pittance of office-holding for a solitary year while these men hold office for life.

Are we to be told there are no Democrats who were true soldiers of the Union during the rebellion? Are we to be told there were no men belonging to the incoming administration who were true to the flag of the country, and who lost arms and legs in its defense? I have no doubt the gentleman does like it as it is.

Mr. BROWNE, of Indiana. The gentleman is not mistaken in that.

Mr. GIBSON. I would not be mistaken if the gentleman would like to fasten his friends on the incoming administration and to load it down.

Mr. BROWNE, of Indiana. The gentleman is mistaken about that. It is the last cruelty I would inflict on any member of my party. [Laughter.]

Mr. GIBSON. The gentleman possesses some mercy, a quality I did not attribute to him. I wish to say this: that there is no reason why the incoming administration either in this House or out of it should not be allowed to appoint those office-holders who are best qualified to carry on the business of the country. Are you to suppose that the Sergeant-at-Arms would not appoint soldiers as well as those who are now here?

But why is it they should be made a perpetual office-holding class. I believe, sir, that any man from the North or any man in the Army from the North would do what is just. I remember, sir, with pleasure, I repeat it daily, I have taught my children to learn it, that from the soldiers of the North who carried their flag and their bayonet the people of this country, it matters not in what section they may be, have nothing to fear. They were just and brave in war and they were generous when it was over. I am now protesting only against politicians handicapping these soldiers by their action.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, I regret very much the course that this discussion has taken. My friend should remember that if there is anything wrong about this soldiers' roll, from its beginning to the present time, the Democratic side of the House is responsible for it. It is our measure from the beginning.

In 1867, in pursuance of a resolution offered from this side of the House, introduced by myself, that roll was organized, but its members were only employed during the session. When the Democratic party came into power in this House, in the Forty-fourth Congress, and had control of this appropriation bill, it was made a permanent roll by a provision on the legislative, executive, and judicial appropriation, and permanent salaries at the rate of $1,200 per year were affixed. I then had charge of that bill. During the last session of Congress, out of abundant prudence, the language of this section was placed upon it, providing against removal except for cause reported to and approved by the House. So, sir, the whole legislation creating and giving permanency to this roll rests upon the Democratic side of this House.

Mr. COX, of North Carolina. Will the gentleman permit me to ask him a question?

Mr. HOLMAN. Certainly.

Mr. COX, of North Carolina. I wish to ask the gentleman whether the preceding Doorkeeper, a Republican official, did not remove some of these soldiers.

Mr. HOLMAN. I am not able to state; but for the express purpose of preventing that from being done by any party in the future this language was incorporated in the bill of last session and in the pending bill.

Mr. GIBSON. Let me ask the gentleman from Indiana if the Sergeant-at-Arms of the Senate did not remove every solitary man in the employment of that body under his control who was a Democrat?

Mr. HOLMAN. That may be true, and if so it makes me the more anxious that this provision should stand as it is in the bill. There may be and undoubtedly are great numbers of Union soldiers all over the country who suffered as much in the cause of their country as the fourteen men on this soldiers' roll. But these men on this roll have suffered as greatly at least as their comrades; each of them has lost at least an arm or a leg in the service of their country. They are maimed and disabled soldiers; disabled beyond recovery. They have been placed on this roll and have performed faithful service. While there undoubtedly are many others equally meritorious, yet all can not be thus provided for, and the merit of these and their services and sacrifices in the cause of their country no man can call in question. It is a roll of honor.

I will not consent by any vote of mine that a measure that recognizes the just claims of these disabled soldiers on the gratitude of their country—a measure for which this side of the House has been responsible for all these years—shall be stricken down, or even modified, in the House of its friends. No man on that roll, I do not care what his politics may be, whether Democratic or Republican, shall be removed from it with my consent so long as he shall faithfully discharge the duties to which he has been assigned. This soldiers' roll is our measure, and for one I will stand by it against all comers.

Mr. HILL. May I ask the gentleman a question?

Mr. HOLMAN. Certainly.

Mr. HILL. I understood the gentleman from Indiana, in response to the question of the gentleman from West Virginia when he asked if the Republican Sergeant-at-Arms of the Senate did not discharge the Democratic employés and put Republicans in their places, to answer yes?

Mr. HOLMAN. I said "Yes; it might be true."

Mr. GIBSON. It is true.

Mr. HILL. And if it was true is that the reason why we should keep Republicans upon the roll of the House employés? I want the gentleman to say whether he thinks because a Republican office-holder has seen fit to discharge Democrats that a Democratic office-holder shall on that account retain Republicans. Is that what the gentleman means by his answer to the gentleman from West Virginia?

Mr. GIBSON. That is the logic of it.

Mr. HOLMAN. If I understand the gentleman from Ohio he complains that because some public officer has been unmindful of fair dealing, intolerant and proscriptive, therefore an officer of this House should be indifferent to the just claims of maimed soldiers who are now in the employment of the House. I have only this to say, that the proscriptive intolerance of no officer of the Government could justify this House in permitting any inconsiderate action to work to the prejudice of these disabled soldiers now in its employment so long as their duties are faithfully performed. This House will fulfill its whole duty to these crippled veterans uninfluenced by partisan considerations.

Mr. CANNON. Mr. Chairman, I only desire to submit a word or two. My recollection is, on a slight examination of this subject some years ago touching this soldiers' roll, that the gentleman from Indiana is correct in his statement, and that as early as 1867 this roll, or what is known as the "soldiers' roll," was constituted. Upon the roll were placed Union soldiers in the main armless, or at least having lost one or both arms, or one or both legs, and of both parties, and they so remained of both parties until the time that the Democratic party came into power in this House in 1874. Shortly after that time, either in that or the next Congress, under a Democratic House, there were some of these men removed from the soldiers' roll—I mean of the men who had lost an arm or a leg. When the Republican party came into power in the last Congress these men were restored to the roll, and the roll as now constituted, as I am informed and I think I am reliably informed, includes of the fourteen men belonging to both political parties, conscientious, prompt, and efficient officers. So you may say that this roll, with the slight exception I speak of under the Democratic rule, has remained substantially as it was constituted in 1867.

Now, then, it is true that this provision was put into the bill upon the motion of the gentleman from Indiana [Mr. HOLMAN], I grant you to the effect that these men should not be removed except for cause, reported to this House and approved by the House. That was the proposition the gentleman from North Carolina moved to strike out, but withdrew the amendment, and failing in that, a point of order being

sustained, the gentleman from West Virginia now proposes to abolish the soldiers' roll altogether.

Mr. GIBSON. Will the gentleman allow me to interrupt him for a moment?

Mr. CANNON. Let me get through with this sentence and then I will. Now, I can well understand why it was that the gentleman from Indiana [Mr. HOLMAN] felt it was necessary with his feeling about it to put this clause in the law for the current year that these men should not be removed except for cause reported to the House. He no doubt had a lively recollection of what had occurred heretofore in a Democratic Congress. I was perfectly willing this should go in, and now being in and being necessary I desire it may stay and I propose to vote that it shall stay.

Mr. HOLMAN. Will my friend allow me?

Mr. CANNON. Yes, sir.

Mr. HOLMAN. Did I not while this House was a Republican body seek to incorporate this same provision on this bill?

Mr. CANNON. Yes, sir; the gentleman did. And I remember at that time I objected, saying the Republican party did not need such a provision, because it had always protected these men on the roll. But now, I grant you, the provision is needed; and being needed, I propose for one to vote for it.

Mr. HILL. I want to ask the gentleman from Illinois one question.

Mr. CANNON. Certainly.

Mr. HILL. I ask him if the Democratic Doorkeeper discharged Republican soldiers whether he did not appoint in their place Democrats who had served equally well in the Army?

Mr. CANNON. I am not going into the discussion of that question——

Mr. HILL. But I want to go into it. I want to know if any man was discharged by the Democratic Doorkeeper who was a Republican soldier unless a Democratic soldier was appointed in his place.

Mr. REED, of Maine. I will answer the gentleman.

Mr. CANNON. Let me answer the question, as the gentleman from Ohio has put it in my time. Let me answer the gentleman by saying that two Doorkeepers of a Democratic House so conducted themselves touching those and other matters that their party, being in a strong majority, could not uphold and support them, and they were turned out.

Mr. HILL. Not for that, however. The gentleman will be candid enough to say it was not for that reason at all. And I will remind the gentleman Babcock was put out, too, and Belknap.

Mr. BROWNE, of Indiana. I came here to-night hoping we might proceed with the reading of this appropriation bill. Now, the gentlemen who offer this amendment are conscious of the fact that it can not possibly be adopted to-night. We might just as well stop here and settle that question once for all.

Mr. HOLMAN. Let us vote.

Mr. GIBSON. I desire to say to the House that, having examined the provisions of the bill, I propose a modification of the amendment, so as to commence at the word "shall," in line 300, the portion which I propose to strike out. Now, Mr. Chairman, I do not know how other gentlemen may feel about this subject. I think——

Mr. KEIFER. We must have this modification reported, so that we can understand exactly what the point is.

The CHAIRMAN. If there be no objection, the Clerk will report the amendment as modified.

Mr. KEIFER. Let us understand what is to be stricken out.

The Clerk read as follows:

Strike out, after the word "roll," in line 300, the following:
"Shall not be subject to removal except for cause reported to and approved by the House."

Mr. KEIFER. I make the point of order against that.

The CHAIRMAN. The gentleman from Ohio [Mr. KEIFER] makes the point of order.

Mr. O'NEILL, of Missouri. I want to ask a question.

The CHAIRMAN. The point of order having been made, the gentleman from West Virginia will address himself to the point of order.

Mr. BROWNE, of Indiana. I call for the regular order. Let there be a decision on the point of order.

The CHAIRMAN. The Chair is of opinion the amendment proposed by the gentleman from West Virginia would change existing law and that it does not retrench expenditure.

Mr. GIBSON. Will the Chair please to hear me on that subject?

Mr. BROWN, of Pennsylvania. That is the same amendment, practically, that was ruled out before.

The CHAIRMAN. The Chair will hear the gentleman from West Virginia.

Mr. GIBSON. My purpose is to strike out not what is a law in a constitutional sense, nor what is considered a law in any legal sense. This is a mere proviso attached to a certain bill and attached to the compensation of certain officers.

Now, a law must be general. One of the first requisites of a law is that it shall be general. It is not a law in any proper sense of the word that any set of people shall remain in office, and I submit the Chair is stretching the idea of a law beyond any construction ever given to it by any commentator on the subject if he says this is a law. It is not general in its provisions; it does not apply to any other set of officers.

The CHAIRMAN. The Chair asks the gentleman from West Virginia if his amendment is to begin with the word "shall" after the word "roll?"

Mr. GIBSON. Yes, sir.

The CHAIRMAN. The gentleman will confine himself to the point of order.

Mr. GIBSON. I want to say that is not a law, because it is not general in its application; and there can be no law that is not general in its application. The very hornbooks of the law lay that down, and every man who ever studied law, commencing with Blackstone, will know that no provision which is not general in its application can be considered a law.

Mr. BROWNE, of Indiana. Will the gentleman allow me to ask him a question?

Mr. GIBSON. Yes, sir.

Mr. BROWNE, of Indiana. Then it would not be competent, I presume, for the Congress of the United States to pass a special act at all?

Mr. GIBSON. Yes, sir.

Mr. BROWNE, of Indiana. A special pension bill, for instance?

Mr. GIBSON. Ah, yes, it would; but you could not put that special pension bill up against general legislation and say it was "existing law."

Mr. KEIFER. It would be existing law for that case.

Mr. GIBSON. I know it would be existing law for that case, but this is for general legislation; and now we undertake to bring in a special bill for a special purpose, and upon it to defeat general legislation. I have no desire to prolong discussion upon this subject, but I submit that the amendment is not obnoxious to the point of order.

The CHAIRMAN. The Chair is ready to rule upon the point of order. The Chair had the Clerk read a few minutes ago, when the point was made on this paragraph, the present law. The language of the law is identical with the language of this paragraph of the bill under consideration. Therefore, to strike out the lines indicated by the gentleman from West Virginia [Mr. GIBSON] would be to change existing law, would not retrench expenditures, and therefore it is obnoxious to the rule.

Mr. HOLMAN. Mr. Chairman, although this may not be regarded as a very important matter, I desire to say a single additional word. My friend from West Virginia [Mr. GIBSON] I hope will remember, and I have no doubt he does, that the two Congressional caucuses which organized this present Congress and the last, the first Republican and the last Democratic, both unanimously voted, or at least the Democratic caucus did, that the men on this soldier's roll should not be removed.

Mr. COX, of North Carolina. I remember that, and I propose to take care of them.

Mr. GIBSON. Mr. Chairman, if the gentleman from Indiana [Mr. HOLMAN] desires to bring party politics into this matter, let us have a vote of the House on it.

The CHAIRMAN. The point of order is sustained.

The Clerk read the following paragraph:

CIVIL-SERVICE COMMISSION.

For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one stenographer, $1,600: one clerk of class 1, and one messenger, $840; in all, $19,140.

Mr. CANNON. Mr. Chairman, I would be glad if the gentleman from Indiana [Mr. HOLMAN] would agree to pass over temporarily this portion of the bill, beginning with line 451, down to and including line 464. I am under the impression that the gentleman from Massachusetts, Mr. LYMAN, who is absent at this time, desires to offer some amendments, and I think we shall save time by passing these provisions over for the present.

Mr. RANDALL. Why is the gentleman from Massachusetts not here?

Mr. CANNON. The gentleman from Pennsylvania [Mr. RANDALL] will recollect that this session extending to 8 o'clock was not expected until late this afternoon.

Mr. RANDALL. The gentleman is right.

The CHAIRMAN. The gentleman from Illinois [Mr. CANNON] asks unanimous consent to pass over the lines indicated by him, to be returned to later on. Is there objection?

Mr. HOLMAN. I did not hear the suggestion of the gentleman from Illinois.

Mr. CANNON. I ask unanimous consent to pass over the items relating to the Civil Service Commission, because I am under the impression that the gentleman from Massachusetts, Mr. LYMAN, desires to offer some amendments, and I think we shall save time by passing these provisions now and returning to them after we finish the bill.

Mr. KEIFER. They can be returned to at any time.

Mr. HOLMAN. I have no objection.

The CHAIRMAN. No objection being made, it is so ordered.

The Clerk read the following paragraph:

That the President of the United States be, and he is hereby, authorized and directed to discontinue the appointment and services of officers at ports of entry

in all cases where for two successive years last past the revenues collected at such ports are less than the salary and expenses of the officers employed in the duties thereof: *Provided, however*, That the President may appoint a deputy collector at any such port in his discretion, who shall perform all the duties pertaining to such port, such deputies to receive only the fees collected thereat as compensation for their services; but if at any such port such fees collected in any one year shall exceed $1,500, such excess shall be paid into the Treasury of the United States.

That the customs-collection district of Duluth, Minn., shall comprise all the waters and shores of Lake Superior, and the rivers connected therewith, in the State of Minnesota, and the harbor and city of Superior, with the bays of Saint Louis and Superior, and the rivers connected therewith, within the State of Wisconsin, in which district Duluth shall be the port of entry; and there shall be a collector who shall reside at Duluth, and a deputy collector who shall reside at Superior.

Mr. DINGLEY. Mr. Chairman, I desire to ask the gentleman from Indiana [Mr. HOLMAN] if it would not be as well to pass over this paragraph at present and return to it later? It evidently needs considerable amendment before it shall be adopted by the committee.

Mr. HOLMAN. I have some amendments that I propose to offer to this paragraph, and I think myself that it would be as well to adopt the suggestion of the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I will move to strike out the last word for the purpose of making a remark, unless the gentleman from Indiana [Mr. HOLMAN] will consent to pass the paragraph for the present.

Mr. HOLMAN. I have no objection. The understanding is that the whole paragraph, beginning with line 695 down to and including line 716, is passed over.

The CHAIRMAN. If there is no objection, it will be so ordered.

The Clerk read as follows:

Bureau of Navigation: For Commissioner of Navigation, $3,600; two clerks of class 4; additional to one clerk acting as deputy commissioner, $200; one clerk of class 3; four clerks of class 2; three clerks of class 1; one clerk, $1,000; ten clerks, at $900 each; one assistant messenger; and one laborer; in all, $29,580.

Mr. DINGLEY. I move to amend by striking out $3,600 and inserting $4,000, as the salary of the Commissioner of Navigation. I make the motion for this reason, that——

Mr. RANDALL. I reserve a point of order on the amendment.

Mr. DINGLEY. It is not subject to a point of order.

Mr. HOLMAN. In view of the gentleman's motion I reserve a point of order on the portion of the paragraph immediately following the place where this amendment comes in. It is liable to a point of order on the ground of changing existing law and increasing expenditures, and I reserve a point of order.

Mr. KEIFER. Let us understand this matter.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. RANDALL] reserves a point of order on the amendment of the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, the act creating this bureau was passed at the last session of Congress and provided that the salary of the Commissioner of Navigation should be $4,000. Upon the unanimous report of a committee and by a two-thirds vote of both Houses this salary was fixed; and we ought not now in an appropriation bill to make this proposed reduction.

Mr. HOLMAN. Mr. Chairman, the office of Commissioner of Navigation was created at the last session of Congress, and, as is ordinarily the case in legislating upon a distinctive branch of the public service, the salary of this officer was made disproportionate to other salaries. The salaries of all the auditors, including the Sixth Auditor, who has charge of one of the most important of all our bureaus—and it can not be claimed that the duties of this Commissioner of Navigation are of a higher grade—the salaries of officers of this class are fixed at $3,600. It was thought proper that this salary should be made to correspond with the salaries of other officers of corresponding or higher grade.

Besides, it was deemed desirable to have a deputy commissioner, and for this purpose to make an increase of $200, which we have done. As we have thus increased this one salary, the services of the officer being considered very valuable, and that provision being subject to a point of order, I trust my friend from Maine will at once see the impropriety of giving the salary of the head of this new bureau so great a preponderance over that of offices that have existed for many years. The effect of such disparity in pay is, as my friend must see, to create discontent in the public service. Here are at least six officers of the Government—I could mention a great many more, forty of them, officers of the same class as this—whose salaries are so much less that it naturally creates dissatisfaction.

Mr. RANDALL. I withdraw my point of order.

Mr. HOLMAN. I reserve my point of order until the vote is taken on this amendment.

Mr. CANNON. I must say that the cutting down of the salary of the chief officer of this bureau to the extent of $400 and increasing by $200 that of the deputy did not very greatly distress me. It may be that the salary of the Commissioner of Navigation should be $4,000. But I doubt whether there is as much reason for giving that salary to this officer as for giving it to the Sixth Auditor; and these auditors, as the gentleman from Indiana has well said, get but $3,600 each.

Mr. DINGLEY. This subject was carefully investigated at the last session by the shipping committee who reported to the House the act by which this office was created. After considering the subject, taking in view especially the character of the duties to be performed—administrative, not clerical like those of an auditor—the committee were unanimously of opinion that this salary ought to be fixed at $4,000, and Congress by a more than two-thirds vote adopted the recommendation of that committee. In view of this action at the last session, it seems to me hardly proper that upon an appropriation bill we should now make this change in existing law by reducing the salary to $3,600.

If the House after thorough consideration of the matter should see fit to change the law on this subject that would be a different question; but I submit that the Committee on Appropriations, in view of the fact that this salary is fixed by law, had better consent that the amendment be adopted and not undertake on a bill of this nature to make a reduction. The officer entered upon his duties with the understanding that the salary should be $4,000. It was the understanding of the whole Shipping Committee that there should be appointed to and continued in this position a man worthy of this salary—an administrative officer of high character and attainments—not a person competent merely to perform clerical duties. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. DINGLEY, there were—ayes 5, noes 22.

Mr. DINGLEY. I make the point that no quorum has voted.

Mr. KEIFER and Mr. HOLMAN (to Mr. DINGLEY). Do not do that.

Mr. DINGLEY. I am perfectly willing this paragraph should be passed over and considered hereafter by the House, but I do not feel willing this salary should be reduced in this manner.

Mr. RANDALL. The Committee on Appropriations has only equalized this salary with that of other officers performing duties of corresponding grade.

Mr. DINGLEY. The Shipping Committee and the two Houses at the last session thought that this salary was not too high.

The CHAIRMAN. The gentleman from Maine makes the point that no quorum has voted.

Mr. CANNON. I ask by unanimous consent that this item be passed over for the present.

Mr. HOLMAN. I think that ought to be done.

Mr. KEIFER. The gentleman had better not object, as we can not go on if objection be made when there is no quorum present in the Hall.

The CHAIRMAN. The Chair appoints as tellers Mr. HOLMAN and Mr. DINGLEY.

Mr. BROWNE, of Indiana. I move that the committee rise.

The committee divided; and there were—ayes 6, noes 22.

So the motion was disagreed to.

The CHAIRMAN. The tellers will take their places.

Mr. WARNER, of Ohio. It is perfectly apparent that there is no quorum present.

Mr. HOLMAN. When this bill is reported to the House I am perfectly willing that the gentleman from Maine shall have the floor to move to increase this salary, with the understanding in that event the others are to be put at what they are now.

Mr. DINGLEY. If I do that I wish to reserve the right of debate.

Mr. RANDALL. For how much?

Mr. DINGLEY. Ten minutes for myself.

Mr. HOLMAN. Very well; I do not object to that.

The CHAIRMAN. The gentleman from Indiana will state the point of order which he reserves on the balance of the section.

Mr. HOLMAN. I make it now.

Mr. KEIFER. I am willing it should be passed over to be considered in Committee of the Whole, but I am not willing it should be passed over to be brought up after the bill has been reported from the Committee of the Whole House on the state of the Union back to the House.

Mr. DINGLEY. It is perfectly satisfactory to me to have the question decided in the Committee of the Whole House on the state of the Union.

The CHAIRMAN. As objection is made, the tellers will take their places.

Mr. HOLMAN. I hope the gentleman from Ohio will not object. We propose to get through with this bill to-night.

Mr. KEIFER. You will have the yeas and nays in the House.

Mr. HOLMAN. It will not occupy much time in the House.

Mr. DINGLEY. This question will not occupy more than ten or fifteen minutes in the committee.

Mr. HOLMAN. We expect to get the bill through to-night.

Mr. KEIFER. You can not when no quorum is present and objection is made.

Mr. HOLMAN. The same thing will occur on Monday.

The CHAIRMAN. There is objection to the motion of the gentleman from Maine. The tellers, Mr. HOLMAN and Mr. DINGLEY, will resume their places.

Mr. HOLMAN. I say I will have to consent to anything, as I am told I am at their mercy.

The CHAIRMAN. Is there objection to the section just read being passed over for the present, all points of order being reserved?

There was no objection, and it was ordered accordingly.

The Clerk read as follows:

Office of the Director: For Director, $4,500; examiner, $2,300; computer, $2,200; assayer, $2,200; adjuster of accounts, $2,000; two clerks of class 3; two clerks of class 2, one of whom shall be a stenographer; two clerks of class 1; one translator, $1,200; two clerks, at $1,000 each; one messenger; two copyists; assistant in laboratory, $1,000; one helper, at $500; in all, $28,940.

Mr. WARNER, of Ohio. Is not that the Director of the Mint?

Mr. HOLMAN. Yes.

Mr. WARNER, of Ohio. Should not that be stated. Is not that the proper designation of the officer, "Director of the Mint?"

Mr. HOLMAN. It has not been usual to insert it, but if the gentleman prefers it I do not know that I will object.

Mr. WARNER, of Ohio. I suggest that the words "of the Mint" be inserted after the word "Director."

Mr. HOLMAN. This is the usual form, and it comes under the regular heading.

Mr. KEIFER. What heading?

Mr. WARNER, of Ohio. The legal designation of that officer is "Director of the Mint," and made so by the law.

Mr. HOLMAN. My friend will find these abbreviations all the way through. If you put it in you should say "Director of mints."

Mr. WARNER, of Ohio. I am sure the title is "Director of the Mint."

Mr. RANDALL. You had better look at it and see what the title is.

The CHAIRMAN. The gentleman from Ohio moves to insert the words "of the Mint" after the word "Director." [Putting the question.] The noes seem to have it.

Mr. WARNER, of Ohio. I have no feeling about it except that the proper designation of this office should be given.

The question was again put, and decided affirmatively.

So the amendment was agreed to.

The Clerk read as follows:

Commissioner of Internal Revenue: For Commissioner of Internal Revenue, $6,000; one deputy commissioner, $3,200; two heads of division, at $2,500 each; four heads of division, at $2,250 each; one superintendent of stamp-vault, $2,000; one stenographer, $1,800; twenty-four clerks of class 4; twenty-five clerks of class 3; thirty-four clerks of class 2; twenty-four clerks of class 1; fourteen clerks, at $1,000 each; sixty-six clerks, at $900 each, and hereafter no vacancies shall be filled in the grade of clerks at $900 each in this bureau until the number is reduced to fifty; two messengers; fourteen assistant messengers; and thirteen laborers; in all, $280,640.

Mr. WHITE, of Kentucky. I move to strike out that entire paragraph.

The CHAIRMAN. The gentleman is recognized to debate the proposition.

Mr. WHITE, of Kentucky. How much time have I?

The CHAIRMAN. The gentleman has five minutes.

Mr. WHITE, of Kentucky. My objection in the first place, Mr. Chairman, is to the expenditure annually of $5,000,000 to keep up the office of Commissioner of Internal Revenue. But my objection applies not only to the money which is taken out of the Treasury, but to the demoralizing influence which is felt throughout the length and breadth of the land. As a means of raising revenue at the close of the war it might have been a necessity, but to-day when we see the political machinery, when we see the corrupting influence of this Bureau of Internal Revenue, when we see the arrests which are being made throughout the country, nominally for the purpose of collecting internal revenue, but really to protect a monopoly which has the control of this revenue, it becomes a serious question whether we should continue it or abolish it. I say the $5,000,000 of money to be spent annually to keep up this bureau is of the smallest consideration compared with the evil consequences which follow.

When we think of the number of men being arrested in at least a dozen States of this Union for the most trivial offenses, offenses which are technically violations of the internal-revenue laws, and see these poor people dragged one hundred miles from their homes in consequence, and fined and punished also by imprisonment, the question naturally arises in the minds of the American people what is it all for?

But we have seen within the last few weeks a Secretary of the Treasury put into the Treasury through influences, and that Secretary of the Treasury daring to make a regulation, in violation of the law, in violation of the act of Congress, and in the face of a positive refusal of the Forty-seventh Congress at both sessions, as well as a refusal of this Congress in its first session, to extend the bonded period for millions of gallons which under this oppression is crushing out of existence the small manufacturers of whisky. We have seen this dragging of poor people hundreds of miles into the Federal courts, pretending that they must be protected because, forsooth, they were paying revenue. We have seen them come into Congress in the first instance asking sixty days' extension of time, electing members of Congress and members of the United States Senate friendly to their extension, and then come into Congress again and asking one year's extension of time.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. KEIFER rose.

Mr. NELSON. I move that the committee do now rise.

Mr. KEIFER. I wish to suggest to the gentleman in charge of the bill that it is now time that the committee should rise and an adjournment be had, in accordance with the agreement.

Mr. HOLMAN. I hope that by unanimous consent we will be permitted to continue for an hour longer.

Mr. KEIFER. I can not consent to that, because many members have gone away, in view of the agreement already made, who desire to submit propositions to certain parts of the bill. It was understood by unanimous consent that we should adjourn at 8 o'clock, and it would not be fair to those persons who agreed to that to extend this time in their absence.

Mr. HOLMAN. An hour longer would finish the reading of this bill.

Mr. BROWN, of Pennsylvania. I object. It is unfair to the persons here, as well as to those who are not here.

Mr. HOLMAN. If the committee will remain an hour longer I will consent that after the bill is completed those gentlemen who desire to offer amendments to preceding portions of the bill may have the privilege of going back for that purpose if they desire.

Mr. KEIFER. I think that could not be done under the agreement.

Mr. WHITE, of Kentucky. What is the proposition?

Mr. HOLMAN. That those gentlemen who desire hereafter to offer amendments may have the opportunity of doing so by going back in the bill after it is completed.

Mr. BROWN, of Pennsylvania. I do not think we ought to consent to that.

Mr. HOLMAN. Well, say one-half hour longer. That will enable us to dispose of the greater part of the bill.

Mr. BROWN, of Pennsylvania. I shall object to any extension of time.

Mr. HOLMAN. I want to say that gentlemen seem hardly to appreciate the importance of the prompt consideration of this bill. There are naturally some changes in the bill, and it is important that it should soon be sent to the Senate. It is a bill, notwithstanding the speed with which we are getting through with it, which contains many changes which must be considered. The Senate will necessarily occupy considerable time in its consideration and incorporate many additional amendments. The enrollment of the bill will take a long time. The committee of conference will have so many matters to consider that it ought certainly to get to the Senate at the earliest possible moment.

Mr. REED, of Maine. I think, in view of the fact that the gentleman from Indiana has awakened to the urgency of the occasion, we ought not to go to sleep upon it.

Mr. HOLMAN. The bill will not take very much longer to conclude the reading of it.

Mr. BROWN, of Pennsylvania. I think we should have some mercy upon the clerks as well as upon ourselves.

Mr. HOLMAN. I will take the place of one of the clerks and read myself if it be necessary. [Laughter.]

Mr. BROWN, of Pennsylvania. I shall object to the reader.

Mr. HOLMAN. I understand the clerks prefer to go on now with the reading.

Mr. BROWN, of Pennsylvania. I want to hear the reading of this bill myself. I have staid here all day and have not been out of the House a moment. I simply propose to object to any extension of time to-night.

Mr. HOLMAN. We are, of course, at the mercy of my friend from Pennsylvania.

Mr. BROWN, of Pennsylvania. The arrangement was distinctly made that we were to adjourn at 8 o'clock.

The CHAIRMAN. The gentleman from Indiana [Mr. WOOD] desires unanimous consent to print some remarks upon this bill.

There was no objection.

Mr. KEIFER. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BRECKINRIDGE having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union having had under consideration the legislative, executive, and judicial appropriation bill had come to no resolution thereon.

ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now take a recess until 10 o'clock on Monday next.

The motion was agreed to; and accordingly (at 8 o'clock p. m.) the House took a recess until 10 o'clock on Monday.

AFTER RECESS.

The recess having expired, the House, at 10 o'clock a. m. (Monday, February 16), reassembled.

ORDER OF BUSINESS.

Mr. NICHOLLS. I ask unanimous consent to take from the Speaker's table for present consideration the bill (S. 1915) to remove the political disabilities of J. D. Johnson.

The SPEAKER *pro tempore*. That motion is not in order. The hour set apart for motions to take up for consideration bills or resolutions on any of the Calendars of the House or on the Speaker's table has not yet been reached. The gentleman can only ask unanimous consent for the reference of a bill or resolution to a committee or to dispose of Sen-

ate amendments to House bills. Does the gentleman from Arkansas [Mr. BRECKINRIDGE] claim the floor?

Mr. O'NEILL, of Pennsylvania. Would it be in order now to ask for the reading of the rule?

The SPEAKER *pro tempore*. The Chair will direct the Clerk to read that portion of the special rule which refers to requests for unanimous consent.

Mr. HOLMAN addressed the Chair.

The SPEAKER *pro tempore*. The Chair has recognized the gentleman from Pennsylvania, and directs the Clerk to read the last clause of the special rule.

The Clerk read as follows:

Provided, That while this order remains in force the Speaker shall not entertain any requests for unanimous consent to consider any bill or resolution at any other time than herein provided; but he may entertain such requests to refer bills or resolutions to committees or to dispose of Senate amendments to bills which have passed the House.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] is recognized.

Mr. HOLMAN. I had supposed the Committee on Rivers and Harbors were to proceed with the consideration of their bill this morning; but if that is not the purpose I will move that the House go into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills, my object being to resume the consideration of the legislative appropriation bill.

Mr. BROWNE, of Indiana. Before that motion is put I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. When it was unanimously agreed that the House should take a recess until 10 o'clock this morning, was it also agreed that an adjournment should be had before 11 o'clock?

The SPEAKER *pro tempore*. The Chair is advised that the gentleman from Texas [Mr. MILLS] entered an objection to the agreement that there should be an adjournment before 11 o'clock. The Chair will ask the gentleman from Indiana [Mr. HOLMAN] whether he intends to have it understood that there shall be an adjournment before 11 o'clock?

Mr. HOLMAN. I have no purpose myself in regard to that.

Mr. BROWNE, of Indiana. I hope we may have that understanding.

Mr. HOLMAN. I have no objection to that being the understanding.

Mr. BROWNE, of Indiana. Unless such an agreement can be made now I suspect no business can be done this morning, although I should regret exceedingly to interpose any kind of obstacle to the transaction of the business of the House. Why should that agreement not be made now by unanimous consent?

Mr. HOLMAN. I think we should have a morning hour to-day.

Mr. BUCKNER. As I understand it, the question is whether or not there was an agreement on the part of the House that there should be an adjournment to-day before 11 o'clock.

Mr. HARDEMAN. My recollection is that when the recess until this morning was suggested the gentleman from New York [Mr. SLOCUM] objected, unless there should be an adjournment.

The SPEAKER *pro tempore*. The Clerk will read from the RECORD exactly what took place.

The Clerk read as follows:

The SPEAKER *pro tempore*. The gentleman from Indiana will please state his motion again, and the Chair will submit it to the House for consent.
Mr. HOLMAN. My motion is that by unanimous consent the order now pending shall be superseded, and that the House shall continue in session until 8 o'clock, and that a recess shall be taken from 8 o'clock to-night until 10 o'clock on Monday.
The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?
Mr. PERKINS. There will be no objection with the understanding that the House at five minutes before 11 adjourn.
Mr. HOLMAN. I have no objection to that.
The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Indiana?
Mr. MILLS. Does that require unanimous consent?
The SPEAKER *pro tempore*. It does.
Mr. MILLS. Then I object.
Mr. BROWNE, of Indiana. Regular order.
Mr. O'NEILL, of Pennsylvania. I move that the House adjourn.
Mr. HOLMAN. I hope the House will not adjourn. We can devote two hours now to the legislative bill.
Mr. LONG and others demanded the regular order.
Mr. REED, of Maine. I think we ought to give two hours to the appropriation bill this evening.
Mr. O'NEILL, of Pennsylvania. I withdraw the motion.

Mr. BROWNE, of Indiana. I ask now that it shall be unanimously agreed that the House shall adjourn before 11 o'clock. Unless that shall be agreed to I shall feel bound to call for a vote on the motion that the House shall resolve itself into Committee of the Whole House on the state of the Union.

Mr. HOLMAN. I have no objection to that agreement being made.

The SPEAKER *pro tempore*. The gentleman from Indiana [Mr. HOLMAN] moves that the House now resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills; and pending that, he asks that it shall be agreed that at five minutes before 11 o'clock the committee shall rise and the House shall adjourn. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. HOLMAN was agreed to.

The SPEAKER *pro tempore*. The gentleman from Georgia [Mr. BLOUNT] will please take the chair in the absence of the gentleman from Tennessee [Mr. MCMILLIN], who was presiding in Committee of the Whole House on the state of the Union during the consideration of the legislative bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLOUNT in the chair, and resumed the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

The Clerk commenced to read the paragraph headed "Collecting internal revenue," on line 1080.

Mr. ERMENTROUT. I desire to ask unanimous consent to go back to page 11, in order that I may offer an amendment at line 243.

Mr. MILLS. I suggest to the gentleman from Pennsylvania [Mr. ERMENTROUT] to wait until we get through with the bill and then go back.

Mr. THOMPSON. It is a good time when we have reached the internal-revenue business to dispose of it. Let the Clerk read.

Mr. HOLMAN. I do not desire that we shall go back at this time to a former part of the bill.

The CHAIRMAN. Is it agreed that when the reading of the bill is completed the gentleman from Pennsylvania [Mr. ERMENTROUT] shall have leave to go back to offer an amendment on page 11?

Mr. HOLMAN. There is no such agreement at this time.

Mr. MILLS. Let the Clerk read on.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] objects to an agreement at this time.

Mr. HOLMAN. No, Mr. Chairman; I simply say that there is no general agreement to go back at this time, but I have no objection to going back at the proper time.

The CHAIRMAN. The Clerk will read.

The Clerk read the following paragraph:

Office of Publication of Records of the Rebellion: For two clerks of class 4; two clerks of class 3; one clerk of class 2; three clerks of class 1; five copyists, at $900 each; one foreman of printing, at $1,600; one pressman, $1,200; five compositors, at $1,000 each; two copy-holders at $900 each; two assistant messengers; two watchmen; and one laborer, at $600; in all, $29,380.

Mr. HOLMAN. I desire to amend this paragraph by inserting, in line 1692, after the word "For," the words, "one agent, $2,000;" and by striking out of line 1700 the words "twenty-nine" and inserting "thirty-one."

That will simply restore the law to its present condition.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I now ask unanimous consent that when the bill shall have been read through we may be permitted to go back for the purpose of making a few corrections.

The CHAIRMAN. If there be no objection, it will be so ordered. The Chair hears none.

The Clerk read the following paragraph:

General Land Office: For the Commissioner of the General Land Office, $4,000; one assistant commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, $3,000; chief clerk, $2,250; two law clerks, at $2,000 each; recorder, $2,000; three inspectors of surveyors-general and district land-offices, to be appointed by the Secretary of the Interior, at $2,000 each; three principal clerks, at $1,800 each; forty clerks of class 4; fifty-six clerks of class 3; sixty-seven clerks of class 2; seventy-three clerks of class 1; fifty-one clerks, at $1,000 each; and fifty-eight copyists, at $900 each; eight assistant messengers; twelve laborers; and six packers, at $720 each; in all, $490,850.

Mr. HEWITT, of Alabama. I move to strike out the last word of this paragraph, and I wish to ask the gentleman [Mr. HOLMAN] who has charge of this bill a question: Why do you make a difference of a thousand dollars between the salary of the Commissioner of the General Land Office and the salary of the Commissioner of Pensions?

Mr. HOLMAN. That is simply one of the irregularities that occurred in the last session. The one salary was run up out of proportion; that is all. It was inevitable—that is to say, both Houses agreed to it.

Mr. HEWITT, of Alabama. There was no reason why it should be done?

Mr. HOLMAN. No, sir. On the contrary, there was very good reason why it should not be done; but Congress did it.

Mr. HEWITT, of Alabama. I withdraw the *pro forma* amendment.

The Clerk read the following paragraph:

That a committee consisting of five members-elect of the Forty-ninth Congress, to be appointed by the Speaker of the House of Representatives, shall, during the recess of Congress, inquire into and investigate the expenditure of appropriations for Indian schools and the education of Indians, the established system of such schools or education, and whether any changes should be made therein. Said committee shall also inquire into the expenditure of public money for the Yellowstone Park and the administration of the laws applicable to said park, whether any change should be made in said laws or the boundary of the

park, and what steps, if any, can be taken to make of practical benefit and utility that portion of the public domain. That said committee have power to visit the places where appropriations mentioned herein are expended, and in doing so they are hereby authorized to use Government conveyances and means of transportation. Said committee shall have power to send for persons and papers and to appoint a clerk, and may report by bill or otherwise to the Forty-ninth Congress. The expense of said committee, and of witnesses that may be summoned before it, shall be paid out of any money in the Treasury not otherwise appropriated, on the draft of the chairman of said committee, in sums not exceeding $1,000 at any one time.

Mr. HEWITT, of Alabama. Mr. Chairman, I make the point of order upon that paragraph that it changes existing law and does not retrench expenditures.

Mr. HOLMAN. Mr. Chairman, this is unquestionably new legislation, but under the present condition of the Indian service several million dollars are being expended annually for these Indian schools. There never has been a thorough investigation by Congress of the condition of those schools, their locations, the necessity for them, or the mode of their management, and it has been deemed exceedingly desirable to inquire carefully into that subject with a view to legislation by the next Congress. Therefore, while this provision is new legislation, and involves an expenditure of $5,000, I still think that upon reflection my friend from Alabama [Mr. HEWITT] will see the propriety of our trying to obtain some reliable data upon which to predicate legislation upon this subject at the next session.

Mr. HEWITT, of Alabama. I am perfectly willing to withdraw the point of order so far as regards visiting the Indian schools. I am willing that the paragraph shall be amended by striking out the provision with reference to the National Park.

Mr. HOLMAN. Mr. Chairman, I desire to say a word to the gentleman from Alabama [Mr. HEWITT]. The gentleman will remember that, so far as the House is concerned, we have had no inquiry into the condition of that park or the necessity for it—I do not mean the necessity for it, because the maintenance of the park is now an established policy, but I mean as to the requirements of its management. We have already, at the present session, changed the boundaries of the park, and we are appropriating this year a very considerable sum of money for its improvement. Therefore, while it might not be desirable to appoint a committee on the part of the House, or a joint committee, especially for this purpose, it seems to me that it may be well, inasmuch as the committee which visits the Indian schools can very readily perform this additional duty, to have the proposed investigation made, and I think that if the provision as to the inquiry into the state of the Indian schools is allowed to stand the other had better stand also. I trust, therefore, in view of the large expenditure that is now being made upon the park, that the gentleman from Alabama [Mr. HEWITT] will withdraw his objection to the amendment.

Mr. HEWITT, of Alabama. Mr. Chairman, as the gentleman from Indiana [Mr. HOLMAN] and other members of the committee seem to think it important to provide for this investigation, and seem to believe that it will do good, I withdraw the point of order.

The Clerk read the following paragraph:

Pension Office: For compensation of the Commissioner of Pensions, $5,000; first deputy commissioner, $3,600; second deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; two qualified surgeons, who shall be experts in their profession, at $2,000 each; eighteen medical examiners, who shall be surgeons of education, skill, and experience in their profession, at $1,800 each; twelve chiefs of division, at $2,000 each; law clerk, $2,000; forty-five principal examiners for review board, at $2,000 each; twenty-four assistant chiefs of division, at $1,800 each; seventy-five clerks of class 4; one hundred clerks of class 3; four hundred clerks of class 2; four hundred clerks of class 1; two hundred and twenty clerks, at $1,000 each; one superintendent of buildings, $1,400; two engineers, at $1,200 each; one hundred and thirty copyists; twenty messengers; twenty messenger-boys, at $400 each; twenty-five watchmen, and twenty-five laborers; five charwomen, at $400 each; in all, $1,954,650.

Mr. HEWITT, of Alabama. I move to strike out in line 2061 the word "five"——

Mr. BROWNE, of Indiana. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BROWNE, of Indiana. The time has about expired that was to be devoted to this business this morning, and when the committee is to rise according to the agreement.

Mr. HOLMAN. I hope my colleague [Mr. BROWNE] will allow this paragraph to be finished.

Mr. BROWNE, of Indiana. If there is to be no advantage taken on the question of time I have no objection.

Mr. HOLMAN. Oh, no; it is understood that the committee will rise.

The CHAIRMAN. Does the gentleman from Indiana [Mr. BROWNE] withdraw his point of order?

Mr. BROWNE, of Indiana. If it is understood unanimously that the committee will rise before 11 o'clock I have no objection to finishing this paragraph.

The CHAIRMAN. It will be so ordered if there is no objection. The Chair hears no objection. The gentleman from Alabama will proceed with his amendment.

Mr. HEWITT, of Alabama. In line 2061, I move to strike out "five" and insert "four."

The CHAIRMAN. The Clerk will report the amendment just offered by the gentleman from Alabama [Mr. HEWITT].

The Clerk proceeded to read the amendment as above stated.

Mr. HOLMAN. Mr. Chairman, I now move, according to the agreement, that the committee rise.

The CHAIRMAN. As many as are in favor of the motion of the gentleman from Indiana [Mr. HOLMAN] will say ay. [After a pause.] The ayes seem to have it.

Several MEMBERS. "A division."

The CHAIRMAN. A division is called for.

Mr. BROWNE, of Indiana. Mr. Chairman, I submit that the committee must rise under the order of the House without a vote.

Mr. ELLIS. I would like to have that order read.

The CHAIRMAN. As many as are in favor of the motion of the gentleman from Indiana [Mr. HOLMAN] will rise and be counted.

Mr. HAMMOND (during the vote). I rise to a point of order. Before the present occupant of the chair came in unanimous consent was given that at five minutes before 11 o'clock the committee should rise.

Mr. BROWNE, of Indiana. The committee should now rise, in accordance with the order of the House.

The CHAIRMAN (Mr. MCMILLIN). The present occupant of the chair has no knowledge of the matter referred to; but if the statement of the gentleman from Georgia be correct the point of order is well taken.

Mr. ELLIS. Let the order be read.

The CHAIRMAN. The Clerk will read the order of the House.

Mr. KEIFER. The vote now being taken will settle the question.

The Clerk read as follows:

Mr. HOLMAN moved to go into Committee of the Whole on the state of the Union to consider general appropriation bills, pending which,

On motion of Mr. HOLMAN, by unanimous consent it was ordered that said committee rise at five minutes to 11 o'clock, and that the House shall then adjourn.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken; and the hour having arrived for the committee to rise, the House will resume its session.

The committee accordingly rose; and the Speaker *pro tempore* [Mr. BLACKBURN] having resumed the chair, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and had come to no resolution thereon.

Mr. BROWNE, of Indiana. Mr. Speaker, by order of the House as I understand, and I make the question of order——

The SPEAKER *pro tempore*. The gentleman from Indiana moves that the House now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 58 minutes a. m., Monday, February 16) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BAYNE: Resolutions of the Legislature of Pennsylvania, in favor of such bills as will reimburse that State for interest paid on moneys expended during the late war—to the Committee on Claims.

By Mr. BELMONT: Four petitions of citizens of Long Island and New York, N. Y., asking legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. BINGHAM: Resolutions of the Legislature of Pennsylvania, asking that the States may be reimbursed for all sums by them expended in defense of the United States—to the same committee.

By Mr. BLANCHARD: Papers relating to the claim of Clara H. Flower, of Rapides Parish, La.—to the Committee on War Claims.

By Mr. BRAINERD: Joint resolution of the Legislature of Pennsylvania (approved by the governor), requesting the representatives in Congress from Pennsylvania to secure the passage of House bill 2463—to the Committee on Claims.

By Mr. BRENTS: Memorial from the city council of Olympia, Wash., asking an appropriation for improving the harbor of that city—to the Committee on Rivers and Harbors.

Also, memorial of citizens of East Washington Territory and Oregon, asking an appropriation for the improvement of the Columbia River—to the same committee.

By Mr. W. W. BROWN: Resolution of the Legislature of Pennsylvania, requesting Senators and Members of Congress from that State to support the bill restoring direct tax to the several States entitled thereto, as provided by Senate bill 2000—to the Committee on Claims.

By Mr. COLLINS: Petition of Pratt & Co. and 28 other firms and business houses of Buffalo, N. Y., in favor of the passage of the bill to establish a uniform system of bankruptcy throughout the United States—to the Committee on the Judiciary.

By Mr. G. R. DAVIS: Petition of George Scoville, of Chicago, Ill., recommended by circuit and district judges of the United States and judges of the several courts of Illinois, for compensation in making defense in the Guiteau trial—to the Committee on Appropriations.

By Mr. EVANS: Resolutions of the Legislature of Pennsylvania, in favor of such bills as will reimburse that State for interest paid on moneys expended during the late war—to the Committee on Claims.

By Mr. FIEDLER: Petition of William W. Broadhead, J. N. McCracken, Horace Carter, and about 200 others, citizens of New Jersey, requesting legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. FOLLETT: Petition of citizens of Cincinnati, Ohio, for the passage of a law to suppress Mormonism—to the same committee.

By Mr. FORNEY: Papers relating to the claims of Rhoda Ewing and of James Pinkston, of Cherokee County, Alabama—to the Committee on War Claims.

By Mr. GARRISON (by request): Petition for a monument to Richard Henry Lee, of Virginia—to the Committee on the Library.

Also, petition of Mrs. Elise Marsteller, of Prince William County, Virginia, asking for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, petition for an appropriation of $25,000, for a light-house on Old Plantation Shoals, Northampton County, Virginia—to the Committee on Appropriations.

By Mr. GIBSON: Petition of John Waldron, of Huntington, W. Va., asking reference of his war claim to the Court of Claims—to the Committee on War Claims.

By Mr. GUENTHER: Joint resolution of the Legislature of the State of Wisconsin, in relation to increasing the pension of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

Also, petition of John Ross Post, No. 113, Grand Army of the Republic, of Monticello, Wis., praying for the purchase of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. HOLMES: Petition from James C. Taylor Post, No. 165, Grand Army of the Republic, of Algona, Iowa, praying Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the same committee.

By Mr. HOPKINS: Resolution of the Legislature of the State of Pennsylvania, in favor of the passage of a bill to reimburse certain States for moneys advanced to the United States and interest thereon—to the Committee on Claims.

By Mr. HOUSEMAN: Petition from C. J. Bassett Post, No. 56, Grand Army of the Republic, of Allegan, Mich., asking Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. JEFFORDS: Petition of Thomas L. Humphreys and L. C. Hors, asking that their claims may be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LAWRENCE: Petition of Rev. W. G. Stewart and others, citizens of Rochester and Freedom, Pa., praying for early additional legislation against the evil of Mormonism—to the Committee on the Judiciary.

By Mr. McCOMAS: Petitions of Thomas Trundle and Thomas R. Mitchell, of the State of Maryland, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

By Mr. McMILLIN: Petition of John Chapman, asking compensation for work and labor performed for the District of Columbia—to the Committee on the District of Columbia.

By Mr. MANZANARES: Twelve petitions of citizens of the Territory of New Mexico, for a session of the Legislature—to the Committee on Territories.

By Mr. MATSON: Petition of P. C. McIntosh and 22 others, citizens of Owen County, Indiana, for repeal of all laws limiting the arrears of pensions—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. MILLARD: Remonstrance of citizens of New York against the passage of the so-called "freedom of worship" bill—to the Committee on the Judiciary.

Also, petition of citizens of Binghamton, N. Y., asking legislation for the suppression of Mormonism—to the same committee.

By Mr. J. J. O'NEILL: Petition of exhibitors at the World's Exposition at New Orleans for additional aid from the Government—to the Committee on Appropriations.

By Mr. ROSECRANS: Petition of A. W. Hicks, praying for payment of amount due him for services and now unpaid—to the Committee on Claims.

By Mr. PATTON: Petition of 25 citizens of Brady's Bend, Pa., asking for the appropriation of $268,000 for the improvement of the Allegheny River and tributaries—to the Committee on Rivers and Harbors.

Also, petition of 105 citizens of Brookville, Pa., praying for legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. PETTIBONE: Petition of G. W. Margraves, administrator of Absalom Robinson, deceased, of Claiborne County, Tennessee, asking reference of claim to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. OSSIAN RAY: Petition from John Sedgwick Post, No. 4, Grand Army of the Republic, of Keene, N. H., praying Congress to purchase Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

By Mr. SEYMOUR: Petition of Rev. R. P. H. Vail, of Stamford, Conn., and others, for action upon the Mormon question—to the Committee on the Judiciary.

By Mr. C. R. SKINNER: Petition of A. F. Barker and 26 others, of Clayton, N. Y., asking that the United States shall acquire title to the two canals connecting Portage Lake, Michigan, with Lake Superior, and make the same free of tolls—to the Committee on Rivers and Harbors.

Also, of R. G. Keyes and 36 others, of Watertown, N. Y., on the Mormon question—to the Committee on the Judiciary.

By Mr. A. HERR SMITH: Concurrent resolutions of the Legislature of Pennsylvania, asking Congress to reimburse the State for interest paid on money borrowed for the United States Government in 1861 and 1862—to the Committee on Claims.

Also, petition of 48 citizens of Lancaster County, Pennsylvania, remonstrating against the ratification of the Spanish treaty—to the Committee on Ways and Means.

By Mr. H. Y. SMITH: Papers relating to the petition of Mary J. Dickson, for pension—to the Committee on Invalid Pensions.

By Mr. STEVENS: Petition of citizens of Attica, N. Y., asking action by Congress upon the so-called Mormon question—to the Committee on the Judiciary.

By Mr. STEPHENSON: Joint resolution of the Legislature of Wisconsin, asking Congress to pass the bill to increase the pensions of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

By Mr. C. A. SUMNER: Concurrent resolution of the Legislature of California, urging Congress to make an appropriation for a Signal Service station on Mount Tamalpais, near the Bay of San Francisco, in said State—to the Committee on Appropriations.

By Mr. VANCE: Petition of David Bradley and others, for aid to the Cotton Centennial Exposition—to the Committee on Appropriations.

By Mr. WADSWORTH: Petition of citizens of New York, asking legislation on the Mormon question—to the Committee on the Judiciary.

By Mr. WARD: Petition of Johanna Schilling, praying for increase of widows' pensions—to the Committee on Pensions.

By Mr. WASHBURN: Petition of citizens and clergymen of Minneapolis, Minn., relative to the Mormon question—to the Committee on the Judiciary.

By Mr. MILO WHITE: Petition of Jacob Glasanar, of Mazeppa, Wabash County, Minnesota, for a pension—to the Committee on Pensions.

By Mr. WOODWARD: Joint resolution of the Legislature of Wisconsin, asking Congress to pass the bill to increase the pensions of one-armed and one-legged Union soldiers—to the Committee on Invalid Pensions.

Also, petition from George H. Bell Post, No. 53, Grand Army of the Republic, Department of Wisconsin, urging purchase by Congress of Miss Ransom's portrait of General George H. Thomas—to the Committee on the Library.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. ANDERSON: Of citizens of Ada, of Haddain, of Frankfort, and of Albion, Iowa.

By Mr. BEACH: Of citizens of Fremont Centre, of Summitville, of Haverstraw, and of Grahamsville, N. Y.

By Mr. BLAND: Of citizens of Dent, of Miller, and of Osage Counties, Missouri.

By Mr. BOUTELLE: Of A. L. Harman and others, citizens of Machiasport, Me.

By Mr. F. B. BREWER: Of citizens of Humphrey, Cattaraugus County, and of Ripley, N. Y.

By Mr. BURNES: Of numerous citizens of Buchanan County, of Saint Joseph, of Oregon, Holt County, and of Andrew County, Missouri.

By Mr. J. M. CAMPBELL: Of citizens of Saxton, Pa.

By Mr. CARLETON: Of W. H. Smith, S. B. Brown, and about 100 others, of Saint Clair; of John Allmard, Emanuel Mandel, and about 100 others, of Mount Clemens; of W. H. Pace, Albert Dove, and about 60 others, of Thornton; and of Charles Conat, A. M. Hodges, and about 100 others, of Memphis, Mich.

By Mr. CLEMENTS: Of citizens of Cherokee and Pickens Counties, Georgia.

By Mr. CONNOLLY: Of B. Wright and 45 others, citizens of Lackawanna County, and of C. D. Sanderson and 126 others, citizens of Dickson City, Lackawanna County, Pennsylvania.

By Mr. W. W. CULBERTSON: Of 250 citizens of Upper Tygart, Ky.; of 147 citizens of Pine Springs, Ky.

By Mr. CURTIN: Of citizens of Fleming, Centre County, and of Jefferson Line, Clearfield County, Pennsylvania.

By Mr. CUTCHEON: Of citizens of Oceana County, of Branch, Ma-

son County, of Boyle, of Manton, of Free Soil, of Kalkaska County, and of Mason County, Michigan.

By Mr. DOCKERY: Of citizens of Mercer County, Missouri.

By Mr. GREEN: Of 65 citizens of Wilmington, N. C.

By Mr. GREENLEAF: Of C. R. Parsons, H. Brown, S. C. McGlocklin, and others, of Rochester, N. Y., and of O. D. Johnson, Nathan J. Austin, A. W. Wilbur, and others, of Brockport, N. Y.

Also, of Albert A. Tappen, John Quigley, David Sterns, and other citizens of Churchville, N. Y.

By Mr. GUENTHER: Of citizens of Omro, of Appleton, of Menasha, of Neenah, of Pilot Knob, and of Arlington, Wis.

By Mr. HALSELL: Of Wiley Griggan, B. B. Hawkins, J. W. Church, and others, citizens of Monroe, Warren, and Mecklenburg Counties, Kentucky.

By Mr. HANBACK: Of Henry Underwood and 40 others, of Pleasant Plains; of T. B. Dicker and 40 others, from Mankato; of John T. Burnes and 20 others, of Golden Belt; of Daniel Boughman and 50 others, of Shibboleth; of William McKinney and 50 others, of Lenora; of John Ruby and 20 others, of Slate; of O. F. Smith and 150 others, of Osborne, and of W. H. H. Reynolds and 20 others, of Custer and Stewart, Kans.

By Mr. D. B. HENDERSON: Of J. C. Adams and 134 others, citizens of La Porte City, Black Hawk County; of E. Johnson and 88 others, citizens of Shell Rock, Butler County, and of Z. T. Shaw and 9 others, citizens of Clarksville, Butler County, Iowa.

By Mr. T. J. HENDERSON: Of citizens of Dixon, Lee County, and of Princeton, Bureau County, Illinois.

By Mr. HILL: Of J. J. Whitacre and 29 others, of Wood County; of J. A. Gleason and 10 others, of Van Wert County; of Samuel Shisler and 20 others, of Oakwood; of J. F. Wilson and 136 others, of Van Wert County; of Henry Schmick and 100 others, citizens of Defiance County; of James P. Watson and 84 others, of Henry County; of William Shever and 205 others, of Holgate, Henry County; and of Alex. McConkey and 60 others, citizens of Farmer, Ohio.

By Mr. HOLMES: Of J. F. White and 79 others, citizens and ex-soldiers of South English, Keokuk County; of J. H. Ford and 75 others, citizens of Livermore; and of Eugene Coates and 63 others, ex-soldiers and citizens of Radcliffe, Iowa.

By Mr. HOUSEMAN: Of Abraham Wood and others, of Alto, Kent County, Michigan; of L. C. Gaver and 67 others, of Minneapolis, Minn.; of W. S. Pardee and 44 others, citizens of Allegan; of John Pennington and 44 others, citizens of Ionia County; of Miles Parks and 64 others, citizens of Smyrna, and of J. E. Weber and 64 others, citizens of Coopersville, Mich.

By Mr. JOHNSON: Of L. S. H. Higley and others, of Pottersville; of John C. Shaw and others, of Olmsteadville; of C. M. Peas and others, of Crown Point Centre, and of Harvey Robbins and others, of Horican, N. Y.

By Mr. KEIFER: Of D. F. McKinnon and 39 others, of Logansville, Ohio.

Also, of Henry C. Laybourn and 41 others, of Lagonda, Clarke County, Ohio.

By Mr. KLEINER: Of ex-soldiers of Folsomville, Ind.

By Mr. McCOID: Of citizens of Louisa, of Jefferson, and of Lee Counties, Iowa.

By Mr. McCORMICK: Of 267 citizens of Jackson County, Ohio.

Also, of 65 citizens of Gallia County; of 81 citizens of Hocking County, of 73 citizens of Scioto County, and of 137 citizens of Gallia County, Ohio.

By Mr. MANZANARES: Of citizens of Deming, Albuquerque, and of Santa Fé, N. Mex.

By Mr. MATSON: Of David Steers and 61 others, citizens of Hendricks County; of H. Axom and 62 others, citizens of Brown County, and of James T. Knowland and 59 others, citizens of Bartholomew County, Indiana.

By Mr. MILLIKEN: Of citizens of Winthrop, of Norway, of Livermore, and of Monmouth, Me.

By Mr. MORGAN: Of 150 citizens of Nevada, of J. W. Gardner and 30 others, citizens of Osceola, and of citizens of Rich Hill, Mo.

By Mr. MORRILL: Of J. G. Doane and 143 others, of Leavenworth; of William Folger and 333 others, of Sabetha; of A. A. Holmes and 229 others, of Hiawatha; of M. A. Quigley and 24 others, of Robinson; of H. Hilbert and 40 others, of Corning, and of H. P. Woodward and 62 others, of Wamego, Kans.

By Mr. MORSE: Of 32 citizens of Boston, of citizens of Cochituate, Middlesex County, and of Hudson, Middlesex County, Massachusetts.

By Mr. MOULTON: Of 100 citizens of Irving, and of 200 citizens of Bethany, Ill.

By Mr. MURPHY: Of J. B. Morgan and 99 others, of Davenport; of William Paul and 30 others, of Onslow, and of John W. Weaver and 80 others, of Wilton, Iowa.

By Mr. NEECE: Of citizens of Mercer, of Hancock, and of Rock Island Counties, Illinois.

By Mr. NELSON: Of citizens of Mille Lac, of Otter Tail, of Crow Wing, and of Stearns Counties, Minnesota.

By Mr. PAIGE: Of Robert S. Jackson and others, of Pleasant Home, Wayne County, Ohio.

By Mr. PATTON: Of 23 citizens of Worthington, of 103 citizens of Cookport, of 42 citizens of Goheenville, of 63 citizens of Blanket Hill, of 17 citizens of Putneyville, of 8 citizens of Manorville, Armstrong County; of 63 citizens of Reedsburg, of 63 citizens of Brookville, of 90 citizens of Fairmount City, Clarion County, and of 68 citizens of Indiana County, Pennsylvania,

By Mr. PETERS: Of J. S. Richardson and 18 others, ex-soldiers of Rush, of J. K. Baird and 60 ex-soldiers of Ness, of 173 ex-soldiers, of 71 ex-soldiers, and of 119 ex-soldiers of Harvey County; and of citizens of Edwards Counties, Kansas.

By Mr. POLAND: Of C. A. Kittridge and others, of Walden; of R. E. Edsin and 91 others, of Andover; of John A. Wheeler and others, of Irasburg, and of David H. Hudson and others, of East Haven, Vt.

By Mr. PRICE: Of William M. Shepard and 103 others, of El Paso; of J. B. Towers and others, of Saint Croix Falls; of Clark W. Brown and 25 others, of Ellsworth; of James Cameron and 56 others, of Clark County, and of James T. Austin and 59 others, of Melrose, Wis.

By Mr. PUSEY: Of citizens of Crawford, of Mills, and of Montgomery Counties, Iowa.

By Mr. G. W. RAY: Of citizens of South New Berlin, and of Cannonsville, Delaware County, N. Y.

By Mr. RIGGS: Of Richard Arnold and 122 others, of Ashland, Ill.

By Mr. RYAN: Of citizens of Cowley, of McPherson, of Barton, of Chautauqa, of Shawnee, of Sumner, of Osage, of Pawnee, of Reno, of Rice, of Butler, and of Wabaunsee Counties, Kansas.

By Mr. C. R. SKINNER: Of 71 citizens of Dolgeville; of James W. W. Thompson and 50 others, citizens of Clayton, and of James W. Van Slyke and 50 others, citizens of Antwerp, N. Y.

By Mr. H. Y. SMITH: Of 30 citizens, of Dallas Centre, Dallas County, Iowa.

Also, of 77 citizens of Swan, Marion County, and of 54 citizens of Newbern, Marion County, Iowa.

By Mr. SPRINGER: Of citizens of Minier, Tazewell; of Edinburg, Christian, and of Stonington, Christian Counties, Illinois.

By Mr. STEELE: Of C. Harlan and 107 others, of Geneva, and of Jacob Young and 114 others, of Warren, Ind.

By Mr. STOCKSLAGER: Of James M. Duffin and 260 others, citizens of West Fork, Crawford County; of James L. Miller and 49 others, citizens of Galena, Floyd County; of W. J. Hardy and 53 others, citizens of Lexington, Scott County, and of John Jackson and 162 others, citizens of New Albany, Ind.

By Mr. STRAIT: Of Peter H. Gunn and 32 others, citizens of Benson, Swift County; of Jacob Ballyett and 45 others, citizens of Millersburg, Rice County; of Allen W. Clark and 18 others, citizens of Darrel, Meeker County; of F. P. Twitchell and 44 others, citizens of Appleton; of Frank Akers and 54 others, citizens of Watertown, and of D. P. R. Strang and 43 others, citizens of New London, Minn.

By Mr. STRUBLE: Of J. C. Rutheroff and 15 others, citizens of Woodbury County; of A. Laughlin and 66 others, citizens of Woodbury County; of D. W. Wood and 6 others, citizens of Plymouth County; of G. W. Johnson and 118 others, citizens of Sac County; of D. C. Chapman and 87 others, citizens of O'Brien County, and of J. C. Coleman and 28 others, citizens of Dickinson County, Iowa.

By Mr. E. B. TAYLOR: Of citizens of Chardon, of Hiram, of Garrettsville, and of Fullerton, Ohio.

By Mr. THOMAS: Of 68 citizens of Massac, of 27 citizens of Williamson County, of 80 citizens of Randolph, and of 63 citizens of Alexander Counties, Illinois.

By Mr. TOWNSHEND: Of 541 citizens of the nineteenth Congressional district of Illinois.

By Mr. WAIT: Of citizens of Putnam, of Danielsonville, and of Willimantic, Conn.

By Mr. WAKEFIELD: Of 44 citizens of Nobles County; of 20 citizens of Lyon County; of 79 citizens of Murray County; of 123 citizens of Nobles County, and of 28 citizens of Waseca County, Minnesota.

By Mr. A. J. WARNER: Of B. F. Stover and others, citizens and ex-soldiers of McConnellsville; of Theo. F. Davis and 63 others, citizens of Marietta; of John Wight and others, citizens of Athens, and of Samuel M. Graham and others, ex-soldiers, of Bloomington, Monroe County, Ohio.

By Mr. WEAVER: Of H. W. Gilbert and 127 others, citizens of Weeping Water, and of W. S. Allen and 69 others, citizens of Dawson, Nebr.

By Mr. MILO WHITE: Of 125 citizens of Chatfield, of Brownsdale, of Hokah, of Genoa, and of Mantorville, Minn.

By Mr. E. B. WINANS: Of James M. Logan, James W. Tobin, and 45 others, citizens and soldiers of Brighton; of Laban Sherd and 30 others, of Onondaga; of Frederick A. Stowe and 70 others, citizens of Fowler, and of Harvey Peak and 70 others, citizens of Davisburg, Mich.

By Mr. WOODWARD: Of 207 citizens of La Crosse, Sauk, Juneau, Monroe, and Richland Counties, Wisconsin.

By Mr. WORTHINGTON. Of Cyrus Johnson and 196 others, of Peoria County, and of C. E. Jordan and others, of Castleton, Ill.

By Mr. YAPLE: Of David Page and 43 others, citizens of Sturgis; of George Moak and 63 others, citizens of White Pigeon, and of George McGaffey and 39 others, citizens of Union, Mich.

SENATE.

SATURDAY, *February* 14, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of Dakota, praying for the passage of the Mexican war pension bill; which was referred to the Committee on Pensions.

Mr. HARRIS presented the petition of Emma M. Cahill, of Georgetown, D. C., praying compensation for damages to her property caused by public works in the District of Columbia; which was referred to the Committee on the District of Columbia.

Mr. MITCHELL. I present a resolution of the Legislature of Pennsylvania, reciting that—

Whereas the act of Congress of July 27, 1861, and the joint declaratory resolution of March 8, 1862, provided for the reimbursement of the States for all sums by them expended in defense of the United States.

And favoring the passage of a bill authorizing the settlement of the claims of States under such laws. I do not know to what committee this resolution should be referred.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Pennsylvania that the paper he has presented is only a print, a copy. If there be no objection, the paper will be received.

Mr. MITCHELL. It was forwarded to me from the governor's office, and I suppose that it was printed there.

The PRESIDENT *pro tempore*. If there be no objection, the paper will be received and referred to the Committee on Military Affairs.

Mr. PENDLETON presented petitions of the Journal and Messenger, of Cincinnati, Ohio; the Republican, of Findlay, Ohio, and the Manchester (Ohio) Signal, praying for the reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of John G. Thompson, late Sergeant-at-Arms of the House of Representatives, praying an appropriation for the payment of a judgment rendered against him in the supreme court of the District of Columbia; which was referred to the Committee on Claims.

Mr. PENDLETON. I present the petition of Patrick E. Murphy, the publisher of a paper called the Little Crusader, in Columbus, Ohio, praying that Sunday-school publications be transmitted free through the mail, or if not that they be carried through the mails at a reduced rate. I move that it be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. SAWYER presented a joint resolution of the Legislature of Wisconsin; which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

Joint resolution in relation to increasing the pensions of one-armed and one-legged Union soldiers.

Whereas there is now pending before Congress H. R. No. 7168, a bill relating to the increase of pensions to one-armed and one-legged Union soldiers: Therefore,

Resolved by the senate (the assembly concurring), That our Senators and Representatives in Congress are hereby requested to use their utmost influence in aiding the passage of said bill.

Further resolved, That his excellency the governor be, and is hereby, requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

SAM. S. FIFIELD,
President of the Senate.
HIRAM. O. FAIRCHILD,
Speaker of the Assembly.

STATE OF WISCONSIN,
Department of State, ss:

To all to whom these presents shall come:

I, Ernst G. Timme, secretary of state of the State of Wisconsin, do hereby certify that the foregoing has been compared by me with the original in this office, and that the same is a true and correct copy thereof, and of the whole of such original.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the capitol, in the city of Madison, this 9th day of February, in the year of our Lord 1885.

[SEAL.]

ERNST G. TIMME,
Secretary of State.

Mr. MAHONE presented a petition of citizens of Richmond, Va., in favor of the passage of the contract-labor bill now pending in the Senate; which was ordered to lie on the table.

Mr. CALL presented the petition of T. D. Keleher, formerly an employé of the Senate, praying pay for services performed by him as messenger from December 5, 1881, to March 1, 1882; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

REPORTS OF COMMITTEES.

Mr. HALE. By direction of the Committee on Appropriations, I report back with sundry amendments the bill (H. R. 8030) making an appropriation for the Agricultural Department for the fiscal year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. HALE. I wish to say in presenting the report that this is the last appropriation bill sent by the House of Representatives to this body and by this body referred to the Committee on Appropriations. The docket of the committee is now clear, and it awaits business from the House of Representatives.

Mr. MILLER, of California. I am instructed by the Committee on Naval Affairs, to whom was referred the bill (H. R. 6824) authorizing the President of the United States to appoint one passed assistant engineer, now on the retired-list of the Navy, a chief engineer on the retired-list of the Navy, to report it without amendment; and I ask for its present consideration.

Mr. INGALLS. I object to the present consideration of the bill.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

REPORT OF NATIONAL ACADEMY OF SCIENCES.

Mr. HAWLEY. I beg at this time to report a concurrent resolution from the Committee on Printing, and I ask for its present consideration.

The PRESIDENT *pro tempore*. The resolution from the Committee on Printing will be read.

The Chief Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HAWLEY. I will put upon record a statement of the cost. The resolution looks formidable, but it only provides for printing the usual annual report of the Academy of Sciences which the Government requires to be made, and the total cost of all these numbers will be but $1,663.

The resolution was agreed to.

RAILWAY MAIL SERVICE.

Mr. MANDERSON, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the letter from the Postmaster-General dated January 20, 1885, and the accompanying documentary history of the railway mail service from its origin to the present time, be printed.

BILLS INTRODUCED.

Mr. GARLAND. At the request of the Senator from Indiana [Mr. VOORHEES], who is detained from the Senate to-day, I ask leave to introduce a bill.

The bill (S. 2640) for the relief of the Greensburg Limestone Company, W. W. Lowe & Co., and John L. Scanlon, was read twice by its title, and referred to the Committee on Claims.

Mr. PENDLETON introduced a bill (S. 2641) to authorize the several district courts to fill vacancies in the office of register in bankruptcy; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a joint resolution (S. R. 124) to provide for printing the annual reports of the United States Fish Commission; which was read twice by its title, and referred to the Committee on Printing.

Mr. BLAIR introduced a bill (S. 2642) granting lands to aid in the establishment of an endowment for savings, to promote thrift, and to assist the people to preserve themselves from sinking into, or remaining in, the dangerous and degraded hand-to-mouth condition of absolute and direct dependence upon current wages; which was read twice by its title.

Mr. BLAIR. I introduce the bill by request, without having perused it. I move that it be referred to the Committee on Education and Labor.

The motion was agreed to.

AMENDMENTS TO BILLS.

Mr. WILSON submitted an amendment intended to be proposed by him to the river and harbor bill; which, with the accompanying letter from the Secretary of War, was referred to the Committee on Commerce, and ordered to be printed.

Mr. FRYE submitted two amendments intended to be proposed by him to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the Post-Office appropriation bill; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CONSIDERATION OF HOUSE BILLS.

The PRESIDENT *pro tempore*. "Concurrent or other resolutions" being in order, the Chair lays before the Senate the notice and the res-

olution offered by the Senator from Tennessee [Mr. HARRIS] yesterday. The notice and the resolution will be read.

The Chief Clerk read as follows:

I give notice that on to-morrow I will move to suspend during the remainder of the present session of the Senate that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions, and continue such consideration until 2 o'clock;" and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

Resolved, That that part of the eighth standing rule of the Senate which provides that "the Senate will proceed to the consideration of the Calendar of Bills and Resolutions and continue such consideration until 2 o'clock" be suspended during the remainder of the present session of the Senate; and that the following be ordered for said remainder of said session:

"The Senate will proceed to the consideration, in their order, of House bills and resolutions on the Calendar favorably reported by a Senate committee, and continue such consideration until 1 o'clock each day until all of such bills and resolutions have been considered."

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

Mr. ALLISON. I move to amend the resolution by adding the words of which I gave notice yesterday.

The PRESIDENT *pro tempore*. The Senator from Iowa proposes an amendment, which will be read.

The CHIEF CLERK. Add to the resolution:

Provided, That the pending order, Senate bill No. 1886, shall not be interfered with.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

SAINT MARY'S FALLS CANAL LOCK.

Mr. CONGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to inform the Senate whether any estimates have been made for a new lock at the Saint Mary's Falls Canal, in the State of Michigan, in accordance with the recommendation of Col. O. M. Poe, referred to in the letter of the War Department, contained in House Executive Document No. 102, Forty-eighth Congress, second session, and, if so, to forward the same to the Senate. And if no such estimates have been made the Secretary of War is hereby directed to prepare and send to the Senate, with as little delay as possible, an approximate estimate of the cost of said new lock.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 8090) granting a pension to Albert Harper;

A bill (H. R. 8136) for the relief of Addison M. Copen;

A bill (H. R. 6782) granting a pension to Susan Woolley;

A bill (H. R. 7853) granting a pension to Margaret Flaherty;

A bill (H. R. 7612) granting a pension to Nicholas Witham;

A bill (H. R. 8082) granting a pension to Lina J. Stearns;

A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;

A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;

A bill (H. R. 8091) granting a pension to David Sears;

A bill (H. R. 7810) granting a pension to Rosanna Riley;

A bill (H. R. 2068) granting a pension to James H. Reid;

A bill (H. R. 7718) restoring John P. Snyder to the pension-roll;

A bill (H. R. 7077) to remove the disabilities of John K. Mitchell, of Virginia;

A bill (H. R. 7078) to remove the disabilities of John L. Cowardin;

A bill (H. R. 7230) to remove the disabilities of John Randolph Hamilton, of North Carolina; and

A bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862."

The message also announced that the House had passed the following bills:

A bill (S. 1546) granting a pension to Orin R. McDaniel;

A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;

A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;

A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;

A bill (S. 2398) granting a pension to Cyrus Reeser;

A bill (S. 150) granting a pension to Sarah Denny Ripley;

A bill (S. 2034) to remove the political disabilities of Alfred Iverson; and

A bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia.

The message further announced that the House had passed the following bills, with amendments in which it requested the concurrence of the Senate:

A bill (S. 2549) granting a pension to Isabella Higgins;

A bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and

A bill (S. 1571) granting a pension to James McCallen.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 6816) for the relief of Nathan J. Sharp.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1751) to amend an act entitled "An act to provide a building for the use of the United States circuit and district courts, and United States post-office, internal-revenue office, and other Government offices at Erie, Pa.," and making an additional appropriation therefor; and it was thereupon signed by the President *pro tempore*.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no further resolutions that order is closed, and the Chair lays before the Senate the Calendar under Rule VIII, commencing with Order of Business 396, being Senate bill 1886.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Alabama [Mr. MORGAN] to indefinitely postpone the bill. The Senator from New York [Mr. LAPHAM] is entitled to the floor.

Mr. LAPHAM. Mr. President, when I was taken off the floor by the expiration of the morning hour yesterday, I had referred to the early history of the grant of lands in Iowa and the confirmation by the resolution of 1861 and the act of 1862 of the title of the purchasers from the Des Moines River Navigation Company who had become the grantees from the State. I had also shown that the great mass of the settlers, claimed to be occupying these lands under the homestead and pre-emption laws of the Government, entered into their occupancy after the passage of both the acts of confirmation. There are a very few settlers, I am informed, who entered into the occupancy of the land after the grant of 1846 and after the lands had been certified to the State of Iowa by the officers of the Government but before the passage of the confirmatory resolution of 1861 and the act of 1862. I shall have occasion before I conclude to call the attention of the Senate to the case of one of the very earliest of these settlers and to show the condition of his title as against the grantees of the Des Moines River Navigation Company.

I was considering yesterday at the close of what I said the question of the condition of these lands in the possession of settlers in the Des Moines Valley. They are by no manner of means the thrifty and enterprising population so eloquently described by the honorable Senator from Iowa. They cultivate their farms very indifferently. The purchasers under the river grant have been paying the taxes since 1861; the settlers pay no taxes. When General Martindale, whose case I mentioned yesterday, went to one of the occupants of a portion of the land which had been conveyed to him, he entered into a contract with him for the sale of the lot at a reasonable price. The occupant then said to General Martindale: "I have no means with which to cultivate this land, and I want you to make me a loan of $150 to enable me to get a team and needed farming implements." The General very kindly and liberally made him the loan of $150 and entered into a contract with him for the purchase of the property. In less than three years that man joined the settlers' union, as it is called, the organization to which I shall refer by and by, and he has never refunded the money or paid a farthing upon his contract, and remains in possession to this day. He has repudiated his obligations. That, under the inspiration of this organization, is the character mainly of the occupants of those lands in that part of the State.

Now, Mr. President, it is as pertinent here perhaps as at any other stage of my remarks to ask a question and to answer it: Who are asking for this legislation at the hands of Congress? Who has petitioned for the passage of this bill or any similar bill? I am unable to find upon the files of the Senate any memorials in its favor; I am unable to find that any considerable number of the citizens of Iowa have ever asked for the passage of this bill. I do find, however, that one citizen of Iowa whose title has been tried in the Supreme Court, and held by that court to be invalid and ineffectual against the right of the purchaser under the Des Moines River grant, has sent his memorial here, and it is the only one of which I have heard. In that memorial addressed to this body he uses this language:

I believe you, knowing, as you do, this to be one of the most wicked, infernal steals ever accomplished by men calling themselves honorable and honest, yet in crime far in excess of the petty thief now in prison, where they lodged myself for attempting to defend my property, solemnly guaranteed to me by the rightful authority of our Government, and the greatest and most conspicuous criminal in the whole transaction is your present chairman, D. Davis, whose throne is darkness, whose crime is death, and whose home is hell; who,

after committing the crime of corruption and robbery of the citizens' rights on the bench, he resigns in face of threats of impeachment, and worms himself into the Senate, where he is awarded the chair for his corruption. Can you look up at the monster of iniquity in the chair of the Senate with a clear conscience? When the head is a mass of corruption, the whole body is affected.

This is a sample of the spirit which pervades the minds of these settlers upon the Des Moines River lands, and it is the only instance I have been able to find of any request or memorial in behalf of this legislation. On the contrary, I have looked into the papers and I find that the remonstrances against this legislation are very earnest and very numerous. I desire to call the attention of the Senate briefly to the memorials which were presented in the Senate by my predecessor, Senator Conkling, and by the honorable Senator Kernan, in January, 1879, which, on the 13th of March, 1882, I asked to have taken from the files of the Senate and referred to the committee having this bill in charge. That was done.

The signers of these memorials state that they own, or represent owners to whom they have sold with warranty of title, over three-fourths of the 213,000 acres of land which the State of Iowa sold and conveyed to the Des Moines Navigation Company in 1858, and which Congress granted and confirmed to them by joint resolution of March 2, 1861; that their titles are good, and this the United States Supreme Court has repeatedly decided; that they have paid full value for said lands, and large sums for State and county taxes from 1861 to date; that the United States has no title or interest in said lands, legal or equitable, and this has been repeatedly decided by the United States Supreme Court.

They allege that the proposed legislation would unsettle titles, and not quiet them; would violate the right of private property, and make unjust discriminations against the memorialists as non-residents of Iowa, and in favor of residents of that State. They, therefore, petition that the proposed legislation be so amended, if it is to be considered at all, that their titles shall be specially and distinctly excepted from the operation of the bill.

This remonstrance is signed by a large number of people residing in the State of New York, the central portion of the State, by citizens of Minneapolis in Minnesota, by citizens of Boston, by citizens of Michigan, and it is stated that there are other owners of these lands than those who have signed this remonstrance, living in Massachusetts, in Ohio, and in Michigan. Here is a memorial or remonstrance largely signed, and, as I have said, assigning the reasons why this legislation should not be granted. I have numerous memorials which I myself have presented and which my colleague has presented to the Senate against the passage of this bill, and now I come to the consideration of a protest to the terms of which I earnestly and respectfully invite the attention of every member of this body.

The remonstrance was presented by the honorable Senator from Iowa [Mr. ALLISON] on the 15th of February, 1884. It is signed by one hundred and four settlers and owners of the Des Moines River lands in the State of Iowa, and I repeat I beg to invite the attentive consideration of the members of the Senate to the statements which they make:

The undersigned respectfully state that they are residents upon and owners of land in the State of Iowa which are their "homesteads" under the laws of Iowa, and which are either a part of the "river grant," or else are parts of an even section within its limits.

That the lands of the undersigned, which are part of the "river grant," were conveyed by the State of Iowa in 1858 to the Des Moines Navigation Company, that the grantees thereof have paid full value for the same, and the taxes thereon for many years, and their title to the same is good and has been established by repeated decisions of the Supreme Court of the United States, all of which have been reaffirmed by said court in the month of November last.

We respectfully protest against the passage of any act of Congress directing that any of the undersigned, who are such grantees, shall be sued by and in the name of the United States for the purpose of clouding or destroying said title, as an act of oppression, interfering with the rights of property guaranteed by the Constitution of the United States.

We respectfully protest against the passage by the Senate of Senate bill 559, entitled "An act to quiet the title of settlers on the Des Moines River lands, in the State of Iowa, and for other purposes."

And we respectfully state that the property of the undersigned and all the property within the limits of said "river grant," both odd and even sections, has been greatly injured by the repeated agitation in Congress of the title to the land in the said "river grant;" that such agitation prevents the investment in and improvement of such lands by thrifty and industrious farmers, and that the proposed law, if passed, would act as a blight upon the whole district within five miles of the Des Moines River.

Mr. President, this is the state of the case so far as we have any expression sent here designed to influence the action of Congress, and it ought, it seems to me, to invite the careful attention of Senators to the consideration of this bill before they entertain the idea of its passage into a law.

I submit with great confidence to the Senate that Congress has no constitutional power over the lands to which this bill relates—I mean to that portion of the lands which were embraced in the grant to the Des Moines River Navigation Company. If they can be excepted from the operation of this bill, that is all I ask. The owners of these lands have done no wrong to settlers of the United States, and they ought not to be sued by the Government of the United States. If the United States has any right of action or any cause of action it can maintain it without the aid of this bill. The remedy of the Government is perfect if the Government has a claim; and if, as I say, and as the Supreme Court has repeatedly decided, the Government is divested of all its title, Congress can not confer upon the Government any right in respect to it. That doctrine has been so repeatedly decided that it would be useless to refer to the authorities sustaining it. Indeed, the honorable Senator from Iowa [Mr. WILSON] conceded that so far as there were vested rights this bill could not be allowed to interfere with them, and when he made that concession he conceded away the entire case so far as concerns the title of those whom I represent.

If the settlers have any ground of complaint it is against the United States whose officers at one time encouraged them to go upon these lands when in fact they had become private property. If the United States will indemnify these settlers, the owners of these lands have no objection to that. I have no objection to that. I stated yesterday that Congress authorized an investigation in 1873 for the express purpose of making provision for the payment to these occupants of all the damages to which they had been subjected or to allow them substituted lands in the place of those which they were unlawfully occupying. It was contemplated at that time to ask of Congress that Congress should give relief to these individuals, and that relief would unquestionably have been obtained if the remedy had been pursued; but in an evil hour these settlers were induced to enter into a combination for the purpose of resisting the claims of the non-resident owners of these lands and to abandon all effort on their part to obtain relief at the hands of Congress. If anybody has a right to complain in respect to these lands, it is those who in good faith purchased them of the grantees of the State of Iowa, acquired the legal title, and have been disturbed and hindered in their assertion of their rights more or less from that day to the present.

Those who ask this bill in the name of the settlers know and long have known that these lands were private property. They knew when they settled upon them that they were private property and they have no right or title to them by reason of their settlement. The only object and effect of this bill is to enable them to keep unlawful possession of these lands against the rightful owners, to take the avails of the crops, and to expend those avails in payment of the agents and designing men who are instigating them to the acts of violence to which I shall presently refer.

Before doing that, however, it is proper that I should call the attention of the Senate to the bill itself and to its provisions. First, the bill provides that it is believed to be the true intent and meaning of the act of Congress approved March 3, 1871, entitled "An act confirming titles to certain lands," to ratify and confirm the adjustment and settlement of 1866 therein referred to, and the titles of the lands claimed, allowed, set apart, and received thereby and thereunder as a full, complete, and final adjustment and satisfaction of all right and claim of the State of Iowa and its grantees under the joint resolution of Congress passed March 2, 1861, entitled "A joint resolution to quiet title to lands in the State of Iowa," and the act of Congress approved July 12, 1862, entitled "An act confirming a land claim of the State of Iowa, and for other purposes." I believe that myself, but then the section provides that all lands—

For which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby declared to be, public lands of the United States.

Why are they public lands? The purchasers who own them were not parties to the arrangement and are in no manner bound by it.

We have nothing to do with that question. A portion of the persons who were thus provided for accepted the indemnity, but those who are now there and struggling against the true owners refused to accept the substituted lands which were at one time provided, and all these settlers could have availed themselves of that remedy if they had been properly advised. Now comes a qualification to this recital to which there can be no objection, except it is limited to cases where there is no contest and settles nothing. It is the first proviso, as follows:

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid.

That decides nothing whatever. That leaves every controversy between these settlers and the owners of the fee of the land open and undisturbed. But then comes a further proviso:

Provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding one hundred and sixty acres, are hereby confirmed and made valid in them, their heirs or their proper assigns; and upon due proof thereof, and payment of the usual price or fees, where the same has not been paid, shall be carried to patent.

In other words, this bill, if passed, provides that where a purchaser from the State of Iowa is the owner of a quarter-section of land, and a settler is in possession of it under claim that he entered under the homestead or pre-emption laws prior to January 1, 1880, that title is to be confirmed to the settler and he is to be entitled to a patent, directly in the face of every decision which the courts of Iowa and the Supreme Court of the United States have made upon this subject. Then this bill provides that the Attorney-General within sixty days after the passage of this act shall commence a suit or suits either in law or equity for the purpose of asserting the title to these lands.

Now let us consider what this remedy would be if this bill should

pass. There will have to be just as many actions brought as there are several occupants. No two settlers can be united in an action, for the declaration would be demurrable. There will have to be just as many actions, I repeat, as would have to be brought now to settle these questions. Every man in possession of these lands now may bring an action to determine the question between him and the owners of the fee. The Attorney-General could do nothing more if this bill were passed. What is it then? It is a bill to authorize the United States at the expense of the public Treasury to go into the courts of the United States and try a question of private title. It is nothing more, it is nothing less; it is just that; and that is the obnoxious feature of this measure. So far from being a bill as indicated in the title to quiet the title of settlers on the Des Moines lands of Iowa, it is a bill to perpetuate controversy in regard to those lands.

The Supreme Court of the United States in every possible form has decided this question. There are ten decisions of that court. There are a number of decisions of the courts of Iowa to the same effect. Every possible legal question which can arise in this case has been already decided, and the question of title is as quiet as the law can possibly make it. The question of title is entirely quiet except as against a class of men who are there now resisting the process of law. It is only a few years since that one of them was fined by a court of Iowa $500 for contempt in resisting its process, and yet the fine was paid by the settlers' union, and in less than thirty days he was back in possession of the land again and is there to this day.

These settlers occupy very much the same position that the anti-renters in the State of New York occupied more than a quarter of a century ago. They undertook to resist the lawful title to the lands of which they were in possession. They gained for a time a strong hold upon the local popular sentiment. They elected judges, and the judges became corrupt; they elected sheriffs, and the sheriffs became venal; they carried the local elections, and the system ran riot for a time, until by its own weight it fell to the ground and the lawful titles prevailed, and we have had peace in the State ever since. Just so it will be in the State of Iowa if the disturbing element of this bill is not thrust in there. These contestants of the true title are now, to use a familiar phrase, on "their last legs." They have nothing on which to hang a hope unless they can gain something in the shape of this bill under which they may attempt another delusive and obviously fruitless litigation in respect to this property.

Why, Mr. President, the declaration in the first section of this bill, "That all the lands * * * for which indemnity lands were selected and received by the State of Iowa as provided in the act of 1862 are, and are hereby declared to be, public lands of the United States," is a *brutem fulmen*. If Congress has parted with the title to these lands, our declaration that they are public lands will be of no avail. It reminds me of the colloquy between a father and his son of which I once heard. He asked the boy, "John, suppose I call that calf's tail a leg, how many legs would the calf have?" "Why, five," said the boy. "Oh, no, my son, you are greatly mistaken." "Why yes, father; he has four legs now, and if we call the tail a leg, that will make five, won't it?" "No, my boy; don't you understand that calling the calf's tail a leg don't make it a leg?" So, Mr. President in this bill, calling these lands public lands can not make them public lands. The Government's title has been fully divested by three several and solemn acts of Congress, or two acts of Congress and one joint resolution. The Supreme Court of the United States, in numerous cases, has decided that there is a perfect title in these purchasers. Now what avail is it to declare that they are nevertheless public lands? Whoever drew this bill must have been a very poor lawyer, or else a designing trickster.

This is not the case of the forfeiture of a grant like the bills for the forfeiture of railroad lands. There is no phase of that kind in it. This is not a recalling by the Government of title which has been divested upon some condition which has failed. That is not a feature of this bill. This is a bill, leaving everything as it now is as to the legal title, which proposes simply to declare that a portion of these lands are public lands. So the sop that is thrown out in the bill declaring that the undisputed titles of those who have purchased under the grant of the State of Iowa are hereby confirmed is delusive. We do not ask Congress to confirm our grants; the Supreme Court has confirmed our grants. It was a judicial question between us and these settlers who held the legal title. It is not a legislative question; it is not a question which belonged to the Committee on Public Lands. It is a question which belonged to the Judiciary Committee of this body, to whom it was committed in the Forty-sixth Congress, and who unanimously decided that no such relief as is proposed by this bill could be obtained, and who recommended the indefinite postponement of the consideration of this bill. We do not ask Congress to pass a law confirming our title; we have got a better title than Congress can give now, because Congress has by legislative power divested the United States of all title to these lands, and we having purchased them, our title is better than any which Congress can give, and would not be aided by any declaration of Congress.

So the declaration of this bill that the lands for which indemnity was received by the State of Iowa are public lands, although a matter with which we have nothing to do, really is a delusive and utterly ineffectual declaration. We were not parties to that arrangement. In the case of Baker *vs.* Williams, 17 Wall., 144, Mr. Harvey, who was the agent of the State, testified that neither the Navigation Company nor any of its grantees were notified of or took any part whatever in said adjustment. So far as the lands for which indemnity was provided are owned by purchasers, this declaration is false and misleading. It was not for them the indemnity was offered, but for the settlers who had acquired no title.

Why, Mr. President, I repeat the question, at this distance of time, should the authority of the Government of the United States and the proceeds of the Treasury of the United States be thrust into this contest against these purchasers for value from the State of Iowa? Why should they be subjected to this unequal contest? The bill concedes that the Government could maintain no action, because it provides that the claims of settlers shall be united in a suit by the Attorney-General for the purpose of determining the question. In other words, the settler to whom the court is now open, the settler who can now go into court and try the question in all its aspects, is to have as a sort of annex to him the Attorney-General and the Treasury of the United States. They will walk into court arm in arm with the money-bags of the Treasury in their hands and attempt to overawe honest purchasers and owners and to subject them to an unequal contest. They will point to this false recital that those are public lands as their foothold in the controversy.

Now, who is in favor of giving this advantage to these persons who went upon the land, as I have already shown, after the title had passed to us and who can not be considered *bona fide* settlers? Certainly these settlers should not receive encouragement in the way of the facilities for litigation which are proposed by this bill. They should not for the reason, as I have said, that they went into possession knowing that the title had passed from the Government. They know also, if they know anything and are correctly advised, and I shall soon show that they have been correctly advised, that the only result of this bill will be to keep up a state of lawlessness and disorder in the counties in which these lands lie. If they can continue to reap the fruits of these lands and pay no taxes, they can afford to protract the litigation for an indefinite period of time, especially if the main burden of the expenses is borne by the Treasury of the United States; and that is the only effect of this bill.

The joint resolution of March 2, 1861, is very brief and in these words:

Joint resolution to quiet title to lands in the State of Iowa.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all the title which the United States still retain in the tracts of land along the Des Moines River, and above the mouth of the Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the grant by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be, and the same is hereby, relinquished to the State of Iowa.

This is not a release for the benefit of *bona fide* settlers, as this report falsely states. It is a release for the purpose of protecting the *bona fide* purchasers from the State. It is not confined to those who are settlers, and the Supreme Court in all these cases has held that this release by this joint resolution removes all cloud upon the title in the hands of these purchasers and vests in them a perfect title to all these lands. It is a legislative grant, it vests title in these purchasers, and is complete in its terms; it divests the United States of all title. Those who are *bona fide* purchasers from the State of the lands are shown by the records of the State of Iowa. They are shown by the report of the governor to the General Land Office in 1862. It appeared by that report of Governor Lowe that all the lands improperly certified had been sold and conveyed to purchasers, namely: 57,919.23 acres to individuals and 213,492.79 acres to the Des Moines River Navigation Company. I have that portion of Governor Lowe's report here. That report is printed in full in the record in the Supreme Court of the case of Riley *vs.* Wells, one of the cases in which this question of title was determined.

In the case of John Stryker (of my State, who was one of these purchasers) *vs.* Polk County (22 Iowa Reports, 131), at the April term in 1867, the supreme court of Iowa decided this:

That Congress, in 1861, made not a new grant, but for the purpose of giving effect to and carrying out the construction placed upon the original act relinquished to the State, for the use of *bona fide* purchasers, all the interest which the United States still retained. * * * Plaintiff held under a deed from the State; the State claimed under the original grant, the lists being duly certified; he was a *bona fide* purchaser, and the title still retained by the United States was relinquished to the State for his use.

That is what the court of Iowa decided, in exact accordance with the decision of the Supreme Court of the United States. In 1871 the State of Iowa decided the case of Bellows *vs.* Todd, 34 Iowa Reports, page 18. Bellows claimed the land in contest, under Edwin C. and Electus B. Litchfield, who derived title through the Des Moines Navigation and Railroad Company. Todd claimed to have settled on the land in April, 1860, and he made a pre-emption entry 23d April, 1860, which he afterwards changed to a homestead entry, March 14, 1863, after this joint resolution of Congress. The judgment in the Iowa court in that case was in favor of Todd as a pre-emptor. At the trial among other things the plaintiff requested the court to instruct the jury as follows:

If the jury find from the evidence that the land in controversy was certified to the State of Iowa in 1853, under the act of August 8, 1846, and that the same had been conveyed by the State of Iowa to the Des Moines Navigation and Rail-

road Company, and by said company to plaintiff's grantors, and by them to the plaintiff in this action, then the plaintiff is entitled to recover.

If the jury find from the evidence that the lands were certified to the State of Iowa by the Secretary of the Interior under the act of August 8, 1846, then that certification was a reservation of the lands contained in such lists, and the same could not be entered under the pre-emption or homestead acts by the defendants.

The Iowa court declined to give these instructions. The case coming afterwards to the supreme court of the State, it held on appeal that the instructions prayed for ought to have been given, and the judgment below was reversed. This is a direct authority upon this question of title as between a homestead or pre-emption claimant and the purchaser under the Des Moines River grant. It was a prominent case decided in 1871.

The proposed bill declares valid all entries made up to January, 1880, nine years after this decision of the Iowa court.

The Secretary of the Interior, in December, 1868, and in February, 1869, in four cases decided that the title of the United States was by the joint resolution relinquished to the State, and therefore rejected the claims of pre-emption settlers, and none of the persons now in possession are clothed with any title from the Government; they have not received patents, and they can not obtain them in the present state of the law. They are mere squatters, without any semblance of right when the fact is found that they entered into possession after the title of the Government had been divested.

The case of Riley *vs.* Wells was a pre-emption case, Riley claiming under the pre-emption law a quarter-section. Wells held a title under the Des Moines River Navigation and Railroad Company. That case came to the Supreme Court of the United States. The case is not reported, and his honor Justice Nelson delivering the opinion, said:

It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which the lot in question was a part, had been withdrawn from sale and entry, on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts we held confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right, and the possession was continued without right, the permission of the register to prove up the possession and improvements and to make the entry under the pre-emption laws were acts in violation of law and void, as was also the issuing of the patent.

There is the case of the earliest settlement, with one exception, upon all these lands absolutely held by the Supreme Court to be of no avail whatever to the settler, although he had been allowed by the Land Department to prove up his claim and make in form a proper entry. Then we come to the case of George Crilly, which is a conclusive case upon this question. Crilly entered upon those lands in the year 1855. The majority report states his case, and shows that he was allowed by the proper officer of the Government to prove his claim and to take a patent for it. It is referred to in the report. My eye does not fall at this moment upon the statement in the report of the Commissioner of the Land Office which refers to Crilly's case, but he treated it as an exceptional case, and he allowed Crilly to prove up his claim and take a patent.

Mr. ALLISON. It is found on pages 13 and 14 of the report.

Mr. LAPHAM. Crilly claimed the southeast quarter of section 29, in township 89, in Iowa, under the pre-emption law. He got his patent in 1862, after the passage of the joint resolution. The tract containing this section had been sold by the navigation company to R. S. Burrows, of Albion, in the State of New York, who was a large purchaser of these lands. He filed a bill to set aside the patent of Crilly, thus presenting directly the issue whether there was any remaining power in the Government to grant patents to these lands.

In deciding the case at the December term, in 1872, Justice Davis said:

We have already decided that the Des Moines River lands were reserved from sale, and this reservation continued until Congress, by the joint resolution of 1861, released to the State, for the use of its grantees, the legal title still in the General Government, without any saving clause in behalf of settlers or those who might claim under the pre-emption laws of the United States.

They decided that the claim of Crilly, under a patent actually issued by the Government upon the settlement made in the year 1855, is absolutely void and can not prevail against the title of the purchaser under the river grant.

The grant to certain railroads in 1856 expressly excepted lands in the occupancy of settlers under the homestead laws. There was no such exception in the joint resolution of 1861.

In a case against Mr. Martindale, reported in 17 Wallace, there is an entire review of the legislation of Congress upon this subject, and Judge Miller, delivering the opinion in that case, concludes his opinion in this way:

This legislative history of the title of the State of Iowa, and of those to whom she had conveyed the lands certified to her by the Secretary of the Interior as part of the grant of 1846, including among her grantees the Des Moines Navigation and Railroad Company, needs no gloss or criticism to show that the title of the State and her grantees is perfect, unless impaired or defeated by some other and extrinsic matter which would have that effect.

By prior decisions he held that it had been settled—

That by the joint resolution of 1861 the title erroneously certified to the State, under the act of 1846, was validated and made good. * * * And we therefore reaffirm * * * that by the joint resolution of 1861 and the act of July 12, 1862, the State of Iowa did receive the title for the use of those to whom she had sold them as part of that grant (August 8, 1846), and for such other purposes as had become proper under that grant.

This is the state of the title as determined by the Supreme Court. This is the state of the title as determined by the report of the Judiciary Committee of this body made four years ago.

In this connection and as bearing on this point I now ask, as was suggested by the honorable Senator from Alabama in the opening of my remarks, that the views of the minority of the Committee on Public Lands, which truly and faithfully and fairly present the questions which arise on the bill, may at this time be read.

Mr. ALLISON. May I ask if the Senator from New York desires that the report should be read as part of his remarks?

Mr. LAPHAM. Yes, sir; the views of the minority, not the report proper.

Mr. ALLISON. I refer to the views of the minority.

Mr. LAPHAM. Except that the minority incorporated in their views the report of the Judiciary Committee made in the Forty-sixth Congress. That has been stated by the Senator from Alabama and by the Senator from Arkansas, and I do not ask to have that reread, but I ask to have it incorporated in printing the views of the minority as part of it.

Mr. ALLISON. Why would it not suit the convenience of the Senator to have it all printed in the RECORD?

Mr. LAPHAM. For the simple reason that the Senate I assume have not heard or listened to the view of the minority in regard to this case. They are appropriate at this time, in view of what I have stated as to the state of the law and the facts, to show that the views presented by the minority exactly fit this case and are conclusive against the passage of the bill. I hope the Senators present will attend to the statement of the views of the minority in regard to this question. They are much better than anything I could say upon the subject.

The PRESIDING OFFICER (Mr. CAMERON, of Wisconsin, in the chair). The Senator from New York asks that the views of the minority may be read by the Chief Clerk as a part of his remarks.

Mr. COCKRELL. Have they not been read once?

Mr. LAPHAM. No, sir; we did not get within two or three pages of them.

The PRESIDING OFFICER. The Chair hears no objection, and the views of the minority will be read.

Mr. ALLISON. Does it require unanimous consent?

The PRESIDING OFFICER. It requires unanimous consent to have them read by the Chief Clerk. The Senator can read them himself under the rule.

Mr. ALLISON. I do not object to having them read at the desk; I would relieve the Senator from New York as much as possible, as I know he is impaired by a cold, but I suggest to the Senator from New York that this matter might as well go into the RECORD without being read now. I think it would be more attentively considered in that form.

Mr. LAPHAM. I myself suggested that that portion of it which constitutes the report of the Judiciary Committee shall go in without being read, but the rest of it I wish to have read, or I shall read it myself, if any point is made.

Mr. ALLISON. I make no point. I hope the clerks will take note of the fact that the Senator from New York desires judicious omissions to be made.

The PRESIDING OFFICER. The clerks have observed the remarks of the Senator from New York and will be governed accordingly.

Mr. LAPHAM. I wish to have the report of the Judiciary Committee printed as part of the views of the minority, but it need not be read.

The PRESIDING OFFICER. The Chair so understands it, and the clerks so understand it.

The Chief Clerk read the views of the minority as indicated.

The views of the minority are as follows:

VIEWS OF THE MINORITY.

The undersigned, a minority of the Committee on Public Lands, are of opinion that Congress has no jurisdiction over the lands described in the bill, for the reason that the title thereto has vested perfectly, and beyond the control of Congress, in the grantees who hold under the State of Iowa. We are of opinion that such title has been conclusively sustained both by the judgments of the courts of Iowa and of the Supreme Court of the United States, and that all further efforts to change these results by Congressional action are misleading to the persons interested, are calculated to excite false hopes among them, and to foster a state of feeling that has already induced them to resist the authority of the laws to a dangerous extent.

Many times this matter has been carefully considered by Congress and the courts. In 1861 the difficulty of the situation was so obvious that Congress sought to settle it, or else to escape from it, by making a final relinquishment of the lands in the Des Moines River grant to the State of Iowa, so that it might dispose of them in a just and equitable way. Acting upon that authority, the State disposed of the lands, and all the courts have held that titles acquired under this authority were perfect. If this action did not divest Congress of all power to affect the title to those lands by further legislation, then it seems impossible that Congress can ever so far dispose of the public domain as to vest a perfect title in a grantee or purchaser.

The history of this vexed question was carefully presented to the Senate in the report of the Committee on the Judiciary, made on the 21st February, 1881 (Report No. 890, Forty-sixth Congress, third session). No facts have been brought to the attention of the Committee on Public Lands which in any way change the findings of the Committee on the Judiciary.

Some intimations have been made that the cases, or some of them, decided in the Supreme Court of the United States, which state the law as it affects the titles to these lands, were in fact agreed cases in which some facts that might have influenced the decision were not put into the records. What those supposed facts

were has not been pointed out to the committee. This objection seems to be met by Baker *vs.* Williams, 15 Wall., 151. The cases cited in the report of the Committee on the Judiciary are based on the legislative history of this land grant, except as to the persons or lands that were, on the 2d March, 1861, included in the words found in the joint resolution of Congress of that date, namely, "which is now held by *bona fide* purchasers under the State of Iowa." No case could have been decided by any court upon the effect of this statute unless one of the parties had claimed under the description found in the words quoted. So that the meaning of this statute was necessarily discussed and settled in each of those cases. (See Des Moines Co. *vs.* Burr, 5 Wall., 689; Wolcott *vs.* Des Moines Co., 5 Wall., 681; Williams *vs.* Baker *et al.*, and Cedar Rapids R. R. Co. *vs.* Des Moines Co., 17 Wall., 144; Crilly *vs.* Burroughs, referred to, 17 Wall., 167; Homestead Co. *vs.* Valley R. R. Co., 17 Wall., 153; Dubuque and Sioux City R. R. *vs.* Des Moines Valley R. R., Ballard *vs.* Des Moines and Ft. Dodge R. R. Co., Northwestern Reports, volume 17, page 609.)

The report of the Committee on the Judiciary is as follows:

"[Senate Report No. 890, Forty-sixth Congress, third session.]

"Mr. GARLAND, from the Committee on the Judiciary, submitted the following report to accompany bill H. R. 1067:

"On the 8th of August, 1846, Congress granted certain lands to the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River. The grant was of 'one equal moiety, in alternate sections, of the public lands (remaining unsold and not otherwise disposed of, encumbered, or appropriated), in a strip five miles in width, on each side of said river, to be selected within said Territory by an agent or agents to be appointed by the governor thereof, subject to the approval of the Secretary of the Treasury of the United States.'

"Soon afterward a question arose as to the extent of the grant; whether it extended simply to the Raccoon Fork, or to the northern limit of the State, or to the source of the river in Minnesota. This doubt arose from the purpose of the grant, as it was stated in the body of the act, which was 'to improve the navigation of the river from its mouth to the Raccoon Fork.' Mr. Walker, then Secretary of the Treasury, as early as March 2, 1849, held that the grant extended on both sides of the river, from its source to its mouth, and following this decision the Commissioner of the General Land Office, by letter to the register and receiver of the land office at Iowa City, directed them to withhold from sale all lands situated in the odd-numbered sections within five miles on each side of the river above the Raccoon Fork.

"This construction was sustained by Mr. Johnson, the Attorney-General.

"Mr. Ewing, the Secretary of the Interior, reversed the decision of the Treasury Department, in a letter addressed to the Commissioner of the General Land Office, dated April 9, 1849, and held that the grant without an explanatory act of Congress terminated at the fork.

"His successor, Mr. Stuart, held a different opinion, and, in a letter to the Commissioner, dated October 29, 1851, said he was willing to recognize the claim of the State and to approve the selections made without prejudice to the rights, if any there were, of other parties, thus leaving the question as to the proper construction of the grant entirely open to the judiciary.

"Attorney-General Crittenden, to whom Secretary Stuart had referred the question, for his opinion, decided, on June 30, 1851, that the grant did not include the land above Raccoon Fork.

"Under the ruling of Mr. Stuart, the lands north of the fork for a distance of eighty miles were certified as inuring to Iowa, under the act of August 8, 1846. Within this belt are contained all the lands in controversy."

There were still further rulings.

"Thus, on the 25th of March, 1856, the Commissioner held that the grant did not extend above the fork, and in this he was sustained by Mr. McClelland, the Secretary of the Interior, who was also sustained in his opinion by Mr. Cushing, the Attorney-General. There were other rulings and complications not necessary to be stated. The question finally came before the Supreme Court of the United States in what is known as the Litchfield case (23 Howard, 66), and at the December term, 1859-'60, it was held that the grant was limited to the Raccoon Fork, and did not extend above it. But in consequence of the acts of Congress of 2d March, 1861, and July 12, 1862, the same court afterward held, in the Wolcott case, decided at the December term, 1866, that the grant extended to the north boundary of the State, and inured to the benefit of the grantees of the State, notwithstanding the act of May 15, 1856, which attempted to divert a portion of these lands to the benefit of certain railroad companies.

"This is but a partial recital of the legislation of Congress and the rulings of the Supreme Court, but is sufficient for the present.

"Many persons having settled upon the lands claimed at the time to be part of the public domain, and not included in the grant of August 8, 1846, but which were subsequently adjudged to belong to the Des Moines Navigation and Railroad Company, as grantees of the State of Iowa, and being liable by the decisions of the courts to be turned out of possession of their homes unless they could come to some terms with this corporation, an act of Congress was passed March 3, 1873, authorizing the President to appoint three commissioners to ascertain the number of acres and the value thereof, exclusive of improvements, of all the lands lying north of the fork as were held by said corporation or persons claiming title under it adversely to persons holding said lands either by entry or under the pre-emption or homestead laws, and on what terms the adverse holders thereof would relinquish the same to the United States.

"A commission was accordingly appointed by the President, who made their report to Congress. (See Executive Document No. 25, Forty-third Congress.)

"All of these lands were entered as part of the public domain under the pre-emption and homestead laws, the greater number under the former. When they settled upon these lands does not appear; but the dates of filing their applications for entries are given.

"The earliest date of filing is 1862, and the latest in November, 1868. In a portion of the cases patents have issued. As to the lands taken under the pre-emption laws, the settlers have paid the United States $1.25 per acre, in a few cases, $2.50; for those taken under the homestead laws they have paid the fees and commissions only, varying from $7 to $18 a tract, according to the number of acres entered.

"The general law is, and has been since January 12, 1825, that when any tract of land has been sold erroneously by the United States, so that from any cause the sale can not be confirmed, the Secretary of the Interior shall repay to the purchaser, his heirs or legal representatives or assignees, the same amount of money he has paid, without interest. (4 Statutes at Large, page 80.)

"It appears in this case that all the lands in question were withdrawn from market by the Secretary of the Interior, and on October 30, 1851, he approved the selections made by the State north of the Raccoon Fork as inuring to her under the grant made by the act of August 8, 1846. The amount thus certified to the State was 271,572 acres."

Under and pursuant to the contract made by the State with the Des Moines Navigation and Railroad Company on 9th of June, 1854, the State of Iowa conveyed to this company in 1858 all the lands granted to the State by the act of 1846, a belt eighty miles long above the fork, except 25,438.87, which had been sold by the United States at the Iowa City land office in 1848, as to which latter lands there has never been any question of title.

By repeated decisions of the Supreme Court of the United States all the lands thus certified to Iowa inured to the benefit of this company under the acts of Congress above quoted, of March 2, 1861, and July 12, 1862. This court decided, May 13, 1867, in the Wolcott case (5 Wallace, 681), that the reservation made by the Secretary of the Interior in October, 1851, was made under competent authority vested in the Department. It results that the settlers could found no valid claims upon the land by settlement and cultivation after that withdrawal was made.

The Wolcott decision seems to have been misunderstood by the Secretary of the Interior. He treated the lands in question as restored by force of that decision to the public domain and subject to the pre-emption and homestead laws, and hence the Commissioner of the General Land Office, by an order made May 20, 1868, opened the lands to entry under the pre-emption and homestead laws. In point of fact they belonged to the Des Moines Navigation and Railroad Company, under the contract and conveyance above specified.

Under such circumstances we hold that no legal or equitable title can be set up by the settlers; they were bound to know as a matter of law that the certification of the list by the Secretary was a valid act, and the lands were no longer liable to entry.

As to the lands entered subsequently to the letter of Mr. Browning of May 9, 1868, and the order of the Commissioner, it appears that the company immediately took steps to enjoin the officers of the local land offices from allowing entries to be made, and accordingly injunctions were issued by the United States circuit court for the district of Iowa. These injunctions the registers and receivers of the land offices at Fort Dodge and Des Moines were ordered by the Commissioner to disregard.

This conflict of opinions resulted in a suit and called for another decision of the Supreme Court at the December term, 1869 (Hannah Riley *vs.* William B. Welles), when it was definitely ruled that the settlers entered upon the lands without right, and their possession was continued without right, and that the permission of the register to prove up the possession and improvements, and to make the entries under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of patents.

The court says in this case as follows:

"In the present case the defendant claims title under, and in pursuance of, the pre-emption act of September 4, 1841.

"Her husband took possession of the lot in 1855, and she was permitted by the register to prove up her possession and occupation May, 1862. The patent was issued October 15, 1863.

"It will appear from the case of Wolcott *vs.* The Des Moines Company that the tract of land, of which the lot in question was a part, had been withdrawn from sale and entry on account of a difference of opinion among the officers of the Land Department as to the extent of the original grant by Congress of lands in aid of the improvement of the Des Moines River, from the year 1846 down to the resolution of Congress of March 2, 1861, and the act of July 12, 1862, which acts, we held, confirmed the title in the Des Moines Company. As the husband of the plaintiff entered upon the lot in 1855 without right and the possession was continued without right, the permission of the register to prove up the possession and improvements, and to make the entry under the pre-emption laws, were acts in violation of law, and void, as was also the issuing of the patent.

"'The reasons for this withdrawal of the lands from public sale or private entry are stated at large in the opinion of the case of Wolcott *vs.* The Des Moines Company, and need not be repeated. The point of reservation was very material in that case, and we have seen nothing in the present one, either in the facts or in the argument, to distinguish it.'

"Since the acts of 1861 and 1862 were passed by Congress the rulings of the Supreme Court have been uniform that all the lands embraced in this controversy belonged to the Des Moines Navigation and Railroad Company.

"Notwithstanding the opening of the land offices in 1868, by the direction of the Secretary, to the entry of these lands as Government lands, it seems to the committee that the settlers were put upon their guard, not only by the decision of the Wolcott case, but the injunctions granted by the circuit court, that there was a question as to their rights to enter the lands. They chose to take the risk, and the ultimate decision proves they acquired no title. From the very start there was a cloud of doubt. They can not, in the face of these facts, be regarded as innocent purchasers. The intrinsic value of the lands at the time when they made their filings and entries was probably nearly as great as now, aside from the improvements. But the committee understand the fact to be that the lands in controversy were all settled upon while the order was in force withdrawing them from sale, although many applications for entering at the land office appear to have been made since.

"The more recent decisions (Wolsey *vs.* Chapman, 101 U. S. R., 755, and Litchfield *vs.* County of Webber, *ibid.*, 773) approve the earlier cases on this subject already cited, and from them all it is clearly to be gathered that this matter has passed beyond the reach of Congress, and whatever rights the settlers seek to show or may wish to establish, they are not within any remedial legislation of Congress; they can not be affected by any act of Congress; in fact, it is a subject over which Congress has no jurisdiction; and the committee ask to be discharged from the further consideration of the bill, and recommend it be indefinitely postponed."

That the grantees of the State of Iowa are in fact "*bona fide* purchasers" for full consideration, actually paid in money expended upon the improvement of the river on the contract by the Navigation Company, is proved by the official certificate of Governor Lowe to President Buchanan, in the words and figures following, namely:

"EXECUTIVE CHAMBER, IOWA, *Des Moines, April* 28, 1858.

"I, Ralph P. Lowe, governor of the State of Iowa, as required by act of Congress, approved August 8, 1846, 'granting certain lands of the Territory of Iowa to aid in the improvement of the navigation of the Des Moines River, in said Territory,' do hereby certify that there has been expended from time to time, prior to the date hereof, on the improvement of said river, as the work has progressed; and the money has been required under certain contracts made by the State of Iowa with the Des Moines Navigation and Railroad Company, the sum of $332,644.04, and in consideration of said expenditures on said improvement, and in pursuance of the provisions of the act of Congress approved as aforesaid, there will be conveyed to said Des Moines Navigation and Railroad Company 266,107.23 acres of the lands belonging to said grant, and which have been certified and approved to the State of Iowa under said act, for the prosecution of the improvement of said river Des Moines.

"In testimony whereof I, Ralph P. Lowe, governor of the State of Iowa, have caused the great seal of the State of Iowa to be hereunto affixed, together with my signature.

"[SEAL.] RALPH P. LOWE.

"By the governor:

"ELIJAH SELLS, *Secretary of State.*

"To his excellency JAMES BUCHANAN,

"*President of the United States.*"

The point that they are *bona fide* purchasers is also considered and distinctly decided by the United States Supreme Court in the case of Wolsey and the State of Iowa *vs.* Chapman. (101 U. S. Rep., 755.) Also in the Iowa supreme court in the case of Stryker *vs.* Polk County. (22 Iowa Rep., 131.)

This bill, as amended by the committee, changes a "belief" expressed in the bill, as it was referred to the committee, into an assertion as to the "true intent and meaning" of three statutes, namely, March 2, 1861, 12 Stat., page 251; July 12, 1862, 12 Stat., page 543; and March 3, 1871, 16 Stat., and upon that judicial opinion, now for the first time to be expressed by Congress, it declares certain lands "to be public lands of the United States," and proceeds to give them to certain persons who reside upon or claim homesteads upon them.

These are the identical lands which the United States, by joint resolution of Congress in 1861, "relinquished to the State of Iowa." This relinquishment applied to land "which is now (March 2, 1861) held by *bona fide* purchasers under the State of Iowa."

Congress can not, either by direct legislation or by the interpretation it may now place on its former enactments, reclaim this land without taking the property of citizens without due process of law.

After the law has been thus declared in the bill, and the rights of the owners of these lands have been thus summarily disposed of by its provisions, the Attorney-General is required to go into the courts, whether State or Federal the bill does not indicate, and take proceedings in the name of the United States, in which suits private claimants may be joined with the United States "to assert and protect the title of the United States to said lands and remove all clouds from its title thereto." If the first section of the act is valid, there can be no clouds on the title to be removed, unless the courts shall find that the words "ratified, confirmed, and made valid," when applied to a grant of lands, or the confirmation of the title, are not sufficient even to remove a cloud from the title.

It is made the duty of the courts in this bill to "protect the title of the United States to said lands." If the United States has title to the lands that may be protected after this bill is enacted into a law, the persons to whom they are "ratified, confirmed, and made valid" have no such title. To give this power to the courts over these lands is to defeat the very titles and claims which the first section "ratifies, confirms, and makes valid."

If the title of these lands is restored to the United States by this bill it carries with it the possession by act of law. It becomes, in every sense, "public lands of the United States," as the bill declares. It is not necessary that Congress should confer the power upon the courts to protect the public lands of the United States. That is the duty of the President. No courts are named in the bill that are to have this new and extraordinary jurisdiction, but, assuming that they can only be the circuit and district courts of the United States, the bill includes any such courts wherever found. The provision allowing private claimants of the land to join the suit with the United States is limited by the Constitution to those persons who reside in the different States, so that only a few persons could take advantage of the act.

The number of suits that may be brought under the provisions of this bill is only measured by the number of claimants to the lands. A broad field of litigation is thus opened, and the Government, with all power and prestige, would go into court alone, or in company with all the claimants mentioned in this act, and would defray all the expenses of the many suits to assist them in the assertion and protection of the titles conferred upon them by this act.

In any case such a course would necessarily be unfair and unjust toward mere private persons of limited means, but in this case it would array the power of the United States to destroy titles acquired in good faith and paid for in full to the State of Iowa, confirmed by the joint resolution of Congress relinquishing the lands to *bona fide* purchasers and afterward upheld and confirmed in the courts.

Congress had better appropriate any amount of money to compensate the claimants of these lands for the losses they have sustained through the mistaken or improvident procedure of its land officers, than to attempt to avoid such a debt of justice by taking the lands from one *bona fide* purchaser to give it to another *bona fide* pre-emptor or homestead claimant.

This strife will continue as long as Congress shall give it encouragement by efforts to remedy the troubles about these lands by transferring titles from one man to another. Such efforts are misleading because they must result in disappointment. It is better, in the opinion of the undersigned, that Congress should at once assume the duty and burden of making just compensation for losses that have been sustained by those who bought these lands from the United States, under the mistaken belief of the land officers that they were open to settlement and disposal as part of the public domain, and have lost the benefits of their purchases.

JNO. T. MORGAN.
J. N. DOLPH.
R. L. GIBSON.
J. D. WALKER.

Mr. LAPHAM. I submit with perfect confidence that there can be no answer to the view of the case thus directly and succinctly presented in the views of the minority. They are more charitable even than the facts of the case would justify, because they arrive at this conclusion, assuming that there are *bona fide* pre-emptors or homestead claimants to the property. That is not the fact, as I have shown. They have no patents to the land; they have never been able to obtain any. The two who have obtained patents have tried their titles in the Supreme Court, and in both cases they have been beaten. Those men, I repeat, are mere squatters. It is a misnomer to call them persons under homestead or pre-emption entries in good faith. Such is not the fact.

If the settlers had availed themselves of the provisions of the act passed by Congress in 1873 and the investigation made by Messrs. Chubb, Aldrich, and Robinson and had accepted the provision thus made by the Government, their claims would all have been satisfied long before this time. Instead of that they renewed their demands for the recovery of the lands themselves and would have nothing else. In the case of Litchfield *vs.* Webster County, 101 United States Reports, referred to by the honorable Senator from Arkansas, the court says:

By the joint resolution (March 2, 1861) Congress relinquished all title; the United States then retained to the lands which had before that time been certified by the Department of the Interior as part of the river grant, and which were held by *bona fide* purchasers under the State. No further conveyance was necessary to complete the transfer, and the description was sufficient to identify the property. The title thus relinquished inured at once to the benefit of the purchasers for whose use the relinquishment was made. All the lands involved in this suit had been certified, and Litchfield, or those under whom he claims, were *bona fide* purchasers from the State.

The first effort made by these claimants was to procure a repeal of the joint resolution of March, 1861, and the act of 1862. They failed to accomplish anything in that direction. Decisions of the Supreme Court continued to be made from time to time reaffirming the title, until at last the settlers, without any memorials, as I have shown, in their behalf, come into Congress and ask the extraordinary relief proposed by the bill.

I have shown how one hundred and four settlers on these lands view this proposition, and I now desire to call attention briefly to the advice given to the settlers by citizens of Iowa who were familiar with all the questions, and whose opinions were asked in reference to it. Letters were addressed to Hon. George G. Wright, formerly a Senator from that State in this body, Hon. C. C. Carpenter, formerly the governor of the State, and to the Second Comptroller of the United States Treasury, Hon. Galusha Parsons, formerly of Fort Dodge, Iowa, and now a resident of Des Moines. Each of them was asked to give his opinion as to the merits of this movement for the settlers and whether they could obtain any Congressional relief. Those men were all friends of the settlers. Ex-Senator Wright is a distinguished citizen of the State. His letter was written while a Senator here and as their friend. Governor Carpenter and Mr. Parsons occupied the same position. My object in referring to this is to show to the Senate the state of public sentiment on the part of right-minded men in the State of Iowa in regard to this case. Mr. Wright says:

I can not imagine how the repeal of the resolution of March 2, 1861, or of the act of July 12, 1862, could possibly leave the title of the river lands in the settlers. I have thought of this matter not a little, and can not see how, in view of the decisions of the Supreme Court, the action of the Department and of our State authorities, the repeal of these laws could by possibility affect the vested rights of those claiming these lands. I wish it could be done, but to wish a thing to be so and to have it according to your wishes are quite different things.

But, in my judgment, every dollar paid by these settlers to those who put themselves forward as their special friends to lobby and take care of their interests is so much money thrown away. Every member in the House and in the Senate from Iowa is as anxious to do all that can be done for these men as any outsider can be. Of course, we are anxious to have the assistance of all, and will gladly accept the co-operation of these settlers and their friends, wherever found, but I can not but think that every dollar paid by them to agents or those who profess ability to circumvent the decision of the Supreme Court, is but another dollar given without benefit or profit. In this I speak, as I trust, in the interests of the settlers; certainly with no wish to forestall or interfere with any plans which they may esteem to their benefit and interests.

In great haste and with kind regards, I am,
Your friend,

GEO. G. WRIGHT.

It is a long letter and I shall not read the whole of it. I will only add the conclusion. Governor Carpenter in his letter says:

I have your letter of the 26th ultimo—

This was in 1876—

and in reply will say that I fear the river-land settlers will reap no benefit from the measures proposed by Mr. Hodnett. I know nothing of him personally, but presume that he believes the cause he proposes will right the wrongs of those who become his clients. And he no doubt reasons that the same power which passed the joint resolution of 1861 and the act of July 12, 1862, can repeal them. If they were mere ordinary laws, this position could not be denied; but, in my judgment, statutes under which titles have vested, as in this case, are beyond the control of the law-making power. * * * There are many precedents, however, for indemnifying settlers who have been misled by intricate legal questions, which, as in the river-land question, even involved the skillful officers of the Land Department in numerous blunders and contradictions.

To a bill providing for relief to these settlers there should be no objection on the part of anybody. I, as a representative of these purchasers, would gladly support such a measure as that. The State of Iowa recommended such a measure by a joint resolution which was sent here after the time I am now referring to. But the settlers, under the advice of designing men, were unwilling to accede to the proposition. Mr. Parsons in his letter says:

It is unaccountable how anybody can be made to believe that the repeal of a law making a grant will divest the rights of the grantees. It might as well be supposed that the burning up of a deed would operate as a conveyance of the land embraced in it. It is the shallowest of all conceivable impostures. It has been decided times too often to refer to that it is competent for Congress to grant the public lands by legislative act, without the aid of the executive department, and that the effect of such an act is to vest a title, as lawyers call it, *in præsenti*, without patent. It is just as useless and senseless to talk against this as it would be to maintain that by a Congressional repeal of the act admitting the State of Iowa into the Union, all of the land granted to the State for school or any other purposes would revert to the General Government. After a grant is made and title vested under it, it is no longer subject to legislative control. It has become a matter of judicial conveyance, and the courts have the power (and no power beyond that) simply to construe the grant.

To maintain the contrary shows either a total want of acquaintance with the most elementary of legal principles, or that the party is simply imposing upon his hearers. A great deal has been said about the advice that has been given by lawyers and others to the settlers upon these lands, very much of which is pure misrepresentation. I know of no reputable lawyer who has ever advised them that there has been at any time since what is known as the Wolcott decision any hope for them, so far as the title to the land is concerned, except through a reconsideration by the Supreme Court of the principles of that decision. I tried in the Riley case to procure such reconsideration. It was submitted upon my part upon a very elaborate printed argument, in which every question that has since been made by anybody was fully discussed. Every item of evidence that has since been given in any case as to the general title to these lands is found in the printed record in that case. I had hopes—but never very strong—that the Supreme Court, in view of the great magnitude of the interests involved, and the extreme hardship of the lot of those who had purchased and improved these lands and made homes upon them, would reconsider that decision.

I urged this, as my argument shows, if not ably, certainly very earnestly, but the court declined to re-examine the principles of that decision, which is certainly an end of all controversy as to the title to the lands, if it is possible for the highest judicial tribunal in the country to end it. I regret exceedingly that the settlers upon these lands, for whom I have done a great deal and have tried to do more, are flattering themselves with the hope which is doomed to certain disappointment. They are throwing away their contributions, not in a doubtful case, but in one which is absolutely certain, in which the decision is already against them, and which nothing that they or Congress can do will ever change.

FOREIGN-LABOR CONTRACTS.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business of yesterday, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agree-

ment to perform labor in the United States, its Territories, and the District of Columbia.

Mr. DAWES. I ask that the bill may be informally laid aside, that we may take up the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside and that the Senate proceed to the consideration of the Indian appropriation bill. Is there objection? The Chair hears none, and it is so ordered. Before proceeding with the Indian appropriation bill, the Chair asks to be allowed to lay before the Senate sundry bills from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The bill (H. R. 7081) to amend section 17 of an act approved July 2, 1864, entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," was read twice by its title.

The PRESIDENT *pro tempore*. The bill should be referred to the Committee on Railroads, the Chair thinks. The Chair has not read the body of the bill, but according to his observation it does not touch the question of the settlement that the Committee on the Judiciary has had under consideration.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 7077) to remove the disabilities of John K. Mitchell, of Virginia;

A bill (H. R. 7078) to remove the disabilities of John L. Cowardin; and

A bill (H. R. 7230) to remove the disabilities of John Randolph Hamilton, of North Carolina.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 8090) granting a pension to Albert Harper;
A bill (H. R. 8136) for the relief of Addison M. Copen;
A bill (H. R. 6782) granting a pension to Susan Woolley;
A bill (H. R. 7853) granting a pension to Margaret Flaherty;
A bill (H. R. 7612) granting a pension to Nicholas Witham;
A bill (H. R. 8082) granting a pension to Lina J. Stearns;
A bill (H. R. 8142) granting a pension to Mrs. Lucy Parr;
A bill (H. R. 2645) granting a pension to Esther Hudson, mother of William H. Hudson, deceased, late of Company G, Twenty-sixth Regiment Pennsylvania Volunteers, and Company E, One hundred and ninety-first Regiment Pennsylvania Volunteers;
A bill (H. R. 8091) granting a pension to David Sears;
A bill (H. R. 7810) granting a pension to Rosanna Riley;
A bill (H. R. 2068) granting a pension to James H. Reid; and
A bill (H. R. 7718) restoring John P. Snyder to the pension-roll.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. DAWES. I ask that the formal reading of the bill may be dispensed with, and that the bill be read for the consideration of the committee amendments in their order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the amendments recommended by the Committee on Appropriations be considered as the reading of the bill proceeds. Is there objection? The Chair hears none.

The PRESIDENT *pro tempore*. The reading of the bill will now proceed.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Appropriations was, after line 118, to insert:

To enable the Secretary of the Interior to employ some suitable person to take charge of the Indians on Tongue River, at a compensation not exceeding this sum, $1,500.

The amendment was agreed to.

The next amendment was, in line 125, to reduce the appropriation "for the payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior," from $25,000 to $20,000.

The amendment was agreed to.

The next amendment was, in line 125, after the word "dollars," to strike out the following words:

But no person employed by the United States and paid for any other service shall be paid for interpreting.

The amendment was agreed to.

The next amendment was, in line 136, after the words "incidental expenses," to strike out the words "of inspection and investigation;" so as to read:

Necessary traveling expenses of one Indian school superintendent, including incidental expenses, $1,500.

The amendment was agreed to.

The next amendment was, in line 139, to increase the appropriation "for buildings and repair of buildings at agencies, and repairs of the same," from $25,000 to $35,000.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 141 to line 148, inclusive:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and traveling and incidental expenses of five special agents, at $3 per day when actually employed, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employés, and for pay of five special agents at $2,000 per annum each, $40,000.

And to insert in lieu thereof:

For contingencies of the Indian service, including traveling and incidental expenses of Indian agents, and of their offices, and traveling and incidental expenses of special agents, and for pay of employés not otherwise provided for, and for pay of the five special agents, at $2,000 per annum each, $40,000: *Provided*, That special agents shall be allowed $3 per diem for traveling and incidental expenses while traveling or actually on duty in the field, exclusive of cost of transportation and sleeping-car fare.

The amendment was agreed to.

The next amendment was, in the appropriations for "fulfilling treaties with Indian tribes—Apaches, Kiowas, and Comanches," in line 174, to increase the appropriation "for pay of carpenter, farmer, blacksmith, miller, and engineer" from $4,500 to $5,200.

The amendment was agreed to.

The next amendment was, in line 177, to increase the total amount of the appropriations for fulfilling treaties with the Apaches, Kiowas, and Comanches from $49,000 to $49,700.

The amendment was agreed to.

The next amendment was to strike out from line 179 to 223, inclusive, as follows:

The Secretary of the Interior is hereby directed to pay, out of the treaty funds herein appropriated for the Kiowas and Comanches, 15 per cent. to each of the following-named persons upon their respective claims herein described, and in part payment thereof, to wit:
To N. S. Wood, $1,285.
To William Beddo, $18,600.
To L. W. Vaughan, $247.
To R. Vaughan, $695.
To J. H. Baker, $110.
To J. G. Halsell, $19,625.
To James Martin & Brothers, $1,950.
To E. C. Fuller, $800.
To John Hensley, $2,350.
To William M. Hardin, $1,385.
To A. J. Henson, $1,250.
To C. W. Cooper, $2,250.
To Henry A. Whaley, $1,500.
To Daniel E. Moore, $3,000.
To James P. Lindsey, $2,625.
To F. C. Bulkley, $7,500.
To the legal representatives of John S. Chisum, $20,000.
To J. M. Waide, $2,250.
To William Midkiff, $2,600.
To Overton Love, $7,350.
To Mary Stick, administratrix of Wyatt Gilchrist, $300; the same being claims for damages caused by depredations by said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaties with the "Cheyennes and Arapahoes," in line 229, to increase the appropriation "for purchase of clothing," under the tenth article of the treaty of October 28, 1867, from $10,000 to $12,000.

The amendment was agreed to.

The next amendment was, in line 235, to increase the total amount of the appropriations for fulfilling treaties with the "Cheyennes and Arapahoes," from $36,500 to $38,500.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 237 to line 244, inclusive:

The Secretary of the Interior is hereby directed to pay to C. and F. Huning $13,397.02, and to Fielding Burns $1,000, out of any funds belonging to the Kiowas and the Cheyenne Indians of Indian Territory; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the appropriation for fulfilling treaties with the "Chippewas, Pillagers, and Lake Winnebagoshish bands," to strike out the following clause from line 295 to line 301:

The Secretary of the Interior is hereby directed to pay, out of the treaty fund herein appropriated for the Pillager band of Chippewa Indians of Minnesota, to the estate of John Cook, $1,500; the same being a claim for damage caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 302 to line 308, inclusive:

The Secretary of the Interior is hereby directed to pay to the Mille Lac Improvement Company $200, out of any funds belonging to the Mille Lac band of Chip-

pewa Indians; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, after line 360, to insert:

CULUMBIAS AND COLVILLES.

For annuity for Chief Moses, as per agreement of July 7, 1883, ratified by act approved July 4, 1884, $1,000;

For annuity for Chief Tonacke, as per same agreement, ratified by act of July 4, 1884, $100;

For employés, as provided in said agreement ratified by act of July 4, 1884, $6,000; in all, $7,100.

To enable the Secretary of the Interior to reimburse Capt. F. D. Baldwin for expenses incurred in the settlement of the disputes and the negotiation of the agreement of July 7, 1883, with the Columbias and Colvilles, $444.70, to be immediately available.

The amendment was agreed to.

Mr. DAWES. On line 366 the name is not printed right. It should be "Tonacket." There should be a "t" after the "e."

The PRESIDING OFFICER (Mr. HARRIS in the chair). If there be no objection, the "t" will be added.

Mr. PLUMB. In my bill the "t" is printed. I think there should be an "s" instead of a "t" at the end.

Mr. DAWES. I can not answer the Senator, because a letter from the Secretary has it as it is here; but I am inclined to think that in the statute which created the agreement it is spelled the other way. I will look it up and ask that it be amended if there is a necessity for a correction.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriation for fulfilling treaties with the "Creeks," to strike out lines 401 and 402, as follows:

For assistance in agricultural operations, $2,000.

The amendment was agreed to.

The next amendment was, in line 434, to reduce the total amount of appropriations for fulfilling treaties with the "Creeks" from $112,973.30 to $110,973.30.

The amendment was agreed to.

The next amendment was, in line 437, after the words "pay to the," to strike out "treasury" and insert "treasurer;" so as to read:

That the Secretary of the Treasury of the United States pay to the treasurer of that part of the Cherokees known and denominated "Old Settlers or Western Cherokees" the sum of $660.80, &c.

The amendment was agreed to.

Mr. DAWES. In line 439, at the last moment I am informed that there must be an amendment; instead of $660.80 the sum should be $449.30.

The PRESIDING OFFICER. If there be no objection the amendment will be noted.

Mr. DAWES. And on the four hundred and fortieth line "the 12th day of June" should be "the 30th day of September."

The PRESIDING OFFICER. These amendments will be considered agreed to if there be no objection.

Mr. DAWES. The year should be "1851" instead of "1838."

The PRESIDING OFFICER. The amendments will now be read, so that the Senator may see that they are noted correctly.

The amendments were read.

The PRESIDING OFFICER. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for fulfilling treaties with the Iowas, in line 488, to strike out "1884" and insert "1885;" so as to read:

IOWAS.

For interest, in lieu of investment, on $57,500, balance of $157,500, to July 1, 1885, at 5 per cent. per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May 17, 1854, $2,875.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the "Kansas Indians," to strike out the following clause, from line 498 to line 529, inclusive:

That the Secretary of the Interior be, and he is hereby, authorized and directed to apply the net proceeds arising from the sales of Kansas Indian lands, in the State of Kansas, now in the Treasury, and such as shall from time to time be in the Treasury, to the credit of the Kansas tribe of Indians, to the payment of all the present indebtedness of said tribe, principal and interest, represented by the certificates issued in the years 1862 and 1863, and known as Kaw or Kansas Indian scrip; said payment to be made as follows: He shall, ninety days after the approval of this act, apply $67,386.89, being the net proceeds on hand March 27, 1884, together with such sum as may have accrued since said date, in pro rata payment, principal and interest, of all such scrip certificates aforesaid as shall be filed in the Department of the Interior on or before the said ninetieth day after the approval of this act, and of the genuineness of which he shall be satisfied; and thereafter whenever the proceeds, after the deduction of the expenses of the sale of said lands, shall equal the sum of $10,000, the Secretary of the Interior shall pay said sum, together with any excess thereof, upon such certificates as aforesaid as shall be on file at the Department of the Interior on the date of such payment and for thirty days thereto preceding, and shall continue so to pay until the indebtedness of said tribe represented by said scrip certificates, with the interest thereon, shall be fully liquidated, or until the entire net proceeds of the sale of said lands that are now on hand or that may hereafter be acquired shall be exhausted: *Provided*, That not exceeding 5 per cent. interest per annum shall be allowed on any of such scrip.

Mr. PLUMB. I do not rise to oppose the adoption of the amendment, but I wish to call the attention of the Senate to the fact that in 1882, as I find by looking at the deficiency bill of that year, passed on the 5th day of August, a portion of these claims was provided for, precisely the same character of claims, and with the same and no other evidence of validity than those provided for in this clause. The only difference is that the claims the payment of which was provided for in 1882 were represented by scrip certificates "belonging to any person or persons who actually performed labor in the construction of the works for which they were issued."

I have no interest of any kind or description as representing any one who owns any of these certificates, although the work was done in the State of Kansas; but the fact is that the contractor received these certificates from the Government; they were negotiable, and he transferred them for value to parties in the Eastern States who now hold them, and they are practically an obligation against the Government. They were issued by a former Secretary of the Interior, Mr. Jacob Thompson, and specified the treaty under which they were issued, and in every respect are regular on their face and were issued for value, and were transferred for value.

I simply want to call the attention of the Senate to the fact that heretofore we have acted in a manner that substantially accredited these certificates as an outstanding obligation against the Government, and that now we are proposing to go back of them.

Mr. DAWES. It is due to the committee that I should state the reason for their action. The committee examined pretty thoroughly into the justice of this proposition, and I think I speak the opinion of the committee when I say that they all agreed that this should be done, that it was quite time that the United States paid this scrip which had been put upon the market, although not in the name of the United States, yet by the Secretary of the Interior himself, under the provisions of a treaty with the Indians. There was some little irregularity about the issue of some of it. It was issued between the time when the treaty was agreed upon and the time when it was actually ratified here, but there was no question about the honesty of the papers.

There were before the Committee on Indian Affairs, and I think before this committee also, letters from the Secretary of the Interior at the time these certificates were put upon the market, saying to those who proposed to buy them that they were valid. Although the United States technically is not liable, and although there is no proposition to take the money out of the Treasury, but to take it in accordance with a treaty obligation out of funds arising from the sale of lands, yet it is a private claim in an Indian appropriation bill; and that is what controlled the committee. There are a great many such cases, the Senate will observe, in this bill, all of which the Senate Committee on Appropriations propose to strike out, and therefore this had to go with the rest.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Northern Cheyennes and Arapahoes," to strike out the following clause, from line 615 to line 622, inclusive:

The Secretary of the Interior is hereby directed to pay to Dennis Sheedy the sum of $4,658, and to B. J. Everett $3,550, for the Northern Cheyenne Indians, to be carried to the surplus fund; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was, in the appropriations for fulfilling treaties with the "Omahas," to strike out the following provisos, from line 637 to line 665, inclusive:

Provided, That the Secretary of the Interior may, in his discretion, and with the consent of the Indians, extend the time of payment for land as fixed by section 2 of said act so that one-third of the purchase-money shall become due and payable in two years from the date when the land shall be or has been thrown open to settlement, together with one year's interest on the amount of the first installment, to be paid when entry is made; and the second installment of one-third shall become due and payable in one year, and the remaining one-third in two years from date of first payment, with interest as provided in said act; and in case of default in either of said payments, or the interest thereon, the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased, and any payment or payments he may have made: *Provided further*, That also, with the consent of the Indians, the Secretary of the Interior is hereby authorized to cause to be appraised and sold to the highest bidder, under such regulations and upon such terms as to payment as he may deem to be most advantageous to the said Indians, that part or parcel of said reservation described as follows: All that portion of the northeast quarter of the northeast quarter of section 27 and the west half of the northwest quarter of section 26, in township 25, range 6 east, lying east of the Sioux City and Nebraska Railroad, containing about fifty acres, more or less, conditioned, however, that the purchaser thereof shall erect, operate, and maintain a flouring-mill thereon.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts who has charge of this bill whether the action of the committee in striking out this language is because it is considered that this is an act of injustice or unfairness to these Indians, and to ask him further whether, in his opinion, with the safeguards thrown about this matter as to inspection and payment for these lands, it is not proper legislation. Does it not commend itself to the Committee on Appropriations?

Mr. DAWES. This matter has been before the Committee on Indian Affairs, and the committee authorized the reporting of a bill containing substantially this provision; but it is independent legislation, which has no more business in an appropriation bill than it has in the Decla-

ration of Independence, so far as being germane is concerned, or so far as the rules of the Senate go, which, like those of the Medes and Persians, are not to be changed. The Committee on Appropriations acted in obedience to the edict—I believe that would be a proper word, but I will say the order of the Senate, which the committee felt bound to obey—that there should hereafter be, with the consent of the Senate, no more legislation in appropriation bills. The Senate will observe how implicitly the committee have in this respect observed the rules of the Senate, and have stripped this bill entirely of anything that looks like legislation.

Mr. INGALLS. Will the Senator permit me right there to ask him if the Senate did not on the pension appropriation bill, by an affirmative vote, place general legislation?

Mr. DAWES. I was not present when the Senate considered the pension bill, and as the Senator from Kansas participated in whatever error or aberration the Senate indulged in at that time, I think the Senator only calls it to my attention on the idea that if we have committed one sin, it is easier to repeat it. That I admit. I admit the force of the suggestion of the Senator, and I admit that the Senate can reverse its decision at any time if it disregards consistency, and if it disregards the principles upon which the rule was established, but the Senate Committee on Appropriations could not do that, and that is the reason why this clause is stricken out.

Mr. MANDERSON. This proviso has so far commended itself, as I understand, to the Committee on Indian Affairs that if it was in the form of a separate bill it would meet the approbation of the committee. I differ somewhat with the Senator from Massachusetts in charge of this bill. It seems to me that this is a subject-matter that is germane to the bill, and can hardly be considered as general legislation upon an appropriation bill. It is a simple matter of fairness to those who have purchased these lands, and the matter of extension of time of payment as provided herein being within the discretion of the Secretary of the Interior, and being necessarily with the consent of the Indians, I think this proviso should be retained. I feel at least like testing the sense of the Senate and asking that this proviso be retained.

Mr. DAWES. Perhaps it is as well for the Senate to determine now whether this bill shall go back to the form in which it came to us. The measure contained in this proviso has some merit in it, but the Senator says he differs with me upon the question whether it is germane and proper in this bill. The object of the bill is to make "appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes." The object of it is indicated in the title. Two years ago we enacted a law under which these lands were sold after an appraisal. They were sold at a very high price and the Indians are entitled to the benefit of that price. They were sold at such a price that the purchasers now find it very hard, after the expenses incurred in making a settlement, to make their first payment at the time agreed upon. The law requires that they shall make it on a certain date. It is proposed in this measure to extend that time. That is of course independent legislation, having nothing whatever to do with the current expenses of the Indian Department, or with the fulfillment of treaties. It is a very proper measure to be considered by the Committees on Indian Affairs of the two Houses, and the committees of the two Houses have considered it. So far as the committee of this body is concerned it has done its duty; it presented the measure of the Senate in the form of a bill.

But to undertake to make the Indian appropriation bill an omnibus bill like a great hay-rick into which is to be piled everything that can be gathered up that has any reference to Indians whatever is to change entirely its character, is to change entirely the duties of the Committee on Appropriations, and is to change entirely the opportunity of the Senate to consider the propriety of these measures in the last ten days of the session.

Mr. VAN WYCK. I understand from the inquiry propounded by the Senator from Kansas to the Senator from Massachusetts that the rule is not inexorable—that the committee themselves sometimes feel at liberty to deviate from it. I refer to the rule that no legislation shall appear on an appropriation bill. Attention has been called to the case of the pension appropriation bill. The provision relating to the lands of the Omahas in Nebraska, referred to by my colleague, and the provision on the next page applying to the Otoes, are not of such a character as my friend would suggest to make an omnibus bill of the Indian appropriation bill.

Mr. DAWES. Not those provisions.

Mr. VAN WYCK. These provisions are entirely legitimate; each is a matter in regard to the Indians of the particular tribe, to which the proper committee had given attention and made provision for in this appropriation bill.

Mr. DAWES. I will call my friend's attention to the difference. What the committee have done pertains to the Indians. What the provision that we propose to strike out has reference to is white settlers upon lands which the Indians sold to them.

Mr. VAN WYCK. But the money to be paid by the white settlers goes to the Indians, and therefore it affects the Indians.

Mr. DAWES. And the Indians are content to let it be just as it is.

Mr. VAN WYCK. It affects the Indians. Their acquiescence is required by this provision, so that it is a matter affecting the Indians.

These lands belonging to the Omaha and Otoe Indians were sold by these tribes at unusually large prices. That is conceded. The equity and merit of the case are conceded by the Senator. Now at this particular juncture of affairs it is impossible for the parties to make the payment as the law originally required. The Secretary of the Interior has no authority in regard to it. This matter has been called to his attention and he is not authorized to act.

Mr. DAWES. I will state to the Senator that while the Secretary of the Interior has no authority to make a binding contract of extension, he is not called upon to enforce immediately the obligation, any more than a man holding a mortgage upon another man's real estate is obliged the moment the payment becomes due to enforce his mortgage. Therefore I assume, among other things, that if there is good security for the Indians, being upon interest, the security will be just as good a year hence, and that any fair administration of the Indian Department will furnish to those people the extension which they want us to make obligatory by law.

Mr. VAN WYCK. That is all true. The difference is that the Secretary of the Interior really has no power, as I was suggesting. He would not act affirmatively probably. As to what other combinations might arise by other parties outside of the Indian tribe and outside the persons who have purchased the lands, of course we can have no guarantee.

If the rule be not inexorable in regard to placing legislation on an appropriation bill, and if each appropriation stands on its own particular merit, then I apprehend there is so much merit in this provision that the committee ought to have felt warranted in making this exception, as they sometimes do. As I was stating, the Indians have been benefited by the sale of these lands, particularly the Otoes, whose lands were sold at auction at a much greater rate than that at which the purchasers could have bought land equally as good in that section of the State. So the Indians were benefited by the exceptionally high price of their lands. By reason of the depressed situation of affairs afterward coming upon those people it became impossible for them to make the payment, and as the Indians do not receive the money to make investments themselves, but the Government does that for them, and as there is abundant security and the interest is at a fair rate, there would seem to be no reason why the Committee on Indian Affairs should not assent to this proposition, as I know they feel like protecting the interests of the Indians.

It is true the Committee on Indian Affairs of this body have passed affirmatively and favorably upon the bill introduced for that purpose, and possibly the Committee on Indian Affairs of the House may have done so; but here is a provision, plain, simple in its enactment, of acknowledged merit and propriety, approved by the proper committees probably of both Houses, and which would pass without an opposing vote, perhaps without a suggestion of any opposition.

Mr. MANDERSON. I suggest to my colleague that not only has it that strength, but also that this action is recommended by the Indian Department, by the Secretary of the Interior.

Mr. VAN WYCK. Yes, sir; it is recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior. The only difficulty now is that the rules of both Houses are so admirably drawn and so admirably interpreted that a measure which would require no consideration comparatively at the hands of either body can not be allowed to be passed.

Mr. COCKRELL. Will the Senator from Nebraska permit me to make a suggestion?

Mr. VAN WYCK. Certainly.

Mr. COCKRELL. I think the Senator from Nebraska seems to be laboring under a wrong impression about the authority of the Committee on Appropriations. I hope we can understand distinctly what right and power that committee has exercised. We have a rule of the Senate which has been interpreted by the presiding officer to mean that no legislation can be ingrafted upon an appropriation bill, that it is not in order, nor can any amendment to general legislation placed upon such a bill by the House be in order in the Senate. We brought before the Senate only a day or two ago that very proposition, and the Senate upon an appeal from the decision of the Chair sustained the interpretation given to that rule by the Chair; and then it turned right around and voted by a yea-and-nay vote to put legislation upon an appropriation bill. The Senate did that.

The Committee on Appropriations, in deference to the standing rule of the Senate and the decision of the Senate as to its interpretation by the presiding officer, has simply recommended the striking out of all the general legislation upon the pending appropriation bill. It is in the power of the Senate to non-concur in the amendments proposed by the Committee on Appropriations. That would bring the question up directly. There are several amendments of the Committee on Appropriations that I am in favor of non-concurring in. If the Senator will simply make the point that this legislation ought to be enacted and is of such a character that it will justify the Senate in setting aside the rule as it did the other day, I believe at the instance of the senior Senator from Kansas, and voting in a general legislative provision, then the whole matter is before the Senate.

The Committee on Appropriations has had nothing to do with it. It is a rule of the Senate entirely, and it is in the power of the Senate now to say that it is proper the provision should be inserted, just as it said the other day that a legislative provision should go on an appropriation bill. The Senate Committee on Appropriations did not decide upon the question of the propriety or impropriety of the legislation which it has proposed to strike out. It so proposed simply in obedience to the rule, leaving it to the Senate to say whether the recommendation of the committee should be concurred in. The Senator can make the point and have a vote taken as to whether this provision shall be stricken out, and that will bring the whole question before the Senate. The Senate has heretofore trampled upon the decision of the presiding officer and the rule of the Senate, and can do it again.

The PRESIDING OFFICER. The Chair will state to the Senator from Missouri that the pending question before the Senate is, Shall the amendment, striking out the provision, be agreed to? That is the exact question.

Mr. COCKRELL. I understand, but I was simply fearing that the Senator from Nebraska was throwing the whole responsibility of its going out upon the Committee on Appropriations when it is upon the Senate. We simply recommended that it be stricken out, in obedience to the rule and the decision of the Senate, and now let the Senate determine the question. The Senate has to confirm all the recommendations of the committee before they become effective. We have simply made that recommendation in obedience to the rule of the Senate and the interpretation of that rule by the presiding officer, and the confirmation of that interpretation by the Senate itself. I want to see the Senate say why in a number of instances it violates the rule, the interpretation of the rule by the presiding officer, and its own decision sustaining that interpretation.

Mr. VAN WYCK. I was endeavoring just at that moment to show—I thank the Senator, however, for his suggestions, because they were in the line of my own idea—the necessity of overriding the action of the Appropriations Committee. I am very glad to know that the Appropriations Committee, cheerfully, of course, defer on such matters to the action of the Senate. Where there is so meritorious a proposition as this, one so germane to the bill, and it is the only mode and manner in which redress can be accomplished, both protecting the Indian and doing justice to the white man, we should not let a technicality stand in the way. This proposition is plainly equitable; it received no opposition in the committee of either House; it has the recommendation of the Indian Department; and yet here in Congress the rules to which my friend has referred, and their construction, are such that this measure can not possibly receive attention and pass into a law. Thus injustice is done to a large class of citizens.

It is on that ground that I desire, and my colleague desires, that the striking out of the provision as to the lands sold for the Omaha Indians and for the Otoes shall not be concurred in as recommended by the Committee on Appropriations.

Mr. MILLER, of California. I know nothing about the merits of this particular clause which the Senator from Nebraska desires to have remain in the bill; but the action of the committee on this clause brings up the whole question of what the Senate is to do in respect of what is termed general legislation in this Indian appropriation bill. There are a great many clauses in this bill which are called general legislation; but they ought to be passed. There are many claims here which are stricken out by the committee, which are just claims, have been adjudicated by the Interior Department, by the Indian Bureau of the Government, and found to be honest and just, and due to the parties claiming them. I do not see how the Committee on Appropriations could have done otherwise than they have done under the rules of the Senate; but I do think that it would be proper for the Senate to confirm their action in these matters. I do not know how a party who has a valid claim, such as is provided for in this bill, is ever going to get his money unless he gets it upon an Indian appropriation bill.

Mr. CAMERON, of Wisconsin. Why can he not have a bill introduced for his benefit in one House or the other and let it go through regularly as other bills do?

Mr. MILLER, of California. The trouble is that you have a multiplicity of bills and they never get through. The practice of the Senate has been to allow claims of this sort to be paid under an enactment in an Indian appropriation bill. The Senate did so at the last session. There were then about thirty claims similar to these.

Mr. CAMERON, of Wisconsin. There are probably 5,000 similar claims filed in the Indian Department; and why should these twenty or thirty be selected out from that 5,000 and given the preference which the House appears to have given them by placing them on this bill, simply because those claimants had some particular friends who urged their cases? They are no better than the 10,000 other claims that are pending in the Indian Department.

Mr. MILLER, of California. I do not know about that; I do not know how the Senator knows.

Mr. CAMERON, of Wisconsin. I know it from having examined them.

Mr. MILLER, of California. Have you examined 10,000 claims?

Mr. CAMERON, of Wisconsin. Perhaps the number is a little exaggerated; but I have examined hundreds of them.

Mr. MILLER, of California. I have no doubt it is exaggerated. Nobody has examined all these claims except the Interior Department, and perhaps no claim has found a place in the appropriation bill which has not been gone over very thoroughly and investigated very completely in every phase of it, and where the decision of the Department has not been that a certain amount has been found to be due and should be paid. In the case of the 10,000 claims that the Senator speaks of, they perhaps never have been so thoroughly investigated and adjudicated as these have been. I hope that where there is no question about the justice of a claim it will be allowed to remain on the appropriation bill. It has been the custom of Congress heretofore to do it, and, as I remarked, the Senate committee itself at the last session put on an appropriation bill a large number of these claims and they were adopted by the House. It is unfair to those whose claims have now been put on this bill to have them stricken out merely on a point of order or because there is a rule of the Senate against general legislation. You are breaking that rule constantly. There is no appropriation bill that comes up for the consideration of the Senate where that rule is not violated.

Mr. CAMERON, of Wisconsin. We keep as close to it as possible.

Mr. MILLER, of California. If you make one exception there is no reason why advantage should be given to the person in whose favor that exception is made over all others. It is unjust and wrong to do it.

Mr. CAMERON, of Wisconsin. It is equally unjust and wrong that these claimants should have their claims placed on an appropriation bill when there are other claimants equally meritorious and whose claims have been passed upon in the same way by the Secretary of the Interior who are kept off.

Mr. MCMILLAN. And favorably reported by the Senate committee in some instances, and with favorable reports in the House in others.

Mr. HOAR. The precedent of putting this on an appropriation bill is not simply a preference of one over another, but it tends to the result that all the other claims are not considered at all. If this were right to other claimants of their own class, then everybody who had any special interest in claims of this kind would have them taken up and considered together. Now the Committee on Appropriations in the House have an advantage, and everybody else is left out.

Mr. MILLER, of California. There may be some force in that suggestion; but now I happen to know of one claim in this bill for depredations committed in 1861, and the claimant has been at work ever since attempting to get justice, to get his claim through. It was a claim for $30,000. The Department cut it down to $6,000, and now our committee has stricken it out of this bill. I do not know how this man is ever to get his money that everybody concedes is due to him.

Mr. ALLISON. When was that?

Mr. MILLER, of California. In 1861 the depredations were committed, and by this course of action by the Senate and the House in respect to these matters the money due this man has been kept from him and he has not had it. He has not been able to get an item through in an appropriation bill, or in any other way secure the payment of the money. This is unjust; it is wrong. There is no decent and respectable government that can afford to deal in that way with its citizens. We must get at this in some way or other. If we can not do it on an appropriation bill there must be some other method invented.

Mr. ALLISON. We provide for an examination of all these claims.

Mr. MILLER, of California. Yes; but that is nothing more than the re-enactment of the present law. Section 445 of the Revised Statutes requires an examination just as the committee propose here. There is nothing in that. There are reports in the Senate now that I can exhibit to the Senator showing that these claims have been examined and allowed. That is a mere makeshift to put off, to give an excuse for not paying these claimants as the Government ought to pay them. I insist that if these claims are stricken out on the ground that they are general legislation every line of general legislation in the appropriation bill should be stricken out. The committee have put in general legislation in this bill.

Mr. DAWES. Where?

Mr. MILLER, of California. All through it. I shall be able to show it when the details come up, but I do not think the Senate ought to strike out these items when there is no dispute about their justice and correctness. There is no reason for it.

Mr. CAMERON, of Wisconsin. The trouble is right here: these claims get into this general appropriation bill through some sort of favoritism.

Mr. MILLER, of California. I do not know that.

Mr. CAMERON, of Wisconsin. I do know it.

Mr. MILLER, of California. You know more about it than I do; but I do not know that we can jump at the conclusion that it is favoritism. Because there may be twenty claims in this bill and twenty in the bill of last session, I do not see that it follows necessarily that their insertion was due to favoritism. It may be due to vigilance on the part of the claimants. It is certainly no favoritism to pay a man what is due him from the Government.

Mr. MANDERSON. It is admitted by all who have spoken on this

question that this is proper legislation. Whether it be general legislation or whether it be legislation germane to this bill, it is conceded that it provides for a righteous act. Now, it seems to me that being such it is proper to place it upon this bill. It can never be wrong to do right; it can not be unjust to do an act of justice.

It is suggested that there is a rule of the Senate that prevents that which we seek to accomplish. The Senate seems to be the victim of its own rule. I submit that although the rule may bind the Committee on Appropriations, it may or may not bind the Senate, and that it may either by direct repeal or change or by indirect action avoid the rule, as it has done it in repeated instances. A few days ago in the pension appropriation bill we are told that general legislation admitted to be fair, right, and just was placed upon that appropriation bill. Now, I submit to the Senate that as this is fair and just the Senate should in this instance follow the latest precedent, and even if it violates the rule do this act of fairness and justice to these parties.

As to the different claimants who are to be relieved by this bill if it shall pass as it came to the Senate, I have simply a word to say in response to the suggestion of the Senator from Wisconsin. He says as we can not pay all of these claims, let us pay none. I do not think the Senate would desire to place itself in that position. If there are 5,000 claimants who have just claims against the Indian Bureau or against the different tribes of Indians, let us pay them as we can. If we can not pay them all at one time, pay a few at this session of Congress and take up the other claims at sessions hereafter.

I hope the Senate will refuse to strike out this proviso as recommended by the committee.

Mr. PLUMB. I shall detain the Senate but a moment in stating the theory on which I gave my consent, not only to striking out the legislation which is now under consideration, but also the claims alluded to by the Senator from California.

There is a rule of the Senate that no legislation shall appear upon appropriation bills, and that has been properly construed to mean that the Senate can not amend the House legislation sent to us on such bills, about which we have had abundant discussion recently. The Committee on Appropriations in this condition of things can not exercise their own discretion as to amendments. There is legislation on this bill that the committee would have gladly had remain there with certain amendments which they would have suggested if it had not been for the rule, and therefore that legislation must necessarily go out.

There is other legislation that they did not care to amend; and at the same time there is legislation which the committee itself desired to put on to the bill and legislation which other members of the Senate wanted put on the bill; but if the door were opened by leaving on the House legislation we not only left ourselves in the helpless condition of being required to do precisely what the House sent us without any amendment, but we were constantly confronted with the desire of members of the Senate that legislation in which they were interested should be put on the bill also.

I beg Senators to observe that this is not a very comfortable position to be put in on the part of the committee, to be confronted with legislation sent over from the House which can not be touched, and to be at the same time confronted with legislation which is sought to be put on in the Senate, and by the rule of the Senate also, which provides that there shall be no legislation and no amendment to the House legislation. So the committee said that in view not only of these facts, but of the recent construction of the rule, and of the manifest disposition of the Senate not to be put in the attitude at this late hour of the session of taking from the House legislation which might prove on further examination to be unwise, they would simply strike it all out. When it came to claims, we were confronted by this condition of things, that a cursory examination of the claims put on the bill by the House showed that one of them—it is not necessary to specify it—had been improvidently put on. That is to say, here are claims that in a number of cases were not fully supported by testimony as to amounts at least, and some cases where the amounts were larger than the damages even alleged to have been incurred by the depredations complained of. That made it absolutely necessary, in order that the committee should discharge its duty to the Senate and to itself, that the testimony in every single one of these claims must be carefully and thoroughly examined. How, otherwise, could the committee discharge its duty to the Senate? Were we to take this simply because the House had sent it to us, and especially when a cursory examination of one of the claims disclosed that fact that so glaring an error as the insertion of a wrong amount had occurred.

Then if we were to enter upon the investigation of these claims with the view of letting them remain in the bill and reporting to the Senate that they should remain in the bill with such amendments as to amounts as the testimony might disclose to be proper, we were bound to take up the claims presented by members of the Senate, of which there were a large number before the committee, aggregating some hundreds of thousands of dollars, and give to them similar investigation; and they were accumulating, they were constantly coming in; and the committee could not, if it had been so minded, have given even a cursory examination to these claims inside of a week or ten days. It would have delayed the consideration of this bill until the last days of this session; it might have made necessary an extra session of Congress; and the committee could not, in fairness either to the members of the Senate or in fairness to the public interests, take up items which came from the House without investigation and put those in unless we were ready to do substantially the same thing for amendments proposed by members of the Senate.

We all of us know that in a large number of cases the examination from the very nature of things has only been perfunctory. The statute cited by the Senator from California does contemplate an investigation by the Commissioner of Indian Affairs and requires him to transmit his findings to the Speaker of the House of Representatives; but that business is done in connection with a multitude of other business, he having no special fund given to him for the purpose of instituting independent investigations. He can only take such testimony as comes to him, or as is available through the ordinary channels of conducting business in that Department; and necessarily these investigations lack a great deal of giving to the decisions arrived at that verity which ought to exist when money is to be appropriated as a matter of course; and we felt that to enter upon this question now would impose a responsibility of investigation on us, or if not of an investigation then of accepting without investigation and asking the Senate to allow a class of claims among which (whatever might be the merits of others) there was strong reason to believe that there were many of doubtful validity in whole or in part.

The Senator from California speaks with proper indignation of the fact, as he alleges it to be, that a constituent of his has a claim against the General Government for damages by depredations committed by Indians in 1861. That is a long time to wait. I am not in a position to apportion the responsibility, how much to the Government and how much to the claimant himself for not having pressed his claim; but admit that it is all against the Government, and that the Government itself is liable wholly and solely for the delay, it is a hard case; but there are hundreds and thousands of others equally hard; and should it not admonish us all that instead of trying the doubtful chance of getting a claim by some means upon an appropriation bill, where in the very nature of things it can not be investigated as it ought to be, there should be some measure adopted which would take all these claims up and put them in a category where they would go on one bill, or in some way be provided for by appropriations just as certainly as an appropriation is made to carry on the expenses of the Government?

I have been told further that there were some of the claims on this bill which had been reported adversely by the Committee on Indian Affairs of the Senate; and I see before me a member of that committee, and I will ask him the question whether such is or is not the case?

Mr. JACKSON. If the Senator will permit me, I will say that I think nearly every one of the claims stricken out of this bill was reported adversely by the Committee on Claims at the last session of Congress. Nearly every single one I think was reported adversely.

Mr. HALE. Does the Senator mean the items the House put on?

Mr. JACKSON. Yes; very nearly every one of these. I speak of the depredation claims. Nearly every one of these claims for depredations was reported adversely by the Committee on Claims at the last session of Congress. I have run over the list hurriedly, and I think nearly every one has been so reported.

Mr. MILLER, of California. Here is a report from the Secretary of the Interior, Executive Document No. 23, first session Forty-eighth Congress, made December 14, 1883, in which he gives a list of sixty-two claims showing the amounts.

Mr. PLUMB. That enforces what I have said about the improvidence of inserting measures of this kind or claims of this character on an appropriation bill; where they have not undergone such scrutiny no careful person can say whether more or less may not be necessary.

Mr. MANDERSON. I should like to suggest to the Senator from Kansas that I do not understand that the claims rejected by the Committee on Claims, referred to by the Senator from Tennessee, had been rejected because they were considered as fraudulent or wrong, but rather because the attitude of the Senate Committee on Claims has been that no claim resulting from Indian depredations shall be paid by Congress.

Mr. PLUMB. I do not care to go into that. The committee of course can state here the *rationale* of its own action, but I was going to say that a cursory examination of one of these claims disclosed the fact that the acting Commissioner of Indian Affairs had reported it for a certain sum, and that the Committee on Indian Affairs of the House had taken up the same testimony precisely and reduced the amount nearly 50 per cent. I only speak of that to show that this examination in the Interior Department is necessarily of the most superficial character, and that it will be a most dangerous precedent if any general allowance of these claims upon that investigation shall be entered upon by the Senate or by either branch of Congress.

While I say that, I am as earnest as any one can be in favor of the Government adopting a rule which shall result in the payment of what I regard as justly an obligation against the Government as any other one which it is called upon to respond to. There are millions of dollars, I believe, certainly many hundreds of thousands of dollars, which the Government of the United States owes to claimants all over the country. I have no doubt the case of which the Senator from California speaks is

one, to a certain extent at all events; possibly there may be some doubt about the amount; but in all these cases there ought to be a tribunal provided for the ascertainment of the amount due. I introduced a bill years ago, and have reintroduced it, to have an auditing of these claims in order that they might come before Congress not as objects of suspicion, but upon their true footing as genuine existing liabilities against the Government, and having had all the scrutiny that they ought to have preceding their allowance. The Committee on Appropriations, for the purpose of bringing about this result, seized upon an amendment offered to the bill in the House and so reframed it as they believe will result in establishing the validity or invalidity of these claims in such a way that they will not be subject to objection any longer.

Mr. DAWES. Unfortunately two distinct subjects-matter in this bill have been involved in this debate; the first is whether the Senate will go back upon itself in the matter of independent legislation in an appropriation bill; and the next is whether it will turn an appropriation bill into a bill for the payment of private claims. The debate has mixed together those two questions. I have very little to say in reference to them, but what I shall say first is in reference to the question whether this body shall now introduce independent legislation into the bill, and thereupon tie our hands so that we shall take what comes to us without permission to amend or improve it.

The Senator from Missouri [Mr. COCKRELL] frankly stated his position. There is legislation in the bill which the Senator from Missouri desires to retain, and therefore this innocent and, as I shall show in a moment, entirely unnecessary, independent legislation is put forth to clear the way for more important legislation in the latter part of the bill. I say frankly that there is legislation in the latter part of the bill which to my mind is of the utmost importance and which I have tried to get upon the statute-book for years; but unfortunately there has accidentally crept into it provisions which are unconstitutional and which are in palpable violation of a treaty. Under the rule of the Senate I can not get them out. I can not take the provision as it comes from the House, because it is nullified by a clause which has crept in which is palpably unconstitutional. Much as I desire that legislation, I am bound to stand by the rule of the Senate if it takes it all out, and to stand by the decision of the Committee on Appropriations, following the ruling of the Chair upon the construction of the rules, from which an appeal was taken, and by a large vote the Chair was sustained.

It is true that our friend from Kansas [Mr. INGALLS] put forward a very meritorious clause, just as this little innocent clause in reference to the Omahas is put forward, and carried it through, and we can not now call the Senate back to its rule without having that brought up to govern us. If the proposition of the Senator from Nebraska is carried it sweeps away all attempt to keep the bill according to the rules and brings into it legislation which every Senator will say has features in it that the Constitution prohibits, and yet we can not amend it.

As to the legislation involved in the present amendment, I have only to say that it is in and of itself meritorious. It is unnecessary for this reason: The Secretary of the Interior has already stated that these securities are good. He is not obliged to enforce them under a year. These men will obtain without legislation under a fair administration just what they will obtain if they get the measure through. Therefore, although I am in favor of the provision, I do not see any harm to come to these settlers by striking it out. On the other hand, I see great harm to come if it is crowded into the bill and made a precedent.

Now, I wish to say one thing about the private claims that are in this bill. They are what are called depredation claims. They are claims which citizens have made upon Indian tribes, charging that they have destroyed the property of citizens. We passed a law in 1872 providing that wherever we had a treaty obligation with Indians and held their funds, where the Indians had stipulated that they would refund and pay citizens for depredations upon their making application for redress, we would through the Secretary of the Interior examine and ascertain the amount and take it out of their funds. There was a condition in all the treaties that this should be done only when the Indians refused to deliver up for punishment those who committed the depredations. Under that provision there have been filed in the Interior Department thousands of claims against Indians. I have before me a letter of the Secretary of the Interior of date April 9, 1884, in which is one list of 3,143 of these claims and another list of four hundred and odd claims, amounting to about $2,000,000. There are two or three other letters containing other lists, and there are back of them in the Interior Department as many more that have never been brought here, amounting, as the Secretary told us, to between eight and nine million dollars. The basis upon which these claims are made and upon which they have received from time to time approval in the Indian Department is nothing more nor less than affidavits that the claimants have picked up wherever they could and sent on with their claims. The Secretary told us that the rule was to allow no claim that did not have at least two affidavits along with it—a rule promulgated to the entire country that whoever can find in its length and breadth two men to make an affidavit that will go with his claim, his claim shall be allowed.

The money to pay these claims is to be taken out of the funds which we have of the Indians. Many of them are against the Kiowas, and Comanches, and Wichitas. All the fund they have in the world from which to respond is $25,000 a year for twelve years; and yet more than $5,000,000 of claims are now laid away in the Interior Department, of which some dozen or fifteen had friends enough in the House of Representatives to bring them into this bill and upon which the House proposes to pay 15 per cent. You get a dozen or fifteen of those claims through and you swallow up all the funds that there are of the Indians, and then cast the claims of the others upon the Treasury of the United States. Among them all, with one single exception so far as I have examined them, there is not the pretense of any evidence that the Indians have refused to deliver up those who were guilty of the depredation, which is in all the treaties made a condition precedent to making a claim upon their funds. That seems to have been largely overlooked in all these cases.

Instead of committing the United States to the payment of particular claims by paying 15 per cent. upon them and letting all this vast amount remain back waiting for that provision to go through, the Committee on Appropriations have proposed, on page 47 of the bill, this amendment, which I beg leave to read:

For the investigation of certain Indian depredation claims, $10,000; and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session; and the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredations aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid.

Mr. MANDERSON. I should like to ask the Senator a question.

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield?

Mr. DAWES. Certainly.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts whether in his opinion the paragraph he has just read, constituting to a certain extent a tribunal for the investigation of these claims and providing for a finding on them, is not in the nature of general legislation upon an appropriation bill.

Mr. DAWES. My answer to that is this: The tribunal is created by law already. The duty of the Secretary of the Interior in this respect is prescribed by law, and he is only directed to expend $10,000, which we appropriate, in the manner in which we direct. We ask him to do nothing else, but in carrying out existing law we give him $10,000 to expend in a particular way.

Mr. MILLER, of California. I should like to ask the Senator from Massachusetts if the provision he has read is anything more than a mere amendment to section 445 of the Revised Statutes. Under that section the Secretary of the Interior has been making from year to year precisely such reports as are prescribed in the clause which the Senator has read, except that by the amendment there are a few additions, a few other things that he is to report. One is in what treaty the obligation is contained to pay the money.

Mr. DAWES. Then the Senator differs from the Senator from Nebraska, for he says it is just like what is in the statute.

Mr. MILLER, of California. I say it is general legislation, because it is an amendment to an existing law. It is just like what is in the statute with something more added to it.

Mr. DAWES. "Sufficient for the day is the evil thereof." It will be time enough to jump the stile when we get to it.

Mr. MILLER, of California. We shall get to it surely.

Mr. DAWES. This is what is proposed by the committee instead of embarking upon the boundless and bottomless sea that is suggested by the provisions which we proposed to strike out. What is the Government going to do when a dozen of these claims shall have been by this process passed, and all the funds of the Indians taken to pay them? Then we have got to support the Indians, and we have got to pay out of the Treasury the rest of the claims.

The Secretary of the Interior is required to pass upon these claims. He has passed upon them in the past in the manner which I have suggested. He has not had the money to send anybody into the Territories where it has been alleged that these depredations have been made. He has the power under the statute, but he has not had the money; he has had no men that he could pay for that purpose. Therefore, whenever a man sent his claim up here or referred it to the agent of the tribe, when the agent of the tribe got the affidavits furnished by the claimant and sent them up here, without any hearing or cross-examination whatever, the Secretary of the Interior has written "approved;" and the claims come to Congress, 3,100 of them in a single letter, amounting to more than a million and a half dollars, and a dozen of them were put upon a single page in this bill by the other branch with a stipulation that only 15 per cent. should be paid. Fifteen per cent. of them would take twice as much as the very Indians upon whom they are charged

have got in the Treasury; and we are called upon in this bill, independent of that, to appropriate some $25,000 to support and feed these very Indians.

I submit that the safest way is the one proposed by the Committee on Appropriations, and that any other way is unsafe, unfair to other claimants, invidious, unjust, and groundless discrimination in favor of these claims. So as to this and as to all other provisions, the safest way is to follow what the Committee on Appropriations has been obliged to follow, the rule of the Senate.

Mr. VAN WYCK. I wish to say just a word more in regard to this matter. I regret very much that the discussion has drifted so widely from the proposition upon which the vote is to be taken, and I trust there will be no confusion or prejudice by reason of suggestions which have been made against the depredation claims. My friend from Massachusetts makes an earnest appeal to the Senate that they shall refuse absolutely to allow what he chooses to call, and probably it may be so, legislation upon an appropriation bill. He does not feel it safe that the Senate should be trusted or that the committee should be trusted to properly discriminate as to those matters which may be of dispute, as these claims may be, or as to those claims which are without any question. The Senator says that legislation from the House must be accepted as an entirety; that we have no power to strike out or add thereto. Do I understand him correctly?

Mr. DAWES. Under our rules.

Mr. VAN WYCK. Under our rules—not the rules of the House, but under the rules of the Senate.

Mr. DAWES. We do not propose to strike out under the rules of the House; we propose to strike out under our rules.

Mr. VAN WYCK. But would it not be just a little sensible to make our rules in conformity, so that some legislation may be had and some relief granted, as it ought to be? Would not that be a sensible thing to do, rather than to stand stubbornly and refuse to permit the proposed enactment?

Mr. DAWES. But you can not make any amendment to the rules in an appropriation bill.

Mr. VAN WYCK. Precisely; but you wage a war over this thing session after session. We grapple with this matter session after session and relief is denied, justice is refused because there is an antagonism of rules and practice between the two bodies when they are supposed to be bodies working for a result.

Mr. HAWLEY. The Senator from Massachusetts does not do it.

Mr. VAN WYCK. No; but the body does it, the Senate does it, or at least the committee of which he is a member. There would seem to be no necessity for refusing any discrimination, for making this an iron rule, as the Senator desires it to be, and yet by the action of his own committee he discards the idea, as in the pension bill, that it shall be so because his own committee, as I understand, deviated there from this rule of the Senate. The committee have certainly found some way of striking out and adding the clause which the Senator read in regard to Indian depredation claims where a tribunal is proposed to be established to examine and to investigate. The House made one proposition in regard to that matter. The committee have stricken that out and added that which the Senator read; so that even under the rules of the Senate the committee have found authority to strike out some new legislation and add other new legislation in its place.

That is what has been done by the committee, and yet the Senator appeals to the Senate to vote in obedience to a rule which in the pension appropriation bill was violated, and which the committee have violated in the very bill now before us.

My friend says this is not legislation. It is as much legislation as is what is proposed in the case of the lands sold for the Omaha and Otoe Indians, to extend the time of payment one year. The provision introduced by the committee authorizes the Secretary of the Interior to do certain things. It gives him authority that he may examine witnesses, that he may cause them to testify, that he make his report. That you do in this bill. You give him authority which he does not now by law possess. Will not the Senator from Massachusetts admit that by that amendment he proposes to give the Secretary of the Interior authority which he does not now possess?

Mr. ALLISON. It is under a section of the Revised Statutes.

Mr. DAWES. I did not hear the inquiry.

Mr. VAN WYCK. Let me repeat. By the clause which the Senator read in regard to Indian depredation claims, he proposes to give the Secretary of the Interior authority which he does not now possess.

Mr. DAWES. He has the authority by statute.

Mr. VAN WYCK. I say by the amendment proposed to this bill you give him authority to do things which he is not now authorized to do. You provide how he shall do them. All that is proposed in regard to the Otoe and Omaha Indians is to give the Secretary of the Interior a discretionary power to extend the time of payment for their lands, just as you clothe him with the power and give him the authority to examine witnesses and make reports to this body. That is all that is asked in this case.

I trust the Senate will separate the proposition in regard to the Omaha and Otoe Indians from the depredation claims, and that the former will not be prejudiced, because in that case, as the Senator admits, there is no question as to its merit, no question as to its equity if it could be reached for action in this body and in the other House.

But the Senator says that the settlers are safe in any event. True, I do not believe the Secretary of the Interior would immediately disturb them, but my friend can not be responsible for what may be the opinion of the next Secretary of the Interior who may come in power. There is the difficulty in regard to this matter; and it is due to the men who ought to have this protection that they shall be placed in a position where they will not be harried and tortured for a year to come, not knowing when the Department in Washington may jump down upon them or when other persons may urge and instigate the Department to do it. I submit that it is due to those people that they should have this measure of justice given to them, and it is not such a violation of the rules of this body as should exclude it from the present bill. There is no question as to its propriety and as to its justice, and the rule is not such a one as ought to prevent this body from doing the only thing that can be done to reach the matter proposed. Independent legislation is out of the question at this session; and I was in hopes that my friend would see that it was so eminently just that no question ought to be raised in the committee or in the Senate to its consideration.

Mr. COKE. I think, Mr. President, that a proper measure of justice to the claimants who have suffered from Indian depredations would suggest to the committee and to the Senate that the claims which have been investigated under acts of Congress prescribing the mode and manner of their investigation, which are on file in the Interior Department, and have been reported to Congress by the Secretary of the Interior, approved by him as just and honest claims, should be embraced in this bill, and appropriations made to pay them. The committee propose by their amendment that they shall be reinvestigated. Why reinvestigate claims which have already been fully investigated? We must presume that they have been fully investigated, because the Secretary of the Interior, the Commissioner of Indian Affairs, the agents and superintendents over the Indians, all had authority to make the investigations, to summon witnesses and take depositions, and upon their investigation, presumably correctly made, the Secretary of the Interior has reported a large number of these claims, belonging chiefly in Kansas, Colorado, and Texas, as just and approved by him.

The committee now propose to reinvestigate those claims after a lapse of from fifteen to twenty years, when all the testimony has gone, possibly when the facts upon which the claims are founded are necessarily obscured from loss of testimony and death of witnesses. There is no justice in such a course.

The people of the frontier States knew that they had no recourse against the Indians, except what Congress gave them, and Congress in the acts to which I have referred prescribed certain methods which they have pursued. They submitted themselves fully to the jurisdiction prescribed; and now, after their claims have been approved by the tribunal appointed by Congress, their witnesses dead or scattered, they are to be called upon to again come forward and resubstantiate the same claims already adjudicated and on file in the Department and reported approved to Congress.

Mr. DAWES. The Senator does not quite comprehend the force of the provision which the committee suggests. Where the Secretary of the Interior is satisfied that the full facts of the case are presented he is not required to reopen any case unless his own judgment suggests it. He is not authorized or required by the provision to reverse any previous judgment, but he is required by it, if he deems the investigation to have been insufficient so that he can determine, to pursue such further investigation as he shall deem just, and then report it all here so that we may see what it is.

Mr. COKE. After a lapse of from fifteen to twenty years the Secretary of the Interior who now holds that office is to review the action of his predecessor before whom all the facts in their freshness were proved. That is the meaning of the amendment.

Mr. MILLER, of California. If the Senator from Texas will allow me, I will read the statute which requires the Secretary of the Interior to make investigation.

Mr. COKE. Certainly. Having been frequently referred to in the debate, I supposed the statutes had been read.

Mr. MILLER, of California. It is section 466 of the Revised Statutes, and reads as follows:

SEC. 466. The Secretary of the Interior shall prepare and cause to be published such regulations as he may deem proper, prescribing the manner of presenting claims arising under laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the regulations prepared by him; and no payment on account of any such claims shall be made without a specific appropriation therefor by Congress.

Mr. INGALLS. What is the date of that?

Mr. MILLER, of California. May 29, 1872. Section 445 of the Revised Statutes, which was also passed in 1872, reads as follows:

SEC. 445. The Secretary of the Interior shall make annual reports to Congress, as follows:

First. A report showing the nature, character, and amount of all claims presented to him during the preceding year under laws or treaty stipulations for compensation for depredations committed by Indians, whether allowed by him or not, and the evidence upon which his action was based.

Second. A report showing the quantity and kind of the copies of public journals, books, and documents which have been received by him for distribution on behalf of the Government, and showing also the time when, the place where, and the person to whom, any of the same have been distributed and delivered during the preceding year.

The Secretary of the Interior has been making these reports. I have one in my hand, the last one he made.

Mr. COKE. I understand that. I will read in addition section 2157, which provides that—

The superintendents, agents, and subagents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents.

The three preceding sections referred to are 2154, 2155, and 2156, on this subject. Now the committee proposes that the action of the Secretaries of the Interior, with all the testimony and all the facts fresh before them, shall after the lapse of fifteen or twenty years be reviewed when all the testimony is presumably or nearly all of it gone, scattered, and destroyed. I say that is unjust.

I know something about these claims for Indian depredations. I know that the frontier of Texas was at one time driven back seventy-five miles by hostile Indians from the Fort Sill reservation, where they were under the care and control and management and protection of the Government of the United States. The people of Texas dared not go upon that reservation to retaliate. They could have gone there and wiped out the Indians, but the United States Government protected them. Whenever a full moon shone at night they came down upon Texas, drove off cattle and horses, burned houses and killed and scalped men, and carried women and children into captivity. I know that this was the case for five years, and Mr. Francis A. Walker, who was Commissioner of Indian Affairs, in his book upon the Indian problem, speaking of the improvement of the Indians, of their methods, and of their beginning to acquire property, said of the Comanches and Kiowas that they have some 16,000 head of horses and mules, stolen chiefly from Texas. That is a statement in the History of the Indian Problem, by Mr. Francis A. Walker.

I have no doubt that the same experience was realized by all the other frontier States. I have personal knowledge of the fact that until the State of Texas organized a battalion of State troops and sent them to the frontier and protected the settlers against the Indians, the frontier was almost abandoned. I know hundreds and hundreds of men in Texas who had thousands of head of cattle and hundreds of head of horses, who lost every dollar's worth of property they had by the depredations of those Indians. Yet the Senator from Massachusetts would cast an imputation upon the justice of these claims, examined and approved as they have been.

Not one claim in twenty has been filed that could have been filed in the Interior Department from Texas. It is too late to file them now; the parties can not comply with the law; they are excluded. Those which are filed represent a very small proportion of the claims which ought to have been filed by people who lost nearly everything they had by the depredations of Indians. The requirements of the law were so onerous and the people were so hopeless of recovering any of their losses that but few of them ever attempted it. The principal difficulty was to identify the Indians or the tribe to which they belonged, without which the law promised no relief, and which could rarely be done.

Mr. President, I believe that these claims which have been reported to the Interior Department and which have been investigated and have been approved by the tribunal appointed by the Government of the United States are just claims and ought to be paid. I believe the committee should take every one of these claims and put them on this appropriation bill. The Government of the United States is as justly and honestly bound to see those claims paid as it is to see any bond it has ever issued paid. The Indians are the wards of the Government. There has been no time when the people could not have protected themselves had they been permitted to do it, and failing to restrain them the Government made itself responsible for the depredations of the Indians. This responsibility has many times been recognized by the Government, as I propose on another occasion to show.

As the Senate Committee on Appropriations determined that they would not appropriate the money now to pay these claims, that they would not put these claims thus approved and reported upon this bill, then I believe the next best thing for them to do was, as the committee has done, require a full report of all these claims to be made to Congress at the next session, and when this report comes in and we see what they all amount to I shall favor, and I believe that the honor of the Government will require, that Congress shall take steps to liquidate them at once. I do not see why those who have honest claims for Indian depredations should be sneered at. They are the pioneers of the country. They have gone westward until we have no frontier left, blazing the way for settlement and civilization.

Mr. DAWES. If it will not interrupt the Senator too much, I should like to call his attention to this view of the subject: The committee have not said anything against the claims themselves. They have not said that any one of these claimants has not suffered from an unjustifiable depredation on his property. The Senator is aware that it is pretty difficult to ascertain the just amount due for that kind of depredation; but one point I want the Senator to consider. I want to know if he holds "first come, first served" in this matter.

Mr. COKE. I answer the Senator from Massachusetts in this way, that if all the reported and approved claims could not be put on the bill, I believe the next best thing to do was what the committee has done.

Mr. DAWES. Exactly.

Mr. COKE. I believe they ought all to have gone on the bill.

Mr. DAWES. Now, I want to call the Senator's attention to a report of the Secretary made January 9, 1875, of four hundred and fifty claims, amounting to $4,700,179.30, reported in 1875. The three thousand that I called attention to have all occurred since. Another question I should like to have him answer——

Mr. COKE. What question is it that the Senator propounded to me last?

Mr. DAWES. The question is if he holds to "first come, first served?" If so, then I think these that were reported in 1875——

Mr. COKE. I think they all ought to be served together in the same bill.

Mr. DAWES. I think they all ought to be served alike.

Mr. COKE. But if the committee would not do that in this bill, I think it best to adopt the amendment the committee has reported, so that we can have them all before us at the next session of Congress.

Mr. DAWES. I agree with the Senator, and if that is the Senator's argument he is on my side. But I wanted to call his attention to another difficulty which the committee did not see how they could get around, and that was this: The moment the funds were exhausted that the Indians had in the Treasury, what were we to do then? They would be exhausted by the first dozen of these claims, and what are we going to do with the rest?

Mr. COKE. I would pay the last dollar of them out of the Treasury of the United States after exhausting what the Indians have, because, as the testimony taken by the Secretary of the Interior and the Indian agents conclusively proves, these people have lost these amounts by the action of the Indians who were and are under the control and guardianship and protection of the Government of the United States, and I do hold that the circumstances are such as makes it the bounden and honorable duty of the Government of the United States to see these people reimbursed their losses. The Government has repeatedly, as I can show, recognized this liability, and paid millions of dollars in satisfaction of claims for Indian depredations.

These claims have been standing here a long time, ten or fifteen years, and many of them twenty years. There is no interest accruing, for the Government never pays interest. The claims are just and have been adjudicated to be just. I do not believe that technical objection ought to be made to them. The class of people to whom they are due are meritorious people; they are the people who have extended our conquest over the wilderness until the frontier no longer exists and the country is settled behind them. They are entitled to consideration from the Government; certainly to justice.

Mr. MANDERSON. Mr. President, I certainly quite agree with the suggestions made by the Senator from Texas in regard to the duty of the Government to pay those who have suffered loss on the frontier of the country by reason of Indian depredations, and I wish to supplement his suggestion as to the claims mentioned in this bill, in that part of the bill which has already been stricken out by the action of the committee, by reading from a report of the Committee on Claims. It was stated by the Senator from Tennessee [Mr. JACKSON] that the claims presented in this bill had been reported adversely by the committee. That statement is truthful; but it does not tell all the truth. The inference might follow that these claims were rejected because of lack of merit, for fraud, or because the parties had not suffered the losses they pretended to have suffered; but that is not the finding of the committee. The Committee on Claims, following the action of the Interior Department, reports as to these claims, and I read from the report:

The claimants are all citizens of Texas, generally engaged in agriculture or stock-raising, quietly and peaceably pursuing their avocations, having nothing to do with trade or traffic with the Indians, and in no way connected with any disturbance between whites and Indians there or elsewhere. They were all citizens of the State of Texas, and while engaged in peaceful pursuits were set upon by bands of Indians (who were supposed to be under the restraint and control of the Government, on their reservations), their stock stampeded and driven off, and other property destroyed or carried away, and in many cases their herders killed or wounded. They have, as the evidence shows, at all times refrained from any violation of law by taking the remedy into their own hands and giving blow for blow, but have, in compliance with the laws which Congress has from time to time passed for their protection and indemnity, made out their claims, supported them by ample proof, both as to quantity and value, and have presented them to the officers designated by the Government to examine into their justness and the truthfulness of their statements; and those officers, after having sent the claims to the agents of the different tribes to be presented to the Indians for their statements in regard to them, and after hearing the reports of those agents and making a careful examination of the proofs offered by the claimants, have allowed them the various sums for payment of which the claimants now ask an appropriation by Congress."

So that these claims have not been allowed by the Department of the Interior upon mere *ex parte* affidavits, but upon full investigation and with a chance to the Indians themselves, through their agents, to be heard.

They are taken up in this report, and although the committee rec-

ognizes their merit and the obligation upon the Government to pay this class of claims, it does report adversely to them, as suggested by the Senator from Tennessee, in this language:

As stated in your committee's report upon the claim of Overton and Love, there are a large number of these claims, equally meritorious, on file in the office of the Commissioner of Indian Affairs. No good reason can be given for paying the claims under consideration without paying them all. This committee can not recommend the passage of such claims until Congress adopts some general policy of dealing with all these claims.

I admit that the suggestion of the committee is a wise one. All of these claims should be dealt with, but year after year rolls by and they are not paid. In my own State I know of existing claims, as valid and as meritorious as those that are stated in this report, that are nearly a quarter of a century old, for depredations committed by Indians upon frontiersmen who were invited by the Government to go upon Government land, and these men driven from their lands, their homes destroyed, and in frequent instances members of their families killed or treated worse by Indian depredators, remain with their serious losses yet unpaid.

I submit, Mr. President, that it is a crying shame that these claims have not been paid. If we can not pay them as a whole let us pay a part of them. It is but common justice that is asked. But I regret that the inoffensive provision on page 27 of this bill that I desire to retain in it should have been hampered by a discussion with reference to the claims. It is suggested by the Senator from Massachusetts that the committee is pursuing a proper course in making the recommendation that it does upon page 47 of the bill. If there is anything that I have had occasion to admire since I have had the honor of being a member of this body, it is the uniform consistency of the chairman of the Committee on Indian Affairs, the Senator from Massachusetts [Mr. DAWES]; but it does seem to me that he is guilty of rather gross inconsistency when he seeks to strike out the proviso on page 27 of the bill on the ground that it is general legislation coming from the House and placed upon an appropriation bill, and at the same time takes the provision on page 47 that is submitted by the House and changes its character.

Now let us look for a moment at the provision as it comes from the House. It is under the head of "Ute Indians" or "Utes;" but I submit that it does not apply to the Utes any more than it does to any other of the Indian tribes. It is a proposition in this bill which is entitled to provide "appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes." Upon it is this general provision by the House to give to the Secretary of the Interior the power to prepare "a complete and accurate list of all approved and pending claims of citizens on account of depredations of Indians, chargeable against any treaty funds of Indians." The Senator from Massachusetts may suggest that this is properly within this bill because it is proposed to pay the claims thus reported.

Mr. DAWES. It is not necessary for me to aid the Senator in showing my inconsistency, but I can tell him how he can do it better than this, and that would be not by taking this bill, but by showing what there is in this provision that is in conflict with existing law.

Mr. MANDERSON. I submit that it does add to existing law. The provision as it comes from the House provides for the payment of that which may be found due from the treaty funds of the Indians, and I submit that the Committee on Appropriations in reporting this new section under the head of "Indian depredation claims" permits these depredations to be paid not only from the treaty funds, but from any other obligations of the Government to the Indians or any Indian funds in the Treasury.

Mr. DAWES. My inconsistency does not lie in the provision in the bill, but lies in the conflict of this amendment with the existing law, not the existing bill.

Mr. MANDERSON. The Senator from Massachusetts agrees with me as to the result; that is his inconsistency. I do not see that we need quarrel over the paths by which we arrive at the same result.

Mr. DAWES. I was afraid the Senator would fail, and therefore I suggested to him that the better way to show my inconsistency was to take the law in one hand and the amendment in the other, and not take the bill in one hand and the amendment in the other.

Mr. MANDERSON. I appreciate the kindness shown by the Senator from Massachusetts, and will try not to fail in showing the inconsistencies complained of, and will succeed in showing that this proviso to which I am referring and which he says is a most righteous provision in law should be retained in this appropriation bill. I do not wish to be understood as taking issue with the Senator from Massachusetts upon the wisdom of the provision that is reported by the Committee on Appropriations, on page 47, as to constituting a tribunal, or, if you please, extending the power of a tribunal already existing, for the examination and determination of these claims; although I am clearly of the opinion that this is as much general legislation as that which is provided on page 27 in the form of a proviso. I am for retaining it.

In other words, Mr. President, while I am willing to see this Senate rule, that seems to be a stumbling-block in our road, maintained for certain purposes, for other purposes most just and right in their relations and results I am in favor of stretching the rule somewhat. The Senate seems to be of that opinion also; for, as has been repeatedly suggested, appropriation bills come here not only at this session, but at former sessions of the Senate, and notwithstanding the rule, proper and just provisions, constituting general legislation, have been pressed upon such appropriation bills. I hope the Senate will not confound the question now before it with the matter of the allowance of Indian claims or the matter of constituting a tribunal for the trial of claims for Indian depredations.

All that is sought by this provision is to extend the time of payment under the control of the Interior Department and by the consent of the Indians for the back payments upon the lands of the Omaha Indians that have been sold heretofore. The committee agree, the chairman of the Committee on Indian Affairs admits, that this is a righteous and proper provision, and I hope the Senate will retain it.

Mr. MAXEY. Mr. President, the general plan for efficient and prompt settlement of outstanding claims proposed by the Committee on Appropriations I think is wise; but I submit to that committee and to the Senate whether there is any reason why, because they propose to adopt that plan, the claims which have been allowed by the House and which come to us as approved claims shall be stricken out of the bill. In other words, the law has always favored the vigilant. If gentlemen who have claims have gone to the labor and the expense of gathering up their testimony, of laying it before the Secretary of the Interior, of having their claims examined and approved and recommended to Congress and Congress in its wisdom allows those claims and the bill comes to us with those claims thus allowed, I ask if there is any reason or propriety in striking out all the claims allowed, as found on pages 8, 9, 10, &c., of the bill which comes to us from the House, simply because a provision is made by the Appropriations Committee for a general settlement of all such claims? If the claims which are allowed are just in themselves, and the Senator in charge of this bill does not gainsay that proposition; if they are right why should they be struck out in order to take their place under the general plan of settlement when they have already been examined and approved and allowed by the proper committee of the House as just and proper claims? I can, therefore, see no reason why these claims shall be stricken out, nor do I see any conflict between the claims which are allowed by the House standing as a part of this bill and the proviso which is put in by the Appropriations Committee of the Senate in respect to those claims which are not as yet allowed or have not been sent up by the Secretary of the Interior.

Mr. President, it is to the interest of the Republic that there be an end of litigation, and if these men have had claims litigated and passed upon and they have been allowed by the House, why should they be stricken out of the bill by the Senate? It is not pretended that they are not just claims. If there was a shadow of suspicion cast on the claims there would be some reason in that, but there is none. They are admitted to be just, they are admitted to be right, but they are simply stricken out because they may conflict with the plan proposed for future settlements. These claims having been already settled, why should they be relegated to the future to be settled then? I can not see any reason for that. It does not seem to me to be a fair proposition.

I happen to know the fact that the Congress of the United States has already allowed many claims of this class by special bill. The Senate passed one on my own motion where Big Tree and other Indians took a train of wagons which were loaded down with supplies for the United States Army under a contract with the Quartermaster-General. The train was attacked, the teamsters were killed, one of them tied to the wheel of a wagon and the wagon destroyed. That on presentation was allowed by an act of Congress. So there has been all along claim after claim that has been allowed.

The men who own the claims provided for in the bill prosecuted them to a final settlement so far as the House is concerned, and the Senate committee gives no reason why they should be stricken out; on the contrary admits that they are just and proper. The provision made by the Senate Appropriations Committee as to claims not yet allowed and approved may be left in full force, and it would be equally effective if these claims were not stricken out. I think the Senate should nonconcur in the action of the committee in striking out the claims already allowed.

Mr. MILLER, of California. The Senator from Massachusetts, as I understood him, threw out a sort of challenge to the Senator from Nebraska to show inconsistency in striking out the matter on page 27, which the Senator from Nebraska contends ought to be left in the bill, and putting in the matter contained on page 47. The Senator from Massachusetts seems to be under the impression that there is no new legislation in the clause which the committee propose to insert on page 47, that it does not differ at all from the existing law. It does, I think, differ from the existing law in two or three particulars. One is that it requires a reinvestigation of certain Indian claims. That is new. In making his report he is required to report many things here which he is not required now by law to report.

Mr. DAWES. There is a standing law that requires him to report to us anything that we ask him to.

Mr. MILLER, of California. But you have not asked him to report the things which you require him to report in this amendment.

Mr. DAWES. Even the Senate, without a law, could require him to do it.

Mr. MILLER, of California. The existing law requires him to report certain things, but you have added in this provision that he shall report not only his determination upon each claim, but the name and residence of the witnesses, and report the testimony of each.

Mr. DAWES. Suppose that was not in the bill, and I should get up and offer a resolution in the Senate directing the Secretary of the Interior to report the names and residences of the witnesses in these claims?

Mr. MILLER, of California. You can do that by resolution, but you can not get it on an appropriation bill under the rule that we are struggling under here.

Mr. DAWES. I have the authority for requiring him to do so, in the law that created his Department.

Mr. INGALLS (to Mr. MILLER, of California). Raise the point of order on it.

Mr. MILLER, of California. I do not want to raise the point of order on that amendment, because I think it is a good provision, but it is no better than other provisions in this bill which are new matter. It is new legislation. There is not so good reason for putting this in as there is for retaining the provision the Senators from Nebraska desire to have retained. There is the inconsistency of the Committee on Appropriations or of the chairman of the Committee on Indian Affairs. He wants to strike out something which he calls new legislation which he does not like, and which the Senators from Nebraska do like, and he wants to put something in which is new legislation which he himself does like, and perhaps which we shall all agree to. That is the state of the case precisely.

Mr. DAWES. You do not do me justice. I like this provision.

Mr. MILLER, of California. The question here ought to be whether the legislation is just and proper.

Mr. MANDERSON. The statement of the Senator from Massachusetts is that he likes this provision and that we all like it. The difficulty is he will not take it.

Mr. MILLER, of California. Let us keep it in. If it is good and just legislation, let not a technical rule of this body stand between the citizen and justice. Let us do right, whether the rules permit it or forbid it.

Now in respect to the depredation claims, the Senator from Massachusetts seems to argue that because we can not pay all these claims now, whether they have been adjudicated or not, we must not pay any, and then he reads off a list of 2,100 claims and complains that the list has grown so large. He objects to it on account of its magnitude. When will there ever be an end to this thing? If you never pay these claims the number will increase constantly from year to year. It is no argument to say that because by the delay of the Government the number of claims has reached an enormous magnitude no claims shall be paid. There is no sense in an argument of that sort.

Mr. DAWES. The Senator forgets that we have declared by law that we will not pay these claims out of the Treasury. We are only to pay them out of certain funds. If the funds are not there, how are we to pay them?

Mr. MILLER, of California. In the great majority of the claims included in this bill there are funds in the hands of the Government belonging to the Indians or which are to be paid to the Indians, out of which the depredation claims can be paid. If there are any cases where there are no such funds, then let the committee discriminate between such claims and strike them out for that reason, if that is proper. But when there are funds out of which they can be paid, the claims having been adjudicated and being just, there is no reason why they should not be paid and no reason why they should not be appropriated for in an appropriation bill.

Mr. MANDERSON. If the Senator from California will allow me, I desire to call his attention to the difference in the language of the section proposed by the Committee on Appropriations and that which is stricken out as it came from the House. In the one the funds from which these depredation claims are to be paid are simply treaty funds in the hands of the Government, but the language of the proposed change is that the Secretary of the Interior shall report also "what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid." I submit that if there are funds in the hands of the Treasury officers derived from the sale of Indian lands, that is an obligation from which these depredations could be paid.

Mr. MILLER, of California. Unquestionably.

Mr. DAWES. The Senator from Nebraska forgets that in 1874 we passed a law that there should be no more treaties, but that hereafter when we dealt with the Indians it should be by a statute and not by a treaty, thus making an agreement ratified by both Houses of Congress, and that is why we change the phraseology. The Senator shows a difference between the committee amendment and the original text of the bill. The merit of the amendment does not lie in the fact that it is just like the matter to be stricken out; the merit, if anything, is that it is different.

Mr. MANDERSON. I should like to ask the Senator from Massachusetts one question. Suppose there were funds in the hands of the Government derived from the sale of lands belonging to the Indians, would the obligation on the part of the Government to pay over that money to the Indian tribe be one out of which the Government could pay these depredation claims under this proposed change?

Mr. DAWES. I answer the Senator by saying that I could tell better if he would let that amendment be adopted, and we get a report from the Secretary of the Interior upon the subject.

Mr. MILLER, of California. What I object to is this practice of the Government of the United States, which is unbecoming a great government, interposing technical objections to shilly-shally around and put off payment in the manner of a bankrupt debtor or a man who is not disposed to pay his debts. That is the position in which the Committee on Appropriations to-day are putting the Government of the United States in relation to the citizens who hold these claims. That there is an obligation to pay these claims out of the funds held in trust by the Government belonging to the Indians, there can be no doubt; but the Committee on Appropriations or the chairman of the Committee on Indian Affairs who has charge of this bill seems to desire to put off the payment continually. It is so year after year. This process has been going on for a great many years, and when we are confronted by the condition of things, then we invent some new scheme, some new plan by which these claims shall be put off; we have not got the report we want, or there is something lacking, and a man who has vigilantly prosecuted his claim and has had it adjudicated, and the amount found due shall not be paid because somebody who has not used the time diligently and whose claim has not been adjudicated is not paid, and that furnishes a reason why the man who has a just claim which has been adjudicated shall not be paid. That seems to me a strange position to take. I can not see why when a claim is adjudicated and found to be due this great Government should desire to put off the day of payment, and to bring up technical and other objections to avoid the payment.

Mr. MAXEY. I wish to suggest to the Senator from California, in the line of his own argument, that each one of these claims stands on its own merits; and if a claim has been properly examined and approved and comes here it would be unjust not to pay it, because the applicant is lying out of the use of his money and it is no fault of his that other men have not got their claims up. You are charging him with the fault or negligence of other people.

Mr. MILLER, of California. That is very true. The Senator from Texas has made a very clear statement of the case. I am in favor of retaining the provision which the Senator from Nebraska desires shall be retained on page 27, because I believe it is right. I am in favor of retaining in this bill every claim which has been adjudicated and upon which there is no dispute, because I believe that is right. I am in favor of the provision which the Committee on Appropriations have put in with regard to the investigation of Indian claims, because I believe that is right; but it is new legislation, a part of it at least, just as much as the matter on page 27 is new and general legislation.

Mr. CAMERON, of Wisconsin. Will the Senator allow me to ask a question? The Senator says that he is in favor of paying all the claims for Indian depredations in this bill——

Mr. MILLER, of California. All that are just.

Mr. CAMERON, of Wisconsin. If they have been adjudicated by the Interior Department. I ask if he is in favor of including in this bill all other claims for Indian depredations which have been adjudicated by the Interior Department?

Mr. MILLER, of California. If there are funds out of which they can be paid, existing treaty funds or any other funds belonging to the Indians that the Government holds in trust.

Mr. CAMERON, of Wisconsin. Practically it does not make much difference whether we pay them out of treaty funds, as the Senator calls them, belonging to the Indians, or out of the general fund of the United States, because if they are paid out of the treaty funds those funds will be exhausted, and after they are exhausted the Indians will have to be supported out of the general fund belonging to the Government.

Mr. MILLER, of California. I will go further and say that I am in favor of paying all just and adjudicated claims of this class out of the Treasury. I believe it is incumbent on the Government to do it. The law was once that the Government was required to pay such claims. It was afterward amended so that the payment should be made out of funds belonging to the Indians. To refuse to pay these claims, to allow the Indians to commit depredations without their being required to pay or the Government being required to pay the resulting damages to property, is only to encourage Indian depredations and to continue the practice. If a white citizen of the United States commits a depredation on the Indians he must pay double the amount of the damage sustained by the Indians. I want to see Indian depredations stopped, and I do not know any better way than to require payment. The Government is bound to furnish protection to its citizens. I do not want the citizen to be paid more than he has actually suffered. I want the claim to be just; I want it investigated thoroughly and completely and adjudicated in every phase of it before payment is made. I contend in these cases, or in some of them that I have personal knowledge

of at any rate, there has been such an investigation and such an adjudication, and there remains no doubt about the *bona fides* or justice of the claims.

Mr. CAMERON, of Wisconsin. I will ask the Senator the question whether or not he is of the opinion that the Government of the United States is under obligation, legal or equitable or moral, to pay the damages that result to citizens of the United States from Indian depredations, whether there is any treaty stipulation or not?

Mr. MILLER, of California. In certain cases perhaps not, but in the majority of cases yes. The citizen settles upon Government land under our existing land laws.

Mr. CAMERON, of Wisconsin. But he goes there at his own risk. The Government does not agree to protect him against foreign foes, as the Indians are recognized to be.

Mr. MILLER, of California. The Government is under an obligation as it represents the citizen himself or the citizens in the aggregate to protect them, and it takes upon itself the duty of protection. Then the Government is bound to protect them or pay them if they are damaged by Indian depredations.

Mr. CAMERON, of Wisconsin. In the case of a foreign war, as with Great Britain for instance, the Government in one sense agrees to protect its citizens; but a British army might invade the State of New York or the State of Michigan and kill citizens of those States and destroy their property, and this Government would not be liable for that damage. It certainly does not agree to indemnify them.

Mr. MILLER, of California. Does the Government in such a case prevent the citizens of the United States from shooting the English?

Mr. CAMERON, of Wisconsin. Neither do they prevent the citizen from shooting the Indian who attacks him.

Mr. MILLER, of California. When he shoots him at the time of the attack; but it refuses the right of reprisal. It will not permit him to pursue the Indian on the reservation; he can not make a counter-attack on the Indian; he must stand and receive the attacks of the Indians and suffer all their depredations without resenting or making any counter-attack upon them.

Mr. CAMERON, of Wisconsin. I would put this case to the Senator from California: If a band of Mexican marauders cross the boundary between Texas and Mexico, kill citizens of Texas and destroy their property, our people can not pursue them upon Mexican soil; they can pursue them to the border, but there they must stop.

Mr. MILLER, of California. It is the duty of our Government to make the Mexican Government pay for that depredation; and if it refuses to pay and will not pay, it is the duty of the United States to make war upon Mexico to compel payment.

Mr. CAMERON, of Wisconsin. Our Government has not done either.

Mr. MILLER, of California. I do not regard the Indians as foreign nations.

Mr. CAMERON, of Wisconsin. We make treaties with them.

Mr. MILLER, of California. We have stopped that.

Mr. CAMERON, of Wisconsin. Prior to 1874 we did.

Mr. MILLER, of California. Yes; but at the same time they were declared wards of the nation, a part of the nation. It was an anomalous condition they were in; but now the Indians are not separate and distinct and foreign nations from the Government of the United States. They are under the jurisdiction and control and power of the Government of the United States. The case is very different from that which the Senator has put.

I do not wish to prolong this debate. I hope the Senate will not do an injustice, merely in order to follow a technical rule of the body or a decision of the Chair.

Mr. DAWES. Mr. President, I have but a word to say. No one objects to the provision which we have proposed to insert in reference to the depredation claims. The only objection is that gentlemen do not want to have it applied to those claims that are already in the bill. There are two or three of those in the bill that we have knowledge of that we think are just, and among them the one that the Senator himself champions; but the body of them we have looked at so far as to be of opinion that the amount that has been claimed is swollen naturally enough by a claimant to put the highest possible value upon his property, or to count the number of his horses or the like in a way that when you come to examine it afterward you will find it must be cut down. Almost all these cases are so. One or two of those that have come up are for an amount even larger than that allowed at the Interior Department.

We were urged to look into the manner in which they were allowed, and it seemed to us that as to such claims, claims a small percentage of which, if allowed, would exhaust all the Indian funds and throw the balance upon the Treasury, we ought to contrive some way to give a new Secretary of the Interior, when he comes to take the responsibility upon him, the authority and the means by which he can reexamine every one that he is willing to make himself responsible for.

Is it not better for these claims to all take the same course rather than to allow all there are in this bill and carry claims which we are satisfied are too large in order to get through it this time two or three that their friends are satisfied are not too large? Let them be postponed to the next session of Congress, and then we shall have, I have no doubt, from a new Secretary of the Interior, with these means put in his hands, an intelligent report such as will justify our action.

I believe that these claims ought to be disposed of. It is a reproach to the Government that there lie in the Interior Department seven or eight million dollars nominally of claims where the owners of them who have suffered feel as if they were right, and yet they are so large and the funds to meet them so small that we shrink from disposing of them. We ought to make an end of them, but we ought to make a fair one and a just one, and if there is not fund enough for them all, they should be marshaled, and then we should determine the other great question behind, whether the Treasury should respond for the balance, and not take out the few of them that have no other claim to preference than the fact that they have ardent friends who pick them out from the great crowd.

The committee say "we will not condemn any of these claims;" we have not uttered a word in condemnation of a claim, but we say that if the claims are of such a character as is stated here as to a few, if they are as our friends say just and proper, we should embrace them all in some proper provision. I submit that, so far as that branch of this debate is concerned, it is not wise to make an exception of a few. A crowd of claims back of these, tempted by these, lie in the committee-room in the form of amendments proposed here involving a million of dollars or more. After saying to those claimants provided for in those amendments, "We will not consider you at all," we can not stand upon that if these already in the bill are allowed, but we must move to recommit our bill and turn ourselves into a committee on claims and examine those claims also. We said to those who presented the amendments, "This is the way we propose to treat you, and to treat these that have come up." I submit that never was a fairer proposition made, which is undone entirely if you select out a few of them and pay them, and turn the others over.

Mr. MAXEY. I have not been able to see that the argument used by the Senator from Massachusetts is sound as against the universal doctrine of law. The law looks at individuals. If I go into court and have my case thoroughly well prepared and am ready for trial, have done that at my own expense and by my own diligence, why should I be postponed because somebody else has not got his case ready for trial? There is no justice, there is no reason for that; and it is in direct violation of a well-settled maxim of the law that it favors the vigilant.

The gentlemen whose claims are allowed in the bill are conceded by the Senator from Massachusetts to have just claims. He makes no pretense that the claims which are found in the bill are not good claims, but he says that some others have not got their claims there also. Is that a reason? Because I have prepared my claim, because I have used the diligence necessary to comply with the law entirely, and my claim has been examined by the Interior Department, when I have gotten the testimony and have presented it in such a way that the Department felt impelled to approve that claim and it goes to the House and it is there allowed and placed upon the bill, am I then, because other men have not come in, to be stricken out? It seems to me that would be a violation of every principle of justice.

The Senator from Wisconsin asked this question: Would you favor the allowance of other claims which have been examined and investigated by the Interior Department and found to be correct and reported to Congress for allowance? I have not the slightest hesitation in saying to the Senator from Wisconsin that, so far as I am concerned, I do not care how many claims come up, if they are just, if they are honest, if they have been established in the mode and manner prescribed by the laws of our land, I would vote for them, because I believe it would be right to pay them.

Mr. CAMERON, of Wisconsin. Will the Senator from Texas permit me to ask a question?

Mr. MAXEY. Certainly.

Mr. CAMERON, of Wisconsin. It is stated by the Senator from Massachusetts who has charge of this bill that the amount of the claims for depredations which have been examined and passed upon favorably by the Interior Department and now on file in that Department amount to about $8,000,000. Would the Senator from Texas be in favor of paying under this Indian appropriation bill all those claims?

Mr. MAXEY. I will reply to the Senator from Wisconsin as best I can, and I think to my satisfaction, whether to his or not. The raids perpetrated a few years ago—much more so than now—by the wild Indians on the frontier people, in which women and children were murdered, others carried into captivity, the cabin of the frontiersman burned over his head, his cattle driven off, his horses stolen, I do not regard as injuries committed during an open war between two nations. It is not that kind of a case. We have said that these Indian disturbances were not wars, that Indians were not to be regarded as belligerents. They are wards of the nation. The Government of the United States has assumed to take care of them and to protect the frontier against them by placing them on reservations and under the control of the military; and they have thus invited people to go on the frontier, risk their lives, and risk their property.

The Government has invited them to do that and has placed agents over the Indians; but for all that they break out and they carry with them the torch; they burn, pillage, rob, destroy, murder, and carry into

captivity; and when these unfortunate people come to Congress and ask for relief, because every man has not been prepared to bring forward his claim in the mode and manner which is required, all others who have done so are to be relegated to some commission hereafter to be appointed to regulate these things. Sir, that is not just. Let "every tub stand upon its own bottom." If a man has an honest claim let it be brought forward, and if the claims amount to $8,000,000, as the Senator from Wisconsin says, if they are just claims for depredatians committed by these wards of the nation upon the defenseless frontier people in the destruction and robbery of their property, this Government, as an upright and honorable and honest gentleman would do, ought to pay the last dollar of it if the Indians have not enough money of their own to pay that debt. I assume in the broadest form the position that it would be just and right and fair to do it.

I say further, that if the Committee on Appropriations had put every valid claim, which they themselves regard as valid and upright, on this bill as an amendment, I should have voted for that, and if, when it goes back to the House, the House should amend the amendments of the Senate and put on others, I would say that was right. In other words, the amount involved has nothing to do with the honesty of the debt. If the Government honestly owes it, it makes no difference whether it takes $8,000,000 or $8. The amount has nothing to do with the justice or the honesty of it. The principle of the thing is that the Government of the United States has assumed that out of the annuities, out of the moneys which go to these tribes, shall be paid all depredations which they perpetrate upon the property of the people, and these claims have been established as coming within the purview of that law; therefore they should not be stricken out.

While I shall support the provision suggested by the committee for future adjudication and settlement, I can not for the life of me see why you want to readjudicate a thing that is already adjudicated. There ought to be an end to controversy, there ought to be an end to litigation; the claims named in the bill need no adjudication, because they have already been adjudicated. They need no examination or investigation or auditing. All that has already been done. Then why should these poor people out there on the frontier lie out of the use of their money, obtaining no interest, because others who happened to be less vigilant have not prepared their cases.

Mr. President, the Appropriations Committee, in my humble judgment, ought not to have stricken the claims out. While I concur with them in their effort to make a provision for the future, so far as these claims are concerned, they ought not to have stricken them out, and there is no inconsistency in leaving them on the bill and then making a provision such as they have wisely made for the future. I shall vote with them for that provision, and vote against them so far as striking out claims is concerned.

Mr. JACKSON. I wish to call the attention of the Senate very briefly to the fact that this proposed legislation as it comes from the House to the Senate, and which the Senate Committee on Appropriations propose to strike out, ought to be stricken out because it is in direct conflict with the act of July 15, 1870, which provides as follows:

That no part of the moneys appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian Department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians named herein, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof.

That is the present law.

Mr. DAWES. And these very Indians have no funds in the Treasury.

Mr. JACKSON. None at all. The whole subject is involved in some confusion by reason of not examining these statutes in connection. The act of 1872 directed the Secretary of the Interior to examine claims that arose under existing law or under a treaty obligation. The Department has examined and adjudicated upon an immense amount of claims which there are no existing laws to cover, and no treaty obligations that cover them.

The first legislation upon this subject was in 1802. That made direct provision as to how depredations should be compensated for after demand had been made upon the Indian tribe of which the party committing the depredation was a member, and that act of 1802 directed that the payments for such depredations should be made out of the annuity that was coming to the tribe. That continued in force until 1834. In 1834 the law was changed so as to allow the payment to be made out of any funds in the Treasury, and repealing that provision of the act of 1802 which required that it should be paid out of the annuities. That act of 1834 continued in force until 1859, when that feature of it was repealed which required the payment out of the Treasury, so that there is no law existing on our statute-books now that makes the Government liable for these depredations, and the provision that compensation should be taken out of the Indian annuities has been repealed by the act of 1870.

The real purpose of the act of 1872 was to ascertain these claims and see if there were any treaty obligations under which they could be paid, but every one of the private cases in this bill was introduced into Congress and asked for appropriations out of the Treasury to pay these depredations; and hence the Committee on Claims reported against them. We have to pass on the question whether this Government will be responsible for all Indian depredations, without regard to treaty obligations. If we assume that obligation we shall have to meet from eight to ten million dollars on claims now pending in the Department.

Mr. MILLER, of California. The act of 1872 required the Secretary of the Interior to investigate depredation claims and find the amount due, the date when the depredation occurred, and all the particulars about them. Now, I ask the Senator what was the object of that if they could not be paid? I understand the Senator to say that there was no existing law requiring them to be paid.

Mr. JACKSON. The language of that act is that the Secretary of the Interior should investigate claims that arise under existing law or under treaty obligation. He was confined to that class of claims and was to report them to Congress, and they were not to be paid except by a specific appropriation by Congress.

Mr. MILLER, of California. But the Senator says there is no existing law under which they can be paid and there is no treaty stipulation which requires their payment. Then what was the object of the act of 1872?

Mr. JACKSON. I can not explain that. There stands the legislation just as I have stated it. It is all the legislation on the subject.

Mr. COCKRELL. Mr. President, I think that the amendments proposed by the committee are in the interest and for the benefit of the claimants, and I think the friends of these claimants for Indian depredations are standing in their own light when they are opposing the legislation which has been proposed. It is not a question, as my good friend from Texas states, of diligence in law. Here is one claim, on page 26, line 615, of Dennis Sheedy, allowing him a certain amount for a certain Indian depredation, and here is an amendment that I offered myself for constituents of mine, constituents of the Senator from Kansas, and constituents, I believe, of the Senator from Texas, too, in which I proposed to pay a number of gentlemen their claims, and their claims are precisely alike with that of Dennis Sheedy. The depredations were committed at the same time, by the same Indians, and they have been reported just alike. The committee rejected this amendment.

We rejected all amendments, because we had before us reports beginning back in 1871 or 1872, or probably earlier, from the Interior Department. Every year there is a report of Indian depredation claims. Recently there have been half a dozen reports made each session of Congress, or three or four at least. There have been three made at this session. These reports of Indian depredations do not confine the claims to depredations committed by Indians with whom we have treaty stipulations and whose money we can take to pay these claims, but they include all manner of Indian depredations.

It is impossible to have an investigation of all these claims before the Committee on Appropriations. If the Senator from Texas and the Senator from California were on that committee and were called upon to pass on these claims, neither of those Senators would be willing to accept these reports and allow the exact amount that might have been reported by some Indian agent, supported by one or two *ex parte* affidavits filed in the Department.

It is a matter of absolute necessity that we shall sift these claims, that we shall ascertain those that are properly chargeable against the nations and tribes that have annuities and with whom we have treaty stipulations and whose money we have, so that we can pay the claims. Now, I am for making these Indians pay every solitary dollar due for the actual depredations committed by them, whenever they have any money or whenever they have any lands out of which they can be paid. I want to hold them responsible to the fullest extent of the law; but I only want to pay what is actually due, the real value of the property destroyed or the real injury done to it, and not mere imaginative damages that may have resulted, and which should never be allowed in any court of justice. Therefore we put in the amendment, under the head of "Indian depredation claims," at page 47, requiring a thorough investigation of this whole matter. We appropriate $10,000 for it. The Secretary can take this money and he can have a thorough investigation made; he can report to us all the facts; he can show us the evidence upon which these claims are allowed, and the treaties and the funds. Then we can go to work and settle the cases intelligently and honestly and fairly; but we can not do it until we have that information, and it is idle to undertake to do it. We are simply making fish of one and flesh of another. We are making a favorite of one, and we are doing great injustice and wrong to hundreds of others.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment recommended by the Committee on Appropriations to strike out from line 637 to line 665.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Otoes and Missourias," to strike out the following clause, from line 686 to 698, inclusive:

The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of

the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes," as he may deem advantageous to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than two years from the time the said purchase-money became due according to the original terms of sale under said act.

Mr. VAN WYCK. This is one of the provisions to which I called the attention of the Senate. It is similar to the one in regard to the Omahas authorizing the extension of the time of payment in the discretion of the Secretary of the Interior. There was evidently a misapprehension in the minds of Senators as to the vote upon the retention of the other clause. I desire some understanding as to this and the previous amendment on page 27. There was a misunderstanding among Senators. This proposition is precisely similar to that.

The PRESIDENT *pro tempore*. The question is on striking out the clause which has been read.

Mr. VAN WYCK. I either desire now to have a yea-and-nay vote or to have it in the Senate.

The PRESIDENT *pro tempore*. Does the Senator demand the yeas and nays?

Mr. VAN WYCK. Not now.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Pottawatomies," to strike out from line 776 to line 783, inclusive, as follows:

For this amount, to be paid to certain Pottawatomie Indians, their heirs or legal representatives, being the sum found due for depredations committed by others upon their stock, timber, or other property, reported to Congress under the tenth article of above treaty, $48,332.80, payments only to be made to such as sustained actual damage, their heirs or representatives.

The amendment was agreed to.

The next amendment was, in line 783, to reduce the total amount of the appropriation for fulfilling treaties with the "Pottawatomies" from $68,980.45 to $20,647.65.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 786 to line 807, inclusive:

That the claim of the Pottawatomie Nation of Indians on account of unfulfilled treaty stipulations and for the difference between coin and the value of the currency paid to said Indians in the years 1863, 1864, 1865, 1866, and 1867, by virtue of the treaty of 1868, be, and the same is hereby, referred to the Court of Claims for adjudication; and said case shall have preference and be tried without delay by said court, which shall determine and adjudicate what sums of money are due said Pottawatomie Nation of Indians, and the amount proportionately due each band of said Pottawatomie Nation on any account arising from existing treaties, and whether interest is due, and at what rate, upon said sums, with right of appeal to the Supreme Court, which, in case of an appeal, shall advance said case upon its docket and try the same without delay. But any decision awarding said Indians any sum on account of the difference between gold and currency shall not be held as precedent thereafter for the regulation or decision of any controversy between the Government of the United States and any parties whatsoever.

And in lieu thereof to insert:

For this amount to be paid to the Pottawatomie Indians, or expended for their benefit, under the direction of the Secretary of the Interior, being the difference between the amount paid to said Indians in currency, in the years 1863, 1864, 1865, 1866, and 1867, and the sum due in coin, under their treaties of 1818 and 1829, as required to be ascertained by article 9 of their treaty proclaimed August 7, 1868, $49,382.80.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the "Quapaws," in line 829, after the word "blacksmith," to strike out "and assistants;" in line 831, before the word "hundred," to strike out "eight" and insert "five;" and in the same line, after the word "thousand," to strike out "eight" and insert "five;" so as to make the clause read:

For blacksmith, and tools, iron, and steel for blacksmith shop, per same article and treaty, $500; in all, $1,500.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the Shoshones and Bannocks, to strike out the following clause, from line 958 to line 964, inclusive:

For the payment by the Secretary of the Interior to J. M. Hogan, of Stockton, Cal., the sum of $6,600, out of the funds herein appropriated for the Shoshone Indians; the same being a claim for damages caused by depredations of said Indians, and examined and approved, allowed and reported to Congress by the Department of the Interior, $6,600.

Mr. MILLER, of California. That is the case which I spoke of a while ago in the debate. The depredation was committed in 1861. The claim has been adjudicated and found due, not only as to the circumstances of the whole case but as to the amount. It is a claim which ought to have been paid long ago, and it ought to be paid now as it has not been paid heretofore. If the Senator from Massachusetts will consent to let the item stand I shall be very much obliged to him.

Mr. DAWES. I should be very glad to do that, because I know something about the claim, but there is one difficulty about it independent of the fact that to leave it here is treating it differently from the others. It was a depredation made before we had any treaty with those Indians, and they never stipulated to pay for any of the depredations committed before that time. Then all we have in our hands now is the annuity. We are under an obligation to pay the annuity which is appropriated here. If we should take the amount out of the annuity we must take out of the Treasury just as much to keep the Indians alive.

I wish this claim might go with the rest, and the Secretary of the Interior will then report what there is in treaties or other obligations on the part of the Indians by which we can pay this or any other such claim. I will not say a word against the merits of the claim. I happen to know more about this than any other of the claims, but I can not ask the Senate to take it up when they have decided that they would not take up the others.

Mr. MILLER, of California. I shall ask for the yeas and nays on the amendment. If it is desirable to wait until we get the bill in the Senate, I will reserve it until that time and take a vote on it then.

Mr. CAMERON, of Wisconsin, and others. The Senator had better do that.

Mr. DAWES. Take the vote then, when the others will come up.

Mr. MILLER, of California. I shall then reserve the question until the bill is reported to the Senate.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was in the appropriations for fulfilling treaties with the "Sioux of different tribes, including Santee Sioux of Nebraska," in line 997, before the word "thousand," to strike out "thirty-eight" and insert "thirty;" so as to make the clause read:

For sixteenth of thirty installments, to purchase clothing for males over 14 years of age, for flannel, hose, and calico, and domestics required for females over 12 years of age, and for such flannel and cotton goods as may be needed to make suits for boys and girls, per tenth article of treaty of April 29, 1868, $130,000.

The amendment was agreed to.

The next amendment was, in line 1013, to increase the appropriation "for pay of additional employés at the several agencies for the Sioux in Nebraska and Dakota" from $20,000 to $25,000.

The amendment was agreed to.

The next amendment was, in line 1021, before the word "thousand," to strike out "twenty-five" and insert "seventy-five;" and in the same line, after the word "dollars," to insert the following proviso:

Provided, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed wherever practicable.

So as to make the clause read:

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by act of Congress approved February 28, 1877, $1,275,000: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat trasportation; and in this service Indians shall be employed wherever practicable.

The amendment was agreed to.

The next amendment was, in line 1028, to increase the total amount of the appropriations for fulfilling treaties with the "Sioux of different tribes, including Santee Sioux of Nebraska," from $1,590,300 to $1,627,300.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 1041 to line 1048, inclusive:

The Secretary of the Interior is hereby directed to pay, out of the moneys herein appropriated for the Sioux Indians, to Abner Lowry, sr., $2,306.60, to John McCall $70, and to Mrs. John Bohl $25; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1049 to line 1054, inclusive:

The Secretary of the Interior is hereby directed to pay, out of the moneys herein appropriated for the Sioux Indians, to George Storrs $840; the same being claims for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was in the appropriations for fulfilling treaties with the "Sioux, Yankton tribe," in line 1060, after the words "civilization of," to insert "and purchase of stock for;" so as to read:

For subsistence and civilization of and purchase of stock for two thousand Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," $40,000; in all, $65,000.

The amendment was agreed to.

The next amendment was to strike out the following clause, from line 1114 to line 1131, inclusive:

The Secretary of the Interior shall cause a complete and accurate list of all approved and pending claims of citizens on account of depredations of Indians, chargeable against any treaty funds of Indians, to be made and presented to Congress on or before the first Monday of December, 1885. Said list shall contain the name and address of the claimant, the date of the depredation, the date of examination and approval, by what Indians committed, what funds remain to said Indians out of any treaty stipulation, and reference to the claim of the particular treaty by which the Indians agreed to pay for depredations by them committed; and said Secretary of the Interior shall also report such suggestions looking to the payment of said claims as may seem wise to him, and whether in his judgment a pro rata allowance out of the respective Indian treaty funds to be applied to the payment of said claims can be made, and, if so, to what extent and in what cases.

The amendment was agreed to.

The next amendment was, after line 1131, to insert:

INDIAN DEPREDATION CLAIMS.

For the investigation of certain Indian depredation claims, $10,000; and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session; and the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredations aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid.

The amendment was agreed to.

The next amendment was in the appropriations for "miscellaneous supports," before the word "thousand," in line 1165, to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

MISCELLANEOUS SUPPORTS.

For subsistence and civilization of the Arapahoes, Cheyennes, Apaches, Kiowas, Comanches, and Wichitas who have been collected upon the reservations set apart for their use and occupation, $375,000.

The amendment was agreed to.

The Secretary continued the reading of the bill, and read the following clause:

For subsistence and civilization of the Assinaboines in Montana, including pay of employés, $30,000.

Mr. VEST. I suppose it is too late to change that appropriation, and I am to be blamed for not having submitted an amendment. I know something personally about the condition of those Indians. I regret that the appropriation is as small as it is. I understand that the estimate is fifty-odd thousand dollars over and above this amount, and I see that this includes the payment of employés.

Mr. DAWES rose.

Mr. VEST. I wish to make a statement to the Senate in regard to this matter, if the Senator from Massachusetts will permit me.

Summer before last I visited this tribe of Indians and held a council with them at Fort Assinaboine. At that time there were about 1,100 persons—men, women, and children—in the tribe. Fort Assinaboine is on the edge of the British possessions, and is the most northern of our line of forts. I was there in September. It is the bleakest, most inhospitable country and climate that I have ever seen. Agriculture is simply impossible. The summer season there (they call it summer; I call it very fair winter weather) lasts about one month. They raise a few potatoes, a very few stunted vegetables, and that is all.

The Assinaboines, a portion of the Gros Ventres, the Blackfeet, Bloods, and Piegans, all subsist upon the buffalo. If I had a map accessible I could show the Senate what is called the buffalo country, extending through a portion of Northern Montana into the Canadian territory, over one hundred and forty-nine miles of which I traveled in an ambulance with a military escort, from Fort Assinaboine to Maple River on the Canadian Pacific, and I state here now that I did not see in those one hundred and forty-nine miles one living thing. There were the bones of the buffalo, the wallows of the buffalo, a leaden sky, and a moaning wind, and those Indians are expected to subsist upon that, together with the meager rations that the United States Government gives to them.

In the council that I held with them one of the chiefs, White Calf, rose in the council and said to me through the interpreter that one of his children (for they call the members of the tribe their children) was then dying from starvation. Mr. President, it was the truth. I saw that poor emaciated creature dying for the want of food in sight of the United States flag. I am no sentimentalist; I am a Western man; but this is the truth. It is a shame to this Government, to the civilization and the Christianity of this age. I went to the agent, who lived thirty miles from there. He had no food. I then appealed to the military officer in command, and he issued rations.

I hurried back as soon as I could get to the railroad, for that was my last council. I made my way to Washington city; I went to the Secretary of the Interior and the Commissioner of Indian Affairs, and appealed to them for relief for those Indians. That was in September. Said I, "The winter is coming on; that whole tribe will be exterminated; they will die for want of food." Mr. Price, the Commissioner of Indian Affairs, said, "I have no funds out of which to give those people anything; my rations will be exhausted in the course of six weeks." Said I, "Mr. Commissioner, exhaust them. Congress will meet inside of a month, and I pledge myself as a Senator of the United States that the Senate, and I believe the House, will make ample appropriations immediately upon the meeting of Congress." The rations were doubled, and notwithstanding that, the commandant of the post informed me, for he is now here upon the Swaim court-martial, that with all he could do during the winter, taking the rations of the soldiers, who, to their honor and humanity, gave them up voluntarily to those poor Indians, from three hundred to five hundred of them died right there upon our territory in a land bursting with plenty.

It is a shame, an outrage, sir. And now I see that those creatures are given $30,000. I wanted to move to make the amount $50,000, and to increase the succeeding appropriation $20,000.

Mr. CAMERON, of Wisconsin, Mr. FRYE, and others. Move it.

The PRESIDENT *pro tempore*. The Chair will entertain the motion by unanimous consent.

Mr. VEST. I make a motion to increase the appropriation $20,000. I suppose unanimous consent will be required.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to move, as in order, to increase the appropriation in line 1177 from $30,000 to $50,000. Is there objection? The Chair hears none. The proposed amendment will be read.

The SECRETARY. In line 1177, after the word "employés," it is proposed to strike out "thirty" and insert "fifty;" so as to read:

For subsistence and civilization of the Assinaboines in Montana, including pay of employés, $50,000.

Mr. DAWES. I shall make a statement and then leave the matter to the Senate.

Mr. HAWLEY. If the Senator will allow me, I wish to call the attention of the Senator from Missouri to another point of the same question, or perhaps the same point the Senator from Missouri has referred to. Was it the Blackfeet Indians alone that he spoke of, or was he speaking of four or five tribes?

Mr. VEST. I spoke of the Assinaboines.

Mr. HAWLEY. I understood, but I may have been misinformed, that there is a somewhat similar condition of affairs among the Blackfeet Indians.

Mr. VEST. They are all together; the Assinaboines, the Blackfeet, the Bloods, and the Piegans live together and have the same reservation, and they were all starving when I was there.

Mr. HAWLEY. Now, if the Senator from Massachusetts can give some correct historical statement in regard to those Indians and some assurance of the future I should be glad to hear him. I am very glad to see that on another page of the bill, page 54, there is a contingent fund provided for. I wish it were larger.

Mr. VEST. Yes; it ought to be doubled.

Mr. DAWES. If the Senator from Missouri would reserve his amendment for that point, perhaps it would be wiser. The Senator proposes to raise the amount of appropriation as to the Assinaboines from $30,000 to $50,000. The Department has only estimated for the Assinaboines $35,000. The appropriations for the present year for all of the Indians of Montana, embracing these Indians, are $52,000 less than the estimates. That includes the Assinaboines, the Blackfeets, the Bloods, the Piegans, and the Crows. It was the year before last that the Senator was there. I was also in the neighborhood, although I did not see those Indians that he has spoken of.

When the attention of the Department last year was called to the distressed condition of those Indians—the Assinaboines, the Blackfeet, the Bloods, and the Piegans—they ordered all the rations which were provided for for the year ending next July to be expended before the last of March of this year, which was deemed by those on the ground to be sufficient to supply their wants up to March of this year, so that they would not be starving. Then there was appropriated $50,000 for an emergency deficiency in January of this year, the purpose of which was to take the place of those supplies from March through to July which were anticipated by the order of the Department. The Department now believes, according to all its information from those Indians, that with this fifty thousand dollars' worth they will get through by March enough to supply their wants till July. Whether the Department is correctly informed I do not know; but having anticipated in the manner I have said an expenditure to March, and then supplying that by the $50,000 emergency appropriation which was made in January, the Department believes they have met the exigency so far as food is concerned.

The difficulty with these Indians is twofold. The first is that described by the Senator from Missouri, that their game is gone; and another is that they are lodged in the mountains of that cold region of country and their habits are such that it is next to impossible to make them look for any support except from the chase. They know no other way to get their living but from the chase, and they stay in the mountains while there is food at the agency, and hunt and hunt and starve and die, although there is food within reach of them.

Notwithstanding what I have said in relation to the efforts and appropriations made on the part of the Department and of Congress to meet their distress, there is a lamentable condition of things among some of them which is perfectly heart-rending. Whether it could be remedied by more food or not is a question. I have received to-day, since this bill came up, a letter to a friend from the agent of the Blackfeet Indians, accompanied by the death-roll of the Blackfeet, a part of these Indians, kept as they keep it. I have it here before me [exhibiting], the death-roll for nine months ending in January, kept as they keep it, by notches upon sticks. Here are the identical sticks kept by the chiefs of the bands. Every notch indicates a death in the tribe. I

have a letter of the agent in my pocket in which they are all reckoned up. I will read it. It is dated the 4th of February:

DEAR SIR: By this mail I send you a number of sticks in which are cut notches representing the number of deaths in various bands of the Indians at this agency. These sticks were prepared by the leaders of the bands, and they state that infants who had not reached the period at which children notice the objects about them are not included in the count. The period covered is from early fall, 1883, to the summer of 1884. The following is the list—

Making a total in that time of 482 out of a tribe of Indians that numbered from 1,800 to 2,200. About one-fourth of the whole tribe have fallen in that time from some cause or other, depleted partly, perhaps, by the want of food, partly by the weakness that the climate has brought upon them, and from various sources. This is the condition of things at the Blackfeet agency. It demands, it seems to me, a very thorough investigation on the part of the Indian Department.

I ought to say in this connection that the Senate passed a few days ago a bill which, if it gets through the House, will place all these Indians upon new reservations marked out upon a vast region of country believed by those who have personally examined the ground to be the best part of the whole country on the rivers, and the most valuable land. The Indians desire to go upon that land, and give a release of all their claim and right to the rest of the land. In that bill it is provided that for a certain number of years—I think thirty—the United States stipulates to pay $75,000 a year to each of the three tribes of Indians constituting this agency. I think, if that bill should get through the House, those Indians will be in a better condition than they have been since the game has fled from the country and they have been upon that reservation.

I am unable to tell the Senate what is the real cause of the horrible and awful mortality among those Indians. I know the Department is of opinion that it has furnished all the appropriation, including the $50,000 which Congress appropriated in January, that is necessary, but the mortality has arisen from past suffering and past neglect.

I think, if the Senator will reserve his amendment and increase what we have created in the bill called an emergency fund, it will meet whatever in the future may appear to the Department to be necessary.

Mr. VEST. I will withdraw the amendment then.

Mr. PLUMB. Before the amendment is withdrawn I wish to call the attention of the Senate to some statistics in regard to these tribes of Indians as I find them stated in the report of the Commissioner of Indian Affairs, and to make some comments on them.

According to the last report of the Commissioner of Indian Affairs, that for the fiscal year ending June 30, 1884, there are a thousand of these Assinaboine Indians at the Fort Belknap agency and 1,150 of the Gros Ventres. According to the statistics furnished by the agent the number of deaths during the last fiscal year was twenty-six. The agent also reports in regard to the employment of the Indians, and the results of their labor and so on, that there were 250 acres cultivated by the tribes at that agency, that there were 300 acres under fence, that there were 300 bushels of corn raised, 250 bushels of oats and barley, 15 bushels of beans, 725 bushels of vegetables, 25 tons of hay cut, and so on, and that the tribes had 1,200 horses. I find by reading the report of the agent, found on page 114 of the report of the Commissioner of Indian Affairs, that "the number of Indians," quoting now from the report, "remains substantially the same as at the date of my last report, with probably a small increase of births over deaths;" so that if any one is indulging in the hope that we shall be getting rid of these Indians, and therefore of the necessity of appropriating for them, he will have to consult some other authority than that which I hold in my hand. He says the morals of the people are not very good.

In sanitary matters the agency physician reports the average number of Indians entitled to treatment at 1,850, the number that have in some manner been treated as 995; of this number 14 have died, 12 of which died from chronic incurable diseases.

So that the lump number of persons who have died on account of lack of food was very small.

Both tribes suffer severely from venereal diseases contracted some years ago, and now appearing as a constitutional disease, affecting the lungs and throat especially, and this is and will continue to be the cause of a large majority of the deaths among this people. The general health of these Indians is good, and improves from year to year, and in time I believe this people will outgrow their present tainted condition and become a fairly healthy race.

Mr. VEST. For what year is that?

Mr. PLUMB. That is for the fiscal year ending last June. The agent further says:

The supplies furnished them the past year were not sufficient for their needs, and but for the additional amount furnished later in the year much suffering would have most certainly ensued; and as the appropriation for the current year is, I suppose, about the same, it is apparent that the same state of things will exist as came to pass last year.

* * * * * * *

I am happily able to say that none of my Indians have starved to death, but it has been only by the most rigid economy—

Which of course ought to be an offense to an Indian agent, I think—and by keeping them on short rations that such a calamity has been averted.

In another paragraph of the report the agent states as follows:

But, fortunately, by their labors they have produced sufficient to supply their immediate wants; as far as potatoes, corn, turnips, &c., are concerned, they will have plenty.

That was, a few years ago, considered a pretty fair bill of fare for a white man.

The Indians have worked diligently and well on their farms, those that have them, and the result is a fine crop. But unfortunately many of them have no farms, and hence no crop. And while upon this subject I wish to reiterate former statements in regard to the breaking of land. My Indians could just as well have tilled 600 to 800 acres of land as well as the 300 acres they have cultivated. The white employés have broken every spring all they could, but it was but a tithe of what was needed. It would seem to be a wise scheme to break up for them all the land they can till, as that is directly in the line of our efforts toward making them self-supporting.

On the whole, a careful survey of the field indicates rapid advancement in certain directions, more clearly in respect to agriculture, and I assert that in a few years, with such assistance as the Government should most certainly afford them, these Indians will become largely self-sustaining.

That would not seem to indicate that the condition of things up there had been very serious. Of course I am not questioning in the slightest degree the statement made by the Senator from Missouri as to that which passed under his observation; but I have had some little experience on the frontier, and I know that Indians sometimes lie, and it might be possible that there should be circumstances which would induce some Indians to say they had been at the point of starvation, and yet the statement might not be quite true. I would not accept a statement of that kind as being necessarily the exact truth unless I were able to verify it from some other source.

But I was going to say specially that if that reservation is of the kind which the Senator from Missouri estimates it to be, and if the outlook there is of that hopeless character he represents, we ought not to be appropriating money simply to keep those people in that inhospitable climate and on that barren soil and in that condition where under no possible circumstances can they ever be otherwise than beggars, but instead of appropriating for emergencies and for food, which is only charity at the best, we ought to be making appropriations that would take them somewhere else and put them under conditions in which they may within some reasonable time become self-supporting. We are doing the vain thing, the idle thing, the wicked thing, because it is wicked to collect money from the people of the United States year after year to pay to Indians or anybody else whom we keep in a condition where they never can become self-supporting and must be always objects of charity notwithstanding the fact that they are physically able under proper circumstances to labor sufficiently to support themselves.

I think the attention of the Senate ought to be directed to this matter, not for the purpose of specially enlarging this appropriation, but of seeing in this case, upon which we have this information, if we can not do something at once to avoid the necessity of an indefinite continuation of these appropriations, and, what is more, of constantly being reproached everywhere for lack of humanity which comes by reason of our lack of appropriations to keep these people in that locality where they can never be of any service to themselves.

I shall now read from the report of the agent of these Indians for the preceding year.

Mr. HAWLEY. Will the Senator kindly distinguish between these different tribes? He has been talking about the Assinaboines and I am at this moment reading a letter from the agent of the Blackfeet.

Mr. PLUMB. I was addressing myself to the amendment offered by the Senator from Missouri.

Mr. VEST. If the Senator will permit me, when I was at the agency of the Assinaboines, the Gros Ventres, the Bloods, the Piegans, the Blackfeet, and the Assinaboines were all upon that reservation. These Indians pass backward and forward from the British possessions into Montana. The buffalo country extends from Fort Assinaboine up to Maple Creek, on what is now the Canadian Pacific, and that was their hunting-ground. These tribes have intermarried and have lived together. It is impossible for anybody to say that starvation existed only in one tribe.

Mr. BLAIR. May I ask the Senator a question? He spoke of the number of those whom he found there as being eleven hundred. Does that include all of these tribes?

Mr. VEST. Oh, no, sir. It is impossible to obtain any accurate information about the number of Indians in these tribes. As far as I could ascertain from the chiefs and from the agents, there were about eleven hundred Assinaboines and a thousand of the Gros Ventres, though I see the agents state——

Mr. BLAIR. Of what tribe were those who died from want?

Mr. VEST. They were Blackfeet, Assinaboines, and Piegans.

Mr. BLAIR. Not all of a single tribe?

Mr. VEST. Not of a single tribe; but they all live together.

Mr. DAWES. The communication which I read was from the Blackfeet agency only, and is of recent date, February 4. I read a letter from the agent himself. The Blackfeet agency is distinct from that which includes the Assinaboines, which is at Fort Belknap.

Mr. VEST. But the Piegans and Blackfeet are at Fort Shaw. What I stated in regard to the condition of these Indians last winter I ascertained from the commanding officer at Fort Shaw.

Mr. DAWES. I want to add, as I ought in regard to the appropriations of this year, that they are $17,000 larger than the appropriations last year, including the $50,000 deficiency. So the Department is determined to meet the case. If it fails it will be from lack of information.

Mr. PLUMB. I find by looking at the report of the Commissioner for the year 1883 that the number of Assinaboine Indians at Fort Belknap agency that year was 750, 250 less than now, and the number of Gros Ventres there was 950, 250 less than there are at this time. From that I do not mean to assume at all that the tribe has increased. I have no doubt the Senator from Missouri has furnished the explanation somewhat of the condition of things that existed at Fort Belknap agency at the time he was there.

These Indians go backward and forward, first to one agency and then the other; being affiliated by blood and marriage, they naturally regard themselves as of the same family, and wherever they happen to be they take whatever rations are available; and if it should happen that all the Indians at one agency should go to the other suddenly, they might exhaust the rations there. I suppose the only way to even that up would be to have the Indians who had thus been cleaned out go to the other agency and employ the same tactics there for the purpose of recouping what they had lost.

That is a difficulty which it will be almost impossible to provide against wholly. There ought to be a totality among all the agencies enough to supply them, and I think not a very great abundance for the purpose of encouraging them to refrain from agriculture, unless it be literally true that agriculture is there impossible. If it is, then they ought to be taken to some more hospitable clime. Every day we keep them there is not only an expense which is unnecessary, because it takes more to transport supplies to that locality than it does to some nearer point where they should be located, but we are losing the chance also of doing anything for them in the way of making them self-supporting.

I want to say now, repeating what I have said heretofore at some length and which I thought I never would say again, that I do not think the chief end of an Indian ought to be to live off the Government, and I do not think the chief end of the Government ought to be to encourage the Indian with the belief that he can always live off the Government, nor to permit him always to live off the Government. I believe that under a proper system of management nine-tenths of the Indians of the United States at least—men, women, and children—could become self-supporting. Their wants are simple, or at least they were originally. We have cultivated them somewhat by giving them extravagant articles of food, &c., and we have shielded them because they have come to believe to a very large extent that the Government was rich enough and big enough, not to give them a farm but to enable them to live without a farm or without doing anything. That grows, like other vices, by what it feeds upon; and this constant giving without stint, and the understanding that always whenever there is a lack the Government is ready to make it up, and that therefore individual effort can be remitted or abandoned entirely, has produced, I think, largely that condition of things which we find now existing.

I do not propose to attack it now by means of this appropriation bill, but I want to say that what the Senator from Missouri said ought to be a warning that we are proceeding in the wrong direction, that we are schooling children in things which can never be of any use to them, and that we are keeping people in enforced idleness at places where they can never do better than they are doing now, and thus laying the foundation for the continuation of this charity until the end of time. While I may not seem very soft-hearted, I believe I have never failed to respond to demands for more food when it was said somebody was starving, and I have voted for all these emergency bills, and they have been numerous; but it is improper that we permit that condition of things to exist which will confront us with these emergencies and with these appeals which we can not disregard, and yet in that way we produce this condition of things. We are doing a great wrong, not only to these Indians but to the people of the United States, whom we tax for their support.

Mr. DAWES. I move that the Senate adjourn.

Mr. BLAIR. Will the Senator not allow the regular order to be laid before the Senate?

Mr. DAWES. Certainly.

Mr. VEST. I rise to a parliamentary inquiry. I said that I withdrew the amendment. Did the Chair declare the amendment withdrawn?

The PRESIDENT *pro tempore*. The Chair did not hear the Senator.

Mr. VEST. I moved the amendment with the consent of the Senate, and I wish it to remain that I may see what is best to be done.

The PRESIDENT *pro tempore*. The bill stands on the matter of asking unanimous consent to offer this amendment for consideration. That will be the pending question when the bill is again resumed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, this day, approved and signed the act (S. 235) to provide for the erection of a public building in the city of Augusta, Me.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (S. 150) granting a pension to Sarah Denny Ripley;
A bill (S. 1416) granting a pension to Mrs. Charlotte Hackett;
A bill (S. 1546) granting a pension to Orin R. McDaniel;
A bill (S. 2034) to remove the political disabilities of Alfred Iverson;
A bill (S. 2139) to remove the political disabilities of E. P. Alexander, of Georgia;
A bill (S. 2158) granting an increase of pension to Jesse S. Harrold;
A bill (S. 2231) granting a pension to Mrs. Kate A. Drummond;
A bill (S. 2398) granting a pension to Cyrus Reeser; and
A bill (H. R. 6816) for the relief of Nathan J. Sharp.

SAINT CROIX RIVER BRIDGE.

Mr. CONGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 6, 8, 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 9, 11, 12, 13; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out the word "other" in the part proposed to be inserted by the amendment; and the Senate agree to the same.

O. D. CONGER,
S. J. R. McMILLAN,
G. G. VEST,
Managers on the part of the Senate.

W. D. WASHBURN,
E. W. SEYMOUR,
S. R. PETERS,
Managers on the part of the House.

The report was concurred in.

EUGENE O'SULLIVAN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry, which was, in lines 7 and 8, to strike out the words "$18 per month" and insert "pension allowed in cases of amputation of the leg above the knee."

Mr. INGALLS. I introduced that bill, and will take the liberty of moving that the Senate concur in the amendment made by the House.

The motion was agreed to.

JAMES M'CALLEN.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1571) granting a pension to James McCallen, which was, in line 3, to strike out all after the word "laws" down to and including the word "pension," in line 4; and in line 6, strike out all after the word "Infantry" down to and including the word "pension," in line 8.

Mr. WILSON. I move concurrence in the amendment.

The motion was agreed to.

ISABELLA HIGGINS.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 2549) granting a pension to Isabella Higgins, which was, in lines 2 and 3, to strike out the words "subject to the provisions and limitations of the pension laws" and insert "at the rate of $20 per month."

Mr. WILSON. I move concurrence in the amendment.

The motion was agreed to.

AMENDMENTS TO RIVER AND HARBOR BILL.

Mr. DOLPH and Mr. GEORGE submitted amendments intended to be proposed by them, respectively, to the river and harbor bill; which were referred to the Committee on Commerce, and ordered to be printed.

FOREIGN-LABOR CONTRACTS.

The PRESIDENT *pro tempore*. The Senator from New Hampshire has called for the regular order. The unfinished business will be laid before the Senate, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. BECK. The Senator from Massachusetts, I believe, indicated his willingness to withdraw his motion to adjourn so that I may move for an executive session of a few minutes. I do not want a long one.

The PRESIDENT *pro tempore*. The motion to adjourn was withdrawn, and the Chair laid before the Senate messages from the House. The Senator from Kentucky is now recognized.

Mr. BECK. I move that the Senate proceed to the consideration of executive business.

Mr. BLAIR. Does the interposition now of a motion to go into executive session again make it necessary that I should call for the regular order?

The PRESIDENT *pro tempore*. It does not.

Mr. BLAIR. Is there no point of order?

The PRESIDENT *pro tempore*. The bill the Senator has in charge is before the Senate for action at this moment; but the Senator from Kentucky moves that the Senate proceed to the consideration of executive business. The question is on that motion.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 44 minutes p. m.) the Senate adjourned.

SENATE.

MONDAY, *February* 16, 1885.

The Senate met at 11 o'clock a. m. Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

Mr. HAWLEY presented the credentials of Orville H. Platt, chosen by the Legislature of Connecticut a Senator from that State for the term beginning March 4, 1885, which were read and ordered to be filed.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Navy, transmitting resolutions of the New York Chamber of Commerce, urging the establishment in the principal seaports of the United States of stations for the determination of the errors of compasses in iron and steel ships, with report of Commodore J. G. Walker, Chief of Bureau Navigation, thereon, and recommending an appropriation therefor. If there be no objection, the letter of the Secretary, with the report of Commodore Walker, will be printed, and they, with the accompanying memorial, will be referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a petition of the Legislative Assembly of Arizona Territory, praying that certain coal fields within the White Mountain Indian reservation, in that Territory, be segregated from the reservation, and that the rights thereto of the discoverers thereof be respected; which was referred to the Committee on Indian Affairs.

Mr. PALMER. I present a joint resolution of the Legislature of Michigan, relative to the importation of laborers under foreign contracts. I ask that it be laid on the table.

The PRESIDENT *pro tempore*. The Chair will state to the Senator that the paper sent to the desk does not appear to be an original joint resolution of the Legislature of Michigan, but only what appears to be a copy. The paper will be laid on the table. The Chair only inquired with reference to its being read, the rule being to read original joint resolutions of Legislatures of the States. This does not appear to be an original paper. It will be received, however, if there be no objection, and laid on the table.

Mr. PALMER presented a concurrent resolution of the senate and house of representatives of the State of Michigan; which was read, and referred to the Committee on Commerce, as follows:

Preamble and concurrent resolution adopted by the senate and house of representatives of the State of Michigan.

Whereas the Senate of the United States did pass a resolution of the date of April 22, A. D. 1884, instructing the honorable Secretary of War to cause an inquiry to be made as to the cost of construction of the Lake Superior Ship Canal and the Portage Lake Improvement Company Canal, and also to inquire upon what terms said canals might be purchased by the United States, and make free water ways to the commerce of the great lakes; and

Whereas the honorable Secretary of War did designate Col. O. M. Poe, of the United States Army, to make such examination and report, in conformity to said resolution; and

Whereas the honorable Secretary of War did report on or about January 5, A. D. 1885, that Colonel Poe had made such examination, and on whose report did recommend that Congress take steps to purchase the same, and make them free water ways to the commerce of the lakes; and

Whereas the tolls collected by these canals are a serious burden to numerous people and a very large industry embraced inside the limits of the territory supplied by these canals; and

Whereas these water ways should be made free channels to the great traffic that is now springing up with Minnesota, Iowa, and the country along the Northern Pacific Railroad, that passes through Lake Superior, finding an outlet to the east and seaboard; and

Whereas the dangers of the navigation of Lake Superior may be greatly lessened by the improvement of this water way, and make a safe shelter at a point where the dangers of this lake are the greatest and most serious disasters have occurred: Therefore,

Be it resolved by the senate of the State of Michigan (the house concurring), That our Senators and Representatives in Congress be, and they are hereby, requested to use their best endeavors to secure such legislation by Congress as will result in the United States acquiring, upon fair and reasonable terms, title to and ownership of the Portage Lake and River Improvement Company and Portage Lake and Lake Superior Ship Canal and Railway Company, connecting the waters of Keweenaw Bay through Portage River, Portage Lake, and the Portage Lake and Lake Superior Ship Canal and Railway Company with the waters of Lake Superior, for the purpose of making them free to the commerce of the lakes, and securing a commodious harbor of refuge for that commerce at a point on Lake Superior most dangerous to it.

Resolved, That the secretary of the senate be, and he is hereby, instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

ARCHIBALD BUTLER,
President of the Senate.
LEWIS M. MILLER,
Secretary of the Senate.
NEWCOMB CLARK,
Speaker of the House of Representatives.
D. E. CROSSMAN,
Clerk of the House of Representatives.

LANSING, *January* 29, 1885.

Mr. PALMER presented a resolution of the Detroit (Mich.) Board of Trade, favoring the purchase by the United States of certain water ways connecting Keweenaw Bay with Lake Superior; which was referred to the Committee on Commerce.

Mr. INGALLS. I present a petition, numerously signed by members of the Legislature of the State of Kansas and many other citizens of that State, praying for an appropriation of $100,000 for the construction of a wagon-road from Caldwell, Kans., through the Indian Territory, to Wichita Falls, in Texas. The petitioners represent that that country is now under the control of the Government of the United States, and a road would be of great importance to the military establishment, the Indian agencies in the Indian Territory, to traders, and to the transit of the mails. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. PENDLETON. I present a memorial from publishing houses that represent themselves to be all of those in the city of Springfield, in the State of Ohio, protesting against the passage of a clause in the Post-Office appropriation bill that distinguishes between newspapers of certain classes—I suppose those which are sent to regular subscribers and those which are sent to persons whom the publisher may select or as sample copies. I move the reference of the memorial to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. PENDLETON presented memorials of the Cortland Gazette, of Cortland Ohio; the Lebanon Daily Star, of Lebanon, Ohio; the Coshocton Wochenblatt, of Coshocton, Ohio; of the Bee and Times, of Ripley, Ohio; and the Ohio Democrat, of New Philadelphia, praying for the reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PLUMB. I present a petition of sundry citizens of the State of Kansas, praying for the establishment of a wagon-road in the Indian Territory, which I ask may be referred to the Committee on Military Affairs.

The PRESIDING OFFICER (Mr. HARRIS in the chair). It will be so referred.

Mr. PLUMB. On the suggestion of my colleague [Mr. INGALLS], I ask that the reference of the petition be changed to the Committee on Appropriations.

Mr. DAWES. I inquire of the Senator why the question of a wagon-road through the Indian Territory should be referred to the Committee on Military Affairs?

The PRESIDING OFFICER. Does the Chair understand the Senator from Kansas to desire the change of reference of the petition?

Mr. PLUMB. If I had time to read the very lucid explanation that is stated in the petition I think I could satisfy the Senator from Massachusetts, although as I know he is very hard to satisfy usually. I think even his critical judgment would be satisfied if I should read that statement. It relates to a road for the transportation of military supplies from station to station in that section of the country.

Mr. DAWES. Who petitions for it?

Mr. PLUMB. There are various persons who subscribe their names to the petition.

Mr. DAWES. Is it the military authorities who are so anxious to have a military road or is it citizens?

Mr. PLUMB. There is no way I can conceive of to satisfy the Senator from Massachusetts except to put him in personal possession of the petition, and I shall request the clerks to do so.

The PRESIDING OFFICER. Does the Senator from Kansas ask that the petition shall be referred to the Committee on Military Affairs or the Committee on Appropriations?

Mr. PLUMB. The Committee on Appropriations.

The PRESIDING OFFICER. That reference will be made if there be no objection.

Mr. PLUMB presented a resolution of the senate of Kansas, favoring the passage of the bill increasing the pensions of widows of deceased soldiers; which was referred to the Committee on Pensions.

He also presented a resolution of the senate of Kansas, favoring an appropriation for the improvement of the military road from Caldwell, Kans., across the Indian Territory to Wichita Falls, in the State of Texas; which was referred to the Committee on Appropriations.

He also presented a petition of honorably discharged officers, soldiers, and sailors, who served in the United States Army and Navy during the late war, praying that they be given a land-warrant for one hundred

and sixty acres of land each; which was referred to the Committee on Pensions.

Mr. MILLER, of New York, presented a petition of E. S. Jaffrey & Co., Tiffany & Co., Robert Davis & Co., Bates, Reed & Cooley, and 150 other importers of the city of New York, praying for the passage of the House bill to allow certain oaths to be administered by notaries public; which was referred to the Committee on the Judiciary.

He also presented the petition of William M. Thomson and 28 other citizens of Alexandria Bay, N. Y., praying that the United States acquire title to the two canals connecting Portage Lake, in the State of Michigan, with Lake Superior on the east and west and make said canals free of tolls to the public; which was referred to the Committee on Commerce.

Mr. MILLER, of California. I present a concurrent resolution of the Legislature of California, relative to a signal-service station on Tamalpais Mountain, which I ask may be referred to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The Senator from California asks leave at this time to present a copy of a concurrent resolution of the Legislature of California. It will be received, and referred to the Committee on Appropriations.

Mr. BLAIR. I present the memorial of John C. Welch, making a proposition to sell to the United States an abstract or calendar of the census which he has prepared. I have taken the liberty to make this indorsement after an examination of it.

> This calendar is a remarkable condensation and bird's-eye statement or exhibition of the essential facts ascertained by the Tenth Census. It is very convenient for reference, and I can not conceive of any method by which, for so little money, so much valuable information can be distributed among the people.

Signed by myself. I move that this be referred to the Committee on Appropriations, with which committee is to be found some matter bearing upon the question.

The motion was agreed to.

Mr. HAMPTON presented a petition of citizens of Georgetown County, South Carolina, praying for the establishment of signal stations in that county; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 483) for the erection of a public building at Keokuk, Iowa, to report it favorably and without amendment. As it will take perhaps less time now than at any time hereafter, at the request of the Senators from Iowa I ask for the immediate consideration of the bill.

The PRESIDENT *pro tempore*. The Senator from Vermont asks unanimous consent that the bill be now considered. Is there objection?

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made, and the bill will be placed on the Calendar.

Mr. GARLAND. The Committee on the Judiciary have had under consideration the bill (H. R. 4705) in relation to courts and judicial proceedings in the Territories, and have instructed me to report it adversely. I have no objection to the bill going on the Calendar, as some Senators desire it to be placed there.

Mr. HOAR. I should like to say in regard to that bill one word. While I think that in some of the Territories—I believe that is the general opinion of all Senators who have examined the question—there is a very great and crying necessity for some relief, especially in the Territory of Washington and also to some extent in Dakota, I am not aware whether all the Territories are so situated as to require the general relief provided by the bill, and I believe there is a special bill now pending to cover the Territories of Washington and Dakota.

The PRESIDENT *pro tempore*. It was passed at the last session.

Mr. HOAR. It was passed by the Senate?

The PRESIDENT *pro tempore*. It was passed by both Houses.

Mr. HOAR. Very well, then.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar at the request of the Senator from Arkansas.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. LAPHAM, from the Committee on Fisheries, reported the following concurrent resolution; which was refered to the Committee on Printing:

> *Resolved by the Senate (the House of Representatives concurring)*, That the report of the Commissioner of Fish and Fisheries for the year 1885 be printed, and that there be printed 11,000 extra copies, of which 3,000 shall be for the use of the Senate, 6,000 for the House, 1,500 for the use of the Commissioner of Fish and Fisheries, and 500 for sale by the Public Printer under such regulations as the Joint Committee on Printing may prescribe at a price equal to the additional cost of publication and 10 per cent. thereto thereon added, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

BILLS INTRODUCED.

Mr. HILL introduced a bill (S. 2643) to relinquish to the city of Denver title to certain lots of land for the purposes of a public library; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ALLISON introduced a joint resolution (S. R. 125) to provide for the expenses of the inauguration ceremonies on the 4th day of March, 1885; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. FRYE introduced a bill (S. 2644) in relation to evidence to quiet titles; which was read twice by its title, and referred to the Committee on the Judiciary.

AMENDMENT TO A BILL.

Mr. SEWELL submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate for the printing of the official report of Lieut. Frederick Schwatka, United States Army, of his military reconnaissance.

The message also announced that the House had passed a bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes; in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

The bill (H. R. 8138) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. If there be no "concurrent or other resolutions" that order is closed. The Chair lays before the Senate the Calendar under Rule VIII, the pending bill being Order of Business 396, the title of which will be reported.

The CHIEF CLERK. "A bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes."

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole. The question is, Shall the bill be indefinitely postponed? on which the Senator from New York [Mr. LAPHAM] is entitled to the floor.

Mr. SHERMAN. With the leave of the Senator from New York I desire to make a motion; but before doing so I wish to state the reason why I make the motion.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from New York yield to the Senator from Ohio for the purpose indicated by the latter Senator?

Mr. LAPHAM. Yes, sir.

Mr. SHERMAN. It is perfectly manifest that in the present state of the public business a long discussion upon such a proposition as that now pending before the Senate, the Des Moines River bill, however meritorious it may be and whatever considerations may be urged in its favor, stands in the way of all the morning business, all the appropriation bills, and all the business which is to come before this Congress and must be acted upon. In view of that fact, and also in view of the further fact that it is a Senate bill and must go the House, and we know as practical legislators that our action upon it even if it should be ever so favorable will not dispose of the bill and will not accomplish the desire of the Senators from Iowa, and in order that it may not stand in the way of appropriation bills which ought to be taken up this morning and proceeded with, I move to lay the bill on the table.

Mr. ALLISON. I hope the Senator will withdraw that motion for one moment, in order that I may say that this is as important public business as there is before the Senate, and I hope the motion will not prevail.

Mr. SHERMAN. I hope it will be decided.

Mr. PLUMB. I ask the Senator from Ohio to withdraw the motion until I may say one word.

Mr. SHERMAN. Certainly; I withdraw it.

Mr. PLUMB. To vote——

The PRESIDING OFFICER. The Senator from Kansas will suspend. Does the Senator from Ohio move at this time to lay the bill on the table or does he simply give notice of his intention to do so at a later hour?

Mr. SHERMAN. I did move it, but I withdraw it for a moment to hear the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Ohio withdraws the motion. The Senator from Kansas.

Mr. PLUMB. I wish to say that it will take no longer to vote upon the passage of the bill, or upon the motion to indefinitely postpone it, which is not a dilatory motion, but is one going to the merits of the case, than it will take to vote on the motion of the Senator from Ohio. The only thing that can be said in favor of one proceeding as against the other is that a motion to lie on the table not being debatable, the Senator from New York will be prevented from concluding his very interesting remarks on this subject. The Senator from Ohio may possibly have that result in mind; but it does seem to me that the bill ought to be voted upon on its merits one way or the other. If the Senate shall vote to lay the bill on the table in this way, we shall be confronted

with the necessity next year just as actively as now of doing something about it, and shall be pressed to take some action which shall disclose the view of the Senate upon the merits of the controversy. If, however, this bill shall be voted down, the Senate will thereby solemnly record its judgment that the relief sought by the bill is not proper relief to be granted by Congress, and then of course these people will seek relief somewhere else, or at all events they will not be here probably as they have been for many years, year after year and session after session since I have been here, for the purpose of getting what they believe to be their due, to wit, the right to have the case decided in the courts of the United States. It seems to me, therefore, that we ought not to lay the bill on the table and have the matter go off at this time upon a dilatory motion which decides nothing.

Mr. SHERMAN. I renew my motion.

The PRESIDING OFFICER. The Senator from Ohio moves that the bill do lie on the table.

Mr. LAPHAM. I ask the Senator from Ohio to allow me to make one suggestion.

Mr. SHERMAN. My object was to cut off debate, but I can not refuse the Senator from New York under the circumstances.

The PRESIDING OFFICER. The Senator from Ohio withdraws the motion?

Mr. SHERMAN. Yes, sir; for a moment.

Mr. LAPHAM. The Senator from Kansas says that the bill should be considered and the Senate should decide if it is proper legislation in order to satisfy those settlers. Precisely that was done four years ago by the unanimous report of the Judiciary Committee of this body, and there is not a single fact now existing that was not known to the Senate at that time.

Mr. SHERMAN. I now renew my motion.

The PRESIDING OFFICER. The Senator from Ohio moves that the bill do lie on the table.

Mr. ALLISON. I ask for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). Upon this question I am paired with my colleague [Mr. VOORHEES].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I was paired on this bill with the Senator from Maryland [Mr. GROOME]. I, however, had authority to transfer my pair. I have transferred it to the Senator from Colorado [Mr. BOWEN]. If the Senator from Colorado were present, he would vote against laying the bill on the table and the Senator from Maryland would vote in favor of laying it on the table.

Mr. FRYE. I am paired with the junior Senator from Louisiana [Mr. GIBSON], who is detained from the Senate by sickness in his family.

The result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Beck,	Jackson,	Miller of N. Y.,	Vance,
Edmunds,	Jonas,	Morgan,	Vest.
Garland,	Lamar,	Pike,	
Hampton,	Lapham,	Sherman,	
Harris,	McMillan,	Slater,	

NAYS—23.

Allison,	Dawes,	Ingalls,	Pendleton,
Blair,	George,	Jones of Nevada,	Plumb,
Call,	Hale,	Manderson,	Sewell,
Cameron of Wis.,	Hawley,	Miller of Cal.,	Van Wyck,
Coke,	Hill,	Morrill,	Wilson.
Cullom,	Hoar,	Palmer,	

ABSENT—36.

Aldrich,	Colquitt,	Harrison,	Pugh,
Bayard,	Conger,	Jones of Florida,	Ransom,
Bowen,	Dolph,	Kenna,	Riddleberger,
Brown,	Fair,	Logan,	Sabin,
Butler,	Farley,	McPherson,	Saulsbury,
Camden,	Frye,	Mahone,	Sawyer,
Cameron of Pa.,	Gibson,	Maxey,	Voorhees,
Chace,	Gorman,	Mitchell,	Walker,
Cockrell,	Groome,	Platt,	Williams.

So the motion to lay the bill on the table was not agreed to.

The PRESIDENT *pro tempore*. The question recurs on the motion to indefinitely postpone the bill, on which the Senator from New York is entitled to the floor.

Mr. DAWES. I ask that the bill may be informally laid aside that we may take up the Indian appropriation bill.

Mr. SHERMAN. Before that is done, I ask if the Des Moines bill will come up again in the morning hour to-morrow, and so whenever the morning hour recurs.

The PRESIDENT *pro tempore*. That is the order of the Senate.

Mr. SHERMAN. Then no business can be done in the Senate except the appropriation bills and the Des Moines River bill.

Mr. ALLISON. Until the bill is disposed of.

Mr. SHERMAN. Until the bill is disposed of. If that is the case we may as well give up, because we might as well disappear and take it leisurely for the remainder of the session. I do not think it is fair play in legislation. I desire to make that statement now.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts [Mr. DAWES] has the floor with the permission of the Senator from New York, the Chair understands.

Mr. DAWES. I ask leave, with the permission of the Senator from New York, to have the Des Moines bill laid aside informally that we may take up the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the pending order be informally laid aside and that the Senate proceed to the consideration of House bill 7970, the title of which will be reported.

The CHIEF CLERK. "A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes."

The PRESIDENT *pro tempore*. Is there objection?

Mr. PLUMB. Is the bill now before the Senate?

The PRESIDENT *pro tempore*. It is not; the Chair is calling for objection. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. PLUMB. I ask the Senator from Massachusetts who has charge of the Indian appropriation bill to yield to me until I present the conference report on the District of Columbia appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Kansas is entitled to present a conference report when he gets the floor as a matter of right.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 21.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 10, 23, 36, 37, 38, 39, 42, 43, 47, and 50, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That all moneys which have been or may hereafter be legally retained from contractors shall be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Substitute for the matter stricken out by said Senate amendment the following: "including compensation not exceeding $600 for additional labor or services;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out after the word "hospital," in the amended paragraph, the words "of the," and insert in lieu thereof the words "association of Washington;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ninety-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$339,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "And held in the manner provided in this act for the police fund;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out on page 17, in lines 6 and 7 of the bill, the following words: "accident while in actual performance of duty or by service" and insert in lieu thereof the following: "injury received or disease contracted in line of duty, or having served;" and strike out in line 10, same page, the word "accident" and insert in lieu thereof the words "injury or disease;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: "In lieu of the sum proposed insert "$354,930;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000;" and the Senate agree to the same.

P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.
JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

Mr. INGALLS. I ask my colleague to let the report lie on the table for the present. I should like to examine one of those amendments.

Mr. PLUMB. Very well.

The PRESIDENT *pro tempore*. If there be no objection, the report of the committee of conference will be laid on the table and taken up later.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2246) to pro-

vide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. W. H. FORNEY of Alabama, Mr. R. W. TOWNSHEND of Illinois, and Mr. J. WARREN KEIFER of Ohio managers at the conference on its part.

The message further announced that the House insisted upon its amendments to the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States, setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LUKE PRYOR of Alabama, Mr. W. D. HILL of Ohio, and Mr. J. WARREN KEIFER of Ohio managers at the conference on its part.

The message also announced that the House had passed a bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 1365) granting an increase of pension to Eugene O'Sullivan, late a sergeant of Company K, Eighteenth Missouri Volunteer Infantry; and it was thereupon signed by the President *pro tempore*.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is, Will the Senate grant unanimous consent to the request of the Senator from Missouri [Mr. VEST] to amend the bill on page 49, line 1177, by striking out "thirty" and inserting "fifty" before the word "thousand," so as to read:

For subsistence and civilization of the Assinaboines in Montana, including pay of employés, $50,000.

Is there objection to the amendment offered on Saturday last by the Senator from Missouri? The Chair hears no objection.

Mr. DAWES. I inquire of the Senator from Missouri if he has examined the matter sufficiently so that he will not consent to have his amendment proposed in the place suggested on Saturday? The Senator on Saturday inquired for a map showing that region. I will send him a map.

Mr. VEST. I have the map now.

I wish to say a very few words in reply to the junior Senator from Kansas [Mr. PLUMB], and then I propose to withdraw the amendment, and to move to double what may be called the contingent fund when we reach that part of the bill. Without entering into any elaborate discussion on the Indian question, I wish to refer briefly to the report of the agent of the Assinaboines and Gros Ventres, which was read late Saturday afternoon by the Senator from Kansas.

As a matter of course the report is not conclusive, as the Indian agent makes his report to show the best condition of affairs possible upon his reservation; but I know personally that the report is incorrect. The statement that the Assinaboines and Gros Ventres are engaged to any extent in agricultural pursuits is not true. I know that it is not true from my own personal observation. They are raising no crops. I did not see one single acre in cultivation in that whole reservation, and the two hundred and fifty bushels of corn, the immense crop which the agent says was raised there, was raised upon the Government farm, not by the Indians. Recollect that the two hundred and fifty bushels of corn, according to the agent, is the entire crop for the consumption of nearly 4,000 Indians, and you can imagine the amount of distress that will exist in the reservation after that immense harvest has been taken away. I undertake to say, and my colleagues upon the Committee on Indian Affairs will justify the statement, that in traveling two hundred miles, from Fort Shaw up to Fort Assinaboine, by ambulance we saw not one solitary acre in cultivation. The Indians are huddled around the forts; they live on rations from the Government; the game is entirely gone, and unless they are fed by the Government as a matter of course they must die literally from starvation.

Since the debate on Saturday I have refreshed my memory in regard to it by reading the report which was made by the committee on our return. Referring to the Blackfeet and Piegans, who were at the agency sixty-five miles north of Fort Shaw, and which agency was visited by us immediately before going to Fort Assinaboine, the committee says:

The tribes upon it are the Blackfeet, Piegans, Gross Ventres, Bloods, and River Crows, numbering in all 1,500. They are in a wretched condition, and their future almost hopeless. The game is fast disappearing, especially the buffalo, and the Indians dependent on rations issued by the Government. Mr. Young, the agent, has about one hundred and seventy-five head of cattle in his herd, and issues rations of beef every Saturday, but the Indians are so nearly famished when the meat is given them that they eat it up in two days, and then starve until the next issue. We were there on ration day (Saturday), and it was pitiable to see the eagerness in the hungry eyes of the waiting crowd as the beef was being distributed. Heretofore the beef has been issued once a week, the amount on hand at each agency being divided into fifty-two equal parts. The Commissioner of Indian Affairs, upon being informed of the deplorable condition of the Indians and the imminent danger of their starving during the coming winter, has humanely ordered the agents in Northern Montana to increase the amount of rations until May 1, so as to prevent suffering among the Indians, relying upon Congress to make adequate appropriations during this session for the Indian Bureau. That this will be done we can not for a moment doubt, as humanity and justice alike demand such action.

I read from the message of the governor of Montana, who says that notwithstanding the temporary relief afforded the northern Indians by an increase of supplies to the amount of half a ration daily to last them until March 1, "their condition from exposure, destitution, and starvation experienced during the past two years is utterly astounding and deplorable, and I have great fears that many will die through the coming winter." The simple fact remains to be stated now in the Congress of the United States that over four hundred of those people did die from starvation.

Again I might read the report of the committee in regard to the Assinaboines and Gros Ventres, which is to the same effect. The buffalo have disappeared. It is useless for gentlemen to say, "Let those Indians go to work." You might as well say to a child in the cradle, "Go to work." They have never had an agricultural implement in their hand; they have never engaged in any other pursuit but the chase, and to take a people after centuries of barbarism and hurl them into the terrible struggle with civilization and tell them to work or die is simply to say die.

The problem is on our hands. I am no sentimentalist; far from it. I went to those Indian reservations with the opinion—I confess it; it was the result probably of defective education—that the best Indian was a dead Indian. I came away with the impression, which I state here to-day, that the great wrongs which have been inflicted upon this continent and upon those people in their condition to-day are a stain upon our management of the Indians. I do not want to exhaust the patience of the Senate by saying what ought to be done. In my judgment they ought to be taken away from that inhospitable climate and put farther south, with farmers placed among them, and gradually led to become self-supporting; but it it will take years and years to solve this problem. In the mean time the only thing for us to do, as a humane Christian people, to say no more of it, is to feed them, and to see that they do not starve under our flag and at our own door.

As I said to a Christian minister in this city not long ago, who came to me and asked that I should attend a meeting for the advancement of foreign missions, "My dear sir, you have at your own door hundreds of heathen who never heard of the name of Christ, who have no idea of the Deity, who have never had a missionary among them, and those people have been robbed by us and by our fathers for a whole century. We owe them something. I am not aware that we have robbed the heathen in the middle of Asia and Africa, and I prefer to attend to the heathen at our own doors." In the first place let us feed them, and then let us Christianize them, because, be it reverently said, no starving human being was ever yet brought to a realizing sense of the Christian religion.

When we reach the proper part of the bill I shall move to double what may be called the contingent fund, so that the Commissioner of Indian Affairs may not be in the condition in which I found him on my return from Montana, when he said that he had no money in his hands to give to those people; that Congress had left him without any contingent fund at all. I propose to put into his hands $50,000, so that if a severe winter like the one now upon us should come upon those Indians he may double or treble the rations if necessary; and that, in my judgment, is the appropriate way to reach the case.

Mr. PLUMB. Mr. President, I have no design of opposing the appropriation of any sum of money which may be proposed here for this or for any other purpose connected with this subject at present. The easiest way to get rid of our responsibility is to give some money out of the Treasury where we are popularly supposed to have a great deal more than we ought to have, and I am not surprised in view of what has been said about this question that the American people come to us for money for personal purposes and purposes of a more trivial character on the assumption that we have so much there that we do not know what to do with it.

I have no doubt that the Indians at this agency eat up their supplies in a few days. The Senator from Missouri read that paragraph from the agent's report with a good deal of unction, as though that was something that was singular. Mr. President, I venture to say that in nine out of ten of all the agencies of the United States precisely that thing occurs, and would inevitably occur even if we gave them ten times more than we do now. Such a thing as providence an Indian knows nothing about. That statement proves nothing. There is no Indian who ever lived—I refer to an Indian in a comparative state of barbarism—that would not, if he had nothing to do but eat his rations, as none of them have anything else to do, eat up his rations in one-third of the time that

they would ordinarily be eaten up by a white person, no matter how ample they are; and if they were doubled or trebled or quadrupled, the result would be precisely the same.

I agree with the Senator from Missouri that we have acted badly with these Indians and with all the Indians, except that I do not think our action has been bad in the respect that he does especially; but I think the special crime we have committed against the Indians is that we have not prepared them for the inevitable, and that we have not taught them or constrained them to labor in order that they may live.

I do not subscribe at all to the Senator's statement that these people are like children in reference to the question of manual labor or being not in a condition to earn their living by manual labor. The Senator's ancestors and mine two centuries ago perhaps were as much barbarians as these people are, and yet they had no beneficent government to support them; but they delved and fished and hunted and did various things of that kind necessary to enable them to live, and did live, and out of that labor they have evolved and there has come the condition of things we see now in our civilization. But we have made the mistake of taking the Indians accustomed to the ways of barbarism and giving them the luxuries of civilized life.

In that same report from which the Senator read is a statement that stoves have been issued to these Indians, and he says that they are so enamored of stoves that they bring them into small quarters and gather around them, and have the stoves at such a heat as would make a white man sick. If we could have an administration of Indian affairs which would refrain from giving stoves to people who have no more use for a stove than a wagon has for five wheels, and would give them something they could use in the cultivation of the soil, and instruct them in the use of agricultural implements which the Senator says they never had in their hands, they would not be a charge on the people of the United States to-day, and not only a charge, but one which is bound to continue according to the present condition of things as long as they live. There has not been the first effective step taken to enable these people to be in any reasonable sense self-supporting; but as fast as these emergencies occur and the complaint comes about we absolve ourselves of all responsibility by running our hands into the Treasury of the United States and taking out the money necessary to meet the existing emergency and then let things go just as they were before.

I think that so far as the appropriation of money is concerned the United States have appropriated money enough and more than money enough to do everything that they ought to have done for these people. They have done it unwisely and will continue to do so until we in some way have a radical change of our whole system. Think of a people who are perishing for bread, think of a people who are starving under the eyes of civilized people, put it just as strong as the Senator from Missouri wishes, and yet we are appropriating thousands of dollars to educate a lot of children in order that they may starve more in accordance with civilization! If instead of that we had given them food, the money that has gone to supply them with schools would have kept breath in their bodies at least, although I would hesitate to subscribe to the statement made by the Senator from Missouri (and he makes it on his own personal knowledge) that four hundred of them or any other number of them have actually starved to death.

Mr. VEST. There is no doubt of it.

Mr. PLUMB. The Senator says there is no doubt of it, and of course that takes the subject out of controversy; but, as I said, I would hesitate a long time before believing in such a statement, although I have no doubt they are driven to straits on account of their improvidence. They have never had inculcated any idea of economy in anything, and they eat up in two or three days the food that was intended for a week, and they go backward and forward to different agencies, and sometimes the number of people at an agency is too great for the food, the number of Indians being beyond the usual number.

In addition to that we take a people who have heretofore lived upon meat alone and we give them coffee and tea and sugar and a dozen different articles of food going to make up substantially an army ration. Of course these things do not sustain life as hardy articles of food do. We do not give them corn-meal. Corn-meal is almost unknown in the Indian establishment, but we give them the best flour we can buy. So we have cultivated in these men a desire for something which is not a part of their lot necessary or in any way essential, and which makes the job of feeding them a great deal more expensive and does them no corresponding good.

But, as I said, like anybody else I can discharge my responsibility by voting money. It is what we are doing in that cowardly way which is evidenced by our unwillingness to take this problem as we ought, reorganize the Indian service, and apply to this business the rules of common sense; but it is money, money, and everything apparently is more money all the time and without any regard to what will come of it or what result is to be obtained. These Indians are poor to-day, and to-morrow will be poorer, and next year will be poorer; for every year the cry will come up give, give, give; the money we collect from the people of the United States is used to keep these people who are not only in poverty but in idleness and vice.

Mr. VEST. If there is one subject that I am more reluctant to speak upon than another, it is the Indian question. The view I have to express does not chime in or coincide with the popular sentiment of the West. The man who thinks the Indians ought not to be permitted to starve is considered a sentimentalist, as actuated by mere philanthropy, a lecturing statesman. I speak very earnestly because I feel very earnestly on this question. I know, without reflecting on the Senator from Kansas, that his statements are incorrect. I know the Government has not issued enough rations to feed these people.

Mr. PLUMB. I want right here and now to enter a disclaimer so far as the people of the West whom I represent are concerned having that feeling toward the Indians. The Senator from Missouri may speak of Missouri, but let him not speak generally of the West in that matter.

Mr. VEST. I have not attacked the philanthropic character of the State of Kansas. God forbid that I should do that; but I am not speaking so much for the people of Missouri, because they care very little about this question; but I do assert as a fact that in the Territories where these reservations are, and where the Indians are, there is a feeling that they are a burden and a nuisance, and that they ought to be got rid of. I heard nothing else in all my tour throughout the West than "Get rid of the Indians; drive them away;" and whenever anything was said about giving them more rations, "Cut off their rations; let them work or die." I repeat here deliberately, you might as well say to the baby in the cradle, "Work or die," as to say that to Blackfeet, Assinaboines, Bloods, Piegans, and Gros Ventres, who lived for years on the chase; Indians who lived on the buffalo until white men came in through greed and avarice and destroyed the buffalo.

I saw myself several years ago in going to Colorado hundreds and hundreds of buffalo hides piled up at the depots for shipment to the East, and it was found out when brought here that they were absolutely useless. One of the buffalo hunters like Buffalo Bill would go on the prairies with a splendid horse and repeating gun and shoot down three hundred or four hundred buffaloes in a day, and his skilled mates would come in and pick up the hides and send them East, and they were found to be absolutely worthless. But the buffalo has disappeared. Summer before last there were 15,000 buffalo out of the immense herd that once roamed over the vast prairies of the West. The result is that these people are left without food. Take a blanket Indian who never had a plow in his hands, or hoe, or a spade, and tell him to dig. I repeat, you might as well tell a baby in the cradle to do it. And yet these people are anxious to know how to work. I did not find one of the chiefs who did not say to me, "Teach my people to work; give us a chance;" and upon the Flathead reservation to-day there are found Indians at work, and all this has been the result of what has been done by the Jesuits. I am a Protestant, but I am here to speak the truth. The Jesuits have done more for the Indians on this continent than every other agency put together. They have understood the Indian character, been at work for long years, and the only ray of hope, the only gleam of light I saw in all my trip among the tribes that I visited came from the Jesuits.

But I now want to come to a fact. I am making no issue with the Senator from Kansas; I do not know but that we agree largely as to the Indian schools; but I want to come to the subject of rations. When I was at Fort Assinaboine the head chief of the Gros Ventres made this statement:

> One of my children will probably die to-day of starvation.

The agent, Mr. W. L. Lincoln, was there, the very gentleman from whose report the Senator from Kansas read on Saturday; and I asked him the amount of rations on the ground, and whether this terrible statement was true. Here is the reply to it:

> Mr. W. L. Lincoln, United States Indian agent, Fort Belknap agency—
>
> Thirty miles off—
>
> made the following statement:
> "I wish to state that Congress has appropriated—

I ask the attention of my friend from Kansas, who is a humane man, a just man, to this statement. He ridicules the idea of an Indian having a stove. It is the most essential article that I found in September in that climate, and I venture to assert that if my friend from Kansas was to-day in a temperature fifty degrees below zero he would say, "Give me a stove," and he would hover over it and stay with it and keep around it until the last syllable of recorded time.

Mr. PLUMB. We did not take stoves away from these people. We took the buffalo from them.

Mr. VEST. But I want to say that these people were left without sufficient food during that terrible year. The summer lasts in that climate six weeks, and that is fair winter weather. I was there in September wearing an immense overcoat and hugging the fire at every opportunity, and they call that summer weather. What must it be now with the thermometer from forty to sixty degrees below zero? And then talk about an Indian not wanting a stove! You might take the most unadulterated Saxon that was ever brought into this country, and I think he would want a stove. What must be the condition of that people, with nothing but a few ragged blankets, with no clothes to talk about, and yet with no rations of beef issued to them, and the

buffalo gone, not a coyote to be had for game? Here is Mr. Lincoln's account of the rations; I take it this is pretty authentic:

I wish to state that Congress has appropriated only sufficient money to pay for the following subsistence:—

For these whole tribes of Gros Ventres and Assinaboines, amounting together to 2,400 people—

150,000 pounds of flour and 25,000 pounds wheat—this will be equal to thirty weeks' rations; 180,000 pounds of beef (in gross)—

That is on foot—

it takes 30,000 pounds each week in the winter months when feeding beef—this would be just six weeks' rations—

Just six weeks' rations of beef for a winter of seven months, with the thermometer always down to about zero, and a large portion of the time thirty, or thirty-five, or forty degrees below it. What would be the condition of any human being under such circumstances? It is no wonder that the governor of Montana sent message after message to the Commissioner of Indian Affairs that these Indians were dying. It is no wonder that the commanding officer at Fort Shaw, who is now in this city and with whom I conversed two days ago, said to me that he took his own headquarter wagons and his own rations and took them up to the Blackfeets and Piegans when starving to death; and notwithstanding all this four hundred and more died from exposure and starvation. Six weeks' beef rations!—

about 5,000 pounds of bacon, which they would eat up in four weeks. About 6,000 pounds coffee have been furnished. I have always carried some over, not deeming it necessary to be issued. Heretofore there has been plenty of game, and I have forced the Indians to subsist during the summer by hunting, except in the cases of the old and infirm. By this course I have always had enough to enable them to come through the winter in good shape; as to coffee, sugar, and tobacco, the issue of these has been prohibited by the Secretary of the Interior, except work enough has been performed to pay for it.

That is the work done upon the Government farm; there is where the two hundred and fifty bushels of corn were raised and the three hundred or four hundred bushels of wheat, but there is not a farm in that reservation, except one under the shadow of Fort Belknap, and that is under the control of white men; and when an Indian will go and do two or three days' work there, he will get half a pound of coffee, or two pounds of sugar, or something like that; and those are the rations, sugar and coffee, to which my friend from Kansas has alluded in his address. But this agent goes on and says his rations are insufficient, but he was doing his best to carry these Indians through the winter without starvation. I make no accusation against Mr. Lincoln; I suppose he has attempted to do the best he could with the instrumentalities in his hands; and I repeat I am not here in the interest of any sentimentality; I am here simply discharging my duty to a people without representation upon this floor, and speaking alone as I understand the dictates of humanity to suggest.

Mr. HAWLEY. In a certain sense I can agree with both the Senators who have spoken, the Senator from Missouri and the Senator from Kansas. I have no question whatever of the suffering and death among these people during this last winter. My information is such that I absolutely believe it in addition to that the Senator from Missouri has laid before the Senate. I agree also with the Senator from Kansas that we ought to arrive at some permanent solution of this question to maintain these Indians otherwise than by doling out pittances from the Government every year. I believe that can be done, and is in the way of being done. But the Senator from Missouri is right again in saying that these Indians are going through a certain transition state. The buffalo, on which they have been accustomed to rely are passing out of existence. There are not enough left of them to be an essential element in providing for the use of these Indian tribes. I am informed also, by an authority which I have no doubt is correct, the authority, if the Senator from Kansas please, of one of the sentimentalists, but a Yankee of sound head and good sense, who has been over that ground himself and looked at it carefully, and he is the man who says:

Is it not time that we should make a wise and persistent effort not to perpetuate but to solve the Indian problem?

Precisely in the line of the remarks of the Senator from Kansas.

These people have abundant means to pay all the expense of their civilization, if it were not suffered to lie unused, a temptation to the white man's greed—

He says also, precisely in the line of the remarks of the Senator from Kansas—

So long as we furnish the means and almost necessitate the conditions of a shiftless life, it will be continued. If, on the other hand, we would but furnish the conditions and lay upon these people the necessity of a better life and teach them how to attain it, we would at least test the question whether or not they are capable of it.

But just between is this present condition of affairs. It is of very little use to argue, as our friend from Kansas does, that these people ought to starve in a different way; the question is whether they ought to starve in the present way or not. We may next year or by the second year get them so that they can live on these lands. This present year they can not do it; this present winter they have not been doing it. By piecing out the appropriations for them from the remnants of other appropriations, by, I believe, a bill giving an extra appropriation here, they will possibly get through the present winter; but the bill now before us concerns the year 1885–'86. The appropriation for all the Montana Indians in their various classifications is $54,500 less than the estimate of the Indian Department. It is $3,000 more than the amount given by Congress for the current year, to be sure, but that amount given for the current year was increased about $10,000, which under the provisions of the last bill was diverted from other points and given to them. It is $7,000 less than those Indians received this year, including the extra donation that was given to them. I submit that it will not be enough.

I want to enter upon the course pointed out by my friend from Kansas, but for the present I want to save them from starvation. What sort of a country do they live in? I accept the testimony of the Senator from Missouri in regard to a portion of it as true without any doubt whatever, for he has been over it and it concurs with the testimony of others. But if I understand aright—the chairman of the Committee on Indian Affairs can inform me—a bill is pending, which has passed the Senate, perhaps, which somewhat shifts the location of these tribes, the Assinaboines included, and will put them upon lands where they can live.

As to the agency for the squads referred to in line 1178, immediately following the paragraph this gentleman is speaking of, the Blackfeet, Bloods, and Piegans, that land raises excellent potatoes, excellent oats, and excellent barley. As I understand from the reports read here there is some wheat, but that is not considered good. The land is good for potatoes, for barley, and for oats, and is an excellent grazing country, and that shows a door wide open through which these bands of Indians can be led to a comparative degree of civilization, at any rate led to a condition in which they can support themselves. They go naturally from the buffalo hunt to herding, as we have seen exemplified in the case of various tribes and squads of tribes.

I agree with the Senator from Missouri in insisting that we must not let them die this year or next; and I agree entirely with the Senator from Kansas that we must just as soon as possible divert them from the old buffalo chase—indeed they are diverted from it, for there are no buffaloes—over to the herding to which they naturally adapt themselves, and I believe they can be made within three years self-supporting substantially; but at the same time I concur with anybody's request for an addition to that appropriation, and I will vote with anybody to increase the discretionary amount provided for on a subsequent page of the bill.

Mr. PLUMB. I expressly stated that I was not opposing the appropriation of this extra amount proposed by the Senator from Missouri. The cheapest way to rid ourselves of responsibility is to give money, because the money is in the Treasury and will come forth on our demand. But I was saying that this was only another step in continuation of that policy which has brought so little result and against which I was protesting, not against the particular appropriation. I never have opposed any appropriation to give food wherever it was supposed to be necessary, but I have said, and I say now, that only that necessity which has compelled the white race, the Anglo-Saxon race if you please, to put forth the exertion which has brought about the condition of things by which it is surrounded and which has accompanied its march, can ever do anything for the Indian; that unless you do bring upon him the necessity of labor he never will labor.

You of course have got to teach him, but after all his teaching has got to be the result of his necessity, and I do not think it is wise, notwithstanding what the Senator from Missouri says, to take an Indian and simply because we have robbed him, as he said, of his food that we should turn around and give him stoves, and thereby bring him into a condition of things in which other necessities arise which before he had been free from. I think that was a useless expenditure of money. He could live out of doors just as well as he ever could. I am not objecting to that particularly, but I refer to it to show that the money we do appropriate is not used as it ought to be used.

The Secretary says they only had six weeks' provisions provided for them. It is not because we had not appropriated the money. There is $110,000 in this bill for food—that is, which must be used for food, the whole of it—and an army ration, according to the estimate of the Commissary-General, costs for all the purposes connected with it, including shelter and care and wastage in transportation and all that, only 20 cents. Practically it is only about 17 cents.

Mr. HAWLEY. It would cost more than that by the time it got to Montana. It can be purchased about Leavenworth for 14 or 16 cents.

Mr. PLUMB. There is besides the expense of storehouses, the expense of clerks, &c., but including everything of that kind 20 cents, or perhaps 15 cents, or 12 cents, will take a good wholesome ration to these Indians from any quarter of the United States, all they can eat of good and wholesome food; but I do not think we are under any obligation to support these people as we do our own employés, to give to them the rations we give to the Army. I do not think we are under obligation to do that, and there is where I draw the line. I say give them plenty of wholesome food, but do not give them the luxuries of life as they have been getting, I do not care whether little or much.

Mr. VEST. Will the Senator from Kansas tell me what was the appropriation for the last fiscal year for the Gros Ventres and Assinaboines?

Mr. PLUMB. For the Blackfeet?

Mr. VEST. I do not mean the Blackfeet and Piegans. They are at Fort Shaw.

Mr. PLUMB. I think we gave them last year $25,000.

Mr. VEST. The Assinaboines and Gros Ventres?

Mr. PLUMB. Yes.

Mr. VEST. I call the honorable Senator's attention to the fact that the agent——

Mr. DAWES. The appropriation for the Assinaboines was $25,000 and the Gros Ventres $23,000.

Mr. PLUMB. That was $48,000.

Mr. DAWES. Then in addition to that was the $50,000 which was spread over the whole. How much the Assinaboines had of that, and how much the Gros Ventres, does not appear.

Mr. VEST. This agent estimated when I was there that he could not get along for the next fiscal year with less than $50,000. That is exclusive of the pay of employés and improvement of the buildings on the reservation.

Mr. PLUMB. As I said, the difference is not in regard to the amount to be appropriated this year; but I wished simply to enter my protest against the method of expending this money. I do not speak of that by way of complaining of any one who has administered it; it is part of the vice of the system that the administration is transitory. No Secretary of the Interior going in for a possible four years only of service feels like taking a system of this kind, which has been indurated by years and years of existence, and tearing it up by the roots and substituting something in place of it. It would take a man not only with great courage but one certainly backed by the President of the United States and by Congress to do it. We must have the co-operation of all the branches of the Government in a reform of policy in order to make it effective, but some way ought to be devised whereby somebody will correct this service, and be certain of being retained in office until he has accomplished something, and not be liable to be swept out by the breath of political favor or otherwise while only a part of his work is done.

Mr. DAWES. Mr. President, I differ with the Senator from Connecticut in this matter. I think both the Senator from Missouri and the Senator from Kansas have been unjust, not intentionally, of course, in the statements which they have made, unjust to the point to which they have expressed themselves. The Senator from Missouri is giving the impression to the Senate from what he saw in 1883 that the present condition of the Indians in that Territory is one of starving and suffering and perishing. The description which the Senator gave of the lack of provision in 1883 was what grew out of the appropriation bill which passed in 1882, and the moment it came to the knowledge of the Department that the sudden disappearance of game in that quarter had brought that condition of things upon those Indians it did what was in its power to relieve them; it fell far short of the necessity of the case, and great suffering ensued. Then came the appropriation bill of 1883, under which these Indians lived till July, 1884, last year; and when it came to the knowledge of the Department that in the winter of 1883-'84 they were likely to starve if the whole provision was divided into fifty-two parts and only one-fifty-second part delivered each week, the order went to the agent to take the whole of it and distribute it by the last of March. Then Congress upon the meeting of the two Houses immediately after the holidays passed a bill appropriating $50,000 to provide for the interval from that time to the 1st of July, when this bill is to take effect.

Now, sir, so far as I know, so far as the information has reached the Department, this exigency has been met, and the Indians now are provided, as far as food is concerned, with sufficient, so that their suffering in that respect is comparatively small. The Government is not in my opinion open to criticism in this respect. It was not the Interior Department that proposed the cutting down of the appropriation in 1882 and 1883, nor was it this body. If a committee of conference was forced to meet half way a disposition to cut down all the appropriations for the Indians, that committee from this body was compelled to do it in order to get anything for the Indians.

To my certain knowledge they resisted the reduction. In the Committee on Appropriations of the Senate they sought to put up the appropriation to the highest point, and in committee of conference they held to that to their utmost ability. When the Interior Department found that that was not enough, dealing with Indians four thousand miles it may be from here, in the inclemency of midwinter shut out from us by snows and by the blocking up of all avenues of communication, they met it as best they could, and they have now in my opinion done as well as they could be called upon to do to meet that phase of this question. So while it may be true, and I do not controvert it, that the condition of things in 1883 was lamentable, and should have brought reproach upon those who insisted upon cutting down the appropriations then, to-day the Department in my opinion meets its duty in that respect. Something else is wanting and more than food for these Indians at this time. There is where I think the Senator from Missouri does injustice to this case. The Senator from Kansas also does injustice to the case in saying that the policy now pursued does not tend to bring about the very result which he says ought to be brought about, that of making the Indian self-reliant and self-supporting.

Sir, the very policy sought to be pursued by the Department, and in which Congress is called upon to sustain the Department, and comes limping and halting after with a scanty and hesitating and grudging support, is the policy that tends to make him self-reliant and self-supporting. I believe that the bureau in its present disposition, if left alone and if white men now would take their hands off from the Indian and the Indian's possessions, would make the Indian to-day well-nigh self-supporting. The Department has to contend not only with the savage Indian's proclivities, habits, and tendencies, but it has more to contend with the white man upon its track and upon its back, and everywhere wherever an Indian reservation is found in which the Indian has been taught and has learned how to support himself upon the soil and to make his reservation productive, like Naboth's vineyard, the white man is after it.

The Senator from Kansas says the Indian has done nothing toward supporting himself. Sir, take the Northern Cheyennes who burst away from the bonds put upon them down in the Indian Territory, wild Indians who went up through Western Kansas committing outrages and depredations and fled thence to Tongue River, seven hundred of them, and of their own accord and in their own way and by their own impulses set themselves up and started themselves without the care of the white man, and when they were found there cultivating the land and supporting themselves without help, white men set upon them and came here and demanded that country to be taken away from them. The cowboy goes there and tries experiments seeing how near he can come to the head of an Indian with a minie-ball and not touch it; and when the Indian in retaliation goes and burns down the habitation of this cowboy he comes here and makes complaint in the form of depredation, and the very case I have cited goes into the number of depredation claims that were here on Saturday, where without the slightest provocation the cowboy, because the Tongue River Indians were in his way taking care of themselves upon the public land, shoots them in broad daylight, and when the Indian goes and retaliates upon that cowboy, the cowboy's loss goes to swell the depredation claims!

Take the Navajo Indians, wild Indians ten years ago, now rich, supporting themselves, with millions of sheep and goats and horses, and with productions of blankets and other matters that they sell in the market, rich and self-supporting as they are because the white man has let them alone. Take the wild Indians that General Crook brought in from Mexico two years ago. They have of their own accord, because the white man has been kept off from them by the Army, turned to habits of industry, and General Crook reports that they are taking care of themselves. Take the Indians at the Pine Ridge agency in Dakota, five years ago among the wildest of all the Indians, now well-nigh self-supporting Indians under the wise administration of an agent who has gone there for the purpose of developing in the Indian capacity and reliance.

Sir, take all of a million and more of dollars in this bill devoted to the education of the Indians; take what is proposed, what has been done these last few years, and at the same time take the hand of the white man off from the Indians, and they will work out the problem of self-support themselves. They will not be indebted to the schools; they will be indebted more to the inspiration of their own instincts and their own opportunities, and they will show us that they are capable of doing what we have vainly tried in our slipshod halting way to do these many years with one hand while with the other hand we have been stripping the Indian of his possessions and blocking up his opportunities.

Why, let me tell you, Mr. President, of a single reservation of 102,000 acres set up in 1873. Ninety-five thousand acres of that reservation are to-day, and have been for the last twelve years, in absolute, exclusive possession of half a dozen white men who are herding 50,000 sheep upon it, and the residue of that reservation—7,000 acres—is all that is left for the Indians themselves, whose agent is compelled to purchase beef for their support of the very men who possess and occupy the reservation itself, and which beef is fattened upon the reservation. Take them off and the Indians of that reservation will not only support themselves, but the testimony of their own agent and of those around there is that they could herd 5,000 head of cattle, 1,000 head of which would support them, and 4,000 head of cattle every year would be a source of revenue.

A single reservation capable of maintaining all the Indians in the State of California is appropriated by white men, with knowledge brought home to the Indian Department and to this Congress of the fact that five or six white men, without title or color of title, are occupying it without paying one penny's rent or tax or other compensation for this vast territory of land. And yet the Senator from Kansas complains that the Indian is a constant charge upon us.

Why, sir, let the Indian alone, cease to rob him, cease to march down upon his territory with an army strong with banners defying the President of the United States and the laws of the United States; see to it that they withdraw within your own borders and upon your own heritage, if you have any, and let the Indian have his; and if you can not afford to educate his children in schools let him educate them himself, as he will, as the Senator from Vermont [Mr. EDMUNDS] suggests, on the land that belongs to him. Cease to steal from him, cease to rob

him, cease to murder him and his children, and let him alone. If you can not help him after you have gathered in all that is rich and valuable of his heritage to yourselves; if you can not afford to educate the children of only 250,000 whose possessions you have and whose revenues you have appropriated, at least cease to plunder and destroy him, and let him, if you will not help him, work out this problem himself.

Mr. HAWLEY. Mr. President, just a word. I agree with the general remarks of my friend from Massachusetts, but I wish to come down to some details. I understand that the appropriation for these people for this current year ending June 30, 1885, was lamentably insufficient. That is correct, I believe.

Mr. DAWES. It was until we added $50,000.

Mr. HAWLEY. I understand the regular appropriation was lamentably deficient. It was supplemented by a hasty deficiency appropriation made here in January. If that gets to them by the 1st of April they can live through until the next appropriation. I understand I am correct so far. Now, does the appropriation for the next fiscal year ending June 30, 1886, amount to the sum of those two appropriations?

Mr. DAWES. It not only amounts to the sum of those two appropriations, but is $17,000 larger; and I want to say in that connection, which I ought to have said before, that the colored part of the map before me [exhibiting], bordering upon the British Possessions, is the vast domain over which they roam in the mountains and in the valleys, and the bill which we passed last week gathers all these Indians into three reservations—one here, one in the center, and one at the end [indicating]. Those are in the valleys and the best part of the land, and if the Indians are brought in there they will have the opportunity, if the white man will let them alone—and that is about all they want now—of doing all that can be done toward self-support in that region of country. They can not be induced to go down where the Crows are at the bottom of this map where it is warmer. They prefer to live up there. It is not the policy of the Government now, whatever it may have been in the past, to drive the Indian at the point of the bayonet from place to place, but to consult his instincts and his love of home and his love of the place where the bones of his fathers rest, and, it being originally the land that belonged to him, to let him stay there if possible; and with that disposition, after two years of examination and postponement of the bill of last year because it did not quite conform to what was supposed to be for the best interests of the Indian, the lines have been established according to this map, and a bill has passed the Senate, and I hope will become a law, by which they will be established there [indicating], and will have this opportunity, and will have a right, which they have never had before, on each one of these reservations to $75,000 a year for thirty years.

Mr. HAWLEY. My information does not agree with that given us by the Senator from Massachusetts. I am informed that the appropriation offered in this bill is $7,000 less than the aggregate of what has been collected for them in various ways for the current year. But I do not stop to argue about that difference. There may be some mistake in the book-keeping in some way.

As to the appropriation for the current year for these people, who are in exceptional and, we believe, temporary circumstances of distress, that appropriation is not only for feeding, but it is to a great extent for clothing them. As to its sufficiency in clothing them I give just these figures, and I have done:

The goods sent in for the present year, allowing the number of the Indians to be 2,000 (the agent says 2,200 and the Army inspector of goods says 1,800), allows, for instance, to each person as follows: 1-10 yard blue flannel, 1-20 yard red flannel, one yard brown sheeting, one-quarter yard bed ticking, one-half yard calico, 6-20 pair women's wool hose, 6-100 woolen mittens, 3-20 pair blankets, one-eighth quilt, 3-200 pair men's shoes, 1-40 boys' shoes, 3-20 men's hose, 6-100 children's hose, 9-50 youths' hose, 161-2000 hats, 1-10 flannel shirt, 1-40 boys' flannel shirt, 1-10 hickory shirt, one-half fish-hook, 6-100 fish-line, 1-40 women's shoes, 1-40 misses' shoes, 1-40 boys' suits, 1-80 boys' blouse, 1-40 boys' suit, one-half yard gingham. These are all the goods for clothing these people.

Mr. DAWES. I will state just what was done last year, what was estimated last year, and what is in this bill.

For the Assinaboines the estimate this year is $35,000. The bill appropriates $30,000. Last year there was $25,000 appropriated. For the Blackfeet, Bloods, and Piegans the estimate this year is $100,000; last year there was $50,000 appropriated, and for 1886, in the present bill, the appropriation is $80,000. As to the Crows the estimate for this year is $90,000. There was appropriated last year $65,000, and there is in this bill $80,000. For the Flatheads the estimate this year is $13,000; for 1885 there was appropriated $11,000; for 1886 $11,000 is appropriated in this bill. For the Indians at Fort Peck agency the estimate is $100,000. There was appropriated last year $80,000, and there is in this bill for 1886 $96,000. For the Gros Ventres the estimate is $35,000. Last year there was $23,000 appropriated, and in this bill $30,000 is appropriated.

The aggregate of the estimates for this year for these tribes is $373,000; the aggregate of the appropriations for last year was $254,000, and in this bill the appropriation is $321,000. Now add the deficiency to last year's appropriation, and it makes $304,000 appropriated last year to $321,000 in the present bill; a difference of $17,000 more than in last year's bill, and $52,000 less than the estimate for all the Montana Indians, including the Crows.

Mr. HAWLEY. Does the Senator count in the $304,000 the $50,000 extra?

Mr. DAWES. I add to the $254,000 the deficiency of 1885, $50,000, making it $304,000.

There is not a member of the committee which I represent on this bill who will hesitate one moment in making an appropriation that shall be ample and full for these Indians for the coming year; there is nobody at the Department but who is anxious to make full and complete provision for these Indians; but we can not meet the case with food alone. The Indian has wasted and weakened and is now unable to resist the inclemency of the weather and the attacks of disease from past treatment. He can only be taken care of by bringing him out of the mountains and down upon the valleys and about the rivers and taken care of and fed then, and if the white men who are claimants for his possessions will let him alone, by degrees he will gather strength and courage and self-reliance, and instinct will prompt him to do something toward taking care of himself.

The proposition of the Senator from Missouri as now modified to increase the emergency fund every member of the committee will be in favor of, because no matter how large a sum is placed in the hands of the President to meet exigencies they have confidence that the President will not expend it unless the needs of the Indians shall require it, and I hope he will have ample means in his hands. He will report to Congress what he has done with it, and I am quite willing to trust him and his Department with ample money; and I give him my assurance that so far as I am concerned and as the Committee on Indian Affairs of the Senate and the Committee on Appropriations are concerned, they will go as far as the furthest in upholding the hands of a new administration that shall carry out the idea of the present in making the individual Indian learn how to stand upon his feet, to walk and to talk, and to so arm him in and of himself that he can meet as well as he may on equal terms the rapacious selfish greed of the white man.

Mr. VEST. I ask leave to withdraw the amendment I offered.

The PRESIDENT *pro tempore*. The Senator has the right to withdraw it. It was only an application for unanimous consent. The reading of the bill will proceed.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1186, before the word "thousand," to strike out "twelve" and insert "ten;" so as to make the clause read:

Support of Chippewas of Lake Superior: For support and civilization of the Chippewas of Lake Superior, to be expended for agriculture and educational purposes, pay of clerk and necessary employés, purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, $10,000.

The amendment was agreed to.

The next amendment was, in line 1190, before the word "thousand," to strike out "twelve" and insert "ten;" so as to make the clause read:

For support and civilization of Chippewas of Red Lake and Pembina tribe of Chippewas, and for pay of employés, $10,000.

The amendment was agreed to.

The next amendment was before the word "thousand," in line 1199, to strike out "twelve" and insert "ten;" so as to make the clause read:

Support of Chippewas on White Earth reservation: For this amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, in the care and support of the Otter Tail, Pillager, Pembina, and Mississippi Chippewa Indians on the White Earth reservation, in Minnesota, to assist them in their agricultural operations, and for pay of physician (not to exceed $1,200) $10,000.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The hour of 1 o'clock having arrived, it becomes the duty of the Chair to place before the Senate the unfinished business of Saturday's sitting, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia. The pending question is on agreeing to the motion to strike out sections 3 and 4, which has been divided, so that the first question is on striking out section 3.

Mr. DAWES. I ask unanimous consent that that bill may be informally laid aside that we may continue with the Indian appropriation bill.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent that the bill be informally laid aside, and that the Senate continue the Indian appropriation bill. Is there objection? The Chair hears none.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed a bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, in which it requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 8120) making appropriations for the support of the

Army for the fiscal year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ALLISON. I move that the Senate insist on its amendments and agree to the conference asked for by the House.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. ALLISON, Mr. PLUMB, and Mr. RANSOM were appointed.

INDIAN APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was to strike out the following clause from line 1226 to 1229, inclusive:

For education and civilization of the Indians of the late central superintendency, including clothing, food, and lodging for the children attending school, $18,000.

The amendment was agreed to.

The next amendment was, in line 1253, before the word "assistance," to strike out "agriculture" and insert "agricultural;" and in line 1254, after the word "employés," to strike out "five thousand" and insert "two thousand five hundred;" so as to make the clause read:

For support and civilization of the Kansas Indians, including agricultural assistance and pay of employés, $2,500.

The amendment was agreed to.

The next amendment was, after line 1262, to insert the following clause:

For instruction, support, and civilization of the Navajo Indians, including the construction of ditches, reservoirs, and wells, the purchase of stock, pay of employés, and purchase of medicines, $25,000, to be paid from the funds now in the Treasury belonging to said Indians; and not exceeding $1,200 of this amount may be paid for a clerk.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1271, to insert:

And the Secretary of the Interior is authorized to expend of this amount a sufficient sum, which is hereby made immediately available for the purpose, for the removal of the Nez Percé Indians now in Indian Territory to some other location, if he deems it proper so to do.

So as to make the clause read:

For support and civilization of Joseph's band of Nez Percé Indians, $18,000; and the Secretary of the Interior is authorized to expend of this amount a sufficient sum, which is hereby made immediately available for the purpose, for the removal of the Nez Percé Indians now in Indian Territory to some other location, if he deems it proper so to do.

The amendment was agreed to.

The next amendment was, after line 1282, to insert the following clause:

To enable the Secretary of the Interior to assist the Seminole Indians in Florida in farming and the establishment of schools, $5,000.

The amendment was agreed to.

The next amendment was, in line 1298, to reduce the appropriation for "support and civilization of the Tonkawa Indians" from $5,000 to $3,500.

The amendment was agreed to.

The next amendment was, after line 1304, to insert the following clause:

To supply food and other necessities of life in cases of distress among the Indians not having treaty funds, arising from emergencies not foreseen or otherwise provided for, to be used at the discretion of the President, $25,000; and a report of all expenditures under this provision shall be made to Congress at its next session thereafter.

Mr. VEST. I move to strike out the word "twenty-five," in line 1308, and insert "fifty," so as to make the appropriation $50,000.

The PRESIDENT *pro tempore*. The motion is not in order except by unanimous consent.

Mr. VEST. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent to move to amend this clause by striking out "twenty-five" and inserting "fifty."

Mr. VEST. It is to double the appropriation.

The PRESIDENT *pro tempore*. Is there objection to the Senator from Missouri moving this amendment? The Chair hears none. The question is on agreeing to it.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in the appropriations for "general incidental expenses of the Indian service," after the word "agencies," in line 1319, to strike out "eight" and insert "ten;" and in line 1320, after the word "all," to strike out "twenty" and insert "twenty-two;" so as to make the clause read:

Incidental expenses of Indian service in Arizona: For general incidental expenses of the Indian service, including traveling expenses of agents, in Arizona, support and civilization of Indians at the Colorado River, Pima, and Maricopa and Moquis Pueblo agencies, $12,000, and pay of employés at same agencies, $10,000; in all, $22,000.

The amendment was agreed to.

The next amendment was, in line 1326, after the word "agencies," to strike out "eight" and insert "ten;" and in line 1327, after the word "all," to strike out "twenty-six" and insert "twenty-eight;" so as to make the clause read:

Incidental expenses of Indian service in California: For general incidental expenses of the Indian service, including traveling expenses of agents, support and civilization of Indians of the Round Valley, Hoopa Valley, Tule River, and Mission agencies, $18,000, and pay of employés at same agencies, $10,000; in all, $28,000.

The amendment was agreed to.

The next amendment was, in line 1359, to increase the appropriation "for incidental expenses of Indian service in New Mexico" from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was, in line 1378, after the word "agencies," to insert "and pay of employés, including a physician, for Cœur d'Alene reservation;" and in line 1380, before the word "thousand," to strike out "fifteen" and insert "sixteen;" so as to make the clause read:

Incidental expenses of Indian service in Washington Territory: For general incidental expenses of the Indian service, including traveling expenses of agents at seven agencies, and the support and civilization of Indians at Colville and Nisqually agencies, and pay of employés, including a physician, for Cœur d'Alene reservation, $16,000.

The amendment was agreed to.

The next amendment was, in line 1383, after the word "agents," to insert "and pay of employés;" so as to make the clause read:

Incidental expenses of Indian service in Wyoming: For general incidental expenses of the Indian service, including traveling expenses of agents and pay of employés, $1,000.

The amendment was agreed to.

The next amendment was, in "miscellaneous" appropriations, in line 1388, after the word "exceeding," to strike out "seventy-five" and insert "one hundred;" and in line 1391, before the word "thousand," to strike out "twenty-five" and insert "thirty-five;" so as to make the clause read:

MISCELLANEOUS.

To enable the Secretary of the Interior to employ practical farmers, in addition to the agency farmers now employed, at wages not exceeding $100 each per month, to superintend and direct farming among such Indians as are making effort for self-support, $35,000.

The amendment was agreed to.

The next amendment was, in line 1393, before the word "hundred," to strike out "seven" and insert "eight;" in line 1394, before the word "officers," to strike out "seventy" and insert "ninety;" in line 1399, after the word "agencies," to strike out "seventy-five" and insert "eighty-seven;" and in line 1400, at the end of the clause, to insert the following proviso:

Provided, That the agent of the Navajo Indians may employ ten Indian policemen, at a rate of compensation not exceeding $15 per month each.

So as to make the clause read:

Pay of Indian police: For the service of not exceeding eight hundred privates, at $8 per month each, and not exceeding ninety officers, at $10 per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations, and for the purchase of equipments and rations for policemen of non-ration agencies, $87,600: *Provided*, That the agent of the Navajo Indians may employ ten Indian policemen, at a rate of compensation not exceeding $15 per month each.

The amendment was agreed to.

The next amendment was, in line 1410, to increase the total amount of the appropriations for "telegraphing and making purchases of Indian supplies" from $35,000 to $40,000.

The amendment was agreed to.

Mr. DAWES. I am instructed by the Committee on Appropriations to offer the following amendment, to come in after line 1431:

To enable the Secretary of the Interior to pay the expenses of a visit to Washington of certain Turtle Mountain Indians $500, to be immediately available.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out the following clause, from line 1432 to line 1442, inclusive:

That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury to the credit of the Eastern Band of Cherokee Indians, for the purpose of paying the services and expenses of former delegates of said Eastern Band of Cherokees who have visited the city of Washington on business of the band, and to pay debts of the band: *Provided*, That no portion of said appropriation shall be paid for the debts of said band, expenses of delegates, until the Commissioner of Indian Affairs and the Secretary of the Interior have approved the same.

Mr. VANCE. I hope the Senate will not concur in this amendment. There are some debts contracted by the Eastern Band of Cherokees with all the formalities and solemnities with which they are capable of contracting, and by their council they have authorized them to be paid out of this fund, and the Commissioner of Indian Affairs has given his sanction to the justice and propriety of the claim. I hope that this clause will not be stricken out by the Senate.

Mr. DAWES. The Committee on Appropriations propose to strike out this clause for this reason: There has grown up a habit of going among the Indians and getting appointed agents or delegates to represent the

Indians here at Washington, until there is quite a crowd of them in this city representing different bands and different tribes of Indians, and they meet in council and give directions from time to time to this body and the other as is proper. They then come and ask us to take out of the funds of the Indians that we are trustee for money enough to pay them. That is not all; they employ able attorneys in the city to aid them when they have important claims before the various committees, until it has got to be a system which in the opinion of the Committee on Indian Affairs and the Committee on Appropriations it is high time to break up. Ever since I can remember (and that is not a very great while) we have had just such a proposition as this in every Indian appropriation bill. It is not always $4,000; but the poor Indians down in North Carolina get fleeced worse than almost any of them.

There were last year two or three conflicting delegations here each claiming to be the agents of these Indians, and if you will turn over to line 1455 you will see a novel way of settling the conflicting claims of antagonizing attorneys. I do not think I ever saw anything that would quite equal what there is on the one thousand four hundred and fifty-fifth line. It has reference to these poor Indians down in North Carolina:

That in hearing and determining the suit of the Eastern Band of Cherokee Indians, numbered 13828—

That is the number of the suit—

the Court of Claims is hereby authorized and directed to hear and consider the alleged claim of Belva A. Lockwood for alleged professional and other services rendered and expenses alleged to have been incurred by her in aiding the said Eastern Band of Cherokee Indians in prosecuting their rights involved in said suit, and to determine whether said Belva A. Lockwood was employed by said Indians, and, if so, what amount, if any, is justly due to her on account of such services and expenditures, and to make and enter of record in the cause an order that the amount, if any be proved to be due her, shall be paid to her out of such sum or sums as may be found and determined to be due to the said Eastern Band of Indians from any funds held by the United States in trust for the Cherokee Nation of Indians.

Belva Lockwood was a constant and assiduous prosecutor of one view of the rights of these Indians; there was a gentleman whose name I do not see here who prosecuted another view of their rights, and then there was another delegation that had a different view; and now the sum of $4,000, or so much thereof as may be necessary—I do not think that had better remain in because it is surplus, all the money will be taken—is appropriated out of any money in the Treasury to the credit of the Eastern Band of Cherokee Indians for the purpose of paying for the services and expenses of the former delegates. The Eastern Band of Cherokees have a fund in the Treasury which the United States has pledged itself to hold there for the purposes of education, and for those purposes only. That is the pledge by which the United States took it, and in the light of that just listen to this clause:

That the sum of $4,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury to the credit of the Eastern Band of Cherokee Indians, for the purpose of paying the services and expenses of former delegates of said Eastern Band of Cherokees who have visited the city of Washington on business of the band and to pay debts of the band.

That is what this $4,000 is to be used for. How "former" they were I do not know, or how far back it would go. I venture to say that there rise up quite a number who will have the impression that they have visited Washington in former times on business of this band. I have no doubt of it from my own knowledge of the desire of Indians to come to Washington. The Indian Committee were instructed to investigate certain matters down in the Indian Territory, where it was necessary to have witnesses here this winter, and you would be amazed, Mr. President, at the anxiety and desire of Indians to visit Washington under the auspices of that committee, and they had more difficulty to keep the Indians back from Washington than they had to get them here to testify before the committee.

Now, anybody whose ignorance will permit him to set up the claim that in former times he has visited Washington on business of this band can have his share out of the fund pledged to education only. I think this clause ought to go out of the bill.

Mr. VANCE. The objection made by the Senator from Massachusetts to the clause as it came from the House I do not think is affected by his argument against the provision in a subsequent clause for paying for the services of a late distinguished candidate for the Presidency. I do not think that necessarily has anything to do with the desire that I have to retain the first clause on page 59 as it came from the House.

Mr. DAWES. I should like to ask my friend if she would not come exactly under the provisions of that clause he is advocating now? I think she has visited Washington in former times. There is no doubt of that, and I have no doubt she is perfectly satisfied that she did it on business of this band.

Mr. VANCE. I do not think she would come under this clause of which we are speaking. There is $4,000 appropriated by it, and by far the greater portion of that is claimed as the expenses of and as payment for the services of previous delegations of that band who have attended here upon business for them. The proviso in the latter part of the clause reads thus:

Provided, That no portion of said appropriation shall be paid for the debts of said band, expenses of delegates, until the Commissioner of Indian Affairs and the Secretary of the Interior have approved the same.

If it is not possible for the Secretary of the Interior and the Commissioner of Indian Affairs to protect the Government and the Indian tribe against the claims of improper or surplus or unauthorized agents, it seems to me that there is no possible way to protect them. I can not see why we should refuse to pay the delegates already appointed whose services have been rendered and whose services and whose appointments have been recognized by the council of the tribe, and whose payment has been ordered out of their own funds by the council of the tribe, for fear some delegate might impose upon the Government and get money for services that he did not render. Lest we should possibly do wrong, we are certain to do wrong if we refuse to pay the expenses that have already been justly and legally incurred.

So far as the general principle of preventing the attendance of numerous agents at the city of Washington on the pretense of doing business for the tribes is concerned, I admit the justice and propriety of what the Senator from Massachusetts has said; but it seems to me that where an expense has already been incurred and properly incurred and legally incurred, we should not do wrong by refusing to recognize that for fear of imposition upon the tribes.

Mr. DAWES. The Government is bound to expend this money for educational purposes. What right have the tribe, if they have done it, to contract with men to come here to Washington to take their pay out of the fund devoted to educational purposes, much less to pay their debts? The tribe itself is under guardianship. The United States has assumed to take care of its funds and expend those funds in what to the United States and to them at the time the fund was created seemed to be the best way, and the United States holds it for that purpose; and it is a violation of the trust to pervert it to the payment of persons whom the tribe want to have come to Washington, much less to pay their ordinary debts. Upon what claim or what ground can it be justified to take a fund set apart for educational purposes to pay the ordinary debts of that band?

Mr. VANCE. If the Senator will allow me I will tell him the ground that I understand it is placed upon. These services were rendered for the preservation of this very fund and not their ordinary debts. It was the service of their agents sent here to procure this fund and to have it set apart for them for educational purposes.

Mr. DAWES. If they had let it alone it would have been a great deal larger now than it is.

Mr. VANCE. That may be.

Mr. DAWES. They have been nibbling at it for many years and getting it to pay this man and that man, and now they propose to pay other debts with it. If the Eastern Band of Cherokees mentioned here could be only encouraged by those about them to look upon the fertile lands of North Carolina and make them to bloom and blossom like the rose they would be living like the white people of North Carolina in abundance and in luxury, and we should have nothing to do but to expend this money for the higher education of those people. But instead, they have been encouraged by white people—not white people belonging to North Carolina; I do not mean to say that, but white people out of employment, who feel an anxious desire to serve the Indians here in Washington, and who come from distant parts and ingratiate themselves with the Indians, and carry the idea that they can accomplish some great thing here in behalf of the Indian, and then go back, and through an interpreter magnify their services till the Indian has come to believe that he can accomplish nothing here unless he has some hired agent to dog the heels of those who have the charge of these matters.

It is high time, sir, that it should be discouraged, and the most efficient way to discourage it is to let them realize that if they hire anybody to come here they must pay him as other people do, and not take it out of a fund sacredly consecrated to the beneficent purpose of educating the Indians.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the paragraph which has been read from line 1432 to 1440, inclusive.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1443 to line 1448, inclusive:

The Secretary of the Interior is hereby directed to pay to Franz and Charles Huning, out of any funds belonging to the Navajo Indians, $6,000; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

The amendment was agreed to.

The next amendment was to strike out the following clause from line 1449 to line 1454, inclusive:

The Secretary of the Interior is hereby directed to pay, out of any funds belonging to or that may belong to the Cherokee Indians, to George H. Pettigrew $2,000; the same being a claim for damages caused by depredations of said Indians, and examined, approved, and reported to Congress by the Commissioner of Indian Affairs.

Mr. WALKER. I hope the amendment proposed by the committee will not be agreed to. This is rather a peculiar claim. It is not for a depredation made by semi-barbarians, but made by intelligent men in a civilized tribe of Indians, men worth a considerable amount of property and against whom no process of law can issue. There is no court that has jurisdiction of this claim. If there was a court in which the parties

who committed this depredation, some of whom are immensely wealthy, could be sued, a judgment had, and execution issued, the Government of the United States would not be troubled.

This is for a depredation committed by intelligent persons upon a hotel erected upon a railroad right of way through the Cherokee country, a property which was worth at least the sum of $2,500.

The parties who committed the trespass were afterward indicted and convicted in the United States court for the western district of Arkansas, not for the trespass, but for stealing the materials composing the hotel several days after it was torn down. They were indicted, convicted, and punished; but that does not do the parties who put up the hotel any good. If the guilty persons could be sued the money could be made from them. If the money should be taken from the fund belonging to the Cherokee people they would have the right to go upon those parties, who are amply able to satisfy the claim. I hope the clause will be permitted to remain in the bill. It is a peculiar case.

Mr. DAWES. I do not care to debate with the Senator from Arkansas the merits of the case. The ground upon which the committee recommends the striking out of the clause was set forth in the debate on Saturday, which led them to strike out all claims for depredations, not on their merits but for lack of information as to the merits. This case has been before the Committee on Indian Affairs. I do not know but that the Senator so stated. I was engaged and did not fully hear the Senator's remarks.

Mr. WALKER. It has been before that committee.

Mr. DAWES. There has been a good deal of trouble about this case and a pretty narrow squeak, if I may use that unsenatorial word, but it was not on that ground that the committee proposed to strike it out. They propose to treat all these depredation claims alike, and under the provision which has been adopted to have them brought before Congress in a different way at the next session, and I would hardly think it fair to single this one out and adopt it.

Mr. WALKER. This is different somewhat from the ordinary claims presented here. It is not, as I remarked, a claim against Indians who are not intelligent; it is a claim against the Cherokee people, who claim to be as much civilized as the people of any of the States. They have their lawyers, their schools, their property, their public affairs, and they are intelligent; but among those intelligent Indians this infamous outrage upon the property of a white man was encouraged to be perpetrated, and the parties were protected by the authorities of the nation just so far as they could protect them.

The case stands differently from the other claims in the bill. If the party could go into the courts I should not stand here and argue that the claim should be paid, but I say that in this case there should be an exception. It does not stand like a case against the Cheyennes or Arapahoes or other wild bands of Indians.

I hope the Senate will vote down the amendment proposed by the committee.

Mr. ALLISON. I remember something of this claim last year. I believe it was on the Indian appropriation bill last year as it came from the House, and the delegates of the Cherokees appeared before the committee and claimed that the gentleman here named did not own the property, and they protested against the claim being paid. I think the Senator from Arkansas had better let this go with the other claims to be investigated hereafter, and if this gentleman has a proper claim and owned the property I think there will be no trouble in his getting the money.

Mr. WALKER. There is no question in regard to the title of the party. There is no proof to the contrary.

Mr. ALLISON. I am only speaking of what the delegates said of the proof stated to the committee last year.

Mr. WALKER. I can imagine that the delegates would say almost anything against a claim of this character; it is their custom to do so.

Mr. MAXEY. It seems to me there is great force in the position taken by the Senator from Arkansas [Mr. WALKER]. Here this man evidently has a right. At all events we are bound to assume that he has a right, because the claim has been examined and approved by the Commissioner of Indian Affairs. Under the universal doctrine that everything done by an officer intrusted with the performance of a duty is presumed to have been done rightly and properly, that would make it a good claim. Notwithstanding what may have been said outside by somebody else, the presumption of law is, when the Commissioner of Indian Affairs has examined and approved the claim, that the claim is good, and it stands as good until overturned by better evidence.

It is clear that we can not carry those people into any court that I know anything about. If there be no remedy at law and these violators of the law were protected in their depredations on private citizens by the authorities, as stated by the Senator from Arkansas, then I say it is but right and proper that this claim should be allowed and charged to the Cherokee fund. That is the way it strikes me.

Mr. DAWES. The Senator from Texas on Saturday urged upon the Senate that they should take several claims that have already been stricken out and pass those in the bill, but finally acquiesced in the action of the Senate in striking them out for the purpose of bringing them before Congress in another shape. I should like to ask the Senator——

Mr. MAXEY. If the Senator will pardon me one moment I can explain, as I think, the difference. I did concur precisely in the course pursued, and why? Because the claims as to the others were for depredations committed by wild Indians who were under the entire and exclusive police power and control of the United States Government, and they had been placed on reservations and guarded in those reservations. I hold that in cases like that, if men break over and destroy the property of the people, the Government of the United States would be as responsible, provided the Indians had not the funds themselves, as where the people of Allegheny County, in Pennsylvania, who were intrusted with the police power were held responsible for the destruction of a vast amount of property a few years ago belonging to railroad companies. I put it on the same ground. But that does not apply here. This is a different case. This is the case of a civilized tribe, which has the entire control under our intercourse law of all their matters as between themselves. They have their courts and they attend to all their affairs. There is a certain class of cases of crimes committed against the white men or by white men that may be brought in the Federal courts at Fort Smith, but this is a civil case; it would be a civil action for damages if the party had any court to go to.

The courts there can not try it because a white man is one of the parties and the Indian courts have no jurisdiction in a case of that kind. The Government has never intrusted a case *ex contractu* or *ex delictu* to the Federal courts under such circumstances. If we believe the Commissioner of Indian Affairs, who examined and approved the claim, as the bill says he did, we must I think presume that that must be true; for I never heard of setting aside on the mere outside statement of anybody the solemn official declaration of an officer under oath in respect to a matter intrusted to him.

So I take it this claim has been examined and approved by the Commissioner of Indian Affairs and is therefore a good claim, and it is unlike the case of the Indians who are corralled on reservations. It is a case in a civilized tribe; and it seems to me that when the right exists the remedy ought to be somewhere. I apprehend the Senator from Arkansas states the case from knowledge, as he lives right close by. If the depredators were protected by the Indian tribe, the Cherokee Nation, they should be held responsible for the wrong perpetrated by their own people and upheld by their own authorities.

Mr. DAWES. The object of the amendment adopted Saturday was to more thoroughly examine the cases that are on file in the Interior Department on the ground that the Secretary of the Interior had not been furnished heretofore with the means of a thorough examination. He had no fund to expend in that behalf; he was not able to send anybody upon the ground; he was not able to examine a single witness; he was not able to probe or investigate or in any manner sift the evidence which a claimant sent to him. It came to the knowledge of the committee through the Department itself that although he had approved of these claims from time to time he was not satisfied with his own approval; he became convinced that as to the great majority of these cases they demanded a more thorough sifting and reconsideration.

Now, this is one of those cases. As the Senator from Iowa has said, a delegation of the Cherokees appeared before the committee and maintained stoutly that this man had not any title.

Mr. MAXEY. I should like to ask the Senator, for I did not quite understand the idea that he designed to convey, if the Commissioner of Indian Affairs in this case says that he is not satisfied with the ruling of the Department?

Mr. DAWES. No, not in this particular case; I am speaking of the claims as a whole. He sent up here, as I read on Saturday, a list numbering 3,100. The great majority had written across the back "approved," and yet about them the Commissioner and the Secretary would make precisely the same statement I have made to-day. This particular one failed to get through the Committee on Indian Affairs once on the ground of doubt whether the man had any title. I have omitted to say a word on the merits of the claim, because I thought that the proper ground to stand upon was to say that all of these cases had better go back and go through with that same process.

Mr. WALKER. Will the Senator allow me to ask him a question? Was there any proof contrary to the title of the Pettigrew claim before the committee, or has the Senator seen any proof whatever against his title, or was it merely the suggestion of the Indian delegation?

Mr. DAWES. I should say that the evidence on the one side was about of the same character as the evidence on the other, and that if I were a juror I should be obliged to follow the burden of proof in the matter. If either side had a burden of proof to make out I should rather think he had lost his case.

Mr. WALKER. Was there not sworn testimony on behalf of the claimant?

Mr. DAWES. Yes; it was sworn testimony, I know.

Mr. WALKER. And there was merely a suggestion on the other side and no sworn statement.

Mr. DAWES. There were delegates from the Indian Territory here very anxious to be sworn. Without condemning the claim at all, I sub-

mit to the Senate that this case should not be singled out, that it should go with the rest; and if the Secretary of the Interior should be satisfied with the proof in his Department as to this case it will come here stronger next session than it ever came, I assure the Senator. If, on the other hand, the Secretary feels that he ought to reinvestigate it and then reapproves it, there can not be any ground for opposition to it.

Mr. WALKER. Will the Senator allow me to say that the Federal court for the western district of Arkansas passed upon the question and the parties were indicted and convicted for stealing the property of the claimant and this whole matter came up. I think that should be satisfactory, the case having been passed upon by a court of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the Committee on Appropriations to strike out the clause which has been read. [Putting the question.] The ayes appear to have it.

Mr. WALKER. I call for the yeas and nays. ["No!" "No!"]

The yeas and nays were ordered.

Mr. WALKER. I ask leave to withdraw the call.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks leave to withdraw the call for the yeas and nays. If there be no objection the call will be withdrawn. The ayes have it, and the clause is stricken out.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out the clause from line 1455 to line 1471, inclusive, as follows:

That in hearing and determining the suit of the Eastern Band of Cherokee Indians, numbered 13828, the Court of Claims is hereby authorized and directed to hear and consider the alleged claim of Belva A. Lockwood for alleged professional and other services rendered and expenses alleged to have been incurred by her in aiding the said Eastern Band of Cherokee Indians in prosecuting their rights involved in said suit, and to determine whether said Belva A. Lockwood was employed by said Indians; and, if so, what amount, if any, is justly due to her on account of such services and expenditures, and to make and enter of record in the cause an order that the amount, if any be proved to be due her, shall be paid to her out of such sum or sums as may be found and determined to be due to the said Eastern Band of Indians from any funds held by the United States in trust for the Cherokee Nation of Indians.

The amendment was agreed to.

The next amendment was, in the appropriations "for support of schools," in line 1475, before the word "thousand," to strike out "ten" and insert "thirty-five;" in the same line, after the word "dollars," to strike out "and of this amount not exceeding $10,000 shall be used for the establishment of a boarding-school at or near the center of the Pottawatomie reservation, in the Indian Territory;" in line 1480, after the word "dollars," to insert "to be immediately available;" and in line 1482, after the word "all," to strike out "five hundred and seventy-five" and insert "six hundred;" so as to read:

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, $535,000; for construction and repair of school buildings, $40,000, to be immediately available; and for purchase of horses, cattle, and sheep, goats, and swine for schools, $25,000; in all $600,000.

The PRESIDENT *pro tempore*. The Chair will suggest that in line 1481, after the word "swine," there should be a comma and the word "and."

Mr. DAWES. I hope that correction will be made.

The PRESIDENT *pro tempore*. If there be no objection, that correction will be made. The question is on agreeing to the amendment as modified.

Mr. VEST. I wish to make an inquiry of the Senator having charge of the bill. How much of this $600,000 is to go to the day schools and how much to the boarding-schools?

Mr. DAWES. I am unable to answer that question exactly; but it is to be distributed. The Interior Department maintains day schools on all the reservations where the conditions are such as to justify them and where the treaties are such as to require them to the extent of the appropriation. There are treaty stipulations which are very far from being fulfilled in reference to day schools; for instance, on the Sioux reservation, where we took all the lands the Sioux had some fourteen years ago and in exchange gave them a vast rich territory in Dakota, and covenanted to maintain a day school for every thirty scholars on the whole of that reservation. There are others like it; so that there are unfulfilled obligations of treaties. If a treaty is a debt, if having covenanted with a people to pay them a sum of money or to do a particular act creates a debt or obligation, we are debtors to these Indians to-day to the amount of between three and four million dollars for unfulfilled obligations in relation to schools, nearly all of which are day schools.

There are those who think that the day school is not a wise expenditure of money. There are those who think that the day school is the best, and that the boarding-school is not a wise expenditure of money. There are those who think that industrial schools at a distance from the reservations are an unwise expenditure of money, and there are those who think they are the wisest of all expenditures. There is a good deal of difference of opinion. In some places a day school is a waste of money. I do not think a day school, except perhaps under that rigid system that one particular religious denomination is able to maintain in its schools, would be a wise thing among those northern Indians.

I heartily agree with what the Senator from Missouri [Mr. VEST] said not long since in relation to the efficiency and the usefulness of the schools maintained by a certain religious denomination. They are not the ordinary day schools. But in other parts of the Indian country, speaking in the general term, there is no school so useful as the day school. There have been improvements introduced within the last two or three years since Congress wisely made a superintendent of Indian schools, who has them in charge and systematizes the whole thing, and who brings to his work great enthusiasm as well as wisdom and discretion. They have sought to introduce into each day school some particular attraction that will bring the Indian scholars there and induce them to come to these schools. I think that they are a very wise feature of Indian education; while at the same time I would not differ much with the Senator from Missouri when he gets up to tell us about an Indian day school he saw in Northern Montana. I hope he will excuse me for anticipating what he is going to say, for I have had experience very much like his, but I would not have him make war upon the system because of its defects.

Mr. VEST. I only regret that the bill does not show in this appropriation how much of this money is to go to the day schools and how much to the boarding-school. I have had personal experience about the matter, but I suppose I was very unfortunate in that respect, as I did not see a day school where the money was not actually thrown away. You may as well pitch it into the middle of the Pacific Ocean; it does no earthly good. There will be five hundred in attendance on ration day and fifty the rest of the time. We can not educate Indians in that way. If I were able to discriminate here I should certainly vote a definite appropriation to the boarding-schools, but the bill is so framed that no distinction can be shown; and I suppose it will have to go as it is. I only wanted to express my opinion about it.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 1488, before the word "hundred," to strike out "six" and insert "eight;" so as to make the proviso read:

Provided, That the entire cost of any boarding-school building to be built from the moneys appropriated hereby, including furniture, shall not exceed $10,000; and the entire cost of any day school building to be so built shall not exceed $800.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1488, to insert the following proviso:

And provided further, That the school year of each pupil in the Indian schools herein appropriated for shall be held to include all usual and necessary vacations.

The amendment was agreed to.

The next amendment was, after the words "Arkansas City," in line 1494, to strike out "twenty-six thousand five hundred" and insert "thirty thousand six hundred and twenty-five;" after the word "all," in line 1502, to strike out "thirty thousand" and insert "thirty-four thousand one hundred and twenty-five;" and in line 1504, after the word "dollars," to insert "and pupils from any Indian tribe, other than the five civilized tribes of the Indian Territory, may be admitted to this school;" so as to make the clause read:

For support of the industrial school near Arkansas City, $30,625; and said sum shall be disbursed upon the basis of an allowance of $175 for the support and education of each pupil; for purchase of material and erection of shops, barns, and other necessary outbuildings, and for repairs of same, $2,000; pay of superintendent of said school, $1,500; in all, $34,125; and pupils from any Indian tribe, other than the five civilized tribes of the Indian Territory, may be admitted to this school.

The amendment was agreed to.

The next amendment was, in line 1509, after the word "school," to strike out "seventy-five" and insert "eighty;" and after the word "all," in line 1518, to strike out "seventy-six" and insert "eighty-one;" so as to make the clause read:

For support of Indian industrial school at Carlisle, Pa., and for transportation of Indian pupils to and from said school, $80,000; and said sum shall be disbursed upon the basis of an allowance not exceeding $175, exclusive of transportation, for the support and education of each pupil actually maintained in and supported and educated at said school, but actual cost of transportation and other expenses of such pupils as are sent out of said school among farmers for support and education may be disbursed from said funds; for annual allowance to Capt. R. H. Pratt, in charge of said Indian industrial school, $1,000; in all, $81,000.

The amendment was agreed to.

The next amendment was, in line 1520, after the word "hundred," to insert "and fifty;" in line 1522, after the word "hundred," to insert "and fifty;" and in the same line, after the word "each," to strike out "ten thousand" and insert "twenty-two thousand five hundred;" so as to make the clause read:

For support of one hundred and fifty Indian pupils at the Saint Ignatius mission school, Montana, at $150 each, $22,500.

The amendment was agreed to.

The next amendment was, in line 1524, to strike out "for support of Indian industrial school at Forest Grove, Oreg.," and insert "for support of the Forest Grove Indian industrial school at Forest Grove, or such other place in Oregon as the same may hereafter be located;" after the word "dollars," in line 1532, to insert "heating apparatus,

fixtures, and furniture for school buildings, $10,000;" and in line 1334, after the word "all," to strike out "forty-one" and insert "fifty-one;" so as to make the clause read:

For support of the Forest Grove Indian industrial school at Forest Grove, or such other place in Oregon as the same may hereafter be located: Two hundred Indian pupils, at $175 per annum each, $35,000; pay of superintendent, $1,500; completion of school-building and necessary outbuildings, and repairs and fencing, $5,000; heating apparatus, fixtures, and furniture for school buildings, $10,000; in all, $51,500.

The amendment was agreed to.

The next amendment was, in line 1539, after the word "dollars," to insert "of which $1,500 shall be immediately available to pay indebtedness for 1885;" so as to read:

For support of one hundred and fifty Indian pupils, at $175 per annum each, at the industrial school for Indians at Genoa, Nebr., $26,250, of which $1,500 shall be immediately available to pay indebtedness for 1885; pay of superintendent, $1,500; purchase of material and erection of necessary outbuildings, and necessary repairs, $2,000; in all, $29,750.

The amendment was agreed to.

The next amendment was, in line 1545, after the word "and," to strike out "children" and insert "pupils;" so as to read:

And pupils from any Indian tribes, except the five civilized tribes in the Indian Territory, may be admitted to this school.

The amendment was agreed to.

The next amendment was, after the word "school," in line 1548, to insert:

And the limitation imposed upon the appropriation for this school for the fiscal year 1885 in the act approved July 4, 1884, is hereby repealed.

The amendment was agreed to.

The next amendment was, in line 1553, after "Virginia," to strike out "twenty thousand and forty" and insert "twenty-one thousand;" and in line 1554, after the word "dollars," to insert "transportation of pupils to and from said school, $3,000; in all, $24,000;" so as to make the clause read:

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Va., $21,000; transportation of pupils to and from said school, $3,000; in all, $24,000.

The amendment was agreed to.

The next amendment was to strike out the clause from line 1557 to line 1560, inclusive, as follows:

For the purpose of establishing an industrial school for the education of Indian youths, and the erection of the necessary buildings, at Santa Fé, N. Mex., $25,000.

Mr. BLAIR. Mr. President, I am opposed to the adoption of the amendment. This is a proposed appropriation of $25,000 to assist in the establishment of an Indian industrial school at Santa Fé, N. Mex., the capital of the Territory. There are in the Territory of New Mexico about 40,000 Indians, I am told. In the vicinity of Santa Fé and northerly there are about 20,000, I think. There is already established an Indian school at Albuquerque, some eighty miles southerly, which is in a flourishing condition, having not far from two hundred pupils. It is a good school; it is answering the purpose for which it was established. There are about 20,000 Indians in that portion of the Territory, and the school is supplied almost wholly, as I am informed, from those 20,000 Indians.

There is a great necessity for the establishment of a school at Santa Fé. Santa Fé, as all Senators are undoubtedly aware, is the educational center of the Territory. It is an old place. The Catholic Church has been established there for some hundreds of years, and it has exerted a most excellent educational and other good effect upon the Indians and the people of the Territory. But there is at the present time in Santa Fé, as I understand, no Indian industrial school, and I think no Indian school whatever; at least there is none that to any considerable extent supplies the great necessity that exists for such an institution. The city has about 8,000 inhabitants. About 1,500 of those inhabitants are Americans proper, and most of the rest are Indians or of Indian descent. The town is as well situated as any place in the Territory, or as any place anywhere possibly could be, for the purpose for which this appropriation is designed.

Four or five years since a gentleman who for a time resided in my own State, Professor Ladd, who had charge as principal of our normal school which was located in the town where I then resided, and who is in every way a most competent and able Christian, and is an active, vigorous gentleman in whatever he undertakes, moved with his family to New Mexico and devoted himself there to the cause of education. He located at Santa Fé. He has built up a strong institution, the university of the Territory, the only chartered and, in fact, the only university or institution of any kind answering collegiate purposes there. It has become quite flourishing. He is an enthusiast in his work and has become greatly interested in the Indians and their education. He has already, by means of contributions from benevolent individuals in different parts of the country, raised nearly $25,000, and that is devoted to the establishment of this proposed industrial Indian school. Nearly $25,000 have thus been raised by his personal exertions and contributed by the benevolent of the country. The citizens of Santa Fé have given one hundred acres of land, consecrated to this purpose, valued at something like $12,000. It is situated a little out of the city, in a very convenient and proper location.

Professor Ladd has already established an Indian school in connection with the university, where, by a contract with the Indian Department now existing, there are some fifty Indian pupils being educated. The contract runs for the term of six months and compensation is given to him for the education of the Indian children at the rate of $120 per annum each. I notice all through the bill that the ordinary compensation is $175 per pupil. In one instance it is $150, and I think in one instance, I am not quite sure that I am accurate, it is more than $175, perhaps $200 per pupil; but $175 seems to be about the average compensation. This gentleman is educating these children at that point by contract with the Indian Department for $120 apiece. He needs assistance in the enlargement of the capacity of the school, and he asks for this appropriation of $25,000, which, as Senators will see, is really very trifling as compared with other appropriations which are made in the bill, and as compared with appropriations made for the purpose of education. It is a very liberal bill in that regard.

It does seem to me as though this $25,000 which were placed in the bill by the House—and we do not ordinarily look there for instruction or encouragement or stimulus in the direction of educational efforts, at least this body does not—it does seem to me, I say, as though this small appropriation of $25,000 ought to be given. The 20,000 Indian population has no other school whatever. There is but one such school in the Territory for the whole 40,000 Indians, and at that school, as I stated before, there are only about two hundred pupils. The others, the fifty I have spoken of, are being educated or are to be educated the remainder of the six months at the institution founded by this gentleman. When the appropriation which he has relied upon shall be given, if it shall be given by Congress, and the new buildings erected upon the one hundred acres, the land given by the citizens, he proposes to convert the location now occupied for this purpose, where the fifty are to be educated, into a like institution for the education of Indian girls, so that if this appropriation is given there will be an institution upon the five and a half acres and also another and a larger permanent institution upon the one hundred acres.

I hope the committee will not insist upon the amendment, and that they will give us this trivial sum and let this really great enterprise go on. There is no Territory, there is no portion of the whole United States, that needs educational influences to the extent that the Territory of New Mexico does. The illiteracy in New Mexico—that is, the proportion of those over 10 years of age who can not read and write—is 40 per cent. of the whole population. It is also very largely an Indian population, as we know, and it is a very difficult population to reach. With, as I understand, only one school in that whole Territory for the benefit of the Indian population, it seems almost trifling with our obligations to those people not to give them another school.

Mr. VEST. I sincerely hope that the amendment of the committee striking out the appropriation will not be agreed to. What I say is always in general accord with the committee, for this is a very liberal bill, and has my entire approbation with one or two exceptions.

There are, as I happen to know, some twenty pueblos, as they are called, in New Mexico, with a population of between 12,000 and 20,000 Indians. As the Senator from New Hampshire has said—and he has not overdrawn the picture—extraordinary exertions have been made for the education of those Indians, and the enterprise is succeeding very rapidly. It has one feature which commends itself especially to my approbation, and that is it is now proposed to add to the male school the education of females. If there is any one fact well established—absolutely—it is that where you educate an Indian boy and send him back to his tribe he lapses into barbarism; he can not resist the pressure of ridicule, which with the Indians is the most potent weapon in the world, and then he out-Herods Herod and becomes the most barbarous Indian in the whole tribe.

The Jesuits solved this question. They started with a female school at Saint Ignatius, Montana; they educated the girls, taught them how to sew, how to keep house; taught them music, reading, writing, and arithmetic. An Indian girl would go back and marry a full-blood Indian, or a half-breed, who is generally worse than a full-blood, and in three months, under the ridicule of the tribe, that educated Indian girl would become the worst of the tribe. She would have to show by unusual barbarism that she was not imitating the white people. The Jesuits after years of experiment found out that they must establish a male school in connection with the female school, and now they have, or had when I was there summer before last, fifty boys and fifty girls in that school. They have five sisters and five brothers educating the girls and boys, and when the Indians graduate they marry, and then the Jesuits, with the assistance of the Indian agent, build up a little house, break up some land, and that couple becomes a nucleus of civilization and Christianity for the neighborhood. So you may go now to the Flathead reservation. The Jesuits first went there from Saint Louis in 1850 at the request of the Indians, and to-day you will find log houses and school-houses built by the Indians. The North Pacific Railroad goes through, and you would think in looking from the windows of a car that the train was running through a white settlement if you did not see the Indians upon each side of you. This is the result of a wise and judicious adaptation of the instrumentalities of Indian education and Indian nature to Indian circumstances.

Twenty-five thousand dollars! What does it amount to in this great experiment of trying to save those people, if possible, from absolute annihilation? I know my friend from Massachusetts will not stand upon this paltry amount of money when individuals have gone there and when the people of Santa Fé are putting in $12,000 toward building the school, and there are between 12,000 and 20,000 human beings whose destiny depends upon it.

I sincerely hope there will not be a vote in the Senate against retaining the appropriation. Let us put it back; I only wish it was $50,000 instead of $25,000.

Mr. MILLER, of California. I wish to join in the appeal which is made to the Senator in charge of the bill to permit this item to stand. I can not add anything to what has been said, because the whole case has been presented, but everybody who knows anything about Indian affairs knows that the industrial schools are doing more good than any other agency. They are doing more to elevate the Indian, to civilize him, than any other means that are employed. The great difficulty is to prevent the Indians under our Indian system from becoming roving vagabonds. These schools, in the manner in which the Senator from Missouri has described, have exerted a most powerful influence to prevent vagabondage and to fix them in homes, giving them a taste for agriculture and for civilization. We can not expend the public money any better than in the mode prescribed in the bill for these industrial schools. That is my opinion about it, and I think it is the opinion of every one who has investigated the subject.

I hope that the amendment will not be adopted.

Mr. DAWES. It is highly gratifying to hear from Senators the commendations of the subject of Indian education to those who have been early in the field and constantly fighting for it. It is especially gratifying to hear Senators express their gratification at the result and their conviction of the wisdom of the policy.

All that has been said meets my hearty concurrence, and it may seem a little ungracious that I should advocate the adoption of the amendment striking out this $25,000 for the erection of a school at Santa Fé. As to the benefit of industrial schools and as to the wisdom of the education of the sexes, advocated by the Senator from Missouri, there can be no doubt. The Senator first saw it, and I fear that he only saw it, among the schools of the Jesuits of Northern Montana. I only wish the Senator would go about among the industrial schools which have been established by the United States, and at which large sums of money are expended every year and are appropriated in this bill.

There he would see the two sexes educated together in precisely the way that has commended itself to him, and he would see something further. If he would go to Carlisle or Hampton, if not to any other of the industrial schools, he would see young married couples brought there and taught to set themselves up in housekeeping and to make for themselves a habitation, to furnish it, and to keep it under instructions—taught how to live like civilized people, and ready, after they have got the other education, to carry along with it this.

One of the most beneficent features of the education of the Indians is the bringing of young married couples there and teaching them, and at the same time taking the male and female pupils who go out belonging to the same tribe and seeing that they are either married before they go back to their tribes or that they form such marriage relations as will prevent their falling back in the manner the Senator expresses apprehension for.

I wish the Senator would extend his observations and not concentrate them. I think he would be a hearty supporter of the whole system as it is now, under the benefit of the experience of such great teachers of the Indians as Captain Pratt and General Armstrong, and under such wise supervision as the superintendent of Indian education, Mr. Haworth, exerts over the whole system. He would see that it is becoming more and more practical, and he would see that safeguards of the future of the educated Indian are being thrown around him, and avenues are being opened in which he or she can maintain himself and herself.

The problem, to my mind, is almost solved. I see in the new administration just breaking in upon us here the light of a realization of the hopes and expectations of those people, because I expect that the new administration not only will carry on this policy, but will enlarge upon it and improve upon it, and will have the credit itself of accomplishing what those people have been laboring for many years to accomplish; for that administration in which a thing is accomplished will always have all the credit of it.

Now, why do we propose to strike out this appropriation for New Mexico? It was not estimated for. The Department in making their estimates for educational purposes looked the ground all over, and calculating upon how far they could induce Congress to make appropriations for this purpose, calculated where they would do the most good. There was an effort to get one of these schools in Montana by the Great Falls of the Missouri, where ultimately there will be a great town. There is a fund belonging to the Utes in the Treasury—$20,000 a year. We have obligated ourselves to pay them, and the President of the United States is at liberty to use it just as he pleases. It is proposed to take $18,000 of that $20,000 from the Utes and put an industrial school down close by their reservation in Colorado and not put one in Montana.

There is a school of very large proportions at Albuquerque, only eighty miles from Santa Fé by railroad. The railroad runs between the two towns, which are eighty miles apart. That school has now two hundred scholars; it has a capacity for five hundred. It is proposed to enlarge that, to erect a new one between that and the school in Colorado, and then by increased appropriations to enlarge the facilities of all the schools. That was as far as the Department felt that they could ask Congress to go, because that was as far as they could assure Congress that they would make every dollar count.

There were some reasons presented before the committee by those responsible for the expenditure of this money why it was not wise to put a school, certainly at present, at Santa Fé, besides its proximity to Albuquerque. Albuquerque can take all the children who can be gathered as well from New Mexico as from Arizona for two or three years to come.

There is another reason. There is a Catholic school at Santa Fé, where quite a large number of Indian pupils of both sexes are educated; a school of remarkable progress and promise. It is conducted on a different plan from what it is possible for us to establish a school there. If the United States establishes a school there its pupils must be mingling with all the people there. They can not be kept from contact with the people of Santa Fé as the Catholic school is; and that is one reason why the Catholic school is so flourishing. According to their system the pupils are kept from contact with the people of Santa Fé.

I do not care to say anything disparaging of the people of Santa Fé. I shall content myself by being the organ of the committee in this regard and communicating to the Senate the reasons which induced the committee, and those were reasons coming to the committee from those responsible for the expenditure of this money, that Santa Fé was not a good place for the establishment of the school, in addition to the fact that there is one so near it and that we propose to put another one on the Ute reservation where we can utilize $20,000 that will be otherwise distributed per capita, and decline to put one in Montana.

I was greatly impressed by the fidelity and conscientious labor of the gentleman to whom allusion has been made. I have had frequent talks with him as well as with a gentleman who represented himself to be the bishop of New Mexico, all in the interest of a school at Santa Fé. If it is an improper place for a school, as has been represented to the committee, I think at least it might as well be postponed. I will say that this is the first time I ever have been found opposing any appropriation for the erection of a school for Indians.

Mr. VEST. Before the Senator from Massachusetts takes his seat I wish to call his attention to the fact that the Commissioner of Indian Affairs wrote a letter to the chairman of the Committee on Indian Affairs of the House recommending the establishment of this very school. I simply call attention to that fact to show that there is nothing in the appropriation as it came from the House which is at all antagonistic to the views of the Interior Department or of the Indian Bureau. They think the school ought to be established.

Mr. DAWES. It is true that the Commissioner of Indian Affairs did at one time advocate the establishment of the school, and I have nothing to show that he does not do so at this time. I do not know but that he does. I have no reason to doubt it; but the Secretary of the Interior appeared before the committee and gave his views in reference to the wisdom of erecting the school, as did the superintendent of Indian schools and others. I represent the committee in what I have said.

Mr. BLAIR. I admit that I had hoped the Senator from Massachusetts would represent himself, his own impulses, in reference to this matter, and that he would not have said anything whatever against the effort to disagree to the amendment. I think I am representing the matter correctly when I say that if he and the committee have proceeded in their action in striking out the appropriation upon the ground he has stated they are misinformed and that they misapprehend the situation.

The substantial objection, the only objection really that the Senator has suggested, as it seems to my mind, is that Santa Fé is not a fit place, and that for some reason it is not a proper location; that there is something about the quality of the city and its inhabitants which would be likely to result in a deterioration of the Indian if he is brought in contact with them. The truth about that is (and I have taken some little pains to reinform myself since I learned that that suggestion had been made about Santa Fé), that it is quite the equal of any New England city of the same population in the matter of morality. I am told that it is a city of as large religious facilities, that the average of moral status is as high as in the white cities of the North or of the South, and that so far as drinking saloons and other places of an objectionable character are concerned, there are no more of them there than are averaged in cities of like population in other portions of the country, and that it is an act of defamation to stigmatize the city of Santa Fé as inferior to other cities of the country in that regard.

Santa Fé has a population of some 8,000 at the present time. Albuquerque, eighty miles distant southerly, with its surrounding population of nearly 20,000 Indians, and having all facilities for the education of two hundred Indians, or at least educating that number now, is a still larger city and has no better moral status whatever. I do not

undertake to say that it is inferior, for I know nothing of the kind, but I presume that both cities are of such a character that it will not hurt the Indians to associate with the people there. Upon this very point I hold in my hand the statement of the governor of the Territory, Mr. Sheldon, known to most Senators present, I have no doubt. He makes a formal recommendation for the establishment of an Indian industrial school at Santa Fé. He says:

There can be no better place at which to establish an Indian school than Santa Fé. It is celebrated for its agreeable and healthy climate, and it is convenient to all the pueblos in the Territory, and the Navajoes, and Mescalero and Jicarilla Apaches.

I recommend that the necessary appropriations be made and that other steps be taken to establish the school in accordance with the views expressed in the within letter.

L. A. SHELDON,
Governor of New Mexico.

I might almost say that members of the Appropriations Committee, in fact some I know, have heartily agreed in this recommendation of the governor indorsing this specific recommendation for the establishment of the school.

Now, as to whether there is need of such a school, can it be possible to raise that question when with 40,000 Indians in that Territory there is now existing but a single school, the one in Albuquerque. What if they have facilities; they can be enlarged by the expenditure of more money, and certainly as much as it is proposed to appropriate will be required to assist in the establishment of the school at Santa Fé. What if the school could be enlarged so as to accommodate five hundred; suppose you had accommodations for the education of five hundred Indian children; what is that among so many? You must work the old miracle again if these accommodations are to answer for a population of 40,000.

We have nobody to rely upon but ourselves and the benevolence of the country for the original stimulus or motive for education, the disposition to be educated. That has got to be created in this class of people. The very germ of civilization and improvement has to be planted. It is by no manner of means as it is with a community that has learned the value of education when once it has come to taste the heavenly gift and take care of itself. But we are responsible for the missionary effort among these people to give them the inclination to be educated, for they know nothing as to the benefits of education.

I hope that the school at Albuquerque will be enlarged, and that it will be furnished with accommodations not for five hundred but for a thousand children, if necessary. Why not also establish a school at this other point, eighty miles distant, at the political, the educational, the religious center of the Territory? It is a point which for two hundred years at least has been that way, where the white and Indian populations have come generally in contact, for it has been the center of the Territory all these years. Before the white man was known Santa Fé was the point of rendezvous for the Indians in that part of the continent. When others have furnished 50 per cent. of all that is required, when benevolent private individuals have contributed so much, why not give this little paltry contribution of $25,000, which can certainly go there as well as anywhere else on the continent? It will be in the way of nobody. While enlarging the contribution for other schools in other portions $100,000, as the bill came from the House, I do not know why this particular appropriation, which has been hit in the head by some sidelong and I believe malicious movement in some other direction, God knows where this blow came from, I do not see, this little contribution, sanctioned by the House, recommended by the Commissioner of Indian Affairs, recommended by the governor of the Territory, and indorsed by other strong recommendations, is to be stricken out. Everywhere else the committee has increased the appropriations.

The committee talk about the application for the establishment of another school in Montana, and the manager of the bill certainly left the impression on my mind that they had done nothing in response; but what do we find in the bill?

For support of one hundred Indian pupils at the Saint Ignatius mission school, Montana, at $100 each, $10,000.

That is the bill as it comes from the House with reference to Montana, and our committee add an amendment making the number of pupils one hundred and fifty instead of one hundred, and they add to the compensation for the education of those children $50 each, making it cost the Government $150 apiece to educate these children, instead of $100 each as the bill stood, and they increase the total appropriation for the Montana school $12,500, merely for the running expenses of the school already there. That is all right. Montana ought to have more, I doubt not. So I might go through the bill. Here is another increase of $10,000 at one point, $5,000, $4,000, $4,000 again, $25,000 in one place, $15,000 in another, all to aid the cause of education. I see an increase of about $100,000 in the bill as it came from the House.

I hope that the committee adding to its already high reputation as a liberal committee, especially in the direction of education, will not insist upon striking out this little paltry contribution for the establishment of a new and a very important school.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was rejected; there being on a division—ayes 22, noes 25.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, after line 1560, to insert:

For the purpose of erecting a dormitory and such other buildings as may be necessary for the Indian school at Albuquerque, N. Mex., $10,000.

Mr. DAWES. I offer an amendment to the amendment, to add after the word "dollars," at the end of line 1563, the words:

Of which sum $2,200 shall be immediately available.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, after line 1563, to insert:

To enable the Secretary of the Interior to erect buildings for a school for the Indians near Grand Junction, Colo., $15,000, to be paid from any money due the confederated bands of Ute Indians; and in addition thereto he is authorized to use the sum of $8,000 out of any money available for that purpose heretofore appropriated: *Provided*, That before such school shall be established there shall be donated to the Government for the purpose of said school not less than one hundred and sixty acres of land, together with a sufficient amount of water for the cultivation thereof, on which land the said school buildings shall be erected; to be immediately available.

The amendment was agreed to.

The next amendment was, in line 1613, before the word "Indian," to strike out "five hundred;" and in line 1616, after the word "States," to strike out "or Territories;" so as to make the clause read:

For care, support, and education of Indian pupils at industrial, agricultural, mechanical, or other schools, other than those herein provided for, in any of the States of the United States, at a rate not to exceed $167 for each pupil, $83,500. And wherever the word "children" or "child" occurs in that part of the act making appropriations for the Indian service for the fiscal year 1885, approved July 4, 1884, under the heading "Support of schools," it shall be construed to include all Indians of whatever age that may have been or are pupils in any of the institutions therein provided for.

The amendment was agreed to.

The next amendment was, before the word "thousand," in line 1634, to strike out "twenty-five" and insert "twenty-eight;" in the same line, after the word "dollars," to insert "of which amount $3,000 shall be immediately available;" so as to read:

For transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for the labor, $28,000; of which amount $3,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, after the word "available," in line 1635, to strike out "*Provided*, That the Secretary of the Interior be authorized and directed to report to" and insert "The Secretary of the Interior is hereby authorized and directed to report to;" in line 1641, after the word "amount," to insert "if any;" and in line 1642, after the word "money," to insert "alleged to have been;" so as to read:

The Secretary of the Interior is hereby authorized and directed to report to Congress, on or before December 6, 1885, the amount, if any, due the Miami Indians of Indiana and Kansas for money alleged to have been improperly taken from moneys due to said Indians and paid to other Indians, in violation of the treaties of 1854 and 1858, including attorney's fees necessarily paid by said Indians.

The amendment was agreed to.

The next amendment was, to strike out section 8, as follows:

SEC. 8. That whoever shall furnish to any Indian, by barter, sale, gift, or exchange, any gun, rifle, pistol, or ammunition or munitions of war, shall, upon conviction thereof, be fined not less than $100 nor more than $1,000, and be imprisoned not less than six months nor more than two years: *Provided*, That this provision shall not apply to the five civilized tribes of the Indian Territory; and that the Secretary of the Interior may issue such permits to Indians for the purchase of arms and ammunition for sporting purposes as he may deem proper: *And provided further*, That the President of the United States may, in his discretion, disarm such Indians as in his judgment may seem best, to preserve peace and prevent depredations All arms thus taken shall be received by the Secretary of War, who shall report all arms received by him, from what tribe taken, and the just value of said arms; and Congress shall appropriate the requisite funds to pay for all arms taken, and said sum shall be paid to said tribe, and, as near as may be, to the original owners of said arms, or their heirs.

Mr. DAWES. In the matter of the eighth section I wanted to try unanimous consent to improve it a little before the question of striking out is submitted. I ask unanimous consent to go back to that.

The PRESIDENT *pro tempore*. It is section 8 that is now under consideration.

Mr. DAWES. Then I am in order. Pending the question of striking out section 8 I desire to move an amendment of it in the fifth line. I move to strike out the words "less than six months nor," so that it shall read "and be imprisoned not more than two years," striking out the minimum.

Mr. VEST. I should like to inquire of the chairman if he proposes to strike out the whole of it what is the use of amending it?

Mr. DAWES. I can not, of course, tell whether the Senate will strike it out or not, and I thought possibly it would be so improved that the Senate might leave it in.

Mr. VEST. It seems to me if the Senate adheres to its action heretofore on the subject of general legislation in appropriation bills it must rule this out.

Mr. DAWES. I have no doubt about its being independent legislation, and if the Senate adheres to its rule it will go out; but how can

I beforehand say that the Senate will adhere to its rule? I should like to perfect it before the question is put on striking out.

Mr. VEST. I have no objection.

Mr. DAWES. Of course I can not under the ruling do it except by unanimous consent. The purpose is to strike out the minimum of imprisonment. I think there ought to be a maximum, but there ought to be no minimum.

Mr. VEST. That is right.

Mr. DAWES. I think there may be cases where a violation of the provision ought not to be punished absolutely by imprisonment of "not less than six months." The maximum gives any judge of fair discretion an opportunity to punish as he sees fit. If the section is to be stricken out of course there is no occasion to amend it.

There are several sections here, the Senate will observe, that the committee have been compelled to recommend should be stricken out. There are provisions in some of them that are exceedingly useful and wise as legislation, but every one of them needs some amendment; some provisions, most important in my opinion, have crept into them unintentionally which are palpably unconstitutional and will have to come out if the sections remain. If the whole goes out, then we have nothing further to say; but the necessity that the House felt for this led the House, I have no doubt, to do what its own judgment thought was unwise in putting it on an appropriation bill.

Mr. VEST. Before passing to another section I should like to ask the Senator from Massachusetts a question in regard to section 3, which we have already passed. That section provides:

That no purchase of supplies for which appropriations are herein made exceeding in the aggregate $500 in value at any one time shall be made without first giving at least three weeks' public notice by advertisement.

I have not had time to turn to the Revised Statutes, but my recollection is that there is a general provision as to the advertisement that shall be made of these purchases. If there is a provision of the general statutes that covers the sort of advertisement here referred to, why insert this specification?

Mr. DAWES. There is a provision of the statutes, but this is always repeated in an Indian appropriation bill.

Mr. VEST. I noticed it in another appropriation bill which we passed last year. It always seemed to me that it ought to be "advertised as now required by law."

Mr. DAWES. I am inclined to think, though I have not looked at the Revised Statutes, that this is substantially what is required by law; but it comes down in each appropriation bill, and it is thought wise to repeat it so that it shall be before the eyes of every agent.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves to perfect section 8, recommended to be stricken out, by striking therefrom, in line 5, the words "not less than six months." The question is on agreeing to that motion.

Mr. DAWES. Leaving in the "not" and striking out "nor;" so as to read "not more than two years."

The PRESIDENT *pro tempore*. The Senator moves to strike out "less than six months nor." The question is on agreeing to the motion.

The motion was agreed to.

The PRESIDENT *pro tempore*. The question recurs on the amendment of the committee striking out the section.

Mr. DAWES. In the fourth line the language is "not less than one hundred nor more than one thousand." I move to strike out "less than one hundred nor."

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves, in line 4, to strike out "less than one hundred nor."

The motion was agreed to.

Mr. DAWES. After the word "depredations," in line 13, I move to strike out all the remainder of the section and insert in lieu:

All arms thus taken shall be appraised at their value when taken, and the amount thereof paid to each Indian from whom taken, and a sufficient sum for this purpose is hereby appropriated out of any money in the Treasury not otherwise appropriated. Said arms shall be sold and the proceeds covered into the Treasury, and report shall be made to Congress of the proceedings hereunder.

The PRESIDENT *pro tempore*. Under the former ruling of the Chair, approved by the Senate on appeal, the Chair holds that the amendment is not in order.

Mr. DAWES. I ask unanimous consent. I knew it was out of order.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to offer an amendment.

Mr. DAWES. Before unanimous consent is asked, I will state the condition of things that has prompted this legislation. There are Indians, especially the Cheyennes and Arapahoes, who are wild Indians, down in the Indian Territory, about 6,000 of them, who are armed with the very best of arms, better than the United States manufactures, for they have gone into the States and purchased the very best of arms. Each head of a family among them is receiving under what is called a lease of their lands about $14 once in six months, which enables them to purchase all the ammunition they want. They are insubordinate in the extreme. They command the situation. They not only kill their own cattle, but anybody else's, especially those of the contractor, and whenever they want anything of the agent and he is unwilling to comply, as the agent told me in my committee-room—on one occasion one of them demanded of him a beef to be delivered immediately, and not wait for the day of issue, and he declined to do it, and the Indian drew upon him his rifle and repeated the demand. The only way the agent could save his life was to then and there, under the rifle, draw his order for the beef, and the Indian took the order and went away, and the agent sent the Indian police after him to arrest him. By the time the Indian police overtook him he had sufficient friends around him to defy the police, and they withdrew. Thereupon the agent sent to Fort Reno for what force they had, which was about fifty strong, and they followed these men up and by the time they overtook them the friends of this Indian, armed with Winchester rifles, had gathered around him and deliberately and coolly told the soldiers that they did not care to have any trouble with them, but they would advise them to retire to Fort Reno, and discretion led them back to Fort Reno. That is but one instance.

They do as they please. They are armed, and I say it is necessary for the peace of the Indians in that Territory and for the proper management of that reservation that they be disarmed.

Mr. MILLER, of California. I should like to ask the Senator if these Indians are so warlike and troublesome and so much better armed than soldiers of the United States, how are we going to disarm them? How is it going to be done?

Mr. DAWES. There is a difference between the power of the United States in whole and in part. There were but fifty soldiers at Fort Reno, and there are certainly seventy-five or one hundred in the whole Army. I think the United States have power to disarm them, but this provision as it stands proposes to disarm them without making them compensation. The amendment proposes that when an Indian is disarmed the value of his weapon shall be paid him then and there, so that he will understand that we are not to deprive him of his property without paying him for it. There have been many instances where Indians have been disarmed and been promised recompense. At one time up in the Sioux country it was found necessary to take from the Indians their ponies, and in Northern Dakota the ponies of one band of Indians were all taken from them, under a promise that they should be driven to Saint Paul and sold and the proceeds brought back and distributed among the Indians from whom the ponies were taken. But the inclemency of the weather between Dakota and Saint Paul, as well as the laudable desire of white people to improve their stock of ponies, and the failure to sell them out when they got to Saint Paul, led to the result that the Indians never got a penny for their ponies. And these Indians down in the Indian Territory never will get a penny for their rifles unless they are paid for when they are taken away. The object of the amendment is to provide money to those who take the rifles to pay the Indian on the spot. The previous provisions of this independent legislation provide for a severe punishment to any one who shall sell them another rifle. If this is to stay in the bill it ought to be amended in that way. It will not hurt it any to amend it in this way if you strike it out afterward.

The PRESIDENT *pro tempore*. The Senator from Massachusetts asks unanimous consent to amend the section as has been proposed. Is there objection? The Chair hears no objection, and the amendment is received. The question is on the amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Committee on Appropriations, to strike out the section as amended.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, to strike out section 9, as follows:

SEC. 9. That section 2139 of the Revised Statutes of the United States be, and is hereby, amended and re-enacted so as to read as follows:

"SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person who sells, exchanges, gives, barters, or disposes of any spirituous liquors, beer, wine, or any intoxicating beverage to any Indian under the charge of Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000; but it shall be a sufficient defense to any charge of introducing or attempting to introduce spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department; but no part of this section or of section 2140 of the Revised Statutes shall be a bar to the prosecution of any officer, soldier, sutler, or storekeeper, attache, or employé of the Army of the United States who shall barter, donate, or furnish in any manner whatsoever liquors, wines, beer, or any intoxicating beverage whatsoever to any Indian."

Mr. DAWES. I do not know that there is any use of asking unanimous consent to amend that, but in the eleventh and twelfth lines the minimum penalty should be stricken out.

Mr. HARRISON. I hope the Senator from Massachusetts will not ask to have the minimum penalty stricken out. If he thinks it is too severe, let him ask to reduce it; but I think if you intend to correct these abuses by prosecutions on the frontier you want to have some substantial minimum penalty. If you left it without any minimum penalty, the actual penalty would probably be twenty-four hours or $5, or something of that kind.

Mr. DAWES. Of course if the Senator differs with me it will be impossible for me to get the amendment in, and I withdraw it.

Mr. HARRISON. No, sir; I rose simply to suggest a better amendment than the one the Senator from Massachusetts suggested. I am not making an objection.

Mr. MILLER, of California. This section ought not to be stricken out. It ought to stand if we can possibly leave it in under our rules.

Mr. ALLISON. We can not.

Mr. MILLER, of California. We can do it by unanimous consent. It is certainly a very valuable provision of law and ought to stand. The Indian wars and Indian troubles come about by the sale of liquor in the Indian country. This is amendatory of the existing law.

Mr. VEST. The Senator from California will permit me to suggest that the section we have just stricken out is much more important.

Mr. MILLER, of California. I do not think it is.

Mr. VEST. Section 8 as amended, that gives the President the right to disarm Indians when they become dangerous, is one of the most important provisions that could be put in this bill. I suppose, without undertaking to ascertain the motives of any individual Senator, it was stricken out because it was general legislation. There can be no earthly objection to section 8 after the amendments made by the Senator having charge of the bill.

Mr. MILLER, of California. I do not think it was stricken out only on that account.

Mr. VEST. If we are now to adopt section 9, let us reconsider and go back and adopt section 8. I have no objection to either one of them. I think they are both important.

Mr. DAWES. I think they all ought to go out.

Mr. MILLER, of California. I think they all ought to stay in.

Mr. HARRISON. I hope the Senator from Massachusetts will amend it so that if it goes out it will go out in good shape.

Mr. DAWES. I did suppose, until the law was declared otherwise, that if it went out the conference committee would have jurisdiction of the shape of it. If I am mistaken as to that, I should like to get this amendment in.

Mr. BLAIR. If this is not touched, I suppose it may be passed and become a law. Here is one other quite important modification of existing law in this section as it comes to us from the House. It has come to be the case that among the Indians probably more injury is done by the use of the milder forms of intoxicants than by ardent spirits and wine, which are the forms of intoxicating liquors that are now prohibited in the existing law. The object of this section is to prohibit the introduction of ale and other forms of intoxicating liquor which have not been usually understood to be prohibited in the Indian country. That is one very important modification. The other is to fix a minimum punishment, so that the penalty when there is a violation of the law shall amount to something. As Senators have said, this section if it can become a law will be very beneficial legislation. We all know how it is that a civilized race destroys a barbarous or savage race more by intoxicating drinks than by all other forms of destruction combined. I was reading only the other day that from my own section of the country, New England, they are now transporting to the coast of Africa enormous quantities of intoxicating liquors, which are being introduced to the natives in large quantities, and in a single instance one tribe on one occasion, from liquor that went from New England to the coast of Africa, had a general drunken brawl, in which over two hundred of the tribe lost their lives. That is the sort of missionary effort which we under our commercial relations are exerting in Africa.

Mr. COCKRELL. Will the Senator yield to a question?

Mr. BLAIR. Certainly.

Mr. COCKRELL. Did I understand him to say that the good people of New England had been manufacturing distilled spirits and sending them to benighted Africa to the demoralization of the people down there in Africa?

Mr. BLAIR. If I did say so, what of it?

Mr. COCKRELL. I simply wanted to understand what the fact was.

Mr. BLAIR. Did I communicate to the Senator any information?

Mr. COCKRELL. I wanted to know whether the spirits were manufactured in New England and sent down to Africa to demoralize the people there.

Mr. BLAIR. If the Senator will come up to New England he can satisfy himself. I think that he would get all he wanted in that direction as well as in schools, and it may possibly have as great attractions to him there as would any portion of the civilized globe. [Laughter.] I do not know whether I am under obligation to say that this is done by the good people of New England, but I have no doubt that they feel good in consequence of this manufacture frequently, and they pass for as good people as the majority of us. I am not one of those who hold that a man who happens to be engaged in a legalized business in this country is necessarily a wretch because that business, authorized and sanctioned by law, happens to be pernicious in its general effect upon the community.

Mr. VEST. I have no sort of prospective object in view; but I wish to inquire whether the Senator includes Maine within the territory of New England.

Mr. BLAIR. I do not know so much in regard to Maine. I can not say in reference to Maine. I have not been there very much, but I never saw much intoxicating liquor in that State. The prohibitory law, I take this occasion to say for the benefit of my friends on the left and the universe generally, does prohibit in the State of Maine; and in the State of Maine to-day, as compared with what was consumed before the enactment and enforcement of that law, in my belief, based upon careful inquiry, it does not consume per capita one gallon of intoxicating liquor where formerly it did ten.

But to get back to the point with reference to this proposed legislation, I took occasion to simply utter a truism in reminding the Senate that it is by means of alcohol in its various forms, and perhaps specially in its milder forms, that civilized peoples now extirpate those who are inferior to them, and the milder form of intoxicants are destroying more Indians to-day, and destroying more Americans probably too, than those which are properly classed under the term "ardent spirits," by which name the more powerful liquors are recognized. I happened to speak of this illustration drawn from my own section of the country, because I have no disposition to indulge myself in any special glorification over New England. She has her faults, but with all her faults we all love her still. I mentioned this fact, and I have thought seriously of bringing it to the attention of the Senate by a formal resolution to be referred to the Committee on Foreign Relations; for it seems to me that it is a crime against the reputation of our country, it is a crime against civilization, and an audacious insult to the Heaven which has given us the blessings we enjoy in this country more than are enjoyed elsewhere on earth, that we are to-day, while opening amicable relations with the inhabitants of the Congo Valley, looking out prospectively to a profitable communication with 200,000,000 of people who inhabit that dark continent, as it is properly now called—I think it is a great crime that our people are sending the seeds of death there more rapidly than we are those of life and civilization.

I beg pardon for this diversion, Mr. President, and would recall the attention of the Senate to the important modifications of the present law which are contained in this legislation as it comes to us from the House. One is its prohibition of what is getting to be the chief evil—that is, the introduction of beer and the milder forms of intoxicants among the Indians; and the other is a minimum of imprisonment and also of pecuniary penalty, so that when there is a prosecution the law may have that sanction which may make it effectual as against subsequent wrongdoers.

As the present statute is, the fine is required to be not exceeding $300, but it may be 5 cents, and the result is that the fine amounts to nothing. The imprisonment may be not exceeding two years; the result is that the imprisonment comes to nothing, and thus there is no actual penalty whatever against the introduction of intoxicating liquors among the Indians. It is very little use for us to put the million dollars we are appropriating by this very bill into the education and general improvement of the Indians when with the other hand, by our failure to enact efficient legislation and enforce it, we give the devil and his imps a much greater power for evil than we give to the opposing forces for good.

Mr. ALLISON. Mr. President, this debate discloses the fact that probably there should be some additional legislation upon this subject. It also discloses the fact, I think, that it is impossible for us to consider proper legislation in this bill. We have a Judiciary Committee, which can correct the evils spoken of by the Senator from New Hampshire if there be evils in the administration of justice in the Territories.

Mr. HARRISON. Does the Senator understand the question of temperance to be one that is within the purview of the Judiciary Committee?

Mr. ALLISON. I understand the Senator from New Hampshire to state that one defect of the existing law is in its administration, that the courts there do not administer the law in the spirit in which it was enacted, and if so, probably some further provision should be made. The Committee on Indian Affairs probably can also take cognizance of the information furnished us by the Senator from New Hampshire that now recently new modes of introducing intoxicants are adopted. But it is manifestly impossible to consider such a question upon an appropriation bill. We have had these committees in session for nearly two years, and this matter has just suddenly come before the Senate. It seems to me if this law is administered now with reasonable spirit and effect it will be so administered for nine months until new committees shall have an opportunity or the regular committees of the body can have an opportunity at this session to correct these evils. I hope the section will be stricken out.

Mr. MAXEY. Section 9 of this bill appears to be simply an amendment of section 2139 of the Revised Statutes, and is in the direct line of that section of the Revised Statutes, and makes the introduction of spirituous, vinous, or malt liquor into the Indian country more restrictive than by that section. While the use of ardent spirits, wine, and malt liquors among the Caucasian race is an evil, with Indians it is certain destruction. I speak from personal knowledge for twenty-five years. No curse has ever been inflicted on any people on earth greater than the curse of intoxicating drinks upon the Indian race.

The section proposed is plain. It does prevent in any shape, form, or manner the introduction of spirituous liquors, vinous liquors, or malt liquors. It is exclusive in its character, but for wise purposes it reserves to the Secretary of War the right under proper authority to

permit it for certain purposes. That would give him the right to allow it for medical purposes. But it seems to me that no measures could be adopted which would be of greater service to the Indians than such as would absolutely and effectively prohibit the introduction in any shape, form, or manner of any character of intoxicating drinks. For one, therefore, I do not appreciate the reasons for striking out the section.

The Senator from Iowa says it is legislation on an appropriation bill. Well, on that point it is just as manifest as a thing can be that when legislation comes here which the Senate approve, they leave it on the bill. When legislation comes here that they do not approve, we raise the point that it is legislation on an appropriation bill. Now, for one, I assert that the House had a perfect right to send the bill in such mode as they saw proper, and we have the proper right under our Constitution to amend any bill that comes to us; and although I have always opposed legislation on appropriation bills, yet in this matter I am so earnestly in favor of prohibiting in every conceivable shape the introduction of liquors among the Indians that I favor this section, and I know what I am talking about.

Mr. DAWES. Mr. President, that is not any rule which permits us to do what we want to do, and prohibits us from doing what we do not want to do. That is no rule which precludes——

Mr. MAXEY. I did not say that was the rule, but the practice.

Mr. DAWES. That is no rule which makes not in order that which we do not want to have in a bill, and makes that in order which we do like; and therefore the practice which the Senator from California and the Senator from Texas urge upon us is the practice of abolishing rules. We might as well go along with one rule, just as I knew one learned parliamentarian, who was about to publish a book on parliamentary law, say that it was the shortest book that ever was published on that subject; it would have just one sentence in it, and that was, "Never put a fool in the chair; put somebody in the chair who knows his duty, and then he would rule in order just what ought to be in order, and rule out of order just what ought not to be in order." A rule which says that independent legislation which I like is in order and that which I do not like is out of order, is no rule at all.

I want to call the attention of the Senate to a particular part of this very section which the Senate says it will not amend; it will swallow the whole or not at all. If any person "introduces"—beginning at line 9—"or attempts to introduce any spirituous liquor, beer, wine, or any intoxicating beverage into the Indian country, shall be punishable by imprisonment for not less than six months nor more than two years, and by a fine of not less than $50 nor more than $1,000."

If an apothecary carries any alcohol into the Indian country, puts it into bottles by which to make spirits of camphor or to bathe a broken limb, or if an Indian agent or a man lawfully there carries in for his own purpose, for his own use, not for the purpose of giving it away to an Indian or anybody else, any liquor, he is bound to go to the penitentiary.

Mr. MILLER, of California. Not if he gets an order from the War Department.

Mr. DAWES. The soldiers are those who do that.

Mr. MILLER, of California. Anybody can get an order from the War Department.

Mr. DAWES. What has the War Department to do with the administration of Indian affairs in the Indian Territory except so far as a soldier is concerned? Now, to put such a provision as that upon the statute-book is to nullify the whole thing. Insisting upon a minimum in every such case as that, of imprisonment not less than six months, is not the way according to my opinion to promote the cause of temperance.

Mr. MILLER, of California. I think the Senator is mistaken about this being confined to soldiers. There is nothing said about soldiers in this section.

Mr. DAWES. Does the Senator understand that a private citizen sent to the Indian Territory, or going down there on business, would go to the War Department?

Mr. MILLER, of California. I do understand exactly that.

Mr. DAWES. I understand that there is another provision of law to which that refers, that permits officers and soldiers of the Army to obtain from the War Department, when they are sent down there, permission to take spirituous liquors.

Mr. MILLER, of California. Under this section any person can take liquor into the Territory if he gets a permit from the War Department.

Mr. DAWES. The War Department is not authorized by existing law to give to anybody but officers or soldiers a permit, and the object of that reference to the permit is to leave untouched the authority in the existing law in reference to it.

Mr. BLAIR. Will the Senator from Massachusetts allow me to make a statement here? He is under a misapprehension as to the existing law. The section is just like the existing law in the particular that is now being discussed. It only differs in the penalty. The law as it now stands, after making the prohibition of the introduction of ardent spirits and wines, is:

> But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

The existing law with reference to the jurisdiction of the War Department is not changed at all. There are no changes from the existing law except as to different kinds of liquors or intoxicants being included, and as to the extent of the penalty. The minimum is fixed and increased of the pecuniary penalty and the penalty of imprisonment, so that the law will amount to something; and then beer and other malt liquors are prohibited, whereas hitherto they have not been.

Mr. DAWES. If the Senator understands that the War Department undertakes to deal with anybody but officers of the Army and the soldiers down there, he understands it differently from what I do, and if he proposes to extend the jurisdiction of the War Department over civilians by that construction, or if it has that construction, and then any one who fails to get permission of the War Department here in Washington is bound to go to the penitentiary whatever his motive may have been in having liquor in his apothecary's shop or elsewhere, it is not a provision which, in my opinion, ought to stand. When there was no minimum of punishment every man was perfectly safe who did the act innocently. This section undertakes to make a law that punishes those with innocent intentions precisely like those who have guilty purposes; and that is my objection to it.

With a single amendment and in a separate bill this provision would get my vote; but the Committee on Appropriations have felt called upon to apply the same rule to provisions in this bill which met their approbation that they have applied to provisions in the bill that they disapproved of, because that is what they understand is the use of a rule. I hope, therefore, that having stricken out excellent provisions because the rule requires us to do so, we shall not falter when we come to this.

Mr. BLAIR. I do not wish to prolong this debate, but the Senator from Massachusetts, after arguing that this was a severe and an improper provision, that an innocent man must be imprisoned six months and must pay at least $50 fine, and so opposing it upon its merits, sits down with saying that if it were in a separate bill he would vote for it. He falls back upon his old objection that this is new legislation and therefore in order to be consistent with ourselves we should strike it out. I have the existing law before me, and the existing law in the regard that the Senator speaks of, so far as regards the action of the War Department and its jurisdiction, is not changed but is almost precisely what it was before. The only changes are those which I have pointed out.

In reference to the matter of being consistent with ourselves, I tried with a great deal of care to be consistent with myself, and I followed the leaders of the Senate, and I found I was voting both ways by following the leaders of the Senate in this matter, and I made up my mind that while I would not vote in violation of the rule of the Senate to amend by either adding to or striking out new legislation which came from the House, yet when a provision coming from the House of new legislation satisfied my mind that it was good legislation and ought to be adopted, I would vote for it as it came from the House. When the Senate changes its rule so that we can, without violating our own rules and stultifying ourselves, vote for some legislation, I shall be glad to do that, but until then I shall be inclined to support a section like this, which as a whole seems to me to be a good thing. I have heard nobody objecting seriously against the merits of this legislation so far as its being likely to do good is concerned. It is temperance legislation sent to us by the House of Representatives, and I must say that I do not feel complimented, as a member of the Republican party that claims to be the temperance party of this country, by finding this provision so strenuously opposed wholly from our own side of the House.

Mr. DAWES. The Senator is quite mistaken in saying that I would take it just as it is if it were in a separate bill. I think that it should be amended. I think it should be improved. I hope it will be stricken out and go to a committee of conference with the rest of the independent legislation, and then be put in shape.

The PRESIDENT *pro tempore*. The question is on agreeing to the recommendation of the committee that this section be stricken out.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out section 10, as follows:

> SEC. 10. That the President is hereby authorized to open negotiations with the Creeks, Seminoles, and Cherokees for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated; his action hereunder to be reported to Congress.

Mr. PLUMB. I hope that provision will not be stricken out.

Mr. BLAIR. It is new legislation.

Mr. PLUMB. The Senator frem New Hampshire says in an undertone it is new legislation.

Mr. BLAIR. I only meant to ask whether, if it is new legislation, it should be stricken out.

Mr. PLUMB. The Senate can keep it in if it thinks proper. It is perhaps legislation in its present shape, but it is very important legislation, and I think of sufficient importance, in view of the occurrences of the past few weeks which have come to the notice of the Senate as well as the country, to warrant the Senate in making an exception to its rule to strike out all general legislation put on appropriation bills by the House, and retain this.

We have had the spectacle recently presented of the Army of the United States being used for the purpose of expelling people from a tract of land ceded to the United States Government for a particular purpose, according to the view of the Executive, but which tract of land is never to be used, as we all know, for that purpose, whatever that may have been. It is to-day the objective point of many thousands of people who are seeking to make homes on the public domain pursuant to the invitation which has been always extended and universally accepted to the landless people of the United States to seek for themselves homes on the public lands. If something is not done to relieve the situation from the strain as it now exists that operation will have to be repeated; the succeeding President will have to stand by while those lands are settled, because it is not going to be a great while, if it is even so much as a few weeks, when other expeditions to that locality will be undertaken for the purpose of making homes there, and once located there, and that news communicated to the great body of the American people, the number to go will be found to be in the thousands if not the tens of thousands.

Inasmuch as we now know that the Government of the United States will never locate friendly Indians on these lands, and as we know that the purpose, if it ever existed, to locate the freedmen upon them has been abandoned, it is the part of wisdom that we shall do that which remains to be done as a necessary prerequisite to the settlement of these lands; and, as I have had occasion to say before, if we do not do it voluntarily the time will come when we shall be, to some extent, under compulsion to do it. It is not only a thing that is proper to be done in itself, but it is one of those things which ought to be done in time, and there is no reason in the world why this session of Congress should be allowed to go by without at least a preliminary step being taken looking to the opening of these lands to settlement.

While I do not care to enlarge upon this subject, I appeal to the Senate to take notice of the condition of things now existing, and to consent that this much at least may be done. I think far more ought to be done. I think it is in the power of Congress, and not only in its power but the exercise of the power would be wise, to open the lands without any convention with the Indians, and if they are damaged thereby we can pay them just as we pay other persons whose property we take if they have any property rights in the land at all. But if we are not to do that, as now seems probable, certainly we ought to do this thing and do it in this way, because in this way apparently lies the only hope of anything being done.

I think this constitutes an emergency, such a one as would appeal to the fairness, justice, and propriety of every Senator that this provision should remain in the bill, in order that the President of the United States may undertake such negotiations as that what appears now to be a burden on these lands, hindering their occupancy, something which must be removed before they can be subject to settlement, shall be attended to at least before another assembling of Congress, in order that legislation may then be adopted without any controversy whatever with the Indians.

As I said before, I think myself this preliminary step is not necessary, but the judgment of the Senate has apparently been otherwise expressed. It is the judgment of the present President of the United States, whatever may be that of his successor, that legislation is necessary, and the least that Congress can do is to inaugurate measures to remove this burden of Indian title, whatever it may be, in order that the appropriate legislation may go forward to have these lands settled.

Mr. BECK. In obedience to the rule of the Senate I have, as a member of the Committee on Appropriations, voted on all the bills up to this time to strike out all new legislation, because we were unable to amend it if it was not satisfactory, and because it is not only my own judgment but I think the wish of the Senate that appropriation bills should be divested of legislation as much as possible. I have been voting in the Senate with the committee to keep it out; first voting in the committee to strike it out because I regarded that as our instruction, and then in the Senate to keep it out. Can we insert this now after striking out section 8, which, as amended, I think, is absolutely right, and ought to be inserted in the laws, and perhaps section 9 may not have any objectionable features in it; and this may have some features that we should like to see amended; but if we now insert this after striking out the others our conferees are met at once with the statement, "You are not objecting to legislation; you are only objecting to what you do not like, and you are inserting what you please." And when in addition to that argument the House conferees show us that the legislation we have stricken out is equally as good as that we have inserted, I see no ground on which the Senate conferees can stand or on which the Senate can stand, and in the closing days of a short session it seems to me if we expect to get our bills through at all we must divest them even of good legislation and take the chance for it hereafter.

I hope the committee having charge of these matters, the Committee on Indian Affairs, of which the Senator from Massachusetts is chairman, may at the long session next year have time to put many of these things in order, and doubtless they will if they can.

Mr. DAWES. I have advocated this very measure as an independent measure within a few weeks, so that my own position in reference to it is perfectly understood. I have been called upon by the rule of the Senate, and by the judgment of the Committee on Appropriations, in which I acquiesced, to advocate the striking out from this bill of more measures which independently met my approval than those I disapproved, but I have stood by the committee for the reason that I think it wise in the end that the good should go out as well as the bad. This proposition, if it were in an independent bill, it seems to me, would be wise, but I think that the President can do all this himself without any legislation, if when he comes to look the ground all over and assume the responsibilities of his position, he shall deem it wise, unembarrassed by legislation and subject only to his own conviction of duty. I see nothing in the way of his doing what is required here.

I have further to say that the Committee on Indian Affairs has been already instructed by the Senate, and is now in the execution of the duty imposed upon it, of investigating this very matter. They have gone so far, it may not be improper for me to say, to satisfy themselves that they ought to ask the Senate to permit them to devote some time in the vacation to the examination of all these matters in the Indian Territory, which I hope at some early day to ask the Senate to authorize that committee to do. I think, therefore, for very many reasons, as well as the fact that it is independent legislation, it ought to go out.

Mr. VEST. I am very reluctant to come to the conclusion that the Senate proposes to place itself in the position of sacrificing any measure of legislation, no matter what may be the emergency or what the necessity for its enactment, at the altar of a rule that no new legislation or general legislation shall be placed upon an appropriation bill. I do not believe the Senate intends to announce any such principle. I do not think that the Senator can get his own logical assent to any such proposition. There may be emergencies in which every rule of the Senate must give way. There may be necessities in which rules would be like withes of straw. What are these rules for? They are to facilitate the transaction of public business, but they are mere instrumentalities, they are mere helps. We are here to enact laws for the welfare of the people of the United States. And to say that this procrustean rule that no new legislation shall go upon any general appropriation bill shall stand here without exception is, with due deference to my distinguished colleagues, a monstrosity. I accede to no such proposition.

Mr. President, it does not affect the logical status of this question for me to express an opinion about this rule or its construction. For myself, I do not agree to the construction that has been put on this rule, or to the rule as construed, to speak more properly. I believe that legislation germane to the subject-matter of an appropriation bill should be admitted; if not germane, it should be excluded, and that, I believe, is the legitimate and fair construction of the rule adopted.

The Senator from Massachusetts has given to me the very best reason in the world why this section should not be stricken out of this bill. The Senator tells us that this very question is now under consideration by the Committee on Indian Affairs and that they propose to investigate it during the coming summer. Why, sir, the emergency will be upon us in the coming month of March. It is no secret, it is openly advertised in Missouri and Kansas and all the States adjoining the Indian Territory, that a raid is now being organized much more formidable than any that has ever heretofore existed, to go into this territory on the 4th of March, and this man Couch to-day has handbills stuck all over the Western States calling for volunteers. And I suppose the Senator from Kansas can substantiate what I say now: not a mail comes to me or my colleague that is not loaded down with letters inquiring, "When can we go into Oklahoma? When can we get a homestead?" And the other day I received a two-dollar bill from a gentleman who said that he wanted me to take that $2 and institute proceedings to give him a homestead in Oklahoma. He was a new-comer in Missouri, a foreigner, and was not an old citizen.

It is not a very comfortable or agreeable aspect of this matter that United States troops shall come in conflict with citizens of the United States anywhere under the dominion of our flag. The last raid that was made upon the territory came to an end, not by force, but from starvation. General Hatch was enabled to throw a cordon of troops around the men under the leadership of Couch, and cut off their provisions and drive them out of the territory in that sort of fashion; but just as certainly as they had been furnished with supplies, as they were thoroughly armed and equipped otherwise, they would have resisted the troops of the United States, and we should have had upon us the terrible spectacle of the forces of the regular Army in armed conflict with citizens for the possession of that territory.

Let us make no mistake about this matter. I am no alarmist. My State is no more interested in this question than other adjoining States; but do not let us make a mistake about it. The men who are going into that territory are the men of the West, used to arms, used to soldiers, unappalled by soldiers in uniform, and they believe they are right, and they believe that a court of the United States has decided that they are right. The letters that come to me are all filled with one burden: Why is it that a rich man can go into that territory and take up millions of acres of the public domain without the consent and approval of the Government, and a poor man can not go there and obtain a home for himself and his family? No Senator here will underrate the position; no Senator will fail to understand the danger when this

thing is put before ignorant men in a fashion which they can not resist and which they choose to believe; and just as certainly as Congress does not touch this question and leaves it where it is now, there will be a conflict between the United States troops and these people in the coming spring. When they go there next they will go prepared to stay, and they will carry food for themselves and their horses.

Mr. DAWES. I should like to ask my friend if he thinks they will stop the moment they read this paragraph?

Mr. VEST. I believe in now doing all we can to stop them. I believe if the Congress of the United States would now adopt this provision as it comes from the House it would go very far to disabusing the opinion of these people that a Democratic administration intends to sustain them. This man Couch is now proclaiming that as soon as Cleveland is inaugurated the troops will not be permitted to resist them. I believe that is false. I am prepared as a Democrat myself to sustain Mr. Cleveland in the course pursued by the present administration, which was in strict consonance with the law, and I have written to these people that if they went there they went in violation of the law; that they were trespassers and lawbreakers. But the men who are now organizing this expedition, and who are determined to seize that territory at all hazards, are using the alleged fact that Mr. Cleveland will support and sustain them if they go in there with arms in their hands and take possession of this soil in defiance of law.

Now, let Congress pass this law, and it says to these people, "You need not expect support from the Government unless you do abide by the law." Let them see that Congress is doing all in its power to remove this Indian title, and I solemnly declare here to-day, Mr. President, whatever may be the subsequent history of this whole business, that now in this provision which is proposed to be stricken out under this procrustean rule in regard to general legislation is the whole avenue to peace and honor on the part of the United States, both to its own people and to the Indians within that territory.

Mr. BECK. Mr. President, there has been a struggle for a long time, and it will continue to grow, against the Committee on Appropriations of this body having control of this class of measures. The District of Columbia Committee came very near taking charge of the District of Columbia appropriation bill some time ago. I suppose the Committee on Indian Affairs, the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Post-Offices and Post-Roads, and every other committee will at once and with great propriety contend, if legislation is to be encouraged as suggested by the Senator from Missouri pertinent to any subject in an appropriation bill, that those are matters which they are especially intrusted with, and therefore the respective appropriation bills ought to go to the various committees on their subjects-matter, so that not only the proper amounts to carry on the Departments under the existing law shall be considered, but the modifications of that law passed upon by those committees. Then those committees, of course, would be selected in this wise: The Secretary of the Navy would select his friends to represent him on the Naval Committee; the Secretary of War would select his friends to represent him on the Military Committee, and the Postmaster-General his friends to represent him on the Post-Office Committee. Whenever you bring new legislation into appropriation bills and the Appropriations Committee is dissolved, as it will be by the clamor of the other committees to pass upon that character of legislation, and the special friends of each Department are put on those committees, the expenditures of this Government will not be as economical as they are now.

If the changes are needed as badly as the Senator from Missouri suggests they are, I suppose there are members of the Committee on Indian Affairs—and the Senator from Missouri himself, I believe, is a member of it—who ought to introduce bills and have them passed by both Houses so as to relieve us of the difficulty.

Mr. VEST. The Senator will permit me to say with all deference to him that that is exactly the proposition I have made. I offered a resolution incorporating the very provision that is in this section and it was resisted in the Senate, and according to the usual custom of this body sent to the Committee on Indian Affairs; and now the chairman of the Committee on Indian Affairs here in the Senate says that that committee proposes to do nothing with it this session, but to examine it during the coming vacation. There is no earthly chance of any legislation on this subject except in this bill, and that is the reason I say it ought not to be struck out in deference to this procrustean rule as to new legislation.

Mr. BECK. The rules of the Senate forbid legislation on appropriation bills. Whether they are proper rules or not they were agreed to by us all, and so long as they are the rules we are obliged to maintain them; and if we break them down, as I said a while ago, on points where we may see something that we want to insert badly, we have no chance to resist the House in inserting what it wants that we oppose. I do not know, I have no means of knowing, how urgent this Oklahoma matter is. The Committee on Indian Affairs, the gentlemen who have been consulted, perhaps have the means of knowing, but the Committee on Appropriations had not. We are not constituted in such a way that we can have the information necessary to enable us to tell all about such things, and that shows the impropriety of having such matters on a bill making appropriations to carry on the Indian service for the next fiscal year, for that is all this bill is for.

This section is not to carry on the Indian service for the next fiscal year. It is to take possession of an organized territory by the United States for the benefit of the people of the United States outside of the Indians altogether, and outside of any provision connected with the Indians or their support for the next fiscal year. If men from Missouri or Kansas or Kentucky or anywhere else band themselves together and undertake to violate the law, I hope the incoming Executive, as the present one will doubtless do, as Commander-in-Chief of the Army of the United States, will find force enough to have the law obeyed. I hope there will be good sense enough to sustain any administration in maintaining the law that Congress sees fit to make.

I have no doubt there are bold men, no doubt there are bad men, who will organize again to violate the law. They might just as well take the land of the Cherokees, the Choctaws, and the Creeks, and say those Indians are in the way of civilization, as to go and take this territory of Oklahoma by violence. They might as well seize any other property of the United States or drive off any Indian tribe that was in their way and say they were a law unto themselves, as to undertake to take this land now. I do not believe that any respectable body of men are going to organize themselves for any such purpose if we give them to understand that the laws must be obeyed. I have no trouble on that point, but I have great trouble whenever we break down this rule of having any fair consideration of matters of appropriation.

Mr. CALL. I wish simply to say that, as a member of the Committee on Appropriations, I do not base my action upon the ground of abiding by the rule of the Senate. I believe that general legislation coming from the House is at times a necessity, and I shall have no hesitation whatever in voting to stand by and approve that legislation; but it is impossible for us to have a practical understanding of this measure without a prolonged discussion of it, and as in the Committee on Appropriations, for myself speaking, it was impossible to decide upon a measure of this great importance without a degree of consideration which it was impossible to give it, I voted to strike out the section. It is impossible now to give this subject the mature consideration which it requires in order to give it in the shape of a law to the country, and for that reason I shall vote for the striking out of the section.

The PRESIDING OFFICER (Mr. HOAR in the chair). The question is on the amendment of the Committee on Appropriations to strike out the section.

The question being put a division was called for, and the ayes were 24.

Mr. PLUMB and Mr. VEST called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER], or I should vote "nay."

The roll was concluded and the result announced—yeas 35, nays 20; as follows:

YEAS—35.

Allison,	Dawes,	Hawley,	Mitchell,
Beck,	Dolph,	Hoar,	Morgan,
Blair,	Edmunds,	Ingalls,	Pendleton,
Brown,	Frye,	Jones of Nevada,	Pike,
Butler,	Garland,	Lapham,	Platt,
Call,	Groome,	McMillan,	Ransom,
Camden,	Hale,	Mahone,	Saulsbury,
Cameron of Wis.,	Hampton,	Maxey,	Wilson.
Conger,	Harrison,	Miller of N. Y.,	

NAYS—20.

Cockrell,	Hill,	Mandërson,	Sewell,
Coke,	Jackson,	Miller of Cal.,	Slater,
Colquitt,	Jonas,	Palmer,	Vance,
George,	Lamar,	Plumb,	Van Wyck,
Gibson,	McPherson,	Sawyer,	Vest.

ABSENT—21.

Aldrich,	Fair,	Logan,	Voorhees,
Bayard,	Farley,	Morrill,	Walker,
Bowen	Gorman,	Pugh,	Williams.
Cameron of Pa.,	Harris,	Riddleberger,	
Chace,	Jones of Florida,	Sabin,	
Cullom,	Kenna,	Sherman,	

So the amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was to strike out section 11, as follows:

SEC. 11. That immediately upon and after the date of the passage of this act all Indians within the provisions of this act committing against the person or property of another Indian or other person any of the following crimes, namely, murder, manslaughter, rape, assault with intent to kill, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases; and all such Indians committing any of the above crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and either within or without an Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *And provided further*, That from and after the passage of this act any Indian or Indians may hereafter prosecute in any court any civil action at law or equity in like manner as others are permitted to do; and in all actions in said courts Indians shall not be rejected as witnesses on account of their race or nation: *Provided further*, This act shall not be so construed as to confer jurisdiction upon either the State or Federal courts to execute the laws of any of the

five civilized tribes in the Indian country: *Provided further*, That the district court of the United States for the western district of Arkansas shall have civil jurisdiction over the five civilized tribes and white people of the Indian Territory in cases of debt on contract or torts committed upon the personal property of any person either in or out of said Indian Territory.

The amendment was agreed to.

Mr. MANDERSON. I offer an amendment to the bill to come at the end of line 1106:

That the sum of $5,450, or so much thereof as may be necessary, be, and the same hereby is, set apart, out of any money in the Treasury to the credit of the Winnebago tribe of Indians, out of which the Secretary of the Interior is authorized and directed to cause to be paid to such individual members of the Omaha tribe of Indians, or their heirs, as shall submit proof to his satisfaction, the sum of $30 per head for each and every horse stolen from said individual members of said Omaha tribe of Indians by said Winnebago tribe of Indians, or individual members thereof, since the year 1871, unless the said depredations shall have in some way been settled or compromised by and between the said tribes or the said horses returned to the parties from whom they were stolen; and to Edward Farley the sum of $260 for expenses and services rendered in the recovery of ponies stolen by said Winnebagoes from the Omahas, and by them sold to white persons; such payment being in accord with the recommendation of the Secretary of the Interior, transmitted by the President January 25, 1885, Senate Executive Document No. 46.

Mr. DAWES. I object to that as out of order.

Mr. MANDERSON. I would say to the Senator that——

The PRESIDING OFFICER. The Senator from Massachusetts raises the question of order, as the Chair understands. Will the Senator state his question of order?

Mr. MANDERSON. I would say to the Senator from Massachusetts, "Strike, but hear."

The PRESIDING OFFICER. Does the Senator from Massachusetts reserve his question of order?

Mr. MANDERSON. This amendment is presented by me at the request of the Omaha band of Indians, who by this means ask justice at the hands of the Committee on Indian Affairs and the Appropriation Committee of the Senate.

I have been in hopes, as I have watched the debate on this bill, that while it might be that a white man had no rights which this rule of the Senate is bound to respect, perhaps an Indian had. This theft of horses by the Winnebago tribe of Indians from the Omahas was of such a character that it startled even the Interior Department and caused it to adopt action. It recommends this legislation. Legislation is asked by the Omaha band of Indians. I understand that it meets the approval of the Committee on Indian Affairs, and I ask that for this righteous result the rule may be stretched sufficiently to do good to the Indians of the country.

Mr. DAWES. I renew the point of order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is not in order.

Mr. PLUMB. I now move to insert what I send to the Secretary's desk, to be added to what I find in line 4 of section 10, down to and including the word "sixty-six," in line 8, as stricken out of the bill.

The CHIEF CLERK. It is proposed to insert as a new section:

SEC. —. For the purpose of enabling the President to make certain negotiations with the Creek, Seminole, and Cherokee Indians, $5,000; and the President may in pursuance of this appropriation negotiate for the complete cession to the United States for the purposes of settlement of lands not needed by said tribes, and especially including lands ceded by them respectively to the United States by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866, his action hereunder to be reported to Congress.

Mr. DAWES. I raise the point of order on that.

The PRESIDING OFFICER. The Senator from Massachusetts objects that the amendment is not in order.

Mr. PLUMB. Will the Senator from Massachusetts please state what his point of order is?

Mr. DAWES. The point of order is that the amendment is not in order. It is not in order because it is independent legislation, and it is not in order because it does not come from a regular committee.

Mr. PLUMB. I think it is not legislation under the ruling of the Chair as heretofore pronounced. This is an appropriation of money to authorize the President to do a particular thing, and it is not general, because it expires with the term for which the appropriations are made by the bill. I do not think it is responsible to the point of order. It is possible the Senate may vote it down as before on its merits, but at the same time it is, I think, a provision that ought to go on the bill, and believing it not to be obnoxious to the point of order I have no hesitation in moving it.

The PRESIDING OFFICER. The Chair is of opinion that the amendment proposes to give to the Executive a new authority by law, and therefore it is general legislation and is not in order.

Mr. BECK. I had an amendment suggested to the Senator who has charge of the bill, to come in after line 483, relative to a commission to the Crow reservation, but I suppose it would be subject to the same point of order as the one just made. The amendment was handed to me by the Delegate from Montana. It is to come in as a proviso after line 483, and is as follows:

Provided, That three Senators and three members-elect of the House of Representatives, who shall be selected by the President of the Senate and the Speaker of the House of Representatives, respectively, shall constitute a commission to visit the reservation of the Crow Indians, who shall confer with said tribe in regard to the sale of such portion of their reservation as may be unnecessary for the use of the tribe, and who shall inquire into other matters relating to the Indians, and such commission shall submit any agreement or proposition, together with their recommendations, to the next session of Congress.

Mr. DAWES. I shall be obliged to raise the point of order, but I will state to the Senator what I stated to the Delegate from Montana, and which seemed to meet his acquiescence, that that matter is now, by vote of the Senate, charged upon the Committee on Indian Affairs, and they are in the process of investigating that very question, and they propose in a few days to ask the Senate to permit them to continue that investigation during the vacation.

Mr. BECK. That is all that the Delegate from Montana desires, but I understood the Senator from Massachusetts to say that he wished to act on it hereafter. I did not know it was now going on.

Mr. DAWES. I propose to ask authority for the Committee on Indian Affairs to continue the investigation they are now making. It would be desirable if it could be a joint committee; and if the other branch should be induced to appoint a subcommittee of the Committee on Indian Affairs to join, I think it would be a great benefit.

Mr. BECK. Perhaps the amendment had better be withdrawn.

The PRESIDING OFFICER. The Senator from Kentucky withdraws the amendment.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. MILLER, of California. I desire to reserve for a separate vote the amendment on page 40, of which I gave notice on Saturday.

The PRESIDING OFFICER. That amendment will be separately voted on. Will the Senate concur in the amendments adopted as in Committee of the Whole, with the exception of the amendment reserved?

The amendments were concurred in.

The PRESIDING OFFICER. The Secretary will report the amendment on which a separate vote is to be taken.

The SECRETARY. After line 957 the Senate as in Committee of the Whole struck out the following clause:

For the payment by the Secretary of the Interior to J. M. Hogan, of Stockton, Cal., the sum of $6,600, out of the funds herein appropriated for the Shoshone Indians; the same being a claim for damages caused by depredations of said Indians, and examined and approved, allowed and reported to Congress by the Department of the Interior, $6,600.

Mr. MILLER, of California. I wish to make a brief statement about the amendment. This is a claim which arose for depredations committed in 1861 by Shoshones. It has been adjudicated and found that there is this amount due. The party was wounded at the time. He has been a cripple ever since. He is a poor man, and he ought to have his money. I desire to call attention to the amendment because it presents a very interesting and peculiar case.

I suppose that after all the other items have been voted out this will be voted out also; but I wish to emphasize the fact that it is the duty of Congress to devise some measure by which these numerous claims for Indian depredations may be settled and adjusted and those which are found to be just and proper may be paid. I should be glad if the Senate would vote against the recommendation of the committee, and I ask them to do so in this case, as it forms an exception to all the other cases in the bill.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole striking out the clause which has been read.

The amendment was concurred in.

Mr. MANDERSON. I understand that the Senate has concurred in the amendment adopted by the Committee of the Whole. When the Senate was in Committee of the Whole it was understood that there should be a yea-and-nay vote taken in the Senate upon the amendments proposed by the committee on pages 27 and 29 striking out certain words.

The PRESIDING OFFICER. There was no such request made when the question was put on concurring in the amendments, but if there be no objection the Chair will now submit those amendments separately to the Senate.

Mr. ALLISON and others. No objection.

The PRESIDING OFFICER. There being no objection, those amendments will be treated as having been reserved. Does the Senator from Nebraska desire a separate vote on each or does he desire that they shall be treated as one question?

Mr. MANDERSON. Both may as well be taken as one question. They present the same question substantially.

The PRESIDING OFFICER. If there be no objection the question will be stated on striking out the two paragraphs mentioned, on which the Senator from Nebraska asks for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will read the amendment.

The SECRETARY. After line 637 the Senate, as in Committee of the Whole, struck out the following paragraph:

Provided, That the Secretary of the Interior may, in his discretion, and with the consent of the Indians, extend the time of payment for land as fixed by section 2 of said act so that one-third of the purchase-money shall become due and payable in two years from the date when the land shall be or has been thrown open to settlement, together with one year's interest on the amount of the first

installment, to be paid when entry is made; and the second installment of one-third shall become due and payable in one year, and the remaining one-third in two years from date of first payment, with interest as provided in said act; and in case of default in either of said payments, or the interest thereon, the person thus defaulting for a period of sixty days shall forfeit absolutely his right to the tract which he has purchased, and any payment or payments he may have made: *Provided further*, That also, with the consent of the Indians, the Secretary of the Interior is hereby authorized to cause to be appraised and sold to the highest bidder, under such regulations and upon such terms as to payment as he may deem to be most advantageous to the said Indians, that part or parcel of said reservation described as follows: All that portion of the northeast quarter of the northeast quarter of section 27 and the west half of the northwest quarter of section 26, in township 25, range 6 east, lying east of the Sioux City and Nebraska Railroad, containing about fifty acres, more or less, conditioned, however, that the purchaser thereof shall erect, operate, and maintain a flouring-mill thereon.

After line 685 the Senate, as in Committee of the Whole, struck out the following paragraph:

The Secretary of the Interior is hereby authorized to make such extension of time for the payment of the purchase-money under the sale made under an act entitled "An act to provide for the sale of the remainder of the reservation of the confederated Otoe and Missouria tribes of Indians, in the States of Nebraska and Kansas, and for other purposes," as he may deem advantageous to said Indians and settlers: *Provided*, That the interest shall be paid at the rate as now provided by said act; but the time for the payment of the whole of said purchase-money shall not be extended more than two years from the time the said purchase-money became due according to the original terms of sale under said act.

Mr. MANDERSON. I merely desire to say that the extension of the time of payment for the lands of the Omaha and Otoe Indians in Nebraska provided for in these two paragraphs of the bill is a simple act of justice. It is recommended by the Commissioner of Indian Affairs and by the Secretary of the Interior, and it has met with the approval of both the Committees on Indian Affairs of the Senate and the House, and it seems the clauses should be retained in the bill.

Mr. DAWES. Why should they be retained in the bill any more than the rest of the independent legislation?

The PRESIDING OFFICER. The Secretary will call the roll on concurring in the amendments made as in Committee of the Whole striking out the paragraphs which have been read.

The Secretary called the roll.

Mr. CAMDEN. I desire to announce the pair of my colleague [Mr. KENNA], who is detained from the Senate on account of illness, with the Senator from Minnesota [Mr. SABIN].

The result was announced—yeas 45, nays 6; as follows:

YEAS—45.

Allison,	Edmunds,	Jonas,	Platt,
Beck,	Frye,	Lamar,	Ransom,
Blair,	Garland,	Lapham,	Saulsbury
Brown,	Gibson,	McMillan,	Sawyer,
Butler,	Groome,	McPherson,	Sewell,
Call,	Hale,	Maxey,	Slater,
Camden,	Hampton,	Mitchell,	Vance,
Cameron of Wis.,	Harrison,	Morgan,	Williams,
Cockrell,	Hawley,	Morrill,	Wilson.
Colquitt,	Hoar,	Palmer,	
Dawes,	Ingalls,	Pendleton,	
Dolph,	Jackson,	Pike,	

NAYS—6.

Coke,	Miller of Cal.,	Van Wyck,	Vest.
Manderson,	Miller of N. Y.,		

ABSENT—25.

Aldrich,	Fair,	Jones of Nevada,	Sabin,
Bayard,	Farley,	Kenna,	Sherman,
Bowen,	George,	Logan,	Voorhees,
Cameron of Pa.,	Gorman,	Mahone,	Walker.
Chace,	Harris,	Plumb,	
Conger,	Hill,	Pugh,	
Cullom,	Jones of Florida,	Riddleberger,	

So the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

HOUSE BILLS REFERRED.

Mr. BLAIR and Mr. HALE addressed the Chair.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate two bills from the House of Representatives for reference.

The bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred——

Mr. MCMILLAN. To the Committee on Commerce.

Mr. ALLISON. To the Committee on Finance.

The PRESIDENT *pro tempore*. The Chair is not quite sure.

Mr. MCMILLAN. I think that subject has been in charge of the Committee on Commerce. The original act was reported from that committee, and it has had charge of all the bills proposing to amend that act.

Mr. HOAR. I should like to know whether the Committee on Commerce will not have all its time taken up during the remainder of the session by the river and harbor bill.

Mr. ALLISON. I will state that usually such bills have gone to the Committee on Finance. This is a bill relating to bonded goods.

Mr. MCMILLAN. The Committee on Commerce reported what is now the original act on the subject.

Mr. MORRILL. I wish to say that bills in relation to bonded goods have invariably gone to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion of the Senator from Minnesota [Mr. MCMILLAN] that the bill be referred to the Committee on Commerce.

The motion was agreed to.

FOREIGN-LABOR CONTRACTS.

Mr. BLAIR. Regular order.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the business that was informally laid aside, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia. The bill is before the Senate as in Committee of the Whole, and the pending question is on agreeing to the motion to strike out sections 3 and 4, which motion has been divided, so that the first part of the motion will be on striking out section 3.

Mr. HALE. I ask that the bill be laid aside informally so that the Senate may take up the agricultural appropriation bill. That bill will take but a short time.

Mr. PLUMB. I think the Senator from Maine had better let the agricultural appropriation bill go over until to-morrow. There will be some remarks made on it which will possibly extend its consideration beyond the period that the Senate will care to stay here to-day.

Mr. HALE. Does the Senator from Kansas, who is a member of the subcommittee on the bill, desire that the bill should go over until to-morrow? If so, I shall not ask for its consideration to-day.

Mr. PLUMB. I do not specially desire it for my own convenience, but I think it would be more to the convenience of members of the Senate, who will not care to stay here more than three-quarters of an hour or an hour longer to-day.

Mr. HALE. I withdraw my request.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. The Senator from Massachusetts moves——

Mr. SAWYER. I ask the Senator from Massachusetts to allow me to make a report from the Committee on Post-Offices and Post-Roads.

Mr. HOAR. With the leave of the Chair I will withdraw the motion in order that my friend from Wisconsin may make a report from the Committee on Post-Offices and Post-Roads.

The PRESIDENT *pro tempore*. The motion is withdrawn.

Mr. SAWYER. I am instructed by the Committee on Post-Offices and Post-Roads, to whom was referred the amendment intended to be proposed to the Post-Office appropriation bill, submitted by the Senator from Maine [Mr. FRYE] on the 14th instant, providing an appropriation for transporting the mails of the United States for the next fiscal year between any of the ports of the United States and any foreign port, or between the ports of the Atlantic and ports of the Pacific through any foreign territory, &c., to report it favorably, and I move that the committee be discharged from its further consideration and that it be referred to the Committee on Appropriations.

Mr. SAULSBURY. As a member of the Committee on Post-Offices and Post-Roads I desire to state that the report does not meet my concurrence.

The PRESIDENT *pro tempore*. The committee will be discharged, and the amendment will be referred to the Committee on Appropriations and printed, if there be no objection.

Mr. MCPHERSON, from the Committee on Naval Affairs, reported an amendment intended to be proposed to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO BILLS.

Mr. DOLPH submitted an amendment intended to be proposed by him to the bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. MORGAN submitted an amendment intended to be proposed by him to the bill (H. R. 4976) for the retirement and recoinage of the trade-dollar; which was ordered to lie on the table and be printed.

ORDER OF BUSINESS.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. VAN WYCK. Will the Senator from Massachusetts withhold that motion for a few moments, in order that I may ask unanimous consent that the Senate shall pass a bill seeking to accomplish a matter which the House endeavored to accomplish by a clause in the Indian appropriation bill, and which was stricken out here? It is only a question that will take no longer than the reading of the bill. It comes unanimously from the Committee on Indian Affairs.

Mr. HOAR. I will allow the bill to be read for information, and then, if there be unanimous consent for the passage of the bill, I shall yield for that purpose.

The PRESIDENT *pro tempore*. The Senator from Massachusetts withdraws the motion, and the Senator from Nebraska asks unanimous consent to introduce at this time a bill. Is there objection?

Mr. BLAIR. I object. The bill is to be introduced for discussion and action, and I object to anything that will tend to displace the regular order.

Mr. HOAR. I rise to a parliamentary question. I understood the Senator from Nebraska to ask unanimous consent for the passage of a bill on the Calendar.

The PRESIDENT *pro tempore*. The Chair did not so understand it. The Senator from Nebraska asks unanimous consent to introduce a bill for present consideration.

Mr. DAWES. There is such a bill before the Committee on Indian Affairs. I suggest to the Senator from Nebraska to move to discharge the committee and put that bill on its passage.

Mr. BLAIR. I object. I call for the regular order.

The PRESIDENT *pro tempore*. Objection is made.

CREDENTIALS.

Mr. HOAR. I renew my motion to proceed to the consideration of executive business.

Mr. BOWEN. I rise to a question of privilege. I wish to present the credentials of H. M. Teller, Senator-elect from the State of Colorado.

The PRESIDENT *pro tempore*. That is a question which the Senator from Colorado has a right to present.

Mr. BOWEN presented the credentials of Henry M. Teller, chosen by the Legislature of Colorado a Senator from that State for the term beginning March 4, 1885; which were read, and ordered to be filed.

EXECUTIVE SESSION.

Mr. HOAR. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-three minutes spent in executive session the doors were reopened, and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *February* 16, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of the proceedings of the legislative day of Friday last was read and approved.

REPORT OF THE NATIONAL ACADEMY OF SCIENCES.

The SPEAKER *pro tempore* laid before the House the following concurrent resolution from the Senate; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the report of the National Academy of Sciences for 1884, with its appendices, be printed in the usual octavo form, but that the eight accompanying memoirs be printed in quarto form, and that 4,500 additional copies of the report and memoirs be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 1,500 copies for the use of the National Academy of Sciences.

COMMISSIONS OF ASSISTANT ARMY SURGEONS.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting petitions of assistant surgeons of the Army for legislation relative to issuance of commissions bearing their military rank; which was referred to the Committee on Military Affairs, and ordered to be printed.

WATER-POWER POOL, ROCK ISLAND, ILLS.

The SPEAKER *pro tempore*, by unanimous consent, also laid before the House a letter from the Secretary of War, transmitting a communication from Col. D. W. Flagler, Ordnance Corps, recommending a reappropriation of unexpended balance for completion of water-power pool at Rock Island arsenal, Illinois; which was referred to the Committee on Appropriations, and ordered to be printed.

CATTLE TRAFFIC.

Mr. REAGAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Commerce:

Resolved, That the Secretary of the Treasury be requested to transmit to this House such information as he may be able to communicate at an early day in regard to the range and ranch cattle traffic of the Western, Northwestern, and Southwestern States and Territories, with special reference to the bearing of that traffic upon the internal and foreign commerce of the United States.

ARMY APPROPRIATION BILL.

Mr. FORNEY. The Committee on Appropriations, to whom was referred with amendments of the Senate the bill (H. R. 8120) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, have directed me to report back the same and to move that the House non-concur in the amendments of the Senate and ask a conference with that body.

The motion was agreed to; and the SPEAKER *pro tempore* announced the appointment of Mr. FORNEY, Mr. TOWNSHEND, and Mr. KEIFER as conferees on the part of the House.

YELLOWSTONE PARK.

Mr. HILL. I rise to a privileged question. I move that the House insist on its amendments to the bill (S. 221) to amend sections 2474 and 2475 of the Revised Statutes of the United States setting apart a certain tract of land lying near the headwaters of the Yellowstone River as a public park and agree to the conference asked by the Senate on the disagreeing votes of the two Houses.

The motion was agreed to; and the SPEAKER *pro tempore* announced the appointment of Mr. PRYOR, Mr. HILL, and Mr. KEIFER as conferees on the part of the House.

COMMITTEE STENOGRAPHER.

Mr. COVINGTON, from the Committee on Accounts, reported back favorably the following resolution:

The Clerk read as follows:

Resolved, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the services of stenographer to the Committee on Expenditures in the Interior Department, in addition to the amount heretofore allowed said committee for payment of expenses of investigation of Hot Springs matters, as directed by resolution of the House; said payment to said stenographer to be upon vouchers approved by the chairman of said committee and by the chairman of the Committee on Accounts.

The resolution was adopted.

Mr. COVINGTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Several MEMBERS. Let us have the regular order.

The SPEAKER *pro tempore*. The hour under the special rule begins at sixteen minutes to 12 o'clock.

Mr. HERBERT. This being Monday, is not the first business in order the call of States and Territories for motions to suspend the rules?

The SPEAKER *pro tempore*. As the Chair interprets the new rule the first hour after the reading of the Journal, subject only to privileged motions and privileged reports, is for the recognition of members to call up bills for present consideration in cases where there are less than ten objections. The morning hour for the call of States and Territories for the introduction of bills and joint resolutions, including resolutions of inquiry, will come immediately afterward.

PUBLIC BUILDING, ABERDEEN, MISS.

Several MEMBERS. Regular order.

The SPEAKER *pro tempore*. The regular order is the unfinished business coming over from Friday last. The gentleman from Mississippi [Mr. MULDROW] called up for consideration the bill (H. R. 870) to provide for the erection of a public building at Aberdeen, Miss., for use as a post-office, United States court, and for United States internal-revenue officials, and for other Government purposes.

The bill and report having been read, the debate for the bill has been exhausted, and there are remaining three minutes in opposition to the bill, and the gentleman from Michigan [Mr. HORR] is entitled to the floor.

Mr. HORR. I have said all I care to.

Mr. HOLMAN. Is the bill up for present consideration?

The SPEAKER *pro tempore*. It is not yet before the House.

Mr. HOLMAN. I would like to know whether the gentleman from Mississippi is willing to incorporate the amendment adopted in other cases, that a site is to be purchased before the plan is adopted and that the appropriation made by the bill shall include the purchase of the site and the completion of the building and the approaches thereto?

Mr. WARNER, of Ohio. I propose to reduce the appropriation from $75,000 to $50,000.

The SPEAKER *pro tempore*. The bill is not yet before the House. Is there objection to the present consideration of the bill?

The objection was not sustained, and the bill was brought before the House for present consideration.

The SPEAKER *pro tempore*. The pending question is on the amendment of the committee to strike out $100,000 and insert $75,000.

Mr. HOLMAN. I move to amend the amendment of the committee by reducing the amount to $50,000.

Mr. MULDROW. Mr. Speaker, I hope that will not be done. The gentleman has an amendment which proposes absolutely to confine the appropriation for the purchase of the site and completion of the building to $75,000. I hope it will not be reduced any further.

Mr. HOLMAN'S amendment to the amendment was rejected.

The amendment of the committee was then agreed to.

Mr. HOLMAN. I move to insert, after the words "seventy-five thousand dollars," the following:

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $75,000 remaining after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. MULDROW. Do I understand the gentleman to mean that no more than $75,000 shall be expended for the purchase of the site and the completion of the building?

Mr. HOLMAN. Yes, and the approaches thereto.

The amendment was agreed to.

Mr. WELLER. I submit the following amendment:

Provided, however, That this appropriation shall be made and paid only in standard silver dollars.

[Laughter.]

The SPEAKER *pro tempore*. The noes seem to have it.

Mr. WELLER. Division.

The House divided; and there were—ayes 6, noes 114.

Mr. WELLER. No quorum has voted.

Mr. SKINNER, of New York. I rise to a question of privilege. The gentleman from Iowa has no right to be here, for he has had leave of absence for the rest of the session. [Laughter.]

The SPEAKER *pro tempore*. The Chair will appoint as tellers the gentleman from Mississippi, Mr. MULDROW, and the gentleman from Iowa, Mr. WELLER.

The House again divided; and the tellers reported there were—ayes 16, noes 159.

So the amendment was rejected.

Mr. MULDROW demanded the previous question on the passage of the bill.

The previous question was ordered.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MULDROW moved to reconsider the vote by which the bill as amended was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMEDIATE TRANSPORTATION OF DUTIABLE GOODS.

Mr. BROWNE, of Indiana. I call up for present consideration the bill (H. R. 7586) to amend section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, reported from the Committee on Ways and Means with amendments.

The bill and amendments were read, as follows:

Be it enacted, &c., That section 5 of the act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same is hereby, amended so that it shall read as follows, namely:

"SEC. 5. That merchandise transported under the provisions of this act shall be conveyed in cars, vessels, or vehicles securely fastened with locks or seals, under the exclusive control of the officers of the customs; and merchandise may also be transported under the provisions of this act by express companies on passenger trains, in safes, 'pouches,' and trunks, which shall be of such size, character, and description and secured in such manner as shall be from time to time prescribed by the Secretary; and in cases where merchandise shall be imported in boxes or packages too large to be included within the safes, trunks, or 'pouches,' so described, such merchandise may be transported under the provisions of this act by such express companies 'corded and sealed,' in such manner as shall from time to time be prescribed by the Secretary of the Treasury; 'and passengers' baggage and effects arriving at any port in the United States may also be transported by express companies under the provisions of this act to any interior port of entry in such manner and under such rules and regulations as the Secretary of the Treasury may prescribe;' and merchandise such as pig-iron, spiegel-iron, scrap-iron, iron ore, railroad-iron, and similar articles commonly transported upon platform or flat cars may be transported under the provisions of this act upon such platform or flat cars; and the weight of such merchandise so transported shall be ascertained in all cases before shipment, and ordinary railroad scales may be used for such purpose; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary of the Treasury, and at the expense of the companies, respectively. Such merchandise shall not be unladen or transshipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury in cases which may arise from a difference in the gauge of railroads, 'or where the route is bonded for both land and water carriage,' or from accidents, or from legal intervention, or when, by reason of the length of the route, the cars, after due inspection by customs officers, shall be considered unsafe or unsuitable to proceed farther, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise."

Amendments of the committee:

In line 18 strike out the word "described" and insert in lieu thereof "prescribed."

In line 23 strike out "port in the United States" and insert in lieu thereof "of the ports specified in section 1 of this act."

In line 26 strike out the words "interior port of entry" of the ports specified "in the seventh section thereof."

Mr. BROWNE, of Indiana. Mr. Speaker, if I can have the attention of the House for two minutes I can explain all there is of this bill. It is an amendment to the statute already in existence relating to the transportation of dutiable goods. By section 5 of that act it was provided that goods and baggage might be transported by express companies from seaboard ports to interior ports of entry in safes and trunks only.

Now, the first amendment proposed by the pending bill is to include the word "pouches" between the words "safes" and "trunks;" that and nothing more.

Secondly, it provides that where trunks and safes are not sufficiently large to accommodate the packages for shipment, such goods may be transported in packages sealed and corded according to the instructions of the Secretary of the Treasury.

These are the only two amendments, the first of the two being to insert the word "pouches" in addition to safes and trunks, and the second providing that where a package is so large that it may not be put into safes and trunks it may be sent sealed and corded.

As I understand the law now it requires express companies in transporting dutiable goods from seaboard ports to the interior to assign one entire car to such goods. Even if there be but one single package it must be transported in a car to itself. The consequence of this provision is that the transportation in this way, where there is but a single package, is so costly that persons can not afford to send goods in that manner. Now, under this bill these packages may be sealed and corded and transported in a car with other goods; and it is for the convenience of the public, especially of travelers on the continent, who come to the port of New York and desire to go to Saint Louis, Cincinnati, Indianapolis, or some other interior port, that this bill was framed. If this provision is adopted they can send their baggage right on through, sealed and corded, or else in trunks, pouches, or safes, as the case may be, from New York to their place of destination without having them there opened, and pay the duties.

Mr. SPRINGER. Let me interrupt the gentleman to ask if this has been considered by the Committee on Ways and Means.

Mr. BROWNE, of Indiana. I was going to remark that this bill has been approved by the Secretary of the Treasury and has the unanimous indorsement of the Committee on Ways and Means. I would have had the report read, but I thought perhaps I could make a statement that would be briefer than the report and possibly equally satisfactory to the House.

Mr. SPRINGER. I see no objection, if the object of the bill is only that stated by the gentleman from Indiana.

Mr. HORR. Where are the duties to be paid?

Mr. BROWNE, of Indiana. The duties will be paid at the port of destination.

Mr. DINGLEY. I did not understand exactly what the gentleman from Indiana said. I wish to ask, therefore, if I understood him to say that this had been submitted to the Treasury Department?

Mr. BROWNE, of Indiana. Yes, sir; and the Treasury Department suggested one or two verbal amendments which will be read by the Clerk.

The bill is drawn in conformity with the suggestion of the Department.

Mr. SPRINGER. Let the bill be read again.

Mr. BROWNE, of Indiana. I wish to state further before that is done that this bill levies no tax, imposes no duty, makes no change in any revenue law. It is simply intended for the general convenience of the traveling public, and it involves no expense whatever.

Mr. COX, of New York, rose.

The SPEAKER *pro tempore* (Mr. MILLS in the chair). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Did the gentleman from New York desire to object?

Mr. COX, of New York. I did not rise for that purpose. I only rose to say that the report is here, signed by Mr. Charles E. Coon, Acting Secretary of the Treasury, recommending the adoption of the bill.

The SPEAKER *pro tempore*. The Chair desired to know if the gentleman rose to object?

Mr. COX, of New York. I did not, but thought perhaps the Chair might be a little patient.

The SPEAKER *pro tempore*. The Chair is not at all impatient, but was trying to find out the position of the bill before the House.

Mr. DINGLEY. I understand that there are several amendments. Let them be reported.

The SPEAKER *pro tempore*. The Clerk will report the amendments.

The Clerk read as follows:

In lines 23 and 24, strike out the words "port in the United States" and insert "of the ports specified in section 1 of this act;" so that it will read:

"Passengers' baggage and effects arriving at any of the ports specified in section 1 of this act," &c.

Also, in lines 26 and 27, strike out "interior port of entry" and insert "of the ports specified in the seventh section thereof."

Mr. DINGLEY. There is also an amendment preceding these, I believe, in the eighteenth line.

The Clerk read as follows:

In line 18, strike out the word "described" and insert "prescribed."

The SPEAKER *pro tempore*. Is it the wish of the House to consider all of the amendments together, or one at a time? If there be no separate vote demanded the vote will be taken on the amendments in gross.

The amendments recommended by the committee were agreed to.

Mr. DINGLEY moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GEORGE. I submit an additional amendment.

The Clerk read as follows:

Amend by adding the following as an additional section:

"That the privileges of the first section of the act approved June 10, 1880, entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' be, and the same are hereby, extended to the port of Portland, in Oregon, and that the privileges of the first and seventh sections of said act be, and the same are hereby, extended to the port of Port Townsend, in Washington Territory; said privileges in each case to be exercised on the same terms and conditions applicable to other ports, as provided in the act of which this is amendatory."

Mr. HOLMAN. I reserve the point of order upon that amendment.

Mr. WEAVER. I offer the following as an additional amendment to the amendment.

Mr. SPRINGER. I object to this amendment of the gentleman from Oregon.

The SPEAKER *pro tempore*. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

In line 7 of the amendment add the letter "s" to the word "port" and insert "Omaha, Nebr.," between the words "ports" and "of."

Mr. SPRINGER. I desire to reserve the point of order until I can understand whether this has been agreed to by the Committee on Ways and Means.

Mr. BROWNE, of Indiana. One has been, and the other by the Committee on Commerce. I will state to the gentleman from Illinois that these amendments were submitted to me. They do no more than this: to add two or three additional ports of delivery to those mentioned in the second section of the act.

Mr. GEORGE. Both of these amendments have been recommended by the Treasury Department to this House.

Mr. BROWNE, of Indiana. That is all there is in it.

Mr. SPRINGER. Then I make no objection.

The amendment to the amendment was agreed to.

The SPEAKER *pro tempore* (Mr. MILLS). The question recurs on the adoption of the amendment of the gentleman from Oregon [Mr. GEORGE] as amended.

The amendment as amended was adopted.

Mr. BRENTS. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Add the following to the amendment as amended which has just been adopted:

"And that each of the cities of Tacoma and Seattle, in said Washington Territory, be, and it is hereby, made a port of delivery; and a deputy collector of customs shall be stationed at each of them, who shall receive such compensation, not exceeding the sum of $1,200 per annum, as the Secretary of the Treasury shall prescribe."

Mr. SPRINGER. I make the point of order on that amendment. It is not germane; it increases the expenditure; it does not pertain to this bill. It makes a new port, with all the necessary officers pertaining thereto.

Mr. BROWNE, of Indiana. I had risen and was trying to get the attention of the Chair that I might make that point of order.

Mr. BRENTS. Does the gentleman from Illinois make the point of order that the amendment increases expenditure?

The SPEAKER *pro tempore* (Mr. MILLS). The point of order is made that the amendment is not germane to the pending bill, and that point of order the Chair sustains.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BROWNE, of Indiana, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALBERT H. EMERY.

Mr. SEYMOUR. I call up from the Speaker's table for present consideration the bill (S. 399) for the relief of Albert H. Emery.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Albert H. Emery, of Stamford, Conn., in full settlement of all claims, legal or equitable, which he has in any way against the United States on account of the cost of, and the time spent by him, and use of all patents and inventions in designing and constructing the testing-machine built and erected by him for the United States, or otherwise, in any way, on account of said machine, the sum of $200,000, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor. Said machine, together with the full right to the use therein of all patents and inventions used in its design and construction, shall belong to the United States.

Mr. McMILLIN. How does this bill come before the House?

The SPEAKER *pro tempore*. It is called up under the special rule by the gentleman from Connecticut [Mr. SEYMOUR]. The gentleman from Connecticut is entitled to five minutes in support of the bill.

Mr. SEYMOUR. At the last session of this Congress I introduced a bill into the House precisely identical in all its provisions with this Senate bill. That bill was referred to the Committee on Claims, and that committee after having considered it recommended an amendment reducing the amount from $200,000 to $100,000.

Now, I am familiar, Mr. Speaker, with all the facts and details of this case, and I firmly believe that the sum of $200,000 contained in the original bill and passed by the Senate is not one penny more than this Government ought to pay Mr. Emery for the time he spent in making this machine, which has redounded, perhaps, more than any other machine to the credit of the ingenuity of this country. At the same time I promise if the bill is allowed to be considered, as I trust it will be, that I will offer an amendment reducing the sum named in the Senate bill from $200,000 to $100,000, so as to make it conform to the report of our own committee.

Of course there is no time in the five minutes allowed for debate to go at all into the facts and circumstances connected with the creation of this machine, or into the arguments in favor of paying this money. The committee's report is full and conclusive upon the subject.

Mr. HISCOCK. Will the gentleman permit me to ask him a question?

Mr. SEYMOUR. Yes, sir.

Mr. HISCOCK. Is it not true that the Government has also passed a law authorizing private work to be done on this machine, so that this man is precluded from getting the benefit of the use of his invention by private parties?

Mr. SEYMOUR. Certainly; that is the fact—not perhaps to the full extent indicated; but private parties are authorized to obtain tests on the machine.

Mr. BLOUNT. I wish to ask the gentleman from Connecticut whether that is not what was desired by this claimant himself? I have always understood that was done at his request.

Mr. SEYMOUR. I do not know about that.

As I have said, there is no time to go into the argument upon this subject. But one thing I want to have the House understand. This claim has been reported upon by no fewer than six committees of Congress, every one of which reported a larger sum than the $100,000 that I am to move as an amendment to this bill. In the Forty-sixth Congress the Committee of the House reported in favor of $200,000, and in the Forty-seventh Congress the House committee reported in favor of $200,000 and the Senate committee in favor of $225,000. In the present Congress the Senate has passed this bill appropriating $200,000, and our own committee is in favor of $100,000. I am to propose an amendment to the Senate bill making it conform to the sum of $100,000 recommended by the House committee. This matter has not only been considered by committees of Congress, but it has been considered by a commission——

The SPEAKER *pro tempore*. The time of the gentleman from Connecticut has expired.

Mr. McMILLIN. As this subject-matter was before the Committee on Claims, of which I am a member, it is not improper that I should make a statement concerning it. I will state at the beginning that I do not think the bill ought to pass.

A majority, however, of that committee, but only a majority, recommended the payment of, I believe, $100,000. It is true that the Senate reported a bill, the one now under consideration, giving this gentleman $200,000. The subject-matter came before our committee. I did not believe that the $200,000 ought to be paid or that the $100,000 ought to be paid, and I will state briefly the reasons. What are the facts concerning this matter? The Government authorized the construction of a testing-machine and appropriated $25,000 for that purpose. Mr. Emery undertook the construction; he went on with the work, and the $25,000 was paid—not only the $25,000, but a large amount in addition to the sum named in the original contract—I do not now remember the exact sum.

Mr. PRICE. Six thousand five hundred.

Mr. McMILLIN. And as the gentleman from South Carolina [Mr. TILLMAN] suggests, the patents were perfected at the Government expense. The patents were also sold to other parties, and when our committee asked Mr. Emery if he would undertake, upon the payment of $100,000, as suggested by the gentleman from Connecticut [Mr. SEYMOUR], to turn over to the Government the patents which he says he ought to have pay for, he said he would not. That is the status. Now, what does this House do if it pays this $200,000? If it pays that amount it will have paid Mr. Emery, clear of the expense of construction, more than six times the amount of the original contract.

Mr. SEYMOUR. May I ask the gentleman a question?

Mr. McMILLIN. In one moment. If the bill now under consideration shall pass, Mr. Emery will be paid clear of all expense of construction the amount of the original contract several times over, and one question for the House to determine is whether it is willing to pay, as profit on a contract a sum larger than the original amount contracted

for. This matter having been considered before my committee, I thought it due to the House that thus much I should state. Now I will hear the question of the gentleman from Connecticut [Mr. SEYMOUR].

Mr. SEYMOUR. I wish to ask the gentleman from Tennessee [Mr. MCMILLIN] if it is not a fact that Mr. Emery is now over $50,000 out of pocket?

Mr. MCMILLIN. There were computed in making up the amount that he was out of pocket even the pencils and all the implements used in making the designs for the patents. I believe it was so stated by the gentleman from Wisconsin [Mr. PRICE]. How much the amount would be if all those items were to be computed I do not know. I have stated the facts as I understand them, and it is for the House to determine what they will do with the subject-matter. I do not think $200,000 ought to be paid.

Mr. MORSE. He does not ask that.

Mr. MCMILLIN. I do not think the $100,000 ought to be paid, but it is for the House to determine.

Mr. OATES. Mr. Chairman, I was on the committee in the Forty-seventh Congress that examined this question, and I can state with a great deal of certainty that the Government is under no legal obligation whatever to this gentleman, so that if it gives him anything it will be given as a matter of grace. I wish to say further, in reply to the gentleman from Connecticut [Mr. SEYMOUR], that, while that committee did report in favor of allowing $200,000, it was not a unanimous report; the committee was divided.

The CHAIRMAN. The time for debate has expired. Does any gentleman object to the present consideration of this bill? [After a pause.] Seventeen gentlemen have risen; more than a sufficient number, and the bill is not before the House.

PUBLIC BUILDING, NEW BEDFORD, MASS.

Mr. DAVIS, of Massachusetts. I call up the bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, in the State of Massachusetts.

The bill was read, as follows:

Be it enacted, &c., That the sum of $20,000 be, and the same is hereby, appropriated for the purchase of land adjoining the lot now occupied by the public building in the city of New Bedford, State of Massachusetts, and used as a custom-house and post-office.

Mr. DAVIS, of Massachusetts. Mr. Chairman, this bill provides for the purchase of land adjacent to the present post-office in the city of New Bedford in order that that building may be extended, it being at present too small to accommodate the public business. It was erected more than fifty years ago, when New Bedford was a city of 9,000 inhabitants; while to-day that city has 30,000 inhabitants, and has long been the center of large business interests. In 1882, $42,000 was collected there in customs duties; one hundred and forty clearances were made from the port; two hundred and fifty vessels are owned there, aggregating 53,700 tons, and more than 3,000 seamen are employed. The city of New Bedford has been for two generations the chief center of the whale-fisheries interest, and even now, in the comparative decline of that industry, a million and a half dollars is there derived from it annually. The people of New Bedford have largely turned their attention from commerce and the fisheries, and to-day that city is rapidly assuming the position of the third manufacturing city in Massachusetts, and such is the character of that community and the variety and importance of its interests, that a very large post-office business is done. Something like 2,000,000 pieces of mail matter are handled annually; there is a post-office revenue of $20,000; forty-six mails arrive daily; there are nineteen persons employed in handling those mails, and all this business is done within a space of 48 by 18 feet, which, as gentlemen will see, is altogether inadequate.

I will state further that a committee of this House has twice reported favorably upon this bill; the bill has been twice reported upon favorably by the Treasury Department and by the Post-Office Department, and also has twice passed the Senate.

A MEMBER. What is the amount appropriated?

Mr. DAVIS, of Massachusetts. $20,000.

Mr. WELLER. I desire, if I may, to ask the gentleman a question: Does he object to having this appropriation made payable in standard silver dollars? [Laughter.]

Mr. DAVIS, of Massachusetts. Any form of appropriation that will accomplish the purpose will be satisfactory to me.

The SPEAKER *pro tempore*. Is there objection to the present consideration of this bill? The Chair hears none, and the bill is before the House.

Mr. WELLER. I offer the following amendment:

Add to the bill the words:

"*Provided, however*, That this appropriation shall be made and paid only in standard silver dollars."

I desire to inquire whether the gentleman from Massachusetts [Mr. DAVIS] will, so far as he is concerned, accept this amendment?

Mr. DAVIS, of Massachusetts. I have no power to accept the amendment.

The question being taken on agreeing to the amendment, there were—ayes 11, noes 153.

So the amendment was not agreed to.

The question being taken on ordering the bill to a third reading, there were 134 in the affirmative 1 in the negative.

Mr. WELLER. No quorum.

The CHAIRMAN. If the gentleman insists upon the point that no quorum has voted the Chair must appoint tellers.

Mr. WELLER. I rise to a parliamentary inquiry. Will it be proper under the rules of the House for me at this time to move that the House do now adjourn?

The SPEAKER *pro tempore*. That motion would be in order.

Mr. WELLER. I move that the House adjourn; and pending that I move that it adjourn for fifteen minutes. [Laughter.]

The SPEAKER *pro tempore*. That motion is not in order.

Mr. OATES. I make the point of order that the gentleman is not addressing the Chair from his own seat.

The SPEAKER *pro tempore*. The present rules permit a member to speak from any place on the floor or from the Clerk's desk.

Mr. WELLER. I move that the House do now adjourn.

The SPEAKER *pro tempore* (having taken the affirmative vote on the motion to adjourn). One gentleman has risen. The "ay" will be seated, and the noes will rise. [Laughter.]

The negative vote having been taken, the result was announced—1 in the affirmative, 143 in the negative.

So the motion to adjourn was not agreed to.

The bill was then ordered to a third reading, was accordingly read the third time, and passed.

Mr. DAVIS, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MOSES F. CARLETON.

Mr. YAPLE. I call up the bill (H. R. 6089) for the relief of Moses F. Carleton.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Moses F. Carleton, late of Company I, Fourth Michigan Infantry Volunteers, the pay and allowances of a second lieutenant of infantry from October 24, 1865, until June 12, 1886, deducting therefrom the pay he received as sergeant of infantry.

Mr. YAPLE. I ask that the report of the Committee on War Claims upon this bill be read.

The report (by Mr. GEDDES) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 4792) for the relief of Moses F. Carleton, submit the following report:

The facts out of which this bill for relief arises will be found stated in House Report No. 821 of the Committee on War Claims, first session Forty-fourth Congress, a copy of which is hereto appended.

Your committee adopt the said report as their own, and report herewith a substitute for the bill, and recommend its passage.

"(House Report No. 821, Forty-fourth Congress, first session.)

"The Committee on War Claims, to whom was referred the bill (H. R. 2386) for the relief of Moses F. Carleton, late second lieutenant of Company I, Fourth Michigan Infantry Volunteers, report:

"This is an application for pay of second lieutenant from October 20, 1865, to June 12, 1866, of Moses F. Carleton, who enlisted as private in Company I, Thirtieth Regiment Michigan Volunteer Infantry, 26th September, 1864, and the regiment was consolidated, and Company I was transferred shortly after to the Fourth Michigan Infantry, and he was made a sergeant in Company I, Fourth Regiment Michigan Volunteers. He received a commission of second lieutenant October 24, 1865, said company having but one commissioned officer, viz, a first lieutenant, who received a commission of captain of same date. He was assigned to duty under the commission as second lieutenant in Company I, Fourth Regiment Michigan Volunteers.

"The evidence of First Lieut. and Adjt. William F. Bradley, Fourth Regiment Michigan Volunteers, goes to show that Moses F. Carleton was commissioned a second lieutenant of said regiment, and performed the duties of one from October 24, 1865, until the discharge of the regiment.

"The evidence of William Black, first lieutenant of Company I, Fourth Regiment Michigan Volunteers, shows that said Carleton was promoted to a second lieutenancy, and that he performed the duties of same. The evidence of the colonel, J. W. Hall, Fourth Michigan Volunteers, goes to show that he received a commission of second lieutenant; that he was assigned to duty under said commission, and that he did well and faithfully perform said duty from October 22, 1865, to the discharge of the regiment. The evidence of S. S. Parker, major of Fourth Regiment Michigan Volunteers, goes to show the same facts.

"Your committee, therefore, agree that the claimant should be paid from the 24th day of October, 1865, until June 12, 1866, less his pay as sergeant of said company, and therefore recommend the passage of the bill as committed."

Mr. YAPLE. How much time have I remaining?

The SPEAKER *pro tempore*. Two minutes.

Mr. YAPLE. I yield to the gentleman from Ohio [Mr. GEDDES], who presented this report.

Mr. GEDDES. Mr. Speaker, the statements of the report just read disclose the merits of this claim. It was reported by the Committee on War Claims before the general bill in relation to this subject was considered and passed by the House. This case does not come within the general law, but is clearly meritorious, and was so considered by the committee. I think the bill ought to be passed.

The SPEAKER *pro tempore*. The hour for business under this order has expired.

Mr. GEORGE D. WISE. How much time remains for debate on this bill?

The SPEAKER *pro tempore*. One minute of the time in favor of the bill and five minutes in opposition.

Mr. GEORGE D. WISE. I rise to a parliamentary inquiry. Shall I be recognized upon this bill to-morrow?

The SPEAKER *pro tempore*. If the gentleman desires to oppose the bill the Chair will recognize him as entitled to control the time in opposition, after the one minute remaining for debate in favor of the bill shall have expired.

Mr. GEDDES. I reserve that one minute.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER *pro tempore*. This being Monday, the regular order is the call of States and Territories for the introduction and reference of bills and joint resolutions. Under this call resolutions and memorials from State and Territorial Legislatures are in order; also resolutions of inquiry addressed to the heads of Departments for reference to the appropriate committees, and propositions for amendment of the rules for reference to the Committee on Rules.

VACATION OF PATENTS.

Mr. HERBERT introduced a bill (H. R. 8194) to provide a mode of vacating patents in certain cases; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

THOMPSON H. COKER.

Mr. HERBERT also introduced a bill (H. R. 8195) for the relief of Thompson H. Coker; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

BRIDGE IN MICHIGAN CITY, IND.

Mr. SHIVELY introduced a bill (H. R. 8196) to authorize the construction of a bridge across Trail Creek, in the city of Michigan City, Ind.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JAMES F. M'MICHAEL.

Mr. SHIVELY also introduced a bill (H. R. 8197) granting a pension to James F. McMichael; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

WILLIAM H. SHOEMAKER.

Mr. MATSON introduced a bill (H. R. 8198) granting a pension to William H. Shoemaker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

ISAAC R. KEMP.

Mr. ENGLISH introduced a bill (H. R. 8199) granting a pension to Isaac R. Kemp; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS J. WHITE.

Mr. ENGLISH also introduced a bill (H. R. 8200) granting a pension to Thomas J. White; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN B. TULGE.

Mr. ENGLISH also introduced a bill (H. R. 8201) granting a pension to John B. Tulge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN LOCKRIDGE.

Mr. ENGLISH also introduced a bill (H. R. 8202) granting a pension to John Lockridge; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. SARAH E. DENBOW.

Mr. WILSON, of Iowa, introduced a bill (H. R. 8203) for the relief of Mrs. Sarah E. Denbow; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MILITARY ROAD THROUGH INDIAN TERRITORY.

Mr. ANDERSON presented concurrent resolution of the State of Kansas, asking for improvement of military road through the Indian Territory, from Caldwell, Kans., to Wichita, Tex.; which was referred to the Committee on Appropriations, and ordered to be printed.

INCREASE OF WIDOWS' PENSIONS.

Mr. ANDERSON also presented resolution of the Legislature of Kansas, petitioning for the increase of pensions of widows of deceased soldiers to $12 per month; which was referred to the Select Committee on the Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

Mr. PETERS. I rose to submit the same resolution.

WHITE MOUNTAIN INDIAN RESERVATION.

Mr. BLACKBURN presented memorial in reference to the White Mountain Indian reservation; which was referred to the Committee on Indian Affairs, and ordered to be printed.

MEXICAN WAR PENSION BILL.

Mr. BLACKBURN also presented memorial of the Legislative Assembly of Dakota for the passage of the Mexican war pension bill; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

CECILIA C. M'KENNA.

Mr. HOBLITZELL introduced a bill (H. R. 8204) granting a pension to Cecilia C. McKenna; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RESCUE OF CREW OF STEAM-BARGE H. C. AKELY.

Mr. HOUSEMAN introduced a joint resolution (H. Res. 330) providing for an investigation by the chief of the Life-Saving Service of the United States relative to the rescue of the crew of the steam-barge H. C. Akely, foundered in Lake Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLES W. CARR.

Mr. YAPLE introduced a bill (H. R. 8205) granting a pension to Charles W. Carr; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CANALS IN MINNESOTA.

Mr. WASHBURN presented resolutions of the Legislature of the State of Minnesota, urging the Senators and Representatives in Congress from that State to procure legislation to acquire title by the United States to certain canals in the State of Minnesota.

The SPEAKER *pro tempore*. The resolutions will be referred to the Committee on Railways and Canals, and ordered to be printed.

Mr. WASHBURN. I move their reference to the Committee on Rivers and Harbors.

Mr. HAMMOND. Can a proposition relative to canals be referred to any committee other than the Committee on Railways and Canals except by a suspension of the rules?

The SPEAKER *pro tempore*. It is competent for the majority of the House to make any reference it sees proper and to any committee.

Mr. WASHBURN'S motion was agreed to; and the resolutions were referred to the Committee on Rivers and Harbors, and ordered to be printed.

FRAUDULENT MUTILATION OF PAPER CIRCULATION.

Mr. BUCKNER introduced a bill (H. R. 8206) to prevent the fraudulent mutilation of the paper circulation in the United States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

JEREMIAH BUFFINGTON.

Mr. WEAVER introduced a bill (H. R. 8207) granting a pension to Jeremiah Buffington; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

SAINT JO AND DENVER RAILROAD LANDS.

Mr. WEAVER also submitted a memorial and joint resolution of the Legislature of the State of Nebraska, asking for the passage of the bill for the relief of the settlers on the Saint Jo and Denver Railroad lands; which were referred to the Committee on Public Lands.

TRUSSES FOR DISABLED SOLDIERS AND SAILORS.

Mr. VALENTINE introduced a bill (H. R. 8208) to amend sections 1176, 1177, and 1178 of an act to supply trusses to disabled soldiers and sailors; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

WILLIAM DERMODY.

Mr. BREWER, of New Jersey, introduced a bill (H. R. 8209) granting a pension to William Dermody; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

STEPHEN H. MYERS.

Mr. HOWEY introduced a bill (H. R. 8210) for the relief of Stephen H. Myers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

VOLUNTEER SOLDIERS, LATE WAR.

Mr. ROBINSON, of New York, introduced a bill (H. R. 8211) for the relief of the volunteer soldiers of the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SEPTIMIA R. MEIKLEHAM.

Mr. ROBINSON, of New York, also introduced a bill (H. R. 8212) for the relief of Septimia R. Meikleham; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

EFFICIENCY OF THE STAFF, UNITED STATES ARMY.

Mr. SLOCUM introduced a bill (H. R. 8213) to promote the efficiency of the staff of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

MRS. ELIZA J. M'CONNELL.

Mr. EVERHART (by request) introduced a bill (H. R. 8214) granting a pension to Mrs. Eliza J. McConnell; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MONEYS ADVANCED UNITED STATES.

Mr. EVERHART also submitted resolutions of the State of Pennsylvania, urging the payment of interest on moneys advanced the United States in defense of the same; which were referred to the Committee on War Claims.

ALBERT SCHAEFFER.

Mr. ERMENTROUT introduced a bill (H. R. 8215) increasing the pension of Albert Schaeffer, private Company C, Fourth Regiment Michigan Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

INTEREST ON MONEYS EXPENDED IN DEFENSE OF UNITED STATES.

Mr. ERMENTROUT also submitted a memorial of the Legislature of the State of Pennsylvania, for the payment of interest on moneys expended in the defense of the United States; which was referred to the Committee on War Claims.

ST. JOHNS'S CHURCH, GEORGETOWN, D. C.

Mr. WILSON, of West Virginia (by request), introduced a bill (H. R. 8216) for the relief of the trustees of St. John's church, Georgetown, D. C.; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

EAST WASHINGTON COLORED M. E. CHURCH.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8217) for the relief of the trustees, pastor, and congregation of the East Washington Colored Methodist Episcopal church; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN H. M'CHESNEY.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8218) for the relief of John H. McChesney, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

SARAH KING.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8219) for the relief of Sarah King, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

DAMAGES CAUSED BY PUBLIC IMPROVEMENTS.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8220) to provide for the adjudication and settlement of claims for damages caused by public improvements in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

JOHN H. M'CHESNEY.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8221) for the relief of John H. McChesney as administrator of the estate of Robert McChesney, late of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

W. R. RILEY.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8222) for the relief of W. R. Riley, of the District of Columbia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

J. C. YOST.

Mr. WILSON, of West Virginia (by request), also introduced a bill (H. R. 8223) for the relief of J. C. Yost as administrator of the estate of the late Benedict Yost; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ACCOUNTS IN INDIAN SERVICE.

Mr. OURY introduced a bill (H. R. 8224) to authorize the adjustment of certain accounts arising in the Indian service; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The call of States and Territories for the introduction of bills and joint resolutions has been completed. Without objection the Chair will now permit the introduction of bills by gentlemen who were not in their seats when their States were called.

There was no objection.

LIABILITY OF VESSEL-OWNERS.

Mr. DUNN (by request) introduced a bill (H. R. 8225) to amend and re-enact section 4289 of the Revised Statutes, relative to the limitation of the liability of owners of vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

LIGHT-HOUSE AT PLANTATION INLET.

Mr. O'NEILL, of Pennsylvania (by request), introduced a bill (H. R. 8226) to provide for a light-house at Plantation Inlet; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

JOHN FINNERER.

Mr. HOLMAN introduced a bill (H. R. 8227) granting a pension to John Finnerer, of Decatur County, Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

HOMESTEAD SETTLEMENT IN INDIAN TERRITORY.

Mr. RYAN introduced a bill (H. R. 8228) to open to homestead settlement certain portions of the Indian Territory, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES DYE.

Mr. RYAN also introduced a bill (H. R. 8229) to grant a pension to James Dye; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THE WAR WITH MEXICO, 1846-1848.

Mr. TOWNSHEND (by request) introduced a joint resolution (H. Res. 331) expressive of the sense of Congress of the gallantry and good conduct with which the reputation of the armies of the United States has been sustained by the regular and volunteer officers of the Army and naval forces of the United States employed in the prosecution of the war with Mexico in 1846, 1847, and 1848; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

REPORTS ON ALASKA.

Mr. TOWNSHEND also submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Chief Signal Officer of the United States Army is hereby directed to furnish the House of Representatives with a copy of the reports made by Private L. M. Turner and Private E. W. Nelson to the Chief Signal Officer of the United States Army (April 25, 1882) upon the natural history, geology, ethnology, and climatology of Alaska.

ANNA M. MIXSON.

Mr. LIBBEY introduced a bill (H. R. 8230) for the relief of Anna M. Mixson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

ANNIE POTTINGER.

Mr. CARLETON introduced a bill (H. R. 8231) granting a pension to Annie Pottinger, widow of James Pottinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ELIZABETH DEEGAN.

Mr. CARLETON also introduced a bill (H. R. 8232) granting a pension to Elizabeth Deegan, widow of Dennis Deegan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

CHARLES SPENCER.

Mr. KLEINER introduced a bill (H. R. 8233) for the relief of Charles Spencer, of Evansville, Ind., for property destroyed by the Federal Army during the late civil war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CHARLES MURPHY.

Mr. HENLEY introduced a bill (H. R. 8234) for the relief of Charles Murphy; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

BRIDGE ACROSS MISSISSIPPI AT MEMPHIS.

Mr. DUNN. I ask unanimous consent to take from the Speaker's table the bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn., with amendments by the Senate, my object being to move a concurrence in the Senate amendments. Where the words "district court" occur the Senate have substituted "circuit court."

The amendments of the Senate were read, as follows:

On page 3, line 2, strike out "district" and insert "circuit."
On page 5, lines 9 and 10, strike out "at the time of the erection of said bridge."
On page 5, line 23, strike out the word "district" and insert "circuit."
On page 6, line 1, strike out the words "of the."

The SPEAKER *pro tempore*. Is there objection to the motion of the gentleman from Arkansas?

Mr. BAYNE. I would like to ask the gentleman from Arkansas one question. Does this make provision for the Secretary of War approving the plans?

Mr. DUNN. The bill itself was prepared under his supervision, and it contains all the usual provisions.

The SPEAKER *pro tempore*. The Chair hears no objection, and the motion of the gentleman from Arkansas [Mr. DUNN] to concur in the Senate amendments is agreed to.

Mr. DUNN moved to reconsider the vote by which the Senate amendments were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

FERDINAND PLOCHER.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. 8235) for the relief of Ferdinand Plocher; which was referred to the Select Committee on Payment of Pensions, Bounty, and Back Pay, and ordered to be printed.

ORDER OF BUSINESS.

Mr. HOLMAN. Now, Mr. Speaker, I make the motion that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of general appropriation bills.

The SPEAKER *pro tempore*. The Chair will state that that motion is not in order except under the call of committees, when under instructions from a committee a motion may be made to suspend the rules.

Mr. HOLMAN. Is not a motion to go into Committee of the Whole in order?

The SPEAKER *pro tempore*. This is not the day for individuals to make motions to suspend the rules; such a motion must come from a committee. [Cries of "Regular order!" "Regular order!"] The regular order is called for. The regular order is the call of committees.

Mr. HOLMAN. Mr. Speaker, the question of consideration can be raised, I suppose?

The SPEAKER *pro tempore*. The gentleman can not raise any question of consideration on a motion to suspend the rules of the House.

Mr. HOLMAN. I ask unanimous consent that the House do now resolve itself into the Committee of the Whole House on the state of the Union for the purpose of finishing the legislative appropriation bill.

Mr. SLOCUM and others. I object.

The SPEAKER *pro tempore*. Objection is made. The regular order is the call of committees under the rule for motions to suspend the rules and for the consideration of bills, and the call rests with the Committee on Military Affairs.

Mr. SLOCUM. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SLOCUM] is recognized, but with the consent of the House, before the gentleman proceeds the Chair will submit certain executive communications.

CIVIL GOVERNMENT IN ALASKA.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriations for the service of the civil government in the Territory of Alaska; which was referred to the Committee on Appropriations, and ordered to be printed.

FIRE-PROOF BUILDING, PENSION BUREAU.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of an appropriation for the completion of the fire-proof building for the Pension Bureau; which was referred to the Committee on Appropriations, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. YAPLE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 1365) granting an increase of pension to Eugene O. Sullivan, late sergeant of Company K, Eighteenth Missouri Volunteer Infantry.

RETIREMENT OF GENERAL GRANT.

Mr. SLOCUM. Mr. Speaker, I am instructed by the Committee on Military Affairs to move to suspend the rules and to take from the Speaker's table and put upon its passage the bill (S. 2169) to place Ulysses S. Grant, late General of the Army of the United States, upon the retired-list of the Army.

The bill was read, as follows:

Be it enacted, &c., That in recognition of the eminent public services of Ulysses S. Grant, late General of the Army, the President be, and he hereby is, authorized to nominate and, by and with the advice and consent of the Senate, to appoint him a general on the retired-list of the Army, with the rank and full pay of General of the Army.

Mr. HORR. I demand a second on that bill.

Mr. ROSECRANS. I demand a second.

Mr. BAYNE. I ask unanimous consent that a second be ordered.

Mr. SPRINGER, Mr. STOCKSLAGER, and Mr. McMILLIN objected.

Mr. BAYNE. I ask that a second be ordered by unanimous consent.

Mr. SPRINGER. I object, and call for tellers.

Mr. HORR. Would it be in order for me to ask the gentleman from New York [Mr. SLOCUM] a question? [Calls of "Regular order!"]

The SPEAKER *pro tempore*. The regular order is demanded. The Chair will ask the gentleman from New York, Mr. SLOCUM, and the gentleman from Michigan, Mr. HORR, to take their position in front of the Clerk's desk and act as tellers.

The House divided; and the tellers reported—ayes 110, noes 72.

The SPEAKER *pro tempore*. The tellers report 110 gentlemen voting in the affirmative and 72 in the negative; so a second is ordered. Under the rule thirty minutes is allowed for debate—fifteen minutes on either side.

Mr. SPRINGER. Does the Chair recognize the right of the gentleman from Michigan [Mr. HORR] to control the time in opposition to the bill?

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] rose to demand a second and was recognized by the Chair, and, in the judgment of the Chair, having been recognized, he would be entitled to control the fifteen minutes on that side. The Chair recognizes the gentleman from New York [Mr. SLOCUM].

Mr. SLOCUM. Mr. Speaker, this bill proposes to place General Grant in the same position that he would have occupied had he not, in accordance with the will of the people of this country, accepted the office of its Chief Magistrate. In form and language this bill is precisely like all bills that have been passed by Congress for purposes of this kind.

Mr. SPRINGER. Like the Fitz-John Porter bill?

Mr. SLOCUM. It is like all bills that have been passed for the retirement of officers since the foundation of this Government.

Mr. HORR. There was one passed on Saturday that is not in this form.

Mr. COX, of New York. I trust my colleague [Mr. SLOCUM] will be permitted to go on without interruption.

Mr. SLOCUM (to Mr. HORR). You will have your time by and by.

Mr. Speaker, it has often been said that much has been done for General Grant. But the Government of the United States has done nothing for him beyond paying him the salaries to which he was entitled by law. It is true that patriotic citizens have been liberal to him, but the Government has only paid him lawful dues. It has been the custom of the English Government from time immemorial to honor with high offices, to enrich with large emoluments, her great military and naval heroes. Wellington, Marlborough, and Nelson each individually received from the English Government more in money, in palaces, in pensions than has been given to General Grant by our Government and by all our citizens combined.

I would not, and I do not, commend to our country the example set by England in this respect, but I do think that when a man has performed for his country the services that General Grant has performed it is right and proper that in his old age he should not be left to grapple with poverty. I would to-day gladly vote for a bill providing properly from the public Treasury for every man who has ever held the office of Chief Magistrate of this country.

The characters of Marlborough and Nelson were both open to hostile criticism, yet the people of England gladly forgot all their errors, and delighted to honor them for the glory and renown they had shed upon the history of England. General Grant has not been free from mistakes in his career either as a soldier or a civilian; but in a few years his late campaign in Wall street will be forgotten; every error of his will be consigned to oblivion, as it should be, and the campaigns that Grant made from that day at Donelson, when he sent the tidings which revived the hopes of the North, to that other day when from Appomattox he sent the news which carried joy to every Northern heart—these are the campaigns which will be remembered—all else will be forgotten. All the good that he has done will be held in grateful recollection; all his mistakes will be, as they ought to be, forgotten. These campaigns of Grant will live in history, and will compare favorably with the most brilliant and the grandest achievements of England's noblest military heroes.

The successful close of the war under General Grant made him the idol of the people of the North. His generous and noble treatment of Lee and the gallant men who fought under him, his subsequent lenient treatment of the Southern people, his insisting upon carrying out all the terms that he had granted to General Lee and his soldiers, won for him the hearts of the Southern people. I believe that it is to-day the wish of the people South as well as North that General Grant, now afflicted as he is by illness, now in his old age—I believe it is the will of the great mass of the people throughout this country that the Government should take care of him and provide for him liberally. The honor of our Government is at stake. I trust this bill will pass the House with the same unanimity with which it passed the Senate.

I know there are many gentlemen here who want to speak on this question, and as the time is limited I reserve the residue of my time. How much have I left?

The SPEAKER *pro tempore* (Mr. ELLIS). Nine minutes and a half.

Mr. HORR. Mr. Speaker, I desire to occupy but five minutes on this question, because I wish to yield to other gentlemen. I asked for a second on this motion not for the purpose of opposing the proposition to put General Grant on the retired-list of the Army with his full rank. I would walk on my knees to-day all over this city through the snow to accomplish that one purpose. I called for a second on this bill that I might state to the House what I believe to be true, and that is that this bill is reported by the committee well knowing that it will prevent General Grant from being put on that list.

Mr. MORGAN. It was drawn by Senator EDMUNDS.

Mr. HORR. There now lies on our table another bill drawn by Senator EDMUNDS, when that Senator learned that this bill was open to objections conscientiously held by the President which might prevent him from signing it. This latter bill, drawn to obviate that difficulty, was passed by the Senate and sent to this House, was before the committee now reporting this bill, and they purposely refused to substitute that in place of this measure, and reported this bill, which they must have known was liable to prevent General Grant from being put on the retired-list.

Mr. MORGAN. I wish to say that the Committee on Military Affairs had reported in favor of this bill before the second bill was received from the Senate.

Mr. HORR. The gentleman will not deny that the last bill of Senator EDMUNDS was before that committee, and an attempt was made in that committee to substitute that bill for this one upon the very ground that the position of the President, conscientiously taken in the Fitz-John Porter case, might prevent him from signing this bill, and therefore prevent it from ever becoming a law. But that committee knowing and fully understanding this difficulty refused to make the change. Ay, that is not all.

Mr. SLOCUM. One word. [Cries of "Regular order!" on the Republican side.]

Mr. MILLER, of Pennsylvania. Do not interrupt him; he has only five minutes.

Mr. SLOCUM. I think the gentleman from Michigan believes what he is saying.

Mr. HORR. I know I do.

Mr. SLOCUM. There is not a word of truth, however, in what he has said. [Cries of "Regular order!" from the Republican side.]

Mr. MILLER, of Pennsylvania. The gentleman from Michigan ought to be permitted to proceed.

Mr. HORR. I have only a moment, but I am in earnest about this matter.

Mr. SLOCUM. What you are saying is utterly untrue.

Mr. HORR. I say to the gentleman it is only too true. Mr. Speaker, I have spent twenty-two years of my life standing by General Grant and his character when he has been vilified by men in this nation as no other man ever was who breathed the breath of life in the United States. And now I say you attempt to force us here into a false position, to force us to vote for a bill purposely—I say it advisedly—purposely brought in here to put the Executive of the nation, as one of the gentlemen of the committee said, into a tight place, knowing that his decision conscientiously made in another case might perhaps prevent him from signing this bill. Now then, gentlemen, if you will substitute the Edmunds bill, which is not open to this objection, we will vote for it unanimously on this side of the House; and if you want to place General Grant on the retired-list give us a bill which you yourselves know can and will be signed with great pleasure, but do not try to cast stones before this people when we are demanding bread. [Applause on the Republican side.] This bill is presented here not in the interest of General Grant, but simply to spite some one else. To that I most solemnly object.

Mr. SLOCUM. Have you got through?

Mr. HORR. If you want to ask a question, go on.

Mr. SLOCUM. No, I do not want to ask a question.

The SPEAKER *pro tempore* (Mr. ELLIS in the chair). Does the gentleman from Michigan yield?

Mr. HORR. I will yield two minutes of my time to the gentleman from Illinois [Mr. THOMAS]. The balance of my time I reserve.

Mr. SLOCUM. I shall reserve my time until the other side have concluded what they wish to say. I wish first to hear some more debate of that kind we have just listened to from the gentleman from Michigan before making my reply.

Mr. HORR. I reserve the balance of my time until I can hear from gentlemen on the other side.

Mr. SLOCUM. You can not reserve your time; you must either occupy it or be cut off.

The SPEAKER *pro tempore*. The gentleman from Michigan yields for two minutes to the gentleman from Illinois. [Cries of "Go on!"] Public business will not be resumed until order is restored in the House.

A MEMBER. Who has the floor?

The SPEAKER *pro tempore*. The gentleman from Michigan has the floor, and has yielded two minutes of his time to the gentleman from Illinois.

Mr. MILLER, of Pennsylvania. Let him go on.

The SPEAKER *pro tempore*. The gentleman will be recognized as soon as order is restored.

Mr. THOMAS. Mr. Speaker, I am opposed to this bill in its present shape and expect to vote against it on that account. The reasons given by the gentleman from Michigan are so satisfactory a statement of the reasons I had in mind that I would have been content to let the matter go without making any objection were it not for the fact that my people, Democrats and Republicans, without exception, are in favor of putting General Grant on the retired-list.

Mr. MILLER, of Pennsylvania. You mean some bill?

Mr. THOMAS. Yes; in favor of putting General Grant on the retired-list. And my people, as well Democrats as Republicans, believe that this bill is a trap brought forward for the purpose of catching not only Republican votes on this floor, but of putting the President of the United States, as the gentleman from Michigan has stated it, in "a tight place." The President of the United States, being a conscientious man, can not sign this bill in its present shape, and the Democratic party in this House and out of it know that fact.

Mr. MORSE. He can let it become a law without signing it.

Mr. THOMAS. They know to pass this bill is to absolutely prevent putting General Grant on the retired-list. I am in favor of the last bill passed by the Senate, the one drawn by Senator EDMUNDS, and which was passed almost unanimously by that body, and if it had been presented instead of this one I would have gladly voted for it. I will cast my vote any day not only to pension him but to put General Grant on the retired-list. I fully appreciate his grand services to his country and to the civilization of the age in which he lived. No man will go further than I will to help him in this day of his distress and old age; but I will not allow myself to be put in a position where, while appearing to be his enemy, I am really his friend, nor will I agree that Democrats on the other side of the House shall appear as his friends when they are in fact his deadly enemies.

[Here the hammer fell.]

Mr. HORR. I yield now seven minutes, to be disposed of as he pleases, to the gentleman from California [Mr. ROSECRANS], and I reserve one minute in order that I may have a word to say after the other side has concluded if I shall find it necessary to occupy any additional time.

Mr. WEMPLE. I object to the gentleman reserving his time.

Mr. ROSECRANS. Mr. Speaker, I thank the gentleman from Michigan for his courtesy. It has been already stated that the object of this bill is to put the President of the United States "in a hole." It is my duty to say that in reality the bill is a plain proposition to reward General Grant for his distinguished military services, and it is my duty to say that I can not vote for that bill.

It is not my intention, sir, to recount any of the historical reasons why I think that military reputation has been exaggerated and misrepresented under the exigencies of party interest and power; and can only suggest that when true history comes to be written, it will be pared down to very different dimensions. I do not propose to go into that subject, sir, although I am one of the four living Army commanders contemporary with him, and would feel quite qualified to express opinions of my own on that subject.

But, Mr. Speaker, this House by the passage of this bill is called upon by solemn act to renew and reaffirm all the exaggerations and misstatements of fact which have been popularly impressed on the public mind under the circumstances to which I have alluded. It was the interest of a great political party of this country to make the services of General Grant appear as large and important as possible, for he was their servant and tool to secure power. He himself kept an aid-de-camp in his back office and there prepared the first two volumes of Badeau's Life of Grant, upon which the students of history have put the stamp of unworthiness to be trusted.

But we are told that General Grant is now poor and the public has been told from the same source that General ROSECRANS will not vote for General Grant's bill because of personal ill-will. I do not think, sir, that my colleagues on this floor will believe that I am capable of descending to the depths of being guided in a public duty by any motive of personal dislike; and if there be any gentlemen on this floor who entertain the idea that it is possible, I simply enter my solemn protest, and say that under no consideration would private dislike prevent me from doing this or any other act that my public duty prompted. [Applause on the Democratic side.] I would not oppose the passage of this bill on account of any of these things to which I have alluded, nor would I oppose it on account of those other things to which I have not yet alluded, namely, statements made officially by General Grant that were false, and which he knew to be false at the time he made them and which I have shown in my official reports to be false. I say these things do not enter into my reasons at all. But if we take things as they stand now it has been said over and over again that General Grant is in a state of distress, that there is nothing between him and the poor-house except the income on $250,000 a year, and this statement has been carefully circulated among members of both Houses and the public, and, I say it upon my own responsibility, from his family, that even that amount, the $250,000, was lost or substantially lost. That is not the truth.

There is another critical circumstance to which I wish to call the attention of gentlemen on this floor. Congress by a solemn act like this is asked to arrest—what? Why, the progress of public opinion in the investigation into that great confidence mill of Grant & Ward. If gentlemen on this floor can afford to put a cover over that investigation, or can afford to put a ligature around that investigation by such a solemn and significant act as the bill proposes for the purpose of deceiving the public by it, I can not afford to do it. I can not afford by my action on this floor to say to the people of this country that a business which has been so conducted as to rob poor people of many millions of dollars, and which if done on a small scale would have sent its managers to prison, shall be considered as unimportant when the principal man-

ager has allowed a great name to be used as the instrument of the robbery.

The SPEAKER *pro tempore* (Mr. ELLIS in the chair). The time of the gentleman has expired.

Mr. ROSECRANS. I yield one minute——

The SPEAKER *pro tempore*. The time of the gentleman has expired.

Mr. SPRINGER. May I ask how much time was originally accorded the gentleman from California?

The SPEAKER *pro tempore*. The Chair understands seven minutes.

Mr. SPRINGER. Then I ask leave to state that there must be an error in the record of the time kept at the Speaker's table; because I was keeping the time myself, and the gentleman from California has not occupied more that five minutes.

The SPEAKER *pro tempore*. The Chair is informed by the Clerk at the table that the gentleman has exhausted the time yielded to him.

Mr. HORR. I would like to reserve my time if the gentleman from New York does not object.

Mr. SLOCUM. I do most seriously object.

Mr. SPRINGER. Do I understand the Speaker to say that the gentleman from California has exhausted his time?

The SPEAKER *pro tempore*. The Chair is informed by the time-keeper at the desk that six and one-half minutes have been occupied by the gentleman from California, which the Chair understood was the time yielded by the gentleman from Michigan.

Mr. SPRINGER. The gentleman from Michigan yielded seven minutes, as I understand.

The SPEAKER *pro tempore*. The Chair so thought.

Mr. SPRINGER, And I held my watch in my hand and am satisfied there is a mistake.

The SPEAKER *pro tempore*. The Chair can only take the statement furnished to him by the time-keeper at the desk.

The gentleman from Michigan has one and a half minutes of his time remaining.

Mr. HORR. I desire to ask a parliamentary question.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. HORR. Being myself the demander of a second, have I not the right to reserve one and a half minutes of my time to close debate?

The SPEAKER *pro tempore*. The Chair will state that the gentleman who holds the affirmative of a proposition is entitled by the practice of the House and by parliamentary law to close debate.

Mr. CANNON. Will the Chair allow me a word on the question of order? I suggest that this does not come under that rule, for the reason that there are only fifteen minutes of discussion allowed to a side. Now the gentleman having the affirmative is first entitled to be heard; otherwise there will be no debate. The gentleman who supports the bill took the floor and was heard and reserved the remainder of his time. Now, then, I take it that the negative has the same right; and if they both see proper they can both stop now.

Mr. COX, of New York. The gentleman who holds the affirmative always has the right to close debate.

Mr. CANNON. I will undertake to say——

The SPEAKER *pro tempore*. Does the gentleman from Illinois rise to a question of order?

Mr. CANNON. Yes, sir; I want to make this parliamentary inquiry——

Mr. BLOUNT. I rise to a question of order.

The SPEAKER *pro tempore*. One question of order is already pending. After that is disposed of the Chair will hear the gentleman from Georgia [Mr. BLOUNT].

Mr. CANNON. I want to make this suggestion, that the fifteen minutes cannot be split up——

Mr. TURNER, of Kentucky. I rise to a question of order. There is so much disorder in the Hall that I can not hear the point of order stated.

The SPEAKER *pro tempore*. The point of order of the gentleman from Kentucky is well taken. The gentleman from Illinois [Mr. CANNON] will suspend till order is restored. The Chair requests gentlemen to be seated.

Mr. HORR. I desire to have order.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] will suspend till order is restored. [After a pause.] Does the gentleman from Illinois desire to be heard further on the point of order?

Mr. CANNON. I do not know that I desire to say anything further except this: Under what rule can a gentleman split up those fifteen minutes? How should it be divided? If a gentleman reserves a portion of his time and objection is not made, well and good. But if the gentleman from New York [Mr. SLOCUM] can do that, the gentleman from Michigan [Mr. HORR] can do it also under the same general rule. And if both gentlemen reserve their time and refuse to talk, then we are ready for a vote.

Mr. SLOCUM. Does the gentleman claim that the negative has the right to close debate?

The SPEAKER *pro tempore* (Mr. ELLIS). The point of the gentleman from Illinois [Mr. CANNON] is not well taken. It has been the uniform practice of the House ever since the adoption of the rule under which the House is now proceeding that gentlemen holding the affirmative or the negative should divide their time as they saw fit. But that does not militate against the force of the rule and of the parliamentary law which prevails in this House that he who holds the affirmative of a proposition has the right to open and close debate.

Mr. OATES. I desire to make a request for unanimous consent. As it is evident that not one-tenth of the gentlemen who desire to make remarks on this bill can be heard I move that general leave be given to print.

The SPEAKER *pro tempore*. The Chair will submit the request of the gentleman from Alabama [Mr. OATES] who asks unanimous consent that gentlemen who so desire shall be permitted to have printed remarks on this bill in the RECORD.

Mr. BOUTELLE. I object unless an opportunity be afforded for debate on the question in the House.

The SPEAKER *pro tempore*. The gentleman from Michigan [Mr. HORR] will proceed.

Mr. HORR. In justice to myself I must state that I yielded to the gentleman from California [Mr. ROSECRANS] not because he was in accord or sympathy with me on this bill in any manner, but because I was compelled to, that I might keep my promise made the Speaker to give the other side of the House a fair portion of the time, as they desired to oppose the bill on different grounds; and I did it to keep the contract I had made, and not as a matter of choice.

Now, Mr. Speaker, in the minute and a half which I have I want to call the attention of the gentleman who has this bill in charge to this fact, that on the third day of this present month of February the President of the United States sent to this House a message in which he asked the House to act upon a measure which shall place General Grant upon the retired-list of the Army. He closes that message by saying—

That Congress by taking such action will give expression to the almost universal desire of the people of this nation is evident, and I earnestly urge the passage of an act similar to Senate bill 2530—

Not this bill; mark his words—

which, while not interfering with the constitutional prerogative of appointment, will enable the President in his discrimination to nominate General Grant as general upon the retired-list.

Here we have clearly pointed out the kind of a measure he can honestly approve.

[Here the hammer fell.]

Mr. HORR. Why, sir, I have not had a minute and a half.

The SPEAKER *pro tempore*. The time of the gentleman has expired. The gentleman from New York [Mr. SLOCUM] is recognized.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. SPRINGER. According to the way in which I have kept the time, and in which it has been kept by other gentlemen about me, there are two minutes yet remaining of the time for opposing this bill. There was a mistake evidently made by the clerk at the Speaker's table who informed the Chair as to the time occupied by the gentleman from California [Mr. ROSECRANS]. I was keeping the time myself, and know that that gentleman occupied but five minutes.

The SPEAKER *pro tempore*. The officer of the House who has charge of the duty of keeping the time says it is as was stated by the Chair. But inasmuch as there is a doubt about it the Chair will submit the request for unanimous consent that two minutes more be occupied by the opponents of the bill.

Mr. MILLS. I object.

Mr. KEIFER. Let it be two minutes on each side.

Mr. MILLS. I object. The statement of the Chair should be final.

Mr. SPRINGER. I assert of my own knowledge that two minutes remain of the time in opposition to the bill.

Mr. MILLS. The rules have settled the authority of the Speaker, and not of gentlemen on the floor, to decide that question.

The SPEAKER *pro tempore*. The Chair is compelled to decide on official information furnished to the Chair that the full time allotted was occupied by the opponents of the bill.

Mr. SPRINGER. Then the Chair is misinformed. That is all I can say. The opponents of this bill have not had a fair opportunity.

Mr. SLOCUM. Mr. Speaker, how much time have I left?

The SPEAKER *pro tempore*. The gentleman from New York [Mr. SLOCUM] has seven minutes and a half.

Mr. SLOCUM. Mr. Speaker, the only time that I will occupy will be to correct the gentleman from Michigan [Mr. HORR]. He tells the House that for the last twenty years he has been very near to General Grant——

Mr. HORR. I did not.

Mr. SLOCUM. Well, Mr. Speaker, there have been times when I, too, have been pretty near the general, perhaps as near as the gentleman from Michigan [Mr. HORR]. [Laughter and applause.] The gentleman is opposed to this bill and he states a reason, but I think the reason of the gentleman's opposition to this bill is that General Grant attempted to do justice to General Porter. [Applause on the Democratic side.] That is the secret of the opposition of the gentleman from Michigan. He says that this bill, if passed, will be returned with the

veto of the President. He forgets that the same vote which will pass it through this House will pass it over the President's veto, if necessary, and that if he is sincere he should seek to pass it now. Why not pass the bill here to-day, and if it is vetoed to pass it again over the veto? [Applause on the Democratic side.] The same votes that will put it through to-day will put it through over the veto.

Mr. HORR. Will the gentleman yield to me a moment?

Several MEMBERS. Do not yield.

Mr. SLOCUM. What is the status here? Since our Government was founded there has been a uniform method of passing these bills from which there has been no deviation. They have been all alike. A bill is now presented here for the benefit of an ex-Republican President, and a Republican President now in office threatens to veto it unless a Democratic House complies with his ideas about the framing of the bill. That is a fine position for the Republican "friends" of General Grant to occupy here!

Mr. COX, of New York. The President names the very bill that we are to pass.

Mr. SLOCUM. Yes; he mentions the number of the bill that he wishes this House to pass.

A MEMBER. He dictates to the House.

Mr. SLOCUM. Suppose he should veto this bill, what would happen? In three weeks' time the House at the other end of the Avenue will be occupied by a different man—by a gentleman who will not stickle so for his prerogatives as to threaten the House of Representatives with a veto message. [Applause on the Democratic side.]

I want to correct the statement of the gentleman from Michigan [Mr. HORR] in another respect. What he said on this floor was untrue from beginning to end. I do not think he supposed so, because I think he is a truthful and honorable gentleman, but the fact is that the bill now before the House was acted upon by the committee before the second bill was presented.

Mr. HORR. Was it not reacted upon? I simply want to know the facts.

Mr. SLOCUM. Mr. Speaker, I have now in my drawer in the committee-room a letter from the gentleman who presented both these bills, in which he alludes to the presentation of the second one, and to the fact of his not having observed the action of the Committee on Military Affairs at the time the second bill was presented. Your history [addressing Mr. HORR] is wrong from beginning to end.

Mr. HORR. Did not the committee react on this bill?

Mr. SLOCUM. Suppose it did. Is a Democratic House to come and bow down before you, and ask you what you will have it do, or is it to go to the President and bow down to him and ask what he wants it to do? [Laughter and applause on the Democratic side.] If you really want to relieve General Grant, and are honest and fair, you have a chance to do it now; and if you do not do it, it will be simply because you are prejudiced against him because of his action in favor of doing justice to General Porter. [Applause on the Democratic side.]

Mr. ROSECRANS. Will my colleague, the gentleman from New York [Mr. SLOCUM], yield to me a moment?

Mr. SLOCUM. I am going to yield to the friends of the measure. [Cries of "Regular order!" "Regular order!"]

Mr. ROSECRANS. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from California is out of order.

Mr. ROSECRANS. He is usually out of order, but I want to correct the gentleman——

The SPEAKER *pro tempore*. The gentleman from California is out of order.

Mr. SLOCUM. I yield one minute to my colleague, the gentleman from New York [Mr. COX].

Mr. COX, of New York. When my friend from California [Mr. ROSECRANS] was fighting the Union fight in West Virginia I happened to be a member of this House from Ohio, and, along with Mr. Washburne, of Illinois, I gave my aid in every vote of money and men to sustain Ulysses S. Grant. I have seen many things connected with his career as a civilian since that time which I have reprobated on this floor; but, sir, Ulysses S. Grant has passed into history.

[Here the hammer fell.]

Mr. COX, of New York. I ask leave to extend my remarks.

Mr. CAMPBELL, of Pennsylvania, and others objected.

Mr. SLOCUM. I yield now to the gentleman from Pennsylvania.

Mr. RANDALL. Mr. Speaker, I favor the proposition to place General Grant upon the retired-list of the Army because I believe it to be a right procedure. Whether the method now proposed is the most expeditious mode of accomplishing the result I am not going to inquire; but if this proceeding fails, then I shall be ready to resort to some other to accomplish the end in view. [Applause.] But I want to say to General Grant's friends on this floor that if they divide on this question they are sure to be overcome, and they will not be free from blame if, in order to secure the consistency of President Arthur, they shall thereby put the knife to General Grant. Hence I invoke every member on this floor who favors the object in view to vote for this bill, and, this failing, to join with me in voting for some other measure which will accomplish the result. [Applause.]

Mr. SLOCUM. I yield the residue of my time to the gentleman from Pennsylvania [Mr. BAYNE].

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] is entitled to two minutes.

Mr. BAYNE. Mr. Speaker, in two minutes I can say but little. Against this bill are arrayed, first, the prejudices of most of the men whom General Grant conquered; I am sorry to see it. Against this bill are arrayed, secondly, the personal dislikes felt by a few individuals; I am sorry to see it. Against this bill are arrayed, thirdly, the political resentments of Republicans because General Grant's name is in the body of the bill and because the President vetoed a similar bill. I am sorry to see it; for no such motives should influence any man occupying the responsible position of a member of the House of Representatives; and in yielding to such motives he can not by any possibility excuse himself.

I believe implicitly in the power of the American Congress to pass this bill and to name the man to be benefited. [Applause.] It simply authorizes the President, with the approval of the Senate, to appoint General Grant to an office, if the President, in the exercise of his discretion, sees fit to do so. It is not mandatory. It does not say to the President, "Thou shalt," but only says to him, "You may, if in your judgment you believe it to be proper and right to do so."

The bill is in accordance with the practice under the Constitution from the foundation of the Government; and the very President who now occupies the executive chair has signed three bills containing provisions precisely similar to those in this bill.

I can see no justification under heaven for denying to General Grant, who was the great benefactor of his country and almost the saviour, this little boon. When any man interposes his prejudices or resentments or personal feelings against this most righteous act he does that which will not commend itself either to his own conscience or to the approval of the people of the United States.

The SPEAKER *pro tempore*. The time allowed for debate on this question has expired.

Mr. HORR. I rise to a personal explanation, and I do not think any one will object. I find I was misunderstood in reference to the division of time; and some members think I said something which compromised the gentleman occupying the chair regularly as Speaker *pro tempore*. If you will let me state just what occurred, that gentleman now being in the chair, I will say that when I asked to be recognized—— [Cries of "Regular order!"]

Mr. SLOCUM. No more debate is in order.

Mr. HORR. I will not say a word on the bill.

Mr. TUCKER. I hope the gentleman will be allowed to go on.

Mr. HORR. I am not going to say a word on this bill. [Cries of "Regular order!"]

Mr. TUCKER. If the gentleman wants to explain his remarks I hope he will be allowed to do so.

Mr. HORR. I think I have the right——

The SPEAKER *pro tempore*. The Chair rules that the gentleman is entitled to be heard if he claims the floor on a question of privilege.

Mr. HORR. I am not going to meddle with the question before the House.

Mr. COBB. The gentleman did not rise to a question of privilege.

Mr. HORR. I think that was my statement.

The SPEAKER *pro tempore*. The Chair understood the gentleman to say that he rose to a question of personal privilege. [Cries of "Regular order!"] Who is it that objects to allowing a gentleman to rise to a question of personal privilege?

Mr. COBB. That is not what the gentleman stated.

The SPEAKER *pro tempore*. The Chair so understood.

Mr. COBB. He said that he rose to a personal explanation and did not think the House would object. If he rises to a question of privilege, that is another matter.

The SPEAKER *pro tempore*. The Chair will hear to what point the gentleman from Michigan desires to address himself.

Mr. HORR. What I sought was to make an explanation of a remark which I learned I have been understood as making. Some members thought I intimated I was compelled to divide my time in a certain way in order to get the recognition of the Chair.

Mr. COBB. I ask whether this is a question of personal privilege?

The SPEAKER *pro tempore*. The gentleman states that it is a question of personal privilege.

Mr. HORR. It is. I am not in the habit of occupying the time of the House frivolously.

Mr. COBB. You take up more time than I do.

The SPEAKER *pro tempore*. The gentleman will proceed to state his question of privilege.

Mr. HORR. What I should have said and supposed I did say was this—that when I asked the present occupant of the Chair to recognize me to call for a second on this question I stated to him frankly that I opposed the bill on an entirely different ground from many other gentlemen on the floor. He said I will recognize you, trusting to you to be fair and let both wings be represented, and I stated to him that I would do that. I did do it, and that is the only reason why the gentleman from California received a portion of my time.

The SPEAKER *pro tempore* (Mr. BLACKBURN in the chair). The gentleman's statement is altogether accurate.

Mr. SLOCUM. I demand the yeas and nays.

The SPEAKER *pro tempore*. The time for debate having expired, the gentleman from New York demands the yeas and nays on the motion to suspend the rules and pass the bill.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 158, nays 103, not voting 63; as follows:

YEAS—158.

Anderson,	Evans,	Libbey,	Russell,
Arnot,	Everhart,	Long,	Ryan,
Atkinson,	Fiedler,	Lovering,	Seney,
Bagley,	Finerty,	Lyman,	Seymour,
Bayne,	Follett,	McAdoo,	Skinner, C. R.
Beach,	Funston,	McCoid,	Slocum,
Belford,	Fyan,	McComas,	Smalls,
Bingham,	Garrison,	McCormick,	Smith, A. Herr
Boutelle,	George,	Maybury,	Smith, H. Y.
Brainerd,	Glascock,	Millard,	Snyder,
Bratton,	Goff,	Miller, S. H.	Spooner,
Breckinridge,	Graves,	Milliken,	Steele,
Breitung,	Greenleaf,	Mitchell,	Stephenson,
Brewer, J. H.	Guenther,	Morgan,	Stevens,
Broadhead,	Hancock,	Morrill,	Stewart, J. W.
Brown, W. W.	Hardy,	Morse,	Stone,
Browne, T. M.	Harmer,	Murphy,	Struble,
Budd,	Hart,	Nelson,	Sumner, C. A.
Burleigh,	Hatch, H. H.	Nicholls,	Sumner, D. H.
Campbell, Felix	Haynes,	Nutting,	Talbott,
Campbell, J. E.	Henderson, T. J.	O'Hara,	Taylor, J. D.
Cannon,	Henley,	O'Neill, Charles	Thompson,
Cassidy,	Hitt,	O'Neill, J. J.	Tillman,
Clardy,	Hoblitzell,	Paige,	Tully,
Collins,	Holmes,	Parker,	Valentine,
Cox, S. S.	Houseman,	Payne,	Wadsworth,
Culbertson, W. W.	Howey,	Payson,	Wait,
Cullen,	Hunt,	Peters,	Wakefield,
Curtin,	James,	Pettibone,	Washburn,
Dargan,	Jeffords,	Phelps,	Weaver,
Davis, G. R.	Jones, B. W.	Poland,	White, Milo
Davis, R. T.	Kean,	Potter,	Whiting,
Deuster,	Keifer,	Pusey,	Wilkins,
Dibrell,	Kelley,	Randall,	Willis,
Dingley,	Ketcham,	Ranney,	Wilson, James
Dixon,	King,	Ray, G. W.	Wilson, W. L.
Dorsheimer,	Kleiner,	Ray, Ossian	Winans, John
Elliott,	Lacey,	Rice,	Worthington,
Ellis,	Lawrence,	Robinson, W. E.	
Ellwood,	Lewis,	Rowell,	

NAYS—103.

Aiken,	Davis, L. H.	Lowry,	Springer,
Alexander,	Dibble,	McMillin,	Stewart, Charles
Ballentine,	Dockery,	Matson,	Stockslager,
Barbour,	Dowd,	Miller, J. F.	Swope,
Barksdale,	Dunn,	Mills,	Taylor, J. M.
Bennett,	Eaton,	Money,	Thomas,
Blackburn,	Eldredge,	Moulton,	Tucker,
Blanchard,	Ermentrout,	Muldrow,	Turner, H. G.
Bland,	Forney,	Murray,	Turner, Oscar
Blount,	Geddes,	Mutchler,	Van Alstyne,
Buchanan,	Gibson,	Neece,	Vance,
Buckner,	Green,	Oates,	Wallace,
Burnes,	Halsell,	O'Ferrall,	Ward,
Cabell,	Hammond,	Peel,	Warner, A. J.
Caldwell,	Hanback,	Pierce,	Warner, Richard
Carleton,	Hatch, W. H.	Price,	Wellborn,
Clay,	Hemphill,	Pryor,	Weller,
Clements,	Herbert,	Reagan,	Williams,
Cobb,	Hewitt, G. W.	Reid, J. W.	Winans, E. B.
Connolly,	Hill,	Reese,	Wise, G. D.
Converse,	Holman,	Riggs,	Wolford,
Cosgrove,	Jones, J. H.	Rogers, J. H.	Wood,
Covington,	Jones, J. K.	Rosecrans,	Woodward,
Cox, W. R.	Jones, J. T.	Shively,	Yaple,
Crisp,	Lanham,	Singleton,	York.
Davidson,	Le Fevre,	Skinner, T. G.	

NOT VOTING—63.

Adams, G. E.	Dunham,	Hutchins,	Robinson, J. S.
Adams, J. J.	English,	Johnson,	Rockwell,
Barr,	Ferrell,	Jordan,	Rogers, W. F.
Belmont,	Findlay,	Kellogg,	Shaw,
Bisbee,	Foran,	Laird,	Spriggs,
Bowen,	Hardeman,	Lamb,	Storm,
Boyle,	Henderson, D. B.	Lore,	Strait,
Brewer, F. B.	Hepburn,	Morrison,	Taylor, E. B.
Brumm,	Hewitt, A. S.	Muller,	Throckmorton,
Campbell, J. M.	Hiscock,	Ochiltree,	Townshend,
Candler,	Holton,	Patton,	Van Eaton,
Chalmers,	Hooper,	Perkins,	Wemple,
Cook,	Hopkins,	Post,	White, J. D.
Craig,	Horr,	Rankin,	Wise, J. S.
Culberson, D. B.	Houk,	Reed, T. B.	Young.
Cutcheon,	Hurd,	Robertson,	

So (two-thirds not having voted in the affirmative) the rules were not suspended and the bill was not passed.

During the roll-call,

Mr. O'NEILL, of Missouri, moved to dispense with the reading of the names.

Objections were made.

The following pairs were announced from the Clerk's desk:

Until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. LAMB with Mr. KETCHAM.

Mr. POST with Mr. HOUK.

On this vote:

Mr. HOPKINS with Mr. PATTON.

Mr. FINDLAY with Mr. JOHNSON.

For this day:

Mr. FORAN with Mr. CHALMERS.

Mr. YOUNG with Mr. BARR.

Mr. STORM with Mr. OCHILTREE.

Mr. FERRELL with Mr. BOWEN.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR. If present, Mr. THROCKMORTON would vote in the negative.

Mr. MULLER with Mr. BREWER, of New York.

Mr. HEWITT, of New York, with Mr. HENDERSON, of Iowa.

Mr. TOWNSHEND with Mr. ROCKWELL.

Mr. ADAMS, of New York, with Mr. CRAIG.

Mr. BELMONT with Mr. HOOPER.

Mr. JORDAN with Mr. DUNHAM.

Mr. ROBERTSON, of Kentucky, with Mr. ADAMS, of Illinois. If present, Mr. ROBERTSON would vote in the negative.

Mr. STRAIT with Mr. VAN EATON.

Mr. CULBERSON, of Texas, with Mr. REED, of Maine.

The vote was then announced as above stated.

Mr. BARKSDALE. I ask that by unanimous consent members be permitted to print speeches on this subject which they did not have the opportunity to deliver.

Mr. BROWNE, of Indiana. I object.

Mr. COX, of New York. I rise to a question of privilege. I understood from the Speaker at the time I made my remarks I was authorized to print some remarks in addition. [Cries of "No!"]

Mr. CLAY. No; that was objected to.

Mr. COX, of New York. I do not care enough about it, and I withdraw any remarks I made on that subject.

EVENING SESSIONS FOR COMMITTEE ON NAVAL AFFAIRS.

Mr. TALBOTT. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the desk. I do this at the instance of the Committee on Naval Affairs of this House.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That on Wednesday, February 18, and Wednesday, February 25, the House take a recess at 5 o'clock p. m. until 8 o'clock p. m., and that the session of each of said evenings until adjournment shall be devoted to the consideration of bills or resolutions reported from the Committee on Naval Affairs, and bills and resolutions upon the Speaker's table over which the Committee on Naval Affairs may have jurisdiction, except Senate bill 698, or other bills authorizing the construction of steel cruisers, unless said evenings are claimed by the Committee on Appropriations for the consideration of general appropriation bills.

Mr. HENLEY. I object.

The SPEAKER *pro tempore*. Objections are not in order.

Mr. HENLEY. I propose to antagonize the motion, and therefore demand a second.

Mr. TALBOTT. I ask that a second may be considered as ordered by unanimous consent.

There being no objection a second was ordered.

The SPEAKER *pro tempore*. Under the rule thirty minutes are allowed for debate, of which the gentleman from Indiana will control fifteen minutes and the gentleman from California the remainder.

Mr. TALBOTT. The committee does not want any time to discuss the motion unless some gentleman shall occupy the time in opposition, when we wish to be heard.

Mr. HENLEY. I want to submit some remarks to the House upon the subject.

The SPEAKER *pro tempore*. The Chair will recognize the gentleman from California.

Mr. TALBOTT. We will reserve our time.

Mr. HENLEY. I should have no objection to the adoption of that resolution if it included an exception in favor of business from the Public Lands Committee. But there are some very important bills now before the House upon the Speaker's table involving the restoration to the public domain of millions of acres of land, and I think if the desires of the people throughout the United States were consulted they would place that character of legislation——

Mr. BROWNE, of Indiana. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BROWNE, of Indiana. It does not seem as if there are seats enough provided for the members of this House. I ask that the public business be suspended until gentlemen are provided with seats.

The SPEAKER *pro tempore*. The Sergeant-at-Arms will see that gentlemen take their seats.

Mr. HENLEY. I dislike exceedingly to antagonize anything that contemplates a rehabilitation or building up of our Navy; but I was proceeding to say at the time I was interrupted that I believed if the question were submitted to the people of the United States, and we are presumably representing their wishes, I believe they would say that the restoration and opening up for settlement of these public lands and the

forfeiture of railroad land grants would be paramount to all other considerations.

Now, if the gentleman will amend his rule so as to give the Committee on the Public Lands an equal show with the Committee on Naval Affairs, for myself I would interpose no objection; but as it is I submit these considerations as reasons why the rules should not be adopted, and reserve the remainder of my time.

Mr. BROWNE, of Indiana. Will the gentleman yield to me for a moment?

Mr. HENLEY. I have promised to yield to the gentleman from Kentucky [Mr. WILLIS] for two minutes.

Mr. WILLIS. Mr. Speaker, ordinarily I do not oppose these requests for the consideration of any character of public business; but in the present condition of our Calendar, with four or five appropriation bills pending, with the river and harbor bill before the House for its action, unless the gentleman shall except that from the operation of this provision, in my judgment it jeopardizes the passage of the river and harbor bill, and I ask him, therefore, to except that from his resolution.

Mr. STOCKSLAGER. And all other special orders.

Mr. WILLIS. If that exception is made, I shall support cordially the proposition; but unless it is done, I think the available time necessary to pass the appropriation bills, and in that I include, first of all, the river and harbor appropriation bill, will be taken up with proceedings brought up by this committee.

Mr. BROWNE, of Indiana. If the gentleman from Kentucky will yield to me the remainder of his time I shall like to say a single word.

Mr. WILLIS. Very well.

Mr. BROWNE, of Indiana. I am opposed to taking up any new business whatever until we finish the consideration of the appropriation bills. I do not think the House ought to go into any new business, as we have quite enough before us now.

Mr. HENLEY. That is right. I yield one minute to the gentleman from Georgia [Mr. HAMMOND].

Mr. HAMMOND. I desire simply to call the attention of the House to the fact that the resolution provides that the House shall take a recess on each day fixed in the resolution at 5 o'clock. We spent three hours of good work after 5 o'clock on the last day's session of this House.

Mr. HENLEY. How much time have I remaining?

The SPEAKER *pro tempore*. The gentleman has eleven minutes remaining.

Mr. HENLEY. I will yield one minute to the gentleman from Illinois [Mr. TOWNSHEND].

Mr. TOWNSHEND. Unless the gentleman from Maryland will except the Mexican pension bill, I shall certainly oppose his motion. [Laughter.] It is my desire to procure final action upon that pension bill before this Congress adjourns, and I shall not agree to allow that bill to be put aside by any other business whatever if I can help it.

Mr. TALBOTT. Has not some other gentleman some bill that he wants excepted, the Library bill for instance?

Mr. HENLEY. I yield one minute to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I only want to say I can not vote for this resolution at this time of the session; for this among other reasons, that it excepts the only measure of great public importance that I know of that should come from that committee, namely, the consideration of the bill for the construction of steel cruisers. I apprehend if this order should be made it may have awkward results and will greatly jeopardize some other special orders and business of public importance. I hope the resolution will be voted down.

Mr. HENLEY. I yield two minutes to the gentleman from Tennessee [Mr. MCMILLIN].

Mr. MCMILLIN. I have favored the special orders that have been sought by the committees seeking this privilege heretofore, and if the resolution were qualified I should favor the resolution in this instance also. I should be willing to attend any session of the House for any length of time for the benefit of the Committee on Naval Affairs. But there are two measures still undisposed of in addition to the appropriation bills excepted by this resolution, which I think are of paramount importance and which should not be permitted to be set aside by any special order. I refer to the reports made from the Committee on the Public Lands and to the report from the River and Harbor Committee. Until those reports are disposed of I think this House ought to be slow to make any special order that may by any possibility supersede them.

I regret to have to oppose the resolution; but in its present form and while it does antagonize the forfeiture and the just forfeiture of public lands and imperils the passage of the river and harbor bill, I shall oppose it and vote against it.

A MEMBER. Those are privileged matters.

Mr. MCMILLIN. Not under this resolution. If they were I should have no objection to voting for it, but this resolution sets their privilege aside.

Mr HENLEY. I yield one minute to the gentleman from North Carolina [Mr. O'HARA].

Mr. O'HARA. I regret very much I am compelled to oppose this resolution. But in addition to the appropriation bills and the river and harbor bill of which I am in favor, there is another bill of a great deal of importance, I might say of vital importance, to the country that should be acted upon this session and which will be excluded from consideration by the resolution now offered if it should be adopted. I mean the education bill. Until action is taken upon that bill I shall oppose not only this special order but all others that may be asked for.

Mr. HENLEY. I reserve the remainder of my time.

Mr. TALBOTT. I yield five minutes of my time to the chairman of the Committee on Naval Affairs, the gentleman from New York [Mr. COX].

Mr. COX, of New York. Mr. Speaker, this resolution has been ordered by the committee of which I happen to be chairman, and has been pressed here, in one form or other, for several weeks and months. It has not been passed. Resolutions of similar import for other committees, of no more dignity or importance to the House, have been adopted. We have made every proper exception in this resolution, but gentlemen oppose it because forsooth the educational bill is not excepted, or because the land-grant forfeiture bills are not excepted, or because somebody else's bill has not been excepted.

I desire to say, sir, on the two hundred bills sent to the Committee on Naval Affairs in this House for careful inspection there have been reports made, and we have modestly and kindly pressed them on the attention of Congress. If this House does not choose to consider matters of a naval character, the fault does not lie with that committee but with the House itself.

It is unfair to place men in charge of important interests and then by some hocus-pocus or by some rule ruling thereon cut them off from any consummation of the work in which they have been engaged.

No man wants to serve in this Congress unless he sees some sort of result from his labors. After some nine or ten months of constant labor on this committee we have had but one day of a hearing in this House.

We do not propose to intrench on the duties of other committees. Although I believe it is the duty of the Naval Affairs Committee to consider the question of our naval marine, we have not had an opportunity even to present one proposition in respect to it, and this resolution is only possible because that is excepted.

If the House chooses to vote this down, very well. As the chairman of that committee I have done my duty in all persistency in bringing matters before this House. There are matters now on the Speaker's table, and matters which have been reported from our committee connected with our Arctic expedition, with the Alert, with the proper disposition of things in the Navy, which are indispensable to be passed, and yet we can not get unanimous consent; we can not be heard by the Speaker under our rules; we can not move to suspend the rule by a two-thirds vote, and all we can do is during the last six days of the session to move to suspend the rules and pass some of our measures. We are discriminated against. I protest against it. If the House shall vote us down they may do so, but the responsibility is not on that committee which has been diligent in season and out of season to do the work delegated to us by the House.

Mr. TALBOTT. I yield two minutes to my colleague on the committee, the gentleman from New Jersey [Mr. MCADOO].

Mr. MCADOO. Mr. Speaker, I think that when the House reflects upon the time that has been given to other committees of no greater importance or dignity than the Committee on Naval Affairs this resolution will pass. It is conceded that we shall not try on the occasion selected to pass any bills looking to the construction of the Navy, the building of ships, but that we will deal alone with the *personnel* of the service. Now it is of the utmost importance—and I want to impress that upon the minds of members of the House—that this great mass of bills relating to the *personnel* of the Government and the efficiency of the service shall have consideration from Congress at this time. There are on the Calendars carefully made reports with relation to the official conduct of persons in the Navy, with relation to the reinstatement of cadets, with relation to almost everything that concerns the efficiency of the service—a great public service equal to the Army or the Post-Office, or any other branch of the Government—and I think it is but right that this House should give two evenings before it adjourns to the consideration of this business, the preparation of which has cost the members of the Committee on Naval Affairs weeks of labor. I have no hesitation in saying that no committee of this House has labored more faithfully, more zealously, and, although I am a member of the committee, I will say, more intelligently or more honestly, in investigating the matters assigned to it than the Committee on Naval Affairs. Is it right, sir, that all the labor of the members of that committee shall be wasted simply because this House will not give a single evening to considering the bills reported by the committee?

[Here the hammer fell.]

Mr. TALBOTT. How much time have I left, Mr. Speaker?

The SPEAKER *pro tempore*. The gentleman has sixteen minutes remaining.

Mr. TALBOTT. I yield to my colleague on the committee, the gentleman from Maine [Mr. BOUTELLE].

Mr. BOUTELLE. Mr. Speaker, the chairman of the Committee on Naval Affairs has very forcibly stated the injustice of which members

of that committee have a right to complain because of the condition in which they find themselves in respect of the public business committed to their care. I, Mr. Speaker, have had lying upon my desk for weeks two measures of public importance unanimously approved by the Committee on Naval Affairs—one of them involving a measure recommended to this House by the President of the United States in a special message; another involving the extension to the enlisted men and marines of the naval service of those beneficent provisions of law which have been heretofore extended to the military branch of the service, and the further extension of which is demanded by every consideration of justice and equity; yet day after day this House has adjourned and no possible opportunity has been afforded to members of our committee to discharge the duties which have been imposed upon them by their colleagues upon this floor. Neither under the morning hour, nor by unanimous consent, nor by suspension of the rules, has it been possible for me as one member of that committee to discharge the duties with which I have been intrusted. Member after member has come to me day after day inquiring, complaining, protesting; yet still we are in the position of being unable to secure any action whatever by the House. I appeal to the House to give to this committee, which certainly ought to be regarded and recognized as one of the important committees of the House, an opportunity of attending to the transaction of the public business intrusted to it.

Mr. TALBOTT. Mr. Speaker, I had no idea when I offered this resolution of how much business could be transacted in the course of two evenings. I find now that the Committee on Rivers and Harbors believe that they could pass their bill in one of the evenings which the Committee on Naval Affairs seeks to occupy; I find that the Committee on Education and Labor believe that they could pass their bill on that evening, and the only thing I am surprised at is that the gentleman from Mississippi [Mr. SINGLETON] did not tell us that if he could have that evening he could pass his Library bill. Mr. Speaker, although the Committee on Naval Affairs is one of the most important committees of the House, having charge of the legislation affecting a very important branch of the Government service, yet, under the rules of this House, we have found no possible way of getting our "day in court." If I ask for unanimous consent, somebody—no matter who—objects under the rule. I have carried this resolution and waited and waited for this day to be reached and for this committee to be called. I have waited so long that the resolution is almost worn out in my pocket [laughter], and this is the first time that I have had a chance to ask the House to give us a day or an evening for the consideration of business reported from the Committee on Naval Affairs.

We have a number of bills which have been passed by the Senate and are on the Speaker's table. We have a number of bills which were referred to our committee and have been reported back. We have a bill distributing prize-money, and we have a bill giving marines or seamen in the naval service charged with desertion an opportunity to remove the charge upon proper proof; we have a number of bills of great importance to the country; we have a bill which provides what is to be done with the Alert—for Congress has to pass upon that. We have also a bill upon the Calendar transferring vessels now in the Navy to the Treasury Department—the revenue marine. None of those measures, all of which are necessary measures and ought to be passed, can be reached unless this resolution be adopted. The Committee on Appropriations can, if they choose, antagonize these measures on either of these two evenings, or on both. The most important thing for this House to do is, of course, to pass the appropriation bills. That is what the country expects and what the people have a right to expect; but I think when we yield to the Committee on Appropriations that is as much as we ought to be required to do.

Mr. HENLEY. Mr. Speaker, the gentleman says he does not desire to retard the progress of the appropriation bills; but the trouble is that this proposition which he asks the House to adopt would do that very thing, because, as the gentleman from Georgia has very aptly said, it would compel a recess of the House on the evenings designated at 5 o'clock, appropriation bills or no appropriation bills. I oppose this proposition because I believe it means the possibility of all the disaster, turmoil, and distraction of an extra session.

Another thing, Mr. Speaker, it antagonizes the river and harbor bill; and I believe, if the sense of the people of this country should be taken, it would be found that the advancement of the commercial prosperity of this land, the security and preservation of human life sought in this river and harbor bill, are held in their estimation paramount to the consideration of the matters insisted upon by the Naval Committee or anything that can be done in that direction at this stage of the present session.

The chairman of the Committee on Naval Affairs has alluded to the fact that he has had no opportunity to press the consideration of the bills coming from his committee. Well, this House and the country will acquit him of any want of endeavor and persistency and determination on his part to secure the consideration of those measures. This House cheerfully accepts the responsibility of that matter, and he has none at all on his shoulders; unquestionably he has done his duty, as he always does, and his whole duty.

Mr. Speaker, the necessity becomes more and more apparent every day and hour that we live for the legislation embraced in the land-grant-forfeiture bills, which are antagonized by this proposed order. We see the other end of the Capitol—the Senate of the United States—gradually filling up with railroad magnates and their creatures. We see that the State of California has recently elected Leland Stanford to the Senate, distinguished for his violation of law and defiant disregard of the will of the people, and his great wealth taken from their pockets. We see elected from the State of New York Mr. Evarts, a man who has been conspicuous in and whose fame rests mainly on his defense of the pretended rights of railroad corporations and of corporate domination. We also see that another gentleman who has grown somewhat famous in the West in the same line has been returned to the Senate from Wisconsin. All these things go to show that the time has come when the friends of the people, when those who desire that these vast quantities of public lands that have fallen into the grasp of these corporations shall be restored to the public domain for the benefit of actual settlers, should act unitedly; and if we have any time at this session outside of that required by the appropriation bills that are actually necessary to carry on the Government, I am in favor of dedicating that time to the restoration of these lands to the people.

Mr. HOLMAN. That is right.

Mr. HENLEY. I yield to the gentleman from Arkansas [Mr. ROGERS].

The SPEAKER *pro tempore*. The gentleman from Arkansas has one minute and a half.

Mr. ROGERS, of Arkansas. Mr. Speaker, in the confusion I failed to hear the reading of this resolution. I ask that it be read again.

The SPEAKER *pro tempore*. If read again it must come out of the gentleman's time.

Mr. ROGERS, of Arkansas. I am aware of that. I hope the Clerk will read rapidly.

The Clerk proceeded to read the resolution again:

Mr. ROGERS, of Arkansas (interrupting the reading). Mr. Speaker, I have heard enough of this resolution to convince me that I ought to vote against it; and as gentlemen seem to have selected this occasion for the purpose of pronouncing funeral orations over the dead measures of dying committees, I wish to say that the Committee on the Post-Office and Post-Roads, of which I am a member, has never had an hour of the time of this House from the beginning of the Forty-eighth Congress down to the present time. I do not know how many more committees of the House are in the same situation.

Mr. TALBOTT. That is not the fault of the Naval Committee.

Mr. ROGERS, of Arkansas. As a parting shot I want to say that at the next session of Congress I hope we shall have some revision of these rules, so as to give us some opportunity at some time to discharge our public duties in a manner creditable to ourselves and in a measure at least acceptable to the country. We shall never do it while working under this cleverly devised batch of obstructions that we improperly denominate a system of rules. [Applause.]

Mr. TALBOTT. I yield the residue of my time to the gentleman from West Virginia [Mr. GOFF].

Mr. GOFF. Mr. Speaker, the statement of the gentleman from Arkansas [Mr. ROGERS] that his committee has not had opportunity to present its business to the consideration of the House is no argument why one at least of the important committees of this House should not be heard. I mean no disrespect to the gentleman from California [Mr. HENLEY] or to the measures which he advocates when I say that he probably magnifies their importance, at least in the estimation of members of this House. The reason he has given why this resolution should not pass applies equally to every motion made here, to every proposition brought up for the consideration of the House, because it consumes time, and the consumption of time jeopardizes the passage of other measures.

We have had important matters before the Naval Committee; matters in which the entire country is deeply interested; matters in which every Congressional district and every member of this House is concerned; matters affecting the Naval Academy; matters affecting the Naval Observatory. They have been duly considered in committee, and we should have at least a few hours of this session to present them to the House.

The SPEAKER *pro tempore*. The time for debate on the motion to suspend the rules has expired.

The question being taken on the motion of Mr. TALBOTT to suspend the rules and adopt the resolution, it was not agreed to; there being—ayes 54, noes 73.

The SPEAKER *pro tempore* (Mr. SPRINGER). The next committee entitled to submit a motion to suspend the rules is the Committee on the Post-Office and Post-Roads.

LETTING OF MAIL CONTRACTS.

Mr. MONEY. By instruction of the Committee on the Post-Office and Post-Roads, I move to suspend the rules so as to take from the House Calendar and pass the bill (H. R. 6407) to regulate the letting of mail contracts.

The bill was read, as follows:

Be it enacted, &c., That every proposal for carrying the mail, made under a general or miscellaneous advertisement, shall be accompanied by the bond of

the bidder in a sum to be designated by the Postmaster-General in the advertisement of each route, and in a form to be prescribed by the Postmaster-General, with sureties approved by a postmaster at a post-office upon or contiguous to the route to which the proposal relates, to which bond a condition shall be annexed that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void, otherwise to be in full force and obligation in law; and in case of failure of any bidder to enter into such contract to perform the service, or, having executed a contract, in case of failure to perform the service according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No proposal shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said proposal the oath of the bidder, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the bid is made in good faith, and with the intention to enter into contract and perform the service in case his bid is accepted. And if any bidder or surety shall knowingly and willfully swear falsely to any statement that the Postmaster-General may require under the provisions of this section, he shall be deemed guilty of perjury, and, on conviction thereof, be punished as is provided by law for commission of the crime of perjury.

SEC. 2. That whenever, from any cause, no proposal is received for the performance of mail service on any route that has been advertised at any general or miscellaneous letting, or whenever the lowest proposal received is considered too high, the Postmaster-General may informally readvertise the service, for not less than ten days, at the terminal points upon the route, and at such other points as he may deem proper; and the contract made under such advertisement shall run, as nearly as possible, from the beginning to the end of the regular contract term; and during the time that may necessarily be lost by reason of a failure to receive a proposal or make an award, the Postmaster-General may employ temporary service upon the conditions imposed by law therefor.

SEC. 3. That in awarding contracts for mail service the Postmaster-General shall not be bound to consider the proposal of any person who has imposed, or aided in the imposition, upon the United States of an insufficient bond upon any proposal or contract for carrying the mail, or who has made any false statement to any postmaster or other official in the postal service to secure a certificate to the sufficiency of the sureties upon any such proposal or contract, or who has made or filed, or aided in the making or filing, of any false statement in relation to any post-road, or mail service thereon, with the intent thereby to defraud or otherwise cause loss to the United States.

SEC. 4. That the first part of section 2 of an act to regulate the advertising of mail lettings, and for other purposes, approved May 17, 1878, be so amended as to read as follows:

"Hereafter no subletting or transfer of any mail contract shall be permitted unless the annual compensation under the contract for the service shall exceed $700, and in no case without the consent in writing of the Postmaster-General."

SEC. 5. That section 1 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes," be, and it is hereby, amended by striking out, in lines 28 and 29, the words "and upon a bulletin-board in a public place in the Post-Office Department building at Washington, in the District of Columbia." And sections 3945, 3946, and 3953 of the Revised Statutes, and subsections 245 and 246 of section 12 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874, and subsections 246 of an act approved August 11, 1876, entitled "An act to amend subsections 246 and 251 of section 12 of an act entitled 'An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other puposes,' approved June the 23d, 1874, and for other purposes, and section 3954 of the Revised Statutes," approved August 11, 1876, be, and the same are hereby, repealed.

Mr. VALENTINE. I demand a second.

Mr. MONEY. I have no objection to that, and I hope a second will be granted by unanimous consent.

Mr. VALENTINE. I only want time for explanation of the provisions of the bill.

The SPEAKER *pro tempore*. The Chair hears no objection, and there is a second to the motion to suspend the rules. The rules allow fifteen minutes' debate on either side.

Mr. MONEY. I ask the attention of the gentleman from Nebraska for a moment. Is it his intention to debate the bill?

Mr. VALENTINE. Not especially. I can not support the bill as reported from the committee. I find objection to the first section. Let the gentleman take his time if he is going to make any remarks on the bill.

Mr. MONEY. I have no desire to debate the measure unless gentlemen have something to urge against its adoption.

Mr. VALENTINE. Explain it.

Mr. MONEY. Very well, then; I will explain briefly to the House that the purpose of the bill is to shut off all speculative bidding on star routes, or ring bids. It is to obviate hereafter any possibility of that maladministration of the contract office of the Post-Office Department which fostered and encouraged those star-route frauds which were the subject of investigation by two or three committees of this House. In my opinion and in the opinion of the committee it will have that effect. It will throw, in other words, the carriage of mails on star routes into the hands of the people who live contiguous to those routes. It will put it into the hands of the local contractors and take it out of the hands of this great organization which exists only at Washington, and puts in bids for every State and Territory in this Union, at prices sometimes below the market, and then sublets to subcontractors all over the country. The result is, we have as cheap carriage as under any system, but it is inferior and unsatisfactory to the Department and the people. That is the object of the bill, and I will reserve the remainder of my time until I can hear what gentlemen have to say in opposition.

Mr. VALENTINE. I am in sympathy with the line of thought suggested by the gentleman from Mississippi. If it is possible under this or any other law we may enact to take from the great star-route ring the power of gathering all these small routes in the country into their hands, then I will support the bill. I am in favor of that if that would be the result of it, but I believe if this bill becomes a law that in the sparsely settled portions of the West it would deprive the citizens of their mail facilities. I specially refer to this provision of the bill which says that every proposal for carrying the mail made under a general or miscellaneous advertisement shall be accompanied by the bond of the bidder in a sum to be designated by the Postmaster-General in the advertisement of each route, and in a form to be prescribed by the Postmaster-General, with sureties approved by a postmaster at a post-office upon or contiguous to the route to which the proposal relates, to which bond a condition shall be annexed that if the said bidder shall, within such time after his bid is accepted as the Postmaster-General shall prescribe, enter into a contract with the United States of America, with good and sufficient sureties, to be approved by the Postmaster-General, to perform the service proposed in his said bid, and, further, that he shall perform the said service according to his contract, then the said obligation to be void; otherwise to be in full force and obligation in law.

That would only permit men living on the route or contiguous thereto to enter into competition in bidding. I assure you, in my own State, where this system is largely in vogue yet, there are no men who would be able to carry on the larger routes, for the reason they could not give the security. They are not able to take the responsibility of carrying on those large routes, and I believe the result would be to break down the carriage of the service we have now in the West. So believing, I think the bill ought not to be passed without amendment. For instance, a man in the eastern part of my State would not be able to get a contract in the western part of the State, forsooth, because the postmaster on the western route would not be sufficiently acquainted with him to approve his bond. In a State five hundred miles across a man in one part can not know well enough those in the other parts to give approval to their bonds.

Now, I am in favor of any plan which may be devised to take from the Washington ring the power of gathering up all these routes, but I do not wish to have our people deprived of the chance of receiving their mails as they now do.

Mr. ROGERS, of Arkansas. What is the reason that solvency of sureties may not be made to appear to the postmaster along the route as well as you can make the fact in Arkansas appear in New York?

Mr. VALENTINE. Why is it the committee select a postmaster away out on the route instead of the Postmaster-General?

Mr. ROGERS, of Arkansas. Simply to break up the star-route ring that has existed here and controlled these matters.

Mr. VALENTINE. If I thought this bill would accomplish that purpose, and that it would not in any way change for the worse the system we have of carrying the mails, I would be glad to assist in carrying it through; but as I am now advised it will not have that effect.

A MEMBER. And it will increase the cost.

Mr. VALENTINE. I do not care whether it increases the cost or not, as I believe the people of the United States, whether they live in the prairies or in the cities, should have all the mail facilities this Congress can furnish them with. If I were sure it could increase the efficiency of the service I would vote for it, but I am unwilling to deprive the people of the West of any postal facilities they now possess.

Mr. HORR. I would like to know to what extent the gentleman assumes that this would increase the cost of the public service.

Mr. MONEY. I will allude to that in the course of my remarks.

Mr. VALENTINE. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I doubt very much whether this bill should be passed, if passed at all, with only fifteen minutes' debate on each side. To me it is a very important bill; that was my impression on hearing it read for the first time from the desk; and it is a bill that should not, in my judgment, pass without sufficient information as to exactly what it does. It is impossible in the short time allowed for its consideration to judge properly of its effects. I do not believe it is possible for anybody to form an intelligent opinion unless he be on the committee which presented it. There is not time for the House to understand it in the limit of the half hour allowed for discussion.

Now, I grant you one thing, that in the past great outrages have been committed in this branch of the service.

Mr. TILLMAN. And they are committed now, I will say, if the gentleman is not aware of the fact.

Mr. CANNON. The gentleman says they are committed now; but to a great extent the cure for these outrages is in the administration of the Department. We have seen within the last few years this service established upon over 10,000 routes, and by correct administration cut down from an actual expenditure of about $8,000,000 to a little over $5,000,000 per annum; and while I think it might be well enough to require these star-route bidders to provide not only proper sureties, but the approval of their bonds in the State, or the section, if you please, where the route is to be let, yet I am inclined to think that if you require them in every case on each one of these 10,000 routes throughout the country to comply with such a requirement, and demand that a postmaster on each particular route shall approve the bonds, you destroy competition and necessarily double up the cost of the service to the Government.

Now, sir, I do not want to legislate for the benefit of any contractor or contractors, but in seeking to break up one ring I am opposed to doing it in such a manner as to incur the possibility of creating a dozen others. Therefore I would be glad if the gentleman in charge of this proposition would amend his motion so as to set the bill down for consideration some evening when it can be considered in the House and fully discussed, intelligently discussed, and understood by the House before we are called upon to vote on it. In its present shape I can not vote for it, although I would be glad to do so when I understand its provisions, if it commends itself to my judgment, when I have had that opportunity.

Mr. VALENTINE. I reserve the remainder of my time.

Mr. MONEY. I believe I have the right to close this discussion, and will reserve my time.

Mr. VALENTINE. Then we had better come to a vote at once.

I would like to say to the gentleman that I think it is but fair that he should give some reason for the passage of this bill before objection is asked against it. It may be that he can sufficiently explain the clause to which I object. I have no desire to consume any of the time of the House unnecessarily, nor have I any desire in this matter except to increase the efficiency of this branch of the service. In my present view of the case I think it would be a public injury to my people and would eventually break down the service in that State to adopt this bill.

Mr. MONEY. I am perfectly willing if the gentleman wants information to give it.

Mr. VALENTINE. I should be very glad to hear from the gentleman before proceeding myself.

Mr. MONEY. This bill was prepared at the Post-Office Department, and they are presumed to know the wants of the service. They are not presumed to be willing to strike down the service in any of its branches. This has had the careful consideration and comes here with the unanimous approval of the Post-Office Committee.

I say to my friend from Nebraska that it is a measure which would not impair the efficiency of the service, but on the contrary it will promote it. The only object that it has in view is to promote the efficiency of the service, and to strike down this speculative bidding under which great frauds have arisen and flourished in the past.

Mr. CANNON. Does not my friend think that it would materially increase the cost of the service?

Mr. MONEY. I do think so. I desire to deal perfectly fairly, openly, and frankly with the House. My own impression is that it will increase the cost. There is, however, a conflict of opinion in the Department upon the subject; but the committee believe that it will increase the cost perhaps as much as 5 per cent.

Mr. VALENTINE. And do a good deal more than that percentage of injury to it.

Mr. MONEY. But on the other hand the committee believe that it will best promote the efficiency of the service and its interests, as well as the honesty of the administration of the service. We propose to take away the temptation to defraud the Government and the opportunity for doing so. We propose while giving every needed star-route facility to every community in all parts of the country to throw every possible safeguard around it to secure its honest administration.

Why, sir, the practice that prevails here is one that I am satisfied a little reflection will induce any man to admit ought to be broken up. Take a thousand routes in any portion of this Union, and if the bidder on those routes can secure the approval of the postmaster in some little village like Falls Church, or Rockville, or any other place in the neighborhood of Washington, on the bonds, if one man comes in and swears he is worth $10,000 he is approved by the postmaster, and he becomes the surety on bids involving one hundred thousand or a million of dollars.

The whole object of this bill is to promote the efficiency of the service; and I grant the gentleman, if he desires it, it will be at an increased cost. But if it is, it brings a benefit to the people more than commensurate with that increase of cost.

Mr. HORR. I wish to ask the gentleman: Do they not now have to deposit a check?

Mr. MONEY. They do have to deposit a check, and that is one of the things which prevent the people in the rural districts from bidding. The people who know every inch of the country, the character of the routes, the cost of forage, the value of labor, of horses, &c., want to bid; but they have not got a national bank convenient to them; they have not the money in their pockets to get checks here to compete with the gentlemen who have millions of dollars and can get their checks without inconvenience to themselves.

Mr. BAYNE. I wish to ask the gentleman from Mississippi a question. Does this bill preclude the doubling up of contractors in support of each other?

Mr. MONEY. I do not quite understand the gentleman.

Mr. BAYNE. Does it shut out mail contractors from supporting each other and intermingling their bids?

Mr. MONEY. It prevents the ring bidding so far as it is possible for that to be done. It is designed to put the service in the hands of the people who are on the routes, who understand the service and are willing to give good service.

The result of the present system is that a great many of these routes are taken every year and sublet at a loss; but on the average the contractors make their profits. But when the routes are taken at a loss it means inefficient and poor service; it means a derangement of the whole service; it means a delay in the Sixth Auditor's Office in the settlement of the accounts; it means deductions and subsequent releases on that account. This not only simplifies but it vastly increases the efficiency of the service; and it does so, as I admit, at a slight increase of cost.

Mr. KEIFER. Will the gentleman allow me to ask, in the spirit of getting to understand the bill in the short time we have for its consideration——

Mr. MONEY. I am sorry we have not more.

Mr. KEIFER. I sympathize with the gentleman as to that, and want to know if this bill—for I had not an opportunity of listening to its being read—will prevent a contractor from taking contracts on these star routes at various places over the country and subletting them to other parties.

Mr. MONEY. It will not prevent any man in the United States from bidding on any route, but compels him to bring his sureties from that route.

Mr. KEIFER. Does it forbid subletting to the local parties?

Mr. ROGERS, of Arkansas. Under $700 it does.

Mr. MONEY. Under $700 they can not sublet at all.

Mr. KEIFER. And if they bid for a contract and it is awarded, they must by their own teams and transportation carry it themselves?

Mr. MONEY. Yes, sir. I should be glad to speak for an hour in explanation and advocacy of this measure, but I promised to yield to my colleague on the committee, the gentleman from New York [Mr. SKINNER], for two minutes.

Mr. SKINNER, of New York. I desire to indorse every word which the chairman of the Committee on the Post-Office and Post-Roads has said in support of this bill. I think the objection made to it by the gentleman from Nebraska [Mr. VALENTINE] is not good, because I believe it is true that the character of the sureties can be better known within the bounds of one State than the character of sureties throughout the Union can be known at the Department.

My reasons for supporting this bill are that it gives infinitely a better service, and what is the best is the cheapest. It should be passed for another reason: it makes impossible the disgraceful frauds which have disgraced the present plan. It opens the service to parties nearer by, where the service is to be performed, and where it can best be judged. It is recommended by the best judgment of the officers of the Department, who, it seems to me, are the best judges of what the service needs. It has received the patient and careful attention of the Committee on the Post-Office and Post-Roads in connection with the authorities of the Post-Office Department; and I believe it will be to the credit of this Congress to put this good legislation upon the statute-book.

Mr. MONEY. I yield two minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. I am heartily in favor of this legislation for three among other reasons:

First. I believe that the contracts for carrying the mails of the United States should be given to those men who live near the routes, who are acquainted with the wants of the localities, and who will give their personal attention to the business. I do not believe that the giving of contracts to professional bidders living hundreds of miles distant from the point where the service is to be performed does result in benefit to the service.

Secondly. I know, from experience in my own district, that the correction of irregularities in the carrying of the mails, where the letting has been given to a professional bidder, is always delayed because of the distance that the contractor lives from the locality interested.

Thirdly. I believe that the contractors who carry the mails themselves should not be permitted to sublet to other parties, because when professional contractors sublet to other parties they always desire to make a profit, and in doing that necessarily secure the service of men who have inadequate equipments for the purpose, and who therefore always, or usually, provide inefficient service.

I think, therefore, that this bill is in the interest of a true economy and an improved and more efficient service, and I am heartily in favor of it.

Mr. MONEY. I reserve the balance of my time.

Mr. VALENTINE. Mr. Speaker, how much time is there remaining?

The SPEAKER *pro tempore*. The gentleman from Nebraska [Mr. VALENTINE] has six minutes remaining.

Mr. VALENTINE. Mr. Speaker, I can agree with almost everything that has been said by the gentlemen who advocate this bill except that it is a good measure. [Laughter.] I would like to see a law enacted to carry out just what they desire, but I do not believe that this bill would have that effect. I ask any of these gentlemen to look at any route in his own State at least fifty miles in length and he will find that the contractor is not required to live in the State; he may live in Washington. All that is required is that the bonds of the sureties shall be approved by a postmaster who lives contiguous to the route. Now, if any gentleman in whose district there are star routes will just

think for a moment I am satisfied that he will agree with me that in every case of a route there or in any other part of the country the bidders in Washington can carry their bonds out there to some postmaster along the route and get them approved. The fact is, this legislation only gives more power to the men that you are trying to strike down and makes the case worse than it is at present, and I wish to say to the House that if this legislation be adopted the increase in the cost of the star-route service will be not 5 per cent. but 50 per cent. That is my prediction, and when you are called upon two years hence to vote an appropriation for the star-route service remember what I have said about it here to-day, that instead of the cost being increased 5 per cent. it will be increased probably 50 per cent.

Mr. HORR. Oh, no.

Mr. PAYSON. Why do you say that?

Mr. VALENTINE. I believe it.

Mr. PAYSON. Why?

Mr. VALENTINE. Because the legislation will force out the best men from the service and give it to people who will charge more than they do now.

Mr. JONES, of Texas. How can it cost 50 per cent. more? If you will read further you will see that the Postmaster-General may reject any bid if he thinks it unreasonable and can readvertise the route.

Mr. VALENTINE. I will say to my friend from Texas that a short time ago it came under my observation that a gentleman living in his State, and for aught I know in his district, bid upon a star route in that State, and he being the lowest bidder, the contract was awarded to him; but when he came to put on his service he found that he could not carry the mails for the amount of his bid, so the route was left without service, the next bidder upon the list refusing to take it, and the Department had to do as you say they can do under this bill—readvertise. They did readvertise that service, and it stands readvertised to-day; and the mail is most irregularly carried. That is the condition of affairs in my friend's State, and it is in my own State, and all over the West. Now if you enact this law you will find that it will strike down the best service in all the sparsely settled portions of the country, besides increasing the cost of the whole star-route service. Under a correct administration (if that is the proper phrase) of the affairs of the office of the Second Assistant Postmaster-General the appropriations for this star-route service have been reduced from a little over $8,000,000 to a little over $5,000,000; but if you pass this law, remember what I say now, that instead of five millions, your appropriations for this purpose two years from now will be at least seven millions and a half.

Mr. JONES, of Texas. My friend, let me correct you. It is the opinion of the Post-Office Department that if the subcontractors could get the pay that the contractors now get from the Government there would be no such failures as there are at present.

Mr. VALENTINE. That is often so. I have myself spoken here more than once upon the subject of diamond-pin gentlemen who live in this city and defraud our people in the West, and I am most anxious to have legislation which will put an end to that evil.

Mr. SKINNER, of New York. This bill will help to do it.

Mr. VALENTINE. I am sure that this bill, if it shall become a law, will not only fail to accomplish that result, but will strike down the most valuable and efficient portion of the service in my State and in all that part of the country.

[Here the hammer fell.]

Mr. MONEY. I now yield three minutes to the gentleman from Georgia [Mr. BLOUNT].

Mr. BLOUNT. Mr. Speaker, I regret that there is not more time for the discussion of this bill, although its provisions are simple and easily understood. In my own section, which, I take it, illustrates the condition of things in many other sections of the country if not in the entire region where the star-route service prevails, there is an abandonment of the service in various routes. The contractor sublets to this or that person at a rate which turns out to be unremunerative, and the subcontractor abandons the route. Then comes a complaint, and then a letter to the contractor, and the service is put on again until another man experiments with it and abandons it in the same way. That is quite a common result in the star-route service in my own section of the country, and the gentleman from South Carolina [Mr. TILLMAN] says it is the same in his State, and my information from other gentlemen representing districts in which this star-route service exists is to the same general effect.

Now, sir, I have come to the conclusion that the parties here in Washington whose entire time is devoted to this star-route mail business conduct it in this way: They get together and take a block of, say, five hundred contracts; they know nothing about the routes, but they bid upon them at a certain rate, with the idea that, on the whole, in the final summing up, they will make a profit, and I presume they generally do. The result is, that where the route is remunerative the contractor sublets it to some one at a rate at which, perhaps, the service can be performed at a profit; but on another route, where the contract does not pay, it is sublet perhaps to some ignorant person, who undertakes to do the work and fails, so that the result is the embarrassment to which I have referred.

Now, where these routes have practically been let too low, as every person acquainted with the facts knows—have been let at rates for which the service can not be properly performed—can there be objection to increasing the cost of the service in the reasonable way now proposed?

My attention has been called to these very difficulties by the Post-Office Department, which has had a great deal of trouble in this way, the time of its employés being constantly taken up in efforts to enforce the service. After long consideration officers of that Department have informed me that the only way which has occurred to them of meeting the difficulty is by such a provision as is contained in this bill, requiring the sureties to be approved by the postmaster at a post-office upon or contiguous to the route to which the proposals relate.

[Here the hammer fell.]

The SPEAKER *pro tempore*. One minute remains of the time in opposition to the bill and two minutes of the time in its favor. [A pause.] No gentleman rises to claim the time in opposition.

Mr. MONEY. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Mississippi is recognized to speak in favor of the bill for two minutes.

Mr. MONEY. Mr. Speaker, I desire to correct the apprehension entertained by my friend from Nebraska [Mr. VALENTINE] that this bill, if passed, may in its operation break up some of the star routes. I beg to assure him it is impossible that under this bill or any other the star service should be stopped on a single route. The only question is whether we shall make that service more efficient. Under this bill it certainly will be made more efficient, more honest, more satisfactory to the people and to the Department; and while I admit that the cost may be about 5 per cent. additional for a year or two, yet in a very short time, before the next regular contracts are let, the whole thing will in my opinion correct itself, and the service will be as cheap as it ever was.

What we desire most of all is to have a good service, a service with which the people will be satisfied. There are now pending in various parts of the country lawsuits brought by subcontractors who have not been paid. Great "rings" are systematically organized to contract for this service throughout the whole country; and it is frequently the case—I will not say how often—that upon the last quarter these contractors entirely fail to pay their subcontractors.

In my opinion there has not been presented to this House for a long time a measure better calculated to correct abuses in the public service and promote its efficiency than that which I now ask the House to pass.

The SPEAKER *pro tempore*. The time allowed for debate on this motion has expired.

The question being taken on the motion of Mr. MONEY to suspend the rules and pass the bill, it was determined in the affirmative—two-thirds voting in favor thereof.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. 8130) making appropriations for the support of the Army for the fiscal year ending June 30, 1886, and for other purposes, agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. ALLISON, Mr. PLUMB, and Mr. RANSOM.

The message also announced that the Senate had concurred in the amendments of the House to bills of the following titles:

A bill (S. 1571) granting a pension to James McCallen; and

A bill (S. 2549) granting a pension to Isabella Higgins.

BUSINESS OF COMMITTEE ON INDIAN AFFAIRS.

The SPEAKER *pro tempore*. The next committee entitled to recognition under this call is the Committee on Indian Affairs.

Mr. WELLBORN. By direction of the Committee on Indian Affairs, I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That on Tuesday, the 24th instant, the House take a recess at 6 p. m. until 8 p. m.; the evening session of said day to be devoted to such business as the Committee on Indian Affairs may designate; this order not to interfere with revenue or general appropriation bills.

Mr. HOLMAN. I ask that the resolution be modified by adding "or bills affecting the public lands."

The SPEAKER *pro tempore*. That modification can be made by unanimous consent. The Chair hears no objection.

The question having been taken on the motion of Mr. WELLBORN,

The SPEAKER *pro tempore* said: On this question the ayes are 69, the noes 36. Two-thirds not having voted in the affirmative, the resolution is not agreed to. The next committee under this call is the Committee on Territories.

Mr. PERKINS. If it is not too late, I desire to call for tellers upon agreeing to the resolution in regard to business of the Committee on Indian Affairs.

The SPEAKER *pro tempore*. The Chair thinks it is too late, another committee having been called.

Mr. PERKINS. I ask unanimous consent that the vote be taken by tellers on that question.

Several members objected.

The SPEAKER *pro tempore*. Objection is made. If the Committee on Territories has no business to present, the next committee on this call is the Committee on Railways and Canals.

Mr. DAVIDSON. I was instructed by the Committee on Railways and Canals to submit a proposition for an evening session for the consideration of bills reported from our committee; but the fate of similar resolutions from other committees has satisfied me that it would be useless for me to do so; and therefore I will not unnecessarily consume the time of the House.

ARMY MEDICAL MUSEUM BUILDING.

Mr. STOCKSLAGER. I move to suspend the rules and pass the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army, with the amendments reported from the Committee on Public Buildings and Grounds.

The bill was read, as follows:

Be it enacted, &c., That a brick and metal fire-proof building, to be used for the safe-keeping of the records, library, and museum of the Surgeon-General's Office of the United States Army, is hereby authorized to be constructed upon the Government reservation in the city of Washington, in the vicinity of the National Museum and the Smithsonian Institution, on a site to be selected by a commission composed of the architect of the Capitol, the secretary of the Smithsonian Institution, and the officer in charge of the State, War, and Navy Department building, and in accordance with plans and specifications submitted by the Surgeon-General of the Army and approved by said commission, the cost of the building, when completed, not to exceed the sum of $200,000; the building to be erected and the money expended under the direction and superintendence of the officer in charge of the State, War, and Navy Department building.

The amendments of the committee were read, as follows:

In section 1, line 9, after the word "the," insert the words "Secretary of War, the;" and in line 10, after the word "Capitol," insert the word "and;" also, in lines 11 and 12, strike out the words "and the officer in charge of the State, War, and Navy Department building;" also, in lines 18 and 19, strike out "officer in charge of the State, War, and Navy Department building" and insert "Secretary of War."

Also insert the following new section:

SEC. 2. That the sum of $200,000 is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, for the commencement and completion of said building.

Several MEMBERS. Read the report.

The report was read, as follows:

Mr. STOCKSLAGER, from the Committee on Public Buildings and Grounds, submitted the following report:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 48) providing for the erection of a building to contain the records of the library and museum of the Medical Department, United States Army, submit the following report:

The building now used by the Medical Department for a library and museum, situated on Tenth street, between E and F streets northwest, is not only too small to contain the records of the library and museum, but is unsubstantial and exposed to destruction by fire. The records are very valuable, and if destroyed many of them could not be replaced.

The late Surg. Gen. J. K. Barnes, in a letter to the Secretary of War, December 7, 1881, made the following statement:

"It is difficult to form an estimate of the value of the Government property collected in this building. The money value of the portion of it which could be replaced by money can not be less than $250,000; but much of it could never be replaced, either by time or money. Thus, there are filed in the record and pension divisions over 16,000 bound volumes of hospital records, together with a great quantity of papers embracing the original records of the hospitals of our armies during the civil war. Aside from their historical value these records are daily searched for evidence needed in the settlement of large numbers of pension and other claims, to the protection of the Government against attempted frauds as well as to the advantage of honest claimants; should they unfortunately be destroyed, these records could not be replaced.

"The collections of books and specimens constituting the Army Medical Museum and Library are also of national importance. The library now contains about 51,500 volumes and 57,000 pamphlets relating to medicine, surgery, and allied topics. A considerable part of them were gifts or were obtained by exchange, or purchased in Europe under peculiarly favorable circumstances; so that if destroyed this collection could not probably be replaced except at a great advance on its actual cost. The collections of the Army Medical Museum consist of 22,000 specimens, and are unique in the completeness with which both military surgery and the diseases of armies are illustrated. Their destruction would be an irreparable loss, not only to the United States, but to the world."

The collections of books and specimens, which has been largely increased since the above was written, is of great interest to the members of the medical profession, and medical societies from nearly every State in the Union have called the attention of Congress, by petitions and memorials, to the necessity of providing a building where these records would be secure.

In view of these facts, your committee recommend the adoption of the accompanying bill as amended.

Mr. THOMPSON, of Kentucky. I ask for a second on the motion to suspend the rules.

Mr. STOCKSLAGER. I ask that by unanimous consent the second be considered as having been ordered.

Mr. HEWITT, of Alabama. The time of the reading of the report ought to be taken out of the half hour allowed for debate.

The SPEAKER *pro tempore*. Four minutes were occupied by the reading of the report, which will be taken out of the time allowed in advocacy of the bill.

Mr. STOCKSLAGER. I did not call for the reading of the report.

The SPEAKER *pro tempore*. The Chair thought it was called for by the gentleman from Indiana.

Mr. STOCKSLAGER. No; the report was read at the request of other gentlemen upon the floor. I did not care anything about it.

The SPEAKER *pro tempore*. The gentleman from Indiana is recognized and will proceed.

Mr. THOMPSON, of Kentucky. What has become of the question of seconding the motion to suspend the rules?

The SPEAKER *pro tempore*. Does the gentleman object to the second being ordered by unanimous consent?

Mr. REAGAN. I do.

The SPEAKER *pro tempore*. The Chair appoints Mr. STOCKSLAGER and Mr. THOMPSON as tellers.

The question is on seconding the motion to suspend the rules.

The House divided; and there were—ayes 127, noes 17.

Mr. BLAND. No quorum. I move that the House do now adjourn.

The House divided; and there were—ayes 31, noes 115.

So the House refused to adjourn.

Mr. SPRINGER. I hope the point will be withdrawn about a quorum not having voted, so we may get through with this measure and take up another.

The SPEAKER *pro tempore*. Does the gentleman from Missouri insist on his point of no quorum?

Mr. BLAND. I withdraw it.

The SPEAKER *pro tempore*. So there is a second of the motion to suspend the rules. Does the gentleman from Indiana wish to be heard?

Mr. STOCKSLAGER. Not unless some one wishes to say something on the other side.

Mr. THOMPSON, of Kentucky. I do.

Mr. STOCKSLAGER. I would gladly answer any question which may be propounded to me.

Mr. THOMPSON. Then I wish to ask the gentleman why this has been separated from the general library bill, and why it is they seek to put up a separate building for a library relating to the Medical Museum? Why is it that the volumes he speaks of can not be taken care of in that general library bill now pending before Congress? Are we to establish a separate library for each Department of the Government, or are we to establish one general library in which all these books can be taken care of?

Mr. STOCKSLAGER. It will be a sufficient answer to my friend, so far as I am concerned as chairman of the Committee on Public Buildings and Grounds, to say that the general library bill comes from a different committee, and we have nothing to do with it. And as an additional answer, I would say that there is no such similarity between this museum of anatomical and other specimens and this library as would make it proper to put it in either of the plans suggested by my friend.

Mr. SPRINGER. This concerns the pension records.

Mr. HOLMAN. There is no connection whatever between the two.

Mr. STOCKSLAGER. A large part of these are hospital records—the records of hospitals during the war—some 20,000 volumes.

Mr. SPRINGER. In manuscript.

Mr. STOCKSLAGER. Yes, sir; in manuscript. Then there is a medical museum the most complete in the world, the result of a great war, and which is now kept in the old Ford theatre building, a building totally inadequate to its safe-keeping, a mere tinder-box, surrounded by wooden buildings and liable to be destroyed by fire at any time.

I visited it a short time ago in company with the Surgeon-General, and found the building in an absolutely dangerous condition. The building was originally put up under contract in ninety days, and was very badly constructed. The east wall is more than twelve inches out of plumb. The southwest corner of the building has given away until there is a great crack in the wall, and the officers in charge have been prohibited from putting heavy articles in the upper story for fear of pressing out the west wall. It is indeed in a tumble-down condition.

Mr. THOMPSON. Are not the hospital records which the gentleman speaks of a part of the pension files, and can they not be cared for in the new pension building?

Mr. STOCKSLAGER. I suppose that could be done if the office of the Surgeon-General of the Army were under the Pension Bureau and there was room for them, but instead of that he is an officer of the Army and attached to the War Department.

Mr. HUNT. This surgical and medical museum and the vast collection of medical and surgical books are very precious to science in this country.

Mr. STOCKSLAGER. They are of the greatest value, and if lost could not be replaced. Surgeon-General Barnes, referring to their value, says:

It is difficult to form an estimate of the value of the Government property collected in this building. The money value of the portion of it which could be replaced by money can not be less than $250,000; but much of it could never be replaced, either by time or money. Thus, there are filed in the record and pension division over 16,000 bound volumes of hospital records, together with a great quantity of papers embracing the original records of the hospitals of our armies during the civil war. Aside from their historical value these records are daily searched for evidence needed in the settlement of large numbers of pension and other claims, to the protection of the Government against attempted frauds as well as to the advantage of honest claimants; should they unfortunately be destroyed, these records could not be replaced.

The same might be said of the specimens, which are the result of a great war, such as we all hope we may never again have.

Mr. WARNER, of Ohio. May I ask the gentleman a question?

Mr. STOCKSLAGER. Certainly.

Mr. WARNER, of Ohio. I understand that this building is not only for the storage of the records of this medical museum, but also for the museum itself, its anatomical specimens, books, instruments, &c.?

Mr. STOCKSLAGER. Yes, sir; all of them. There is in the present building a vast collection of anatomical and other specimens, and they are of immense value and importance. There are petitions from the medical profession all over the country petitioning Congress to preserve these records and specimens. They come from every State and important city in the Union. I have before me a list of them, which I will ask permission to print with my remarks in the RECORD.

ARMY MEDICAL MUSEUM.

Petitions for passage of bill from—
Alabama: State Medical Association, 192.
Illinois: Physicians and surgeons of Chicago, 307.
Indiana: Physicians of Indianapolis, 664.
Maryland: Physicians and surgeons of, 410.
Massachusetts: Physicians of Boston, 633.
New Hampshire: Central Medical Society, 1151; Centre District Medical Society, 22.
New Jersey: Citizens of, 1522; Hudson County Medical Society, 307; physicians and surgeons of, 307; physicians and surgeons of, 1472.
New York: Kings County Medical Society, 1088; physicians and surgeons of, 34.
Pennsylvania: Northampton County Medical Society, 22; Chester County Medical Society, 411; Philadelphia County Medical Society, 905; physicians and surgeons of, 23; physicians and surgeons of, 1471.
South Carolina: Charleston Medical College, 488.
Rhode Island: Citizens of, 1648.
Virginia: Citizens of, 69; citizens of, 162.

MEMORIAL.

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, a committee appointed by the American Medical Association for that purpose, respectfully invite the attention of your honorable bodies to the urgent need of prompt action to secure the preservation and full benefits of the Army Medical Museum and Library at Washington.

These collections, already the largest and most valuable of their kind in the world, are of the greatest importance, not only to the physicians of this country, but to all whose welfare and lives depend upon medical skill; and hence, what we ask is emphatically for the general good. The medical profession of this country for whom we speak desire the following:

I. That the necessary authority, with a sufficient appropriation for the purpose, be at once granted by Congress for the erection of a fire-proof building of ample dimensions to contain the present museum and library and to permit of their large increase.

II. That the library and museum be kept together under the present excellent management.

III. That the annual appropriation for the library be increased to $10,000, in order that the physicians of the country may be sure of finding in it every new medical work, in every language, as soon as it appears.

IV. That independent of this appropriation for the library, not less than $5,000 per annum be granted for the care and improvement of the museum.

V. That the necessary authority be given for the completion of the index catalogue of the library, a part of which has been already published, and that the Public Printer be authorized and directed to print a sufficient number of copies of all or any volumes of this work needed to supply the wants of those who desire to purchase.

We append to this memorial copies of the action of the American Medical Association on this matter, with other documents, setting forth in detail the reasons for this request.

All of which is respectfully submitted.

AUSTIN FLINT, M. D.,
Of New York, N. Y.,
President of the American Medical Association, Chairman.
S. D. GROSS, M. D., LL. D.,
Of Philadelphia, Pa.
D. W. YANDELL, M. D.,
of Louisville, Ky.
T. G. RICHARDSON, M. D.,
Of New Orleans, La.
H. F. CAMPBELL, M. D.,
Of Augusta, Ga.

The erection of this building is recommended by the President of the United States in his message.

I desire also to lay before the House a letter from Dr. Murray, the present Surgeon-General, which is as follows:

WASHINGTON, D. C., *December* 28, 1883.

MY DEAR SIR: I have the honor to forward to you, as chairman of the House Committee on Public Buildings and Grounds, the inclosed printed document relative to a proposed new fire-proof building for the Army Medical Museum and Library of the Surgeon-General's Office.

The imperative need of such a building is thoroughly set forth in the pamphlet which I respectfully ask that you will read and give the subject your personal care and attention, believing that you will be convinced of the pressing necessity of placing in security these collections, probably the most valuable of the kind in the world.

I may also state that the proposed building will furnish room for the accommodation of the records and clerks of the pension division of the office and will thereby relieve the Government of considerable expense for rental.

It will afford me much pleasure to give you any additional information you may require on the subject which may be in my power.

I am, very respectfully, your obedient servant,

R. MURRAY,
Surgeon-General United States Army.

Hon. S. M. STOCKSLAGER,
House of Representatives.

Mr. VAN ALSTYNE. And is petitioned for by resolutions passed by the medical colleges, State associations, and county societies throughout the country.

Mr. HOPKINS. Will my colleague on the committee allow me a moment to have read in this connection a short extract from an eminent British authority as to the importance and value of this collection?

Mr. STOCKSLAGER. I have no objection.

The SPEAKER *pro tempore*. In whose time is it to be read?

Mr. HEWITT, of Alabama. It must be in the time of the gentleman from Kentucky, I presume, as he still holds the floor.

Mr. STOCKSLAGER. How much time is there remaining?

The SPEAKER *pro tempore*. Eleven minutes on either side.

Mr. THOMPSON. That is fully as much as I expect to use, I will say to the Speaker.

The SPEAKER *pro tempore*. The Clerk will read the extract to which the gentleman refers.

The Clerk read as follows:

I do not think that any other point to which I might call attention would justify me in repeating an account of details which would present but slight variation; and the only other incident of which I may speak was my visit to Washington, where I had the privilege, with the help of the Surgeon-General of the United States Army, of seing *one of the most wonderful medical institutions in the world*. Of course I allude to that immense library, formed but always forming, at Washington, and one of the results of which comes before us in that colossal catalogue, which is one of the best proofs of the advancing civilization of the great Republic. You are all familiar enough with the Index Medicus, the work of Dr. Billings and his assistants, and any one familiar with the business of cataloguing must know what labor that represents; but if you could see the library itself, your impressions of the undertaking would be immensely increased. The building in which it is situated is the old theatre, hallowed by the occurrence in it of one of the most dramatic incidents of modern times—the assassination of Abraham Lincoln. [From American Notes, by Lawson Tait, F. R. C. S., chairman of the clinical section, read before the Birmingham Medical Society, October 31, 1880.]

The SPEAKER *pro tempore*. The Chair understands the gentleman from Kentucky to have this read in his time.

Mr. HOPKINS. In the time of the gentleman from Indiana.

Mr. THOMPSON. If I understand correctly the gentleman from Indiana yielded to his colleague to have it read, and it must be taken out of his time.

The SPEAKER *pro tempore*. But the Chair had recognized the gentleman from Kentucky, who is on the floor.

Mr. STOCKSLAGER. I have no objection to its coming out of my time.

The SPEAKER *pro tempore*. It will then be deducted from the time of the gentleman from Indiana.

Mr. STOCKSLAGER. May I ask the Chair how much time I have remaining?

The SPEAKER *pro tempore*. The gentleman has eight minutes of his time remaining.

Mr. STOCKSLAGER. I will reserve that.

Mr. THOMPSON. I yield now five minutes to the gentleman from New York [Mr. POTTER].

Mr. POTTER. Mr. Speaker, I confess I have the gravest doubts as to the propriety of this project. I think it will end in a national library of medicine, a national collection of medical specimens, and finally in a national college of medicine here at the capital. It seems to me that if we are to do this we may just as well enter upon any other and all other branches of science, and erect buildings for them, and establish libraries and gather specimens for them as national matters.

Now we have the finest medical colleges in our States perhaps in the world. There is one at Philadelphia, near where the Declaration of Independence was made and promulgated, and I have no doubt they will be glad to take and preserve all these specimens where they will be open to the inspection of medical scientists and students for all time to come. Our own library which we are to build up I trust at no remote day, our national Library, would be made all the richer by providing proper space in which these books may be placed. That disposition of them will save to the nation not only this $200,000, but will prevent establishing a precedent the end of which I do not think any man can foresee.

It will do more than that, sir; this library and museum will end at last in a staff of officers to take care of it and at the national expense, and an annual appropriation will be demanded to support and continue it forever. I am one of those who believe the whole subject of education, except as to the local education of the people of this District, belongs to and will be best guarded, forwarded, and perfected to its great end by the States through their rivalry and competition in the pursuit of knowledge and science; but I do not see that the General Government should enter upon that field. I do not believe that we are to gain by preserving the relics and bones or wounds caused by the war at any one place in our capital. I wish they were all buried and covered all over with green grass and hidden from sight forever.

Mr. THOMPSON. I yield five minutes to the gentleman from New York [Mr. NUTTING].

The SPEAKER *pro tempore*. That will leave the gentleman from Kentucky just one minute. The gentleman has now six minutes of his time remaining.

Mr. THOMPSON. Then I will yield the gentleman half of that time, or three minutes.

Mr. NUTTING. I desire to say I am not favorable to the passage of this bill under the circumstances. This Congress, through one of the committees of the House, and through the Senate, the co-ordinate branch of Congress, is asked to pass a bill which would erect a library building that would be all that is necessary for the books that are now sought

to be preserved by the building contemplated in this bill. One-fifteenth of the money sought to erect the library building by the bill now on our Calendar is asked to be appropriated for this building.

If you are going to appropriate money for libraries all over the city for each separate class, you are commencing, in my opinion, at the wrong end. If you will erect the library building, for which a bill has passed through the Senate, it will give capacity for all of the books now sought to be preserved. If there is any danger from conflagration as far as the specimens now preserved in alcohol are concerned, that is an argument against the building you propose to erect.

The building which is sought to be erected by the bill which has passed the Senate for a library will be sufficient for all the books in this library and will be for the next fifty years.

We have a Library of Congress which now contains more than 500,000 volumes and is of immense value. Although only $3,000,000 are asked for the building for that library, it has been impossible for us to get up the bill in this House or to get consideration for it. If you want to erect a building for each separate individual library or each separate individual subject, then you will never erect such a library building as this Government ought to erect. The Library which the United States has under this roof at this time is in danger of being destroyed at any time. It is a shame and disgrace to this Government that it should have such a mass of books of such value and of such a representative character as far as the Government is concerned and yet do nothing toward their preservation.

I say if this bill is passed it is a direct blow at a library building such as this Government ought to build. If you authorize the construction of this building for the purposes of this act, then in a little time you will have another little library seeking to be accommodated with a separate building somewhere else, and so on, till you have separate buildings for a number of little libraries, whereas you ought to have one grand building, which should contain all the books of the Government, and should be a representative building that would be an object of pride to our whole nation.

The SPEAKER *pro tempore*. The gentleman from Kentucky [Mr. THOMPSON] has three minutes of his time remaining.

Mr. THOMPSON. The only reason I have for opposing this bill grows out of the fact that I see no necessity for it, and that I have heard no sufficient reason assigned for it by any of the gentlemen who advocate this measure.

The only reason given us for putting up this building is that there are belonging to the Surgeon-General's Department 52,000 volumes of important records, hospital records, &c. Now, these records, if they belong to the Surgeon-General's Office, do not properly belong to any library, but constitute part of the records of the War Department, of which the Surgeon-General's Office is merely one branch. And we are not told, nor has any gentleman undertaken to say, that the new War, State, and Navy Department building, when completed, will not furnish ample resources for the accommodation of the records we have.

Mr. STOCKSLAGER. With the gentleman's permission I will state——

Mr. THOMPSON. I have but three minutes, and have not time to yield.

Furthermore, we have now in process of construction in this city what is known as the new Pension building, which covers acres of ground; and we are not told why these records which relate indirectly to the Pension Office can not be well taken care of in that enormous building which we are now constructing.

As far as the Medical Museum is concerned, I think we have ample means of accommodating everything which relates to that museum in the Smithsonian Institution.

We have further pending before this House a bill which has passed the Senate to construct a library building which will hold all the books the Government has. It seems to me one building is enough. We should deal with this matter not in detail for each separate Department of the Government, but we should deal with it as a single question, and construct one building sufficient to hold all the libraries and museums we need. Therefore I am opposed to the expenditure of this sum of money, because I believe it absolutely unnecessary.

The SPEAKER *pro tempore*. The time allowed in opposition to the bill has expired.

Mr. STOCKSLAGER. I yield two minutes to the gentleman from Massachusetts [Mr. LYMAN].

Mr. LYMAN. Medicine and surgery have done something to cure disease and to lengthen human life. They have done more to lessen suffering. They have done most of all to prevent disease. Most of the progress in these arts has been made during the last half century, and the next fifty years promise a great advance. All over the civilized world there are great establishments where men of talent devote their lives to the study of disease. These men have grappled with the general plagues that decimate our race—consumption, small-pox, diphtheria, cholera, and the typhoid, scarlet, and yellow fevers. They seek to know their intimate nature and to provide prevention and cure. There is no subject more baffling, and yet it is yielding to study. Already they have rendered it highly probable that these plagues are caused by the fertilization of microscopic germs within the body; so that these diseases are a death-struggle between man and a parasitic fungus. But already we discern a hope that these germs may be used for inoculation and may protect us from such diseases, just as vaccination protects against small-pox.

These profound studies, so essential to the welfare of our people, are carried on under the fostering care of our National Medical Museum, whose library, now the first in the world, and whose not less admirable collection of military pathology are placed at the disposal of all investigators. If our Fish Commission, Signal Service, and our national surveys are worth preserving, then has the Medical Museum a double claim on our fostering care.

Mr. STOCKSLAGER. I now yield to my colleague, the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, it seems to me proper that this building should be erected. I think the purpose in view in erecting this building has no connection whatever with the public Library. It seems to me that the collection made by the Medical Corps of the Army is a valuable one and worthy of special consideration. I am so assured by gentlemen who are familiar with the subject, and I think that this collection ought to be preserved. The building that it is in now is said not to be safe. We are assured that the collection is exposed to peril of destruction by fire. It is known that when the State, War, and Navy Department building is completed the entire space will be required by other branches of the service. We are assured that it will be impossible to set apart in that building any space for the Medical Museum. A new building seems indispensable; therefore it seems to me that under all the circumstances it is better that a building of sufficient dimensions, safe from fire, should be erected for the preservation of this valuable collection. I have entertained that view during the present session; I had, indeed, reached this conclusion during the last session.

I am not inclined to favor the appropriation of unreasonable or extravagant sums of money for the erection of public buildings, and I have been influenced in favor of this measure not only by the apparent necessity for it and the generally expressed wish of the medical fraternity throughout the entire country that this collection be secured against peril, but also by the fact that the amount proposed to be expended and the manner of its expenditure indicate that the object is to secure a proper and useful building for a necessary and important public purpose, and not the mere expenditure of public money for purposes of expenditure and embellishment without reference to public interest or necessity. For these reasons, sir, I cheerfully support this measure and hope the bill will pass.

[Here the hammer fell.]

Mr. STOCKSLAGER. Mr. Speaker, I now yield to the gentleman from Ohio [Mr. FOLLETT].

Mr. FOLLETT. Mr. Speaker, the most magnificent medical museum and library in the world belongs to the Medical Department of our Army, and is to-day exposed in a building where no private individual owning such a library would permit it to remain for twenty-four hours. It has accumulated through the efforts of the medical fraternity of the United States and has cost the Government comparatively nothing.

In the museum department there are illustrations of the effects of gunshot wounds and injuries received in battle such as medical students and the medical profession can have access to in no other way. That museum and library should be kept by itself, and should be kept in a building where it would not be exposed to danger by reason of its surroundings. To the medical faternity of the United States it has been for years, and is now, an object of special solicitude that this property should be put in such a position as not to be constantly exposed to the danger of being lost or destroyed. The building in which it is now located has already begun to tumble to the ground. The rear wall is more than twelve inches out of plumb, and, as I said before, no private individual would think of leaving such property in such a building for any length of time.

[Here the hammer fell.]

Mr. STOCKSLAGER. I now yield two minutes to the gentleman from New York.

The SPEAKER *pro tempore*. That exhausts the gentleman's time.

Mr. STOCKSLAGER. I thought I had another minute remaining to yield to the gentleman from Massachusetts [Mr. LONG].

Mr. SLOCUM. Mr. Speaker, my attention was directed to the importance of this proposed building by a visit to the building where these manuscripts and books and specimens are now kept; and I do not believe there is a gentleman on this floor who would hesitate to vote for this bill after going there and seeing for himself the value of the contents of that building and the danger to which they are now exposed. No army has had a more intelligent body of medical gentleman connected with it than had our Army during the late war. The history of every case has been most carefully preserved, accompanied with specimens of the wounds inflicted, &c. These valuable and scientific records are now in danger. Should the building in which they are preserved be destroyed to-night there is no amount of money that could replace the records stored there, for they are invaluable. I believe that if this question were left to the decision of the brightest and most

intelligent medical gentlemen of this country, there would be a unanimous vote in favor of the proposition.

Mr. LONG. My colleague [Mr. LYMAN] has treated this question from a scientific view, as he is amply qualified to do. Had he been allowed time to proceed further, as I wish he had, I am sure he would have treated it also from the practical side. We are constantly told that we ought to look at these matters as men look at their own private affairs, that we ought to deal with the interests of the Government as we would with our own. Now, what would be the course of any sensible man situated as the Government is with regard to this property? If a man of ample means had a most valuable library, if the building containing that library were tumbling down and the library exposed to danger of destruction, he would certainly prepare a new building. He would not move that library upon his neighbor's property, as the gentleman from New York suggests that the Government might carry this library to Philadelphia; nor if he were building a new stable, would he transfer the library there, as the gentleman from Kentucky has suggested this collection of the Government should be carried to the Pension building.

The SPEAKER *pro tempore*. The time allowed for debate on this motion is exhausted.

The question being taken on the motion of Mr. STOCKSLAGER to suspend the rules and pass the bill as amended, it was agreed to; there being—ayes 181, noes 23 (two-thirds voting in the affirmative).

Mr. STOCKSLAGER. I ask unanimous consent that the title of the bill just passed be amended so as to read: "A bill providing for the erection of a building to contain the records, library, and museum of the Medical Department, United States Army."

There being no objection, the title of the bill was amended accordingly.

SALES FOR TAXES IN DISTRICT OF COLUMBIA.

Mr. FOLLETT, by unanimous consent, introduced a bill (H. R. 8236) relating to sales for taxes in the District of Columbia; which was read a first and second time, referred to the Committee on the District of Columbia, and ordered to be printed.

MARY J. DICKSON.

Mr. SMITH, of Iowa, by unanimous consent, introduced a bill (H. R. 8237) granting a pension to Mary J. Dickson; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

UNITED STATES ARSENAL AT INDIANAPOLIS.

Mr. ENGLISH, by unanimous consent, introduced a bill (H. R. 8238) to authorize the donation of the United States arsenal building and grounds located at Indianapolis, Ind., to the State of Indiana, to be used as a State university; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

GRADUATES OF MILITARY ACADEMY.

Mr. SLOCUM, by unanimous consent, from the Committee on Military Affairs, reported back favorably the bill (H. R. 8165) authorizing the attachment to the Army, as additional lieutenants, of graduates of the Military Academy in cases where no vacancy exists; which was referred to the House Calendar, and the accompanying report ordered to be printed.

ASSISTANT CHIEF SIGNAL OFFICER.

Mr. SLOCUM, by unanimous consent, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 7817) to create the office of assistant chief signal officer, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and the accompanying report ordered to be printed.

Mr. BLAND. I move that the House now adjourn.

ENROLLED BILLS SIGNED.

Mr. SNYDER, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled bills of the following titles; when the Speaker *pro tempore* signed the same:

A bill (S. 2549) granting a pension to Isabella Higgins;

A bill (S. 1571) granting a pension to James McCallen; and

A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas.

COMMITTEE APPOINTMENT.

The SPEAKER *pro tempore* announced the appointment of Mr. NUTTING as a member of the Committee on Coinage, Weights, and Measures, to fill the vacancy occasioned by the resignation of Mr. CHACE.

LEAVE OF ABSENCE.

Mr. HATCH, of Missouri, by unanimous consent, obtained leave of absence for the remainder of to-day's session on account of sickness.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Missouri [Mr. BLAND] that the House adjourn.

Mr. BLAND. I yield a moment to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. I ask unanimous consent that the House now take a recess until half past 7 o'clock this evening for the consideration of the legislative appropriation bill only in Committee of the Whole.

Mr. KEIFER. I understand that the Committee on Appropriations will have a meeting to-night.

Mr. HOLMAN. I think it will only require half an hour to complete the consideration of this bill in Committee of the Whole.

Several MEMBERS. Go on with it now.

Mr. HOLMAN. Well, I will withdraw my former request and will ask the House to go into Committee of the Whole now for the consideration of the legislative appropriation bill.

The SPEAKER *pro tempore*. The gentleman from Indiana asks that the House now resolve itself into the Committee of the Whole on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill. Is there objection?

Mr. O'HARA. I object.

Mr. HOLMAN. I ask the House to take a recess now until half past 7 this evening, for the purpose of proceeding with the further consideration of the legislative, executive, and judicial appropriation bill.

Mr. O'HARA. I object.

Mr. BROWNE, of Indiana. Is it not competent for the House on motion, by a majority vote, to take a recess until half past 7 o'clock this evening?

Mr. HOLMAN. It would still be suspension day.

The SPEAKER *pro tempore*. It would be, but it would be still suspension day at the request of committees. The Chair would have to continue the call of committees for that purpose.

Mr. WILLIS. I think the House will allow a statement from the committee.

Mr. BLAND. I move the House adjourn.

The House divided; and there were—ayes 125, noes 39.

Mr. HOLMAN. Before the announcement is made I hope the gentleman from North Carolina will withdraw his objection to the House taking a recess until half past 7 o'clock this evening. [Cries of "Regular order!"]

Mr. WILLIS. I ask unanimous consent to make a brief statement. [Cries of "Regular order!"]

Mr. SPRINGER. I demand tellers on the motion to adjourn.

Tellers were refused. So the motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned until 11 o'clock to-morrow morning.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARBOUR: Petitions of Daniel T. Wood, Tabitha Garnett, and Lucy A. M. Jones, for compensation for property taken by the United States Army during the late rebellion—to the Committee on War Claims.

Also, papers relating to the claims of Daniel T. Wood, of Frederick County; Tabitha Garnett, of Culpeper County, and Lucy A. M. Jones, of Rappahannock County, Virginia—to the same committee.

By Mr. BINGHAM: Petition for reduction of postage on first-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BRAINERD: Petition of citizens of Warren County, Pennsylvania, praying for early action of Congress on the Mormon question—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE: Papers relating to the claim of Lucinda Allen, of Jefferson County, Arkansas—to the Committee on War Claims.

By Mr. BRENTS: Petition of the Board of Trade of Whatcom, Wash., asking that that city be made a port of entry—to the Committee on Commerce.

Also, petition of R. F. Hunter, asking that Committee on Public Buildings and Grounds may give consideration to means of protection against fire in public buildings—to the Committee on Public Buildings and Grounds.

By Mr. CALDWELL: Petition of Miss Sallie Burch, administratrix of Anderson Burch, deceased, Humphreys County, Tennessee, asking reference of claim to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. CLEMENTS: Papers relating to the claim of Luther Walters, of Floyd County, Georgia—to the same committee.

Also, petition of Luther Walters, of Floyd County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the same committee.

By Mr. ERMENTROUT: Memorial of David Bradley and others, for additional appropriation for the World's Industrial and Cotton Centennial Exposition at New Orleans—to the Committee on Appropriations.

By Mr. GEDDES: Memorial of Arthur W. Sweeney, of Washington, D. C., for relief—to the Committee on Claims.

By Mr. GREENLEAF: Petition of William Alling, Mrs. John W. Goss, Mrs. H. F. Smith, and others, of Rochester, N. Y., calling attention to the so-called Mormon question—to the Committee on the Judiciary.

By Mr. HAMMOND (by request): Petition of W. F. Wright, Burton Smith, and others, for increase of salaries of United States judges—to the Committee on Expenditures in the Department of Justice.

By Mr. HOLMAN: Petition of Samuel A. Bonner and many others, citizens of Decatur County, Indiana, in favor of granting a pension to John and Elizabeth Finnern, of Rush County, to accompany bill—to the Committee on Invalid Pensions.

Also, papers and evidence in the claim of Lewis P. Noble, of Indiana, before the House Committee on War Claims—to the Committee on War Claims.

By Mr. B. W. JONES: Resolution of the Legislature of Wisconsin, recommending passage of House bill 7168—to the Committee on Invalid Pensions.

By Mr. J. K. JONES: Petition of G. W. Hughes, of Dallas, Ark., for relief—to the Committee on War Claims.

By Mr. KELLEY: Memorial of the Pennsylvania Woman's Suffrage Association, asking that the Constitution be amended so that the power of suffrage may be exercised by all citizens of the United States irrespective of sex—to the Committee on the Judiciary.

Also, petition of 50 citizens of Fox Chase, Philadelphia, Pa., asking early action on the Mormon question—to the same committee.

By Mr. LAWRENCE: Petition of citizens of Beaver County, Pennsylvania, praying for legislation to suppress and exterminate the great evil of Mormonism in the United States—to the same committee.

By Mr. LE FEVRE: Petition of C. F. Demler and 31 others, citizens of Sidney, Ohio, asking early action upon the so-called Mormon question—to the same committee.

By Mr. LIBBEY: Papers relating to the claim of Mrs. Anna M. Mixson—to the Committee on War Claims.

By Mr. LORE: Petition of E. T. Taylor and 25 others, citizens of Delaware, for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. MATSON: Petition of Patrick Murphy and 19 other maimed soldiers, asking the passage of House bill 7168, giving additional pension to soldiers who have lost an arm or leg—to the Committee on Invalid Pensions.

Also, petition of George W. Cooper and 29 others, citizens of Bartholomew County, Indiana, asking that a pension be given by special act to William H. Shoemaker—to the Committee on Pensions.

By Mr. MILLER: Petition of citizens of Crawford County and of Butler County, Pennsylvania, in favor of the passage of such legislation as will check the increase of Mormonism—to the Committee on the Judiciary.

By Mr. MORRILL: Papers relating to the claim of William S. Thatcher, of Cass County, Nebraska—to the Committee on War Claims.

Also, memorial of the Legislature of Kansas, asking an appropriation to improve military road from Caldwell to Forts Reno and Sill—to the Committee on Appropriations.

Also, memorial of the Legislature of Kansas, asking for increase of widows' pensions—to the Committee on Pensions.

By Mr. J. J. O'NEILL: Petition of citizens of Saint Louis County, Missouri, asking national aid to education—to the Committee on Education.

By Mr. OURY: Petition of James M. Barney, E. N. Fish & Co., W. B. Hugus, and William B. Hooper & Co., asking reference of their claims to the Court of Claims under the Bowman act—to the Committee on Indian Affairs.

By Mr. ROSECRANS: Petition of Marie Drahms, widow of Wallace M. Moore, late Company H, One hundred and fifth Illinois Volunteer Infantry, and other papers, relating to her claim for arrears of pension—to the Committee on Invalid Pensions.

By Mr. SPRINGER: Papers relating to the claim of Ferdinand Plocher for reissue of lost pension check—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. J. D. TAYLOR: Petition of T. R. Brennen and 73 others, ex-soldiers of Marietta, Washington County, Ohio, asking for the passage of a law giving to all honorably discharged soldiers, their widows and minor children, a land-warrant for one hundred and sixty acres of land—to the same committee.

Also, petition of Rush C. Faris and 40 others, citizens of Bellaire, Ohio, asking for legislation for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. VAN ALSTYNE: Petition of Mrs. W. H. Feavey and many other ladies of Albany, N. Y., invoking the early attention of Congress to the Mormon question—to the same committee.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr ARNOT: Of 262 ex-Union soldiers and other citizens of the State of New York.

By Mr. J. M. CAMPBELL: Of members of Reuben Ferner Post, Grand Army of the Republic, of Stoyestown, Pa.

By Mr. W. W. CULBERTSON: Of 126 voters of Catlettsburg, Ky.

By Mr. DINGLEY: Of J. W. Butterfield and others, of Phillips, Me.

By Mr. KEIFER: Of J. C. Shaw and 25 others, of Pickaway County, Ohio.

By Mr. LACEY: Of John Perryman and 49 others, of Battle Creek, Mich.

By Mr. MILLER: Of citizens of Butler County and of Linesville, Pa.

By Mr. SEYMOUR: Of S. H. Marks and others, of Sharon; of Warren Sheldon and others, of South Norwalk; and of William H. Mead and others, of Round Hill, Conn.

By Mr. H. Y. SMITH: Of 69 citizens of Stuart, Guthrie County, Iowa.

By Mr. J. D. TAYLOR: Of C. F. Camp and 70 others, citizens of Guernsey County; of John W. Cusick, of Tiltonsville, and 95 others, citizens of Jefferson County; of C. L. Leighton, of Toronto; and of Rev. Hugh Forsythe and 60 others, citizens of Guernsey County, Ohio.

SENATE.

TUESDAY, *February* 17, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The President *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect to extend the limit of cost of the public building at Lynchburg, Va.; which, with the accompanying papers, was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, transmitting, in complaince with a resolution of the 5th instant, a report on the subject of the adjustment of postmasters' salaries and the additional temporary clerical force asked therefor; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin. I present a resolution adopted by the State Grange of Wisconsin at its last annual meeting, favoring such amendment of the patent law that the royalty shall be paid by the manufacturer, who alone shall be held liable for infringement of patents. I move that the resolution be referred to the Committee on Patents.

The motion was agreed to.

Mr. PENDLETON presented petitions of the Daily and Weekly Jeffersonian, of Findlay, Ohio, and the Cincinnati Commercial-Gazette, of Cincinnati, Ohio, praying for a reduction of postage on second-class mail matter; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MILLER, of New York, presented a petition of importers of the city of New York, praying for the passage of the House bill to allow certain oaths to be administered by notaries public; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Camden, N. Y., praying the passage of certain bills regarding the Mormon question, so called; which was ordered to lie on the table.

Mr. BLAIR. I desire to present, though I am not quite sure that it is properly a petition, the request of William Godwin Moody asking to withdraw a petition filed several years ago, numerously signed, praying for the establishment of a labor bureau, and which is now upon the files of the Senate. He desires leave to withdraw the original petition, leaving a copy thereof on the files of the Senate. It is a letter in the nature of a petition making that request.

The PRESIDENT *pro tempore*. The Senator from New Hampshire moves that Mr. William Godwin Moody have leave to withdraw a petition on the subject of a labor bureau, the nature of which has been stated by the Senator from New Hampshire, leaving a copy with the Secretary. If there be no objection that order will be entered.

Mr. BLAIR. The memorial asked to be withdrawn is signed by numerous distinguished persons, and Mr. Moody desires to preserve it.

Mr. HOAR. I present a petition of the Pennsylvania Woman Suffrage Association, by Mary Grew, its president, and Annie Shoemaker, its secretary, praying that the Constitution be so amended that the right of suffrage be secured to all American citizens without distinction of sex. A joint resolution on the subject having been reported from the Committee on Woman Suffrage, I move that the petition be laid on the table.

The motion was agreed to.

Mr. HAWLEY presented a petition of citizens of Morton County, Dakota, praying for a reduction in the price of public lands within the limits of railroad land grants; which was referred to the Committee on Public Lands.

Mr. FAIR presented a joint resolution of the Legislature of Nevada, favoring the establishment of a semi-weekly mail from Wells to Clover

Valley, in Elko County, Nevada; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a joint resolution of the Legislature of Nevada, favoring the passage of the so-called Slocum military bill in regard to the militia of the several States, &c.; which was referred to the Committee on Military Affairs.

He also presented a resolution of the senate of Nevada, favoring the cession by the General Government to the State of Nevada of all the unsold lands within that State; which was referred to the Committee on Public Lands.

Mr. PLUMB presented a resolution of the house of representatives of Kansas, favoring the passage of a bill for the adjustment of disputed land titles between railroad corporations and settlers in the State of Kansas; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. MAXEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 1132) to place J. Washington Brank on the muster-rolls of Company B, Second North Carolina Mounted Infantry, reported it without amendment, and submitted a report thereon.

Mr. JACKSON, from the Committee on Pensions, to whom was referred the bill (H. R. 5508) granting a pension to Isaac R. H. Caldwell, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2202) granting a pension to Alice Warfield;

A bill (H. R. 4825) for the relief of Rosina Heinman;

A bill (H. R. 5172) granting a pension to Mary L. Wells;

A bill (H. R. 6834) granting an increase of pension to Charles D. Kunkle;

A bill (H. R. 4282) granting a pension to Richard G. Sharp; and

A bill (H. R. 5176) for the relief of James I. Dail.

Mr. HAMPTON. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 3236) for the relief of Ernest H. Wardwell, to report it favorably, without amendments.

Mr. COCKRELL. I desire to give notice that that is not a unanimous report of the committee. I am opposed to it for one.

Mr. CAMDEN, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1703) granting a pension to Robert Lisle; and

A bill (H. R. 2480) granting a pension to Margaret Kearns.

Mr. KENNA, from the Committee on Claims, to whom was referred the bill (S. 89) for the relief of Mrs. Eliza E. Hebert, reported it without amendment, and submitted a report thereon.

Mr. MITCHELL. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 1091) granting an increase of pension to Sophia A. Morgan, widow of the late Charles H. Morgan, a brevet brigadier-general in the United States Army, to report adversely thereon. I also submit the views of the minority favoring the passage of the bill, and ask that the bill be placed on the Calendar.

The PRESIDENT *pro tempore*. The views of the minority will be received and printed, if there be no objection, and the bill will be placed on the Calendar.

Mr. MITCHELL, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 4247) granting a pension to Anna Maria Ressler;

A bill (H. R. 6826) granting a pension to Rebecca Kupp;

A bill (H. R. 4548) granting a pension to Cordelia Gale;

A bill (H. R. 2670) granting a pension to Sarah A. Scott, widow of John D. Scott, deceased, late first lieutenant of Company H, First Regiment Pennsylvania Volunteer Cavalry; and

A bill (H. R. 6205) granting a pension to Catharine S. Edmondson.

Mr. MITCHELL, from the Committee on Pensions, to whom was referred the bill (H. R. 5387) granting a pension to Amos Stroth, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

Mr. MITCHELL. I am also directed by the Committee on Pensions, to whom was referred the bill (S. 2521) for the relief of Mrs. Antonia B. Lynch, widow of Capt. Dominick Lynch, United States Navy, deceased, to report it adversely; and I move the indefinite postponement of the bill.

Mr. SEWELL. I ask that the bill be placed on the Calendar.

Mr. MITCHELL. Perhaps the Senator will not ask that when he understands that the case is still pending in the Pension Office, never having been acted upon there.

Mr. SEWELL. If the Senator from Pennsylvania has no objection, I should like to have the bill placed on the Calendar. I want to inquire into it.

Mr. MITCHELL. I have no objection, if the Senator so desires.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MILLER, of New York, from the Committee on Finance, to whom was referred the bill (H. R. 6087) authorizing the payment by the Secretary of the Treasury of the United States to Charles H. Getman, the firm of E. W. Rathbun & Co., the firm of Kinyon, Wright & Co., the firm of Bond & Jenkins, and the firm of Page, Fairchild & Co. certain duties paid by them on imported lumber accidentally burned while in custody of officers of customs, and before the same had entered into consumption, reported it without amendment.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3681) granting a pension to William L. Sloan; and

A bill (H. R. 7302) granting a pension to Elizabeth Smith.

Mr. CULLOM, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 1957) granting a pension to Henry W. Edens;

A bill (S. 2538) granting a pension to George T. Lloyd, late of Company I, Fortieth Massachusetts Volunteers; and

A bill (S. 1855) granting a pension to John F. Hickey.

Mr. CULLOM, from the Committee on Pensions, to whom was referred the bill (H. R. 7617) granting a pension to Mrs. Ann E. Gridley, reported it with an amendment, and submitted a report thereon.

Mr. CULLOM. I am instructed by the Committee on Pensions to report adversely on the bill (H. R. 1940) granting a pension to Capt. Israel Stough, as Congress has heretofore passed a bill for his relief. I move that the bill be postponed indefinitely.

The motion was agreed to.

Mr. SEWELL. I am instructed by the Committee on Military Affairs, to whom was referred the bill (H. R. 445) to empower the Secretary of War to permit the establishment under certain conditions of a horse-railway upon and over the island of Rock Island, and the bridges erected by the United States connecting the cities of Davenport and Rock Island therewith, to report it without amendment. I shall take occasion to file the views of the committee at a subsequent period.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and leave will be granted to file the report hereafter, if there be no objection.

Mr. SEWELL. I am also instructed by the Committee on Military Affairs, to whom was referred the bill (S. 2267) for the relief of Capt. W. J. Lyster, to report it adversely. I will state in this connection that a general bill has been reported covering this case. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. BLAIR. By direction of the Committee on Pensions, to whom was referred the bill (H. R. 6703) to increase the pension of Mrs. D. P. Woodbury, I report it adversely, and recommend its indefinite postponement. Also, accompanying the report, I present the views of the minority favoring the passage of the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar, and if there be no objection the views of the minority will be received and printed.

Mr. BLAIR, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3467) granting a pension to H. D. Prior;

A bill (S. 2527) granting a pension to Robert Sheridan;

A bill (H. R. 6235) granting a pension to Eliza J. Norris; and

A bill (H. R. 6310) granting a pension to Benjamin P. Lowell.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. 6029) for the relief of Jeremiah McCarty, reported it with an amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 2894) granting a pension to Henry Rodenback;

A bill (H. R. 3336) for the relief of Sherman C. Perry;

A bill (H. R. 7092) for the relief of Anthony Beyer;

A bill (H. R. 7732) granting an increase of pension to Edward P. Quinn;

A bill (S. 2279) granting a pension to Lewis L. Canady; and

A bill (H. R. 7175) granting a pension to James O. McKenna.

Mr. WILSON, from the Committee on Pensions, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2273) granting a pension to George W. Margrove; and

A bill (S. 2210) granting a pension to Elizabeth Barker.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (S. 446) for the relief of H. A. Myers, reported it without amendment, and submitted a report thereon.

COMMITTEE ON MILITARY AFFAIRS.

Mr. HARRISON. I am instructed by the Committee on Military Affairs to ask leave of the Senate for that committee to sit during the sessions of the Senate to consider pending business.

The PRESIDENT *pro tempore*. The Senator from Indiana asks on

behalf of the Committee on Military Affairs that it have leave to sit for the remainder of this session during the sittings of the Senate. If there be no objection that order will be entered.

PETER COLLIER.

Mr. VOORHEES, from the Committee on Finance, reported the following resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate, That the claim of Professor Peter Collier, for services rendered to the Government of the United States as a chemist in certain cases involving questions in regard to artificial coloring of imported sugar, be, and the same is hereby, referred to the Court of Claims, together with all the papers, proofs, and documents appertaining thereto, for adjudication and determination according to the value, if any, of his said services.

LIEUTENANT STONEY'S REPORT ON ALASKA.

Mr. MANDERSON. I am instructed by the Committee on Printing to report favorably the concurrent resolution authorizing the printing of the report of Lieut. George M. Stoney, United States Navy, of his explorations in Northern Alaska; and I ask for its present consideration.

By unanimous consent, the Senate proceeded to consider the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That there shall be printed 5,500 copies of the report of Lieut. George M. Stoney, United States Navy, of his recent explorations in Northern Alaska, with the accompanying charts, 1,500 copies for the use of the Senate, 3,000 for the use of the House, and 1,000 for the use of the Navy Department.

Mr. MANDERSON. The publication of this report was recommended by the Committee on Territories, and the cost of the entire edition will be quite small.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department United States Army; and

A bill (H. R. 6407) to regulate the letting of mail contracts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 1571) granting a pension to James McCallen;

A bill (S. 2547) granting an increase of pension to Mrs. Frances L. Thomas, widow of Maj. Gen. George H. Thomas; and

A bill (S. 2549) granting a pension to Isabella Higgins.

ORDER OF BUSINESS.

Mr. KENNA. I ask unanimous consent to take from the Calendar the bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent to call up for present consideration the bill named by him. Is there objection?

Mr. CONGER. Will the Senator allow me to introduce a bill?

The PRESIDENT *pro tempore*. Reports of committees are still in order. Is there objection to the request of the Senator from West Virginia?

Mr. INGALLS. Is the morning business concluded?

The PRESIDENT *pro tempore*. It is not.

Mr. INGALLS. I object.

The PRESIDENT *pro tempore*. Objection is made.

BILLS INTRODUCED.

Mr. CONGER introduced a bill (S. 2645) to amend and re-enact section 4289 of the Revised Statutes, relative to the limitation of the liability of the owners of vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES introduced a bill (S. 2646) granting a pension to Cecelia C. McKenna; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McPHERSON introduced a bill (S. 2647) for the relief of Thomas Thatcher; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLER, of New York (by request), introduced a joint resolution (S. R. 126) granting the right of way through Mail street, in New York city, to the Bleecker Street and Fulton Ferry Railroad Company; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENT TO RIVER AND HARBOR BILL.

Mr. CULLOM. I present two amendments intended to be proposed to the bill (S. 2632) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes. Accompanying one of the amendments I present a petition of 1,500 citizens of Chicago, Ill., praying for the construction of a ship-canal from Calumet River to Lake Calumet, in Illinois. I move that the amendments be printed, and, together with the petition, be referred to the Committee on Commerce.

The motion was agreed to.

KANAWHA RIVER BRIDGES.

Mr. KENNA. I now ask to take up Senate bill 2621.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves that the Senate now proceed to the consideration of the bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same. The question is on agreeing to the motion.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WEHRLE, WERK & SON.

Mr. ALLISON. Regular order.

Mr. SHERMAN. I hope the Senator from Iowa will allow me to call up a short bill reported from the Committee on Finance.

Mr. ALLISON. If it does not lead to debate I shall not object to it.

Mr. SHERMAN. If it leads to debate I shall not press it. I move that the Senate proceed to the consideration of the bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

Mr. FRYE. Let the bill be read.

Mr. ALLISON. I do not object to it if it will take no time.

Mr. SHERMAN. I think there will be no objection to it.

Mr. ALLISON. I hope not.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill will be read for information.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury is hereby authorized and directed to abate internal-revenue taxes to the amount of $461.87 illegally assessed against Wehrle, Werk & Son in the year 1876, for spirits distilled in the year 1875.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Ohio to proceed to the consideration of the bill.

Mr. ALLISON. No; the Senator from Ohio asks for unanimous consent.

The PRESIDING OFFICER. The Chair understood that he moved to take up the bill.

Mr. SHERMAN. I do not think there will be any objection to the bill. It was unanimously reported from the Committee on Finance.

Mr. ALLISON. I do not desire to have the pending order displaced by a bill taken up on motion.

Mr. SHERMAN. I do not desire to do that. I ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio asks unanimous consent for the consideration of the bill.

Mr. ALLISON. I do not object if it will not lead to debate.

The PRESIDING OFFICER. No objection being made, the bill is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VENEZUELAN AWARDS.

The PRESIDING OFFICER. The Chair lays before the Senate the regular order.

Mr. LAPHAM. I move to take up at this time the joint resolution (S. R. 111) referring the controversy between the United States and Venezuela in respect to the awards of the mixed commission to the President.

Mr. ALLISON. I call for the regular order.

Mr. LAPHAM. I suppose my motion is in order.

The PRESIDING OFFICER. The Chair understands that the motion of the Senator from New York is in order.

Mr. LAPHAM. This is an important matter. It is the unanimous report of the committee——

Mr. ALLISON. No debate is in order.

The PRESIDING OFFICER. No debate is in order on the motion. The Senator from New York moves to take up the joint resolution indicated by him.

The motion was not agreed to.

DES MOINES RIVER LANDS.

The PRESIDING OFFICER. The regular order, being the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes, is before the Senate as in Committee of the Whole. The pending question is on the motion to indefinitely postpone the bill, made by the Senator from Alabama [Mr. MORGAN]. Is the Senate ready for the question? Senators in favor of the motion will say "ay." Those opposed will say "no." The "noes" appear to have it. The "noes" have it.

Mr. LAPHAM. I have the floor upon that motion, Mr. President.

The PRESIDING OFFICER. The Chair waited some time and heard no one address the Chair.

Mr. LAPHAM. I was under a misapprehension as to the question. I have not concluded the remarks I have been making.

Mr. FRYE. Is the motion to indefinitely postpone disposed of?

The PRESIDING OFFICER. The Chair understands that in such matters it is usual to extend a good deal of indulgence. The Senator from New York claims that he had the floor. The present occupant of the chair did not notice it. If there be no objection, the Chair will treat the motion as not having been voted on, and give the Senator from New York the floor. There is no objection. The motion to indefinitely postpone is still before the Senate, and the Senator from New York has the floor.

Mr. CONGER. When the bill was last before the Senate the Senator from New York had the floor until the time when he was stopped under the rules, and he had it this morning, and I do not know at what time the motion to indefinitely postpone could have been made without taking him from the floor.

The PRESIDING OFFICER. The Chair did not know that the Senator from New York was claiming the floor. The pending question on the bill was the motion of the Senator from Alabama to indefinitely postpone. Waiting a few seconds, the Chair put that question. Then the Senator from New York said that he claimed the floor all the while, and by unanimous consent the vote to indefinitely postpone the bill is treated as a nullity. The question is still before the Senate, and the Senator from New York has the floor.

Mr. LAPHAM. Mr. President, when I was taken from the floor at the expiration of the morning hour on Saturday last, I was engaged in presenting to the Senate the reason assigned by Mr. Parsons, of Iowa, why this legislation should not be allowed. For the purpose of continuing what he has said on this subject, I will read the rest of his communication. He says:

I know of no reputable lawyer who has ever advised them—

That is the settlers—

that there has been at any time since what is known as the Wolcott decision any hope for them so far as the title to the land is concerned, except through a reconsideration by the Supreme Court of the principles of that decision. I tried in the Reilly case to procure such reconsideration. It was submitted upon my part upon a very elaborate printed argument, in which every question that has since been made by anybody was fully discussed.

Every item of evidence that has since been given in any case as to the general title to these lands is found in the printed record in that case. I had hopes—but never very strong—that the Supreme Court, in view of the great magnitude of the interests involved, and the extreme hardship of the lot of those who had purchased and improved these lands and made homes upon them, would reconsider that decision. I urged this, as my argument shows, if not ably certainly very earnestly, but the court declined to re-examine the principles of that decision, which is certainly an end of all controversy as to the title to the lands if it is possible for the highest judicial tribunal of the country to end it. I regret exceedingly that the settlers upon these lands, for whom I have done a great deal, and have tried to do more, are flattering themselves with a hope which is doomed to certain disappointment. They are throwing away their contributions not on a doubtful case, but in one which is absolutely certain, in which the decision is already against them, and in which nothing that they or Congress can do can ever change.

The relief that they can get is to be had under the occupying claimants law, unless Congress (which in my judgment is, and always has been, extremely improbable) shall make a grant of lands or money for their indemnity. The former—

That is the grant of lands—

at one time might have been obtained; that is while the lands in the northwestern part of the State were unappropriated. While in the Legislature I procured the passage of a joint resolution asking Congress to make a grant of lands for their indemnity.

And here I beg to call attention to that joint resolution and see what proposition it was. The joint resolution passed by the Legislature of Iowa was in these words:

Joint resolution asking a grant to indemnify settlers upon the Des Moines River lands.

Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure from Congress a grant of lands to the State of Iowa, to be used by said State to indemnify such persons as have purchased of the United States or pre-empted any of the odd sections lying along the Des Moines River, and whose titles have since been held invalid on account of the grants by Congress to the State of Iowa, of August 8, 1846, and the acts in extension thereof.

Resolved, That the secretary of state be directed to send a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved April 12, 1870.

Mr. Parsons continues:

I thought it was useless to ask for money. I still think so. I prepared and procured the passage of an act providing for the distribution of a grant in case one should be made (Laws of 1870, p. 107). I also introduced and procured the passage of an act bringing them within the occupying claimants law.

To that law presently I shall have occasion to refer.

I wish you would read these acts. At that time there was enough unappropriated land in the northwestern part of the State to have fully indemnified every one of these settlers. When I went home I found—

I ask the attention of the Senate to this.

When I went home I found that certain persons had told them—

The settlers—

that all of these things were a cheat, a piece of demagogism, if not an effort to get them off the lands. A feeling of opposition to accepting the grant was in this way got up, and, of course, it was wholly useless to make an effort to procure one. I think at that time had an effort been made Congress would have made the grant, and there is just as little doubt the river company and its grantees would gladly have taken the lands in exchange for those occupied by the settlers, and the whole matter would have been ended years ago. But as a cry was got up against the plan (the only feasible one in my judgment that has ever been proposed) nothing was done, and at the next session of Congress the lands which my bill contemplated were granted to the Des Moines Valley Railroad by an act confirming what is known as the Harvey settlement.

These settlers never have had, and never will have, a better friend than I have been to them. I have considered their fortune a very hard one, with many of them extremely so, but all intelligent men know that the powers of Congress are not without limits, and most intelligent men know that private rights judicially established are outside of those limits with entire indifference to the question whether the party in whose favor the decision is made is entitled to our praises or should receive our curses. Courts as well as juries will deal liberally with these men under the occupying claimants law. Whatever is promised them beyond that in my judgment is the promise of a demagogue and an impostor.

Truly yours,

GALUSHA PARSONS.

Mr. President, I have shown by these communications that when Mr. Wright was a member of this body and an appeal was made to him to aid in this scheme, he flatly refused to do it, on the ground that it could by no possibility result in any advantage to these settlers upon the Des Moines lands. I have shown that Governor Carpenter took the same ground and discouraged any effort of this kind, and I have shown that Mr. Parsons, in the letter I have just read, occupied the same position.

They have in Iowa what is known as an occupying claimants law, to which Mr. Parsons refers in this letter. That law, which was first enacted in 1866, provides this:

Where an occupant of land has the color of title thereto, and in good faith has made any valuable improvements thereon, and is afterward, in the proper action, found not to be the rightful owner thereof, no execution shall issue to put the plaintiff in possession of the property, after the filing of the petition hereinafter mentioned, until the provisions of this chapter have been complied with.

That law provides that the unsuccessful defendant may present his petition to the court and have a jury impaneled to try the question of the value of the improvements, and that, unless paid forthwith by the owner, he may enter judgment for the amount found by the jury, and that judgment is a lien upon the land and the land may be sold to satisfy it. By a subsequent act of the Legislature of Iowa, procured by Mr. Parsons himself, the provisions of this law are applied to all the occupants of the Des Moines River lands. So that every one of these settlers now has a right, in case judgment is found against him upon the question of title, to go into the courts of Iowa and have the value of the improvements decided and to take that out of the land, unless the owner of the fee pays it. This, Mr. Parsons says in his letter, is the only remaining resource of the settlers now to get compensation.

Instead of taking this advice of Mr. Parsons and of Senator Wright and of Governor Carpenter, what did these settlers do? They formed what is called the settlers' union, a combination to resist the assertion of the title of the true owners of this property. I wish I had time to refer to the multitude of evidence I have in my possession as to the character of this organization, as to its aims, as to its acts, as to its purposes, but I have not time to do it. I can only refer briefly to one communication made by a responsible man, on the 21st of December, 1883, to Mr. C. D. Culver, one of the owners of the Des Moines River lands, and one of the remonstrants to whom I referred on Saturday. He says:

Under the influence of these men and their incendiary doctrines they have resisted sheriffs and United States marshals repeatedly; over and over again threatened to kill owners if they could catch them on their grounds; intimidated and mobbed agents asking for money due on contracts; assaulted and driven off buyers who would not join their "settlers' union," and would pay the rightful owners; prevented others by their violent threats from completing purchases, and driven off others who had bought or rented by cutting their wire fences, cutting up or trampling down their corn or other growing crops, maiming their cattle, and even resorting to burning their buildings.

This is the character of the men in whose behalf this extraordinary legislation is invoked. I said on Saturday that they were as bad as the anti-renters of New York. I am satisfied they are worse than the anti-renters of New York. They have less excuse than those men had in the piratical course which they are pursuing.

So that—

This letter continues—

this settlers' union has been a curse to at least five counties, retarding and even killing improvements, accustoming the people to ideas of lawlessness and violence, destroying what civilization they had, and reducing them to semi-barbarism. Industry, thrift, and law-abiding lives are not their favorite means or methods.

The union is a perfect blight upon their lives, for, instead of encouraging them to labor and earn a home for themselves, it promises them each a farm on these river lands by act of Congress; meanwhile they are encouraged to take and keep possession, if necessary, by violence. The consequence is that the courts are filled with litigation; suits are multiplied, and these lands are actually swarming with defying squatters and repudiating contractors, many of them living from hand to mouth under the sense of insecurity, and not even paying the taxes on the lands—a thriftless and most undesirable kind of population for any community. Whereas, if the instigators of these troubles were sent about their business by Congress, and their fraudulent bill once and for all thrown out, every acre of these lands would speedily be occupied by a quiet, industrious, and thrifty population, satisfied with their title, and rapidly assuming the usually elevated characteristics of prosperous farming communities.

This letter goes on to say that it is impossible in behalf of one of the owners of this title according to the decision of the Supreme Court to execute process and give possession. He cites a case:

On one of these a squatter settled, although the land officer at Fort Dodge expressly warned him that it was a part of the river grant.

After some years and much temporizing with him, we required him to purchase or lease it, and finally brought a suit of ejectment against him. He em-

ployed one of the best lawyers in the State to defend him, and put us to several hundred dollars of expense. But after long delay judgment was rendered in favor of our claim of title. Then he offered to purchase at a fair but moderate price, but without costs! and all on credit or deferred installments, pleading poverty, and we agreed to that. When the first, and again the second annual payments came due he still plead for indulgence, and we gave it. Finally, after repeated broken promises and delays, we threatened another suit, and then he joined the settlers' union and defied us. But never, during all these years, has he paid a dollar of taxes.

Of course we brought our ejectment again, and though he was defended again by the same excellent lawyer, we have at length got our judgment against him again at a heavy cost; but he is still there; defying us still, and intimidating through this settlers' union whoever would rent or buy of us.

* * * * * * *

In short it is a perfect reign of terror and lawlessness, and the law is practically powerless; so the lawless man remains there safe and defiant, expecting every winter that Congress will vote him his farm, being so assured by Clarke, Dawley, and Heffner, while he contributes his $10 or $20 per year; and this is a fair sample of over two hundred cases that I could name from positive knowledge.

I stated that General Martindale went upon this property and found one of these settlers in possession of one of his lots. He entered into a contract with him to sell it to him. He loaned him $150 (I repeat the statement made last week) to enable him to purchase a team and farming utensils; and then the settler joined this settlers' union and turned around and defied him, and has never paid him a farthing and never paid any taxes. Here is a letter addressed by the agent of General Martindale to Colonel Martindale, since the death of the General, dated January 23, 1884:

LEHIGH, *January* 23, 1884.

MR. MARTINDALE:

DEAR SIR: I have seen the marshal, and he says he must have the money to hire help to put Intermile off. There is a great deal of talk about the land, and it is bound to be a test case. There are lots of men who say if I get the land they will buy land. I think it would be a good plan for you to come and see the marshal. * * * The settlers are talking loud. When I got home from Des Moines the word was out that I had bought the land, and my house and the contents were all in ashes. My wife was gone to Duger's, and everything was burned. The house was set on fire in five different places.

* * * * * * *

Yours, truly.

This is the conduct of a man who had entered into solemn contract recognizing the title of the purchasers under the Des Moines grant, and he is prompted to do it by the settlers' union. Now a word to Senators as to the combination formed and known as the settlers' union. I have here a copy of the obligation which each member of this settlers' union has entered into, which is found in one or more of the reports of the Supreme Court in the cases which have already been decided. It is in these words:

FORT DODGE, IOWA, ——, 187-.

Sixty days after the resumption of the so-called river lands—

Mark the language—

Sixty days after the resumption of the so-called river lands, by act of Congress, as Government land, by which acts, as a *bona fide* settler, I may perfect my title under Government to the following lands, to wit:

The —— —— of section No. ——, township No. —— north, of range No. —— west, 5th P. M., Iowa.

I promise to pay to treasurer of settlers' union, or bearer, the sum of $——, being at the rate of $1 per acre on said tract so confirmed by Congress in me by means of resumption of the so-called Des Moines Navigation and Railroad lands. Said sum so owing by me shall be and become and remain a mortgage lien on said piece or parcel of land claimed by me until said note is paid. Also, said note is, and shall be, a special lien on any compensation or indemnity that may be granted by Congress and accepted by settlers' union or myself in lieu of said land, and be paid as soon as such compensation or indemnity is set apart for such purpose by such act, and retained out of such moneys by the settlers' union for payment of this note.

But in case the settlers' union fails to secure title as above, or compensation or indemnity, then this note is null and void.

These notes are all acknowledged before a proper officer, and the members of the settlers' union, each one of them, have entered into this obligation, and they expect, as the letter of Mr. Parsons shows, and the letter of Mr. Culver shows us, they are to get these lands by paying simply a dollar an acre. They have never paid anything to the Government. They had a right to a refund of all they paid the Government, and a large portion of them, as shown by the report of the Judiciary Committee and a letter I have from the Interior Department, accepted the return of the money, so that they are in possession of these lands, having occupied them for a period of over twenty years, without ever paying taxes or paying any sum whatever.

Mr. President, I desire to ask the advocates of this bill that they will tell the Senate what new fact there is now that was not before the Supreme Court in the cases which have been decided. I challenge the statement of any fact whatever but what is already before the courts. There are none. Mr. Parsons in his letter so states. I so state from a careful examination of the records of the Supreme Court. There are no new facts. The decisions of the Supreme Court, especially the later decisions, embrace every fact upon which by possibility any question as to this title can be said to depend. But, say the majority of Committee on Public Lands in their report, there has never been an action in which the United States was a party. Has that anything to do with the question? The grantees of the United States have been parties. The United States granted these lands, and these actions are actions in which the grantees of the Government have been parties.

I have always supposed that judgments had operated upon privies by blood and privies in estate; and it is a singular doctrine to advance here for the Government to say, "True my grantee has succeeded in establishing his title to this property; now I will lay my hand upon it and see if I can not do better than my grantee has done." I should like to know what kind of morals is involved in such a proposition as that. I should like to know the attitude of the Government of the United States in saying as they are now asked to say, "True those to whom we conveyed these land have established their title, but now we will intervene and see if we can not do something better than our grantees have done." Why, Mr. President, on the face of the proposition it is one so monstrous that it seems to me no fair-minded man can contemplate it for a moment with composure.

No head of a Department has ever recommended this legislation. The Attorney-General has never been asked to recommend or approve this legislation. There are no petitioners here in favor of this. The former occupants of seats on this floor and of the gubernatorial chair of the State of Iowa have remonstrated against it. One hundred and four settlers in that very region have remonstrated against it, and yet the Senate is asked in the morning hour to take up this important measure to the exclusion of all other business and pass this monstrous proposed law.

Why should a bill of this magnitude and of this importance be considered in the morning hour? At no period of time since I have had the honor of a seat here has the Senate consented to consider such a bill. It is a bill which ought not to be debated in the manner in which I have been compelled to debate it by piecemeal, by fractions, a quarter of an hour one morning, an hour another, and then again another installment on another morning. It is a bill which should be considered by continuous discussion. The importance of it demands it, and it is an anomaly to take up such a bill as this and consider it in the morning hour, and I trust when the time comes for a vote the motion of the honorable Senator from Alabama will prevail, as it should prevail. If it should not, then what is to follow? There are a large number of amendments to this bill which it will be necessary to propose and which necessarily will involve more or less of discussion. I desire to call attention to some of those amendments, to the end that the Senate may see what they are and what is before us if we pursue the investigation of this subject.

When this bill was before the Senate in 1879 and referred to the Committee on Public Lands, Senator McDonald, of Indiana, who was the chairman of that committee, gave notice that if the bill should be reported favorably and taken up for consideration he would move to add to the second section authorizing the Attorney-General to bring suits the following amendment:

Provided, That nothing in this act contained shall have the effect of invalidating or disturbing the titles of any *bona fide* purchasers from the State of Iowa, or its grantees, prior to March 2, A. D. 1861; but such titles are hereby ratified and confirmed.

That was the view taken by a distinguished member of this body as to a necessary amendment to this legislation in case the legislation should be adopted. There are, I am informed, lands to which this would relate other than those granted by the Des Moines River Navigation Company to these purchasers; but if this bill is to be pursued, that exception is one necessary for the consideration of the Senate before final action upon the measure.

Mr. President, there are two or three amendments which I shall necessarily be compelled to offer. One is to strike out of the first section of the bill the proviso declaring that the lands which are owned by those whom I now represent are public lands. I have shown the folly of such a declaration. It is misleading; it may, if this bill should become a law, be deceiving and a fallacy in the administration of the law, and therefore it should under no circumstances be allowed to remain in the bill. There is no occasion for its remaining there. It does not add at all to the authority of the Government, while it may very seriously embarrass the rights of these owners of the fee.

Then I give notice of another amendment which I shall press upon the consideration of the Senate, and which I think every Senator will see is one that ought to be made. If the Treasury of the United States is to be invoked in aid of this litigation and we succeed, we can not recover any costs of the Government. The United States is not liable for costs. This bill makes no provision that the Government shall pay costs, and therefore I shall ask that the Senate consider an amendment like this:

Before the commencement of any action, as provided in section 2 of the act, by the Attorney-General, the person or persons in whose interest and for whose benefit the same is to be prosecuted shall deposit with the clerk of the court a bond or bonds, to be approved by the court or a judge thereof as to the form and penalty of the same, conditioned to pay to the person or persons to be prosecuted all costs and expenses of the defense or defenses of such action or actions in case the plaintiff should fail to recover therein.

Without some such provision as this in the bill, the attorney of the Government, that in no event would be liable to pay costs, is permitted to take the Treasury of the United States into its hands and go into a career of litigation against the men whom the courts have so often decided are the owners in fee of this property.

Mr. President, I might continue this discussion on the facts of this case at much greater length if I were disposed to do so, but I have no

desire whatever to consume the time of the Senate unnecessarily. I have endeavored to confine myself in this discussion to a fair statement of the facts upon which I think this question depends and call the attention of the Senate to the legal principles which I think are involved.

I have already said that in asking for the reading of the majority report in this case, though I was accused of a desire to consume time and to prevent action on this bill, I had no such purpose. I wanted the Senate to see and to hear the character of the report which the majority had submitted in favor of this measure. So far from being a report calculated to develop the real questions here involved as I have shown them to be, it is a report the whole object and purpose of which was to obscure and keep out of view the real questions in the case. It is a mere recital of historical facts without calling the attention of the Senate at all to the real propositions which are involved. Therefore the reading of it I thought necessary to a fair understanding of the proposition.

Mr. President, I have shown that by virtue of the several acts of Congress and the decisions of the courts of Iowa, and the decisions of the Supreme Court of the United States, all the lands purchased by those whom I represent passed by a valid title and the title of the United States was completely divested thereby. I have shown that every question now under consideration was before the courts when those decisions were made, and there are no new facts to form a basis for this legislation. I have shown that any attempt on the part of Congress to designate these lands or any portion of them as public lands would be an idle ceremony and constitute a disgraceful act of legislation. I have shown that a proposal to authorize the United States, having no shadow of right to any of these lands, to institute suits against the lawful owners at the expense of the Federal Treasury, if carried out would be an act of usurpation and a violation of the constitutional provisions for the protection of private property. I have shown that the settlers on these lands were at one time offered the opportunity to take substituted lands in lieu of the tracts they had severally occupied, and that, listening to bad advice or following their own evil inclinations, they spurned the offer.

I have shown that under the laws of Iowa they are entitled to the value of their improvements and can sell the land to obtain payment therefor, and they get the use of the land they have enjoyed for so many years without even having paid taxes thereon.

My appeal to the Senate is not to embark upon a scheme of folly and impropriety such as this bill proposes, not to spurn by our votes the unanimous decision of our Judiciary Committee made only four years since upon precisely the same state of law and the facts now existing, except that the Supreme Court has made two important confirmatory decisions since that report was made.

Mr. President, "good faith is a jewel," whether it be observed by individuals or by governments, and the highest obligations of good faith demand that the United States shall not lay its heavy hand upon the rights of these purchasers who were invited to make their investments by the solemn acts of the Government, which its highest tribunal has so repeatedly held divested it of all interest in or control of this property except on the conditions and for the purposes provided in the Constitution of the United States.

The PRESIDING OFFICER. The question is on the motion of the Senator from Alabama [Mr. MORGAN] to postpone the bill indefinitely.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN].

The roll-call was concluded.

Mr. HARRISON (after having voted in the negative). I am paired with my colleague [Mr. VOORHEES] on this question. I therefore withdraw my vote.

The result was announced—yeas 27, nays 28; as follows:

YEAS—27.

Butler,	Gibson,	Lapham,	Pendleton,
Camden,	Groome,	McMillan,	Pike,
Cockrell,	Hampton,	McPherson,	Pugh,
Colquitt,	Harris,	Mahone,	Saulsbury,
Edmunds,	Hoar,	Maxey,	Sherman,
Fair,	Jackson,	Miller of N. Y.,	Vest.
Garland,	Jonas,	Morgan,	

NAYS—28.

Aldrich,	Conger,	Jones of Nevada,	Plumb,
Allison,	Cullom,	Manderson,	Sawyer,
Beck,	Dawes,	Miller of Cal.,	Sewell,
Blair,	Frye,	Mitchell,	Slater.
Call,	George,	Morrill,	Van Wyck,
Cameron of Wis,	Hale,	Palmer,	Williams,
Coke,	Hill,	Platt,	Wilson.

ABSENT—21.

Bayard,	Farley,	Kenna,	Vance,
Bowen,	Gorman,	Lamar,	Voorhees,
Brown,	Harrison,	Logan,	Walker.
Cameron of Pa.,	Hawley,	Ransom,	
Chace,	Ingalls,	Riddleberger,	
Dolph,	Jones of Florida,	Sabin,	

So the motion was not agreed to.

Mr. LAPHAM. I do not know whether any motion in reference to the preamble is in order at this time; but I suppose not.

The PRESIDING OFFICER. It is not in order as the Chair understands.

Mr. LAPHAM. Until after action on the bill.

The PRESIDING OFFICER. So the Chair understands.

Mr. LAPHAM. Then I move to strike out the first proviso in the bill, beginning in line 10 of section 1, as follows:

Provided, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid.

Mr. PLUMB. I see no objection to that motion. It strikes out the provision for the title of those whom the Senator is interested in. If he wants that to go out, I have no objection.

Mr. LAPHAM. Let it go out. I have said that I do not want a declaration by Congress in our favor. I would rather have the judgment of the Supreme Court.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.

The amendment was agreed to.

Mr. LAPHAM. Now, I move to strike out the next proviso, beginning in line 14 of section 1; as follows:

Provided further, That the claims of all persons who, with intent, in good faith, to obtain title thereto under the pre-emption or homestead laws of the United States, entered or remained upon any tract of said land prior to January, 1880, not exceeding one hundred and sixty acres, are hereby confirmed and made valid in them, their heirs or their proper assigns; and upon due proof thereof, and payment of the usual price or fee, where the same has not been paid, shall be carried to patent.

The Senate will see that that is a declaration in this bill, as far as a law can make a declaration, that the title of these settlers shall be preferred to that of the purchasers whom I represent and whose title has been held valid by the Supreme Court of the United States.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. MORGAN. If that provision of the bill which the Senator from New York proposes to strike out remains, it will hardly be worth while to retain any other provision in it relating to a litigation about these titles in the courts. The Senate will have expressed in the most emphatic way possible their affirmation of the title of these parties to the land. If the title belongs to the Government of the United States and we convey it in such words as are in the bill that the Senator proposes to strike out, that closes the matter. There is nothing remaining for us to do. We need not stultify ourselves after that by going on having that title carried into a court to ascertain whether it is a good one or not. We declare that it is a title and we convey it to certain persons; we confirm it in the most solemn way. If that provision remains in the bill, let it stay there, and let the Senate then discard the rest of the bill which proposes to take that subject into court for litigation. What is the use of it?

I think that we are not acting with wisdom in this matter. Here is a subject in litigation between private claimants for this land, and the Senate of the United States comes in and makes a judicial declaration of the title and confers it upon certain persons. It has always seemed to me that that is a transgression of the provision of the Constitution of the United States, unless the title is in the Government. If we have got it, of course we can convey it; but to grant a conveyance and then go on in the next section and impeach it by saying we have not got it and will go into court to ascertain whether we have got it or not, puts the Senate in a category that I do not think is becoming.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York.

Mr. LAPHAM. I ask for the yeas and nays on this amendment.

The yeas and nays were ordered.

Mr. LAPHAM. Before the vote is taken I desire to say one word. It is obvious that if this proviso is to remain in the bill, covering every settler upon these lands prior to the 1st of January, 1880, after all these decisions of the Supreme Court, the second section of the bill is utterly useless, and the Government is to be put in the position by this legislation of taking authority to go into the courts and prosecute claims which it has in a prior portion of the same law declared are absolutely valid in the occupants of the land, and it is the duty of the Government to issue a patent.

I trust the Senate will not sanction any such legislation as that. If this proviso is to remain in the bill the second section ought to be stricken out. There can be no occasion for it; it would be a useless ceremony.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New York, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HARRISON (when his name was called). I am paired on all questions relating to this bill with my colleague [Mr. VOORHEES].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

The roll-call having been concluded, the result was announced—yeas 14, nays 31; as follows:

YEAS—14.

Blair,	Jones of Nevada,	Miller of N. Y.,	Sewell,
Groome,	Lapham,	Morgan,	Sherman.
Jackson,	McMillan,	Pendleton,	
Jonas,	McPherson,	Pike,	

NAYS—31.

Aldrich,	Conger,	Harris,	Plumb,
Allison,	Dawes,	Ingalls,	Saulsbury,
Beck,	Edmunds,	Manderson,	Sawyer,
Call,	Fair,	Maxey,	Slater,
Camden,	Garland,	Mitchell,	Van Wyck,
Cameron of Wis.,	Gibson,	Morrill,	Williams,
Cockrell,	Hale,	Palmer,	Wilson.
Coke,	Hampton,	Platt,	

ABSENT—31.

Bayard,	Dolph,	Hoar,	Ransom,
Bowen,	Farley,	Jones of Florida,	Riddleberger,
Brown,	Frye,	Kenna,	Sabin,
Butler,	George,	Lamar,	Vance,
Cameron of Pa.,	Gorman,	Logan,	Vest,
Chace,	Harrison,	Mahone,	Voorhees,
Colquitt,	Hawley,	Miller of Cal.,	Walker.
Cullom,	Hill,	Pugh,	

So the amendment was rejected.

ORDER OF BUSINESS.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the regular order, being the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. HALE. I am very desirous of having the Senate take up and pass during the day the agricultural appropriation bill. I know how anxious the Senator from New Hampshire is that this bill which has hung so long in the Senate should be disposed of, and if he thinks that by taking an hour or so he will be able to bring the matter to a head, I shall agree not to push the appropriation bill. I want to get through with it during the day, however.

Mr. BLAIR. In response to what the Senator from Maine says, I will try. That is all I can do. I hope we shall proceed with the bill.

Mr. HALE. I give the Senator notice that during the afternoon, some time before an executive session, I shall seek to call up the agricultural appropriation bill and have it passed.

Mr. BLAIR. I hope if this bill should not even then be quite disposed of, as I think it will be, the Senator meanwhile will reconsider his present resolution and let us go on and finish this bill.

Mr. HALE. I will try to get up the appropriation bill during the day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. E. JOHN ELLIS of Louisiana, Mr. WILLIAM S. HOLMAN of Indiana, and Mr. THOMAS RYAN of Kansas managers at the conference on its part.

DISTRICT APPROPRIATION BILL.

Mr. PLUMB. I desire to call up the report of the conference committee which I submitted yesterday on the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes. The report is now on the table.

The PRESIDING OFFICER. The Senator from Kansas calls up the conference report on the District of Columbia appropriation bill. The report was made yesterday, the Chair understands. The question is on concurring in the report.

Mr. PLUMB. If any one desires, I can make a detailed statement of the points of difference which have been adjusted by reason of the conference. If not, I shall not take up the time of the Senate in doing so.

The PRESIDING OFFICER. The question is on concurring in the report.

The report was concurred in.

WINNEBAGO INDIAN RESERVATION.

Mr. CAMERON, of Wisconsin. I ask the Senator from New Hampshire who has charge of the pending bill to give way for a few minutes in order that the bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes, may be taken up. I will state that the bill was drawn in the Interior Department, it was recommended by the Secretary of the Interior and by the Commissioner of Indian Affairs; it is favorably reported by the Committee on Indian Affairs of this body and is concurred in by the Indians and the friends of the Indians who represent them here, and also by all the members of the House of Representatives from Nebraska, in which State the reservation is situated. There will be no objection to the bill, I am satisfied, from any Senator, and it will lead to no debate.

The PRESIDING OFFICER. The Senator from Wisconsin asks unanimous consent to have the bill indicated by him taken up.

Mr. BLAIR. I do not understand that to be the request. It is that the pending order may be informally laid aside.

Mr. CAMERON, of Wisconsin. That is the same thing.

The PRESIDING OFFICER. The Senator from Wisconsin asks that the pending order be informally laid aside for the purpose of considering the bill indicated.

Mr. BLAIR. I shall not object providing it does not lead to discussion; but if it does, I must reserve the right to call for the regular order.

Mr. CAMERON, of Wisconsin. Very well.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Wisconsin.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2592) to provide for the sale of a part of the reservation of the Winnebago tribe of Indians in the State of Nebraska, and for other purposes.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 7, after the word "Indians," to insert "situate;" so as to read:

That with the consent of the Winnebago tribe of Indians in Nebraska, expressed in open council, the Secretary of the Interior be, and he hereby is, authorized to cause to be surveyed, if necessary, and sold, all that portion of the reservation of said tribe of Indians situate in the State of Nebraska.

The amendment was agreed to.

The next amendment was, in section 2, line 15, after the word "in," to strike out "such" and insert "each;" so as to read:

That after the survey and appraisement of said lands the Secretary of the Interior shall be, and he hereby is, authorized to issue proclamation to the effect that unallotted lands at the date of the passage of this act are open for settlement, under such rules and regulations as he may prescribe. That at any time within not less than six months nor more than one year after the date of settlement under such proclamation each *bona fide* settler occupying any portion of said land, and having made valuable improvements thereon, or the heirs at law of such settler, who is a citizen of the United States, or who has declared his intention to become such, shall be entitled to purchase, for cash, through the United States land office of the district in which said land is situated, the lands so occupied and improved by him, not to exceed one hundred and sixty acres in each case, &c.

The amendment was agreed to.

The next amendment was, in section 3, line 5, after the word "of," to strike out "said" and insert "the Winnebago;" and in the same line, after the word "Indians," to insert "entitled to the same under existing laws;" so as to make the section read:

That the proceeds of such sale, after paying all expenses incident and necessary for carrying out the provisions of this act, including such clerk-hire as the Secretary of the Interior may deem necessary, shall be placed to the credit of the Winnebago Indians entitled to the same under existing laws, in the Treasury of the United States, and shall bear interest at the rate of 5 per cent. per annum, which income shall be annually expended for the benefit of said Indians, under the directions of the Secretary of the Interior.

The amendment was agreed to.

The next amendment was, in section 7, line 3, after the word "Indians," to insert "residing in the State of Nebraska;" in line 5, after the word "the," to insert "said;" and in the same line, after the word "State," to strike out "of Nebraska;" so as to make the section read:

That upon the completement of said allotments, and the issuing the patents therefor, each and every member of said tribes of Indians residing in the State of Nebraska shall have the benefit of and be subject to the laws, both civil and criminal, of the said State.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. In section 1, line 18, after the word "Indians," I move to insert "in Nebraska;" so as to read:

One of whom shall be selected by the Winnebago tribe of Indians in Nebraska.

The amendment was agreed to.

Mr. CAMERON, of Wisconsin. In section 5, line 1, after the word "Indians," I move to insert the words "in Nebraska;" so as to read:

That, with the consent of said Indians in Nebraska as aforesaid, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read: "A bill to provide for the sale of a part of the reservation, situate in the State of Nebraska, of the Winnebago tribe of Indians, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its

Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.; and

A bill (H. R. 6089) for the relief of Moses F. Carleton.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, yesterday, approved and signed the act (S. 1705) to provide for the issue of duplicate checks.

FOREIGN-LABOR CONTRACTS.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The regular order is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

The PRESIDING OFFICER. The pending question is upon the motion to strike out sections 3 and 4 of the bill. The motion has been divided. The pending question therefore is on the motion to strike out section 3.

Mr. BECK. I rise to make an inquiry; I do not know whether it is a parliamentary one or not; and that is, What has become of the trade-dollar bill? I think it has lost its place in some way unknown to me. It was reported, and argued, and dropped. I supposed it was the unfinished business. I have never been able to understand why it is not.

Mr. SHERMAN. The chairman of the Committee on Finance is not present. As I have the floor when that bill is again taken up——

Mr. BECK. Of that I am aware.

Mr. SHERMAN. The Senator from Vermont said to me this morning that he expected to call it up after this bill is over. It is still a special order, but it has been displaced by the pending bill.

The PRESIDING OFFICER. The Chair is informed by the clerks that the bill is displaced as a special order and has gone to its regular place on the Calendar.

Mr. SHERMAN. The Senator from Vermont will move to take it up.

Mr. BECK. It has lost its place?

The PRESIDING OFFICER. It has lost its place as a special order, and has gone to its regular place on the Calendar.

Mr. BECK. By consent of the Committee on Finance, or how?

Mr. FRYE. Under a rule of the Senate.

Mr. ALLISON. It had no special place.

Mr. SHERMAN. Under a new construction of the old rule, which reversed the rule in my judgment.

Mr. BECK. The only remark I care to make is that the bill came from the House last April. A good many reflections were made on the Committee on Finance for not reporting it before the close of the last session. We endeavored to report it early at this session. It was held back for a long time and then reported. It was taken up by consent, and has been allowed to lose its place. If we are going to kill it, say so; but let it not be done by indirection. That is all I care to say.

The PRESIDING OFFICER. The question recurs on the motion to strike out section 3 of the pending bill.

Mr. MILLER, of New York. Mr. President, I was necessarily absent from the Senate several days ago when the bill was under discussion. I do not intend to detain the Senate at any length at the present time.

I desire to say that I am in full sympathy with the object of the bill, which is the prevention of the bringing into this country of foreigners under contract to compete in the labor market of the United States. Looking over the debate had upon this question the other day, I find that it was participated in by Senators on the other side of the Chamber who, two sessions ago, when we were discussing the tariff questions, and when the Senators upon this side were in favor of a protective tariff and legislating in that direction, met us with the taunting question whether we were in favor of protection to labor, charging that we were only in favor of protection to the manufacturers, the property-owners of the country, but that we proposed to leave and did leave the labor market of the country entirely open to foreign competition. I supposed from the questions then put to us, from the arguments they then made, that if a bill of this kind should come before the Senate they would be the first in its defense, and in advocacy of such a measure. I regret to find, however, that such is not the case; that several of the gentlemen who put that question to us at that time have now by their speeches placed themselves in opposition to this proposition, and have made extensive arguments here against it.

I believe that the system of bringing into this country labor under contract is entirely vicious. While the United States Government opens its doors to all voluntary immigration, it should most unequivocally close its doors against all involuntary immigration, or against any immigration which comes in here under contracts to labor for a period of years. Such immigration, such labor, is to all intents and purposes slave labor, and it can under no circumstances do anything else than degrade and debase free American labor.

You will remember, Mr. President, that during the colonial times much of this kind of labor came into some of the colonies, particularly into Pennsylvania, and under the laws which then prevailed there was absolutely white slavery in this country. Large numbers of white emigrants were brought here under contract for a term of years, and the owners of their labor were able to sell that labor and pass it from hand to hand.

I wish to say as a manufacturer myself that the manufacturers of this country do not desire to have this kind of labor brought into the country, that so far as my knowledge goes one and all are opposed to it. If skilled labor, manufacturing labor, desires to come to this country, let it come intelligently and voluntarily, and when it is here it will then be upon an equality and a par with American labor. Those laborers can make, as all free men can make, their own contracts. They may go and come as they please. But we have seen within the past few years, and see at the present time, when large numbers of American laborers are being thrown out of the market, that organizations and companies have been formed in this country which have brought in large numbers of ignorant and degraded foreigners to work in our mines and upon our railroads. It is in these two industries chiefly that the contract labor brought in from Europe is to-day employed. In the mines of Pennsylvania, and in some other portions of the country, this labor has been introduced, and it has brought with it crime and misery. It has driven out of employment large numbers of free American citizens, voters like ourselves, who have their rights as American citizens. They have been driven from their employment by the bringing in of cheap foreign labor under contract.

Large numbers of these contract laborers have been brought from Hungary. Still larger numbers have come from Italy. There has been and still exists, I believe, in the city of New York a regular organization, a regular company I may say, of Italians who have brought into New York within the past few years many thousands of Italian laborers, and they have been put upon our railroads and public works under contract, and always at prices ranging from 50 to 75 per cent. only of the ordinary wages paid to American citizens in the same localities where this labor has been employed.

Large amounts of this labor have been employed in my own State. I now particularly recall the conditions under what is known as the West Shore Railroad was built. The great majority of all the labor used upon that road for three or four years was Italian contract labor. The men came in gangs. They were not able to speak our language. The contracts were made with their masters or foreman, who staid with them and controlled them upon the works. They lived in rude huts or in dilapidated barns and houses which were found along the road. I will not here go into any description of the squalor and filth which was found in those habitations, or the manner in which they lived. Even at the reduced wages of not more than from 50 to 75 per cent. of ordinary wages, they expended upon their living, on an average, not more than 25 cents a day, and yet each laborer accumulated a sum ranging from $400 to $800. They have gone back to sunny Italy, there to enjoy the little competence which they obtained here, thus taking away from this country our money and at the same time depriving American citizens of labor. Of the fifty-odd million dollars which was put into the construction of the West Shore Railroad a very large portion has been carried out of the country by Italians, and is to-day in Italy. If this labor had not been brought here under contract it would not have come at all. The average Italian laborer who is brought here under contract has not sufficient intelligence or education to enable him to come to this country for himself and to make contracts or find labor for himself. It was done in all cases by an organized company, which sent their agents to Italy, there collected together the labor of that country, brought it here, and, by making favorable contracts, made large profits for themselves.

I believe this whole thing to be vicious. The result has been that in my part of the country where this road has been built the better portion of the Italian labor has gone back to Italy, but it left all through our counties the paupers and the criminals who came with it. They have filled our almshouses and our jails; and in my own county I think, at the present time, one or two of them are under indictment for murder, or at least they were. Very much of crime and of misery and of pauperism was brought with them, and everywhere they threw American labor out of employment, for Americans would not work at the wages which the Italians were willing to take.

The bill gives us a perfect remedy for that condition of things. It says that there shall no longer be white slavery in this country, and that the labor of our country shall be open only to the competition of free men, each one acting for himself and not controlled by any company or any master.

If such action as this is not had, I believe that there will be great labor troubles in this country. Statistics gathered by some of the great commercial houses, by the Bradstreets, shows that a very large per-

centage of all the labor of America is unemployed to-day; that manufacturing establishments are stopping; that the building of railroads is being discontinued; that mines are being closed; and certainly under such circumstances, when the market is overstocked, we ought to see to it that the labor of our own citizens is not interfered with in the manner which I have described.

If sections 3 and 4 are to be stricken out, the bill may as well be beaten at once; for there is nothing left of it. Section 3 prescribes penalties for persons and companies or corporations who shall engage in bringing out this labor, in making the contracts and inducing these men to come among us. If that section is stricken out, then you can punish no one, for certainly you are not to punish the poor, ignorant, and deluded laborer who may be induced to come here.

Section 4 furnishes the penalty for the master of any vessel who shall knowingly bring within the United States on a vessel any of the persons described in the bill. I see no objection to that, and I do not believe that any of the great steamship companies bringing immigrants to our country can be opposed to that section, for the word "knowingly," which is in the section, will protect them in all their rights, and if they bring such persons into our ports knowingly they ought to be punished.

We have had upon our statute-book for many years laws forbidding the importation of paupers as immigrants, but we all know how difficult it is to prevent it. Year after year in the port of New York attempts are made to exclude such persons. A short time ago, after some of them had been brought over, the court held that the steamship company could not be compelled to return them to Europe, because they had been allowed to land; and now the commissioners of emigration are compelled to go aboard every emigrant ship coming into port and make a full examination in regard to the character of the passengers before any of them are permitted to land, for, under that decision, if any of them should be landed they would not fall under the statute and they could not be returned. Thus it is that now the steamship companies are compelled to submit to this examination before the immigrants are permitted to land.

Even with all the strictness with which this old law is attempted to be enforced to-day, the fact is that scattered all throughout the length and breadth of the land we find that thousands upon tens of thousands of paupers were only a few years or a few months ago landed upon our shores. They were paupers to all intents and purposes when they landed. They should not have been permitted to come here.

For years it has been an open and well-known fact that the European governments have been attempting to send to this country, to dump upon our shores, their criminals and paupers. The time is rapidly approaching when the Congress of the United States will find it necessary to pass much more rigorous and strenuous measures against the importation of such people than we have now upon our statute-books. We shall be compelled for our own safety to know thoroughly in regard to the character of all persons who come upon our shores intending to make this country their home. We shall find it necessary to inquire in regard to their ability for self-support; we shall find it necessary to inquire in regard to their previous character, and whether they have ever been criminals or not.

I believe, I say, that this legislation will be demanded, I believe it is demanded now, in all justice to our own people; for go where you will throughout the Northern States you find that a large percentage of all the paupers in our almshouses and a still larger percentage of all the criminals in our State prisons and penitentiaries were only a few years ago subjects of some European monarchy, and in many cases, if you will follow their history, you will find that they were paupers and criminals when they came here.

The United States stands ready to receive at all times all good persons who may come to us from Europe, who may come here able to support themselves, able to maintain themselves, and who are to become good citizens and add something to the prosperity of our country. But I submit that we can no longer afford to leave our ports open to the pauper and criminal classes of Europe; neither can we afford to leave our ports open to contract labor brought in here to be used in our mines and upon our railroads and other public works as I have described.

It seems to me that there ought to be no division upon this question, and I am surprised that any Senator should have opposed this principle upon this floor, for we are here I hold to legislate first for our own people, and particularly are we called upon to legislate in the interests of the labor of this country. Capital, wealth, and education are usually able to take care of themselves under any form of government.

I trust that sections 3 and 4 will not be stricken out unless more stringent penalties are to be moved as a substitute for them.

In regard to section 4, I may say that yesterday I was called upon by an agent of one of the principal foreign lines of steamship companies which bring emigrants into our country. He had supposed that there was something in that section which would work a great hardship to the line which he represented. I took the bill and read the section to him, and he expressed his perfect satisfaction with it. He had understood that the word "knowingly" was not in it, and under such circumstances he said it would be likely to bring great hardship to the steamship companies. But section 4, as it is now drawn, I submit will work hardship to no honest steamship company.

The steamship companies will, undoubtedly, find it necessary hereafter, if this measure shall be passed and placed upon our statute-books, to require the emigrants taking passage by their lines to subscribe to a statement that they do not go out under a contract to perform labor in the United States. They will undoubtedly make such a regulation, and require all persons taking passage by their lines to subscribe to such a statement, and when they have done that they will have done their full duty. If it shall then prove that they have taken on board men who are under contract to perform service in the United States, the steamship company will not be punishable under this proposed law, but only those individuals or corporations who have been active in inducing such immigration.

I believe the bill is just in all its provisions. I hope that it will not be amended to any great extent, that it will pass the Senate, and that it may be returned to the other House for concurrence in such amendments as we have made, and that it may speedily become a law of the United States.

Mr. VEST obtained the floor.

Mr. MORGAN. I ask the Senator from Missouri to allow me a moment. I should like to know if the Senator from New York will point out the section of the Constitution under which he thinks this measure could be maintained. Under what power of Congress is it?

Mr. MILLER, of New York. I do not care to go into a discussion as to the constitutionality of this or any other measure. If it is not constitutional, and it should become a law——

Mr. DAWES. I suggest the general-welfare clause.

Mr. MILLER, of New York. My friend from Massachusetts suggests the general-welfare clause, and as that has been used somewhat on the other side within the last few months, perhaps that might be a sufficient answer. I might ask the Senator from Alabama also to give me that section of the Constitution under which he thinks this class of legislation is prohibited. But that is neither here nor there. In the passage of laws here, where there is not a direct provision of the Constitution forbidding the action proposed, making it absolutely plain, I shall always govern my action by what I believe to be the best interests of our people, leaving the Supreme Court to decide if there shall ever be any question as to the constitutionality of any of the acts that we may pass. Believing that the best interests of all our people demand this legislation, I am unequivocally for it, and I have not troubled myself about the constitutionality question at all.

Mr. MORGAN. I thought that perhaps the Senator from New York put this proposed legislation upon the power of Congress to regulate commerce between this country and foreign countries. I did not know. In dealing with the question, of course I should like to know, as I am not satisfied that the bill ought to pass, whether in passing it we are laying down any rule that would be very inconvenient hereafter.

Mr. MILLER, of New York. If the Senator from Missouri will pardon me just a moment, I will ask is not this legislation precisely on all fours with the legislation which we now have upon the statute-book which prevents paupers or people who have been criminals in other countries from coming into our ports?

Mr. MORGAN. That may be, Mr. President.

Mr. MILLER, of New York. That has been upon our statute-book for a long time, and I am not sure that it ever has been passed upon by the Supreme Court; but certainly the inspection laws of the State of New York in inspecting immigrants and in levying inspection duties upon them have been sustained. I know that the head-money tax of New York was not sustained by the court, and that the United States Government did step in and pass a statute imposing a head-money tax. If Congress can impose a head-money tax of 50 cents upon each immigrant that comes in, it can of course impose one of $1,000 or $5,000, or $10,000 if it sees fit, and could in that way exclude the immigration. In the laws forbidding the importation or the coming in of paupers, of course the word "pauper" means simply a person who has no visible means of support, who has no property, no money. Such a contract laborer would certainly be excluded as a pauper. That has been on our statute-book for many years, and I think has never been questioned. It seems to me this legislation is directly in that line.

Mr. MORGAN. I do not wish to occupy the time of the Senate, as the Senator from Missouri desires to take the floor, but I beg indulgence to say that I have no doubt about the power of the Government of the United States, or of any State indeed, to exclude the immigration to this country of persons who are diseased, or persons who are paupers, or persons who are criminals, upon the general power of self-preservation or self-defense that any government is obliged to possess. I was only anxious to know, inasmuch as the Senator referred to the subject of a tariff, whether he thought the exercise of the taxing power was included in the bill, or whether the power to regulate commerce was included in it, whether he really thinks that this is a prohibitory tariff upon the incoming of foreign population under contract to labor in this country.

I was at a loss to know from the Senator's argument upon the subject of the attitude of certain persons on this side of the Chamber on the

tariff question, whether he thought that we are now enacting a tariff law or something that is to be justified under our power to enact tariff legislation. I think that if it goes upon the idea of regulating commerce (inasmuch as that power seems to be equally in the authority of Congress) between foreign countries and the States and the Indian tribes, after a while we should in extending it get to preventing the negroes of the South from coming up among the people of the North and competing for labor on the railroads and other places where they might seek an opportunity to find employment.

I do not want to prevent that; I do not want to establish a precedent here by which that can be done, for I want those people to have free access to all parts of the United States to labor in competition with any white man anywhere. That is my view of it, and I should dislike very much to lay down a doctrine in this bill which might induce some person at some time or other to undertake to cut off the negroes from the right to emigrate to the North. I want them to go there if they wish to go.

Mr. MILLER, of New York. Mr. President——

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from Missouri has been recognized. Does he yield?

Mr. VEST. Yes, sir.

Mr. MILLER, of New York. I am glad to notice that the Senator from Alabama is taking much greater interest in the labor of his own part of the country and that of the United States than he seemed to do some two years ago in discussing the tariff issue—I think my memory serves me correctly—when the Senator stated substantially upon this floor in speaking of the tariff question that he did not want a high tariff which might lead to a high rate of wages, for he did not think it would be profitable to his own State; that if great manufacturing establishments were built up at Birmingham, and other places and labor was paid high wages as it was in the North, it would necessarily affect the labor market of Alabama upon the plantations, and those working upon the plantations would be drawn away from them by the inducements of higher wages paid in great manufacturing establishments, and that might result in destroying the planting interest of Alabama. That I think was substantially the statement of the Senator at that time. I do not intend to do him any injustice, and I hope I do not, but I think I give substantially the idea which he presented at that time.

Now the Senator is very much alarmed, fearing that if the bill should pass, preventing contract labor coming from abroad, the North will undertake to protect itself against the free colored labor of the South. I think the Senator is very much mistaken in that. If it comes freely from the South of its own accord to the North it will undoubtedly be welcomed and will receive such rate of wages as is commensurate with its value.

I think the Senator may give himself no concern in regard to the labor interest of the North, or any interest in the North, ever attempting any such legislation as he suggests; and really I do not think that the Senator was in earnest in making any such suggestion as he did make.

Mr. MORGAN. If the Senator from Missouri will indulge me one moment more, I mentioned the other day in the argument I made before the Senate on this bill that I had been waited upon by a committee of laboring men of this District, and I asked them what would be the effect upon their affairs here of introducing the negroes of the South. They are not a very much better class of people than those described by the Senator from New York, a great many of them. Some of them are very much better, but a great many of them are not better. Well, they said they did not object to them; they said, "The negro speaks our own language, and when we wanted to get on a strike we could manage them, we could control them; so we do not object to their coming in."

The Senator has furnished me an opportunity of which I shall not avail myself at this moment of correcting a second-hand account that he has got from some newspapers—a very unjust one to me—about my attitude upon the labor question in my own State.

Mr. MILLER, of New York. The Senator will pardon me a moment. The statement I made was furnished by my own recollection of what I heard the Senator from Alabama state in one of his speeches on the floor of the Senate in the discussion of what is known as the tariff bill of 1883. I think my memory is substantially correct. It was not upon any hearsay or any newspaper account that I spoke.

Mr. MORGAN. I shall refer to the RECORD at the proper time for the purpose of defending myself against what is a very unjust statement of any remarks that I made or any attitude that I assumed upon that question here. I did ask in the course of the tariff debate, having two classes of people in my State to take care of, one the planters and the other the manufacturers, of what advantage it would be to the people at large if the manufacturers were encouraged by a high protective tariff levied upon the labor and earnings of the people and should thereby raise the wages of that labor to such a degree that the planters could not afford to carry on their business. I put that question again, and the people of the State of Alabama put it to me day by day. They want to know of what advantage it is to the people at large in that State to tax the planting interests very heavily for the purpose of building up a special industry which has no other effect, so far as they are concerned, than to raise the price of wages.

It does not compensate the laborer any more than the existing state of employment and the existing rate of wages. It merely produces a money demand for labor instead of a demand upon the plantations, which, when you come to count it up at the end of the year, is very much more favorable to the laborer upon the plantations than it is to the laborer at the iron-works or at any other place in that State. You may take a negro—I refer to that class of people because they constitute a large proportion of the labor in my State—and give him a dollar or a dollar and a half a day at the iron-works. Take him from his home, let him rent his shanty or place of living, buy his clothes and his food, and work the hours that are required at the different iron establishments in my State, and then compare what that man earns in a year with what the actual advantage of his earnings upon a plantation are, and the plantation service is very much more valuable to him than the other; but the temptation of a dollar or a dollar and a half in money per day is so great that those men are frequently drawn away from the plantations by this temptation and induced to give up good homes and good situations for the illusory opportunity of working in the iron establishments.

So I argued then, and I argue now that, so far as the specific price of labor is concerned, whether that is to be 50 cents a day on a plantation or whether it is to be a dollar at an iron-works, if you choose to make that difference, and there is not quite that difference between them, the advantage of the man's living, his prosperity, his morals, his Christianity, his peace, and his comfort, and the welfare of his family are decidedly promoted by his receiving a lower rate of wages upon the farm than by receiving a higher rate at the iron-works or at the lumbering-mills. It was in that light, and only in that light, that I was discussing this question, not having a desire to keep down wages by the repressive influence of law or by any other influence, but not wishing that any portion of the people of my State should be deceived by flattering arguments into the belief that, by the encouragement of any one particular line of industry by high protective duties levied on the rest of the community, the State at large or the people thereof were benefited either in their prosperity or their happiness. That is the attitude I took, and I can look up the RECORD and show that I said nothing contrary to that.

Mr. VEST. Mr. President, I expect to vote for this bill; but there are several provisions in it to which I shall give a reluctant assent. I think the bill is immature and crude, but I shall vote for it on account of the salient principle which it announces, hoping that time and experience may perfect this legislation hereafter. If I understand the principle enunciated in this bill and attempted to be enforced, it is the prohibition of contract immigration to this country, what is termed upon the Pacific coast the cooly principle, a principle the results of which on the Atlantic seaboard and in the Western States are significantly shown by the immigration to this country of the paupers, the abandoned, dangerous, and criminal classes of foreign countries who are unable to pay their own transportation and who become the instruments of greed and avarice on the part of speculators and corporations.

I have no doubt as to the constitutional power of Congress to enact this legislation. The Supreme Court of the United States has declared in two cases that the power to preserve its own life gives this Government the authority to exclude the diseased and criminal and pauper classes from our country, and authority is found under the commerce clause of the Constitution, without reference to that Sancho Panza constitutional blanket known as "the general-welfare clause," in which I have no confidence and upon which I place no reliance.

Mr. President, the men who formed this Government based it upon two great distinctive principles: one, local self-government; and the other their appeal under unparalleled difficulties and dangers to the sentiment of the civilized world in favor of personal liberty and political freedom. Our fathers invited to this country every *bona fide* immigrant who came here to take his part in the responsiblity and the danger which attended the problem of self-government in this western hemisphere. To the warm-hearted and intelligent Celt, to the industrious and economical German, to the self-reliant Scandinavian, let the doors of the Republic be thrown wide open. The party to which I belong has always held this doctrine and has always practically enforced it; but it should not be prostituted to the greed and avarice of men who seek to strike at the very life of the Republic by introducing the dangerous and pauper classes from abroad into our population.

The Senator from New York has eloquently portrayed the practical results of this abuse within the great State which he represents upon this floor. Who introduced this system of contract pauper labor into the legislation of the United States? The Senator from Ohio [Mr. SHERMAN] denounced it upon this floor but the other day, yet the Senator from Ohio is the father of the bill that inaugurated contract immigration into the United States. In 1864, upon July 4, the natal day of Independence, I find that a bill became a law, of which the Senator from Ohio was the father, which he reported to the Senate, and which he advocated, the second section of which reads as follows—it is "an act to establish the office of commissioner of immigration:"

SEC. 2. *And be it further enacted*, That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor, for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may

be enforced in the courts of the United States, or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated, or on property otherwise acquired until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States, or creating in any way the relation of slavery or servitude.

There is the germ of the cooly or contract-labor system now carried on, and that bill, introduced by the Senator from Ohio, reported by him from a conference committee, advocated by him upon the floor of the Senate, and passed by a Republican Congress, is now upon the statute-book, and it is the father of this whole system which the Senators from New York and Ohio denounce to-day.

Mr. President, I thank the senior Senator from Kansas [Mr. INGALLS], who, with characteristic eloquence and courage, portrayed the other day the appalling condition of this country under this legislation and other legislation of the Republican party. That Senator, in words whose eloquence I shall not undertake to emulate, said:

Sir, there are 500,000 wage-workers, willing to labor, out of employment at this particular instant of time in the United States. With their dependent women and children, not less than 3,000,000 people in all are to-day, amid the extraordinary rigors of an unusually inclement winter, suffering for the necessaries of life. They need shelter. They are in want of the clothing that might be manufactured from the surplus production of our factories now stored in warehouses and waiting for a purchaser. They are in need of the corn that is this afternoon being burned for fuel on the plains of Nebraska, and the wheat that is being fed to hogs in the valleys of Kansas. The gravity of the situation can not be exaggerated. It is an alarming paradox. In the midst of copious abundance there is haggard wretchedness and starvation. With all the elements of prosperity around us there is unprecedented depression and adversity.

If I were to venture to supplement this appalling picture, I should allude but in passing to the columns of the press to-day, which state that 75,000 laborers are now out of employment, hopeless, upon the streets of New York; and this after twenty-four years of a high protective tariff; this under the war or Morrill tariff, under which we have had a hot-house system augmenting the products of the country to the highest extent under the plea of protecting the laborers of the land. If we have heard anything on this subject in the press, from the rhetoric and logic of the Republican party for a quarter of a century, it has been that a high protective tariff would increase the wages of the laboring classes of the United States, would give them happy homes, and remove them from the squalor and wretchedness of the pauper labor of Europe; but after twenty-four years of that system this is the picture drawn by one of their most eloquent advocates, portrayed in words that simply fit the facts, and I thank the senior Senator from Kansas for the courage which evoked his utterance, and I point the laboring men of the United States to the results of the high protective tariff, to the fact that now additional legislation is being demanded in order to remove them from competition with the pauper labor of Europe poured upon our shores.

Mr. PLATT. Mr. President, I shall make no apology for taking the time of the Senate for a few moments in the discussion of this bill. I have seen criticisms in the public press upon the Senate because it voted to consider this bill rather than some other bills the passage of which was supposed to be important to the welfare of the country; but to my mind there is no bill pending before Congress, there has been no bill pending before Congress during its present term of any greater or I may say equal importance with this bill; and so far as any responsibility is to be taken for displacing other measures and bringing this bill to the consideration of the Senate, I am very willing and very glad to accept my share of that responsibility.

This bill has been here since last June. It has been for one reason or another, largely because of our rules, debarred from a hearing until this time; and now in the closing hours of the session I am pained to observe that Senators whom I believe to be in favor of the principle of this bill seem to overlook that principle and to be directing their attention to what appear to be some crudities and informalities which appear in the bill. I agree that this bill is crude, that it has not been drawn with proper care. I think it illustrates the folly of a class of men who suppose that bills can be better prepared for the consideration of Congress and passage by Congress by those who are not familiar with legal phraseology and with the legal profession.

But if I were to criticise this bill I would criticise it because I think it is not properly drawn to effectuate the object and purpose which those who desire the passage of the bill, and which I desire, have in mind. I do not believe that these sections which have been criticised, that the phraseology which has been criticised is likely to work any considerable hardship or injustice. I think the bill, if it fails in effecting a wise and salutary object, will fail because it is not properly drawn to effectuate the purposes of those who believe in the principle of the bill. I said that I regarded this as an extremely important bill. I think there is no question to-day so serious before the American people as the condition and character of its wage-workers, both present and prospective, and I propose for a few moments to express my views upon that subject.

It is said that a republic rests upon the virtue and intelligence of its citizens, and that is true; but there must be another element taken into consideration. The element of the prosperity of its citizens and all classes of its citizens must be regarded, and that system of public economy which does not consider first of all the condition and the character of all classes of the citizens of a country is fatally defective, and that statesmanship is unwise which refuses to regard and consider the condition and character of every class of the citizens of a republic.

A majority of the citizens of this Republic are wage workers. Possibly the statistics of the census do not quite bear me out in that statement. I think, although I have not the statistics at hand, that the number of those engaged in gainful occupations, as they are called, is stated at 47 per cent. of the entire population, but there are many other persons to be added to that list who do not come within the census classification. So I think I am correct in my statement that more than one-half of the citizens of this Republic are engaged to-day in earning wages.

They are the majority of the voters of this land, laborers, men who earn their bread by the sweat of their brow. The most important problem presented to the American people to-day is what shall be the condition, what the character of that class of its citizens. Other government based upon other principles, monarchical governments, arbitrary governments, governments of the strong hand, may live and prosper and thrive to a certain extent, although the character, the social, the mental, and the moral condition of its laboring classes may be neglected, and may not be deemed proper subjects for legislation. But in a republic I believe, and I state as the result of mature thought, that it is impossible for the system of government long to survive unless there be passed such laws, unless there be adopted such policies as tend to elevate, to dignify, and to ennoble all its laboring classes. In this Government the working man votes, and hungry men do not vote intelligently. Men who can only receive as the result of their toil just enough to keep from starvation and the poor-house, are not patriotic, or if they are will not long be patriotic to the extent of being willing to fight for and defend the institutions of their government.

It becomes, then, the duty of all men who have to do with the legislation of the country to see, first of all, that such policies are adopted and such laws enacted as will tend to elevate the laboring citizens of the country. I said, therefore, that you must add to virtue and intelligence the prosperity of the citizen, if you expect the Republic to endure; and prosperity of the citizen means fair, remunerative wages for his labor. The tendency in a country which seeks to lower the standard of wages below fair remuneration is wrong and vicious and destructive of republican institutions. We owe our marvelous growth in this country more to the character of the men who have worked with their hands from the foundation of the Government to this time than to any other one cause. It has been so heretofore in this Government that the man who would honestly work could receive fair compensation for his work, by which I mean enough so that he could do something more than keep himself alive and keep his family alive, and avoid the poor-house.

Up to this time those who have been willing to labor in this country under our system of free labor have been able to obtain wages enough so that they could comfortably clothe themselves and families; so that they could properly educate their children; so that by thrift and prudence, by frugality, or self-denial if you please, they could lay aside a little something, establish for themselves a little competency, secure a little home; attach themselves to the soil, and thus become conservative, patriotic citizens of the country. Anything that tends to change that system in the United States presents an appalling danger, and a danger, I think, more appalling than we now understand.

There is another condition of labor which must be observed. Labor in this country, in a republic, must be free. The laborer must have no master but himself in the sense that he is not free and independent. It was the bondage of labor in the system of slavery which wrought so much of disaster to the section of country within which it prevailed, that retarded development, that kept back that country; and those sections of the country in which free labor prevailed, where workingmen were their own masters, were enabled to advance more rapidly in the march of civilization and prosperity than that section of the country where the system of slave labor prevailed. And we shall have but half won the fight against slave labor and in favor of free labor in this country if we do not so legislate as to continue a state of things in this country where labor shall be free and independent, and where it shall receive fair, even generous, compensation.

It is quite a mistake to suppose that a nation in which labor receives an incompetent reward can be really or permanently prosperous. I know in these days there seems to prevail a theory that that nation is to be strongest upon the face of the globe where the rate of wages for labor is least. The idea seems to be that that nation will be strongest which can manufacture its goods cheapest, and that involves the least rate of wages.

It seems to be taken for granted that such a nation can obtain in some way what are called the markets of the world, and thus surpass other nations in strength and prosperity and power. I believe it to be a great mistake. I believe that the nation which seeks only the expansion of its trade by cheapness of production is on the road to weakness and decay and dissolution. I would not degrade the labor of this country by 10 per cent. to secure all the markets of the world, as they

are called. I prefer to give up trade if thereby we may educate and ennoble and dignify labor and make laborers more honorable in this country.

I do not propose to give this discussion a partisan turn. It is above politics. I do not propose to be drawn into any discussion of the tariff, but I want to say just this: I do not want to see this country engage with other countries in a scramble and strife as to which can obtain most of the markets of the world by lessening the wages of the men who produce goods. Cheapening production should be avoided if we must cheapen men in order to secure it.

Now, we all agree to this. It is said that laboring men are out of employment in this country. They are out of employment in all lands, no more so here than they are in other countries. I will not stop to discuss the causes which have limited the field of labor and thrown persons out of employment. The papers to-day tell us of three thousand men in the streets of London hungry and besieging the office of the prime minister demanding work. It is not in this country alone that people are out of employment.

We all recognize the fact that a condition of things where there is no labor for men who live by labor is a condition which weakens and endangers a government, whether it be a monarchy or a republic; and we must also understand that when labor does not obtain a fair reward a condition of things exists whereby government is as truly weakened and endangered. The difference is only in degree. It is the same danger and the results will be in the same direction.

We must have intelligent laborers in this country. The foundation of our whole governmental and social fabric is the intelligence of the man who works; and the majority of our men work. I have no patience with that philosophy or that statesmanship which does not regard the worker as the equal of the man of leisure. I have no patience with that kind of legislation which does not seek to ennoble the worker in this country.

I hear a great deal said about this Senate being in some way committed to the corporations of the country and the wealth of the country, said unjustly as I believe; but it having been said, I want to take this opportunity, standing here in my place in the Senate, to say that my life has been a life of work, hard, unremitting work, and that fortune has never dealt lavishly or generously with me; and I am glad of the opportunity, therefore, to stand here and declare the dignity of labor and to plead for the equal rights of the honest toilers of the land.

I would be just to capital as I would be just to labor, though I have never been fortunate in the acquirement of wealth. I feel no antagonism to it. The wealth which re-enforces labor is as necessary to the country as labor itself, but my whole life experience leads me to sympathize with that portion of our citizens who are compelled to earn their living.

I do not believe that these criticisms upon the Senate are just. I believe that the Senate of the United States is as ready to recognize the rights of laboring men as the rights of the rich who employ labor. I do not believe that there is any danger that at the hands of the Senate of the United States men are to become lordly if not titled in this country, or that the workingmen are to be reduced to the condition of a peasantry.

Mr. President, these thoughts have been running in my mind as this discussion has proceeded, and I felt that they were thoughts which were worth submitting to the consideration of the Senate.

Now, what is this bill? It is a bill which proposes to declare, as I understand, two things, and therefore I am in favor of it: First, that the policy of this Government is to protect its laboring men, its workers, to protect them to the extent that they shall be elevated rather than degraded, that they shall be educated rather than made ignorant, that they shall be honored rather than despised; and second, I understand the principle of this bill to be that labor in this country belongs of right to the laborers who are now resident here, and to such other laborers as shall voluntarily come here to join those resident here in the performance of that labor, and I have no hesitation in saying that a practice which contradicts and violates these principles is a crime against the Republic, a crime against its social order, and a crime against its system of government.

It is impossible to bring foreign laborers here under contract without assailing all these principles which I have been enunciating. I am opposed to importing laborers as we import horses and cattle. I am opposed to what may be called involuntary immigration into this country. I am not opposed to voluntary immigration. I regard voluntary immigration as one of the chief sources of our strength, as a factor which has developed and is further to develop the grandest civilization that this continent or the world has ever known, and to make our own the most prosperous, the most powerful, and the most beneficent of all the nations of the earth. I believe that the admixture with our native races of those who come here imbued with the principles of this Government, seeking to better their condition, honestly desiring to work in this land of freedom, tends to build us up as a people and to ennoble the whole of our citizens.

I have never been in favor of involuntary immigration. I voted against the Chinese bill, not because I was in favor of Chinamen being brought here under contract for labor, but simply because I thought there were in that bill sections and clauses which prohibited voluntary immigration into this country, which shut out the man who desired of his own accord, of his own free will, to come here and become a part of us; because men were shut out from this country by that bill, as I understood it, simply on account of their being laborers who wanted to labor in this country. I will go as far as any other man to prohibit bringing contract labor here, whether it be Chinese, or Italian, or Hungarian, or English, or French, or Irish.

It is that principle which I contend against, and in so doing I recognize and uphold the right of any human being on this globe who himself, of his own motive, of his own desire, his own free will, wishes to come here and become part of us, and honestly partake of the benefits of labor in this country, to come without hindrance or restriction. My doctrine is that no importation of laborers to lower the rate of American wages should be permitted, and no voluntary immigration of honest laborers should be prevented.

So, Mr. President, I shall vote for this bill. I believe that the whole tendency of the system which it seeks to cut up by the roots and to destroy is vicious, is degrading, is destructive to our Government. The Senator from New York has depicted the condition of the men who are thus brought here. He has depicted the way in which they live, their social relations. They are in no sense, under such circumstances, the peers of the American laborer, and they do not intend to become the peers of the American laborer. They are in no sense under such circumstances fit to partake of the responsibilities of our Government as the American laborer must partake of those responsibilities. They are in no sense under such circumstances calculated to become the defenders of our Government in the hour of its trial. They do not come here under circumstances, they do not live here under conditions which can make them intelligent, patriotic, voting citizens of this country, and I want no other immigration into this land. I welcome to it all that will come under conditions which will enable them to become such citizen-voters of this Republic. Mr. President, I trust that none of these amendments will prevail. I do not believe that any of the provisions of the bill will work hardship or do any substantial harm, but I do believe that we shall do infinite harm if we fail now, this subject having come to the consideration of the Senate, to put on record our adherence to the principles which I believe are contained in this bill and give them here in the American Republic the sanction of law.

Mr. MORRILL. Mr. President, it is not my habit to discuss the question of the tariff when it is not before the Senate. The Senator from Missouri with his wonderful facility and felicity has seen fit to bring in that subject on the present occasion. I wish to say a word or two, and to advise him that whenever that subject comes up properly for our consideration he had better be prepared to take some blows as well as to give them.

It may be that some of the distress which now prevails throughout the country in our various workshops has arisen from an apprehension that some protection hitherto given is to be withdrawn by the coming administration. It may be observed also that in the winter season there are always in this country as well as in others a large number thrown out of employment, and the present winter has not been an exception. It is also true as observed by the Senator from Connecticut that this depression in the industries of our country is not singular here; it prevails throughout the entire world at the present time, as much and probably more in England and Germany and France than in the United States.

But the Senator from Missouri would unquestionably pursue a policy that would throw a large number of the wage-receiving men of our country perhaps into Nebraska to raise corn merely for fuel. That is not the policy that I should advocate. But as the Senator refers to the long time in which protection has had sway in this country, and yet has failed to produce the effects of prosperity throughout the entire land, I desire to call his attention to a message sent here by a Democratic President in 1857, that he may see whether the conditions now are any different from those described by a Democratic President after a long season of the domination of that party in this country. I read from the first annual message of President Buchanan of December 8, 1857:

> The earth has yielded her fruits abundantly, and has bountifully rewarded the toil of the husbandman. Our great staples have commanded high prices, and, up till within a brief period, our manufacturing, mineral, and mechanical occupations have largely partaken of the general prosperity. We have possessed all the elements of material wealth in rich abundance, and yet, notwithstanding all these advantages, our country, in its monetary interests, is at the present moment in a deplorable condition. In the midst of unsurpassed plenty in all the productions of agriculture and in all the elements of national wealth, we find our manufactures suspended, our public works retarded, our private enterprises of different kinds abandonded, and thousands of useful laborers thrown out of employment and reduced to want.

I ask the Senator from Missouri to look on that picture as well as the one that he has presented.

Mr. PLUMB. I observe that this bill has been amended in some particulars, so that I presume it is in order to still further amend it, although I should have been willing to vote for it as it came from the House, not because I thought it embodied in every respect the best form of language to accommodate the idea, but because it seemed to make more certain the probability that it would become a law. The motion to strike out the third section, I suppose, will be postponed to a motion

to perfect it. I want to suggest to the Senator from New Hampshire having the bill in charge whether that section might not be improved in line 3 by inserting the word "knowingly." He will observe that the word "assisting" occurs in line 3, and that that applies to the migration or importation of any alien or aliens under contract; and therefore the person who assists in bringing such persons into this country might be liable to the penalties provided in that section, whether he did it knowingly or not.

Mr. BLAIR. I think the suggestion is without objection. I should be very glad to have the word inserted.

Mr. PLUMB. I propose to amend by inserting before the word "assisting," in line 3 of section 3, the word "knowingly." That would not apply of course to the word "soliciting," because solicitation must necessarily be with knowledge, but the word "assisting," as applicable to the importation of aliens or foreigners to perform labor or service, is without any qualification whatever. I think that ought to be amended, and I make the suggestion, because a number of amendments have been made and because I want to have this bill as perfect as we can well make it, for if it should happen that we should pass a bill which should, by reason of its crude provisions, encounter obstacles in its enforcement, it would probably not be enforced or might lead to such amendments to it hereafter as would in some way destroy the purpose which is in view.

I wish while on my feet to call the attention of the Senator having charge of this bill also to that provision of section 5, commencing in line 7, which declares:

> Nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States.

I think I see the idea that the person who drew this bill had in mind, but at the same time the provision is very broad, and is not only liable to defeat itself but to defeat the object of the entire bill as I understand, because if a person can be imported under contract to do something which is not now done in the United States, being once imported he may be used for an entirely different purpose, and that may be in view at the time the contract is made. If this bill is intended to strike thoroughly and finally at the evil of contract labor, it seems to me that it should forbid it entirely, that there should not be a loophole of this kind.

Mr. DAWES. I should like to inquire of the Senator if his hostility is to anybody contracting in this country his labor upon specified terms, or is his hostility against a contract abroad that binds him here?

Mr. PLUMB. My hostility is to any contract whatever whereby any person comes to this country moved by an impulse set in motion by somebody else, and not on account of his own disposition.

Mr. DAWES. What does the Senator mean by that? Any contract that a man may make abroad to come to this country and perform labor upon terms fixed abroad, without his having anybody in this country to determine the terms with him here, or does the Senator propose to say that no free man in this country shall make any contract, express or implied, about his labor in this country, that whatever he does shall be thrown upon the common-law measure of a *quantum meruit?*

Mr. PLUMB. I do not exactly understand what the Senator from Massachusetts is driving at; but I wish to say this——

Mr. DAWES. I can tell the Senator.

Mr. PLUMB. I wish to say this: My object is to prevent the importation of labor coming to this country of men having been induced by a contract made abroad—that is to say, a person desiring to procure labor from the other side of the water enters into a contract with a man on the other side to come here for the performance of that labor on this side. In other words, I propose to distinguish between that immigration born of the expectation of bettering his condition in the individual mind and that which is incited by a contract or a proposition upon the part of some one on this side who seeks to avail himself of that labor in order, as he believes, to obtain that labor at a cheaper price than he could get it at the hand of the laborer already here.

My remarks are addressed to the provision of section 5 which I have read. Suppose some person desiring or pretending to desire to establish a new industry in the United States goes abroad and contracts with persons to come over here to perform labor in that industry which they can not perform, perhaps in regard to an industry which does not exist, but for which the purpose of contract he assumes to exist, or that it will exist. Those persons thus brought here under that contract come within, I think, the fair inhibition of this bill—that is, they contravene the idea which is at the foundation of it. In other words, it is the solicitation, it is the inducement that is held out. It is the distinction that necessarily exists in this case between persons who come of their own motion seeking to benefit their own individual condition, and those who have hopes incited in them by persons who seek to get them here for their own purposes. I think the idea of this bill is therefore largely if not wholly undermined by this provision. I would not only make all contracts of that kind absolutely void, but I would bring them within the provisions of this bill.

As I said before, I should have been willing to vote for the bill as it came from the House in order to make more sure that it might be enacted, but since it has been amended and must go back to the House, this provision ought either to be stricken out entirely or more fully guarded.

Of course, this is but the first step. We are on the threshold of not only legislation, but of the formation of public opinion perhaps preceding such legislation in regard to the very intimate relations between labor and capital; and it is proper, I think, that in the beginning of this controversy, and as the first step toward the settlement of the question, we should inhibit the importation of labor under contracts, in order that this question may not constantly be disturbed by the introduction of large numbers of people from the other side of the water, whether at one price or another, which shall introduce new and disturbing elements in the settlement of this question and consequently postpone its settlement just that much longer.

For these reasons I am in favor of the bill; but inasmuch as the bill has been amended, as I have said, it seems to me that the Senate ought now to so further amend it as to better carry out the idea which is evidently at the bottom of this proposed legislation. I therefore suggest to the Senator who has the bill in charge whether or not an amendment of that provision would not be judicious. For myself I would be willing to strike it out entirely. I can not conceive of any good to come from it at all. I can perceive only evil, and, as it seems to me, under that clause the entire purpose of the bill may be avoided and set at naught.

Mr. DAWES. Mr. President, I did not intend to ask the indulgence of the Senate upon this bill. I only desire to state as briefly as I can the reasons which induce me to support it.

I support the bill upon the ground that it is legislation intended, as far as its scope will reach, to break down the shackles that are put upon labor. I support it as a part of a great work in which I have been engaged here for the last twenty-five years, assuming different forms and directed in different ways to the same purpose; and that is that all labor in this country shall be absolutely free; that so long as the laborer shall conform to the laws of the land he shall be absolutely free to determine for himself what shall be the kind and the nature of his employment and what shall be the terms and measure of his compensation.

In whatever field, in whatever way, and by whatever means the domain of free labor in this country shall be invaded, there, so far as I am able, I will make my humble endeavor to thwart the purpose and to break down the shackles and strike off the fetters from the limbs of labor; and so far as this bill shall contribute to the end that the free laborer when he steps upon the shores of this land shall be like the man who breathes the air of England, a free man, to determine for himself under the laws of this land into what fields of labor he will essay to work out the problem of his life, and upon what terms he will devote his life and labor, I will support it, and upon no other principle whatever.

I have never been afraid of the competition of any man who may come here from any of the nations of the earth to try his hand with the free educated labor of this country in the paths of industry opened here. I have never feared the result of his competition, and I shall never myself knowingly vote for a bill that will put one above another of those who labor for a living in this country because of his complexion or previous condition or place of birth or clime; and therefore it is, sir, because there has come to be a new phase of slave labor in this country, that we are called upon to devise new means and enact new penalties and to make new efforts to strip it again. I regret to see opposition to any such measure as this arise from any quarter, much more do I regret to see it from any section of this country.

Sir, labor must be free here, and the laborer here must have all the opportunities for labor that this country and its exigencies and its demands and its broadening enterprises shall afford him. Because at this moment there are more laborers in this country than at this moment can find profitable and remunerative employment, I will not take away from them any part of the labor that is to be performed for this country and turn it over to laborers outside of its boundaries, under the pretense that that will benefit laborers in this country; nor will I say to any laborer who comes here free to determine for himself, according to the measure of his intelligence and capacity, what part of the labor that is to be performed for this nation he will take it upon himself to perform, "I will exclude you from your share," for any reason of apprehension that he will compete with the laborer who is born upon our soil or has lived here educated up to its necessities and its requirements, for I hold that the laborer will make his own level in a free country and work his own way and make his own fortune and character in spite of your laws.

But, Mr. President, a man who before he comes here and knows the opportunities, and the facilities, and the protection of law that a laborer here can have in that effort, binds himself to conform to any condition of servitude in this country, I do not care what its character or under what name it shall go, is not a free laborer. He is but very little removed from the condition of those over whose bodies we might at any time in the history of this country have asserted a right of control. He who sells his effort sells his life. He who ties his hands, winds about the muscles of his body the chains of a contract made abroad, is a slave, and it is against slavery that this bill is aimed.

But, sir, the Senator from Kansas [Mr. PLUMB] thinks there is danger that we shall injure labor in this country if we be permitted to go abroad and get skilled labor to come here and introduce here new industries, to the pursuit of which we are not yet educated. To my mind hardly anything can contribute more to furnishing employment for labor in this country than that very process. If all the avenues of industry are now crowded, and if all the pursuits of known industries in this country are now full and the products of industries more than supply our demands, it is only by introducing new industries, it is much by introducing new industries at least, that we can relieve labor by giving it new employments not now known, and no more healthy provision of this bill exists than the very suggestions in it of encouraging enterprise and capital in this country in the idea of setting up here as many as possible of the thousand industries of the world not yet introduced into this new country with which we are unfamiliar and for the performance of which we have now no skilled labor. Any one of these industries not only furnishes employment for those who come here under such encouragement as is contemplated by this bill, but it furnishes at the same time in proportion to its value and the amount of capital and labor necessary to carry it on employment for ourselves, manifold multiplied always by our demand for the consumption of the product and by the demand for the production to compete in new markets.

Sir, those are the best friends of the laborer in this country who make it a study to find something new for him to do, some new enterprise for him to engage in, some new industry not yet fully employed in this country into which he can embark and in which he can employ his energies and his soul. I look, sir, for relief to the labor of this country, not to inhibition of immigration into the United States. I hope we shall never less than now make it the home of the poor man, and make it an attraction to him. I hope the tide of immigration will never reverse itself and turn from these shores to European and Asiatic shores in the idea that there are better homes, better opportunities, better society, and better hopes and aspirations in the old effete condition of other parts of this broad world than in this new, growing country of ours. It is because of the established truth, the conviction, all over the world that here are better homes, better opportunities for work and labor, and better rewards for it than anywhere else, that here more than anywhere else concentrate all these streams of immigration. Sir, I hope that never will be less in my day, and I hope in order to meet the exigencies and necessities thus imposed upon us we shall turn rather to developing new opportunities and bringing here new industries described in this bill, and in the very section which has called down the criticism of the Senator from Kansas; and that we shall be ourselves that nation of all others in which every honest and honorable way of rewarding industry known to the laboring world shall find its best and richest and highest reward.

Mr. SHERMAN. Mr. President——

The PRESIDING OFFICER (Mr. HAWLEY). The Senator from Kansas [Mr. PLUMB] suggested but did not actually propose an amendment.

Mr. PLUMB. I move to amend section 3 by inserting after the word "by," in line 3, the word "knowingly."

Mr. FRYE. There is an amendment pending now.

The PRESIDING OFFICER. There is an amendment pending, but the Senator from Kansas claims the right to amend the text before the question is taken on striking out.

Mr. FRYE. Of section 3?

The PRESIDING OFFICER. Of section 3.

Mr. FRYE. Undoubtedly that is in order.

The PRESIDING OFFICER. The Senator from Kansas proposes to insert the word "knowingly," in line 3 of section 3, after the word "by."

Mr. SHERMAN. Mr. President, I understand that during my absence momentarily from the Senate Chamber the Senator from Missouri [Mr. VEST] called attention to the act to encourage immigration passed on the 4th of July, 1864. That act was in its nature a temporary act, intended to meet a condition of affairs in which we were then engaged. The Senator from Missouri ought to have remembered that at the date of the passage of that act this country of ours was making the most memorable struggle in history, in a civil war. We were then engaged with all the power that we could command, with all the resources that could be called from our own or from foreign lands to put down the most formidable rebellion in history. At the time that law was passed the Senator from Missouri did not know the motives that influenced Congress to pass such legislation; he was doing all he could to break up the Government; and this was one of the means selected by us, one of the methods designed and framed for the occasion to meet the emergency, a bill that was passed by the unanimous vote of both Houses of Congress.

The bill originated in the Senate, and contained a few provisions to encourage immigration. It was amended in the House by a substitute which contained the second section of the bill; and as the second section of the bill did tend greatly to strengthen our country in that memorable war, the Senate agreed to the amendment in a committee of conference; and it became for the time being ingrafted on the law of the land. What was that provision? A temporary provision designed for war, at a time when millions of men were under arms. Nearly all the laboring men of our country were engaged in fighting enemies, and our industries languished. At the same time there was a demand in this country for all kinds of products. We therefore did pass that law to encourage immigration, and among the provisions of it was the second section, which the Senator from Missouri thinks was the fountain-head of all the evils which have overtaken our country since—a law that lasted three or four years. And here is the section to which he referred, passed during the war:

That all contracts that shall be made by emigrants to the United States in foreign countries, in conformity to regulations that may be established by the said commissioner, whereby emigrants shall pledge the wages of their labor, for a term not exceeding twelve months, to repay the expenses of their emigration, shall be held to be valid in law, and may be enforced in the courts of the United States, or of the several States and Territories; and such advances, if so stipulated in the contract, and the contract be recorded in the recorder's office in the county where the emigrant shall settle, shall operate as a lien upon any land thereafter acquired by the emigrant, whether under the homestead law when the title is consummated or on property otherwise acquired, until liquidated by the emigrant; but nothing herein contained shall be deemed to authorize any contract contravening the Constitution of the United States or creating in any way the relation of slavery or servitude.

The next section provides:

And be it further enacted, That no emigrant to the United States who shall arrive after the passage of this act shall be compulsively enrolled for military service during the existing insurrection, unless such emigrant shall voluntarily renounce under his oath of allegiance to the country of his birth and declare his intention to become a citizen of the United States.

It is well known that during the civil war immigration to this country largely ceased, fell off to a very small number, and we therefore lost the benefit of the laboring men who naturally came in the course of immigration by the civil war, and the labor of those men became vital and necessary to us in July, 1864, when we were engaged in such a momentous struggle; and therefore we did invite those people to come here, and we did say that if they came here under contract by which the money for their passage should be advanced, that money should be paid back by the laborer within twelve months after that time. It was a wise provision under the circumstances; but mark it soon after the war ceased, when we had no longer enemies to fight, the whole of this act was repealed. It is not to be found in the Revised Statutes. It was one of those measures demanded by the war and the exigencies of the times. It was right, and I have no doubt that under it many an immigrant was encouraged to come to this country.

Immigration had been deterred in a great measure for fear that when they came over and landed on our shores the men would be drafted into the military service; but when they were assured by the terms of this law that they were to be protected from enforced military service, that unless they chose to put themselves voluntarily in a condition to be enrolled and enlisted they were in no danger of being called into the military service, they came. Under the operation of that law a commissioner of immigration was appointed and was in active duty for some time, and induced laboring men to come to this country to aid us in one way to supply the place of the laboring men who had gone into the field.

That bill was voted for by every Democratic member of either House of Congress. The record shows that there was no question about its provisions. It was like the enrollment or conscription act and all those great measures which were adopted in the exigencies of war, and this was one of the minor measures of that great occasion. After the war was over the law was repealed, disappeared, and long before the revision of the statutes there was no such law upon the statute-book.

Before arraigning me here personally for being inconsistent in supporting this bill, the Senator from Missouri ought to have recalled the circumstances that surrounded us at that time; he ought to have recalled the history of this legislation, the motives for it, the reasons for it; and I have no doubt that in the Southern confederacy they adopted similar measures, or probably much more enforcive measures, to encourage immigration into the Southern States. It was an act of war designed to strengthen and invigorate the armies of the Union. But after the war was over the law disappeared. Here I may say that all the measures intended to protect laboring men in this country emanated from the Republican party.

It is the policy of the Republican party to develop and build up the laboring men of our country; it is the policy of the Republican party to diversify our industries, to make us independent of all foreign nations, to manufacture here everything that is necessary for human life; and no law can be shown passed by a Republican Congress intended to prevent free and voluntary immigration. This law did not do it. This law intended to encourage the free immigration that was necessary then to strengthen our armies and enable us to manufacture the vast supplies needed for the support of our troops. All the policy adopted by the Republican party has been with an eye single to the development of our laborers, to their protection, to their support, to their encouragement and building them up, to giving them fair wages and honest pay for honest labor.

I will vote for this bill, not that it is framed with the precision that I think it ought to have been by a committee of lawyers limiting it to words meet for the occasion. I will vote for this bill because it was sent to us from the House of Representatives, I believe, without divis-

ion of party, in a House composed of two-thirds Democrats—sent to us to defeat a class of contracts that have sprung up in the last eight or ten years.

Until after the close of the war the immigration to this country was a healthy European immigration. Since that time it has become the policy of Congress to prevent the immigration from Asiatic and other countries of races not akin to our own. I have nothing to say about that. Perhaps in passing those laws we went beyond the ordinary bounds of the old policy of the Government, but that is now the policy. But this bill does nothing to protect our laboring men from the importation of free immigration, of men who come here as individual citizens to mingle their blood with ours, and to contribute with us in building up a great, free country, but men who are not free, who are slaves. I read this morning in one of the Philadelphia papers a statement of the condition of 2,000 of these people now in the city of Philadelphia. It is abhorrent to all the notions of an American free laborer that men are bought and sold, who can not understand our language, who do not expect to remain here, who do not mingle with us, who do not share with us, yet are brought here in masses under contracts with corporations to drive out of their fields the honest laboring men of the country. That is the thing we are to deal with.

Now, sir, that a bill which has been passed by the House of Representatives, composed of two-thirds Democrats, should be made the occasion of an arraignment of the Republican party, it seems to me passes beyond the ordinary bounds of debate. This bill does contain good features, and I desire to see them preserved; let any that are bad be stricken out.

If the Senator from Missouri will hold me responsible for legislation that he disapproves, I hope he will look at the date of that legislation and see whether it was framed to meet his efforts on the other side to overthrow this Government, and whether we were not justified, under the circumstances, in passing that law and laws much more severe in their character for that purpose, and, when the object has been accomplished, to repeal the law as unnecessary in a time of peace to encourage the ordinary immigration that flows into our country, and has been a fruitful source of our wealth and thrift and unexampled progress in the race of nations.

Mr. VEST. Mr. President, to the latter part of the speech of the Senator from Ohio, in which he makes personal allusion to me and to my course during the war, I have simply to say that whatever may be his opinion as to the position I then occupied I have no apology to make to the Senator from Ohio. That has nothing whatever to do with this discussion legitimately.

Mr. President, I know very well and I knew when I quoted this statute that it was enacted about the close of the war in 1864, and I read the date in my argument this morning, and I read it to show that the principle of contract immigration had been adopted by the Republican party. The Senator in his argument here a few days since denounced the principle and said he proposed to support the bill now before the Senate because he condemned *in toto* the principle of contract immigration to this country. Now, the Senator changes his position and says that that principle was applied by the Republican party under the emergencies and contingencies of a great civil war. In other words, he adopts the principle when he states that the emergency justified it. I said, and I repeat it now, that that principle was ingrafted on the legislation of the United States Government first in 1864.

Now the Senator says it was temporary. Mr. President, if temporary why was it not repealed at the close of the war? It was upon the statute-book unrepealed until 1874. It has not been expressly repealed; it is now held to be repealed by implication because not found in the Revised Statutes; but from 1864 to 1874 it was the law of the land, and during all this time the Senator from Ohio and the leaders of the Republican party were proclaiming to the working people of this country that they were their peculiar guardians and champions, and they proclaimed upon every stump and in every paper "We are the guardians of the poor men and the laboring classes of the United States against the pauper and vicious labor of Europe," when their own law was in existence all these years inviting people to make contracts with the paupers of Europe, and a lien given on their homesteads in order to pay the cost of their transportation to this country.

I said nothing in regard to the reason of this legislation. It is not pertinent to this debate because the principle was announced, and now it is only a question according to the present position of the Senator from Ohio whether the emergency justified it or not, and that is the whole of it, and that is all I propose to say on that.

Mr. SHERMAN. Mr. President, just a word. I have not had time to look up the repeal of this law, but I have no doubt it was repealed long before 1874. The Senator is mistaken, but I am not prepared to give him the date, because I have not had time to look it up. My attention is just called to it. My impression is that this law remained only two or three years in force and was dropped out, probably repealed in an appropriation bill, or at any rate there were no appropriations made after, I think, 1866, or somewhere along there, for the Commissioner of Immigration and the officers created under the law.

Because we resorted to measures of this kind justifiable in war it is not therefore to be inferred that we approve them as measures of peace. We have repealed the whole class of war legislation one act after another, in many cases by mere implication. If the Senator had said that this was passed during the war and merely for an exigency, as now turns out to be the fact, I should not have thought it necessary even to reply. We did many things during the war that we would not do now. There were many things that we deemed to be constitutional then which I would not regard to be constitutional in time of peace. War makes its laws and war compels congresses and others to make their laws conform to the necessities of war. We did so in this case, and the provision we enacted was a proper one under all the circumstances, and justifiable. It was not at all harsh. It was to encourage immigration, not to discourage it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the third section.

Mr. CALL. Mr. President, I shall vote for this bill, but I wish to express my entire dissent from many of the arguments upon which it is advocated.

I think the bill will fail to have any effect upon the laboring people of this country, that it is impossible that it should be of any service to them. I base my support of the bill entirely upon the fact that it is demanded universally by the laboring people of this country. But to say that because the laborer contracts abroad to give some portion of his earnings when he comes here, that is a crime; to affirm that there is any great economic benefit to the people of this country in prohibiting the small number of persons, whether good or bad, who are imported here under contracts, and preventing the competition on the part of that small number of people with the great body of laborers in this country, is in my opinion an unworthy proposition on which to base a great public policy.

To suppose that we are to help the laborers of this country by permitting the whole body of voluntary immigration not under contract to come here and enter into competition with their labor, and that we shall benefit them by preventing a small portion coming here under contract to labor, does not appear to me to be reasonable. Why, sir, a man is not a bad man because he contracts to labor after he gets here to pay for being brought here, nor is the public significance of the fact, because of the small number of people, of any consequence. It is not the fact that they come here under contract that makes them unworthy of American citizenship. There is nothing servile in a man's contracting to labor, neither in Europe nor in America. It seems strange that we should have such ideas as striking the shackles off of American labor by prohibiting a few men from coming here under contracts to labor.

I am prepared to go a great deal further than this for the protection of the laboring people of this country. Certainly all public policies, whether they are for protection or free trade, are advocated upon the theory, whether right or wrong, that they are for the benefit of the laboring people of the country, that they are to advance their wages and increase their proportion of the results of capital and labor or production. If we never have another laborer from abroad coming into this country, we shall have poorly paid labor unless there shall be some arrangement made by which the proportion which the laborer, the wage-worker, is to get of production shall be larger than it is under unrestrained competition. The difficult problem is to adjust these relations that the laborer shall be paid a reasonable proportion of the results of his labor, whether by State action or national public policies. Anything that falls short of this, in my opinion, is utterly futile and utterly unreasonable.

I shall support the bill not because it strikes any shackles from labor, not because it prevents the competition of a few contract laborers brought into this country, which is going to be of any benefit, but simply because it is demanded by the voice of the laboring people of this country. And I do so with the conviction that the bill will be of no benefit to them.

Mr. BLAIR. I hope that the amendment perfecting section 3 which has been moved by the Senator from Kansas will be adopted. That should be done of course before the question is taken on striking out the section itself. That amendment is the insertion of the word "knowingly" between the words "by" and "assisting" in the third line.

Mr. FRYE. Nobody objects to that amendment.

Mr. BLAIR. But there was a question as to its being in order. I hope the vote will be taken.

The PRESIDING OFFICER. There is no question that it is in order.

Mr. BLAIR. Before the question is taken on this section, I wish to say that I consider it as a vote involving the fate of the bill. There is very little use in passing the bill if this section is stricken out. If this is stricken out, the fourth section ought to be; and if the third and fourth sections are taken out of the bill, there is no bill left. There is simply a prohibition of a practice now existing, but no penalty is provided in case of the violation of the law, and therefore the bill might as well be defeated, and had better be defeated by a direct vote than by this indirection.

Now, as I am on my feet, I wish to place in possession of the Senate the substance of an open letter which has been addressed to myself since the debate of the other day, and which has appeared in one of the journals of this city, and the information contained in which is of an

important character and bears upon the question of the existence of an evil that should be removed by legislation. The immigrants who have been brought here under contract are chiefly from Hungary and countries in that immediate vicinity and from Italy. This letter relates to the question of the immigration from Italy and the abuses that arise under it. It is addressed to myself as chairman of the Committee on Education and Labor:

Hon. H. W. BLAIR:

DEAR SIR: Signor Celso Cæsar Moreno, one of the noble workers in the cause of humanity, appeared before the Federation of Labor Tuesday evening and made a complete *exposé* of the nefarious trade in men, women, and children from sunny Italy by the padrones in New York, Boston, Philadelphia, Elizabethtown, Chicago, Washington, and other cities in the United States.

Signor Moreno stated that his protests and labors in behalf of his countrymen were of no "mushroom" growth, as he had in 1874 entered his protests against this accursed system in the American Congress through Hon. Charles Sumner and General Negley, and bills were then offered, and passed by the Senate and House of Representatives June 23, 1874, and known as the Moreno bills.

The infamous padroni (slave-holders), if unaided by other low Italians, would not have carried on their nefarious traffic so long and so extensively. They are aided by persons who, with them, grow lazy, rich, and fat upon the blood and sweat of the poor, unfortunate, and deceived Italian slaves. This traffic in human beings began in 1867, when the consul-general for Italy, Signor Ferdinand Deluca, came to this country, and from that time until very lately the Italian consulate in New York has been the headquarters of the padroni and their accomplices.

The padroni have "friends" everywhere in the United States—in cities, towns, villages, and rural districts.

The writer then goes on and gives the names of sundry individuals in this country who are associated in this work. I omit them because I do not care in this way to make them unpleasantly conspicuous. He then goes on to say:

Altogether there are in the United States nearly 80,000 slaves of both sexes and all ages.

The padrones, or slave-holders, subject them to the most abject slavery; they are not allowed to converse with their fellow-countrymen or strangers, and are kept in total ignorance as to the rates of wages current in the United States. These victims of greed and avarice get one-third of their wages and the other two-thirds go to the padrones. They are under constant fear for their lives, and cases are known where the stilleto has been used to frighten them into submission.

The only Italian paper they read is published by "Friend" de Casali, in New York city, which asserts, day by day, that if they do not fulfill their contracts they will be sent to jail.

The workingmen of America will find in the Italian a dangerous competitor under the ownership of the padrones; but if allowed to come here as freemen, they will become co-operators with our laborers and mechanics. The people of America, he says, have no idea as to the extent of this slave-trade, and proper steps should be taken at once by our law-makers to suppress this traffic in human flesh and blood.

The Federation of Labor some time since exposed Dr. Verdi; he is the "friend" of the padroni in the city of Washington.

These worse than slaves can be found at work on the Government reservoir. Contractor Peterson will probably answer all questions if brought before the Senate committee. Thirty thousand are owned in New York and 15,000 in Chicago—and yet slavery was abolished in the United States, the land of the free (?).

This scandalous business of enslaving men, women, and children is an outrage on humanity and a burning shame for America and Italy, and the sooner this *comorra* (ring) of malefactors is driven from our shores the better.

Let the "Old Liberty Bell" toll long and loud until this iniquitous system is abolished.

Honorable Senators, take up and pass H. R. 2350. The evidence is all in; the verdict has been given—the contract system must go!

Very respectfully,

W. S. WAUDBY.

WASHINGTON, D. C., *February* 3.

I have also a letter addressed by this same Italian, who seems to be a gentleman of character and ability, with whom I have conversed myself on the subject, addressed last July to the King of Italy. It is a letter which may be very useful to the country, and therefore I take the liberty of spreading it on the record:

[The Craftsman, Saturday, February 14, 1885.]

THE ITALIAN SLAVE TRADE—THE INFAMOUS PADRONI AND THEIR SHAMELESS ACCOMPLICES.

Only the evil of the Italian slave trade has been exposed by the press, but never the shameless evil-doers—the accomplices—who are all of the lowest class of Italians in America. Some are fugitive birds from the Italian penitentiary, and some others have run away from Italy to escape penitentiary punishment, and most of them are in New York, Philadelphia, Chicago, Boston, and Washington, as editors of Italian newspapers, as *sensali* and notaries public, as night watchmen in a museum, as small hotel-keepers and bankers, as barbers, druggists, barkeepers, quack and homeopathic doctors, painters, interpreters, teachers, and even self-styled counts and generals; as professors, opticians, cooks, dancing-masters, musicians, waiters, clarionet players at Niblo's, &c.; but all these professions and trades are only for delusion.

The reality is that all this *canaille* (rabble) get lazy, rich, and fat, and dress like gentlemen upon the sweat and blood of the poor Italian slave laborers of both sexes. The oldest of this gang of malefactors and accomplices has his lair in Elizabethtown, N. J. The Craftsman began the exposure of this scandalous evil and the evil-doers in its issue of February 7, and will continue the warfare until the imported-contract-labor bill becomes a law. Following is the letter of Signor Moreno to the King of Italy on this terrible trade:

WASHINGTON, D. C., *July* 3, 1884.

YOUR MAJESTY: Thousands and tens of thousands of deceived and unhappy Italian peasants of both sexes and of all ages are now in the cities, towns, and rural districts of the United States in the utmost squalor, misery, and degradation, under the control of heartless padroni and shameless connivers. The condition of these peasants is worse than that of the late negro slaves in the Southern States.

Your Majesty, the abject and deplorable situation of so many thousand Italians to-day in such inferiority (not through their own fault) to all nationalities in this vast, rich, and free country is a foul stain and a terrible and undeserved stigma upon the prestige of the Italian name on this side of the Atlantic.

I always remember the courteous reception which Your Majesty accorded me on my arrival in Italy in the month of March, 1881, at the Quirinal Palace. I take the liberty to send direct to Your Majesty and to Her Majesty the Queen several American newspapers, in which are portrayed all the wrongs and sufferings which torment thousands and tens of thousands of my unfortunate countrymen, and the malefactors who inflict these wrongs:

The New York Herald of June 22, 1884.
The New York Staats-Zeitung of June 30, 1884.
The New York Star of July 1, 1884.
The Il Progresso Italo-Americano of July 1, 1884.

The inclosed are articles taken from the patriotic Italian journal, Roma, which is published in New York.

Your Majesty, the weakness and lack of influence of Italy have not their source in the patriotism and resources of the Italian nation, or in the ministry of war, nor that of marine; but arise from the maladroit, little patriotic, and unauthoritative ministers and consuls in foreign countries, and from the Consulto, where the ignorant bureaucracy rules supreme, and drags the timid and incapable ministers into the deep vortex of blunders.

A good name for a nation is a universal majesty, but the ministers and consuls of Italy abroad contribute much to the contrary, and it will never be through their ability if the Italian name will become a title of consideration in the world at large.

The Moreno bill, which was discussed and approved in June, 1874, by the American Congress—Senate and House of Representatives—has abolished forever the nefarious traffic in little Italian slaves in the United States; now have arrived the turn and the duty of the Italian Government to abolish the traffic in adults, and the sooner this dealing in white slaves will be prohibited, namely, emigration under contract from Italy to America, the better it will be, and in this way will be washed away a foul stain from the Italian name, a long story of grief and tears will be brought to an end, a story of demoralization, of shame, and of crime, which are an outrage upon humanity and an insult to this age of progress and liberty, and the cause of all these wrongs will forever be abolished, which our enemies keep in their hands like a weapon to assail and disgrace us.

Your Majesty's most respectful and obedient servant,

CELSO CÆSAR MORENO.

To His Majesty HUMBERT I, *King of Italy*.

Mr. LAPHAM. The object of this bill, as its title imports, is to prevent the evil of importing laborers here in groups, in colonies, in shiploads. It is to prevent the practice of bringing classes of laborers here under contract to perform service, and I am in full sympathy with that; and if this bill reached no further than that, I should be in favor of it without changing a letter; but I beg to call the attention of the Senator in charge of the bill to its provisions, reading the first section in the singular number, so that he may see exactly the import of the bill:

That from and after the passage of this act it shall be unlawful for any person, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or foreigner into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, to perform service or labor made previous to the importation or migration of such alien or foreigner, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

There are thousands of individuals in the United States, naturalized citizens and persons not naturalized, who have immigrated here who are saving annually from their scanty wages the means with which to send over to their acquaintances abroad the facilities for coming to this country, thousands upon thousands of them who are actually denying themselves the comforts of life in order to aid their acquaintances at home to come here to this land of the free and make it their residence; and this section as it is now drawn would strike at every such case.

Mr. BLAIR. Will the Senator allow me a moment?

Mr. LAPHAM. Certainly.

Mr. BLAIR. The fifth section removes all the objection.

Mr. LAPHAM. I beg the Senator's pardon. That is precisely what I am going to call attention to. It does not touch the case at all. If it did I should not have raised this question. The proviso in the fifth section is this:

Provided, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate.

That is the limitation. It does not include at all the large and numerous class of cases to which I have referred; and unless the Senator in charge of the bill will make this last proviso of the fifth section broad enough to cover all the cases to which I have referred, I can not support the bill. I am in sympathy with its object; but to leave it as it is now and subject every servant girl and every hired man who has come here from the Old World to a penalty of a thousand dollars for sending the money to help a poor acquaintance to come here and to permit that acquaintance to turn common informer and get one-half of the thousand dollars, is a kind of legislation that I can not sanction.

Mr. HARRISON. Will the Senator from New York allow me a word?

Mr. LAPHAM. Certainly.

Mr. HARRISON. The Senator seems to overlook the limitation in the section that there must be coupled with the aid or encouragement a contract to labor. The bill does not prohibit such cases as he has described, unless the person who is aided by his friend in this country to come to our shores is required by that friend to enter into a contract to labor for him or for some one else under his direction, with a view of returning the money advanced. It does not at all prohibit, as I understand it, any person who is interested in a friend abroad, even if that person is not within the exception of the fifth section, not a member of his family, from extending aid to any one to come to this country, provided only he does not bind the friend to whom he thus extends his aid by some contract to labor after he arrives in this country.

Mr. LAPHAM. The answer to that is very obvious. In all these cases, in every case with probably scarcely an exception, the person who

is thus aided to come here pledges himself or herself in advance to refund this money out of his or her first earnings.

Mr. HARRISON. That is not prohibited by the bill.

Mr. LAPHAM. Most certainly it is.

Mr. HARRISON. Not at all.

Mr. LAPHAM. It is prohibited by the very letter of this section. Let us read it:

That from and after the passage of this act it shall be unlawful for any person to prepay the transportation or in any way assist or encourage the importation or migration of any alien or foreigner into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, to perform service or labor.

They are all under that contract; and there is no difficulty in avoiding this by making the proviso at the end of the fifth section broad enough to include all this class of cases, and I only call attention to it for the purpose of having that proviso amended.

This is a penal statute, Mr. President, and great care should be observed in its enactment. It will not do to have its provisions so that by the construction of it it may strike at innocent persons, and it is so easy to avoid it by enlarging the proviso at the end of the fifth section that I have chosen to call attention to it.

Mr. HARRISON. Mr. President, I still think the Senator from New York misconceives entirely the scope and effect of the language which he has read. I affirm again that there is nothing in this section to prevent any person in this country interested in any friend abroad from loaning to that friend the means to pay his passage to the United States. It does not take hold of him unless with that loan (which may be secured in any way, except that under the bill it may not be secured by a contract of labor) there is a contract to labor. The man may give his note, and promise to pay it in money; he may get the money in any honest way and pay the debt after he comes to this country. The Senator says it is implied that he can not get it in any way except by working for somebody; but this provision was intended to prohibit a contract for labor between the person furnishing the money and the person to be brought to this country. It was not intended in that case to tie the hands of a man who gives his note to a friend in order to raise his passage-money, from working for somebody else in order to get the money to return it. It has no such effect; and if the section is modified as the Senator desires it to be, it simply opens a way by which the bill itself and its beneficial provisions can be entirely avoided.

If I understand the evil sought to be guarded against by this bill, it is that men living in foreign countries where the rate of wages and the condition of labor is so different from what it is in this country shall not there under the strain that is upon them make a contract, which of course is governed by rates of wages there that put them in the power of the person furnishing the money when they come to this country and have a tendency to import the rates of foreign labor and establish them here. I see nothing to prevent any person who is benevolently disposed, who has no personal interest in an individual, from aiding any one to come here, provided only he does not attempt to secure the money which he advances by a mortgage on that man's labor.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Kansas [Mr. PLUMB] to the third section, to insert the word "knowingly" after the word "by" in line 3.

The amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the motion to strike out section 3.

Mr. HARRISON. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. RANSOM. I wish to state that my colleague [Mr. VANCE] has been called temporarily from the Senate to attend to some very urgent business.

The result was announced—yeas 12, nays 40; as follows:

YEAS—12.

Butler,	Garland,	Harris,	Saulsbury,
Coke,	Groome,	Maxey,	Slater,
Colquitt,	Hampton,	Morgan,	Williams.

NAYS—40.

Aldrich,	Fair,	Lapham,	Platt,
Blair,	Frye,	McMillan,	Plumb,
Brown,	George,	McPherson,	Pugh,
Call,	Gibson,	Mahone,	Ransom,
Camden,	Harrison,	Manderson,	Sawyer,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Sewell,
Conger,	Hoar,	Mitchell,	Sherman,
Cullom,	Ingalls,	Morrill,	VanWyck,
Dawes,	Jackson,	Palmer,	Vest,
Edmunds,	Jones of Nevada,	Pike,	Wilson.

ABSENT—24.

Allison,	Cockrell,	Jonas,	Pendleton,
Bayard,	Dolph,	Jones of Florida,	Riddleberger,
Beck,	Farley,	Kenna,	Sabin,
Bowen,	Gorman,	Lamar,	Vance,
Cameron of Pa.,	Hale,	Logan,	Voorhees,
Chace,	Hawley,	Miller of Cal.,	Walker.

So the motion was rejected.

The PRESIDING OFFICER. The question recurs on the motion to strike out section 4 of the bill.

The motion was rejected.

Mr. LAPHAM. In section 5, line 18, after the word "relative," I move to insert the words "or friend;" and at the end of line 19, after the word "States," to insert the words "for the purpose of settlement here;" so as to read:

Provided, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family, or any relative or friend, to migrate from any foreign country to the United States for the purpose of settlement here.

That will relieve the provision to a great extent from the criticism which I made on the first section.

Mr. BLAIR. Say "personal friend."

Mr. LAPHAM. I wish to make it apply to any individual who chooses to send money to a native of his own country to help him come here for the purpose of settlement.

Mr. BLAIR. When the Senator uses the word "friend" he means "personal friend."

Mr. LAPHAM. Of course I do.

Mr. BLAIR. Then put in the word "personal."

Mr. LAPHAM. Very well; I will say "personal friend." I supposed that was implied.

The PRESIDING OFFICER. The amendment proposed by the Senator from New York will be read.

The SECRETARY. In section 5, line 18, after the word "relative," insert "or personal friend;" and at the end of the section add the words "for the purpose of settlement here."

The PRESIDING OFFICER. The question will be first put on inserting the words "or personal friend."

The amendment was agreed to.

The PRESIDING OFFICER. The question now is on the second amendment, proposed by the Senator from New York, to insert at the end of section 5 the words "for the purpose of settlement here."

The amendment was agreed to.

Mr. CALL. In section 3, line 3, after the word "by," I move to strike out the words "assisting, encouraging, or soliciting or," and to insert "the;" so as to read:

That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same by the importation of any alien, or aliens, &c.

I will state——

The PRESIDING OFFICER. The Chair will take the advice of the Senate; but the present occupant of the chair is of the opinion that that amendment is not in order now. The Senate has refused to strike out section 3, thus virtually adopting it. The amendment, however, may be offered in the Senate after the bill shall have been reported to the Senate.

Mr. CALL. I withdraw the amendment if it is not in order now to amend the section.

Mr. SAULSBURY. In section 5, line 16, before the word "Provided," I move to insert the words "nor laborers in agricultural pursuits;" so as to read:

Nor to persons employed strictly as personal or domestic servants, nor laborers in agricultural pursuits.

Mr. BUTLER. I call the attention of the Senator from Delaware to the amendment proposed by the Senator from Texas [Mr. COKE], which possibly meets the case more fully.

Mr. SAULSBURY. That amendment has not been incorporated in the bill.

Mr. BUTLER. It has not been reached yet. Notice has been given that it would be proposed.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware.

Mr. SAULSBURY. Mr. President, I desire to say that the bill doubtless has been inspired by a purpose to correct what has been acknowledged to be an evil in this country, caused by the action of corporations who employ large numbers of laborers. Railroad companies and large manufacturers have, in order to obtain the service of persons in their employ at reduced rates, made contracts with persons abroad to come to this country to labor in their employ. That is an evil, and is acknowledged to exist in this country; and I suppose that the bill was inspired by the idea of correcting that evil; but the bill illustrates the tendency of the human mind to go to extremes. In order to correct an admitted evil, we are adopting a measure which is very sweeping in its character.

Under the operations of this bill no man can aid the immigration to this country of a person from a foreign country to labor, with the understanding that he is to remunerate him for the advance which he has made, in any pursuit whatever. It so happens that in many agricultural sections of this country there is a scarcity of labor at times. There is a great disinclination on the part of a great many people in this country to work on farms. As soon as the sons of farmers come to manhood they are inclined to seek some other employment. Thus in many sections of the country agricultural pursuits labor under a great disadvantage from the scarcity of laborers necessary to their employment.

At this very time there is in my State an association of farmers, I believe commissioners, appointed for the purpose of trying to secure help

upon the farms. A farmer needs a man to labor in his service, and some person will say, "I will get you a man from abroad if you will pay for his transportation here." He is to be brought here not to work in mines, not to work upon railroads, not to work in large factories, but to labor on the farm. A farmer makes the advance in order that some man may come and help him perform manual labor upon his farm; and yet this bill would prohibit him from doing that. There is no harm in doing that; it is bringing an industrious class of people here. I admit there is an evil where large importations of foreign labor are made for the purpose of reducing the wages of employés and where the contracts for labor are made abroad. That is an evil which I would help to correct, but we are too sweeping in all these provisions.

I desire that the amendment which I have offered, excepting agricultural laborers, may prevail, because, living in an agricultural community, I know the fact myself that there is often a necessity for agricultural labor which is not to be commanded, and no harm can result from the provision. I hope the amendment which I have suggested will commend itself to the favorable consideration of the Senate, as I am sure it will prove beneficial in many agricultural sections of the country.

Mr. COKE. Two days ago I gave notice of an amendment similar to the one that has just been proposed by the Senator from Delaware. It has been printed and laid on the desks of Senators, and comes in at the end of section 5. It reads thus:

And provided further, That labor to be employed in agriculture and stock-raising shall not be included in the prohibitions and penalties of this act.

Mr. SAULSBURY. I was not aware until just now that the Senator from Texas had proposed such an amendment. I will withdraw my amendment in order that he may offer his.

Mr. COKE. I am entirely satisfied with the Senator's amendment as far as it goes, but I think perhaps mine is a little broader.

Mr. SAULSBURY. My amendment is confined simply to agricultural laborers.

Mr. COKE. Then I will offer my amendment, the Senator from Delaware withdrawing his.

The PRESIDENT *pro tempore*. Does the Senator from Delaware withdraw his amendment?

Mr. SAULSBURY. Yes, sir; I withdraw it to enable the Senator from Texas to offer his amendment.

The PRESIDENT *pro tempore*. The amendment is withdrawn. The amendment of the Senator from Texas will be reported.

The CHIEF CLERK. It is proposed to add to section 5 the following additional proviso:

And provided further, That labor to be employed in agriculture and stock-raising shall not be included in the prohibitions and penalties of this act.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. COKE. One word, Mr. President, as to this amendment.

As I understand the bill, it is directed in its effects especially to the Northern and Eastern States, which are said to be overstocked with labor, whereas in the country from which I come, and the same may be said generally of the country west of the Mississippi River, there is a great scarcity of labor. The bill without the proviso that I have offered as an amendment will prohibit the importation of labor, which means people who become honest traders and land-owners, as well into the South and West and Northwest, where labor is needed and scarce, as in the North and East, where it is not needed. I therefore ask that this exception may be made in favor of labor needed in agricultural and stock-raising pursuits.

It is very well known that the owners of large bodies of land in the South and West frequently go to foreign countries and bring in people who desire to engage in agriculture, and settle them on their lands, making contracts with them under which they acquire homesteads of their own on the lands. This practice could not be pursued under this bill.

It is a fact also well known, I presume, to my colleague as it is to myself that when we make very large crops of cotton in the State of Texas, as we frequently do, the laborers who make the crops are unable to gather them, and many of our people go over into Mexico and gather up large numbers of laborers and bring them into Texas, where they pick and save the cotton. That would be prohibited under this bill.

In short, Mr. President, the great agricultural areas of this country are not overstocked with labor, and the theory of this bill as applied to them is a false one. If you will go upon the farms of the South and Southwest and West you will find that there is a great scarcity of labor. The labor problem is the one most difficult of solution there. Go, for instance, to my State, and you will find vast areas of rich land, much of it under fence, much of it broken, that is not in cultivation because there is no labor there to cultivate it. Especially is it the case that we have an insufficiency of labor for gathering our cotton crops. With the aid of machinery we can cultivate large areas of land in cotton which can not be gathered by the labor which makes it, because the cotton must be picked with the fingers, and in order to save it we must have human labor; there has been no machinery invented by which it can be saved.

While I have no doubt that the bill corrects a great evil in the northern and eastern portions of this country, it will be productive, as the Senator from Delaware has well said, of a very great hardship upon other sections of the country. We in the South and West want labor; we need men, women, and children to labor in our fields, to take homesteads upon our lands, and to grow up and constitute a part of the landholding citizenship of the country, as the people who go there do. We do not desire to see any of the avenues of immigration closed. We are not overstocked. If you are overstocked in the East and North, take care of yourselves, but do not create obstructions to that which is absolutely necessary to our prosperity.

We can not cultivate our country, we can not gather our crops, we can not develop as we ought and as we desire to do without human labor, and a great many of our laboring people and our best citizens came from Europe, and immigration from that quarter still flows in daily with increasing volume.

In Texas there are entire counties populated with Germans and Bohemians. We have whole sections of country populated with immigration of that class, and they are our very best immigrants. They produce more, they add more to the wealth of the country than any other people who come there. This bill will be a prohibition in a great measure upon many of the methods through which those people come to our country, and it will be a prohibition upon the same methods in the Northwest. The Germans come to Texas and get land; they go to work on it and make a little money. They send it back to Germany to pay the way of others of their countrymen out. They get more land than they need themselves, and they will send on to the fatherland and bring out a family and put them on the other end of the tract, and in a little while that land will be improved and that family will take it and pay a good price for it. That is the process through which our country is being settled. This bill will be a great obstruction to the settlement and improvement of the country in that way.

Gentlemen who desire to put a stop to contract immigration of mining and manufacturing people can do that in the bill without interfering with the class of agricultural immigration which we desire to see fostered and encouraged by the adoption of this amendment. The Southern and Western country under this amendment will be left free as it is now to acquire the population we desire, which our rich lands invite—lands which if cultivated by an intelligent population will add vastly to the general wealth. If my amendment is adopted we will be left free; the Southwest and the Northwest will be left free to acquire population as we do now, while the evils which Senators from the East and North complain of will be remedied.

Mr. HARRISON. I wish to ask the Senator from Texas a question. Does he desire that the bill shall be so left as that farmers and stock-raisers in Texas may go or send to Italy or Germany, or to any other foreign country, to make contracts with people there upon the advance of their passage-money to work for them at certain rates of wages in Texas?

Mr. COKE. No, sir; I do not.

Mr. HARRISON. Then if the Senator from Texas does not wish to accomplish that, his agricultural labor is left perfectly free under the bill as it stands. If his amendment should be adopted it would be lawful for the farmers and the stock-raisers in Texas to send an agent abroad and make a contract there at European rates of wages, and bring the men here under bondage to perform those contracts.

Mr. COKE. I simply desire that our people should be let alone in this regard, because they need no legislation. There has never been any complaint there by immigrants; they all do well who come there. There is no law there under which the specific performance of a contract for labor can be enforced. When they get to Texas they are free in this regard to comply with their contracts or not comply with them, as they choose, if they have made any. An immigrant can not land upon that soil and breathe that atmosphere without feeling that he is a free man. The servile labor Senators speak of in the North and East does not and can not exist there. Homesteads are too easily acquired for that. There is too much competition among land-owners, anxious either to rent or sell. The man with labor in his muscles is more independent there than in any other country under the sun.

I simply desire our people to be let alone, not interferred with, not obstructed by legislation which is totally inapplicable to their condition. This legislation may be needed in the North and East. I am willing to give gentlemen in the North and East such remedies as they think are needed in their country; but I ask them to listen to me when I say to them that we need nothing of the sort in the country that I have the honor in part to represent.

I hope that the amendment that I have offered will be adopted.

Mr. MILLER, of New York. I ask to have the pending amendment read again.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Texas [Mr. COKE] will be read.

The CHIEF CLERK. It is proposed to add to section 5 the following additional proviso:

And provided further, That labor to be employed in agriculture and stock-raising shall not be included in the prohibitions and penalties of this act.

Mr. MILLER, of New York. I trust that the amendment will not prevail. It will be readily seen that if the amendment should be added to the bill, under the guise of agricultural laborers or stock-

breeders, all the labor of Europe could be brought in, and thus the provisions of the bill would be entirely invalidated. I believe the bill should apply to agricultural labor as well as to any other.

For one, I am opposed to the whole system of large farms in the West and in the Southwest. I believe the best interests of this Government require the division of the land among the actual settlers and tillers of the soil, and the great farms which have grown up in Texas, in California, and in many of our Western Territories are opposed to our institutions; they are dangerous in every respect.

Our legislation, in regard to the importation of Chinese labor, I believe is to do very much toward breaking up the immense land holdings in the State of California. It is only by cheap contract labor that any man or corporation can afford to hold the great farms which are cultivated in California and in the Northwest. That can only be done by cheap labor; and when cheap labor is not to be had those immense holdings of land must be broken up and must be sold to actual settlers.

Any one who will look at the history of the State of California for the past ten or fifteen years will discover that it has grown very little in population. The reason is that nearly all of the available land in the State of California has come into the hands of a very few individuals. It is held by single individuals to the amount of hundreds of thousands of acres, and they have been only able to hold that land and make it profitable by employing cheap Chinese contract labor. When the labor of California shall have come to the same rate that is paid in the East, the capitalists now holding those vast areas of land will be compelled to distribute them, and when that shall be done the State of California will take on a new growth and energy. For the past five years immigration has been passing from the East through the State of California and going up to Oregon and Washington Territory, and why? Not because the lands are better and more desirable, but because nearly the whole land of California to-day is in the hands of a few great land monopolists. This is true to a large extent in Texas and in many of the Western Territories. It is true also that great capitalists in England have come over here and have organized great cattle companies, which have seized upon vast amounts of our Western Territories, and they are able to maintain their business and to make it profitable, and they will be able in the future only to go on with it in case they can have cheap labor.

My friend from Texas desires to have them left free to import this labor under contract if they see fit. I want to stop it here and now, and I should be glad if we could devise any means which would compel the great landholders of the West to break up their great farms and holdings and sell them out to individual citizens in amounts of one hundred and sixty acres. Undoubtedly they have now secured a legal title to their lands, and that can not be done so long as they shall find it profitable to hold them and farm them in these large amounts. If we prevent them from importing contract labor, as we have prevented the people holding the land in California from importing cheap Chinese labor, we shall within a few years compel the division of those great farms and great holdings in the West. I believe that to be for the best interests of the country.

When there comes a time of depression upon labor in the East, as there is to-day, the Eastern mechanic and laborer ought to find an abundance of public land in the West upon which he can settle under the homestead act; but it is a fact well known to the Senate and the country that nearly all the available and desirable public lands have been seized under one form of law or another until to-day nearly all the public lands which have been surveyed are covered over by pre-emption claims, or by desert-land-act claims, or by tree-culture claims, and there is little or nothing left for the actual, *bona fide* settler from the East who would go out and take up the public lands.

If this bill will do anything to break up that system of farming let us have it and make it as stringent as possible. Let us see if we can get rid of the great foreign corporations which are holding to-day more than 20,000,000 acres of our lands in the Western Territories.

I hope the amendment may not prevail, for if it does I feel that there is nothing left of the bill.

Mr. MAXEY. Mr. President, I have very little to say in addition to what was said by my colleague [Mr. COKE], but I desire to call the attention of the Senate to what appears to me to be a very important consideration.

There can be no question, I take it, from what I hear from gentlemen much better qualified to speak than myself, that in the North and East there is a superabundance of labor which can not find employment; that there are, according to what we have heard here, several hundred thousand laborers out of employment. In that condition a proposition is made to prohibit the importation of labor from abroad under contract. The reason for that is entirely apparent to me; but if the bill passes, according to the first section it applies to every character of labor and to every section of the country.

Take the country west of the Mississippi River. There is a scarcity of labor there; there is nothing like so much as we need, and the character of labor needed there is agricultural labor. The bill prevents making a foreign contract for any character of labor whatever. Now, let us see the practical operation of that. Take my State. We began there fifty years ago, and we offered a head right of 4,605 acres of land to the head of every family who would come into Texas and settle. Under that provision we received a large number of settlers from the old States of the Union, Texas not then being in the Union, and a large number from Europe. As our land gave out we reduced the amount from 4,605 acres to the head of a family to 1,280 acres, and then to 640 acres, and then to 320 acres, until now we have no public land left.

But what has been the effect of that policy? Fifty years ago we had in Texas but 53,000 people; in 1870 we had a little over 800,000, and in 1880 we had a population of 1,593,000. In other words, notwithstanding what the Senator from New York has said, we nearly doubled our population in the decade between 1870 and 1880, and we largely increased that population by the inducement—you may call it by any name you will—which we gave to people to come into our State and settle by offering them a homestead for themselves and their families; and, under the laws of Texas, that homestead, once secured, is free from debt of any kind, character, or description. Under our homestead laws, however profligate the husband may be, the wife and her children are secured in their home; it can not be touched by forced sale, levy, or execution.

As I said, a large portion of the population coming to Texas came by inducement of the land which was offered to them. In the very county to which my colleague refers, where there was a very large Bohemian settlement, those people came largely to get the land which they got by coming, and until a year or two ago, under the census of 1880, it was the finest cotton-producing and the first cotton-producing county in the State of Texas. To-day the county in which I live is the first, but that was the first cotton-producing county in the State of Texas. Under the census of 1880 that county produced twenty-four thousand two hundred and odd bales; while the county of Lamar, in which I live, produced twenty-four thousand six hundred and odd bales.

I say what we need in Texas is population. On the same ratio of population of the State of Massachusetts, which under the census of 1880 was one hundred and eighty-six to the square mile, the State of Texas is capable of sustaining a population of 50,030,000 people. You may make the calculation. Take the 7,800 square miles of land in the State of Massuchusetts and the 274,356 square miles in the State of Texas, and multiply the amount in Texas by 186, and you will find that the State of Texas is capable of sustaining a population of 50,030,000 people upon the same ratio as the State of Massachusetts; and we are a better population-bearing people than they are, because our entire area of land is susceptible of cultivation. Besides that, we have water-power enough in Western Texas to turn the machinery of the entire world to-day.

So what we need is population. The strength of a nation is not in great wealthy nabobs; it is not in the few who have grasped the wealth of the many, but it is in a strong, freedom-loving people.

I have always thought that in matters of this kind the people in a country know better what is good for them than people at a distance know. I concede that proposition; and I say to the overburdened States of the North and East, having more labor than they can employ, take such measures within the limits of the Constitution as to you may seem best, and I shall not stand in your way; but when you come to that great country west of the Mississippi River, all of which needs population, an agricultural population, needs labor because labor is the great need of that country, we understand how to deal with the problem better than you do.

Therefore I can not see why the Senator from New York, who knows nothing whatever about the situation out there personally, should step in to interfere with a just and fair proposition made concerning a section of country which in no wise affects him. I do not consider that it is my duty to interfere in this bill so far as the North and East are concerned; they understand their interests better than I do; but I do think that I understand the interests of the country where I live better than they do, and I know that we do not need any legislation in respect to the introduction of labor in that State, either to aid it or to prohibit it.

The United States Government has been for years holding out an inducement for foreigners to come to this country to settle. When a foreigner arrives at Castle Garden and takes his way to the Northwest and makes his homestead claim, he has only to file his declaration of intention to become a citizen, and that instant he has the same right of homestead that the native-born American citizen has. Your Government has been inducing foreigners to come into this country under your homestead law. We have in Texas done that, and we have done it by wholesale, and, as I said, it is one of the greatest things we ever did do.

Take the Rio Grande district, which was so ably represented in the other House a few years ago by a foreigner, an educated man, a man of brain, a man of the highest order of talent, a graduate of the University of Giessen, in Germany, the late Hon. Gustave Schleicher, now dead. He represented that district, and was one of the ablest representatives we ever had from Texas. A large portion of that district is composed of Germans, and we have no better population than that, and the larger portion of it came in there under colony contracts, settled under colony contracts, and thereby they got land for coming to settle. That was an inducement for them to come.

How are you going to stop this thing? You propose here by your section to fine in the sum of a thousand dollars any person or corporation that makes a foreign-labor contract. That can not be done unless the corporation is within the jurisdiction of the United States. Do you not know that the people who will make these contracts will do so through European corporations, and you will never reach them? It will be a European corporation that will make the contract with those people, not an American corporation, and you will never reach them. You can not reach them because your laws do not reach them.

The whole measure, in my judgment, is not well considered; but notwithstanding that, so far as that part of the bill is concerned which reaches, as undoubtedly every one knows the purpose is to reach, the manufacturing, overburdened labor—the point is to protect that—so far as that branch of it is concerned I do not propose to interfere, but when you come to our part of it, the agricultural part, I beg that you will extend to us the same privilege that we cordially extend to you.

Mr. BLAIR. I am sure that I am the last person in the world who would do anything knowingly to interfere with the growth and development and magnificent future of the great State of Texas or any other State or portion of this country. Yet I sometimes think that our friends who have in the course of their experience at some portion of their lives entertained a less stringent and vigorous purpose than we have in the northern part of the country to preserve the integrity of this great nation, its continental proportions, lose sight of the fact that we are after all one. Not intentionally, to be sure, but nevertheless we often hear from them in regard to their country as though they lived in some other portion of the United States, or in some other country from that which I inhabit. This ought not so to be, and I think every citizen of the United States in Congress at the present time should decide upon his duty as a public official, as a member of the House or of the Senate, with reference to the general interests of the country at large.

In acting upon this principle, if I thought that the bill which is now before the Senate was likely to seriously injure the interests of Texas, I should be willing to see, I should be glad to see, I should insist upon seeing, this amendment made. I can not, however, believe that to be the case. If there does exist in the State of Texas a practice such as is prohibited by the bill, if Texas is being populated under the contract system, under the cooly system, under precisely the same practice which we prohibited with reference to the Chinese, and which we undertake to prohibit with reference to other races and other classes of people by means of this proposed legislation, then the sooner that practice is broken up the better for Texas, and the better for the whole country, because it is conceded to be in its essence slavery, tending in that direction, and it ought to be removed.

The bill does not undertake to interfere with any of those State inducements, those which are held out to the world under our national or under State law to induce immigration. It does not undertake to interfere with any of those broad and general inducements which are common alike to national and to State legislation, and it is to that sort of inducement, as I understand the Senator, that the increase of our population and our agricultural development is mainly to be attributed.

Mr. MAXEY. Will the Senator from New Hampshire allow me to interrupt him?

Mr. BLAIR. Certainly.

Mr. MAXEY. I am satisfied from my knowledge of the Senator from New Hampshire that he would not wish to pervert or misrepresent anything that my colleague or myself may have said. I never said a word in regard to the contract system or the cooly system. I said that we held out land inducements, and by those land inducements our State had been largely settled up, the same as was done by the United States. To that extent I said it, and no further.

Mr. BLAIR. I did not understand the Senator to say that the contract system, which the bill prohibits, had been practiced in the State of Texas.

Mr. MAXEY. I think the Senator will find on looking at his remarks when published that that is about the idea his language conveyed.

Mr. BLAIR. I understood the Senator from Texas to say that the population of that great State had been increased, that its prosperity had been greatly promoted by the inducements in the way of land chiefly, which had been held out to immigrants from abroad.

Mr. MAXEY. Certainly; I said that.

Mr. BLAIR. Now, that is by public act; that is by public law. That is in the State of Texas precisely what the United States has done by its homestead law; and it is no such practice as that, no such thought or idea as that, which is prohibited by this proposed legislation. Therefore it follows that the contract system not having been introduced into Texas, not having been made use of as a means of her development, she has really no interest whatever in this proposed legislation. She can not complain that this provision injures her, because she never has received an immigrant, she never has received a dollar's worth of development by reason of the existing practice which the bill undertakes to prohibit.

Then why should our friends from Texas oppose this legislation since it has no effect whatever upon their interests? On the other hand, as I was saying, if the practice does exist, the remarks of the Senator from New York are certainly pertinent. I am not at liberty by the necessities of the session to pursue the subject any further than did he, nor would it be necessary, for what he said was sufficiently elaborate and covered the whole subject with reference to the foreign ownership of vast tracts of land in this country, in the Territories, and in the newer States especially, which are and can only be kept profitable by means of cheap labor, and that must be contract labor, labor of the precise kind which the bill is designed to prohibit the introduction of. Any one will see that if the amendment suggested by the Senator from Texas [Mr. COKE], which proposes to forbid the extension of the provisions of this legislation to labor employed in agriculture and stock-raising, is adopted, then the evil will continue; we shall not have stopped it at all, because it is perfectly easy to introduce all the labor which we are trying to prohibit as agricultural labor or as labor to be employed in stock-raising, and once within our country, as the agricultural interests embrace some thirty millions of our people——

Mr. COKE. Will the Senator allow me to interrupt him for a moment?

Mr. BLAIR. Certainly.

Mr. COKE. Would it not be easy, under another portion of the proviso, not objected to by the Senator, which allows the introduction of experts from foreign countries, to make it a cover for the introduction of labor not experts as much as the amendment I propose would allow that to be done?

Mr. BLAIR. That is an objection to the bill which was raised by the Senator from Kansas when that section was reached, or it was put in the shape of a formal amendment. I propose to say a word in regard to it. That is a provision for the introduction of skilled labor for the establishment of new industries. It does open the way to a possible evasion of the law, it is very true; but it ought not to be urged by the opponents of the bill as an objection to it that it is less restrictive than it might be made. That the bill is more as they desire it to be ought not to be a reason for their objecting to it.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. Certainly.

Mr. MAXEY. I want to call the attention of the Senator from New Hampshire to the fact that we are all very apt to take care of our own interests. The Senator from New Hampshire, I understand, is perfectly willing to admit into New England what he calls expert or skilled labor from abroad. Why? Because they have not got enough of it. Yet he would refuse to let us bring in agricultural labor when we tell him that we have not got enough of that kind of labor. I can not see any consistency in such a course.

Mr. BLAIR. That provision is put in the bill in order that by means of export labor new industries may be established in the State of Texas. There is now no manufacturing of importance done in the State of Texas. There is practically only the necessary amount of skilled labor in the country to maintain the industries already established. In Texas the iron industry would be a new industry; the glass industry would be a new industry; cotton manufacture and woolen manufacture are in Texas new industries; and does the Senator complain of a provision in the bill which will enable those industries, new to the State of Texas, to be established there, and enable Texas also to secure the necessary skilled labor from across the water? For it will be difficult to get that skilled labor at the North or where those manufactories and industries are already established, because skilled labor is, of course, the rarest of any kind of labor.

Mr. MAXEY. Will the Senator allow me to answer that question?

Mr. BLAIR. Certainly; but I thought I was raising a question.

Mr. MAXEY. I say what we want to do is to develop the immense agricultural country that we have there, which I have stated to the Senator could maintain a population of 50,030,000 upon the same ratio as Massachusetts. We are doubling it every ten years, and we shall turn into the next century with the largest population of any State in the American Union. When we accumulate money there not needed for developing our agricultural resources it will be put into manufactories there, with that water-power which, as I said, is the best in the world and is capable of turning the machinery of all the world. But you come in with this provision and say you will not let us develop the country in order to do that.

Mr. BLAIR. The Senator says the contract system which we are prohibiting now has never been worked in the State of Texas, and yet the development of the State of Texas has gone on in the manner he describes; so that the argument is irrelevant so far as Texas is concerned, to judge from the representation of the Senator from that State.

Mr. MAXEY. We simply want the laws as they are.

Mr. BLAIR. But the laws as they are and as they have been in this regard have not affected Texas otherwise unfavorably, and the evil which the Senate is undertaking to prohibit does not exist in Texas. She may go on, she may grow and develop as she has done hitherto, she may multiply her resources, and if she needs more labor, if she needs a further inducement by contract for the immigration of labor

within her borders, she has all the enormous mass of surplus labor such as we are objecting to in the North. Let her exercise her skill, let her make her contracts with the surplus of labor in the Central and Northern States. She has that right, she has that power. It seems to me that until she has exhausted the 500,000 idle laborers in other portions of our own country by what would be a legal process and which we do not undertake to interfere with and do not prohibit by the bill, certainly she ought not to complain that we undertake legislation, and that stringent legislation, which is necessary to remedy the evil where it does exist in other portions of our own country.

If this amendment should be adopted, thus opening the way to the introduction of thousands and hundreds of thousands it may be of laborers from abroad under the guise of being agricultural laborers, the bill will be evaded; it will be the idlest chaff in the world to enact it into legislation.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. COKE].

Mr. COKE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER].

The roll-call was concluded.

Mr. ALLISON (after having voted in the negative). I am paired with the Senator from Delaware [Mr. BAYARD]. I do not know how he would vote, but from the indication I prefer to withdraw my vote.

The PRESIDENT *pro tempore*. The vote will be withdrawn if there be no objection.

Mr. MITCHELL. My colleague [Mr. CAMERON, of Pennsylvania] is absent sick, and is paired with the Senator from California [Mr. FARLEY]. If my colleague were here he would vote "nay," I have no doubt.

The result was announced—yeas 14, nays 37; as follows:

YEAS—14.

Butler,	Colquitt,	Hawley,	Saulsbury,
Call,	Garland,	Maxey,	Williams.
Cockrell,	Hampton,	Morgan,	
Coke,	Harris,	Pendleton,	

NAYS—37.

Aldrich,	Hale,	Manderson,	Sawyer,
Blair,	Harrison,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Hill,	Miller of N. Y.,	Sherman,
Conger,	Hoar,	Mitchell,	Slater,
Cullom,	Ingalls,	Morrill,	Van Wyck,
Dawes,	Jackson,	Palmer,	Vest,
Dolph,	Jones of Nevada,	Pike,	Wilson.
Edmunds,	Lapham,	Platt,	
Frye,	McMillan,	Plumb,	
George,	Mahone,	Pugh,	

ABSENT—25.

Allison,	Chace,	Jones of Florida,	Sabin,
Bayard,	Fair,	Kenna,	Vance,
Beck,	Farley,	Lamar,	Voorhees,
Bowen,	Gibson,	Logan,	Walker.
Brown,	Gorman,	McPherson,	
Camden,	Groome,	Ransom,	
Cameron of Pa.,	Jonas,	Riddleberger,	

So the amendment was rejected.

INDIAN APPROPRIATION BILL.

The PRESIDENT *pro tempore* laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereto.

Mr. DAWES. I move that the Senate insist upon its amendments and accede to the request of the House for a committee of conference.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate; and Mr. DAWES, Mr. PLUMB, and Mr. RANSOM were appointed.

REPORT OF SOUTH AMERICAN COMMISSIONERS.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I herewith transmit, as desired by the act of Congress approved July 7, 1884, a letter from the Secretary of State with accompanying report from the Central and South American commissioners.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, D. C., February 13, 1885.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate of the United States:

Referring to my message of the 13th instant, concerning the report of the Central and South American commissioners, I have the honor to inform the Senate that the report therein stated as accompanying the message was transmitted with a like message to the House of Representatives.

A note of explanation to this effect was inadvertently omitted from the former message.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *February 17, 1885.*

PETER LENNON.

Mr. CONGER. I ask unanimous consent to reconsider the vote by which the bill (H. R. 796) to increase the pension of Peter Lennon was postponed indefinitely, and that the bill may be placed on the Calendar.

The PRESIDENT *pro tempore*. The Senator from Michigan asks unanimous consent that the vote of the Senate indefinitely postponing the bill indicated by him, taken in June last, be reconsidered. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. CONGER. I move that the bill be recommitted to the Committee on Pensions.

The motion was agreed to.

AMENDMENT TO APPROPRIATION BILL.

Mr. INGALLS, from the Committee on the Judiciary, reported an amendment intended to be proposed to the deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (H. R. 2123) for the erection of a public building at Wichita, Kans.; and

A bill (H. R. 48) providing for the erection of a building to contain the records, library, and museum of the Medical Department United States Army.

The bill (H. R. 6407) to regulate the letting of mail contracts was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The bill (H. R. 6089) for the relief of Moses F. Carleton was read twice by its title.

The PRESIDING OFFICER (Mr. HAWLEY in the chair). The bill will be referred to the Committee on Military Affairs.

Mr. CONGER. The bill should go to the Committee on Claims from what I know of the character of the case. It should be referred to the Committee on Claims here.

The PRESIDING OFFICER. It is a bill giving certain pay and allowance to a second lieutenant of infantry. It should go to the Committee on Military Affairs. It is so referred.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. COCKRELL. I should like to suggest to the Senator in charge of the bill a mere verbal amendment in section 2.

Section 2 reads:

That all contracts or agreements, expressed or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, and doing business within the United States, and any foreigner or foreigners, alien or aliens, to perform labor or service of any kind, &c.

The word "and" where it first occurs in line 4 should be stricken out, so as to read:

Persons, company, partnership, or corporation doing business within the United States, &c.

Mr. BLAIR. That word ought to be stricken out.

The PRESIDENT *pro tempore*. Is there objection to this amendment? The Chair hears none, and it is agreed to.

Mr. MORGAN. I move to add as an additional section to the bill:

SEC.—. This act shall not apply to any agent of a State acting under the authority of law who shall induce immigration to such State from any country in Europe, or from Great Britain, Canada, Mexico, or any Central or South American state; nor shall it apply to any person who in good faith shall assist persons or families to come from any of those countries for the purpose of permanent settlement in any State or Territory of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. MORGAN. Mr. President, the amendment may not be opposed to what is intended to be the spirit of the bill; but there is some language in the bill that causes me to feel that it may be necessary in order to preserve the rights of the States, and also the rights of those persons who may seek to bring in permanent immigration. I notice in the first section of the bill the following language:

That from and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, &c.

Similar language also is employed in the third section, which is the punitive section, and reads:

That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens,

foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, &c.

Many of the States have had their agencies abroad for the purpose of getting immigration, and, as was remarked by the Senators from Texas who discussed the matter relating to their own particular locality, inducements of various kinds have been held out to those immigrants to settle up the country. The purpose was to get a permanent population, to get immigration; but the means used to secure that end I think would be means that are denounced in the bill; they are means that are calculated to give some assurance to emigrants before they come here that they will receive employment, that they will receive homesteads, that they will be well treated, &c.

I know that in the State of Alabama organizations have been engaged in inducing immigrants from foreign countries with very great success, and they have offered inducements in the way of homesteads and also in the way of advances upon crops to be made, provisions and farming implements, tools and the like, for the purpose of getting those persons to come in and occupy waste and unproductive lands.

The State of Alabama has an area of 50,000 square miles, and I suppose that very little more than one-half of it is actually occupied in agricultural industry or in any other. We have a great deal of what is called now waste land in that State, timbered land, and lands in the hilly country, not mountainous, but hilly country, that are not fertile as compared with other broad valleys and savannas, where the lands are very rich. The consequence has been that our population has gathered chiefly upon the streams and in the alluvial valleys of that State, and the hills have been heretofore somewhat neglected, though they are very excellent lands.

In later years, and particularly since the black population have congregated in the lowlands and in the richer parts of the State, the white immigration to Alabama has gone chiefly to the hilly lands. The truth is that that is one of the main elements in the development of that surprising growth, the city of Birmingham, which has sprung up there of late, and other large towns which are going into a rapid state of growth.

The State of Alabama has only been deprived of the opportunity of increasing this immigration by the fact that we had debts to pay, and that our system of taxation was as we thought comparatively heavy. Otherwise that State would have resorted to a regular system for the introduction of immigration, particularly German immigration, from foreign countries.

Many years ago, before the late war, a railroad company was chartered to run a line south and north, that is now called the South and North Road, from Decatur, Ala., to Montgomery. The Congress of the United States made a large donation of lands to that railroad corporation on what is called the Sand Mountain. That is an elevated country of about seven hundred feet elevation, on an average, above the level of the sea. At the same time it is a plain at the top of this elevation, a sort of mesa. It is a hundred miles across perhaps, in one direction, and fifty or sixty miles in the other; and that great mesa or elevation contains the mineral or coal lands of that country, and beside very valuable timber. But nearly all the lands in that portion of the State are adapted to agriculture, particularly to the cultivation of cotton and corn and fruits by white labor. The soil is light and friable and easy to manage.

This railway company, for the purpose of inducing immigration there, made a contract with a gentleman by the name of Cullman, who was a German of wealth and of distinguished family. He engaged that if they would sell the lands to immigrants, as he brought them over, at a minimum price, and would also furnish to that colony transportation at reduced rates for a series of years, he would undertake to settle that country.

Before that time the population was about five or six to the square mile in what is called the Sand Mountain region, a very scattered population, living upon the wild productions of the earth mainly. The men who settled out in that region supported themselves chiefly by the chase. In 1872 Mr. Cullman commenced his operations in that colony, on the railway company carrying into effect this contract, which has not yet expired, but which this bill will destroy. In 1876 I was invited to the town of Cullman to make an address to the people of that colony, and I met 3,000 Germans there and made my address to them. They had built their town, a considerable town; they had churches and schoolhouses; of course they had breweries and lager-beer saloons. They had vineyards around the town and steam tanneries, steam furniture factories, and various little manufactories of that kind, and the country around was considerably settled up.

That was in four years after the colony was first planted at Cullman. That colony has gone on to increase until now it is a county organized under the State and called by that name, the county of Cullman. It pays quite a revenue to the State of Alabama now—some $15,000 a year to the State treasury, and more than that for county purposes. The annual taxation for local purposes in that country must be at least $30,000 a year. The population is thrifty. Mr. Cullman is still going on to bring immigrants there upon the contract which he made with the railroad company, and there is not a more respectable or thrifty community in the State of Alabama than that. I have always pointed to it with pride as an evidence of the fact that we had within us the elements of prosperity and a disposition to encourage the migration of people into our State.

Now I desire to protect that colony and the contracts made for its settlement. I desire also to protect similar arrangements that are made in the State of Alabama, particularly in Lauderdale County, on a very valuable tract of land there of which General Jackson was once the owner and upon which there is assembling now quite a large colony of Germans, and indeed throughout the whole valley of the Tennessee River in North Alabama there is growing up a strong German population.

Those people make arrangements with each other. They send back to the Fatherland and there they make contracts for laborers and families to come over. They agree that they will supply them for a certain time with provisions and with farming implements. They of course are entitled to take from the railway company under Mr. Cullman's contract a certain proportion of land, for which they are to pay in installments that are postponed.

I do not wish to chill or break down an industry in my State of which I am so justly proud as I am of that; and yet this bill can not fail to do it, and no man can point out how it can fail to destroy all similar enterprises in Alabama.

I should like to know by what right the Congress of the United States undertakes to say to a State of this Federal Union, "You shall not bring over population into your State, honest immigration, for permanent settlement," unless it may be persons who are diseased and therefore not fit to come to any community, or criminals. But suppose the State of Alabama wants to import paupers into her borders; suppose her resources are sufficient to justify her in saying to the pauper communities of foreign countries, "Come here and we can furnish you a home, and instead of your remaining paupers during the remainder of your lives you can get to be thrifty people." I want to know what Senator can lay his hand upon the power that is given to him under the Constitution of the United States to say to the State of Alabama, "You shall not do it; although you may legalize such contracts and out of your treasury pay a bonus to have people come into your midst, we can prohibit you from having it done."

But suppose you have the power; we are now more than a hundred years old, and our States have grown with great rapidity. There are millions and millions of people in this country at this day whose forefathers were brought here under contract in some form or other. Senators have alluded in debate here to the fact that men were brought from abroad who were unable to pay their passage-money across the ocean, and were put up upon the block and sold in order to pay the passage-money; and those men were the founders of excellent families in the United States at this time.

Why is it that we should reverse the great policy which has brought about such useful results throughout the length and breadth of this whole country, and why should we lay our hands upon the States of this Union and say to them, "You shall not import labor here; you shall not have your agencies to go abroad; you shall not offer to any person an inducement to come to your States; you shall remain in your present state of barrenness and nakedness until you have grown population upon your own lands to occupy the whole country and fill it up?" Why shall we reverse that? Shall we do it for the mere sake of gratifying any set of men in the United States who feel that in the particular locality where they live there is an overcrowded state of labor?

The Senator from Texas [Mr. COKE] has reminded the Senate that in his part of the United States, and it is equally so in the part that I have the honor to represent here, there is a great want of labor and population in some departments of business. Your men who are going to the South now to cut down the pineries there for the purpose of manufacturing them into lumber, and who are making a great deal of money out of it, and I trust will make a great deal of money, are eager for labor. They are anxious to transfer their industries from some worn-out or exhausted fields in the North and the Northwest to go to the South, and they are anxious for labor. I do not feel disposed to repress the desire of those men to go there and make money and build up that State, yet this bill does it.

What is the pretext now that has been urged for the bill? Let us look at it in the light of honest truth. It is that some Hungarians and Italians have been brought here by railway and coal-mining companies and perhaps by a few of the rougher manufacturing companies in large numbers under contracts of hire; that they come, and they are a filthy, dirty set; they remain but a short time until they work out their contract, and then they take their money, as the Chinese used to do, and they go back home. Instead of coming right to the question that we met in the case of the Chinese and saying to the Hungarian Government and to the Italian Government, "Your lazzaroni and your paupers and your criminals are being collected and sent to this country under labor contracts, under a sort of boss or cooly system; we object and protest against it, and we are going to legislate them out of this country," the President of the United States will recommend, or if he does not some Senator will recommend by a bill he introduces, that Hungarians and Italians shall be excluded from the United States for

the reason that I state, that after having tried them experimentally we find that they are an unfit class of people to come into this land. Senators in their eagerness to gratify a supposed desire on the part of certain influential people or societies to control the labor market of this country, instead of confining the application of their law to the evil which they mention, spread it over all foreign immigration, and old Scotland, Wales, England, Germany, and France, that have furnished us millions of our most enlightened and excellent people, are put under the ban by this legislation along with Italy and Hungary. We find in the evil which came in from Italy and from Austria a pretext for attacking all the foreign immigration to this country and putting every bit of it on the same footing with the cooly system.

That is all that is complained of here. Why not bring in your bill to attack the very people you complain of? Why spread it all over foreign countries when you admit that the evil exists only in certain localities and in reference to certain people?

I beg to remind Senators that while they are insulting the Irish people, and the English, and the Scotch, and the Welsh, and the Germans, and the French, by this measure, they need not lock themselves up in the security that they may feel that they are pandering to a sentiment which will support them for offices hereafter. No, sir, the reaction will come from those great masses of population, and they will make the Senate of the United States feel their weight when they come to resent this insult to great states and communities and races of men, because the Senate has not got the courage to pick out the people that it wants to attack.

Mr. President, I appreciate the peril that I put myself in by daring to attack anything at all that appears to have the sanction of the great masses of certain classes of people who are organized in societies in this country; but I appeal to their honor and to their sense of justice. When they come to realize that Senators are here willing to serve them at the expense of justice and reason, they will turn to me with a welcome hand as they turn their back coldly upon those who are afraid to do what they know is right.

There is but one way to manage a matter of this kind, and that is to find where the evil is, and to strike at that, get through with the business, and then let it alone. It is quite a disagreeable thing to do under any circumstances; but when it is admitted on all hands that we are not suffering from Ireland, or England, or Wales, or Scotland, or Germany, or France, but that we are suffering only from Hungary and Italy, let us reduce our attack to the point from whence the injury comes, and not include all classes of people abroad on that account.

It has been argued in the course of the debate upon this measure that Chicago and New York, perhaps other large cities in the American Union, were being endangered, at least very much agitated, by the communistic expressions of certain societies found in their neighborhoods, and because certain communists, like Herr Most and Justus Schwab and O'Donovan Rossa and the like, have organized their secret societies in hostility to the whole human family, and have perpetrated wrongs and given advice and encouragement to the perpetrators of wrongs and injustice, murder and arson, in a way to shock the sensibilities of any man in the world, and every man in the world—because they have done that an argument is adduced why the bill should become a law.

The Congress of the United States proposes to punish all the great nations of Europe and disgrace those people by its solemn declaration because they have sent to us in one way and another a Herr Most and a Justus Schwab and an O'Donovan Rossa and the like. The injustice of that is simply inexpressible. Are those the honest workingmen of foreign countries who come here thus to plot treason against human life, against women and children, to plot assassination and arson? Are they the men who come here to toil and to labor? No, sir; when you denounce the importation of laborers under contracts from foreign countries, you do not touch Herr Most or Justus Schwab or O'Donovan Rossa. The utmost of their labors is in setting up the beer upon the counters of their saloons, editing newspapers, and preaching all manner of outrageous encouragement to vice and crime in the country. That is the extent of their labor.

A bill is brought in here and we are informed in the argument that in order to reach malefactors like these you strike at the whole honest, industrious laboring classes of foreign countries. That is your bill, and that is the way you do it. You insult labor by associating it with those malefactors, by identifying it with them, and saying that it is necessary, in order to keep such men as those out of the country, to prevent honest, industrious laborers from coming here.

I have not any doubt that the bill will pass; it will rush through this House as it did through another. It is admitted to be an ill-begotten and a misshaped thing. The framers of the bill when speaking on the floor, some of the ablest lawyers in the Senate, have said that it was a crude, unsatisfactory bill; and yet the Senate is going to pass a crude and an unsatisfactory bill. What pressure is there upon us, either of time or opportunity, or from outside through political influence, or otherwise, to cause us to dash to a conclusion in this case and to pass a confessedly crude, ill-shaped, unsatisfactory bill?

Why can not the Senate take time to pass a decent bill upon this question, not one denounced out of the mouths of its own friends and apologized for as one that is laboring under such an immense pressure of public demand as that the Senate can not wait to put it into shape? The country will inquire of us about our haste in this matter. They will want to know why it is that we did not have time to prepare a better bill, but prepared one in such a form as that its own friends could not refrain from denouncing it as a crude and an ill-shaped measure.

These States will want to know of us, if we vote down this amendment, why it is that we deny to them the power to conduct their own municipal affairs. What is it that most concerns the States of the American Union at this time after many of their most majestic powers have been trampled to earth and their real sovereignty has been rebuked until it is ashamed to show itself in the councils of the country, and Senators are almost afraid to avow that they are from States, or that they represent sovereignties? What power is it that most deeply concerns the States now in the condition almost of orphanage in respect of their former inheritance of glory and power from our ancestors? The municipal power. Go to the Supreme Court of the United States, and once in a while you will find an opinion coming from that august body in which they declare that States have a right to exercise certain municipal powers.

What are among the municipal powers of a State of this Union? One is to judge of the people that shall come into it; and unless there is some great and pervading national view of the question that excludes a people from coming here, you can not prevent them from going to any particular State of this Union, nor can you prevent the States of this Union from inviting them into their midst.

The State of Alabama, if she has the money, can vote lawfully and properly $100 per capita to every immigrant that shall come to her borders from the State of New York; she has a perfect right to induce them to come there. That right you are going to take away from her in this bill. I propose now that this law shall not apply to an agent of the State, authorized by law, acting under the law of the State, who shall make contracts for the importation of labor, and in connection with those contracts shall offer inducements such, for instance, as to say, "If you come to the State of Alabama we will see that your family is supported for a year after the time that you get there in order that you may get a chance to live, get acquainted with the people, and get used to the laws of the country and to its climate."

I propose that we shall not interfere with a State when she is honestly engaged in getting a migration of people into her borders in that way; and I propose also that where societies or individuals desire to import people for permanent settlement in the country, they may connect with their propositions to this effect the reward to be held out to the immigrant, saying to him, or to her, or to the family, "Come to my colony," as Cullman has said to the colonists who settled in that county in Alabama, "Come to my colony that I have prepared for you, and you shall have your land for good, and you shall have your expenses advanced to you or paid to you; you shall have provisions for a certain length of time; you shall have animals to plow with and tools for the cultivation of the soil." Is there any reason why we should cut off these privileges or these benefits? My amendment provides that where the immigrant is coming in good faith for permanent settlement this law shall not apply to him.

Without saying more, I ask the Senate to vote on it.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Alabama [Mr. MORGAN].

Mr. BUTLER called for the yeas and nays, and they were ordered.

Mr. HAWLEY. Mr. President, can the amendment be divided?

Mr. MILLER, of California. Certainly.

The PRESIDENT *pro tempore*. The Chair thinks the amendment is capable of division after the word "States." Does the Senator desire that it be divided?

Mr. HAWLEY. I ask that it be divided.

The PRESIDENT *pro tempore*. The question will be first put on the first branch of the amendment, which will be read.

The Chief Clerk read as follows:

This act shall not apply to any agent of a State, acting under the authority of law, who shall induce immigration to such State from any country in Europe, or from Great Britain, Canada, Mexico, or any Central or South American state.

The PRESIDENT *pro tempore*. The question is on agreeing to this branch of the amendment.

Mr. BLAIR. I should like to inquire of the Senators who support this amendment if the State agents they speak of bring immigration to this country under contract to labor? If there are no such contracts made by the agents of States, what is the use of making this addition? It may be a troublesome addition to the bill, for under the guise of the action of agents of States these same contracts may be entered into and the evil perpetuated.

Mr. WILLIAMS. I will say to the Senator from New Hampshire that in my own State we have colonies of foreigners, and they all come under contract. We have in a dozen counties of our State most flourishing colonies established and brought here by State agents.

Mr. BLAIR. For whom do they work when they get here?

Mr. WILLIAMS. They organize in Europe; somebody in Europe contracts with them; they buy immense bodies of land, as they have done in my State already. There are several large settlements of Swiss.

some of Swedes, some of Norwegians. Men make contracts with the immigrants and pay their expenses out, saying, "You shall have so much land and you shall work and out of your wages pay the money advanced to you."

Mr. BLAIR. Are the parties who enter into these contracts abroad agents of the State itself?

Mr. WILLIAMS. No, sir; the parties are usually foreigners.

Mr. BLAIR. Then they are not covered by that amendment.

Mr. WILLIAMS. But the inducements are held out by the agents of the States, and they are brought to particular localities according to the price of land and the price of labor, as described to them. They come in under these inducements. They have already a dozen colonies established in Kentucky which have been making the land blossom like the rose.

Mr. MORGAN. There is the colony of Rugby, in Tennessee, another very important colony of that description.

The PRESIDENT *pro tempore*. The question is on agreeing to the first branch of the amendment.

Mr. GEORGE. I dislike very much to engage in the discussion of the bill at this late hour. I have been very much in favor of the bill all along, and I hoped I might be allowed to cast a silent vote upon its passage; but the proposition made by the Senator from Alabama so misconceives, as I understand, the objects and aims of this bill, that I feel I should not do justice to myself and the vote I shall cast here if I did not say something upon this subject. The divided proposition now before the Senate is to exempt from the operation of this bill the acts of State agents in introducing and inducing——

Mr. RANSOM. I ask——

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield?

Mr. GEORGE. Certainly.

Mr. RANSOM. I ask if it would be more agreeable to my friend from Mississippi to speak to-morrow? If so, with his consent I will move an adjournment.

Mr. GEORGE. I do not desire to occupy the attention of the Senate long. Of course I do not want to keep the Senate here when it wants to adjourn.

Mr. RANSOM. It is altogether at the pleasure of the Senator himself.

Mr. GEORGE. I have not a great deal to say. ["Go on!"] I will go on, Mr. President.

I mean to say that there is not a single provision in the bill which authorizes the amendment, or that portion of the amendment offered by the Senator from Alabama—which authorizes it to be offered as an exception to the provisions of the bill. There is nothing in the bill which prohibits a State from having its agency in Europe or in any foreign country to induce foreigners to come within its borders and settle there; there is nothing in the bill which prohibits a State from offering moneyed inducements, landed inducements to any foreigner or alien who will settle within its borders.

The argument of the Senator from Alabama upon that branch of his proposition was a mere attack upon a man of straw. He conjured up in his fruitful imagination a difficulty which does not exist in the bill, and then struck it down. There is no attack upon State sovereignty; there is no attack upon any action which any State in this Union may see proper to take for the purpose of enlarging or increasing her population.

The whole scope of this bill is directed not against inducements held out by States to increase their population, not against inducements held out by individuals or corporations in States for the purpose of increasing the population of those States. The whole point of the bill is this, and there is not a single provision in it which looks beyond this, and that is, you shall not introduce people into this country under a contract previously made to serve somebody after they get here.

Mr. MORGAN. The bill does not say so.

Mr. GEORGE. That is the meaning of the bill, and there is not a provision in it which goes beyond it. It is simply a provision against introducing servile labor here.

Mr. MORGAN. If the Senator will indulge me a moment——

Mr. GEORGE. I will.

Mr. MORGAN. I will say to him that my construction of the language of this bill is just as candid as his. I am not as good a lawyer as he, I never was on any bench or anything like that, but I believe that there is not a lawyer in the Senate who will take this bill down deliberately and study it over and will not say that there is no provision in it that the labor shall be for the person making the employment. It is not in it; and if we have got to amend it so that it has to go back to the House, why not make the bill so that it shall be clearly intelligible?

Mr. GEORGE. That is a very immaterial difficulty. I do not know whether I said that the party was to be under contract to work for the particular party contracting with him, but it makes no real difference, so far as the evil is concerned, which this bill is intended to remedy, whether the contract be to work for the party making the contract with the foreigner, or whether it be to work for somebody else. In either view it is equally servile labor.

Mr. MORGAN. Now will the Senator indulge me again?

Mr. GEORGE. Yes, sir.

Mr. MORGAN. Does not the Constitution of the United States expressly prohibit any importation of servile labor into this country or any servitude of any man at all? The Senator does not want to assist the Constitution of the United States by a bill.

Mr. GEORGE. I do not know that there is any provision in the Constitution of the United States upon the introduction of any sort of labor into this country. There is a provision in the Constitution of the United States which prohibits slavery within the limits of the Union, and it is the object of this bill to prevent a species of slavery, not exactly legal slavery.

Mr. WILLIAMS. Will the Senator allow me a moment to ask him the definition of "slavery;" whether he considers labor performed under a voluntary contract to be servile labor? If he does there is no man who works in this whole Union who is not a slave. Everybody works in pursuance of a contract.

Mr. GEORGE. The difference between servile labor or slave labor and labor performed under a contract made with an ignorant foreigner, unacquainted with our language, unacquainted with the price of labor here, is very little in its practical effect. It is very true that this ignorant foreigner can not be held by any law to a specific performance of his contract; but being ignorant of our laws, being ignorant of our language, having made a contract to serve here at a price or for wages largely less than is paid our own laborers, he serves out his contract without knowing what his rights are, and in doing that he inflicts as great an injury upon the other laborers of this country as if he was a slave.

Now, Mr. President, I want to vote for this bill with a fair understanding of what it means. I do not want to be mistaken about its meaning I think the argument of the Senator from Alabama was based upon a misconception of its meaning, and I rose simply for the purpose of contradicting that impression and that construction. I say, sir, and I challenge the Senator from Alabama to put his finger upon the clause which contradicts that, that there is no provision of this bill which prohibits the State of Alabama or any other State from introducing as many foreigners as she pleases within her limits. There is no provision in this bill which prohibits the State of Alabama or the State of Texas or any other State from giving pecuniary or landed inducements to foreigners to come and settle within her borders.

The sole provision upon that subject is to prevent the introduction of persons who are under contract to serve either the person with whom the contract was made or some other person for whom they act after they arrive here. If the bill can stand upon that, then it is right; but it must not be put down upon the idea that it does something beyond that, for it does nothing more than that; and because I think that is the true construction of this bill I shall vote against the amendment offered by the Senator from Alabama.

Mr. MORGAN. Mr. President——

Mr. RANSOM rose.

The PRESIDENT *pro tempore*. Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. RANSOM. If my friend from Alabama will yield to me, I move that the Senate adjourn.

Mr. BLAIR. I hope the Senator will withdraw that motion. We can finish the bill to-night; and the condition of the business——

The PRESIDENT *pro tempore*. Debate is not in order. Does the Senator from North Carolina withdraw his motion?

Mr. RANSOM. No, sir.

The PRESIDENT *pro tempore*. The Senator from North Carolina moves that the Senate do now adjourn.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 23, nays 26; as follows:

YEAS—23.

Beck,	Colquitt,	Jones of Nevada,	Ransom,
Brown,	Groome,	McPherson,	Saulsbury,
Butler,	Hampton,	Maxey,	Slater,
Call,	Harris,	Miller of N. Y.,	Vest,
Cockrell,	Jackson,	Morgan,	Williams.
Coke,	Jonas,	Pendleton,	

NAYS—26.

Aldrich,	Frye,	Mahone,	Pugh,
Allison,	George,	Mitchell,	Sawyer,
Blair,	Harrison,	Morrill,	Sewell,
Cameron of Wis.,	Hawley,	Palmer,	Sherman,
Conger,	Hoar,	Pike,	Wilson.
Dolph,	Ingalls,	Platt,	
Edmunds,	McMillan,	Plumb,	

ABSENT—27.

Bayard,	Fair,	Jones of Florida,	Riddleberger,
Bowen,	Farley,	Kenna,	Sabin,
Camden,	Garland,	Lamar,	Vance,
Cameron of Pa.,	Gibson,	Lapham,	Van Wyck,
Chace,	Gorman,	Logan,	Voorhees,
Cullom,	Hale,	Manderson,	Walker.
Dawes,	Hill,	Miller of Cal.,	

So the Senate refused to adjourn.

Mr. MORGAN. I do not wish to delay the Senate by a long speech, though I have no doubt they refused to adjourn in order that they might have the benefit of my remarks.

I candidly disagree with the Senator from Mississippi [Mr. GEORGE] in his construction of this bill. Perhaps I have no just cause for the disagreement at all, but as I have it, it is for the want of power to comprehend it. A contract, whether it is express or implied, under this act, whether it is parol or special, whether it is made by a State or the agent of a State, or by any other person, is not only void, but it is made punishable by law if it is made previous to the immigration of such alien or foreigner, and he is made to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

It is not required to be a contract made with the employer abroad; not a contract to labor for somebody else or for the employer, but a contract to labor in the United States at any kind of labor or service to be performed in the United States. You can take any person or any number of persons, it makes no difference what their character may be, and prepay their passage, or make any agreement or contract with them that they will come here and remain, it may be to take out naturalization papers and vote, or to do any other thing; but if you put it into that contract that they are to labor in the United States, then the contract is not only made void by this statute, but the party who makes it is amenable to a penalty to be recovered in a *qui tam* action, I suppose it is, in some court of the United States, and a forfeiture of $1,000 to the person with whom the contract is made.

I do not wish to be hypercritical about this, but I think it is one of the duties of the Senate to make laws that are so plain in their meaning that they can not be misunderstood. The honorable Senator from Mississippi I think concedes that the amendment I have offered here, the part now under consideration at least, is a proper amendment, a proper thing to do; but he says that it is unnecessary, barely unnecessary. This bill has been descanted upon, as I have remarked before, by several Senators, and they have taken occasion to say that it was a crude bill.

The Senator from Ohio who is in front of me now said the other day that he did not attach much importance to the words, but he would like the words "special or parol" stricken out of this bill. The Senator did not see the value of those words in this bill. I myself had pointed out that there was some occasion for misunderstanding in consequence of the presence of those words in the bill. Other Senators have criticised it. The honorable Senator who occupies the chair now [Mr. PLATT], if I remember, when he took the floor this afternoon for the purpose of advocating this bill led off by saying that the bill was such a one as a body of lawyers would not have prepared, and the bill ought to have undergone the scrutiny, if I understood him aright, of the Judiciary Committee, or some committee of this body that could put it in shape.

I but participate in the common sentiment when I declare in my place in the Senate that I can not understand this bill as the Senator from Mississippi understands it. His vision about it is so much clearer than mine that I regret that I can not participate in the very lucid manner in which he understands this bill to his own satisfaction. To me it is cloudy and murky and muddy; to me it is ill-shaped, and it does not express any correct or clear idea.

It may not have been the purpose of the committee in reporting this bill to prevent a man from laboring after he got here, and yet apter words could not have been used for that very purpose, even to prevent him from laboring after he gets here, for if the contract is to perform labor or service of any kind in the United States, its Territories, or the District of Columbia, that contract subjects the party to a penalty if he prepays, or assists, or encourages the migration or importation, as the language of the bill is, of the person with whom the contract was made.

I must be pardoned under all these circumstances for venturing, presumptuously, if you please, to draw the attention of the Senate to this language and to try to correct it by the amendment which I have had the honor to introduce. I yield to the honorable Senator from Mississippi, and his superior capacity as a lawyer over me, very cheerfully; it is nothing to my discredit to do that, but——

Mr. GEORGE. I never asked it.

Mr. MORGAN. No; but, Mr. President, it strikes me that the honorable Senator in his zeal for this particular bill has lost sight of the real construction of its language. Why shall the Senate of the United States send out a lumbering affair like this into the world for the criticism of the bar of the United States? Sir, they would laugh at you when you have done it. When you try to bring your *qui tam* action based upon it, the bar with a broad smile of laughter will wonder why it was that the Senate of the United States had ever got its consent to put before the country a form of words that expresses anything in the world but the meaning attributed to it by the Senator from Mississippi.

Now I will take the other section:

That all contracts or agreements, express or implied, parol or special, which may hereafter be made by and between any person, company, partnership, or corporation, doing business within the United States, and any foreigner or foreigners, alien or aliens, to perform labor or service, or having reference to the performance of service or labor by any person of any kind in the United States, its Territories, or the District of Columbia, previous to the migration or importation of the person or persons whose labor or service is contracted for into the United States, shall be utterly void and of no effect.

There is no stipulation that the contract shall be for the benefit of the employer. If it is for the benefit of anybody whatsoever, that contract is denounced as a contract that is void. The third section is:

That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories—

There is the act by which this law is to be violated.

Mr. BLAIR. I beg the Senator's pardon; that is not the act.

Mr. MORGAN. What is the act?

Mr. BLAIR. If the Senator will read further he will know.

Mr. MORGAN. I beg the Senator's pardon; then he has two acts.

Mr. BLAIR. Not at all.. Let the Senator read on and he will see what the act is.

Mr. MORGAN—

That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners——

Mr. BLAIR. "Previous." There is still more.

Mr. MORGAN. There is more rigmarole, of course.

Mr. BLAIR. If there is, it is no reason the Senator should misconceive the bill by failing to read it.

Mr. MORGAN. I do not misconceive the bill by failing to read it. It is the reading of the bill that causes any man to misconceive what can be the meaning of it—

previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000.

Now, let us see what are the objectionable words in that third section, "the violation of the provisions of this act," the general clause. How is a man to violate them? What is to be a violation?

By assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners.

That is the whole of it. Now I have got every word out of it that means anything.

Mr. BLAIR. No, not all—"previous to becoming residents."

Mr. MORGAN. That merely designates the time at which the offense is to become complete. We are describing an offense for which there is a very heavy penalty here. The last thing that is in the description of it, but the first thing to be considered, is at what time was this offense committed? It was committed previous to the alien or foreigner becoming a resident or citizen of the United States. That is the time, "previous to becoming residents or citizens of the United States." Thus we have got the time fixed. In what manner is this violation to occur in order that the penalty may be inflicted upon the party violating the act?

By assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied.

If you assist, or encourage, or solicit the migration or importation of any alien or aliens, foreigner or foreigners, into any part of the United States to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, then you violate the act. That is to say, you must have a contract with the alien or aliens, foreigner or foreigners, that he or they will come into the United States, or some part of it, to perform service or labor of some kind under contract or agreement, express or implied, parol or special.

If I solicit by writing a letter or by sending a telegram or otherwise saying to a man abroad, "There is a chance here for you to labor and get good wages; you have nothing to do but to come here and perform the labor in the United States; there is plenty of it; I do not name the man you have got to labor with; it is not with me; it is not with any particular individual; but I inform you that there is a good labor market here, first rate, and I encourage you to immigrate yourself or become immigrated or imported into this country for the purpose of doing that work under contract, and I give you a guarantee that when you come here, if you are dissatisfied, I will pay your expenses, I am entirely willing in order that you shall have the benefit, my friend, not my kinsman, of a good labor market; that you come here and do this work, and I am even willing to make a guarantee you shall be whole and sound;" that would cover the whole act beyond question.

Do we intend to do that? Is that the way in which we intend to prevent Hungarian and Italian bandits and lazzaroni from coming into this country by putting a trammel upon all freedom of traffic in respect to the importation of labor of every kind and character? That is not the meaning, say the committee, and yet that is the meaning according to the broadest interpretation that can be put upon this act.

Sir, I am not wrong about this. If an agent of the State of Alabama

shall go abroad and say "the State of Alabama will pay your expenses, or will advance your expenses, to come into her borders and settle on her unoccupied land"—I will take the swamp lands, if you please, that are granted out and out to the State of Alabama—"if you will come here and labor upon these lands, if you will come and assist the State of Alabama in performing the duty she has got to perform of ditching and draining these lands in order to perform the duties the Government has put upon her, we will advance to you the money, and out of your wages you can pay us back," the Senator from Mississippi will say that it was not intended to prevent the State from doing that; and yet there it is in the bill, and until the bill is amended it will be in there, and all of the argumentation that can be brought to bear upon it will not get it out of the bill. There is nothing that will get it out but an amendment, and it was this very perplexity which disturbed the minds of Senators so much that almost every one who has risen to advocate the bill except the Senator from Mississippi, who seems to have great satisfaction with it, has got up and explained that the bill was crude and imperfect. It is, and I am trying to get it, as far as I am concerned, for the protection of the people that I represent here, into a certain shape which shall exclude a certain interpretation that is perfectly legitimate on the face of this bill. That is the whole object of my amendment. I know the bill is going to pass; I do not wish to delay it, but I do wish to make it so that the State of Alabama at least will not suffer a detriment in consequence of the imperfect form in which it is.

I wish to ask the Senator one more question about this. There is no punishment here except for the employer. The party employed, the party who comes here to labor in competition with our American laborers, is not punished at all for coming in violation of this act. Whenever he is landed at the wharf in Boston, or in New York, or in Philadelphia, the ship-owner or the ship-master becomes responsible in very heavy damages to be paid to the party who informs. When he gets out into the country, if he can find some man who by contract, express or implied, special or parol, in some manner or other, has given encouragement to this migration or this importation, you can get hold of him and you can punish him; and if he happens to be the agent of a State acting under State laws, it makes no difference, you can punish him also, but you can not punish the party who comes here.

You can not punish the nuisance; you can not put the nuisance on board ship and send it away. You have no law to prevent its landing here. You allow this nuisance to be landed. You allow it to scatter itself out through the community, and then you go to hunting up the man to whom by his express or implied agreement it can be imputed that he had some agency by encouragement, or advice, or persuasion, or the advancement of money, to induce this nuisance to come over here. That is the shape of the bill.

Now, sir, suppose that your labor-broker happens to reside in London and he wants to make his money out of this immigration? Suppose, like the six Chinese merchants in San Francisco, or like the boss system of introducing coolies or inferior labor in any part of the world, they make their organization and all their arrangements aboard? A man in London organizes a force of a thousand laborers, we will suppose, and he says: "Now, I have got no contract at all, but I know that they are building a railway between Baltimore and New York and they are in a great hurry to get it through to compete with the Pennsylvania Railroad;" or, "I know they are digging a railway through the Alleghany Mountains to get to a new coal-field;" or, "I know they are building a railway to connect the Southern States with Mexico, or elsewhere. Now I bind you here in London, a thousand of you, that you will go to the United States, and you will go to that railway company, and you will offer yourselves for hire; and they will give you a dollar a day, $30 a month, and find you with everything, and after you have earned your money, your families remaining in Italy or Hungary, with every inducement for you to return after you have earned your money, you will bring me back 5 per cent. or 10 per cent. of the amount you receive to pay me for the advance I make in getting you there, besides paying me back the advance I make." There is a contract made in a foreign country, the Senator says. It is a contract completed between the employer and the laborer. Is there anything in this bill that prevents its being executed in the United States? None whatever. This bill clearly abandons the question of brokerage.

Mr. GEORGE. Will the Senator from Alabama allow me to say right there that there is this in the bill which prevents it being executed in the United States, that agreement is declared by the bill to be utterly null and void and not binding on the party?

Mr. MORGAN. What does your foreign broker care about that? It is a good contract in England, a good contract in London, perfectly good between the employer and the employé, and the employer has no more risk there than he has here. If a man makes a contract in the United States that these men will come over here and work for him, he has got to take the risk of their performing the contract after they get here, of course, and the risk is no greater with the man who makes such a contract in New York than it would be if he made it in London.

Now here is a case that is totally unprovided for, and the whole door of mischief that is intended to be closed out by this bill is left wide open. I can go to London if I am so minded, or I can go to Rome in Italy, and I can make a contract for 10,000 Hungarians or 10,000 Italians, and send them here to work upon a railroad in the United States. The railroad contractors would have nothing in the world to do with it, no complicity with it at all. I can merely throw that amount of labor organized under overseers and bosses upon that railroad track for the purpose of being there employed, with as perfect certainty that they will be employed, as much as a man has that he can sell sugar at twenty pounds for a dollar when his neighbor is selling sixteen pounds for a dollar; and if this law can be thoroughly violated by a contract and an agreement and an organization made abroad, we shall get the whole evil upon us without the power of restraining or correcting it at all.

The honorable Senator from South Carolina [Mr. BUTLER] suggested to me to-day that this bill was all in the wrong direction. If we want to have a success of it the thing to do is not only to punish the employer but to punish the party who is employed; not merely to make his contract void, so that he can not enforce it, but lock him up in jail if he comes here and lands upon these shores under a contract to be performed in the United States. Then you get the man who is the real party to it. This bill, instead of doing that, opens the way to his coming here absolutely, and if the employer happens to be an American or a man who is under our jurisdiction we bribe him by giving him $500 to peach on his employer, put the money in his pocket, and go back to Europe a rich man for that country. That is the whole case, and yet this is a bill about which so much is said and about which every Senator's judgment is challenged when he presumes to make a criticism upon it.

Mr. RANSOM (at 6 o'clock p. m.) If the Senator will yield, I move that the Senate adjourn.

The PRESIDING OFFICER (Mr. PLATT in the chair). Does the Senator from Alabama yield?

Mr. MORGAN. Yes, sir.

Mr. RANSOM. I move that the Senate adjourn.

Mr. HOAR. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. GROOME. I am paired with the Senator from New York [Mr. MILLER].

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.

Beck,	Hampton,	Lamar,	Ransom,
Butler,	Harris,	McPherson,	Saulsbury,
Call,	Jackson,	Maxey,	Slater,
Coke,	Jonas,	Morgan,	Vest,
Colquitt,	Jones of Nevada,	Pendleton,	Williams.

NAYS—25.

Allison,	Edmunds,	Manderson,	Sawyer,
Blair,	Frye,	Mitchell,	Sewell,
Brown,	George,	Morrill,	Sherman,
Cameron of Wis.,	Harrison,	Palmer,	Wilson.
Conger,	Hoar,	Pike,	
Cullom,	Ingalls,	Platt,	
Dawes,	McMillan,	Pugh,	

ABSENT—31.

Aldrich,	Fair,	Hill,	Plumb,
Bayard,	Farley,	Jones of Florida,	Riddleberger,
Bowen,	Garland,	Kenna,	Sabin,
Camden,	Gibson,	Lapham,	Vance,
Cameron of Pa.,	Gorman,	Logan,	Van Wyck,
Chace,	Groome,	Mahone,	Voorhees,
Cockrell,	Hale,	Miller of Cal.,	Walker.
Dolph,	Hawley,	Miller of N. Y.,	

So the Senate refused to adjourn.

Mr. MORGAN. Mr. President, I have just one more point to make on this bill.

Mr. MAXEY. I ask the Senator to make one point which I shall suggest, if he sees it as I do. As I understand this bill the unlawfulness is not in the introduction of this labor, but in the introduction of labor under a contract of employment made abroad. Now, suppose we go to Germany or England and we hire 10,000 men to come to the United States under no contract whatever, but on an assurance that when they get here they will be employed and they are employed when they reach here; they get here lawfully; the contract is made after they get here and not in Europe. Is not that contract a lawful contract?

Mr. MORGAN. I do not think the bill denounces a contract in that form at all. The Senator from New Hampshire called my attention to the fact that this contract must be made previous to the importation or immigration of such alien or aliens, &c., to be void. If made subsequent, as a matter of course it is a good contract. It must be made previous to their importation, previous to their starting to come to the United States. Well, Mr. John Smith makes a contract and he brings a thousand of these people to this country.

The moment they are landed Mr. John Smith becomes liable to this penalty and the contract becomes void; but Mr. John Jones who stands by—there are always plenty of gentlemen of that name to illustrate anything in the way of talent and ability—Mr. John Jones stands by and he says to this same thousand people, "My contract is made with

you now subsequent to your coming here, and not before; I will take you and put you to work, just as Mr. John Smith intended to do." Mr. John Smith's contract is void because it was made before the importation; Mr. John Jones's contract is valid because it was made afterward.

That is a perfectly plain case. The Senator from New Hampshire emphasized the fact that the contract must be made before the importation in order that it shall be void. All right, they are brought here under a void contract, and the man that really wants their labor looks around Castle Garden and he says, "Here is a large number of laborers coming in; I am on the *qui vive;* I am looking out for them; here are a thousand of you; I will take you all; my contract is perfectly valid," because, as the Senator from Texas suggests, it is not the importation of laborers that is prohibited; that is not the point; but they must come under a contract made before the importation commenced. That is the only point I want to make on this bill now, and I am satisfied to let the matter alone.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Alabama. A division having been called for, the question is on the first branch of the amendment on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GROOME (when his name was called). I am paired with the Senator from New York [Mr. MILLER]. If he were here, I should vote "yea" upon this proposition and he would vote "nay."

Mr. MANDERSON (when the name of Mr. JONES, of Florida, was called). The Senator from Florida [Mr. JONES] was paired with me on this question, but the pair has been transferred to the Senator from Colorado [Mr. BOWEN].

Mr. PUGH (when his name was called). On this amendment and on the bill I am paired with the Senator from Connecticut [Mr. HAWLEY]. If he were present, he would vote "yea" on this amendment and I would vote "nay."

Mr. RANSOM (when his name was called). I am paired on this amendment with the Senator from California [Mr. MILLER]. I do not know how he would vote. I would vote "yea," if he were here.

The roll-call was concluded.

Mr. ALLISON. I am paired with the Senator from Delaware [Mr. BAYARD]. Otherwise I should vote "nay."

Mr. JACKSON. The Senator from Arkansas [Mr. GARLAND] requested me to announce his pair with the Senator from Illinois [Mr. LOGAN]. The Senator from Arkansas [Mr. GARLAND], if here, would vote for the amendment.

The result was announced—yeas 18, nays 24; as follows:

YEAS—18.

Beck,	Coke,	Jonas,	Slater,
Brown,	Colquitt,	McPherson,	Vest,
Butler,	Hampton,	Maxey,	Williams.
Call,	Harris,	Morgan,	
Cockrell,	Jackson,	Saulsbury,	

NAYS—24.

Blair,	Frye,	McMillan,	Platt,
Cameron of Wis.,	George,	Manderson,	Plumb,
Conger,	Harrison,	Mitchell,	Sawyer,
Cullom,	Hoar,	Morrill,	Sewell,
Dawes,	Ingalls,	Palmer,	Sherman,
Edmunds,	Jones of Nevada,	Pike,	Wilson.

ABSENT—34.

Aldrich,	Farley,	Kenna,	Ransom,
Allison,	Garland,	Lamar,	Riddelberger,
Bayard,	Gibson,	Lapham,	Sabin,
Bowen,	Gorman,	Logan,	Vance,
Camden,	Groome,	Mahone,	Van Wyck,
Cameron of Pa.,	Hale,	Miller of Cal.,	Voorhees,
Chace,	Hawley,	Miller of N. Y.,	Walker.
Dolph,	Hill,	Pendleton,	
Fair,	Jones of Florida,	Pugh,	

So the first branch of the amendment was rejected.

The PRESIDING OFFICER. The Secretary will call the roll upon agreeing to the remainder of the amendment proposed by the Senator from Alabama [Mr. MORGAN]. The Chair understands as of course that the yeas and nays having been ordered upon the whole amendment the order applies to the last division of the amendment upon which the vote is now to be taken.

Mr. HARRIS. What is the remainder of the amendment?

The PRESIDING OFFICER. It will be read.

The Secretary read as follows:

Nor shall it apply to any person who in good faith shall assist persons or families to come from any of those countries for the purpose of permanent settlement in any State or Territory of the United States.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). I am paired with the Senator from Delaware [Mr. BAYARD].

Mr. GROOME (when Mr. GORMAN'S name was called). My colleague [Mr. GORMAN] is paired with the Senator from Rhode Island [Mr. CHACE]. I am paired with the Senator from New York [Mr. MILLER].

Mr. PUGH (when his name was called). I should vote "nay" if I were not paired with the Senator from Connecticut [Mr. HAWLEY].

Mr. RANSOM (when his name was called). I am paired with the Senator from California [Mr. MILLER]. If he were here, I should vote "yea."

Mr. SAWYER (when his name was called). I am paired with the Senator from Delaware [Mr. SAULSBURY]. If he were here, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 17, nays 23; as follows:

YEAS—17.

Beck,	Colquitt,	Lapham,	Vest,
Brown,	Hampton,	McPherson,	Williams.
Butler,	Harris,	Maxey,	
Call,	Jackson,	Morgan,	
Coke,	Jonas,	Slater,	

NAYS—23.

Blair,	George,	McMillan,	Platt,
Cameron of Wis.,	Harrison,	Manderson,	Plumb,
Conger,	Hill,	Mitchell,	Sewell,
Cullom,	Hoar,	Morrill,	Sherman,
Dawes,	Ingalls,	Palmer,	Wilson.
Edmunds,	Jones of Nevada,	Pike,	

ABSENT—36.

Aldrich,	Fair,	Jones of Florida,	Ransom,
Allison,	Farley,	Kenna,	Riddleberger,
Bayard,	Frye,	Lamar,	Sabin,
Bowen,	Garland,	Logan,	Saulsbury,
Camden,	Gibson,	Mahone,	Sawyer,
Cameron of Pa.,	Gorman,	Miller of Cal.,	Vance,
Chace,	Groome,	Miller of N. Y.,	Van Wyck,
Cockrell,	Hale,	Pendleton,	Voorhees,
Dolph,	Hawley,	Pugh,	Walker.

So the second division of the amendment was rejected.

Mr. BUTLER. I should like to inquire of the Senator from New Hampshire if it would not be just as convenient for him—I think it would be very much more convenient for the Senate—to vote to-morrow at 2 o'clock on this bill. It is very late in the evening, sir.

Mr. BLAIR. The objection I have to such an arrangement is that I have been notified by the Committee on Appropriations—I was notified by them to-day that they would interrupt us in the course of an hour or two after we began; and there will be an appropriation bill right on the back of this bill to-morrow.

Mr. BUTLER. I am satisfied that if the Senate were to agree to vote to-morrow, say at 2 o'clock, the Committee on Appropriations would not interfere with any arrangement of that sort.

Mr. BLAIR. If we can have unanimous consent to take the vote on the bill to-morrow at 2 o'clock I shall be quite willing to consent to an adjournment now.

Mr. MORRILL and others. Say 12 o'clock.

Mr. BLAIR. That would interfere with the business of the morning hour. We can not interfere with that.

Mr. HARRISON. The routine morning business will be over by 12 o'clock.

Mr. LAPHAM and others. Say 12 o'clock.

Mr. BLAIR. The bill will be in order as unfinished business at 1 o'clock, and if we can take the vote on the bill at 2 o'clock, it being understood that the hour from 1 to 2 o'clock will be given to its consideration, I should be very glad to make that arrangement, and I would request the Chair to ask unanimous consent for such an arrangement.

The PRESIDING OFFICER. The Senator from New Hampshire, at the request of the Senator from South Carolina, desires the Chair to ask if there can be unanimous consent that this bill shall be voted on to-morrow at 2 o'clock.

Mr. CONGER. Say at 12 o'clock. There will be no objection to that.

Mr. BLAIR. The bill will be the unfinished business at 1 o'clock.

Mr. CALL. I ask the Senator from New Hampshire if it is understood that the bill is to be taken up at 1 o'clock to-morrow?

The PRESIDING OFFICER. The bill will be the unfinished business at 1 o'clock to-morrow.

Mr. BLAIR. The bill will go over as unfinished business. There will be no difficulty about its right of way if the Committee on Appropriations will keep off its hands, as I understand it will.

Mr CALL. That is satisfactory to me. I have one amendment to offer.

The PRESIDING OFFICER. Is there any objection to the understanding that the vote on the bill shall be taken to-morrow at 2 o'clock? The Chair hears none.

Mr. BUTLER. I ask leave to submit an amendment to the bill.

The PRESIDING OFFICER. The proposed amendment will be printed. Does the Senator from South Carolina desire to have the amendment read?

Mr. BUTLER. I shall not insist upon its being read at this hour. I offer it as a substitute for the pending bill.

Mr. EDMUNDS. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 20 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *February* 17, 1885.

The House met at 11 o'clock a. m. Prayer by the Chaplain, Rev. JOHN S. LINDSAY, D. D.

The Journal of yesterday's proceedings was read and approved.

PATRICK V. DOLAN.

Mr. BREWER, of New York, from the Committee on Accounts, reported back favorably the following resolution:

Resolved, That the Committee on Appropriations be requested to provide for the payment to Patrick V. Dolan in one of the general appropriation bills the difference between the pay as laborer and that of messenger, at the rate of $3.60 per day, from June 6, 1884, to June 30, 1885.

The resolution was adopted.

Mr. BREWER, of New Jersey, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BAYNE. I rise, Mr. Speaker, to a privileged question. From what was said yesterday I inferred the rule which precludes the consideration of any business on the day for the suspension of the rules except motions to suspend the rules might possibly exclude the consideration of the appropriation bills during the last six days of the session. I understood from the gentleman from Indiana [Mr. HOLMAN], whose attention I would like to have, that a motion would not be entertained by the Chair to go into the Committee of the Whole House on the state of the Union for the consideration of appropriation bills if a recess should be taken on Monday from 5 o'clock until 8 o'clock or immediately after 5 o'clock, when the consideration of the suspension of the rules should cease, that a motion of that sort would not be entertained. If that be true, I take it a motion to go into Committee of the Whole House on the state of the Union for the consideration of appropriation bills during the last six days of the session would not be in order. I desire to know whether I am right in that or not.

The SPEAKER *pro tempore*. The Chair will state that question will properly come up in a parliamentary inquiry when the last six days of the session is reached. [Cries of "Regular order!"]

Mr. BAYNE. I rise to a privileged question. I desire to propose for reference to the Committee on Rules the following proposition:

Resolved, That clause 1 of Rule XXVIII be amended by adding thereto, "*Provided*, That it shall be in order at any time during the last six days of the session to consider general appropriation bills."

Mr. TOWNSHEND. I rise to a question of order.

Mr. BAYNE. Why, it is in the interest of the business of your own committee.

The SPEAKER *pro tempore*. It has always been held to be a privileged question to receive and refer propositions to the Committee on Rules in reference to the business of the House.

Mr. WILSON. There are plenty of precedents for it.

Mr. HOLMAN. The proposition of the gentleman from Pennsylvania is undoubtedly the rule now.

The SPEAKER *pro tempore*. The Chair thinks not. This proposition is introduced for reference to the Committee on Rules.

Mr. BAYNE. I will ask for its consideration at the present time.

The SPEAKER *pro tempore*. That is not in order.

The resolution was referred to the Committee on Rules.

Mr. TOWNSHEND. I now demand the regular order of business.

BRIDGE ACROSS THE SAINT CROIX RIVER.

Mr. WASHBURN. I rise to submit a privileged report. I am directed by the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3258) to authorize the construction of a bridge across the Saint Croix River at the most accessible point between Stillwater and Taylor's Falls, Minn., to submit the report which I send to the desk.

The SPEAKER *pro tempore*. The report of the committee of conference will be read.

The report was read at length.

Mr. WASHBURN. I move to concur in the report of the committee of conference.

Mr. ANDERSON. Where is the statement accompanying this report? I think the rule requires that a statement shall be made showing the effect of the various amendments agreed to by the committee of conference. I would like to hear that statement read if I am correct in my assumption that such a report is required by the rule.

The SPEAKER *pro tempore*. The gentleman is correct; the rule requires it.

Mr. ANDERSON. Then I should like to have that statement read.

The SPEAKER *pro tempore*. The Chair is informed that no statement is furnished in connection with this report.

Mr. WASHBURN. I will state in a moment the changes which are made by the adoption of these amendments.

The SPEAKER *pro tempore*. The Chair understands the gentleman from Kansas demands a submission of the statement required by the rule from the conferees.

Mr. ANDERSON. Yes, sir; and hereafter in all cases I give notice that I shall demand that statement. I do not know anything about this bill, but I propose that the conferees in all cases shall give us a statement as to the effect of the various amendments upon which they agree.

The SPEAKER *pro tempore*. The Chair will state that since no statement accompanies this report it had better be withdrawn for the present.

Mr. WASHBURN. I will withdraw the report.

ORDER OF BUSINESS.

Mr. TOWNSHEND. I demand the regular order.

Mr. COBB. I ask unanimous consent to take up from the Speaker's table House bill 7004 with a view to non-concurring in the amendments of the Senate.

Mr. NELSON. I object.

The SPEAKER *pro tempore*. The Chair will state that the gentleman is now asking unanimous consent to take up a Senate bill and act upon amendments, which is not in order under the operation of the special rule without unanimous consent.

The gentleman from Illinois demands the regular order.

RANGE AND RANCH CATTLE TRAFFIC.

Mr. REAGAN. Mr. Speaker, I rise to submit a privileged report.

I am directed by the Committee on Commerce to report back a resolution submitted to that committee and ask its adoption.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be requested to transmit to this House such information as he may be able to communicate at an early day in regard to the range and ranch cattle traffic of the Western, Northwestern, and Southwestern States and Territories, with special reference to the bearings of that traffic upon the international and foreign commerce of the United States.

Mr. KEIFER. Is this reported by a committee?

Mr. REAGAN. Yes, sir; unanimously reported by the Committee on Commerce.

The SPEAKER *pro tempore*. The question is on the adoption of the resolution.

The resolution was agreed to.

Mr. REAGAN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The gentleman from Illinois demands the regular order.

Pending that the Chair desires consent to lay before the House certain executive communications.

EMOLUMENTS OF CUSTOMS OFFICERS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with law, an abstract of emoluments of officers of customs service during the last fiscal year; which was referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

GEORGIA SHOALS, CAPE COD.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Light-House Board, and asking an appropriation for an examination of Georgia Shoals, Cape Cod; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS, LYNCHBURG, VA.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Treasury, transmitting a recommendation of the Supervising Architect for an increase in the limit of cost of public building and site, Lynchburg, Va.; which was referred to the Committee on Appropriations, and ordered to be printed.

TESTS OF SHIPS' COMPASSES.

The SPEAKER *pro tempore* also laid before the House a letter from the Secretary of the Navy, transmitting a resolution adopted by the Chamber of Commerce of New York, recommending the establishment in the principal seaports of the United States of stations for the determination of errors of compasses on iron and steel ships; which was referred to the Committee on Appropriations, and ordered to be printed.

MOSES F. CARLETON.

The SPEAKER *pro tempore*. The hour set apart for the consideration of bills, resolutions, &c., under the special rule begins at twenty-seven minutes past 11 o'clock.

The Clerk will report the unfinished business coming under this hour from the last day's session.

The Clerk read as follows:

A bill (H. R. 6089) for the relief of Moses F. Carleton.

The SPEAKER *pro tempore*. The Chair will state that one minute remains for debate in favor of and five minutes against this bill.

Mr. GEDDES. I am informed that the objections have been withdrawn, and as far as I know there will be no objection to the bill. Under the circumstances I do not desire to occupy the remaining time.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill?

Mr. GEORGE D. WISE. When I took the floor on yesterday to object to this bill it was under a misapprehension. Since then I have conferred with the gentleman from Michigan, who calls it up; and hope the bill will pass.

Mr. HOLMAN. Has this bill been read?

The SPEAKER *pro tempore*. The bill and report were both read on yesterday.

There being no objection to the consideration of the bill, it was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. YAPLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES BELGER.

Mr. WAIT. Mr. Speaker, I call up for present consideration the bill (H. R. 149) for the relief of Maj. James Belger.

The bill is as follows:

Be it enacted, &c., That Maj. James Belger, a retired quartermaster in the United States Army, restored to his position as major and quartermaster by the act of March 3, 1871, be considered as having been continuously in the service from the 30th day of November, 1863; and the said James Belger is hereby declared entitled to all the rights, privileges, pay, emoluments, and promotion pertaining to such continuous service, deducting from pay due him the amount he has received while employed in the civil service subsequent to said 30th day of November, 1863; and the President is hereby authorized to nominate and, by and with the advice and consent of the Senate, to promote him to the rank to which his continuous service entitles him.

The SPEAKER *pro tempore*. Five minutes, under the rule, are allowed for debate on either side.

Mr. WAIT. I ask that the report made by the Committe on Military Affairs be read.

The Clerk commenced the reading of the report (by Mr. ROSECRANS), which is as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 149) for the relief of James Belger, submit the following report:

That Maj. James Belger, United States Army (retired), has the following record in the Army Register for 1884:

James Belger entered from State of New York in 1832; was private, corporal, sergeant, Company H, and sergeant-major Second United States Infantry, 7th November, 1832, to 15th October, 1838.

Second lieutenant, Sixth Infantry, October 15, 1838; accepted 15th October 1838.

First lieutenant February 27, 1843; captain, assistant quartermaster 18th June, 1846; accepted 26th August, 1846.

Acting major and quartermaster department 3d August, 1861.

Appointed colonel and additional aid-de-camp 3d July, 1862; accepted; out of service November 30, 1863.

Major quartermaster March 3, 1871; accepted April, 1871.

Retired 19th June, 1879; over sixty-two years of age.

2. That, being an officer of high standing for ability, integrity, and efficiency, he was placed in charge of the quartermaster's depot at Baltimore on account of its immense business of purchasing, of employing transports, and forwarding supplies and troops, one of the most important in the service. (See Affidavit A annexed.)

3. That while so employed his services were regarded as of such importance that the Government declined to allow him to accept a commission of major-general volunteers, which Governor Curtin, of Pennsylvania, desired him to accept, to command United States volunteers, Pennsylvania troops.

4. That he was also chief quartermaster of the middle department, under General R. C. Schenck, in addition to his duties as general depot quartermaster above named, and, under careful observation and criticism, performed the duties of that position so as to command General Schenck's entire confidence and approbation. (See General Schenck's letter of the 18th February, 1884, to chairman, hereto annexed, marked D.)

5. That in February, 1863, seeing in a Philadelphia newspaper its Washington correspondent's intimation that there was crookedness in the management of the quartermaster's department at Baltimore, he immediately applied to the War Department for a court of inquiry, although the newspaper in question in a subsequent issue disclaimed the statement aforenamed. (See A, annexed.)

6. That the Secretary of War sent for General Schenck to consult with him about the matter of the charges, and appeared to be strongly prejudiced against Belger, disposed to believe all the charges, and that instead of a court of inquiry a court-martial ought to be immediately ordered to try him on them.

"This (says General Schenck) I declined to do. I represented to him that such a trial could result in nothing but acquittal, and that the most thorough investigation would, in my opinion, discover not an act of corruption or serious irregularity on the part of the quartermaster, and that he would be found more sinned against than sinning. * * * I said I would rather be relieved from the command of my department than to order, against my judgment, a court-martial which I believed uncalled for and would be fruitless. I preferred, if there was to be a trial under such circumstances, it should be ordered by the Secretary himself or the President; and I remember, at the close of the conference, saying to the Secretary, 'If you do try Belger I think he will beat you.'" (See D, appended.)

In spite of the foregoing information and expressed judgment given to the Secretary, he ordered a general court-martial, composed of officers of high standing, and presided over by General E. A. Hitchcock, to try Major Belger, on a charge with thirteen specifications that, on various occasions, by doing business through certain agents, he paid more for coal and hire of vessels than the same could have been obtained for at the specified dates, by doing business through other parties; but in no specification was there the slightest intimation that Major Belger derived any pecuniary benefit from the alleged transactions.

8. The court, after a month's examination, during which the prosecution did its utmost to secure conviction, found Major Belger not guilty on each and every specification and on the charge, and honorably acquitted him. (See General Order 385, War Department, year 1863.)

9. That instead of submitting these proceedings as required by law to the President for his orders thereon, or of returning them to the court with his disapproval, the Secretary of War, without warrant of law and in defiance of justice, issued General Order, War Department, 385, 1863, dismissing Major Belger from the Army, and thus cut off his chances of promotion and support in the service in which he had been trained and earned his living by thirty years of most honorable service, and subsequently, without calling the President's attention to any circumstances of the illegalities by which it was made, presented the place as vacant, and had the next junior officer of the Quartermaster's Department, Capt. (now Maj. Gen.) W. S. Hancock, nominated and confirmed to fill it, thus, under existing law, preventing Major Belger's restoration to his place without the action of Congress.

10. That after being thus unjustly branded before the Army and the country, this gallant officer, deprived of his professional employment, without means of supporting his family, which sometimes lacked even the necessaries of life, the major set about the closing of his vast accounts to the Government. But such was the confidence felt in his integrity, that work was so often postponed to settle those which were regarded as requiring more prompt attention, that it was two years and a half before these accounts were finally and completely closed, and the accounting officers bore honorable testimony to their exceptional thoroughness and accuracy. During all these two years and a half, and for a year and a half thereafter, Major Belger, steeped in poverty, was unable to go into any business.

11. Meanwhile always protesting that he was as guiltless as the court found him, and cut off from the Army by an outrageous exercise of arbitrary power, he found among all who knew him a general conviction of his innocence, and on the 11th of November, 1867, the President, satisfied that Major Belger's dismissal was wholly illegal, issued an executive order restoring him to duty. But a captain, W. S. Hancock, had been nominated and confirmed to the place from which he had been thus unlawfully thrust; it was held that this executive order required legislation to give it effect.

12. Accordingly, in 1871, after careful investigation, the Military Committee of the Senate unanimously instructed its chairman, Hon. Henry Wilson, to report favorably a bill restoring Major Belger to his position in the Army, with rank, pay, emoluments, rights, and privileges the same as if never dismissed, providing only that out of what would thus become due to him should be deducted what the Government had paid to him for services in civil employment between 1867 and the date of the act. This bill, modified on motion of Senators Howe and Nye, so as to restore him to his rank from the date of the act, became a law. But it is in evidence that those Senators expressed their regret for having procured the amendments offered on general principles, and as soon as made aware of the special circumstances of the case, and that Mr. Wilson advised Major Belger to take what the bill allowed, making subsequent application to Congress for the further redress he now asks, and for which this bill provides. (See A, parts annexed.)

13. Moreover, the letter of the Adjutant-General of the Army states that had Major Belger remained in the service, at the date of his restoration, in 1871, he would presumably have reached the rank of colonel in the Quartermaster's Department.

14. Besides the honorable acquittal by the court-martial, the honorable testimonials to his rectitude and efficiency by the accounting officers of the Treasury Department on the settlement of his accounts, the issuance of the executive order in 1867 for his restoration, and the unanimous report of the Senate Military Committee in 1871 that he ought to be restored to rank, pay, allowances, rights, and privileges, as if never dismissed, we have also evidence in the affidavits and statements of the Rev. Dr. Charles H. Hall, General R. C. Schenck, and of Mrs. and Major Belger that subsequently even Mr. Stanton himself became convinced of Major Belger's innocence and expressed his deep regret for the wrong he had done him and his wish to do what he could to repair it.

From these facts and considerations your committee are led to the conclusion that while no such reparation as justice commands is now practicable, this bill will give all that Major Belger asks or expects, and therefore earnestly recommends its passage.

Before the reading was concluded,

The SPEAKER *pro tempore*. The time allowed for debate in support of the bill has expired.

Mr. WELLER. I desire to be recognized in opposition, and ask the Clerk to complete the reading of the report.

Mr. STEELE. I object to that way of opposing a bill. The gentleman from Iowa desires to be recognized in opposition and asks the reading of a favorable report. That is not opposing the bill.

The SPEAKER *pro tempore*. The Chair thinks the gentleman from Iowa having been recognized to control the time in opposition has the right to use that time as he pleases.

Mr. STEELE. I do not think it is opposition to a bill to have a favorable report read.

The SPEAKER *pro tempore*. The Chair does not think the objection is well taken.

The Clerk resumed the reading of the report.

Mr. WELLER (interrupting the reading). I desire to withdraw my demand for the reading of the report and yield my time to the gentleman from Indiana [Mr. STEELE].

The SPEAKER *pro tempore*. Three minutes of the time in opposition to the bill remain.

Mr. STEELE. I yield one minute to the gentleman from New York [Mr. SLOCUM].

Mr. WAIT. The gentleman from New York will not say anything against the bill.

Mr. STEELE. This man went out of the service and was in civil life for a long time. He was restored to the Army as a quartermaster and placed on the retired-list. This bill proposes to give him additional pay as though he had been in the service all the time. It also proposes to give him pay in addition to what he is now receiving for additional rank. Not satisfied with being restored to the Army he seeks promotion out of the regular order. I do not think the bill ought to pass.

Mr. ANDERSON. Has a previous bill been passed for the benefit of this officer?

Mr. STEELE. A previous bill was passed, and by it he was restored to the Army. Now they seek to promote him on the retired-list.

Mr. WAIT addressed the Chair.

Mr. STEELE. I do not yield to the gentleman from Connecticut. The time for debate in favor of the bill has been exhausted.

The SPEAKER *pro tempore*. The Chair sustains the point made by the gentleman from Indiana. The gentleman from Indiana is entitled to the floor.

Mr. PERKINS. I desire to ask the gentleman from Indiana a question. Does the bill propose to pay this man for the time he was not in the service?

Mr. STEELE. No, sir. But it proposes to pay him continuously,

except while he was employed in the civil service. For all the rest of the time it is proposed he shall get pay.

Mr. WAIT. And it is perfectly right.

The SPEAKER *pro tempore*. The time for debate on this bill has expired. Is there objection to its present consideration?

Objection was made by more than the requisite number.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes.

CHANGE OF NAME OF BANK.

Mr. CAMPBELL, of New York. I call up for present consideration the bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.

The bill was read, as follows:

Be it enacted, &c., That the name of the Manufacturers' National Bank of New York, a corporation whose location was changed from the city of New York to the city of Brooklyn, in the State of New York, by an act of Congress approved July 27, 1868, shall be changed to the Manufacturers' National Bank of Brooklyn whenever the board of directors of the said bank shall accept the new name by resolution of said board of directors, and cause a copy of said resolution, duly authenticated, to be filed with the Comptroller of the Currency: *Provided*, That such acceptance shall be made within six months after the passage of this act, and that all expenses incident to such change, including engraving, shall be borne and paid by said bank.

SEC. 2. That the debts, dividends, liabilities, rights, privileges, and powers of the said Manufacturers' National Bank of New York shall devolve upon and inure to the said Manufacturers' National Bank of Brooklyn whenever such change of name is effected.

SEC. 3. That nothing in this act contained shall be so construed as in any manner to release the Manufacturers' National Bank of New York from any liability, or affect any action or proceeding in law in which said bank may be or become a party or interested.

Mr. CAMPBELL, of New York. I ask for the passage of the bill.

The SPEAKER *pro tempore*. Unless some gentleman claims the time allowed for debate on one side or the other the Chair will ask for objections.

Mr. BEACH. I do not feel exactly like opposing this bill; and yet I think in the time it would take to pass it the House might take up and pass a general bill which I introduced last session for the same purpose, giving the Comptroller of the Currency the power to change the names of these national banks. We have a large number of this class of bills before us. It is special legislation, and the time taken to pass this bill would pass the one I now send up to be read.

The SPEAKER *pro tempore*. Does the gentleman ask to have the bill read in his time as part of his remarks?

Mr. BEACH. As part of my remarks in opposition to the bill called up by my colleague.

The bill sent up by Mr. BEACH was read, as follows:

A bill (H. R. 5362) authorizing the Comptroller of the Currency to change the names of national banks.

Be it enacted, &c., That the Comptroller of the Currency is hereby authorized to change the name of any national bank, upon such terms and conditions as he may prescribe for the protection of the public interests.

Mr. BEACH. Now I request my friend from New York to substitute that bill for the Senate bill and put it on its passage.

Mr. ROBERTSON. I make the point that it is not in order for the gentleman from New York to send up that bill and ask for its passage. He has not been recognized for the purpose of calling up a bill for consideration.

The SPEAKER *pro tempore*. Neither bill is yet before the House. But the gentleman from New York [Mr. BEACH] had the bill sent up read as part of his remarks.

Mr. BEACH. If the other bill comes before the House for consideration I will move to substitute this bill.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the bill called up by the gentleman from New York [Mr. CAMPBELL]?

Mr. WELLER. I object.

Further objections were made by three members.

The SPEAKER *pro tempore*. The bill is not objected to by the requisite number, and it is before the House for consideration. The question is on the third reading of the bill.

Mr. BEACH. Now, Mr. Speaker, I offer as an amendment in the nature of a substitute the bill which I have had read from the desk.

Mr. BUCKNER. The gentleman from New York [Mr. BEACH] wants to have a substitute passed. That can not be done.

The SPEAKER *pro tempore*. The Chair thinks he knows what the gentleman from New York wants. It is to offer another bill as an amendment in the nature of a substitute to a bill which is pending here for its third reading.

Mr. KEIFER. I make the point of order that it is not in order to offer an amendment which has the effect to convert a private into a public bill.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CAMPBELL, of New York, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT WICHITA, KANS.

Mr. PETERS. I call up the bill (H. R. 2123) for the erection of a public building at Wichita, Kans.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the post-office, United States courts, and other Government offices at the city of Wichita, State of Kansas. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be invested in the United States, nor until the State of Kansas shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. PETERS. Mr. Speaker, this is a bill for the erection of a public building in the southwestern portion of the State of Kansas, in what is known as the seventh Congressional district, which has a population of about 240,000 people.

Mr. MORSE. The town or the district?

Mr. PETERS. The seventh Congressional district.

Mr. MORSE. What is the population of the town?

Mr. PETERS. The place at which the building is sought to be erected has a population of about 15,000. The United States court is held at Wichita, and in addition to the usual jurisdiction conferred that court has also criminal jurisdiction of all that portion of the Indian Territory north of the Canadian River and west of the Five Tribes; which gives it a very large and extensive additional criminal jurisdiction. There is also a land office located at Wichita. The gross receipts of the land office there for the Wichita land district were during the last year over a half million dollars. The gross receipts of the Wichita post-office during the past year were about $18,000. Unless there are objections to the bill or unless some gentleman desires to make some further inquiry in relation to it I will reserve the remainder of my time. I will, however, add that there are four railroads, and at two points on the Territorial line the roads running to this place can be reached. I will reserve the remainder of my time.

The SPEAKER *pro tempore*. The time for debate in favor of the bill has expired.

Mr. WELLER. Mr. Speaker, I rise to oppose the bill. When the proper time comes I shall offer an amendment providing that this appropriation be made and paid in standard silver dollars. I shall do that because I want to impress upon this House at every opportunity the benefits that will come to the country by the distribution of the silver dollars that are in the Treasury to-day, annoying the Treasury officials to the extent that they are asking an appropriation of $500,000 to build more vault room. In this way the Treasury can be relieved of that annoyance so completely that not another dollar need be appropriated for vault room. Then, Mr. Speaker, there is another reason. This building is proposed to be located in a place which is in the neighborhood of the large silver-producing sections of the country. There is a demand that the silver product of that region shall be coined, and I am of the opinion that the silver product should be coined on the same basis as gold. Now, I say, let us give them a dose of their own medicine. Let us make this appropriation which is to go into that section payable in actual standard silver dollars.

There is another reason. I venture to say if you put a thousand marked silver dollars into that locality to-day, two-thirds or more of them will be found at any time within the next five years within fifty miles of the point where they were put out; so that the community will never suffer for want of present cash, which to-day is the great curse of the business men of the great Northwest, West, Southwest, and South. On the other hand, if you put the appropriation out in paper dollars, drafts, or checks of deposit, and if these are paid, as almost all appropriations are, by counter-checks upon the Treasury of the United States or other banking institutions at money centers, you will find that the money or bills, if such are used, will go into that locality and stay there for but a very short space of time, and then return to the money centers. I tell you, sir, that the great curse of the Northwest and the West, the Southwest and South as well, is that they have a small modicum of money thrown into their localities which, through the operations and manipulations of the money power, soon flows back again to the money centers, creating congestion at those points, while the extremities are paralyzed by such depletion and their productive forces in ratio destroyed, as they, the people, have no actual money with which to transact their business on anything like a cash basis, thus being compelled to resort to credit which too often can only be had at rates of interest ruinous, coupled with mortgaged securities ofttimes infamous. Then there is an-

other reason. It is true that in the great Northwest to-day we are so impoverished by reason of having no money, or at least by not having such a proper sum to do business with on a cash basis, that we are at the mercy of the money-lenders and the whole crowd of usury suckers that have been and are robbing us of more than the average productions over consumption leaving the masses to become tenants of those who employ the system; and unless something is done you will find that the people of that part of the country will rise up against the incoming administration, as they justly have done against the administration that we have had for the last fifteen years, which has proved by its policies and methods of procedure in these matters that it was not to be trusted any further with the administration of public affairs. The people are determined to have a redress of grievances, and woe betide the hindering causes to an emancipation of labor from the dominancy and tyranny of cash capital. Let us unlock the vaults of the Treasury and put its hundreds of millions into public improvements that are needed, if no other way can be provided or will be adopted, and thus bless the producing, the laboring classes, first with employment, then with pay in cash therefor, and again in this most legitimate and proper way send the life-blood of business activities to the extremities, warming them into such prosperity as they are justly entitled. I regard the standard silver dollars under existing circumstances as one of the very best dollars, because it is a slow dollar, and going into a community will stay there while the lighter dollar, more convenient for circulation, will flow back to the money centers. I say it is now time to strike a blow in favor of the old standard silver dollar—the Democratic dollar of Jefferson and of Jackson. [Applause and laughter.]

The SPEAKER *pro tempore*. The time for debate on both sides has expired.

Mr. McMILLIN. Mr. Speaker, I simply desire to call attention to the fact that the town where it is proposed to erect this building had in 1880 a population of but 4,911.

Mr. WELLER. Mr. Speaker, I desire to offer an amendment to this bill.

The SPEAKER *pro tempore*. An amendment is not in order at this time. The question is, Shall this bill be considered?

Mr. WELLER. I object.

The SPEAKER *pro tempore*. Objection is made. As many gentlemen as object to the present consideration of this bill will rise.

Mr. WELLER. I withdraw the objection. I have no objection to the consideration of the bill.

The SPEAKER *pro tempore*. Objection is withdrawn, and if no further objection be made the bill is before the House.

Mr. WELLER. I offer the amendment which I send to the desk.

The SPEAKER *pro tempore*. The Clerk will first report the amendment of the committee.

The Clerk read as follows:

In line 11, strike out "$100,000" and insert "$50,000."

The amendment was agreed to, there being—ayes 86, noes 4.

The SPEAKER *pro tempore*. The Clerk will now read the amendment of the gentleman from Iowa [Mr. WELLER].

The Clerk read as follows:

Add to the bill the following:

"*Provided, however*, That this appropriation shall be made and paid only in standard silver dollars."

The question being taken on agreeing to the amendment, there were—ayes 41, noes 90.

Mr. WELLER. No quorum.

Tellers were ordered; and Mr. WELLER and Mr. PETERS were appointed.

Mr. WELLER. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 5—not a sufficient number.

Mr. WELLER. I ask for tellers on ordering the yeas and nays.

Tellers on the yeas and nays were not ordered, only 5 members voting in favor thereof.

The SPEAKER *pro tempore*. The question will now be taken by tellers on agreeing to the amendment of the gentleman from Iowa [Mr. WELLER].

The House again divided; and the tellers reported—ayes 21, noes 145.

So the amendment was not agreed to.

Mr. MORSE. I move to amend the bill by adding the following:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specification of said building to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $50,000 remaining after the site of said building shall have been paid for; and no plan for said building shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

The amendment was agreed to, there being—ayes 47, noes 23.

Mr. MORSE moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PETERS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC BUILDING AT CHATTANOOGA, TENN.

Mr. DIBRELL. I call up for present consideration the bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to purchase a site for, and cause to be erected thereon, a suitable building, with fire-proof vaults therein, for the accommodation of the customs officers, United States courts, post-office, and other Government offices, at the city of Chattanooga, in the State of Tennessee. The plans, specifications, and full estimates for said building shall be previously made and approved according to law, and shall not exceed for the site and building complete the sum of $100,000: *Provided*, That the site shall leave the building unexposed to danger from fire in adjacent buildings by an open space of not less than forty feet, including streets and alleys; and no money appropriated for this purpose shall be available until a valid title to the site for said building shall be vested in the United States, nor until the State of Tennessee shall have ceded to the United States exclusive jurisdiction over the same, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

Mr. DIBRELL. I ask that the report be read in my time.

The report (by Mr. YOUNG) was read, as follows:

The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. 1484) to erect a public building in the city of Chattanooga, Tenn., respectfully submit the following report:

The city of Chattanooga is a prosperous, growing, manufacturing city, situated on the south bank of the Tennessee River, which drains a territory of more than 30,000 square miles. Chattanooga is the principal distributing and shipping point of all the produce shipped down said river. It is the terminus of seven prominent railroads. The United States district and circuit courts are held regularly at that place, and the business of said courts is rapidly increasing, owing to the large commercial business done at Chattanooga. The population of the city by a recent city enumeration is near 25,000.

Chattanooga is a port of entry. The Roan Iron Company, engaged in the manufacture of steel rails, paid $150,000, in 1882, duty upon steel blooms, &c. The depression in prices the last year stopped their manufacture until the receipts were greatly reduced.

The post-office receipts for one quarter only, ending 1st January, 1884, were $8,000 and upward, and increasing so rapidly that larger postal facilities are necessary.

When the Tennessee River is opened for free navigation Chattanooga will be the principal shipping point for a large territory in several States.

As Tennessee is a large and populous State, with only four public buildings, your committee are of the unanimous opinion that a public building should be erected at Chattanooga, and therefore recommend the passage of said bill.

Mr. DIBRELL. Mr. Speaker, since that report was made the population of Chattanooga has increased until it is now nearly 30,000. Six thousand persons voted at the election there in November last. Over three hundred residences have been built there during the last year.

I hope no gentleman will object to this bill. During the operation thus far of the "ten-objection rule," only two bills of this class have been presented from the South—one appropriating $50,000, the other $75,000. This bill proposes to appropriate only $100,000 for a public building in so important a place as Chattanooga. The provision upon which the gentleman from Indiana [Mr. HOLMAN] has heretofore insisted, limiting the cost of the building with its approaches to the amount appropriated, is already in the bill. I hope no gentleman will ask to amend the bill, as an amendment would necessitate the return of the bill to the Senate.

Mr. HOLMAN. Mr. Speaker, the important feature of the amendment which has been attached to all these bills up to this time—the amendment which was adopted upon the motion of the gentleman from Massachusetts [Mr. MORSE] on the bill passed a few moments ago—is that the Secretary of the Treasury shall not approve of any plan until the site has been purchased, and then shall not approve of any plan involving a larger expenditure than the amount of the appropriation remaining after the purchase of the site.

Mr. DIBRELL. This bill contains a provision that the total expenditure for site and building complete shall not exceed the sum of $100,000.

Mr. HOLMAN. That is not a sufficient restriction. The amendment to which I have just referred operates upon the Secretary of the Treasury. I trust there will be no objection to ingrafting such an amendment upon this bill.

Mr. HEWITT, of Alabama. Ordinarily, I think the amendment suggested by the gentleman from Indiana is a correct one, but when applied to such a city as Chattanooga, that is constantly growing and which will in a few years have a population reaching 100,000 or more, I do not think it ought to be adopted unless the amount is increased. In fact, this bill ought to have been reported for $200,000, and then it would not have been out of proportion to the provision made for many other cities.

Mr. DIBRELL. The gentleman from Indiana himself said this was one of the most meritorious bills on the Calendar, and I hope he will not now insist on offering an amendment which will have the effect of sending it back to the Senate and perhaps endangering its passage altogether.

Mr. HOLMAN. I much regret the House should allow any of these bills to pass without proper limitation. I do not think the gentleman from Tennessee ought to hesitate. I think it is of the highest moment some responsible officer of the Government should see that these plans do not exceed the amount Congress appropriates.

Mr. DIBRELL. Offer your amendment, then, when the bill is up for consideration.

Mr. HOLMAN. I will offer the amendment.

Mr. WELLER. Is there further time in opposition to the bill?

The SPEAKER *pro tempore*. There is.

Mr. WELLER. How much?

The SPEAKER *pro tempore*. Two minutes remaining.

Mr. WELLER. I am not making objections to the consideration of this bill or offering these amendments to appear factious or to make the silver question appear ridiculous, as I may be regarded by some on the floor of this House as seeking to do. I certainly know the objects I have in view are eminently proper at this time and worthy of the highest consideration of statesmen and humanitarians, and I am determined that this silver question shall not sleep. I propose that the country shall be awakened to the necessity for immediate, wise, and patriotic legislation on this question. I want the old-time dollar of Jefferson and Jackson to stand to-day before the business of the country as it stood from 1792 to 1873, when by the infamous policy of the manipulators of the Republican party it was dishonored and rendered unstable, fluctuating, and cheap by restricting its free coinage, which free coinage was the rule for nearly one hundred years before 1873. I hope that the Democracy on the floor of this House, as also throughout the country outside of the money centers, will see to it that the standard silver dollar can be paid out for legitimate public improvements, and thus be put in circulation, and that the hoarding proceeding engaged in by these Republican officials is wholly void of necessity, lacking in wisdom or patriotism, and dangerous to the business interests of the country.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WELLER. I will finish my remarks by and by, on the very next occasion.

Mr. HOLMAN. I wish to offer my amendment.

The SPEAKER *pro tempore*. The bill is now before the House. Is there objection to the present consideration of the bill?

There was no objection to the bill; and it was brought before the House for present consideration.

The Clerk read as follows:

And it shall be the duty of the Secretary of the Treasury, after the site for said building shall have been purchased, to cause a plan and specifications to be prepared, which said plans and specifications shall not involve an expenditure in the erection and completion of said building and the approaches thereto exceeding the portion of said $100,000 remaining after the site of said building shall have been paid for; and no plan shall be approved by the Secretary of the Treasury involving an expenditure exceeding the sum so remaining after paying for the site of said building.

Mr. HOLMAN. I move that amendment to come in after the word "dollars," in line 12.

Mr. HEWITT, of Alabama. I move to amend the amendment by inserting $150,000 for the building, and then inserting in the amendment of the gentleman from Indiana $150,000 instead of $100,000.

Mr. DIBRELL. I demand the previous question on the bill and amendment.

Mr. WELLER. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WELLER. Can that be done when the Speaker recognized me to offer my amendment making this appropriation payable in standard silver dollars?

The SPEAKER *pro tempore*. The Chair did not recognize the gentleman, but expressed a willingness to recognize the gentleman; but it is nevertheless in the power of the House to exclude all further amendment by ordering the previous question.

Mr. DIBRELL. My object is this: we are so near the close of the session that I fear we will lose the bill if by amendment we send it back to the Senate.

Mr. WELLER. I wish to reply that the gentleman by demanding the previous question may endanger other bills.

Mr. STEELE. I make the point of order that the gentleman from Iowa is not in his seat.

The SPEAKER *pro tempore*. The Chair hardly thinks that rule is in force now.

Mr. WELLER. If it were, the gentleman from Indiana violates it more frequently than anybody else.

The House divided; and there were—ayes 172, noes 1.

Mr. WELLER. The gentleman from Iowa dares to stand alone.

So the previous question was ordered.

Mr. DIBRELL moved to reconsider the vote by which the previous question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER *pro tempore*. The question first recurs on the amendment to the amendment of the gentleman from Alabama [Mr. HEWITT].

The amendment to the amendment was disagreed to.

The question next recurred on Mr. HOLMAN'S amendment.

The House divided; and there were—ayes 37, noes 97.

Mr. HOLMAN. There is no quorum, and I regard this a measure of too much importance to allow it to pass without a quorum.

The SPEAKER *pro tempore* appointed as tellers Mr. HOLMAN and Mr. DIBRELL.

Mr. WELLER. I rise to a question of order, that the hour has expired.

The SPEAKER *pro tempore* A message was received from the Senate, and it is hardly fair the time occupied should be taken from the hour.

The House again divided; and the tellers reported—ayes 50, noes 137.

So the amendment was rejected.

Mr. DIBRELL. I demand the previous question on the passage of the bill.

The SPEAKER *pro tempore*. The previous question is still operating on the third reading and engrossment of the bill. [Cries of "Regular order!"] The hour has expired, and the bill goes over as unfinished business.

NAVAL APPROPRIATION BILL.

Mr. HUTCHINS, from the Committee on Appropriations, reported a bill (H. R. 8239) making appropriation for the naval service for the fiscal year ending June 30, 1886, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCMILLIN. I reserve all points of order on the bill.

On motion of Mr. HUTCHINS, by unanimous consent, 500,000 extra copies of the report were ordered to be printed.

Mr. HUTCHINS. I give notice, Mr. Speaker, that I will call up this bill for consideration to-morrow morning after the morning hour.

INDIAN APPROPRIATION BILL.

Mr. ELLIS. Mr. Speaker, I rise to submit a privileged motion.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ELLIS. I move that the House bill making appropriations for the service of the Indian Department for the next fiscal year, with the Senate amendments thereto, be printed. I also move that the House non-concur in the Senate amendments thereto.

The SPEAKER *pro tempore*. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the fiscal year ending June 30, 1885, and for other purposes.

The SPEAKER *pro tempore*. Without objection the bill with the Senate amendments will be printed.

There was no objection, and it was so ordered.

Mr. ELLIS. I move to non-concur in the Senate amendments.

The motion was agreed to.

Mr. ELLIS moved to reconsider the vote by which the Senate amendments were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELLIS. I now ask a committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to this bill.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore* announced the appointment of the following conferees on the part of the House: Mr. ELLIS, Mr. HOLMAN, and Mr. RYAN.

EQUAL CIRCULATION OF GOLD AND SILVER CURRENCY.

Mr. DORSHEIMER, by unanimous consent, introduced a bill (H. R. 8240) to regulate the coinage and to promote the circulation of gold and silver equally; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

ORDER OF BUSINESS.

Mr. ROSECRANS. I insist upon the demand for the regular order.

Mr. COBB. I ask unanimous consent that the bill H. R. 7004, now on the Speaker's table, be taken up with a view to taking action on the Senate amendments.

Mr. NELSON. I object.

Mr. COBB. I trust the gentleman will not object to this.

Mr. NELSON. I must insist upon the objection.

Mr. COBB. It is a matter of great importance and ought to be acted upon promptly.

The SPEAKER *pro tempore*. The Chair understands that objection is made.

Mr. NELSON. I insist upon the objection.

The SPEAKER *pro tempore*. The regular order is the call of committees for reports.

STENOGRAPHER TO COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent to introduce a resolution for reference.

The SPEAKER *pro tempore*. The resolution will be read.

The Clerk read as follows:

Resolved, That there is hereby appropriated out of the contingent fund of the House a sum sufficient to pay for the service of a stenographer to the Committee on Public Buildings and Grounds in the investigation in relation to the purchase of a site for the post-office in Brooklyn, N. Y., as directed by a resolution of the House; said payment to said stenographer to be upon vouchers approved

by the chairman of said committee and by the chairman of the Committee on Accounts.

The resolution was referred to the Committee on Accounts.

MINTHORNE TOMPKINS AND OTHERS.

Mr. RUSSELL, from the Committee on Ways and Means, reported back with a favorable recommendation the bill (H. R. 7401) for the relief of Minthorne Tompkins, deceased, and others, as well as House bills 1238, 3284, 3970, 3977, 5430, and 5549, for the refund of income taxes illegally assessed, &c.; which were severally referred to the Committee of the Whole House on the Private Calendar with the accompanying report, and ordered to be printed.

PORT OF ENTRY MOUNT DESERT FERRY, MAINE.

Mr. GLASCOCK, from the Committee on Commerce, reported back with a favorable recommendation the bill (H. R. 8146) providing for the establishment of a port of entry at Mount Desert Ferry, in the town of Hancock, in the State of Maine; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

FRANCIS H. SHAW.

Mr. ROSECRANS, from the Committee on Military Affairs, reported a bill (H. R. 8241) for the relief of Francis H. Shaw; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompaning report, ordered to be printed.

ADVERSE REPORT.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back with an adverse recommendation the bill (H. R. 5820) to amend the military record of George Cousins; which was ordered to be laid on the table, and the accompanying report printed.

HENRY A. PAUS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported back with amendments the bill (H. R. 7790) for the relief of Henry A. Paus; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MANUFACTURE OF IMPROVED GUNS.

Mr. ROSECRANS, from the Committee on Military Affairs, also reported, as a substitute for H. R. 8041, a bill (H. R. 8242) to provide further aid and encouragement to perfecting and manufacturing the highest class of guns; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

The bill (H. R. 8041) was ordered to lie on the table.

JAMES JOHNSON.

Mr. STEELE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (H. R. 8151) for the relief of James Johnson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. T. AND C. T. HULETT.

Mr. FINERTY, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 6232) for the relief of J. T. and C. T. Hulett; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING AT LEXINGTON, KY.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported back with a favorable recommendation the bill (H. R. 593) to provide for the erection of a public building in the city of Lexington, Ky.; which, with the accompanying report, was referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

EDWIN R. KERR.

Mr. VANCE, from the Committee on Patents, reported a bill (H. R. 8243) for the relief of Edwin R. Kerr; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

PILOTS WHO SERVED IN THE WAR.

Mr. BAGLEY, from the Committee on Invalid Pensions, reported back with amendments the bill (H. R. 7995) to establish a uniform grade of fees and rate of pension for pilots who served on the United States gunboats during the late war; which was referred to the House Calendar, and, with the amendments and accompanying report, ordered to be printed.

ADVERSE REPORTS.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were referred to the Committee of the Whole House on the Private Calendar, and the accompanying reports ordered to be printed:

A bill (H. R. 2397) granting an increase of pension to Laurinda C. Cummings; and

A bill (H. R. 1016) for the relief of William W. Bush.

Mr. BAGLEY, from the Committee on Invalid Pensions, also reported back with adverse recommendations bills of the following titles; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 8088) granting a pension to Frederick Gale;
A bill (H. R. 8027) for the relief of Solomon R. Benham;
A bill (H. R. 2459) for the relief of Elizabeth Aurand;
A bill (H. R. 8084) granting a pension to John G. Haentges;
A bill (H. R. 5096) for the relief of Warren S. Smith;
A bill (H. R. 2458) granting a pension to Margaret Corrigan;
A bill (H. R. 1057) granting an increase of pension to Francis Traynor;
A bill (H. R. 2460) for the relief of Catherine A. Teachout;
A bill (H. R. 5974) for the relief of Herman Krauss;
A bill (H. R. 3725) granting a pension to Eliza Ann Shaner; and
A bill (H. R. 8163) for the relief of Annie Bagley.

WILLIAM D. FARNSWORTH.

Mr. MATSON, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8152) for the relief of William D. Farnsworth; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. LUCRETIA G. RIPLEY.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with a favorable recommendation the bill (H. R. 3556) granting a pension to Mrs. Lucretia G. Ripley; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ADVERSE REPORT.

Mr. MATSON, from the Committee on Invalid Pensions, also reported back with an adverse recommendation the bill (H. R. 7858) granting a pension to John Antrim; which was laid on the table, and the accompanying report ordered to be printed.

CHANCEY G. DARRAH.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back with a favorable recommendation the bill (H. R. 8187) granting a pension to Chancey G. Darrah; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JAMES DYE.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported a bill (H. R. 8229) granting a pension to James Dye; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN A. LONDON.

Mr. PIERCE, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported a bill (H. R. 8244) granting a pension to John A. London; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

MRS. NANCY. R. BROWN.

Mr. BRAINERD, by unanimous consent, introduced a bill (H. R. 8245) granting a pension to Mrs. Nancy R. Brown, mother of Robert Mavor Brown; which was read a first and recond time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MRS. LYDIA M. WALKER.

Mr. BRAINERD, by unanimous consent, also introduced a bill (H. R. 8246) granting a pension to Mrs. Lydia M. Walker; which was read a first and second time, referred to the Committee on Pensions, and ordered to be printed.

MRS. F. M. NORTON.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported a bill (H. R. 8189) granting a pension to Mrs. F. M. Norton; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NANCY B. LEACH.

Mr. MORRILL. I am instructed by the Committee on Invalid Pensions to report back adversely a bill (S. 2204) granting arrears of pension to Nancy B. Leach, and to move that the same be laid on the table, and that the accompanying report, and also the views of the minority, be ordered printed.

The SPEAKER *pro tempore*. No objection being made, it is so ordered.

MILES BARBER.

Mr. MORRILL, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 5931) granting an increase of pension to Miles Barber; which was laid on the table, and the accompanying report ordered to be printed.

D. J. DREESEN.

Mr. MORRILL, from the Committee on Invalid Pensions, reported

back adversely the bill (H. R. 7028) granting a pension to D. J. Dreesen; which was laid on the table, and the accompanying report ordered to be printed.

JOHN H. WHITAKER.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 4965) for the relief of John H. Whitaker; which was laid on the table, and the accompanying report ordered to be printed.

FREDERICK A. LEONING.

Mr. MORRILL, from the Committee on Invalid Pensions, also reported back adversely the bill (H. R. 8160) granting a pension to Frederick A. Leoning; which was laid on the table, and the accompanying report ordered to be printed.

GEORGE A. WASHBURN.

Mr. FYAN, from the Committee on Invalid Pensions, reported back favorably the bill (S. 1803) granting an increase of pension to George A. Washburn; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM A. GRAHAM.

Mr. HOLMES, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. 7848) for the relief of William A. Graham; which was laid on the table, and the accompanying report ordered to be printed.

DELOS L. ROBINSON.

Mr. HOLMES, from the Committee on Invalid Pensions, also reported back with amendments the bill (H. R. 7596) granting an increase of pension to Delos L. Robinson; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SAINT MARK'S CHURCH, DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, reported back favorably the bill (H. R. 5828) for the relief of Saint Mark's Protestant Episcopal church of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

CHURCH OF THE ASCENSION, DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, also reported back favorably the bill (H. R. 7935) for the relief of the Church of the Ascension of the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SPIRITUOUS LIQUORS IN THE DISTRICT OF COLUMBIA.

Mr. SPRIGGS, from the Committee on the District of Columbia, also reported back favorably the bill (H. R. 7556) to regulate the manufacture and sale of spirituous and malt liquors in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

TAX SALES IN THE DISTRICT OF COLUMBIA.

Mr. McCOMAS, from the Committee on the District of Columbia, reported back favorably with an amendment the bill (H. R. 8236) relating to sales for taxes in the District of Columbia; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN W. BLAKE.

Mr. WHITING, from the Select Committee on the Payment of Pensions, Bounty, and Back Pay, reported back favorably the bill (S. 1631) for the relief of John W. Blake; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. ENGLISH, from the Select Committee on the Alcoholic Liquor Traffic, reported back adversely the bill (H. R. 2142) to provide for a commission on the subject of the alcoholic liquor traffic, and moved that it be laid on the table and the committee be discharged from its further consideration.

The motion was agreed to; and the accompanying report was ordered to be printed.

MANUFACTURE, ETC., OF INTOXICATING LIQUORS IN TERRITORIES.

Mr. CARLETON, from the Select Committee on the Alcoholic Liquor Traffic, reported back adversely the bill (H. R. 2693) to regulate the manufacture and sale of intoxicating liquors in the Territories, with a provision to submit the same to the voters thereof for ratification; which was laid on the table, and the accompanying report ordered to be printed.

ENTERPRISE FIRE-INSURANCE COMPANY, CINCINNATI, OHIO.

Mr. HURD, from the Committee on Ways and Means, reported back favorably the bill (H. R. 5119) for the relief of the Enterprise Fire and Marine Insurance Company, of Cincinnati, Ohio; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

SHIPLEY, SMITH & CO.

Mr. HURD, from the Committee on Ways and Means, also reported back favorably the bill (H. R. 7143) for the relief of Shipley, Smith & Co.; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

WILLIAM M. MORRISON.

Mr. GRAVES, from the Committee on Indian Affairs, reported back favorably the bill (H. R. 4319) for the relief of William M. Morrison; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

NOTICE TO NORTH GERMAN CONFEDERATION.

Mr. DEUSTER, from the Committee on Foreign Affairs, reported back favorably the joint resolution (H. Res. 39) as to giving notice to the North German Confederation to terminate the treaty of February 22, 1868; which was referred to the Committee of the Whole House on the House Calendar, and, with the accompanying report, ordered to be printed.

H. T. ONLEY & SON.

Mr. BLOUNT, from the Committee on Ways and Means, reported back favorably the bill (H. R. 8073) for the relief of Henry T. Onley & Son; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

JOHN H. HARRINGTON.

Mr. VANCE, from the Committee on Patents, reported back favorably the bill (H. R. 6486) for the relief of John R. Harrington, with an amendment; which was referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

ALEXANDER WEIDE.

Mr. CULLEN, from the Committee on Invalid Pensions, reported back favorably the bill (H. R. 7485) granting a pension to Alexander Weide; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

EDWARD KRAEMER.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back favorably the bill (H. R. 1873) for the relief of Edward Kraemer; which was referred to the Committee of the Whole House on the Private Calendar, and the accompanying report ordered to be printed.

ADVERSE REPORTS.

Mr. CULLEN, from the Committee on Invalid Pensions, also reported back adversely bills of the following titles; which were severally laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. 3510) granting a pension to William Walters;

A bill (H. R. 6553) granting a pension to Mary C. Reiman;

A bill (H. R. 1872) granting pensions to the minor heirs of John S. Oviatt;

A bill (H. R. 1871) to increase the pension of Sophia Beeler;

A bill (H. R. 7149) for the relief of John S. Law;

A bill (H. R. 1870) granting an increase of pension to William Earnest; and

A bill (H. R. 7161) for the relief of Joseph S. Hurst.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 2799) to authorize the construction of a bridge across the Mississippi River at Memphis, Tenn.

MOUTH OF SCIOTO RIVER, OHIO.

The SPEAKER *pro tempore*, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report from the Chief of Engineers of the result of a survey of the mouth of the Scioto River, Ohio; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

ASIATIC CHOLERA.

Mr. RIGGS. By direction of the Committee on Public Health, I ask unanimous consent that the resolution I send to the desk be printed in the RECORD and referred to the Committee on Appropriations.

The Clerk read as follows:

Whereas the late prevalence of Asiatic cholera in portions of Europe has induced a widespread and, judging from our past experience, probably a well-founded apprehension that said disease may be introduced into this country during the present year, the prevention of which is very desirable; and

Whereas it is also very desirable that the introduction of all contagious, infectious, and epidemic diseases into this country be prevented if possible, and that they be suppressed if introduced: Therefore,

Be it resolved, That in the judgment of the Committee on Public Health there should be provided in the proper annual bill an appropriation of $500,000, to be expended in the discretion of the President of the United States, through such governmental agencies as he may designate, for the purposes indicated in the foregoing preamble.

Resolved further, That in the judgment of said committee there should also be provided in the proper annual bill an appropriation of $25,000 to pay the per diem and necessary expenses of the National Board of Health for the ensuing fiscal year.

There being no objection, the resolution was referred to the Committee on Appropriations.

CRUISE OF REVENUE STEAMER CORWIN.

Mr. HAMMOND, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish to the House of Representatives a copy of the report of Capt. M. A. Healy, United States revenue marine, upon the cruise of the revenue-marine steamer Corwin in the Arctic Ocean, made in the year 1884, and its accompanying documents and illustrations, in the possession of the Department.

Mr. HAMMOND moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Several members called for the regular order.

INTERNATIONAL GEOGRAPHICAL CONGRESS.

Mr. SMITH, of Pennsylvania. I rise to present several privileged reports from the Committee on Printing. The committee has directed me to report back favorably the concurrent resolution of the Senate, which I ask the Clerk to read.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the report of Capt. George M. Wheeler, United States Army, on the third international geographical congress and exhibition at Venice, Italy, with the accompanying illustrations, transmitted to the Senate by the Secretary of War on the 10th of December, 1883, be printed in quarto form, and that 3,500 additional copies be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House, and 500 copies for the Department of War.

Mr. SMITH, of Pennsylvania. I ask the immediate consideration of this resolution.

The question being taken, the resolution was adopted, there being—ayes 32, noes 4.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROGRESS OF COAST AND GEODETIC SURVEY.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, also reported back favorably the following concurrent resolution of the Senate:

IN THE SENATE OF THE UNITED STATES, *January* 30, 1885.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey during the year ending June 30, 1884, for distribution by said Superintendent.

Attest:

ANSON G. McCOOK, *Secretary*.

Mr. SMITH, of Pennsylvania. Read the report.

The Clerk read as follows:

The Committee on Printing, to whom was referred Senate concurrent resolution to print 3,000 extra copies of the report of the Superintendent of the Coast and Geodetic Survey, showing the progress made in said survey for the year ending June 30, 1884, have duly considered the same and recommend a concurrence therein.

The estimated cost of printing is $4,900.

Mr. MILLS. I do not think there is any necessity for that printing. But few persons in the United States desire to have that scientific report. The people generally do not want it.

Mr. McMILLIN. I hope some reason will be stated why we should adopt this resolution.

Mr. SMITH, of Pennsylvania. It is important that the country should know the progress of the work done by the Coast and Geodetic Survey, and therefore the printing of the report has been recommended. The report states how much the printing will cost.

The House divided; and there were—ayes 55, noes 33.

So the resolution was adopted.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GUN-FOUNDRY REPORT.

Mr. SMITH, of Pennsylvania, from the Committee on Printing, also reported back favorably the following resolution:

Resolved by the House of Representatives, That there be printed for the use of the House 1,000 additional copies of the gun-foundry report, transmitted to the Senate by the President of the United States on the 22d of December last.

The report was read, as follows:

The Committee on Printing, to whom was referred House resolution of January 9, 1885, authorizing the printing of 1,000 additional copies of the gun-foundry report, have duly considered the same, and recommend its passage.

The board was organized under act of Congress March 3, 1883, composed of six officers selected from the Army and Navy, for the purpose of examining and reporting to Congress which of the navy-yards or arsenals owned by the Government has the best location and is the best adapted "for the purpose of establishing a gun-foundry board for the manufacture of heavy ordnance adapted for modern warfare." In the course of its investigation the board visited England, France, Russia, and Germany, and collected most valuable and important information. The usual number printed of the document (Executive Document No. 13) has been exhausted, and to supply the demand for additional copies the Committee on Printing recommend the printing of 1,000 extra copies. The estimated cost is $382.

Mr. MILLS. What is that report?

Mr. SMITH, of Pennsylvania. This is the report of a gun-foundry board appointed under an act of Congress a year ago, who traveled through Europe and made investigations in reference to the gun-foundries there. The report contains a great deal of valuable information, and as we went to the expense of sending these men abroad we ought to print the information which they gathered.

The House divided; and there were—ayes 47, noes 24.

So the resolution was adopted.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. SWOPE, for this day.

To Mr. HOBLITZELL, for the remainder of this day, on account of sickness.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of resuming the consideration of the legislative, &c., appropriation bill.

Mr. WILLIS. How much time will that occupy?

Mr. HOLMAN. Not more than an hour, at the outside.

The motion was agreed to; and the House accordingly resolved itself into Committee of the Whole House on the state of the Union on the legislative, &c., appropriation bill, Mr. McMILLIN in the chair.

The CHAIRMAN. The committee resumes the consideration of the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes; and the Clerk will report the pending amendment.

The Clerk read as follows:

Page 84, line 2061, strike out "five" and insert "four;" so it will read:
"Pension Office: For compensation of the Commissioner of Pensions, $4,000."

Mr. HEWITT, of Alabama. Mr. Chairman, by examination of this bill it will be found there is a discrimination made, and I think an unjust one, in favor of the Pension Bureau as against the General Land Office. The salary of the Commissioner of the General Land Office is fixed at $4,000, and the salary of the Commissioner of Indian Affairs at the same rate, while that of the Commissioner of Pensions is proposed to be fixed at $5,000. If the Commissioner of Pensions should have $5,000, I would say unhesitatingly the Commissioner of the General Land Office also ought to have $5,000.

Mr. LEWIS. I think you are right.

Mr. HEWITT, of Alabama. If the Commissioner of the Public Land Office ought not to have more than $4,000, then I would say just as unhesitatingly the Commissioner of Pensions should not have more than $4,000.

The House has said by passing that portion of the bill which fixes the salary of the Commissioner of the General Land Office at $4,000 that amount is sufficient for that officer. If any difference be made between the salaries of these two officers in my judgment it should be in favor of the Commissioner of the General Land Office. The interests over which he presides are more general, more extensive, and of equal importance to those of the Commissioner of Pensions. The questions of law arising for the consideration and decision of the Commissioner of the General Land Office are much more difficult than those under the Pension Bureau. There are no questions of law arising in the Pension Bureau which present any difficulty whatever.

Mr. STEELE. Allow me to ask the gentleman a question.

Mr. HEWITT, of Alabama. With pleasure.

Mr. STEELE. Do you not think that the position of Commissioner of Pensions is one of the most annoying of any department of the Government?

Mr. HEWITT, of Alabama. I have no doubt the Commissioner of Pensions is annoyed considerably by members of Congress making applications for pensions for their constituents.

Mr. STEELE. Do you not think it is the duty of members to attend to the wants of their constituents?

Mr. HEWITT, of Alabama. Without designing to make any charge against members of Congress, or anybody else, it looks as though the distinction was made between the Commissioner of the General Land Office and the Commissioner of Pensions. Upon the ground that members of Congress did annoy that Commissioner by asking so many favors, I am astonished my friend from Indiana [Mr. HOLMAN] in charge of the bill, who has ever been an economist, who has ever been in favor of the reduction of salaries, has not in this bill made an effort to equalize these salaries.

I demand justice. If you are going to make the salary of the Commissioner of Pensions $5,000, then give the same salary to the Commissioner of the General Land Office.

Mr. MATSON. I wish to ask the gentleman from Alabama a question. Did he offer an amendment to increase the salary of the Commissioner of the General Land Office when that bill was before the committee?

Mr. HEWITT, of Alabama. Let me ask the gentleman from Indiana a question?

Mr. MATSON. I should prefer first to have an answer to my question.

Mr. HEWITT, of Alabama. Did the gentleman offer any such amendment?

Mr. MATSON. I did not.

Mr. HEWITT, of Alabama. Then the gentleman himself in not offering that amendment has admitted that the salary of $4,000 was sufficient for the Commissioner of the General Land Office; and if he thought that officer, being of equal importance to the other, had a sufficient salary, he says by his own action that this amendment ought to be adopted.

Mr. MATSON. Mr. Chairman, the gentleman from Alabama seems to be very much interested in the office of the Commissioner of Pensions, more so than in the office of the Commissioner of the General Land Office. He complains that the office of the Commissioner of Pensions has attached to it a salary more than it should have, because the Commissioner of the General Land Office has less. And yet he is forced to confess that when that item of the bill was passed he failed to offer an amendment to increase the salary of the Commissioner of the General Land Office, which provision I suppose is beyond remedy at present.

The only question to be decided here, then, is whether or not $5,000 compensation is too much to be paid the Commissioner of Pensions for the duties of his office.

I assert, sir, without fear of contradiction, that the office of the Commissioner of Pensions is the most laborious in the Government of the United States. There is no other one that requires so much unremitting, careful attention, nor one that requires higher integrity and ability. More money is disbursed through the Pension Office than through any other of the bureaus of the Government, and I think I may say more than through any one of the Departments of the Government. In view of these facts, I assert that $5,000 is not too much money for such responsibility.

Mr. BELFORD. Mr. Chairman, I should not say a word regarding the amendment offered by the gentleman from Alabama, as I understand it, if it were consistent with the policy adopted by this Committee on Appropriations. For that reason I desire to comment briefly upon it.

This bill appropriates a sum of money $1,000,000 less than the total estimates submitted by the Department, and it seems that even the amounts which have been incorporated into the appropriation bill are to be cut down by various amendments which are pending or are to be offered from time to time in the progress of the bill.

I said the other day that there was in the Treasury of the United States $145,000,000 of available cash. I underestimated the amount just $1,600,000; and yet year after year this Democratic House aided by Republicans continues to swell up the volume of money in the Treasury of the United States by exactions upon the poor people of the country who are trying to earn their money by serving this Government. I am not surprised at their action, because this Republic, comprising thirty-eight great States, is governed practically by two States, the State of New York and the State of Pennsylvania, who run side by side like leash-hounds in the control of the finances of this nation.

We have got a New York President to-day, and we have got a New York Secretary of the Treasury to-day. Oh, it does not do to say that he is evaporated out of the marshes or smoked from the swamps of Indiana. He was the Secretary of the Treasury in 1865 and stepped down and out of his office to establish a bank in London. From London he immigrated to this country—to New York, and from New York he has migrated into the Treasury Department and is there to-day. I want to call the attention of this House to the policy that this Secretary of the Treasury is seeking to pursue. I said, sir, that there were two States in this Union practically controlling or trying to govern the finances of this country, one being the State of Pennsylvania, the other, New York—and the South and West are simply playing the part of Issacharian asses to pack the hay nibbled by these distinguished plunderers and robbers. [Laughter.]

Now, sir, I am hurried for time, but I will get along pretty well if you will listen. I say that in 1865 the man who is now Secretary of the Treasury, and was evidently appointed by this New York influence, recommended to the Congress of the United States the retirement of the greenback currency. Let me read you a line or two from his report on this subject, and I will ask to put all the balance of it into my remarks. I mean the rest of this section. He says:

> While, therefore, the Secretary is of the opinion that the immediate repeal of the legal-tender provisions of the acts referred to would be unwise, as being likely to affect injuriously the legitimate business of the country, upon the prosperity of which depend the welfare of the people and the revenues which are necessary for the maintenance of the national credit, and unjust to the holders of the notes, he is of the opinion that not only these provisions, but the acts also, should be regarded as only temporary, and that the work of retiring the notes which have been issued under them should be commenced without delay, and carefully and persistently continued until all are retired.

That is what he announced in 1865 when he came back from that celebrated "love-feast" the Democrats and Republicans held over there in the city of Baltimore. We are told that we must retire the greenback, aromatic and fragrant as it was with all the struggles and glorious memories of the war. This distinguished Secretary of the Treasury recommended its retirement. What else did he do? I shall ask the Clerk to read the section that I have marked here. This was in 1867, the other in 1865.

[Here the hammer fell.]

Mr. HOLMAN. I hope that by unanimous consent debate on the pending paragraph and amendments thereto may be limited to five minutes.

Mr. BELFORD. I object unless I can have time to finish what I was about to say.

Mr. HOLMAN. I am willing that the gentleman shall have the five minutes if we can agree to limit the debate on this paragraph to that time.

There was no objection.

The CHAIRMAN. It is understood that by unanimous consent debate is limited to five minutes on this paragraph and amendments.

The gentleman from Colorado is recognized for that time.

Mr. BELFORD. I ask the Clerk to read that extract.

The Clerk read as follows:

> A national debt must ever be a severe strain upon republican institutions, and ours should not be subject to it one day longer than is necessary. To the perpetuation of the existing debt of the United States there are also, it may be proper to remark, serious objections growing out of the circumstances under which it was created. Although incurred in a great struggle for the preservation of the Government, and therefore especially sacred in its character, its burdens are to be shared by those to whom it is a reminder of humiliation and defeat. It is exceedingly desirable that this, with other causes of heartburnings and alienation, should be removed as rapidly as possible, and that all should disappear with the present generation, so that there may be nothing in the future to prevent that unity and good feeling between the sections which are necessary for true national prosperity.

Mr. BELFORD. Now you observe, Mr. Chairman, that in 1867 this Secretary of the Treasury said it was absolutely necessary and advisable to pay off this great national debt within this generation. And yet, as I said the other day, and as I say now, he has got one hundred and forty-six millions of available cash in the Treasury upon which we are paying 3 per cent. interest, because we are carrying the Windom bonds, and he will not pay out a cent, not one cent of it.

And here we have got a chairman of the Committee on Appropriations from the State of Pennsylvania; and he says that this money can come into the Treasury through the channels of New York, but we are going to see how it goes out through the channels of Pennsylvania; and I say it is time for the South and the West to join their shields together and tell these salt-water tyrants that they do not control the magnificent destinies of this great Republic. [Applause.]

When that report was made—I ask the chairman not to bring that gavel down too soon—when that report was made my venerable friend from Pennsylvania introduced a resolution condemning it, had it referred to the Committee on Ways and Means, and there it slept like Romeo in the tombs of the Capulets. Nothing was reported at all.

You tried last session of Congress to reform the tariff. You got beaten on that subject. Then the other side tried to cut down internal taxes. They got beaten. Here was the West shuttle-cocking one way, and the East shuttle-cocking another, and the general innocent public playing the part of the battledore to both.

Do you intend to do anything with those one hundred and forty-six millions of surplus revenue in the Treasury? Are you going to keep this high tariff up, and to diminish the per capita capital of the people by putting it in the Treasury as idle and unoccupied capital? What are you going to do with the internal revenue? We have had our trouble in the Republican party; you are going to have yours. What is Mr. Cleveland—for whom I have great respect, and I hope his administration will be a decided success—what is Mr. Cleveland going to do with the plumed knight from Pennsylvania on the theory of high protection, and the distinguished gentleman from Kentucky on the theory of tariff reform?

[Here the hammer fell.]

Mr. HEWITT, of Alabama. I withdraw my amendment, but wish to ask the gentleman from Indiana if he has any objection to going back to increase the salary of the Commissioner of the General Land Office?

Mr. HOLMAN. I do not wish to go back in the bill.

Mr. HEWITT, of Alabama. I withdraw my amendment.

The Clerk read the following paragraph:

> For an additional force of one hundred and fifty special examiners, for one year, at a salary of $1,400 each, $210,000; and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they are found to be qualified.

Mr. MATSON. I move to strike out the last word, with the view of asking the gentleman in charge of this bill whether the Committee on Appropriations have made any investigation into the work that this additional force of one hundred and fifty special examiners have been able to do since July last. My observation is that the work of the special examination division of the Pension Office is further behind now than it was on the 1st day of July last; and I ask the gentleman in charge of this bill to inform the House what investigation was made by the Committee on Appropriations to justify the continuance of one hundred and fifty special examiners for another year.

Mr. HOLMAN. Last session of Congress when this additional force of one hundred and fifty special examiners was provided for, it was believed that that additional force would be available; that the practice of special examinations in pension cases was beneficial; that it tended to develop the facts in behalf both of the claimant and the Government. And, accordingly, the Committee on Appropriations recommended an increase of the number, and also recommended an increase of their salaries.

The special examiners previously employed, to the extent of two hundred and fifty, had been paid $1,400 a year and expenses. The salary of these one hundred and fifty additional examiners was fixed at $1,600 a year. The investigation made during the present session discloses the fact that the duties have been increased. A larger number of cases have been referred to the special examiners, and a larger number of cases are now pending under examination than there were a year ago. But up to this time it is the belief of the Committee on Appropriations that this force is rendering valuable service not only to the Government but to the claimants, securing investigation such as could be more certainly relied upon, the testimony being taken upon the ground not *ex parte* but impartially, the claimant being present and the Government being represented by its special agent. And it is believed it is desirable that this whole corps of four hundred be continued for another year. On the recommendation of the present Commissioner the compensation has been reduced from $1,600 to $1,400, inasmuch as the discrimination in favor of one class as against the other was calculated to produce discontent. I think it is desirable this provision should remain as it is.

Mr. STORM. I wish to ask the gentleman a question. How many special examiners will this make?

Mr. HOLMAN. This makes the same number we had last year—four hundred.

Mr. STORM. Either the present force of examiners is insufficient, or else they do not discharge their duties.

Mr. MORSE. They never finish a case.

Mr. HOLMAN. Gentlemen must remember that the number of these cases is very large and is increasing.

Mr. STORM. I believe that in my district half the cases are tied up for want of action by the special examiner. He has had cases in his hands for over a year. I think I can safely say that half the cases in the district are in his hands waiting for his action, and the excuse that the Pension Office gives for not acting upon them is that they are in the hands of the special examiner. I repeat that either these men do not do their duty, or else the force is not sufficient.

Mr. HOLMAN. It is believed that the force is large enough to make disposition of these cases, not immediately, but gradually. My friend [Mr. STORM] should remember that only difficult cases are referred to these special examiners—cases where a thorough and impartial investigation on the ground at the place where the witnesses are to be found is important.

Mr. STORM. That is the character of nearly all these old cases.

Mr. HEWITT, of Alabama. Mr. Chairman, I thought I had the floor.

The CHAIRMAN. The gentleman's time has expired. There is no question before the committee.

Mr. HEWITT, of Alabama. I move to strike out the last word. I would like to have the attention of the gentleman who has charge of this bill [Mr. HOLMAN] for a moment. In lines 2088, '89, '90, '91, '92, and '93, you provide that the expenses of these special agents shall not exceed $3 a day.

Mr. HOLMAN. Yes, sir.

Mr. HEWITT, of Alabama. But you do not provide how the rate shall be determined—by whom it shall be determined.

Mr. HOLMAN. By the Commissioner.

Mr. HEWITT, of Alabama. The bill does not so state.

Mr. HOLMAN. That is the intention and effect of it.

Mr. HEWITT, of Alabama. Further on you provide that as to the one hundred and forty specials that the rate shall be fixed by the Secretary of the Interior. Now, why not make the same provision in both cases? If it is necessary in the one case it should be in the other.

Mr. HOLMAN. If the gentleman can suggest an amendment which will meet the case I shall not object to it.

Mr. HEWITT, of Alabama. Then I move that in line 2092, after the word "subsistence," the words "at a rate to be fixed by the Secretary of the Interior" be inserted.

Mr. HOLMAN. There is no objection to that; but does the gentleman from Alabama [Mr. HEWITT] think that that would be better than to allow the Commissioner of Pensions to fix the rate?

Mr. HEWITT, of Alabama. I think so.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. HEWITT].

The Clerk read the amendment as above stated.

Mr. HOLMAN. That is right.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Alabama [Mr. HEWITT].

Mr. STORM. I desire to call the attention of the gentleman from Indiana [Mr. HOLMAN], while this section is under consideration, to the fact that a great deal of unnecessary expense is created by the manner in which these special examiners discharge their duties. When an examiner goes to a town in a district where there are, perhaps, a dozen or twenty soldiers whose cases have been made "special" and referred to him for examination, he takes up one case and confines his attention to that, giving as a reason that that is the one he has been directed to examine, although there may be a dozen others in the same town that have been also referred to him. He investigates one case and goes away, leaving the others untouched, and then probably comes back in a month or two and investigates another case, and then goes away again, and so on; whereas he might attend to the whole of the cases in that place on one visit if the administration of the office were different.

A MEMBER. It will be different hereafter.

Mr. MORSE. If he took them all at once he would not have anything left to do.

Mr. HOLMAN. I think that what the gentleman from Pennsylvania [Mr. STORM] calls attention to is a matter of just complaint, but it is a matter of administration that you can not regulate by law—a thing which must depend upon the vigilance of the man at the head of the office.

Mr. STORM. Well, I hope that there will be a change in that respect.

Mr. HOLMAN. I hope so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. HEWITT].

Mr. MCADOO. I move to strike out the last word. I think there is no class of public employés who should be more carefully looked after than these special agents and special examiners and fraud detectives. And in this connection I want to call the attention of the House and the country to an abuse of the special list of fraud detecters of the Treasury Department, which is at the same time an illustration of the way in which these special examiners and fraud agents have been used for partisan purposes in other Departments of the Government. I introduced in this House a few days ago a resolution asking the Secretary of the Treasury to give the House information as to the names of the persons who were employed as special agents and detecters of fraud in the month of June, 1883, in June, 1884, on July 1, 1884, on November 1, 1884, and on February 5, 1885; and from the printed report transmitted to this House by the Secretary of the Treasury I find that on June 30, 1884, some twelve employés, under the guise of detectives of frauds on the Treasury, were added to the force already working in the Department.

In the printed remarks which accompanied the list furnished by the Secretary of the Treasury no reason is assigned for the employment of that additional force. I find further that on the 1st day of November, 1884, at a time when the country was engaged in a heated contest, eighteen names had been added to the list of so-called fraud detecters of the Treasury Department, and an examination of the list will show that a majority of them have since that time been dropped. Now, sir, does it not appear strange that at the very time when the national conventions were being held to nominate candidates for the Presidency this list of "fraud detecters" should have been so suddenly swelled, and that it should have continued to be augmented up to the 1st of November last, when we were about to elect a President of the United States? How many of these mysterious temporary detectives were on the list for pay, while their chief if not their only labors were given to secure partisan supremacy?

I think this list shows that there is great danger in allowing the heads of Departments to appoint special agents, special examiners, and fraud detecters when they can be used for political purposes. Therefore I believe it wise that in appropriations or allowances for the appointment of special examiners the incoming Democratic administration of the Government shall be free from the stain of suspicion of using these employés of the Government for partisan and not for legitimate business purposes.

The following is the list referred to:

TREASURY DEPARTMENT, *February* 7, 1885.

SIR: In compliance with a resolution of the House of Representatives, passed on the 3d instant, I have the honor to transmit herewith the names of the special agents (customs) of this Department, and the names of the persons specially employed to detect and prevent frauds upon the customs revenue, on the several dates named in said resolution.

The special agents are appointed under the provisions of the acts of May 12, 1870, August 15, 1876, and June 19, 1878, and are required by law to make examinations of books, papers, and accounts of collectors and other officers of the customs, and to be employed generally under the direction of the Secretary in the prevention and detection of frauds upon the customs revenue. Experience has shown that the employment of these agents is necessary to secure uniformity in the transaction of business at the several ports, and to prevent frauds.

In addition to the number of special agents, authorized by the acts herein referred to, Congress authorized the Secretary of the Treasury, by act approved March 3, 1879, to expend a sum not to exceed $100,000 per annum in the prevention and detection of frauds upon the customs revenue. Under this authority persons named in the list herewith transmitted have been employed under the direction of the special agents stationed at the principal ports of entry.

The list herewith transmitted shows the changes made, and the reasons therefor, during the period covered by the resolution.

Very respectfully,

H. MCCULLOCH, *Secretary.*

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

List of special agents of the customs in the service on dates specified.

June 30, 1883.	July 1, 1883.	June 30, 1884.	July 1, 1884.	November 1, 1884.	February 5, 1885.
Martin, L. G. (supervising special agent).	Martin, L. G.	Martin, L. G.	Martin, L. G.	Martin, L. G.	Martin, L. G.
Adams, C. C.	Adams, C. C.	Adams, C. C.	Adams, C. C.	Adams, C. C.	Adams, C. C.
Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.	Ayer, Ira, jr.
Bingham, N. W.	Bingham, N. W.	Bingham, N. W.	Bingham, N. W.	Bingham, N. W.	Bingham, N. W.
Brackett, C. N.	Brackett, C. N.	Brackett, C. N.	Brackett, C. N.	Brackett, C. N.	Brackett, C. N.
Barney, A. M.	Barney, A. M.	Barney, A. M.	Barney, A. M.	Barney, A. M.	Barney, A. M.
Burns, A. M.	Burns, A. M.	Burns, A. M.	Burns, A. M.	Burns, A. M.	Burns, A. M.
Bates, W. R.	Bates, W. R.	Bates, W. R.	Bates, W. R.	Bates, W. R.	Bates, W. R.
Camp, J. A.	Camp, J. A.[1]	Whitehead, Geo. W.	Whitehead, Geo. W.	Whitehead, Geo. W.	Whitehead, Geo. W.
Camp, John N.	Camp, John N.[2]	Swift, Geo. B.	Swift, Geo. B.	Swift, Geo. B.	Swift, Geo. B.
Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.	Chalker, Jas. S.
Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.	Chamberlin, S. E.
Douglas, John	Douglas, Jno.	Douglas, Jno.	Douglas, Jno.	Douglas, Jno.	Douglas, Jno.
Davis, J. W.	Davis, J. W.	Davis, J. W.	Davis, J. W.	Davis, J. W.	Davis, J. W.
Evans, J. F.	Evans, J. F.	Evans, J. F.	Evans, J. F.	Evans, J. F.	Evans, J. F.
Gavett, W. A.	Gavett, W. A.	Gavett, W. A.	Gavett, W. A.	Gavett, W. A.[3]	Spaulding, O. L.
Gray, C. H.	Gray, C. H.	Gray, C. H.	Gray, C. H.	Gray, C. H.	Gray, C. H.
Hinds, B. H.	Hinds, B. H.	Hinds, B. H.	Hinds, B. H.	Hinds, B. H.	Hinds, B. H.
Horr, J. C.	Horr, J. C.	Horr, J. C.	Horr, J. C.	Horr, J. C.	Horr, J. C.
Howell, W. T.	Howell, W. T.	Howell, W. T.	Howell, W. T.	Howell, W. T.	Howell, W. T.
Hubbs, E.	Hubbs, E.	Hubbs, E.	Hubbs, E.	Hubbs, E.	Hubbs, E.
Kimball, R. M.	Kimball, R. M.	Kimball, R. M.	Kimball, R. M.	Kimball, R. M.	Kimball, R. M.
Nevin, D. A.	Nevin, D. A.	Nevin, D. A.	Nevin, D. A.	Nevin, D. A.	Nevin, D. A.
O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.	O'Neill, Jno.
Schermerhorn, I. M.	Schermerhorn, I. M.	Schermerhorn, I. M.	Schermerhorn, I. M.[4]	Fox, Geo. H.	Fox, Geo. H.
Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.	Tichenor, Geo. C.
Tingle, A. K.	Tingle, A. K.	Tingle, A. K.	Tingle, A. K.	Tingle, A. K.	Tingle, A. K.
Williams, W. H.	Williams, W. H.	Williams, W. H.	Williams, W. H.	Williams, W. H.	Williams, W. H.

List of persons employed in the prevention and detection of frauds upon the customs revenue on dates specified.

Bloss, O. P.	Bloss, O. P.	Bloss, O. P.	Bloss, O. P.	Bloss, O. P.	Bloss, O. P.
Chadwick, M. H.	Chadwick, M. H.	Chadwick, M. H.	Chadwick, M. H.	Chadwick M. H.	Chadwick, M. H.
Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.	Caulk, Jas. T.
Currie, J. M.	Currie, J. M.	Currie, J. M.	Currie, J. M.	Currie, J. M.	Currie, J. M.
Carusi, Thornton[5]		Cake, J. F.	Cake, J. F.	Cake, J. F.	Cake, J. F.
Cummings, J. C.	Cummings, J. C.	Cummings, J. C.	Cummings, J. C.	Cummings, J. C.	Cummings, J. C.
Eaton, H. L.	Eaton, H. L.	Eaton, H. L.	Eaton, H. L.	Eaton, H. L.[6]	
Edwards, Jos.[5]		Cole, Seth T.	Cole, Seth T.	Cole, Seth T.[7]	
Edminson, L. T.	Edminson, L. T.[8]				
Finke, O. E.	Finke, O. E.	Finke, O. E.	Finke, O. E.	Finke, O. E.[6]	
Greenwood, Thos.	Greenwood. Thos.	Greenwood, Thos.	Greenwood, Thos.	Greenwood, Thos.	Greenwood, Thos.
Gamage, John[9]	Gamage, Jno.[10]	Lipps, E. J.	Lipps, E. J.	Lipps. E. J.	Lipps, E. J.
Higdon, W. H.	Higdon, W. H.	Higdon, W. H.	Higdon, W. H.	Higdon, W. H.[6]	
Herrick, Geo. L.[9]	Herrick, Geo. L.[11]	Hussey, Wm.	Hussey, Wm.	Hussey, Wm.	Hussey, Wm.
Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.	Harrigan, M. J.
Harrison, D. B.	Harrison, D. B.	Harrison, D. B.	Harrison, D. B.	Harrison, D. B.	Harrison, D. B.
Harris, G. R.	Harris, G. R.	Harris, G. R.	Harris, G. R.	Harris, G. R.	Harris, G. R.
Hinton, R. J.[9]					
Howland, W. P.	Howland, W. P.[12]	Ingersoll, C. P.	Ingersoll, C. P.	Ingersoll, C. P.[13]	Kimball, E. S.[14]
Harlan, Rob't.	Harlan, Rob't.	Harlan, Rob't.	Harlan, Rob't.	Harlan, Rob't[6]	Keeley, Michael[15]
Israels, Lehman.	Israels, Lehman.	Israels, Lehman.	Israels, Lehman.	Israels, Lehman[6]	
Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.	Krzyzanowski, W.
Kargé, L.	Kargé, L.	Kargé, L.	Kargé, L.	Kargé, L.	Kargé, L.
Moore, H. A.	Moore, H. A.	Moore, H. A.	Moore, H. A.	Moore, H. A.	Moore, H. A.
Morse, H. N.[9]	Hicks, Jno. A.[16]				
Moses, Jno.	Moses, Jno.	Moses, Jno.	Moses, Jno.	Moses, Jno.	Moses, Jno.
Power, J. D.	Power, J. D.[17]		Power, J. D.[18]	Power, J. D.	Power, J. D.
Pratt, R. M.[5]		Mosberger, Jean.	Mosberger, Jean.	Mosberger, Jean.	Mosberger, Jean.
Quinn, Timothy[5]	White, D. M.	White, D. M.	White, D. M.	White, D. M.[6]	Randall, Wm.[19]
Scovel, J. M.	Scovel, J. M.	Scovel, J. M.	Scovel, J. M.	Scovel, J. M.[6]	
Stewart, M.	Stewart, M.	Stewart, M.	Stewart, M.	Stewart, M.	Stewart, M.
Spaulding, O. L.	Spauldling, O. L.[20]	O'Sullivan, T. J.	O'Sullivan, T. J.	O'Sullivan, T. J.	O'Sullivan, T. J.
Van Vechten, H.	Van Vechten, H.	Van Vechten, H.	Van Vechten, H.	Van Vechten, H.[21]	
Wasson, W. H. H.[5]		Wasson, W. H. H.[22]	Wasson, W. H. H.	Wasson, W. H. H.[6]	
Winslow, Norris.	Winslow, Norris.	Winslow, Norris.	Winslow, Norris.	Winslow, Norris.	Winslow, Norris.
		Moseman, G. F.	Moseman, G. F.[23]		
		Peabody, C. E.	Peabody, C. E.	Peabody, C. E.[6]	
		Ramsey, Jno.	Ramsey, Jno.	Ramsey, Jno.[6]	Storrs, Geo.
		Swayze, S. W.	Swayze, S. W.[24]		
		Shannon, T. B.	Shannon, T. B.	Shannon, T. B.[6]	Thornton, W. H.
		Schneider, Wm.	Schneider, Wm.	Schneider, Wm.	Schneider, Wm.
		Schmid, Jno.	Schmid, Jno.	Schmid, Jno.	Schmid, Jno.
		Storrs, A. I.	Storrs, A. I.	Storrs, A. I.	Storrs, A. I.[25]
		Sperry, Eugene.	Sperry, Eugene.	Sperry, Eugene.	Sperry, Eugene
		Wilson, Jno. W.	Wilson, Jno. W.	Wilson, Jno. W.	Wilson, Jno. W.
		Kelly, Jas. V.	Kelly, Jas. V.	Kelly, Jas. V.[6]	
			Keefe, T. H.	Keefe, T. H.	Keefe, Thos. H.
				Brady, Jno. H.	Brady, Jno. H.
				Foster, F. S.[6]	
				Malone, F. G.	Malone, F. G.
				Pratt, R. M.	Pratt, R. M.[26]
				Slack, A. M.[6]	
				Shackelford, W. R.[6]	
				Schermerhorn, I. M.[6]	
				Washington, J. I.	Washington, J. I.

[1] J. A. Camp dropped February 11, 1884; George W. Whitehead appointed February 12, 1884.
[2] J. N. Camp dropped January 20, 1884; George B. Swift appointed January 21, 1884.
[3] W. A. Gavett resigned January 20, 1885; O. L. Spaulding appointed January 21, 1885.
[4] I. M. Schermerhorn dropped October 31, 1884; George H. Fox appointed November 1, 1884.
[5] Dropped July 1, 1883, to reduce expenses.
[6] Dropped January 31, 1885, owing to depletion of appropriation.
[7] Resigned November 20, 1884.
[8] Out October 16, 1883; work completed.
[9] Dropped July 1, 1883; work completed.
[10] Re-employed for four months; out October 31, 1883, work completed.
[11] Employed fourteen days in July, work completed.
[12] Dropped January 4, 1884, to reduce expenses.
[13] Dropped December 6, 1884; services unnecessary.
[14] Employed for six months.
[15] Employed for sixty days.
[16] Employed for two months, work completed.
[17] Dropped December 6, 1883; transfered December 7, 1883.
[18] Re-employed July 1, 1884.
[19] Employed for fourteen days.
[20] Sugar commission services, ended September 15, 1883.
[21] Dropped November 15, 1884; transferred November 16, 1884.
[22] Re-employed October 5, 1883.
[23] Dropped September 30, 1884; transferred October 1, 1884.
[24] Dropped October 31, 1884; transferred November 1, 1884.
[25] Time expires 14th of February, 1885.
[26] Temporary duty.

Mr. CANNON. I would be very much gratified if the gentleman would suggest any legislation that would keep the incoming administration from appointing agents for political purposes. Otherwise his investigation and his speech will go for naught.

The CHAIRMAN. As the Chair understands the *pro forma* amendment is withdrawn.

The Clerk read as follows:

United States Patent Office: For compensation of the Commissioner of the Patent Office, $5,000; for assistant commissioner, $3,000; for chief clerk, $2,250; one law clerk, at $2,000; three examiners-in-chief, at $3,000 each; examiner in charge of interferences, $2,500; trade-mark examiner and examiner of designs, at $2,400 each; twenty-four principal examiners, at $2,400 each; twenty-eight first assistant examiners, at $1,800 each; twenty-eight second assistant examiners, at $1,600 each; thirty third assistant examiners, at $1,400 each; thirty-five fourth assistant examiners, at $1,200 each; one financial clerk, $2,000, who shall give bonds in such amount as the Secretary of the Interior may determine; one librarian, $2,000; three chiefs of division, at $2,000 each; three assistant chiefs of division, at $1,800 each; three clerks of class 4, one of whom shall act as application clerk, one machinist, $1,600; five clerks of class 3, one of whom shall be translator of languages; eighteen clerks of class 2; fifty clerks of class 1; one skilled laborer, $1,200; four skilled draughtsmen, at $1,200 each; three draughtsmen, at $1,000 each; one messenger and property clerk, $1,000; thirty-two permanent clerks, at $1,000 each; five model attendants, at $1,000 each; ten model attendants, at $800 each; seventy-five copyists, six of whom may be copyists of drawings; four copyists, at $720 each; sixty-two skilled laborers, at $720 each; forty-five laborers, at $600 each; forty laborers, at $480 each; in all, $597,170.

Mr. COSGROVE. I move to amend by striking out, in line 2110, the words "five thousand" and inserting "four thousand five hundred;" so as to make the compensation of the Commissioner of the Patent Office $4,500.

Mr. CANNON. I hope there will be no objection to this amendment.

Mr. TOWNSHEND. I hope there will be objection.

The CHAIRMAN. The question is upon agreeing to the amendment.

Mr. TOWNSHEND. I rise for the purpose of opposing this amendment. I am satisfied that if the law fixing the salary of the Commissioner of Patents at $5,000 was right—I believe it was—that compensation will be right in the future as in the past. The business of the Patent Office is constantly growing, not diminishing. The care, responsibility, and labor of the Commissioner of Patents are increasing. The gentleman from Missouri [Mr. COSGROVE] does not give any reason why the future Commissioner of Patents should not receive as much compensation as this officer has received in the past. I certainly hope this Committee of the Whole will not hastily cut down the salary of this officer.

The Patent Office is about the only one of the different branches of this Government which is self-sustaining. It has to-day to its credit in the Treasury Department a very large surplus, after paying all the expenses of the service, and after paying even the rent of a building which was erected out of the funds of the Patent Office. I certainly think if there is to be any effort at retrenchment below what is reasonable and right it should not be directed against the Patent Office. I see no reason at all why the salary of Commissioner of Patents should be reduced. Therefore I oppose the amendment.

Mr. COSGROVE. If the gentleman's argument is good, that because any bureau or Department of this Government is self-sustaining therefore the salary of its head should be increased, why did he not favor an increase of the salary of the Commissioner of Internal Revenue? The Commissioner of the General Land Office is a position as important to the Government as the Commissioner of Patents, if not more so, yet the salary of the Commissioner of the General Land Office stands at $4,000, while you propose to increase that of the Commissioner of Patents beyond what is allowed by existing law.

Mr. TOWNSHEND. I would like to answer the gentleman.

Mr. COSGROVE. Let the gentleman wait till I get through. I say this is an increase of salary over that authorized by the present law, and would have been subject to a point of order. I intended to make such a point; but the gentleman from Illinois took the floor and was recognized before I had the opportunity to do so. The provision ought to have gone out on a point of order. I see no reason why the Commissioner of Patents should have his salary increased to $5,000 while the Commissioner of the General Land Office and the Commissioner of Indian Affairs remain at $4,000. I do not understand that the work of the head of the Patent Office demands any higher order of talent or any more attention to official duties than the work in these other departments. The office of Commissioner of Internal Revenue is certainly one that requires much attention and business experience. I hope my amendment will prevail.

Mr. TOWNSHEND rose.

Mr. HOLMAN. I ask unanimous consent that debate on this paragraph and amendments thereto terminate in two minutes. The gentleman from Illinois [Mr. TOWNSHEND] can occupy those two minutes.

The CHAIRMAN. Is there objection?

Mr. COSGROVE. I object. I will consent to three minutes, provided I can have one minute to reply to the gentlemen from Illinois.

The CHAIRMAN. Objection is made. Debate on the pending amendment is exhausted.

Mr. HOLMAN. The gentleman from Missouri consents to terminate debate in three minutes if he is allowed one minute.

Mr. TOWNSHEND. I want only two minutes.

The CHAIRMAN. Is their objection to the proposition to close debate in three minutes?

Mr. CANNON. I will consent to eight minutes. I would like to have five.

The CHAIRMAN. Is there objection?

Mr. TOWNSHEND. I object.

The CHAIRMAN. Debate on this amendment is exhausted. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. COSGROVE].

The question being taken, the amendment was not agreed to—ayes 7, noes not counted.

Mr. TOWNSHEND. I move to amend by striking out the last two words. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I hope we shall get along with the bill.

Mr. TOWNSHEND. The gentleman from Missouri [Mr. COSGROVE] is entirely mistaken in supposing that a point of order could have been raised against this provision. This is not an increase of compensation. The increase was made at the last session of Congress. Now, I want to know why the gentleman from Missouri desires to cut down the compensation of the future Commissioner of Pensions because a Democratic administration is about to begin.

Mr. COSGROVE. This increase went out on a point of order last year.

Mr. WILLIS. I rise to a point of order. I submit that gentlemen must confine themselves to the matter under debate. I hope we shall get on with this bill.

Mr. TOWNSHEND. Now again I ask the gentleman why——

Mr. HEWITT, of Alabama. I make the point of order that the gentleman from Illinois must give some reason why the last two words of the paragraph should be struck out.

Mr. TOWNSHEND, of Illinois. When gentlemen get through with their points of order I will proceed.

Now, Mr. Chairman, this provision was inserted in the bill at the last session of Congress. It is not a new provision in the bill, and therefore it is not subject to points of order.

Why gentlemen think Democratic talent should be cheaper than Republican talent I can not conceive. The Commissioner of Patents is a man who should have the qualifications of a good lawyer, and should also be a man of scientific attainments. I hold, sir, there is need for better talent and for better brains in the position of Commissioner of Patents than in the position of Commissioner of the General Land Office. My honest conviction is that the position of Commissioner of Patents is one of the most important in this country, and that the utmost care should be exercised in selecting the highest order of talent to fill it. You can not obtain an officer properly qualified on an inferior and insufficient salary. The gentleman says why do we not raise the salary of the Commissioner of Internal Revenue when the receipts of that Department are greater than those of the Patent Office.

Now is it possible gentlemen can not see the difference between the character of the receipts of the Patent Office and those of the Internal-Revenue Bureau? The receipts in the Patent Office are made up of fees paid by the inventors of the country, who take the deepest interest in that office, while those of the Internal-Revenue Bureau are made up of taxes, under the law to be collected under the Commissioner of Internal Revenue. The extent of the receipts of internal revenue is the taxation under the law, whereas the receipts of the Patent Office are made up of fees paid by inventors of the country, and to such an amount that that office is self-sustaining.

Mr. CANNON. Mr. Chairman, I wish to say a word in reply to the gentleman from Illinois.

Mr. HOLMAN. I thought that debate had been closed by unanimous consent on this paragraph.

The CHAIRMAN. No; objection was made.

Mr. HOLMAN. I move then that the committee rise for that purpose.

The CHAIRMAN. The gentleman from Illinois is entitled to the floor.

Mr. CANNON. I will not detain the committee, Mr. Chairman, at any great length, but I do wish to say a word in reply to the gentleman from Illinois who has just taken his seat. Now, I am inclined to believe that the salary of the Commissioner of Patents is not too large; nor do I believe that the salaries provided in this bill are too much. Yet when I say that I must also say I was led to expect when a Democratic administration entered into office some effort would be made to fulfill some of the pledges they so clamorously made during the last campaign in the way of reduction of salaries, the largeness of which in their minds had affected them so much. [Laughter and applause.]

A MEMBER. But they have not come in yet.

Mr. CANNON. We have been hearing for years their denunciation of high salaries paid to officers of the Government, and indeed the clamors of the last campaign on the part of Democratic politicians still ring in our ears, that these men holding Government offices were paid two or three times too much.

A MEMBER. And some of them are.

Mr. CANNON. I am sure I have not offered any obstruction to any Democratic politician who wished to move a proposition for the reduction of any salary, nor am I aware, Mr. Chairman, that this side of the House has opposed itself to any such effort on the part of the other side. You gentlemen on the other side have 70 majority in this House, and I see no reason why you should not cut down these salaries one-half if you wish to do so. If you meant what you said in the last campaign you certainly should make some movement in that direction.

But I suppose I can wait for the Democratic side of the House to move, for I am quite well satisfied that the incoming administration will not be warm in the White House before the Democratic President will call the Congress of the United States together, and then, the Vice-President occupying his chair in the Senate and the Speaker presiding over this House, an opportunity will be afforded to the Democratic party to carry out that long-wished-for and fervently-prayed-for legislation for the reduction of taxes so as to divide among the people the $146,000,000 of surplus in the Treasury which, like a ghost, haunts the waking and sleeping dreams of the gentleman from Colorado [Mr. BELFORD]. [Laughter and applause.] Therefore I will not insist at this time on this salary being cut down, because I know you gentlemen want the glory to be given to your President of signing the bill that will reduce the taxes and at the same time reduce all these salaries, so that the Government may be brought back as it was when the fathers gave it to us. [Laughter and applause.]

By unanimous consent the *pro forma* amendment was withdrawn.

Mr. HOLMAN. I ask that debate on this paragraph be closed in two minutes.

There was no objection, and it was ordered accordingly.

Mr. COSGROVE. I am not going into any political discussion of the matter, because I do not wish to hurt the feelings of the gentleman from Illinois [Mr. CANNON] on the Republican side. I wish always to be generous to a fallen foe. But I wish to say one word in reply to the gentleman from Illinois [Mr. TOWNSHEND] in reference to the accuracy of my statement as to the salary of the Commissioner of Patents. I stated when this bill came into the House last year a point of order was made against the $500 increase, the salary standing at $4,500. The point of order was sustained, but when the bill went to the Senate it was put in again and afterward it was agreed to by the conference committee, and therefore became a part of the existing law. I was mistaken as to the present salary, but it was as I have stated.

Mr. TOWNSHEND. You are right.

Mr. COSGROVE. I know I am right. I say there is no reason why the salary of the Commissioner of Patents should be increased that would not apply also to the increase of the salary of the Commissioner of the General Land Office and to the salary of the Commissioner of Indian Affairs.

A MEMBER. They are much more important offices.

Mr. COSGROVE. Yes; much more important; and if there is any reason for increasing the salary of the Commissioners of Patents it will apply with more force to increasing the salary of the Commissioner of the General Land Office and the Commissioner of Indian Affairs.

The Clerk read as follows:

For photolithographing or otherwise producing copies of drawings of the weekly issues of patents, for producing copies of designs, trade-marks, and pending applications, and for the reproduction of exhausted copies; said photolithographing or otherwise producing plates and copies, referred to in this and the preceding paragraph, to be done under the supervision of the Commissioner of Patents, and in the city of Washington, if it can there be done at reasonable rates; and the Commissioner of Patents, under the direction of the Secretary of the Interior, shall be authorized to make contracts therefor, $85,000.

Mr. COSGROVE. I move to strike out in line 2160 the words "in the city of Washington."

I see no reason why there should be any limitation as to where this work may be done. If it can be done cheaper in Washington than elsewhere, of course the Commissioner of Patents will have it done here. But there is no reason why such a provision should be incorporated into this bill confining it exclusively to this city, and thereby probably giving it to but one person, for, for aught I know, there may be only one here who is able to do it, and excluding all competition from all other parts of the country.

Mr. MILLS. In order to make the amendment that the gentleman contemplates it would be necessary to strike out the words:

And in the city of Washington, if it can there be done at reasonable rates.

Mr. COSGROVE. I accept the modification of the gentleman from Texas.

Mr. HOLMAN. Mr. Chairman, I have always been impressed with the belief since this provision was adopted many years ago that this work should be let out on a broader basis of competition than it is let at present, and it was sought to remove this restriction by the Committee on Appropriations in this bill. The Commissioner of Patents, however, came before the committee and the same state of facts appeared which had appeared time and time again in former years, that in the judgment of the Commissioner himself it was exceedingly important that the work should be done here if it could be done at reasonable rates, so as to be under the eye of the Commissioner, and where the proofs could be corrected and examined as the work progressed. In consequence of that the committee again reported this provision as it has stood for many years back and in conformity with the suggestions which have been made by the present Commissioner of Patents and his predecessors for years past.

Mr. COSGROVE. I would like to ask the gentleman a question. Will the gentleman be kind enough to state if the amendment proposed by me shall prevail whether there is anything in the bill that will require this work to be done elsewhere, and not under the supervision of the Commissioner of Patents? The only object is to open it to competition. It will be under his supervision wherever it may be done; and striking out the words I have suggested would be simply in the line of economy.

Mr. HOLMAN. I have only stated the conclusion of the Committee on Appropriations after a conference with the Commissioner of Patents, and the conclusions which had been reached in former years under similar circumstances. I dislike myself a feature like this very much, that does not open the widest competition, and should be perfectly content with whatever action the committee may take, as far as I am personally concerned. But, representing the Committee on Appropriations, I have stated the reasons which induced them to bring in the provision as it here stands.

Mr. CANNON. Mr. Speaker, I move to strike out the last two words.

The general proposition that all work done for the Government should be done after advertisement and let to the lowest responsible bidder without regard to where the work is done is a good proposition, and no doubt the gentleman from Missouri had this in view when he moved this amendment. Yet I undertake to say after an investigation, from the best information I can get, and I believe I have gone to the bottom of this question, that this amendment would not lead to good results in this case. Now this provision in the bill for the work to be done in Washington if it can be done at reasonable rates was placed in the law substantially as it stands in the bill in the Forty-fourth Congress, and has been there ever since.

Some years ago, when I came to make up this bill, being a member of the Committee on Appropriations of a Republican House, I gave full investigation to this matter, and found it had been discussed not only in the House, but in the Senate, and I have before me now the Senate discussion, participated in by the late Zachariah Chandler and by Senator BECK, of Kentucky, and others, from which it appears, as I have found upon examination, that this work can not be, and never had been, done satisfactorily outside of the city of Washington, and for this reason: that it is the current issues of patents to be printed day by day and week by week as the applications are made and the patents granted.

If this work is done outside of Washington you will find difficulties would arise in sending drawings to New York, Boston, Philadelphia, or elsewhere, and back and forth for correction of proofs. Besides that, when the original papers are sent to be printed, there is no office copy left, which means trouble to the examiners and trouble and expense to the inventors. It delays patents for weeks and sometimes months. I could talk longer about this, but perhaps not to much profit; suffice it to say that the Commissioners of Patents since this work commenced have uniformly maintained that the work can not be properly done outside of Washington, and the head of the Gazette publication concurs. The present Commissioner of Patents was called before the Committee on Appropriations and very decidedly expressed the opinion that this work could not be properly done outside the city of Washington.

There is nothing to prevent all the world competing for this work, provided they will do it where it ought to be done. It would probably be wise for the Government to do the work for itself, but that would involve a plant in the Government Printing Office or in the Interior Department. I believe I would vote for that if it costs something more; but I repeat that it must be done either in the Interior Department by its own printing office or else it must be done in the city of Washington in the manner in which it has been done in the past.

The CHAIRMAN. The question is on the amendment of the gentleman from Missouri [Mr. COSGROVE].

The question being taken, there were—ayes 17, noes 38.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

Office of Commissioner of Railroads: For Commissioner, $4,500; bookkeeper, $2,400; railroad engineer, $2,500; one clerk of class 4; one clerk of class 3; one copyist, and one assistant messenger; in all, $14,420.

Mr. CURTIN. I wish to ask the gentleman from Indiana why the salary of this Commissioner is put at $4,500, differing from the salaries given to other Commissioners.

Mr. HOLMAN. This discrepancy arises as always will happen where there is legislation without regard to the general system of salaries. This salary was fixed at the present amount when the office was first established, and has remained so till the present time. There has not been any attempt to revise the salaries in a general way during the present short session.

Mr. CURTIN. That is not a very satisfactory explanation, but I suppose I must be content with it. I believe, however, I will move to amend so as to make the amount of salary $5,000.

Mr. HOLMAN. I make the point of order on that amendment.

The CHAIRMAN. What is the point of order made by the gentleman from Indiana?

Mr. HOLMAN. It is that it is new legislation on an appropriation bill and not in the line of economy.

The CHAIRMAN. Does the gentleman from Pennsylvania desire to be heard on the point of order?

Mr. CURTIN. I know nothing about the point of order [laughter], but if the Chair will hear me I should like to speak on the merits.

The CHAIRMAN. The merits are not properly under discussion now.

Mr. HOLMAN. I think we could dispense very well with that officer altogether.

The CHAIRMAN. The gentleman from Indiana makes the point of order on that amendment that it changes existing law and does not retrench expenditures. The Chair thinks the point of order well taken.

Mr. CURTIN. I suppose I must submit to the decision of the Chair.

The Clerk read the following paragraph:

Bureau of Labor: For Commissioner of Labor, $3,000; chief clerk, $2,000; for rent of rooms for use of bureau, and for fuel, light, stationery, employés, and all other necessary expenses of said bureau, to be expended under the direction of the Secretary of the Interior and as provided by law, $20,000; in all, $25,000. And it shall be the duty of the Commissioner to report the number and salaries of employés, with the estimates for said bureau, to the first session of the next Congress.

Mr. MILLS. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the close of the paragraph add the following:

"That the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated to enable the Commissioner of said bureau to obtain information pertaining to labor in American and foreign industries and make report of the same to Congress on the first Monday of December, 1885."

Mr. MILLS. Mr. Chairman, during the last session, as will be remembered, this Bureau of Labor was established by Congress for the purpose of getting information to lay before Congress that it might legislate intelligently whenever it should become necessary to legislate at all in reference to labor. Since that time the President has appointed one of the most capable gentlemen in the United States at the head of that bureau, a gentleman who was head of the bureau of statistics of Massachusetts for a number of years; one of those very few gentlemen that we find in the United States who is thoroughly conversant with all industrial statistics.

He has laid out a plan of work for next summer, to investigate to the bottom all these instances of industrial depression both in the United States and in Europe; and in order to do that he requires a sum additional to what is here provided. The sum which is provided in this bill is for clerk-hire, for salaries of officers, for fuel, lights, stationery, &c., and will not leave a sufficient amount to defray this expense and enable the Commissioner to make this thorough and searching investigation and report it in time for the next session of Congress.

If this bureau is to be of any practical advantage to us it must work between now and the beginning of the next session of Congress. We will then have all these questions to go into, and we want to have the benefit of this investigation. I hope my friend from Indiana [Mr. HOLMAN] will not make any objection to this amendment.

Mr. HOLMAN. I have been impressed since the gentleman from Texas has spoken of this matter with the propriety of enlarging somewhat this item of appropriation. The amount appropriated is now for general purposes $20,000; $25,000 in all. This amount of $25,000 appropriated in conformity with the law of last session covers the salary of the Commissioner, $3,000; the salary of the chief clerk, $2,000; rent of rooms for use of bureau, fuel, lights, stationery, employés, and all other necessary expenses of said bureau, to be expended under the direction of the Secretary of the Interior, and as provided by law, $20,000; in all, as I have said, $25,000; or $20,000 besides the salaries.

It seems to me that if the investigation is to be made thorough by this Commissioner into the statistics of labor here and elsewhere, the information on that subject is very desirable, now that we are discussing questions of an economic character. It seems to me a moderate increase of that appropriation would not be objectionable. It has not been before the Committee on Appropriations, so that I can not speak for that committee. I simply speak for myself; but I suggest to the gentleman from Texas, instead of making this a separate item, to increase the amount of $20,000 up to $30,000 and precede it with the following words, after the words "and all other necessary expenses of said bureau:"

And to make investigations in the systems of labor in Europe, America, and elsewhere.

And to change the amount in the paragraph from $20,000 to $30,000.

Mr. MILLS. Half a loaf is better than no bread, and I accept the gentleman's amendment and modify my amendment accordingly.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas as now modified.

Mr. COX, of New York. I desire to inquire of the Chair if there is any point of order pending. Did the gentleman from Indiana make the point of order?

The CHAIRMAN. There was no point of order made on the amendment.

Mr. CURTIN. If I did not so heartily approve of the work of the Bureau of Labor, I would make the point of order which was made on me. [Laughter.] I desire to ask the gentleman from Texas a question. Does he think $20,000 the proper amount?

Mr. MILLS. I think it is.

Mr. CURTIN. Well; do not yield to its being reduced.

Mr. MILLS. Well, I do not want to antagonize anybody and thereby defeat the appropriation.

The CHAIRMAN. The Clerk will report the amendment as modified by the gentleman from Indiana [Mr. HOLMAN].

The Clerk read as follows:

That the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated to enable the Commissioner of said bureau to obtain information pertaining to labor in American and foreign industries, and to make investigation into the statistics of labor in Europe and elsewhere, and make report on the same to Congress on the first Monday of December, 1885.

Mr. COX, of New York. Mr. Chairman, I move to strike out the last word. I thought the gentleman from Indiana [Mr. HOLMAN] moved to add $5,000 more, so as to make the sum $30,000.

Mr. HOLMAN. This makes it $30,000.

Mr. COSGROVE. Does that come up to the amount estimated by the Commissioner?

Mr. HOLMAN. The appropriation now, with this amendment, would be $10,000 more than the estimate. All the amount contained in the estimates was in the bill already.

Mr. MILLS. But the estimates were only for the machinery of the office. The gentleman from Indiana [Mr. HOLMAN] does not mean to say that the expenses of any such investigation as this are provided for there.

Mr. HOLMAN. No.

Mr. COX, of New York. Mr. Chairman, so far as this Bureau of Labor which has just been established is concerned, there could not have been selected in the United States another man so competent to be at its head as Mr. Carroll D. Wright, of Massachusetts. Although gentlemen are of course opposed to any excessive appropriation for this purpose, we can not get too much information about labor in this country, and I am very glad that the gentleman from Indiana [Mr. HOLMAN] at last proposes to add something in the interest of the Republic. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. MILLS] as proposed to be amended by the gentleman from Indiana [Mr. HOLMAN]. The Clerk will read the amendment.

The Clerk read as follows.

In line 2216, after the word "bureau," insert the following: "and to make investigation into the statistics of labor in the United States and elsewhere, to be expended under the direction of the Secretary of the Interior and as provided by law, $30,000.

Mr. DINGLEY. Mr. Chairman, I move to strike out the last word for the purpose of asking a question of the gentleman from Indiana [Mr. HOLMAN]. I desire to ask the gentleman whether or not this estimate of $20,000 for the expenses of this Labor Bureau covers anything more than the estimated cost of the machinery of the bureau; whether it covers anything in the nature of an investigation into the condition of labor either in this country or in Europe?

Mr. HOLMAN. It was intended to cover not only the clerical force named in the paragraph, but, in addition to that, such other expenditures in connection with collecting statistics as might be incurred.

Mr. DINGLEY. In the United States and in Europe?

Mr. HOLMAN. Nothing was said about the place. The general scope of the law was, of course, considered in making the appropriation. The whole of this money will be expended in statistical inquiry, and the effect of this amendment will be to make the amount $30,000, instead of $20,000.

Mr. DINGLEY. Does the gentleman from Texas [Mr. MILLS] think that is enough?

Mr. MILLS. Yes; I think so.

The amendment of Mr. MILLS as amended was agreed to.

Mr. HOLMAN. Now, Mr. Chairman, to make the language of the paragraph harmonize, I move to amend by striking out, in line 2218, "twenty-five thousand" and inserting in lieu thereof "thirty thousand."

Mr. MILLS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk to be read.

The Clerk read as follows:

After the word "Congress," in line 2221, insert "and said Bureau of Labor is hereby transferred from the Department of the Interior to the Department of the Treasury."

Mr. MILLS. Mr. Chairman, this bureau is evidently in the wrong Department of our Government. The Department of the Interior deals with the public lands, with Indian affairs, with patents, and matters of that sort, while this labor question is clearly one relating to taxation and revenue. The Bureau of Ordnance in the Army or the Bureau of Construction and Repair in the Navy would not be more out of place in the Interior Department than is this Labor Bureau. It clearly belongs to the Treasury Department, because the only way we can affect labor at all is by taxation, and therefore I say that this bureau should be under the supervision of the Secretary of the Treasury.

Mr. HOPKINS. Mr. Chairman, I desire to call the attention of the gentleman from Texas [Mr. MILLS] to the fact that by the law organizing this bureau it is placed under the Interior Department, so that the change he proposes would necessitate a change in the law.

Mr. MILLS. That is what I propose. The bureau is entirely out of place in the Interior Department.

Mr. CANNON. I am very much in sympathy with the object sought by the proposition of the gentleman from Texas, although I recollect that we have been paying $75,000 to $100,000 for gathering statistics through the Agricultural Department, as well as quite a large sum for collecting statistics by the Bureau of Statistics in the Treasury Department. Besides, as is suggested to me, similar work is carried on by the State Department, and also by the Bureau of Education. I am not sure but there might be a well-considered law enacted which would harmonize this work of collecting statistics, so that it could be done more economically and intelligently. But such a measure can not be carried through at this time. Now, I am in accord with the proposition of the gentleman to give to this Bureau of Labor increased facilities for the collection of statistics touching labor. But does the gentleman think it best to have in the Treasury Department two bureaus conducting work of this character? There is already in that Department the Bureau of Statistics, which gathers very thoroughly statistics touching our foreign and internal commerce, and incidentally touching labor. Now I am not sure it would not be better to have this work remain in the Interior Department than to have these two bureaus in the Treasury Department.

Mr. MILLS. The Bureau of Labor seeks to go into an investigation of all the causes affecting wages. Now, if Congress can do anything at all touching the wage question, it must be done by the use of the taxing power of the Government; and that is entirely foreign to the Interior Department. Now the Bureau of Statistics collects statistics from various sources; but what we require is a scientific investigation into the causes of the depression of labor, the causes affecting the rise or fall of wages; and this work demands just such an officer as is now at the head of the Bureau of Labor. I do not believe there are half a dozen others in the United States as capable of dealing with this question.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. HOPKINS. I move to amend the amendment by striking out the last word. Mr. Chairman, it will be remembered that when this bureau was created I favored the establishment of an independent bureau, a bureau which should not be under the control of any Department, but entirely and absolutely independent. I believed such a bureau would accomplish the best results. I fear that if this amendment be adopted there may be, as suggested by the gentleman from Illinois, confusion from having two bureaus in the same Department engaged in the collection of statistics. I think, therefore, that for the present, until the workings of this bureau shall be more fully demonstrated, at any rate until the next session of Congress, the bureau had better remain as provided by the original act unless it be now made an independent bureau.

Mr. HOLMAN. I ask unanimous consent that debate on this paragraph and amendments thereto be closed in three minutes.

Mr. MILLS. I object.

Mr. HOLMAN. Then I ask to make the limitation five minutes.

The CHAIRMAN. Is there objection?

Mr. TILLMAN. I object.

Mr. HOLMAN. I move that the committee rise to close debate.

Mr. MILLS. To get the committee out of this difficulty, I withdraw the amendment.

Mr. TILLMAN. I object to the withdrawal. I move to amend by striking out the last word.

The CHAIRMAN. The gentleman from Indiana was recognized for the purpose of moving that the committee rise to limit debate. [The question having been put.] In the opinion of the Chair, the motion is not adopted.

Mr. CANNON. I rise to a parliamentary inquiry. I wish to suggest to the gentleman from Indiana that I think a proposition to close debate in ten minutes will be accepted.

The CHAIRMAN. That is not a parliamentary inquiry.

Mr. HOLMAN. I hope we shall close debate on this paragraph.

The CHAIRMAN. The Chair put the question and stated that in his opinion the motion was not agreed to.

Mr. HOLMAN. How much time does the gentleman from South Carolina [Mr. TILLMAN] wish?

Mr. TILLMAN. Only five minutes.

Mr. HOLMAN. Then I hope five minutes will be the limit.

The CHAIRMAN. If there be no objection the limit will be five minutes. The Chair hears none. The gentleman from South Carolina is recognized.

Mr. TILLMAN. Mr. Chairman, the motion of the gentleman from Texas [Mr. MILLS] ought not to prevail. The Treasury Department has at this time twice as much work as the head of that Department can do efficiently. The truth is the Government needs another executive department, which should be established to relieve the Secretary of the Treasury from the administration of several bureaus of which he now has charge.

I doubt very much whether any good will come of this special Labor Bureau, whether the Interior or Treasury shall administer it. At the present time the Department of State may be said to have a bureau of labor statistics as well as of commercial statistics, the materials for which have been and are still furnished by our consuls. It is well known the best official document ever issued in this country on the subject of labor was published by the State Department during the incumbency of Mr. Evarts, and, as remarked by some gentleman near me, there was considerable humbuggery even about that.

The Agricultural Department also has a labor bureau. The Treasury Department likewise has a third labor bureau. And the Interior Department has a fourth labor bureau in the census, which perhaps has furnished the most reliable statisics in regard to the kinds of labor and the prices of labor and the statistics by which the causes that influence the rise and fall of wages can be deduced and traced better than in any other publication of the Government.

Yet in addition to all these existing labor bureaus it is now proposed to organize a fifth bureau at an enormous expense.

Mr. Chairman, I will take the liberty of saying that I fear demagogy or nepotism has had something to do with this jumble and confusion of machinery to procure labor statistics and create official places for the friends of Congressmen. I for one do not desire to provide offices for men who shall fill sinecures and draw salaries without anything to do.

What we need really, perhaps, is a labor bureau that embraces all the duties performed at present by all these Departments.

If this appropriation goes through, and of course it will, since the numerous friends (so called) of the horny-handed sons of toil on this floor can not refuse it, the Government will be paying in the neighborhood of $200,000 for nothing in the world except to compensate the men who fill offices and pretend to do something when they actually do nothing of real value to either the laborers or the country. If this new bureau could consolidate and absorb the functions of all the other bureaus, it might in time do some good by fixing responsibility for accuracy of facts and aptness of methods, and preventing the production or duplication of worthless data, as is the case now; but I trust the Secretary of the Treasury will not be overburdened with the supervision of any more bureaus.

Mr. HOLMAN. I move, in line 2268, to strike out "suitable" and insert "other;" in line 2270, to strike out "thirty-seven" and insert "fifty-eight;" and in the same line to strike out "seven" and insert "one;" so it will read $58,160 instead of $37,760.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker *pro tempore* having resumed the chair, a message from the Senate, by Mr. MCCOOK, its Secretary, notified the House of the adoption of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

It further announced the passage of the bill (H. R. 7496) for the relief of Wehrle, Werk & Sons.

It further announced the passage of the bill (S. 2621) to authorize the construction of bridges across the Great Kanawha River below the falls, and to prescribe the dimensions of the same; in which concurrence was requested.

It further announced the adoption of concurrent resolution for the printing of report of Lieut. George M. Stoney, United States Navy; in which concurrence was requested.

THE LEGISLATIVE, ETC., APPROPRIATION BILL.

The committee then resumed its session.

The Clerk read as follows:

POST-OFFICE DEPARTMENT.

For compensation of the Postmaster-General, $8,000; chief clerk to the Postmaster-General, $2,500; stenographer, $1,800; appointment clerk, $1,800; law clerk, at $2,500; and one clerk of class 4 (in office of Assistant Attorney-General for Post-Office Department), two clerks of class 3, one clerk of class 2, three clerks of class 1, two clerks, at $1,000 each; one copyist, one messenger, one assistant messenger; in all, $31,060.

Mr. AIKEN. I move the following amendment, to come in after the word "dollars," in line 2407.

The Clerk read as follows:

For superintendent of foreign mails, $3,000; chief clerk, $2,000; and one clerk of class 4; three clerks of class 3; one clerk of class 2; one clerk of class 1; two clerks, at $1,000 each; one assistant messenger; in all, $16,920.

Mr. AIKEN. I find from reading this bill that the Foreign Mail Bureau of the Post-Office Department has been so nearly destroyed that a mere fragment of it is left. The office of the chief of the bureau, who is now in attendance upon the international postal union in Portugal by order of the Government, has been abolished, and just one-half of the clerical force of the bureau removed. This bureau was created nearly twenty years ago, and five years ago the Postmaster-General reported that its clerical force was insufficient, and the then Committee on Appropriations added the two clerks of $1,000 each as necessary.

Mr. Chairman, we are living in a progressive age, our country is daily increasing in population, we are constantly endeavoring to bring our-

selves into closer and more frequent communication with foreign nations; and hence the presumption is that the labors of this bureau are constantly increasing. But the proposition in this bill is to so far reduce the clerical help as to almost destroy the bureau. The office of the chief of the bureau is abolished, and just 50 per cent. of the number of clerks transferred to another division of the Post-Office Department, and the offices of the remainder abolished; nor has any reason been assigned by any member of the Committee on Appropriations for this wholesale reduction.

I contend, sir, that unless we have something more satisfactory and convincing, some more valid reason why we should reduce the number of clerks in this branch of the service than has been yet given, that it is only right and just that this provision, which I have suggested and which is the existing law, should be adopted and the bill altered to conform to it.

Mr. ELLIS. Mr. Chairman, it was upon my motion that the committee proposed the abolition of this bureau of the Post-Office Department. I heard two gentlemen, whom I regard as the very highest authority on all postal matters in this country, say that this bureau might well be abolished and consolidated with the office of the Second Assistant Postmaster-General. One of those gentlemen is the Postmaster-General himself, and the other is the honorable gentleman from Mississippi [Mr. MONEY], chairman of the Committee on the Post-Office and Post-Roads of this House, than whom no man in the House—I had almost said in this country—is better posted in the affairs relating to that Department.

Upon a little examination of the subject myself I discovered that the duties of this office were exactly analogous with those performed by the Second Assistant Postmaster-General. The one does all the contracting for the land-service, the railroad service, the steamboat service, and the star-route service of the country, and I did not see why, having regulated the carriage of the mails to the sea, he could not go a little farther and regulate its carriage to foreign nations. Therefore it was that, in the line of economy, in order to get rid of a useless bureau, to abolish a useless office, and to consolidate and give more homogeneity to the bureau administered by the Second Assistant Postmaster-General, I made this motion, and I believe the House should sustain it and that the country will approve it.

There is nothing, Mr. Chairman, embraced within the duties of this office of superintendent of the foreign mail service that can not be as easily and perfectly transacted by the Second Assistant Postmaster-General as by maintaining a separate head for that bureau. We believe we have given the requisite force to the Department to carry on that work; it was done, as I have said, as a measure of economy and for other reasons stated, and I care nothing beyond that.

Mr. MOULTON. I move to strike out the last word.

Mr. Chairman, I am a little surprised that this change has been made, and I am especially surprised, in view of the way that it will operate if adopted. Under the law as it stood before some six of the clerks of that bureau are to be retained and are maintained by the present bill. Under the same portion of this bill, in its operation toward this bureau, four of the most efficient and important clerks connected with the bureau of foreign mails are absolutely legislated out of office.

One of these, a lady, who is legislated out of office by the operation of this bill, is one of the most accomplished linguists in any of the Departments of this Government, not excepting the State Department; and to her is looked more than to any other person connected with the Government for the correct translation of foreign letters, communications, and other papers in the modern European languages.

Now, then, I want to say to the friends on this side of the House that in the operation of this act four Democratic clerks are stricken out, absolutely legislated out, while every Republican clerk is retained by the operation of the bill.

Mr. ELLIS. What difference does that make? I do not know any difference between one or the other in the performance of a public duty. I was trying to serve the country in what I did, and he who serves his country best serves his party most. [Applause.]

Mr. MOULTON. I am informed that the Postmaster-General desires the Bureau of Foreign Mails to be preserved precisely as it is in the old law, and he states, and he should be an authority, that it would more subserve the public interests by keeping the Bureau of Foreign Mails separate and distinct, as it is to-day, than to make the change proposed by this bill. The duties performed by the Bureau of Foreign Mails are multifarious and important; the translation of foreign letters, correspondence with foreign governments, and in ten thousand ways its duties are performed by trained clerks; and the very persons who by the operation of this bill are left out are the most efficient, accomplished, and educated clerks in any Department of the Government. I insist, therefore, that the amendment proposed by my friend from South Carolina should be adopted. It does nothing more or less than to restore the old law, or rather the law as it is now, and continues it in force during the term fixed by this appropriation bill. I hope that amendment will be adopted.

The CHAIRMAN. The question is upon the amendment of the gentleman from South Carolina.

Mr. HOLMAN. Just a word before that.

It will be observed, Mr. Chairman, that the duties pertaining to this Bureau of Foreign Mails are transferred simply to the office of the Second Assistant Postmaster-General and made a division of that bureau of the Post-Office Department. I think, sir, that no injury to the service can possibly occur if this provision of the bill is adopted.

The *pro forma* amendment was withdrawn.

Mr. AIKEN. I renew the *pro forma* amendment. I submit to this committee that that is not a candid statement which has just been made by the gentleman from Indiana [Mr. HOLMAN]. He rises to tell this committee that this is simply a transfer of the foreign mail bureau to be a division in the office of the Second Assistant Postmaster-Genaral, under whose supervision it is placed. Is that all that is done?

Mr. HOLMAN. If the gentleman applies it to the *personnel* of the force there may be a difference as to that.

Mr. AIKEN. That is all that makes it important.

Mr. HOLMAN. As regards the service it is transferred from the one bureau to the other.

Mr. AIKEN. The service is transferred from one bureau to the other, and 50 per cent. of the clerks are deprived of their offices. If the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Louisiana [Mr. ELLIS] had an eye to economy and retrenchment of expenditure in this action on their bill, I ask them this simple question: Why did they not destroy the four large well-paid clerks' offices and retain the others? They would have saved $3,000 by it.

And I assert here without fear of contradiction, what has already been well said by the gentleman from Illinois [Mr. MOULTON], that there are no more efficient, industrious, painstaking clerks in the service of the Government than those very four who are stricken from the roll by this action of the Appropriations Committee. I know they were put in as temporary clerks—two of them at least—and at the request of the Postmaster-General in 1880 they were made permanent clerks because he said the foreign mail service could not do without them. They are ladies of accomplishments, of the highest order of accomplishments, who speak and write several foreign languages. They are the clerks who are best qualified to do this work, but they are stricken from the roll and three or four others left there no better qualified, and who are representatives of the expiring administration.

I think it is taking an undue advantage of the chief of the division—although I know nothing of him personally—to destroy his office when he is abroad doing work for the Government. And I do not think that the action of the committee looks to economy or retrenchment of expenses when it retains in office four clerks receiving high salaries and destroys four clerks of equal efficiency who have the lowest salaries given under the Government for that character of service.

Mr. HOLMAN. I know nothing about the personal aspect of this matter. I do not know a single employé in that particular branch of the service so far as I am aware; and certainly no personal motive could have actuated the action of the Committee on Appropriations. That committee was simply seeking to make, if possible, this service a little more efficient by transferring it to the office of the Second Assistant Postmaster-General; and in doing so they found that they could very conveniently and properly reduce the force. I do not know whom it strikes. I think it would be very unwise for a committee of the House to take a matter of that kind into consideration. I do not know who is affected by it, and I certainly ought not to know, as a legislator, what individual person may be affected by an act of legislation.

I suggest to my friend from South Carolina [Mr. AIKEN] that, no matter how efficient clerks may be who are in the employment of the Government, if it is found their services are not required they ought not to remain in the public service.

Mr. MOULTON. But the Postmaster-General says these clerks are required.

Mr. HOLMAN. I think not.

Mr. MOULTON. I have his statement here to that effect.

Mr. HOLMAN. I hope we will now have a vote.

The question being taken on the amendment of Mr. AIKEN, there were—ayes 25, noes 34.

Mr. AIKEN. No quorum.

The CHAIRMAN. A quorum not having voted the Chair will order tellers, and appoints the gentleman from South Carolina [Mr. AIKEN] and the gentleman from Indiana [Mr. HOLMAN].

The committee again divided; and the tellers reported—ayes 56, noes 60.

So (further count not being called for) the amendment was not agreed to.

The Clerk read the following paragraph:

For salaries of the fifty-six district judges of the United States, $203,500.

Mr. ENGLISH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the paragraph just read, and insert in lieu thereof the following: "For salaries of the fifty-six district judges of the United States, $205,000: *Provided*, That on and after the approval of this bill the salary of the United States district judge in the State of Indiana shall be $5,000 per year."

Mr. HOLMAN. I make the point of order, but if my colleague would like to submit some observations in support of his amendment I shall reserve the point of order for the present.

Mr. ENGLISH. The object of this amendment is to increase to $5,000 the salary of the United States judge for the district of Indiana. The salary in 1867, some eighteen years ago, was fixed at $3,500. Of course the business of the court has grown very largely in these eighteen years. And beyond the natural increase resulting from the advance in the valuation of property and the increase in population in that State, the duties of the court have also been greatly increased by enactments requiring that the court should be held twice a year in the cities of Evansville, Fort Wayne, and New Albany, in addition to the sessions held regularly at Indianapolis. No provision has ever been made for the additional expense which the district judge is necessarily obliged to undergo in holding court in those cities. I have been requested by a number of our most prominent attorneys to advocate this measure, and I think it nothing more than proper and right that this increase in salary should be made. It is generally desired by the bar of Indianapolis and the State of Indiana.

Mr. HOLMAN. Mr. Chairman, I must make the point of order on that. I wish to say a single word. I sympathize with my colleague in the object of this amendment which he offers, but, while the district judge of Indiana, a gentleman of very great ability as a lawyer, one of the foremost jurists of the country, would have the benefit of this provision, I think that this method of increasing a judicial salary would be unwise, in view of the number of other gentlemen occupying similar positions as district judges whose salaries would not be affected. I think these salaries should all be adjusted at the same time upon a fair and proper basis, and for that reason I am compelled to insist upon the point of order.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] makes the point of order upon this amendment that it changes existing law and does not retrench expenditures. The Chair sustains the point of order.

MESSAGE FROM THE PRESIDENT.

The committee rose informally; and Mr. MILLS having taken the chair as Speaker *pro tempore*, a message in writing from the President of the United States was communicated to the House, by Mr. PRUDEN, one of his secretaries.

The message further informed the House that the President had approved bills of the following titles, namely:

An act (H. R. 5670) to authorize a retired-list for privates and noncommissioned officers of the United States Army, who have served for a period of thirty years or upward;

An act (H. R. 5674) for the erection of a public building at the city of Tyler, in the State of Texas;

An act (H. R. 1013) for the erection of a public building at Troy, N. Y.;

An act (H. R. 1339) to increase the appropriation for the erection of the public building at Pittsburgh, Pa.;

An act (H. R. 3527) granting a pension to George A. Marshall;
An act (H. R. 7295) granting a pension to Albert D. Simmons;
An act (H. R. 7141) granting a pension to Daniel W. Adams;
An act (H. R. 7046) granting a pension to Alonzo Cornwell;
An act (H. R. 5565) granting a pension to Theo. Ahrens;
An act (H. R. 5630) granting a pension to George W. Rugg;
An act (H. R. 5632) granting a pension to Sarah J. Bremmer;
An act (H. R. 2348) granting a pension to John D. Rickards;
An act (H. R. 2399) granting a pension to Clarissa McKee;
An act (H. R. 2453) granting a pension to Frank S. Marsh;
An act (H. R. 2692) granting a pension to Sarah Kennedy;
An act (H. R. 2908) granting a pension to James McManus;
An act (H. R. 6480) granting a pension to Margaret G. Halpine;
An act (H. R. 6461) granting a pension to Nelson Gammons;
An act (H. R. 6311) granting a pension to Mrs. Sarah S. Sampson;
An act (H. R. 5960) granting a pension to George Ziefle;
An act (H. R. 5926) granting a pension to John Maloney;
An act (H. R. 5923) granting a pension to Ruth Stratton;
An act (H. R. 5812) granting a pension to Ellen A. Vance;
An act (H. R. 5776) granting a pension to Louis D. Petty;
An act (H. R. 3565) granting a pension to William Eurele;
An act (H. R. 3612) granting a pension to Hayden Reynolds;
An act (H. R. 3663) granting a pension to John T. Marshall;
An act (H. R. 3703) granting a pension to James W. Brown;
An act (H. R. 1171) granting a pension to Isabel Campbell;
An act (H. R. 1084) granting a pension to Dorothea Bothner;
An act (H. R. 499) granting a pension to Mary A. Knawber;
An act (H. R. 6594) granting a pension to Russell F. Dimmick;
An act (H. R. 6726) granting a pension to Margaret A. Maguire;
An act (H. R. 6882) granting a pension to John Otis;
An act (H. R. 6927) granting a pension to Merit M. Oakley;
An act (H. R. 6934) granting a pension to Ann J. Williams;
An act (H. R. 6956) granting a pension to Maria H. Sargent;
An act (H. R. 6997) granting a pension to Henry Davis;
An act (H. R. 4059) granting a pension to Isaac Demaranville;
An act (H. R. 4238) granting a pension to Sallie Ingham;
An act (H. R. 4248) granting a pension to William Harbeson;
An act (H. R. 4752) granting a pension to William Herring;
An act (H. R. 2920) for the relief of John Johnson;
An act (H. R. 2432) for the relief of Mrs. Jane Young;
An act (H. R. 1504) for the relief of Millia Staples;
An act (H. R. 2002) for the relief of Mrs. Jennie E. Johnson;
An act (H. R. 2140) for the relief of Hugh Dougherty;
An act (H. R. 6665) for the relief of James Stack;
An act (H. R. 4379) for the relief of Maj. W. W. Frybarger;
An act (H. R. 5500) for the relief of Benjamin F. Amos;
An act (H. R. 5004) for the relief of William B. Smith;
An act (H. R. 1256) increasing the pension of Benjamin Morgan;
An act (H. R. 760) granting an additional pension to Watson S. Bentley;
An act (H. R. 433) to increase the pension of Simpson Harris;
An act (H. R. 4041) restoring the name of Zelica T. Dunlap to the pension-roll;
An act (H. R. 2987) restoring Rebecca Walcott to the pension-roll;
An act (H. R. 6084) to restore the name of Walter H. Crow to the pension-roll; and
An act (H. R. 6282) to place the name of R. W. Duncan on the pension-roll.

LEGISLATIVE APPROPRIATION BILL.

The Committee of the Whole resumed its session.

The Clerk read the following paragraph:

And it shall be the duty of the judges of the Court of Claims to establish, by an order of court, a list of fees to be charged in said court against all persons prosecuting causes therein, such fees to conform as near as may be to fees for like services charged in the circuit courts of the United States, and to be paid by them when the decision shall be adverse to their cause of action, and shall prescribe rules to enforce the collection thereof; and all fees so prescribed shall be for the use of the United States, and accounted for in like manner with the receipts and disbursements of other United States courts.

Mr. McCOMAS. This clause against which I have made the point of order is confessedly, I doubt not, new legislation upon an appropriation bill. I do not think it can be maintained that it is in the interest of economy. I believe it would lead to extravagance and to a great deal of crowding of public business upon the Calendars of both Houses of Congress. I make the point of order against this provision, under the third section of Rule XXI of the House, that, in the first place, it changes existing law; and in the next place it is not germane; and, thirdly, if by some strained construction it be claimed that it is germane to this section of the bill, it is still not in order, because it does not retrench expenditures by reducing the number of officers of the United States, nor does it reduce the compensation of any person paid out of the Treasury, nor does it reduce the amount of money appropriated by this bill. It does not relate to the amount of money appropriated by this bill. It does not concern the salary of any person paid out of the Treasury of the United States, nor does it profess to affect the salary or the compensation or to lessen the number of the officers or employés of the United States. Now, Mr. Chairman, it seems to me that the very statement of the language to which I make objection shows that an attempt of this kind to change the law concerning fees in the Court of Claims of the United States is entirely apart from the purpose of this bill.

The law already, in section 1085 and one other section of the Revised Statutes, provides what fees shall be paid by parties who have claims in those courts. I can not conceive how, except by a mistaken idea of economy, this provision could have been inserted in this bill. Its effect will be to drive laymen, who say that the Government honestly owes them money, away from the forum provided for the trial of their causes by the competent judges, and to make them pay tribute upon the introduction of numberless private bills upon the Calendar of this House. It is a step backward.

But, Mr. Chairman, I rose to speak to the point of order, and not upon the merits of this provision, and I insist that, because the regulation of fees in one court of the United States is proposed in these lines, this provision is new legislation, in no wise pertinent to the bill, and therefore it should go out on the point of order.

Mr. HOLMAN. Mr. Chairman, it had never occurred to me that any gentleman would object to this provision or raise any point of order upon it. It is manifestly a provision which is just to the Government and not unjust to persons who seek remedies against the Government in the Court of Claims. It simply applies in that court a principle which is applied in every other Federal court. As to the point of order, I submit that its application is controlled by the last part of the third clause of Rule XXI of the House. This is a provision in a bill reported by a committee, and therefore if it retrenches expenditures in the broad sense—if it retrenches expenditures in any way—if, in other words, it prevents the depleting of the Treasury in any way, it is in order. I have no doubt that the Chair has had occasion to notice the distinction between the two provisions in Rule XXI to which I have referred, and has observed that the last clause is much broader than the preceding one. It reads:

Provided, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Now the Chair will observe that it of course became necessary at the

very outset to construe that to mean either the bill itself as reported by the committee or an amendment reported by a committee and proposed as an amendment to the bill. Of course it would be too narrow an interpretation of that clause of the rule to say that some other committee, for instance the Committee of Ways and Means or the Committee on the Judiciary, might report a provision which would be in order as an amendment to this bill because it would retrench expenditures in some form or other, and yet that the Committee on Appropriations itself in reporting this bill could not report the same provision. I think it has been uniformly held in interpreting the language of this last clause of the rule that it means that if the provision in question was reported by a committee all that was necessary to give it standing in the House was that it should retrench expenditures in some form, the language being, "which amendment, being germane to the subject-matter of the bill, shall retrench expenditures." This provision is germane because it belongs to an appropriation touching the Court of Claims.

Now, I concede that this is new legislation. It does not change existing law; but the enactment of a new law, so far as this rule is concerned, is precisely the same as the change of an old law. The provision, however, retrenches expenditures within the manifest spirit of the rule. The object of the rule is to prevent appropriation bills being made use of as means of depleting the Treasury. The word "retrenchment" as here used is a very broad word. To treat this word, in accordance with the spirit of the rule, as meaning preventing the depletion of the Treasury, carries out more clearly, as the Chair will perceive, the true intent than to construe the word "retrenchment" according to its ordinary sense. In other words, the spirit of the rule is that a measure of new legislation shall be in order upon a bill of this kind if it shall prevent the depletion of the Treasury.

Now, this provision manifestly provides for the payment of money into the Treasury for the purpose of meeting the expenses of this very court. Hence this is in the highest possible sense a measure for retrenchment—a measure for the protection of the Treasury. It prevents its depletion, and indeed brings money into the Treasury to meet the very expenses for which we make appropriation in this paragraph.

Now, while I admit that to put this construction upon the rule the Chair is required to look at the spirit of the rule, I submit that a court or other tribunal called upon to decide a question of construction can never avoid considering the spirit of the instrument to be interpreted rather than its mere letter. Here is a provision in favor of the Government—in favor of the Treasury—a provision which "retrenches" in the broadest sense, because it adds to the public revenues instead of diminishing them.

Mr. KEIFER. Mr. Chairman, I was unable to hear all that was said by the gentleman from Indiana [Mr. HOLMAN] in opposition to the point of order made by the gentleman from Maryland [Mr. MCCOMAS], but it seems to me the question is easily determined under this rule. I invoke, as did the gentleman from Indiana, the spirit of the rule; and I am quite certain that if we look to that the point of order will be sustained. This rule in its spirit seeks to prevent any legislation upon an appropriation bill that is not germane, and that does not retrench expenditures in one of three ways—

By the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

Now, does the gentleman from Indiana maintain that under this rule it would be competent to report in a bill of this kind a provision requiring public officers to collect fees? If so, then we might have a tariff bill or an internal-revenue bill attached to an appropriation bill, because in that way we would put money into the Treasury. It is not the intention of the rule that we should be allowed to legislate on appropriation bills so as to collect additional funds for the Government, but simply that we may legislate so as to retrench expenditures in connection with the appropriation of money.

What is the proposition of the pending paragraph? This proposition, anomalous in its character, is to require the Court of Claims to sit down and deliberately make out a fee bill, charging unsuccessful litigants just as much as they please and collecting this money, to be paid into the Treasury of the United States. I understand the gentleman from Indiana to hold that such a provision comes within the spirit of the rule providing for a retrenchment of expenditure. Such a conclusion is to my mind clearly unwarranted. The proviso of paragraph 3, Rule XXI, relates only to amendments proposed by committees, and has nothing to do with this provision. If it had, the provision is not at any rate germane and certainly does not retrench expenditures. The central idea of this rule is to prevent the Committee on Appropriations from bringing in upon appropriation bills general legislation.

The CHAIRMAN. The Chair is of the opinion that the pending provision of this bill to be in order should conform to the requirements of Rule XXI; and it being admitted that the paragraph embraces new legislation, the only question to be determined is whether it retrenches expenditures in any of the methods prescribed by the rule. The language of the rule is:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order except such as, being germane to the subject-matter of the bill, shall retrench expenditure.

Then the rule proceeds to specify three methods, in some one of which such a proposition must reduce expenditures.

1. By the reduction of the number or salary of the officers of the United States.

The provision of the bill does not reduce the salary or number of any officers of the Government.

2. By the reduction of the compensation of any person paid out of the Treasury of the United States.

This proposition does not do that.

3. Or by the reduction of amounts of money covered by the bill.

This provision of the bill does not make any reduction of that kind. What this proposition does is to provide a fund which will go into the Treasury. But in the opinion of the Chair it is not admissible under the rule as it fails to retrench in any of the three ways clearly laid down by the rule. It can not be denied that it provides a fund which would tend to swell the Treasury; but to be in order under the rule it should retrench in one of the three modes specified. However much the Chair might be inclined to deem this provision wise legislation, the only question for the Chair to deal with is whether it comes within the rule. The Chair hardly thinks it does, and therefore sustains the point of order.

Mr. MORSE. I move to amend by inserting, after line 2630, the words:

For one copyist and stenographer, at the rate of $100 per month, $1,200.

Mr. HOLMAN. I reserve a point of order on this amendment until the gentleman from Massachusetts [Mr. MORSE] has submitted his remarks.

Mr. MORSE. Mr. Chairman, I am informed by gentlemen of the highest respectability, gentlemen practicing before the Court of Claims, that by the bill lately passed, called the French spoliation act, the business of the court will be increased to such an extent that with the present limited number of employés it will be impossible, for at least one or two years, for the court to get through properly with the business it will be called upon to discharge. I hope my friend from Indiana will make no objection to this amendment. There is no question about the necessity of this additional officer. I have no interest in the matter, except that I desire the business of that court shall be properly administered.

Mr. CURTIN. The judges and officers of the court say it is positively necessary this provision should be made.

Mr. HOLMAN. I must insist on the point of order, although I regret to do so. We should consider that all the litigation in this court is carried on at the expense of the Government; the litigants themselves pay no part of the cost.

The CHAIRMAN. The Chair is of the opinion the amendment would increase the amount appropriated by the bill and creates a new office, thereby changing existing law. The point of order is well taken, and the amendment is ruled out.

The reading of the bill was then concluded.

The CHAIRMAN. The Chair understands that certain sections of the bill were passed over informally to be returned to by consent.

Mr. HOLMAN. I desire to avail myself of the courtesy extended by the Committee of the Whole House on the state of the Union, when the bill was last under consideration, to go back with a view to make a few amendments which have been suggested. These are two or three in number, I believe. The first is on page 11, line 243. I consent that my friend from Pennsylvania [Mr. ERMENTROUT] shall offer his amendment, with the understanding that the three index clerks for indexing claims shall be fixed on the same basis at $1,600 each. I hope he will consent that the three shall stand on the same footing.

Mr. ERMENTROUT. In reply to the gentleman from Indiana, I will say that it seems to me to be severe to tie me down to any terms on that point, for the reason that there was an understanding last Saturday there should be a recess until 8 o'clock in the evening, when this bill was to be taken up, and, acting on that understanding, I was not present, the committee, by unanimous consent, having gone beyond the time.

Mr. HOLMAN. I consent my friend shall offer the amendment.

Mr. ERMENTROUT. I move, in line 243, after the word "dollars," to amend by striking out "one clerk," and substituting in lieu thereof "three clerks;" so it will read "three clerks to index private claims, at $1,600 per annum."

Mr. HOLMAN. Add the word "each" before "per annum."

Mr. ERMENTROUT. You have not got the whole of the amendment.

Mr. HEWITT, of Alabama. Does that require unanimous consent?

The CHAIRMAN. What was the condition on which amendments were to come in?

Mr. HOLMAN. Acting for myself, I consented the gentleman should be permitted to offer the amendment.

The CHAIRMAN. Then the question is on the amendment of the gentleman from Pennsylvania?

Mr. HEWITT, of Alabama. Does it require unanimous consent to offer that amendment?

The CHAIRMAN. The Chair will state to the gentleman from Alabama that this part of the bill was passed over informally to be returned to when the reading of the bill was concluded.

Mr. HOLMAN. Not this; but I trust in consequence of the gentleman's absence——

The CHAIRMAN. If the Chair is in error as to this part of the bill, then it does require unanimous consent to offer an amendment.

Mr. HOLMAN. I had unanimous consent of the committee to go back upon the bill and offer some amendments. Now I trust my friend from Pennsylvania, in view of the fact that the gentleman from Pennsylvania says he was absent on account of notice given that a recess would be taken from 5 to 8 o'clock, and when instead of taking a recess the House continued in session until 8, and then adjourned until the next day, will he allowed to offer his amendment.

Mr. HEWITT, of Alabama. But the House was in session all the time.

Mr. ERMENTROUT. I wish to say a word.

Mr. HEWITT, of Alabama. Does the public necessity demand this?

Mr. HOLMAN. All I can say is the Clerk has been importuning——

Mr. HEWITT, of Alabama. The Clerk has——

Mr. HOLMAN. Yes; the Clerk has been importuning the committee from the beginning of the session to increase the number to three, and the House has adopted a resolution requesting the Committee on Appropriations to make the number three. We thought probably the Clerk might get along with two, but he says the services of three are indispensable.

The CHAIRMAN. The Clerk will read from the CONGRESSIONAL RECORD to show the order under which the committee returns to this section.

The Clerk read as follows:

Mr. HOLMAN. I do not desire that we shall go back at this time to a former part of the bill.

The CHAIRMAN. Is it agreed that when the reading of the bill is completed the gentleman from Pennsylvania [Mr. ERMENTROUT] shall have leave to go back to offer an amendment on page 11?

Mr. HOLMAN. There is no such agreement at this time.

Mr. MILLS. Let the Clerk read on.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] objects to an agreement at this time.

Mr. HOLMAN. No, Mr. Chairman; I simply say that there is no general agreement to go back at this time, but I have no objection to going back at the proper time.

Mr. HOLMAN. I wish to make a statement.

Mr. HEWITT, of Alabama. Is there any public necessity for these additional clerks; if so, I will not object to it.

Mr. ERMENTROUT. If the gentleman will listen to me for a moment, I will convince him of that fact.

Mr. HEWITT, of Alabama. If the gentleman from Pennsylvania has investigated it and is of the opinion the public interests require it, I will not object.

Mr. ERMENTROUT. The House has acted on this matter on a former occasion. We all understand that for several Congresses there have been clerks for indexing private claims. This House passed a resolution at the last session, reported from the Committee on Accounts, authorizing the appointment of three clerks for the purpose of indexing these claims, continuing the work begun in a former Congress.

At the suggestion of the gentleman from Indiana the number of these clerks was limited to three. They have been paid heretofore out of the contingent fund of the House, but the Comptroller of the Treasury has discovered that clerks, those created under a resolution of the House, can not be paid out of the contingent fund, and so the matter was referred again to the Committee on Accounts, who reported upon the subject, and I send to the Clerk's desk a copy of the report which I ask to be read in order to show what their opinion is as to whether the public necessities do or do not require this to be done.

And further let me say the Committee on Accounts reported on this subject and requested the Committee on Appropriations to make provision for three index clerks, and when the matter was brought up in the House there was not a single dissenting voice. The resolution of the House directing the committee to continue these clerks was passed.

Mr. WARNER, of Ohio. Let me ask the gentleman from Pennsylvania if these clerks were employed under a resolution of the last House?

Mr. ERMENTROUT. Yes, sir.

Mr. WARNER, of Ohio. And this is to continue them?

Mr. ERMENTROUT. Yes, sir; to continue that work.

Mr. HEWITT, of Alabama. In consideration of the statement made by the gentleman from Pennsylvania I will withdraw my objection and agree that a vote shall be taken at once upon the amendment.

Mr. ERMENTROUT. Then I withdraw the request for the reading of the report.

The question being taken on the adoption of Mr. ERMENTROUT'S amendment, it was agreed to.

Mr. HOLMAN. Mr. Chairman, that proposition, I understand it, increases the number of clerks to three, and the word "each" is inserted after the amount of the "salary" is stated.

The CHAIRMAN. The Clerk will report the amendment as adopted.

The Clerk read as follows:

Three clerks to index private claims at $1,600 each per annum.

Mr. ERMENTROUT. I thought the understanding with the gentleman from Indiana was that $1,800 was to be the compensation?

Mr. HOLMAN. That is enough; I was not aware at the time of the state of the salaries.

Mr. CURTIN addressed the Chair.

The CHAIRMAN. The Chair will state that only certain sections of this bill were open to amendments under this permission to go back.

Mr. CURTIN. I have before me the section on page 10, to which an amendment has just been offered, and which I wish to amend further. I think the gentleman from Indiana will not object to it.

Mr. WILSON, of Iowa. I desire to offer an amendment, to carry out an order of the House, on the tenth page of the bill.

The CHAIRMAN. The gentleman from Indiana has been recognized.

Mr. HOLMAN. I hope I will be excused for the delay. I had yielded to the gentleman from Pennsylvania, who appealed to me to offer some proposition, and I was waiting for him.

The CHAIRMAN. The Chair will recognize the gentleman from Pennsylvania.

Mr. CURTIN. Mr. Chairman, in line 212, after the word "dollars," I propose to amend by inserting the words:

One messenger in the stationery-room, at $1,200.

I propose, also, in line 227, to reduce the number of laborers from four to three.

Mr. HOLMAN. I reserve the point of order.

Mr. CURTIN. The reason for that is very simple, but if it is to be ruled out on the point of order, the gentleman from Pennsylvania is not apt to trouble the House.

The CHAIRMAN. The Chair will hear the gentleman from Pennsylvania.

Mr. CURTIN. I am quite sure I can appeal to the gentleman from Indiana for justice, and I claim to be perfectly willing, as a member of this House, to appeal to the gentleman from Indiana and be dominated by one man as well as by three hundred and twenty-five. I am encouraged to make this appeal for the adoption of this amendment, inasmuch as I find in this bill, on page 15, that in the office of the Postmaster there were employed nine messengers, and that number has been increased to ten; and where there were four messengers at a lower salary they were reduced to three. I understand that the beneficiary of that legislation comes from the State of Indiana. [Laughter.]

I have no objection whatever to any such arrangement, none in the least. It so occurs, however, that I procured the appointment of one man in all the scramble for appointments at the opening of this Congress, and he was appointed as a laborer. This was a young man that I brought down from the mountains of Pennsylvania, fine, scholarly, and accomplished, who was placed in the stationery department of the House, and I appeal to every gentleman who has had business there to testify to his gentlemanly conduct and to the prompt performance of his duties.

Mr. Ancona, the chief of that department, testifies to his capability, integrity, and usefulness, and the Clerk of this House supplements his recommendation. Now, instead of being a laborer, with his qualifications, I merely ask that he be made a messenger because it gives my appointee $1,200 instead of $800 a year. It gives him a position of more consequence and of more character.

I have no objection to the changes made in the messengers of the House, and do most heartily rejoice that the gentlemen in the index-room are accommodated with places, and I am extremely obliged to the gentleman from Indiana for giving my colleague from Berks County the opportunity to amend this bill, and much the more obliged as my colleague holds one of the appointments in his hands. [Laughter.]

It has been my habit in life, in business and in politics or in the practice of my profession, not to accomplish purposes by indirection or by the concealment of facts, and I therefore say that while I rejoice that that Indiana man is promoted, and that my colleague has been successful, I only ask that you give my accomplished young friend a change by raising him from the position of laborer to that of messenger, and abolish one laborer on the roll, which will cost this Government just exactly $220. [Laughter and applause.]

The CHAIRMAN. The gentleman from Indiana makes the point of order——

Mr. CURTIN. Am I ruled out? [Laughter.]

The CHAIRMAN. The Chair was just going to rule on the point of order made by the gentleman from Indiana against the amendment of the gentleman from Pennsylvania.

Mr. CURTIN. I trust the gentleman from Indiana, on the appeal I have made, will withdraw the point of order, and along with the man from Indiana and the man from Berks County, let in my young friend from the mountains. Oh, do withdraw it! You will never regret it, my friend from Indiana. You will die happier. [Great laughter.]

Mr. HOLMAN. I wish to say a single word for myself and the Committee on Appropriations. Of course when this bill is considered personal interests at once arise on all sides. Gentlemen appeal to me in connection with employés both in the House and in the Departments to permit amendments to increase salaries, to change from one grade of compensation to another, and to make transpositions like this proposed by my friend from Pennsylvania, which is very insignificant on its face

but involves a large increase of salary. Under such circumstances but one of two courses is left to the Committee on Appropriations. Either the rules of the House must be rigidly adhered to, or else gentlemen should be permitted on all hands to come in with their respective amendments. And I would like to submit to the gentleman from Pennsylvania, since he has made his very pleasant appeal, in such amiable good nature, too, whether it is wise policy to throw open this bill and let all of us submit our amendments and load it down with increased items of expenditure.

Mr. MORSE. If they are right, why not?

Mr. CURTIN. It is right to throw open to amendment this bill or any other measure before Congress if the three hundred and twenty-five men elected to legislate for this great nation of the United States are competent for their duties. If they are not competent for their duties, but must be handicapped and pinioned by rules which give a few men the control of this body, then the people should elect some other men than those who are here now. [Applause.]

Mr. HOLMAN. Does the gentleman from Pennsylvania not think it an evidence of the highest capacity on the part of members of this House to legislate that they impose very severe restraints upon themselves, and that each consents the restraint shall apply to him as to all others? It seems to me the highest evidence of wisdom in deliberative bodies not only to impose restraints on their own action but to create facilities for the enforcement of the restraints imposed.

I regret very much I have not the authority from the Committee on Appropriations to waive the point of order, but I would be derelict in my duty to that committee had I consented to do so until I had submitted this proposition to that committee. I am simply its organ; that and nothing more.

The CHAIRMAN. The gentleman from Indiana makes the point of order that the amendment offered by the gentleman from Pennsylvania [Mr. CURTIN] changes existing law and does not retrench expenditures, and is therefore obnoxious to clause 3 of Rule XXI and out of order. The Chair would ask the indulgence of the committee while he directs the Clerk to read that section of the rule.

Mr. CURTIN. It is unnecessary to have the rule read. I have never read the rules, but I have heard them often enough to know that if the point of order is insisted on I have no right to insist on my amendment.

The CHAIRMAN. The Chair is of opinion the point of order is well taken. It changes existing law and does not retrench expenditures.

Mr. CURTIN. I do not know whether to appeal to the House or to go to the Senate. I appeal from the decision of the Chair anyhow.

The CHAIRMAN. The gentleman from Pennsylvania appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question being taken, it was decided in the affirmative.

Mr. WILSON, of Iowa. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 10, line 212, after the word "each," strike out the words "one page, $720," and insert in lieu thereof "two pages at $720 each."

Mr. HEWITT, of Alabama. If unanimous consent is required I object. I make the point of order that we have passed from that part of the bill.

Mr. WILSON, of Iowa. I want to be heard before the Chair gives his decision on the point of order.

The CHAIRMAN. The Chair will hear the gentleman from Iowa.

Mr. WILSON, of Iowa. The other evening when I came up here for the consideration of this legislative, executive, and judicial appropriation bill there were only twenty-five or thirty of us present and we allowed the reading to go on and the bill to be more than half completed rather than raise the question of a quorum.

Mr. HEWITT, of Alabama. I withdraw my objection to go back.

Mr. WILSON, of Iowa. This amendment which I have offered is in conformity with the order of the House; and I think nobody objects to it.

Mr. HOLMAN. Let the amendment be again reported.

The amendment was again read.

Mr. WILSON, of Iowa. It is in conformity with the order of the House made this session.

The question being taken upon agreeing to the amendment, there were—ayes 30, noes 44.

So (further count not being called for) the amendment was not agreed to.

Mr. HOLMAN. I move to add in line 312, after the word "men," the words "one on each side of the hall."

The amendment was agreed to.

Mr. ELLIS. Mr. Chairman, with the consent of the gentleman from Indiana [Mr. HOLMAN], I ask the committee to recur to line 271 for the purpose of offering an amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

After line 271 insert:

"To pay the six committee clerks now employed by resolution of the House the same compensation and for the same period as is provided for the payment of session clerks employed by the House, $1,080; to be immediately available."

Mr. ELLIS. Mr. Chairman, we have, as is well known, the annual clerks, session clerks employed under the law, and clerks employed by resolution. Our theory is that we pay these clerks, except the session clerks, for four months instead of three. Now this amendment is designed merely to place the clerks employed under resolution upon terms of equality with the session clerks.

Mr. KEIFER. How many of them are there?

Mr. ELLIS. There are six, and three of them, I may state, are probably the hardest worked of any in the whole category of clerks.

Mr. BLOUNT. I suggest to the gentleman that in the division of clerks into annual and session clerks the session clerks receive the smallest pay, so that his amendment proposes to give the clerks to whom it refers the smallest pay that any of the clerks receive.

The amendment was agreed to.

Mr. BRENTS. Mr. Chairman, I offer an amendment to come in at the end of line 707. I send it to the Clerk's desk to be read.

Mr. DINGLEY. Mr. Chairman, before that amendment is offered I would like to ask the gentleman from Indiana [Mr. HOLMAN] if there are not some paragraphs before that which have been reserved?

The CHAIRMAN. The Chair will state to the gentleman from Maine [Mr. DINGLEY] that this amendment applies to one of the reserved paragraphs.

Mr. DINGLEY. But I think there is pending an amendment to the paragraph itself.

The Clerk read the amendment offered by Mr. BRENTS, as follows:

At the end of line 707 insert the following:

"And each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery, and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding $1,200 per annum, as the Secretary of the Treasury shall prescribe."

Mr. HOLMAN. Mr. Chairman, I will reserve the point of order on that amendment.

Mr. COX, of New York. I make the point of order that it is new legislation, and does not retrench expenditures.

The CHAIRMAN. The Chair will hear the gentleman from Washington Territory [Mr. BRENTS] upon the point of order.

Mr. BRENTS. Mr. Chairman, this may be new legislation, but I think it will be found, upon examination, that it does not increase expenditures.

Mr. POTTER. Does it reduce expenditures?

Mr. BRENTS. It may not reduce them, but I can modify it so that it will. If that point is made, I will modify the amendment so as to make the salary $1,199 per annum, and thus save to this impoverished Government $2 a year. These deputy collectors will take the place of the inspectors now required at those ports at a salary of $1,200 each. I am sure that the gentleman will not only withdraw any point of order he may be disposed to make, but will support the amendment because it is in the interest of economy.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read, as follows:

At the end of line 707 insert the following:

"And each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery, and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding $1,199 per annum, as the Secretary of the Treasury shall prescribe."

Mr. BRENTS. Mr. Chairman, I wish to say in support of this amendment that the Secretary of the Treasury, under the authority given in the Revised Statutes of the United States, has designated the ports of Portland, Oregon, and Port Townsend, in Washington Territory, as ports between which and the British colonies of North America merchandise may be carried in bond. This merchandise—and there is a great amount of it—is carried by the railroads which terminate at those two cities and has to be transshipped to the ocean vessels that touch there.

In order that there may be bonded warehouses at those ports this amendment must be made, creating those cities ports of delivery, and the principal object of the amendment is to provide that the warehouses which have been erected by the merchants and shippers may be bonded, so that this merchandise, while being transshipped from the railroads to the steamers and from the steamers to the railroads, may be properly stored, and of course it is obvious that the large commerce of those cities will be greatly facilitated by such a provision of law.

The CHAIRMAN. It is upon the point of order that the chairman desires to hear the gentleman from Washington Territory.

Mr. BRENTS. The point of order has not been made against the amendment as modified, and we have now entered upon the discussion of the merits of the proposition.

The CHAIRMAN. The Chair understood the gentleman from New York [Mr. COX] to make the point of order.

Mr. BRENTS. The gentleman from New York [Mr. COX] made the point of order against the amendment in the form in which it stood originally, but he did not make the point against the amendment as I modified it, and I have been for some time discussing the proposition on its merits.

The CHAIRMAN. The gentleman [Mr. BRENTS] modified his amendment, but the Chair supposed the gentleman desired to be heard on the point of order, and the Chair thinks that the gentleman from New York [Mr. COX] had a right to presume from what occurred that the gentleman proposed to discuss the point of order.

Mr. KEIFER. The gentleman from New York [Mr. COX] does not insist upon the point.

The CHAIRMAN. Does the gentleman from New York [Mr. COX] insist upon the point of order?

Mr. BRENTS. Mr. Chairman, I insist that the gentleman from New York [Mr. COX] can not make the point of order upon this amendment at this time. He has listened to me discussing this proposition upon its merits and has sat in his seat and made no objection, and I insist that he has waived the point of order, and it is now too late for him to renew it.

Now, I submit it is too late for any point of order to be raised, and certainly it seems to me the Chair is going very far in suggesting to the gentleman from New York that he may now make his point of order when perhaps he does not desire to do so, and at any rate has waived his right. I do not intimate, of course, that the Chair wishes to do anything unfair, but I think the gentleman from New York understands the rules of the House sufficiently to take care of himself in a matter of this kind; and, having allowed me to go on and discuss the merits of this proposition, he has waived his point of order.

The CHAIRMAN. The Chair does not think the gentleman from New York requires taking care of; and if he did the Chair would not undertake to do it. [Laughter.]

Mr. BRENTS. No; I do not think the Chair would.

The CHAIRMAN. In this connection the Chair desires to be indulged in a statement of the facts. The gentleman from Washington Territory [Mr. BRENTS] offered his amendment; the gentleman from New York made his point of order; and the Chair then requested the gentleman from Washington Territory to address himself to the point of order. The gentleman proceeded, stating that he would modify his amendment. Those are the facts; and the Chair thinks that the gentleman from Washington Territory having been called upon to speak to the point of order can not prevent the gentleman from New York from making the point if he insists upon it.

Mr. BRENTS. I insist, Mr. Chairman, that the amendment is not subject to the point of order. If the Chair overrules my point that the question of order comes too late, then I am willing to discuss the point of order with the gentleman from New York, or I am willing to submit it to the decision of the Chair without further argument.

Mr. COX, of New York. Mr. Chairman, I propose to develop all the commerce that is possible at the places in which the gentleman is is interested, and since the Committee on Appropriations does not raise any point of order upon the amendment I will withdraw my point.

Mr. BRENTS. I thought you would.

Mr. COX, of New York. My friend is on crutches, and I would not take advantage of him.

Mr. BRENTS. I thank the gentleman very much.

Mr. HOLMAN. I must reserve a point of order on this amendment.

Mr. BRENTS. It is too late.

Mr. HOLMAN. If this amendment be withheld until we come to that part of the bill, possibly I may feel justified in withholding any point of order. But I desire now to offer some amendments from the Committee on Appropriations.

The CHAIRMAN. If the gentleman from Indiana will withhold his amendments, the Chair will rule upon the point of order.

Mr. BRENTS. I understand the gentleman from Indiana simply reserves a point of order, and is willing to allow this matter to rest for the present.

Mr. HOLMAN. I suggest that the gentleman withhold his amendment for the present until we come to that part of the bill.

Mr. BRENTS. Very well; I will do so.

Mr. HOLMAN. I move to amend by striking out in line 1742 the word "six" and inserting "eight," so as to make the appropriation for the public gardener $1,800 instead of $1,600.

Mr. DINGLEY. I call the attention of the gentleman from Indiana to the fact that we are about to pass from the paragraph embracing lines 695 to 707.

Mr. HOLMAN. We will come to that in a moment. I have some amendments to offer.

Mr. DINGLEY. The gentleman proposes to return to that paragraph?

Mr. HOLMAN. Yes, sir.

The question being taken on the amendment of Mr. HOLMAN, it was agreed to.

Mr. HOLMAN. I move to amend, by striking out in line 2405, page 98, the words "two clerks at $1,000," and inserting "one clerk at $1,000, one female clerk at $900," and by changing the total of the paragraph; so as to read "$30,960." The effect of the amendment is to allow one clerk at $1,000 and one at $900, instead of two clerks at $1,000 each.

The amendment was agreed to.

Mr. KEIFER. I have a small amendment to which I hope nobody will object. It is to insert, after the words "journal clerk," in line 199, page 9, the words:

While such positions are held by the present incumbents, and no longer, $3,600 each.

Mr. HOLMAN. I must make a point of order on that amendment.

Mr. KEIFER. The gentleman will remember that this is in accordance with previous legislation in reference to our clerks here who have served a long time. The persons whom this amendment would benefit are the journal clerk (who has occupied his present position for a great many years) and the chief clerk. In the Forty-second Congress there was inserted in the legislative appropriation bill, on motion of the gentleman from Pennsylvania [Mr. RANDALL], this clause:

Chief clerk and journal clerk of the House, while such positions are held by the present incumbents, and no longer, $3,600 each.

This amendment is in precise accord with the legislation then had.

Mr. HOLMAN. This matter was before the Committee on Appropriations. I shall have to insist on the point of order.

Mr. KEIFER. Let the House vote on the question. Everybody is ready to vote for the amendment. I think the gentleman himself will vote for it. This is a plain matter, relating to two clerks who have long been in the service of the House.

The CHAIRMAN. In the opinion of the Chair the amendment changes existing law, while it does not retrench expenditures, and is therefore obnoxious to the third clause of Rule XXI.

Mr. DINGLEY. I offer the following amendment.

The Clerk read as follows:

Insert after line 917:

"That the Secretary of the Treasury be, and is hereby, requested to submit to Congress, at the opening of the next regular session, such modifications of the laws relating to commerce and navigation as will simplify and improve the same, and remove from American vessels, whether engaged in fishing or in domestic or foreign commerce, all unnecessary restrictions and burdens."

The amendment was agreed to.

Mr. DINGLEY. I now withdraw the amendment coming over from Saturday to increase the salary of Commissioner of Navigation from $3,600 to $4,000.

Mr. NEECE. I move the following amendment.

The Clerk read as follows:

In line 455, after the word "class," strike out "one" and insert "two," and then insert "one clerk, $1,000," in line 456, before the word "in;" after the word "all," in line 456, strike out "nineteen thousand one hundred and forty" and insert "twenty thousand three hundred and forty;" so that the whole clause shall read:

"For three commissioners, at $3,500 each; one chief examiner, $3,000; one secretary, $2,000; one stenographer, $1,600; one clerk class 2, and one clerk, $1,000; one messenger, $840; in all, $20,340."

Mr. MILLS. I make the point of order that that changes the law and does not retrench expenditures.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. NEECE. I do not.

Mr. CANNON. I do.

The CHAIRMAN. The gentleman will proceed.

Mr. CANNON. The amendment is not subject to the point of order if it is only for the addition of a clerk at $1,000 and a laborer. Section 171 of the Revised Statutes, with which the Chair is familiar, provides for such number as Congress may from time to time appropriate for. So it has always been held that amendments are in order when for any of the four classes of clerks, but not for clerks above those classes. It is a mere matter of appropriation and not a matter of change of existing law so far as this amendment is concerned.

Mr. MILLS. How much does this appropriate more than the law for this year?

Mr. CANNON. Two more clerks.

Mr. MILLS. Then under the constant rulings in the committee it is not in order, as the existing law is the law for the current year. The Revised Statutes have nothing to do with it. If the existing appropriation law, expiring 30th of June next, changes the Revised Statutes, then that becomes the existing law. If this amendment changes the number of clerks or the appropriation provided in the current law for legislative expenses, then it is amenable to the point of order as changing the law and not retrenching expenses.

Mr. CANNON. I ask the Chair to refer to sections 163, 164, 165, 166, 168, and 169 of the Revised Statutes. And if the Chair will permit me, I will make a single remark, and I would be glad to have the attention of the gentleman from Indiana. Under these clauses of the Revised Statutes these clerks are provided for in all the Departments, and under the construction that has always been given to those sections under Rule XXI of the House, it has always been in order to increase salaries within the four classes. It is a mere matter of appropriation.

It is not in order to increase salaries above $1,800 because they are not provided for in those general clauses of the Revised Statutes. It is as much in order to increase under those clauses the number of clerks as to increase the appropriation for railway service provided for by general law.

Mr. MILLS. The current appropriation bill is the existing law.

Mr. HOLMAN. If I understand correctly the appropriations made in this bill are exactly those authorized by existing law. I submit any increase, therefore, is new legislation.

The CHAIRMAN. The Chair will have read the part of the present law for the civil service.

The Clerk read as follows:

For three commissioners, at $3,500 each; one chief examiner, at $3,000; one secretary, at $2,000; one stenographer, at $1,600; one clerk, at $1,200; and one messenger, at $840; in all, $19,140.

Mr. MILLS. That is the existing law.

The CHAIRMAN. The Chair is of opinion that the amendment offered would change existing law upon that subject. The provisions of law under which the Civil Service Commission is now operating fix the salaries of its officers, and the amendment proposes to increase them. The Chair thinks that it is not competent on an appropriation bill under Rule XXI, section 3, to entertain such an amendment.

Mr. CANNON. May I ask if the Chair holds that this is not a department within the meaning of the section of the Revised Statutes to which I have referred?

The CHAIRMAN. What the Chair holds is that the appropriation bill of last year fixing the salaries at what is provided in this bill is the existing law in contemplation of Rule XXI, section 3. It has been so held by every occupant of the chair without dissent, so far as the present occupant of the chair knows.

Mr. CANNON. Then permit me to ask the Chair if the same rule would not hold where you move to increase the appropriation for star-route service, or for mail service, provided you increase it over and above what the service was receiving for the current year?

The CHAIRMAN. The Chair is of opinion that it would not necessarily follow that it would be in order on this bill to increase the amount that is provided for by the law which created the Civil Service Commission, and under which it has been operating ever since its creation.

Mr. HOLMAN. There are two other amendments to which I wish to call the attention of the committee. The first is in line 702, on page 29 of the bill, which I ask to have read.

The Clerk read as follows:

After the word "shall," in line 702, insert, "execute, when required by the Secretary of the Treasury, bond in such penalty and with such security as the Secretary of the Treasury shall approve, conditioned for the faithful discharge of his duties, and shall."

Mr. HOLMAN. Now, for the purpose of perfecting my own proposition, I move to insert what I send to the desk at the end of the paragraph.

The Clerk read as follows:

After the word "States," in line 707, insert:
"And in carrying into effect the foregoing provision, the President is hereby authorized to rearrange, consolidate, and reduce the collection districts, and change the location of the port or ports of entry in any district."

Mr. MILLS. I object to that amendment. It changes existing law.

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Indiana.

Mr. MILLS. I make the point of order upon it that it changes existing law.

Mr. HOLMAN. Upon its face this proposition reduces expenditures by reducing the number of districts, and the Chair will perceive that under the law each district has at least one port of entry, generally but one, although in the confusion of our legislation some instances occur where more than one has been established.

Now the consolidation of the districts reduces expenditures. It reduces the number of districts to begin with, and every district of course has at least one port of entry under the law, and is provided with a clerk. It could not be a district without a port of entry, and there can not be a port of entry without a clerk and a salary. So the power to reduce, which is conferred by this amendment, necessarily retrenches expenditures, and contemplates its reduction.

Mr. MILLS. It must show affirmatively upon its face that it does retrench expenditures to be within the rule.

Mr. HOLMAN. And another word in this connection. My friend from Texas will see the importance of this, because the other provision would be imperfect without it, and that is already before the committee.

Mr. MILLS. Mr. Chairman, I object to this proposition, and I do so because of the importance of the subject with which it deals. It is too great entirely in its importance to be legislated upon in this hurried manner. It is a subject that demands careful consideration. If you confer upon the President the power to abolish or rearrange these districts the result of such a power can never be determined in advance. You do not know how it would be executed. Ports of entry may be established year after year. Others may be established, and new districts may be created instead of the old ones.

It is a subject which has been already considered by our committee. The result of this would be that at the next session of Congress there would be innumerable petitions and bills introduced here asking for a rearrangement of these districts. It ought to be left to a committee of this House to look into the subject carefully and rearrange these districts after mature consideration, and it is a power that ought not to be given into the hands of any one man. This would only complicate the matter, and enlarge the difficulties which are already complained of.

Mr. HOLMAN. Just a word further. This confers upon the President exactly the same power in regard to customs districts that he possesses now in reference to internal-revenue districts. Under that power, as all are aware, the internal-revenue districts have been reduced from one hundred and twenty-six to eighty-five, and it is proposed to confer upon him the same power over these customs districts.

My friend from Texas will see that there is already a provision in the bill which authorizes the discontinuance of ports of entry where the revenues are less than the expenses, and this is simply a provision to carry that into effect.

Mr. MILLS. That was an invasion. I want to draw the distinction between internal-revenue districts and collection of customs districts. The Internal Revenue Department has nothing, I repeat, to do but to go and collect the taxes and pay them to the Government. But your ports of entry directly affect your whole trade; it affects all the trade of our people with foreign countries.

Mr. LONG. The one is very simple; the other is very complex.

Mr. MILLS. Very complex indeed.

Mr. HOLMAN. I ask to be permitted to say a single word. This proposition is in harmony with the views of, and substantially came from, the late Secretary of the Treasury in a report made to the House under a requisition made upon him contained in one of the appropriation bills. It is substantially, almost in words, the very proposition which came down to us from the Treasury; and, according to the statement of the Secretary of the Treasury, it would reduce the expenses of that branch of the service over $1,000,000.

Mr. MILLS. The Committee on Appropriations have nothing to do with this question.

The CHAIRMAN. There is one portion of the amendment which is in this language:

And in carrying into effect the foregoing provision the President is hereby authorized to rearrange—

If it had stopped there the Chair would have no doubt the gentleman's point of order was well taken; but it proceeds—

consolidate, and reduce the collection districts, and change the location of the port or ports of entry in any district.

It changes existing law beyond all question. But if it changes existing law by reducing the number of collection districts, it seems to the Chair it must necessarily reduce expenditures.

Mr. MILLS. Not necessarily; because there may still be the same number of officers.

The CHAIRMAN. The Chair is in doubt upon the question, and will submit it to the committee. The question is, Shall the point of order made upon this amendment be sustained?

Mr. KING addressed the Chair.

The CHAIRMAN. For what purpose does the gentlemen from Louisiana rise?

Mr. KING. The committee is in such confusion that we can not hear the Chair.

The CHAIRMAN. The point of order is well taken. The committee will be in order. The question is, Shall the point of order submitted by the gentleman from Texas [Mr. MILLS] be sustained?

Mr. BAYNE. Will the Chair say what it is? We have not been able in this part of the Hall to understand what was going on.

The CHAIRMAN. The point of order is that the amendment offered by the gentleman from Indiana [Mr. HOLMAN] does not retrench expenditures; that it changes existing law, and hence is obnoxious to Rule XXI, section 3.

Mr. BROWN, of Pennsylvania. What was that amendment?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After the word "States," in line 707, insert:
"And in carrying into effect the foregoing provision the President is hereby authorized to rearrange, consolidate, and reduce the collection districts and change the location of the port or ports of entry in any district."

The question having been submitted to the committee, the point of order was sustained.

The CHAIRMAN. The question recurs on the first amendment offered by the gentleman from Indiana [Mr. HOLMAN].

Mr. BROWN, of Pennsylvania. I ask that it be again read.

The amendment was again read.

The question being taken on the amendment, it was adopted.

Mr. MILLIKEN. I move to amend by striking out the whole paragraph from line 695 to line 707, inclusive.

The amendment was not agreed to.

Mr. DINGLEY. I move to strike out the last word for the purpose of calling the attention of the gentleman from Indiana to one difficulty that will arise under the provision as it stands now in this bill. It is this:

Such deputies to receive only the fees collected thereat as compensation for their services.

Now, in every collection district there are three classes of ports: First, ports of entry; second, ports of delivery; and third, ordinary ports. The amendment of the gentleman from Indiana, as introduced here, provides simply for ports of entry, and it provides that instead of the ordinary collector being appointed at certain classes of ports of entry a deputy collector shall be appointed.

Mr. HOLMAN. With the powers of a collector.

Mr. DINGLEY. With the powers of a collector, the only effect be-

ing to reduce the salary. It would be better, if the object is to reduce the compensation, to provide distinctly for a reduction of compensation, and not to set up a class of officers known as deputy collectors who have certain powers that do not belong to deputy collectors under the law.

[Here the hammer fell.]

Mr. LONG was recognized, and yielded his time to Mr. DINGLEY.

Mr. DINGLEY. Again there is a certain class of ports where deputy collectors now act, particularly fishing ports, where all the fees received amount to only $100, $200, and in many cases not exceeding $300. Yet the duties of the deputy collector at such port are of such a character in giving licenses to fishing-vessels as to occupy the whole attention of that officer. If the compensation of that officer is limited to the fees of that port they will not in many cases exceed $100 or $200; and it will be absolutely impossible to supply officers at such ports as these.

While I am in harmony with the object the gentleman from Indiana has in this portion of the bill, it seems to me that the provisions by which he proposes to execute it may introduce inextricable confusion into our collection districts.

Mr. HOLMAN. I have but a word to say in answer to the gentleman from Maine. It is this: the fees of the collectors and deputies are very ample. As all gentlemen are aware, if the amount of fees is small the services are correspondingly small.

Mr. DINGLEY. But the gentleman will bear in mind that there are many services rendered by deputy collectors to which there are no fees attached.

Mr. HOLMAN. I know; but there are fees for almost every service rendered, and certainly if an officer of this class receives all the fees he must receive sufficient compensation. There are many of these ports which do not pay a cent into the Treasury, and where the office of collector is a mere sinecure. We pay out some hundreds of thousands of dollars a year for these offices without any services being rendered in return, and the late Secretary of the Treasury, one of the wisest and most prudent of our public men, assured Congress at the last session that this was a measure which could be safely carried out.

Mr. DINGLEY. The Secretary recommended not this, but the consolidation of the small collectorships. I withdraw the *pro forma* amendment.

Mr. LONG. I renew the amendment, Mr. Chairman, simply for the purpose of saying that it is evident, from the discussion so far, that with regard to this section we are "going it blind." We are informed that the Committee on Ways and Means have had this whole subject under consideration, and that they are satisfied they can not recommend any measure for adoption by the House at this short session. I believe it is desirable that we should strike out this whole paragraph, and I make that motion.

Mr. HOLMAN. Mr. Chairman, that motion has been made already.

Mr. LONG. No, Mr. Chairman. The motion made was to strike out from line 695 to line 702, inclusive; but my motion is to strike out the whole paragraph.

Mr. HOLMAN. Before the vote is taken I wish to say a word, and that is that this very measure was passed by the House at the last session.

Mr. LONG. But it did not become law.

Mr. HOLMAN. No; the Senate struck it out; but I trust that this side of the House will see to it that a measure which was regarded as proper and was passed by this House at the last session shall not now be abandoned.

Mr. MILLIKEN. Mr. Chairman, I move to strike out the last word. I presume the purposes of this paragraph are, as stated by the gentleman from Indiana [Mr. HOLMAN], those of retrenchment, but I feel quite assured that in no other way could he do more to effect a contrary purpose than by enacting this paragraph into law. I am as much in favor of retrenchment as he, but what does this provision do in my own State? It strikes out a cordon of custom-houses, extending from the mouth of the Kennebec River to the New Brunswick line, along a seacoast two hundred miles in length, on which there are so many harbors and inlets that, if you follow the indentations of the coast, the distance is more than a thousand miles. There is presented the grandest opportunity for smuggling that is to be found anywhere upon the whole Atlantic coast.

These custom-houses are the police officers that guard that coast, and although it may be true that some of them do not pay directly quite as much as they cost, yet I repeat what I said here at the last session, that when you abolish these collectorships you will find that the ports of Boston and New York will not pay as much into the Treasury as they do now. Why, sir, I knew $30,000 to be collected at one time right in my own city as a penalty for smuggling, and the result was that for a time it ceased; but with this provision enacted into law it will prevail more than ever. You do not abolish your police force or your police court here in Washington because the fees that they collect do not pay the cost of maintaining them, or because they are not always employed. The very fact that you have police officers here deters men from committing crime. So the very fact that you have this cordon of custom-houses all along this two hundred miles of seacoast and one hundred and fifty miles of frontier deters men from infracting your revenue laws and smuggling into this country millions of dollars' worth of goods that to-day come in regularly and pay duty. [Cries of "Vote!" "Vote!"]

The question was taken on the amendment offered by Mr. LONG; and there were—ayes 67, noes 75.

Mr. MILLIKEN and Mr. MILLS demanded tellers.

Several MEMBERS. No quorum voting.

Tellers were ordered; and Mr. HOLMAN and Mr. LONG were appointed.

The committee again divided; and the tellers reported—ayes 97, noes 77.

So the amendment was agreed to.

Mr. HOLMAN. I now move that the committee rise and report the bill with the amendments to the House.

Mr. BRENTS. My amendment is still pending.

Mr. BLANCHARD. Regular order!

Mr. BRENTS. I am entitled to the floor by consent of the Committee of the Whole. A while ago my amendment was left pending.

The CHAIRMAN. The Chair has uniformly held that the gentleman in charge of the bill is entitled to recognition to control its management.

Mr. BRENTS. But my amendment is pending and undisposed of.

The CHAIRMAN. The Chair had no information to that effect.

Mr. BRENTS. Such is the fact.

The CHAIRMAN. The Chair is now informed that the gentleman withdrew his amendment.

Mr. BRENTS. No; never in the world. It was simply passed over by consent.

The CHAIRMAN. If that be so the gentleman is entitled to have his amendment considered, and the Chair will endeavor to secure such consideration.

Mr. HOLMAN. I withdraw my motion that the committee rise.

The CHAIRMAN. The gentleman from Washington Territory [Mr. BRENTS] is now recognized.

Mr. BRENTS. At the time this arrangement was entered into by consent, I had been discussing the amendment which I proposed, and had made a statement of the facts. If there is no further opposition I will not take up the time of the Committee of the Whole by debate.

Mr. HOLMAN. I hope the proposition of the gentleman will be read.

The Clerk read as follows:

After line 694 insert:

"And that each of the cities of Tacoma and Seattle, in Washington Territory, shall be, and it is hereby, made a port of delivery; and the deputy collector who shall be stationed at each of them shall receive such compensation, not exceeding $1,199 per annum, as the Secretary of the Treasury shall prescribe."

Mr. BLOUNT. I desire to raise a question of order on that amendment.

Mr. BRENTS. It is too late.

The CHAIRMAN. The gentleman from Georgia will state his point of order.

Mr. BLOUNT. The amendment changes existing law and does not reduce expenditures in either of the modes specified by the rule.

Mr. BRENTS. This amendment is not offered now; it was offered some time ago.

The CHAIRMAN. The gentleman from Washington Territory will address himself to the point of order of the gentleman from Georgia.

Mr. BRENTS. But I trust the Chair will allow me to make a point of order against the point which the gentleman from Georgia now proposes to make. I submit that his point of order comes too late. This amendment was offered some time ago; the gentleman from New York [Mr. COX] made a point of order against it; it was then modified; the discussion was entered upon. I proceeded to discuss not only the point of order but the merits of this proposition. The gentleman from New York then undertook to make another point of order. I objected on the ground that the point of order was too late. Finally the gentleman from New York withdrew and abandoned his point of order. Then the gentleman from Indiana [Mr. HOLMAN] said that he would make a point of order; and I objected. Then the matter by consent was allowed to rest until we should come to this part of the bill, the gentleman from Indiana remarking that he might not insist on the point of order. Still I did not waive the point of order that he was too late.

The CHAIRMAN. But is it not true that the gentleman from Indiana at no time withdrew the point he had made?

Mr. BRENTS. The gentleman did not make it until long after it was too late to make it—after the merits had been discussed.

Mr. BLOUNT. Before insisting on the point of order I would like to ask the gentleman whether the Treasury Department has recommended these ports of delivery?

Mr. BRENTS. Certainly it has—repeatedly.

Mr. BLOUNT. I supposed that the proposition came in without due consideration. I do not press the point of order.

Mr. SPRINGER. Why does the gentleman make the salary $1,199 instead of $1,200?

Mr. BRENTS. To obviate the point of order made a while ago that the amendment did not reduce expenditures. These deputy collectors

might under the law receive a salary of $1,200 each; but I have modified the amendment so as to save this great Government the sum of $2 a year.

Mr. SPRINGER. I think we ought to give the even $1,200. I move to amend the gentleman's amendment in that respect.

Mr. BRENTS. I accept the amendment.

Mr. SPRINGER. There is no use of stickling about a dollar or two.

The amendment of Mr. BRENTS as modified was adopted.

Mr. HOLMAN. I move that the committee now rise and report the bill with the amendments to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker *pro tempore*, Mr. MCMILLIN reported that the Committee of the Whole House on the state of the Union had, according to order, had under consideration the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, and had directed him to report back the same with sundry amendments and a recommendation that the bill pass as amended.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that it insisted on its amendments to the bill (H. R. 7970) making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes, disagreed to by the House, agreed to the conference asked for, and had appointed Mr. DAWES, Mr. ALLISON, and Mr. PLUMB as managers of said conference on its part.

FRENCH AND AMERICAN COMMISSIONS.

The SPEAKER laid before the House the following message from the President of the United States; which was referred to the Committee on Foreign Affairs, and ordered to be printed:

To the House of Representatives:

In response to the resolution of the House of Representatives of the 9th of January, 1885, calling for certain correspondence concerning the transactions of the late French and American Commission, I transmit herewith a report of the Secretary of State of the 16th instant in relation to the subject.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
Washington, February 17, 1885.

ENROLLED BILLS SIGNED.

Mr. NEECE, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2246) to provide for the purchase of additional land for the uses of the public building in the city of New Bedford, State of Massachusetts; when the Speaker *pro tempore* signed the same.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; when the Speaker *pro tempore* signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. REAGAN, for the balance of the day, on account of sickness.

To Mr. HATCH, of Missouri, for the remainder of the day, on account of sickness.

GEORGE COUSINS.

On motion of Mr. PATTON, by unanimous consent, the bill (H. R. 5820) for the relief of George Cousins was recommitted to the Committee on Military Affairs, together with the accompanying report.

JURISDICTION OF UNITED STATES COURTS.

Mr. TUCKER, by unanimous consent, introduced a bill (H. R. 8247) to define the jurisdiction of the circuit and district courts of the United States in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NATIONAL CEMETERY, BAXTER SPRINGS, KANS.

Mr. PERKINS. Mr. Speaker, by unanimous consent I wish to make a statement. Some time ago various petitions asking for an appropriation to establish a national cemetery at Baxter Springs, Kans., were referred in this House, but no entry was made in the Journal of that fact. I now ask that they be received, and referred to the Committee on Appropriations.

There was no objection, and it was ordered accordingly.

TIME FOR TAKING A RECESS.

Mr. WILLIS. I rise to make a privileged motion. I understand the gentleman from Indiana [Mr. HOLMAN] states that he expects to get through with the legislative, &c., appropriation bill by 6 o'clock this evening. I ask at that time the House take a recess until 10 o'clock to-morrow morning.

Mr. BROWN, of Pennsylvania. I shall object unless the understanding is that before 11 o'clock to-morrow the House shall adjourn.

Mr. WILLIS. There is no objection to that.

Mr. BROWN, of Pennsylvania. Very well, with that understanding I do not object.

The motion of Mr. WILLIS was then agreed to.

Mr. WILLIS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RUPERT G. HILL.

Mr. STEELE. I rise to a question of privilege. The Committee on Military Affairs was furnished with erroneous information on the subject of the restoration of a certain man to the Army, and the committee want to withdraw that bill.

The SPEAKER *pro tempore*. What is the bill?

Mr. STEELE. It is the bill (H. R. 5714) for the relief of Rupert G. Hill.

The SPEAKER *pro tempore*. The Chair hears no objection, and the bill is withdrawn by unanimous consent.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I move the previous question on the bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, reported from the Committee of the Whole House on the state of the Union with sundry amendments.

The previous question was ordered.

Mr. HOLMAN. I ask by unanimous consent that the amendments be agreed to, with the exception of the one reducing the number of ports of entry.

There was no objection, and it was ordered accordingly.

The SPEAKER *pro tempore*. The pending question is on striking out the following:

That the President of the United States be, and he is hereby, authorized and directed to discontinue the appointment and services of officers at ports of entry in all cases where for two successive years last past the revenues collected at such ports are less than the salary and expenses of the officers employed in the duties thereof: *Provided, however*, That the President may appoint a deputy collector at any such port, in his discretion, who shall execute, when required by the Secretary of the Treasury, bond in such penalty and with such security as the Secretary of the Treasury shall approve, conditioned for the faithful discharge of his duties, and shall perform all duties pertaining to such port, such deputies to receive only the fees collected thereat as compensation for their services; but if at any such port such fees collected in any one year shall exceed $1,500, such excess shall be paid into the Treasury of the United States.

The House divided; and there were—ayes 84, noes 76.

Mr. HOLMAN. I demand the yeas and nays.

The House divided; and there were—ayes 26, noes 168.

So (one-fifth not having voted in the affirmative) the yeas and nays were not ordered.

The motion to strike out was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER *pro tempore*. Under the rules the yeas and nays will be taken on the passage of the bill.

Mr. SPRINGER. I ask unanimous consent to offer a resolution at this time with reference to an additional force required for the enrollment—— [Cries of "Regular order!"]

The SPEAKER *pro tempore*. Under the rule the yeas and nays must be called upon this bill.

Mr. CANNON. Mr. Speaker, I wish to ask if we can not by unanimous consent dispense with the call of the roll.

The SPEAKER *pro tempore*. The Chair will state that the rule does not permit it.

Mr. SPRINGER. I wish to state that the clerk wants additional assistance in the enrolling-room, and this resolution that I seek to offer is to permit that increase. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The Clerk will call the roll.

The question was taken upon the passage of the bill; and there were—yeas 210, nays 3, not voting 111; as follows:

YEAS—210.

Aiken,	Buchanan,	Davis, L. H.	Geddes,
Alexander,	Budd,	Deuster,	George,
Arnot,	Burleigh,	Dibble,	Glascock,
Atkinson,	Burnes,	Dibrell,	Goff,
Bagley,	Cabell,	Dingley,	Green,
Ballentine,	Caldwell,	Dixon,	Greenleaf,
Barbour,	Campbell, Felix	Dockery,	Guenther,
Barksdale,	Campbell, J. E.	Dorsheimer,	Halsell,
Barr,	Candler,	Dowd,	Hammond,
Bayne,	Cannon,	Dunn,	Hardeman,
Beach,	Carleton,	Eaton,	Hardy,
Belmont,	Clardy,	Eldredge,	Hart,
Bennett,	Clements,	Elliott,	Hatch, H. H.
Bisbee,	Collins,	Ellis,	Haynes,
Blackburn,	Connolly,	Ellwood,	Hemphill,
Blanchard,	Cosgrove,	English,	Henderson, T. J.
Bland,	Covington,	Ermentrout,	Hewitt, A. S.
Blount,	Cox, S. S.	Evans,	Hewitt, G. W.
Boutelle,	Cox, W. R.	Everhart,	Hill,
Boyle,	Crisp,	Fiedler,	Hiscock,
Brainerd,	Culbertson, W. W.	Finerty,	Hitt,
Bratton,	Cullen,	Follett,	Holman,
Breckinridge,	Cutcheon,	Forney,	Houseman,
Broadhead,	Dargan,	Funston,	Howey,
Brown, W. W.	Davidson,	Fyan,	Hunt,
Browne, T. M.	Davis, G. R.	Garrison,	Hurd,

James	Morrill,	Rogers, J. H.	Tillman,
Jeffords,	Moulton,	Rogers, W. F.	Townshend,
Jones, J. H.	Muldrow,	Rosecrans,	Tucker,
Jones, J. T.	Murphy,	Rowell,	Turner, H. G.
Kean,	Neece,	Ryan,	Valentine,
Keifer,	Nelson,	Seney,	Van Alstyne,
Ketcham,	Nutting,	Seymour,	Vance,
Kleiner,	Oates,	Shively,	Van Eaton,
Lanham,	Ochiltree,	Skinner, C. R.	Wakefield,
Le Fevre,	O'Hara,	Skinner, T. G.	Wallace,
Lewis,	Parker,	Slocum,	Warner, Richard
Libbey,	Patton,	Smalls,	Washburn,
Long,	Pierce,	Smith, H. Y.	Weaver,
Lore,	Peel,	Spooner,	Wellborn,
Lowry,	Perkins,	Springer,	Weller,
Lyman,	Peters,	Steele,	Wemple,
McAdoo,	Pettibone,	Stephenson,	White, Milo
McComas,	Potter,	Stevens,	Willis,
McCormick,	Price,	Stewart, Charles	Wilson, James
McMillin,	Pryor,	Stockslager,	Wilson, W. L.
Millard,	Pusey,	Strait,	Winans, E. B.
Miller, J. F.	Ranney,	Struble,	Wolford,
Miller, S. H.	Ray, G. W.	Sumner, D. H.	Woodward,
Milliken,	Reid, J. W.	Talbott,	Worthington,
Mills,	Rice,	Taylor, J. D.	Yaple.
Mitchell,	Riggs,	Taylor, J. M.	
Money,	Robertson,	Thomas,	

NAYS—3.

Clay,	Turner, Oscar	York.

NOT VOTING—111.

Adams, G. E.	Hancock,	Matson,	Shaw,
Adams, J. J.	Harmer,	Maybury	Singleton,
Anderson,	Hatch, W. H.	Morgan,	Smith, A. Herr
Belford,	Henderson, D. B.	Morrison,	Snyder,
Bingham,	Henley,	Morse,	Spriggs,
Bowen,	Hepburn,	Muller,	Stewart, J. W.
Breitung,	Herbert,	Murray,	Stone,
Brewer, F. B.	Hoblitzell,	Mutchler,	Storm,
Brewer, J. H.	Holmes,	Nicholls,	Sumner, C. A.
Brumm,	Holton,	O'Ferrall,	Swope,
Buckner,	Hooper,	O'Neill, Charles	Taylor, E. B.
Campbell, J. M.	Hopkins,	O'Neill, J. J.	Thompson,
Cassidy,	Horr,	Paige,	Throckmorton,
Chalmers,	Houk,	Payne,	Tully,
Cobb,	Hutchins,	Payson,	Wadsworth,
Converse,	Johnson,	Phelps,	Walt,
Cook,	Jones, B. W.	Poland,	Ward,
Craig,	Jones, J. K.	Post,	Warner, A. J.
Culberson, D. B.	Jordan,	Randall,	White, J. D.
Curtin,	Kelley,	Rankin,	Whiting,
Davis, R. T.	Kellogg,	Ray, Ossian,	Wilkins,
Dunham,	King,	Reagan,	Williams,
Ferrell,	Lacey,	Reed, T. B.	Winans, John
Findlay,	Laird,	Reese,	Wise, G. D.
Foran,	Lamb,	Robinson, J. S.	Wise, J. S.
Gibson,	Lawrence,	Robinson, W. E.	Wood,
Graves,	Lovering,	Rockwell,	Young.
Hanback,	McCoid,	Russell,	

So the bill was passed.

Mr. SKINNER, of New York. I ask unanimous consent to dispense with the reading of the names.

There was no objection.

The following pairs were announced on all political questions until further notice:

Mr. MORRISON with Mr. JOHN S. WISE.

Mr. SHAW with Mr. LAIRD.

Mr. RANKIN with Mr. KELLOGG.

Mr. LAMB with Mr. KETCHAM.

Mr. POST, of Pennsylvania, with Mr. HOUK.

Mr. THROCKMORTON with Mr. EZRA B. TAYLOR.

The following gentlemen were announced as being paired for this day:

Mr. REESE with Mr. JOHNSON.

Mr. CULBERSON, of Texas, with Mr. REED, of Maine.

Mr. O'NEILL, of Missouri, with Mr. BINGHAM.

Mr. MULLER with Mr. DUNHAM.

Mr. JORDAN with Mr. HENDERSON, of Iowa.

Mr. HERBERT with Mr. HEPBURN.

Mr. JONES, of Arkansas, with Mr. HARMER.

Mr. FERRELL with Mr. ADAMS, of Illinois.

Mr. MURRAY with Mr. ANDERSON.

Mr. NICHOLLS with Mr. ROCKWELL.

Mr. MAYBURY with Mr. LACEY.

Mr. GEORGE D. WISE with Mr. RUSSELL.

Mr. PAIGE with Mr. BREWER, of New Jersey.

Mr. THOMPSON with Mr. CRAIG.

Mr. WOOD with Mr. RAY, of New Hampshire.

Mr. BUCKNER with Mr. WAIT.

Mr. SNYDER with Mr. HANBACK.

The result of the vote was then announced as above recorded.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WARNER, of Tennessee, from the Committee on Enrolled Bills, reported that they had examined and found duly enrolled a bill of the following title; when the Speaker *pro tempore* signed the same:

A bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

ADDITIONAL ENROLLING CLERKS.

Mr. NEECE. I desire to submit a privileged resolution. This is a resolution, I will say, which is asked for by the Clerk of the House, asking an additional service in the enrolling-room.

The SPEAKER *pro tempore*. The Chair will state that the Clerk of the House has reported that he wants to get this legislative bill enrolled, if possible, to-night, and it is important to get the resolution which the gentleman from Illinois proposes adopted, if possible. The resolution will be read, after which the Chair will ask for objections.

The Clerk read as follows:

Resolved, That the Clerk of the House be authorized to employ not exceeding two additional clerks, to assist the enrolling clerk for the remainder of this session, at a rate of compensation to be fixed by the Committee on Accounts, and to be paid out of the contingent fund of the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was agreed to.

Mr. NEECE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE JEANNETTE EXPEDITION.

Mr. BUCHANAN, by unanimous consent, from the Committee on Naval Affairs, submitted a report of an investigation directed by the House into the facts connected with the Jeannette expedition; which was ordered to be printed and laid on the table.

LEAVE TO PRINT.

Mr. MCADOO. I ask unanimous consent for permission to print in addition to my remarks delivered to-day, on the subject of the abuses of fraud detectives, so called in the Treasury Department, a letter from the Secretary of the Treasury.

There was no objection.

[The letter appears on page 1807.]

EXTENSION OF FREE-DELIVERY SYSTEM.

Mr. SKINNER, of New York (in behalf of Mr. COSGROVE), from the Committee on the Post-Office and Post-Roads, by unanimous consent, reported, as a substitute for H. R. 1070, a bill (H. R. 8248) to extend the free-delivery service; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RETIREMENT OF GENERAL GRANT.

Mr. SKINNER, of New York. Mr. Speaker, I ask unanimous consent to print a paragraph containing a resolution of the senate of the State of New York with reference to the bill for the retirement of General Grant.

There was no objection.

The resolution is as follows:

ALBANY, N. Y., *February* 10.

The senate to-day by a unanimous vote, only that Senator Robb voted nay, passed the following preamble and resolutions:

Whereas Mr. GEORGE F. EDMUNDS on January 13, 1885, introduced in the Senate of the United States a bill to authorize an additional appointment on the retired-list of the Army, which bill has passed the Senate and is now awaiting action in the House of Representatives; and

Whereas said bill is intended to create a position on the retired-list of the Army for that illustrious soldier, Ulysses S. Grant:

Resolved, That our Representatives in Congress are requested to vote for the bill and urge a measure which will place General Grant upon the retired-list.

ORDER OF BUSINESS.

Mr. WILLIS. I ask unanimous consent that the House may now take a recess until to-morrow at 10 o'clock, instead of waiting until the hour fixed by the House during the day.

There was no objection; and accordingly (at 5 o'clock and 55 minutes p. m.) the House took a recess until to-morrow morning at 10 o'clock.

AFTER RECESS.

The recess having expired, the House reassembled at 10 o'clock a. m. (Wednesday, February 18).

DISTRICT APPROPRIATION BILL.

Mr. FOLLETT. I present a report from a committee of conference.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 21.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 6, 7, 8, 10, 23, 36, 37, 38, 39, 42, 43, 47, and 50, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "*Provided*, That all moneys which have been or may hereafter be legally retained from contractors shall be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury to the credit of the United

States and of the District of Columbia in equal parts;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: Substitute for the matter stricken out by said Senate amendment the following: "including compensation not exceeding $600 for additional labor or services;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$6,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: Strike out after the word "hospital" in the amended paragraph the words "of the," and insert in lieu thereof the words "association of Washington;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the number proposed insert "ninety-five;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$339,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "And held in the manner provided in this act for the police fund;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: Strike out on page 17, in lines 6 and 7 of the bill, the following words: "accident while in actual performance of duty or by service," and insert in lieu thereof the following: "injury received or disease contracted in line of duty, or having served;" and strike out in line 10, same page, the word "accident" and insert in lieu thereof the words "injury or disease;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: "In lieu of the sum proposed insert "$554,930;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$390,000;" and the Senate agree to the same.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.
P. B. PLUMB,
H. L. DAWES,
F. M. COCKRELL,
Managers on the part of the Senate.

Mr. FOLLETT. I ask that the reading of the statement by the managers on the part of the House be dispensed with.

There was no objection.

The statement is as follows:

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year 1886 submit the following written statement in explanation of the effect of the action recommended in the accompanying conference report:

If the action recommended by the conference committee is agreed to the bill as it passed the House will be changed as follows:

The salary of the assistant inspector of buildings is increased from $1,000 to $1,200.

Fifteen thousand dollars is added for defraying the expenses of assessing real property in the District.

A provision is inserted that all moneys which have been or may hereafter be legally retained from contractors shall be invested in bonds of the United States or the District of Columbia and held by the Treasurer of the United States, and any sum which has been or shall be realized from such investments in excess of the amounts due to contractors shall be deposited in the Treasury to the credit of the United States and of the District of Columbia in equal parts.

The police force is increased five, at $900 each.

The sum for teachers in the public schools is increased from $385,000 to $390,000.

A provision is inserted that hereafter the supply of Potomac water may be extended to points in the District beyond the limits of Washington and Georgetown upon like terms and conditions as are provided by law for the supply of the same in those cities.

The amount appropriated by the bill as it passed the House was $1,707,328.46; as it passed the Senate, $1,725,643.46; as agreed upon in conference, $1,716,643.46.

JOHN F. FOLLETT,
J. G. CANNON,
Managers on the part of the House.

Mr. FOLLETT. I move concurrence in the report of the committee of conference.

The motion was agreed to.

Mr. FOLLETT moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WILLIS. I ask that when the Committee of the Whole House on the state of the Union resumes consideration of the river and harbor bill the amendments for convenience of the clerks shall be considered in the order of the paragraphs of the section under consideration to which they may be offered.

There was no objection, and it was so ordered.

GRACE F. EDES.

Mr. KEAN, by unanimous consent, introduced a bill (H. R. 8249) granting an increase of pension to Grace F. Edes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

JOHN R. M'GOLDRICK.

Mr. BLANCHARD, by unanimous consent, introduced a bill (H. R. 8250) for the relief of John R. McGoldrick, of Louisiana; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

R. D. BECKLEY AND L. HOWARD.

Mr. YOUNG, by unanimous consent, introduced the following resolution; which was referred to the Committee on Accounts:

Resolved, That the Clerk be, and he is hereby, authorized to pay out of the contingent fund of the House to R. D. Beckley and Leon Howard, for services as messengers, the difference between the pay of laborers received by them and that of messengers, from the 2d of January, 1884, to the 7th of July, 1884, and from the 1st of December, 1884, to the 4th of March, 1885, nine months and six days, at the rate of $40 per month, $736.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. WILLIS. I move that the House resolve itself into Committee of the Whole House on the state of the Union.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. HAMMOND in the chair), and resumed the consideration of the bill (H. R. 8130) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The CHAIRMAN. The Chair will state that under the order of the House limiting all debate on the pending section to one hour and a half, one-half hour for the friends of the bill and an hour for its opponents, there was an endeavor to divide the time, so that ten minutes should be consumed on the one side and five minutes on the other alternately. On account of the absence of certain gentlemen, whom the Chair had agreed to recognize, their places were filled by others; and it has therefore occurred that the twenty minutes now remaining of the time for debate belong to the opponents of the bill. The gentleman from Pennsylvania [Mr. BAYNE] is recognized for five minutes.

Mr. BAYNE. I took the position as an opponent of this bill because there were at the time this arrangement was made certain provisions in the bill which I could not consent to, and I should have voted against it if those provisions had not been amended or stricken out. I know, however, from the action of the committee and from the statement made by its chairman that two of the most objectionable features in the bill will be stricken out, but there are two remaining which are seriously objectionable.

The first of these is the creation of a board to examine the jetty system at various points, to consist of seven members, four from civil life, two from the Engineer Corps, and one from the Coast and Geodetic Survey. I think that the United States Engineer Corps should preponderate on that board, and that four should come from the Engineer Corps, one from the Coast and Geodetic Survey, and two from civil life.

I am not disposed to strike down the present Engineer Corps of the Army. I believe that it is an honest and honorable service. As to its entire capability I do not know; but I believe that if we impose upon it restrictions and require at its hands a more rigorous performance of its duty in the light of the judgment of the engineers we will get a better service and we will get more valuable recommendations. I shall move to amend that provision so as to take four members of the board from the Engineer Corps, one from the Coast and Geodetic Survey as it stands in the bill, and the other two from civil life.

Another provision in this bill which is objectionable, in connection with which appropriation should not be made until a more full investigation is had and a better plan understood, is this immense appropriation for the lower Mississippi River. The $2,800,000 to be applied to that river is in my opinion thrown away, except in so far as that money should be used to take snags out of the river and to dredge bars in that river; and I think it unwise on the part of Congress to expend that vast amount of money in a way and upon a plan which is conceded to be a failure.

It was recognized to be a failure, and the proposition to make Captain Eads supervisory engineer of the Mississippi River Commission was intended, if possible, to lift that commission out of the difficulties into which it had got, the hope being that Captain Eads might devise some plan by which this money could be profitably expended. I will ask leave to print in connection with my remarks an article recently printed in the American Engineer, at Chicago, which goes into an examination of the present system of the Mississippi River Commission, and in my opinion proves, if language can prove it, that the system which they are now pursuing for the improvement of the navigation of the lower Mississippi River must inevitably fail—that it can not possibly result in the permanent improvement of that river. Yet here we are appropriating vast sums of money on the theory that this is to be a permanent improvement. I feel toward that river as any other patriotic American does—that if a large expenditure of money will secure the permanent improvement of its navigation I am willing to vote a large amount of money for that purpose, but I am unwilling to vote this large amount when I am convinced the money is being expended to no good end, or at least that the results obtained from its expenditure are nothing like equivalent to the value of the money expended. Therefore, when we come to that provision in the bill, I shall move that the amount appropriated to the Lower Mississippi River shall be very

largely reduced. I ask leave to print the article to which I have referred in connection with my remarks.

Mr. THOMAS. I object.

Mr. BAYNE. The gentleman objects——

Mr. WILLIS. General leave has been granted.

Mr. BAYNE. Very well. Then I will have this article printed, despite the gentleman's objection.

Mr. THOMAS. General leave has been given to print remarks, but not extracts from newspapers, and I object.

The CHAIRMAN. The Chair has no right to dictate or discriminate as to what shall be printed as a part of a gentleman's remarks.

Mr. POTTER. Mr. Chairman, I desire to call the attention of the committee for a few moments especially to the clause in this bill in relation to the Hennepin Canal. When this question was under consideration at the last session of Congress I made a few remarks upon the subject, and upon the most careful examination and reflection that I have been able to give to it I am confirmed in every opinion I then expressed. The proposition now is that this Government shall enter into a new and broad field of expenditure, of which no man can see the end.

In the improvement of our natural water ways, our rivers and our harbors, we have work which will absorb all that we can rightfully draw from taxation for such purposes for many years to come. Those natural water ways require and will require a large improvement at the hands of the General Government, strictly within the ends and the purposes of promoting national commerce. Shall we, then, at this time enter upon another field—a field, as I have said, of which no man can see the boundaries or the end—in building within the States new water ways or new railways? For it makes no difference as matter of constitutional power which we build; if we build either we should build the most efficient avenue for commerce, the railway. We are asked here to enter upon a work which will result, if we continue to pursue the same policy wherever such works are needed throughout the country, in taking thousands of millions of dollars from the Treasury of the National Government and will impose a taxation upon the people of this country which will break down the country. We are told that this will promote the commerce of the Northwest, that it will enable the productions of the Northwest to reach the seaboard easier than in any other way. I repeat, sir, what I said here a year ago, that the State of Illinois has the ability, has the wealth, has every motive to build this canal if it ought to be built at all, and to her mainly if not entirely will inure the benefit of the work.

If half that is said in behalf of this canal be true, it will add to the wealth of Illinois ten times its cost and to the wealth of Chicago alone many times its cost.

The State of New York, when she had but one-third the present wealth of the State of Illinois, built the great Erie Canal. She has maintained it from that time to this, and within two or three years past she has ingrafted upon her constitution a provision that she will maintain that canal by her own taxation upon her own citizens, in order that the commerce of the whole country, and the Northwest especially, may come to the seaboard and to our great cities at the lowest possible toll, the lowest possible freight.

Now, sir, if the General Government is to build this Hennepin Canal, will not the same policy require, does it not inevitably require, that we shall assume the burden of purchasing and carrying on the Erie Canal? Is it to be expected that the great State of New York, having spent nearly $50,000,000 in that great work, shall continue to assess herself from $500,000 to $1,000,000 annually for the purpose of maintaining that canal, while she is at the same time called upon to pay to the General Government her one-seventh part of the taxes, which are to be devoted to building another canal of precisely the same sort in the State of Illinois which is to be made free?

[Here the hammer fell].

Mr. HENDERSON, of Illinois. Will the gentleman allow me to ask him a single question?

The CHAIRMAN. The time of the gentleman from New York [Mr. POTTER] has expired. The Chair had promised to recognize next the gentleman from Maine [Mr. DINGLEY]; but he is not present, and any other gentleman claiming the floor in opposition to the bill will now be heard.

Mr. POTTER. Mr. Chairman, I will ask leave to print if I may not be allowed to state the provision of the constitution of Illinois relating to this point.

The CHAIRMAN. General leave to print has been granted.

Mr. WILLIS. Mr. Chairman, I understand that ten minutes remain of the time to be used in opposition to the bill. As gentlemen would probably desire to speak to a fuller committee I ask unanimous consent that they may be allowed to use that time later in the day.

Mr. REED, of Maine. I should like to use it in connection with three minutes on an amendment.

The CHAIRMAN. Unanimous consent is asked that the remaining ten minutes may be occupied by gentlemen in opposition to the bill at a later period of the day.

Mr. BLANCHARD. I shall have to object to that.

The CHAIRMAN. Objection is made.

The CHAIRMAN. The Chair desires to state that the House has ordered this morning that amendments be considered in their order in the section. There are two propositions now pending—one by the committee to strike out certain portions, beginning at line 213, and the other a proposition by the gentleman from Illinois [Mr. SPRINGER] to strike out from line 213 to line 231. These amendments—one coming from the committee, the other in opposition to the committee's amendments—would be considered first. The Chair suggests to other gentlemen intending to offer amendments that during the ten minutes' debate which will now follow they send their amendments to the Clerk, indicating the lines, that they may be arranged ready to be taken up hereafter, thus saving time and avoiding confusion when the Committee of the Whole shall proceed to consider amendments.

Mr. HOLMAN. I desire to offer an amendment.

The CHAIRMAN. The Chair has just suggested that gentlemen prepare their amendments and send them to the Clerk. Ten minutes must elapse before they can be considered.

Mr. YOUNG. Mr. Chairman, one of the grounds of complaint against this bill, and the only one I have, is that certain harbors on the Mississippi River for which appropriations have heretofore been made have been altogether left out of this bill. I believe that all of them ought to have been retained. Two of them were retained by the Committee on Rivers and Harbors; and the action of that committee in this regard was sustained by the action of the Committee of the Whole. I am aware of no reason why these two harbors which have already been favorably considered and appropriated for should have had any preference over those which have been omitted. It was correct no doubt to make the appropriation for these two; but it was equally proper that all the others should have been provided for.

I am unable to speak specifically for any of these river harbors which have been omitted except that at the city of Memphis. Of the necessity for a continuation of the work there I have some personal knowledge. In 1878 the Government undertook the work of diverting the current of the Mississippi River from the eastern bank at Memphis to the Arkansas shore. Previous to that time, from some cause which I am not able to explain, the current of the river on the Arkansas shore had changed, and was being diverted directly against the Memphis shore, and by its action against the latter at that point destroyed more than a million and a half dollars' worth of property.

The Government conceded this to be a work of so much importance that it should be cared for by national appropriations. Up to this time, if my memory serves me right, $474,000 have been expended upon that work. The engineer estimates that $75,000 will complete it. Without the expenditure of this additional $75,000 the $474,000 already expended will be a total loss, and the object for which the work was designed will entirely fail. This additional $75,000 is necessary to put in the keystone, as it were, to this work, and preserve it from absolute destruction.

Now, I submit that it would not be a wise thing to allow $474,000 of Government work to be swept away when $75,000 would save it all and preserve from destruction the largest commercial city of the Mississippi River between Saint Louis and New Orleans. For, after all, what is the commerce of the Mississippi River if you destroy all its cities? What is its navigation worth if you destroy its commerce?

It is in line with the theory and system of the Mississippi River Commission to protect the caving banks of the river. At many points where caving occurs the country bordering on the river is a wilderness, and where if a thousand acres were to tumble into the river it would not involve the loss of a thousand cents, the Mississippi River Commission is to-day expending large sums of money to protect caving banks and improve the navigation of the river.

Now, if it is important to protect caving banks where there is nothing back of the river but a wilderness, how much more important is it to protect those banks where large commercial cities are located, such as Cairo, Memphis, Vicksburg, and New Orleans. By the action of the Committee of the Whole two places—Cairo and New Orleans—have already been provided for in accordance with the recommendation of the Mississippi River Commission.

Mr. THOMAS. The gentleman will allow me one word. As this is the second time he has referred to Cairo I want to say that the appropriation at Cairo is to prevent the formation of a new channel at the foot of Dickey's Island, and it is not for the benefit of Cairo at all but for the commerce of the Mississippi River.

[Here the hammer fell.]

The CHAIRMAN. Is there any other gentleman desiring to be heard in opposition to the bill? There are five minutes left.

Mr. REED, of Maine. Mr. Chairman, I had hoped to have an opportunity to address a full House upon the subject of the Mississippi River portion of this scheme; but I have been prevented, upon a proposition which the chairman of the Committee on Rivers and Harbors was kind enough himself to offer, by the opposition of a gentleman who represents a State through which the Mississippi River runs. I leave the House to draw the inference which would be natural under these circumstances.

I desire to call the attention of the members who are here to the plain and simple fact that notwithstanding all the efforts which have been

made there has been no opportunity to discuss this Mississippi River question. And I desire to reiterate and re-enforce what has been so well said by the gentleman from Arkansas [Mr. BRECKINRIDGE], and that is this Mississippi River part of it will cost the Government of this country at least $150,000,000 of initial expenditure. And that all the facts we can get at show conclusively that is only the beginning of an annual expense the extent of which we can not find out.

Mr. BRECKINRIDGE. My friend does not wish to misstate me.

Mr. REED, of Maine. My friend will not interrupt me in the little time I have.

Mr. BRECKINRIDGE. But the gentleman is misstating my position. This is just what I am fighting against. The river would be hopeless then. But neither he nor the present commission nor any one else can commit us to that departure and blunder.

The CHAIRMAN. The gentleman from Maine declines to be interrupted.

Mr. REED, of Maine. I desire to reiterate this expenditure, enormous as it is, of $150,000,000, is only the commencement, the end of which we can not foretell. Indications point now to an annual expenditure of 25 per cent. of the revetments in order to maintain them in their places, and those revetments have been found to be necessary by men who are practically working out this so-called plan. And on no estimate can it be less than 10 per cent. of annual expenditure on these $150,000,000 of initial expenditure.

And then in addition to that comes up the plain fact that nobody on earth knows that the $150,000,000 will produce any result whatever that is worth talking about. There are thus far no indications which go to show that even this expenditure, enormous as it is, will produce any results. And if it did, how in the world is it possible for us to justify such an expenditure for the purposes that are named?

It is because of these things, which I can only just indicate, that discussion on this subject has been prevented. Why look at it! What is the object of this proposed expenditure, supposing it can be a success. The commerce of this country goes from East to West. The exports and imports of this country in New York and in the other Atlantic ports is something like 70 per cent. of the total exports and imports of this country. The exports and imports from New Orleans is 6 per cent. Six per cent. against 70 per cent. Why is that? It arises from the very nature of things. It arises from the character of commerce. Commerce has entirely changed from what it used to be years ago. Years ago a man sent his ship to the uttermost parts of the earth—his skill as a merchant depended upon the time of the arrival of his ship.

The CHAIRMAN. The gentleman's time has expired.

Mr. REED, of Maine. I will have an opportunity to resume.

The CHAIRMAN. The Chair will now state before amendments are offered under the order of the House to which each gentleman can speak three minutes, that the committee must first dispose of the amendment proposed by the chairman of the Committee on Rivers and Harbors to strike out the paragraph beginning with line 213 and ending with line 231. After the Clerk had read lines 213 to 231 the chairman [Mr. WILLIS, of Kentucky] made a proposition to strike out all from line 213 down to and including line 305. The Chair will remark that at the same time there was a motion made by the gentleman from Illinois [Mr. SPRINGER] to strike out from line 213 to line 231, inclusive. The proposition of the gentleman from Kentucky [Mr. WILLIS] is to strike out and insert, and should it carry no other amendment could be made between lines 213 and 305, inclusive. Therefore, if there be amendments to be offered between those lines they must be offered before this proposition of the gentleman from Kentucky is voted on.

Mr. THOMAS. I desire to discuss the committee amendment unless the chairman of the committee desires to take up the time himself.

The CHAIRMAN. That is not in order just now, but will be in a moment. The Chair is trying to ascertain whether amendment is to be offered between lines 213 and 305, inclusive.

Mr. THOMAS. I ask before the discussion of the amendment begins that it be read.

The CHAIRMAN. That amendment is not yet in order.

Mr. WASHBURN. Before this order is passed I ask to strike out the whole paragraph ending with line 305.

The CHAIRMAN. That has been already proposed.

Mr. WASHBURN. I understood the committee moved to strike out all between lines 213 and 231.

The CHAIRMAN. The Chair will restate the situation. The Clerk had read from line 213 to line 231, inclusive, and stopped. The chairman of the Committee on Rivers and Harbors then moved to strike out from line 213 to line 305, inclusive, and insert other matter which he sent up. Pending that the gentleman from Illinois [Mr. SPRINGER] moved to strike out from line 213 to line 231, inclusive. That was the situation when the committee rose. The Chair will state, if any amendments are to be offered they will be read first; if not, then the committee's amendment will be put.

Mr. WASHBURN. I do not understand, under that statement, that the amendment I suggest is not first in order.

The CHAIRMAN. The Chair will state that the amendment proposed by the gentleman was misunderstood. He proposes to strike out more than the gentleman from Illinois [Mr. SPRINGER] did?

Mr. WASHBURN. Yes, sir.

Mr. WARNER, of Ohio. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WARNER, of Ohio. I desire to ask the Chair whether at this time, under the rule, all amendments that are to be proposed to this section shall be offered, or shall they be offered and disposed of in their order as the various lines of the section are reached?

The CHAIRMAN. Before the gentleman arrived the House ordered this morning that all amendments proposed to this section shall be considered in their regular order in the bill; and the Chair suggested, in committee, that gentlemen proposing to offer amendments should send them to the Clerk that the Clerk might so classify them, and that they might then be called up in their order.

Mr. WILLIS. We have but twenty minutes before this day's session terminates, and I ask that we go on with the business.

The CHAIRMAN. It is impossible not to answer these parliamentary inquiries.

Mr. TURNER, of Kentucky. Under the order of the Chair I handed three amendments to the Clerk. I wish to know whether these are to be considered as pending, or whether I will have to offer them again.

The CHAIRMAN. They will be read in their order and considered as pending after they are read.

Mr. WHITE, of Kentucky. I rise to a question of order. I rise to ask the Chair to have the two amendments the Chair said were pending relative to Galveston Harbor read for the information of the committee before offering my own, because it may be that it will not be necessary to offer the amendment I intend to suggest after hearing those that are pending.

The CHAIRMAN. The gentleman misunderstands the Chair. There are amendments preceding those that have been offered this morning which must be first voted upon. Amendments to be in order to this section must be offered and considered now, because the pending amendment is to strike out and insert, and of course would cut off other amendments if adopted.

Mr. WHITE, of Kentucky. I ask permission of the Chair to have them read.

The CHAIRMAN. Hearing no other proposed amendment between lines 213 and 305 inclusive, the Chair will direct the Clerk to read what is proposed by the committee.

The Clerk read as follows:

Strike out lines 213 down to and including line 305, and insert:
"For Galveston Harbor, $500,000; and the harbor board herein provided for is directed to proceed at once to examine, survey, and report to the Secretary of War for his approval plans, specifications, and estimates for said improvement, and when said plans, specifications, and estimates shall have been approved, said work shall be carried forward with all possible expedition."

The CHAIRMAN. Now, there are two amendments to strike out: one is the amendment of the gentleman from Illinois [Mr. SPRINGER] to strike out the paragraph beginning with line 213 down to and including line 231——

Mr. WILLIS. That, I will state to the Chair, has been withdrawn. The gentleman from Illinois withdrew his amendment as soon as the amendment proposed by the committee was announced.

The CHAIRMAN. The Chair was not informed of that fact. Then the amendment is to strike out the whole of that which is intended to be substituted by the committee amendment just read.

Mr. WASHBURN. I made a motion to strike out the entire section relating to the subject, understanding that the committee was to report a new provision.

Mr. WILLIS. They have reported it.

Mr. WASHBURN. I understand that the motion only strikes out from lines 213 to 231?

Mr. WILLIS. No, sir; it strikes out the whole of that provision.

Mr. WASHBURN. I did not so understand it, and withdraw my amendment.

Mr. WHITE, of Kentucky. I desire to offer an amendment as a substitute for the lines 213 to 231, inclusive.

The CHAIRMAN. The gentleman will send it to the desk.

Mr. WHITE, of Kentucky. I propose to amend by inserting:

Harbor of Galveston, Tex.: To ascertain and report what further work is necessary, if any, in that locality.

I offer that in lieu of the lines I have specified. I believe I am entitled to be heard on the amendment.

The CHAIRMAN. The gentleman has three minutes if he desires to explain the amendment.

Mr. WHITE, of Kentucky. Mr. Chairman, on page 47 of this voluminous document, known as House bill 8130, from the Select Committee on Rivers and Harbors, which acted with closed doors——

Mr. REED, of Maine (from his seat). Select committee, is it?

Mr. WHITE, of Kentucky. You will find that the Secretary of War, in section 8 of the bill, is directed at his discretion "to cause examinations, or surveys, or both, and estimates of costs of improvements proper to be made at the following points," and then follow two or more pages of the bill containing the points at which these estimates

are to be made. Now we have spent more than a million and a half of dollars at Galveston Harbor, and it is not in evidence that we have gotten a half-inch more water than they had at the start. It will hardly be contended, after the statement of my friend from Galveston and other members on that side of the House that they have not gotten two inches of water—I say it will hardly be contended that we should appropriate a half-million more or seven millions more to carry water to put in this harbor, where there are fifty miles of shoal water in front. Then let us have the Secretary of War make a preliminary survey, take soundings for fifty miles out in front of the harbor, and report to the House a plan. You have Eads for your idea, and we have the War Department, the chief engineers, and we find that $2,000,000 have been expended to get two inches of water. Now, I think it is time to quit this work until there is another preliminary survey; and I ask, therefore, to strike out the lines 213 to 231, and insert in its proper place in the bill the amendment I have suggested.

Mr. THOMAS rose.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. WHITE] has expired.

Mr. THOMAS. I desire to ask a parliamentary question.

The CHAIRMAN. The gentleman will state it.

Mr. THOMAS. The committee having charge of this bill have proposed a substitute for this portion of it. They propose to strike out and insert. Is it in order that another substitute to strike out and insert should have precedence?

The CHAIRMAN. The other is practically a proposed amendment to the three paragraphs which the committee propose to strike out, and is therefore in order.

Mr. THOMAS. But it is offered expressly as a substitute, and it was so stated.

The CHAIRMAN. The substitute motion relates to what is included in the portion which the committee propose to strike out. The effort, therefore, is to perfect what is proposed to be stricken out.

Mr. THOMAS. I desire to know the condition of the question. The committee propose to strike out exactly the same matter that the gentleman from Kentucky proposes to strike out.

The CHAIRMAN. That is a mistake on the part of the gentleman from Illinois [Mr. THOMAS]. The gentleman from Kentucky proposes only to strike out one paragraph, whereas the committee propose to strike out three.

Mr. REAGAN. May I say a word in response to what has been stated by the gentleman from Kentucky?

The CHAIRMAN. No debate, under the instructions of the House, is in order on this amendment.

Mr. REAGAN. How is it that there can be debate on one side, and not on the other?

The CHAIRMAN. The House by unanimous consent ordered that the absolute cutting off of debate which had been previously ordered should be opened to the extent only of allowing gentlemen who offer *bona fide* amendments to be heard for three minutes in support of their amendments.

Mr. REAGAN. I only wish to say that this amendment proposes to make the very investigation which the amendment of the gentleman from Kentucky [Mr. WILLIS] proposes.

The CHAIRMAN. The reply of the gentleman from Texas is out of order except by unanimous consent.

Mr. NICHOLLS. I ask for a division of the motion to strike out and insert.

The CHAIRMAN. The motion is indivisible.

Mr. NICHOLLS. There are two distinct propositions—first to strike out and then to insert. I ask for a division.

The CHAIRMAN. The Chair will cause the rule to be read.

Mr. WILLIS. If in the mean time we can get on with the bill a little I think it would be better.

The CHAIRMAN. The Chair will endeavor to get on with the bill as fast as possible. The Clerk will read clause 7 of Rule XVI.

The Clerk read as follows:

A motion to strike out and insert is indivisible.

The CHAIRMAN. The question is on the motion of the gentleman from Kentucky [Mr. WHITE] to strike out from lines 213 to 231 inclusive, and to insert what he has read.

The amendment was not agreed to.

The CHAIRMAN. The question now recurs on the amendment proposed by the gentleman from Kentucky [Mr. WILLIS], the chairman of the committee.

Mr. WILLIS. Let us have a vote.

Mr. THOMAS. Objection was taken to the first proposition brought forward by the committee in reference to Galveston Harbor. The committee, after considering the objections urged, considered it would be better to have this harbor thoroughly examined and reported on, and that the plans and specifications and estimates should be submitted to the Secretary of War and approved by him before any work was done. And they have provided there shall be a fair and full investigation and report before the money is expended. That certainly ought to meet every objection that is urged. There must be a report to the Secretary of War, and the plans and specifications and estimates must be approved by him. That proposition meets the full concurrence of the committee and is believed to be fair and just, and I hope it will be adopted.

Mr. REED, of Maine. The report ought to be made to Congress.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Kentucky [Mr. WILLIS] on behalf of the Committee on Rivers and Harbors.

Mr. WASHBURN. I move to strike out all of that amendment after "$500,000."

The CHAIRMAN. All of what amendment?

Mr. WASHBURN. The amendment of the gentleman from Kentucky [Mr. WILLIS].

Mr. THOMAS. I make the point of order against that.

Mr. REED, of Maine. Does this amendment strike out the Captain Eads proposition?

Mr. WILLIS. It does.

Mr. REED, of Maine. Then it seems to me it strikes out all the brains there were in it.

Mr. WASHBURN. The amendment offered by the chairman of the committee proposes to turn all this over into the hands of a board that does not exist, and so far as I am concerned a board which I think should not exist. I do not believe that this House wants to go forward and inaugurate any more commissions or any more boards. Whatever appropriation is made for this purpose, and I am willing and shall be glad to have a liberal appropriation made for it, I believe the work should be carried on as other river and harbor improvements are carried on, under the direction of the Engineer Department of the United States. Therefore I move to strike out all of that portion of the amendment which would turn the work over into the hands of a board that does not exist.

Mr. HOLMAN. Let the amendment to the amendment be reported.

The CHAIRMAN. The Clerk will report the amendment as it would read if the amendment of the gentleman from Minnesota [Mr. WASHBURN] should be adopted.

The Clerk read as follows:

For the improvement of Galveston Harbor, $500,000.

The question being taken, there were—ayes 38, noes 66.

Mr. WASHBURN. No quorum.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Minnesota, Mr. WASHBURN, and the gentleman from Kentucky, Mr. WILLIS.

Mr. VALENTINE. Mr. Chairman, I suggest that the time for adjournment has almost arrived.

Mr. WILLIS. Mr. Chairman, in pursuance of my promise made yesterday, I now move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having resumed the chair as Speaker *pro tempore*, Mr. HAMMOND reported that the Committee of the Whole House on the state of the Union had had under consideration the river and harbor appropriation bill and had come to no resolution thereon.

Mr. WILLIS. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 10 o'clock and 56 minutes a. m.) the House adjourned.

PETITIONS, ETC.

The following petitions and papers were laid on the Clerk's desk, under the rule, and referred as follows:

By Mr. BARR: Petition of citizens of Harrisburg, Pa., asking Congress to pass the pending legislation having for its purpose the extirpation of Mormonism in the United States—to the Committee on the Judiciary.

By Mr. BELMONT: Petition of Mrs. Sarah O. Allen, in the matter of the Venezuelan awards—to the Committee on Foreign Affairs.

By Mr. BLAND: Petition of citizens of Laclede County, Missouri, for the passage of the Blair educational bill—to the Committee on Education.

By Mr. BROADHEAD: Petition of citizens of Saint Louis, in favor of the passage of the bill relating to the Mormon question—to the Committee on the Judiciary.

By Mr. T. M. BROWNE: Petition of 103 ex-soldiers and sailors of the late war, on the subject of pensions, equalization of bounties, correction of muster-rolls, removing the charge of desertion, &c.; also suggestions on these subjects of a mass-meeting of ex-soldiers and sailors held at Union City, Ind., June 4, 1884—to the Select Committee on Payment of Pensions, Bounty, and Back Pay.

By Mr. CASSIDY: Joint resolution of the Legislature of the State of Nevada, praying for the passage of the Slocum militia bill—to the Committee on the Militia.

Also, joint resolution of the Legislature of the State of Nevada, requesting the General Government to cede to the State of Nevada all unsold lands in said State—to the Committee on the Public Lands.

By Mr. CALDWELL: Memorial of the National Association of Engineers for license laws for the stationary engineers of the United States similar to laws regulating marine engineers—to the Committee on Manufactures.

By Mr. FIEDLER: Petition from Board of Trade of Newark, N. J., opposing legislation for the construction of railroad bridges across Kill von Kull or Staten Island Sound, New Jersey—to the Committee on Commerce.

By Mr. GEORGE: Petition from ex-soldiers, members of the Grand Army of the Republic, of Portland, Oreg., asking Congress to purchase Miss Ransom's portrait of General Thomas—to the Committee on the Library.

By Mr. LACEY: Resolutions of the Sheep Breeders' Association of Michigan, in favor of the restoration of the wool tariff of 1867—to the Committee on Ways and Means.

By Mr. MONEY: Petition of T. J. McFarland, administrator of H. J. Byers, deceased, of Yalabusha County, Mississippi, asking reference of claim to the Court of Cairns for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

Also, papers relating to the claim of Henry J. Byers, of Panola County, Mississippi—to the same committee.

By Mr. NELSON: Petition of citizens of Minnesota, in regard to public lands withdrawn from settlement—to the Committee on the Public Lands.

By Mr. NICHOLLS: Petition of W. F. Taylor, agent of Solomon Taylor, of Effingham County, Georgia, asking compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, papers relating to the claim of Solomon Taylor, of Effingham County, Georgia—to the same committee.

By Mr. PAIGE: Petition of A. K. Richey and others, of Northfield, Summit County, Ohio, on the Mormon question—to the Committee on the Judiciary.

By Mr. PAYNE: Petition of C. T. Beverly and others, of Sennett, N. Y., asking legislation for the suppression of Mormonism—to the same committee.

By Mr. PIERCE: Petition of James E. Wood, of Gibson County, Tennessee, asking reference of claim to the Court of Claims for rehearing under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. ROSECRANS: Concurrent resolution of the Legislature of California, relative to the location of a signal station on Tamalpais Mountain, near San Francisco Bay—to the Committee on Appropriations.

By Mr. ROWELL: Petition of A. W. Carlock and others, citizens of Hudson, Ill., for the suppression of Mormonism—to the Committee on the Judiciary.

By Mr. RYAN: Petition of citizens of Kansas for additional legislation for the suppression of polygamy in the Territories—to the same committee.

Also, petition of citizens of Harvey County, Kansas, for an increase of widows' pensions—to the Committee on Pensions.

By Mr. STEVENS: Petition of 37 citizens of Holly, Orleans County, New York, praying for action by Congress on the so-called Mormon question—to the Committee on the Judiciary.

Also, petition of 23 citizens of Lockport, Niagara County, New York, asking for early legislation by Congress on the Mormon question—to the same committee.

By Mr. STORM: Joint resolution of the Legislature of the State of Pennsylvania, requesting its Senators and Representatives in Congress to enact a law to reimburse the several States the interest paid by them on money expended in defense of the United States—to the Committee on Claims.

By Mr. VAN ALSTYNE: Petition and memorial in the claim of the heirs of William Hance for relief—to the Committee on War Claims.

By Mr. W. L. WILSON: Memorial from the trustees, pastor, and congregation of East Washington colored Methodist Episcopal church, of the District of Columbia, accompanying a bill for their relief—to the Committee on the District of Columbia.

Also, petition of James McKenzie, attorney in fact, for certain persons for their relief for damages occasioned by certain public improvements, and accompanying bill—to the same committee.

Also, petition of Emma M. Cahill, of Georgetown, D. C., for compensation for damages to her property caused by public improvements in the District of Columbia—to the same committee.

By Mr. YOUNG: Petition of Mrs. Bettie Granes, widow of John O. Granes, deceased, of Fayette County, Tennessee, asking reference of claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

The following petitions for the passage of the Mexican war pension bill with Senate amendments were presented and severally referred to the Committee on Pensions:

By Mr. BARR: Of citizens of Sunbury, of Lebanon, and of Harrisburg, Pa.

By Mr. BEACH: Of citizens of West Town and vicinity, and of Greenwood Iron Works, New York.

By Mr. J. M. CAMPBELL: Of citizens of Fossilville, Pa.

By Mr. CONVERSE: Of citizens of Taylor, of South Bloomingville, of Hope, and of Westerville, Ohio.

By Mr. COOK: Of Levi McCracken and 75 others, of Jasper County; of T. J. Dunlavy and 200 others, of Bloomfield; and of Henry Cooms and 75 others, of Peoria, Iowa.

By Mr. W. W. CULBERTSON: Of 135 voters of Peterville, and of 140 voters of Flemingsburg, Ky.

By Mr. FUNSTON: Of citizens of Williamsburg, of Coyville, of Sternerton, of Merriam, of Columbus, of Elk City, of Fredonia, of Urbana, of Cherry, and of Pittsburg, Kans.

By Mr. GEORGE: Of many citizens of Oregon.

By Mr. GUENTHER: Of citizens of Wantoma, of Hortonville, of Portage, and of Black Creek, Wis.

By Mr. H. H. HATCH: Of citizens of Popinabec, of Bay City, and of Clare County, Michigan.

By Mr. T. J. HENDERSON: Of Eugene Pinckney and others, of Dixon, Lee County, and of Joseph Myers and others, of Morrison, Whiteside County, Illinois.

By Mr. HILL: Of G. F. Miller and others, of Conway; of R. Bowerman and 102 others, of Lyons; of David Bashore and 63 others, of Paulding, and of B. E. Mills and others, of Defiance, Ohio.

By Mr. HISCOCK: Of citizens of Onondaga County, New York.

By Mr. HITT: Of 208 ex-soldiers of Pecatonica, and of 63 ex-soldiers of Savanna, Ill.

By Mr. HOUSEMAN: Of D. C. Crawford and 49 others, of Lyons, Iowa County; of Andrew Maples and 33 others, of Hamilton, Allegan County, and of Maj. R. D. Sofford and 126 others, of Grand Haven, Ottawa County, Michigan.

Also, of F. O. Daniels and 129 others, of Spring Brook, Gratiot County, Michigan.

By Mr. HOWEY: Of A. Wilken and 80 others, citizens of Montana, Warren County, and of W. L. Dietz and 195 others, citizens of Somerset County, New Jersey.

By Mr. KEIFER: Of Robert Groves and 100 others, of Sedalia, Ohio.

By Mr. LAWRENCE: Of citizens of Cannonsburg, Washington County, Pennsylvania.

By Mr. LIBBEY: Of citizens of Norfolk and of Hampton, Va.

By Mr. NEECE: Of citizens of Viola, of Warsaw, of Aledo, and of Hillsdale, Ill.

By Mr. NELSON: Of citizens of Saint Cloud, of Princeton, of Morris, and of Little Falls, Minn.

By Mr. NUTTING: Of citizens of Oswego, of Leonardville, and of Madison County, New York.

By Mr. PRICE: Of Edward R. Armstrong and 63 others, of Fairchild; of William McDonald and others, of Rice Lake; of August Homested and 48 others, of Dorchester; of John A. Sterling and 12 others, and of Edward Peabody and 50 others, of Hammond, Wis.

By Mr. PUSEY: Of citizens of Exira, of Carson, 1,000 citizens of Montgomery County, Iowa.

By Mr. RIGGS: Of W. D. Collins and 111 others, of Jersey County, Illinois; of George Robertson and 52 others, of Quincy; of R. G. Hobbs and 62 others, of Quincy; of G. W. Maberry and 131 others, of Adams County; of William D. Griggs and 130 others, of Payson, and of William Boyles and 73 others, of Fowler, Ill.

By Mr. H. Y. SMITH: Of 40 citizens of Panora, and of 62 citizens of Bussey, Marion County, Iowa.

By Mr. STOCKSLAGER: Of Robert H. Claurton and 46 others, citizens of Ewing, Jackson County; of Isaac Smith and 123 others, citizens of Freetown, and of William H. Leigh and 57 others, citizens of Crothersville, Jackson County, Indiana.

By Mr. STORM: Of citizens and soldiers of Freeland, Luzerne County; of Bloomsburg, of Fairmount Springs, and of Yostville, Pa.

By Mr. STRUBLE: Of S. K. Butler and 105 others, of Greene County; of D. L. Riley and 43 others, of Dickinson County, and of Edgar Orton and 55 others, citizens of Sioux County, Iowa.

By Mr. WAKEFIELD: Of 36 citizens of Kimbrae, of 29 citizens of Elmore, of 50 citizens of Delavan, of W. V. King and 115 others, citizens of Jackson, and of 17 citizens of Wood Lake, Minn.

By Mr. WELLER: Of J. B. Gobb and 80 others, of Nora Springs, and of J. H. Langdon and others, of Fredericksburg, Iowa.

By Mr. WILKINS: Of W. H. Davidson and 104 others, citizens of Atherton, Licking County; of Isaac N. Deardoff and 94 others, citizens of Canal Dover, and of Charles W. Rydigger and 34 others, citizens of Winesburg, Ohio.

By Mr. JOHN WINANS: Of C. E. Buell and 34 others, of Lake Geneva; of David Van Wie and 10 others, of Cypress; of T. A. Perry and others, of Edgerton, and of E. J. Brooks and 64 others, of Marshall, Wis.

By Mr. YAPLE: Of Isaiah M. Harris and 155 others, citizens of Brownsville, Cass County, and of H. B. Hemenway and 27 others, citizens of Kalamazoo, Mich.

SENATE.

WEDNESDAY, *February* 18, 1885.

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. E. D. HUNTLEY, D. D.

Mr. MORRILL. I move that there be a call of the Senate to see if there be a quorum present.

The PRESIDENT *pro tempore*. The Chair has not yet called the Senate to order. The Chair will now call the Senate to order. The Chair will state that the rule requires that the Journal shall be read when a quorum has appeared. It is evident that a quorum has not appeared.

Mr. MORRILL. I now move that the roll be called.

The PRESIDENT *pro tempore*. The Senator from Vermont moves that there be a call of the Senate. That order, under the rules, will be made as a matter of course, it being suggested that no quorum is present. The call will proceed.

The Secretary called the roll, and sixteen Senators answered to their names.

The PRESIDENT *pro tempore*. Sixteen Senators are present. The roll of absentees will be called.

The Secretary called the names of absent Senators.

Other Senators having entered the Chamber,

Mr. MORRILL. I move that further proceedings under the call be dispensed with.

The PRESIDENT *pro tempore*. But twenty-six Senators have as yet answered to their names. There will be no further proceedings without some motion. No motion to send for the absentees has been made.

Mr. SHERMAN. I think enough Senators are here now.

Mr. CONGER. Would the Senate be safe to go on with the reading of the Journal now?

The PRESIDENT *pro tempore*. It would not.

Mr. CONGER. It would not be safe? I do not wish to be an alarmist, but I wanted to make the inquiry.

The PRESIDENT *pro tempore*. The call has shown that no quorum is present, and the rules explicitly provide that the Journal shall be read when a quorum has appeared. A quorum has not appeared, as has been shown by the call.

Mr. HALE. I ask unanimous consent to dispense with the reading of the Journal this morning.

The PRESIDENT *pro tempore*. That request is not in order, no quorum being present.

Thirteen other Senators having entered the Chamber,

The PRESIDENT *pro tempore*. The Chair ascertains that a quorum is now present. The Journal of yesterday's proceedings will be read.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. RANSOM presented the credentials of ZEBULON B. VANCE, chosen by the Legislature of North Carolina a Senator from that State for the term commencing March 4, 1885; which were read, and ordered to be filed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had agreed to the resolution of the Senate to print the report of Capt. George M. Wheeler on the third international geographical congress and exhibition at Venice, Italy.

The message also announced that the House had agreed to the concurrent resolution of the Senate to print extra copies of the report of the Superintendent of the Coast and Geodetic Survey for 1884.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8039) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1886, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2246) to provide for the purchase of additional land for the use of the public building in the city of New Bedford, State of Massachusetts;

A bill (S. 2594) to change the name of the Manufacturers' National Bank of New York to the Manufacturers' National Bank of Brooklyn, N. Y.; and

A bill (H. R. 7496) for the relief of Wehrle, Werk & Son.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Navy, transmitting, in connection with the recommendation of the change of the prime meridian made by the recent international meridian conference held at Washington, communications from the Superintendent of the Naval Observatory, the Superintendent of the Nautical Almanac, the various American astronomers, concerning the proposed change in the time for beginning the astronomical day; which, on motion of Mr. MILLER, of California, with the accompanying papers, was referred to the Committee on Foreign Relations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore*. The Chair presents a memorial of the Legislature of the State of Maine on the subject of the restoration of Ulysses S. Grant to the rank of General of the Army, on the retired-list. The memorial will be read.

The Chief Clerk read as follows:

STATE OF MAINE.

Resolves in relation to restoring Ulysses S. Grant to his rank of General of the Army, on the retired-list.

Resolved, That the illustrious services of the exalted citizen-soldier, Ulysses S. Grant, should be promptly recognized by the people of this country, and his restoration as General of the Army on the retired-list, as an act of justice, should be authorized by an act of Congress without delay.

Resolved, That our Senators and Representatives in Congress are requested to use their earnest efforts in procuring the legislation therefor recommended by the President of the United States.

Resolved, That the secretary of state furnish a copy of these resolves to each member of the Maine delegation in Congress.

IN HOUSE OF REPRESENTATIVES, *February* 12, 1885.

Read and passed finally.

CHARLES HAMLIN,
Speaker.

IN SENATE, *February* 13, 1885.

Read and passed finally.

WILLIAM D. PENNELL,
President.

FEBRUARY 16, 1885.

Approved.

FREDERICK ROBIE,
Governor.

A true copy.
Attest:

ORAMANDAL SMITH,
Secretary of State.

The PRESIDENT *pro tempore*. As the Senate has acted upon this subject, the memorial will be laid on the table.

The PRESIDENT *pro tempore* presented a memorial of the Legislature of New Jersey; which was read, as follows:

Assembly concurrent resolution, State of New Jersey.

1. *Resolved* (*the senate concurring*), That the Congress of the United States of America be respectfully petitioned not to pass Senate bill No. 1447 and House bill No. 7165, authorizing the construction of railway draw-bridges across Staten Island Sound, from Staten Island, Richmond County, New York, to New Jersey at Elizabeth and Perth Amboy.

Such bridge or bridges would injure the navigation of the sound and many miles of New Jersey water front thereon. The New Jersey shore of the Hudson River and Staten Island Sound is the natural terminus of railroads from the West, affording ample room and opportunity for terminal yards, depots, docks, coal and grain shipments, and direct communication between railroads and ships. Several steamer lines have moved to docks on our own shores for the purpose. Immense sums of money have been expended on our shores, including large depots and docks for coal and iron between these proposed bridges. To establish these bridges, if they become a success, is to render the sound and New Jersey shores thereon useless for their natural purposes, with the intent to transfer these docks to the eastern shores of Staten Island. That such will be the result may be doubted, but that the sound will be injured if not destroyed for the use of large vessels is certain.

2. *Resolved*, That this memorial be transmitted, under the signature of the president of the senate and the speaker of the house, in duplicate to the Senate and House of Representatives of the United States.

SENATE, *February* 16, 1885.

This concurrent resolution having been read in the senate,
Resolved, That the same do pass.
By order of the senate.

AB'M V. SCHENCK,
President of the Senate.

HOUSE OF ASSEMBLY, 1885.

This concurrent resolution having been read and compared in the house of assembly,
Resolved, That the same do pass.
By order of the house of assembly.

E. A. ARMSTRONG,
Speaker of the House of Assembly.

The PRESIDENT *pro tempore*. If there be no objection, the memorial will be referred to the Committee on Commerce.

Mr. FRYE. No; the Committee on Commerce has reported the bill referred to in the memorial, and it is now on the Calendar.

The PRESIDENT *pro tempore*. Then the memorial will be laid on the table.

Mr. CONGER presented the petition of Thomas Fish and 158 other citizens of Port Huron, Mich., praying for the passage of a bill to set aside the marsh and overflowed lands of Lake Saint Clair, Michigan, known as the Saint Clair Flats, as a national preserve and shooting-ground for the people of the United States; which was referred to the Committee on Public Lands.

Mr. HALE. I present the petition of John E. Hilton, late private Company E, Eighth Maine Volunteers, praying for an increase of pension. It is addressed to me, but is otherwise in the form of a petition to the Senate.

The PRESIDENT *pro tempore*. If there be no objection the paper will be received and referred to the Committee on Pensions.

Mr. HOAR presented a petition of seamen of Boston, Mass., praying for such a modification of the so-called Dingley shipping bill as will

admit of a seaman giving an allotment note to his creditors for any just debt by him owing, and incurred before engagement; which was referred to the Committee on Commerce.

Mr. FAIR presented a concurrent resolution of the Legislature of Nevada; which was read, and referred to the Committee on Finance, as follows:

Senate joint resolution relative to the direct war tax assessed to and levied upon the several States under the act of Congress approved August 5, 1861.

Whereas the Congress of the United States has now pending before it a bill to adjust the direct war tax as levied upon the several States and Territories and the District of Columbia, under the act of Congress approved August 5, 1861, the passage of which by Congress was on June 14, 1884, favorably recommended by the Secretary of the Treasury, Hon. Charles G. Folger, and in May 2, 1884, by the First Comptroller of the Treasury, Hon. William Lawrence: Therefore,

Be it resolved by the senate of the State of Nevada, the assembly concurring, That our Senators in Congress be instructed and our Representative be requested to use every proper effort within their power to have said measure now so pending enacted into a law.

Resolved, That the governor of this State be requested to forward to our Senators and Representative in Congress a copy of this resolution properly attested under seal by the secretary of state.

STATE OF NEVADA,
Department of State, ss:

I, John M. Dormer, secretary of state of the State of Nevada, do hereby certify that the annexed is a true, full, and correct copy of the original enrolled Senate joint resolution relative to the direct war tax, as the same appears of record and on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of state. Done at office, in Carson City, Nev., this 9th day of February, A. D. 1885.

[SEAL.] JOHN M. DORMER,
Secretary of State,
By WELLS DRURY,
Deputy.

Mr. MCPHERSON. I ask the privilege of sending to the Secretary's desk a resolution of the Legislature of New Jersey, which I ask may be read.

The PRESIDENT *pro tempore*. The paper sent to the desk is not a resolution of the Legislature, but of a board of trade.

Mr. MCPHERSON. I had a resolution of the Legislature before me, and I supposed that was the one I sent to the desk. I wish to have the resolution of the Legislature read, but I should like also to have read the memorial of the Board of Trade of Newark, if there is no objection.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New Jersey that the Chair received and presented this morning a resolution of the Legislature of New Jersey on the subject of a bridge across Staten Island Sound, which was read and referred.

Mr. MCPHERSON. The resolution I have before me is on the same subject; and if there be no objection I should like to have the memorial which I have sent to the Chair read.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks unanimous consent that the memorial of the Board of Trade of Newark be read. Is there objection? The Chair hears none.

The Chief Clerk read as follows:

FEBRUARY 15, 1885.

DEAR SIR: I have been requested to forward to you the following resolution adopted by the Board of Trade of the city of Newark at a meeting held on Wednesday evening the 11th instant.

Resolved, That this board of trade hereby respectfully but most earnestly petition the Congress of the United States, and request that the said Congress do not pass the several bills now pending before that honorable body authorizing the construction of one or more bridges across Staten Island Sound.

Resolved, That copies of the above be sent to each of the United States Senators from New Jersey and one to Congressman WILLIAM H. F. FIEDLER, of Newark.

I am, with respect, yours very truly,

P. T. QUINN, *Secretary.*

Hon. JOHN R. MCPHERSON.

The PRESIDENT *pro tempore*. The memorial will be referred to the Committee on Commerce.

Mr. FRYE. It should lie on the table, if the President pleases, the bill having been reported.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. WILLIAMS presented a petition of the mayor and council of the city of Hickman, Ky., praying a specific appropriation to improve the harbor at that place; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 6658) to provide for the sale of the Sac and Fox Indian reservation, in the States of Nebraska and Kansas, and for other purposes, reported it with an amendment.

Mr. DAWES. I am instructed by the Committee on Indian Affairs, to which were referred certain resolutions in regard to negotiations to obtain the title to portions of Indian reservations in the Indian Territory, to report a bill. I should like to have the bill read in full.

The bill (S. 2648) to enable the President to negotiate for the purchase of portions of certain Indian reservations was read the first time by its title and the second time at length, as follows:

Be it enacted, &c., That the President is hereby directed and empowered to ascertain, without unnecessary delay, by communication with the authorities of the Creek, Seminole, and Cherokee Nations of Indians, in the Indian Territory, upon what terms the said nations will relinquish and convey to the United States all their right, title, and interest in and to all that country described in article 3 of the treaty made between the United States and the Creek Nation on June 14, 1866, as "the west half of their entire domain," and the lands described in article 3 of the Seminole treaty of March 21, 1866 (14 Statutes, page 756), and so much of the lands described in article 16 of the treaty made between the United States and the Cherokee Nation on July 19, 1866, as has not been already purchased by the United States from said Cherokee Nation for the purpose of settling friendly Indians thereon, as provided for in said treaty, and to submit the result thereof to Congress at its next regular session.

SEC. 2. Every person who, without authority of law, enters and shall be found upon the lands described in the first section of this act, with intent to occupy any such lands or reservation, or any part thereof, shall, for the first offense, upon conviction thereof, pay a fine of not more than $500, or be imprisoned at hard labor for not more than one year, or both, in the discretion of the court; and for every subsequent offense shall, upon conviction thereof, pay a fine of not more than $1,000 and be imprisoned at hard labor for not more than two years; and the wagons, teams, and outfit of such person or persons so offending shall be seized and delivered to the proper United States officer, and be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the United States.

Mr. HOAR, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8034) for the relief of the estates of Hugh and Byrd Douglas, deceased; and

A bill (S. 2366) for the relief of Joseph W. Parish.

Mr. HOAR. I am directed by the Committee on Claims, to whom was referred the bill (S. 1002) for the relief of Cyprian T. Jenkins, to report it adversely. I should like to call the attention of the Senator from Florida [Mr. CALL] to the report.

This is a bill introduced by the Senator from Florida to reimburse a gentleman who was timber agent for the United States at the breaking out of the war. A certain sum was found due him for his services for one quarter and part of another, and the payment was arrested on account of the breaking out of the rebellion. Subsequently a statute was passed confiscating as enemy's property all sums due to the Government from that class of officers, and from the mail agents, and so on.

The committee thought it was not in accordance with sound public policy to report a bill for one of this class of officers leaving the others unpaid; but a general bill including all mail agents has been reported, and I think is now before the Senate, and the committee have authorized one of their members to move an amendment to that bill when it comes up, which will cover this case and other like cases of timber agents.

I move that the bill be indefinitely postponed.

Mr. CALL. I desire to ask the Senator from Massachusetts if there is any probability of the bill, which he proposes to amend by a measure for the relief of the class similar to Mr. Jenkins, coming before the Senate at this session of Congress?

Mr. HOAR. I do not know particularly; I do not remember how that bill stands; but it is much more likely to pass than the bill just reported, because this is a Senate bill.

Mr. CALL. I ask that the bill may go on the Calendar.

Mr. HOAR. I have no objection to that course.

Mr. CALL. I simply wish to say that this is the case of a man who was a Union man, and who I do not think would be obnoxious to the statute. I do not remember its provisions, but he never had any part whatever in the late civil war, and I do not see how he can come under the statute.

Mr. HOAR. I have no objection to the bill going upon the Calendar. All that class of claims against the United States were confiscated. I conceive that to be the effect of the statute of the United States, that it was a confiscation of certain debts of persons residing in those States as enemy's property, which, of course, is within the war power, and was also the usage of all nations at war until a very modern period. Though we did not confiscate all debts, we did confiscate debts due from the Government to persons dwelling in the territory of the rebellion, whether they were Union men or otherwise. If the measure to which I have referred becomes a law, this gentleman's case and all cases like his should be included within it, and I have no doubt will be.

The PRESIDENT *pro tempore*. If there be no objection, the bill will be placed on the Calendar with the adverse report of the committee.

Mr. JACKSON, from the Committee on Claims, to whom was referred the bill (H. R. 851) for the relief of the heirs of Mary Jane Veazie, deceased, reported it without amendment, and submitted a report thereon.

Mr. VAN WYCK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6044) granting a pension to Eliza Pigeon;

A bill (H. R. 5123) granting a pension to Frederick Braunwald;

A bill (H. R. 1759) granting a pension to Robert Patterson; and

A bill (H. R. 7524) for the relief of Lavisa Heth.

Mr. VAN WYCK, from the Committee on Pensions, to whom was referred the bill (H. R. 5364) granting a pension to William H. Whitcomb, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 2398) granting an increase of pension to Mrs. Ann W. Mulvey, reported it with an amendment, and submitted a report thereon.

Mr. VAN WYCK. I am directed by the Committee on Pensions, to whom was referred the bill (S. 2400) granting an increase of pension to Eliza Willson Thornburgh, to submit an adverse report thereon. I

ask that the bill be placed upon the Calendar, as a minority of the committee so desire and as many other Senators also so desire. In the report I have incorporated the facts of the brilliant and gallant services of Major Thornburgh, and perhaps it will not be necessary for the minority to file their views.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar. Are there written views of the minority submitted with the bill?

Mr. VAN WYCK. I presume they will not be. I stated that in the report I have set forth the gallant and brilliant service of Major Thornburgh, which is probably all the minority may desire.

Mr. HILL, from the Committee on Public Lands, to whom was referred the bill (S. 2643) to relinquish to the city of Denver title to certain lots of land for the purposes of a public library, reported it without amendment.

Mr. CAMERON, of Wisconsin. I am directed by the Committee on Claims, to whom was referred the bill (S. 393) for the relief of Asenath A. Phelps, administratrix of the estate of Harlow J. Phelps, deceased, to report it adversely, and to move that the claim be not allowed and that the bill be postponed indefinitely.

Mr. COCKRELL. I ask that the bill may be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar with the adverse report of the committee.

ARMY COURTS-MARTIAL.

Mr. INGALLS. The Committee on the Judiciary having been directed by resolution of the Senate to inquire and report concerning courts-martial, their appointment, and the practice and proceeding before such tribunals in time of peace, I am directed to submit a report in writing thereon, which I ask may be printed.

The PRESIDENT *pro tempore*. The Senator from Kansas, from the Committee on the Judiciary, in obedience to a resolution of the Senate, the nature of which he has described, makes a report, which will be printed and placed on file.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. WILSON, from the Committee on Post-Offices and Post-Roads, reported an amendment intended to be proposed to the Post-Office appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HAWLEY, from the Committee on Printing, reported an amendment intended to be proposed to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MILLER, of California, from the Committee on Foreign Relations, reported an amendment intended to be proposed to the sundry civil appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PIKE submitted an amendment intended to be proposed by him to the river and harbor appropriation bill; which, with the accompanying petition, was referred to the Committee on Commerce, and ordered to be printed.

Mr. JONAS and Mr. PIKE submitted amendments intended to be proposed by them, respectively, to the river and harbor appropriation bill; which were referred to the Committee on Commerce, and ordered to be printed.

BILLS INTRODUCED.

Mr. PALMER introduced a bill (S. 2649) to set apart the unsurveyed marsh lands at the mouths of the Saint Clair River, known as the Saint Clair Flats, as a hunting and fishing preserve for the people of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. VAN WYCK introduced a bill (S. 2650) making an appropriation for the improvement of the Mississippi River at or near Eastport, opposite Nebraska City; which was read twice by its title.

Mr. VAN WYCK. I move that the bill be referred to the Committee on the Improvement of the Mississippi River.

Mr. CONGER. It should go to the Committee on Commerce.

Mr. VAN WYCK. Bills of this nature have always gone to the Committee on the Improvement of the Mississippi River.

Mr. CONGER. There never have been any so referred that I know of.

Mr. VAN WYCK. One bill proposing an appropriation of $500,000 for the Mississippi River was referred to the Committee on the Improvement of the Mississippi River and was reported by that committee and passed at the last session. I move that this bill be referred to the Committee on the Improvement of the Mississippi River.

The PRESIDENT *pro tempore*. The Senator from Nebraska moves that the bill be referred to the Committee on the Improvement of the Mississippi River. The question is on agreeing to that motion.

Mr. CONGER. I move to amend the motion by substituting "the Committee on Commerce."

The PRESIDENT *pro tempore*. The Chair thinks the motion to amend is not in order. Under the rules and practice of the Senate the question is to be taken on each motion to refer. If the motion to refer to the Committee on the Improvement of the Mississippi River is defeated, then it will be in order to move to refer the bill to the Committee on Commerce.

Mr. CONGER. This is a bill to appropriate money for a single harbor, not for the general improvement of any river, and unless the Senate desire that the Committee on the Improvement of the Mississippi River shall have charge of all appropriations for special harbors, they will vote against the motion to refer the bill to that committee.

Mr. VAN WYCK. With all due deference to the Senator from Michigan, I think he is mistaken about the bills which have been passed of this nature. I think he will call to recollection that at the last session of Congress a bill for a temporary need was first referred to the Committee on Commerce, and withdrawn from that committee subsequently by the action of the Senate and referred to the Committee on the Improvement of the Mississippi River, and by that committee it was reported, and on the report of that committee it was passed.

This bill does not propose to interfere with the great system of river and harbor improvement in the country, but it is at a point which needs immediate attention. Therefore it is thought best to refer it to the Committee on the Improvement of the Mississippi River, as they have more time to devote to it and are not so much engrossed with other matters. The object of the bill is to make an appropriation of $50,000 in order to save the channel of the river at the point named. We have felt that it would receive more speedy consideration at the hands of that committee; and it would not seem to be necessary that the great Committee on Commerce, which swallows up all the harbors, rivers, lakes, and oceans of the country and the continent, should insist upon receiving to itself a small measure which it evidently will not have or has not time to devote attention to.

Of course, personally, it is a matter of no moment whether the bill goes to the Committee on Commerce or to any other committee, but it would seem that this, being a very small, trifling matter, should go to a committee which never has occasion to do very much, and not to a committee in which it necessarily must be put in a pigeon-hole and there left.

I do not know the anxiety of the Senator representing the Committee on Commerce to insist upon a reference of the bill to that committee. I should like to gratify him very much indeed, and I have no special objection to the reference he suggests if we can have some sort of assurance that the bill will receive action one way or the other and be speedily reported. But I am satisfied, as I think the Senate must be, that the bill had better go to a committee which can act upon it, and not to a committee which is overburdened.

Mr. CONGER. I can not conceive it possible that anything which the Senator from Nebraska would introduce is a small and unimportant matter. I know he is not accustomed to deal with that class of things. Therefore it rises in magnitude in my estimation from the mere fact that the Senator himself has fathered the bill.

The rules require such bills to be sent to the Committee on Commerce. There is no power to send such a bill as this anywhere else. If it is of any importance to comply with the rules, or if it is of any importance to have the system of improvements under the control of a committee appointed specially for that purpose, then these little things, as well as the big things, had better be sent where they belong.

Mr. VAN WYCK. While the Senator is thinking for the next sentence will he allow me to suggest that he tell us what the Committee on the Improvement of the Mississippi River was appointed for?

Mr. CONGER. The Senator from Michigan was overburdened with the magnitude of the subject and waited to reflect; that is all; it is so very important in its bearing upon the general welfare of the country. I ask the President to have the rule in regard to this class of appropriations read.

The PRESIDENT *pro tempore*. Rule XVI provides as follows:

> All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce.

The Chair is under the impression, from the debates in the Senate and the practice of the Senate, that this rule will apply only to general appropriation bills for the general objects of river and harbor improvements. The Chair thinks, therefore, that the motion of the Senator from Nebraska to refer this particular local bill to the Committee on the Improvement of the Mississippi River is in order. The question is on agreeing to the motion to refer the bill to the Committee on the Improvement of the Mississippi River.

The motion was agreed to.

BILLS INTRODUCED.

Mr. PLUMB introduced a bill (S. 2651) to define the status, and for the relief of the heirs or legal representatives of certain recruits for the Fourteenth Kansas Cavalry Volunteers, who were killed at Lawrence, Kans., August 21, 1863, by guerrillas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CALL introduced a joint resolution (S. R. 127) to authorize the printing of the reports of the Bureau of Ethnology; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 128) to authorize the

printing of the reports of the Geological Survey; which was read twice by its title, and referred to the Committee on Printing.

He also introduced a joint resolution (S. R. 129) to authorize the printing of the reports of the Geological Survey; which was read twice by its title, and referred to the Committee on Printing.

Mr. VAN WYCK introduced a joint resolution (S. R. 130) prohibiting sale of lands between Waldo and Tampa Bay, Florida, under the grant to the State of Florida to aid in the construction of a line of railroad from Amelia Island to Tampa, Fla.; which was read twice by its title, and ordered to lie on the table.

WITHDRAWAL OF PAPERS.

On motion of Mr. PLUMB, it was

Ordered, That Charles Murphy have leave to withdraw from the files of the Senate the papers in his claim for additional compensation for building the United States appraiser's store in San Francisco, Cal.

A. L. SINGLETON.

Mr. HAMPTON submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to the widow of A. L. Singleton, deceased, late a fireman in the heating department of the United States Senate, a sum equal to three months' salary as fireman aforesaid, at the rate of $1,095 per annum, this amount to be considered as including the funeral expenses of A. L. Singleton and all other allowances.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

DES MOINES RIVER LANDS.

The PRESIDENT *pro tempore*. The order of concurrent and other resolutions having been exhausted, the Chair lays before the Senate the Calendar under Rule VIII.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1886) to quiet title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes.

Mr. LAPHAM. I offer the following proviso to come in at the end of section 2:

Provided, That nothing in this act contained shall have the effect of invalidating or disturbing the title of any *bona fide* purchaser from the State of Iowa or its grantees of what are known as the Des Moines River lands prior to March 2, 1861; but such titles are hereby ratified and confirmed.

It will be seen that this proviso is precisely like the proviso stricken out in the body of the bill yesterday, except that that proviso excepted from its operation that portion of the lands of the Des Moines River grant which were in the occupation of settlers. Now if I have succeeded in showing anything, I have succeeded in showing that in the cases decided by the Supreme Court between the earliest settlers to whom patents had been issued by the Government the Supreme Court decided that the grantees under the river grant had the undoubted title, and that the settler was a trespasser and had no title whatever. Why we should except from the operation of this proviso contained in the bill that portion of the lands thus confirmed to the grantees by the resolution of the 2d of March, 1861, passes my comprehension. Every decision made by the Supreme Court is to the effect that by that resolution the title in the purchasers under the Des Moines River grant has become an absolute title and that all interest of the Government is divested thereby.

Now this proviso simply gives effect to the decisions of the Supreme Court already pronounced; and this by no means interferes with the general policy of the bill under consideration. There are under what is known as the Harvey settlement, and referred to in the bill, 298,919 acres of land which are subject to the provisions of this bill, upon which to a greater or less extent there are settlers, and upon which there may be controversies between them and purchasers from the State of Iowa. Their claims have never yet been adjudicated, their claims are not covered by the joint resolution of March 2, 1861. Those lands were not transferred until the operation of the Harvey settlement in 1866, long after the joint resolution of 1861 and the act of 1862, which confirmed the title of the settlers in the Des Moines River grant.

As I have already said, the purchasers in whose behalf I appear have no objection whatever to this litigation if the lands which have been determined to be theirs by these repeated decisions are excluded from its operation. This amendment is one which Senator McDonald, of Indiana, on the 5th of February, 1879, offered as an amendment he intended to propose to the bill entitled "A bill to quiet the title of settlers on the Des Moines River lands in the State of Iowa, and for other purposes"—precisely this bill. It was obvious to the judicial mind of Senator McDonald that the idea of interfering with the rights of these purchasers by legislation was simply folly, and that in the passage of the bill there should be a proviso exempting from its operation the lands which had been thus purchased.

These purchasers represent, as they state in their memorial, about three-fourths of 214,000 acres of land that had been ceded to the State of Iowa prior to the resolution of March, 1861. They paid for these lands from four to six dollars per acre when they purchased. They have paid the State and county taxes ever since. The lands have cost them now more than $20 per acre. The trespassers, so far as there are any, have had the use of these lands in the mean time without paying anything, and they only ask now that the hands of the United States shall be taken off this subject so far as their rights are concerned. They ask, as they say in their memorial, that this bill, which professes to be a bill to quiet the title to the Des Moines River lands, shall not be so framed as to reopen all the questions which have been decided by the Supreme Court of the United States and by the courts of the State of Iowa.

Is this an unreasonable request? Ought they not to be excepted from the operation of this bill? The honorable Senator from Iowa [Mr. WILSON] in his remarks said that so far as there were vested rights he did not propose to disturb them. Well, in the name of all that is consistent, I ask the Senator is not a vested right a right which the Supreme Court in ten consecutive cases has decided is legal and valid? If that is not a vested right, what is? Can any man stand up here in the face of these decisions and claim that the right of the purchasers from the Des Moines River Company has not become a vested right in these lands? If it is possible for the judgment of courts to determine vested rights, that has been determined.

It is whispered here that these litigations have to a greater or less extent been collusive. Ah, Mr. President, there is no foundation for such an accusation as that—collusion between Crilly who settled on these lands in 1855 and obtained a patent and who brought an action to determine the question whether he or the purchaser under the river grant had the title—talk about collusion between them! It is all idle to talk about any case of collusion.

I said yesterday, and I repeat the challenge now, there is not one advocate of this bill who can state a single fact that was not before the courts when these judicial decisions were made. Every fact bearing upon the question has been before the courts. There is nothing new here; this is a mere attempt to revive a controversy which has been judicially determined and to revive it not in the name of the claimants, but to revive it in the name of the United States and at the expense of the Treasury of the United States.

This amendment is precisely, I repeat, like the clause which I had stricken out from the bill yesterday with this exception, that that said the titles of the purchasers from the Des Moines River Company shall be confirmed except where they are disputed by the settlers upon the lands. I will read the exact language, because that was my objection to this clause in the bill. There was an implication from it adverse to our whole title:

That all the lands improperly certified to Iowa by the Department of the Interior under the act of August 8, 1846, as referred to in the joint resolution of March 2, 1861, for which indemnity lands were selected and received by the State of Iowa, as provided in the act of 1862, are, and are hereby declared to be, public lands of the United States: *Provided*, That the title of all *bona fide* settlers under color of title from the State of Iowa and its grantees, or the United States and its grantees, which do not come in conflict with pre-emption or homestead claimants, are hereby ratified, confirmed, and made valid.

If there is any meaning to this it reverses the judgment in the case of Crilly, because that is his case exactly.

Now, I ask to have this proviso put in in the language I have sent to the Secretary's desk, that the title of the purchasers which was confirmed by the legislation of 1861, which has been held perfect by these repeated adjudications of the courts, shall be excepted from the operation of this bill, and those titles shall be confirmed and declared valid; and this amendment is simply designed to carry out that purpose, to take out of the operation of this litigation that portion of the 214,000 acres of land which were conveyed to the Des Moines River Navigation Company and which have been sold to purchasers residing in the State of New York and in New England, leaving 294,000 acres of land under the Harvey settlement, as it is called, conveyed to the State of Iowa by the Government, to the questions which arise under the provisions of this bill.

I trust, Mr. President, that this amendment, originating as it did in the mind of so discriminating a man as Senator McDonald, believed as he believed it to be an essential proviso for the protection of those whose rights had been adjudicated and settled by the law, will receive the sanction of the Senate; and as I said yesterday, much as I may view the provisions of this bill to be not in accordance with proper legislation as to any of the lands embraced in it, yet if this exception shall be made by the amendment I have now proposed, the main objection which I have to the passage of the bill will be taken away.

Mr. President, it is an exception which ought to be made. We owe it to consistency, we owe it to ourselves as a high deliberative body, that we shall not transgress the decisions of the highest judicial tribunal of the country, that we shall not set at naught the determination of the Judiciary Committee of this body four years ago that as to these lands the title is beyond any further question or dispute and should not be made the subject of litigation. That is all I seek by this amendment; that is all it accomplishes. It leaves 300,000 acres of land, or more, yet open to the operation of the clauses of this bill; but so as far as there are settlers upon that portion of the land which was conveyed by the Des Moines River Navigation Company to the purchasers I represent it takes those from the operation of the clauses of this bill. I hope,

therefore, that the Senate will see the propriety of adopting this amendment and thus taking out of this proposed litigation that class of lands the status of which and the title to which have been so often determined by the courts of Iowa and by the courts of the United States, as well as by the joint resolution of Congress of 1861 and the act of 1862.

The PRESIDING OFFICER (Mr. FRYE in the chair). The question is on the amendment of the Senator from New York [Mr. LAPHAM].

Mr. WILSON. Mr. President, I hope that this amendment will not be adopted. Its office and only office is to attempt to eliminate from the operation of this bill one of the most important features it contains. It is an attempt by a legislative declaration to take away from the jurisdiction of the courts, where it is the office of this bill to send the entire question, a very important portion of it; and the argument which the Senator from New York has made in support of his amendment sounds very differently to me from one which he made when the Oregon resumption bill was before the Senate. On that occasion the Senator from New York said:

> Are we to decide those questions without giving the parties interested an opportunity to be heard? Suppose the Government had been authorized to enter its own courts and prosecute for a forfeiture of this grant and had commenced an action in the name of the United States, making this corporation only a party, not bringing in any of the bondholders as parties, and a judge of the United States should order final judgment without bringing in the parties really in interest and giving them an opportunity to be heard, what would be thought of such a judicial proceeding as that? Now, what are we doing—

And I may say what is he proposing to do by his amendment?—

> Now, what are we doing? Who are we? We are the United States. We are a plaintiff declaring final judgment in our own favor without giving the parties interested any opportunity whatever to be heard. That is our position exactly. That is what this bill proposes to do—

And I may say that is what the Senator's amendment to this bill proposes to do—

> I trust it will not be done. I trust, as I said when this bill was up before the recess, that the Senate will not recede from the position it took, when by a vote of nearly three to one it added to a prior bill now in the hands of a conference committee the precise provision which is embraced in the amendment of the honorable Senator from Alabama. We owe it to ourselves to maintain that position—

That was the sending of the question to the courts for adjudication—

> It is not a question as to the number of parties interested, whether they be few or whether they be many. If but one man has an interest as a bondholder we should stop and hesitate about declaring this grant forfeited without giving him an opportunity to be heard. It is not a question of numbers. It is not a question of the magnitude of the claim. Those considerations do not weigh a feather in my judgment in determining the point of giving to all parties interested, whether they are many or whether they are few, an opportunity to be heard as to their rights before the Government shall resume and put into the market these lands for the purpose of giving title to absolute and *bona fide* purchasers.

Now, Mr. President, the doctrine of that speech of the Senator from New York is the doctrine upon which we base this bill, and ask the Senate to enact it, that this whole question may be sent to the courts for adjudication, and not as he proposes by an amendment to this bill to eliminate one of the most important features of the whole case. His proposition is an admission itself that the titles he refers to as belonging to the parties he represents are questionable titles; that they need the operation of this amendment of his in order to be ratified and confirmed by the legislative voice of the Government. Now, what we ask is that those questionable titles shall with all others embraced within this grant go to the courts of the United States, where each man and every man with whatever interest shall have the opportunity of a judicial determination of his rights.

Mr. LAPHAM. Mr. President, the position of the honorable Senator from Iowa is an apt illustration of the stress to which the advocates of this bill are reduced when they come to say one word in its advocacy. The remarks of mine which he read were made upon a bill declaring a forfeiture of a railroad grant—a grant where the condition upon which it was made had not been performed by the railroad company, and therefore the title was about to be resumed by the United States. I had occasion to say in the course of my remarks, anticipating that something of that kind might be introduced here, that this bill is not a bill that proposes to forfeit a grant by the Government. There is no such feature in the case. This bill does not assume to act in the exercise of the power of eminent domain on the part of Congress to resume a title to land conditionally disposed of where the condition has been broken. There is no such feature in the case; and what I said in that case with reference to the provision for protecting the interest of bondholders, of lien-holders upon the land, has no application whatever here.

Sir, there is in this bill twice over a declaration by which the honorable Senator insists that these lands are public lands. Why should we declare that——

Mr. WILSON. I can answer the question.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Iowa?

Mr. LAPHAM. Certainly I will.

Mr. WILSON. It is a declaration of a proposition which we intend to send to the courts of the United States for determination.

Mr. LAPHAM. It will go there without any such declaration in the bill if the United States has any right. Why do they insist upon declaring that the lands which were conveyed twenty-odd years ago to purchasers for value, and which Congress has said shall be confirmed to them, are yet public lands of the United States?

Mr. WILSON. If the Senator will allow me, I might reply by asking why does the Senator ask this proposition to be enacted as a law which is embodied in his amendment if the titles he speaks of were perfect twenty years ago?

Mr. LAPHAM. If there is any objection whatever to those words I will strike them out of the amendment. I do not regard them of any importance, and I will modify the amendment by striking out the last words, that the "titles are hereby declared to be perfect in the grantees." Strike that clause out. All I want is to except these lands from the operation of this bill, which declares them to be public lands, and declares them to be so in the face of the fact that Congress in 1861 expressly divested itself of the title in these lands. That is all I am after. I do not want the declaration contained in this bill, which is applicable probably to a portion of the two hundred and ninety-odd thousand acres that went under the Harvey settlement, the declaration that they are public lands, to apply to the lands that were conveyed to those I represent under the river grant. That is all the object of my amendment. I adopted the language that they are hereby confirmed to the purchasers by following the language contained in the amendment proposed by Senator McDonald, "such titles are hereby ratified and confirmed." I will strike that out; I do not care anything about it.

As I said yesterday, and as I repeat now, there is no declaration which Congress can make which is as serviceable to the purchasers whom I represent here as the ten judgments of the Supreme Court of the United States. It is a judicial question and the judicial tribunals of the country have decided it. It is not a legislative question and the legislative tribunals of the country have no business to deal with it in any form whatever. The moment they undertake to do so, as the Senator from Alabama [Mr. MORGAN] said yesterday, they trench upon that provision of the Constitution of the United States which declares that private property shall not be taken without due process of law.

"Due process of law" means the judgment of a judicial tribunal and process in pursuance of it. The legislation of this body and of the other House is not due process of law. It will be pronounced, if this bill should ever become a law, a shameful process of law instead of due process of law, and I repeat that the honorable Senator from Iowa would never have been driven to quoting what I said on a railroad forfeiture bill if he had had any ground upon which he could place his feet and stand in security to answer the proposition that was submitted to the Senate in favor of this amendment. He yields the entire point.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Presiding Officer will lay before the Senate the unfinished business of yesterday.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. CLARK, its Clerk, announced that the House had passed the following bills:

A bill (S. 305) for the relief of Thomas T. Stratton, assignee of W. B. Waldron;

A bill (S. 1251) to authorize the purchase of a wharf for the use of the Government in Wilmington, N. C.;

A bill (S. 1347) for the relief of sufferers by loss of the Government steamer J. Don Cameron;

A bill (S. 1412) authorizing the Secretary of War to adjust and settle the account for arms between the State of South Carolina and the Government of the United States; and

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas;

A bill (H. R. 7305) for the relief of Christopher Schaefnocker; and

A bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes.

FOREIGN-LABOR CONTRACTS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2550) to prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia.

Mr. McPHERSON. Mr. President——

Mr. BUTLER. I ask the Senator to yield to me for a moment.

Mr. McPHERSON. Certainly.

Mr. BUTLER. I desire to offer an additional section to the amendment which I had the honor to present yesterday evening, and ask that it be read in connection with the amendment.

The PRESIDING OFFICER. The Senator from South Carolina offers an additional section to the amendment submitted by him yesterday. The amendment was not offered yesterday, the Chair is informed by the Secretary. The Senator from South Carolina now offers an amendment.

Mr. BUTLER. To the amendment I presented yesterday evening.

The PRESIDING OFFICER. The Chair is informed that the amendment was not formally presented, and therefore it is still practically in the hands of the Senator from South Carolina, and can be treated as an amendment of to-day.

Mr. BUTLER. Very well. Then I offer the amendment I send to the desk.

The CHIEF CLERK. The amendment proposes to strike out all after the enacting clause of the bill and insert in lieu of the matter stricken out:

That from and after the passage of this act it shall be unlawful for an alien or aliens, foreigner or foreigners, coming to this country under a contract or agreement to labor, to land upon the shores of the United States; and any alien or aliens, foreigner or foreigners, so landing after the passage of this act shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $1,000 fine or twelve months' imprisonment.

SEC. 2. That any person or persons who shall contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, to labor within said limits or jurisdiction, previous to said alien or aliens, foreigner or foreigners, becoming citizens or residents of the United States, and shall bring or cause to be brought such laborers within the limits of the United States in pursuance of said contract to labor, shall de deemed guilty of a misdemeanor, and, upon conviction thereof in a court of competent jurisdiction, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $2,000 fine and two years' imprisonment.

SEC. 3. That nothing in this act shall be so construed as to prevent any citizen of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers: *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

SEC. 4. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

Mr. BUTLER. The addition which I have made to my amendment as printed and placed on the desks of Senators this morning is simply the fifth section of the bill, which is made the third section of the substitute I have offered.

Mr. LAPHAM. I desire to give notice that for the purpose of taking the sense of the Senate when we come to vote on this bill I will ask to take out of the third section that portion of it which gives a moiety of the recoveries to the informer. I will put it in shape before we reach the period of closing the bill, and I shall ask the consideration of the Senate upon that proposition.

I also give notice that I will move to strike out the word "singers," in the fifteenth line of section 5, in the proviso which reads:

Provided, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers.

The PRESIDING OFFICER. The first amendment proposed by the Senator from New York will necessarily have to be delayed until the bill is in the Senate, the third section having already been adopted by the Senate as in Committee of the Whole.

Mr. LAPHAM. Very well; I will prepare it.

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from South Carolina [Mr. BUTLER] to strike out all after the enacting clause and insert a substitute.

Mr. MCPHERSON. Mr. President, I do not intend to occupy more than a very few minutes of the time of the Senate in discussing this bill. I shall vote for the bill because of the good it promises, notwithstanding the evil which it contains. I think I am within the limits of fair criticism when I say that the bill as reported to the Senate reflects no credit upon the committee that reported it or upon the Senate, which evidently intends to pass it. I speak of it in its present form. In proof of this I will call the attention of Senators to the third section of the bill. In lines 12 and 13 we find these words:

Including any such alien or foreigner who may be a party to any such contract or agreement, who may choose to bring such suit.

The line immediately preceding confers upon any person the right to recover by suit; and here by express words you make one of the parties to the contract a witness against the other, both being guilty parties under the law. I do not know that there is any legislation standing upon the statute-book of the United States in which the same terms are employed. It is a universal principle, everywhere recognized, that a man who claims equity must do equity; he must come into court with clean hands asking redress for grievances there; but this section proposes to make one of the guilty parties a witness against the other. In effect it offers a premium for blackmail, and it gives one of the guilty parties a standing in court that he would not otherwise have except for this express provision. I do not think such a provision is necessary, because in the former act it is implied at least; even more, it is expressed that any man may appeal to the courts.

I do not believe that there is an intelligent labor organization in this country, or an intelligent laboring man in the country who will not think and see that the result of these words will be to offer a premium for blackmail; and I do not believe that any of them desire such a thing. It is unnecessary; it is uncalled for; and it is not a usual mode and method of legislation.

I am also opposed to the fourth section of the bill for many reasons. The one reason I will give here is this: I believe it is unwisdom to place that section in the bill. Nearly all the advances made to these irresponsible people is made in the way of prepayment or payment of passage-money. In no other way can the advance be properly and safely made. Now, instead of making the steamship company, as you would by eliminating this section of the bill, an ally with those who desire its enforcement you make it an enemy. The section makes the steamship company one of the guilty parties; therefore you can receive no evidence from any of them.

There are other and higher reasons that I could give why this section should be eliminated from the bill, but as the Senate has already made it a part and portion of the bill I shall say nothing about the other reasons.

The bill is intended to prevent the importation of foreign labor by contract, which means cheap labor, pauper labor, and I might add vicious labor, which when brought to this country enters into competition with our laborers here; and our own laborer in the course of time from the result of that competition becomes a tramp, seeking bread from door to door.

There are only two classes in this country who indulge in this kind of practice, the railroad corporations and the manufacturing corporations. That the bill will very greatly interfere with the agricultural interest, as a fear has been expressed by both Senators from Texas, I do not think; but as to the two classes I have named it has been the practice of both the railroad companies and the manufacturing companies to import cheap labor because they deem it profitable to do so.

For many years it has been the practice of the Government by high tariffs to protect the product of labor while at the same time it has maintained free trade in labor itself. This is the Republican party policy. In this way manufacturing enterprises have grown up to gigantic proportions; the smaller and the weaker factories have been driven to the wall, and it is not uncommon to see thousands of laborers in the employ of a single corporation or firm. Combination being more profitable than competition, the manufacturers combine together to fix the price of their product and at the same time to fix the rate of wages. In this way the manufacturer becomes the master of those he employs. A man who gives me employment which I must have or suffer, that man is my master, let me call him what I may; and while we object to the term "master," what is the use of objecting to the term when we have the thing itself? This has grown up into a system under which to-day the laboring man in this country employed by these manufacturing establishments is not given even the untrammeled right to vote. That is the condition of things which the laborers have reason to complain of more than of the importation of the foreign laborer.

A manufacturing establishment runs six months on full time, paying fair wages. At the end of that time, and without cause, in nine cases out of ten, they begin to cry "overproduction; no sales; no market for goods;" and the laboring man is given the poor privilege of working the other six months on half pay or half time or both, or he is told the factory will close up. That is the condition of things. Now will some Senator tell me how much above the pauper wages of Europe is the pay of the laborers in many of our manufacturing establishments—I mean the average that is paid during the entire year? Capital will not take the risk of new products in dull times, but labor is compelled to take it, and so it goes on from year to year, the laborer always the sufferer. If any demonstration of this evil could be found that was more forcible than another, it can be found in the case that happened in this country after the passage of the tariff bill of 1882.

We gave an increase of duty on glassware, I think of more than 10 per cent., and it was given on the plea that the labor employed in that industry was not sufficiently protected. The Congress of the United States increased the duty, and immediately after the bill was passed a demand was made by the manufacturers of glassware for a reduction of 10 per cent. in wages. This continued, and they were shut out for a long time. Not content with this, the manufacturers of glassware, when they had exhausted their own surplus product, imported glassware from abroad and paid the duty, in order that they might continue to lock out their workmen.

These are the things that the laborer should complain of. A tariff is imposed for revenue and that the American laborer may have a fair reward for his labor. I have voted for it with that idea, and I shall continue to vote for a tariff sufficient to protect the wages of American labor, and God forbid that American labor shall ever be deprived of protection; but I do say that when manufacturers combine together for the purpose of oppressing labor and labor trying to pass laws against the importation of foreign labor, it becomes us to see to it that the laborer employed in manufacturing enterprises protected by high tariffs shall receive a part of the protection accorded to the factory.

I have already spoken more than I expected; I do not wish to consume the time of the Senate, as the bill is soon to come to a vote, and the Senator from South Carolina wishes to speak to his amendment. I will not stand in his way.

Mr. GEORGE. I desire to ask the Senator from New Jersey a question before he takes his seat.

The PRESIDING OFFICER. Does the Senator from New Jersey yield to the Senator from Mississippi?

Mr. McPHERSON. I do.

Mr. GEORGE. I understand the Senator to say that after the passage of the tariff act of 1882 increasing the duty on glassware the manufacturers of glassware reduced the wages of their laborers, and turned them out of the shops, and imported foreign manufactured goods to sell to their customers in the place of our own ware.

Mr. McPHERSON. Yes; and they did worse. First, they imported Belgians to take the place of those shut out. When that did not work, then they imported foreign goods in order to drive their former employés to the hard terms. This bill will at least keep out the Belgians, but will not reach the greater wrong.

Mr. DAWES. I will not consume the time of the Senator from South Carolina.

Mr BUTLER. I have no idea of making a speech.

Mr. DAWES. I do not take the floor to submit any views further than I submitted yesterday; but this morning I have received a petition from the gold-beaters of Massachusetts employed in that business with a request that I lay it before the Senate, which I desire to do and have it read. In connection with it they inclose to me a contract made by a Philadelphia firm in London that a man should come here and serve them for some time at a given price fixed by them in London. This seems to have been a printed blank filled in; it is so printed here that the italics indicate what is filled in to fit the case of these men. I ask that it may be read and then let the petition be read.

Mr. BUTLER. I submit we have hardly time to have those papers read.

Mr. DAWES. It will not take long to read the part printed in italics. That is all I ask for.

The PRESIDING OFFICER. Without objection the paper sent up by the Senator from Massachusetts will be read.

The Chief Clerk read as follows:

LONDON, *June* 13, 1881.

Messrs. Hastings & Co., of Philadelphia, and Mr. *James Tame* do hereby bind themselves to the following agreement:

Messrs. Hastings & Co. on their part agree to employ the said *James Tame* at gold beating for one year and to pay him the sum of not less than ten dollars ($10) for each week's work of sixty hours during that time.

The said *James Tame* on his part agrees to work for the said Hastings & Co. for the sum and time named, and he further agrees that he will not associate himself with or in any manner assist any society or combination of men to regulate the rate of wages or manner of conducting the said trade of gold-beating.

Hastings & Co. agree to pay the passage to Philadelphia, and James Tame agrees to repay it at not less than one dollar per week.

HASTINGS & CO.
JAMES TAME.

Mr. BUTLER. Now, may I ask the Senator from Massachusetts if he really and conscientiously thinks there is anything in this bill to prevent the enforcement of that contract?

Mr. DAWES. I had the impression that there was. If it does not reach such contracts as that it does not reach the only ground upon which I support it, as I stated yesterday, and that is the view taken by the gold-beaters themselves in the petition which I ask to have read.

The PRESIDING OFFICER. What disposition does the Senator desire of the petition he has sent to the desk?

Mr. DAWES. I ask that the petition be received and read without the names.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, the undersigned gold-beaters of Massachusetts, suffering from the effects of cheap imported and child labor, introduced into New York and Philadelphia manufactories, to the detriment of skilled American workmen, do hereby petition your honorable body to take action, whereby said foreign and child labor will be excluded from a trade that requires a large amount of intelligence and good judgment. And unless such action is taken, the total exclusion of the intelligent American workman from our workshops is inevitable.

And we pray for an immediate passage of the foreign contract labor bill now before the Senate.

FRANK H. ADAMS and others.

Mr. BUTLER. I should like to have the attention of the Senator from New Hampshire for a moment, in order to get an explanation of some of the provisions of this bill which I confess I do not understand. I am in the same position as my friend from Alabama. It is claimed by those who favor this measure that the object is to exclude the pauper labor of foreign countries from the United States coming here under contracts made abroad. That I understand to be the object of the bill.

Mr. BLAIR. Not necessarily pauper labor.

Mr. BUTLER. Well, all contract labor. Then I should like to ask the honorable Senator why it is that section 3 provides for a forfeiture of $1,000, "which may be sued for and recovered by any person, who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same."

That is a civil action, a *qui tam* action as I understand, for the recovery of $1,000 from the party who violates the previous provisions of this bill. In section 4 provision is made—

That the master of any vessel who shall knowingly bring within the United States on any such vessel, and land, or permit to be landed, from any foreign port or place, any alien laborer, mechanic, or artisan who, previous to embarkation on such vessel, had entered into contract or agreement, parol or special, express or implied, to perform labor or service in the United States, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than $500 for each and every such alien laborer, mechanic, or artisan so brought as aforesaid, and may also be imprisoned for a term not exceeding six months.

If the honorable Senator will explain to me why he discriminates against the master of a vessel in fixing the penalties of this bill, I shall be greatly obliged to him.

Mr. BLAIR. If the Senator wants an answer, I will make one. In the first place I think it quite immaterial whether there is such a discrimination or not; but there is such a discrimination in the bill as it is brought here. I do not consider it any serious objection; perhaps it is even an excellence in the bill. I can perceive a reason why it should be. The first section criticised, the third section of the bill, provides for a suit for a penalty. It is not precisely a criminal statute, as the Senator understands. The fourth section describes an offense and makes it a misdemeanor which is punishable not alone by fine as in a *qui tam* action, but also by imprisonment. The thing done in the fourth section is very different from that which is prohibited previously and is punished by the third section. It is an effort to punish a man who might not be responsible and who by reason of his irresponsibility might escape all punishment otherwise, by subjecting him to a fine; the master of a vessel by subjecting him to imprisonment as well as to a fine. The master of a vessel is not so likely to be a man of capital able to respond to a suit for damages or the collection of a fine as the employer or hirer of labor might be, and it was designed to reach him at all events.

Mr. BUTLER. May I ask the Senator another question in that connection in pursuance of a suggestion made by the Senator from Alabama? Suppose a railroad corporation or a mining corporation or a manufacturing establishment or any other body of combined capital should employ an irresponsible man, call him John Smith if you please, to go to Germany or France or England or Russia or Sweden or Norway, and John Smith brings to Castle Garden 5,000 laborers, and as soon as they land the superintendent of the railroad corporation proceeds to Castle Garden and makes a contract there with those 5,000 laborers within the jurisdiction and limits of the United States. The only redress as I understand that this bill gives is that John Smith shall forfeit $1,000, but you can not touch the railroad corporation. You bring your action against John Smith and he snaps his fingers in your face and says, "I am not worth two dollars and a half for you to collect."

Mr. BLAIR. The Senator will see that his own amendment seems planned on purpose to let the corporation escape.

Mr. BUTLER. No, sir.

Mr. BLAIR. The bill itself makes the offense the same when it is committed by any person, partnership, company, or corporation who violates the same by assisting, encouraging, or soliciting the prohibited migration, or, as in another section, in any manner whatsoever prepaying the transportation or assisting in or encouraging the importation of the prohibited parties. Now, the case which the Senator puts is that of the principal himself hiding under an irresponsible party. The railroad corporation or the mining corporation sending an agent abroad is itself really the principal, and so is reached under this statute with equal penalties, at least as an accessory, an aider, an abettor, an assister; it is punished the same and punished to the extent of a thousand dollars for each individual thus brought here and thus hired.

Mr. BUTLER. Can there be an accessory to an action, such as is provided for in the third section of this bill?

Mr. BLAIR. It may not be precisely an accessory in the strict technical definition in criminal law, because I believe there are none such in misdemeanors, for there all are principals. I speak of an aider, an assister, an abettor, an incitor, an inducer as descriptive of the thing.

Mr. BUTLER. How are we to reach them?

Mr. BLAIR. By suing the corporation if it is responsible and recovering a thousand dollars a head for each person brought here.

Mr. BUTLER. The corporation has made no contract in violation of the terms of the bill.

Mr. BLAIR. But the corporation has sent the agent abroad to make it; it is the aider, the inducer, the abettor, in fact the prime mover, and so is reached by the bill.

One more difficulty with this bill, permit me to say here, is that those who criticise its phraseology know very little of it. This is a good bill, with a few exceptions that might have been stricken out by any ordinary schoolmaster, it being not exactly grammatical all the way through, but it is a bill that reaches this evil, and it reaches it so closely, ferrets it out so well, punishes it so certainly, and extirpates it so surely, if it becomes a law, that many men are, I think, fighting it by indirection. Now, take the Senator's own amendment which he has offered. It is an amendment open to the objection which he makes to this bill.

Mr. BUTLER. I should like the Senator to point it out.

Mr. BLAIR. I will endeavor to do so when I am done answering questions that may be propounded by the Senator himself.

Mr. BUTLER. I should be very glad indeed to have it pointed out.

Mr. BLAIR. I shall be glad to point it out.

Mr. BUTLER. I wish to know wherein it is liable to the criticism the Senator makes.

Mr. BLAIR. I will take my time to do it.

Mr. BUTLER. Taking the assertion of the advocates of this bill that they are really anxious to prevent what is said to be an evil, it has occurred to me that this bill offered a premium upon its very face for its own violation. The amendment which I have drawn makes it a misdemeanor for the alien or foreigner himself to come. Not only that, but the second section provides that if any person—not a corporation, corporations are represented by persons—if any person representing a corporation makes a contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, and brings those aliens and foreigners within the limits of the United States in pursuance of that agreement, he is liable on the criminal side of the court, and he is reached in that way; but this bill as it stands reaches nobody. It is and will be found to be whenever the attempt is made to enforce it absolutely inoperative, I predict, and in its operations a sham and a pretense, for the reason I have stated; it has no penalty whatever which can reach anybody and which may not be evaded at any moment. It will be evaded, because a premium is offered in the bill itself for doing so.

It seems to me that this body of legislators before it places a bill upon the statute-book, after a solemn, deliberate discussion such as this has had, should so frame it that it shall at least be clear to some of us who are, I admit, more obtuse than the honorable Senator from New Hampshire and very far inferior to him in legal ability; but inasmuch as we have to vote upon the bill, I submit that it is quite competent that I should make the inquiry, he having charge of the measure, in order that he might explain some defects which as it appears to me exist in it.

Mr. SAULSBURY. I desire to offer an amendment, if it is in order, to the amendment of the Senator from South Carolina. Probably he will accept it if it is in order, as I presume it is.

The PRESIDING OFFICER. It is in order.

Mr. SAULSBURY. I move to amend by adding as an additional section:

SEC. —. That it shall be unlawful for any person, corporation, company, firm, or association of persons to employ, pay for, or accept the services in any business or occupation of any alien or aliens, foreigner or foreigners, who may emigrate to or come into the United States to perform service or labor without a fixed purpose of acquiring a permanent residence in and becoming citizens of the United States. Every person offending against the provisions of this section shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall forfeit and pay a fine of $500.

I understand the professed object of this bill to be to protect American labor. There is no provision in the bill as drawn which in my opinion will operate to the protection of American labor. I understand there are a large number of the operatives in New England, and also in the pine forests of Michigan and Wisconsin, and also a large number of persons engaged in the manufacture of cigars in the Southern States, especially in Florida, and some perhaps engaged in fruit-growing in that section of the country, who come here to labor, not for the purpose of becoming permanent citizens, but simply to operate here as laborers, thus depriving American laborers of the occupations that they otherwise would be entitled to.

It is to meet that condition of affairs that I have offered this amendment. The mill-owners of New England, as I understand, employ Canadians, who come there not for the purpose of residing in New England, not for the purpose of remaining there permanently, and by giving them employment oust the laborers of New England from the factories because they can secure the Canadian laborer cheaper. I think if we are going to protect American labor we ought to adopt some measure that will have that effect. I have offered this amendment making it an offense against the law to give employment or to accept the service of any alien or foreigner who may come to this country, not for the purpose of forming a permanent residence, but simply for the purpose of operating as a laborer, who thus deprives our American laborers of the employment they otherwise would have. I have offered the amendment for that purpose. If the object and purpose of this bill really be to protect American labor, I think the amendment is more efficient for that purpose than any provision in the bill.

Mr. BUTLER. I suggest that the amendment of the Senator from Delaware would properly come in as the third section of my amendment, so as to make the third section offered by me the fourth. If the Senator will permit me I will make that suggestion.

The PRESIDING OFFICER. Does the Senator from Delaware accept the suggestion?

Mr. SAULSBURY. Yes, sir.

Mr. BUTLER. As I understand, the amendment of the Senator from Delaware names penalties different from those in my amendment. The first section of the amendment I have offered provides—

That from and after the passage of this act it shall be unlawful for any alien or aliens, foreigner or foreigners, coming to this country under a contract or agreement to labor, to land upon the shores of the United States; and any alien or aliens, foreigner or foreigners, so landing after the passage of this act shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $1,000 fine or twelve months' imprisonment.

I ask the Senator from New Hampshire if there is any doubt, if there is any obscurity, about that provision of my amendment? In other words, I should like the Senator from New Hampshire to tell me if there would be any difficulty in a prosecuting officer, a marshal or deputy marshal, being able to enforce that provision of law. It is perfectly clear, perfectly distinct. It is claimed by those who advocate this bill that the sole object of it is to exclude what is called servile foreign labor, labor brought here under contract. If that is the object, then the officer of the law would have no difficulty whatever in laying his hand on any man who violated this provision. There is no ambiguity about it. It is distinct. It has its penalties. Its penalties can be enforced. It seems to me there can be no doubt about that.

The second section provides for one class of persons who would violate law, to wit, the aliens and foreigners. That section reads:

That any person or persons who shall contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, to labor within said limits or jurisdiction, previous to said alien or aliens, foreigner or foreigners, becoming citizens or residents of the United States, and shall bring or cause to be brought such laborers within the limits of the United States in pursuance of said contract to labor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in a court of competent jurisdiction, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $2,000 fine and two years' imprisonment.

I should like the Senator from New Hampshire to tell me whether there is any ambiguity about that language. The honorable Senator says it appears to be framed with a view of not fixing responsibility upon corporations and upon manufacturing establishments. Unless I am very much misinformed these corporations and establishments act through agents upon whom the officer of the law would have not the slightest difficulty in laying his hand if they violate it.

So with the amendment of the honorable Senator from Delaware [Mr. SAULSBURY] which I have accepted. It provides a penalty and a punishment for a violation of this proposed law, that is to say, if the object of the bill is to prevent and exclude contract labor. As it is, in my judgment, it is absolutely inoperative and useless for any such purpose.

We have heard so much froth (and I do not say that in any disrespectful sense) about the protection of American labor that it is absolutely getting to be nauseating to me. Protect American labor out of whose pocket we annually wring $85,000,000 in violation of morals! When American labor clamors for recognition by Congress we provide a bureau of labor, as we did last year. I should like to know how many pounds of bread and meat, how much clothing, how much fuel, and how much protection from the weather that Labor Bureau is going to furnish to the American laborer. How much has it furnished? How much will it furnish? The laborers literally ask for bread and we have given them a stone, and we propose to give them another in this bill if it passes.

Mr. SAULSBURY. There is a scorpion in it.

Mr. BUTLER. My friend from Delaware suggests that there is a scorpion in the bill; I think it very likely. My objection to the bill in the shape in which it is as it came from the committee is that it pretends to do something and really and practically does nothing except to throw a sop to Cerberus, to pat the American laborer on the head by giving him a bill which amounts to nothing. Because some Knight of Labor has telegraphed or has petitioned some Senator or Member of Congress, we throw him this taffy to satisfy the clamor of the American laborer, giving him a sham when he wants something real, giving him a bill which has nothing in it, instead of putting back into his pocket the eighty-five millions annually which we take from his pocket, and in that way furnish him employment.

Eighty-five million dollars in ten years would accumulate an enormous sum of money, and yet we are told that we protect the American laborer by taking $85,000,000 annually out of his pocket, and robbing his wife and his children of the necessaries of life in so doing; and when the demand is made upon Congress for relief we come in and with a sham and pretense like this say that that satisfies the demand of the American laborer and protects him against being underbid by imported pauper labor and servile labor, as it has been termed.

If we are going to do that, let us do it. I will go as far as the Senator from New Hampshire or any other Senator in an honest effort to protect American labor from the invasion of pauper or servile labor from China, Hungary, or anywhere else, but I do not intend if I know myself to vote for a measure which will be as inoperative as a blank piece of paper. I will submit to the candid judgment of any lawyer the premium that it offers in its own provisions for a violation of the law. I submit that we have no right as legislators to do that.

Hence it is that in good faith I have presented to the Senator from New Hampshire and those who think with him a measure about which there is no ambiguity or doubt. If there is, and he will point it out, I can assure that Senator I will accept any suggestion of amendment to make the provisions more clear; but I submit that under any fair criticism by any candid lawyer, or by any candid officer of the Government,

he would not have the slightest difficulty in enforcing the provision of the amendment which I have offered as a substitute for the bill. I am frank to say, I think it has been improved by the amendment of the honorable Senator from Delaware, about which there is as little ambiguity and doubt; and if the honorable Senator from New Hampshire will go with me in the direction which he has indicated, according to the intention of the committee and those who support the bill, I will take two steps to every one that he takes toward protecting American labor against what is said to be an intrusion by the pauper labor of Europe.

Mr. BLAIR. The Senator from South Carolina will pardon me if in listening to his somewhat unaccustomed rôle of the special friend of American labor I feel reminded of the proverb that it is well to beware of the Greeks when they come bearing gifts. I have examined his amendment with a suspicion that he might not be from the very bottom of his soul the most anxious to conserve the purpose of this bill. I am very glad, for I know him to be a sincere gentleman, that he is in earnest; but it would have taken the positive assurances which he has made upon the floor of the Senate to convince me of it. As it is now, I am satisfied that he is sincere, but that he is mistaken in the character of the effort which he has made, and it is not calculated to carry out his real purpose, which is the success of this movement to prevent the introduction of contract labor into this country.

I think that this has been a somewhat unfortunate bill. In the first place it came to us from the House of Representatives, as I know and as the Senate knows, almost unanimously indorsed, without regard to party, from that end of the Capitol——

The PRESIDENT *pro tempore*. It is not in order to refer to the action of the other House.

Mr. BLAIR. I refer to it to compliment it. Is it improper to speak language complimentary of the action of the House?

The PRESIDENT *pro tempore*. That would lead to the right of other Senators to speak exactly the reverse of the action of the House of Representatives, and neither is in order.

Mr. BLAIR. That I would object to. But the bill is here. The Senator from South Carolina seems to understand that it originated with the Committee on Education and Labor of the Senate. He must understand that it comes from that committee precisely as it went to it.

Mr. BUTLER. The Senator will certainly pardon me.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I hope the Senator will not interrupt me. I have but two minutes more.

The PRESIDENT *pro tempore*. The Senator from New Hampshire declines to yield and must not be interrupted without his consent.

Mr. BUTLER. I am not asking to interrupt him without his content, if the Chair pleases. I was simply in the act of taking my seat.

Mr. BLAIR. I will yield.

The PRESIDENT *pro tempore*. The Senator from South Carolina is not in order in interrupting the Senator from New Hampshire without his consent.

Mr. BLAIR. I yield to the Senator from South Carolina.

The PRESIDENT *pro tempore*. The Senator from New Hampshire now yields to the Senator from South Carolina.

Mr. BUTLER. I am very much obliged to the Senator and much obliged to the Chair. I simply wanted to say to the Senator from New Hampshire that I did not state that the bill originated with the Committee on Education and Labor, and I did not state where it originated because I had no right under the rules of the Senate to refer to the place where it originated.

Mr. BLAIR. The RECORD will settle all this. It is unimportant anyway. I was about to say further that the bill having been subjected in the first instance to a variety of verbal criticisms which it survived, it has latterly been subjected to an indefinite number of speeches made against it by those who profess to be and are its friends, and who say to us that they will vote for it. Therefore it becomes unnecessary for me to reply to the elaborate speech of the honorable Senator from New Jersey [Mr. MCPHERSON]. I am satisfied if he gives his vote for the bill, although he has contrived to speak against it.

Mr. MCPHERSON. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire yield?

Mr. BLAIR. I decline to yield unless I can have unanimous consent to make up the time.

Mr. RANSOM and others. Unanimous consent.

The PRESIDENT *pro tempore*. The Senator from New Hampshire declines to yield.

Mr. DAWES. I hope the Senator from New Hampshire will have unanimous consent.

Mr. BLAIR. Very well, then, I shall have no objection to hearing the Senator from New Jersey.

The PRESIDENT *pro tempore*. For what does the Senator from New Hampshire ask unanimous consent?

Mr. BLAIR. That I may have by unanimous consent all the time of which I am deprived by these interruptions.

Mr. MCPHERSON. The Senator can not have my consent unless he will refrain from misstating facts.

The PRESIDENT *pro tempore*. The Senator from New Jersey can not interrupt the Senator from New Hampshire without his consent. He declines to be interrupted.

Mr. BLAIR. I do not propose to misstate facts, and the RECORD will show whether I have done so.

The first section of the amendment of the Senator from South Carolina provides for the punishment of this poor, miserable, ignorant, creature, who, not knowing our laws, not knowing the laws of his own country, unacquainted with our language, comes here under contract. How is he to know that he is committing an offense? It is impossible that he should know that he is committing a crime, and it would be a crime against the laws of a foreign country even if he knew the nature of the act which he was committing. Is he then to be taken on his arrival in this country and subjected to a fine not exceeding $1,000, or twelve months' imprisonment? It is not imprisonment less than twelve months, but twelve months at least. An absolute provision is proposed to imprison to the extent of twelve months this poor, ignorant man who is the victim of the shysters and the capitalists who perpetrate this wrong upon him.

Then how are we to enforce our own bill? Where are we to get our power? When the man comes here and is informed of the nature of the transaction to which he has been subjected, of the slavery to which he has been committed, he becomes a witness. We even give him the privilege of suing to recover damages for the wrong which has been perpetrated upon him. If our law proposes to shut him up in prison as soon as he gets here, how are we to obtain our evidence? That provision of itself would render the measure utterly inoperative.

Take the second section of the Senator's amendment. The second section reaches a portion of what is comprised in the second and third sections of the bill itself, but it is more narrow. It does not reach the case where an American contracts with another American who makes his contract with a party abroad—the irresponsible American, the Senator spoke to me about in his supposed case a little while ago. It leaves the way open to contract with an irresponsible American and send him abroad to perpetrate this evil. There are a great many other things I could mention. It does not make the contract itself void. It does not reach the man who knowingly brings the laborer here.

The PRESIDENT *pro tempore*. The Chair begs leave to inform the Senator from New Hampshire, only as a matter of information, for there is no rule which terminates debate, that the hour of 2 o'clock has arrived.

Mr. ALLISON. I ask unanimous consent that the Senator from New Hampshire may have five minutes, or ten minutes if he desires.

Mr. BLAIR. Five minutes will be sufficient.

Mr. MORGAN. I object unless the privilege is extended all around the Senate.

The PRESIDENT *pro tempore*. Objection is made. The Senator from New Hampshire is entitled to the floor. The Chair does not enforce the understandings of the Senate.

Mr. BLAIR. I do not propose to keep the floor in violation of the understanding. I had nothing further to say, except as to the suggestions of the Senator from Delaware and a few more words in reference to the amendment of the Senator from South Carolina.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from South Carolina [Mr. BUTLER] as modified by him on the suggestion of the Senator from Delaware [Mr. SAULSBURY].

Mr. MORGAN. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORGAN. I ask that the amendment may be read.

The PRESIDENT *pro tempore*. The amendment will be read as modified.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and to insert:

That from and after the passage of this act it shall be unlawful for any alien or aliens, foreigner or foreigners, coming to this country under a contract or agreement to labor, to land upon the shores of the United States; and any alien or aliens, foreigner or foreigners, so landing after the passage of this act shall be deemed to be guilty of a misdemeanor, and, upon conviction thereof in any district court of the United States, shall be punished by fine or imprisonment or both, at the discretion of the court, not to exceed $1,000 fine or twelve months' imprisonment.

SEC. 2. That any person or persons who shall contract with any alien or aliens, foreigner or foreigners, beyond the limits or jurisdiction of the United States, to labor within said limits or jurisdiction, previous to said alien or aliens, foreigner or foreigners, becoming citizens or residents of the United States, and shall bring or cause to be brought such laborers within the limits of the United States in pursuance of said contract to labor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof in a court of competent jurisdiction, shall be punished by fine or imprisonment, or both, at the discretion of the court, not to exceed $2,000 fine and two years' imprisonment.

SEC. 3. That it shall be unlawful for any person, corporation, company, firm, or association of persons to employ, pay for, or accept the services in any business or occupation of any alien or aliens, foreigner or foreigners, who may emigrate to or come into the United States to perform service or labor without a fixed purpose of acquiring a permanent residence in and becoming citizens of the United States. Every person offending against the provision of this section shall be guilty of a misdemeanor, and upon conviction in any court of competent jurisdiction shall forfeit and pay a fine of $500.

SEC. 4. That nothing in this act shall be so construed as to prevent any citizen of any foreign country temporarily residing in the United States, either in private or official capacity, from engaging, under contract or otherwise, persons not residents or citizens of the United States to act as private secretaries, servants, or domestics for such foreigner temporarily residing in the United States as aforesaid; nor shall this act be so construed as to prevent any person or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained; nor shall the provisions of this act apply to professional actors, lecturers, or singers; *Provided*, That nothing in this act shall be construed as prohibiting any individual from assisting any member of his family or any relative to migrate from any foreign country to the United States.

SEC. 5. That all laws or parts of laws conflicting herewith be, and the same are hereby, repealed.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON (when his name was called). On these questions generally I am paired with the Senator from Delaware [Mr. BAYARD]. I do not know how he would vote on the amendment, and therefore I refrain from voting.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR] on this and all other questions relative to the bill. If he were here, I should vote "yea."

Mr. DAWES (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is paired upon this question with the Senator from Texas [Mr. COKE]. My colleague, if here, would vote against the pending amendment.

Mr. KENNA (when his name was called). I am paired on all questions with the Senator from Minnesota [Mr. SABIN]. I should vote "yea" if I were not paired.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. Not knowing how he would vote, I refrain from voting on this question.

Mr. RANSOM (when his name was called). I am generally paired with the senior Senator from Illinois [Mr. LOGAN]. I do not see his colleague [Mr. CULLOM] on the floor. I do not know how the senior Senator from Illinois, with whom I am paired, would vote on this question, so I shall not vote.

Mr. MCMILLAN (when Mr. SABIN'S name was called). My colleague [Mr. SABIN] is paired on this subject with the Senator from West Virginia [Mr. KENNA].

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]; otherwise I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 14, nays 36; as follows:

YEAS—14.

Butler,	Gibson,	Morgan,	Voorhees,
Cockrell,	Hampton,	Saulsbury,	Williams.
Fair,	Harris,	Slater,	
Garland,	Maxey,	Vance,	

NAYS—36.

Aldrich,	Frye,	Jonas,	Pike,
Blair,	George,	Lapham,	Platt,
Bowen,	Gorman,	McMillan,	Pugh,
Brown,	Groome,	McPherson,	Sawyer,
Cameron of Wis.,	Harrison,	Mahone,	Sewell,
Conger,	Hawley,	Miller of N. Y.,	Sherman,
Cullom,	Hill,	Mitchell,	Van Wyck,
Dawes,	Ingalls,	Morrill,	Vest,
Edmunds,	Jackson,	Palmer,	Wilson.

ABSENT—26.

Allison,	Coke,	Jones of Nevada,	Plumb,
Bayard,	Colquitt,	Kenna,	Ransom,
Beck,	Dolph,	Lamar,	Riddleberger,
Call,	Farley,	Logan,	Sabin,
Camden,	Hale,	Manderson,	Walker.
Cameron of Pa.,	Hoar,	Miller of Cal.,	
Chace,	Jones of Florida,	Pendleton,	

So the amendment was rejected.

Mr. BLAIR. I wish to have a verbal amendment made that has escaped my attention until now. In section 2, line 4, I move to strike out the words "doing business within the United States." Those words should be stricken out in order that the bill may include corporations and partnerships abroad as well as in this country.

The amendment was agreed to.

Mr. LAPHAM. I gave notice of an amendment to strike out the words "or singers," in section 5, line 15. I think the worst form of tyranny is found in the case of the Italian children who are brought over here and who go about our streets singing, and who are whipped every night when they go home if they do not bring in a certain sum of money. I do not want to have the bill so framed that its prohibition will not apply to that class of cases.

Mr. BLAIR. The clause refers to professional singers.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New York will be reported.

The CHIEF CLERK. In section 5, line 15, it is proposed to strike out the words "or singers;" so as to read:

Nor shall the provisions of this act apply to professional actors or lecturers, nor persons employed strictly as personal or domestic servants.

The amendment was rejected.

Mr. LAPHAM. I gave notice of a motion to amend the third section so as to exclude from it the moiety provision, with a view of taking the sense of the Senate upon it. I understood the occupant of the chair at that time to say that I should have to wait until the bill came into the Senate, the Senate having refused to strike out the entire section as in Committee of the Whole.

The PRESIDENT *pro tempore*. The Senate as in Committee of the Whole having refused to strike out section 3, it will not be in order to strike out any part of it until the bill is reported to the Senate.

Mr. LAPHAM. I shall reserve that amendment until the bill is reported to the Senate.

Mr. PLUMB. In section 5, line 14, after the word "actors," I move to insert the word "artists;" so as to read:

Nor shall the provisions of this act apply to professional actors, artists, lecturers, or singers.

The amendment was agreed to.

Mr. MORGAN. In section 5, line 14, before the word "professional," I move to insert "artisans;" so as to read:

Nor shall the provisions of this act apply to artisans, professional actors, artists, ecturers, &c.

The amendment was rejected.

Mr. GROOME. In section 5, line 2, after the word "citizen," I move to insert the words "or subject;" so as to read:

That nothing in this act shall be so construed as to prevent any citizen or subject of any foreign country temporarily residing in the United States, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. LAPHAM. I now offer the amendment to section 3 which I sent to the Secretary's desk. I offer the amendment simply for the purpose of taking the sense of the Senate as to whether the provision relating to moieties shall be retained in the bill. We have in the main abolished all our laws in regard to moieties because we regard them as temptations to perjury.

Mr. BLAIR. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. BLAIR. Just a moment. Of course that is contrary to our understanding that there was to be no further debate. I hope, unless the Senator feels that it is necessary to do that which ought to be permitted to bring out a reply, he will not discuss the amendment. He discussed it when he first suggested the amendment.

Mr. LAPHAM. I do not wish to speak out of order, of course.

Mr. BLAIR. It is not out of order.

Mr. LAPHAM. I have said in substance all I wanted to say. I should like to have the amendment adopted.

The PRESIDENT *pro tempore*. The amendment proposed by the Senator from New York will be read.

The CHIEF CLERK. In section 3, line 12, after the word "recovered," it is proposed to insert the words "by the United States or;" so as to read:

Shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, &c.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York. [Putting the question.] The ayes appear to have it.

Mr. BLAIR. I should like the amendment to be again stated and the section read as it will be if the amendment is put in.

The PRESIDENT *pro tempore*. The amendment will be again reported. The section will be first read as it now stands, then the amendment, then the section as it would stand if amended.

The Chief Clerk read section 3 of the bill, as follows:

That for every violation of any of the provisions of section 1 of this act the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid.

Mr. PLATT. I rise to an inquiry as to the amendment. I understood the Senator from New York to say that he proposed an amendment which related to the moiety clause of the bill. The amendment which has been read does not seem to be such an amendment. I do not understand it.

The PRESIDENT *pro tempore*. The Chair heard the Senator from New York as the Senator from Connecticut did, but the Chair understood at the desk that the Senator from New York gave notice of two amendments, the first of which is the amendment now reported, which is to be followed by the amendment which the Chair understood him to indicate in regard to moieties.

Mr. LAPHAM. There are two amendments. The first is necessary in order to make the second of any advantage.

Mr. BLAIR. The Senator says this is necessary in order to make the next amendment of any advantage. I do not want the section rendered entirely inoperative, and hope the amendment will be rejected.

Mr. ALLISON. Let us hear the amendment read.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 3, line 12, after the word "recovered," it is proposed to insert the words "by the United States or;" so as to read:

Which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor.

So that the section when amended will read:

SEC. 3. That for every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same, by assisting, encouraging, or soliciting the migration or importation of any alien or aliens, foreigner or foreigners, into the United States, its Territories, or the District of Columbia, to perform labor or service of any kind under contract or agreement, express or implied, parol or special, with such alien or aliens, foreigner or foreigners, previous to becoming residents or citizens of the United States, shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States; the one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety into the Treasury of the United States; and separate suits may be brought for each alien or foreigner being a party to such contract or agreement aforesaid.

Mr. LAPHAM. Now, if the Secretary will read the second amendment I offered, the Senate will see precisely how the section will read if the amendments are adopted.

The PRESIDENT *pro tempore*. If there be no objection the Secretary will report the amendment intended to be proposed by the Senator from New York following the one now pending.

The CHIEF CLERK. In section 3, line 16, after the word "States," strike out all down to and including the word "moiety," in line 18, as follows:

The one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety—

And insert:

The proceeds to be paid.

So as to read:

Who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit court of the United States, the proceeds to be paid into the Treasury of the United States.

The PRESIDENT *pro tempore*. The last amendment has been read for information. The pending question is on the amendment proposed by the Senator from New York which was first read.

Mr. CALL. Let the amendment be read again.

The CHIEF CLERK. In section 3, line 12, after the word "recovered," insert "by the United States or;" so as to read:

Which may be sued for and recovered by the United States or by any person who shall first bring his action therefor.

Mr. BLAIR. The Senator from New York says it is part of the next amendment.

The question being put, there were on a division—ayes 25, noes 14.

Mr. BLAIR. I think this is a vital matter, and I ask for the yeas and nays upon it.

The yeas and nays were ordered.

Mr. PLUMB. I am rather inclined to vote for the amendment unless some statement can be made here showing that it would in any way impair the efficiency of the bill. It seems to me on the first blush that it makes the bill better, that it multiplies the opportunities for prosecutions for a violation of the terms of the bill.

Mr. MORGAN. I insist on the rule, or else that there shall be free debate.

Mr. PLUMB. I should like to have the Senator from New Hampshire who has charge of the bill state his objection to the amendment.

Mr. ALLISON. Is debate in order?

The PRESIDENT *pro tempore*. Debate is in order. The Chair has no power to enforce the understandings of the Senate.

Mr. ALLISON. We have an understanding, however.

The PRESIDENT *pro tempore*. There is an understanding, but the Chair has no power under the rules to enforce an understanding.

Mr. BLAIR. It seems a little hard that the understanding can be enforced against the bill, and is violated whenever the bill is attacked. I am going to live up to the understanding, but I would as lief the bill should be beaten now as that this sort of thing should be continued in this way, as I know about the bill and I know where it will reach.

Mr. ALLISON. That is debate.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR]. Not knowing how he would vote, I shall not vote.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES].

The roll-call was concluded.

Mr. DAWES. I wish to state that my colleague [Mr. HOAR] is paired with the Senator from Texas [Mr. COKE] upon the bill and amendments. I do not know how my colleague would vote on this amendment. Has the Senator from Texas any knowledge on that point?

Mr. COKE. I have already announced the pair, I will state to the Senator from Massachusetts.

Mr. CALL. I am requested by my colleague [Mr. JONES, of Florida] to announce his pair with the Senator from Nebraska [Mr. MANDERSON] and to state that he is detained from the Senate by illness.

The result was announced—yeas 39, nays 16; as follows:

YEAS—39.

Bayard,	Edmunds,	Hawley,	Morrill,
Brown,	Fair,	Hill,	Palmer,
Butler,	Frye,	Ingalls,	Plumb,
Call,	Garland,	Jonas,	Pugh,
Camden,	Gibson,	Kenna,	Saulsbury,
Chace,	Groome,	Lapham,	Slater,
Cockrell,	Hale,	McMillan,	Vest,
Conger,	Hampton,	Maxey,	Voorhees,
Cullom,	Harris,	Mitchell,	Williams.
Dolph,	Harrison,	Morgan,	

NAYS—16.

Allison,	George,	Miller of N. Y.,	Sawyer,
Blair,	Jackson,	Pike,	Sewell,
Cameron of Wis.,	Lamar,	Platt,	Vance.
Dawes,	McPherson,	Sabin,	Van Wyck.

ABSENT—21.

Aldrich,	Farley,	Mahone,	Sherman,
Beck,	Gorman,	Manderson,	Walker,
Bowen,	Hoar,	Miller of Cal.,	Wilson.
Cameron of Pa.,	Jones of Florida,	Pendleton,	
Coke,	Jones of Nevada,	Ransom,	
Colquitt,	Logan,	Riddleberger,	

So the amendment was agreed to.

Mr. LAPHAM. I now ask consideration of the other amendment which I have sent to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. In section 3, line 16, after the word "States," it is proposed to strike out the words—

The one-half or moiety of said sum to be paid to the person bringing suit to recover the same, and the remaining half or moiety.

And to insert—

The proceeds to be paid.

So as to read:

Shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States or by any person who shall first bring his action therefor, including any such alien or foreigner who may be a party to any such contract or agreement, as debts of like amount are now recovered in the circuit courts of the United States, the proceeds to be paid into the Treasury of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New York.

Mr. BLAIR. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when Mr. HOAR'S name was called). I am paired with the Senator from Massachusetts [Mr. HOAR] who is temporarily absent. Not knowing how he would vote upon this amendment, I shall refrain from voting.

Mr. WALKER (when his name was called). I am paired with the Senator from Virginia [Mr. RIDDLEBERGER]. If he were here, I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 39, nays 15; as follows:

YEAS—39.

Allison,	Cullom,	Hawley,	Palmer,
Bayard,	Dolph,	Ingalls,	Pendleton,
Beck,	Frye,	Jonas,	Ransom,
Brown,	Garland,	Kenna,	Saulsbury,
Butler,	Gibson,	Lapham,	Sawyer,
Call,	Groome,	McMillan,	Slater,
Camden,	Hale,	Maxey,	Vest,
Chace,	Hampton,	Mitchell,	Voorhees,
Cockrell,	Harris,	Morgan,	Williams.
Conger,	Harrison,	Morrill,	

NAYS—15.

Blair,	Jackson,	Platt,	Sewell,
Cameron of Wis.,	Lamar,	Plumb,	Vance,
Edmunds,	McPherson,	Pugh,	Van Wyck.
George,	Miller of N. Y.,	Sabin,	

ABSENT—22.

Aldrich,	Fair,	Jones of Nevada,	Riddleberger,
Bowen,	Farley,	Logan,	Sherman,
Cameron of Pa.,	Gorman,	Mahone,	Walker,
Coke,	Hill,	Manderson,	Wilson.
Colquitt,	Hoar,	Miller of Cal.,	
Dawes,	Jones of Florida,	Pike,	

So the amendment was agreed to.

Mr. BLAIR. I move to amend section 3 as it now stands, limiting

all rights of action to the United States, but imposing no duty upon the United States to prosecute the action——

Mr. MCMILLAN. No; it does not limit it to the United States.

Mr. BLAIR. Well, practically. I move to add to section 3:

And it shall be the duty of the district attorney of the proper district to prosecute every such suit at the expense of the United States.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from New Hampshire.

Mr. MORGAN. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired on this question with the Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "nay."

Mr. RANSOM (when his name was called). I think from the vote of my friend from Illinois [Mr. CULLOM] I should probably vote against his colleague [Mr. LOGAN], if he were here. I shall not vote. I should vote "nay," if the Senator from Illinois [Mr. LOGAN] were present.

The result was announced—yeas 43, nays 15; as follows:

YEAS—43.

Aldrich,	Edmunds,	Kenna,	Platt,
Allison,	Frye,	Lamar,	Plumb,
Blair,	George,	Lapham,	Pugh,
Butler,	Gibson,	McMillan,	Sabin,
Call,	Hale,	McPherson,	Sawyer,
Camden,	Harrison,	Miller of Cal.,	Sewell,
Cameron of Wis.,	Hawley,	Miller of N. Y.,	Sherman,
Chace,	Hill,	Mitchell,	Van Wyck,
Conger,	Ingalls,	Morrill,	Vest,
Cullom,	Jackson,	Palmer,	Wilson.
Dolph,	Jonas,	Pike,	

NAYS—15.

Bayard,	Garland,	Maxey,	Vance,
Beck,	Groome,	Morgan,	Voorhees,
Brown,	Hampton,	Pendleton,	Williams.
Fair,	Harris,	Saulsbury,	

ABSENT—18.

Bowen,	Dawes,	Jones of Nevada,	Riddleberger,
Cameron of Pa.,	Farley,	Logan,	Slater,
Cockrell,	Gorman,	Mahone,	Walker.
Coke,	Hoar,	Manderson,	
Colquitt,	Jones of Florida,	Ransom,	

So the amendment was agreed to.

Mr. GROOME. In section 2, line 7, the words "of any kind," after the word "person," seem to have no place. I therefore move to strike them out; so as to read:

Or having reference to the performance of service or labor by any person in the United States, its Territories, or the District of Columbia.

The amendment was agreed to.

Mr. BLAIR. I should like to have a verbal transposition made of the words "service or labor" in the sixth line of the second section, so as to read "labor or service." That would be altogether more poetic, while the other phrase savors rather of blank verse.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from New Hampshire, in section 2, line 6, to strike out the words "service or labor" and to insert the words "labor or service;" so as to read:

Or having reference to the performance of labor or service by any person in the United States, &c.

The amendment was agreed to.

Mr. CALL. In section 3, line 3, after the word "by," I move to strike out the words "assisting, encouraging, or soliciting the migration or" and to insert the word "the;" so as to read:

For every violation of any of the provisions of section 1 of this act, the person, partnership, company, or corporation violating the same by the importation of any alien or aliens, &c.

The words I move to strike out do not describe any offense so definitely as to justify the punishment of a person by a fine of a thousand dollars. The fact as to what will constitute encouraging or soliciting migration is too indefinite for an act that imposes a penalty of a thousand dollars.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Florida.

The amendment was rejected.

Mr. HAWLEY. Remarks are not in order, so I simply make a motion to refer the bill to the Committee on the Judiciary with instructions to report not later than the 20th instant a bill that shall more effectually reach the ends aimed at.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves that the bill be referred to the Committee on the Judiciary with instructions to report not later than the 20th instant a bill effectuating the purposes provided for in the bill as amended. The question is on agreeing to the motion.

The question being put, a division was called for, and the ayes were 17.

Mr. HAWLEY. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HAWLEY. My exact language was "that shall more effectually reach the ends aimed at."

The PRESIDENT *pro tempore*. The Senator will send to the Chair his language. The motion of the Senator from Connecticut will be read when it is reduced to writing.

The motion having been reduced to writing, the Chief Clerk read as follows:

That the bill be referred to the Committee on the Judiciary with instructions to report not later than the 20th instant a bill that shall more effectually reach the ends really aimed at.

The PRESIDENT *pro tempore*. The question is on agreeing to the motion, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired with the Senator from Massachusetts [Mr. HOAR].

Mr. RANSOM (when his name was called). If the Senator from Illinois [Mr. LOGAN], with whom I am paired, were here, I should vote "yea."

The roll-call was concluded.

Mr. MANDERSON. But for my pair with the Senator from Florida [Mr. JONES] I should vote "nay."

The result was announced—yeas 15, nays 41; as follows:

YEAS—15.

Bayard,	Groome,	Hawley,	Saulsbury,
Butler,	Hale,	Maxey,	Vance,
Garland,	Hampton,	Morgan,	Williams.
Gibson,	Harris,	Pendleton,	

NAYS—41.

Aldrich,	Edmunds,	Lapham,	Sabin,
Blair,	Frye,	McMillan,	Sawyer,
Bowen,	George,	McPherson,	Sewell,
Brown,	Gorman,	Miller of Cal.,	Sherman,
Call,	Harrison,	Miller of N. Y.,	Van Wyck,
Cameron of Wis.,	Hill,	Mitchell,	Vest,
Chace,	Ingalls,	Morrill,	Voorhees,
Conger,	Jackson,	Palmer,	Wilson.
Cullom,	Jonas,	Platt,	
Dawes,	Jones of Nevada,	Plumb,	
Dolph,	Kenna,	Pugh,	

ABSENT—20.

Allison,	Coke,	Jones of Florida,	Pike,
Beck,	Colquitt,	Lamar,	Ransom,
Camden,	Fair,	Logan,	Riddleberger,
Cameron of Pa.,	Farley,	Mahone,	Slater,
Cockrell,	Hoar,	Manderson,	Walker.

So the motion was not agreed to.

The PRESIDENT *pro tempore*. The question now is, Shall the amendments be engrossed and the bill be read a third time?

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The bill having been read three times the question is, Shall it pass?

Mr. BLAIR. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. COKE (when his name was called). I am paired on this bill with the Senator from Massachusetts [Mr. HOAR]. If he were here, I should vote "nay."

Mr. DAWES (when Mr. HOAR'S name was called). My colleague [Mr. HOAR] is paired upon this bill with the Senator from Texas [Mr. COKE]. If my colleague were here, he would vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Florida [Mr. JONES]. If he were here, I should vote for the bill.

Mr. WALKER (when his name was called). I am paired generally with the Senator from Virginia [Mr. RIDDLEBERGER]. Believing that he would vote in the affirmative, as I would, I therefore vote. I vote "yea."

The roll-call was concluded.

Mr. RANSOM. I am paired with the Senator from Illinois [Mr. LOGAN], but I am informed by his colleague that he would vote "yea." I vote "yea."

Mr. MITCHELL. My colleague [Mr. CAMERON, of Pennsylvania] has been absent some days on account of illness. He is paired with the Senator from California [Mr. FARLEY]. If he were present, I have no doubt my colleague would vote "yea."

The result was announced—yeas 50, nays 9; as follows:

YEAS—50.

Aldrich,	Fair,	Lamar,	Pugh,
Allison,	Frye,	Lapham,	Ransom,
Blair,	George,	McMillan,	Sabin,
Bowen,	Gibson,	McPherson,	Sawyer,
Brown,	Gorman,	Mahone,	Sewell,
Call,	Hale,	Miller of Cal.,	Sherman,
Camden,	Harris,	Miller of N. Y.,	Van Wyck,
Cameron of Wis.,	Harrison,	Mitchell,	Vest,
Chace,	Ingalls,	Morrill,	Voorhees,
Conger,	Jackson,	Palmer,	Walker,
Cullom,	Jonas,	Pike,	Wilson.
Dawes,	Jones of Nevada,	Platt,	
Dolph,	Kenna,	Plumb,	

NAYS—9.

Butler,	Hawley,	Morgan,	Vance,
Groome,	Maxey,	Saulsbury,	Williams.
Hampton,			

ABSENT—17.

Bayard,	Colquitt,	Hoar,	Riddleberger,
Beck,	Edmunds,	Jones of Florida,	Slater.
Cameron of Pa.,	Farley,	Logan,	
Cockrell,	Garland,	Manderson,	
Coke,	Hill,	Pendleton,	

So the bill was passed.

Mr. BLAIR. I move that the bill be printed as it has passed the Senate.

The PRESIDENT *pro tempore*. The question is on the motion to print.

The motion was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 577) to donate a cemetery site on the public lands to the city of Kirwin, in the State of Kansas, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. 7305) for the relief of Christopher Schaefnocker was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 8179) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1886, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

Mr. INGALLS. I move that the Senate do now proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and fifteen minutes spent in executive session the doors were reopened, and (at 6 o'clock and 25 minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *February* 18, 1885.

The House met at 11 o'clock a. m. Prayer by Rev. Dr. J. J. BULLOCK.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WOODWARD, for this day, on important business.

To Mr. MAYBURY, for this day, on account of sickness.

SELMA, ROME AND DALTON LAND GRANT.

Mr. OATES. Mr. Speaker, I rise to submit a privileged report from the Committee on Public Lands, and I desire to explain that I do not send a copy of any bill to be read, as is usual in such cases, for the reason that the matter to which this report relates is embodied in some half-dozen bills, and there are also other matters embraced in the bills. It is an adverse report relating to the Selma, Rome and Dalton land grant, and it covers the bills H. R. 179, 182, 292, 7686, and 188, so far as they relate to said grant.

The SPEAKER *pro tempore*. What does the gentleman desire done?

Mr. OATES. I desire that the committee be discharged from the further consideration of the matter reported upon as embraced in those bills, that the bills be laid on the table, and that the report be ordered printed.

The SPEAKER *pro tempore*. It is so ordered.

RUPERT G. HILL.

Mr. STEELE. Mr. Speaker, I stated yesterday evening that the Committee on Military Affairs, upon erroneous information, had made a favorable report in the case of Rupert G. Hill, and asked that it should be withdrawn. It should also have been stated that the Committee of the Whole House on the Private Calendar be discharged from the further consideration of the bill, and that together with the report it should be recommitted to the Committee on Military Affairs. It should be shown that the bill and report were recommitted to the Committee on Military Affairs.

The SPEAKER *pro tempore*. The Chair remembers that such was the order made by the House, and the correction will be made.

UNPAID JUDGMENTS, COURT OF CLAIMS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a list of unpaid judgments rendered by the Court of Claims and recommending an appropriation for their payment; which was referred to the Committee on Appropriations, and ordered to be printed.

W. W. KER.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the First Comptroller, relating to an appropriation to pay W. W. Ker for services in the star-route cases; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN T. MALO.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting estimates from the Secretary of the Interior of an appropriation to reimburse John F. Malo for services in maintaining Indian schools; which was referred to the Committee on Appropriations, and ordered to be printed.

MOVABLE TORPEDOES.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an increased estimate from the Secretary of War of an appropriation for movable torpedoes.

WATERTOWN ARSENAL, MASSACHUSETTS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of an appropriation from the Secretary of War to perfect the sanitary condition of Watertown arsenal, Massachusetts; which was referred to the Committee on Appropriations, and ordered to be printed.

SALARIES FOR COURT OFFICERS.

The SPEAKER *pro tempore* laid before the House a letter from the Attorney-General, transmitting a letter from United States District Attorney Waddel, asking the passage of a bill providing salaries instead of fees for court officers; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF DIRECTOR OF MINT.

Mr. BLAND, by unanimous consent, submitted a concurrent resolution to print 15,000 copies of the report of the Director of the Mint on the production of the precious metals of the United States in 1884; which was referred to the Committee on Printing.

STATISTICAL ABSTRACT OF THE UNITED STATES.

Mr. ROGERS, of New York. I am instructed by the Committee on Printing to submit and ask the immediate consideration of the report which I send to the Clerk's desk.

The Clerk read as follows:

The Committee on Printing, to which was referred the letter of the Secretary of the Treasury transmitting the seventh number of the Statistical Abstract of the United States, having duly considered the same, recommend the adoption of the following resolution:

Resolved by the Senate and House of Representatives, That the seventh number of the Statistical Abstracts of the United States, prepared by the Chief of the Bureau of Statistics, be printed.

Mr. ROGERS, of New York. I call for the reading of the letter of the Secretary of the Treasury on this subject.

The Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 2, 1885.

SIR: I have the honor to transmit herewith to the House of Representatives the seventh number of the Statistical Abstract of the United States, prepared under my direction by the Chief of the Bureau of Statistics.

This abstract embraces tables in regard to finance, coinage, commerce, immigration, tonnage, and navigation, the postal service, public lands, population, education, railroads, agriculture, and mining.

Very respectfully,

H. MCCULLOCH, *Secretary*.

To the SPEAKER *of the House of Representatives*.

The joint resolution (H. Res. 332) to print the seventh number of the Statistical Abstract of the United States was read three times, and passed.

Mr. ROGERS, of New York, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICIAL REMOVAL OF UNION SOLDIERS, ETC.

Mr. MILLARD. In pursuance of the consent already given by the House, I present the views of a minority of the Committee on Reform in the Civil Service upon the bill (H. R. 7548) to prohibit the removal of any honorably discharged Union soldier, sailor, or marine, or the widow or dependent relative of any deceased Union soldier, sailor, or marine, from any office in the civil service of the United States, except for specified causes.

The SPEAKER *pro tempore*. Leave has already been given by the House for the presentation of the views of the minority on this subject, which will be ordered to be printed with the report of the committee.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The hour set apart by the special rule now begins at twenty-nine minutes after 11 o'clock. The Clerk will report the title of the bill coming over from yesterday as unfinished business.

The Clerk read as follows:

A bill (S. 1839) for the erection of a public building at Chattanooga, Tenn.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AUG 1 1935